



Text File

Introduced: 4/24/2015

Bill No: 2015-1562, Version: 2

Committee: Committee on Land Use and Economic Development

Status: Passed Finally

Ordinance amending and supplementing the Pittsburgh Code, Title Nine, Zoning Code, Article V, Use Table, Section 911.02, and Use Regulations, Section 911.04.A.2 to expand the allowable zoning districts for all Agricultural Use Zoning Classification categories, and to amend and add additional standards and procedures; amending and supplementing Chapter 912, Accessory Uses and Structures, by amending the subsection for Urban Agriculture; and supplementing Chapter 926, Definitions, to supplement standards for Urban Agriculture accessory uses.

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

Section 1. The Pittsburgh Code, Title Nine, Zoning Code, Article V, Chapter 911, Use Regulations, is hereby amended at Section 911.02, Use Table, as follows:

911.02 Use Table

Use Classification The Pittsburgh Urban Zoning Code <b>P</b> = Permitted by Right <b>A</b> = Administrators Exception <b>S</b> = Special Exception <b>C</b> = Conditional Use	Base Zoning Districts*														Standard Section 911.04.x			
	Residential					Mixed-Uses					Special				DT			
* As Base Zoning District Regulations, all uses may be subject to additional regulations imposed by applicable Overlay Zoning Districts.	<b>R1D</b>	<b>R1</b>	<b>R2</b>	<b>R3</b>	<b>RM</b>	<b>ND</b>	<b>LN</b>	<b>ND</b>	<b>UN</b>	<b>HC</b>	<b>GI</b>	<b>UI</b>	<b>PO</b>	<b>H</b>	<b>EM</b>	<b>GT</b>	<b>DR</b>	
<b>Agriculture (General)</b> means the growing of crops and raising of livestock and domestic small farm animals for domestic and commercial uses. The minimum lot size required is [ <del>three (3)</del> ] <u>two (2)</u> acres.	[S]	[S]	[S]	[S]	[S]				<b>P</b>	<b>P</b>	[S]	[S]	[S]	[S]	[S]			A.2 (a)

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<b>Agriculture (Limited) With Beekeeping</b> means the growing of crops and raising honey bees for domestic and commercial uses.	[S]	H[S]	H[S]	H[S]	H[S]	P		P		P	[S]	H[S]	H[S]	H[S]	H			A.2 (b)
<b>Agriculture (Limited)</b> means the growing of crops for commercial use. No minimum lot size is required.	[A]	[A]	[A]	[A]	[A]	P	P	P		P	[A]	[A]	[A]	[A]	[A]			A.2 (c)

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

*911.04.A.2 (a) Agriculture (General)*

Agriculture (General) shall be subject to the following standards:

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

*911.04.A.2 (a) Agriculture (General)*

- (1) The site shall be at least [~~three (3)~~] two (2) acres in size;
- (2) No structure, including beehives, chicken coops, or any similar accessory structures, except a dwelling unit shall be located within fifty (50) feet of any lot line;
- (3) The sale of non-mechanical agricultural and farm products that are grown, used, produced on-site, or are part of an affiliated Community Supported Agriculture program shall be permitted and shall comply with the standards of Section 912.06, Outdoor Retail Sales and Service (Accessory Use);
- (4) Killing or dressing of animals raised on the premises shall be permitted if conducted entirely within an enclosed building;
- (5) The keeping of poultry birds, livestock, and domestic small farm animals shall be permitted within a securely fenced and enclosed area [~~only where there is also a residential use of the property~~]. Only chickens, ducks, bees, and goats may be permitted when there is not also a residential use of the property;
- (6) All animal structures and roaming areas shall be kept sanitary and free from accumulations of animal excrement and objectionable odor;
- (7) All seed, fertilizer, and animal feed shall be stored in a secured, rodent-proof container and housed within an enclosed structure; and
- (8) All applications shall be in compliance with Environmental Overlay District regulations of Chapter 906.

*911.04.A.2(b) Agriculture (Limited) With Beekeeping*

Agriculture (Limited) With Beekeeping shall be subject to the following standards:

- (1) The sale of non-mechanical agricultural and farm products that are grown, used, produced on-site, or are part of an affiliated Community Supported Agriculture program shall be permitted, and shall

- comply with the standards of Section 912.06, Outdoor Retail Sales and Service (Accessory Use);
- (2) The keeping of poultry [~~birds~~], livestock, and domestic small farm animals is not permitted;
- (3) For property with a minimum of two-thousand (2,000) square feet in size, the -property owner is permitted to keep two (2) beehives. For every additional two-thousand (2,000) square feet of property, the owner is permitted two (2) additional beehives;
- (4) All structures necessary for and related to the housing of honeybees shall be subject to any required setbacks of the underlying zoning district, but shall in all cases be a minimum of ten (10) feet from any property line;
- ~~[(5) Ground mounted beehives shall be located no higher than six (6) feet from grade;]~~
- ~~(6)~~(5) [Ground mounted beehives shall be permitted in side and rear yards, and shall be provided an enclosed barrier along the property line six (6) feet in height consisting of a solid fence, dense vegetation or combination thereof, and in cases where there is ample yard area, a flyway may be substituted for perimeter barriers, consisting of six-foot high barriers on both sides of the bee colony, creating a channel extending twenty (20) feet in each direction beyond each bee colony entrance;] A “flyway barrier” of at least six (6) feet in height shall be provided at all places on the property line that are within twenty (20) feet of the hive(s). The “flyway barrier” shall consist of a solid fence or wall, dense vegetation, or combination thereof. No flyway is required for hives that are located on porches or balconies at least ten (10) feet above grade, except where such porch or balcony is located less than five (5) feet from a property line.
- (6) Roof mounted beehives shall be located on primary and accessory structures no lower than ten (10) feet from grade and shall not be within the required setback;
- (7) All seed, fertilizer, or similar products shall be stored in a secured, rodent-proof container and housed within an enclosed structure; and
- (8) All applications shall be subject to the Environmental Overlay District regulations of Chapter 906.

911.04.A.2(c) Agriculture (Limited)

Agriculture (Limited) shall be subject to the following standards:

- (1) The sale of non-mechanical agricultural and farm products that are grown, used, produced on-site, or are part of an affiliated Community Supported Agriculture program shall be permitted, and shall comply with the standards of Section 912.06, Outdoor Retail Sales and Service (Accessory Use);
- (2) The keeping of poultry [~~birds~~], livestock, and domestic small farm animals is not permitted;
- (3) All seed, fertilizer, or similar products shall be stored in a secured, rodent-proof container and housed within an enclosed structure; and
- (4) All applications shall be subject to the Environmental Overlay District regulations of Chapter 906.

**Section 3.** The Pittsburgh Code, Title Nine, Zoning Code, Article V, Chapter 912, Accessory Uses and Structures, is hereby supplemented by adding Section 912.07 as follows:

**912.07 Urban Agriculture (Accessory Use)**

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The Urban Agriculture standards of this section are intended to permit the growing and off-site selling of legal agricultural products on properties throughout the City of Pittsburgh, and are permitted by right ~~[shall authorize the Zoning Administrator to consider and approve applications]~~ for *Urban Agriculture (Accessory Use) With Animals* ~~[as a Special Exception in accordance with the provisions of Section 922.07]~~. The property owner need not apply for any type of permit if the sole intent of growing crops is for personal/non-commercial use.

### **912.07.A Urban Agriculture (Accessory Use) With No Animals**

Urban Agriculture (Accessory Use) applications which do not include the housing of ~~[poultry birds]~~ chickens, ducks, goats or honeybees shall be subject to the following standards:

- (1) The sale of non-mechanical agricultural and farm products that are grown, used, produced on-site, or are part of an affiliated Community Supported Agriculture program shall be permitted only in non-residential districts, and shall comply with the standards of Section 912.06, Outdoor Retail Sales and Service (Accessory Use);
- (2) All seed, and fertilizer, shall be stored in a secured, rodent-proof container and housed within an enclosed structure;
- (3) All applications shall be subject to the Environmental Overlay District regulations of Chapter 906;
- (4) All applications shall include a detailed plot plan with scaled representation of all proposed structures and uses; and
- (5) Signage shall not be permitted.

### **912.07.B Urban Agriculture (Accessory Use) With Animals**

Urban Agriculture (Accessory Use) applications for the housing of ~~[poultry birds]~~ chickens, ducks, goats, and honeybees shall be authorized as Permitted by Right ~~[a Special Exception, in accordance with Section 922.07,]~~ and shall be subject to the following standards:

- (1) The sale of non-mechanical agricultural and farm products that are grown, used, produced on-site, or are part of an affiliated Community Supported Agriculture program shall be permitted only in non-residential districts, and shall comply with the standards of Section 912.06, Outdoor Retail Sales and Service (Accessory Use);
- (2) All applications shall be subject to the Environmental Overlay District regulations of Chapter 906;
- (3) All applications shall include a detailed plot plan with scaled representation of all proposed structures and uses;
- (4) Signage shall not be permitted;
- (5) All seed, fertilizer, and animal feed shall be stored in a secured, rodent-proof container and housed within an enclosed structure;
- (6) All structures related to the housing of ~~[poultry birds]~~ chickens or ducks shall be at least six (6) square feet in size and a minimum of two (2) square feet per additional ~~[poultry bird]~~ chicken or duck. **The structure shall be covered, well-ventilated, dry, predator resistant, and properly maintained to prevent accumulations of animal excrement** ;
- (7) Roosters are not permitted;

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- (8) For property with a minimum of two-thousand (2,000) square feet in size, the ~~[property owner]~~ resident is permitted ~~[three (3) poultry birds.]~~ five (5) chickens or ducks. For every additional one-thousand (1,000) square feet of property, the ~~[owner]~~ resident is permitted one (1) additional ~~[poultry bird]~~ chicken or duck, with no other livestock for lots under ten thousand (10,000 square feet).
- (9) For property with a minimum of two thousand (2,000) square feet in size, the ~~[property owner]~~ resident is permitted to keep two (2) beehives. For every additional two-thousand (2,000) square feet of property, the ~~[owner]~~ resident is permitted two (2) additional beehives;
- (10) All structures necessary for and related to the housing of honeybees shall be subject to any required setbacks of the underlying zoning district, and shall otherwise be set back at least ten (10) feet from any property line;
- ~~[(11) Ground mounted beehives shall be located no higher than six (6) feet from grade;]~~
- ~~(12)~~(11) [Ground mounted beehives shall be permitted in side and rear yards, and shall be provided an enclosed barrier along the property line six (6) feet in height consisting of a solid fence, dense vegetation or combination thereof, and in cases where there is ample yard area, a flyway may be substituted for perimeter barriers, consisting of six (6) foot high barriers on both sides of the bee colony, creating a channel extending twenty (20) feet in each direction beyond each bee colony entrance;] A “flyway barrier” of at least six (6) feet in height shall be provided at all places on the property line that are within twenty (20) feet of the hive(s). The “flyway barrier” shall consist of a solid fence or wall, dense vegetation, or combination thereof. No flyway is required for hives that are located on porches or balconies at least ten (10) feet above grade, except where such porch or balcony is located less than five (5) feet from a property line.
- ~~(13)~~(12) Roof mounted beehives shall be located on primary and accessory structures no lower than ten (10) feet from grade and shall not be within the required setback;
- ~~(13)~~For property between two thousand (2,000) square feet and ten thousand (10,000) square feet in size, the resident is permitted to keep no more and no less than two (2) dehorned, adult, female or neutered male, miniature goats (and offspring less than 12 weeks old) with no other livestock;
- (14) For property with a minimum of ten thousand (10,000) square feet in size, the resident is permitted two (2) dehorned, adult female or neutered male goats. For every additional five thousand (5,000) square feet of property, the owner is permitted one (1) additional dehorned, adult, female or neutered male, goats;
- ~~(14)~~(15) All animal structures and roaming areas shall be kept sanitary and free from accumulations of animal excrement and objectionable odor;
- ~~(15)~~(16) Outdoor roaming areas for ~~[poultry birds]~~ chickens, ducks or goats shall be sufficiently enclosed and screened from the street and neighboring properties to protect them from vehicular traffic, **and other predators, and serve to contain the chickens or ducks on the property**, and to minimize external impacts of the outdoor roaming areas;
- ~~(16)~~(17) The keeping of ~~[poultry birds or honeybees]~~ chickens, ducks or goats shall be permitted only where there is an occupied residence.

**Section 4.** The Pittsburgh Code, Title Nine, Zoning Code, Article V, Chapter 913, Exceptions and Conditions not Listed in the Use Table, is hereby amended at Section 913.03.C as follows:

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**913.03.C Accessory Use**

1. Special Exception for Employees to a Home Occupation (Sec. 912.05.B.1)
2. [~~Special Exception for Urban Agriculture (Accessory Use) With Animals (Sec. 912.07.B)~~]

**Section 5.** The Pittsburgh Code, Title Nine, Zoning Code, Article IX, Chapter 926, Definitions, is hereby amended as follows:

**83.1.** Goats, miniature means those goats commonly known as Pygmy, Dwarf, or Miniature goats.