



Legislation Details (With Text)

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**Title:** An Ordinance amending the Pittsburgh Code of Ordinances, Title Nine, Zoning, by amending Article II, Section 905.02 H, Hillside District; Article V, Section 911.02 Use Table, Section 911.04.A.69 Standards That Apply to Uses Listed in the Use Table, Single-Unit Detached Residential; Article VIII, Section 922.04 Site Plan Review; and Article IX, Section 925.01.C Single-Unit Dwelling Exemptions; by requiring further review of new construction in H zoning districts and providing standards for that review.

**Sponsors:**

**Indexes:** PGH. CODE ORDINANCES TITLE 09 - ZONING

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
12/12/2002	2	Mayor	Signed by the Mayor	
12/3/2002	2	City Council	Passed Finally	Pass
11/26/2002	1	Committee on Planning, Zoning & Land Use		Pass
11/26/2002	2	Committee on Planning, Zoning & Land Use	AFFIRMATIVELY RECOMMENDED	Pass
11/7/2002	1	Committee on Hearings	Public Hearing Held	
9/11/2002	1	Committee on Planning, Zoning & Land Use	Held for Cablecast Public Hearing	Pass
9/3/2002	1	City Council	Read and referred	

Presented by Ms. Burns

**AS AMENDED**

An Ordinance amending the Pittsburgh Code of Ordinances, Title Nine, Zoning, by amending Article II, Section 905.02 H, Hillside District; Article V, Section 911.02 Use Table, Section 911.04.A.69 Standards That Apply to Uses Listed in the Use Table, Single-Unit Detached Residential; Article VIII, Section 922.04 Site Plan Review; and Article IX, Section 925.01.C Single-Unit Dwelling Exemptions; by requiring further review of new construction in H zoning districts and providing standards for that review.

**Be it resolved by the Council of the City of Pittsburgh as follows:**

**Section 1.** The designated section of Title Nine, Zoning of the Pittsburgh Code, is hereby amended as follows:

A. Amend Section 905.02.C Hillside District, Site Development Standards as follows:

Sites in the H District shall be developed in accordance with the following site development standards, provided that:

1. New development shall be allowed to use Contextual Setbacks and Contextual Building Heights in accordance with the provisions of Sec. 925.06 and Sec. 925.07;
2. The Environmental Performance Standards of Chapter 915 shall impose additional restrictions on development; and
3. The applications for building permits shall be subject to the Site Plan Review procedures in accordance with Section 922.04 of the Zoning Ordinance.

Article VI and Chapter 925 contains a complete description of site development standards and a listing of exemptions to various standards.

Site Development Standard H District  
Minimum Lot Size [~~30,000~~ 30,000] 3,200 s.f.  
Minimum Front Setback [30] 0 ft.  
Minimum Rear Setback 30 ft.  
Minimum Exterior Side Yard Setback [30] 5 ft.  
Minimum Interior side Yard Setback [15] 5 ft.  
Maximum Height 40 ft. (not to exceed 3 stories)

- B. Amend Section 905.02.D Hillside Development Standards by replacing it in its entirety with new Sections 905.02.D and 905.02.E as follows:  
905.02.D Special Definitions

The following special definitions shall apply throughout the Hillside Regulations of this chapter:

1. The brow of the hillside is that portion that forms the horizon when viewed from below or afar.
2. The foot of a hillside marks the transitional point between valley floor and hillside.

#### 905.02.E Hillside Development Guidelines

##### 905.02.E.1 Purpose and Intent

It is the purpose of the Hillside District to ensure that development occurs in such a manner as to protect the natural and topographic character and identity of these areas, environmental resources, the aesthetic qualities and restorative value of lands, and the public health, safety, and general welfare by insuring that development does not create soil erosion, silting of lower slopes, slide damage, flooding problems, and severe cutting or scarring. It is the intent of this zone to encourage a sensitive form of development and to allow for a reasonable and responsible development that complements the natural and visual character of the City. Reference is made to hillside development guidelines when making the required findings of fact.

##### 905.02.E.2 Applied

Every new or changed use of land and every structure hereafter erected or enlarged in the H District shall comply with the following guidelines:

##### 905.02.E.3 Findings of Fact

In reviewing an application for a Permit, the Zoning Administrator shall make the following findings of fact in the review process:

- a. The site is physically suitable for the design and siting of the proposed development. The proposed development will result in minimum disturbance of sensitive areas.
- b. The grading and excavation proposed in connection with the development will not result in soil erosion, silting of lower slopes, slide damage, flooding, severe scarring, or any other geological instability that would affect health, safety, and general welfare as determined by the Zoning Administrator. Disturbed slopes are planted with native and self-sufficient vegetation.
- c. The proposed development retains the visual quality of the site, the aesthetic qualities of the area, and the neighborhood characteristics by utilizing proper structural scale and character, varied architectural treatments, and appropriate plant material.

#### 905.02.E.4 Guidelines

FINDING: The site is physically suitable for the design and siting of the proposed development. The proposed development will result in minimum disturbance of sensitive areas.

Guideline 1: Design structures to fit into the hillside rather than altering the hillside to fit the structure.

- a. Standard prepared pads resulting in grading outside of the building footprint and driveway area shall be discouraged.
- b. Use retaining structures as an alternative to banks of cut-and-fill. Design and site such structures to avoid adverse visual impact.
- c. Consider "unconventional structures" that will fit into the hillside. This would include: (1) stilt houses; (2) reduced footprint design; (3) multiple "step-up" or "step-down" structures; or (4) structures with open foundations, if landscaping screens the underside area of the building.
- d. Use a foundation type that is compatible with existing hillside conditions.

Guideline 2: Development shall be sited on the least sensitive portion of the site to preserve the natural landforms, geological features, and vegetation.

- a. Design and locate structures so they fit into the contour of the hillside and relate to the form of the terrain.
- b. Locate development to minimize disturbance of the sensitive area.
- c. Minimize coverage by using multilevel structures.
- d. Cluster development away from open space valleys as close to existing development as possible.
- e. Avoid disturbance of major rock outcroppings, major trees, waterways, ridge lines, natural plant formations, and known archaeological sites.
- f. Major structures must be sited so that only a portion can be seen beyond the hill's brow or profile, when viewed from major public roadways or viewing places.
- g. When appropriate, place structure as close to the street as possible to preserve the natural terrain. In some cases this would require development on the steep portions to preserve the valleys or development on the flat portions to preserve the hillsides.

Guideline 3: Development should not occur directly on the brow of the hill, since disturbing this portion of the hill will often cause erosion below the disturbed area.

- a. Where level land above the brow, or hillside land below the brow, is not available within the lot, the brow may be developed, subject to site plan review, if particular caution is taken to prevent erosion beneath the developed area.
- b. The design of a structure on a brow should be small in scale and should be particularly sensitive to the contours of the land.

FINDING: The grading and excavation proposed in connection with the development will not result in soil erosion, silting of lower slopes, slide damage, flooding, severe scarring, or any other geological instability that would affect health, safety, and general welfare, as determined by the Zoning Administrator. Disturbed slopes are planted with native and self-sufficient vegetation.

Guideline 4: Limit the amount of impervious surfaces. Design and site such surfaces to support the natural system of drainage.

- a. Design drainage systems away from neighboring properties and into the existing water-flow pattern.
- b. Use wooden decks instead of concrete slabs for patios.
- c. Pervious materials shall be used for parking (including, but not limited to, structural soil, partial paving, and gravel). Impervious material shall be permitted at the discretion of the Zoning Administrator.
- d. Reduce width of street improvements, reduce sidewalk requirements, use common driveways and cluster units, if open space will thereby be preserved.

Guideline 5: The site should be replanted with self-sufficient trees, shrubs, and ground cover that are compatible with existing surrounding vegetation.

- a. All manufactured slopes shall be planted with erosion control and self-sufficient plantings.
- b. Transitional slopes should be planted to enhance the blending between manufactured and natural slopes.
- c. Landscaping plans should not require excessive irrigation.
- d. Vegetation shall overlap the structure, especially at the foundation. Invasive plantings, as identified by the prohibited planting list maintained by the Zoning Administrator, are prohibited.

Guideline 6: Utilize the structural quality of the soil as a determinant of the type of construction.

- a. Assure hillside stability both during and after construction by recognizing soil characteristics, hydrology, and the slope of the terrain.
- b. Existing vegetation shall not be needlessly displaced, degraded, or destroyed. In no case shall more than 10% of the lot, or 2,400 square feet, whichever is larger, be cleared.
- c. The soil, within the drip line of trees that are to remain, shall be protected. All excavation or earth modifications are to be planted.

Guideline 7: In cases where cut-and-fill grading are required, the slopes shall avoid straight and unnatural slope faces.

- a. All manufactured slopes shall be planted with erosion control and self-sufficient plantings.
- b. Transitional slopes should be planted to enhance the blending between manufactured and natural slopes.
- c. Land down slope must be protected from falling debris and abnormal site drainage.

FINDING: The proposed development retains the visual quality of the site, the aesthetic qualities of the area, and the neighborhood characteristics by utilizing proper structural scale and character, varied architectural treatments, and appropriate plant material.

Guideline 8: Employ a variation in architectural design.

- a. Design the garage space to be either under or beside the structure depending on whether the lot is uphill or downhill from the street.
- b. Automobile storage shall be screened according to Section 918, and shall not disrupt slopes.
- c. Parking areas shall respect natural contour lines.
- d. Use deck areas, either on the roof of the garage, or the house, or extending from the house to reduce the amount of grading.

- e. Views of the deck shall not be a visual intrusion on the hillside. Supporting structures shall be screened from view with appropriate vegetation.
- f. Employ zero lot line developments, at the discretion of the Zoning Administrator, where permitted by zoning if visual or open space qualities can be gained.
- g. Vary the treatment of rooftops to avoid the monotony of materials, forms, and colors. Rooftop utilities and mechanical equipment should be avoided.
- h. Mechanical equipment and trash receptacles shall be screened to the extent that they are not visible.

Guideline 9: Consider existing vegetation when landscaping the site.

- a. Protect existing resources from being trampled or destroyed.
- b. Keep new landscaping compatible with existing vegetation and the scenic character of the area.
- c. Preserve the natural landscaping on slopes adjacent to natural sloping areas.

Guideline 10: Match scale and character of buildings with scale and character of terrain and the surrounding neighborhood.

- a. Keep the scale (height and bulk) of the structure compatible with the site and the neighborhood.
- b. Do not create development patterns that form visually protruding horizontal bands or vertical bulk. A mixture of shapes, subordinate and compatible with the site and area, should be achieved.
- c. Irregular architectural edges should be used to interlock structures with hillside contours and vegetation.
- d. Avoid visible construction cuts and permanent scarring.

Guideline 11: Structures shall be sited not only to provide views from the structure but also to provide a variety of community and private viewing places.

- a. Community or public land use should be made of those portions of hillsides most exposed to public view or from which the widest views are possible.
- b. Views from public places (roadways, walks, observation points, parks, or greenways) shall be maintained.
- c. When viewed from below, all supporting structures, girders, piers, etc. must be screened.

#### Section 905.02.F Applicability

Any one of the following factors will be considered when determining whether an H District should be applied to a geographic area in the City of Pittsburgh.

- 1. Areas that were formally zoned "S".
  - 2. Areas that have a contiguous land area of at least one acre in size that is comprised of an area that has an average slope in excess of 25%.
  - 3. Areas that are mapped by the City of Pittsburgh as Landslide-Prone Areas.
- C. Amend the Use Table, Section 911.02, by replacing the designation in the "H" District as follows:
- (1) Single-Unit Attached Residential [Use Not Permitted] Special Exception
  - (2) Include A.69 in the Standard Column
- D. Amend Section 911.04.A.69 Single-Unit Detached and Attached Residential by replacing it in its entirety with the following:

911.04.A.69 Single-Unit Detached and Attached Residential

(a) In H and PO Districts

Single-Unit Detached and Attached Residential uses shall be subject to the following conditions in the H and PO Districts:

- (1) Topography. Primary structure must be located on buildable land defined as a contiguous area of the lot less than 30% in existing slope.
- (2) Soils. Any site proposed for development in the H District shall be investigated to determine the soil characteristics. A soils engineering report may be required at the discretion of the Zoning Administrator. Factors to be considered by the Zoning Administrator when determining whether an engineering report will be required include the following (any one factor may warrant an engineer's report):
  - a. Nature, distribution, and strength of existing soils as described in the County Soils Survey;
  - b. Any development proposed on natural slopes greater than 20%;
  - c. Areas that are landslide-prone;
  - d. Areas with soils that have a high shrink-swell potential;
- (3) Vegetation. The proposed development shall be designed to minimize the incidence of erosion. The Zoning Administrator will be reviewing the application to determine how the applicant uses the vegetation to reduce erosion. The application must show the Administrator how:
  - a. Any deep-rooted woody vegetation reduces storm runoff volume over the slope;
  - b. Existing and proposed foliage reduces the velocity of raindrops by reducing their energy when they strike the ground;
  - c. Existing and proposed vegetation increases the roughness of the ground surface which slows the velocity of surface water flow; and
  - d. Existing root networks will be protected to bind the soil.
- (4) Access. For any new construction of a dwelling, or dwellings, on a lot fronting on a substandard hillside street, the Zoning Administrator will be reviewing the application to determine how the applicant accesses the street and will be making recommendations to improve any substandard conditions that will be conditions of any approval for a building and occupancy permit. The Zoning Administrator will consider the following existing conditions in the review: road width and slope, road surface condition, drainage, sight distance, availability of on-street and off-street parking, and presence of retaining walls.
- (5) Infrastructure. Public water and sewer must be available for connection at the lot line.

If the lot in which the owner/applicant is requesting to build upon is determined to meet these five conditions, the Zoning Administrator will then review the plot plan for compliance with the Development Standards in Section 905.02.C, 905.02.D, and 905.02.E.

- (b) Existing vegetation shall be cleared only to the extent needed for the structure, driveway, and outdoor

activities that are associated with the residential use. In no case shall more than 10%, or 2,400 square feet, whichever is larger, be cleared.

(c) Single Unit Attached dwellings are permitted by Special Exception in the H District provided that no more than four (4) units are constructed in any cluster.

E. Amend Section 922.04.A Site Plan Review, Applicability by adding the following:

(6). Any construction (includes additions and rehabilitation) in the H District.

F. Amend Section 925.01.C Single-Unit Dwelling Exemptions by adding the following:

925.01.C Single-Unit Dwelling Exemptions

2. A single unit dwelling on a recorded zoning lot with a lot area less than otherwise required by the provisions of Chapter 903 or of Chapter 905, may be approved as an Administrator's Exception according to the provisions of Section 922.08.