Legislation Details (With Text)

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File created:	10/22/2021	**In control:**	Committee on Land Use and Economic Development
On agenda:	10/26/2021	**Final action:**	12/20/2021
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Effective date:	12/27/2021		

Title: Ordinance amending the Pittsburgh Code, Title Nine, Zoning Code, Article V, Chapter 912, Accessory Uses and Structures, Section 912.04, Accessory Use and Structure Development and Operational Standards; Chapter 914 Parking Loading and Access, Section 914.07, Alternative Access Plans, Chapter 925, Measurements, Section 925.06, Setbacks, to update the standards for fences and walls, parking pads and garages for residential uses with fewer than five spaces, and other accessory uses and structures.
(Public Hearing held 12/14/21)

Sponsors:

Indexes:

Code sections:

Attachments: 1. 2021-2094 Cover Letter-City Council Cover Letter Accessory Amendments, 2. Summary 2021-2094

Date	Ver.	Action By	Action	Result
12/27/2021	1	Mayor	Signed by the Mayor	
12/20/2021	1	City Council	Passed Finally	Pass
12/15/2021	1	Standing Committee	Affirmatively Recommended	Pass
12/14/2021	1	Committee on Hearings	Public Hearing Held	
11/1/2021	1	Standing Committee	Held for Cablecast Public Hearing	Pass
10/26/2021	1	City Council	Read and referred	

Ordinance amending the Pittsburgh Code, Title Nine, Zoning Code, Article V, Chapter 912, Accessory Uses and Structures, Section 912.04, Accessory Use and Structure Development and Operational Standards; Chapter 914 Parking Loading and Access, Section 914.07, Alternative Access Plans, Chapter 925, Measurements, Section 925.06, Setbacks, to update the standards for fences and walls, parking pads and garages for residential uses with fewer than five spaces, and other accessory uses and structures.
(Public Hearing held 12/14/21)

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

Section 1. The Pittsburgh Code, Title Nine, Zoning Code, Article V, Use Regulations, is hereby supplemented at Chapter 912, Section 912.04, Accessory Use and Structure Development and Operational Standards, to provide clear and consistent standards for fences, walls, and parking pads, as follows:

912.04. Accessory Use and Structure Development and Operational Standards.
The following standards shall apply to all accessory uses and structures unless otherwise specifically provided.

For exceptions to these standards, see Chapter 925.

…

912.04.K Fences and Walls

Fences; walls; hedges and landscaping architectural features; and similar features shall be permitted in all districts and shall be subject to the Materials and Methods and Opacity standards in Section 918.03.B.1, and the standards below, unless otherwise stated.

(1) In front or side yards where the fence extends closer to a Street than the primary structure, only open and ornamental fences are permitted, and shall be no taller than (4) four feet in height;

(2) In all other instances. fences, walls, and similar features are permitted within required setbacks to a height of six (6) feet and may be opaque;

(3) Fences that do not comply with the height standards above may be reviewed and approved in accordance with the Administrator Exception procedures of Section 922.08 subject to the following standards:

a. No fence or wall shall exceed a height of one foot in additional to what is permitted in the standards above; and

b. The exception shall not have a detrimental impact on adjacent, impacted, properties or streets.

(4) In the GI district opaque fences up to 6’ are permitted in front or side yards;

(5) Fences and walls in the RIV District are permitted subject to Section 905.04.H.1; and

(6) Barbed wire and razor edge are not permitted in any district.

912.04.L Parking Pads and Garages for Residential Uses with Fewer than five (5) Spaces

Parking pads and garages for residential uses that do not exceed four (4) spaces and do not comply with the setback standards for accessory uses and structures may be approved subject to the standards below.

(1) Parking pads and garages shall be permitted in setbacks in side and rear yards;

(2) In exterior side yards, parking pads and garages shall not be closer to the street than the primary structure;

(3) In front yards, parking pads and garages shall be set back five (5) feet from the front of the primary structure;

(4) Runoff shall be contained on-site and directed away from abutting properties; and

(5) Parking pads shall provide enough area to reasonably accommodate the parking spaces provided, using Section 914.09.H for guidance, and in no case shall be smaller than the minimum standards for Compact-Size Parking Stalls. Parking spaces must be provided on-site without encroaching on public Rights-of-Way or neighboring properties unless legal access has been granted through

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easements or similar measures.

Section 2. The Pittsburgh Code, Title Nine, Zoning Code, Article VI, Development Standards, is hereby amended at Chapter 914, Section 914.07.G.2, Special Exceptions, by removing the Special Exception for Bicycle Parking, which had been made redundant with the adoptions of the by-right parking reduction in Section 914.05.E, as follows:

914.07 Alternative Access Plans

…

914.07.G.2 Special Exceptions

The Zoning Board of Adjustment shall be authorized, in accordance with the Special Exception provisions of Sec. 922.07, to consider and approve any alternative to providing off-street parking spaces on the site of the subject development if the applicant demonstrates to the satisfaction of the Zoning Board of Adjustment that the proposed plan will result in a better situation with respect to surrounding neighborhoods, citywide traffic circulation and urban design than would strict compliance with otherwise applicable off-street parking standards.

(a) Off-Site Parking

(1) Location
No off-site parking space shall be located more than one thousand (1,000) feet from the primary entrance of the use served, measured along the shortest legal, practical walking route. This distance limitation may be waived by the Zoning Board of Adjustment if adequate assurances are offered that van or shuttle service will be operated between the shared lot and the primary use.
(2) Zoning Classification
Off-site parking areas shall be considered accessory uses of primary uses that the parking spaces are intended to serve. Off-site parking areas shall require the same or a less restrictive zoning classification than that required for the use served.
(3) Report from Planning Director
The Zoning Board of Adjustment shall request a report and recommendation from the Planning Director on the planning aspects of the proposed shared parking use.
(4) Off-Site Parking Agreement
In the event that an off-site parking area is not under the same ownership as the primary use served, a written agreement among the owners of record shall be required. An attested copy of the agreement between the owners of record shall be submitted to County Recorder's Office for recordation on forms made available in the office of the Zoning Administrator. Proof of recordation of the agreement shall be presented to the Zoning Administrator prior to issuance of a building permit. An off-site parking agreement may be revoked by the parties to the agreement only if off-street parking is provided on-site pursuant to Sec. 914.02.A or if an Alternative Access and Parking Plan is approved by the Zoning Board of Adjustment pursuant to Sec. 914.07.

~~(b) Bicycle Parking~~
~~The Zoning Board of Adjustment shall be authorized, in accordance with the Special Exception provisions of Sec. 922.07, to permit a reduction in the number of required off-street parking spaces for developments or uses that make special provisions to accommodate bicyclists provided that the following provisions are met:~~

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~~(1) That additional bicycle parking spaces, beyond those required, be provided in the form of enclosed bicycle lockers in a building or parking structure;~~
~~(2) That lockers or showers be provided within the facility for the use of bicycle riders; and~~
~~(3) That the reduction in the number of parking spaces be reduced by no more than one (1) space for each bicycle locker, and no more than ten (10) percent of the total required spaces.~~

…

Section 3. The Pittsburgh Code, Title Nine, Zoning Code, Article VI, Development Standards, is hereby amended at Chapter 925, Section 925.06, Setbacks, to simplify and supplement structures allowed within setbacks as follows:

925.06 Setbacks.

Setbacks refer to the required unoccupied open space between the furthermost projection of a structure and the property line of the lot on which the structure is located, except as modified by the standards of this section. Required setbacks shall be unobstructed from the ground to the sky except as specified in this section.

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;~~ Solar energy and small wind energy systems when located on rooftops;

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.~~ Small non-permanent residential accessory features that do not require a building permit such as play equipment, landscape decorations, and similar features;

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 street side yard ~~abutting a street~~, provided the structure is not more than nine (9) feet in depth and no closer to an abutting interior side yard lot line than the existing primary structure ~~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 with review of the design, construction and location by the Zoning Administrator to insure appropriate context with the existing structure and neighborhood.

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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 for residential uses with four or more parking spaces and all other non-residential uses in rear and side yards;
(c) Storage shed or gazebo in rear and side yards;
(d) Decks and porches in the front, side or rear yard;
(e) HVAC units in side or rear yard;
(f) HVAC units in front yard no closer to street than existing front porch or stoop;
(g) Dumpsters;
(h) Building additions to primary structures, where the existing primary structure is built within a setback, except for the Riparian Buffer as per 905.04.E.4;
(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.

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925.06.G.2 Standards

The applicant shall establish, by submittal of a plot plan, photograph(s) and other pertinent data such as written approval by abutting property owners that:

(a) For features other than HVAC units, porches, and decks, 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;

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