



Text File

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**Committee:** Committee on Land Use and  
Economic Development

**Status:** Passed Finally

Ordinance amending the Pittsburgh Code, Title Nine, Zoning Code, Article V, Section 925.06, Setbacks, to update the standards for certain HVAC equipment in setbacks.

*(Referred to Planning Commission 2/8/23)*

*(Report & Recommendation received 3/8/23)*

*(Public Hearing held 5/3/23)*

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

**Section 1.** The Pittsburgh Code, Title Nine, Zoning Code, Article VI, Development Standards, is hereby amended at Chapter 925, Section 925.06, Setbacks, to allow certain HVAC in setbacks subject to certain standards.

912.01. Accessory Uses and Structures in General.

Primary uses specified as permitted by-right, Administrator Exceptions, Special Exceptions or Conditional Uses shall be deemed to include accessory uses, activities and structures. An accessory use or structure must:

- A. Be subordinate to and serve the primary use or structure;
- B. Be subordinate in area, extent and purpose to the primary use or structure served;
- C. Contribute to the comfort, convenience or necessity of occupants of the primary use or structure served; and
- D. Be located on the same zoning lot and in the same zoning district as the primary use.

Accessory uses and activities shall be subject to the same regulations as apply to primary uses in each district, except as otherwise provided in these regulations.

912.02. Residential Accessory Uses and Structures.

The following accessory uses, activities and structures shall be permitted by-right in Residential and H Districts:

- (1) Dumpsters;
- (2) Fences, walls and retaining walls, provided that the finished side faces adjacent property;

(3) Gardens;

(4) Garages used exclusively for the parking of non-commercial automobiles, or for the temporary keeping of small pleasure boats with trailer mounts therefore, other wheeled vehicles designed to be drawn by passenger automobiles, normal household paraphernalia and the like;

(5) Carports and off-street parking areas;

(6) Gates and guard houses;

(7) Storm shelter and fallout shelters

(8) Home occupations, subject to § 912.05;

(9) Playhouses, patios, cabanas, porches, decks, gazebos and incidental household storage buildings;

(10) Radio and television receiving antennas and support structures, including satellite dishes less than thirty-two (32) inches in diameter;

(11) Swimming pools and other recreational and play facilities for the use of residents;

(12) Solar energy systems;

(13) Extensive Green Roofs as described in § 912.04.I;

(14) Intensive Green Roofs as described in § 912.04.J; and

(15) HVAC and similar equipment; and

~~(16)~~ Other necessary and customary uses determined by the Zoning Administrator to be appropriate, incidental and subordinate to the primary use on the lot.

912.03. Nonresidential Accessory Uses and Structures.

The following accessory uses, activities and structures shall be permitted by-right in nonresidential districts:

(1) Dumpsters;

(2) Dwelling units, other than mobile homes, for security or maintenance personnel;

(3) Fences, walls and retaining walls, provided that the finished side faces adjacent property and/or public rights-of-way;

(4) Gates and guard houses;

(5) Cafeterias, dining halls and similar food services when operated primarily for the convenience

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of employees, residents, clients, or visitors to the primary use;

(6) Gift shops, news stands and similar commercial activities operated primarily for the convenience of employees, residents, clients, or visitors to the primary use;

(7) Parking garages and off-street parking areas;

(8) Radio and television receiving antennas and support structures, including satellite dishes less than thirty-two (32) inches in diameter;

(9) Solar energy systems;

(10) Extensive Green Roofs as described in § 912.04.I;

(11) Intensive Green Roofs as described in § 912.04.J; ~~and~~

(12) HVAC and similar equipment; and

(~~12~~13) Other necessary and customary uses determined by the Zoning Administrator to be appropriate, incidental and subordinate to the primary use on the lot.

#### 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.A Front Setback

Accessory structures shall comply with the front setback and front yard standards that apply to primary uses, except as allowed in 925.06.A or as an Administrator's Exception in 925.06.G. (See Sec. 925.06)

##### 912.04.B Rear Setback

Accessory structures and uses shall not be required to comply with the rear setback standard that applies to principal uses, except as allowed in 925.06.A or as an Administrator's Exception in 925.06.G. Accessory structures and uses shall be set back at least five (5) feet from the rear lot line when the rear lot line is not adjacent to a way. Accessory structures and uses may be set back at least two (2) feet from the rear lot line when the rear lot line is adjacent to a way.

##### 912.04.C Side Setbacks

Accessory structures and uses shall comply with the side setback standards that apply to primary uses, and shall not be permitted in the side yard under the Contextual Setback provisions of Sec. 925.06.C, but shall be permitted in the side yard in accordance 925.06.A or with the Administrator Exception provisions of Sec. 925.06.G.

##### 912.04.D Setbacks from Easements

No accessory structure shall be located on any platted or recorded easement, or over any known utility.

**Section 2.** The Pittsburgh Code, Title Nine, Zoning Code, Article VI, Development Standards, is hereby amended at Chapter 925, Section 925.06, Setbacks, to allow certain HVAC in setback subject to certain standards.

### **925.06 Setbacks.**

Setbacks refer to the required unoccupied open space between the furthestmost 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. Solar energy and small wind energy systems when located on rooftops;
3. 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;
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; and
14. Open structures such as porches, decks or landing places which do not extend above the first floor of the building, may be erected:
  1. (a) In required front, or rear yards, or street side yard, 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;
  2. (b) 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~~ ensure appropriate context with the existing structure and neighborhood.
16. HVAC units and similar mechanical equipment located on rooftops may be located within setbacks

subject to the following standards:

- (a) Equipment shall be screened by parapets or other devices so it is not visible from Streets or abutting properties at ground level; and
  
- (b) Equipment shall be compliant with applicable noise and operational standards.

17. HVAC units and similar mechanical equipment, excluding emergency generators, located at grade, may be located within setbacks subject to the following standards:

- (a) When located within side yards or rear yards, equipment shall be screened so as not to be visible and to buffer sound to abutting properties using landscaping and/or fencing. When located within five (5) feet of an interior sideyard property line, solid privacy fencing must be used; and
  
- (b) When located in front yards, mechanical equipment shall be located no closer to the street than an existing front porch or stoop and shall be screened using landscaping and/or decorative fencing so as not to be visible from Streets and abutting properties. Equipment shall not be permitted in front yards where no existing porch or stoop exists; and
  
- (c) Units shall be compliant with applicable noise and operational standards.

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**Section 3.** The Pittsburgh Code, Title Nine, Zoning Code, Article VI, Development Standards, is hereby amended at Chapter 925, Section 925.06, Setbacks, to remove HVAC equipment from Administrator Exception process.

### **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) (e) Dumpsters;~~
- ~~(h) (f) 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) (g) Enclosures of existing decks and porches in side or rear yards;~~
- ~~(j) (h) Rooftop decks on detached garages; and~~
- ~~(k) (i) 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, 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;
- (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;~~
- ~~(f) (e) 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.~~