



Legislation Details (With Text)

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On agenda:		Final action:	12/19/2005
Enactment date:	12/19/2005	Enactment #:	
Effective date:	12/23/2005		
Title:	Ordinance amending the Pittsburgh Code, Title Nine, Zoning, all Sections by renaming the PO, Parks and Open Space district to P, Parks district; amending Section 905.02 H, Hillside district by amending lot area requirements, eliminating setback requirements, adding area of disturbance requirements; amending Article III, Section 906: Environmental Overlay Districts by adding a new overlay district as Section 906.08: SS-O, Steep Slope Overlay district and new use definitions and standards for review; and Article VI, Section 915: Environmental Performance Standards by adding new text as Chapter 915 with new definitions and standards.		
Sponsors:	William Peduto		
Indexes:	PGH. CODE ORDINANCES TITLE 09 - ZONING		
Code sections:			
Attachments:	1. 2005-1848.doc, 2. 2005-1848 v-2.doc		

Date	Ver.	Action By	Action	Result
12/29/2005	2	Mayor	Signed by the Mayor	
12/19/2005	2	City Council	Passed Finally	Pass
12/14/2005	2	Committee on Planning, Zoning & Land Use	Affirmatively Recommended as Amended	Pass
12/14/2005	1	Committee on Planning, Zoning & Land Use	AMENDED BY SUBSTITUTE	Pass
12/7/2005	1	Committee on Hearings	Public Hearing Held	
11/16/2005	1	Committee on Hearings	Public Hearing Scheduled	
11/9/2005	1	Committee on Planning, Zoning & Land Use	Held for Cablecast Public Hearing	Pass
11/7/2005	1	City Council	Read and referred	
11/7/2005	1	City Council	Waived under Rule 8	Pass

Presented by Mr. Udin

AS AMENDED

Ordinance amending the Pittsburgh Code, Title Nine, Zoning, all Sections by renaming the PO, Parks and Open Space district to P, Parks district; amending Section 905.02 H, Hillside district by eliminating setback requirements, adding area of disturbance requirements; amending Article III, Section 906: Environmental Overlay Districts by adding a new overlay district as Section 906.08: SS-O, Steep Slope Overlay district and new use definitions and standards for review; and Article VI, Section 915: Environmental Performance Standards by adding new text as Chapter 915 with new definitions and standards.

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

Section 1. Title Nine, Zoning of the Pittsburgh Code is hereby amended as follows:

A. Change all references in the Zoning Code of PO, Parks and Open Space to P, Parks

B. Amend Section 905.01.A - Purpose as follows:

905.01.A Purpose

1. Provide and maintain a system of parks for the enjoyment of the City's residents and visitors:
2. [~~Promote public access to open space associated with specific neighborhoods~~]
Accommodate memorial parks or cemeteries; and
3. Accommodate passive and active recreational uses [~~of public and private open spaces~~] in dedicated public and private park areas.[; and
4. ~~Protect adjacent residential neighborhoods from adverse land use impacts.]~~

C. Amend Section 905.02.C - Site Development Standards as follows:

Minimum Lot Size: 3200 sf
Minimum Front Setback: [30-ft] none
Minimum Rear Setback: [20-ft] none
Minimum Exterior Side Setback: [20-ft] none
Minimum Interior Side Setback: [5-ft] none

D. Add the following to Section 905.02.C - Site Development Standards:

Maximum Area of Disturbance: 50% of total lot area

E. Add the following to 905.02.D - Special Definitions:

3. Area of disturbance: area of the site where vegetation is removed, structures or paving are built, or excavation occurs.

F. Delete all of Section 905.02.E - Hillside Development Guidelines and 905.02.F - Applicability as follows:

~~[905.02.E Hillside Development Guidelines~~

905.02.E.1 Purpose and Intent

It is the purpose of the Hillside District to ensure that development occurs in such a manner as to protect the natural and topographic character and identity of these areas, environmental resources, the aesthetic qualities and restorative value of lands, and the public health, safety, and general welfare by insuring that development does not create soil erosion, silting of lower slopes, slide damage, flooding problems, and severe cutting or scarring. It is the intent of this zone to encourage a sensitive form of development and to allow for a reasonable and responsible development that complements the natural and visual character of the City. Reference is made to hillside development guidelines when making the required findings of fact.

905.02.E.2 Applied

Every new or changed use of land and every structure hereafter erected or enlarged in the H District shall comply with the following guidelines:

905.02.E.3 Findings of Fact

In reviewing an application for a Permit, the Zoning Administrator shall make the following findings of fact in the review process:

- a. The site is physically suitable for the design and siting of the proposed development. The proposed development will result in minimum disturbance of sensitive areas.
- b. The grading and excavation proposed in connection with the development will not result in soil erosion, silting of lower slopes, slide damage, flooding, severe scarring, or any other geological instability that would affect health, safety, and general welfare as determined by the Zoning Administrator. Disturbed slopes are planted with native and self-sufficient vegetation.
- c. The proposed development retains the visual quality of the site, the aesthetic qualities of the area, and the neighborhood characteristics by utilizing proper structural scale and character, varied architectural treatments, and appropriate plant material.

905.02.E.4 Guidelines

FINDING: The site is physically suitable for the design and siting of the proposed development. The proposed development will result in minimum disturbance of sensitive areas.

Guideline 1: Design structures to fit into the hillside rather than altering the hillside to fit the structure.

- a. Standard prepared pads resulting in grading outside of the building footprint and driveway area shall be discouraged.
- b. Use retaining structures as an alternative to banks of cut-and-fill. Design and site such structures to avoid adverse visual impact.
- c. Consider "unconventional structures" that will fit into the hillside. This would include: (1) stilt houses; (2) reduced footprint design; (3) multiple "step-up" or "step-down" structures; or (4) structures with open foundations, if landscaping screens the underside area of the building.
- d. Use a foundation type that is compatible with existing hillside conditions.

Guideline 2: Development shall be sited on the least sensitive portion of the site to preserve the natural landforms, geological features, and vegetation.

- a. Design and locate structures so they fit into the contour of the hillside and relate to the form of the terrain.
- b. Locate development to minimize disturbance of the sensitive area.
- c. Minimize coverage by using multilevel structures.
- d. Cluster development away from open space valleys as close to existing development as possible.
- e. Avoid disturbance of major rock outcroppings, major trees, waterways, ridge lines, natural plant formations, and known archaeological sites.
- f. Major structures must be sited so that only a portion can be seen beyond the hill's brow or profile, when viewed from major public roadways or viewing places.
- g. When appropriate, place structure as close to the street as possible to preserve the natural terrain. In some cases this would require development on the steep portions to preserve the valleys or development on the flat portions to preserve the hillsides.

Guideline 3: Development should not occur directly on the brow of the hill, since disturbing this portion of the hill will often cause erosion below the disturbed area.

- a. Where level land above the brow, or hillside land below the brow, is not available within the lot, the brow may be developed, subject to site plan review, if particular caution is taken to prevent erosion beneath the developed area.
- b. The design of a structure on a brow should be small in scale and should be particularly sensitive to the contours of the land.

FINDING: The grading and excavation proposed in connection with the development will not result in soil erosion, silting of lower slopes, slide damage, flooding, severe scarring, or any other geological instability that would affect health, safety, and general welfare, as determined by the Zoning Administrator. Disturbed slopes are planted with native and self-sufficient vegetation.

Guideline 4: Limit the amount of impervious surfaces. Design and site such surfaces to support the natural system of drainage.

- a. Design drainage systems away from neighboring properties and into the existing water-flow pattern.
- b. Use wooden decks instead of concrete slabs for patios.
- c. Pervious materials shall be used for parking (including, but not limited to, structural soil, partial paving, and gravel). Impervious material shall be permitted at the discretion of the Zoning Administrator.
- d. Reduce width of street improvements, reduce sidewalk requirements, use common driveways and cluster units, if open space will thereby be preserved.

Guideline 5: The site should be replanted with self-sufficient trees, shrubs, and ground cover that are compatible with existing surrounding vegetation.

- a. All manufactured slopes shall be planted with erosion control and self-sufficient plantings.
- b. Transitional slopes should be planted to enhance the blending between manufactured and natural slopes.

- e. Landscaping plans should not require excessive irrigation.
- d. Vegetation shall overlap the structure, especially at the foundation. Invasive plantings, as identified by the prohibited planting list maintained by the Zoning Administrator, are prohibited.

Guideline 6: Utilize the structural quality of the soil as a determinant of the type of construction.

- a. Assure hillside stability both during and after construction by recognizing soil characteristics, hydrology, and the slope of the terrain.
- b. Existing vegetation shall not be needlessly displaced, degraded, or destroyed. In no case shall more than ten (10) percent of the lot, or two thousand four hundred (2,400) square feet, whichever is larger, be cleared.
- e. The soil, within the drip line of trees that are to remain, shall be protected. All excavation or earth modifications are to be planted.

Guideline 7: In cases where cut-and-fill grading are required, the slopes shall avoid straight and unnatural slope faces.

- a. All manufactured slopes shall be planted with erosion control and self-sufficient plantings.
- b. Transitional slopes should be planted to enhance the blending between manufactured and natural slopes.
- e. Land down slope must be protected from falling debris and abnormal site drainage.

FINDING: The proposed development retains the visual quality of the site, the aesthetic qualities of the area, and the neighborhood characteristics by utilizing proper structural scale and character, varied architectural treatments, and appropriate plant material.

Guideline 8: Employ a variation in architectural design.

- a. Design the garage space to be either under or beside the structure depending on whether the lot is uphill or downhill from the street.
- b. Automobile storage shall be screened according to Section 918, and shall not disrupt slopes.
- e. Parking areas shall respect natural contour lines.
- d. Use deck areas, either on the roof of the garage, or the house, or extending from the house to reduce the amount of grading.
- e. Views of the deck shall not be a visual intrusion on the hillside. Supporting structures shall be screened from view with appropriate vegetation.
- f. Employ zero lot line developments, at the discretion of the Zoning Administrator, where permitted by zoning if visual or open space qualities can be gained.
- g. Vary the treatment of rooftops to avoid the monotony of materials, forms, and colors. Rooftop utilities and mechanical equipment should be avoided.
- h. Mechanical equipment and trash receptacles shall be screened to the extent that they are not visible.

Guideline 9: Consider existing vegetation when landscaping the site.

- a. Protect existing resources from being trampled or destroyed.
- b. Keep new landscaping compatible with existing vegetation and the scenic character of

the area.

- e. ~~Preserve the natural landscaping on slopes adjacent to natural sloping areas.~~

Guideline 10: Match scale and character of buildings with scale and character of terrain and the surrounding neighborhood.

- a. Keep the scale (height and bulk) of the structure compatible with the site and the neighborhood.
- b. Do not create development patterns that form visually protruding horizontal bands or vertical bulk. A mixture of shapes, subordinate and compatible with the site and area, should be achieved.
- e. Irregular architectural edges should be used to interlock structures with hillside contours and vegetation.
- d. ~~Avoid visible construction cuts and permanent scarring.~~

Guideline 11: Structures shall be sited not only to provide views from the structure but also to provide a variety of community and private viewing places.

- a. Community or public land use should be made of those portions of hillsides most exposed to public view or from which the widest views are possible.
- b. Views from public places (roadways, walks, observation points, parks, or greenways) shall be maintained.
- e. When viewed from below, all supporting structures, girders, piers, etc. must be screened.

905.02.F Applicability

Any one (1) of the following factors will be considered when determining whether an H District should be applied to a geographic area in the City of Pittsburgh.

- 1. Areas that were formally zoned "S".
 - 2. Areas that have a contiguous land area of at least one (1) acre in size that is comprised of an area that has an average slope in excess of twenty-five (25) percent.
 - 3. Areas that are mapped by the City of Pittsburgh as Landslide-Prone Areas.]
- (Ord. 35-2002, §§ 1A, AB, eff. 12-3-02)

G. Add Section 906.08.A - Steep Slope Overlay District as follows:

906.08 SS-O, Steep Slope Overlay District

906.08.A Purpose

- 1. Create a Steep Slope Overlay district (SS-O) that includes any land comprising a steep slope (i.e. a natural slope of 25% or greater).
- 2. Recognize the importance of the city's steep slopes in defining the character of Pittsburgh.
- 3. Assure that the steep slope site is appropriate for development considering natural site

limitations, associated hazards, public safety, and the need to provide public services and infrastructure.

4. Assure that the design of the proposed development responds to the site's limitations and attributes.

906.08.B **Special Definitions**

1. Slope: inclination of land expressed as a percentage and derived by dividing the vertical elevation change by the horizontal distance.
2. Ridgeline: that portion of a hillside that forms the horizon where a steep slope of 25% or greater interfaces with less steeply sloped land above and beyond the SS-O, Steep Slope Overlay boundary.
3. Base: transitional point between the valley floor and the hillside where a steep slope of 25% or greater interfaces with less steeply sloped land below and beyond the SS-O, Steep Slope Overlay boundary.
4. High Visibility Area: area defined and mapped by An Ecological and Physical Investigation of Pittsburgh Hillsides as city hillside areas that are visible by a large number of people on a daily basis due to the ability of the slope to be viewed from long distances, many vantage points, or numerous significant public viewing areas.
5. Transition Area: buffer area located adjacent to the top and bottom of a slope (ridgeline or base of the steep slope area) where both the land and the associated land use regulations change form.
6. Native Vegetation: species of plants that exist in this area prior to European settlement; plants within their pre European settlement range or zone of potential dispersal.
7. Invasives: plants which aggressively spread and displace beneficial vegetation.
8. Disturbed area: area of the site where vegetation is removed, structures or paving is removed, or excavation occurs.

906.08.C **Development on Slopes in the SS-O district**

906.08.C.1 **Applicability**

To ensure that development occurs in a manner that protects the natural and topographic character of slopes 25% or greater, all uses and structures permitted in the base underlying district shall be reviewed and approved by the Planning Commission per the procedures of this Section.

906.08.C.2 **Application**

All applicants for review in the SS-O district shall first file an application with the Zoning Administrator, along with a nonrefundable fee that has been established to defray the cost of processing applications. No application shall be processed until the Zoning Administrator has established that the application is complete and the required fee has been paid.

906.08.C.3 Notice

Promptly upon determining that an application is complete, the Zoning Administrator shall schedule public hearing dates before the Planning Commission, notify the applicant of the hearing dates and give at least twenty-one (21) days notice of the Planning Commission hearing by mail and by posting, in accordance with the notice requirements of Secs 922.01.C.1 and 922.01.C.2 and with notice to all owners of record of property within the affected area and within one hundred fifty (150) feet thereof, or to such extended distance to ensure that no less than twenty-five (25) nearest owners of record are so notified in writing.

906.08.C.4 Hearing and Action by the Planning Commission

The Planning Commission shall hold a public hearing on the application for development in the SS-O district. After the public hearing, the Planning Commission shall act to approve, approve with conditions, or deny the application based on the Review Standards of Sec 908.06.C.5 within forty-five (45) days of the Planning Commission hearing. When the Planning Commission fails to render its decision within that period, or fails to hold the required public hearing within sixty (60) days from the date of the completed application being received by the Zoning Administrator, the decision shall be deemed to be rendered in denial of the applicant unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in denial of the failure of the Planning Commission to meet or render a decision as hereinabove provided, the City shall give public notice of said decision within ten (10) days, according to the provisions of Sec 906.08.C.3. Nothing in this subsection shall prejudice the right of any party opposing the application to appeal for reconsideration.

906.08.C.5 Review Standards

In addition to meeting the Environmental Performance Standards of Section 915.02 and the Residential Compatibility Standards of Section 916, the following additional standards shall apply to all development within the SS-O, Steep Slope Overlay district.

1. Natural landforms shall be maintained to the maximum extent possible
2. The scale of the structure shall be contextual with proximate structures of the same use.
3. Attached single family residential units shall employ architectural, materials, or color variations to allow the units to read as individual units.
4. The proposed development shall minimize impervious surfaces.
5. The proposed development shall employ foundations that include ground contours, embankments, vegetation or other such measures.
6. Development shall be set back fifty (50) feet in both directions from the edge of the SS-O boundary when it occurs at either the Ridgeline or Base.
7. Parking areas shall be internal to the primary structure or screened from view through vegetation or architectural features.
8. Utilities and mechanical equipment (including but not limited to HVAC equipment) and storage areas (refuse or otherwise) shall be screened from view.
9. All on-site lighting shall be shielded to prevent light spillover onto adjacent properties.
10. Vegetation removal solely to create views is prohibited; views to the site shall be considered to be as important as views from the site.

11. The proposed structure shall minimize the need for vegetation removal with the exception of invasive species.
12. Vegetation with similar appearance and growing requirements as existing proximate vegetation (excepting invasive species) or native species shall be employed in revegetating the site.
13. Natural drainage patterns shall be maintained to the extent physically possible.
14. Stormwater runoff from impervious surfaces shall be collected and transported from the site rather than directed or allowed to flow onto adjacent properties or rights-of-way.

The Planning Commission may waive any of the above standards if finds that other mitigating measures are taken to preserve the environmental integrity of the site.

906.08.C.6 Amendments

The process for amending an approved development within the SS-O, Steep Slope Overlay district shall be the same as required for the approval of an original application.

906.08.C.7 Lapse of Approval

If the development has not been substantially initiated within one (1) year of the date of approval by the Planning Commission, the approval shall lapse. The approval shall also lapse if, after starting construction, the construction is discontinued for a period of one (1) year or more. No physical improvements shall be made after approval lapses unless the approval or authorization is renewed pursuant to Sec. 922.06.I.3. The Planning Commission may renew its approval for which approval has lapsed provided that no more than one (1) year has elapsed since the date of the original approval or, in the case of discontinuance of work, since the date of discontinuance. Renewal shall require formal action, but it shall not require public notice or hearings. Renewal shall have the same effect as the original approval.

H. Insert into Chapter 915 as follows:

CHAPTER 915: ENVIRONMENTAL PERFORMANCE STANDARDS

915.01 General

915.02 Environmental Standards

915.01 General

915.01.A **Purpose**

The City's natural resources, steep forested hills, prominent ridges and rivers are major contributors to the quality of life and distinctive character. The provisions of this section are intended to protect sensitive environmental areas from adverse impacts.

915.01.B **Applicability**

No structure or land use shall be located, erected, constructed, reconstructed, moved, altered, converted, enlarged or designed to be so, except in conformance the provisions of this section.

915.02 Environmental Standards

915.02.A Grading Standards

- 915.02.A.1** The grading, cut, and fill standards of this section shall apply to all slopes.
- a. To the maximum extent feasible, the grading shall preserve the natural landforms of the site;
 - b. To the maximum extent feasible, cutting, filling and severe benching or terracing of existing slopes to create additional building area or larger building sites shall be avoided;
 - c. Finished grades of 15% or less are strongly encouraged. Cut or filled slopes shall not exceed 25% unless:
 - (1) The applicant submits a geotechnical investigation report that certifies the safety and suitability of such slopes; and
 - (2) The applicant proposes the use of walls, terraces, or other methods at intervals of not less than ten (10) feet to create planting beds that will stabilize the slope, and such measures are approved in the geotechnical investigation report as sufficient to ensure the stability of the slope and ensure that such slope shall pose no significant risk of danger to any property or public improvements located on or off the proposed development site.
 - d. The top and bottom of the cut or filled slopes shall be located no less than five (5) feet from any property line, street, building, parking area, or other developed area.
 - e. Retaining walls or gabions may be permitted to support steep slopes, but shall not exceed ten (10) feet in height.
 - f. Retaining walls shall follow the existing hillside contours if physically feasible and shall avoid visible unnatural straight slope faces. Walls shall be of a color that is compatible with natural rock outcroppings that occur on Pittsburgh hillsides.

915.02.B Slope Revegetation Standards

Slopes in excess of a fifteen (15) percent grade that are exposed during construction or site development shall be landscaped or revegetated in order to mitigate adverse environmental and visual effects. Fill soil on slopes must support plant growth. At a minimum, any slope in excess of fifteen (15) percent grade exposed or created during development shall be landscaped or revegetated with trees and other plant material at the following minimum planting densities per one hundred fifty (150) square feet of exposed slope area:

- | | |
|------------------------------|-----------------------------------|
| <u>• One (1) canopy tree</u> | <u>• two (2) understory trees</u> |
| <u>• Two (2) evergreens</u> | <u>• five (5) shrubs</u> |

Gabions and low walls should be utilized to gain planting pockets on steep grades.

915.02.C Tree and Vegetative Surveys

The Zoning Administrator shall require a tree survey for development applications on any site greater than one quarter acre (10,890 sf).

915.02.D Tree Protection and Replacement

The Zoning Administrator shall require the protection and preservation of trees with a diameter of twelve (12) inches or more, measured at a point four (4) feet above grade. If said trees are removed during site preparation or development, they shall be replaced, at a minimum, equal to

the combined total diameter of removed trees. Diameter measurements shall be taken at a point four (4) feet above grade.

I. Delete all of Section 922.04.E.5 - Environmental Impact Mitigation as follows:

[5. For all properties or uses specifically required by the Code to undergo site plan review, the following Environmental Impact Mitigation standards shall apply:

a. The grading, cut, and fill standards of this section shall apply to all slopes in excess of fifteen (15) percent.

i. To the maximum extent feasible, the applicant shall preserve the natural landforms of the site.

ii. To the maximum extent feasible, cutting, filling and severe benching or terracing of existing slopes to create additional building area or larger building sites shall be avoided.

iii. Finished grades of twenty-five (25) percent or less are strongly encouraged. Cut or filled slopes shall not exceed forty (40) percent grade unless:

(a) The applicant submits a geotechnical investigation report that certifies the safety and suitability of such slopes; and

(b) The applicant proposes the use of walls, terraces, or other methods at intervals of not less than ten (10) feet to create planting beds that will stabilize the slope, and such measures are approved in the geotechnical investigation report as sufficient to ensure the stability of the slope and ensure that such slope shall pose no significant risk of danger to any property or public improvements located on or off the proposed development site.

iv. The top and bottom of the cut or filled slopes shall be located:

(a) No less than ten (10) feet from any street, building, parking area, or other developed area; and

(b) No less than five (5) feet from any adjacent property line.

v. Retaining walls or gabions may be permitted to support steep slopes, but shall not exceed five (5) feet in height.

b. Slopes in excess of a fifteen (15) percent grade that are exposed during construction or site development shall be landscaped or revegetated in order to mitigate adverse environmental and visual effects. Fill soil on slopes must support plant growth. At a minimum, any slope in excess of fifteen (15) percent grade exposed or created during development shall be landscaped or revegetated with trees and other plant material at the following minimum planting densities per one hundred fifty (150) square feet of exposed slope area:

• One (1) canopy tree

• two (2) understory trees

• Two (2) evergreens

• five (5) shrubs

Gabions and low walls should be utilized to gain planting pockets on steep grades.

c. Tree and Vegetative Surveys

The Zoning Administrator may require a tree survey for development applications for any site greater than one (1) acre.

d. Tree Protection and Replacement

The Zoning Administrator may require the protection and preservation of trees with a diameter of twenty-four (24) inches or more, measured at a point four (4) feet above grade. If said trees, required of the Zoning Administrator to be protected and preserved;

are removed during site preparation or development, they shall be replaced. The combined total diameter of replaced trees shall be, at a minimum, equal to the combined total diameter of removed trees. Diameter measurements shall be taken at a point four (4) feet above grade.]

J. Insert Section 923.01.D - Appeal of Planning Commission Decisions to Court

923.01.D **Appeal of Planning Commission Decisions to Court**

Any party aggrieved by a decision of the Planning Commission, may, within thirty (30) days, appeal the decision to the Court of Common Pleas of Allegheny County under the Local Agency Law, 2 Pa.C.S. Sections 751-754.

K. Insert Section 923.01.E - Preservation of Proceedings Before the Planning Commission

923.02.I **Preservation of Proceedings Before the Planning Commission**

All proceedings before the Planning Commission will be recorded on audiotape. One (1) copy of such audio tape will remain on file at the Office of the Zoning Administrator until the expiration of the appeal period or, in the event of an appeal, the production of a transcript and receipt thereof by the appellant. Upon written request, any party to the proceeding may have one (1) copy of the audiotape. The fee charged for such tape shall reflect the cost of reproducing the audiotape.