



Legislation Details (With Text)

**File #:** 2016-0531    **Version:** 1  
**Type:** Ordinance    **Status:** Passed Finally  
**File created:** 6/17/2016    **In control:** Committee on Land Use and Economic Development  
**On agenda:** 6/21/2016    **Final action:** 9/27/2016  
**Enactment date:** 9/27/2016    **Enactment #:** 27  
**Effective date:** 10/11/2016

**Title:** Ordinance amending the Pittsburgh Code, Title Nine - Zoning, Article IX - Measurements or Definitions, Chapter 925 - Measurements by amending language to Sections 925.06.A, 925.06.G, and 925.07.

**Sponsors:**

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

**Code sections:**

**Attachments:** 1. Presentation Proposed Changes to Features Allowed Within Setbacks (1) (1).pdf

Date	Ver.	Action By	Action	Result
10/11/2016	1	Mayor	Signed by the Mayor	
9/27/2016	1	City Council	Passed Finally	Pass
9/21/2016	1	Standing Committee	AFFIRMATIVELY RECOMMENDED	Pass
9/13/2016	1	Committee on Hearings	Public Hearing Held	
6/29/2016	1	Standing Committee	Held for Cablecast Public Hearing	Pass
6/21/2016	1	City Council	Read and referred	

Ordinance amending the Pittsburgh Code, Title Nine - Zoning, Article IX - Measurements or Definitions, Chapter 925 - Measurements by amending language to Sections 925.06.A, 925.06.G, and 925.07.

**The Council of the City of Pittsburgh hereby enacts as follows:**

**Section 1.** The Pittsburgh Code, Title Nine - Zoning, Article IX - Measurements or Definitions, Chapter 925.06.A is hereby amended as follows:

925.06.A Features Allowed Within Setbacks

The following structures and features may be located within required setbacks:

1. Trees, shrubbery or other features of natural growth provided that they do not obstruct vehicular sight distances;
2. Open ornamental fences, hedges, landscape architectural features or guard railings around depressed ramps, in any required yard or court, if, except when in a closed court, maintained at a height of not more than four (4) feet above the ground level adjacent thereto;

3. Fences or lattice-work screens or walls not more than six and one-half (6½) feet in height, or hedges or thick growth of shrubs, maintained so as not to exceed such height, in any required side or rear yard or court, provided they do not extend closer to a street than the buildable area of the lot. Barbed wire and razor edge are not permitted.
4. Railings not more than three and one-half (3½) feet in height constructed on any balcony, stairway, porch or landing platform;
5. Driveways and sidewalks;
6. Signs, provided that they are specifically permitted by the sign regulations of this Code;
7. Bay windows, architectural design embellishments, and cantilevered floor areas of dwellings that do not project more than two (2) feet into the required setback;
8. Eaves that do not project more than two (2) feet into the required setback;
9. Entrance hoods, terraces, canopies and balconies that do not project more than five (5) feet into a required front or rear setback nor more than two (2) feet into a required side setback;
10. Chimneys, flues and ventilating ducts that do not project more than two (2) feet into a required setback and when placed so as not to obstruct light and ventilation;
11. Utility lines, wires and associated structures, such as power poles; and
12. Retaining walls, provided that they do not obstruct vehicular sight lines.
13. Open outside stairways or fire escapes that do not project more than four (4) feet into a required side or rear yard;
14. Open structures such as porches, decks or landing places which do not extend above the first floor of the building, with railing no more than forty-two (42) inches high, and with no roof construction measuring more than four (4) feet from the under side of the supporting plate to the top of the roof, may be erected:
  1. In required front or rear yards, or side yard abutting a street, provided the structure is not more than nine (9) feet in depth and not nearer an abutting interior lot line than required width of the side yard; or the existing side wall setback whichever is the minimum amount;
  2. The space beneath the projecting porch, decks or landing place may serve as part of an interior minor garage, provided no portion of the garage extends above the adjoining ground level or farther into the yard than the open porch, deck or landing place and no garage doors open outward.
15. Access ramps and lifts for people with disabilities ~~having a ramp that does not project more than forty (40) inches into a required front, side or rear setback, and~~ with review of the design, construction and location by the Zoning Administrator to insure appropriate context with the existing structure and neighborhood.

**Section 2.** The Pittsburgh Code, Title Nine - Zoning, Article IX - Measurements or Definitions, Chapter 925.06.G is hereby amended as follows:

### 925.06.G Features Allowed within Setbacks by Administrator's Exception

The Zoning Administrator shall be authorized, in accordance with the Administrator Exception procedures of Sec. 922.08, to permit features as per Sec. 925.06.G.1 within setbacks, according to the provisions of Sec. 925.06.G.2 below.

#### 925.06.G.1 Permitted Features

The following features shall be permitted within setbacks in accordance with the standards of this section:

- (a) Swimming pool and deck in rear **and side yards**;
- (b) Garage, carport or parking stalls in rear **and side yards**;
- (c) Storage shed or gazebo in rear **and side yards**;
- (d) ~~Open deck no higher than first floor~~ **Decks in the** side or rear yard;
- (e) ~~Air conditioner/condenser~~ **HVAC units** in side or rear yard;
- (f) ~~Air conditioner/condenser~~ **HVAC units** in front yard no closer to street than existing front porch or stoop; **and**
- (g) Dumpsters;
- (h) Building additions to primary structures, where the existing primary structure is built within a setback;**
- (i) Enclosures of existing decks and porches in side or rear yards;**
- (j) Rooftop decks on detached garages; and**
- (k) Accessory Structures not listed above, where the primary structure is built within a setback.**

#### 925.06.G.2 Standards

The applicant shall establish, by submittal of a plot plan and other pertinent data as requested by the Zoning Administrator (e.g. approval by abutting property owners photograph(s)) that:

- (a) **For features other than HVAC units, with** respect to the **front and** side yard **setback** requirements, the proposed construction or erection will not place the accessory use, **structures, or additions** any closer to the **front or** neighboring property **line** than the **building line of the** applicant's existing, **legally established,** primary structure;
- (b) The establishment, maintenance, location and operation of the proposed use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare;
- (c) Authorization of the proposed exception will 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 the neighborhood;

(d) The establishment of the proposed exception will not impede the normal and orderly development and improvement of surrounding property for uses permitted in that district;

(e) Any mechanical equipment will be shielded from abutting properties with landscape plantings and/or decorative fencing as determined to be appropriate by the Administrator for visual screening and noise shielding; **and**

(f) Any illumination or drainage shall be contained on site and directed away from abutting properties; **and**

**(g) HVAC units shall be screened by parapets or other devices, so as not to be seen from streets or adjacent properties and shall be compliant with applicable noise and operational standards within the Zoning Code.**

**Section 3.** The Pittsburgh Code, Title Nine - Zoning, Article IX - Measurements and Definitions, Chapter 925, Measurements, Section 925.07, Height is hereby amended as follows:

925.07. - Height.

#### **925.07.A Measured in Feet**

When measured in feet, building height refers to the vertical distance between the average finished grade along the wall facing the front street yard at the base of the building and: 1) the highest point of the coping of a flat roof; 2) the deck line of a mansard roof; or 3) the average height level between the eaves and ridge line of a gable, hip or gambrel roof. In the case of fences or walls, other than retaining walls, height shall be measured on the side with the least vertical exposure above finished grade to the top of the fence or wall.

#### **925.07.B Measured in Stories**

In measuring the height of a building in stories the following measurement rules shall apply:

1. A basement, half-story, or penthouse, when designed for dwellings or primary occupancy shall be counted as a full story;
2. A basement shall be counted a full story when sixty (60) percent or more of the exterior surface of any street wall thereof, extends above the ground directly abutting such exterior street wall. In determining the percentage of exposed exterior surface of basement street walls, one hundred (100) percent shall be calculated by multiplying the width of such exterior walls by an assumed basement floor elevation of nine (9) feet measured downward from the surface of the first floor above the basement;
3. A balcony or mezzanine shall be counted a full story when its floor area is in excess of one-third (1/3) of the total area of the nearest full floor directly below it.

### 925.07.C Exemptions from Height Standards

The following structures and features, except when designed as dwellings or primary occupancy, shall be exempt from the height requirements of this Code:

1. Chimneys, smokestacks or flues that cover no more than five (5) percent of the horizontal surface area of the roof;
2. Cooling towers and ventilators that cover no more than five (5) percent of the horizontal surface area of the roof;
3. Elevator bulkheads and stairway enclosures;
4. Fire towers;
5. Utility poles and support structures;
6. Belfries, spires and steeples;
7. Monuments and ornamental towers; and
8. Radio and television antennas, including satellite dishes less than thirty-two (32) inches in diameter.
- 9. HVAC units, solar energy systems, similar mechanical equipment, and any necessary screening thereof.**

(Ord. No. 6-2007, § 1, 4-12-07)

### 925.07.D Contextual Height

Regardless of the maximum height limit imposed by the zoning district standards of this Code, applicants shall be allowed to use a contextual height limit. The allowed contextual height may fall at any point between the (zoning district) maximum height limit and the average height of the buildings that exist on adjoining lots that are oriented on the same side of the street as the subject lot. If the subject lot is a corner lot, the contextual height may fall at any point between the (zoning district) maximum height limit and the building height that exists on the adjoining lot that is oriented on the same side of the street as the subject lot. If lots on either side of the subject lot are vacant, the height that "exists" on such vacant lots shall be interpreted as the maximum height limit that applies to the vacant lot. Items listed in Section 925.07.C - Exemptions from Height Standards shall not be used to determine Contextual Height. This provision shall not be interpreted as requiring a greater minimum heights or lower maximum heights than imposed by the underlying zoning district, and it shall not be interpreted as allowing buildings heights that would conflict with Residential Compatibility Standard height limits of Chapter 916.