



Text File

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Bill No: 2015-2100, Version: 2

Committee: Committee on Land Use and  
Economic Development

Status: Passed Finally

Ordinance amending the City of Pittsburgh Code of Ordinance, Title IV, Public Places and Property, Article VII, City Realty, by adding a new Chapter ~~452~~ **454** entitled "Adopt-A-Lot Program."

Whereas, the City is the owner of numerous vacant lots demonstrated to be in need of improvement; and

Whereas, the City desires to create the Adopt-A-Lot Program for the purpose of permitting temporary licensing or leasing of such lots to allow individuals and groups to participate in approved gardening activities; and

Whereas, allowing such gardening activities will improve the condition of the lots and benefit the public by, *inter alia*, permitting the creation of green infrastructure, reducing blight, promoting access to fresh food, increasing neighborhood cohesiveness, and promoting sustainability goals of the City.

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

**Section 1.** The Pittsburgh Code of Ordinances, Title IV, Public Places and Property, Article VII, City Realty, is hereby amended by adding a new Chapter ~~452~~ **454** entitled "Adopt-A-Lot Program" as follows:

**SECTION ~~452.01~~ 454.01 DEFINITIONS.** For purposes of this Chapter, the following definitions apply:

(a) *Adopt-A-Lot Lease:* means a lease granted by the City to use a vacant City lot for a Vacant Lot Project for a one (1) year term. Following the successful completion of the one-year term, then-current lessees will have the option to renew the lease for up to an additional three (3) years. At all times, the lease must be revocable by the City at its convenience, without cause, by providing ninety (90) days prior written notice.

(b) *Adopt-A-Lot License:* means an annual, nonexclusive garden license granted by the City to use a vacant City lot for a temporary Flower or Edible Garden by an individual. The duration of each license, including any permitted renewal, must be less than one year. Current licensees will have the option to renew the license, subject to compliance with the terms therein. At all times, the license must be revocable by the City at its convenience, without cause, by providing thirty (30) days prior written notice.

(c) *Edible Garden:* means a garden containing annual and/or perennial flowers, herbs, seeds, berries, vegetables, fruit, and other plants that one can eat. Participants granted authority under an Adopt-A-Lot Program may harvest edibles from Edible Gardens solely for

*personal use and shall remain responsible to those who consume or otherwise receive harvested items from them.*

(d) *Flower Garden*: means a garden containing displays of annual and/or perennial plants that are not intended for eating, sale, or donation.

(e) *Market Stand Garden*: means the accessory use of either an Edible Garden or a Flower Garden such that a lessee or authorized Program Participants may keep harvested edibles or flowers for personal use, sell them, and/or donate them to the public, subject to the terms of a Market Stand Lease. Lessees or Program Participants granted authority under a Market Stand Lease to harvest edibles for personal use, to sell them, and/or to donate them to the public shall remain responsible to those who consume, purchase, or otherwise receive donated or harvested items from them.

(f) *Market Stand Lease*: means a subsidiary category of an Adopt-A-Lot Lease for which prior approval is granted for: 1) the limited commercial on-site sale of less than ~~One~~ **Ten** Thousand Dollars (~~\$1,000.00~~ **\$10,000**) annually of unprocessed edibles or flowers grown on site, subject to all applicable laws, ordinances, and regulations involved with the use of City property and/or the sale of food to the public, including, but not limited to, City vending requirements, Allegheny County Health Department regulations, federal and Commonwealth of Pennsylvania food and accessibility laws, FDA regulations, and the City's Zoning Code, including provisions relating to Outdoor Retail Sales, and any other applicable local, state and federal laws; and/or 2) on-site donations to the general public of unprocessed edibles or flowers grown on site, subject to all applicable laws, ordinances, and regulations involved with the use of City property and/or provision of food to the public, including, but not limited to, Allegheny County Health Department regulations, federal and Commonwealth of Pennsylvania food and accessibility laws, FDA regulations, and the City's Zoning Code, and any other applicable local, state and federal laws.

(g) *Program Participant*: An individual granted authority by a lessee under an Adopt-A-Lot Lease to perform gardening activities authorized under the Adopt-A-Lot Program on the lessee's leased parcel.

(h) *Rain Garden*: means a garden that takes advantage of rainfall and storm water runoff in its design and plant selection, including but not limited to, gardens with an excavated shallow surface depression planted with specially selected native vegetation to treat and capture runoff.

(i) *Vacant lot(s) / Vacant City lot(s) / City property(ties) / City-owned vacant lot(s) / City lot(s)*: means a parcel or multiple parcels of land owned in fee by the City of Pittsburgh not occupied by buildings or structures. Parcels with documented uses, such as paved parking lots, recognized City parks and greenways are not vacant lots hereunder.

(j) *Vacant Lot Project(s)*: means an authorized Edible, Rain, and/or Flower Garden permitted pursuant to this Chapter. No other types of gardening or urban farming activities are permitted under this Chapter except those falling under the definition of a Market Stand Garden.

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(k) *Vacant Lot Toolkit*: means a guide developed by the Department of City Planning regarding the process and available tools to reuse vacant lots.

**SECTION ~~452.02~~ 454.02 CREATION OF ADOPT-A-LOT PROGRAM; POWERS OF DIRECTOR OF CITY PLANNING.**

The Director of the Department of City Planning (the "Director") is authorized to establish a Adopt-A-Lot Program (the "Program"), which will permit the granting of Adopt-A-Lot Licenses and Adopt-A-Lot Leases on City-owned vacant lots in accordance with all Program requirements. In connection therewith, the Director shall have the following powers and responsibilities:

(a) To appoint an Open Space Specialist or other designee to administer the Program for the City, to coordinate with applicable City department representatives, and to serve as a single point of contact for all Vacant Lot Projects pursuant to this Chapter;

(b) To execute Adopt-A-Lot Licenses and Adopt-A-Lot Leases as defined herein on behalf of the City. All license and lease agreements authorized hereunder shall be subject to the review and approval of the City Solicitor; and

(c) To promulgate Vacant Lot Toolkit amendments, supplements and / or new additions and / or to promulgate other additional rules and regulations for licensees, lessees and Program Participants, including, but not limited to, requirements regarding soil testing, hours of operation, signage, limitations on fencing and use of structures, entrance paths, refuse storage, tool storage, fertilizer use, water use, mulch use, composting, and approved vegetation.

**SECTION ~~452.03~~ 454.03 ADDITIONAL PROGRAM CONDITIONS**

(a) All Vacant Lot Projects hereunder must comply with the applicable zoning laws for the zoning district in which the garden is located, including, but not limited to, setback and use requirements.

(b) All Vacant Lot Projects shall use the Vacant Lot Toolkit to the maximum extent feasible in order complete applications for, as well as the administration of, the Adopt-A-Lot Program.

(c) The City shall not be required to provide any funding, tools, water, equipment or supplies to licensees, lessees, or Program Participants.

(d) By creating this Program to permit authorized gardening activities, the City is not intending to create or permit the creation of park spaces, parklets, or playgrounds on the Vacant Lots authorized to be licensed or leased under this Chapter.

(e) Consideration for Adopt-A-Lot Licenses shall be garden services rendered, plus other good and valuable consideration. Consideration for Adopt-A-Lot Leases shall be garden services rendered, plus other good and valuable consideration. Consideration for Market Stand Leases shall be twenty-five dollars and zero

cents (\$25.00) annually, plus other good and valuable consideration.

(f) Obtaining additional required permits and approvals associated with requested occupancy, building, structures, zoning and/or sales are the sole responsibility of the licensee, lessee and/or Program Participants, as applicable.

(g) All licensees, lessees, and Program Participants gardening on City lots under the Program must execute releases to hold the City harmless from all liability in a form approved by the City Solicitor.

(h) All lands and structures licensed or leased under the Program are subject to entry and inspection by the City and all licensees, lessees, and Program Participants gardening on City lots under the Program shall be subject to violation notices and / or citations for failure to comply.

(i) All proposed Vacant Lot Projects on City lots under the Program shall be subject to community process as outlined in the Vacant Lot Toolkit.

(j) Indemnification provisions must be included in all Adopt-A-Lot Licenses and Adopt-A-Lot Leases authorized under this Chapter in a form approved by the City Solicitor. Insurance provisions naming the City as a certificate holder must be included in all Adopt-A-Lot Leases.

(k) Violation of the terms of this Chapter, any license or lease authorized hereunder or any rules or regulations promulgated by the Director as authorized hereunder may result in an immediate termination of the license or lease and / or a permanent loss of the privilege to participate in the Program in addition to any remedies the City may have for violations of applicable law or contract.