



Legislation Details (With Text)

**File #:** 2008-0520      **Version:** 2

**Type:** Ordinance      **Status:** Passed Finally

**File created:** 6/17/2008      **In control:** Committee on Land Use and Economic Development

**On agenda:**      **Final action:** 8/5/2008

**Enactment date:** 8/5/2008      **Enactment #:** 12

**Effective date:** 8/13/2008

**Title:** Amending the Pittsburgh Code of Ordinances, Title Nine, Zoning, Article I, Introduction and Establishment, Chapter 902, Zoning Districts in General, Section 902.02, Zoning District Hierarchy; Article IV, Planning Districts, Chapter 909, Planned Development Districts, Section 909.01.L Establishment of SP-7 District, and 909.01.M, SP-7, Oakland Planned Unit Development District; and Article VII, Review and Enforcement, Chapter 922, Development Review Procedures; in order to revise site development standards for calculating the maximum permitted density in new Planned Unit Development Districts; to add additional density bonuses; to amend the requirements for determining maximum permitted height; to clarify procedures for approving changes of use; and to establish a LEED Building Trust Fund.

**Sponsors:**

**Indexes:** PGH. CODE ORDINANCES TITLE 09 - ZONING, TRUST FUND

**Code sections:**

**Attachments:** 1. 2008-0520.doc, 2. 2008-0520 Amend by Substitute.doc

Date	Ver.	Action By	Action	Result
8/14/2008	2	Mayor	Signed by the Mayor	
8/5/2008	2	City Council	Passed Finally	Pass
7/30/2008	2	Committee on Land Use and Economic Development	AMENDED BY SUBSTITUTE	Pass
7/30/2008	2	Committee on Land Use and Economic Development	Affirmatively Recommended as Amended	Pass
7/23/2008	1	Committee on Land Use and Economic Development	Held in Committee	Pass
7/22/2008	1	City Council	RECOMMENDED	Pass
7/16/2008	1	Committee on Land Use and Economic Development	AFFIRMATIVELY RECOMMENDED	Pass
7/15/2008	1	City Council	RECOMMENDED	Pass
7/9/2008	1	Committee on Land Use and Economic Development	AFFIRMATIVELY RECOMMENDED	Pass
7/8/2008	1	Committee on Hearings	Public Hearing Held	
6/25/2008	1	Committee on Land Use and Economic Development	Held for Cablecast Public Hearing	Pass
6/17/2008	1	City Council	Read and referred	

Presented by Mr. Burgess

Amending the Pittsburgh Code of Ordinances, Title Nine, Zoning, Article I, Introduction and Establishment, Chapter 902, Zoning Districts in General, Section 902.02, Zoning District Hierarchy; Article IV, Planning Districts, Chapter 909, Planned Development Districts, Section 909.01.L Establishment of SP-7 District, and 909.01.M, SP-7, Oakland Planned Unit Development District; and Article VII, Review and Enforcement, Chapter 922, Development Review Procedures; in order to revise site development standards for calculating the maximum permitted density in new Planned Unit Development Districts; to add additional density bonuses; to amend the requirements for determining maximum permitted height; to clarify procedures for approving changes of use; and to establish a LEED Building Trust Fund.

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

**Section 1.** Title Nine, Zoning is hereby amended as follows:

A. Amend Section 902.02 Zoning District Hierarchy as follows:

902.02 Zoning District Hierarchy

References in this Code to less restrictive or more restrictive zoning districts refer to the base zoning districts established by Sec. 902.01 and represent a progression from the most restrictive to least restrictive as follows:

- A. H, Hillside
- B. P, Park
- C. R1D, Residential Single-Unit Detached
- D. R1A, Residential Single-Unit Attached
- E. R2, Residential Two-Unit
- F. R3, Residential Three-Unit
- G. RM, Residential Multi-Unit
- H. NDO, Neighborhood Office
- I. LNC, Limited Neighborhood Commercial
- J. OPD, Oakland Public Realm, SP-7, Oakland Planned Unit Development
- K. NDI, Neighborhood Industrial
- L. UNC, Urban Neighborhood Commercial
- M. HC, Highway Commercial
- N. EMI, Educational/Medical Institution
- O. UI, Urban Industrial District
- P. GI, General Industrial

Public Realm districts, Downtown Districts, Overlay Zoning Districts, and Planned Development Districts are not included in the zoning district hierarchy.

(Ord. 25-2001, § 1A, eff. 11-30-01; Ord. 44-2003, eff. 12-31-03; Ord. 40-2005, § 1A, eff. 12-30-05)

B. Amend Section 909.01 SP-7, Oakland Planned Unit Development District, as follows:

909.01.L Establishment of SP-7 District

SP-7, Oakland Planned Unit Development District, is hereby established.

909.01.M, SP-7, Oakland Planned Unit Development District.

Because Oakland is uniquely dense and intensively developed, the provisions of this section may apply only to properties in or directly adjacent to or formerly being an OPD District.

909.01.M.1 Applicable Standards SP-7

The approval of an improvement subdivision site plan and the enactment of an SP-7 District as an amendment to the Zoning Code shall require compliance with all applicable regulations of this section and with the standards and regulations contained in the Improvement Subdivision Regulations and Standards adopted by the Planning Commission.

- (a) The SP-7 District regulations of this section establish standards governing allowed uses; development intensity, building height; setbacks, open space; off-street parking; off-street loading and other basic site criteria that shall apply within SP-7 Districts.
- (b) The Subdivision Regulations and Standards adopted by the Planning Commission shall govern the spatial arrangement of uses and structures on the site and all other elements of site design, density, and improvement, including the design and improvement of pedestrian and vehicular circulation and parking; the location, amount, and improvement of open spaces for light, air, recreation and other purposes; provisions for utilities, facilities and services, master signage plans; and the relationship of the SP-7 Districts to adjacent areas. In regard to matters set forth above, the definitions in the Subdivision Regulations and Standards shall control where the same differ from Chapter 926.
- (c) The Environmental Performance Standards of Chapter 915 shall apply within SP-7 Districts. It shall be the responsibility of the Planning Commission to determine, through application of standards contained in the adopted subdivision regulations, that the environmental characteristics and physical capacity of an SP-7 District site and of land adjacent to the site are suitable for the character and intensity of development proposed. When necessary to protect the natural environment, to prevent hazardous development or otherwise to protect the public welfare, the Planning Commission may require a lower intensity of development or more restricted development on all or portions of a site than otherwise required by the provisions of this Code.
- (d) The Sign Regulations of Chapter 919 and the Parking, Loading and Access regulations of Chapter 914 shall apply within an SP-7 District unless the Planning Commission (i) determines that the nature or impact of the proposed development warrants more restrictive standards or (ii) in areas that were formerly zoned OPD-B, approves a master signage plan in accordance with the Subdivision Regulations and Standards. The Planning Commission may require compliance with more restrictive standards than specified in this Zoning Code, when determined necessary to protect the natural environment, adjacent properties or the public welfare.

### 909.01.M.2 General Provisions

The provisions in this section apply to all SP-7 Districts unless otherwise stated.

#### 909.01.M.2.a. Criteria for Establishment of SP-7 District

(i) Single or Multiple Building Sites

An SP-7 district may be applied to sites containing one (1) or more buildings.

(ii) Land Area

An SP-7 district shall comprise a contiguous area of land, except as separated by public streets or ways, and shall comprise a reasonable unit for planned development. The site shall not surround or abut land which is not a part of the SP-7 district in a manner which would reduce the ability of such excluded land to be used in conformity with the provisions of the Zoning Code applicable to such excluded land.

(iii) Unified Control

The site shall either be in single or unified ownership at the time of application; or the site may be subject to a sales agreement, but rezoning shall not become effective until proof of unified ownership or control sufficient to carry out the approved development plan shall have been submitted to and approved by the Zoning Administrator.

(iv) Compliance with Plans, Policies and Other Regulations

An SP-7 district shall be in a location suitable for the proposed development, as evidenced by compliance with plans and policy documents adopted from time to time by the Planning Commission, and by demonstrated compatibility of the proposed development with development in adjacent areas.

#### 909.01.M.3 Site Development Standards

(a) Area Calculations

In any SP-7, the base intensity of development shall be calculated based upon the standards set forth in the Subdivision Regulation and Standards.

(b) Intensity

The maximum intensity of development in a planned unit development shall be based upon its location in relation to abutting zoning districts except where the district abuts or was formerly part of a zoning district that utilizes floor area ratio for intensity control. The maximum floor area ratio for an SP-7 shall not exceed six (6).

(c) Bonus Density

In any SP-7, the base intensity of residential development may be increased by a percentage based on the provision of certain amenities or the meeting of certain conditions that are listed below. The cumulative maximum percentage increase shall not exceed thirty (30) percent of the base intensity otherwise permitted. The actual percentage increase allowed for each amenity or condition is contained in the Subdivision Regulations and Standards.

- (1) Additional urban open space, beyond that required, to be used as public playground or park, and which is free and open to the public with no obstructions or restrictions on use.

- (2) A public overlook which is free and open to the public, with no obstructions or restrictions on use.
- (3) Transportation facilities as more fully set forth in the Subdivision Regulations and Standards which are designed and developed as part of the total development project, to reduce the use of private automobiles and lessen traffic congestion and which are operated and maintained by the developer for the life of the development.
- (4) Restoration of previously damaged environmentally sensitive lands, provided such damage has not been caused by the applicant.
- (5) Restoration with continued use or restoration and reuse of existing structures on the subject property or on properties that are abutting the district separated only by a street or way which have been designated or have been determined to be eligible to be designated as local historic structures by the City's Historic Review Commission; or existing structures on the subject property which have been determined to be contributing structures within a designated local historic district or a district which has been determined to be eligible to be designated as a local historic district by the City's Historic Review Commission.
- (6) Design of new construction which is similar in form, scale and materials to existing structures on the subject property or to structures which immediately abut the subject property when the new structures are visible from such existing structures.
- (7) Street level retail commercial square footage shall not be included in Floor Area for any purpose where the primary access for the customers is from a public sidewalk abutting a public street.
- (8) A Leadership in Energy and Environmental Design ("LEED") rating. The FAR bonus shall be determined by the LEED ratings as follows:

<u>Certified</u>	-	<u>5%</u>
<u>Silver</u>	-	<u>10%</u>
<u>Gold</u>	-	<u>15%</u>
<u>Platinum</u>	-	<u>25%</u>

The Improvement Subdivision Regulations and Standards shall establish the process for seeking the FAR bonus; provided, however, once a structure is constructed utilizing such bonus, no permanent certificate of occupancy and use shall be issued by the Bureau of Building Inspection until a LEED award is issued at the sought after level or the required payment has been made to the LEED Building Trust Fund in accordance with the requirements of Section 922.14.

(d) Height

The height of structures within an SP-7 shall be determined based upon the floor area ratio. The Planning Commission shall, when approving the master development plan, take into account the neighboring structures and uses and shall impose such limits as will adequately protect the light and air of such uses.

In the SP-7 district, permitted uses shall be those listed in this section that are in accordance with an approved unit development plan and recorded improvement subdivision site plan. The uses listed in this section may be contained in a single structure, separate structures or combined in multi-use structures subject to approval by the Planning Commission.

(a) Dwellings, including single-unit (attached and detached); two-unit, three-unit and multi-unit structures.

(b) The activities and structures listed in this subsection shall be permitted in locations approved by the Planning Commission and compatibly incorporated in the unified design of the residential planned unit development. In approving these uses, the Planning Commission may impose limits on size, location within the planned unit development or other aspects of their design and development that are necessary to ensure their harmonious relation to the planned unit development and to adjacent areas.

(1) Religious Assembly;

(2) Community Center;

(3) Child Care

(4) Utilities

(5) Transit Facility

(6) Parks and Recreation

(7) School, Elementary or Secondary

(8) Uses permitted By-Right, Administrator Exceptions and Special Exceptions in the SP-7 district as set forth in Chapter 911, provided such uses comprise a minor part of the development and are designed to serve primarily residents of the planned unit development and of adjacent areas which are within convenient walking distance of the planned unit development. The decision maker shall be the Planning Commission. The express conditions of § 911.04.A for specific uses shall apply.

(9) Accessory uses and structures.

(10) Uses allowed in the SP-7 district shall be those approved by the Planning Commission in accordance with an approved unit development plan and recorded improvement subdivision site plan. The Planning Commission shall have authority to approve any use that is allowed in the UNC district, subject to the same conditions and limitations as apply to those uses when located in the UNC district. The uses allowed in the SP-7 district may be contained in a single structure, separate structures or combined in multi-use structures subject to approval by the Planning Commission.

#### 909.01.M.5 Intensity

(a) Residential Development

The maximum intensity of residential land development in an SP-7 district shall not exceed six (6).

(b) Nonresidential Development

Nonresidential development shall comply with the following standards:

(1) The floor area ratio shall not exceed the larger of 0.75 or the area of ground level retail commercial as set forth in § 909.01.M.3(c)(7).

(2) When nonresidential uses are contained in separate buildings, the coverage of land by buildings and parking for nonresidential uses shall not exceed twenty (20) percent.

(3) Except for non-residential use within a residential structure, twenty (20) percent of the land area developed with nonresidential uses shall be improved as urban open space.

#### 909.01.M.6 Off-Street Parking and Loading

Off-street parking and loading facilities shall be provided in accordance with the provisions of Chapter 914.

#### 909.01.M.7 Open Space and Recreation

The following open space and recreation ratios shall apply with SP-7s:

##### (a) Total Open Space

The total open space required shall be calculated by multiplying the actual lot land area by the applicable total open space percentage of .15.

##### (b) Useable Open Space

The amount of useable open space required shall be calculated by multiplying the actual lot land area by the applicable total Useable Open Space percentage of .07.

##### (c) Recreation Space

The amount of recreation space required shall be calculated by multiplying the actual lot land area by the applicable Recreation Space percentage of .04

#### 909.01.M.8 Use Exceptions

The following uses are permitted in residential planned unit development districts subsequent to recording of the improvement subdivision site plan and may be authorized without amendment thereto.

(a) Conditional Uses which are permitted after a public hearing and recommendations by the Planning Commissions and after approval by City Council in conformity with the provisions of Sec. 922.06, which are incorporated in the approved unit development plan and recorded improvement subdivision site plan:

(1) Housing for the Elderly, provided the conditions listed in Sec. 911.04.A.35 are met.

(2) Community Home, provided the conditions listed in Sec. 911.04.A.84 are met.

The Conditional Use shall be allowed only if the proposed use and structures do not result in or create:

(i) An intensity of development which exceeds that allowed in the particular SP-7 District;

(ii) A reduction in the required area of any category of open space;

(iii) A deficit in the number of required parking or loading spaces; or

(iv) Any negative impacts affecting the planned unit development adjacent to it.

(3) Bed and Breakfast, General provided the conditions listed in Sec. 911.04.A.7, 8 and 9 are met.

(4) Communication Tower, Class C provided the conditions listed in Sec. 911.04.A.13 are met.

(b) Uses which are permitted only as Special Exceptions by the Board in conformity with the standards contained in Sec. 922.07:

- (1) Assisted Living provided the conditions listed in Sec. 911.04.A.66 are met.
  - (2) Bed and Breakfast Limited provided the conditions listed in Sec. 911.04.A.7, 8, and 9 are met.
  - (3) Community Home provided the conditions listed in Sec. 911.04.A.84 are met.
- (c) Uses which are authorized by the Administrator in conformity with the provisions of Sec. 922.08:
- (1) Home Office (See Sec. 912.05)
  - (2) Lodgers, not exceeding two (2), in addition to one (1) family, in each dwelling unit as an accessory use.
  - (3) Temporary structure incidental to the development of land or to the erection of a real estate office for such development.

#### 922.14 LEED Building Trust Fund

1. There is hereby created the LEED Building Trust Fund for the receipt of funds paid by an applicant whose structure did not obtain an agreed upon LEED rating after construction, initial operation and attempted modification.
2. Funds deposited in the LEED Building Trust Fund shall be kept in an interest bearing account and shall be appropriated by the Council for the purpose of retrofitting old or constructing new LEED rated City owned facilities.
3. Funds expended from the LEED Building Trust Fund shall be included in the Capital Program and authorized by Council.

#### Section 2.

The changes authorized to Title Nine under Section 1 of this Ordinance shall apply only to SP-7, Oakland Planned Unit Development Districts approved after January 1, 2008.