



Text File

Introduced: 9/24/2012

Bill No: 2012-0757, Version: 1

Committee: Committee on Hearings

Status: Died due to expiration of legislative council session

Ordinance supplementing the Pittsburgh Code, Title Nine, Zoning Code, Article VII, Review and Enforcement with the addition of Chapter 922.15 "Mineral Extraction Master Plan."

*(Including but not limited to Marcellus Shale Gas)*

**Be it resolved that the Council of the City of Pittsburgh hereby enacts as follows:**

**Section 1.** The Pittsburgh Code, Title Nine, Zoning Code, Article VII, Review and Enforcement, is hereby supplemented with the addition of Chapter 922.15 "Mineral Extraction Master Plan"

*922.15.A Intent*

The intent of the Mineral Extraction Master Plan approval procedures is to provide framework for approvals not otherwise within the jurisdiction of federal and state regulations and from which the City of Pittsburgh is not preempted by the Pennsylvania Oil and Gas Act. The City of Pittsburgh believes that mineral extraction activity without proper regulation may pose public health and safety hazards to the residents of the City of Pittsburgh. The Mineral Extraction Master Plan offers the applicant great flexibility not typically associated with small parcel level review while simultaneously providing the public with a sufficient level of awareness, understanding and input regarding the potential development and impacts. The Mineral Extraction Master Plan ensures the proper location of mineral extraction activities while minimizing the impacts on residential neighborhoods, public facilities, City of Pittsburgh infrastructure, and the environment, as well as ensuring that all operations comply with all federal, state, and local regulations.

*922.15.B. Application*

A complete application for a Mineral Extraction Master Plan 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 rezoning shall be submitted at the time of application for a certificate of occupancy.

*922.15.C Hearing and Action by the Planning Commission*

The Planning Commission shall hold a public hearing on the application for the Mineral Extraction Master Plan 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.

*922.15.D Review Criteria*

The Planning Commission shall approve a Mineral Extraction Master Plan only if the following review criteria are met:

- (a) That the development is a minimum of forty (40) acres;
- (b) That the development has the written permission of each property owner with a legal or equitable title in and to the surface of the site or a court order recognizing the applicant's authority to occupy the surface for the purpose of mineral extraction;
- (c) That the development will not create detrimental visual impacts, such that the size and visual bulk of the proposed development is determined to create an incompatible relationship with the surrounding built environment, public streets and open spaces and land use patterns;
- (d) That the development will not create detrimental transportation impacts, such that the proposed development is determined to adversely affect the safety and convenience of surrounding neighborhoods or of vehicular and pedestrian circulation in the vicinity of the subject tract, including traffic reasonably expected to be generated by the proposed use and other uses in the area given the existing zoning, existing land uses and proposed land uses in the area;
- (e) That the development will not create detrimental transportation impacts, such that the proposed development will result in traffic volumes or circulation patterns that exceed the capacity of streets and intersections likely to be used by traffic to and from the proposed development;
- (f) That the development will not create detrimental operational impacts, including potential impacts of hours of operation, management of traffic, servicing and loading operations, and any on-site operations associated with the ongoing functions of the use on the site, in consideration of adjacent and surrounding land uses which may have differing sensitivities to such operational impacts;
- (g) That the development will not create detrimental health and safety impacts from the proposed development or functions within the proposed site which would otherwise affect the health or safety of others as a direct result of the operation of the proposed use;
- (h) That the development will not create detrimental impacts on the future and potential development of parcels in the vicinity of the proposed site; and
- (i) That the development will not create detrimental impacts on property values;

#### *922.15.E Condition 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.922.15.D.

#### *922.15.F Hearing and Action by City Council*

The City Council hearing shall be conducted in the following manner:

Following a report from a representative of the Department of City Planning, the applicant or applicant's representative shall be afforded the opportunity to describe the proposed Mineral Extraction Master Plan and its expected impact before other speakers are allowed to testify.

At the conclusion of the public hearing, the applicant or the applicant's representative shall be afforded the opportunity to rebut testimony delivered during the hearing and/or make a closing statement. Abutting property owners shall also be afforded the opportunity to rebut testimony delivered during the hearing and/or make closing statements at the conclusion of the public hearing.

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Notwithstanding the procedures set forth herein, Council may supplement same with such additional procedures as it shall deem necessary to assure a fair and adequate hearing.

*922.15.G Amendments*

The procedure for amending an approved Mineral Extraction Master Plan shall be the same as required for a new Mineral Extraction Master Plan under Section 922.15.B.

*922.15.H Hearing*

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 Mineral Extraction Master Plan. 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

<[http://library.municode.com/HTML/13525/level4/PIZOCO\\_TITNINEZOCO\\_ARTVIIREEN\\_CH922DEREP R.html](http://library.municode.com/HTML/13525/level4/PIZOCO_TITNINEZOCO_ARTVIIREEN_CH922DEREP R.html)>.C.2 and by mail in accordance with the notice requirements of Chapter 922.01

<[http://library.municode.com/HTML/13525/level4/PIZOCO\\_TITNINEZOCO\\_ARTVIIREEN\\_CH922DEREP R.html](http://library.municode.com/HTML/13525/level4/PIZOCO_TITNINEZOCO_ARTVIIREEN_CH922DEREP R.html)>.C.1 to all property owners within a one hundred fifty (150) foot radius of the subject property.