Legislation Details (With Text)

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Type:	Ordinance	**Status:**	Passed Finally
File created:	10/23/2023	**In control:**	Committee on Land Use and Economic Development
On agenda:	10/24/2023	**Final action:**	2/20/2024
Enactment date:	2/20/2024	**Enactment #:**	4
Effective date:	2/27/2024		

Title: Ordinance amending the Pittsburgh Code, Title Nine: Zoning Code, Article V: Use Regulations, Chapter 911: Primary Uses, at Section 911.02: Use Table and Article VI: Development Standards, Chapter 914: Parking Loading and Access, at Section 914.02: Off-Street Parking Schedules, and adding Section 912.09.B.: Child care (Accessory Use) at Chapter 912: Accessory Uses and Structures, all to amend Childcare Uses and Standards.
(Sent for a Report & Recommendation on 11/2/23)
(Report & Recommendation received 11/30/23)
(Public Hearing held 2/13/24)

Sponsors: Bobby Wilson, Deborah L. Gross

Indexes: PGH. CODE ORDINANCES TITLE 09 - ZONING

Code sections:

Attachments: 1. 2023-2089 Planning Commission Recommendation, 2. 2023-2089 Residential Childcare Amendment Hearing Report 2023-11-28, 3. 2023-2089 VERSION 1 Attachment (Full Text), 4. 2023-2089 VERISON 1 Attachment (Use Table), 5. 2023-2089 VERISON 2 Attachment (Full Text), 6. 2023-2089 VERISON 2 Attachment (Use Table)

Date	Ver.	Action By	Action	Result
2/27/2024	2	Mayor	Signed by the Mayor	
2/20/2024	2	City Council	Passed Finally, As Amended	Pass
2/20/2024	2	City Council	AMENDED BY SUBSTITUTE	Pass
2/14/2024	1	Standing Committees	Affirmatively Recommended	Pass
2/13/2024	1	Committee on Hearings and Policy	Public Hearing Held	
12/6/2023	1	Standing Committees	Held for Cablecast Public Hearing	Pass
11/1/2023	1	Standing Committees	Referred for Report and Recommendation	Pass
10/24/2023	1	City Council	Read and referred	

Ordinance amending the Pittsburgh Code, Title Nine: Zoning Code, Article V: Use Regulations, Chapter 911: Primary Uses, at Section 911.02: Use Table and Article VI: Development Standards, Chapter 914: Parking Loading and Access, at Section 914.02: Off-Street Parking Schedules, and adding Section 912.09.B.: Child care (Accessory Use) at Chapter 912: Accessory Uses and Structures, all to amend Childcare Uses and Standards.
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WHEREAS, expanding access to and improving the quality of child care across the City of Pittsburgh is a

critical priority for Pittsburgh City Council, and;

WHEREAS, securing child care is a perennial source of stress to parents, more than 75% of whom report that they have had difficulty finding a childcare space, and 70% of whom share that this difficulty affects their ability to work; and,

WHEREAS, in 2019, Pittsburgh City Council allocated $2 million to establish the Childcare Quality Fund; and,

WHEREAS, since September 2021, this fund has distributed money for a variety of child care intitiatives across the City of Pittsburgh, ranging from facility renovations and purchases of supplies, that has helped keep child care facilities open through the pandemic; and,

WHEREAS, with the September 30, 2023 termination of pandemic-era federal support for child care facilities, 1 in 3 child care facilities across the Commonwealth of Pennsylvania are in danger of closing imminently; and,

WHEREAS, across Pennsylvania, around 38,000 children are currently on waiting lists to enroll at child care facilities; and,

WHEREAS, in Allegheny County, a February 2023 survey found that 5,851 children are waiting on such lists; and,

WHEREAS, partners in Pittsburgh's business community-like Duolingo-have recognized the urgency of securing child care resources in this moment and stepped up by launching the Duolingo Early Learners First Program, which will make investments of $1 million each year in local child care providers and education systems; and,

WHEREAS, at the City of Pittsburgh, Pittsburgh City Council recently passed legislation allocating funds to provide City employees with on-site child care when Pittsburgh Public Schools close unexpectedly or when parents are attending community events sponsored by the Mayor's Office of Neighborhood Services, such as budget meetings or public hearings; and,

WHEREAS, Pittsburgh City Council now seeks to exercise its zoning powers to expand access to and improve the quality of child care facilities across the City of Pittsburgh by permitting by right such facilities in single-family residential neighborhoods and in accessory structures and by eliminating burdensome zoning and parking standards on such facilities.

SEE ATTACHMENT

Now, therefore, the Council of the City of Pittsburgh ordains as follows:

Section 1. The Pittsburgh Code, Title Nine: Zoning Code, Article V: Use Regulations, Chapter 911: Primary

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Uses, is hereby amended at Section 911.02: Use Table, as follows:

CHAPTER 911: PRIMARY USES

911.01. General.

911.01.A Use Type
Each of the use types listed in Use Table are defined in Chapter 926.

911.01.B Uses Permitted By-Right
Uses identified in a district column with a "P" are uses permitted By-Right and shall be allowed in the respective district, subject to compliance with all other applicable regulations of this Code.

911.01.C Uses Requiring Review by the Zoning Administrator
Uses identified in a district column with an "A" are Administrator Exceptions and shall be allowed the respective district only if reviewed and approved in accordance with the Zoning Administrator Exception review procedures of Sec. 922.08.

911.01.D Uses Requiring Review by the Zoning Board of Adjustment
Uses identified in a district column with an "S" are Special Exceptions and shall be allowed in the respective district only if reviewed and approved by the Zoning Board of Adjustment in accordance with the Special Exception review procedures of Sec. 922.07.

911.01.E Conditional Uses Requiring Review by the City Council
Uses identified in a district column with a "C" are Conditional Uses and shall be allowed in the respective district only if reviewed and approved in accordance with the Conditional Use review procedures of Sec. 922.06.
911.01.F Not Permitted
Uses that are not associated with a letter in a district column shall be considered prohibited uses and shall not be allowed in the respective district unless otherwise expressly permitted by other regulations of this Code.

911.01.G Standards
The "Standards" column of the Use Table contains a reference to specific standards that apply to listed uses in one (1) or more of the districts in which such use is allowed. Complete text of the Use Standards can be found in Sec. 911.04, which immediately follows the Use Table.
911.02. Use Table.

Use Classification The Pittsburgh Urban Zoning Code P = Permitted By Right A = Administrator Exception S = Special Exception C = Conditional Use	Base Zoning Districts*																												Standard See Section 911.04.x
	Residential					Mixed Use										Special			DT		RIV								
* As Base Zoning District Regulations, all uses may be subject to additional regulations imposed by applicable Overlay Zoning Districts.	RID	R1A	R2	R3	RM	NDO	LNC	NDI	UNC	HC	GI	UI	UC-MU	UC-E	R-MU	P	H	EMI	GT		RM	MU	NS	GI	IMU				
Child Care means an establishment that provides care, protection and supervision for children on a regular basis away from their primary residence for le																													

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Child Care (Limited) means a Child Care center that provides care, protection and supervision for 4 to 6 children at any one time, including those under the supervision or custody of the child care provider and those under the supervision or custody of employees. ~~The term includes but is not limited to "Family Child Day Care Home" as defined by Title 55 of the Pennsylvania Code.~~	~~S~~	**P**	~~S~~	**P**	P	P	P	P	P	P	P	A	A	P	P	P		**P**	P	P		P	P	P		P	A.12
Child Care (General) means a Child Care center that provides care, protection and supervision for 7 or more children at any one time, including those under the supervision or custody of the child care provider and those under the supervision or custody of employees. ~~The term includes but is not limited to "Family Child Day Care Home" as defined by Title 55 of the Pennsylvania Code.~~	S	S	S	S	P	P	P	P	P	P	A	A	P	P	P		S	A	P		**P**	P	P		P	A.12

Section 2. The Pittsburgh Code, Title Nine: Zoning Code, Article V: Use Regulations, Chapter 911: Primary Uses, is hereby amended at Section 911.04: Use Standards, as follows:

911.04.A.12 Child Care (Limited and General*)*

Child Care (Limited and General) shall be subject to the health and safety, site, and transportation standards outlined in Title 55 of the Pennsylvania Code. In addition, the following standards shall apply:

(a) ~~In R1D and R1A Districts~~

~~Child Care (Limited and General) uses in R1D and R1A Districts shall be subject to the following standards:~~

~~(1) The Approving Body shall determine that the proposed use will not create detrimental impact on the surrounding properties, taking into consideration the probable traffic generation, height, bulk and scale of the proposed structure, compatibility of the proposed structure with residential structures in the district, parking needs, noise generation, the volume of people, and hours of operation;~~

~~(2) Outdoor play areas shall be sufficiently enclosed and screened from the street such that children are protected from vehicular traffic, and that neighboring properties are screened in order to minimize external impacts of the play areas; and~~

~~(3) The proposed use shall not include any signage.~~

~~(b)~~ In the GI District

Child Care uses shall be subject to the following standards in the GI District:

(1) Child Care uses shall be located and designed so as to protect children from any external impacts of industrial operations in the vicinity;

(2) The proposed use shall be subject to the Site Plan Review procedures of Sec. 922.04;

(3) Parking and access shall be provided in such a way as to protect users from any external impacts of traffic in the vicinity; and

(4) The Approving Body shall determine that the proposed location of such use will not create detrimental impacts for children attending such facility, taking into consideration surrounding industries, hazardous conditions, traffic generation and hours of operation.

~~(c)~~ **(b)** In the UI, RIV-MU and RIV-IMU Districts

Child Care uses shall be subject to the following standards in the UI, RIV-MU and RIV-IMU Districts:

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(1) The proposed use shall be subject to the Site Plan Review procedures of Sec. 922.04;
(2) Child Care uses shall be located and designed so as to protect children from any external impacts of industrial operations in the vicinity; and
(3) Parking and access shall be provided in such a way as to protect users from any external impacts of traffic in the vicinity.

~~(d)~~ **(c)** In EMI Districts

Child Care uses shall be subject to the following standards:

(1) Outdoor play areas shall be sufficiently enclosed and screened from the street such that children are protected from vehicular traffic, and that neighboring properties are screened in order to maximize external impacts of the play areas;
(2) Parking shall be provided in location and manner that allows for all parking to be located outside of residential districts; and
(3) The proposed use shall be subject to the site plan review procedures of Section 922.04.

Section 3. The Pittsburgh Code, Title Nine: Zoning Code, Article V: Use Regulations, Chapter 912: Accessory Uses and Structures, is hereby amended to create a Section 912.09. to exempt Child care Accessory uses from the Home Occupation Standards.

912.05. Home Occupations.

912.05.A Purpose

The home occupation standards of this section are intended to permit the establishment of incidental and accessory home occupation uses while ensuring their compatibility with the character of residential neighborhoods. They are intended to permit residents to engage in home occupations that are compatible with residential uses and to ensure that home occupations do not adversely affect the land use character of residential areas.

912.05.B Standards

The following standards shall apply to Home Occupations except for accessory in-home Child Care for 3 or few children where the home is the primary residence of the child care provider.

912.05.B.1 Employees

Only individuals who are residents of the dwelling unit may be engaged in the home occupation.

912.05.B.2 Exterior Appearance

There shall be no change in the exterior appearance of the dwelling unit that houses the home occupation, and there shall be no visible evidence of the conduct of a home occupation when viewed from the street right-of-way or from an adjacent lot. This provision shall be interpreted as specifically prohibiting signs (except those required by licensing regulations See Sec. 919.03.L for regulations pertaining to signs and Home Occupations), equipment storage, sales displays and vehicles with more than two (2) axles, unless completely shielded from view of adjacent property.

912.05.B.3 Traffic

A home occupation shall not generate more than six (6) one-way vehicle trips (trip-ends) per twenty-four-hour day.

912.05.B.4 Building Additions and Entrances

No building addition or building entrance visible from the street shall be permitted for the purpose of accommodating a home occupation.

912.05.B.5 Nuisances

No equipment used in conjunction with a home occupation shall cause odor, vibration, noise, electrical interference or fluctuation in line voltage that is perceptible beyond the lot line of the lot upon which the home occupation is conducted. Home occupations shall comply with the Operational Performance Standards of Chapter 917.

912.05.B.6 Parking

Any parking necessary to accommodate a home occupation shall be provided off-street. No required setback or yard area, other than in a pre-existing parking area, may be used to accommodate a home occupation's off-street parking.

912.05.C Prohibited Home Occupations

Home occupations that do not comply with all of the standards of this Code shall be prohibited. The following uses and activities shall specifically be prohibited as home occupations:

1. Auto and other vehicle repair;
2. Any use that is only allowed in the NDI, GI or UI Districts shall not be allowed as a home occupation;
3. Contractor's equipment or vehicle storage yards; and
4. Firearms.

912.05.D Occupancy Permits

Occupancy permits shall be required prior to the establishment of a home occupation. An occupancy permit for a home occupation use shall be issued only to the resident of the dwelling unit that houses the home occupation. Home occupation occupancy permits shall not be transferable and shall not run with the land; they shall terminate upon sale or transfer of the property to a new owner or tenant.

912.05.E Limitation on Natural Expansion

Permits under this subsection shall not include or imply any right to expand beyond the limits provided by this Code. Applications for a home occupation permit shall include an explicit waiver by the application of any right of "natural expansion" or other right to expand beyond those limits

Section 4. The Pittsburgh Code, Title Nine: Zoning Code, Article VI: Development Standards, Chapter 914:

Parking Loading and Access, is hereby amended at Section 914.02: Off-Street Parking Schedules, as follows:

914.02.A Schedule A

Off-street parking spaces shall be provided in accordance with the minimum and maximum standards included in Parking Schedule A. In lieu of complying with the standards of Parking Schedule A, an applicant may request approval of an Alternative Access and Parking Plan, pursuant to Sec. 914.07. The Zoning Administrator may require an Alternative Access and Parking Plan to be submitted for uses allowed in residential district. The parking schedule in this section shall not apply to the Bicycle Parking Requirement of Section 914.05.D.

Use Type	Minimum Off-Street Automobile Spaces Required	Maximum Off-Street Automobile Spaces Allowed
Residential Uses		
Single-Unit, Detached	1 per unit	4 per unit
Single-Unit Attached	0 per unit	4 per unit
Two-Unit	1 per unit	2 per unit
Three-Unit	1 per unit	2 per unit
Multi-Unit	1 per unit	2 per unit
Group Residential	1 per 4 residents	No maximum
Housing for the Elderly	Parking Demand Analysis Required, see Sec. 914.02.B	
Non-Residential Uses		
Adult Entertainment	1 per 500 s.f. above first 2,400 s.f.	1 per 150 s.f.
Amusement Arcade	1 per 500 s.f. above first 2,400 s.f.	1 per 150 s.f.
Animal Care	1 per 400 s.f. above first 2,400 s.f.	
Art or Music Studio	1 per 800 s.f.	1 per 300 s.f.
Assembly, Public	Parking Demand Analysis Required, See Sec. 914.02.B	
Bank or Financial Institution	1 per 500 s.f. above first 2,400 s.f.	1 per 300 s.f.
Bed and Breakfast	See Bed and Breakfast Regulations, Sec. 911.04.A.7-9	
Basic Industry	Parking Demand Analysis Required, see Sec. 914.02.B	
Car Wash	4 queuing spaces per bay for automatic wash; 2 queuing spaces per bay for self-service	
Cemetery	Parking Demand Analysis Required, see Sec. 914.02.B	
Check Cashing	1 per 500 s.f. above first 2,400 s.f.	1 per 175 s.f.
Child Care (Limited)	**0**	**No Maximum**
Child Care **(General)**	1 per 800 s.f.	1 per 400 s.f.

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Club	One (stall) per 125 square feet above the first 2,400 square feet	
Community Center	1 per 500 s.f.	1 per 200 s.f.
Correctional Facility	Parking Demand Analysis Required, see Sec. 914.02.B	
Cultural Services	1 per 800 s.f.	1 per 300 s.f.
Educational Institution not otherwise listed	1 per 800 s.f.	1 per 300 s.f.
Freight Terminal	Parking Demand Analysis Required, see Sec. 914.02.B	
Funeral Home	4 per viewing room	
Gaming Enterprise	Parking Demand Analysis required, see 914.02.B	
Golf Course	2 spaces per hole, plus 1 space per 800 s.f. in clubhouse	4 per unit
Grocery Store, up to 10,000 s.f.	1 per 500 s.f. above first 2,400 s.f.	1 per 200 s.f.
Grocery Store, over 10,000 s.f.	1 per 150 s.f.	1 per 100 s.f.
Hazardous Operations	Parking Demand Analysis Required, see Sec. 914.02.B	
Heliport, Helistop, Helipad	1 per 1,000 s.f. of operational area	
Hospital	Parking Demand Analysis Required, see Sec. 914.02.B	
Incinerator, Solid Waste	Parking Demand Analysis Required, see Sec. 914.02.B	
Institutional Facility not otherwise listed	1 per 800 s.f.	1 per 300 s.f.
Laboratory/Research Service	1 per 500 s.f. above first 2,400 s.f.	1 per 200 s.f.
Laundry Service	Parking Demand Analysis Required, see Sec. 914.02.B	
Library	1 per 600 s.f.	1 per 200 s.f.
Manufacturing and Assembly	Parking Demand Analysis Required, see Sec. 914.02.B	
Medical Office	1 per 400 s.f. above first 2,400 s.f.	
Office	1 per 500 s.f. above first 2,400 s.f.	
Parks and Recreation	Parking Demand Analysis Required, see Sec. 914.02.B	
Pawn Shop	1 per 500 s.f. above first 2,400 s.f.	1 per 175 s.f.
Post Office	Parking Demand Analysis Required, see Sec. 914.02.B	
Recreation/Entertainment, Outdoor	Parking Demand Analysis Required, see Sec. 914.02.B	
Recreation/Entertainment, Indoor	1 per 500 s.f. above first 2,400 s.f. or 1 per 5 seats, whichever is greater	
Recycling Processing Center	Parking Demand Analysis Required, see Sec. 914.02.B	
Religious Assembly	1 per 5 seats	

Restaurant, Fast Food	1 per 500 s.f., plus 6 queuing spaces per service window	1 per 175 s.f.
Restaurant	1 per 500 s.f. above first 2,400 s.f.	1 per 175 s.f.
Retail Sales and Services	1 per 500 s.f. above first 2,400 s.f.	1 per 175 s.f.
Safety Service	Parking Demand Analysis Required, see Sec. 914.02.B	
Salvage Yard	1 per 1,000 s.f. above first 2,400 s.f., plus 1 per 10,000 s.f. of lot	
School, Elementary or Secondary	Parking Demand Analysis Required, see Sec. 914.02.B	
Service Station	2 per service bay	
Transit Facility	Parking Demand Analysis Required, see Sec. 914.02.B	
Utility, Public	Parking Demand Analysis Required, see Sec. 914.02.B	
Vehicle/Equipment Repair	2 per service bay	
Vehicle/Equipment Sales	Parking Demand Analysis Required, see Sec. 914.02.B	
Vocational or Trade School	1 per 500 s.f.	
Warehouse	Parking Demand Analysis Required, see Sec. 914.02.B	
Warehouse, Residential Storage	1 space, plus 1 per service bay	
Welding or Machine Shop	Parking Demand Analysis Required, see Sec. 914.02.B	

Section 5. The Pittsburgh Code, Title Nine: Zoning Code, Article VIII: Development Review Procedures, is hereby amended at Chapter 922.02: Record of Zoning Approval and Certificate of Occupancy, as follows:

922.02.A.1 Record of Zoning Approval

A Record of Zoning Approval shall be required for all Development subject to the regulations of this code, except that the following actions may be exempted from obtaining a Record of Zoning Approval, unless located within a Chapter 906 Environmental Overlay District. Exempted actions still subject to enforcement for compliance with all relevant requirements within this code:

a. Signs no larger than four (4) square feet;

b. Interior renovations that do not result in a change of use in accordance with the use provisions of Chapter 911;

c. Retaining walls no taller than four (4) feet;

d. Prefabricated swimming pools accessory to a Single-Unit Residential or Two-Unit Residential dwelling that are less than twenty-four (24) inches deep;

e. One (1) story, detached accessory structures used as storage sheds, or similar unoccupied structures, provided the floor area does not exceed one hundred twenty (120) square feet in area, accessory to a Single-Unit Residential or Two-Unit Residential dwelling; ~~and~~

f. Swings and other playground equipment accessory to a Single-Unit Residential or Two-Unit Residential dwelling~~.~~;and

g. Accessory in-home Child Care for 3 or few children where the home is the primary residence of the Child Care provider.

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