



Legislation Details (With Text)

**File #:** 2019-1668      **Version:** 1  
**Type:** Ordinance      **Status:** In Standing Committee  
**File created:** 5/13/2019      **In control:** Commission - Planning Commission  
**On agenda:** 5/14/2019      **Final action:**  
**Enactment date:**      **Enactment #:**  
**Effective date:**

**Title:** Ordinance supplementing the Pittsburgh Code of Ordinances, Title Nine - Zoning, Chapter 922 Development Review Procedures, Sections 922.10.E.2, 922.11.B.3 and 922.11.C.2 with a new subsection, "Affordable Housing Impact Statements."  
(Needs to be held for a Public Hearing)

**Sponsors:** Reverend Ricky V. Burgess, R. Daniel Lavelle

**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
5/22/2019	1	Standing Committees	Referred for Report and Recommendation	
5/14/2019	1	City Council	Read and referred	

Ordinance supplementing the Pittsburgh Code of Ordinances, Title Nine - Zoning, Chapter 922 Development Review Procedures, Sections 922.10.E.2, 922.11.B.3 and 922.11.C.2 with a new subsection, "Affordable Housing Impact Statements."  
*(Needs to be held for a Public Hearing)*

WHEREAS, All-In Pittsburgh strives to make Pittsburgh a livable and affordable city for all residents; and

WHEREAS, All-In Cities - Pittsburgh includes affordable housing for all Pittsburgh families; and

WHEREAS, the cost of housing is out of reach for tens of thousands of Pittsburgh families; and

WHEREAS, an estimated 8,000-12,000 new housing units are proposed to be built in the City of Pittsburgh, none of which will be affordable for low income families; and

WHEREAS, according to the Housing Alliance of Pennsylvania, Pittsburgh needs 21,580 housing units that are both affordable and available for households living on extremely low incomes; and

WHEREAS, the failure of the local housing market to meet this demand makes housing in this City

increasingly unaffordable for low income families; and

WHEREAS, Council desires a mechanism to track the impacts of development upon the creation of or preservation of affordable housing; and

WHEREAS, one tool used in other cities is an Affordable Housing Impact Statement; and

WHEREAS, cities such as Austin, Texas and San Diego, California have had an Affordable Housing Impact Statement (AHIS) policy for several years; and

WHEREAS, those cities have found the policy to be helpful in empowering policymakers with meaningful information, and sometimes incentivizing developers and stakeholders to alter their plans to include more affordable housing; and

WHEREAS, Council desires, on a consistent, ongoing basis, to track the impacts of development on the affordable housing stock of the City of Pittsburgh.

**BE IT RESOLVED THAT THE COUNCIL OF THE CITY OF PITTSBURGH HEREBY ENACTS AS FOLLOWS:**

**Section 1.** - This legislation shall not become effective until signed into law. Council declares that during the pendency of the legislative process, the legislation shall not implicate the immediate effect that attaches to land use ordinances under the “pending ordinance” doctrine.

**Section 2.** - The Pittsburgh Code of Ordinances, Title Nine - Zoning, Chapter 922 Development Review Procedures, Sections 922.10.E.2, 922.11.B.3 and 922.11.C.2 are hereby supplemented as follows:

**922.10. - Project Development Plans.**

This section sets out the required review and approval procedures for Project Development Plans, which are required for development in the Golden Triangle (GT), Downtown Riverfront (DR), and Public Realm (PR) zoning districts.

**922.10.A Purpose**

The Project Development Plan review procedures of this section are intended to provide a vehicle for

evaluating individual development proposals within the broader context of development and plans for areas of regional significance, including the Golden Triangle and Downtown Riverfront areas. It is further the intent of these review and approval procedures to afford maximum design flexibility for individual development projects, consistent with planning objectives for the Golden Triangle, Downtown Riverfront, and Public Realm areas.

### **922.10.B Applicability**

In each GT, DR and Public Realm district, every new or changed use of land, and every structure hereafter erected, enlarged demolished or externally altered, except structures involving external alterations not in excess of fifty thousand dollars (\$50,000.00), shall, in addition to conforming to any and all regulations pertaining thereto that are specifically set forth in this Zoning Code, be in accord with a Project Development Plan approved by the Commission.

### **922.10.C Application**

All applicants for Project Development Plan approval shall first file an application with the Zoning Administrator, along with a nonrefundable fee that has been established to defray the cost of processing development applications. No application shall be processed until the Zoning Administrator determines that the application is complete and the required fee has been paid.

### **922.10.D Preliminary Review**

#### **922.10.D.1 Procedure**

As a part of the preliminary review, the Zoning Administrator shall prescribe the required form and content of the final Project Development Plan application, which may be submitted in schematic or preliminary form and which may include a site plan; building elevations; building and site perspective drawings; information on building size, height, proposed uses, traffic generation characteristics and other plans and information sufficient to illustrate the proposed development and its relation to adjacent buildings, streets and open spaces.

#### **922.10.D.2 Development on sites of three (3) or more acres**

Any development of a building or buildings that require Project Development Plan review on a site of three (3) or more acres is required to submit a Master Development Plan prior to the application for individual building or buildings review.

A complete application for a Master Development Plan shall be submitted to the Zoning Administrator in a form established by the Zoning Administrator. Upon determining that the Master Development Plan application is complete, the Zoning Administrator shall schedule a review by the Planning Commission.

The Planning Commission shall approve a Master Development Plan application only if it finds that the proposal meets all of the following criteria:

- (a) That the proposed development shall create an efficient, functional and attractive urban area which incorporates a high level of amenities;
- (b) That the proposed development shall create a favorable environmental, social and economic impact on the City;
- (c) That the proposed development shall not be injurious to other property in the immediate vicinity, nor substantially diminish or impair property values within adjacent zoning districts;
- (d) That adequate utilities, road, drainage and other necessary facilities have been or shall be provided;
- (e) That adequate measures have been or shall be taken to provide ingress and egress designated so as to minimize traffic congestion in the public streets; and
- (f) That the proposed development complies with plans and policy documents adopted from time to time by the City.

## **922.10.E Final Review**

### **922.10.E.1 Action by the Planning Commission**

The Zoning Administrator shall schedule a review by the Planning Commission when all the requirements established during the preliminary review have been fulfilled. The Planning Commission shall review the Project Development Plan application and act to approve, approve with conditions, or deny the application. The Planning Commission shall approve a Project Development Plan if it finds that the plan complies with the review criteria of Sec. 922.10.E.2 and if the proposal complies with all applicable Zoning Code requirements and adopted plans and policy documents, including all applicable standards of the GT, DR and Public Realm zoning districts. The Planning Commission shall deny approval of a Project Development Plan if it finds that the plan is not in conformance with this Zoning Code or with adopted plans and policy documents. In acting upon a Project Development Plan, the Planning Commission shall include a description of specific site

improvements and development characteristics upon which its approval is conditioned. Such conditions shall be binding upon the applicant.

(a) Notice Requirement for Gaming Enterprise Developments

(1) Notice, Hearing and Action

Upon determining that a Project Development Plan that is specific to a gaming Enterprise is complete, the Zoning Administrator shall schedule a public hearing before the Planning Commission, notify the applicant of the hearing date and give at least twenty-one (21) days notice of the hearing by posting in accordance with the notice requirements of Section 922.01.C. and by mail in accordance with the notice requirements of Section 922.01.C.1 to all property owners within a one hundred fifty-foot radius of the subject property. The Planning Commission shall hold a public hearing on the Project Development Plan application specific for Gaming Enterprises. After the public hearing, the Commission shall act to approve, approve with conditions or deny the application within forty-five (45) days of the public hearing.

**922.10.E.2 Review Criteria**

In reviewing applications for Project Development Plan approval, the Planning Commission shall consider the extent to which the Project Development Plan addresses the following criteria. The Planning Commission shall not approve any Project Development Plan that, in the determination of the Planning Commission, does not adequately address one (1) or more of these criteria in accordance with objectives contained in general or site specific policy documents adopted by the Planning Commission.

(a) The proposed development must include retail facilities, where such facilities would maintain and continue the existing retail patterns;

(b) The proposed development must address compatibility with any existing residential area, including provision for maintenance of residential uses in existing residential areas;

(c) The proposed development must make provision for adequate parking, considering available transit alternatives and support services, and make provision for adequate vehicle access and loading areas in relation to street capacity, functional classification, and land use patterns, such that any vehicular access points do not create congestion on public streets or create hazardous conditions for pedestrians;

(d) The proposed development must adequately address traffic generation characteristics in relation to street capacity, intersection classification, and existing and projected traffic volumes and address reasonable alternatives that would enable increased traffic to be directed away from congested areas;

(e) The proposed development must adequately address pedestrian traffic generation, proposed pedestrian circulation facilities and patterns, including, but not limited to, provision for adequate sidewalk capacity on and off site, provision for appropriate pedestrian safety on and off site, and provision for pedestrian circulation patterns which do not substantially alter existing patterns and which enhance desired patterns where possible;

(f) The proposed development must adequately address access to public transportation facilities, including, but not limited to, provision for safe pedestrian access to and from transit stops, and pedestrian circulation patterns which encourage the use of public transit, and the provision of on site facilities for alternative means of transportation such as bicycles or van pools;

(g) The proposed development must adequately address the preservation of historic structures and significant features of existing buildings, including, if applicable, the retention and reuse of structures which are locally or federally designated historic structures; retention and reuse of significant structures, provided that such preservation requirements may be waived if the applicant shows that use of such structure is no longer economically or physically viable; and retention and reuse of structures which contribute to the character of an historically significant area;

(h) The proposed development must adequately address architectural relationships with surrounding buildings, including, but not limited to, provision for appropriate building siting, massing, facade treatment, materials, proportion, and scale;

(i) The proposed development must adequately address microclimate effects of proposed development, including, but not limited to, wind velocities, sun reflectance and sun access to streets, existing buildings, and public and private open space;

(j) The proposed development must adequately address protection of views and view corridors, including, if applicable, important views along major public streets, views from surrounding private properties, and views to and from significant public places, such as parks, open spaces, or riverfronts;

(k) The proposed development must adequately address the location, development and functions of open space, including, but not limited to, provision for additional open space where necessary for light and air to adjacent properties, provision for additional open space where desirable to lessen pedestrian impacts and increase safety, or maintenance of existing open spaces which serve these same purposes;

(l) The proposed development must address the project's compatibility and conformance with any overall master plans or comprehensive plans approved by the City Planning Commission and designated by the Department of City Planning, which address Downtown area development;

(m) If the proposed application includes a building(s) that exceeds fifty thousand (50,000) square feet of building footprint, the proposed development must adequately address large footprint building criteria of Section 922.04.E.6.

**(n) The proposed development must adequately address housing impact of the development on the surrounding community by providing an impact statement or analysis which shall include, but is not limited to, information regarding the types of housing proposed, the targeted market demographics, affordable dwelling units within the development and within the market, and number of dwelling units proposed to be demolished. For proposed developments without a housing component, the applicant shall provide a statement or analysis which shall include, but is not limited to, anticipated housing demand and affordability level of housing needed to serve new demand**

### **922.10.F Amendments**

The procedure for amending an approved Project Development Plan shall be the same as required for a new plan under this section, provided that the Zoning Administrator may approve minor amendments to approved Project Development Plans without the refiling of a new application. Nothing shall preclude the Zoning Administrator from approving minor amendments.

### **922.10.G Occupancy Permits**

The Zoning Administrator shall not authorize zoning approval of an application for a Certificate of Occupancy for a development subject to Project Development Plan requirements until the Planning Commission has approved the Project Development Plan.

(Ord. 19-2004, § 1L, eff. 11-8-04; Ord. 42-2005, §§ 32-34, eff. 12-30-05)

### **922.11. - Planned Developments. Modified**

This section sets out the required review and approval procedures for Specially Planned (SP) Developments and Planned Unit Developments (PUDs).

### **922.11.A Method of Adoption**

SP or PUD zoning districts may be established only in accordance with the Zoning Map Amendment procedures of Sec. 922.05 and the review and approval procedures of this section, which shall be carried out concurrently with the Zoning Map Amendment process.

## **922.11.B Preliminary Development Plan**

### **922.11.B.1 Application**

A complete application for Preliminary Land Development Plan approval shall be submitted to the Zoning Administrator in a form established by the Zoning Administrator, along with a nonrefundable fee that has been established to defray the cost of processing development applications. No application shall be processed until the Zoning Administrator determines that the application is complete and the required fee has been paid. Application for SP or PUD rezoning shall be submitted at the time of application for a certificate of occupancy.

### **922.11.B.2 Hearing and Action by the Planning Commission**

The Planning Commission shall hold a public hearing on the application for Preliminary Development Plan Approval concurrently with the public hearing on the rezoning application. After the public hearing, the Planning Commission shall recommend approval, approval with conditions, or denial of the application and transmit an accurate written summary of the proceedings to the City Council.

### **922.11.B.3 Review Criteria**

The Planning Commission shall recommend approval of the Preliminary Land Development Plan application only if it finds that the proposal meets all of the following criteria:

- (a) That the proposed district shall create an efficient, functional and attractive urban area which incorporates a high level of amenities;
- (b) That the proposed district shall protect and preserve the natural environment;
- (c) That the proposed district shall create a favorable environmental, social and economic impact on the City;
- (d) That the establishment, maintenance, location and operation of the proposed district shall not be detrimental

to or endanger the public health, safety, morals, comfort or general welfare;

(e) That the proposed district shall not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes permitted, nor substantially diminish or impair property values within adjacent zoning districts;

(f) That the establishment of the proposed district shall not impede the normal and orderly development and improvement of property for uses permitted in the adjacent districts;

(g) That adequate utilities, access road, drainage and other necessary facilities have been or shall be provided;

(h) That adequate measures have been or shall be taken to provide ingress and egress designated so as to minimize traffic congestion in the public streets; and

(i) That the proposed development complies with plans and policy documents adopted from time to time by the City.

**(j) The proposed development must adequately address housing impact of the development on the surrounding community by providing an impact statement or analysis which shall include, but is not limited to, information regarding the types of housing proposed, the targeted market demographics, affordable dwelling units within the development and within the market, and number of dwelling units proposed to be demolished. For proposed developments without a housing component, the applicant shall provide a statement or analysis which shall include, but is not limited to, anticipated housing demand and affordability level of housing needed to serve new demand**

#### **922.11.B.4 Conditions of Approval**

The Planning Commission may recommend approval with conditions if such conditions, when met, would have the effect of bringing the proposal into full compliance with the review criteria of Sec. 922.11.B.3.

#### **922.11.B.5 Hearing and Action by City Council**

The City Council shall hold a public hearing on the Zoning Map Amendment application. After the public hearing, the City Council shall act to approve, approve with conditions, approve in part, deny, or deny in part

the application. The Zoning Map Amendment shall not become effective nor shall it be entered upon the Zoning District Map until the Planning Commission has approved a Final Land Development Plan and an Improvement subdivision site plan has been duly recorded.

### **922.11.B.6 Amendments**

The procedure for amending an approved Preliminary Land Development Plan shall be the same as required for a new Preliminary Land Development Plan under Section 922.11.B.2 <<https://www.municode.com/library/>>.

### **922.11.B.7 Notice**

A public hearing shall be scheduled, and notice shall be required when ten (10) years or more have elapsed from the approval date of the most recently amended Preliminary Land Development Plan for an existing SP or PUD district. The Zoning Administrator shall give at least twenty-one (21) days public notice of the Planning Commission hearing by posting in accordance with the notice requirements of Chapter 922.01.C.2 and by mail in accordance with the notice requirements of Chapter 922.01.C.1 to all property owners within a one hundred fifty (150) foot radius of the subject property.

## **922.11.C Final Land Development Plans**

### **922.11.C.1 Application**

After City Council approval of the Zoning Map Amendment, the applicant shall submit a Final Land Development Plan to the Zoning Administrator who shall forward the application to the Planning Commission for review. At the time of Final Land Development submittal, the applicant shall also submit the Improvement Subdivision Site Plan for the Planning Commission's review. For an SP District, there shall be no minimum acreage required for a Final Land Development Plan application.

### **922.11.C.2 Review and Action by the Planning Commission**

The Planning Commission shall review the Final Land Development Plan and Improvement subdivision site plan and evaluate whether the plans comply with the approved Preliminary Land Development Plan. The Planning Commission shall review the Final Land Development Plan and Improvement subdivision site plan to determine if the application addresses the following criteria. The Planning Commission shall deny approval of a Final Land Development Plan application if it finds that the plan does not comply with the following criteria.

(a) The proposed development must comply with an approved Preliminary Land Development Plan for the

Planned Development;

- (b) The proposed development must include retail facilities, where such facilities would maintain and continue the existing retail patterns;
- (c) The proposed development must address compatibility with any existing residential area, including provision for maintenance of residential uses;
- (d) The proposed development must adequately address parking, considering the demand analysis required in the Preliminary Plan Development Plan, and must make provisions for adequate vehicle access and loading facilities;
- (e) The proposed development must adequately address traffic generation characteristics and address reasonable alternatives that would mitigate increased traffic congestion;
- (f) The proposed development must adequately address pedestrian traffic and patterns, including, but not limited to, sidewalk capacity, pedestrian safety and access to transit;
- (g) The proposed development must adequately address access to public transportation facilities, including, but not limited to access to transit stops, encouragement of transit use and provisions for alternate forms of transportation;
- (h) The proposed development must adequately address architectural relationships with surrounding buildings, including, but not limited to, building siting, massing, facade treatment, materials, proportions and scale;
- (i) The proposed development must adequately address microclimate effects, including, but not limited to, wind velocities, sun reflectance and sun access to existing buildings and streets;
- (j) The proposed development must address the project's compatibility and conformance with the Zoning Code and any plans and policies approved by the Planning Commission;
- (k) If the proposed application includes a building(s) that exceeds 50,000 square feet of building footprint, the proposed development must adequately address large footprint building criteria of Section 922.04.E.6.

**(l) The proposed development must adequately address housing impact of the development on the surrounding community by providing an impact statement or analysis which shall include, but is not**

**limited to, information regarding the types of housing proposed, the targeted market demographics, affordable dwelling units within the development and within the market, and number of dwelling units proposed to be demolished. For proposed developments without a housing component, the applicant shall provide a statement or analysis which shall include, but is not limited to, anticipated housing demand and affordability level of housing needed to serve new demand**

### **922.11.C.3 Effect of Final Land Development Approval**

After a Final Land Development Plan has been approved by the Planning Commission and the Improvement subdivision site plan has been recorded, the applicant may submit a Certificate of Occupancy application and construction drawings for a project development to the Zoning Administrator. If the development is determined by the Zoning Administrator to be in substantial compliance with the Final Land Development Plan, the Zoning Administrator shall approve the Certificate of Occupancy application and building permit application. No Certificate of Occupancy application or building permit application shall be approved if the project is determined not to be in substantial compliance with the approved Final Land Development Plan. If the project development is determined not to be in substantial compliance with the Final Land Development Plan, the applicant may request approval of Land Development Plan amendment, in accordance with Sec. 922.11.C.4.

### **922.11.C.4 Amendments**

The procedure for amending an approved Final Land Development Plan shall be the same as required for approval of the original Final Land Development Plan, except that the Zoning Administrator may approve an occupancy permit application for a project in an SP or PUD District if the Planning Director determines that the proposed project represents only a minor amendment to an approved Final Land Development Plan. A minor amendment, for the purpose of this provision, shall be one (1) that meets all of the following conditions:

- (a) Involves no change in use;
- (b) Increases development intensity or residential density by no more than ten (10) percent;
- (c) Increases the height of any structure by no more than ten (10) percent; and
- (d) Places no structure closer to the perimeter of the planned development site than shown on the approved Final Land Development Plan.

### **922.11.C.5 Lapse of Approval**

If an applicant submits an application to the Zoning Administrator for approval of a Certificate of Occupancy application more than seven (7) years after the date of approval of the Final Land Development Plan, the Planning Commission may require that the planning studies conducted for the land development plan be updated, and that additional planning studies be conducted to determine the current impact of the proposed development on the remainder of the planned development and on the City. The Planning Commission shall evaluate the development's impacts in terms of the review criteria of Sec. 922.11.B.3 and may require the applicant to submit a Land Development Plan amendment, in accordance with Sec. 922.11.C.4.

### **922.11.C.6 Notice Requirement for Gaming Enterprise Developments**

#### **(a) Notice, Hearing and Action**

Upon determining that a Final Land Development Plan that is specific to a gaming Enterprise is complete, the Zoning Administrator shall schedule a public hearing before the Planning Commission, notify the applicant of the hearing date and give at least twenty-one (21) days notice of the hearing by posting in accordance with the notice requirements of Section 922.01.C. and by mail in accordance with the notice requirements of Section 922.01.C.1 to all property owners within a one hundred fifty-foot radius of the subject property. The Planning Commission shall hold a public hearing on the Final Land Development Plan application specific for Gaming Enterprises. After the public hearing, the Commission shall act to approve, approve with conditions or deny the application within forty-five (45) days of the public hearing.

### **922.11.D Land Development Reports for SP Districts**

For SP Districts, every two (2) years, beginning from the date of approval of the first Final Land Development Plan, the applicant shall submit to the Planning Commission a Land Development Report. The Planning Commission may approve the Land Development Report, approve the report with amendments, or, in the event that a Land Development Report is not submitted, the Planning Commission may approve a report prepared by the Zoning Administrator. The approval of a land development report shall amend the land development plan to the extent specified in the land development report.

(Ord. 42-2005, §§ 35-38, eff. 12-30-05; Ord. No. 33-2009, § 1, eff. 12-11-09; Ord. No. 1-2015, § 1.G., eff. 2-10-15)