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Pittsburgh Zoning Code

Title Nine of the Pittsburgh Code



Enacted August 26, 1998 • Effective February 26, 1999

Amended to August 24, 2000

**Conversion Table for the Pittsburgh Urban Zoning Code
Effective February 26, 1999, Amended December 31, 1999**

Existing Zoning Map District Designations		New Zoning Text District Designations	
S-A	Special District, Class A	LNC	Local Neighborhood Commercial District
R1-A	One-Family Residence District	RSD-1	Residential Single Unit Detached, Very-Low Density
R1	One-Family Residence District	RSD-2	Residential Single-Unit Detached, Low Density
R2	Two-Family Residence District	RT-2	Residential Two-Unit, Low Density
R2-T	Townhouse Residence District	RSA-3	Residential Single-Unit Attached, Moderate Density
R3-A	Three-Family Residence District	RTS-3	Residential Three-Unit, Moderate Density
R3	Multiple-Family Residence District	RM-3	Residential Multi-Unit, Moderate Density
R4	Multiple-Family Residence District	RM-3	Residential Multi-Unit, Moderate Density
R4-H	Multiple-Family Residence District	RM-3	Residential Multi-Unit, Moderate Density
R5	Multiple-Family Residence District	RM-4	Residential Multi-Unit, High Density
R5-H	Multiple-Family Residence District	RM-5	Residential Multi-Unit, Very-High Density
I-C	Institutional-Civic	EMI	Educational/Medical Institution District
I-M	Institutional-Medical District	EMI	Educational/Medical Institution District
A1	Commercial-Residential Associates	LNC	Local Neighborhood Commercial District
C1	Neighborhood Retail District	LNC	Local Neighborhood Commercial District
C2	Highway Commercial District	HC	Highway Commercial District
C3	Commercial District	LNC	Local Neighborhood Commercial District
C3-H	Commercial/Residential District	UNC	Urban Neighborhood Commercial District
C4	Commercial	UNC	Urban Neighborhood Commercial District
C5	Golden Triangle District	GT	Golden Triangle District
C6	Downtown Riverfront District	DR	Downtown Riverfront District
M1	Limited Industrial District	NDI	Neighborhood Industrial District
M2	Limited Industrial District	UI	Urban Industrial District
M3	Limited Industrial District	UI	Urban Industrial District
M4	Heavy Industrial District	GI	General Industrial District
S	Special District	PO	Parks and Open Space District
SP	Specially Planned District		Same
RP	Residential Planned Unit Development		Same
CP	Commercial Planned Unit Development		Same
AP	Residential/Commercial Planned Unit Development		Same
IP	Institutional Planned Unit Development		Eliminated- None Mapped
MP	Manufacturing Planned Unit Development		Eliminated- None Mapped
G-PR	Grandview- Public Realm		Same

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901.01 Title

The official title of this document is “Zoning Code of the City of Pittsburgh, Pennsylvania,” although it may be referred throughout this document as the “Zoning Code” or simply as the “Code.”

901.02 Official Zoning Code and District Map

An up-to-date, official copy of this Zoning Code and the official Zoning District Map shall be on file in the office of the Zoning Administrator. Interested persons may view the official Code and Map during regular business hours. In case of any dispute regarding the text of this Zoning Code or the Zoning District Map, the official Zoning Code and Zoning District Map as established in Sec. 902.03 and maintained by the Zoning Administrator shall prevail.

901.03 Purpose and Intent

Whereas the City Council of Pittsburgh deems it necessary in order to encourage and protect the most appropriate use of land throughout the city; to stabilize and conserve the value of land and buildings; to provide adequate light and air; to secure safety from fire, panic and other danger; to prevent overcrowding of land; to lessen congestion of streets; to facilitate adequate provision of water, sewerage, transportation, schools, parks, playgrounds and other public requirements; to facilitate the programming and execution of public and private development in harmony with these purposes, and in general to promote the health, safety, morals and general welfare of the community, all with the guidance of a comprehensive general city plan and in accordance with a comprehensive Zoning Ordinance; now therefore this Zoning Ordinance is ordained and enacted.

This Code is adopted for the purpose of preserving and improving the public health, safety and general welfare of the citizens of Pittsburgh. More specifically, it is the purpose of this Code to:

- (a) Facilitate development of good quality;
- (b) Spur reinvestment in the existing building stock;
- (c) Recognize and preserve the uniqueness of Pittsburgh, including its natural and human-made environment;
- (d) Maintain and strengthen the City's neighborhoods;
- (e) Ensure appropriate opportunities for participation and involvement by all affected parties;
- (f) Control the impacts associated with land uses;
- (g) Ensure predictability and consistency in the land development process for neighborhood, business and development interests;
- (h) Preserve and enhance the Public Realm; and
- (i) Facilitate administration and enforcement of the City regulations.

The provisions of this ordinance shall be held to be the minimum requirements to achieve the above purposes.

901.04 Applicability

The provisions of this Code shall apply within the corporate limits of the City.

901.05 Effective Date

Unless otherwise specifically stated, the provisions of this Code shall become effective on February 26, 1999.

901.06 Repealing of Previous Code

The text of the Zoning Code of the City of Pittsburgh, effective May 10, 1958 and as amended, is hereby amended and reenacted in its entirety, replacing all provisions thereof with the provisions herein, except for the Zoning District Boundary Map which remains in effect along with the Conversion Table relating to the Zoning Districts described herein.

901.07 Rules of Construction

901.07.A *Meanings and Intent*

All provisions, terms, phrases and expressions contained in this Zoning Code are to be construed in accordance with the Code's purposes and intent.

901.07.B *Headings and Graphic Illustrations*

In case of any difference of meaning or implication between the text of this Zoning Code and any heading or graphic illustration, the text shall control.

901.07.B.1 *Headings*

Section headings and subheadings are for convenience only and do not modify or limit the meaning or intent of any provision.

901.07.B.2 ***Graphic Illustrations***

Graphic illustrations are intended to help in conveying the substance and intent of the Code's text; they should be used in interpreting Code provisions. Graphic illustrations are a part of this Code, but when a graphic illustration conflicts with the text, the text shall control.

901.07.C ***Computation of Time***

The time within which an act is to be completed shall be computed by excluding the first day and including the last day; if the last day is a Saturday, Sunday or legal holiday, the time within which such act must be completed shall be extended to the next day which is not a Saturday, Sunday or legal holiday. In the computation of time for public hearing notice, both the first day (day of the advertisement) and the last day (day of the hearing) shall be excluded.

901.07.D ***Delegation of Authority***

Whenever a provision appears requiring the head of a department or another officer or employee to perform an act or duty, that provision shall be construed as authorizing the department head or officer to delegate the responsibility to other employees, unless the terms of the provision specify otherwise.

901.07.E ***Technical and Nontechnical Words***

Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases that may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

901.07.F ***Public Officials and Agencies***

All public officials, bodies, and agencies to which references are made are those of the City of Pittsburgh, unless otherwise indicated.

901.07.G ***Mandatory and Discretionary Terms***

The word "shall" is always mandatory. The words "may" and "should" are always permissive.

901.07.H ***Conjunctions***

Unless the context clearly indicates the contrary, the term "and" indicates that all connected items, conditions, provisions or events apply. The term "or" indicates that one of the connected items, conditions, provisions or events apply.

901.07.I ***Tense and Usage***

Words used in one tense (past, present or future) include all other tenses, unless the context clearly indicates the contrary. The singular shall include the plural, and the

plural shall include the singular.

901.08 **Conflicting Provisions**

901.08.A ***Conflict with Other Regulations***

In the event that the provisions of this Code are inconsistent with one another or if the provisions of this Code conflict with provisions found in other adopted ordinances or health regulations of the city, the more restrictive provision shall control.

901.08.B ***Conflict with Private Restrictions***

It is not the intent of this Code to interfere with, abrogate or annul any easement, covenant, deed restriction or other agreement between private parties. When the provisions of this Code impose a greater restriction than imposed by such private agreement, the provisions of this Code shall control.

901.09 **Zoning of Annexed Areas**

Any area annexed to the City shall be classified into the RSD-1 district immediately upon annexation, unless a different zoning plan for the newly annexed area is established in accordance with the Zoning Map Amendment procedures of Sec. 922.05.

901.10 **Transitional Provisions**

The following transitional provisions shall apply to activities, actions and other matters pending or occurring on the effective date specified by the provisions of Sec. 901.05.

901.10.A ***Violations Continue***

Any violation of the zoning regulations in effect before the effective date specified by the provisions of Sec. 901.05 shall continue to be a violation under this Code and shall be subject to penalties and enforcement under Chapter 924, unless the use, development, construction or other activity is clearly consistent with the express terms of this Code.

901.10.B ***Nonconformities Under Previous Ordinance***

Any legal nonconformity under the zoning regulations in effect before the effective date specified by the provisions of Sec. 901.05 shall be considered a legal nonconformity under this Code, so long as the situation that resulted in the nonconforming situation under the previous regulations continues to exist. If, however, a nonconformity under a prior ordinance becomes conforming because of the adoption of this Code or any subsequent amendment to this Code, then such situation shall no longer be considered a nonconformity.

901.10.C ***Completion of Development Plans***

Any building or development for which a permit was issued or for which complete plans were submitted before the effective date specified by the provisions of Sec. 901.05 may be completed in conformance with the issued permit and other applicable permits and conditions, including the plans submitted for the approval of the permit, even if such building or development does not fully comply with the provisions of this Code. If construction is not commenced or completed in accordance with the applicable permit terms, the Zoning Board of Adjustment may, for good cause shown, grant not more than one extension of up to six months for such construction. If the building or construction is not completed in a timely manner, within the time allowed under the original permit or any extension granted, then the building may be constructed, completed or occupied only in strict compliance with the requirements of this Code.

901.11

Severability

If a Court of competent jurisdiction declares any part of this Code to be invalid, that ruling shall not affect any other provisions of this Code not specifically included in the ruling.

Chapter 902: Zoning Districts in General

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902.01 Establishment of Zoning Districts

902.01.A Base Zoning Districts

The following Base Zoning Districts are hereby established:

902.01.A.1 Residential Zoning Districts

Residential Zoning Districts are formed by combining a Use Subdistrict with a Development Subdistrict. The following Use and Development Subdistricts are established:

(a) Use Subdistricts

- (1) RSD, Single-Unit Detached Residential
- (2) RSA, Single-Unit Attached Residential
- (3) RT, Two-Unit Residential
- (4) RTS, Three-Unit Residential
- (5) RM, Multi-Unit Residential

(b) Development Subdistricts

- (1) 1 - Very Low-Density
- (2) 2 - Low-Density
- (3) 3 - Moderate-Density
- (4) 4 - High-Density
- (5) 5 - Very High-Density

902.01.A.2 Mixed-Use Zoning Districts

The following Use Districts are established:

- (a) NDO, Neighborhood Office
- (b) LNC, Local Neighborhood Commercial
- (c) NDI, Neighborhood Industrial
- (d) UNC, Urban Neighborhood Commercial
- (e) HC, Highway Commercial
- (f) GI, General Industrial
- (g) GT, Golden Triangle
 - (1) *GT-A, Golden Triangle District A*
 - (2) *GT-B, Golden Triangle District B*
 - (3) *GT-C, Golden Triangle District C*

- 4. *GT-D, Golden Triangle District D*
- H. DR, Downtown Riverfront
 - 1. *DR-A, Downtown Riverfront District A*
 - 2. *DR-B, Downtown Riverfront District B*
 - 3. *DR-C, Downtown Riverfront District C*

902.01.A.3 ***Special Purpose Districts***

The following Special Purpose Districts are established:

- A. EMI, Educational/Medical Institutional
- B. PO, Park and Open Space
- C. H, Hillside

902.01.B ***Overlay Zoning Districts***

The following Overlay Zoning Districts are hereby established:

- (1) FP-O, Flood Plain Overlay
- (2) RF-O, Riverfront Overlay
 - A. *Preservation Subdistrict*
 - B. *Conservation Subdistrict*
 - C. *Development Subdistrict*
- (3) LS-O, Landslide-Prone Overlay
- (4) UM-O, Undermined Area Overlay
- (5) VP-O, View Protection Overlay
- (6) SM-O, Stormwater Management Overlay
- (7) IB-O, Institutional Boundary Overlay
- (8) AS-O, Advertising Sign Overlay
- (9) IPOD, Interim Planning Overlay District
 - A. *IPOD-1, Oakland IPOD*

902.01.C ***Public Realm Districts***

The following Public Realm Districts are established:

- (1) Grandview Avenue

902.01.D ***Planned Development Districts***

The following Planned Development Districts are hereby established:

902.01.D.1 ***SP, Specially Planned***

The following Specially Planned Districts are hereby established:

- A. SP-1, Pittsburgh Technology Center
- B. SP-2, Washington's Landing

- C. SP-3, Public Safety Complex
- D. SP-4, Station Square
- E. SP-5, South Sideworks

902.01.D.2 *PUD, Planned Unit Development*

The following Planned Unit Development Districts are hereby established:

- A. RP, Residential Planned Unit Development
- B. CP, Commercial Planned Unit Development
- C. AP, Residential/Commercial Planned Unit Development

902.01.D.3 *Neighborhood Business Sign District*

The following Neighborhood Business Sign Districts are hereby established:

- A. East Carson Street

902.02 **Zoning District Hierarchy**

References in this Code to less restrictive or more restrictive zoning districts refer to the base zoning districts established by Sec. 902.01 and represent a progression from the most restrictive to the least restrictive as follows:

- A. H, Hillside
- B. PO, Park and Open Space
- C. RSD, Residential Single-Unit Detached
- D. RSA, Residential Single-Unit Attached
- E. RT, Residential Two-Unit
- F. RTS, Residential Three-Unit
- G. RM, Residential Multi-Unit
- H. NDO, Neighborhood Office
- I. LNC, Local Neighborhood Commercial
- J. NDI, Neighborhood Industrial
- K. UNC, Urban Neighborhood Commercial
- L. HC, Highway Commercial
- M. EMI, Educational/ Medical Institution
- N. UI, Urban Industrial District
- O. GI, General Industrial

Public Realm Districts, Downtown Districts, Overlay Zoning Districts, and Planned Development Districts are not included in the zoning district hierarchy.

902.03 **Zoning Map**

902.03.A ***Adoption***

The boundaries of the zoning districts established by this Code shall be shown on a map or series of maps designated as the “Zoning District Map”, which is adopted as part of this Code. Original copies of such maps and all amendments thereto shall be maintained in the office of the Zoning Administrator. In case of any dispute regarding the zoning classification of property subject to this Code, the original copies maintained by the Zoning Administrator shall control.

902.03.B ***District Boundaries***

The following provisions shall govern interpretations regarding the location of zoning district boundaries shown on the zoning map.

902.03.B.1 ***Streets and Ways***

A zoning district boundary shown as approximately following a street or way shall be construed to be in the center of the street or way. If the street or way is vacated, its centerline shall remain the district boundary until the boundary is changed by a zoning map amendment.

902.03.B.2 ***Lot Lines***

A zoning district boundary shown as approximately following the boundary line of a recorded lot or separate parcel of land shall be construed to be the boundary of the recorded lot or parcel of land. If a recorded lot line cannot be used to determine the boundary, its location shall be determined by use of the scale shown on the Zoning District Map.

902.03.B.3 ***Uncertainties***

Where physical features existing on the ground contradict those shown on the official zoning map, or in case any other uncertainty exists regarding the boundary of zoning districts, the location of district boundaries shall be determined by the Zoning Board of Adjustment in accordance with the procedures of Sec. 923.02.B.

902.03.C ***Environmental Overlay District Boundaries***

The boundaries of the Environmental Overlay Districts are intended to correspond to the location of the regulated or protected natural resources. The boundaries of those districts are based upon the best information available at the time of enactment. If land is determined to be incorrectly included within an Environmental Overlay District, the boundary shall be amended in accordance with the Zoning Map Amendment procedures of Sec. 922.05.

Chapter 903: Residential Zoning Districts

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903.01 General

903.01.A Purpose

Pittsburgh’s overall character is defined to a great degree by its diverse and unique residential areas. The Urban Zoning Code’s approach to residential zoning reflects this diversity by allowing very fine-grained adjustments in the range of zoning controls applied within and among neighborhoods. The purpose of these controls is to encourage development and redevelopment while preserving the character of existing residential neighborhoods.

903.01.B Overview of Regulations

The residential zoning regulations of this chapter consist of a series of five Use Subdistricts and five Development Subdistricts. This approach results in 25 possible residential zoning districts, each of which is regulated by combining a Use Subdistrict with a Development Subdistrict.

903.02 Use Subdistricts

Use Subdistricts establish regulations governing the land use and structure types allowed within residential zoning districts.

903.02.A RSD, Single-Unit Detached Residential

903.02.A.1 Use Regulations

(a) Primary Uses

Primary uses shall be allowed in the RSD Subdistrict in accordance with the Use Table of Sec. 911.02.

(b) Accessory Uses

Accessory uses shall be allowed in the RSD Subdistrict in accordance with the Accessory Use regulations of Chapter 912.

903.02.B RSA, Single-Unit Attached Residential

903.02.B.1 Use Regulations

(a) Primary Uses

Primary uses shall be allowed in the RSA Subdistrict in accordance with the Use Table of Sec. 911.02.

(b) **Accessory Uses**

Accessory uses shall be allowed in the RSA Subdistrict in accordance with the Accessory Use regulations of Chapter 912.

903.02.C ***RT, Two-Unit Residential***

903.02.C.1 *Use Regulations*

(a) **Primary Uses**

Primary uses shall be allowed in the RT Subdistrict in accordance with the Use Table of Sec. 911.02.

(b) **Accessory Uses**

Accessory uses shall be allowed in the RT Subdistrict in accordance with the Accessory Use regulations of Chapter 912.

903.02.D ***RTS, Three-Unit Residential***

903.02.D.1 *Use Regulations*

(a) **Primary Uses**

Primary uses shall be allowed in the RTS Subdistrict in accordance with the Use Table of Sec. 911.02.

(b) **Accessory Uses**

Accessory uses shall be allowed in the RTS Subdistrict in accordance with the Accessory Use regulations of Chapter 912.

903.02.E ***RM, Multi-Unit Residential***

903.02.E.1 *Use Regulations*

(a) **Primary Uses**

Primary uses shall be allowed in the RM Subdistrict in accordance with the Use Table of Sec. 911.02.

(b) **Accessory Uses**

Accessory uses shall be allowed in the RM Subdistrict in accordance with the Accessory Use regulations of Chapter 912.

903.03 **Development Subdistricts**

Development Subdistricts establish regulations governing site development within residential zoning districts.

903.03.A ***Very Low-Density***

903.03.A.1 *Map Designation*

The zoning map designation for lands classified in the Very Low-Density Subdistrict shall be the numeral “1”, which shall follow the Use Subdistrict designation (e.g., RSD-1)

903.03.A.2 *Site Development Standards*

Sites in the Very Low-Density Subdistrict shall be developed in accordance with the following site development standards, provided that:

- (a) New development shall be allowed to use Contextual Setbacks and Contextual Building Heights in accordance with the provisions of Sec. 925.06 and Sec. 925.07; and
- (b) The Environmental Performance Standards of Chapter 915 shall impose additional regulations on site development if such conditions exist.

Article VI and Chapter 925 contain a complete description of site development standards and a listing of exemptions to various standards.

Site Development Standard	Very-Low Density Subdistrict
Minimum Lot Size	8000 s.f.
Minimum Lot Size per Unit	8000 s.f.
Minimum Front Setback	
RSD, RSA, RT & RTS Subdistricts	30 ft.
RM Subdistrict	30 ft.
Minimum Rear Setback	
RSD, RSA, RT & RTS Subdistricts	30 ft.
RM Subdistrict	30 ft.
Minimum Exterior Sideyard Setback	
RSD, RSA, RT & RTS Subdistricts	30 ft.
RM Subdistrict	30 ft.
Minimum Interior Sideyard Setback	
RSD, RT & RTS Subdistricts	5 ft, on one side; 10 ft. on the other side
RSA Subdistrict	10 ft.
RM Subdistrict	30 ft.
Maximum Height	
RSD, RSA, RT & RTS Subdistricts	40 ft (not to exceed 3 stories)
RM Subdistrict	40 ft (not to exceed 3 stories)

903.03.B Low-Density

903.03.B.1 Map Designation

The zoning map designation for lands classified in the Low-Density Subdistrict shall be the numeral “2”, which shall follow the Use Subdistrict designation (e.g., RSD-2)

903.03.B.2 Site Development Standards

Sites in the Low-Density Subdistrict shall be developed in accordance with the following site development standards, provided that:

- (a) New development shall be allowed to use Contextual Setbacks and Contextual Building Heights in accordance with the provisions of Sec. 925.06 and Sec. 925.07; and
- (b) The Environmental Performance Standards of Chapter 915 shall impose additional regulations on site development if such conditions exist.

Article VI and Chapter 925 contain a complete description of site development standards and a listing of exemptions to various standards.

Site Development Standard	Low Density Subdistrict
Minimum Lot Size	5000 s.f.
Minimum Lot Size per Unit	3000 s.f.
Minimum Front Setback	
RSD, RSA, RT & RTS Subdistricts	30 ft.
RM Subdistrict	25 ft.
Minimum Rear Setback	
RSD, RSA, RT & RTS Subdistricts	30 ft.
RM Subdistrict	25 ft.
Minimum Exterior Sideyard Setback	
RSD, RSA, RT & RTS Subdistricts	30 ft.
RM Subdistrict	30 ft.
Minimum Interior Sideyard Setback	
RSD, RT & RTS Subdistricts	5 ft.
RSA Subdistrict	10 ft.
RM Subdistrict	25 ft.
Maximum Height	
RSD, RSA, RT & RTS Subdistricts	40 ft. (not to exceed 3 stories)
RM Subdistrict	40 ft. (not to exceed 3 stories)

903.03.C Moderate Density

903.03.C.1 Map Designation

The zoning map designation for lands classified in the Moderate-Density Subdistrict shall be the numeral “3”, which shall follow the Use Subdistrict designation (e.g., RT-3)

903.03.C.2 Site Development Standards

Sites in the Moderate-Density Subdistrict shall be developed in accordance with the following site development standards, provided that:

- (a) New development shall be allowed to use Contextual Setbacks and Contextual Building Heights in accordance with the provisions of Sec. 925.06 and Sec. 925.07; and
- (b) The Environmental Performance Standards of Chapter 915 shall impose additional regulations on site development if such conditions exist.

Article VI and Chapter 925 contain a complete description of site development standards and a listing of exemptions to various standards.

Site Development Standard	Moderate Density Subdistrict
Minimum Lot Size	3200 s.f.
Minimum Lot Size per Unit	1800 s.f.
Minimum Front Setback	
RSD, RSA, RT & RTS Subdistricts	20 ft.
RM Subdistrict	25 ft.
Minimum Rear Setback	
RSD, RSA, RT & RTS Subdistricts	20 ft.
RM Subdistrict	25 ft.
Minimum Exterior Sideyard Setback	
RSD, RSA, RT & RTS Subdistricts	20 ft.
RM Subdistrict	25 ft.
Minimum Interior Sideyard Setback	
RSD, RT & RTS Subdistricts	5 ft.
RSA Subdistrict	5 ft.
RM Subdistrict	10 ft.
Maximum Height	
RSD, RSA, RT & RTS Subdistricts	40 ft. (not to exceed 3 stories)
RM Subdistrict	55 ft. (not to exceed 4 stories)

903.03.D High Density

903.03.D.1 Map Designation

The zoning map designation for lands classified in the High-Density Subdistrict shall be the numeral “4”, which shall follow the Use Subdistrict designation (e.g., RM-4)

903.03.D.2 Site Development Standards

Sites in the High-Density Subdistrict shall be developed in accordance with the following site development standards, provided that:

- (a) New development shall be allowed to use Contextual Setbacks and Contextual Building Heights in accordance with the provisions of Sec. 925.06 and Sec. 925.07;
- (b) Residential Compatibility Standards of Chapter 916 shall impose additional height and setback standards on new High-Density and Very High-Density residential and nonresidential development located near residential and H Districts; and
- (c) The Environmental Performance Standards of Chapter 915 shall impose additional regulations on site development if such conditions exist.

Article VI and Chapter 925 contain a complete description of site development standards and a listing of exemptions to various standards.

Site Development Standard	High Density Subdistrict
Minimum Lot Size	1800 s.f.
Minimum Lot Size per Unit	750 s.f.
Minimum Front Setback	
RSD, RSA, RT & RTS Subdistricts	15 ft.
RM Subdistrict	25 ft.
Minimum Rear Setback	
RSD, RSA, RT & RTS Subdistricts	15 ft.
RM Subdistrict	25 ft.
Minimum Exterior Sideyard Setback	
RSD, RSA, RT & RTS Subdistricts	15 ft.
RM Subdistrict	25 ft.
Minimum Interior Sideyard Setback	
RSD, RT & RTS Subdistricts	5 ft.
RSA Subdistrict	10 ft.
RM Subdistrict	10 ft.
Maximum Height	
RSD, RSA, RT & RTS Subdistricts	40 ft (not to exceed 3 stories)
RM Subdistrict	85 ft. (not to exceed 9 stories)

903.03.E Very-High Density

903.03.E.1 Map Designation

The zoning map designation for lands classified in the Very-High Density Subdistrict shall be the numeral “5”, which shall follow the Use Subdistrict designation (e.g., RM-5)

903.03.E.2 Site Development Standards

Sites in the Very High-Density Subdistrict shall be developed in accordance with the following site development standards, provided that:

- (a) New development shall be allowed to use Contextual Setbacks and Contextual Building Heights in accordance with the provisions of Sec. Sec. 925.06 and Sec. 925.07;
- (b) Residential Compatibility Standards of Chapter 916 shall impose additional height and setback standards on new High-Density and Very High-Density residential and nonresidential development located near residential and H Districts; and
- (c) The Environmental Performance Standards of Chapter 915 shall impose additional regulations on site development if such conditions exist.

Article VI and Chapter 925 contain a complete description of site development standards and a listing of exemptions to various standards.

Site Development Standard	Very-High Density Subdistrict
Minimum Lot Size	1200 s.f.
Minimum Lot Size per Unit	400 s.f.
Minimum Front Setback	
RSD, RSA, RT & RTS Subdistricts	5 ft.
RM Subdistrict	15 ft.
Minimum Rear Setback	
RSD, RSA, RT & RTS Subdistricts	15 ft.
RM Subdistrict	15 ft.
Minimum Exterior Sideyard Setback	
RSD, RSA, RT & RTS Subdistricts	5 ft.
RM Subdistrict	15 ft.
Minimum Interior Sideyard Setback	
RSD, RT & RTS Subdistricts	5 ft.
RSA Subdistrict	10 ft.
RM Subdistrict	10 ft.
Maximum Height	
RSD, RSA, RT & RTS Subdistricts	40 ft (not to exceed 3 stories)
RM Subdistrict	no limit

Chapter 904: Mixed Use Zoning Districts

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904.01 NDO, Neighborhood Office District

904.01.A Purpose

The NDO, Neighborhood Office District is intended to:

1. Provide a development opportunity for small office uses in districts that are primarily residential in use, but are not otherwise attractive for additional residential investment;
2. Provide a development opportunity for small offices in close proximity to residential areas;
3. Provide viable uses for property on traffic arterials which are otherwise not desirable for residential development and which extend through neighborhoods; and
4. Provide suitable controls to address the impacts of non-residential development on residential neighborhoods.

904.01.B Use Regulations

904.01.B.1 Primary Uses

Primary uses shall be allowed in the NDO District in accordance with the Use Table of Sec. 911.02.

904.01.B.2 Accessory Uses

Accessory uses shall be permitted in the NDO District in accordance with the Accessory Use regulations of Chapter 912. In addition, accessory uses in the NDO District shall not exceed 25 percent of the gross floor area of the primary use.

904.01.C Site Development Standards

Sites in the NDO District shall be developed in accordance with the following site development standards, provided that :

1. The Residential Compatibility Standards of Chapter 916 shall impose additional height and setback standards on new High-Density and Very High-Density Residential and nonresidential development located near Residential and H Districts;
2. The Environmental Performance Standards of Chapter 915 shall impose

- additional restrictions on development; and
3. New development shall be allowed to use Contextual Setbacks and Contextual Heights in accordance with the provisions of Sec. 925.06 and Sec. 925.07.

Article VI and Chapter 925 contain a complete description of site development standards and a listing of exemptions to various standards.

Site Development Standard	NDO District
Minimum Lot Size	0
Maximum Floor Area Ratio	3:1
Maximum Lot Coverage	90 %
Minimum Front Setback	none required
Minimum Rear Setback	
when not adjacent to a way	20 ft.
when adjacent to a way	10 ft.
Minimum Exterior Sideyard Setback	none required
Minimum Interior Sideyard Setback	none required
Maximum Height	45 ft. (not to exceed 3 stories)

904.01.D **Site Plan Review**

904.01.D.1 **General**

The following shall require Site Plan Review and approval in accordance with the Site Plan Review procedures of Sec. 922.04:

- (a) Any new construction on a lot that has an area of 8,000 square feet or more, or any building addition or enlargement that separately occupies a lot or area of 8,000 square feet or more;
- (b) Any non-residential use; or
- (c) Any off-street parking area that includes more than ten parking spaces or more than 2500 square feet of surface area.

904.01.D.2 **Standards**

The following standards shall apply for the Site Plan Review unless it is determined by the Zoning Administrator that the site contains physical conditions which prevent the use of these standards, or if the application of these standards would not be necessary to address the impacts of the projects on adjacent and abutting properties.

- (a) **Build-to Line**
All new construction in the NDO District shall maintain 65 percent building frontage along the established build-to line.
- (b) **Non-residential Size Limitation**

The gross floor area of any non-residential development, or any portion of any development which is non-residential in use, shall not exceed 8000 square feet.

(c) **Building Design**

The design of any structure in an NDO District used for non-residential purposes that does not occupy a structure originally designed as a residence shall be residential in character. The building design may employ sloped roofs, gables, porches, double-hung windows and other elements associated with residential structures.

(d) **Parking Areas**

In addition to the Parking Regulations of Chapter 914, the following standards shall apply to all off-street parking areas in the NDO District.

(1) *Location*

No parking spaces shall be located between the front building facade and the front lot line. No corner lots shall be occupied by off-street parking.

(2) *Screening*

Parking areas shall be screened from view from abutting residential properties, and shall, if possible, be located to abut the rear of adjacent residential properties rather than the side or front.

904.02 LNC, Local Neighborhood Commercial District

904.02.A Purpose

The LNC, Local Neighborhood Commercial District is intended to:

1. Maintain the small scale and rich diversity of neighborhood-serving commercial districts;
2. Promote and enhance the quality of life in adjacent residential areas; and
3. Reduce the adverse impacts that are sometimes associated with commercial uses in order to promote compatibility with residential development.

904.02.B Use Regulations

904.02.B.1 Primary Uses

Primary uses shall be allowed in the LNC District in accordance with the Use Table of Sec. 911.02.

904.02.B.2 Accessory Uses

Accessory uses shall be permitted in the LNC District in accordance with the Accessory Use regulations of Chapter 912. In addition, accessory uses in the LNC District shall not exceed 25 percent of the gross floor area of the primary use.

904.02.C Site Development Standards

Sites in the LNC District shall be developed in accordance with the following site development standards, provided that:

1. The Residential Compatibility Standards of Chapter 916 shall impose additional height and setback standards on new High-Density and Very High-Density Residential and nonresidential development located near Residential and H Districts;
2. The Environmental Performance Standards of Chapter 915 shall impose additional restrictions on site development; and
3. New development shall be allowed to use Contextual Setbacks and Contextual Building Heights in accordance with the provisions of Sec. 925.06 and Sec. 925.07.

Article VI and Chapter 925 contain a complete description of site development standards and a listing of exemptions to various standards.

Site Development Standard	LNC District
Minimum Lot Size	0
Maximum Floor Area Ratio	2:1
Maximum Lot Coverage	90 %
Minimum Front Setback	none required
Minimum Rear Setback	
when not adjacent to a way	20 ft.
when adjacent to a way	none required
Minimum Exterior Sideyard Setback	none required
Minimum Interior Sideyard Setback	none required
Maximum Height	45 ft. (not to exceed 3 stories)

904.02.D Site Plan Review

904.02.D.1 General

The following shall require Site Plan Review and approval in accordance with the Site Plan Review procedures of Sec. 922.04:

- (a) Any new construction on a lot that has an area of 6,000 square feet or more, or any building addition or enlargement that separately occupies a lot or area of 8,000 square feet or more;
- (b) Any off-street parking area that includes more than ten parking spaces or more than 2,500 square feet of surface area; or
- (c) Any new primary structure that is less than two stories or less than 20 feet in height.

904.02.D.2 Standards

The following standards shall apply for the Site Plan Review unless it is determined by the Zoning Administrator that the site contains physical conditions which prevent the use of these standards, or if the application of these standards would not be necessary to address the impacts of the projects on adjacent and abutting properties.

(a) **Build-To Line**

All new construction in the LNC District shall maintain a 65 percent building frontage along the established build-to line.

(b) **Ground-Floor Transparency**

The street level facade shall be transparent between the height of three feet and eight feet above the walkway grade for no less than 60 percent of the horizontal length of the building facade or shall include residential type windows and door openings.

(c) **Doorways and Entrances**

All primary structures allowed in the LNC District shall provide a prominent and highly visible street level doorway or entrance on all facades of the building which front on a street.

(d) **Parking Areas**

In addition to the Parking regulations of Chapter 914, the following standards shall apply to all off-street parking areas in the LNC District.

(1) *Location*

(i) **Front**

No parking spaces shall be located between the front building facade and the front lot line. No corner lot shall be used as off-street parking unless the parking area serves as a shared parking area.

(ii) **Side**

Off-street parking spaces may be located on the side of buildings, provided that the facade of the building facing the parking area is transparent between the height of three feet and eight feet above parking area grade for no less than 30 percent of the horizontal length of the building facade.

(e) **Drive-Up Windows and Drive-Through Uses**

See Section 913.03.F, Drive-Up Windows and Drive-Through Uses.

(f) **Building Design**

Varied building designs that avoid long, flat facades are required, and continuous linear strip developments are prohibited.

904.03 **NDI, Neighborhood Industrial District**

904.03.A ***Purpose***

The NDI, Neighborhood Industrial District is intended to:

1. Allow a broad range of industrial uses, subject to performance standards;
2. Accommodate other uses that are compatible with office, commercial and residential land uses; and
3. Encourage development patterns that include a mix of housing, employment and shopping opportunities.

904.03.B ***Use Regulations***

904.03.B.1 ***Primary Uses***

Primary uses shall be allowed in the NDI District in accordance with the Use Table of Sec. 911.02.

904.03.B.2 ***Accessory Uses***

Accessory uses shall be permitted in the NDI District in accordance with the Accessory Use regulations of Chapter 912. In addition, accessory uses in the NDI District shall not exceed 25 percent of the gross floor area of the primary use.

904.03.C ***Site Development Standards***

Sites in the NDI District shall be developed in accordance with the following site development standards, provided that :

1. The Residential Compatibility Standards of Chapter 916 shall impose additional height and setback standards on new High-Density and Very High-Density Residential and Nonresidential development located near Residential and H Districts;
2. The Environmental Performance Standards of Chapter 915 shall impose additional restrictions on development; and
3. New development shall be allowed to use Contextual Setbacks and Contextual Building Heights in accordance with the provisions of Sec. 925.06 and Sec. 925.07.

Article VI and Chapter 925 contain a complete description of site development standards and a listing of exemptions to various standards.

Site Development Standard	NDI District
Minimum Lot Size	0
Maximum Floor Area Ratio	2:1
Maximum Lot Coverage	90 %
Minimum Front Setback	none required
Minimum Rear Setback	
when not adjacent to a way	20 ft.
when adjacent to a way	none required
Minimum Exterior Sideyard Setback	none required
Minimum Interior Sideyard Setback	none required
Maximum Height	45 ft. (not to exceed 3 stories)

904.03.D Site Plan Review

904.03.D.1 General

The following shall require Site Plan Review and approval in accordance with the Site Plan Review procedures of Sec. 922.04:

- (a) Any new construction on a lot that has an area of 8,000 square feet or more.
- (b) Any off-street parking area that includes more than ten parking spaces or more than 2,500 square feet of surface area; or
- (c) Any new building that is less than two stories or 20 feet in height.

904.03.D.2 Standards

The following standards shall apply for the Site Plan Review unless it is determined by the Zoning Administrator that the site contains physical conditions which prevent the use of these standards, or if the application of these standards would not be necessary to address the impacts of the projects on adjacent and abutting properties.

(a) **Doorways and Entrances**

All primary structures in the NDI District shall provide a prominent and highly visible street level doorway or entrance on all facades of the building which front on a street.

(b) **Parking Areas**

In addition to the Parking Regulations of Chapter 914, the following standards shall apply to all off-street parking areas in the NDI District.

(1) **Location**

(i) **Front**

No parking spaces shall be located between the front building facade and the front lot line. No corner lots shall be occupied by

off-street parking unless the parking area serves as a shared parking area.

(ii) Side

Off-street parking spaces may be located on the side of buildings, provided that the facade of the building facing the parking area shall be transparent between the height of three feet and eight feet above parking area grade for no less than 30 percent of the horizontal length of the building facade.

(c) Building Design

Varied building designs that avoid long, flat facades are required.

(d) Drive-Up Windows and Drive-Thru Uses in the NDI District

See Section 913.03.F, Drive-Up Windows and Drive-Through Uses.

904.04 UNC, Urban Neighborhood Commercial District

904.04.A Purpose

The UNC, Urban Neighborhood Commercial District is intended to:

1. Serve a broader market than the immediate neighborhood;
2. Allow a range of development while controlling impacts on the neighborhood adjacent to them;
3. Ensure that new development fit within existing development patterns; and
4. Reinforce qualities of the built environment, such as the continuity of storefronts and pedestrian-oriented streetscapes.

904.04.B Use Regulations

904.04.B.1 Primary Uses

Primary uses shall be allowed in the UNC District in accordance with the Use Table of Sec. 911.02.

904.04.B.2 Accessory Uses

Accessory uses shall be permitted in the UNC District in accordance with the Accessory Use regulations of Chapter 912. In addition, accessory uses in the UNC District shall not exceed 25 percent of the gross floor area of the primary use.

904.04.C Site Development Standards

Sites in the UNC District shall be developed in accordance with the following site development standards, provided that :

1. The Residential Compatibility Standards of Chapter 916 shall impose additional height and setback standards on new High-Density and Very High-Density Residential and nonresidential development located near Residential and H

- Districts;
2. The Environmental Performance Standards of Chapter 915 shall impose additional restrictions on development; and
 3. New development shall be allowed to use Contextual Setbacks and Contextual Building Heights in accordance with the provisions of Sec. 925.06 and Sec. 925.07.

Article VI and Chapter 925 contain a complete description of site development standards and a listing of exemptions to various standards.

Site Development Standard	UNC District
Minimum Lot Size	0
Maximum Floor Area Ratio when not located within 1500 ft. of a Major transit facility	3:1
when located within 1500 ft. of a Major Transit Facility	4:1
Maximum Lot Coverage	
Minimum Front Setback	none required
Minimum Rear Setback when not adjacent to a way	20 ft.
when adjacent to a way	none required
Minimum Exterior Sideyard Setback	none required
Minimum Interior Sideyard Setback	none required
Maximum Height when not located within 1500 ft. of a Major transit facility	45 ft. (not to exceed 3 stories)
when located within 1500 ft. of a Major Transit Facility	60 ft. (not to exceed 4 stories)

(4) **Special Exception for Height in UNC District**

Additional height above three stories in the UNC district shall be allowed in accordance with Special Exception procedures of Sec. 922.07 with the following standards:

- (i) The maximum height of the structure shall be 85 feet, not to exceed six stories;
- (ii) The site shall not be within 200 feet of any property which is zoned Residential;
- (iii) The site shall be sufficiently separated from property zoned Residential for the Board to determine that the additional height will not create a detrimental impact on such properties through consideration of the additional traffic impacts caused by the additional height and density, the

impacts on views from such residential properties, and the impacts of the bulk of the buildings on such residential properties.

904.04.D Site Plan Review

904.04.D.1 General

The following shall require Site Plan Review and approval in accordance with the Site Plan Review procedures of Sec. 922.04:

- (a) Any new construction on a lot that has an area of 8,000 square feet or more, or any building addition or enlargement that separately occupies a lot or area of 8,000 square feet or more;
- (b) Any off-street parking area that includes more than ten parking spaces or more than 2,500 square feet of surface area; or
- (c) Any new building that is less than two stories or 20 feet in height.

904.04.D.2 Standards

The following standards shall apply for the Site Plan Review unless it is determined by the Zoning Administrator that the site contains physical conditions which prevent the use of these standards, or if the application of these standards would not be necessary to address the impacts of the projects on adjacent and abutting properties.

(a) **Build-To Line**

All new construction in the UNC District shall maintain 65 percent building frontage along the established build-to line.

(b) **Ground-Floor Transparency**

The street level facade shall be transparent between the height of three feet and eight feet above the walkway grade for no less than 60 percent of the horizontal length of the building facade.

(c) **Doorways and Entrances**

All primary structures allowed in the UNC District shall provide a prominent and highly visible street level doorway or entrance on all facades of the building which front on a street.

(d) **Parking Areas**

In addition to the Parking Regulations of Chapter 914, the following standards shall apply to all off-street parking areas in the UNC District.

(1) *Location*

(i) **Front**

No parking spaces shall be located between the front building facade and the front lot line. No corner lot shall be occupied by off-street parking unless the parking area serves as a shared parking

area.

(ii) Side

Off-street parking spaces may be located on the side of buildings, provided that the facade of the building facing the parking area shall be transparent between the height of three feet and eight feet above parking area grade for no less than 30 percent of the horizontal length of the building facade.

(e) Building Design

Varied building designs that avoid long, flat facades are required.

(f) Drive-Up Windows and Drive-Thru Uses in the UNC District

See Section 913.03.F, Drive-Up Windows and Drive-Through Uses.

904.05

HC, Highway Commercial District

904.05.A

Purpose

The HC, Highway Commercial District is intended to:

1. Accommodate auto-oriented commercial activities and uses for which automobile travel is generally required, such as automobile dealerships, fast-food restaurants and appliance stores;
2. Improve the design quality of auto-oriented development, making such areas more attractive components of the city;
3. Provide space for large-scale regional retail stores that require large lots, broadly defined market areas and high sales volumes, and that tend to be incompatible with locations adjoining smaller neighborhoods;
4. Provide space for commercial uses that would create conflicts with residential uses or other less intensive types of land uses; and
5. Maintain the efficiency of the City's existing and planned traffic network.

904.05.B

Use Regulations

904.05.B.1

Primary Uses

Primary uses shall be allowed in the HC District in accordance with the Use Table of Sec. 911.02.

904.05.B.2

Accessory Uses

Accessory uses shall be permitted in the HC District in accordance with the Accessory Use regulations of Chapter 912. In addition, accessory uses in the HC District shall not exceed 25 percent of the gross floor area of the primary use.

904.05.C

Site Development Standards

Sites in the HC District shall be developed in accordance with the following site

development standards, provided that :

1. The Residential Compatibility Standards of Chapter 916 shall impose additional height and setback standards on new High-Density and Very High-Density Residential and nonresidential development located near Residential and H Districts;
2. The Environmental Performance Standards of Chapter 915 shall impose additional restrictions on development; and
3. New development shall be allowed to use Contextual Setbacks and Contextual Building Heights in accordance with the provisions of Sec. 925.06 and Sec. 925.07.

Article VI and Chapter 925 contains a complete description of site development standards and listing of exemptions to various standards.

Site Development Standard	HC District
Minimum Lot Size	0
Maximum Floor Area Ratio when not located within 1500 ft. of a Major transit facility	2:1
when located within 1500 ft. of a Major Transit Facility	3:1
Maximum Lot Coverage	
Minimum Front Setback	none required
Minimum Rear Setback when not adjacent to a way	20 ft.
when adjacent to a way	none required
Minimum Exterior Sideyard Setback	none required
Minimum Interior Sideyard Setback	none required
Maximum Height	75 feet (not to exceed 5 stories)

904.05.D Site Plan Review

904.05.D.1 General

Any new construction or building addition or enlargement on a lot that has an area of 20,000 square feet or more shall require Site Plan Review and approval in accordance with the Site Plan Review procedures of Sec. 922.04.

904.05.D.2 Standards

The following standards shall apply for the Site Plan Review unless it is determined by the Zoning Administrator that the site contains physical conditions which prevent the use of these standards, or if the application of these standards would not be

necessary to address the impacts of the projects on adjacent and abutting properties.

(a) **Building Design**

Varied building designs that avoid long, flat facades are required.

(b) **Doorways and Entrances**

Each principal building on a site shall have a clearly defined, highly visible entrance. Main entrances to buildings should be emphasized using larger doors and framing devices such as deep overhangs, recesses, peaked roof forms, and arches. To the maximum extent feasible, this entrance shall face a public street.

(c) **Pedestrian Access**

Sidewalks at least six feet in width shall be provided along all sides of the lot that abut a public street, and at least one continuous pedestrian walkway must be provided from the street to the principal building entrance.

(d) **Drive-Up Windows and Drive-Thru Uses**

Drive-up windows and drive-through uses shall be permitted as accessory uses within the HC District.

904.06

GI, General Industrial District

904.06.A

Purpose

The GI, General Industrial District is intended to:

1. Accommodate a full range of industrial, manufacturing, warehouse, and similar uses which are incompatible with lower intensity land uses;
2. Preserve land for manufacturing uses to maintain the diversity of the City's economic base;
3. Allow limited commercial development to support industrial uses without competing for land value; and
4. Encourage appropriate multi-unit residential development in the adaptive reuse of older industrial buildings.

904.06.B

Use Regulations

904.06.B.1

Primary Uses

Primary uses shall be allowed in the GI District in accordance with the Use Table of Sec. 911.02.

904.06.B.2

Accessory Uses

Accessory uses shall be permitted in the GI District in accordance with the Accessory Use regulations of Chapter 912. In addition, accessory uses in the GI District shall not exceed 25 percent of the gross floor area of the primary use.

904.06.C *Site Development Standards*

Sites in the GI District shall be developed in accordance with the following site development standards, provided that :

1. The Residential Compatibility Standards of Chapter 916 shall impose additional height and setback standards on new High-Density and Very High-Density Residential and nonresidential development located near Residential and H Districts;
2. The Environmental Performance Standards of Chapter 915 shall impose additional restrictions on development; and
3. New development shall be allowed to use Contextual Setbacks and Contextual Building Heights in accordance with the provisions of Sec. 925.06 and Sec. 925.07.

Article VI and Chapter 925 contain a complete description of site development standards and a listing of exemptions to various standards.

Site Development Standard	GI District
Minimum Lot Size	0
Maximum Floor Area Ratio	3:1
Maximum Lot Coverage	
Minimum Front Setback	none required
Minimum Rear Setback	
when not adjacent to a way	20 ft.
when adjacent to a way	none required
Minimum Exterior Sideyard Setback	10 ft.
Minimum Interior Sideyard Setback	10 ft.
Maximum Height	75 ft. (not to exceed 5 stories)

904.06.D *Site Plan Review*

904.06.D.1 *General*

Any new construction or building addition or enlargement on a lot that has an area of 20,000 square feet or more shall require Site Plan Review and approval in accordance with the Site Plan Review procedures of Sec. 922.04.

- (a) **Drive-Up Windows and Drive-Through Uses**
Drive-up windows and drive-through uses shall be permitted as accessory uses within the GI District.

904.07 *UI, Urban Industrial District*

(New District by Ord. No. 19/ July 8, 1999. Amend. No. U-9)

904.07.A ***Purpose***

The UI, Urban Industrial District, is intended to:

1. Allow mid-sized to large industries with lower external impacts on surrounding properties and districts;
2. Provide a flexible district that addresses the growing need for easily adaptable and flexible spaces, including office parks, incubator spaces, high technology and service sector industries;
3. Allow multi-use buildings that permit assembly, inventory, sales, and business functions within the same space.

904.07.B ***Use Regulations***

904.07.B.1 ***Primary Uses***

Primary uses shall be allowed in the UI District in accordance with the Use Table of Sec. 911.02.

904.07.B.2 ***Accessory Uses***

Accessory Uses shall be allowed in the UI District in accordance with the Accessory Use regulations of Chapter 912. In addition, accessory uses in the UI District shall not exceed 25 percent of the gross floor area of the primary use.

904.07.C ***Site Development Standards***

Sites in the UI District shall be developed in accordance with the following Site Development Standards, provided that:

1. The Residential Compatibility Standards of Chapter 916 shall impose additional height and setback standards on new High Density and Very-High Density Residential development and nonresidential development located near Residential and H Districts;
2. The Environmental Performance Standards of Chapter 915 shall impose additional restrictions on development; and
3. New development shall be allowed to use Contextual Setbacks and Contextual Building Heights in accordance with the provisions of Sec. 925.06 and Sec. 925.07.

Article VI and Chapter 925 contain a complete description of site development standards and a listing of exemptions to various standards.

Site Development Standard	UI District
Minimum Lot Size	0
Maximum Floor Area Ratio when not located within 1500 ft. of a Major Transit Facility	3:1
when located within 1500 ft. of a Major Transit Facility	4:1
Maximum Lot Coverage	
Minimum Front Setback	none required
Minimum Rear Setback when not adjacent to a way	20 ft.
when adjacent to a way	none required
Minimum Exterior Sideyard Setback	10 ft.
Minimum Interior Sideyard Setback	10 ft.
Maximum Height	60 ft. (not to exceed 4 stories)

904.07.C.4 *Special Exception for Height in the UI District*

Additional height above four stories in the UI District shall be allowed in accordance with the Special Exception procedures of Sec. 922.07 with the following standards:

- (i) The maximum height shall be 6 stories and 85 feet;
- (ii) The site shall not be within 200 feet of any property which is zoned Residential;
- (iii) The site shall be sufficiently separated from property zoned Residential for the Board to determine that the additional height will not create detrimental impact on such properties through consideration of the additional traffic impacts caused by the additional height and density, the impacts on views from such residential properties, and the impacts of the bulk of the buildings on such residential properties.

904.07.D *Site Plan Review*

904.07.D.1 *General*

The following shall require Site Plan Review and approval in accordance with the Site Plan Review Procedures of Sec. 922.04:

- (a) Any new construction on a lot that has an area of 20,000 s.f. or more;
- (b) Any off-street parking that includes more than 50 parking spaces or more than 15,000 square feet of surface area.

904.07.D.2 *Standards*

The following standards shall apply to all properties in the UI District subject Site Plan Review unless it is determined by the Zoning Administrator that the site contains

physical conditions which prevent the use of these standards, or if the application of these standards would not be necessary to address the impacts of the projects on adjacent and abutting properties.

(a) **Doorways and Entrances**

Each principal building on a site shall have a clearly defined, highly visible entrance. To the maximum extent feasible, main entrances shall face a public street.

(b) **Drive-Up Windows and Drive-Through Uses**

Drive-up windows and drive-through uses shall be permitted as accessory uses within the UI District.

(c) **Pedestrian Access**

Sidewalks at least six feet in width shall be provided along all sides of parking lots that abut a public street, and at least one continuous pedestrian walkway shall be provided from the street to the principal building entrance.

Chapter 905: Special Purpose Districts

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905.01 PO, Parks and Open Space District

905.01.A *Purpose*

The PO, Park and Open Space District is intended to:

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;
3. Accommodate passive and active recreational uses of public and private open spaces; and
4. Protect adjacent residential neighborhoods from adverse land use impacts.

905.01.B *Use Regulations*

905.01.B.1 *Primary Uses*

Primary uses shall be allowed in the PO District in accordance with the Use Table of Sec. 911.02.

905.01.B.2 *Accessory Uses*

Accessory uses shall be permitted in the PO District in accordance with the Accessory Use regulations of Chapter 912.

905.01.C *Site Development Standards*

Sites in the PO District shall be developed in accordance with the following site development standards, provided that:

1. New development shall be allowed to use Contextual Setbacks and Contextual Building Heights in accordance with the provisions of Sec. 925.06 and Sec. 925.07; and
2. The Environmental Performance Standards of Chapter 915 shall impose additional restrictions on development.

Article VI and Chapter 925 contain a complete description of site development standards and a listing of exemptions to various standards.

Site Development Standard	PO District
Minimum Lot Size	0
Maximum Floor Area Ratio	0.5:1
Minimum Front Setback	none required
Minimum Rear Setback	none required
Minimum Exterior Sideyard Setback	none required
Minimum Interior Sideyard Setback	none required
Maximum Height	30 feet (not to exceed 2 stories)

905.02 H, Hillside District

905.02.A Purpose

The H, Hillside District is intended to:

1. Promote environmental preservation and fiscal responsibility;
2. Allow reasonable use and development of property zoned H, Hillside; and
3. Apply in areas that are not suitable for intensive development because of the presence of environmental or scenic resources and because of the difficulty of providing essential public facilities and services in an efficient and cost-effective manner.

905.02.B Use Regulations

905.02.B.1 Primary Uses

Primary uses shall be allowed in the H District in accordance with the Use Table of Sec. 911.02.

905.02.B.2 Accessory Uses

Accessory uses shall be permitted in the H District in accordance with the Accessory Use regulations of Chapter 912.

905.02.C Site Development Standards

Sites in the H District shall be developed in accordance with the following site development standards, provided that:

1. New development shall be allowed to use Contextual Setbacks and Contextual Building Heights in accordance with the provisions of Sec. 925.06 and Sec. 925.07; and
2. The Environmental Performance Standards of Chapter 915 shall impose additional restrictions on development.

Article VI and Chapter 925 contain a complete description of site development standards and a listing of exemptions to various standards.

Site Development Standard	H District
Minimum Lot Size	30,000 s.f.
Minimum Front Setback	30 ft.
Minimum Rear Setback	30 ft.
Minimum Exterior Sideyard Setback	30 ft.
Minimum Interior Sideyard Setback	15 ft.
Maximum Height	40 ft. (not to exceed 3 stories)

905.02.D ***Hillside Development Standards***

Every new or changed use of land and every structure hereafter erected or enlarged in the H District shall comply with the Hillside Development Standards of the Subdivision Regulations, as adopted by the Planning Commission. The Zoning Administrator shall not approve an application for a Certificate of Occupancy in the H District unless the development plan for the subject property complies with all applicable provisions of the Subdivision Regulations' Hillside Development Standards.

905.03 **EMI, Educational/Medical Institution District**

905.03.A ***Purpose***

The EMI, Educational/Medical Institution District is intended to:

1. Accommodate educational and medical institutional uses, such as hospitals, colleges and universities, within the urban context;
2. Promote and enhance the development and expansion of medical and educational uses; and
3. Minimize the adverse impacts that can result when institutional uses are located near neighborhoods.

905.03.B ***Use Regulations***

905.03.B.1 ***Primary Uses***

Primary uses shall be allowed in the EMI District in accordance with the Use Table of Sec. 911.02.

905.03.B.2 ***Accessory Uses***

Accessory uses shall be permitted in the EMI District in accordance with the Accessory Use regulations of Chapter 912.

905.03.C ***Site Development and Design Standards***

Land within an EMI District shall be developed in accordance with an approved Institutional Master Plan which shall contain a detailed description of the site development standards and the design standards applicable within the subject EMI District. Since each EMI District will accommodate a different institution in a different neighborhood setting, each Institutional Master Plan, and hence each EMI District, will have different site development standards and design standards. Land within an EMI District shall be subject to the Residential Compatibility Standards of Chapter 916.

905.03.D ***Institutional Master Plans***

905.03.D.1 ***Purpose***

The Institutional Master Plan shall provide a framework for development of large institutions such as hospitals and colleges, which control large areas of land within the City, contain a much greater density of development than surrounding areas, are a source of substantial employment, and are usually located immediately adjacent to residential neighborhoods. An Institutional Master Plan is intended to permit flexibility for a large institution which is not possible on a lot-by-lot basis, while providing a level of understanding to the public and the community about the potential growth of institutions and the resultant impacts. The provisions are specifically intended to:

- (a) Protect the integrity of adjacent residential neighborhoods by addressing impacts of institutional development on adjacent areas;
- (b) Provide a growing and continuing source of employment which is easily accessible;
- (c) Create attractive and efficient urban areas which incorporate a high degree of amenity; and
- (d) Protect sensitive portions of the natural and man-made environment which are potentially affected by institutional development.

905.03.D.2 *Applicability*

An Institutional Master Plan must be submitted and approved, in accordance with the procedures of Sec. 922.12, prior to any development within an EMI District except for the following:

- (a) No Institutional Master Plan shall be required for interior alterations to an existing building, provided that such project does not involve the establishment or expansion of commercial uses allowed in the EMI District.
- (b) Prior to the approval of an Institutional Master Plan, the Planning Director shall be authorized to approve minor development projects within an EMI District, provided that the development:
 - (1) Shall not result in the creation of or the need for additional parking;
 - (2) Shall not result in an increase in the number of employees;
 - (3) Shall not result in the addition of a total of more than 25,000 square feet of floor area;
 - (4) Shall not result in the coverage or a total of more than 25,000 square feet of site area; and
 - (5) Shall not increase the height of any structure by more than one story or 14 feet.

905.03.D.3 *Institutional Master Planning Area*

An Institutional Master Plan shall include all the area within the EMI District, contiguous properties which are under the control of the institution, and properties within 1000 feet of the EMI District.

905.03.D.4 *Submission Requirements*

An Institutional Master Plan shall, at a minimum, include the following information unless the Planning Director determines that such information is not necessary to evaluate the proposed Institutional Master Plan and the institution's future impacts on surrounding neighborhoods. Specific requirements of the full Institutional Master Plan shall be prepared by the Zoning Administrator and adopted by the City Planning Commission.

(a) Planning Horizon

The Institutional Master Plan shall cover a period of least twenty-five (25) years, commencing from the date of submission. Requirements shall vary for different time periods within the plan, according to the following.

(b) Mission and Objectives

The Institutional Master Plan shall include a statement that defines the organizational mission and objectives of the institution and description of how all development contemplated or defined by the Institutional Master Plan advances the goals and objectives of the institution. The statement should describe the population to be served by the institution, and any projected changes in the size or composition of that population. It should also specify any services to be provided to Pittsburgh residents in adjacent neighborhoods and in other areas of the city.

(c) Existing Property and Uses

The Institutional Master Plan shall include a description of land, buildings, and other structures owned or occupied by the institution as of the date of submission of the Institutional Master Plan. The following information shall be required:

- (1) Illustrative site plans showing the footprints of each building and structure, together with roads, sidewalks, parking, landscape features and other significant site improvements;
- (2) Land and building uses;
- (3) Gross floor area in square feet;
- (4) Building height in stories and feet; and
- (5) A description of off-street parking and loading areas and facilities, including a statement of the approximate number of parking spaces in each area or facility.

(d) Needs of the Institution

The Institutional Master Plan shall include a summary and projection of the institution's current and future needs for the following facilities:

- (1) Academic;
- (2) Service;
- (3) Research;
- (4) Office;
- (5) Housing;
- (6) Patient care;
- (7) Public assembly;
- (8) Parking; and
- (9) Other facilities related to the institutional use.

(e) Ten Year Development Envelope

The Institutional Master Plan shall include a description of the envelope within which development will occur in a ten year time frame. The development envelope is the maximum amount of development proposed by an institution, which can be supported through impact studies. The intent of this provision is to provide the institution with flexibility regarding the future development potential of its campus, while addressing the potential impacts of that development on the surrounding neighborhoods.

The Development Envelope shall include the following:

- (1) Location of each potential development site;
- (2) Maximum Floor Area of structures for each potential development site;
- (3) Total Maximum Floor Area for Institutional Master Plan structures;
- (4) Height of possible structures;
- (5) Required setbacks on each parcel;
- (6) Other factors which may affect the size and form of buildings; and
- (7) Total number and location of parking spaces which will occur within a ten year period.

(f) **Twenty-five Year Development Sites**

The Institutional Master Plan shall include written and graphic materials identifying future development sites in addition to those noted in the Ten Year Development Envelope. This information shall include, at a minimum, the size and location of each parcel which may be developed within a twenty-five year period.

(g) **Transportation Management Plan**

The Institutional Master Plan shall include a transportation and parking management plan, based on the results of the transportation study, that identifies any traffic mitigation measures to be employed.

(h) **Environmental Protection Plan**

The Institutional Master Plan shall identify all sensitive environmental resources within the Institutional Master Plan area, as well as any view corridors that traverse the Institutional Master Plan area. The Institutional Master Plan shall identify Environmental Overlay Districts that affect the Institutional Master Plan area and shall include reports on those conditions as required in Chapter 906. The Institutional Master Plan shall identify areas of the Institutional Master Plan area which may be subject to the Environmental Performance Standards of Chapter 915. The plan shall identify the measures that will be used to mitigate impacts for each of these conditions.

(i) **Open Space and Pedestrian Circulation Plan**

The Institutional Master Plan shall include open space and pedestrian circulation guidelines and objectives, including a description of the circulation system to be provided through the campus and plans for ensuring the accessibility of

pedestrian areas and open spaces.

(j) **Urban Design Guidelines**

The Institutional Master Plan shall include design guidelines and objectives for new and renovated buildings and structures to assure their compatibility with supporting neighborhoods and districts and to minimize potential adverse impacts on historic structures and historic districts. Urban design guidelines shall include listings of appropriate materials, height, bulk, massing, and colors that will be used to guide the course of proposed and future development.

(k) **Neighborhood Protection Strategy**

The Institutional Master Plan shall identify standards and programs that will be put in place to ensure that the quality of the surrounding neighborhoods is maintained or enhanced.

905.03.D.5 *Compliance with Institutional Master Plan*

No building permit or Certificate of Occupancy shall be issued for any project within an EMI District until the Zoning Administrator, upon the recommendation of the Planning Director, certifies that the proposed project is consistent with an approved Institutional Master Plan. Such a certification may be found if the proposed project is clearly identified in the approved Institutional Master Plan or if the project is found to create minimal impact according to the following criteria:

- (a) The project does not result in the creation of or the need for additional parking;
- (b) The project does not result in an increase in the number of employees;
- (c) The project does not result in the addition of more than 25,000 square feet of floor area; and
- (d) The project does not result in the coverage of more than 25,0000 square feet of site area.

Such a certification of consistency, or finding of inconsistency, or finding of consistency subject to conditions, shall be issued within 45 days of receipt of an application for a building, use, or Certificate of Occupancy for the proposed project. All projects, regardless of size, shall meet all standards and guidelines found in the approved Institutional Master Plan before the Zoning Administrator can approve the application for a Building Permit.

Chapter 906: Environmental Overlay Districts

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906.01 Purpose of Environmental Overlay Zoning Districts

The purpose of the Environmental Overlay Districts is to:

- A. Reduce hazards to life and protect structures and uses from damages which may be caused by construction on or use of land which is unsafe for development;
- B. Protect land, public infrastructure, and waters of the City from damages caused by improper use or construction on land which has physical, environmental or aesthetic limitations or development;
- C. Maintain and enhance natural land features which are environmentally significant or which constitute a natural resource of importance to the community at large, including especially wooded hillsides, river frontages and stream valleys;
- D. Enhance public access to, and enjoyment of, the City's rivers and riverfronts;
- E. Implement the policies enumerated in the Vacant, Environmentally Sensitive Land Management Study of 1979; and
- F. Carry out the mandates imposed upon governments in Pennsylvania by Article I, Section 27 of the Commonwealth's constitution, which states, "The people have a right to clean air, pure water and to the preservation of the natural, scenic, historic and aesthetic values of the environment. As trustee of these resources, the Commonwealth shall conserve and maintain them for the benefit of all of the people."

906.02 FP-O, Flood Plain Overlay District

906.02.A Purpose

The purpose of the FP-O, Flood Plain Overlay District is to reduce the potential for property damage and hazards to life caused by flooding. The regulations are intended to implement and ensure consistency with the Pennsylvania Flood Plain Management Act and the National Flood Insurance Program, and to reduce property damages and hazards to life caused by flooding.

906.02.B Permits Required

In order to assure compliance with all pertinent local, state and federal flood plain regulations, no development shall commence in a flood plain without the issuance of a

City zoning and building permit.

906.02.C **Special Definitions**

The following special definitions shall apply the Flood Plain Overlay District regulations:

1. **Base flood** means a flood having a one percent chance of being equaled or exceeded in any given year.

2. **Development which may endanger human life** means, in accordance with the Pennsylvania Flood Plain Management Act and regulations adopted by the Department of Community Affairs pursuant to that act; any activity requiring the production, storage, use of any amount of radioactive substances; structures or land used for the production or storage of any quantity of the following materials; or structures or land used for any activity requiring the maintenance of a supply (more than 550 gallons or other comparable volume) of the following materials:
 - A. Acetone
 - B. Ammonia
 - C. Benzene
 - D. Calcium carbide
 - E. Carbon disulfide
 - F. Celluloid
 - G. Chlorine
 - H. Hydrochloric acid
 - I. Hydrocyanic acid
 - J. Magnesium
 - K. Nitric acid and oxides of nitrogen
 - L. Petroleum products (gasoline, fuel oil, etc.)
 - M. Phosphorus
 - N. Potassium
 - O. Sodium
 - P. Sulphur and sulphur products
 - Q. Pesticides (including insecticide, fungicides and rodenticides)
 - R. Radioactive substances, insofar as such substances are not otherwise regulated.

3. **Encroachment** means any structure or activity which in any manner changes, expands or diminishes the course, current or cross section of any watercourse, floodway or body of water.

4. **Flood plain** means any land susceptible to being inundated by water from any source during the base flood, as shown on the most current flood plain maps prepared by the Federal Insurance Administration and approved by the Federal

Emergency Management Agency (FEMA) for the purpose of determining the official Federal Designated Flood Plain, Floodway and Floodway Fringe. These maps are based on the most current Flood Insurance Study prepared by the Federal Emergency Management Agency; the Study being the definitive source of flood plain information, particularly in regards to base flood elevations and floodway widths.

5. **Floodway** means the channel of a river or other watercourse and adjacent land areas that shall be reserved in order to discharge the waters of the base flood; in this section, as shown on maps prepared by the Federal Insurance Administration of the Federal Emergency Management Agency. Where no floodway has been delineated within a flood plain, the floodway is established for regulatory purposes as extending 50 feet landward from the top bank of a stream.
6. **Floodway fringe** means that portion of a flood plain which is not the floodway; in this section, as shown on maps prepared by the Federal Insurance Administration of the Federal Emergency Management Agency.
7. **Mobile Home** means a structure built on a permanent chassis which is transportable and is used as a permanent residence, temporary residence, office, storage space, or other use.
8. **Obstruction** means any projection, excavation, building, structure, stockpile, refuse, fill or matter in, along, across or projecting into any channel, watercourse or flood plain area which may impede, retard or change the direction of the flow of water either in itself or by catching or collecting debris carried by such water or which is placed where the flow of the water might carry the same downstream.
9. **Special hazard** means obstructions in flood plains which present a special hazard to occupants or to the public and defined in the Pennsylvania Flood Plain Management Act as: hospitals, nursing homes, jails, new mobile home park or new mobile home subdivisions or substantial additions to mobile home parks or subdivisions.
10. **Substantial improvement** means any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either before the improvement is started or, if the structure has been damaged and is being restored, before the damage occurred. This term also includes work on structures which have incurred damage amounting to more than 50 percent of the structure's market value before the damage, regardless of the actual repair work performed. This term does not include:

- A. Any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions; or
- B. Any alteration of a structure listed on the National Register of Historic Places or the Pennsylvania Inventory of Historic Places, provided the alteration does not preclude the structure's continued designation as a historic structure by the pertinent entity.

906.02.D ***Effect of District Regulations***

Land within the FP-O District shall be used and structures shall be constructed, altered or enlarged for uses that are allowed in the underlying zoning districts, unless specifically limited or prohibited by the FP-O District regulations of this section.

All utilities including but not limited to electric, gas, public water, sanitary sewerage, storm sewers, telephones and cable communications in flood plain areas shall be designed and constructed to prevent damage to the systems, damaged caused by the systems, and loss of service during times of flood. On-lot sewerage systems shall not be permitted in flood plain areas. Gas and oil supply systems shall incorporate provisions for the drainage of these systems in the event flood water infiltration occurs. Prior to altering or relocating any floodway in the City, the State Floodplain Management Coordinating Agency shall be notified along with any other affected municipality, the State Department of Environmental Protection, and the Federal Emergency Management Agency. All applications for zoning approval in a flood plain area subject to the City's flood plain regulations, and subdivisions involving more than 50 lots or 5 acres, shall indicate the base flood elevation as determined from the FEMA Flood Plain Maps and Flood Insurance Study. In flood plain areas where the base flood elevation has not been established, applicants for zoning approval shall be responsible for contacting pertinent state and federal agencies to provide the Zoning Administrator with the best available base flood elevation information at the time of the zoning application.

906.02.E ***Warning and Disclaimer***

The mapped delineations of land that may be subject to flooding do not necessarily include all land that is subject to such hazards. While it is the purpose of the regulations contained in this section to afford reasonable protection against damages caused by construction on or use of hazard-prone land, neither the mapped delineations nor any regulations contained in this section shall create any liability on the part of the City, its officers or employees for damages that may occur.

906.02.F ***Floodway Regulations***

Land within floodways shall be subject to the following regulations, which shall apply to all new uses of land including the placement of fill, all new structures, all substantial improvements of existing structures and all enlargements or additions to existing structures or uses.

906.02.F.1 *Compliance with State Flood Plain Management Act*

In accordance with Section 302 of the Pennsylvania Flood Plain Management Act and the regulations of the Department of Environmental Protection or its successor agency contained in Chapter 105 of Title 25 of the Code, adopted on September 16, 1990, the Pennsylvania Department of Environmental Protection or its successor agency has exclusive jurisdiction to regulate obstructions and encroachments in floodways.

- (a) No Certificate of Occupancy shall be issued by the Zoning Administrator for any obstruction or encroachment in a delineated floodway or where a floodway has not been delineated, within 50 feet landward from the top of the bank of a stream in a floodplain area unless a permit has been first issued by the Department of Environmental.
- (b) When such a permit has been issued by the Department of Environmental Protection or its successor agency, the following uses are prohibited:
 - (1) Use or development of land or construction or alteration of structures that would result in any increase in flood levels during the occurrence of the base flood discharge;
 - (2) Development that may endanger human life;
 - (3) Special hazards; and
 - (4) Mobile homes.

906.02.F.2 *When No State Permits Required*

If the Department of Environmental shall determine that a permit is not required for use of land or for construction or alteration of a structure in a floodway or if the Department of Environmental Protection or its successor agency shall at any time delegate all or any portion of its authority to regulate such obstruction and encroachments to the City, the following uses are prohibited:

- (a) Use or development of land or construction or alteration of structures that would result in any increase in flood levels during the occurrence of the base flood discharge;
- (b) Development that may endanger human life;
- (c) Special hazards; and
- (d) Mobile homes.

906.02.F.3 *Required Analysis*

The applicant shall prove either by a written submission from the Department of Environmental or via an analysis conducted by a registered professional engineer utilizing Department of Environmental Protection or its successor agency approved methods that the proposed action would not result in any increase in flood levels during the occurrence of the base flood.

906.02.F.4 *Flood-Proofing*

Any structure or use approved in the floodway shall comply with the requirements for flood proofing or elevation of a structure, or any enclosed space thereof, above flood level.

906.02.G *Floodway Fringe Regulations*

Land within an FP-O District but not within a floodway may be used and structures may be erected, altered or enlarged only for those uses listed in this section.

906.02.G.1 *Uses Permitted By-Right*

Uses that are permitted By-Right in the underlying zoning district shall be permitted By-Right in the floodway fringe area of an FP-O District, except for developments that may endanger human life or special hazards. All new construction and substantial improvement of existing structures shall comply with requirements for elevation of structures, and any enclosed space thereof, above flood level or flood proofing.

906.02.G.2 *Conditional Uses*

The following uses may be allowed in the floodway fringe area of a FP-O District after a public hearing and recommendations by the Planning Commission and after approval by City Council in accordance with the provisions of Sec. 922.06.

- (a) **Uses Classified as Conditional Uses in Underlying Zoning Districts**
Uses which are classified as Conditional Uses in the underlying zoning district in a FP-O District, but not within a floodway, in accordance with all other provisions of this Zoning Ordinance applicable to the specific use and zoning district and provided:
- (1) The use shall not be a special hazard, development which may endanger life, or a mobile home; nor shall it in any other way constitute or contribute to increased hazards to life or dangers to the public health, safety or welfare during time of flood;
 - (2) Any substantial improvement or new construction shall meet all requirements for elevation above flood level or flood proofing applicable to the particular category of use and structure;
 - (3) In the case of new development or construction, Council shall determine that the proposed use is necessary in the proposed location and that there are no feasible alternative locations outside of the FP-O District;
 - (4) In the case of alterations or enlargements, which do not constitute substantial improvements, Council may require arrangement of uses, mechanical systems, and other elements within a structure, for flood proofing or both, which are reasonably related to the minimization of flood damages and danger to life during time of flood; and
 - (5) If feasible in relation to the use and in relation to the character of adjacent areas, public access to the riverfront should be provided in connection with

any new construction or development on a riverfront site within a FP-O District.

(b) **Development That May Endanger Human Life**

Development that may endanger human life in a District, but not within a floodway, shall be subject to the following standards:

- (1) No new construction or development classified as development which may endanger life shall be permitted in a FP-O District;
- (2) Substantial improvement of a development which may endanger human life shall be elevated or flood proofed to remain completely dry up to at least one and one-half feet above the level of the base flood and designed to prevent pollution from the structure or activity during the base flood; and
- (3) Improvements to structures, which do not constitute substantial improvements, shall be flood proofed to the maximum extent feasible, and Council may impose additional requirements for the storage or anchoring of dangerous substances to reduce possible hazards during time of flood.

(c) **Special Hazards**

Special hazards in FP-O District, but not within a floodway, in accordance with all other provisions of this Zoning Ordinance applicable to the specific use and zoning district, and provided:

- (1) Council shall determine that the use is necessary in the location proposed and that no feasible alternative site exists in a location not within FP-O District;
- (2) New construction, substantial improvement, enlargements or additions of a special hazard use in a FP-O District shall be located and constructed to fully protect the health and safety of the general public and occupants of the structure. All structures shall be located, constructed and maintained so that:
 - (i) The structure will survive inundation by waters of the base flood without any lateral movement or damage to the structure or to any of its equipment or contents;
 - (ii) The lowest floor elevation will be at least one and one-half feet above the base flood elevation;
 - (iii) The occupants of the structure can remain inside for an indefinite period of time and be safely evacuated at any time during the base flood;
 - (iv) There is full compliance with the Building Code and other requirements for special hazard uses adopted by the City; and
 - (v) Any significant possibility of pollution, increased flood levels or flows, or debris endangering life and property will be prevented.

- (3) Any alteration or improvement of an existing special hazard use, which does not constitute a substantial improvement, enlargement or addition, shall be flood proofed to the maximum extent feasible; and Council may impose additional requirements to insure the safety of occupants during time of flood;
- (4) The minimum filing requirements are met. These filing requirements shall include the following information:
 - (i) A location map which will enable a person unfamiliar with the City to accurately determine the location within the City of the site or property involved;
 - (ii) A topographic map based on the National Geodetic Vertical Datum of 1929, showing existing and proposed contours at intervals of two feet;
 - (iii) The location of the flood plain boundary line, information and spot elevations concerning the 100-year flood elevation, and information concerning the flow of water (including direction and velocities);
 - (iv) Complete information concerning flood depths, pressures, velocities, impact and uplift forces, and other factors associated with the 100-year flood;
 - (v) Detailed information concerning any proposed flood proofing measures;
 - (vi) Cross-section drawings for all proposed streets, drives, other accessways, and parking areas, showing all right-of-way and pavement widths;
 - (vii) Profile drawings for all proposed streets, drives and vehicular accessways including existing and proposed grades;
 - (viii) Plans and profiles of all proposed sanitary and storm sewer systems, water supply systems, and any other utilities and facilities;
 - (ix) Certification from a registered professional engineer, architect or landscape architect that the proposed construction has been adequately designed to protect against damage from the 100-year flood;
 - (x) A statement, certified by a registered professional engineer, architect, landscape architect or other qualified person which contains a complete and accurate description of the nature and extent of pollution that might possibly occur from the development during the course of a 100-year flood, including a statement concerning the effects such pollution might have on human life;
 - (xi) A statement certified by a registered professional engineer, architect or landscape architect which contains a complete and accurate description of the effects the proposed development will have on 100-year flood elevations and flows;
 - (xii) A statement, certified by a registered professional engineer, architect

- or landscape architect which contains a complete and accurate description of the kinds and amounts of any loose buoyant materials or debris that may possibly exist or be located on the site below the 100-year flood elevation and the effects such materials and debris may have on 100-year flood elevations and flows;
- (xiii) Any other applicable permits such as, but not limited to, a permit for any activity regulated by the Department of Environmental Resources under Section 302 of the Pennsylvania Flood Plain Management Act (any obstruction; flood control project, publicly owned or maintained; highway owned, constructed or maintained by a non-federal governmental unit; an obstruction owned or maintained by a public utility); and
 - (xiv) An evacuation plan which fully explains the manner in which the site will be safely evacuated before or during the course of a 100-year flood.
- (5) Hospitals, nursing homes, correctional facilities, new mobile home parks or substantial additions to mobile home parks, shall be subject to special permit requirements specified hereunder:
- (i) Within three days of receipt of a Conditional Use application for a special hazard use and before consideration of such application by City Council, the Zoning Administrator shall forward a copy of the application, with accompanying documents to the Allegheny County Planning Commission via registered or certified mail and to the Bureau of Building Inspection for their review; and
 - (ii) If, after consideration by City Council, an application is approved, the Zoning Administrator shall so notify via registered or certified mail the Pennsylvania Department of Community Affairs in writing within five working days after the date of City Council approval, together with the application and all documentation. A Certificate of Occupancy shall not be issued for a special hazard conditional use approved by City Council until 30 days after receipt of notification by the Department of Community Affairs. If an application is disapproved by the Department of Community Affairs, the Zoning Administrator shall not issue a permit.

906.02.G.3 *Special Exceptions*

Uses that are allowed as Special Exceptions in the underlying zoning district shall be allowed as Special Exceptions in the floodway fringe area of an FP-O District, provided that:

- (a) The use shall not be a special hazard, development which may endanger human life, or a mobile home; nor shall it in any other way constitute or contribute to increased hazards to life or dangers to the public health, safety or welfare during time of flood;

- (b) Any substantial improvement or new construction shall meet all requirements for elevation above flood level or flood proofing applicable to the particular category of use and structure;
- (c) In the case of new development or construction, the Board shall determine that the proposed use is necessary in the proposed location and that there are no feasible alternative locations outside of the FP-O District; and
- (d) In the case of alterations or enlargements, which do not constitute substantial improvements, the Board may impose requirements for arrangement of uses, mechanical systems and other elements within a structure and/or for flood proofing which are reasonably related to the minimization of flood damages and dangers to life during time of flood.

906.03

RF-O, Riverfront Overlay District

906.03.A

Purpose

Pittsburgh's river corridors, consisting of rivers, adjacent lands and islands are natural, scenic and development resources of regional significance. In recognition of the Commonwealth's trusteeship of the rivers for the benefit of all people, the RF-O, Riverfront Overlay District is intended to:

1. Maintain an open space area with the potential for public access along the banks of the rivers;
2. Improve the scenic quality of the City's riverfronts;
3. Establish a classification of land and water area; and
4. Establish an application, review and permitting procedure appropriate to these special lands and waters.

It is further intended that the regulations applicable to the RF-O District shall permit and encourage development in accordance with goals, objectives and policies found in the City's Riverfront Plan and in those plans and policy documents adopted from time-to-time by the Planning Commission.

906.03.B

Special Definitions

The following special definitions shall apply throughout the RF-O District regulations of this section:

1. **Access** means a means of approaching or the right to approach, enter and use.
2. **Conservation** means controlled, limited development; protection of basic conditions, qualities or attributes based on natural features, physiographic constraints, or legal covenants in effect at time of the acceptance by the City Planning Commission of The Plan for the Pittsburgh Riverfronts (13 June 1989).
3. **Commercial boat facility used for public admission by charge or charter** means water oriented development, not including regular public transit service

requiring a Port Authority license, which makes available to the public via admission charge or charter, private boats capable of providing meals, excursions or entertainment with a capacity of twenty or more persons.

4. **Corridor** means a long narrow strip of land assembled by covenant or deed with an existing, previous or potential common use.

5. **Development** means the performance of any building, excavation, or mining operation, the making of any substantial change in the use or appearance of any structures or land, or the creation or termination of rights of access or riparian rights. The following activities or uses shall be taken for the purpose of this Code to involve development as defined in this section unless expressly excluded by ordinance:
 - (a) A change in type of use of a structure or land;
 - (b) A reconstruction, alteration of the size, or substantial change in the external appearance of a structure or land;
 - (c) A substantial increase in the intensity of use of land, such as an increase in the number of businesses, manufacturing establishments, offices or dwelling units in a structure or on land;
 - (d) Commencement of mining or excavation on a parcel of land;
 - (e) Demolition of a structure or removal of substantial living trees;
 - (f) Deposit of refuse, solid or liquid waste or fill on a parcel of land;
 - (g) In connection with use of land, the making of any substantial change in noise levels, thermal conditions, or emissions of waste;
 - (h) In connection with use of land, substantial disturbance of existing vegetation, tree cover, site contours, or watercourses including, but not limited to, disturbance for roads, parking areas and structures;
 - (i) Alteration of shore, bank, or flood plain of a river, stream or artificial body of water;
 - (j) Re-establishment of a use which has been abandoned;
 - (k) Departure from the use for which development permission has been granted, or failure to comply with the conditions or an ordinance rule or order granting the development permission under which the development was commenced or is continued.

6. **Floodway** means the channel of a river and adjacent land area that shall be reserved in order to discharge the waters of the base flood (100 year flood) as depicted on maps prepared by the Federal Emergency Management Agency (dated 15 December 1981 as amended).

7. **Launching Ramp** means a constructed or altered segment of the river bank or shore used for the purpose of enabling a recreational boat to be placed into the water from a trailer or other apparatus used to transport or store the boat.

8. **Preservation, Conservation and Development Map** means the map depicting the zoning subdistricts of the RF-O District maintained in the office of the Zoning Administrator.
9. **Preservation** means maintenance in an existing or natural state in order to prevent environmental degradation of a functional or visual nature.
10. **Riverbank** means rising ground bordering a river.
11. **Water enhanced facility or use** means recreation, entertainment or restaurant facilities or uses which achieve greater value or beauty as a result of a location on or near a river.
12. **Water oriented facility or use** means a facility or use which by its nature is required to be on or adjacent to a river; without such adjacency the use could not exist.
13. **Yard, Riverfront** means the area created by the Riverfront Setback requirements of Sec. 906.03.E.

906.03.C

General Review Criteria

All uses within the RF-O District shall comply with the Riverfront Development Review Criteria adopted by the Planning Commission. All uses within the RF-O that include the riverbank shall comply with the Riverbank Treatment section of the Riverfront Development Review Criteria adopted by the Planning Commission.

906.03.D

Development Review Procedures

In addition to any other applicable review procedures and requirements, an applicant for approval of a Certificate of Occupancy in the RF-O District shall submit a riverfront development application in a form established by the Zoning Administrator and made available to the public. The application and required support material shall demonstrate compliance with all of the standards and criteria of this section. Upon receipt of a complete application, the Zoning Administrator shall process the riverfront development application in accordance with the procedures that are applicable to the proposed use. No Certificate of Occupancy shall be issued for a use that does not comply with the regulations and standards of the RF-O District and all other applicable requirements.

906.03.E

Riverfront Setbacks

In addition to the setback standards of the underlying zoning district, there shall be provided and maintained a Riverfront Setback, not less than 50 feet in depth, measured landward from the normal or full pool elevation, for all property that falls within 50 feet of the Allegheny, Ohio or Monongahela Rivers. Required Riverfront Setbacks shall be landscaped and maintained in good condition. Riverfront Setbacks

shall be kept free of trash, storage and parked vehicles. No structures or use shall extend into required Riverfront Setbacks, except for the following, which may be authorized by the Zoning Administrator in accordance with the Administrator Exception procedures of Sec. 922.08:

906.03.E.1 *Riverfront Setbacks for Planned Unit Development Districts, where potential for continuous public access along the riverfront length of the property is not provided*

The Zoning Administrator shall approve a waiver of the required riverfront setback for Planned Unit Developments which cannot provide potential for continuous public access, provided that the Zoning Administrator shall determine that the proposed landscaping, riverfront treatment, and open space meet the purpose of the RF-O District. While the open space provided under this section need not provide the potential for continuous public access along the entire river bank length of the applicant's property, it shall provide substantial potential for public access to the river bank; shall provide as much potential for public access to the river bank as is physically possible; and shall provide a means to assure the potential for public access through the applicant's property to adjacent riverfront properties.

906.03.E.2 *Exception to Riverfront Setback Requirement*

The Zoning Administrator may grant a waiver from the riverfront setback requirement provided that:

- (a) Landscaping, riverfront treatment and open spaces are in accord with the purpose of the Riverfront Overlay District; and
- (b) The open space along the riverfront length of the property need not provide the potential for continuous riverfront access if the project provides the maximum amount of potential access as is physically possible, and if the project provides a means to assure the potential for public access through the applicant's property to adjacent riverfront property.

906.03.E.3 *Water Enhanced or Water Oriented Uses and Structures*

Water enhanced or water oriented use or structures whose function physically precludes the ability to provide a riverfront setback.

906.03.F *Use Regulations*

Within the RF-O District development may occur, land may be used and structures may be erected, altered or enlarged for uses allowed in the underlying zoning district, as further regulated by the provisions of this section.

906.03.F.1 *Preservation Subdistrict*

The following use regulations shall apply within the Preservation Subdistrict of the RF-O District.

- (a) Uses Permitted By-Right

All uses permitted by-right in the underlying zoning district shall be permitted by-right in the Preservation Subdistrict provided that:

- (1) No development shall be permitted by-right on slopes in excess of 25 percent;
- (2) No development shall be permitted by-right within the floodway; and
- (3) Parks and Recreation (Limited) uses shall be permitted by-right in the RF-O District regardless of whether such use is permitted by-right in the underlying zoning district.

(b) **Administrator Exceptions**

All primary uses listed as Administrator Exceptions in the underlying zoning district shall be Administrator Exceptions in the Preservation Subdistrict provided that:

- (1) No development shall be allowed as an Administrator Exception on slopes in excess of 25 percent;
- (2) No development shall be allowed as an Administrator Exception within the floodway; and
- (3) Parks and Recreation (General) uses shall be Administrator Exceptions in the RF-O District regardless of whether such use is an Administrator Exception in the underlying zoning district.

(c) **Special Exceptions**

All uses listed as Special Exceptions in the underlying zoning district shall be Special Exceptions in the Preservation Subdistrict provided that

- (1) No development shall be allowed as a Special Exception on slopes in excess of 25 percent; and
- (2) No development shall be allowed as a Special Exception within the floodway.

(d) **Conditional Uses**

All uses listed as Conditional Uses in the underlying zoning district shall be allowed as Conditional Uses in the Preservation Subdistrict provided that no development shall be allowed as a Conditional Use within the floodway. In addition, the following uses shall be considered a Conditional Use in accordance with the procedures of Sec. 922.06:

- (1) New construction or development in a Preservation Subdistrict on slopes in excess of twenty-five percent (25%) provided:
 - (i) No construction or development occurs on slopes in excess of thirty-three percent (33%);
 - (ii) No construction or development occurs in a floodway;
 - (iii) The development does not affect more than fifteen percent (15%) of the site's land area which is in the Preservation Subdistrict.

- (iv) It is not possible to locate the development on a portion of the site which is not in the Preservation Subdistrict; and
- (v) Council may impose additional restrictions reasonably necessary to protect the health, safety or welfare; to protect the capacity of the flood plain; to improve or maintain the scenic quality of the rivers or riverfronts.

906.03.F.2 *Conservation Subdistrict*

The following uses regulations shall apply within the Conservation Subdistrict of the RF-O District.

(a) **Uses Permitted By-Right**

All uses listed as permitted by-right in the underlying zoning district shall be permitted by-right in the Conservation Subdistrict provided that:

- (1) No development shall be permitted in a Conservation Corridor other than pedestrian walkways, local roadways (as defined by functional classification), surface parking involving no structure and recreation facilities involving no structure; and
- (2) Parks and Recreation (Limited) uses shall be permitted by-right in the RF-O District regardless of whether such use is permitted by-right in the underlying zoning district.

(b) **Administrator Exceptions**

All uses listed as Administrator Exceptions in the underlying zoning district shall be Administrator Exceptions in the Conservation Subdistrict, according to the provisions of Sec. 922.08, provided that no Administrator Exception use shall be allowed with a Conservation Corridor. The development of a use that is permitted As-of-Right in the underlying zoning district shall be considered an Administrator Exception when located within a Conservation Corridor. In addition, the following uses shall also be Administrator Exceptions in the Conservation Subdistrict:

(1) *Water Oriented Uses*

Water oriented uses, other than launching ramps, marinas with more than 75 boat slips, or commercial/boat operations for public admission charge or charter, provided no development occurs in a conservation corridor other than pedestrian walkways, local roadways, surface parking involving no structure and recreation facilities involving no structure.

(2) *Parks and Recreation (General)*

Parks and Recreation (General) uses shall be Administrator Exceptions in the RF-O District regardless of whether such use is an Administrator Exception in the underlying zoning district.

(3) *Construction or Development in a Conservation Subdistrict of the Riverfront Overlay District*

New construction or development in a Conservation Subdistrict of the RF-O District for water-oriented facilities or uses such as marinas, docks, boating and fishing facilities, recreational uses and open space uses, including structures:

- (i) No new construction or development shall be authorized in a floodway for any use which does not require direct access to a river, other than recreation and open space uses, or for which an alternative location outside of a floodway is possible;
- (ii) To the maximum extent feasible, any new construction or development on a site which is partially within a floodway shall be located on portions of the site which are not within the floodway;
- (iii) If feasible in relation to the use and in relation to the character of adjacent areas, public access to the riverfront shall be provided in connection with any new development or construction;
- (iv) All requirements of the Site Plan Review procedures of Sec. 922.04 have been met; and
- (v) Parking is provided in accord with the regulations of Chapter 914.

(4) *Construction or Development in a Conservation Corridor*

New construction or development in a Conservation Corridor provided that:

- (i) An alternate development-free continuous corridor of at least the same width as the Conservation Corridor is provided on the Administrator Exception applicant's property;
- (ii) The provided alternate corridor abuts the Conservation Corridors on adjacent properties and forms a continuous corridor;
- (iii) The alternate corridor provided the same general type of potential use as the delineated Conservation Corridor considering such factors as topography, landscaping, surface treatment, vehicular conflicts, and the condition of immediate environs;
- (iv) It is not possible to locate the development on a portion of the site which is not a Conservation Corridor; and
- (v) The Zoning Administrator may impose additional restrictions reasonably necessary to protect the health, safety or welfare; to protect the capacity of the flood plain; to improve or maintain the scenic quality of the rivers and riverfronts.

(c) **Special Exceptions**

All uses listed as Special Exceptions in the underlying zoning district shall be Special Exceptions in the Conservation Subdistrict in accordance with the provisions of Sec. 922.07, provided that no Special Exception Use shall be

allowed within a Conservation Corridor.

(d) **Conditional Uses**

All uses listed as Conditional Uses in the underlying zoning district shall be allowed as Conditional Uses in the Conservation Subdistrict according to the provisions of Sec. 922.06 provided that no Conditional Uses shall be allowed within a Conservation Corridor. The following uses shall also be Conditional Uses in the Conservation Subdistrict:

(1) *Water Enhanced Uses*

New construction or development in a Conservation Subdistrict of the RF-O District for water enhanced facilities or uses such as recreation, entertainment or restaurant facilities or uses, open to the public, which achieve greater value or beauty as a result of a location on or near a river; marinas with more than seventy-five (75) boat slips; launching ramps; commercial boat operations for public admission charge or charter; public utility and mass transportation facilities; in accordance with all other provisions of this Zoning Ordinance applicable to the specific use and zoning district and provided:

- (i) No new construction or development shall be authorized in a floodway for any use not open to the public which does not require direct access to a river, other than recreational uses involving no structures and open space uses, or for which an alternative location outside of a floodway is possible;
- (ii) To the maximum extent feasible, any new construction or development on a site which is partially within a floodway shall be located on portions of the site which are not within the floodway;
- (iii) If feasible in relation to the use and in relation to the character of adjacent areas, public access to the riverfront shall be provided in connection with any new development or construction; and
- (iv) Council may impose additional restrictions reasonably necessary to protect the health, safety or welfare; to protect the capacity of the flood plain; to improve or maintain the scenic quality of the rivers and riverfronts.

(2) *Launching Ramps*

Launching ramps that are not located in a Planned Development District;

(3) *Marinas*

Marinas with more than 75 boat slips when not located in a Planned Development District;

(4) *Commercial Boat Operations that are Available for Public Admission Charge or Charter*

Commercial boat operations that are available for public admission charge or charter when they are not located in a Planned Development District; and

(5) *Public Utility and Mass Transportation Facilities*

Public utility and mass transportation facilities.

906.03.F.3 *Development Subdistrict*

The following uses regulations shall apply within the Development Subdistrict of the RF-O District.

(a) **Uses Permitted By-Right**

All uses listed as permitted by-right in the underlying zoning district shall be permitted by-right in the Development Subdistrict. In addition, Parks and Recreation (Limited) uses shall be permitted by-right in the RF-O District regardless of whether such use is permitted by-right in the underlying zoning district.

(b) **Administrator Exceptions**

All uses listed as Administrator Exceptions in the underlying zoning district shall be Administrator Exceptions in the Development Subdistrict. In addition, the following uses shall also be Administrator Exceptions in the Development Subdistrict:

(1) *Water Oriented Uses*

Water oriented uses, other than launching ramps, marinas with more than 75 boat slips and commercial boat operations for public admission charge or charter.

(2) *Parks and Recreation (General)*

Parks and Recreation (General) uses shall be Administrator Exceptions in the RF-O District regardless of whether such use is an Administrator Exception in the underlying zoning district.

(3) *Construction or Development in a Development Subdistrict of the Riverfront Overlay District*

New construction or development in a Development Subdistrict of the RF-O District for water-oriented facilities or uses such as marinas, docks, boating and fishing facilities, recreational uses and open space uses, including structures, subject to the following standards:

- (i) No new construction or development shall be authorized in a floodway for any use which does not require direct access to a river, other than recreation and open space uses, or for which an alternative location outside of a floodway is possible;
- (ii) To the maximum extent feasible, any new construction or

- development on a site which is partially within a floodway shall be located on portions of the site which are not within the floodway;
- (iii) If feasible in relation to the use and in relation to the character of adjacent areas, public access to the riverfront shall be provided in connection with any new development or construction;
 - (iv) All requirements of the Site Plan Review procedures of Sec. 922.04 have been met; and
 - (v) Parking is provided in accord with the regulations of Chapter 914.

(c) **Special Exceptions**

All uses listed as Special Exceptions in the underlying zoning district shall be Special Exceptions in the Development Subdistrict.

(d) **Conditional Uses**

All uses listed as Conditional Uses in the underlying zoning district shall be allowed as Conditional Uses in the Development Subdistrict. The following uses shall also be Conditional Uses in the Development Subdistrict:

(1) *Water Enhanced Uses*

New construction or development in a Development Subdistrict of the RF-O District for water enhanced facilities or uses such as recreation, entertainment or restaurant facilities or uses, open to the public, which achieve greater value or beauty as a result of a location on or near a river; marinas with more than seventy-five (75) boat slips; launching ramps; commercial boat operations for public admission charge or charter; public utility and mass transportation facilities; in accordance with all other provisions of this Zoning Ordinance applicable to the specific use and zoning district and provided:

- (i) No new construction or development shall be authorized in a floodway for any use not open to the public which does not require direct access to a river, other than recreational uses involving no structures and open space uses, or for which an alternative location outside of a floodway is possible;
- (ii) To the maximum extent feasible, any new construction or development on a site which is partially within a floodway shall be located on portions of the site which are not within the floodway;
- (iii) If feasible in relation to the use and in relation to the character of adjacent areas, public access to the riverfront shall be provided in connection with any new development or construction; and
- (iv) Council may impose additional restrictions reasonably necessary to protect the health, safety or welfare; to protect the capacity of the flood plain; to improve or maintain the scenic quality of the rivers and riverfronts.

(2) *Launching Ramps*

Launching ramps that are not located in a Planned Development District;

(3) *Marinas*

Marinas with more than 75 boat slips when not located in a Planned Development District;

(4) *Commercial Boat Operations that are Available for Public Admission Charge or Charter*

Commercial boat operations that are available for public admission charge or charter when they are not located in a Planned Development District; and

(5) *Public Utility and Mass Transportation Facilities*

Public utility and mass transportation facilities.

906.04

LS-O, Landslide-Prone Overlay District

906.04.A

Purpose

The LS-O, Landslide-Prone Overlay District regulations require subsurface investigations by a registered professional and approval of construction plans by the Chief of the Bureau of Building Inspection prior to issuance of a Certificate of Occupancy for any development in the LS-O District. The purpose of these regulations is to reduce the risk of damage or hazards of life that may occur as a result of construction and land operations on lands susceptible to movement or sliding of earth.

906.04.A.1

Warning and Disclaimer

The mapped delineations of land that may be subject to sliding or subsidence do not necessarily include all land that is subject to those hazards. While it is the purpose of the regulations contained in this section to afford reasonable protection against damages caused by construction on or use of hazard-prone land, neither the mapped delineations nor any regulations contained in this section shall create any liability on the part of the City, its officers or employees for damages that may occur.

906.04.B

Effect of District Regulations

Within the LS-O District, land may be used and structures may be erected, altered or enlarged for any use that is allowed in the underlying zoning district, in accordance with the site development standards of the underlying zoning district and all other applicable requirements. The following requirements shall also apply with the LS-O District.

906.04.B.1

Compliance with Hillside Development Standards

Every new or changed use of land and every structure hereafter erected or enlarged within the LS-O District shall comply with the Hillside Development Standards of the Subdivision Regulations.

- (a) An applicant for approval of a Certificate of Occupancy in the LS-O District shall submit a development plan for the site, which shall include a site plan, building plan and such other information as determined by the Zoning Administrator to be necessary to evaluate the proposed development for compliance with the Hillside Development Standards of the Subdivision Regulations.
- (b) The Zoning Administrator shall not approve an application for a Certificate of Occupancy in the LS-O District unless the development plan for the subject property complies with the Hillside Development Standards of the Subdivision Regulations.

906.04.B.2 *Review by the Zoning Administrator*

No Certificate of Occupancy application shall be approved for zoning for any structure or for any use of land requiring excavation, fill or removal of vegetation until the applicant has submitted evidence, acceptable to the Zoning Administrator, that the proposed construction or development shall not contribute to or create conditions of increased susceptibility to landslides, soil erosion or any other movement of earth. Such evidence shall be based on field investigation performed by a registered professional as defined in the Land Operations Ordinance or a geotechnical consultant with appropriate professional insurance certification and the appropriate academic credentials and professional association.

906.04.B.3 *Review by the Chief of the Bureau of Building Inspection*

No building permit or land operations permit application shall be approved for any structure or for any use of land requiring excavation, fill or removal of vegetation in a Landslide-Prone District until construction plans and land operations plans for the site in question have been approved by the Chief of the Bureau of Building Inspection, based on findings and recommendations of the site investigation required under Sec. 906.03.B.2. In the implementation of this requirement, the Chief of the Bureau of Building Inspection may require that construction and land plans be prepared or approved by a registered professional as defined in the Land Operations Ordinance or a geotechnical consultant with appropriate professional insurance certification and the appropriate academic credentials and professional association.

906.05 **UM-O, Undermined Area Overlay District**

906.05.A ***Purpose***

The UM-O, Undermined Area Overlay District regulations of this section are intended to reduce the risk of damage to property and danger to life that may be caused by subsidence of the land surface over underground mines. This objective is

implemented by requiring investigation of subsurface conditions in undermined areas and by restricting development in such areas or by requiring the use of specialized construction techniques in mine hazard areas.

906.05.A.1 *Warning and Disclaimer*

The mapped delineations of land that may be subject to subsidence do not necessarily include all land that is subject to such hazards. While it is the purpose of the regulations contained in this section to afford reasonable protection against damages caused by construction on or use of hazard-prone land, neither the mapped delineations nor any regulations contained in this section shall create any liability on the part of the City, its officers or employees for damages that may occur.

906.05.B *Effect of District Regulations*

Within the UM-O District, land may be used and structures may be erected, altered or enlarged for any use that is allowed in the underlying zoning district, in accordance with the site development standards of the underlying zoning district and all other applicable requirements. The following requirements shall also apply within the UM-O District.

906.05.B.1 *Mines Underlying Property*

No Certificate of Occupancy application shall be approved for a use involving new construction or enlargement of an existing structure in an UM-O District until the applicant has submitted all information available from the Pennsylvania Department of Environmental Protection or its successor agencies, Bureau of Mining and Reclamation, Division of Mine Subsidence Insurance and Mine Subsidence Regulations about the location, depth and physical characteristics of any mine that underlies the subject property or adjacent properties and the likelihood of mine subsidence occurring in the pertinent area.

906.05.B.2 *Single-Unit Dwellings*

A Certificate of Occupancy application may be approved for zoning for construction of a single-unit residential use or for another structure that is comparable in size and construction characteristics to single-unit dwelling, provided that competent evidence is provided to the Zoning Administrator showing that the site has more than 100 feet of overburden above the mine and that there is no known history of subsidence incidents in the vicinity of the proposed construction site. The permit applicant is advised that it is possible for mine subsidence to occur and affect single-unit dwellings or other structures of comparable size and construction characteristic when such structures are placed in an undermined area even when there is more than 100 feet overburden. It is strongly recommended that the applicant follow the advice of the Bureau of Mining and Reclamation, and seek the advice of a registered professional as defined in the Land Operations Ordinance of the Pittsburgh Code of Ordinances or a geotechnical consultant with appropriate professional insurance certification and the appropriate academic credentials and professional association.

906.05.B.3 *Other Development Prohibited*

Until the applicant has submitted evidence that the site is reasonably safe for the construction of the proposed use, no Certificate of Occupancy application shall be approved for zoning for construction on any site that has less than 100 feet of overburden or any known history of subsidence incidents in its vicinity; for any structure that is larger or heavier than a typical single-unit dwelling; or for any use that might create a hazard to the public if damaged by subsidence. Such evidence shall be based on a site investigation performed by a registered professional as defined in the Land Operations Ordinance of the Pittsburgh Code of Ordinances Title Ten or a geotechnical consultant with appropriate professional insurance certification and the appropriate academic credentials and professional association.

906.05.B.4 *Review by Chief*

If the site investigations required under the UM-O District includes recommendations for any special construction techniques to ensure safe construction on an undermined site, no building permit or land operations permit shall be issued until construction plans have been approved by the Chief of the Bureau of Building Inspection as safe for the site in question, based upon the findings and recommendations of the site investigation. In the implementation of this requirement, the Chief of the Bureau of Building Inspection may require that construction plans be prepared or approved by a registered professional as defined in the Land Operations Ordinance or a geotechnical consultant with appropriate professional insurance certification and the appropriate academic credentials and professional association.

906.06 **VP-O, View Protection Overlay District**

906.06.A ***Purpose***

The City's hillsides, rivers, entryways, scenic road corridors, and central business district are scenic resources of citywide and regional significance. The VP-O, View Protection Overlay District regulations of this section are intended to preserve the scenic quality of these resources and thereby promote a high quality of life, preserve property values, and promote sustainable economic development by limiting development than would reduce their visual integrity and to insure that development does not block observation of a scenic view from delineated public viewing places.

906.06.B ***Special Definitions***

The following special definitions shall apply throughout the VP-O District regulations of this section.

- 1. Scenic view** means an outstanding or unique view of a hillside, downtown Pittsburgh, a river valley, or a river and shoreline as seen from a delineated viewing or generalized viewing place.

2. **View corridor** means a space between a viewing place and a scenic view defined by a view plane and view framing lines.
3. **View framing line** means a line or lines which define the outer edges of a scenic view.
4. **View plane** means an imaginary plane extending from a viewing place to a scenic view, which defines the space or view corridor which shall be maintained in order to observe a scenic view from a viewing place.
5. **View Protection Overlay District** means an area within which scenic views, viewing places, view corridors, and other scenic values are protected. A View Protection Overlay District may include a scenic view without delineation of a specific viewing place and the associated view corridor, a scenic view, together with a defined viewing place and the associated view corridor, view plan and view framing lines, or any delineated area within which there are scenic values deemed worthy of protection by the City Council.
6. **Viewing place** means a public street or other public area or facility from which a scenic view may be observed.

906.06.C ***Effect of District Regulations***

Within the VP-O District, land may be used and structures may be erected, altered or enlarged for any use that is allowed in the underlying zoning district, in accordance with the site development standards of the underlying zoning district and all other applicable requirements.

906.06.D ***Establishment of View Protection Districts***

The following requirements shall apply within the VP-O District.

1. At the time of establishment of a VP-O District, City Council shall delineate the boundaries or limits of the scenic entryway area, scenic road corridor, or scenic view. With respect to such scenic views, the district regulations shall specify a view place or places, together with the location, elevation, and slope of the view plane and view framing lines. This information shall be incorporated as part of the View Protection Overlay District Zoning Map.
2. The Planning Commission shall adopt View Protection Guidelines for each VP-O District, which shall specify the degree and character of protection to be required in each district, and which may include one (1) or more of the following:
 - (a) Protection of the delineated scenic view by such means as limitations on the height, size or bulk of structure building; removal of natural vegetation or

disturbance of the land through grading or other development which would disrupt or obstruct the delineated view area.

- (b) Protection of the view corridor by such means as limitations on the height and bulk of structures which shall be allowed to penetrate a view plane delineated within a VP-O District.
- (c) Protection of the viewing place by such means as requirements for maintenance of yards or other open space designed to prevent blocking of a view from a viewing place.
- (d) Protection of scenic entryway or scenic road corridor by the adoption of the following types of regulations, including but not limited to controls on:
 - (1) height, bulk, setbacks, materials, and design of structures and parking lots;
 - (2) signs and billboards;
 - (3) vegetation removal, landscaping, screening, fencing, and buffering;
 - (4) protection of sensitive natural and cultural resources, including streams, rivers, wetlands, historic buildings, archeological sites and similar significant features; and
 - (5) maintenance of open space.

906.06.E ***Compliance with View Protection Overlay Regulations***

Within any View Protection District, an application for a Certificate of Occupancy for a use involving new construction, enlargement of an existing structure, grading or removal of vegetation shall be approved only in accordance with the View Protection Overlay Guidelines adopted by the Planning Commission for that VP-O District.

906.07 **SM-O, Stormwater Management Overlay District**

906.07.A ***Purpose***

The purpose of the SM-O, Stormwater Management Overlay District, is:

- 1. To manage stormwater runoff resulting from land alteration and disturbance activities in accordance with the watershed management plans adopted by Allegheny County and approved by the Pennsylvania Department of Environmental Resources as required by the Pennsylvania Storm Water Management Act (Act 167 of 1978);
- 2. To assure that development activities do not result in increased stormwater flows which could cause injury or property damage;
- 3. To utilize and preserve the desirable existing natural drainage systems; to preserve the flood-carrying capacity of streams; and to maintain and improve the quality of streams; and
- 4. To encourage natural infiltration of rainfall to preserve groundwater supplies and streamflow.

906.07.B ***Definitions***

The following special definitions shall apply to the SM-O District:

1. **Act** means the Storm Water Management Act (Act of October 4, 1978, P.L. 864 No. 167; 32 P.S. 680.1-680.17, as amended by Act of May 24, 1984, No. 63).
2. **Channel** means a natural stream that conveys water; a ditch or open channel excavated for the flow of water.
3. **Conduit** means any channel intended for the conveyance of water, whether open or closed.
4. **Confluence** means points where watercourses join together.
5. **Conservation District (ACCD)** means the Allegheny County Conservation District.
6. **County** means the County of Allegheny, Pennsylvania.
7. **Culvert** means a pipe, conduit or similar structure including appurtenant works which carries a stream under or through an embankment or fill.
8. **Dam** means any artificial barrier, together with its appurtenant works, constructed for the purpose of impounding or storing water, or a structure for highway, railroad or other purposes which may impound water.
9. **Design Storm** means the amount of precipitation from a storm event measured in probability of frequency of occurrence (e.g., 50-year storm) and duration (e.g., 24-hour), and used in computing stormwater management control systems.
10. **Detention** means slowing, dampening, or attenuating runoff flows entering the storm drainage system by temporarily holding water in areas such as detention basins, reservoirs, on roof tops, in streets, parking lots, or within the drainage system itself, and releasing the water at a desired rate of discharge.
11. **Detention basin** means the basin designed to retard stormwater runoff by temporarily storing the runoff and releasing it at a predetermined rate.
12. **Developer** means any landowner, agent of such landowner or tenant with the permission of such landowner, who makes or causes to be made a subdivision or land development.
13. **Development** means any activity, construction, alteration, change in land use or similar action that affects storm water runoff characteristics.

14. **Discharge** means rate of flow, specifically fluid flow. A volume of fluid flowing from a conduit or channel, or being released from detention storage, per unit of time. Commonly expressed as cubic feet per second (cfs), million gallons per day (mgd), gallons per minute (gpm), or cubic meters per second (cms).
15. **Discharge control point** means the point of hydraulic concern, such as a bridge, culvert, or channel section, for which the rate of runoff is computed or measured in the watershed plan.
16. **Drainage** means interception and removal of excess surface water or groundwater from land by artificial or natural means.
17. **Drainage Area** means the contributing area to a single drainage basin, expressed in acres, square miles, or other units of area; also called a catchment area, watershed, or river basin, the area served by a drainage system or by a watercourse receiving storm and surface water.
18. **Encroachment** means any structure or activity which in any manner changes, expands or diminishes the course, current or cross section of any watercourse, floodway or body of water.
19. **Erosion** means the wearing away of the land surface by running water, wind, ice, or other geological agents.
20. **Flood Control Project** means any device or structure designed and constructed to protect a designated area from flood flows of a specified magnitude and probability (frequency) of occurrence.
21. **Flood Hazard Area** means a normally dry land area that has been and is susceptible to being inundated by surface or subsurface flow in addition to stream overflow.
22. **Groundwater** means that part of the subsurface water which is below the zone of saturation.
23. **Hydraulic Characteristics** means the features of a watercourse which determine its water conveyance capacity. These include size and configuration of the cross section of the watercourse, alignment of watercourse, gradient of the watercourse, texture of materials along the watercourse, amount and type of vegetation within the watercourse, and size, configuration and other characteristics of structures within the watercourse.
24. **Hydrology** means the science dealing with the waters of the earth and their

distribution and circulation through the atmosphere. Engineering hydrology deals with the application of hydrologic concepts to the design of projects for use and control of water.

25. **Impervious Material or Surface** means material which resists the entrance or passing through of water or other liquids.
26. **Infiltration** means the penetration and movement of water through the earth's surface.
27. **Land Disturbance** means any activity involving grading, tilling, digging, filling, or stripping of vegetation; or any other activity which causes land to be exposed to the danger of erosion.
28. **Outfall** means points or areas at which storm water runoff leaves a site, which may include streams, storm sewers, swales or other well defined natural or artificial drainage features, as well as areas of dispersed overland flows.
29. **Outlet Structure** means a structure designed to control the volume of storm water runoff that passes through it during a specific length of time.
30. **Peak Rate of Runoff (or Discharge)** means the maximum rate of flow of water at a given point and time resulting from a predetermined storm.
31. **Performance Standard** means a standard which establishes an end result or outcome which is to be achieved but does not prescribe specific means for achieving it.
32. **Permeability** means the rate at which water will move through a saturated soil.
33. **Pervious Material** means material which permits the passage or entrance of water or other liquid.
34. **Point of Interest** means a point of hydrological and hydraulic importance used for computing a release rate percentage. These may include points of stream confluences, an existing obstruction or problem area, or other similar points.
35. **Rate of Runoff** means instantaneous measurement of water flow expressed in a unit of volume per unit of time, also referred to as discharge. Usually stated in cubic feet per second (cfs) or gallons per minute (gpm).
36. **Release Rate Percentage** means the percentage of predevelopment peak rate of runoff from a watershed subarea (as delineated in the watershed plan), which defines the allowable post-development peak discharge from any

development site in that subarea. The release rate percentage is determined by computing the following:

$$\frac{[(\text{Subarea predevelopment rate of runoff contributing to peak at downstream point of interest}) / (\text{subarea predevelopment peak})] \times 100}{\text{Release Rate Percentage}}$$

37. **Reservoir** means any basin, either natural or artificial, which contains or will contain the water impounded by a dam.
38. **Runoff Characteristics** means the surface components of any watershed which affect the rate, amount, and direction of storm water runoff. These may include but are not limited to: vegetation, soils, slopes, and man-made landscape alterations.
39. **SCS** means Soil Conservation Service, U.S. Department of Agriculture.
40. **Sediment** means solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site or origin by air, water, gravity, or ice and has come to rest on the earth's surface.
41. **Sedimentation** means the process by which mineral or organic matter is accumulated or deposited by moving wind, water, or gravity.
42. **Soil-Cover Complex Method** means a method of runoff computation developed by the U.S. Soil Conservation Service and found in its publication "Urban Hydrology for Small Watersheds," Technical Release No. 55, SCS, January 1975 (or most current edition).
43. **Storm Sewer** means a sewer that carries intercepted surface runoff, street water, and other washwaters, or drainage, but excludes sewage and industrial wastes.
44. **Storm Sewer Discharge** means flow from a storm sewer that is discharged into a receiving stream.
45. **Storm Water Collection System** means natural or engineered structures which collect and transport storm water through or from a drainage area to the point of final outlet, including but not limited to, any of the following: conduits and appurtenant features, canals, channels, ditches, streams, culverts, streets and pumping stations.
46. **Storm Water Management Plan** means the plan for managing storm water runoff from a specific development site.

47. **Storm Water Runoff** means waters resulting from snow melt or precipitation within a drainage basin, flowing over the surface of the ground, collected in channels and conduits, and carried by receiving streams.
48. **Subarea** means a portion of the watershed that has similar hydrological characteristics and drains to a common point.
49. **Time of Concentration** means the time period necessary for surface runoff to reach the outlet of a subarea from the hydraulically most remote point in the tributary drainage area.
50. **Volume of Storm Water Runoff** means quantity of water normally measured in inches, cubic feet, or acre-feet, measured or determined analytically from (1) runoff coefficients; (2) rainfall/runoff ratios; and (3) areas underneath hydrographs.
51. **Watercourse (Waterway)** means any channel of conveyance of surface water having a defined bed and banks, whether natural or artificial, with perennial or intermittent flow.
52. **Watershed** means the entire region or area drained by a river or other body of water whether natural or artificial.
53. **Watershed Storm Water Management Plan (or Watershed Plan)** means the plan for management of storm water runoff throughout a designated watershed as required by the Pennsylvania Storm Water Management Act.

906.07.C ***Application***

Land may be used and structures may be constructed, altered or enlarged for uses which are listed in the underlying zoning districts as permitted uses or as use exceptions in conformance with all other applicable provisions of this Zoning Ordinance and as further limited or prohibited by this section.

906.07.D ***General Provisions***

1. Land alteration and development activities must be in conformance with the applicable watershed storm water management plan;
2. If such plan has not yet been developed, adopted by the County Commissioners and approved by the Pennsylvania Department of Environmental Resources then development may proceed in that watershed provided that:
 - (a) The maximum rate of storm water runoff after development is no greater than before development; or

- (b) The quantity, velocity and direction of resulting stormwater runoff is managed in a manner which otherwise adequately protects health and property from possible injury.
- 3. Where there is an applicable stormwater management plan all alterations of land and all development must submit a project site stormwater plan meeting the following requirements in order to determine compliance with the applicable plan:

(a) General Format

- 1. The stormwater plan shall be drawn to a scale of not less than 1 inch = 100 feet. All sheets shall contain a title block with: name and address of applicant and engineer, scale, north arrow, legend and date of preparation.
- 2. The stormwater management plan (including all calculations) must be prepared and sealed by a registered professional engineer, surveyor or landscape architect with training and expertise in hydrology and hydraulics. Documentation of qualifications may be required.
- 3. A brief written description of the proposed development and stormwater management controls shall be included.
- 4. Calculations shall be indexed, and all charts, figures, tables or similar information obtained from texts or other materials shall be referenced.
- 5. The omission of any of these general items shall cause the plan to be returned immediately to the applicant for corrections.

(b) Plan Contents

The plan shall show the following:

- (1) *Watershed Location*
Provide a key map showing development site's location within the watershed(s) and watershed subarea(s). On all site drawings, show the boundaries of the watershed(s) and subarea(s) as they are located on the development site and identify watershed name(s) and subarea number(s).
- (2) *Floodplain boundaries*
Identify 100-year floodplains on the development site (as appropriate) based on the municipal Flood Insurance Study maps.
- (3) *Natural features*
Show all bodies of water (natural and artificial), watercourses (permanent and intermittent), swales, wetlands and other natural drainage courses on the development site and off-site if they will be affected by runoff from the development.

- (4) *Soils*
Provide an overlay showing soil types and boundaries within development site (consult SCS, U.S. Geological Survey for information).
- (5) *Contours*
Show existing and final contours at intervals of 2 feet; in areas with slopes greater than 15%, five-foot contour intervals may be used.
- (6) *Existing stormwater controls*
Show any existing stormwater management or drainage controls and/or structures, such as sanitary and storm sewers, swales, culverts, etc. which are located on the development site, or which are located off-site but will be affected by runoff from the development.
- (7) *Runoff calculations*
Submit calculations for determining pre- and post-development discharge rates and for designing proposed stormwater control facilities with the stormwater management plan. All calculations shall be prepared using the method and data prescribed by applicable watershed stormwater management plans.
- (8) *Proposed stormwater controls*
Show all proposed stormwater runoff control measures on the plan including methods for collecting, conveying and storing stormwater runoff on-site, which are to be used both during and after construction. Erosion/sedimentation controls shall be shown in accordance with applicable municipal and County Conservation District requirements. The plan shall provide information on the exact type, location, sizing, design and construction of all proposed facilities and relationship to the existing watershed drainage system.
 - (i) If the development is to be constructed in stages, the applicant must demonstrate that stormwater facilities will be installed to manage stormwater runoff safely during each stage of development.
 - (ii) A schedule for the installation of all temporary and permanent stormwater control measures and devices shall be submitted.
- (9) *Easements, right-of-ways, deed restrictions*
Show all existing and proposed easements and right-of-ways for drainage and/or access to stormwater control facilities and identify the proposed owner. Show any areas subject to special deed

restrictions relative to or affecting stormwater management on the development site.

(10) *Other permits/approvals*

Include a list of any permits/approvals related to stormwater management that will be required from other governmental agencies (e.g., an obstructions permit from PaDER) and the anticipated dates of submission and/or approval. Copies of permit application may be requested.

(11) *Maintenance program*

Provide a proposed maintenance plan for all stormwater control facilities constructed as part of the development affected by the development's runoff. The maintenance plan shall:

- (i) Identify the proposed ownership entity (initial, interim and final) and the time period for which each is responsible.
- (ii) Include a maintenance program for all facilities, outlining the type of maintenance activities required, probable frequencies, personnel and equipment requirements and estimated annual maintenance costs.
- (iii) Identify method of financing continuing operation and maintenance if the facility is to be owned by other than the municipality or a governmental agency.

906.07.E ***Specific Watershed Provisions***

906.07.E.1 *Girty's Run*

- (a) Development which connects its stormwater collection system to the City sewer system, which drains to the East Street Valley and therefore out of the Girty's Run Watershed, is in compliance with the requirements of this section provided sufficient capacity exists in the City sewer system to transmit the increased flows without adversely affecting health, property or the system; and provided any increase in runoff resulting from the development is captured by the collection system; and provided the collection system is designed to collect and convey to the City's system the design flows (volumes and rates) computed in accordance with the Watershed Plan's parameters for design storms and runoff calculations and demonstrated on a stormwater management plan. Development is encouraged to minimize the provision of impervious surface in order to maximize infiltration and reduce runoff.
- (b) Development which results in less than 5000 square feet of impervious surface need not submit a stormwater management plan provided no downstream properties or watercourses are adversely affected by increased runoff or sedimentation.

- (c) Predevelopment and post development peak runoff rates and volumes must be calculated for the 2, 5, 10, 50, and 100 year storm frequencies. Either the SCS Type II or the PDT region I storm distributions may be used for analyzing stormwater runoff, but the same storm distribution shall be used for analyzing both pre- and post-development conditions.
- (d) For the purposes of computing peak flow rates and runoff hydrographs from development sites, calculations shall be performed using one of the following: SCS publications, Technical Release (TR) 55 or 20, or the Penn State Runoff Model (PSRM). The Rational Method may be utilized for development sites of 20 acres or less and must be utilized for the purposes of designing storm sewers, open swales and other stormwater runoff collection and conveyance facilities.
- (e) The release rate percentages are:

Subarea 26	70%	(2, 5, 10 year storms)
	55%	(50, 100 year storms)
Subarea 27	55%	(2, 4, 10 year storms)
	100%	(50, 100 year storms)
- (f) As an alternative to compliance with the specified release rate percentages a developer may submit an analysis by a registered engineer with expertise in hydrology and hydraulics which demonstrates that reasonable options exist to protect downstream areas from harmful storm runoff impacts. This analysis shall be in accord with the procedure specified in the plan.

906.07.F Monongahela River Watershed

906.07.F.1 Applicability

The stormwater performance standards contained in this section are intended to implement the standards and criteria contained in the Monongahela River Stormwater Management Plan, adopted and approved in accordance with the Pennsylvania Storm Water Management Act. If there is any discrepancy between the provisions of this section and the standards and criteria of the plan, or if the watershed plan is subsequently amended, then the standards/criteria of the current watershed plans shall govern. Development which results in less than 5000 square feet of impervious surface need not submit a stormwater management plan provided no downstream properties or watercourses are adversely affected by increased runoff or sedimentation.

906.07.F.2 Storm Frequencies

Stormwater management facilities on all development sites shall control the peak stormwater discharge for the 2, 10, 25, and 100 year storm frequencies. The SCS 24 hour, Type II Rainfall Distribution shall be used for analyzing stormwater runoff for both pre and post development conditions. The 24 hour total rainfall for these storm frequencies in the watershed are:

2 year	2.50 inches
5 year	3.61 inches
10 year	4.31 inches
100 year	5.71 inches

906.07.F.3 Calculation Methods

(a) **Development Sites**

For the purpose of computing peak flow rates and runoff hydrographs from development sites, calculations shall be performed using one of the following: SCS publications, Technical Release (TR) 55 or 20, HEC I. Penn State Runoff Model (PSRM) or Modified Rational Method.

(b) **Stormwater Collection/ Conveyance Facilities**

For purposes of designing storm sewers, open swales and other stormwater runoff collection and conveyance facilities, the Rational Method shall be applied. Rainfall intensities for design should be obtained from the Pennsylvania Department of Transportation rainfall charts.

(c) **Detention/Retention Facilities**

Routing of hydrographs through detention/ retention facilities for the purpose of designing those facilities shall be accomplished using the Modified-Puls Method of other recognized reservoir routing method subject to the approval of the City.

(d) **Predevelopment Conditions**

Predevelopment Conditions shall be assumed to be those which exist on any site at the time of adoption of the Monongahela River Stormwater Management Plan. Hydrologic conditions for all areas with pervious cover shall be assumed to be in good condition and the lowest recommended SCS runoff curve number shall be applied for all pervious land uses within the respective range for each land use and hydrologic soil group.

(e) **Release Rate Percentages**

Release Rate Percentages are:

Subarea 1	100%
Subarea 2	100%
Subarea 4	60%
Subarea 6	60%
Subarea 7	50%
Subarea 8	80%
Subarea 9	90%
Subarea 11	60%
Subarea 12	50%
Subarea 13	100%
Subarea 15	70%
Subarea 19	70%
Subarea 22	60%
Subarea 23	80%
Subarea 24	70%
Subarea 29	50%

(f) **No-Harm Evaluation**

- (1) An applicant may seek to exceed the otherwise applicable subarea release rate percentage by performing the “No Harm Evaluation”. This evaluation requires an independent engineering analysis to demonstrate that other reasonable options exist to prevent the occurrence of increased stormwater runoff discharge rates and/or velocities or that measures can be provided to prevent increased stormwater discharge rates or velocities from increasing flood elevations and accelerating erosion at all downstream points in the watershed.
- (2) A “No-Harm Evaluation” will be considered only where the discharge to a stream channel from the development site occurs directly to:
 - (i) The Monongahela River;
 - (ii) An adequately sized storm or combined sewer which discharges directly into the Monongahela River; or
 - (iii) Through a properly sized regional stormwater detention facility.
- (3) The No-Harm Evaluation shall be prepared by a registered engineer who is experienced in hydrology and hydraulics who shall utilize the procedure specified in the Monongahela Stormwater Management Plan.

Chapter 907: Development Overlay Districts

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907.01 AS-O, Advertising Sign Overlay District

907.01.A Purpose

The AS-O, Advertising Sign Overlay District is intended to be applied to property that before the effective date specified by the provisions of Sec. 901.05 was located in a zoning district that allowed advertising signs. The AS-O District shall be applied in combination with any base zoning district. By allowing Advertising Signs, the AS-O District provisions ensure that the adoption of this Code has no effect on a property owner's right to erect and maintain an Advertising Sign, when compared with the regulations in effect prior to the effective date specified by the provisions of Sec. 901.05.

907.01.B Effect of AS-O District Regulations

The AS-O District regulations apply in combination with all other applicable standards and requirements of this Code. Notwithstanding the provisions of Sec. 901.07.A, when the standards of the AS-O District conflict with the regulations of the underlying zoning district, or when they conflict with other standards of this Code, the regulations of the AS-O District shall always control. When no AS-O standards are specified, all other applicable regulations of this Code shall control.

907.01.C Use Regulations

The uses allowed within the AS-O District shall be those allowed by the underlying zoning district, plus Advertising Signs, which shall be a use Permitted By-Right, subject to compliance with all other applicable regulations.

907.01.D Development Regulations

The development regulations that apply within the AS-O District shall be those of the underlying zoning district, plus the Sign Regulations of Chapter 919. Development within the AS-O District shall specifically be subject to the Advertising Sign Regulations of Sec. 919.02.

907.02 IPOD, Interim Planning Overlay District

907.02.A Intent

The intent of the IPOD is to provide a mechanism for interim zoning controls in geographically defined areas of the City where current use, height, area or procedural

controls are found to be deficient, when other code provisions do not address such deficiencies, and when ongoing planning studies may inform the preparation of permanent controls which would be appropriate for the area.

907.02.B ***Application***

1. Unless noted within the special IPOD District below, all use, height, and area provisions of the underlying zoning districts shall apply;
2. Unless noted with the special districts below, all provisions of Article I, Article V, Article VI, Article VII, Article VIII and Article IX of this Zoning Ordinance shall apply; and
3. In instances where there is found to be a conflict between the provisions of the IPOD and the underlying zoning district or Article I, Article V, Article VI, Article VII, Article VIII and Article IX, the more stringent of the regulations shall apply.

907.02.C ***Time Limit***

An IPOD shall be in effect for no more than eighteen (18) months from its effective date, except that one six (6) month extension may be granted by Council if requested by the City Planning Commission before the end of the 18 month period.

907.02.D ***Special Definitions***

1. **Interim Planning Overlay District or IPOD** means a district which is geographically coincidental with one or more districts or portions of districts as defined on the Zoning District Map, and to which additional regulations apply for a limited, specified period as defined in this chapter of the Zoning Ordinance.

907.02.E ***Special Districts***

To carry out the purpose and provisions of the Zoning Ordinance, the following Interim Planning Overlay Districts are hereby established as zoning classifications:

1. IPOD-1, Oakland

907.02.F ***IPOD-1, Oakland***

907.02.F.1 ***General Boundaries***

The Oakland Interim Planning Overlay District is generally bounded by Center Avenue on the north, Schenley Park and Margaret Morrison Street on the east, the Parkway East on the south, and the “S” district boundary on the west. Specific boundaries of the district are mapped as a supplement to the City’s Zoning District Map.

907.02.F.2 ***Intent***

The intent of the Oakland Interim Planning Overlay District is generally to create a regulatory mechanism in an area where substantial development growth is imminent and where both the impact of individual development projects and the collective impact of such development on public resources and private properties is not mitigated through the existing zoning classification which, due to the unique circumstances in Oakland at this point in time, do not serve to carry out the purpose and intent of Chapter 901 and all the provisions of this Zoning Ordinance.

Specifically, the intent of the Oakland IPOD is:

- (a) To improve traffic safety, circulation and parking access, with particular attention to: access to emergency care in area hospitals, to pedestrian safety in residential neighborhoods, pedestrian safety in college and university areas, and pedestrian safety in the retail districts;
- (b) To protect existing residential development and encourage new residential development that is accessible to all segments of the community;
- (c) To protect and enhance the area's architectural, historic and landscape resources, which are regionally significant;
- (d) To protect existing retail development which is supportive of residential uses, and to encourage new retail development which is supportive of residential uses;
- (e) To improve access to and enhance the availability of public transportation facilities; and
- (f) To channel new development toward underutilized sites which are accessible to and supportive of a more efficient public transportation system and which will have a reduced impact on residential areas.

907.02.F.3 Need for Interim Zoning

Interim Zoning in the Oakland area is necessary to provide the proper balance between competing land uses and between economic and environmental factors. Characteristics of existing zoning which render it inappropriate include its failure to provide:

- (a) A mix of uses and magnitudes of these uses which stabilize and conserve the value of land and buildings;
- (b) A mix of uses and magnitudes of these uses which bring benefits to the residents of Oakland;
- (c) Area requirements for development consistent with the capacity of the transportation infrastructure;
- (d) Development criteria which facilitate safe and efficient pedestrian movement;
- (e) Buffer requirements which protect sensitive land uses from uses of greater impact; and
- (f) Use, height and area requirements which protect existing uses through the provision of sufficient light, air and open space.

907.02.F.4 Applicability

In the Oakland IPOD, within the time period specified above, every new or changed use of land, every building demolition, every new, enlarged or reconstructed advertising sign, every new or enlarged parking area, and every structure erected or enlarged, with the exceptions noted in the following sub paragraph, shall, in addition to conforming to any and all regulations pertaining thereto in the underlying zoning district and Article I, Article V, Article VI, Article VII, Article VIII and Article IX as set forth in this Zoning Ordinance, be in accord with an IPOD Project Development Plan (PDP) of Sec. 922.13 approved by the Planning Commission.

- (a) Developments which do not require approval of an IPOD Project Development Plan are:
 - (1) Structures involving alterations not in excess of \$50,000;
 - (2) Residential structures that are proposed to contain no more than two (2) dwelling units; and
 - (3) Interior renovations only, except where more than one additional unit is created.
- (b) Plans and documents constituting the Oakland IPOD Project Development Plan shall be prepared in a manner set forth in submissions requirements established by the Zoning Administrator, and shall include but not be limited to, site plans, building elevations with material descriptions, landscaping plans with mixes and types of plant materials, lighting and signage plans, and planning studies as defined in Chapter 909 of this Zoning Ordinance.
- (c) Development which is subject to IPOD Project Development Plan review and approval shall comply with all requirements specified hereunder and with all applicable standards and criteria contained in the plans and policy documents adopted by the Planning Commission which were noted at the time of application for the IPOD PDP.

907.03 NSCP-O, North Side Commercial Parking Area Overlay District
(Amended by Ord. No. 3/ March 29, 2000, Amendment No. U-17)

907.03.A Intent

The intent of the NSCP-O District is to prohibit the installation of commercial parking areas as defined under Section 911.02 on vacant lots.

907.03.B Application

When an Occupancy Permit Application is filed for zoning approval of a commercial parking area on property located within an NSCP-O District, the Zoning Administrator shall disapprove the application.

907.03.C Overlay Boundaries

The overlay boundaries shall be property bounded by:

- (1) Chateau Street;
- (2) Chateau Street to Marshall Avenue;
- (3) Marshall Avenue to California Avenue;
- (4) California Avenue to Brighton Road;
- (5) Brighton Road to Freedmore Street;
- (6) Freedmore Street to McCullough Street;
- (7) McCullough Street to Mero Way;
- (8) Mero Way to Brighton Place;
- (9) Brighton Place to Pennsylvania Avenue;
- (10) Pennsylvania Avenue to Brighton Road;
- (11) Brighton Road to Eloise Street;
- (12) Eloise Street to Drovers Way;
- (13) Drovers Way to North Taylor Avenue;
- (14) North Taylor Avenue to the LNC Zoning District boundary between Brighton Road and Buena Vista Street and said boundary extended to Jacksonia Street;
- (15) Jacksonia Street to Cameo Way;
- (16) Cameo Way to Metro Street;
- (17) Metro Street to Brighton Road;
- (18) Brighton Road to Buena Vista Street along the Southerly property boundary of Parcel 22-H-92 (Columbus School);
- (19) Buena Vista Street to O'Hern Street;
- (20) O'Hern Street to Perrysville Avenue;
- (21) Perrysville Avenue to Federal Street;
- (22) Federal Street to Henderson Street;
- (23) Henderson Street to Fountain Street;
- (24) Fountain Street to Porterfield Street;
- (25) Porterfield Street to McKirby Way;
- (26) McKirby Way to Sandusky Street;
- (27) Sandusky Street to East North Avenue;
- (28) East North Avenue to James Street;
- (29) James Street to Fountain Street;
- (30) Fountain Street to Compromise Street;
- (31) Compromise Street to Graib Street;
- (32) Graib Street to Howard Street;
- (33) Howard Street to East North Avenue;
- (34) East North Avenue to East Street;
- (35) East Street to Emlin Street;
- (36) Emlin Street to Middle Street;
- (37) Middle Street to Shawano Way;
- (38) Shawano Way to James Street;
- (39) James Street to East Ohio Street;
- (40) East Ohio Street to Cedar Avenue;
- (41) Cedar Avenue to Avery Street;

- (42) Avery Street to Nash Street;
- (43) Nash Street to Pressley Street;
- (44) Pressley Street to Cedar Avenue;
- (45) Cedar Avenue to North Canal Street;
- (46) North Canal Street to Anderson Street;
- (47) Anderson Street to Lincoln Street;
- (48) Lincoln Street to East Commons;
- (49) East Commons to North Commons;
- (50) North Commons to Montgomery Place;
- (51) Montgomery Place to Federal Street;
- (52) Federal Street to North Commons;
- (53) North Commons to West Commons;
- (54) West Commons to Martindale Street;
- (55) Martindale Street to Scotland Street;
- (56) Scotland Street to I-279;
- (57) I-279 to Allegheny Avenue;
- (58) Allegheny Avenue to Ridge Avenue; and
- (59) Ridge Avenue to Chateau Street.

With the exception of two districts zoned “LNC: Local Neighborhood Commercial” identified as the North Avenue/Federal Street LNC District and the Western Avenue/Allegheny Avenue LNC District.

Chapter 908: Public Realm Districts

Amended In Total by Ord. No. 24, August 12, 1999 (U-14)

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908.01 General

908.01.A Purpose

In recognition of the strategic importance of specific Areas, Pathways and Places within the city which possess distinctive characteristics and which have city-wide or regional importance, or have the potential to develop such importance, the Public Realm District regulations are intended to provide a framework to:

1. Identify significant Areas, Pathways and Places with unique and distinctive characteristics;
2. Preserve and enhance qualities which contribute to district identity and to its public nature;
3. Encourage development which is consistent with and enhances the distinctive characteristics of the district;
4. Address the impacts of larger scale development within the districts in the surrounding residential and commercial areas.

908.01.B Overview of Public Realm District Regulations

Public Realm Districts address land use and development issues that are unique to specific areas of the city. Public Realm Districts and their subdistricts provide a means of modifying otherwise applicable zoning regulations for specific areas of the city that are the subject of special plans or studies. Because Public Realm Districts are meant to carry out area-specific objectives, they shall be designated as either a base zoning district or overlay zoning provisions.

908.01.C Applicability of Public Realm District Regulations

Public Realm District regulations apply in combination with all other applicable standards and requirements of this Code. When standards of a Public Realm District or smaller subdistrict conflict with other standards of this Code, the regulations of the Public Realm District/subdistrict shall always control. When no Public Realm District standards are specified, all otherwise applicable regulations of this Code shall control.

908.01.D Establishment of Public Realm Districts

1. The City Council may designate Public Realm Districts/subdistricts upon the request of the Planning Commission in accordance with the provisions of Sec. 922.05, Zoning Map and Text Amendments.

2. A Public Realm District shall possess unique qualities and characteristics that distinguish it from other districts within the city and enable it to be considered a city asset.
3. At the time of establishment of a Public Realm District, the City Council shall, upon recommendation from the Planning Commission:
 - (a) Delineate the boundaries or limits of the district or overlay;
 - (b) Identify the distinguishing characteristics of the district;
 - (c) Categorize either the district or the overlay as one of the following three types:
 - (1) *Public Realm Area*
A Public Realm Area shall comprise a contiguous area of land of not less than five (5) acres and shall abut or include a publicly accessible street, walkway, park, river, or right-of-way.
 - (2) *Public Realm Pathway*
A Public Realm Pathway shall comprise a contiguous path or artery (automobile, pedestrian or river route) that is not less than one mile in length. Regulations shall apply to the street yards and building faces of the properties with frontage on the Public Realm Pathway.
 - (3) *Public Realm Place*
A Public Realm Place shall comprise a specific location of natural, historic or cultural significance or city amenity, and the street yards of properties abutting and fronting the Public Realm Place.
 - (d) Adopt Public Realm regulations for each Public Realm District or overlay after recommendation by Planning Commission.

908.01.E Compliance with Public Realm Regulations

Within any Public Realm District, an application for a permit for new construction, enlargement of existing structure, grading or removal of vegetation shall be approved only in accordance with the Public Realm regulations adopted by the City Council for that Public Realm District.

908.02 Grandview Public Realm District

908.02.A General Boundaries

The Grandview Public Realm District is generally bounded by the property lines of properties which front or are directly adjacent to Grandview Avenue for its entire length. The general boundaries of the district extend from Sycamore Street on the

east to Republic Street on the west. Specific boundaries of the district are mapped on the City's Zoning District Map.

908.02.B **Objective**

The intent of the Grandview Public Realm District is to create a regulatory mechanism in an area where substantial development growth is ongoing in an area of unique public exposure and importance to the City and region. The Grandview Avenue Corridor Urban Design and Development Study, adopted by the City Planning Commission in 1995, identified the need to create special regulations for the corridor, in order to address the unique development pressures and circumstances of Grandview, where large scale development is often immediately adjacent to smaller scale residential development, and where development projects impact both a regional public environment and a neighborhood.

Specifically, the intent of the Grandview Public Realm District is:

1. To encourage new development of substantial quality, including commercial development, which shall address both the view and impacts on the regional public character of the site, as well as the neighborhood qualities of the area;
2. To protect existing residential development and encourage new residential development that is consistent with the character of the community;
3. To protect and enhance the district's highly visible and well known landscape resources, which are regionally significant;

908.02.C **Grandview Project Development Plan Review and Approval**

In the Grandview Public Realm District, every new or changed use of land, every building demolition, every new, enlarged or reconstructed advertising sign, every new or enlarged parking area, and every structure erected or enlarged, with the exceptions noted in the following sub paragraph, shall, in addition to conforming to any and all regulations pertaining thereto in this Zoning Ordinance, be in accord with a Project Development Plan (PDP) approved by the Commission.

1. Developments which do not require approval of a Project Development Plan are:
 - (a) Structures involving external alterations not in excess of \$100,000;
 - (b) Residential structures that are proposed to contain no more than three (3) dwelling units; and/or
 - (c) Interior renovations only, except where more than one additional unit is created.
2. Plans and documents constituting Project Development Plan shall be prepared in a manner set forth in submissions requirements established by the Zoning Administrator, and shall include but not be limited to, site plans, building elevations with material descriptions, landscaping plans with types of plant

materials, lighting and signage plans, and planning studies as defined in Sec. 922.10 of this Zoning Ordinance.

3. Development which is subject to Project Development Plan review and approval shall comply with all requirements specified hereunder and with all applicable standards and criteria contained in the plans and policy documents adopted by the Commission which were noted at the time of application for the Project Development Plan.

908.02.D ***Review Criteria***

In reviewing applications for Project Development Plan review and approval, the Commission shall consider the adequacy with which the Project Development Plan addresses the following eleven (11) criteria. The Commission may refuse to approve any plan which does not adequately address one or more of these eleven (11) criteria, where the failure to meet such criteria would create a detrimental impact on the health, safety and general welfare of the community.

1. The proposed development shall address compatibility with any existing residential area, including provision for maintenance of residential uses in existing residential areas and a site plan which locates parking, loading and other servicing functions reasonably out of sight of existing residential areas;
2. The proposed development shall make provision for adequate parking, considering available transit alternatives and support services, and make provision for adequate vehicle access and loading areas in relation to street capacity, functional classification, and land use patterns, such that any vehicular access points do not create congestion on public streets or create hazardous conditions for pedestrians;
3. The proposed development shall adequately address traffic generation characteristics in relation to street capacity, intersection classification, and existing and projected traffic volumes and address reasonable alternatives that would enable increased traffic to be directed away from residential districts;
4. The proposed development shall adequately address pedestrian traffic generation, proposed pedestrian circulation facilities and patterns, including but not limited to, provision for adequate sidewalk capacity on and off site, provision for appropriate pedestrian safety on and off site, and provision for pedestrian circulation patterns which do not substantially alter existing patterns and which enhance desired patterns where possible;
5. The proposed development shall adequately address access to public transportation facilities, including, but not limited to, provision for safe

pedestrian access to and from transit stops, and pedestrian circulation patterns which encourage the use of public transit, and the provision of on site facilities for alternative means of transportation such as bicycles or van pools;

6. The proposed development shall adequately address the preservation of historic structures and significant features of existing buildings, including, if applicable, the retention and reuse of structures which are locally or federally designated historic structures, provided that such preservation requirements may be waived if the applicant shows that use of such structures and retention and reuse of structures which contribute to the character of an historically significant area is no longer economically or physically viable;
7. The proposed development shall adequately address architectural relationships with surrounding buildings, including, but not limited to, provision for appropriate building siting, massing, facade treatment, materials, proportion, and scale;
8. The proposed development shall adequately address protection of views and view corridors, including, if applicable, important views along major public streets, views from surrounding private properties, and views to and from significant public places, such as parks and other public open spaces, such that any impact on these views is minimized with the proposed development;
9. The proposed development shall adequately address the location, development and functions of open space, including, but not limited to, provision for additional open space where necessary for light and air to adjacent properties, provision for additional open space where desirable to lessen pedestrian impacts and increase safety, or maintenance of existing open spaces which serve these same purposes;
10. The proposed development shall adequately address the protection of the environmental and ecological qualities of the site, including maintaining vegetation except that needed for construction, particularly trees of 24 inch or greater diameter, and establishing new landscaping which promotes slope stability and the use of indigenous plant materials.
11. The proposed development shall address the project's compatibility and conformance with any overall master plans or comprehensive plans approved by the City Planning Commission, which address Grandview Avenue development.

908.02.E Procedure

The procedures listed hereunder shall be followed in the review and approval of Grandview Project Development Plans.

1. The applicant shall request a preliminary review of the Grandview Project Development Plan by filing an application for preliminary review with the Zoning Administrator.
2. The Zoning Administrator shall prescribe the required form and content of application plans and documents, which may be in schematic or preliminary form and which may include a site plan, building elevations, building and site perspective drawings, information on building size, height, proposed uses, traffic generation characteristics, geotechnical information regarding site stability and potential for new construction, and other plans and information sufficient to illustrate any proposed development and its relation to adjacent buildings, streets and open spaces.
3. An application for interim review and approval of a Grandview Project Development Plan shall be filed with the Zoning Administrator when all of the requirements contained in this chapter of the Zoning Ordinance and all applicable requirements contained in other provisions of this Zoning Ordinance have been fulfilled, including the review criteria specified in Sec. 908.02.D. The Zoning Administrator shall prescribe the form and content of plans and documents required for interim review of the Grandview Project Development Plan.
4. The Planning Commission shall have the ability to take testimony and action on the proposed Project Development Plan at a public meeting. A Public Hearing is not required unless a petition signed by 25 residents, property owners or merchants is filed.
5. In the event that the Planning Commission gives interim approval to a Grandview Project Development Plan, the Commission, where applicable, shall include a description of the specific site improvements, off-site mitigation measures; and development and operating characteristics upon which its approval is conditioned, and these conditions shall be binding upon the applicant and shall be considered to be part of the Project Development Plan.
6. The Zoning Administrator shall not authorize zoning approval of an application for an occupancy permit for a development subject to the requirements of this section until the Commission has approved the Grandview Project Development Plan.
7. If a Project Development Plan within the Grandview Public Realm District requires approval of a Conditional Use Application by City Council, such approval shall be in accordance with both the requirements for Conditional Use Applications and with the requirements for Grandview Project Development

Plan Review and Approval, and shall be filed and processed as single application. The City Planning Commission shall take action on the separate motions for the Conditional Use Application and the PDP application.

8. Following interim approval from the Planning Commission, Special Exception approval by the Zoning Board of Adjustment and/or Conditional Use approval by City Council, the applicant shall request a final review of the Grandview Project Development Plan by filing an application for final review with the Zoning Administrator. The Zoning Administrator shall prescribe the required form of the application, which shall address parking needs and minimize traffic disruptions during construction, and which also shall contain proof of adequate construction financing and an adequate construction performance bond.

908.02.F **General Provisions**

The provisions of this section shall apply to the entire Grandview Public Realm District unless otherwise noted hereunder.

908.02.F.1 *Use*

Permitted uses shall be those listed in each subdistrict below:

908.02.F.2 *Height*

Height limitations shall be those listed in each subdistrict below, in addition to the following:

- (a) Except for subsurface structures exclusively necessary for support of the balance of the structure (such as footers or pylons), no structure or portion of structure on a lot which fronts along Grandview Avenue shall descend more than one level or 15 feet below the lowest elevation of the Grandview Avenue right-of-way at any point along the lot frontage. On lots which do not abut Grandview Avenue, structure and portions of structures shall not extend more than one level or 15 feet below the lowest point of the existing elevation of the lot.

908.02.F.3 *Area*

Area requirements shall be those listed in each subdistrict below, in addition to the following:

(a) **Front Setback**

The minimum front setback shall be:

- (1) The range of front yard depths of abutting properties, when both abutting properties contain structures, in accordance with Sec. 925.06.B; or,
- (2) The range of front yard depth of an abutting property, when only one property contains a structure, and 15 feet; or

(3) 15 feet when no abutting properties contain structures.

(b) **Sideyard Setback**

The minimum sideyard setback shall be the average of that of abutting properties, but no less than 3 feet.

(c) **Rear Setback**

The minimum rear setback shall be:

(1) 30 feet; or

(2) On properties on the northerly side of Grandview Avenue, rear yards shall be provided such that no structure is built on property with a slope in excess of 30%.

908.02.F.4 ***Development Standards***

Exterior parking, loading or other servicing areas shall be completely screened from view from adjacent properties through one of the following means or some combination of these:

- (a) A landscaped bed a minimum of ten feet in width which includes sufficient planting to screen the view of service functions in an opaque manner all year round; or,
- (b) Opaque architectural walls; or
- (c) Parking and service functions within the building shall be wholly enclosed.

908.02.G ***Special Provisions***

908.02.G.1 ***Grandview Subdistrict A***

(a) **Uses Permitted By-Right**

The following uses shall be permitted by-right in Grandview Subdistrict A:

- (1) Single-Unit Detached Residential
- (2) Single-Unit Attached Residential
- (3) Two-Unit Residential
- (4) Accessory uses in accordance with the provisions of Chapter 912, Accessory Uses.

(b) **Height**

(1) ***Main Structure***

The maximum height of primary structures in Grandview Subdistrict A shall be 40 feet.

(2) ***Accessory Structure***

The maximum height of accessory structures in Grandview Subdistrict A

shall be 15 feet.

(c) Area

(1) Single-Unit Attached Residential

The minimum lot area per dwelling unit in Grandview Subdistrict A shall be 2500 square feet.

(2) Single-Unit Detached and Two-Unit Residential

The minimum lot area per dwelling unit in Grandview Subdistrict A shall be 3000 square feet.

(d) Exceptions

Use exceptions are the same as those found in Chapter 903 for the RT-3, Residential Two-Unit, Moderate Density district.

908.02.G.2 Grandview Subdistrict B

(a) Uses Permitted By-Right

The following uses shall be permitted by-right in Grandview Subdistrict B:

(1) Single-Unit Detached Residential

(2) Single-Unit Attached Residential

(3) Two-Unit Residential

(3) Three-Unit Residential

(4) Multi-Unit Residential

(5) Accessory uses in accordance with the Accessory Use regulations of Chapter 913.

(b) Height

(1) *Main Structure*

The maximum height of primary structures in Grandview Subdistrict B shall be 40 feet.

(see Section 908.02.H for Special Exception to permit Main Structure height of 9 stories)

(2) *Accessory Structure*

The maximum height of accessory structures in Grandview Subdistrict B shall be 15 feet.

(c) Area

(1) *Multi-Unit Residential*

The minimum lot area per unit for Multi-Unit Residential uses in Grandview Subdistrict B shall be 600 square feet.

(2) *Single-Unit Attached Residential*

The minimum lot area per unit for Single-Unit Attached Residential in Grandview Subdistrict B shall be 2500 square feet.

(3) *Single-Unit Detached and Two- and Three-Unit Residential*

The minimum lot area per unit for Single-Unit Detached and Two- and Three-Unit Residential uses in Grandview Subdistrict B shall be 3000 square feet.

(d) Exceptions

Use exceptions are the same as those found in Chapter 903 for the RTS-3, Three-Unit Residential, Moderate Density district.

908.02.G.3 Grandview Subdistrict C

(a) Uses Permitted By-Right

The following uses shall be Permitted By-Right within Grandview Subdistrict C:

- (1) Single-Unit Detached Residential
- (2) Single-Unit Attached Residential
- (3) Two-Unit Residential
- (4) Three-Unit Residential
- (5) Multi-Unit Residential
- (6) Library (Limited)
- (7) Cultural Facility (Limited)
- (8) Accessory Uses in accordance with the Accessory Use regulations of Chapter 913.

(b) Uses Permitted by Administrator Exception

The following uses shall be allowed as in accordance with the review procedures of Sec. 922.04 and the standards listed below:

- (1) Hotel/Motel (Limited and General) uses shall be allowed as Administrator Exceptions in Grandview Subdistrict C provided that:
 - (i) The proposed use is limited to 50 rooms or suites; and
 - (ii) The proposed use contains no more than one restaurant or eating area with a seating capacity of no more than 50 persons.
- (2) Retail Sales and Services (Limited) uses shall be allowed as Administrator Exceptions in Grandview Subdistrict C provided that:
 - (i) The proposed use shall be of no more than 8,000 square feet.

- (3) Restaurant (Limited and General) uses shall be allowed as Administrator Exceptions in Grandview Subdistrict C provided that:
 - (i) The proposed use shall be of no more than 8,000 square feet.

- (c) Height
 - (1) *Main-Structure*

The maximum height of primary structures in Grandview Subdistrict C shall be 40 feet.
(see Section 908.02.H for Special Exception to permit Main Structure height of 9 stories)

 - (2) *Accessory Structure*

The maximum height of accessory structures in Grandview Subdistrict C shall be 15 feet.

- (d) Area
 - (1) *Multi-Unit Residential*

The minimum lot area per unit for Multi-Unit Residential use in Grandview Subdistrict C shall be 600 square feet.

 - (2) *Single-Unit Attached Residential*

The minimum lot area per unit for Single-Unit Attached Residential uses in Grandview Subdistrict C shall be 2500 square feet.

 - (3) *Single-Unit Detached and Two- and Three-Unit Residential*

The minimum lot area per unit for Single-Unit Detached and Two- and Three-Unit Residential uses in Grandview Subdistrict C shall be 300 square feet.

- (e) Exceptions.

Use exceptions are the same as those found in Chapter 903 for the RTS-3, Three-unit Residential, Moderate Density District.

908.02.H ***Special Exceptions***

The following Special Exceptions shall be permitted in the Grandview Public Realm District in accordance with the provisions of Sec. 922.07.

908.02.H.1 ***Height***

The erection of a building which exceeds 40 feet in height shall be permitted in subdistricts GPR-B and GPR-C provided that:

- (a) The zoning lot shall be located on the southerly side of Grandview Avenue;
- (b) The building shall be solely occupied for residential purposes in the GPR-B subdistrict;
- (c) Any portion of the proposed building above 40 feet shall be within 500 feet of an existing building which exceeds 40 feet in height as measured along the Grandview Avenue frontage;
- (d) The maximum height of the building shall not be more than 100 feet;
- (e) The height of the building shall vary in generally the same direction as the natural slope along Grandview Avenue, such that taller portions of the building shall be located at the higher elevations of Grandview and the lower portions of the building shall be located at the lower elevations of Grandview; and
- (f) The Zoning Board of Adjustment shall evaluate a report and recommendation from the Planning Director on the planning and urban design impacts of the proposed building, and on its consistency with the recommendations of any relevant studies and policies adopted by the Commission for the Grandview area.

Chapter 909: Planned Development Districts

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909.01 SP, Specially Planned District

909.01.A *Purpose*

The SP, Specially Planned District regulations are intended to provide a framework for alternative forms of development for very large sites. Applicable regulations and procedures are intended to create efficient, functional and attractive urban areas that incorporate high levels of amenities and that meet public objectives for protection and preservation of the natural environment. The regulations are intended to permit a substantial amount of flexibility in site planning because of the large size of the site and because of its relative isolation from any neighborhood context. SP District provisions are intended to apply only to developments that have citywide impacts.

909.01.B *Special Definitions*

The following special definitions shall apply throughout the SP district regulations of this section and the Planned Development review and approval procedures of Sec. 922.11.

1. **Land development plan** means a proposal for a development of a Specially Planned District with detailed provisions outlined according to the procedures and standards established in this chapter of the Zoning Code.
2. **Preliminary land development plan** means a document in support of a proposal for approval of a development and for the rezoning of a site into a Specially Planned District classification with a unique name attached thereto, submitted to the Planning Commission, in order to demonstrate that a superior development plan shall be followed within the overall bounds of the zoning text. The preliminary land development plan shall contain all that information required by the Zoning Administrator to support the application.
3. **Final land development plan** means a document submitted to the Planning Commission in support of a proposal for final approval for a Specially Planned District, which shall establish the detailed standards for the development based upon the final results of planning studies which may be required by the Planning Commission. The final land development plan, when approved by the Planning Commission, governs all development within the Specially Planned District. The final land development plan shall contain all that information required by the Zoning Administrator to support the application.

4. **Planning studies** means those investigative reports required by the Planning Commission for a Specially Planned District which determine the impact of the proposed development on the City. Planning studies may be required on a wide range of topics, including but not limited to:
- (a) Socio-economic impact on the City and region;
 - (b) Traffic and parking impact and future potential for increasing capacity;
 - (c) Utility capacity, possible points of access and future potential for increasing capacity;
 - (d) Geotechnical and ecological analysis;
 - (e) Analysis of structures or sites of historic, archaeological, architectural, recreational, scenic or environmental significance, and the potential for retention and reuse;
 - (f) Analysis of views to and from the site, and the possible need for views through the site; and
 - (g) Analysis of visual impact on surrounding area.

The planning studies shall comply with any data requirements established by the Zoning Administrator. The applicant may utilize studies made by others, and may undertake or contract for any additional studies necessary or useful in the preparation of the land development plan.

5. **Special features** means those elements of the site plan which the Planning Commission may require because of the unique importance of the site in question and the ability of such elements in conveying or maintaining that importance. Special features may include but are not limited to the use of architectural themes, the retention of a particular structure, or the placement of an important structural or landscaping element in a particular location.
6. **Build-to line** means a line in a final land development plan for a Specially Planned District with which an exterior wall of a structure is required to coincide in a manner described for that particular Specially Planned District.
7. **Development subdistricts** means areas of a minimum of five acres for which a final land development plan(s) may be approved by the Planning Commission.
8. **Development staging** means the process of constructing a development according to a provision within the final land development plan approved by the Planning Commission, which provision details the temporal sequence of construction of development in a Specially Planned District.
9. **Implementation program** means a provision of the land development plan which details specific actions to be undertaken in stated sequence by the applicant, by specified governmental entities or by others in order to achieve objectives, policies and standards applicable to Specially Planned Districts and

shall cover a period of time to be specified in the land development plan, which shall not be more than ten years, but the program may indicate the general nature of future actions to be taken after that period.

The implementation program shall include:

- (a) An estimate of the amounts, types, characteristics and general locations of land to be acquired or reserved, and the transportation, utility and community facilities to be required, provided or aided, by the applicant, by the local government or other governmental agencies in order to carry out the implementation program;
- (b) An estimate of the number of persons and land uses to be displaced by the implementation program, the environmental, social and economic consequences of the displacement, and any relocation programs to be undertaken by the applicant or by governmental agencies;
- (c) A statement of the assumptions regarding future private and public development upon which the implementation program is based;
- (d) An estimate of the cost of carrying out the implementation program and a statement of sources of the private or public funds actually or potentially available; and
- (e) An estimate of the overall environmental, social and economic consequences of the implementation program including the impact on population distribution, employment, economic and environmental conditions and an evaluation, to the extent feasible, of the consequences of alternative implementation programs.

10. Land development report means a written document submitted to the Planning Commission which outlines the progress of the development of the Specially Planned District. The land development report shall contain, but shall not be limited to information regarding the following:

- (a) The extent to which the implementation program has accomplished its objectives;
- (b) The extent to which there have been significant changes in the assumptions upon which the land development plan was based; and
- (c) Possible changes in the objectives, policies and standards of the land development plan.

909.01.C ***Applicable Standards***

The approval of an improvement subdivision site plan and the enactment of an SP District as an amendment to the Zoning Code shall require compliance with all applicable regulations of this Code and with the standards and regulations contained in the Subdivision Regulations and Standards pursuant to the Act of May 13, 1927, (PL. 1101) as amended, adopted by the Planning Commission.

1. The SP District regulations of this section establish standards governing

development intensity, building height; setbacks, open space; off-street parking; off-street loading and other basic site criteria that shall apply within SP Districts.

2. The Subdivision Regulations and Standards adopted by the Planning Commission shall govern the spatial arrangement of uses and structures on the site and all other elements of site design and improvement, including the design and improvement of pedestrian and vehicular circulation and parking; the location and improvement of open spaces for light, air, recreation and other purposes; provisions for utilities, facilities and services; and the relationship of the SP District to adjacent areas.
3. The Environmental Performance Standards of Chapter 915 shall apply within SP District. It shall be the responsibility of the Planning Commission to determine, through application of standards contained in the adopted subdivision regulations, that the environmental characteristics and physical capacity of an SP District site and of land adjacent to the site are suitable for the character and intensity of development proposed. When necessary to protect the natural environment, to prevent hazardous development or otherwise to protect the public welfare, the Planning Commission may require a lower intensity of development or more restricted development on all or portions of a site than otherwise required by the provisions of this Code.
4. The Sign Regulations of Chapter 919 and the Parking, Loading and Access Regulations of Chapter 914 shall apply within an SP District unless the Planning Commission determines that the nature or impact of the proposed development warrants more restrictive standards. The Planning Commission may require compliance with more restrictive standards than specified in this Zoning Code, when determined necessary to protect the natural environment, adjacent properties or the public welfare.

909.01.D **General Provisions**

The provisions in this section apply to all SP subdistricts, unless otherwise stated.

909.01.D.1 **Criteria for Establishment of an SP District**

(a) Land Area

An SP District shall comprise a contiguous area of land of not less than 15 acres, except as separated by public streets, public ways, rivers or railroad tracks; shall comprise a reasonable unit for planned development; shall not be less than 15 acres, the calculation of which shall exclude land with slopes greater than 25 percent and areas of water with a designated harbor line.

(b) Unified Control

One hundred percent of the land in an SP District shall be controlled by the

applicant for the SP District at the time of application through ownership or sales options. A final land development plan shall not be approved and rezoning of an SP District shall not become effective until proof of ownership of the land or proof of control of the land through sales agreement has been submitted by the applicant.

(c) **Compliance with Plans, Policies and Other Regulations**

An SP District shall be in a location suitable for the proposed development, as evidenced by compliance with plans and policy documents adopted from time to time by the Planning Commission and by demonstrated compatibility of the proposed development with development in adjacent areas.

Suitability for the SP District, in compatibility with plans and policy documents adopted from time to time by the Planning Commission and compatibility with development in adjacent areas, may be demonstrated and achieved by requirements the Planning Commission may impose through the Improvement Subdivision Regulations and Standards, including, but not limited to, impact mitigation measures, impact fees, performance bonds, management plans and public access requirements.

(d) **Adequate Public Facilities**

An SP District without current, sufficient infrastructure may be designated provided the final land development plan includes an implementation program and provided development is not allowed until such appropriate infrastructure is available through either public or private improvements, in accord with the Improvement Subdivision Regulations and Standards.

909.01.D.2 Use Regulations

Uses allowed within SP districts shall be established for each district, according to the provisions of Sec. 909.01.E.

909.01.D.3 Site Development Standards

(a) **Floor Area Ratio**

The maximum permitted floor area ratio within any SP District shall be 4.0. A lower floor area ratio standard may be established with individual SP subdistricts.

(b) **Light Access**

Buildings shall be designed to allow light access through windows of existing buildings.

(c) **Urban Open Space**

At least ten percent of the land area within any SP District shall be improved as

Urban Open Space in accordance with the following standards:

(1) *Components*

The particular functions and kinds of Urban Open Space to be provided at a development site shall be based upon consideration of existing and projected pedestrian volumes and circulation patterns; the location, size and character of existing Urban Open Space in the vicinity of the development site; existing and proposed land use patterns; relation to public transportation; and objectives contained in the adopted plan and policy documents pertaining to the GT District.

(2) *Development Standards*

- (i) Urban Open Space designed to facilitate pedestrian circulation or relieve pedestrian congestion shall be at the same level as abutting public sidewalks and shall provide a clear path or area for movement. There shall be no vehicle entrance or exit points within the Urban Open Space which would impede movement or endanger pedestrians, other than access which may be required for emergency vehicles. The Urban Open Space shall be paved in accordance with City standards for sidewalk finishes. Street trees and landscape elements shall be located so as not to impede pedestrian movement and shall comply with all City street-related improvements in the downtown area. An Urban Open Space designed to facilitate pedestrian movement or to relieve congestion shall be accessible to the handicapped throughout its entire area and shall be open without restriction to the general public at all reasonable times.
- (ii) Urban Open Space designed to provide passive recreation Space or informal activity areas shall abut and be accessible from a public sidewalk or from an established Urban Open Space designed to facilitate pedestrian circulation or relieve pedestrian congestion. A majority of the Urban Open Space shall be visible from such abutting Space. Access to the Urban Open Space shall not be interrupted by vehicle entrances or exits. A plaza or park may be located above or below the level of the abutting sidewalk or open space provided it is accessible to the handicapped. A plaza or park shall contain seating, permanent landscaping and lighting for night time illumination. A park or plaza may contain tables and facilities for food service, but a majority of the Space shall be available for general public use without charge or purchase of any services which may be offered. A park or plaza shall be sited and oriented to maximize the access of sun light and air to the Urban Open Space. The Urban Open Space shall be open without restriction to the general public at least during business hours normal to the area in which it is located and during periods of heavy pedestrian movement in the area.

- (iii) When a development site is adjacent to a bus stop or transit station, the required Urban Open Space shall be designed to provide access to it and the waiting areas for transit riders.
- (iv) Every Urban Open Space provided under the requirements of this Code shall be located and developed to relate harmoniously with development on adjacent sites and to contribute to the attractiveness and efficient functioning of the overall environment of the district.

(3) Maintenance

A legally binding agreement, in a form acceptable to the City, shall be executed for each Urban Open Space provided and approved under the requirements of this Code. This agreement shall include provision for the permanent maintenance of the Urban Open Space by its owner.

(d) Useable Open Space

Useable Open Space shall be provided for residential uses within an SP District in accordance with the Land Use Intensity Rating System of the Subdivision Regulations and Standards.

909.01.E Establishment of SP Districts

The following SP Districts are hereby established:

- (a) SP-1, Pittsburgh Technology Center
- (b) SP-2, Herr's Island
- (c) SP-3, Public Safety Complex
- (d) SP-4, Station Square
- (e) SP-5, South Side Works

909.01.F SP-1 Pittsburgh Technology Center

The provisions of this section apply to all land within the SP-1 district, which is generally bounded by: Second Avenue on the north; the Monongahela River on the south; the Birmingham Bridge on the west; and the Monongahela Connecting Bridge on the east.

909.01.F.1 SP-1 Subdistricts

The SP-1 district is further divided into the following subdistricts which extend east to west, bounded by Second Avenue on the north, and the Monongahela River on the south.

- (a) Subdistrict 1-East generally extends to the east from the centerline of the District to the eastern entry road at Bates Street.
- (b) Subdistrict 1-West generally extends to the west from the centerline of the District to the western entry road.
- (c) Subdistrict 2-East generally extends from the eastern entry road to the eastern

boundary of the District at the Monongahela Connecting Bridge.

- (d) Subdistrict 2-West generally extends from the western entry road to the western edge of the District near the Birmingham Bridge.

909.01.F.2 Use Regulations

In the SP-1 District, land and structures may be used, and structures may be erected, altered or enlarged for only the uses listed in this section:

- (a) Research, development and service uses, including, but not limited to, advanced methodologies and processes in biotechnology, modern biological technology, computer hardware and software, and artificial intelligence, and according to the following industry numbers found in the latest edition of the Standard Industrial Classification Manual:

Industry Code	Industry Name
7371	Computer programming services
7372	Prepackaged software
7373	Computer integrated systems design
8071	Medical laboratories
8731	Commercial physical and biological research
8732	Commercial economic, sociological and educational research
8733	Noncommercial research organizations
8734	Testing laboratories

- (b) Assembly and manufacture of any products, instruments, accessories and devices, associated with the uses listed in Sec. 909.01.F.2(a), only when the design of these items results from the research and development activities of the research institutions and companies located on the site, provided these assembly and manufacturing uses are such that no explosive materials or processes are involved, and no smoke, odor, vibration, noise, heat, dust, glaring light or other hazard or noxious or objectionable attribute is noticeable from outside any building.
- (c) Office uses associated with the onsite management and administration of any of the uses listed in Sec. 909.01.F.2(a).
- (d) General office uses, not to exceed 100,000 gross square feet, provided that such uses do not exceed 50,000 gross square feet in Subdistricts 1-East and 2-East together, and 50,000 gross square feet in Subdistricts 1-West and 2-West together.
- (e) Helipads.
- (f) Helistops.
- (g) Accessory uses and structures, when clearly incidental to the uses listed in Secs.

909.01.F.2(a) through 909.01.F.2(c) and located within the buildable area of the district, including:

- (1) Minor parking area or minor parking garage;
- (2) Business services clearly related and incidental to permitted principal uses, and only when primarily serving those uses;
- (3) Minor commercial areas for retail sales and personal services clearly incidental to permitted principal uses, and only when located within the building housing permitted principal uses; and
- (4) Child Day Care Center, only when located within a building housing a permitted principal use.

909.01.F.3 Site Development Standards

The following site development standards shall apply in the SP-1 district.

(a) **Minimum Height**

The minimum height of the majority of any building footprint or the majority of the combined building footprints of two adjacent buildings other than those with predominantly accessory uses shall be three stories or 45 feet.

(b) **Maximum Height**

The maximum height of any building or structure within the 1-East and 1-West subdistricts of the SP-1 district shall be 90 feet. The maximum height of any building or structure within the 2-East subdistrict shall be 180 feet. The maximum height of any building or structure within the 2-West subdistrict shall be 125 feet.

The height of any building or structure shall be measured from the average elevation of the onsite road adjacent to the building site, and shall include the heights of parapet walls, screening for mechanical equipment, and other architectural elements which are consistent with the design of the primary structure.

(c) **Floor Area Ratio**

The maximum floor area ratio for the entire SP-1 district, not including accessory uses, shall be 0.75.

(d) **Urban Open Space**

At least ten percent of the entire SP-1 district shall be provided and maintained as Urban Open Space.

(e) **Traffic Limitations**

The total gross floor area within the SP-1 district shall not exceed a level that can be expected to generate more than 730 vehicle trips exiting the SP-1 District in any given one-hour period, as documented in a traffic study prepared

for the Planning Commission, which shall determine the number of vehicles which enter and exit the district at peak hours.

909.01.G SP-2 Herr's Island

The provisions of this section apply to all land within the SP-2 district.

909.01.G.1 Preferred Uses.

The following uses are preferred in the SP-2 district.

Industry Code	Industry Name
283	Drugs
3571	Electronic computers
3572	Computer storage devices
3575	Computer terminals
3577	Computer peripheral equipment, NEC
3578	Calculating and accounting machines, except electronic computers
366	Communication equipment
367	Electronic components and accessories
381	Search, detection, navigation, guidance, aeronautical and nautical systems, instruments, and equipment
382	Laboratory apparatus and analytical, optical, measuring and controlling instruments
384	Surgical, medical and dental instruments and supplies
3949	Sporting and athletic goods, NEC
481	Telephone communications
482	Telegraph and other message communications
483	Radio and television broadcasting stations
489	Communications services, NEC
7334	Photocopying and duplicating services
737	Computer programming, data processing and other computer related services
7383	News syndicates
781	Motion picture production and allied services
8351	Child day care services
8711	Engineering services
8712	Architectural services
8713	Surveying services
8731	Commercial physical and biological research
8732	Commercial economic, sociological and educational research

8733	Noncommercial research organizations
8734	Testing laboratories
8741	Management services
8742	Management consulting services
8743	Public relations services
899	Miscellaneous professional services

909.01.G.2 Subdistrict SP-2(A)

(a) Use Regulations

The following uses are permitted in Development Subdistrict A of the SP-2 District, which is generally bounded by the main channel, the back channel and the B&O Railroad to the northeast:

- (1) Office.
- (2) Research and Development.
- (3) Light manufacturing, provided that the light manufacturing uses are conducted entirely within an enclosed building and provided the uses are such that no explosive materials or processes are involved, and no smoke, fumes, odor or other noxious or objectionable attribute is noticeable from outside any building.
- (4) Recreational facility, hotel, conference center or conference facilities with restaurant uses, including destination restaurants, clearly incidental to the primary use and physically a part of the structure of the primary use.
- (5) Child day care center.
- (6) Minor commercial areas for retail sales accessory to any of the principal uses permitted in the SP-2(A) subdistrict, when located within a building or structure housing a permitted principal use.
- (7) Minor, major or community garage.
- (8) Helipads.
- (9) Helistops.

(b) Maximum Height

The maximum height of structures hereafter erected or enlarged in the SP-2(A) subdistrict shall be 75 feet.

(c) Floor Area Ratio

The maximum floor area ratio within the SP-2(A) subdistrict shall be 0.50. Floor area limitations within use categories, except for child day care, minor commercial areas and minor, major or community garages, shall be based on the following percentages of the maximum floor area ratio (FAR): Any floor area of manufacturing uses in excess of 60,000 gross square feet shall not be erected or used unless 50 percent or more of the office/research and development/light manufacturing floor area is used for office and research and development purposes.

Use	Percentage of Maximum FAR
Research & Development	100 %
Office	50 %
Hotel or Conference Center	50 %
Light Manufacturing	33 %

(d) Urban Open Space

At least 20 percent of the entire SP-2(A) subdistrict shall be provided and maintained as Urban Open Space.

909.01.G.3 Subdistrict SP-2(B)

(a) Use Regulations

The following uses are permitted in Development Subdistrict B of the SP-2 District which is generally bounded by the main channel, the back channel and the B&O Railroad to the southwest:

- (1) Office.
- (2) Research and Development.
- (3) Light manufacturing, provided that the light manufacturing uses are conducted entirely within an enclosed building and provided the uses are such that no explosive materials or processes are involved, and no smoke, fumes, odor or other noxious or objectionable attribute is noticeable from outside any building.
- (4) Recreational facility, hotel, conference center or conference facilities with restaurant uses, including destination restaurants, clearly incidental to the primary use and physically a part of the structure of the primary use.
- (5) Child day care center.
- (6) Minor commercial areas for retail sales accessory to any of the principal uses permitted in the SP-2(A) subdistrict, when located within a building or structure housing a permitted principal use.
- (7) Minor, major or community garage.
- (8) Helipads.
- (9) Helistops.

(b) Maximum Height

The maximum height of structures hereafter erected or enlarged in the SP-2(B) subdistrict shall be 60 feet.

(c) Floor Area Ratio

The maximum floor area ratio within the SP-2(A) subdistrict shall be 0.60. Floor area limitations within use categories, except for child day care, minor

commercial areas and minor, major or community garages, shall be based on the following percentages of the maximum floor area ratio (FAR):

Use	Percentage of Maximum FAR
Research & Development	50 %
Office	25 %
Hotel or Conference Center	100 %
Light Manufacturing	25 %

Floor area for light manufacturing uses shall not be erected or used unless 33 percent or more of the floor area within the entire subdistrict is used for permitted uses other than light manufacturing. Floor area for other light manufacturing uses within the entire subdistrict shall not be erected or used unless 67 percent or more of the floor area within the entire subdistrict is used for permitted uses other than light manufacturing.

(d) Urban Open Space

At least five percent of the entire SP-2(A) subdistrict shall be provided and maintained as Urban Open Space.

909.01.G.4 Subdistrict SP-2(C)

(a) Use Regulations

The following uses are permitted in Development Subdistrict C of the SP-2 District which is generally bounded by the main channel, the back channel and the 31st Street Bridge to the northeast:

- (1) Two-unit dwellings
- (2) Single-Unit Attached dwellings
- (3) Multiple-Unit dwellings
- (4) Public recreation area.
- (5) Commercial uses, water-related only, including and limited to: restaurants, including catering service but not including drive-in business where persons are served in automobiles; full service marina, members' club and marine sales, rental and supply business which is retail only; bicycle rental, sales and repair; soft goods sales.
- (6) Convenience commercial, including and limited to: retail food sales; pharmacy, financial automated teller machine.
- (7) Club, community.
- (8) Child day care center.
- (9) Accessory use and structure customarily incident to the above uses, as regulated in the Preliminary Land Development Plan and the Final Land Development, and including:

- (i) Fence or enclosure wall;
 - (ii) Loading space;
 - (iii) Minor garage or minor parking area.
 - (iv) Business sign or identification sign.

- (b) **Maximum Height**
The maximum height of structures shall be as follows:
 - (1) Two-Unit and Single-Unit Attached: 35 feet, 45 ft. with parking below.
 - (2) Multi-Unit: 60 feet, 75 feet with commercial or parking below
 - (3) Marinas, Dry-Stack: 50 feet
 - (4) Other structures: 35

- (c) **Floor Area Ratio**
The maximum floor area ratio in the SP-2(C) subdistrict shall be 0.60.

- (d) **Urban Open Space**
At least five percent of the SP-2(c) subdistrict shall be provided and maintained as Urban Open Space.

909.01.G.5 *Subdistrict SP-2(D)*

- (a) **Use Regulations**
The following uses are permitted in Development Subdistrict D of the SP-2 District which is generally bounded by East Ohio Street and the north bank of the Allegheny River:
 - (1) Public recreation area.
 - (2) Marina services, including boat storage, repair, haul-out, vehicular and trailer parking.
 - (3) Convenience commercial, including food and beverage sales; gasoline sales, not including automobile repair services; financial institution but automated teller machine only.
 - (4) Accessory use and structure customarily incident to the above uses, as regulated in the Preliminary Land Development Plan and the Final Land Development, and including:
 - (i) Fence or enclosure wall.
 - (ii) Loading space.
 - (iii) Minor garage or minor parking area.
 - (iv) Business sign or identification sign.
 - (v) Vehicle parking and staging area for adjacent food processing warehouse facility. (*Amended by Ord. No. 3/April 5, 2000 Amend. U-18*)

- (b) **Maximum Height**
The maximum height of any building or structure within the SP-2(D) subdistrict

shall not exceed 35 feet.

(c) **Floor Area Ratio**

The maximum floor area ratio for the SP-2(D) subdistrict shall be 0.25.

909.01.H SP-3 Public Safety Complex

The provisions of this section apply to all land within the SP-3 district.

909.01.H.1 Boundaries

The City/County Public Safety Complex is generally bounded by First and Second Avenues on the north, the Tenth Street Bridge on the east, the Monongahela River on the south, and the Panhandle Bridge on the west.

909.01.H.2 Use Regulations

In the SP-3 District, land and structures may be used, and structures may be erected, altered and enlarged for only the uses listed in this section.

- (a) Government uses and structures, except housing, or unit group building thereof, other than Major Excavation/Grading/Fill and schools or educational institutions;
- (b) Major garage and major parking area including gasoline service station, cleaning, waxing and mechanical repair of automobiles not including body and fender repairs;
- (c) Transportation right of way, roadway and trackage, including shelter and comfort stations incident to the use thereof;
- (d) Child day care center and convenience type of retail use that is intended to provide a service to people using the Public Safety Complex, garage and public transit station such as but not limited to news stand, coffee shop, pick-up for dry cleaning/laundry, shoe repair; and
- (e) Accessory uses that are clearly incidental to the principal uses permitted in the SP-3 district, and only when located within a structure housing a permitted principal use.

909.01.H.3 Maximum Height

The maximum height of structures hereafter erected or enlarged shall not exceed the height limitations prescribed in this section:

- (a) Structures within Height Area A, defined as the area bounded by First Avenue, the Liberty Bridge, the Monongahela River and the Panhandle Bridge, shall not be higher than the limits prescribed for structures in the GT-C district.
- (b) Structures within Height Area B, defined as the area bounded by Second Avenue, the Liberty Bridge, Interstate 376, and a line defined between two points, 1 and 2. Point 1, 750 feet to the west of the Tenth Street Bridge along Second Avenue, is designated 1.375, 761E 409, 143N in the Pennsylvania Plane Coordinate System. Point 2, 750 feet west of the Tenth Street Bridge

along the harbor line of the Monongahela River, is designated 1.375, 789E 408, 751N in the Pennsylvania Plane Coordinate System, shall not be higher than ten stories or 140 feet, except that 25 percent of Area B may be occupied by structures that are up to 190 feet in height.

- (c) Structures within Height Area C, defined as the area bounded by Second Avenue, the Tenth Street Bridge, the Monongahela River, and the line between points 1 and 2 as defined in Height Area B, shall not be higher than three stories or 45 feet.
- (d) Signs and sign structures shall be limited in height to either of the following which may apply:
 - (1) Thirty-five feet above grade, measured vertically between all points at grade, to all topmost points of the sign or sign structure above these grade points, or;
 - (2) Twenty feet above the elevation of exterior pedestrian entries on structures, measured vertically between all points at these pedestrian entries, to all topmost points of the sign or sign structure above these pedestrian entries.

909.01.H.4 ***Floor Area Ratio***

The maximum floor area ratio for the entire SP-3 district shall be 3:1.

909.01.H.5 ***Urban Open Space***

At least ten percent of the entire SP-3 district shall be provided and maintained as Urban Open Space.

909.01.I ***SP-4 Station Square***

The provisions of this section apply to all land within the SP-4 district, which is generally bounded by Smithfield Street on the east, Carson Street on the south, a line approximately 1900 feet west of the Fort Pitt Bridge on the west, and the Monongahela River on the north.

909.01.I.1 ***SP-4 (I), Park/Landing Subdistrict***

The SP-4(I) subdistrict is generally bounded by the Fort Pitt Bridge, the Monongahela River, Commerce Drive, and West Carson Street.

(a) **Use Regulations**

Within the SP-4(I) subdistrict, land and structures may be used, and structures may be erected, altered, demolished or enlarged for only the following uses:

- (1) Multiple-unit dwellings;
- (2) Restaurants, including those with entertainment;
- (3) Office;
- (4) Institutional, limited to museum, exhibition, and library;
- (5) Hotels;
- (6) Theaters;
- (7) Major parking area or major parking garage;

- (8) Child day care center;
- (9) Retail uses within buildings where such services are not the principal use, and only when located within a structure housing a permitted principal use;
- (10) Transportation right-of-way, roadway and trackage, including shelter and comfort stations incident to the use thereof;
- (11) Accessory uses that are clearly incidental to permitted principal uses, and only when located within a structure housing a permitted principal use;
- (12) Signs larger than 20 square feet that are visible from the river or from across the river shall be neon and positioned so as to maximize reflection in the river.

(b) **Maximum Height**

The height of structures hereafter erected or enlarged in the SP-4(I) subdistrict shall not exceed the following limits:

- (1) Structures north of Station Square Road: 60 feet
- (2) Structures south of Station Square Road: 100 feet

909.01.1.2

SP-4 (II), Pointview

The SP-4(II) subdistrict is generally bounded by the western boundary of the SP-4 District, the Monongahela River, the Fort Pitt Bridge, and West Carson Street.

(a) **Use Regulations**

Within the SP-4(II) subdistrict land may be used and structures may be erected, altered, demolished or enlarged for only the following uses:

- (1) Multiple-unit dwellings;
- (2) Restaurants, including those with entertainment;
- (3) Office, when located within a structure existing on the date of this subsection, or in a new structure if limited to a structure not in excess of 50,000 gross square feet or sixty feet in height;
- (4) Hotel, when located within a structure existing on the date of this subsection;
- (5) Institutional, limited to museum, exhibition, and library;
- (6) Child day care center;
- (7) Retail uses within buildings where such services are not the principal use, and only when located within a structure housing a permitted principal use;
- (8) Transportation right-of-way, roadway and trackage, including shelter and comfort stations incident to the use thereof;
- (9) Accessory uses that are clearly incidental to permitted principal uses, and only when located within a structure housing a permitted principal use; and
- (10) Signs larger than 20 square feet that are visible from the river or from across the river shall be neon and positioned so as to maximize reflection in the river.

(b) **Maximum Height**

The maximum height of structures hereafter erected or enlarged or used in the SP-4(II) subdistrict shall be as follows:

- (1) Existing structures: 110 feet
- (2) New structures: 100 feet

909.01.1.3 *SP-4 (III), Historic Subdistrict*

The SP-4(III) subdistrict is generally bounded by the Monongahela River, Smithfield Street, and West Carson Street.

(a) **Use Regulations**

Within the SP-4(III) subdistrict, land and structures may be used, and structures may be erected, altered, and enlarged for only the following uses:

- (1) Multiple-unit dwellings;
- (2) Restaurants, including those with entertainment;
- (3) Office;
- (4) Institutional, limited to museum, exhibition, and library;
- (5) Hotels;
- (6) Retail sales, including personal service;
- (7) Theaters;
- (8) Child day care center;
- (9) Accessory uses that are clearly incidental to permitted principal uses, and only when located within a structure housing a permitted principal use; and
- (10) Signs larger than 20 square feet visible from the river or from across the river shall be neon and positioned so as to maximize reflection in the river.

(b) **Maximum Height**

The maximum height of structures hereafter erected or enlarged or used in the SP-4(III) subdistrict shall be as follows:

- (1) Structures north of Station Square Road: 25 feet
- (2) Structures south of Station Square Road: 100 feet

909.01.1.4 *Regulations Applicable Throughout the SP-4 District*

The following regulations shall apply throughout the SP-4 district:

(a) **Height**

That portion of the facade of any structure above 100 feet in height shall be no greater than 120 feet in width when viewed directly opposite the structure from the river, perpendicular to the shore.

(b) **Signs**

Signs and sign structures shall be limited in height to 35 feet above grade, measured vertically between all points at grade, to all topmost points of the sign or sign structure above these grade points.

(c) Floor Area Ratio

The maximum floor area ratio for the entire SP-4 District shall be 1.5.

(d) Traffic Limitations

Total gross floor area shall not exceed that which is projected to generate a maximum number of vehicles in the evening peak hour for each subdistrict as follows, to be established from the results of a current trip generation analysis consistent with the 1992 analysis, prepared for the Planning Commission:

With vehicular traffic capacity existing on the date of this subsection:

For new development not existing on the date of this subsection, and with evening peak hour traffic of 1,378 vehicles generated by the existing development:

Subdistrict I:	914
Subdistrict II:	101
Subdistrict III:	48
Entire SP-4 District:	2,441

With increased vehicular traffic capacity, achieved by means of a City-approved design and construction of a McKean Street extension to intersect with an Arlington Avenue extension, or other vehicular traffic improvements:

For new development not existing on the date of this subsection and with evening peak hour traffic of 1,378 vehicles generated by the existing development:

Subdistrict I:	1,094
Subdistrict II:	121
Subdistrict III:	57
Entire SP-4 District:	2,650

(e) Urban Open Space

At least ten percent of the entire SP-4 district shall be provided and maintained as Urban Open Space.

(f) Useable Open Space

For residential uses, Useable Open Space shall be provided in accordance with Land Use Intensity Rating System of the Subdivision Regulations and Standards.

(g) Height Exceptions

The following exceptions to the height regulations established for the SP-4

district and its subdistricts shall be permitted:

Exceptions in height which are authorized by the Zoning Administrator, according to the following:

- (1) Erection above the height limit of certain portions of structures according to the following standards:
Structures with a gross floor plate not in excess of 20,000 square feet: 150 feet; 170 feet if a residential building.

Structures with a gross floor plate not in excess of 15,000 square feet: 180 feet; 200 feet if a residential building.
- (2) No more than two structures within the SP-4(I) subdistrict shall be in excess of 150 feet in height.
- (3) No more than one structure within the SP-4(II) subdistrict shall be in excess of 150 feet in height.

909.01.J SP-5 South Side Works

909.01.J.1 Development Subdistricts

The following special provisions apply to all of the following development subdistricts, according to the definitions found in Sec. 909.01.B, and except as noted. The South Side Works SP-5 District is generally bounded by East Carson Street on the south , South Twenty-fifth Street on the west, and the Monongahela River on the north.

(a) Development Subdistrict A

(1) Use

In Subdistrict A, bounded by East Carson Street, South Twenty-fifth Street, the Monongahela River, and the center line of South Twenty-eighth Street projected toward the Monogahela River structures may be erected, altered, demolished or enlarged for only the uses listed in this section.

- (i) Single-Unit Attached Residential;
- (ii) Multi-Unit Residential;
- (iii) Restaurant, including those with entertainment;
- (iv) Office;
- (v) Library and Cultural Service uses including museum, gallery and similar exhibition uses;
- (vi) Religious Assembly;
- (vii) Community Center;
- (viii) Hotel/Motel;
- (ix) Recreation and Entertainment uses, involving indoor and outdoor auditoriums, including cinemas, theaters, and the like;
- (x) Parking, General and Parking Structure, General;
- (xi) Childcare;

- (xii) Retail Sales and Services, subject to the same requirements for such uses found in Chapter 911, Use Regulations, for the UNC District;
- (xiii) Transportation right-of-way, roadway and trackage, including shelter and comfort stations incident to the use thereof;
- (xiv) Parks and Open Space and outdoor recreational uses;
- (xv) Accessory uses clearly incident to the uses listed in items above; and
- (xvi) Signs, as prescribed in Sec.919.03.M.5.

(b) Development Subdistrict

(1) Use

In Subdistrict B, bounded by East Carson Street, the center line of South Twenty-eighth Street projected toward the Monogahela River, and the Monogahela River, as identified on the South Side Works Preliminary Land Development Plan approved by the Planning Commission on January 28, 1997, land may be used and structures may be erected, altered, demolished or enlarged for only the uses listed in this section.

- (i) Single-unit Attached Residential;
- (ii) Multi-Unit Residential;
- (iii) Restaurants, including those with entertainment;
- (iv) Office;
- (v) Library and Cultural Service uses, including museum, gallery and similar exhibition uses;
- (vi) Hotels;
- (vii) Religious Assembly;
- (viii) Community Center;
- (ix) Recreation and Entertainment uses involving indoor and outdoor auditoriums, including cinemas, theaters, and the like;
- (x) Manufacturing and Assembly and Warehouse (Limited) uses, subject to the same requirements for such uses found in Chapter 911, Use Regulations, for the NDI District.
- (xi) Parking, General and Parking Structure, General;
- (xii) Childcare;
- (xiii) Retail Sales and Service uses which are intended to provide personal services to occupants within buildings where such services are not the primary use, and only when located within structure in which the primary use is any of the uses listed above;
- (xiv) Transportation right-of-way, roadway and trackage, including shelter and comfort stations incident to the use thereof;
- (xv) Park and Open space and outdoor recreational uses;
- (xvi) Accessory uses clearly incident to the uses listed in items above; and
- (xvii) Signs, as prescribed in Sec. 919.03.M.5.

(c) Development Subdistrict C

(1) Use

In Subdistrict C, bounded by East Carson Street, the Monongahela River, and the eastern terminus of the SP-5 District, as identified on the South Side Works Preliminary Land Development Plan approved by the Planning Commission on January 28, 1997, land may be used and structures may be erected, altered, demolished or enlarged for only the uses listed in this section.

- (i) Single-Unit Attached Residential;
- (ii) Multi-Unit Residential;
- (iii) Restaurants, including those with entertainment;
- (iv) Office;
- (v) Library and Cultural Service uses, including museum, gallery and similar exhibition uses;
- (vi) Religious Assembly
- (vii) Community Center;
- (viii) Hotel/Motel;
- (ix) Recreation and Entertainment uses involving indoor and outdoor auditoriums, including cinemas, theaters, and the like;
- (x) Manufacturing and Assembly and Warehouse (Limited) uses , subject to the same requirements for such uses found in Chapter 911, Use Regulations, for the NDI District.
- (xi) Parking, General and Parking Strucutre, General;
- (xii) Childcare;
- (xiii) Retail Sales and Service uses which are intended to provide personal services to occupants within buildings where such services are not the primary use, and only when located within structure in which the primary use is any of the uses listed above;
- (xiv) Transportation right-of-way, roadway and trackage, including shelter and comfort stations incident to the use thereof;
- (xv) Parks and Open space and outdoor recreational uses;
- (xvi) Accessory uses clearly incident to the uses listed in items above; and
- (xvii) Signs, as prescribed in Sec. 919.03.M.5.

909.01.J.2 Regulations applicable to the entire SP-5 District

(a) Height

For the uses listed in Sections 909.01.J.1(a), (b) and (c) above, the height of structures hereafter erected or enlarged shall not exceed the following:

All primary structures: 6 stories and 75 feet.

(b) Area

(1) Maximum Floor Area Ratio for entire SP-5 District, but not including major garages: 0.60.

(2) Urban Open Space. Not less than ten percent (10%) of the entire SP-5 District shall be provided and maintained as Urban Open Space.

(c) **Height Exceptions**

Subject to the requirements prescribed hereunder, the following exceptions to the height regulations in Sections 909.01.J.1(a), (b) and (c) are permitted. Exceptions in height which are authorized by the Administrator, according to the following.

(1) Erection above the height limit of certain structures according to the following standards:

- (i) Any structure above six stories and 75 feet shall be placed in a location specifically identified for such structures in the Final Land Development Plan, which shall locate such structures in important public locations in the district, adjacent to major public open spaces or public streets, and shall be designed to be a landmark structure which specifically responds to its location on the site;
- (ii) The maximum height shall not exceed nine stories and 100 feet;
- (iii) Structures with height above six stories and 75 feet shall be sited and designed to be an integral part of the Land Development Plan and shall not result in abrupt changes in scale or size from adjacent buildings; and
- (iv) No more than three structures above six stories and 75 feet shall be located within the SP-5 District.

909.02

PUD, Planned Unit Development District

909.02.A

Purpose

The PUD, Planned Unit Development District provisions are intended to accommodate alternative forms of development on sites that are developed as unified, planned development in accordance with development plans and improvement subdivision site plans approved by the Planning Commission. The provisions are intended to permit a degree of flexibility in site development and design that is not possible under base zoning regulations. These provisions for flexible development are intended to create efficient, functional and attractive urban areas that incorporate a high level of amenities and which meet public objectives for protection and preservation of the natural environment. The regulations are intended to insure compatible uses and structures within PUDs and between PUDs and areas adjacent to them. They are also intended to prevent congestion of population; to insure adequate provision for pedestrian and vehicular movement; to provide open spaces

for light, air and recreation; and to provide for the efficient provision of utilities, services and facilities.

909.02.B ***Applicable Standards***

The approval of an improvement subdivision site plan and the enactment of an PUD District as an amendment to the Zoning Code shall require compliance with all applicable regulations of this section and with the standards and regulations contained in the Improvement Subdivision Regulations and Standards adopted by the Planning Commission.

1. The PUD District regulations of this section establish standards governing allowed uses; development intensity, building height; setbacks, open space; off-street parking; off-street loading and other basic site criteria that shall apply within PUD Districts.
2. The Subdivision Regulations and Standards adopted by the Planning Commission shall govern the spatial arrangement of uses and structures on the site and all other elements of site design and improvement, including the design and improvement of pedestrian and vehicular circulation and parking; the location and improvement of open spaces for light, air, recreation and other purposes; provisions for utilities, facilities and services; and the relationship of the PUD Districts to adjacent areas.
3. The Environmental Performance Standards of Chapter 915 shall apply within PUD Districts. It shall be the responsibility of the Planning Commission to determine, through application of standards contained in the adopted subdivision regulations, that the environmental characteristics and physical capacity of a PUD District site and of land adjacent to the site are suitable for the character and intensity of development proposed. When necessary to protect the natural environment, to prevent hazardous development or otherwise to protect the public welfare, the Planning Commission may require a lower intensity of development or more restricted development on all or portions of a site than otherwise required by the provisions of this Code.
4. The Sign Regulations of Chapter 919 and the Parking, Loading and Access regulations of Chapter 914 shall apply within a PUD District unless the Planning Commission determines that the nature or impact of the proposed development warrants more restrictive standards. The Planning Commission may require compliance with more restrictive standards than specified in this Zoning Code, when determined necessary to protect the natural environment, adjacent properties or the public welfare.

909.02.C ***General Provisions***

The provisions in this section apply to all PUD Districts unless otherwise stated.

909.02.C.1 Criteria for Establishment of PUD District

(a) **Single or Multiple Building Sites**

A PUD district may be applied to sites containing one or more buildings.

(b) **Land Area**

A PUD district shall comprise a contiguous area of land, except as separated by public streets or ways, and shall comprise a reasonable unit for planned development. The site shall not surround or abut land which is not a part of the PUD district in a manner which would reduce the ability of such excluded land to be used in conformity with the provisions of the Zoning Code applicable to such excluded land.

(c) **Unified Control**

The site shall either be in single or unified ownership at the time of application; or the site may be subject to a sales agreement, but rezoning shall not become effective until proof of unified ownership or control sufficient to carry out the approved development plan shall have been submitted to and approved by the Zoning Administrator.

(d) **Compliance with Plans, Policies and Other Regulations**

A PUD district shall be in a location suitable for the proposed development, as evidenced by compliance with plans and policy documents adopted from time to time by the Planning Commission, and by demonstrated compatibility of the proposed development with development in adjacent areas.

909.02.C.2 Site Development Standards

(a) **Area Calculations**

In any PUD, the base intensity of development shall be calculated on the basis of the actual land area within the district boundaries, with the exclusion of public streets or ways and with the exclusion of any portion of the site with a slope of 25 or greater on which structures or impervious surfaces are proposed.

(b) **Intensity**

The maximum intensity of development in a planned unit development shall be based upon its location in relation to abutting zoning districts. The maximum floor area ratio for a PUD shall not exceed the higher of the following:

- (1) The floor area ratio associated with the zoning classification of the PUD district prior to its rezoning; or
- (2) The average floor area ratio associated with the zoning classification of land

that is adjacent to or across a street or way from the PUD.

The average floor area ratio shall be calculated by multiplying the linear feet of each segment of the PUD district perimeter that abuts a different zoning district, by the floor area ratio associated with each abutting district, adding the products thus obtained and dividing by the total linear feet contained with the PUD district perimeter, except for the following:

- (i) If the proposed PUD adjoins an RP district, the floor area ratio associated with the RP district shall be that associated with RM-M zoning district.
- (ii) If the proposed PUD district adjoins a CP district, the floor area ratio associated with the adjoining CP district shall be the actual floor area ratio for the adjoining CP development.

The floor area ratios associated with the base zoning districts of this Code are shown in the following table:

Floor Area Ratio	Zoning District
0.25	H
0.40	RSD-1
0.50	RSD-2
0.60	RT-2, RSA-3
0.70	RM-3
0.80	HC
1.00	NDI, GI
1.20	GI, LNC
1.50	RM-4
2.00	GI, RM-1
3.00	UNC, EMI
4.00	DR
8.30	GT-C, GT-D
10.80	GT-A, GT-B

(c) Bonus Density

In any PUD, the base intensity of residential development may be increased by a percentage based on the provision of certain amenities or the meeting of certain conditions that are listed below. The cumulative maximum percentage increase shall not exceed 20 percent of the base intensity otherwise permitted. The actual percentage increase allowed for each amenity or condition is contained in the Subdivision Regulations and Standards.

- (1) Additional urban open space, beyond that required, to be used as public playground or park, and which is free and open to the public with no obstructions or restrictions on use.
- (2) A public overlook which is free and open to the public, with no obstructions or restrictions on use.
- (3) Transportation facilities which are designed and developed as part of the total development project, to reduce the use of private automobiles and lessen traffic congestion and which are operated and maintained by the developer for the life of the development.
- (4) Restoration of previously damaged environmentally sensitive lands, provided such damage has not been caused by the applicant.
- (5) Restoration and reuse of existing structures on the subject property which have been designated or have been determined to be eligible to be designated as local historic structures by the City's Historic Review Commission; or existing structures on the subject property which have been determined to be contributing structures within a designated local historic district or a district which has been determined to be eligible to be designated as a local historic district by the City's Historic Review Commission.
- (6) Design of new construction which is similar in form, scale and materials to existing structures on the subject property or to structures which immediately abut the subject property when the new structures are visible from such existing structures.
- (7) A pedestrian walkway along a riverfront, which is continuous along the entire riverfront edge of the property, which is within 50 feet of the normal pool elevation, and which is free and open to the public with no obstructions or restrictions on use.

(d) Height

Structures within a PUD district shall not exceed the height of structures on adjacent lots or the maximum height allowed in the adjacent zoning districts, which ever is less. This height restriction shall apply for a distance into the subject (PUD) site that is equal to the required setback for each adjacent site. Beyond this distance, maximum structure height shall be regulated by the PUD Height Formula of this section.

At points on the subject site where the setback requirements of more than one adjacent district may apply, the more restrictive of the setback standards shall apply to the subject site.

$$h_p = h_a + h_a/25 \times x^2/20$$

where:

h_a = height of existing adjacent structure or maximum height permitted in

adjacent district, whichever is less

x = horizontal distance into the subject site measured from the point at which the curved plane begins

h_p = maximum allowed height of structures in the proposed PUD at any horizontal distance “ x ”

Where the proposed PUD is adjacent to a zoning district with unlimited height restrictions, or where the PUD is adjacent to another PUD, “ h_a ” shall equal the actual height of the nearest principal structure on such adjacent zoning lot or 35 feet, whichever is greater.

(e) **Setbacks**

In any PUD district, structures along each portion of the property line abutting adjacent zoning districts shall maintain a lot area, setbacks and other open spaces not less than that prescribed for such adjacent districts. At points on the subject site where the setback requirements of more than one adjacent district apply, the more restrictive of these setback requirements shall apply to the subject site.

(f) **Riverfront Sites**

If the proposed PUD district abuts any navigable river, the normal pool elevation shall be used as the property line for purposes of calculating the height and setback requirements, and the height and setback requirements for the adjacent site abutting the normal pool elevation shall be calculated as if this adjacent site was zoned RM-3.

(g) **PUDs Adjacent to Sites Outside of City**

When any portion of a PUD district abuts property which is outside the limits of the City, such abutting property shall not be included in any calculations for intensity of development, height and setback requirements on the subject site. The perimeter of such abutting property which abuts the subject site shall not be included in any calculations for intensity of development, height and setback requirements on the subject site.

909.02.D RP, Residential Planned Unit Developments

909.02.D1 Purpose

The purpose of the RP provisions contained in this chapter and in applicable provisions of the Subdivision Regulations and Standards is to permit greater flexibility in the design and development of residential areas than is generally possible under the residential zoning district regulations. The regulations established hereunder permit a

variety of housing structure types and associated facilities to be developed in a planned setting without some of the constraints imposed in other residential districts. The regulations are intended to encourage innovation in housing design and residential area site planning in order to meet the housing and related needs of the City's diverse population; to promote economic and efficient use of land; to provide a high level of urban amenities; and to protect the natural environment of the planned unit development site and of areas which may be affected by development on the site. It is also the intention of these regulations to prevent negative impacts upon nearby areas by limiting the intensity of development in residential planned unit development districts to a level which is compatible with that in adjacent areas and which shall insure that the capacity of community facilities, utilities and transportation systems shall not be exceeded.

909.02.D.2 Uses

In the RP district, permitted uses shall be those listed in this section that are in accordance with an approved unit development plan and recorded improvement subdivision site plan. The uses listed in this section may be contained in a single structure, separate structures or combined in multi-use structures subject to approval by the Planning Commission.

- (a) Dwellings, including single-unit (attached and detached); two-unit, three-unit and multi-unit structures.
- (b) The activities and structures listed in this subsection shall be permitted in locations approved by the Planning Commission and compatibly incorporated in the unified design of the residential planned unit development. In approving these uses, the Planning Commission may impose limits on size, location within the planned unit development or other aspects of their design and development that are necessary to ensure their harmonious relation to the planned unit development and to adjacent areas.
 - (1) Religious Assembly;
 - (2) Community Center;
 - (3) Child Care
 - (4) Utilities
 - (5) Transit Facility
 - (6) Parks and Recreation
 - (7) School, Elementary or Secondary
 - (8) Uses permitted By-right in the LNC district, provided such uses comprise a minor part of the development and are designed to serve primarily residents of the planned unit development and of adjacent areas which are within convenient walking distance of the planned unit development.
 - (9) Accessory uses and structures.

909.02.D.3 Intensity

(a) Residential Development

The maximum intensity of residential land development in an RP district shall not exceed the higher of the following:

- (1) The land use intensity associated with the residential zoning classification of the site prior to rezoning; or
- (2) The land use intensity which is equal to the average of the land use intensities of the zoning districts which abut the subject property according to the procedures set forth in Sec. 909.02.C.2(b).

(b) Nonresidential Development

Nonresidential development shall comply with the following standards:

- (1) The floor area ratio shall not exceed 0.5.
- (2) When nonresidential uses are contained in separate buildings, the coverage of land by buildings and parking for nonresidential uses shall not exceed 20 percent.
- (3) Twenty percent of the land area developed with nonresidential uses shall be improved as urban open space.

909.02.D.4 Off-Street Parking and Loading

Off-street parking and loading facilities shall be provided in accordance with the provisions of Chapter 914.

909.02.D.5 Open Space and Recreation

The following open space and recreation ratios shall apply with RPs:

(a) Total Open Space

The total open space required shall be calculated by multiplying the gross residential land area by the applicable total open space ratio.

(b) Useable Open Space

The amount of useable open space required shall be calculated by multiplying the gross residential land area by the applicable useable open space ratio.

(c) Recreation Space

The amount of recreation space required shall be calculated by multiplying the gross residential land area by the applicable recreation space ratio.

(d) Table of Required Open Space and Recreation Ratios

The following minimum open space and recreation ratios shall apply:

Applicable Floor Area Ratio	Total Open Space	Useable Open Space	Recreation Space
0.10	0.80	0.65	0.025
0.15	0.80	0.55	0.030
0.20	0.75	0.50	0.035
0.25	0.75	0.50	0.040
0.30	0.75	0.75	0.045
0.40	0.70	0.45	0.050
0.50	0.70	0.40	0.060
0.60	0.70	0.40	0.065
0.70	0.70	0.40	0.070
0.80	0.70	0.40	0.080
0.90	0.70	0.40	0.085
1.00	0.70	0.40	0.085
1.50	0.70	0.45	0.100
2.00	0.70	0.45	0.120
2.50	0.75	0.50	0.145
3.00	0.85	0.55	0.160

909.02.D.6 Use Exceptions

The following uses are permitted in residential planned unit development districts subsequent to recording of the improvement subdivision site plan and may be authorized without amendment thereto.

- (a) Conditional Uses which are permitted after a public hearing and recommendations by the Planning Commissions and after approval by City Council in conformity with the provisions of Sec. 922.06, which are incorporated in the approved unit development plan and recorded improvement subdivision site plan:
 - (1) Housing for the Elderly, provided the conditions listed in Sec. 911.04.A.35 are met.
 - (2) Community Home, provided the conditions listed in Sec. 911.04.A.84 are met.

The Conditional Use shall be allowed only if the proposed use and structures do not result in or create:

- (i) An intensity of development which exceeds that allowed in the

- particular RP District;
 - (ii) A reduction in the required area of any category of open space;
 - (iii) A deficit in the number of required parking or loading spaces; or
 - (iv) Any negative impacts affecting the planned unit development adjacent to it.
- (3) Bed and Breakfast, General provided the conditions listed in Sec. 911.04.A.7, 8 and 9 are met.
 - (4) Communication Tower, Class C provided the conditions listed in Sec. 911.04.A.13 are met.
- (b) Uses which are permitted only as Special Exceptions by the Board in conformity with the standards contained in Sec. 922.07:
 - (1) Assisted Living provided the conditions listed in Sec. 911.04.A.66 are met.
 - (2) Bed and Breakfast Limited provided the conditions listed in Sec. 911.04.A.7, 8, and 9 are met.
 - (3) Community Home provided the conditions listed in Sec. 911.04.A.84 are met.
 - (c) Uses which are authorized by the Administrator in conformity with the provisions of Sec. 922.08:
 - (1) Home Office (See Sec. 912.05)
 - (2) Lodgers, not exceeding two, in addition to one family, in each dwelling unit as an accessory use.
 - (3) Temporary structure incidental to the development of land or to the erection of a real estate office for such development.

909.02.E CP, Commercial Planned Unit Development

909.02.E.1 Purpose

The CP district is intended to provide locations within the City for the unified development of land for commercial and related purposes. In CP districts, the entire area or site, whether for a single structure or for multiple structures, shall be planned and developed as a unit including facilities for parking and loading, vehicular and pedestrian circulation, landscaping, areas for pedestrian use, signs, lighting, building design and orientation. It is the intention of these regulations to encourage development of areas for shopping and working which are both attractive and highly functional; to ensure that planned commercial districts are harmoniously related to adjacent and nearby areas; and to protect the natural environment of the CP district.

909.02.E.2 Uses

Uses allowed in the CP district shall be those approved by the Planning Commission

in accordance with an approved unit development plan and recorded improvement subdivision site plan. The Planning Commission shall have authority to approve any use that is allowed in the HC district, subject to the same conditions and limitations as apply to those uses when located in the HC district. The uses allowed in the CP district may be contained in a single structure, separate structures or combined in multi-use structures subject to approval by the Planning Commission.

909.02.E.3 *Intensity*

The maximum intensity of development in a CP district shall be based upon its relation to existing zoning districts as specified in this section.

(a) **Establishment of Floor Area Ratios**

The maximum floor area ratio of developments in a CP district shall not exceed the higher of:

- (1) The floor area ratio associated with the commercial zoning classification of the CP district prior to its rezoning; or
- (2) The floor area ratio that is the average of the ratios associated with the zoning classification of land which adjoins or is adjacent across a street or way from the CP district according to the procedures set forth in Sec. 909.02.C.2(b).

(b) **Open Space**

At least 20 percent of the land area within a CP district shall be improved as urban open space.

909.02.E.4 *Off-Street Parking and Loading*

Off-street parking and loading facilities shall be provided in accordance with the provisions of Chapter 914.

909.02.F ***AP, Mixed-Use Planned Unit Development***

909.02.F.1 *Purpose*

The purpose of the AP Mixed-Use (Residential/Commercial) Planned Unit Development district is to permit and encourage the mixture of residential and commercial uses that is not possible in other zoning districts but which is very common in many areas of the City. As in other planned unit development districts, the regulations established hereunder permit a variety of structure types and greater flexibility in the overall design of the site than is possible in either the residential or commercial districts.

909.02.F.2 *Uses*

Uses allowed in the AP district shall be those approved by the Planning Commission in accordance with an approved unit development plan and recorded improvement

subdivision site plan. The Planning Commission shall have authority to approve any use that is allowed in an RP district or a CP district, subject to the same conditions and limitations as apply to those uses when located in those respective districts. The uses allowed in the AP district may be contained in a single structure, separate structures or combined in multi-use structures subject to approval by the Planning Commission.

909.02.F.3

Intensity

- (a) The maximum floor area ratio and minimum open space ratios for residential portions of an AP district shall be the same as required in the RP district.
- (b) The maximum floor area ratio and minimum open space requirements for nonresidential portions of an AP district shall be same as required in the CP district.
- (c) Each category of required open space shall not be less than the number of square feet derived by multiplying the applicable portion of the land area by the open space ratios or percentages established for each use.
- (d) When building coverage limits are imposed in the RP or CP district for uses that are proposed in an AP district, the coverage of land by buildings in the AP district shall not exceed that which would be allowed for buildings containing similar uses in another Planned Unit Development District.
- (e) In the case of mixed use buildings, where there is no specific allocation of land to the uses contained therein, the floor area devoted to each use shall be divided by the floor area ratio applicable to each use and the quotients thus obtained shall be the land area required for each use.

Chapter 910: Downtown Districts

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910.01 GT, Golden Triangle District.

910.01.A Purpose

The GT, Golden Triangle District is intended to:

1. Maintain and enhance the Golden Triangle as the economic and symbolic core of the region;
2. Support and develop commercial, office and cultural uses; and
3. Develop an attractive, pedestrian-oriented physical environment with a design quality that recognizes the Golden Triangle’s regional significance.

910.01.B GT Subdistricts

GT District is further divided into the four following zoning subdistrict classifications:

1. GT-A, Golden Triangle Subdistrict A
2. GT-B, Golden Triangle Subdistrict B
3. GT-C, Golden Triangle Subdistrict C
4. GT-D, Golden Triangle Subdistrict D

The term “GT District” when used alone, without the subdistrict letter, shall be deemed to include all four of the subdistricts.

910.01.C General Provisions

The provisions in this section apply to all GT Districts, unless otherwise stated.

910.01.C.1 Use Regulations

(a) Primary Uses

Primary uses shall be allowed in the GT District in accordance with the Use Table of Sec. 911.02.

(b) General Limitations

- (1) All merchandise and products shall be sold only at retail, unless otherwise stated.
- (2) There may be manufacture, compounding, processing or treatment of products that is clearly incidental and essential to a retail store or business, only when the major portion of such products is to be sold at retail on the premises.
- (3) Uses, operations or products shall not be noxious or offensive by reason of

the emission of odor, dust, smoke, gas, vibration, noise or other similar causes. See Chapter 917 for additional regulations regarding Operational Performance Standards.

- (4) Unit group development shall be permitted.

910.01.C.2 General Open Space Requirements

(a) Location

Open space required by the GT District regulations may be located on the same zoning lot as the principal use or on an adjacent zoning lot.

(b) Funds In-Lieu

The Planning Commission may approve the payment of funds in-lieu of the provision of open space in the following cases:

- (1) on small sites where required open space would result in areas of limited public usefulness;
- (2) in locations where required open space would be adjacent to existing large open spaces; and
- (3) in specific locations such as historic districts or other areas where the adopted plans and policy documents applicable to the district indicate that open space is not desirable.

The funds from any approved, in-lieu payments shall be used by the City for the acquisition and development of open space elsewhere in the GT District. The amount of such payment shall be based upon the value of the land that would otherwise be required to be devoted to open space on the development site, plus the cost that would otherwise be incurred by the applicant for development of that space in accordance with the provisions of this section.

910.01.C.3 Urban Open Space Requirements

Urban Open Space shall be provided in accordance with GT subdistrict requirements and shall be located, developed and maintained in accordance with the following standards.

(a) Components

The particular functions and kinds of Urban Open Space to be provided at a development site shall be based upon consideration of existing and projected pedestrian volumes and circulation patterns; the location, size and character of existing Urban Open Space in the vicinity of the development site; existing and proposed land use patterns; relation to public transportation; and objectives contained in the adopted plan and policy documents pertaining to the GT District.

(b) **Development Standards**

- (1) Urban Open Space designed to facilitate pedestrian circulation or relieve pedestrian congestion shall be at the same level as abutting public sidewalks, shall provide a clear path or area for movement, and shall be accessible to persons with disabilities throughout the entire area.
- (2) Urban Open Space designed to provide passive recreation space or informal activity areas shall abut and be accessible from a public sidewalk. A plaza or park may be located above or below the level of the abutting sidewalk or open space provided it is accessible to the handicapped. A plaza or park shall contain seating, permanent landscaping and lighting for night time illumination. The Urban Open Space shall be open without restriction to the general public at least during business hours normal to the area in which it is located and during periods of heavy pedestrian movement in the area.
- (3) When a development site is adjacent to a bus stop or transit station, the required Urban Open Space shall be designed to provide access to and waiting areas for transit riders.
- (4) Additional Urban Open Space required for developments which utilize the floor area bonus provisions of Sec. 910.01.C.4 may be provided as interior (urban open) space rather than as outdoor space. Interior Urban Open Space shall comply with the following standards:
 - (i) Entrances shall be clearly visible from adjacent sidewalks or Urban Open Space and shall be at least 20 feet wide including doorways and glassed walls.
 - (ii) There shall be a sufficiently high level of natural illumination either through walls or glazed roof or ceiling areas to permit the maintenance of plants without additional light sources.
 - (iii) An interior space which functions as a building lobby shall not be used to fulfill an Urban Open Space requirement unless it also functions as a through-block passage accessible to the general public and contains seating available for use by the general public.
 - (iv) An interior Urban Open Space shall be accessible to persons with disabilities.
 - (v) An interior Urban Open Space shall be open without restriction to the general public at least during normal business hours in the area in which it is located and during periods of heavy pedestrian movement in the area.
 - (vi) An observation deck or viewing area located on the top floor or roof of a building and designed to provide a panoramic view may be used to fulfill the additional Urban Open Space requirements, provided it is open and accessible to the general public during business hours normal to the area in which it is located.
 - (vii) A permanent gallery for the purpose of the display of works of fine art,

available to the public without an admission fee, may be used to fulfill the additional Urban Open Space requirements, provided it is open to the general public during hours normal to museums and galleries, is easily accessible from the public sidewalk or Urban Open Space, and is operated by a not-for-profit institution.

(viii) Every Urban Open Space provided under the requirements of this Code shall be located and developed to relate harmoniously with development on adjacent sites and to contribute to the attractiveness and efficient functioning of the overall environment of the district.

910.01.C.4 Floor Area Bonuses

(a) **Urban Open Space**

In the event that additional Urban Open Space is provided in the proportions indicated below, maximum building floor area may exceed the floor area ratios specified for the applicable GT subdistrict but shall not exceed the applicable floor area ratio when calculated on the basis of gross lot area. Additional Urban Open Space shall be provided in proportion to the total increase in floor area resulting from the application of gross lot area, and shall be calculated as follows:

(1) *In the GT-A, GT-B and GT-C Districts:*

Total required Urban Open Space = lot area x 20% x (total floor area/base floor area), where base floor area = maximum allowable floor area based on lot area.

(2) *In the GT-D District:*

Total required Urban Open Space = lot area x 60% x (total floor area/base floor area), where base floor area = maximum allowable floor area based on lot area.

(b) **Transportation Facilities**

In the event that transportation facilities as described below are provided and have the affect of reducing the use of automobiles in the GT District, maximum building floor area may exceed the floor area ratios specified for the applicable GT subdistrict by a maximum of 20 percent, provided the transportation facilities and all improvements associated therewith shall be designed, located, developed and maintained as follows:

- (1) Designed and developed as an integral part of the total development project and not as mere connections;
- (2) Engineered and completed to accommodate a projected peak hour travel of at least 4,000 persons per weekday in all directions;
- (3) Utilize separate or partially separate rights-of-way that use boarding areas

engineered and completed to accommodate a projected peak hour travel of at least 4,000 persons per weekday in all directions;

- (4) In addition the applicant must submit a duly executed agreement, in a form satisfactory to the City Solicitor, assuring that the facilities and improvements shall be operated and maintained for the life of the development for which this bonus is allowed.

(c) **Ground Floor Retail**

Affording a structure a floor area bonus equal to the floor area of retail commercial uses permitted within the district, provided that the uses are at street level, that entrance to each individual establishment is directly from the public sidewalks or Urban Open Spaces, that at least 75 percent of the perimeter wall of such uses is glazed, and when it is demonstrated that the location of such uses strengthens retail patterns in the downtown.

910.01.C.5 *Light Access*

Buildings shall be designed to allow light access to abutting properties where there are windows, in buildings on such properties.

910.01.D *Conditional Uses*

The following Conditional Uses shall be permitted in the GT District according to the provisions of Section 922.06.

910.01.D.1 *Density and Intensity Transfers*

An increase in the number of dwelling units and allowable gross floor area of buildings and structures through the transfer of such development rights from zoning lots within the GT Districts having unused development rights to other zoning lots within the GT Districts in conformity with the official master plans of the City, provided that:

- (a) The zoning lot or lots from which unused development rights are transferred shall be known as the sending lot or lots; the zoning lot or lots on which the development rights are to be used shall be known as the receiving lot.
- (b) The receiving lot, prior to the transfer of development rights shall have a gross allowable area under this Zoning Ordinance at least equal to the amount of gross allowable floor area to be transferred.
- (c) For residential use only on the receiving lot, development rights may be transferred from any other zoning lot within the GT District and the required minimum lot area per dwelling unit and usable open space on the receiving lot shall be calculated without regard to the increase in dwelling units resulting from the transfer of development rights; for structured parking use only on the receiving lot, development rights may be transferred from any other zoning lot within two adjacent DR Districts;
- (d) For any permitted use on the receiving lot, development rights may be transferred from a site containing an historic structure, designated pursuant to the Pittsburgh Code, Section 1007.02 (Section 513.0);

- (e) For any permitted use on the receiving lot, development rights may be transferred from a site containing a not-for-profit performing arts facility, designated by Council after recommendation of the Planning Commission;
- (f) Transfers of development rights in (c) through (e) above may be permitted provided the following findings are made:
 - (1) Any proposal for such a transfer shall assure the safety and convenience of pedestrian and vehicular traffic movement, both within the receiving lot or lots and in relation to access streets, and the harmonious and beneficial relationship of structures and uses on the receiving lot and on adjacent property. The number and location of vehicular access points may be limited and landscaping and other design features may be required as a condition of approval;
 - (2) The streets providing access to the receiving lot shall be adequate to handle increased traffic resulting therefrom, considering the size and uses of the proposed development;
 - (3) Except where the sending lot and receiving lot abut or are immediately adjacent across a street or way, the allowable floor area on the receiving lot shall be limited to an increase of twenty percent (20%) over that allowed by the applicable base floor area ratio without regard to the transferred development rights;
 - (4) The transfer shall effect a binding reduction in the unused development rights under this Zoning Ordinance otherwise available to the sending lot, to the extent of the rights transferred, for the life of the development on the receiving lot. The transfer shall increase the development rights under this Zoning Ordinance otherwise available to the receiving lot, to the extent of the rights transferred, for the life of the development on the receiving lot. To ensure the binding effect of this transfer, a properly drawn legal instrument duly approved by the City Solicitor shall be executed by the parties concerned and shall be filed with the application for occupancy permit. The department, bureau and all other affected City departments shall note on appropriate records the reduction in development rights on the sending lot and the increase in development rights on the receiving lot.
 - (5) In the case of a transfer of development rights involving an Historic Landmark or Performing Arts Facility, there shall exist a plan and program for rehabilitation, if necessary, and for continuing maintenance of the Historic Structure or Performing Arts Facility on the sending lot approved by the Commission which provides for continuation of the structure and use upon which eligibility for the transfer of development rights was based for not less than forty (40) years.
 - (6) That the zoning lot to which a transfer is made must have prior to the transfer of development rights a gross allowable floor area under this Zoning Ordinance at least equal to the gross allowable floor area to be transferred.

910.01.D.2 *Electronic Sign Messages*

Electronic Sign Messages shall be permitted as a Conditional Use in the GT-A and GT-B Subdistricts in accordance with the following standards:

(a) **Electronic Sign Messages in GT-A**

Subdistrict Electronic Sign Messages shall be permitted as a Conditional Use in accordance with the review procedures of Sec. 922.06, provided that:

- (1) The top of the sign shall not extend more than 30 feet above grade and shall not exceed more than 500 square feet in sign face area;
- (2) All spacing provisions relative to Advertising Signs (Chapter 919) are met; and
- (3) The sign is appropriate at the specific location with respect to the impact upon adjacent property uses, particularly those of a public or semi-private nature, taking into consideration the relative size, height and location of the sign, the hours of illumination, type of lighting, color and intensity of lighting, nature and effect of animated components, and the nature and number of illuminating devices already in the immediate neighborhood.

(b) **Electronic Sign Message in GT-B**

Subdistrict Electronic Sign Messages shall be permitted as a Conditional Use in accordance to the provisions of Sec. 922.06, provided that:

- (1) Signs are limited in size to 300 square feet;
- (2) Signs do not extend more than 30 feet above grade;
- (3) Signs are not visible from districts that do not permit these signs; and
- (4) Signs are not visible from roadways which have speed limits greater than 35 miles per hour.

910.01.E ***Administrator Exceptions***

The following Administrator Exceptions shall be permitted in the GT District according to the provisions of Sec. 922.08.

910.01.E.1 ***Limited Enlargement on a Lot not Complying with Urban Open Space Requirements***

In the GT District, a structure on a lot not complying with required area of urban open space at ground level, may be enlarged provided that applicable district height and area regulations are not exceeded, any existing lot area of open space at ground level is not reduced and the total required area of urban open space, whether or not at ground level, is supplied on the basis of existing as well as additional lot and building area, except in the following cases:

- (a) An addition, entirely above the existing building, not exceeding 20,000 gross square feet or fifty percent (50%) of the existing gross floor area, whichever is smaller, and where additional lot area is not available for the required urban

open space, in which case additional urban open space shall be required only in the amount which can be physically provided at ground level on the lot.

- (b) An existing structure may be enlarged laterally on to an abutting lot not exceeding 3,200 square feet by an amount not to exceed four (4) times the lot area of the lot on which the enlargement occurs providing that any existing area of urban open space is not reduced, that no open area is used for parking, and that the enlargement is in compliance with all applicable requirements of this Zoning Ordinance, in which case no additional urban open space shall be required.
- (c) An existing structure may be enlarged laterally on to an abutting lot not exceeding 6,000 square feet by an amount not to exceed one hundred percent (100%) of the gross square footage of the existing structure providing that any existing area of urban open space is not reduced, and that additional urban open space is provided for the enlargement as if it were a newly constructed separate building complying with all applicable requirements of this Zoning Ordinance.

910.01.E.2 *Open Air Restaurants and Ice-skating Rinks in Urban Open Space*
Open air restaurants and ice-skating rinks that charge admission shall be permitted within the area of an urban open space provided that a majority of the urban open space is still available to the public without charge.

910.01.F ***GT-A Subdistrict***
The provisions in this section apply to lands within the GT-A Subdistrict of the GT District.

910.01.F.1 *Purpose*
The purposes of the GT-A Subdistrict area as follows:

- (a) To provide a zoning classification suitable for application to the core of the Golden Triangle Area, where intensive concentration of retail and other business facilities is desirable;
- (b) To encourage continuous, primarily retail business frontages at street or similar pedestrian level, with offices, office related, and residential uses as the primary uses of upper stories of buildings, so that a maximum variety of commercial services may be available within convenient distance from each other; and
- (c) to encourage development of this area primarily for retail business occupancy.

910.01.F.2 *Use Restrictions*
Only Retail Sales and Service and Restaurant uses shall be located with direct access from a street or outside concourse, mall, plaza, promenade, walkway or similar pedestrian level.

910.01.F.3 *Site Development Standards*
Each site in the GT-A District shall be subject to the following site development standards.

(a) **Minimum Lot Area Per Dwelling Unit**

No more than one dwelling unit or suite shall be permitted per 110 square feet of lot area in the GT-A Subdistrict.

(b) **Floor Area Ratio**

The maximum floor area ratio in the GT-A Subdistrict shall be 13.

(c) **Urban Open Space**

Urban Open Space shall be provided at ground level in an amount equal to at least 20 percent of the lot area.

910.01.G GT-B Subdistrict

The provisions in this section apply to lands within the GT-B Subdistrict of the GT District.

910.01.G.1 Purpose

The purposes of the GT-B Subdistrict area as follows:

- (a) To provide a zoning classification suitable for application to that portion of the Golden Triangle Area where office-type business activity may be located so as to be readily accessible to the retail core area.
- (b) To maintain and encourage the development of this area for concentration of business offices in high-density, high-rise office buildings, with related facilities.
- (c) To encourage development that will enhance the natural site advantages and at the same time preserve and complement visual advantages from adjacent locations.

910.01.G.2 Site Development Standards

Each site in the GT-B District shall be subject to the following site development standards.

(a) **Minimum Lot Area Per Dwelling Unit**

No more than one dwelling unit or suite shall be permitted per 110 square feet of lot area in the GT-B Subdistrict.

(b) **Floor Area Ratio**

The maximum floor area ratio in the GT-B Subdistrict shall be 13.

(c) **Urban Open Space**

Urban Open Space shall be provided at ground level in an amount equal to at least 20 percent of the lot area.

910.01.H ***GT-C Subdistrict***

The provisions in this section apply to lands within the GT-C Subdistrict of the GT District.

910.01.H.1 ***Purpose***

The purposes of the GT-C Subdistrict area as follows:

- (a) To provide a zoning classification suitable for application along the upriver sides of the Golden Triangle Area, where the rivers on the one side of this District and the core of the central business area on the other side create a fitting environment for downtown residential development.
- (b) To encourage residential development of relatively high-density, high-rise dwelling structures among which properly integrated commercial facilities designed primarily to service such residential development may be intermingled.
- (c) To encourage development that will enhance the natural site advantages and at the same time preserve and complement visual advantages from other Golden Triangle and adjacent locations.

910.01.H.2 ***Site Development Standards***

Each site in the GT-C District shall be subject to the following site development standards.

(a) **Minimum Lot Area Per Dwelling Unit**

No more than one dwelling unit or suite shall be permitted per 110 square feet of lot area in the GT-C Subdistrict.

(b) **Floor Area Ratio**

(1) Nonresidential

The maximum floor area ratio for structures that do not contain residential dwelling units shall be 7.5.

(2) Residential

The maximum floor area ratio for structures that contain residential dwelling units shall be 7.5, provided that a maximum floor area ratio of up to 10 may be allowed by the Planning Commission when the total amount of residential floor area equals or exceeds twice the amount of bonus floor area.

(c) **Urban Open Space**

Urban Open Space shall be provided at ground level in an amount equal to at least 20 percent of the lot area. Structures with a floor area ratio of four or less shall be exempt from Urban Open Space requirements, according to the provisions of Sec. 910.01.C.3, provided that no open area is used for parking.

(d) **Height**

The following maximum height standards shall apply in the GT-C Subdistrict.

(1) *Monongahela River Side*

Structures or portions of structures, shall not penetrate an inclined plane determined by straight lines connecting points 180 feet above established street grade on Fort Pitt Boulevard and 385 feet above street grade on Third Avenue calculated at the property lines.

(2) *Allegheny River Side*

Structures or portions of structures, other than those containing residential uses, shall not penetrate an inclined plane determined by straight lines connecting points 180 feet above established street grade on Fort Duquesne Boulevard and 450 feet above street grade on Liberty Avenue, calculated at the property lines. Those portions of structures containing residential uses only may penetrate this inclined plane providing that any portion of the new structure above the inclined plane achieve a minimum setback of 20 feet from property lines along Fort Duquesne Boulevard but shall not penetrate a second inclined plane determined by straight lines connecting points 250 feet above established street grade on Fort Duquesne Boulevard and 450 feet above street grade on Liberty Avenue, calculated at the property lines.

(3) *Tall Building Bulk Reduction*

The floor area of all floors at or above 300 feet in height shall be reduced in accordance with the following formula:

Total floor area at or above 300 feet = (base floor area) (number of floors) x (reduction factor from table below)

Where:

Base floor area equals average floor area of all floors or portions of floors above one 100 feet in height and below 300 feet in height;

Number of floors means those floors or portions of floors at or above 300 feet that have a floor area no less than 50 percent of the floor area of the floor immediately below. Floors at or above 300 feet that have a floor area that is less than 50 percent of the floor area of the floor immediately below it may be constructed and shall be counted as part of the total project floor area, provided that no floor or floors above a floor not meeting this requirement shall be used in determining the floor elevation of the top floor for purposes of the table below;

The reduction factor to be used in the bulk reduction formula (above) shall be determined from the table below based on the floor elevation of any portion of the top floor:

Floor Elevation Above Street Grade (feet)	Reduction Factor (percent)
440	59.5
430	61.5
420	63.6
410	65.9
400	68.2
390	70.7
380	73.3
370	76.1
360	79.0
350	82.0
340	85.6
330	88.6
320	92.2
310	96.0
300	100.0

(4) Design Flexibility

In order to provide design flexibility for structures that utilize the entire height allowed by the inclined plane, any structure or structures in a unit group development may penetrate a portion of the inclined plane only if an equal amount of building bulk is reduced below the inclined plane and only if the maximum height of the structure or structures occurs at that portion of the site covered by the highest portion of the inclined plane.

(5) Scale Transitions

In order to provide a transition in scale from new structures to existing structures on the boulevards fronting on the rivers, development on sites next to existing structures which exceed the height limitation created by the inclined planes may exceed the height limitation by 50 percent of the extent to which the existing structure exceeds the height limitation, providing that any portion of the new structure above the inclined plane achieve a minimum setback of 20 feet from property lines along Fort Pitt Boulevard and Fort Duquesne Boulevard.

910.01.I GT-D Subdistrict

The provisions in this section apply to lands within the GT-D Subdistrict of the GT District.

910.01.I.1

Purpose

The purposes of the GT-D Subdistrict area as follows:

- (a) To provide a zoning classification suitable for application to the Gateway Center Area in order to maintain and preserve the existing environmental characteristics;
- (b) To encourage new development to follow the pattern which has been established of predominantly office uses in high-rise structures with spacious park-like open area at ground level, commercial facilities to serve such development and some mixture of residential uses; and
- (c) To encourage development that will enhance the natural site advantages and at the same time preserve and complement advantages from other Golden Triangle and adjacent locations.

910.01.I.2

Site Development Standards

Each site in the GT-D District shall be subject to the following site development standards.

(a) **Minimum Lot Area Per Dwelling Unit**

No more than one dwelling unit or suite shall be permitted per 110 square feet of lot area in the GT-D Subdistrict.

(b) **Floor Area Ratio**

The maximum floor area ratio in the GT-D Subdistrict shall be 7.5.

(c) **Urban Open Space**

Urban Open Space shall be provided at ground level in an amount equal to at least 60 percent of the lot area.

(d) **Height**

The following maximum height standards shall apply in the GT-D Subdistrict.

(1) *Monongahela River Side*

Structures or portions of structures shall not penetrate an inclined plane determined by straight lines connecting points 180 feet above established street grade on Fort Pitt Boulevard and 385 feet above street grade on Third Avenue calculated at the property lines.

(2) *Allegheny River Side*

Structures or portions of structures, other than those containing residential uses, shall not penetrate an inclined plane determined by straight lines connecting points 180 feet above established street grade on Fort Duquesne Boulevard and 450 feet above street grade on Liberty Avenue, calculated at the property lines. Those portions of structures containing residential uses only may penetrate this inclined plane providing that any

portion of the new structure above the inclined plane achieve a minimum setback of 20 feet from property lines along Fort Duquesne Boulevard but shall not penetrate a second inclined plane determined by straight lines connecting points 250 feet above established street grade on Fort Duquesne Boulevard and 450 feet above street grade on Liberty Avenue, calculated at the property lines.

(3) *Tall Building Bulk Reduction*

See Tall Building Bulk Reduction regulations of GT-C Subdistrict, Sec. 910.01.H.2(d)(3).

(4) *Design Flexibility*

See Design Flexibility regulations of GT-C Subdistrict, Sec. 910.01.H.2(d)(4).

(5) *Scale Transitions*

See Scale Transition regulations of GT-C Subdistrict, Sec. 910.01.H.2(d)(5).

910.02 DR, Downtown Riverfront District

910.02.A Purpose

The DR, Downtown Riverfront District is intended to:

1. Maximize opportunities for riverfront use in accordance with the Riverfront Plan to take full advantage of this unique and limited resource;
2. Promote public access to the riverfront; and
3. Encourage reuse of riverfront sites which had previously been occupied by heavy industry.

910.02.B DR Subdistricts

DR District is further divided into the three following zoning subdistrict classifications:

1. DR-A, Downtown Riverfront Subdistrict A
2. DR-B, Downtown Riverfront Subdistrict B
3. DR-C, Downtown Riverfront Subdistrict C

The term “DR District” when used alone, without the subdistrict letter, shall be deemed to include all three DR subdistricts.

910.02.C General Provisions

The provisions in this section apply to all DR Districts, unless otherwise stated.

910.02.C.1 Use Regulations

(a) Primary Uses

Primary uses shall be allowed in the DR District in accordance with the Use Table of Sec. 911.02.

(b) General Limitations

- (1) All merchandise and products shall be sold only at retail, unless otherwise stated.
- (2) There may be manufacture, compounding, processing or treatment of products that is clearly incidental and essential to a retail store or business, only when the major portion of such products is to be sold at retail on the premises.
- (3) Uses, operations or products shall not be noxious or offensive by reason of the emission of odor, dust, smoke, gas, vibration, noise or other similar causes.
- (4) Unit group development shall be permitted.

910.02.C.2 General Open Space Requirements

(a) Location

Open Space required by the DR District regulations may be located on the same zoning lot as the principal use or on an adjacent zoning lot.

(b) Funds In-Lieu

The Planning Commission may approve the payment of funds in lieu of the provision of open space in the following cases:

- (1) On small sites where required open space would result in areas of limited public usefulness;
- (2) In locations where required open space would be adjacent to existing large open spaces; and
- (3) In specific locations such as historic districts or other areas where the adopted plans and policy documents of the City of Pittsburgh applicable to the district indicate that open space is not desirable.

The funds from any approved, in-lieu payments shall be used by the City for the acquisition and development of open space elsewhere in the DR District. The amount of such payment shall be based upon the value of the land which would otherwise be required to be devoted to open space on the development site, plus the cost which would otherwise be incurred by the applicant for development of that Space in accordance with the provisions of this section.

- (c) **Riverfront Park Maintenance In-Lieu**
The Planning Commission may approve a reduction in required Urban Open Space by up to 50 percent in the event that the property owner agrees to provide for assumption of the operating and capital replacement costs of an equal area of riverfront park located within the DR District. Such agreement must be duly approved by the City Solicitor, the Planning Director and Director of Parks and Recreation.

- (d) **Museum, Library or Gallery In-Lieu**
The Planning Commission may approve a reduction in required Urban Open Space by up to 50 percent in the event that the property owner agrees to provide an equivalently sized museum, library or gallery located within the DR District. In order to receive Urban Open Space credit, the museum, library or gallery shall available to the public without an admission fee; remain open to the general public during hours normal to museums, libraries or galleries; be easily accessible from the public sidewalk or Urban Open Space; and be operated by a not-for-profit institution.

910.02.C.3 Urban Open Space Requirements

Urban Open Space shall be provided in accordance with DR subdistrict requirements and shall be located, developed and maintained to provide a contiguous open space system with visual and pedestrian connections to open space at the rivers' edges. It shall also comply with the following standards.

- (a) **Components**
The particular functions and kinds of Urban Open Space to be provided at a development site shall be based upon consideration of existing and projected pedestrian volumes and circulation patterns; the location, size and character of existing Urban Open Space in the vicinity of the development site; existing and proposed land use patterns; relation to public transportation; and objectives contained in the adopted plan and policy documents pertaining to the DR District.

- (b) **Development Standards**
 - 1. Urban Open Space designed to facilitate pedestrian circulation or relieve pedestrian congestion shall be at the same level as abutting public sidewalks and shall provide a clear path or area for movement. There shall be no vehicle entrance or exit points within the Urban Open Space which would impede movement or endanger pedestrians, other than access which may be required for emergency vehicles. The Urban Open Space shall be paved in accordance with City standards for sidewalk finishes. Street trees and landscape elements shall be located so as not to impede pedestrian movement and shall comply with all City street-related improvements in the

downtown area. An Urban Open Space designed to facilitate pedestrian movement or to relieve congestion shall be accessible to the handicapped throughout its entire area and shall be open without restriction to the general public at all reasonable times.

2. Urban Open Space designed to provide passive recreation space or informal activity areas shall abut and be accessible from a public sidewalk or from an Urban Open Space designed to facilitate pedestrian circulation or relieve pedestrian congestion. A majority of the Urban Open Space shall be visible from such abutting Space. Access to the Urban Open Space shall not be interrupted by vehicle entrances or exits. A plaza or park may be located above or below the level of the abutting sidewalk or open space provided it is accessible to the handicapped. A plaza or park shall contain seating, permanent landscaping and lighting for night time illumination. A park or plaza may contain tables and facilities for food service, but a majority of the Space shall be available for general public use without charge or purchase of any services which may be offered. A park or plaza shall be sited and oriented to maximize the access of sun light and air to the Urban Open Space. The Urban Open Space shall be open without restriction to the general public at least during business hours normal to the area in which it is located and during periods of heavy pedestrian movement in the area.
- (3) When a development site is adjacent to a bus stop or transit station, the required Urban Open Space shall be designed to provide access to and from waiting areas for transit riders.
- (4) Every Urban Open Space provided under the requirements of this Code shall be located and developed to relate harmoniously with development on adjacent sites and to contribute to the attractiveness and efficient functioning of the overall environment of the district.
- (5) Open Space, in excess of that required by this Code, which may be provided on a development site shall be located and developed in a manner which does not disrupt or diminish the functioning or public utilization of the required Urban Open Space.

(c) **Maintenance**

A legally binding agreement, in a form acceptable to the City, shall be executed for each Urban Open Space provided and approved under the requirements of this Code. This agreement shall include provision for the permanent maintenance of the Urban Open Space by its owner.

910.02.C.4 Light Access

Buildings shall be designed to allow light access to abutting properties where there are windows in buildings on such properties.

910.02.C.5 *Landscaping*

All open space and other areas not covered by buildings or impervious surfaces shall be landscaped according to the provisions found in the Landscaping Standards of the Subdivision Regulations.

910.02.D ***Conditional Uses***

The following Conditional Uses shall be permitted in the DR District according to the provisions of Sec. 922.06.

910.02.D.1 ***Density and Intensity Transfers***

An increase in the number of dwelling units and allowable gross floor area of buildings and structures through the transfer of such development rights from zoning lots within two adjacent DR Districts from zoning lots having unused development rights to other zoning lots within the adjacent DR Districts, in conformity with the official master plans of the City, provided that:

- (a) The zoning lot or lots from which unused development rights are transferred shall be known as the sending lot or lots; the zoning lot or lots on which the development rights are to be used shall be known as the receiving lot.
- (b) The receiving lot, prior to the transfer of development rights shall have a gross allowable area under this Zoning Ordinance at least equal to the amount of gross allowable floor area to be transferred.
- (c) For residential use only on the receiving lot, development rights may be transferred from any other zoning lot within the DR Districts and the required minimum lot area per dwelling unit and usable open space on the receiving lot shall be calculated without regard to the increase in dwelling units resulting from the transfer of development rights; for structured parking use only on the receiving lot, development rights may be transferred from any other zoning lot within two adjacent DR Districts;
- (d) For any permitted use on the receiving lot, development rights may be transferred from a site containing an historic structure, designated pursuant to the Pittsburgh Code, Section 1007.02 (Section 513.0);
- (e) For any permitted use on the receiving lot, development rights may be transferred from a site containing a not-for-profit performing arts facility, designated by Council after recommendation of the Planning Commission;
- (f) Transfers of development rights in c. through e. above may be permitted provided the following findings are made:
 - (1) Any proposal for such a transfer shall assure the safety and convenience of pedestrian and vehicular traffic movement, both within the receiving lot or lots and in relation to access streets, and the harmonious and beneficial relationship of structures and uses on the receiving lot and on adjacent property. The number and location of vehicular access points may be limited and landscaping and other design features may be required as a condition of approval;

- (2) The streets providing access to the receiving lot shall be adequate to handle increased traffic resulting therefrom, considering the size and uses of the proposed development;
- (3) Except where the sending lot and receiving lot abut or are immediately adjacent across a street or way, the allowable floor area on the receiving lot shall be limited to an increase of twenty percent (20%) over that allowed by the applicable base floor area ratio without regard to the transferred development rights;
- (4) The transfer shall effect a binding reduction in the unused development rights under this Zoning Ordinance otherwise available to the sending lot, to the extent of the rights transferred, for the life of the development on the receiving lot. The transfer shall increase the development rights under this Zoning Ordinance otherwise available to the receiving lot, to the extent of the rights transferred, for the life of the development on the receiving lot. To ensure the binding effect of this transfer, a properly drawn legal instrument duly approved by the City Solicitor shall be executed by the parties concerned and shall be filed with the application for occupancy permit. The department, bureau and all other affected City departments shall note on appropriate records the reduction in development rights on the sending lot and the increase in development rights on the receiving lot.
- (5) In the case of a transfer of development rights involving an Historic Landmark or Performing Arts Facility, there shall exist a plan and program for rehabilitation, if necessary, and for continuing maintenance of the Historic Structure or Performing Arts Facility on the sending lot approved by the Commission which provides for continuation of the structure and use upon which eligibility for the transfer of development rights was based for not less than forty (40) years.
- (6) That the zoning lot to which a transfer is made must have prior to the transfer of development rights a gross allowable floor area under this Zoning Ordinance at least equal to the gross allowable floor area to be transferred.

910.02.D.2 *Electronic Sign Messages*

Electronic Sign Messages shall be permitted as a Conditional Use in the DR-B Subdistrict provided that:

- (a) The sign shall be attached to existing primary structures;
- (b) The sign shall not exceed a sign face area of 1,200 square feet;
- (c) The sign shall not project more than five feet from the wall of the structure to which it is attached; and
- (d) The sign shall be located within 500 feet of a stadium or auditorium capable of accommodating 10,000 people.

910.02.E *Administrator Exceptions*

The following Administrator Exceptions shall be permitted in the DR District

according to the procedures of Sec. 922.08.

910.02.E.1 *Conversion of Existing Buildings to Museum Use*

The conversion of an existing building to a museum use by a nonprofit entity with a waiver of open space requirements and with limited enlargement provided:

- (a) Up to 50% of the required urban open space may be waived; and
- (b) A display area in the first floor of the structure equal to the area of urban open space to be waived that is open to the public without charge during the operating hours of the museum shall be provided.

910.02.E.2 *Structures which Penetrate the Inclined Height Plane*

The erection of structures which penetrate the inclined height plane to a maximum of 180 feet shall be permitted provided that:

- (a) The structure or structures are located on disposition parcels of an approved redevelopment area plan;
- (b) The structure or structures are compatible with surrounding structures;
- (c) The structure or structures present an overall image of structures along the shoreline; and
- (d) The structure or structures meet the requirements of plans and policies adopted by the City Planning Commission.

910.02.F *DR-A Subdistrict*

The provisions in this section apply to lands within the DR-A Subdistrict of the DR District.

910.02.F.1 *Purpose*

The purpose of the DR-A Subdistrict is as follows:

- (a) To provide a zoning classification suitable for application to the area of the north shore of the Ohio River west of Three Rivers' Stadium, where the Stadium, the Ohio River, Clemente Park and views of the Golden Triangle and Mt. Washington provide an environment for business, entertainment/recreation and education uses;
- (b) To encourage development which will maximize long term benefits to the City, enhance the use of the Stadium, and complement Golden Triangle, Manchester and Allegheny West uses; and
- (c) To encourage development that will enhance the natural site advantages and at the same time frame views of the Golden Triangle and preserve and complement advantages from other adjacent locations, and enhance public access to the riverfront.

910.02.F.2 *Site Development Standards*

Each site in the DR-A Subdistrict shall be subject to the following site development standards.

(a) Floor Area Ratio

The maximum floor area ratio in the DR-A Subdistrict shall be 3:1.

(b) Urban Open Space

Urban Open Space shall be provided at ground level in an amount equal to at least 20 percent of the lot area.

(c) Height

Maximum building height shall not exceed 85 feet. Signs shall not exceed 35 feet in height from grade.

910.02.G ***DR-B Subdistrict***

The provisions in this section apply to lands within the DR-B Subdistrict of the DR District.

910.02.G.1 ***Purpose***

The purposes of the DR-B Subdistrict area as follows:

- (a) To provide a zoning classification suitable for the development of public sports facilities for major league franchises such as the Pittsburgh Pirates and the Pittsburgh Steelers, on the Allegheny and the Ohio Rivers, where access, parking and infrastructure can support a daytime and event population in excess of 38,000; (*Ord. 5/ April 15, 1999/ Amend. No. U-2*)
- (b) To encourage use and development of this area primarily for recreation, entertainment and office uses;
- (c) To encourage development that will enhance the natural site advantages and at the same time preserve and complement visual advantages to and from adjacent locations, and enhance public access to the riverfront; and
- (d) To guide eventual reuse of the Stadium area as a unit group development which will support and complement the Golden Triangle, lead to continued efficient utilization of public infrastructure, extend the open space amenities of the riverfront and Clemente Park throughout the site, and encourage the development of this area for a concentration of business offices in high-density office buildings in a park-like setting, with related uses and facilities.

910.02.G.2 ***Site Development Standards***

Each site in the DR-B District shall be subject to the following site development standards.

(a) Floor Area Ratio

The maximum floor area ratio in the DR-B Subdistrict shall be 3:1.

(b) Urban Open Space

Urban Open Space shall be provided at ground level in an amount equal to at

least 20 percent of the lot area provided at ground level or other pedestrian levels that provide a continuous, public pedestrian Space easily accessible from public streets, sidewalks and Clemente Park; and that are accessible to the handicapped. (*Ord. 5/April 15, 1999/Amend. No. U-2*)

(c) **Height**

Maximum building height shall not exceed 165 feet. An exception to the building height limitation may be granted for the development of taller decorative entry towers and other special architectural elements. The perimeter length of these decorative towers and other special architectural elements shall not exceed 25% of the total building perimeter and shall not exceed 185' in height. These decorative entry towers and other special architectural elements shall be submitted to the City Planning Commission for review as part of the required Project Development Plan package. City Planning Commission shall review the proposed design and determine the suitability of permitting construction of these taller elements. (*Ord. 12/June 18, 1999/Amend. No. U-13*)

910.02.H DR-C Subdistrict

The provisions in this section apply to lands within the DR-C Subdistrict of the DR District.

910.02.H.1 Purpose

The purpose of the DR-C Subdistrict is as follows:

- (a) To provide a zoning classification suitable for application to the area across the Allegheny River from the Golden Triangle Area of the City of Pittsburgh, where the Allegheny River and proximity to the Golden Triangle, Allegheny Center and Northside Communities provide an environment where residential, business support and parking, readily accessible to the Golden Triangle, is desirable;
- (b) To encourage mixed use development, with primarily retail business frontages at street level, with offices, office related and residential uses as the primary uses of upper stories of buildings; and
- (c) To encourage development that will enhance the natural site advantages and at the same time preserve and complement visual advantages from adjacent locations, and enhance public access to the riverfront.

910.02H.2 Site Development Standards

Each site in the DR-C Subdistrict shall be subject to the following site development standards.

(a) **Floor Area Ratio**

The maximum floor area ratio in the DR-C Subdistrict shall be 3:1.

(b) **Urban Open Space**

Urban Open Space shall be provided at ground level in an amount equal to at

least 20 percent of the lot area provided at ground level.

(c) **Height**

Maximum building height in the area north of Isabella Street and Isabella Street extended shall not exceed 105 feet. Maximum building height in the area south of Isabella Street and Isabella Street extended shall not exceed 65 feet. Signs shall not exceed 35 feet in height from grade.

Chapter 911: Primary Uses

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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 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 UseTable

Use Classification	Base Zoning Districts*														Standard			
	Residential					Mixed-Use					Special			DT				
* As Base Zoning District Regulations, all uses may be subject to additional regulations imposed by applicable Overlay Zoning Districts.	R S D	R S A	R T S	R T S	R M	N D O	L N C	N D I	U N C	H C	G I	U I	P O	H I	E M I	G T	D R	
Residential Uses																		
Single-Unit Detached Residential means the use of a zoning lot for one detached housing unit.	P	P	P	P	P	P	P	P	P					A	A	P		A.69
Single-Unit Attached Residential means the use of a zoning lot for one dwelling unit that is attached to one or more dwelling units by a party wall or separate abutting wall and that is located on its own separate lot.		P	P	P	P	P	P	P	P							P	P	
Two-Unit Residential means the use of a zoning lot for two dwelling units that are contained within a single building.			P	P	P	P	P	P	P							P	P	P
Three-Unit Residential means the use of a zoning lot for three dwelling units that are contained within a single building.				P	P	P	P	P	P							P	P	P
Multi-Unit Residential means the use of a zoning lot for four or more dwelling units that are contained within a single building.					P	P	P	P	P			S				P	P	P
Assisted Living means a facility for the accommodation of convalescents or chronically ill persons, in which such nursing care and medical services are prescribed or are performed under the general direction of persons licensed to provide such care or services in accordance with Commonwealth laws.																		
Assisted Living Class A means an Assisted Living use with less than 9 patient beds.			S	S	S	A	A	A	P	P		P				P	P	P
Assisted Living Class B means an Assisted Living use with 9 to 17 patient beds.					S	S	S	S	P	P		P				P	P	P
Assisted Living Class C means an Assisted Living use with 18 or more patient beds.					C	S	S	S	S			S				P	P	P
Community Home means a group of more than eight (8) unrelated disabled person living together as a single housekeeping unit with shared common facilities. If required, staff persons may reside on the premises. A Community Home may not be a Multi-Suite Residential use or an Assisted Living use as defined in Sec. 911.02.	S	S	S	S	S	S	S	S	S	S		S		S	S	S	S	A.84

Art.V. Use Regulations **Chapt. 911. Primary Uses. Sec. 911.02. Use Table**

Use Classification	Base Zoning Districts*														Standard See Section 911.04.x			
	Residential					Mixed-Use					Special			DT				
* As Base Zoning District Regulations, all uses may be subject to additional regulations imposed by applicable Overlay Zoning Districts.	R S D	R S A	R T S	R T S	R M	N D O	L N C	N D I	U N C	H C	G I	U I	P O	H E	E M I	G T	D R	
Dormitory means the use of a zoning lot for occupancy by groups of people who are not defined as a family and who are registered students at a college, university or other institution of higher learning, on a weekly basis or longer, and is managed by the institution at which the students are registered. <i>(Ord. 24/ August 21, 2000/ A.U-23)</i>																C	S	A.23
Fraternity/Sorority means the use of a zoning lot for occupancy by groups of people who are not defined as a family and who are registered students at a college, university or other institution of higher learning, and who are members of a fraternal or other organization which take sits membership from the student population of the institution at which the students are registered, on a weekly basis or longer.																C		A.23
Housing for the Elderly means a building, or portion thereof, with dwelling units and shared facilities for residents, designed specifically for occupancy predominantly of persons or heads of households who are sixty-two or more years of age.																		
Housing for the Elderly (Limited) means a Housing for the Elderly use with less than 30 units.	S	S	S	S	S	A	A	A	A	A		A			A	A	A	A.35
Housing for the Elderly (General) means a Housing for the Elderly use with 30 or more units.				S	S	A	S	S	S	S		S			P			A.35
Multi-Suite Residential means a building or portion thereof, containing rooms rented as sleeping or living quarters, without private kitchens and with or without private bathrooms. Lodging or meals or both are provided for compensation on a weekly or monthly basis. Multi-Suite Residential uses shall not include Dormitory and Fraternity/Sorority.																		
Multi-Suite Residential (Limited) means a Multi-Suite Residential use with less than 8 sleeping rooms.					C		A	P	P			P			P	P	P	A.41
Multi-Suite Residential (General) means a Multi-Suite Residential use with 8 or more sleeping rooms.							S	A	A			A			P	P	P	A.41

Art. V. Use Regulations Chapt. 911. Primary Uses. Sec. 911.02. Use Table

Use Classification	Base Zoning Districts*														Standard See Section 911.04.x				
	Residential					Mixed-Use					Special			DT					
* As Base Zoning District Regulations, all uses may be subject to additional regulations imposed by applicable Overlay Zoning Districts.	R S D	R S A	R T S	R T S	R M	N D O	L N C	N D I	U N C	H C	G I	U I	P O	H	E M I	G T	D R		
Non-Residential Uses																			
Adult Entertainment means Adult Bookstore, Adult Cabaret, Adult Mini-Theater, Massage Establishment, Model Studio, or Sexual Encounter or Meditation Center. See Chapter 925 for definitions.												S	C				C	C	A.1
Agricultural Use means the growing of crops and raising of livestock and domestic animals for domestic and commercial uses.	A	A	A	A	A									A					A.2
Amusement Arcade means any establishment displaying seven or more amusement devices including but not limited to pool tables, foosball tables, air hockey, "pong" games, mechanical rides for children, electronic games, and shooting gallery types games. See Chapter 925 for additional definitions.									S	S		S					A	A	A.3
Animal Care (Limited) means a use providing small animal (household pets) boarding or veterinary services with no outside runs, not including lab animals.						P	P	P	P	P		P				P	A	A	A.4
Animal Care (General) means a use providing animal care, veterinary services or boarding.											P	P	P						
Art or Music Studio means an art studio, music studio or photographer's studio.						P	P	P	P	P		P					P	P	
Public Assembly means open, partially enclosed or fully enclosed structure used or intended to be used primarily for spectator sports, entertainment events, expositions and other public gatherings. Typical uses include convention and exhibit halls, sports arena and amphitheaters.																			
Public Assembly (Limited) means a Public Assembly use with a capacity of less than 500 persons.									S	S	S		S	C		P	P	P	A.5
Public Assembly (General) means a Public Assembly use with a capacity of 500 or more persons.											C		C	C		P	P	P	A.6
Bank or Financial Institution means an establishment engaged in deposit banking. Typical uses include commercial banks, savings institutions and credit unions.																			

Art. V. Use Regulations **Chapt. 911.** Primary Uses. **Sec. 911.02.** Use Table

Use Classification	Base Zoning Districts*														Standard			
	Residential					Mixed-Use					Special			DT				
	R S D	R S A	R T S	R T S	R M	N D O	L N C	N D I	U N C	H C	G I	U I	P O	H	E M I	G T	D R	
* As Base Zoning District Regulations, all uses may be subject to additional regulations imposed by applicable Overlay Zoning Districts.																		
Bank or Financial Institution (Limited) means a Bank or Financial Institution use with a gross floor area or less than 3,500 square feet.							P	P	P	P					P	P	P	
Bank or Financial Institution (General) means a Bank or Financial Institution use with a gross floor area of 3,500 square feet or more.								P	P	P		P					P	P
Basic Industry means an establishment engaged in the basic processing and manufacturing of materials or products predominantly from extracted or raw materials.											P	S						
Bed and Breakfast means an occupied dwelling unit in which rooms are let on an overnight basis as the temporary abiding place of persons who have residences elsewhere.																		
Bed and Breakfast (Limited) means a Bed and Breakfast use containing one to three guest rooms.	S	S	S	S	S	P	P	P	P	P		P				P	P	A.7; A.8
Bed and Breakfast (General) means a Bed and Breakfast use containing four to ten guest rooms.			C	C	C	P	P	P	P	P		P				P	P	A.7; A.8
Car Wash means an establishment primarily engaged in cleaning or detailing motor vehicles, whether self-service, automatic or by hand.								A	A	P	P	A						A.10
Cemetery means land used or intended to be used for the burial of the dead and dedicated to cemetery purposes, including columbariums, crematories, mausoleums, and mortuaries, when operated in conjunction with and within the boundary of such cemetery.													A					A.11
Child Care means an establishment that provides care, protection and supervision for children on a regular basis away from their primary residence for less than 24 hours per day. The term does not include the following: public or private elementary or secondary schools or facilities operated in conjunction with an employment use, shopping center or other principal activity, where children are cared for while parents or custodians are occupied on the premises or in the immediate vicinity.																		

Art. V. Use Regulations Chapt. 911. Primary Uses. Sec. 911.02. Use Table

Use Classification	Base Zoning Districts*															Standard See Section 911.04.x		
	Residential					Mixed-Use					Special			DT				
* As Base Zoning District Regulations, all uses may be subject to additional regulations imposed by applicable Overlay Zoning Districts.	R S D	R S A	R T	R T S	R M	N D O	L N C	N D I	U N C	H C	G I	U I	P O	H	E M I	G T	D R	
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	S	P	P	P	P	P	P	P	P	A	A			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.					P	P	P	P	P	P	A	A			P	P	P	A.12
Communication Tower means a structure on which radio frequency transmitting and/or receiving antennae are located or which serves as such an antenna itself, including accessory buildings and equipment. Radio frequency is that portion of the electromagnetic spectrum that contains AM, FM, two-way radio, cellular telephone, television and microwave transmissions.																		
Communication Tower, Class A means a Communication Tower that is not more than 100 feet in height.	S	S	S	S	S	S	S	A	S	S	A	A	S	S	S	S	S	A.13
Communication Tower, Class B means a Communication Tower which is between 101 and 200 feet in height.	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	A.13
Communication Tower, Class C means a Communication Tower which is more than 200 feet in height.	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	A.13
Community Center means a facility used for social or recreational programs generally open to the public and intended to accommodate and serve significant segments of the community.																		
Community Center (Limited) means a Community Center which primarily serves the community in which it exists, and with a gross floor area of less than 5,000 square feet and for which fewer than 10 off-street parking spaces are provided.	C	S	S	S	S	A	P	P	P	P		A	P		P	P	P	A.14

Art.V. Use Regulations **Chapt. 911. Primary Uses. Sec. 911.02. Use Table**

Use Classification	Base Zoning Districts*														Standard See Section 911.04.x			
	Residential					Mixed-Use					Special			DT				
	R S D	R S A	R T S	R T S	R M	N D O	L N C	N D I	U N C	H C	G I	U I	P O	H E M I	G T	D R		
* As Base Zoning District Regulations, all uses may be subject to additional regulations imposed by applicable Overlay Zoning Districts.																		
Community Center (General) means a Community Center with a gross floor area of 5,000 square feet or more, or one for which 10 or more off-street parking spaces are provided.						S	P	P	P	P		A	S		P	P	P	A.14
Construction Contractor means an establishment primarily engaged in construction, building maintenance and building repair activities, including heating and electrical businesses, building maintenance and building movers.																		
Construction Contractor (Limited) means a Construction Contractor with a gross floor area of less than 3,500 square feet.							A	A	A	P	P	P						A.15
Construction Contractor (General) means a Construction Contractor with a gross floor area of 3,500 square feet or more.										P	P	P						
Correctional Facility means a facility providing housing and care for individuals confined for violations of the law, including pre- and work release facilities.																		
Correctional Facility (Limited) means a Correctional Facility with less than 50 beds.								C	C	C	C	C				C	C	A.16
Correctional Facility (General) means a Correctional Facility with 50 or more beds.											C					C		A.17
Cultural Service means a museum or similar use engaged in the collection, display or preservation of objects of community or cultural interest in one or more of the arts or science.																		
Cultural Service (Limited) means a Cultural Service with a gross floor area of less than 5,000 square feet.	S	S	S	S	S	A	P	P	P	P	P	P	A		P	P	P	A.18
Cultural Service (General) means a Cultural Service with a gross floor area of 5,000 square feet or more.							S	S	P	P	P	P	A		P	P	P	A.19
Educational Classroom Space means classroom space associated with a college, community college, university, or other institution of higher learning.																		
Educational Classroom Space (Limited) means an Educational Classroom Space use with a gross floor area of less than 20,000 square feet.							S	S	S	P		P			P	P	P	A.20

Art. V. Use Regulations Chapt. 911. Primary Uses. Sec. 911.02. Use Table

Use Classification	Base Zoning Districts*															Standard			
	Residential					Mixed-Use					Special			DT		See Section 911.04.x			
	R S D	R S A	R T S	R T S	R M	N D O	L N C	N D I	U N C	H C	G I	U I	P O	H	E M I		G T	D R	
* As Base Zoning District Regulations, all uses may be subject to additional regulations imposed by applicable Overlay Zoning Districts.																			
Educational Classroom Space (General) means an Educational Classroom Space use with a gross floor area of 20,000 square feet or more.									S	P		P				P	P	P	A.21
Excavation/Grading/Fill, Major means any operation, other than in connection with the construction of a foundation for a structure, involving: 1. Strip of other mining of coal or other minerals, excavating of sand or rock and the crushing of rock, sanitary and other fills, recovery of metal or other natural resources and similar operations; or 2. A volume of earth movement exceeding 16,000 cubic yards; or 3. A change in ground elevation exceeding 25 feet.	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	A.22
Freight Terminal means a facility designed for the moving and storage of goods, including railroad and trucking terminals and railroad repair shops.										S	P	S							A.24
Funeral Home means an establishment engaged in undertaking services such as preparing the human deceased for burial, and arranging and managing funerals, including mortuaries and crematoria.							S	S	S	A	P	P							A.25
Golf Course means an are of land laid out for private or public golf recreation services and support facilities excluding driving ranges.													A						A.26
Grocery Store means a retail store, the primary function of which is the sale of staple good and other basic life necessities.																			
Grocery Store (Limited) means a Grocery Store use with a gross floor area of less than 3,000 square feet.							A	A	A	P	P	P				P	P	P	A.82
Grocery Store (General) means a Grocery Store use with a gross floor area of 3,000 square feet or more.							S	S	A	P	A	A				P	P	P	A.83
Hazardous Operations means activities principally involved in activities and processes that present hazards to human life and health. Typical uses include arsenals, atomic reactors, explosives and fireworks manufacture, hazardous waste disposal and storage, medical waste disposal and storage. And radioactive waste handling facilities.												C							A.27

Art. V. Use Regulations **Chapt. 911. Primary Uses. Sec. 911.02. Use Table**

Use Classification	Base Zoning Districts*														Standard See Section 911.04.x		
	Residential					Mixed-Use					Special			DT			
* As Base Zoning District Regulations, all uses may be subject to additional regulations imposed by applicable Overlay Zoning Districts.	R S D	R S A	R T S	R T S	R M	N D O	L N C	N D I	U N C	H C	G I	U I	P O	H E M I	G T	D R	
Helicopter Landing Area means a dust controlled area of land, structural surface or water used or intended to be used for the landing, taking off or surface maneuvering of helicopter, autogyro or other vertical take off craft with engines operating.																	
Helipad means Helicopter Landing Area including one or more appurtenant aircraft parking spaces.								C		C	C	C			C	C	C
Heliport means a Helicopter Landing Area including any combination of the following: 1. refueling facilities; 2. maintenance or repair facilities; 3. terminal building or enclosed waiting area; 4. aircraft or aircraft parts sales area; 5. emergency service facilities; 6. aircraft parking space.											C						A.28; A.29
Helistop means a Helicopter Landing Area limited to arrivals or departures only, with no parking or storage of aircraft. Aircraft with rotors in motion may remain a period not to exceed ten minutes; aircraft with rotors not in motion may remain a period not to exceed one hour.								S		S	S	S			S	S	S
Hospital means an institution that: 1. Offers services beyond those required for room, board, personal services and general nursing care; and 2. Offers facilities and beds for use beyond 24 hours by individuals requiring diagnosis, treatment, or care for illness, injury, deformity, infirmity, abnormality, disease, or pregnancy; and 3. Regularly makes available clinical laboratory services, diagnostic x-ray services, and treatment facilities for surgery or obstetrical treatment of similar extent. Hospitals may include offices for medical and dental personnel, central facilities such as pharmacies, medical laboratories and other related uses.															P	P	P

Art. V. Use Regulations Chapt. 911. Primary Uses. Sec. 911.02. Use Table

Use Classification	Base Zoning Districts*														Standard			
	Residential					Mixed-Use					Special			DT				
* As Base Zoning District Regulations, all uses may be subject to additional regulations imposed by applicable Overlay Zoning Districts.	R S D	R S A	R T S	R T S	R M	N D O	L N C	N D I	U N C	H C	G I	U I	P O	H	E M I	G T	D R	
Hotel/Motel means an establishment used, maintained or advertised as a place where sleeping accommodations are supplied for short-term rent to tenants, in which rooms are furnished for accommodation of such guests and which exclude individual kitchen facilities.																		
Hotel/Motel (Limited) means a Hotel/Motel use with less than 40 guest rooms.							A	A	A	P		P			P	P	P	A.33
Hotel/Motel (General) means a Hotel/Motel use with 40 or more guest rooms.							S	S	S	P		P			P	P	P	A.34
Incinerator, Solid Waste means a facility, alone or in conjunction with a landfill or other facility, used or intended to be used for burning solid waste or trash.												C						A.36
Laboratory/Research Services means an establishment engaged in conducting basic, applied, industrial or scientific research, other than medical testing, including production of prototype products when limited to the minimum scale necessary for full investigation of the merits of a product, but excluding production of products used primarily or customarily for sale or for use in non-prototype production operations. The term also includes medical laboratories where prosthetic devices or medical testing takes place exclusively on the written work order of a licensed member of the dental or medical profession.																		
Laboratory/Research Services (Limited) means a Laboratory/Research Services use with a gross floor area of less than 10,000 square feet.							P	P	P	P	P	P			P	P	P	
Laboratory/Research Services (General) means a Laboratory/Research Services use with a gross floor area of 10,000 square feet or more.								A	A	P	P	P			P	P	P	A.37
Laundry Services means an establishment that is primarily engaged in dry cleaning and laundry services, including pressing, repair, and dry cleaning, other than personal services directly to a consumer.							S	S	S	P	P	A			P			A.67

Art. V. Use Regulations **Chapt. 911.** Primary Uses. **Sec. 911.02.** Use Table

Use Classification	Base Zoning Districts*														Standard		
	Residential					Mixed-Use					Special			DT			
* As Base Zoning District Regulations, all uses may be subject to additional regulations imposed by applicable Overlay Zoning Districts.	R S D	R S A	R T S	R T S	R M	N D O	L N C	N D I	U N C	H C	G I	U I	P O	H E M I	G T	D R	
Library means a facility housing a collection of books, magazines or other material which is loaned to the general public without charge.																	
Library (Limited) means a Library with a gross floor area of less than 5,000 square feet.	S	S	S	S	S	A	P	P	P	P		P		P	P	P	A.38
Library (General) means a Library with a gross floor area of 5,000 square feet or more.							P	P	P	P		P		P	P	P	
Manufacturing and Assembly means an establishment engaged in the manufacture or products or parts, predominantly using previously prepared material, including processing, fabrication, assembly, treatments, and packaging of such products, and incidental storage, sales and distribution of such products.																	
Manufacturing and Assembly (Limited) means a Manufacturing and Assembly use with a gross floor area of less than 20,000 square feet.								A	S	P	P	P			A	A	A.39
Manufacturing and Assembly (General) means a Manufacturing and Assembly use with a gross floor area of 20,000 square feet or more.								S		S	P	A			A	A	A.39; A.40
Medical Office/Clinic means an establishment providing therapeutic, preventative, corrective, healing and health-building treatment services on an out-patient basis by physicians, dentists and other practitioners. Typical uses include medical and dental offices and clinics and out-patient medical laboratories.																	
Medical Office/Clinic (Limited) means a Medical Office/Clinic use with a gross floor area of less than 5,000 square feet.						P	P	P	P	P	P	P			P	P	P
Medical Office/Clinic (General) means a Medical Office/Clinic use with a gross floor area of 5,000 square feet or more.						A	A	A	P	P	P	P			P	P	P
Nursery, Retail means the use of a zoning lot for the retail sale of plants and planting materials.																	
Nursery, Retail (Limited) means a Retail Nursery with less than 10 parking spaces and with a lot area of less than half an acre.						A	A	P	P	P	P	P	A				A.80

Use Classification	Base Zoning Districts*														Standard				
	Residential					Mixed-Use					Special			DT					
* As Base Zoning District Regulations, all uses may be subject to additional regulations imposed by applicable Overlay Zoning Districts.	R	R	R	R	R	N	L	N	U	H	G	U	P	H	E	G	D		
	S	S	T	T	M	D	N	D	N	C	I	I	O		M	T	R		
	D	A		S		O	C	I	C						I				
Nursery, Retail (General) means a Retail Nursery with 10 or more parking spaces or with a lot area of half an acre or more.								A	P	P	A	P							
Office means an establishment providing executive, management, administrative or professional services, but not involving medical or dental services or the sale of merchandise, except as incidental to a permitted use. Typical uses include real estate, insurance, property management, investment, employment, travel, advertising, law, architecture, government, design, engineering, accounting and similar offices.																			
Office (Limited) means an Office with a gross floor area of less than 10,000 square feet.						P	P	P	P	P	P	P				P	P	P	
Office (General) means an Office with a gross floor area of 10,000 square feet or more.							S	A	P	P	A	P				P	P	P	A.42; A.43
Parking, Commercial means an area used or intended to be used for the off-street parking of operable motor vehicles on a temporary basis, other than as accessory parking to a principal use, and excluding parking structures.																			
Parking, Commercial (Limited) means a Commercial Parking area with less than 25 spaces.							A	A	A	P	A	P				P			A.44
Parking, Commercial (General) means a Commercial Parking area with 25 or more spaces.								S	S	A	P	P				P			A.45
Parking Structure (Limited) (Ord. 19/ July 8, 1999/ A.U-9)								S			P	A							
Parking Structure (General) (Ord. 19/ July 8, 1999/ A.U-9)								S			P	S							
Parks and Recreation means park, playground or other facility or open space area providing active or passive recreational opportunities for the general public.																			
Parks and Recreation (Limited) means a Parks and recreation use that does not have spectator seating, concession, lighted playing courts or fields or more than 19 parking spaces.	S	A	A	A	A	P	P	P	P	P	A	P	P	A	P	P	P		A.46

Art.V. Use Regulations **Chapt. 911. Primary Uses. Sec. 911.02. Use Table**

Use Classification	Base Zoning Districts*														Standard See Section 911.04.x		
	Residential					Mixed-Use					Special			DT			
	R S D	R S A	R T S	R T S	R M	N D O	L N C	N D I	U N C	H C	G I	U I	P O	H E M I	G T	D R	
* As Base Zoning District Regulations, all uses may be subject to additional regulations imposed by applicable Overlay Zoning Districts.																	
Recreation and Entertainment, Indoor means an establishment offering recreation and entertainment to the general public within an enclosed building. Typical uses include movie theaters, bowling alleys, skating rinks, fitness centers, dance studios, court sports and swimming pools.																	
Recreation and Entertainment, Indoor (Limited) means an Indoor Recreation and Entertainment use for which fewer than 20 parking spaces are provided.							P	P	P	P		P	A		P	P	P
Recreation and Entertainment, Indoor (General) means an Indoor Recreation and Entertainment use for which 20 or more parking spaces are provided.							S	S	A	P		P	A		P	P	P
Recreation and Entertainment, Outdoor means an establishment offering recreation, entertainment or games of skill to the general public for a fee or charge wherein any portion of the activity takes place in the open. Typical uses include archery range, golf driving ranges and miniature golf course and other types of recreation and entertainment not otherwise defined.																	
Recreation and Entertainment, Outdoor (Limited) means an Outdoor Recreation and Entertainment use for which fewer than 25 parking spaces are provided.							S	S	S	P		P	A		P	P	P
Recreation and Entertainment, Outdoor (General) means an Outdoor Recreation and Entertainment use for which 25 or more parking spaces are provided. (Ord. 19/ July 8, 1999/ A.U-9)								A		P	S	P	A		P	P	P
Recycling Collection Station means freestanding containers not occupying an area of greater than 800 square feet (exclusive of area designed for vehicular access), which are designed to receive and store pre-sorted recyclable materials not intended for disposal and which are made available to the general public.							A	A	A	P	P	P	A		P	P	P
Recycling Processing Center means a building or land in excess of 800 square feet devoted to the receipt, separation, storage, bailing, conversion and/or processing of recycle materials. (Ord. 19/ July 8, 1999/ A.U-9)										S	P	S					A.52

Art. V. Use Regulations Chapt. 911. Primary Uses. Sec. 911.02. Use Table

Use Classification	Base Zoning Districts*														Standard See Section 911.04.x			
	Residential					Mixed-Use					Special			DT				
* As Base Zoning District Regulations, all uses may be subject to additional regulations imposed by applicable Overlay Zoning Districts.	R S D	R S A	R T S	R T S	R M	N D O	L N C	N D I	U N C	H C	G I	U I	P O	H	E M I	G T	D R	
Religious Assembly means an establishment operated by a religious organization for religious worship, religious training and related religious services.																		
Religious Assembly (Limited) means a Religious Assembly use for which fewer than 20 parking spaces are required. (Ord. 20/ July 8, 1999/ A.U-10)	S	S	S	S	S	A	P	P	P	P	S	P			P	P	P	A.53
Religious Assembly (General) means a Religious Assembly use for which 20 or more parking spaces are required. (Ord. 20/ July 8, 1999/ A.U-10)	S	S	S	S	S	S	A	P	P	P	S	P			P	P	P	A.53
Restaurant, Fast-Food means an establishment where the principal business is the sale of food and non-alcoholic beverage in a ready-to-consume state and where the design or principal method of operation is that of a quick-service restaurant where orders are generally not taken at the customers' tables, where food is generally wrapped in disposable wrapping or containers, and where food and beverage may be served directly to the customer in an automobile.																		
Restaurant, Fast-Food (Limited) means a Fast-Food Restaurant that does not have a separate curb-cut on a public right-of-way for automobile drive-through service.							A	A	A	P	A	A	C		P	P	P	A.54
Restaurant, Fast-Food (General) means a Fast-Food Restaurant that has a separate curb-cut on a public right-of-way for automobile drive-through service.									S	P	A	A						A.55

Art. V. Use Regulations **Chapt. 911. Primary Uses. Sec. 911.02. Use Table**

Use Classification	Base Zoning Districts*														Standard See Section 911.04.x		
	Residential					Mixed-Use					Special			DT			
* As Base Zoning District Regulations, all uses may be subject to additional regulations imposed by applicable Overlay Zoning Districts.	R S D	R S A	R T S	R T S	R M	N D O	L N C	N D I	U N C	H C	G I	U I	P O	H E M I	G T	D R	
Restaurant means an establishment, other than "Fast-Food Restaurant", where the principal business is the sale of food in a ready to consume state, where there is no service to a customer in an automobile and where the design or principal methods of operation consist of one or more of the following: 1. A sit-down restaurant where customers are normally provided with an individual menu, are generally served food in non-disposable containers by a restaurant employee at the same table or counter at which the food and beverage items are consumed or 2. A cafeteria or cafeteria-type operation where food and beverage generally are served in non-disposable containers and are consumed within the restaurant; But not including Social Club.																	
Restaurant (Limited) means a Restaurant with a gross floor area of less than 2,400 square feet and that does not have live entertainment or dancing.							P	P	P	P	A	P	C		P	P	P
Restaurant (General) means a Restaurant with a gross floor area of 2,400 square feet or more or one that has live entertainment or dancing.							S	S	S	P		P	C		P	P	P
Retail Sales and Services means an establishment engaged in the sale or rental of goods and services, excluding those uses defined more specifically in the Use Table.																	
Retail Sales and Services (Limited) means a Retail Sales and Services use with a gross floor area of less than 10,000 square feet.							P	P	P	P	A	P			P	P	P
Retail Sales and Services (General) means a Retail Sales and Services use with a gross floor area of 10,000 square feet or more.							A	A	A	P	A	P			P	P	P
Retail Sales and Services, Residential Convenience means a Retail Sales and Services use contained wholly within the ground-floor of a multi-unit residential building. (Ord. 19/ July 8, 1999/ A.U-9)					A			P				P					A.60

Art. V. Use Regulations Chapt. 911. Primary Uses. Sec. 911.02. Use Table

Use Classification	Base Zoning Districts*															Standard See Section 911.04.x		
	Residential					Mixed-Use					Special			DT				
* As Base Zoning District Regulations, all uses may be subject to additional regulations imposed by applicable Overlay Zoning Districts.	R S D	R S A	R T	R T S	R M	N D O	L N C	N D I	U N C	H C	G I	U I	P O	H	E M I	G T	D R	
Safety Service means a facility designed or used for the conduct of public safety and emergency services, including fire and police protection services and emergency medical and ambulance services.	S	S	S	S	S	S	A	A	A	P	P	P	S		P	P	P	A.61
Salvage Yard means a lot, land or structure, or part thereof, used primarily for the collecting, storage and sale of waste paper, rags, scrap metal or discard material; or for the collecting, dismantling, storage and salvaging of machinery or vehicles that are not in operating condition; or for the sale of parts thereof. Typical uses include automobile salvage yards and junk yards.												A						A.62
School, Elementary or Secondary means the use of a site for instructional purposes on an elementary or secondary level, with a curriculum that complies with state regulations.																		
School, Elementary or Secondary (Limited) means an Elementary or Secondary School with a maximum enrollment of less than 75 students.	S	S	S	S	S	S	S	S	A	A		S			P	P	P	A.63
School, Elementary or Secondary (General) means an Elementary or Secondary School with a maximum enrollment of 75 students or more.	C	C	C	C	C	C	C	S	A	A		S			P	P	P	A.64
Service Station means an establishment primarily engaged in the retail sale of gasoline or other motor fuels, that may include accessory activities such as the sale of lubricants, automotive accessories or supplies; the lubrication or washing of motor vehicles; and the minor adjustment or repair of motor vehicles.							S	S	S	P	P	A				A	A	A.65
Sidewalk Café means an establishment serving food and/or beverage on public sidewalk space.							A	A	A	A		A	A		A	A	A	A.68
Transit Facility means a facility used or intended to be used as an area for loading, unloading, and interchange transit passengers. Typical uses include bus terminals, rail stations, and passenger related mass transit facilities.	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	A.70

Art. V. Use Regulations **Chapt. 911.** Primary Uses. **Sec. 911.02.** Use Table

Use Classification	Base Zoning Districts*														Standard See Section 911.04.x				
	Residential				Mixed-Use					Special			DT						
* As Base Zoning District Regulations, all uses may be subject to additional regulations imposed by applicable Overlay Zoning Districts.	R S D	R S A	R T S	R T S	R M	N D O	L N C	N D I	U N C	H C	G I	U I	P O	H	E M I	G T	D R		
Utility (Limited) means services and facilities of agencies that are under public franchise or ownership to provide services that are essential to support development and that involve only minor structures, such as but not limited to poles and lines.	A	A	A	A	A	A	A	A	A	P	P	P	A		P	P	P	A.71	
Utility (General) means generating plants; electrical switching facilities and primary substations; water and wastewater treatment plants; water tanks; and similar facilities that are under public franchise or ownership to provide the general public with electricity, gas, heat, steam, communication, water, sewage collection, rail lines or other similar service. The term "utility" shall not be construed to include corporate or general offices; gas or oil processing; manufacturing facilities; or other uses defined in this section.							C	C	C	C	P	C	A		C	C	C	A.72	
Vehicle/Equipment Repair (Limited) means a use providing automobile and other equipment repair or maintenance services within completely enclosed buildings, but not including General Vehicle/Equipment Repair services. Typical uses include businesses engaged in the following activities: 1. electronic tune-ups; 2. brake repairs (including drum turning); 3. air conditioning repairs; 4. transmission and engine repairs; 5. tire repairs; 6. front end alignments; 7. battery recharging; 8. oil changes and lubrication; and 9. State Inspection stations.							S	S	S	P	P	P					A	A	A.73

Use Classification	Base Zoning Districts*														Standard			
	Residential					Mixed-Use					Special			DT				
* As Base Zoning District Regulations, all uses may be subject to additional regulations imposed by applicable Overlay Zoning Districts.	R S D	R S A	R T S	R T S	R M	N D O	L N C	N D I	U N C	H C	G I	U I	P O	H	E M I	G T	D R	
Vehicle/Equipment Repair (General) means: 1. Any vehicle/equipment service not conducted within a completely enclosed building; 2. Any establishment engaged in body work or painting of vehicles or equipment; or 3. Any establishment involve din the repair of heavy equipment, including any vehicle with more than two axles. Typical uses include paint and body shops, truck repair facilities and heavy machinery repair shops.								S	S	P	P	A						A.74
Vehicle/Equipment Sales means an establishment engaged in the retail or wholesale sale or rental, from the premises, of motorized vehicles or equipment, along with incidental service or maintenance. Typical uses include new and used automobile and truck sales, automobile rentals, boat sales, motorcycle sales, construction equipment rental yards, moving trailer rental, farm equipment sale sand rental, and machinery sales, service and rental.																		
Vehicle/Equipment Sales (Limited) means a Vehicle/Equipment Sales use with a gross floor area of less than 10,000 square feet and a site of less than one acre.							A	A	A	P	P	P						A.75
Vehicle/Equipment Sales (General) means a Vehicle/Equipment Sales use with a gross floor area of 10,000 square feet or more or a site of one acre or more.							S	S	A	P	A							A.76
Vocational School means an establishment offering regularly scheduled instruction in professional, technical, commercial or trade skills, such as, but not limited to, business, real estate, building and construction, electronics, computer programming and technology, automotive and aircraft mechanics and technology, and similar types of instruction.																		
Vocational School (Limited) means a Vocational School for which fewer than 25 parking spaces are required.							P	P	P	P	P	P			P	P	P	

Art. V. Use Regulations **Chapt. 911**. Primary Uses. **Sec. 911.02**. Use Table

Use Classification	Base Zoning Districts*														Standard See Section 911.04.x			
	Residential					Mixed-Use					Special			DT				
	R S D	R S A	R T S	R T S	R M	N D O	L N C	N D I	U N C	H C	G I	U I	P O	H	E M I	G T	D R	
* As Base Zoning District Regulations, all uses may be subject to additional regulations imposed by applicable Overlay Zoning Districts.																		
Vocational School (General) means a Vocational School for which 25 or more parking spaces are required.							A	S	A	P	P	P			P	P	P	A.77
Warehouse means an establishment that is engaged in the storage of materials, equipment or products that will be distributed to wholesalers or retailers.																		
Warehouse (Limited) means a Warehouse use with fewer than five loading/unloading docks or bays.							A			P	P	P						
Warehouse (General) means a Warehouse use with five or more loading/unloading docks or bays.										S	P	A						A.78
Warehouse, Residential Storage means an enclosed storage facility of a commercial nature containing independent, fully enclosed bays which are leased to persons exclusively for dead storage of their household goods or personal property.								S		P	P	P						
Welding or Machine Shop means a workshop where machines, machine parts, or other metal products are fabricated. Typical uses include machine shops, welding shops and sheet metal shops.								S		S	P	A						A.79
New and Unlisted Uses See Section 911.03											S							See 911.03

911.03

New and Unlisted Uses

In the event that an application is submitted for a use that is not listed in the Use Table of Sec. 911.02, the Zoning Administrator shall be authorized to:

- A. Determine the classification of the new or unlisted use type into an existing land use category that most closely fits the new or unlisted use based upon the definitions of this Code and upon the similarity of the new/unlisted use with an existing, defined land use category; or
- B. In the event that the Zoning Administrator determines that the new or unlisted use type cannot be classified under 911.02.A, the Administrator shall treat such use as a Special Exception in the GI District and require review and approval by the Zoning Board of Adjustment in accordance with the Special Exception review procedures of Sec. 922.07.

911.04

Use Standards

(Ord. 20/ July 8, 1999/ A.U-10 In Total)

No permit shall be issued for any development or use of land unless the activity is in compliance with all applicable provisions of this code, including the standards established in this section.

911.04.A

Standards That Apply to Uses Listed in the Use Table

The following standards apply to uses listed in the Use Table, to the extent stated.

911.04.A.1

Adult Entertainment

Adult Entertainment uses shall be subject to the following standards:

(a) **Separation From Other Adult Entertainment Uses**

The building housing an Adult Entertainment use shall not be located within 1,000 feet of any two of the following uses: Adult Entertainment uses, Amusement Arcade, Hotel/Motel, bar or nightclub. This 1,000 foot area shall be defined by a radius of 1,000 feet from the center point of the subject building. This separation distance requirements may be waived upon a determination of the following:

- (1) That the proposed use shall not be contrary to the public interest or injurious to nearby properties, and that the spirit and intent of this Zoning Code shall be observed;
- (2) That the establishment of an additional regulated use in the area shall not be contrary to any program of neighborhood conservation nor shall it interfere with any program of urban renewal; and
- (3) That all applicable regulations of this Zoning Code shall be observed.

(b) **Separation From Other Uses**

The building housing an Adult Entertainment use shall be located at least 500 feet from the following uses:

- (1) Religious Assembly;
- (2) Library;
- (3) Cultural Service;
- (4) Child Care Center;
- (5) Elementary or Secondary School;
- (6) Community Center;
- (7) Single-Unit Detached Residential;
- (8) Single-Unit Attached Residential;
- (9) Two-Unit Residential; and
- (10) Three-Unit Residential.

(c) **Prohibited Activities**

An Adult Entertainment use shall not be conducted in any manner that provides the observation of any material depicting, describing or relating to “specified sexual activities” or “specified anatomical areas”, from any public right of way. This provision shall apply to any display, decoration or show window.

911.04.A.2 Agricultural Uses

Agricultural Uses shall be subject to the following standards:

- (a) The site shall be at least five acres in size;
- (b) No structure except a dwelling unit shall be located within 200 feet of any lot line;
- (c) The sale of agricultural and farm products, nursery stock and poultry shall be permitted only if produced or raised on the premises;
- (d) Killing or dressing of poultry raised on the premises shall be permitted if conducted entirely within an enclosed building; and
- (e) The keeping of domestic animals shall be permitted only where there is also a residential use of the property.

911.04.A.3 Amusement Arcade

Amusement Arcades shall be subject to the following standards:

- (a) **Location in Historic District Prohibited**

The building shall not be located within a City Council designated “Historic District” per Chapter 1007 of the Pittsburgh Code of Ordinances.
- (b) **Located in Building Containing Residential Dwelling Units**

When the arcade is located in a building containing residential dwelling units, the space to be occupied for arcade shall not be located directly above or beneath the residential space.
- (c) **Separation from Residential Zoning Districts and Historic Districts**

The arcade shall not be located within 300 feet of a LNC District, residential zoning district or City Council designated “Historic District,” as measured from

each pedestrian entrance or exit of the arcade to the nearest boundary of the LNC District, residential zoning district or “Historic District.”

(d) Separation From Other Uses

A lot containing an arcade shall not be located within 500 feet of a lot containing any of the following:

- (1) Other Amusement Arcade;
- (2) Religious Assembly;
- (3) Elementary or Secondary School;
- (4) Library;
- (5) Cultural Service;
- (6) Community Center; or
- (7) Park or Recreation (Limited).

(e) Impact on Surrounding Community

Before approving an arcade use, the Approving Body shall determine that the proposed use shall not create detrimental impacts on the community, taking into consideration traffic generation, the relationship of the proposed use to surrounding structures; the availability of parking; and hours of operation; and the volume of people.

911.04.A.4 Animal Care (Limited)

(a) in the GT and DR Districts

Animal Care (Limited) uses in the GT and DR Districts shall be subject to the following standards:

- (1) Animal care activities shall be completely screened from view from any off-site location; and
- (2) The design of the structure shall include features that acoustically shield any animal noises from being heard outside the property line.

911.04.A.5 Assembly, Public (Limited)

(a) in NDI, UNC, UI and HC Districts

Assembly, Public (Limited) uses shall be subject to the following standards in the NDI, UNC, UI and HC Districts:

1. A traffic analysis shall be submitted demonstrating that the proposed development will not create traffic congestion in the district;
2. Parking shall be provided in a location and manner that allows for all parking required by the facility, and all traffic created by the facility, to be located outside of residential districts; and
3. The Approving Body shall determine that such use will not create detrimental impacts on the surrounding properties, taking into consideration the probable traffic generation, parking needs, noise generation, and the

hours of operation.

(b) in PO District

Assembly, Public (Limited) uses shall be subject to the following standards in the PO District:

- (1) A traffic analysis shall be submitted demonstrating that the proposed development will not create traffic congestion in the district;
- (2) Parking shall be provided in a location and manner that allows for all parking required by the facility, and all traffic created by the facility, to be located outside of residential districts;
- (3) The Approving Body shall determine that such use will not create detrimental impacts on the surrounding properties, taking into consideration the probable traffic generation, parking needs, noise generation, and the hours of operation; and
- (4) All facilities shall be designed to be compatible with the surrounding landscape, such that the minimum possible grading will be required and the minimum disturbance and removal of existing vegetation will be required.

911.04.A.6 Assembly, Public (General)

(a) in HC and UI Districts

Assembly, Public (General) uses shall be subject to the following standards in the HC and UI Districts:

- (1) A traffic study in a form approved by the Zoning Administrator shall be submitted with the application, and shall address parking and traffic impacts of the proposed development. The transportation study shall illustrate that the proposed development will not create traffic congestion on the surrounding streets, and that residential streets in the vicinity shall not be used for parking for the proposed development;
- (2) The design shall include devices which prevent noise associated with the use of the facility from being heard on other properties in the vicinity;
- (3) The height and bulk of the proposed structure shall be designed as to minimize blocking of views from adjacent residential properties;
- (4) A traffic analysis shall be submitted demonstrating that the proposed development will not create traffic congestion in the district;
- (5) Parking shall be provided in a location and manner that allows for all parking to be located outside of residential districts; and
- (6) The Approving Body shall determine that such use will not create detrimental impacts on the surrounding properties, taking into consideration the probable traffic generation, parking needs, generation of noise and the hours of operation.

(b) In PO District

Assembly, Public (General) uses shall be subject to the following standards in

the PO District:

- (1) A traffic analysis shall be submitted demonstrating that the proposed development will not create traffic congestion in the district;
- (2) Parking shall be provided in a location and manner that allows for all parking required by the facility, and all traffic created by the facility, to be located outside of residential districts;
- (3) The Approving Body shall determine that such use will not create detrimental impacts on the surrounding properties, taking into consideration the probable traffic generation, parking needs, noise generation, and the hours of operation; and
- (4) All facilities shall be designed to be compatible with the surrounding landscape, such that the minimum possible grading will be required and the minimum disturbance and removal of existing vegetation will be required.

911.04.A.7 Bed and Breakfast

Bed and Breakfast uses shall be subject to the following standards:

- (a) The Bed and Breakfast use shall have a resident manager;
- (b) Food and beverage service shall be limited to breakfast for registered, paying overnight guests;
- (c) Guests shall be limited to a maximum length of stay of 15 consecutive days in any 30-day period;
- (d) There shall be no retail sales on the premises;
- (e) No part of the facility shall be rented for social or business functions;
- (f) Any structure in which a Bed and Breakfast use is to be located shall not be enlarged to provide for more guest rooms or guest room accommodations if such an enlargement would intrude on any front, side or rear setback requirements of the zoning district in which it is located;
- (g) A license shall be obtained as provided by Chapter 701 of the Pittsburgh Code of Ordinances prior to issuance of a Certificate of Occupancy;
- (h) A daily register of guests shall be maintained and made available for inspection by any City of Pittsburgh Code Enforcement Officer; and
- (i) No more than one Bed and Breakfast use shall be permitted in a building and only in a single-unit residential structure.

911.04.A.8 Bed and Breakfast (Limited)

- (a) in Residential and Grandview Public Realm Zoning Districts
Bed and Breakfast (Limited) uses shall be subject to the following standards in all residential and Grandview Public Realm zoning districts:
 - (1) The Bed and Breakfast use shall be limited to no more than three guest rooms, to be occupied by a total of no more than five guests;
 - (2) An identification sign, non-illuminated and no larger than four square feet in size, shall be permitted only on the wall of the structure;
 - (3) Automobile parking space shall be provided on the basis of one parking

stall for the resident operator and one parking stall for each guest room within the boundaries of the same zoning lot in which the Bed and Breakfast use is approved. The zoning lot shall not include any building that is intended to be razed for parking purposes or has been razed at any time during a three-year period prior to an application for occupancy as a Bed and Breakfast; and

- (4) In an RSD-1 and RSD-2 District, a Bed and Breakfast use may only be located in a historically designated structure.

911.04.A.9 Bed and Breakfast (General)

(a) in RT, RM and Grandview Public Realm Subdistricts

Bed and Breakfast (General) uses shall be subject to the following standards in the RT, RM and Grandview Public Realm Subdistricts:

- (1) The Bed and Breakfast use shall be limited to no more than ten guest rooms and each guest room may provide lodging for up to two (2) individuals, unless children under the age of 16 years are accompanying the guests, and in no instance shall the total number of guests in a Bed and Breakfast use exceed thirty;
- (2) An identification sign, non-illuminated and no larger than four square feet in size shall be permitted only on the wall of the structure; and
- (3) Automobile parking shall be provided on the basis of and shall not exceed two parking stalls for the resident operator and one parking stall for each guest room within the boundaries of the same zoning lot in which the Bed and Breakfast use is approved. The zoning lot shall not include any building that is intended to be razed for parking purposes or has been razed at any time during a three-year period prior to an application for occupancy for a Bed and Breakfast use.

911.04.A.10 Car Wash

(a) In all Districts

Car Wash uses shall be subject to the following standards in all districts:

- (1) Curb cuts shall be located a minimum of 60 feet from an intersection; and
- (2) The proposed use shall require Site Plan Review.

(b) In the UNC District

Car Wash uses in the UNC District shall be subject to the following standards:

- (1) All primary uses shall be completely enclosed within a structure; and
- (2) Accessory uses, including, but not limited to, vacuum stations and window washing stations, shall be screened from the street and adjacent residential properties in accordance with the Landscaping and Screening Standards of Chapter 918.

(c) In the UI District

Car Wash uses shall be subject to the Site Plan Review procedures of Section 922.04.

(d) In the NDI District

Car Wash uses shall be subject to the following standards in the NDI District:

- (1) Curb cuts shall be located a minimum of 60 feet from an intersection;
- (2) Curb cuts shall be minimized to the maximum extent feasible in order to achieve access to the site; and
- (3) The Approving Body shall determine that the proposed use will not create detrimental impacts on the surrounding properties, taking into consideration the probable traffic generation, parking, pedestrian safety, noise, and hours of operation.

911.04.A.11 Cemetery

Sufficient on-site roadways and parking areas shall be provided within Cemeteries to accommodate peak traffic demands.

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 RDA and RSA Districts

Child Care (Limited and General) uses in RSD and RSA 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) In the UI District
- Child Care uses shall be subject to the following standards in the UI District:
- (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.

911.04.A.13 **Communication Towers**

The following standards shall apply to all Communication Tower uses:

(a) **Communication Tower, Class A**

Communication Towers, Class A shall be subject to the following standards:

(1) in NDI, UI and GI Districts

Communication Towers, Class A shall be subject to the following standards in the NDI, UI and GI Districts:

- (i) The structure shall comply with the setback requirements of the district. In addition, the tower shall be set back a minimum of 100 feet from the lot line of any adjacent R-zoned lot that is occupied by one or more dwelling units. Peripheral supports and guy anchors for radio or television transmission or receiving towers may be located within required yards, provided that they shall be located entirely within the boundaries of the property on which the tower is located and shall be located no closer than 5 feet from any property line, and no closer than 10 feet from the lot line of an R-zoned lot that is occupied by one or more dwelling units;
- (ii) The tower may exceed the height limit of the zoning district in which it is located to a height of no more than 100 feet provided it is demonstrated to the Administrator that such height is necessary and essential for the proper functioning of the concerned tower and facilities;
- (iii) The applicant shall demonstrate to satisfaction of the Administrator that such use is reasonably necessary at the proposed location for the convenience of the people at large or for the general welfare and that a diligent effort has been made to locate the proposed communication facilities on an existing structure. The information submitted by the applicant shall include a map of the area to be served by the tower and

the relationship of the proposed site to other telecommunications towers;

- (iv) A fence or wall not less than 6-1/2 feet in height from finished grade shall be constructed around each communication tower and around each guy anchor and peripheral support. The fence or wall shall comply with the following standards:
 - 1. Access to the tower shall be through a locked gate in the required fence or wall;
 - 2. The required fencing shall consist of a masonry wall or solid fence with trees planted along the exterior of the wall or fence, or an open fence with an evergreen screen that consists of a continuous hedge with a minimum height of 5 feet with trees planted along the exterior of the screen. Tree plantings shall consist of 3-inch minimum caliper deciduous or evergreen trees planted 20 feet on center maximum. Existing vegetation shall be preserved to the maximum extent possible; and
 - 3. If high voltage is necessary for the operation of the communication tower and it is present in a ground grid or in the tower, signs located every 20 feet and attached to the fence or wall shall display in large bold letters the following: "HIGH VOLTAGE- DANGER".
- (v) The tower shall not encroach into or through any established public or private airports approach path as established by the Federal Aviation Administration (FAA);
- (vi) All obsolete or unused communication towers shall be removed within 12 months of cessation of use;
- (vii) The tower shall comply with current Federal Communications Commission standards for non-ionizing electromagnetic radiation (NIER);
- (viii) The tower may be located on lots occupied by another primary use and may occupy a leased parcel on a lot meeting the minimum lot size requirement of the district in which it is located; and
- (ix) No antenna or tower structure shall be illuminated, except as may be required by the Federal Aviation Administration (FAA) or the Federal Communication Commission (FCC).

(2) in all other Districts

Communication Towers, Class A shall be subject to the following standards in all districts except NDI, UI and GI:

- (i) Communication towers shall be located on a zoning lot complying with the yard requirements of the zoning district in which such use is located, except that the widths of certain yards shall be as follows:
 - 1. The minimum setback between communication towers and all property lines shall be at a distance equal to 20 percent of the height of the tower;

2. Communication towers shall be setback a minimum of 50 feet from any existing or planned right-of-way; and
3. Communication towers shall be set back a minimum of 100 feet from the lot line of any adjacent R-zoned lot that is occupied by one of more dwelling unit.

Peripheral and guy anchors for communication towers may be located with in required yards, provided that they shall be located entirely within the boundaries of the property on which the tower is located and shall be located no closer than 5 feet from any property line, and no closer than 10 feet from the lot line of an R-zoned lot that is occupied by one or more dwelling units.

- (ii) The tower may exceed the height limit of the zoning district in which it is located provided it is demonstrated to Council that such height is necessary and essential for the proper functioning of the concerned tower and facilities.
- (iii) When a communication tower is proposed to be located in any district, the applicant shall demonstrate to satisfaction of Council that such use is reasonably necessary at the proposed location for the convenience of the people at large or for the general welfare and that a diligent effort has been made to locate the proposed communication facilities on an existing structure, and when the proposed site is in any residential district, that a diligent effort has been made to locate the proposed communication facility within a nonresidential district, and that due to valid considerations, including physical constraints, economic or technological feasibility, no appropriate location is available and that the use cannot reasonable serve the district from a nonresidential district. The information submitted by the applicant shall include a map of the area to be served by the tower and the relationship of the proposed site to other telecommunications towers.
- (iv) A fence or wall not less than 6-1/2 feet in height from finished grade shall be constructed around each communication tower and around each guy anchor and peripheral support. The fence or wall shall comply with the following standards:
 1. Access to the tower shall be through a locked gate in the required fence or wall;
 2. The required fencing shall consist of a masonry wall or solid fence with trees planted along the exterior of the wall or fence, or an open fence with an evergreen screen that consists of a continuous hedge with a minimum height of 5 feet with trees planted along the exterior of the screen. Tree plantings shall consist of 3-inch minimum caliper deciduous or evergreen trees planted 20 feet on center maximum. Existing vegetation shall be preserved to the maximum extent possible; and
 3. If high voltage is necessary for the operation of the radio or television transmission or receiving tower and it is present in a ground grid or in the tower, signs located every 20 feet and attached to the fence or wall

shall display in large bold letters the following: “HIGH VOLTAGE-DANGER”.

- (v) Communication towers shall not encroach into or through any established public or private airport approach path as established by the Federal Aviation Administration (FAA).
- (vi) All obsolete or unused communication towers shall be removed within 12 months of cessation of use.
- (vii) A communication tower shall comply with current Federal Communication Commission standards for non-ionizing electromagnetic radiation (NIER).
- (viii) Communication towers may be located on lots occupied by another primary use and may occupy a leased parcel on a lot meeting the minimum lot size requirement of the district in which it is located.
- (ix) No antenna or tower structure shall be illuminated, except as may be required by the Federal Aviation Administration (FAA) or the Federal Communication Commission (FCC).

(b) **Communication Tower, Class B and Class C**

Communication Towers, Class B and Communication Towers, Class C shall be subject to the following standards in all districts:

- (1) Communication towers shall be located on a zoning lot complying with the yard requirements of the zoning district in which such use is located, except that the widths of certain yards shall be as follows:
 - (i) The minimum setback between communication towers and all property lines shall be at a distance equal to 20 percent of the height of the tower;
 - (ii) Communication towers shall be setback a minimum of 50 feet from any existing or planned right-of-way; and
 - (iii) Communication towers shall be set back a minimum of 100 feet from the lot line of any adjacent R-zoned lot that is occupied by one or more dwelling unit.
Peripheral and guy anchors for communication towers may be located within required yards, provided that they shall be located entirely within the boundaries of the property on which the tower is located and shall be located no closer than 5 feet from any property line, and no closer than 10 feet from the lot line of an R-zoned lot that is occupied by one or more dwelling units.
- (2) The tower may exceed the height limit of the zoning district in which it is located provided it is demonstrated to Council that such height is necessary and essential for the proper functioning of the concerned tower and facilities.
- (3) When a communication tower is proposed to be located in any district, the applicant shall demonstrate to satisfaction of Council that such use is reasonably necessary at the proposed location for the convenience of the people at large or for the general welfare and that a diligent effort has been

made to locate the proposed communication facilities on an existing structure, and when the proposed site is in any residential district, that a diligent effort has been made to locate the proposed communication facility within a nonresidential district, and that due to valid considerations, including physical constraints, economic or technological feasibility, no appropriate location is available and that the use cannot reasonably serve the district from a nonresidential district. The information submitted by the applicant shall include a map of the area to be served by the tower and the relationship of the proposed site to other telecommunications towers.

- (4) A fence or wall not less than 6-1/2 feet in height from finished grade shall be constructed around each communication tower and around each guy anchor and peripheral support. The fence or wall shall comply with the following standards:
 - (i) Access to the tower shall be through a locked gate in the required fence or wall;
 - (ii) The required fencing shall consist of a masonry wall or solid fence with trees planted along the exterior of the wall or fence, or an open fence with an evergreen screen that consists of a continuous hedge with a minimum height of 5 feet with trees planted along the exterior of the screen. Tree plantings shall consist of 3-inch minimum caliper deciduous or evergreen trees planted 20 feet on center maximum. Existing vegetation shall be preserved to the maximum extent possible; and
 - (iii) If high voltage is necessary for the operation of the communication tower and it is present in a ground grid or in the tower, signs located every 20 feet and attached to the fence or wall shall display in large bold letters the following: "HIGH VOLTAGE- DANGER".
- (5) Communication towers shall not encroach into or through any established public or private airport approach path as established by the Federal Aviation Administration (FAA).
- (6) All obsolete or unused communication towers shall be removed within 12 months of cessation of use.
- (7) A communication tower shall comply with current Federal Communication Commission standards for non-ionizing electromagnetic radiation (NIER).
- (8) Communication towers may be located on lots occupied by another primary use and may occupy a leased parcel on a lot meeting the minimum lot size requirement of the district in which it is located.
- (9) No antenna or tower structure shall be illuminated, except as may be required by the Federal Aviation Administration (FAA) or the Federal Communication Commission (FCC).

911.04.A.14 Community Center (Limited and General)

- (a) Community Center (Limited)
 - (1) in all Residential and Grandview Public Realm Districts

Community Center (Limited) uses shall be subject to the following standards:

- (i) Potential detrimental impacts of traffic and parking shall be addressed, taking into consideration the needs of events which may occur on site;
- (ii) All activities conducted on the premises of the Community Center shall be noncommercial and nonprofit;
- (iii) The Approving Body shall determine that the Community Center use will not be detrimental impacts to the neighborhood, taking into consideration the physical relationship of the proposed use to the surrounding structures, the probable hours of operation, social activities to be conducted and the number of people using the premises at any one time; and
- (iv) The Residential Compatibility Standards of Chapter 916 shall apply.

(2) in NDO District

Community Center (Limited) uses shall be subject to the following standards:

- (i) Potential detrimental impacts of traffic and parking shall be addressed, taking into consideration the needs of events which may occur on site;
- (ii) All activities conducted on the premises of the Community Center shall be noncommercial and nonprofit; and
- (iii) The Residential Compatibility Standards of Chapter 916 shall apply.

(3) in UI Districts

Community Center (Limited and General) uses shall be subject to the following standards in the UI District:

- (1) The proposed use shall be subject to the Site Plan Review Procedures of Sec. 922.04; and
- (2) Parking and access shall be provided in such a way as to protect users from any external impacts of traffic in the vicinity.

(b) Community Center (General)

(1) in NDO Districts

Community Center (General) uses shall be subject to the following standards:

- (i) Potential detrimental impacts of traffic and parking shall be addressed, taking into consideration the needs of events which may occur on site;
- (ii) All activities conducted on the premises of the Community Center shall be noncommercial and nonprofit;
- (iii) The Approving Body shall determine that the Community Center use will not be detrimental impacts to the neighborhood, taking into consideration the physical relationship of the proposed use to the

surrounding structures, the probable hours of operation, social activities to be conducted and the number of people using the premises at any one time; and

(iv) The Residential Compatibility Standards of Chapter 916 shall apply.

(2) in PO and Grandview Public Realm Districts

Community Center (General) uses in the PO and Grandview Public Realm Districts shall be subject to the following standards:

(i) Potential detrimental impacts of traffic and parking shall be addressed, taking into account the needs of events which may occur on site;

(ii) All activities conducted on the premises of the Community Center shall be noncommercial and nonprofit;

(iii) The Approving Body shall determine that the Community Center use will not create detrimental impacts to the neighborhood, taking into consideration the physical relationship of the proposed use to the surrounding structures, the probable hours of operation, social activities to be conducted, and the number of people using the premises at any one time; and

(iv) The Residential Compatibility Standards of Chapter 916 shall apply.

911.04.A.15 Construction Contractor (Limited)

(a) in LNC, NDI and UNC Districts

Construction Contractor (Limited) uses shall be subject to the following standards in the LNC, NDI and UNC Districts:

(1) All storage of materials and vehicles shall be within a completely enclosed structure; and

(2) Sufficient space shall be provided to park and store all construction vehicles off the public rights-of-way.

911.4.A.16 Correctional Facility (Limited)

Correctional Facility (Limited) uses shall be subject to the following standards:

(a) The facility shall be designed to address the safety of those within and outside of the facility;

(b) Walls, fences, and other physical barriers shall be designed to be compatible with the architecture of the facility, and shall not include barbed wire, razor wire or other similar devices;

(c) The facility shall be located within convenient walking distance of public transportation service;

(d) The Approving Body shall determine that such use will not create detrimental impacts on the surrounding properties, taking into consideration probable traffic generation and the physical relationship of the proposed use and structure to

surrounding uses and structures; and

- (e) The Approving Body shall request a report and recommendation from the Planning Director on the planning aspects of the proposed use and structures.

911.04.A.17 Correctional Facility (General)

Correctional Facilities (General) shall be subject to the following standards:

- (a) The facility shall be designed to address the safety of those within and outside of the facility;
- (b) Walls, fences, and other physical barriers shall be designed to be compatible with the architecture of the facility, and shall not include barbed wire, razor wire or other similar devices;
- (c) The facility shall be located within convenient walking distance of public transportation service;
- (d) The Approving Body shall determine that such use will not create detrimental impacts on the surrounding properties, taking into consideration probable traffic generation and the physical relationship of the proposed use and structure to surrounding uses and structures; and
- (e) The Approving Body shall request a report and recommendation from the Planning Director on the planning aspects of the proposed use and structures.

911.04.A.18 Cultural Service (Limited)

(a) in Residential Districts

Cultural Service (Limited) uses shall be subject to the following standards in residential districts:

- (1) Parking demand shall be addressed in a manner which does not interfere with parking spaces required for surrounding residential uses;
- (2) All activities conducted on the premises of the Cultural Service shall be noncommercial and nonprofit;
- (3) The Approving Body shall determine that the such use will not create detrimental impacts on the neighborhood, taking into consideration the physical relationship of the proposed use to the surrounding structures, the probable hours of operation, social activities to be conducted and the number of people using the premises at any one time; and
- (4) The Residential Compatibility Standards of Chapter 916 shall apply.

(b) in the PO District

Cultural Service (Limited) uses shall be subject to the following standards in the PO District:

- (1) Potential detrimental impacts of traffic and parking shall be addressed, taking into consideration the needs of events which may occur on site;
- (2) All activities conducted on the premises of the Cultural Service shall be noncommercial and nonprofit; and
- (3) All facilities shall be designed to be compatible with the surrounding

landscape, such that the minimum possible grading will be required and the minimum disturbance and removal of existing vegetation will be required.

(c) in NDO Districts

Cultural Service (Limited) uses shall be subject to the following standards in NDO Districts:

- (1) Parking demand shall be addressed in a manner which does not interfere with parking spaces required for surrounding residential uses; and
- (2) All activities conducted on the premises of the Cultural Service shall be noncommercial and nonprofit.

911.04.A.19 Cultural Service (General)

(a) in NDI and LNC Districts

Cultural Service (General) uses shall be subject to the following standards in the NDI and LNC Districts:

- (1) Cultural Service (General) uses shall be controlled in such a manner as to offer reasonable protection to the neighborhood against possible detrimental impacts, taking into consideration the physical relationship to surrounding properties, the hours of operation and access to the site;
- (2) The design of the structure shall follow the development standards for commercial uses in the LNC and NDI Districts; and
- (3) Parking demand shall be addressed so as to meet parking needs for both normal and event use, and to discourage parking on nearby residential streets.

(b) in the PO District

Cultural Service (General) uses shall be subject to the following standards in the PO District:

- (1) Potential detrimental impacts of traffic and parking shall be addressed, taking into consideration the needs of events which may occur on site;
- (2) All activities conducted on the premises of the Cultural Service shall be noncommercial and nonprofit; and
- (3) All facilities shall be designed to be compatible with the surrounding landscape, such that the minimum possible grading will be required and the minimum disturbance and removal of existing vegetation will be required.

(c) in the GI District

Cultural Service (General) uses shall be subject to the following standards in the GI District:

- (1) Parking facilities shall be designed and located to avoid disruption of industrial facilities in the area;
- (2) Parking demand shall be addressed so as to meet parking needs for both normal and event use, and to discourage parking on nearby streets;

- (3) A traffic study in a form approved by the Zoning Administrator shall be submitted with the application, and shall address parking and traffic impacts of the proposed development. The transportation study shall illustrate that the proposed development will not create traffic congestion on the surrounding streets;
- (4) Parking and access shall be provided in such a way as to protect users from any external impacts of industry in the vicinity; and
- (5) The Approving Body shall determine that the proposed use will not create detrimental impacts on the surrounding district, taking into consideration potential traffic generation, pedestrian access, and hours of operation.

911.04.A.20 Educational Classroom Space (Limited)

Educational Classroom Space (Limited) shall be subject to the following standards:

- (a) The design of the structure shall follow the district's development standards for commercial uses;
- (b) Access to the facility shall be addressed in a manner which emphasizes the use of public transit to the facility, and clearly meets the peak demands of the facility in a manner which does not require the use of parking spaces on residential streets; and
- (c) The Approving Body shall determine that such use will not create detrimental impacts on the surrounding properties, taking into consideration probable traffic generation, the physical relationship of the proposed use and structure to surrounding uses and structures, the probable hours of operation, the impacts of parking in surrounding residential uses, and the size and bulk of the building.

911.04.A.21 Educational Classroom Space (General)

Educational Classroom Space (General) shall be subject to the following standards:

- (a) The design of the structure shall follow the district's development standards for commercial uses;
- (b) Access to the facility shall be addressed in a manner which emphasizes the use of public transit to the facility, and clearly meets the peak demands of the facility in a manner which does not require the use of parking spaces on residential streets; and
- (c) The Approving Body shall determine that such use will not create detrimental impacts on the surrounding properties, taking into consideration probable traffic generation, the physical relationship of the proposed use and structure to surrounding uses and structures, the probable hours of operation, the impacts of parking in surrounding residential uses, and the size and bulk of the building.

911.04.A.22 Excavation/Grading/Fill, Major

Excavation, Grading or Fill, Major operations and any temporary or permanent construction or facilities associated with such operation shall be subject to the following standards:

- (a) The proposed operation shall meet all requirements of the Land Operations

Ordinance;

- (b) The operation shall be controlled in such a manner as to offer reasonable protection to the neighborhood against possible detrimental impacts, taking into consideration the physical relationship to surrounding properties and access to the site;
- (c) Residential streets shall not be used for routing of vehicles serving the excavation or fill, unless there is no other physical option; and
- (d) A plan shall be prepared and submitted to the Planning Director addressing the number of vehicles that will access the site and the routes the vehicles will travel. The plan and proposed use of any street for incidental trucking operations shall have the approval of the Department of Public Works and the Bureau of Traffic Engineering.

911.04.A.23 Fraternity/Sorority and Dormitory

(a) Fraternity/Sorority

Fraternity/Sorority uses shall be subject to the following standards:

- (1) The building shall be used solely for undergraduate or graduate students of an educational institution;
- (2) The building shall be located with the EMI District of the institution at which the students are enrolled;
- (3) An Operation and Management Plan for the proposed Fraternity/Sorority use shall be submitted as part of the application for Conditional Use and shall describe programs of operation and management including but not limited to :
 - (i) Uses and activities that will occur in conjunction with the Fraternity/Sorority use;
 - (ii) Hours of operation of non-residential services;
 - (iii) Noise control; and
 - (iv) Traffic generation.
- (4) The Approving Body shall determine that the such use will not create detrimental impacts on the surrounding properties, taking into consideration the Operation and Management Plan, probable traffic generation, the physical relationship of the proposed use and structure to surrounding uses and structures, the probable hours of operation, the impacts of parking in surrounding residential uses, and the size and bulk of the building.

(b) Dormitory

Dormitory uses shall be subject to the following standards:

- (1) The building shall be used solely for undergraduate or graduate students of an educational institution;
- (2) The building shall be located within the same district of the institution at which the students are enrolled;

- (3) An Operation and Management Plan for the proposed Dormitory use shall be submitted as part of the occupancy permit application and shall describe programs of operation and management including but not limited to:
 - (i) Use and activity that will occur in conjunction with the Dormitory use;
 - (ii) Hours of operation of non-residential services;
 - (iii) Noise control; and
 - (iv) Traffic generation.
- (4) The Approving Body shall determine that such use will not create detrimental impacts on the surrounding properties, taking into consideration the Operation and Management Plan, probable traffic generation, the physical relationship of the proposed use and structure to surrounding uses and structures, the probable hours of operation, the impacts of parking in surrounding residential uses, and the size and bulk of the building.
(Ord. No. 24/August 21, 2000/A. U-23)

911.04.A.24 Freight Terminal

(a) in HC District

Freight Terminals shall be subject to the following standards in the HC District:

- (1) Every portion of the property used for Freight Terminal purposes shall be located not closer than 200 feet to any property in a R or H District, and 100 feet from any property in a NDI, UNC or LNC District;
- (2) Access for motor-freight vehicles shall be by way of streets of adequate width as determined by the Approving Body;
- (3) The site shall be fully enclosed with a barrier adequate to insure that no portion of a vehicle shall extend beyond the lot line;
- (4) In addition to adequate area within the site for docking, manipulation and maneuver of motor-freight vehicles, a reservoir of parking area for motor-freight vehicles waiting to be loaded or unloaded, shall be provided at the rate of one parking space sufficient to park a motor freight vehicle for every four loading or unloading docks;
- (5) The site shall be designed in such a manner as to permit forward movement of all vehicles both upon entering and upon leaving the site; and
- (6) The number, location and width of entrances to and exits from the site shall be determined by the Approving Body after recommendations thereon by the Department of Public Works and Bureau of Traffic Engineering.

911.04.A.25 Funeral Home

Funeral Home uses shall be subject to the following standards:

- (a) There shall be no crematory or receiving vault on the premises, and no preparation room or display of merchandise visible from outside the main or accessory building;
- (b) No loading or unloading shall be permitted on public right-of-way; and

- (c) No parking or standing of motor vehicles accessory to the Funeral Home shall occur on adjoining streets other than passenger automobiles when funeral processions are being organized.

911.04.A.26 **Golf Course**

Golf Course uses shall be subject to the following standards:

- (a) All facilities shall be designed to be compatible with the surrounding landscape, such that the minimum possible grading will be required and the minimum disturbance and removal of existing vegetation will be required; and
- (b) The Approving Body shall determine that the design and location of the parking facility is screened from surrounding residential properties and has created the minimum possible disruption to the landscape.

911.04.A.27 **Hazardous Operations**

Hazardous Operations shall be subject to the following standards:

- (a) Hazardous Operations shall not be permitted within 300 feet of any district other than GI;
- (b) Hazardous Operations shall not be permitted within a distance determined by the Fire Department, as necessary to secure special protection to such public facilities as bridges, tunnels, highway interchanges, power stations, communication centers and the like; and
- (c) Suitable measures shall be taken for the disposal of waste without adversely affecting adjacent areas.

911.04.A.28 **Helicopter Landing Facilities**

The following regulations shall govern and control the erection, installation and enlargement of all helicopter facilities, including Heliports, Helipads and Helistops.

- (a) A helicopter landing area shall not be approved if its associated approach/ departure flight path extends over an Elementary or Secondary School which has a minimum of 50 students attending on a regular basis, school stadium, school playground, or school sports field. The Zoning Board of Adjustment or City Council may allow the approach/departure flight path associated with a medical use helicopter landing area to fly over a school if that portion of the flight path is at least 900 feet from the landing area and it can be demonstrated there is no feasible alternative flight path.
- (b) A helicopter landing area shall be located at least 180 feet from a school stadium, playground, school athletic field or public right of way adjacent to and within one-quarter mile of such school facilities. The Zoning Board of Adjustment may allow a medical landing area to be closer if it can be demonstrated that sufficient barriers exist, between the landing area and the pertinent above features, which would assure there would be no fire danger, associated with 350 gallons of jet fuel burning on the landing area, to any person located on the pertinent above features.
- (c) A helicopter landing area shall be located at least 400 feet from an Elementary

- or Secondary School building which has a minimum regular attendance of 50 or more students.
- (d) A helicopter landing area with more than three flights per month occurring between 10:00 p.m. and 7:00 a.m. shall be located at least 400 feet from residential uses in residential, RP, AP, SP, and LNC Districts.
 - (e) A helicopter landing area with three or fewer flights per month occurring between 10:00 p.m. and 7:00 a.m. shall be located at least 300 feet from residential uses in residential, RP, AP, SP, and LNC Districts.
 - (f) A helicopter landing area shall not be permitted on rooftops in the GT and DR Districts.
 - (g) A helicopter landing area shall be spaced at least 2,000 feet from any other helicopter landing area. This spacing requirement may be reduced to 1,500 feet if it is demonstrated that all associated approach/departure flight paths are at least 1,500 feet from one another and there is a compelling need for that landing area that cannot otherwise be met.
 - (h) A helicopter landing area shall be setback at least 50 feet from property lines.
 - (i) A helicopter landing area shall be licensed by State or Federal licensing agencies such as the Pennsylvania Department of Transportation's Bureau of Aviation (PennDOT-BOA) and/or Federal Aviation Administration prior to becoming operational, and shall continue to be in compliance with such licensing regulations.
 - (j) A helicopter landing area shall have primary and secondary approach/ departure paths approved by the Federal Aviation Administration or PennDOT BOA when required. Such flight paths shall reflect cognizance of zoning district height limitations, air rights and topographic features.
 - (k) Any significant change, subsequent to zoning approval, in aircraft related technology employed at the facility or related to the craft using the facility shall be approved by the pertinent State, Federal and local zoning and public safety approval authorities. Such changes include but are not limited to the provision of instrument flight capabilities, change in type of fuel used, use of vertical takeoff/ landing craft other than helicopters, use of helicopters larger than for which the pad was designed applying PennDOT and FAA design criteria, or use of helicopters which produce an increase of 3db in noise levels, measured at a 400 foot distance, over the craft previously used at the site.
 - (l) A helicopter landing area shall maintain a log of all arrivals and departures indicating time of arrival, time of departure, operator and owner. A helicopter medical private use landing area shall maintain a log of all arrivals and departures indicating time of arrival, time of departure, operator, owner and purpose of trip. This log shall be submitted quarterly in April, June, October and January to the Zoning Administrator.
 - (m) A helicopter landing area shall meet any other conditions required by the pertinent approval authorities such as the Zoning Board of Adjustment, City Planning Commission and City Council, and compliance with the City Building Code, relating to hours of operation; number of helicopters based, type of

operations, surface transportation, parking, site circulation, screening or other aspects of the site development or use.

- (n) Applicants for a helicopter landing area shall submit a site plan as depicted by and with the seal of a registered engineer or architect or surveyor depicting pertinent setback and spacing requirements and all associated approach/ departure flight paths. The applicant shall also submit evidence that the Allegheny County Aviation Department (ACAD) has been notified of the landing area proposal and has been invited to comment directly to the Zoning Administrator within a 30-day period commencing on ACAD's receipt of notification.

911.04.A.29 Helipads

Helipads shall comply with the following requirements:

- (a) Helipads shall comply with the Helicopter Landing Facility requirements of Sec. 911.04.A.28;
- (b) An environmental report addressing the pertinent 16 specific environmental categories (out of 20 categories) outlined by the Federal Aviation Administration in Order 5050.4A. Airport Environmental Handbook (as may be amended), shall be submitted by the applicant to the City Planning Commission so that the environmental effects of the proposed heliport along with the proposed use, purpose and need of the heliport can serve as the basis for the Planning Commission's recommendation to City Council concerning approval of the proposed heliport. In evaluating the impact of the environmental categories, the reviewing authority shall adopt and use for helicopter landing areas the regulations and descriptions of the specific impact categories contained in the Federal Aviation Administration Order 5050.4A. Airport Environmental Handbook as may be amended. The 16 categories are:
 - (1) Noise in terms of Ldn via analysis utilizing the FAA helicopter noise model;
 - (2) Compatible land use within 400 feet of the heliport and under approach/departure paths and associated transition zones;
 - (3) Social impacts;
 - (4) Induced socioeconomic impacts;
 - (5) Air quality;
 - (6) Water quality;
 - (7) Department of Transportation Section 4(f) lands involving public parks and recreation areas;
 - (8) Historical, architectural, archaeological and cultural resources;
 - (9) Biotic communities, wildlife refuges or Greenways;
 - (10) Flora and fauna;
 - (11) Wetlands;
 - (12) Floodplains;
 - (13) Energy supply and natural resources;
 - (14) Light emissions;

- (15) Solid waste impacts; and
- (16) Construction impacts.

911.04.A.30 Heliports

Heliports shall be subject to the following standards in the GI and MP Districts:

- (a) Heliports shall comply with the Helicopter Landing Facility requirements of Sec. 911.04.A.28;
- (b) An environmental report addressing the pertinent 16 specific environmental categories (out of 20 categories) outlined by the Federal Aviation Administration in Order 5050.4A. Airport Environmental Handbook (as may be amended), shall be submitted by the applicant to the City Planning Commission so that the environmental effects of the proposed heliport along with the proposed use, purpose and need of the heliport can serve as the basis for the Planning Commission's recommendation to City Council concerning approval of the proposed heliport. In evaluating the impact of the environmental categories, the reviewing authority shall adopt and use for helicopter landing areas the regulations and descriptions of the specific impact categories contained in the Federal Aviation Administration Order 5050.4A. Airport Environmental Handbook as may be amended. The 16 categories are:
 - (1) Noise in terms of Ldn via analysis utilizing the FAA helicopter noise model;
 - (2) Compatible land use within 400 feet of the heliport and under approach/departure paths and associated transition zones;
 - (3) Social impacts;
 - (4) Induced socioeconomic impacts;
 - (5) Air quality;
 - (6) Water quality;
 - (7) Department of Transportation Section 4(f) lands involving public parks and recreation areas;
 - (8) Historical, architectural, archaeological and cultural resources;
 - (9) Biotic communities, wildlife refuges or Greenways;
 - (10) Flora and fauna;
 - (11) Wetlands;
 - (12) Floodplains;
 - (13) Energy supply and natural resources;
 - (14) Light emissions;
 - (15) Solid waste impacts; and
 - (16) Construction impacts.

The report shall also address the heliport's effect on ground transportation, parking, steep slopes, stormwater management, utilities and zoning compliance. In addition to identifying project effects the report shall identify potential mitigation measures for any significant effect and shall address project alternatives (no project, another site or another scale). The environmental report submission is in addition to site plan

requirements and other pertinent information requested by the Zoning Administrator.

911.04.A.31 Helistops

Helistops shall be subject to the following standards:

- (a) Helistops shall comply with the Helicopter Landing Facility requirements of Sec. 911.04.A.28;
- (b) Applicants shall submit a noise analysis demonstrating the noise impact in terms of Ldn. If this analysis demonstrates a +3 dBLdn increase due to the helistop and this increase results in noise levels exceeding 75 dBLdn at residential uses in residential zoning districts, the application shall be denied.
- (c) An environmental report addressing the pertinent 16 specific environmental categories (out of 20 categories) outlined by the Federal Aviation Administration in Order 5050.4A. Airport Environmental Handbook (as may be amended), shall be submitted by the applicant to the City Planning Commission so that the environmental effects of the proposed heliport along with the proposed use, purpose and need of the heliport can serve as the basis for the Planning Commission's recommendation to City Council concerning approval of the proposed heliport. In evaluating the impact of the environmental categories, the reviewing authority shall adopt and use for helicopter landing areas the regulations and descriptions of the specific impact categories contained in the Federal Aviation Administration Order 5050.4A. Airport Environmental Handbook as may be amended. The 16 categories are:
 - (1) Noise in terms of Ldn via analysis utilizing the FAA helicopter noise model;
 - (2) Compatible land use within 400 feet of the heliport and under approach/departure paths and associated transition zones;
 - (3) Social impacts;
 - (4) Induced socioeconomic impacts;
 - (5) Air quality;
 - (6) Water quality;
 - (7) Department of Transportation Section 4(f) lands involving public parks and recreation areas;
 - (8) Historical, architectural, archaeological and cultural resources;
 - (9) Biotic communities, wildlife refuges or Greenways;
 - (10) Flora and fauna;
 - (11) Wetlands;
 - (12) Floodplains;
 - (13) Energy supply and natural resources;
 - (14) Light emissions;
 - (15) Solid waste impacts; and
 - (16) Construction impacts.

911.04.A.32 Helistops in GT, DR, CP, SP, UI, GI and EMI Districts:

The following standards shall apply to all Helistops in GT, DR, CP, SP, UI, GI, and

EMI Districts:

- (a) The applicant shall submit a noise analysis demonstrating the noise impact in terms of Ldn. If this analysis demonstrates a +3 dBLdn increase due to the helistop and this increase results in noise levels exceeding 75 dBLdn at residential uses in R, RP, AP, SP, UNC or LNC Districts, the application shall be denied.
- (b) The applicant shall submit an environmental report addressing environmental categories listed in subsection 911.04.A.30, entitled Heliports in GI Districts.

911.04.A.33 Hotel/Motel (Limited)

(a) in LNC, UNC and NDI Districts

Hotel/Motel (Limited) uses shall be subject to the following standards in the LNC, UNC and NDI Districts:

- (1) The design of the structure shall follow the development standards for commercial uses in the UNC and NDI Districts; and
- (2) Parking demand shall be addressed so as to meet parking needs for both normal and event use, and to discourage parking on nearby residential streets.

911.04.A.34 Hotel/Motel (General)

(a) in UNC, LNC and NDI Districts

Hotel/Motel (General) uses shall be subject to the following standards:

- (1) The design of the structure shall follow the development standards for commercial uses in the UNC Districts;
- (2) Parking demand shall be addressed so as to meet parking needs for both normal and event use, and to discourage parking on nearby residential streets;
- (3) The Approving Body shall determine that such use will not create detrimental impacts on the surrounding properties, taking into consideration the probable traffic generation, the physical relationship of the proposed use and structure to surrounding uses and structures, the emission of noise or glaring light, and proposed accessory uses such as restaurants and meeting facilities; and
- (4) The Approving Body shall request a recommendation from the Planning Director on the Planning aspects of the proposed use and structures.

911.04.A.35 Housing for the Elderly

(a) in all Districts

Housing for the Elderly (Limited and General) shall be subject to the following standards in all districts:

- (1) Certain special features shall be permitted, usually associated with group

living needs for comfort, health, safety and welfare of elderly persons such as dispensaries, medical facilities, common dining facilities, group recreation facilities and similar or related facilities;

- (2) The development should be located in an area of determined need for such housing, but should not be of such a scale as to create a demographic imbalance with the neighborhood;
- (3) The site should be in an area of relatively flat terrain;
- (4) The site should be reasonably accessible to food markets, drug stores, medical facilities and social services;
- (5) The site shall have reasonable access to public transit;
- (6) The development shall provide common dining and social rooms;
- (7) The site shall not be immediately adjacent to noise and pollution producing activities;
- (8) Not less than forty percent (40%) of the required lot shall be in usable open space at ground level, not less than eight feet in width, located, arranged and oriented to provide optimal exposure to fresh air and sunlight, and developed and maintained to suit the needs of elderly people. Equivalent open space, not on the same zoning lot but easily accessible for elderly people located on public land in public control or under contractual agreement with the applicant, may be considered as meeting this requirement; and
- (9) The Approving Body may require additional parking beyond that required in Chapter 914, if it determines that the particular programs or residents of the facility will require such additional parking;

(b) in Residential Districts

Housing for the Elderly shall be subject to the following standards in all residential zoning districts:

- (1) The building shall be designed to be in keeping with the residential character of the surrounding area;
- (2) The Approving Body may permit additional density beyond that permitted in the district, but not to exceed 450 square feet per unit, if it finds that the additional density will not create detrimental impacts on the surrounding properties, taking into consideration the probable traffic generation, the physical relationship of the proposed use and structure to surrounding uses and structures, and the design and location of parking facilities relative to surrounding properties;

(c) In the UI District

Housing for the Elderly uses in the UI District shall be subject to the Site Plan Review procedures of Sec. 922.04.

911.04.A.36 Incinerator, Solid Waste

Incinerator, Solid Waste uses shall be subject to the following standards:

- (a) Technical analysis shall be submitted attesting to the level of emissions of the facility; and
- (b) The Approving Body shall determine that such use will not create detrimental impacts on the surrounding properties, taking into consideration the probable hours of operation, traffic generation, and the emission of odors, fumes, dust, noise, vibration and glaring light.

911.04.A.37 Laboratory, Research Services (Limited and General)

- (a) in NDI and UNC Districts
Laboratory, Research Services (General) uses shall be subject to the following standards in the NDI and UNC Districts:
 - (1) The design of the structure shall follow the development standards for commercial uses in the UNC Districts.

911.04.A.38 Library (Limited)

- (a) in RSD, RSA , RT, RTS, and RM Subdistricts
Library (Limited) uses shall be subject to the following standards in the RSD, RSA, RT, RTS, and RM Subdistricts:
 - (1) The Approving Body shall determine that such use will not create detrimental impacts on the surrounding properties, taking into consideration the probable traffic generation, parking needs, and hours of operation; and
 - (2) The Residential Compatibility Standards of Chapter 916 shall apply.
- (b) in NDO District
Library (Limited) uses shall be subject to the following standards in the NDO District:
 - (1) The Residential Compatibility Standards of Chapter 916 shall apply; and
 - (2) The Site Plan Review Procedures of the Sec. 922.04 shall apply.

911.04.A.39 Manufacturing and Assembly (Limited and General)

- (a) in GT and DR Districts
Manufacturing and Assembly (Limited and General) uses shall be subject to the following standards in the GT and DR Districts:
 - (1) Manufacturing and Assembly uses shall be limited to the following:
 - (i) Laboratories: experimental, photo or motion picture, film or testing;
 - (ii) Manufacture of musical and small precision instruments, watches and clocks, jewelry, toys, novelties, rubber and metal hand stamps, candy and bakery products;
 - (iii) Manufacture of pottery and figurines or other similar ceramic products,

using only previously pulverized clay and kilns fired only by electricity or gas; and

(iv) Printing, lithographing, type composition, ruling and binding establishment.

(2) Manufacturing and Assembly uses shall only be permitted when conducted within a completely enclosed building, and when located above the ground floor.

(b) in NDI and UNC Districts

Manufacturing and Assembly (Limited) uses shall be subject to the following standards in the NDI and UNC Districts:

(1) All uses shall be conducted within a completely enclosed building and shall create no external visible sign of the operation, such as noise, smoke, vibration or other factor;

(2) The design of the structure shall follow the development standards for commercial uses in the UNC District; and

(3) In UNC Districts, the Approving Body shall determine that such use will not create detrimental impacts on the surrounding properties, taking into consideration the probable traffic generation, hours of operation, and the emission of odors, fumes, dust, noise, vibration, and glaring light.

911.04.A.40 Manufacturing and Assembly (General)

(a) in NDI and HC Districts

Manufacturing and Assembly (General) uses shall be subject to the following standards in the NDI and HC Districts:

(1) All uses shall be conducted within a completely enclosed building and shall create no external visible sign of the operation, such as noise, smoke, vibration or other factor; and

(2) The Approving Body shall determine that such use will not create detrimental impacts on the surrounding properties, taking into consideration the probable traffic generation, hours of operation, and the emission of odors, fumes, dust, noise, vibration, and glaring light.

911.04.A.41 Multi-Suite Residential

Multi-Suite Residential (Limited and General) uses shall be subject to the following standards:

(a) Multi-Suite Residential (Limited)

(1) in the RM and Grandview Public Realm Districts

a. The Approving Body shall determine that the proposed use will not create detrimental impacts on the surrounding properties, taking into consideration probable traffic generation, the physical relationship of the

proposed use and structure to surrounding uses and structures, the hours of operation, the impacts of parking on surrounding residential uses, and the size and bulk of the building;

- b. The building shall be designed to be in keeping with the residential character of the surrounding area;
- c. Certain special features shall be permitted, usually associated with shared living arrangements, such as common dining facilities, shared laundry facilities, lounge areas and similar or related facilities;
- d. Parking will be provided at a minimum of 1 space per 2 sleeping rooms;
- e. The Approving Body may require additional parking beyond that required in Chapter 914, if it determines that the particular use of the facility will require such additional parking.

(2) in the LNC District

- a. Site Plan Review shall be required;
- b. The building shall be designed to be in keeping with the character of the surrounding area;
- c. Certain special features shall be permitted, usually associated with shared living arrangements, such as common dining facilities, shared laundry facilities, lounge areas and similar or related facilities;
- d. Parking will be provided at a minimum of 1 space per 2 sleeping rooms.

(b) Multi-Suite Residential (General)

(1) in the LNC District

- a. The building shall be designed to be in keeping with the character of the surrounding area;
- b. Certain special features shall be permitted, usually associated with shared living arrangements, such as common dining facilities, shared laundry facilities, lounge areas and similar or related facilities;
- c. Parking will be provided at a minimum of 1 space per 2 sleeping rooms;
- d. The Approving Body may require additional parking beyond that required in Chapter 914, if it determines that the particular use of the facility will require such additional parking;
- e. The Approving Body shall determine that the proposed use will not create detrimental impacts on the surrounding properties, taking into consideration probable traffic generation, the physical relationship of the proposed use and structure to surrounding uses and structures, the hours of operation, the impacts of parking on surrounding residential uses, and the size and bulk of the building.

(2) in the UI District

- a. The proposed use shall be subject to Site Plan Review;
- b. The building shall be designed to be in keeping with the character of the surrounding area;
- c. Certain special features shall be permitted, usually associated with shared living arrangements, such as common dining facilities, shared laundry facilities, lounge areas and similar or related facilities; and
- d. Parking will be provided at a minimum of 1 space per 2 sleeping rooms.

(3) in Grandview Public Realm Districts

- a. The Approving Body shall determine that the proposed use will not create detrimental impacts on the surrounding properties, taking into consideration probable traffic generation, the physical relationship of the proposed use and structure to surrounding uses and structures, the hours of operation, the impacts of parking on surrounding residential uses, and the size and bulk of the building;
- b. The building shall be designed to be in keeping with the residential character of the surrounding area;
- c. Certain special features shall be permitted, usually associated with shared living arrangements, such as common dining facilities, shared laundry facilities, lounge areas and similar or related facilities;
- d. Parking will be provided at a minimum of 1 space per 2 sleeping rooms;
- e. The Approving Body may require additional parking beyond that required in Chapter 914, if it determines that the particular use of the facility will require such additional parking.

911.04.A.42 Office (General) in LNC District

Office (General) uses in the LNC District shall be subject to the following standards:

- (a) The Approving Body shall determine that the proposed use will not create detrimental impacts on the surrounding properties and district, taking into consideration the probable traffic generation, hours of operation, noise, and light.

911.04.A.43 Office (General) in GI and NDI Districts

(a) in the GI District

Office (General) uses shall be subject to the following standards in the GI District:

- (1) The use shall be allowed only in buildings that were in existence prior to the effective date specified by the provisions of Sec. 901.05 and only when located above the ground floor.

(b) in the NDI District

- (1) The Approving Body shall determine that the proposed use will not create detrimental impacts on the surrounding properties and district, taking into consideration the probable traffic generation, hours of operation, noise, and light.

911.04.A.44 Parking, Commercial (Limited)

Parking, Commercial (Limited) uses shall be subject to the following standards:

- (a) The use shall be located to minimize disruption to pedestrian movements; and
- (b) Curb cuts shall be located a minimum of 60 feet from an intersection and 60 feet from other curb cuts.

911.04.A.45 Parking, Commercial (General)

Parking, Commercial (General) uses shall be subject to the following standards:

- (a) The use shall be located to minimize disruption to pedestrian movements;
- (b) Curb cuts shall be located a minimum of 60 feet from an intersection and 60 feet from other curb cuts; and
- (c) The Approving Body shall determine that such use will not create detrimental impacts on the surrounding properties, taking into consideration the probable traffic generation, hours of operation, noise, and light.

911.04.A.46 Parks and Recreation (Limited and General)

(a) in Residential and Grandview Public Realm Districts

Parks and Recreation (Limited and General) uses shall be subject to the following standards in residential and Grandview Public Realm districts:

- (1) Parking shall be screened from view from adjacent residential properties;
- (2) Buildings shall be designed to be compatible with surrounding residential structures and landscape; and
- (3) The Approving Body shall determine that the proposed use will not create detrimental impacts taking into consideration potential noise generation, traffic generation, and the physical relationship of the proposed use to surrounding structures.

(b) in H Districts

Parks and Recreation (Limited) uses shall be subject to the following standards in H districts:

- (1) No more than 25% of the lot shall be graded.
- (2) Site Plan Review shall be required in accordance with Sec. 922.04.

(c) in GI Districts

Parks and Recreation (Limited and General) uses shall be subject to the following standards in the GI District:

- (1) The proposed use shall be part of an approved plan adopted by the City of

Pittsburgh.

911.04.A.47 Recreation and Entertainment, Indoor (General)

(a) in UNC Districts

Recreation and Entertainment, Indoor (General) uses shall be subject to the following standards in the UNC District:

- (1) The design of the structure shall follow the development standards for commercial uses in the UNC Districts; and
- (2) Parking demand shall be addressed so as to meet parking needs for both normal and event use, and to discourage parking on nearby residential streets.

(b) in PO Districts

Recreation and Entertainment, Outdoor (General) uses shall be subject to the following standards in the PO District:

- (1) Parking demand shall be addressed so as to meet parking needs for both normal and event use, and to discourage parking on nearby residential streets; and
- (2) All facilities shall be designed to be compatible with the surrounding landscape, such that the minimum possible grading will be required and the minimum disturbance and removal of existing vegetation will be required.

(c) In LNC and NDI Districts

- (1) The design of the structure shall follow the development standards for commercial uses in the LNC and NDI Districts; and
- (2) Parking demand shall be addressed so as to meet parking needs for both normal and event use, and to discourage parking on nearby residential streets.

(d) In GI Districts

Recreation and Entertainment, Indoor (General) uses shall be subject to the following standards in the GI District:

- (1) Parking facilities shall be designed and located to avoid disruption of industrial facilities in the area;
- (2) Parking demand shall be addressed so as to meet parking needs for both normal and event use, and to discourage parking on nearby streets;
- (3) A traffic study in a form approved by the Zoning Administrator shall be submitted with the application, and shall address parking and traffic impacts of the proposed development. The transportation study shall illustrate that the proposed development will not create traffic congestion on the surrounding streets;
- (4) The Approving Body shall determine that the proposed use will not create detrimental impacts on the surrounding district, taking into consideration

potential traffic generation, pedestrian access, and hours of operation.

911.04.A.48 Recreation and Entertainment, Indoor (Limited)

(a) in the PO District

Recreation and Entertainment, Indoor (Limited) uses shall be subject to the following standards in the PO District:

- (1) Parking demand shall be addressed so as to meet parking needs for both normal and event use, and to discourage parking on nearby residential streets; and
- (2) All facilities shall be designed to be compatible with the surrounding landscape, such that the minimum possible grading will be required and the minimum disturbance and removal of existing vegetation will be required.

911.04.A.49 Recreation and Entertainment, Outdoor (Limited)

(a) in LNC, NDI and UNC Districts

Recreation and Entertainment, Outdoor (Limited) uses shall be subject to the following standards in the LNC, NDI and UNC Districts:

- (1) All facilities shall be designed to be compatible with the surrounding landscape, such that the minimum possible grading will be required and the minimum disturbance and removal of existing vegetation will be required;
- (2) Parking demand shall be addressed so as to meet parking needs for both normal and event use, and to discourage parking on nearby residential streets; and
- (3) Any enclosure, such as fences and walls, shall be designed to be compatible with surrounding structures and shall not include the use of barbed or razor wire.

(b) in PO Districts

Recreation and Entertainment, Outdoor (Limited) uses shall be subject to the following standards in the PO District:

- (1) The design of the structure shall follow the development standards for commercial uses in the UNC District;
- (2) Parking demand shall be addressed so as to meet parking needs for both normal and event use, and to discourage parking on nearby residential streets;
- (3) Any enclosure, such as fences and walls, shall be designed to be compatible with surrounding structures and shall not include the use of barbed or razor wire; and
- (4) All facilities shall be designed to be compatible with the surrounding landscape, such that the minimum possible grading will be required and the minimum disturbance and removal of existing vegetation will be required.

911.04.A.50 Recreation and Entertainment, Outdoor (General)

(a) in GI District

Recreation and Entertainment, Outdoor (General) uses shall be subject to the following standards in the GI District:

- (1) Parking facilities shall be designed and located to avoid disruption of industrial facilities in the area; and
- (2) Parking demand shall be addressed so as to meet parking needs for both normal and event use, and to discourage parking on nearby streets;
- (3) A traffic study in a form approved by the Zoning Administrator shall be submitted with the application, and shall address parking and traffic impacts of the proposed development. The transportation study shall illustrate that the proposed development will not create traffic congestion on the surrounding streets; and
- (4) The Approving Body shall determine that the proposed use will not create detrimental impacts on the surrounding district, taking into consideration potential traffic generation, pedestrian access, and hours of operation.

(b) in PO District

Recreation and Entertainment, Outdoor (General) uses shall be subject to the following standards in the PO District:

- (1) The design of the structure shall follow the development standards for commercial uses in the UNC District;
- (2) Parking demand shall be addressed so as to meet parking needs for both normal and event use, and to discourage parking on nearby residential streets;
- (3) Any enclosure, such as fences and walls, shall be designed to be compatible with surrounding structures and shall not include the use of barbed or razor wire; and
- (4) All facilities shall be designed to be compatible with the surrounding landscape, such that the minimum possible grading will be required and the minimum disturbance and removal of existing vegetation will be required.

911.04.A.51 Recycling Collection Station

Recycling Collection Stations shall be subject to the following standards:

- (a) Recycling storage containers shall be completely enclosed; and
- (b) Vehicular drop-off areas shall be located a minimum of 60 feet from any intersection or driveway and shall not conflict with residential parking.

911.04.A.52 Recycling Processing Center

(a) in NDI and HC Districts

Recycling Processing Centers shall be subject to the following standards in the

NDI and HC Districts:

- (1) The use shall be conducted within a completely enclosed building;
- (2) Vehicular access shall not be from the primary commercial frontage if access from the rear or side is possible; and
- (3) The Approving Body shall determine that such use will not create detrimental impacts on the surrounding properties, taking into consideration probable traffic generation, truck routes, hours of operation, and noise generation.

911.04.A.53 Religious Assembly (Limited and General)

Religious Assembly (Limited and General) uses shall be subject to the following standards:

- (a) Parking demand shall be addressed so as to meet parking needs for both normal and event use, and to discourage parking on nearby residential streets;
- (b) In residential zoning districts, the Approving Body shall request a report and recommendation from the Planning Director on the planning aspects of the application; and
- (c) Where recommended by the Planning Director, the Approving Body may modify the height, yard, open space, area, and parking requirements;
- (d) The Residential Compatibility Standards of Chapter 916 shall apply; and
- (e) The Approving Body shall determine that such use will not create detrimental impacts on the surrounding properties, taking into consideration the probable traffic generation, parking needs, and hours of operation.

911.04.A.54 Restaurant, Fast Food (Limited)

(a) in LNC, NDI, UI and UNC Districts

Restaurant, Fast Food (Limited) uses shall be subject to the following standards in LNC, NDI, UI and UNC Districts:

- (1) Sufficient trash receptacles shall be provided within and outside of the primary structures to accommodate waste from the facility;
- (2) The entrances, parking, and circulation patterns of the facility shall be located and designed so as to minimize the disruption of pedestrian patterns in the district; and
- (3) The proposed use shall be subject to the Site Plan Review procedures of Sec. 922.04.

(b) in GI Districts

Restaurant, Fast Food (Limited) uses shall be subject to the following standards in GI Districts:

- (1) Off street parking, loading and hours of operation shall be conducted in a manner that does not interfere with any industrial operations in the vicinity.

(c) in PO District

Restaurant, Fast Food (Limited) uses shall be subject to the following standards in the PO District:

- (1) The use shall be located in a building existing on February 26, 1999;
- (2) Parking for the use shall not be provided;
- (3) The Approving Body shall determine that such use will not create detrimental impacts on the surrounding properties, taking into consideration the probable generation of traffic and the location of the use; and
- (4) All facilities shall be designed to be compatible with the surrounding landscape, such that the minimum possible grading will be required and the minimum disturbance and removal of existing vegetation will be required.

911.04.A.55 Restaurant, Fast Food (General)

(a) in GI Districts

Restaurant, Fast Food (General) uses shall be subject to the following standards in the GI District:

- (1) Off street parking, loading and hours of operation shall be conducted in a manner that does not interfere with any industrial operations in the vicinity; and
- (2) The Approving Body shall determine that such use will not create detrimental impacts on the surrounding properties, taking into consideration the probable traffic generation, parking needs, and hours of operation.

(b) in UNC District

Restaurants, Fast Food (General) uses shall be subject to the following standards in UNC Districts:

- (1) The drive-through facility shall be designed to minimize disruptions to pedestrian movements, and shall provide for safe sight distances; and
- (2) The Approving Body shall determine that such use will not create detrimental impacts on the surrounding properties, taking into consideration the probable traffic generation, noise, hours of operation and glaring light.

(c) in the UI District

Restaurant, Fast Food (General) uses shall be subject to the following standards in the UI District:

- (1) Sufficient trash receptacles shall be provided within and outside of the primary structures to accommodate waste from the facility;
- (2) The entrances, parking and circulation patterns of the facility shall be designed so as to minimize the disruption of pedestrian patterns in the district;
- (3) The vehicular entrance and approach to the drive-up window and/or drive-through use shall be clearly delineated by markings, striping and/or signage as determined necessary by the Zoning Administrator; and

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

911.04.A.56 Restaurant (Limited)

(a) in GI District

Restaurant (Limited) uses shall be subject to the following standards in the GI District:

- (1) Parking shall be located in such a way as to avoid conflicts with industrial operations; and
- (2) The Approving Body shall determine that such use will not create detrimental impacts on surrounding properties, taking into consideration the probable traffic generation, parking needs and hours of operation.

(b) in PO District

Restaurant (Limited) uses shall be subject to the following standards in the PO District:

- (1) The use shall be located in a building existing on February 26, 1999;
- (2) Parking for the use shall not be provided;
- (3) The Approving Body shall determine that such use will not create detrimental impacts on the surrounding properties, taking into consideration the probable generation of traffic and the location of the use; and
- (4) All facilities shall be designed to be compatible with the surrounding landscape, such that the minimum possible grading will be required and the minimum disturbance and removal of existing vegetation will be required.

911.04.A.57 Restaurant (General)

(a) in LNC, NDI and UNC Districts

Restaurant (General) uses shall be subject to the following standards in the LNC, NDI and UNC Districts:

- (1) Parking facilities and access shall be designed and located to clearly meet the demand of the facility in a way which does not interfere with parking spaces required for surrounding residential uses; and
- (2) Off-site impacts of the use, which are directly attributed to activities occurring on-site, shall be controlled to avoid conflicts with surrounding residential use.

(b) in GI District

Restaurant (General) uses shall be subject to the following standards in the GI District:

- (1) Parking shall be located in such a way as to avoid conflicts with industrial operations; and

(2) The Approving Body shall determine that such use will not create detrimental impacts on surrounding properties, taking into consideration the probable traffic generation, parking needs and hours of operation.

(c) in PO District

Restaurant (General) uses shall be subject to the following standards in the PO District:

- (1) The use shall be located in a building existing on February 26, 1999;
- (2) Parking for the use shall not be provided;
- (3) The Approving Body shall determine that such use will not create detrimental impacts on the surrounding properties, taking into consideration the probable generation of traffic and the location of the use; and
- (4) All facilities shall be designed to be compatible with the surrounding landscape, such that the minimum possible grading will be required and the minimum disturbance and removal of existing vegetation will be required.

911.04.A.58 Retail Sales and Service (Limited)

(a) in GI Districts

Retail Sales and Service (Limited) uses shall be subject to the following standards in GI District:

- (1) Off-street parking, loading and hours of operation shall be conducted in a manner that does not interfere with any industrial operations in the vicinity.

911.04.A.59 Retail Sales and Services (General)

(a) in GI Districts

Retail Sales and Service (General) uses shall be subject to the following standards in GI District:

- (1) Off-street parking, loading and hours of operation shall be conducted in a manner that does not interfere with any industrial operations in the vicinity.

(b) in UNC District

Retail Sales and Service (General) shall be subject to the following standards in the UNC District:

- (1) Parking facilities and access shall be designed and located to clearly meet the demand of the facility in a way which does not interfere with parking spaces required for surrounding residential uses

(c) in LNC and NDI Districts

Retail Sales and Services (General) shall be subject to the following standards in the LNC and NDI Districts:

- (1) Parking and access facilities shall be designed and located to clearly meet the demand of the facility in a way that does not interfere with parking

spaces required for the surrounding residential uses.

911.04.A.60 Retail Sales and Service, Residential Convenience

Retail Sales and Service, Residential Convenience uses shall be subject to the following standards:

- (a) The use shall be located on the ground-floor a building containing at least 50 dwelling units;
- (b) No direct, exterior entrance to the street or sidewalk shall be permitted; and
- (c) The gross floor area of all such uses within a single building shall not exceed 50% of the gross floor area of the first level of the building.

911.04.A.61 Safety Service

Safety Service uses shall be subject to the following standards:

(a) in all Districts

Curb cuts, driveways, and other vehicular areas shall be designed and located to minimize detrimental impacts on the surrounding residential properties.

(b) in Residential Districts

Safety Service uses shall be subject to the following standards in all residential zoning districts:

- (1) Height, yard, and area requirements shall be those of the residential district in which the facility is located; and
- (2) The Approving Body shall determine that such use will not create detrimental impacts on the surrounding properties, taking into consideration the probable traffic generation, parking needs, truck routes, on-site storage, and noise generation.

(c) in LNC, NDI and UNC Districts

Safety Service uses shall be subject to the following standards in the LNC, NDI and UNC Districts:

- (1) Curb cuts and vehicular drives shall be designed according to the Parking Area Location and Design Standards of Sec. 914.09; and
- (2) The design of the structure shall follow the development standards for commercial uses in the UNC District.

(d) in NDO and PO Districts

- (1) The Approving Body shall determine that such use will not create detrimental impacts on the surrounding properties, taking into consideration the probable traffic generation, parking needs, truck routes, on-site storage, and noise generation.
- (2) A maximum of 50% of the lot shall contain impervious surfaces.

- (3) Parking and driveway area shall be screened from view from adjacent streets and residential uses.

911.04.A.62 Salvage Yard

(a) in GI Districts

Salvage Yard uses shall be subject to the following standards in the GI District:

- (1) The proposed use shall be fully enclosed;
- (2) The proposed use shall be subject to the Screening Standards of Sec. 918.03; and
- (3) The proposed use shall be subject to the Site Plan Review procedures of Sec. 922.04.

911.04.A.63 School, Elementary or Secondary (Limited)

School, Elementary or Secondary (Limited) uses shall be subject the following standards:

(a) in Residential and Grandview Public Realm Districts

- (1) The Residential Compatibility Standards of Chapter 916 shall apply;
- (2) A traffic study in a form approved by the Zoning Administrator shall be submitted with the application, and shall address parking and traffic impacts of the proposed development;
- (3) Parking and access shall be provided in such a way as to protect children from any external impacts of traffic in the vicinity; and
- (4) The Approving Body shall determine that such use will not create detrimental impacts on surrounding properties, taking in to consideration probable traffic generation, parking needs, the size and bulk of the building, and the impacts of uses other than normal hours.

(b) in NDO, LNC, NDI and UI Districts

- (1) The Approving Body shall determine that such use shall not create detrimental impacts on surrounding properties, taking into consideration probable traffic generation, parking needs, the size and bulk of the building, and the impacts of uses outside of normal hours of operation;
- (2) A traffic study in a form approved by the Zoning Administrator shall be submitted with the application, and shall address parking and traffic impacts of the proposed development; and
- (3) Parking and access shall be provided in such a way as to protect children from any external impacts of traffic in the vicinity.

(c) in UNC and HC Districts

- (1) Site Plan Review shall be required; and
- (2) Parking and access shall be provided in such a way as to protect children

from any external impacts of traffic in the vicinity.

911.04.A.64 School, Elementary or Secondary (General)

School, Elementary or Secondary (General) uses shall be subject the following standards:

(a) in Residential and Grandview Public Realm Districts

- (1) The Residential Compatibility Standards of Chapter 916 shall apply;
- (2) A traffic study in a form approved by the Zoning Administrator shall be submitted with the application, and shall address parking and traffic impacts of the proposed development;
- (3) Parking and access shall be provided in such a way as to protect children from any external impacts of traffic in the vicinity; and
- (4) The Approving Body shall determine that such use will not create detrimental impacts on surrounding properties, taking in to consideration probable traffic generation, parking needs, the size and bulk of the building, and the impacts of uses other than normal hours.

(b) in NDO and LNC Districts

- (1) The Approving Body shall determine that such use will not create detrimental impacts on surrounding properties, taking into consideration probable traffic generation, parking needs, the size and bulk of the building, and the impacts of uses outside of normal hours of operation;
- (2) A traffic study in a form approved by the Zoning Administrator shall be submitted with the application, and shall address parking and traffic impacts of the proposed development;
- (3) Parking and access shall be provided in such a way as to protect children from any external impacts of traffic in the vicinity.

(c) in NDI and UI Districts

- (1) The Approving Body shall determine that such use will not create detrimental impacts on surrounding properties, taking into consideration probable traffic generation, parking needs, the size and bulk of the building, and the impacts of uses outside of normal hours of operation;
- (2) A traffic study in a form approved by the Zoning Administrator shall be submitted with the application, and shall address parking and traffic impacts of the proposed development; and
- (3) Parking and access shall be provided in such a way as to protect students from any external impacts of traffic in the vicinity.

(d) in the UNC and HC Districts

- (1) Site Plan Review shall be required;
- (3) Parking and access shall be provided in such a way as to protect children from any external impacts of traffic in the vicinity.

911.04.A.65 Service Station

Service Station uses shall be subject to the following standards:

- (a) Gasoline pumps shall be setback at least 20 feet from any right-of-way. All stands, racks and other features shall be setback at least 35 feet from any right-of-way;
- (b) Curb cuts shall be located at least 60 feet from the tangent points of the curb radius at any street intersection;
- (c) Service stations may have a sign on each pump identifying the pumps in addition to business signs located as permitted under Chapter 919;
- (d) Activities such as car washing, oil changing and greasing must be conducted within a completely enclosed building;
- (e) In the NDI, UNC and LNC Districts, the Approving Body shall determine that such use will be controlled against detrimental impact to surrounding properties, taking into consideration among other things, the probable traffic generation, the physical relationship of the proposed use to the surrounding structures, the probable hours of operation, the distance from places of public assembly and the emission of fumes, odors, dust, noise, vibration or glaring light; and
- (f) Any lot containing a Service Station use shall be located at least 150 feet from any residential zoning district.
- (g) In the LNC District, a maximum of two (2) curb cuts shall be provided, and shall be a minimum of 60 feet apart;
- (h) In the LNC, NDI and UNC districts, the building shall be placed along the same frontage, with the same setbacks, as the abutting buildings, and the parking and driveway areas shall be placed at the back of the building, unless the Approving Body determines that such an arrangement will create security problems or congestion or other operational problems on the site;
- (i) In the LNC, NDI and UNC districts, the Approving Body shall require that the site and any structures form a compatible relationship with the surrounding sites and structures, taking into consideration the building materials, shape of the structures, size of buildings and signs, locations of the structures on the site, and the amount and location of landscaping. The Approving Body shall impose additional conditions as may be necessary for the site and structures to form a compatible relationship with the adjacent and surrounding sites and structures.

911.04.A.66 Assisted Living Facility

(a) Class A

(1) in all Districts

Assisted Living Facility (Class A) uses shall be subject to the following standards in all districts:

- (i) Lot area shall be provided at the rate of 5000 square feet plus 500 square feet for each sleeping room in excess of three. Every unit of two beds, or fraction thereof, in a sleeping room shall be counted as a

separate sleeping room. This provision may be reduced by the Board when the facility is to be located in a building that has been constructed prior to May 10, 1958;

- (ii) Any Assisted Living Facility use shall be limited to no more than one per building, shall not be located in a building that is occupied by any other residential type of use; and shall be spaced no closer than 800 feet from any other authorized Assisted Living Facility, group residence facility or group care facility. This distance shall be measured imposing a circular area on an accurate plan by locating a point on the center of the subject building and by extending a radius of 800 feet. Any other building occupied as an authorized Assisted Living Facility that is located totally within this circular space shall be cause for rejection of the application;
- (iii) Supervision shall be provided in accord with the regulations of the certifying agency(ies) by at least one responsible non-client adult available on the premises on a 24 hour-a-day basis while any of the clients are on the premises;
- (iv) Sleeping rooms shall not be located in any basement or cellar and shall comply with all applicable life-safety codes;
- (v) New buildings shall be situated within the buildable area of the lots as determined by the zoning district regulations; however, the minimum interior side yard setback in residential districts shall be not less than 10 feet; and
- (vi) On-site parking facilities shall be provided at a ratio of one stall for every two full-time staff members and an additional stall for every three non-staff residents who are eligible and are permitted by the operator to operate a motor vehicle.

(2) in Residential and Grandview Public Realm Districts

Assisted Living Facility (Class A) uses shall be subject to the following standards in Residential and Grandview Public Realm Districts:

- (i) The Approving Body shall determine that the proposed use shall not create detrimental impacts to the community taking into consideration the relationship of the proposed use with the surrounding structures, the arrangement, illumination and enclosure of parking facilities, the location and enclosure of trash facilities, the type of signage and that adequate provisions are made for continuing maintenance of the buildings and grounds.

(3) in NDO, LNC and NDI Districts

Assisted Living Facility (Class A) uses shall be subject to the following standards in NDO, LNC and NDI Districts:

- (i) The proposed use shall be subject to the Site Plan Review procedures in accordance with the provisions of Sec. 922.04.

(b) Class B

Assisted Living (Class B) uses shall be subject to the following standards:

- (1) Lot area shall be provided at the rate of 5000 square feet plus 300 square feet for each sleeping room in excess of three. Every unit of two beds, or fraction thereof, in a sleeping room shall be counted as a separate sleeping room. This provision may be reduced by the Board when the facility is to be located in a building that has been constructed prior to May 10, 1958;
- (2) Any Assisted Living Facility use shall be limited to no more than one per building, shall not be located in a building that is occupied by any other residential type of use; and shall be spaced no closer than 800 feet from any other authorized Assisted Living Facility, group residence facility or group care facility. This distance shall be measured imposing a circular area on an accurate plan by locating a point on the center of the subject building and by extending a radius of 800 feet. Any other building occupied as an authorized Assisted Living Facility that is located totally within this circular space shall be cause for rejection the application;
- (3) Supervision shall be provided in accord with the regulations of the certifying agency(ies) by at least one responsible non-client adult available on the premises on a 24 hour-a-day basis while any of the clients are on the premises;
- (4) Sleeping rooms shall not be located in any basement or cellar and shall comply with all applicable life-safety codes;
- (5) New buildings shall be situated within the buildable area of the lots as determined by the zoning district regulations; however, the minimum interior side yard setback in residential districts shall be not less than 10 feet;
- (6) On-site parking facilities shall be provided at a ratio of one stall for every two full-time staff members and an additional stall for every three non-staff residents who are eligible and are permitted by the operator to operate a motor vehicle; and
- (7) The Approving Body shall determine that the proposed use shall not create detrimental impacts to the community taking into consideration the relationship of the proposed use with the surrounding structures, the arrangement, illumination and enclosure of parking facilities, the location and enclosure of trash facilities, the type of signage and that adequate provisions are made for continuing maintenance of the buildings and grounds.

(c) Class C

(1) in all Districts

Assisted Living Facility (Class C) uses shall be subject to the following standards in all districts:

- (i) Lot area shall be provided at the rate of 5000 square feet plus 300

square feet for each sleeping room in excess of three. Every unit of two beds, or fraction thereof, in a sleeping room shall be counted as a separate sleeping room. This provision may be reduced by the Board when the facility is to be located in a building that has been constructed prior to May 10, 1958;

- (i) Any Assisted Living Facility use shall be limited to no more than one per building, shall not be located in a building that is occupied by any other residential type of use; and shall be spaced no closer than 800 feet from any other authorized Assisted Living Facility, group residence facility or group care facility. This distance shall be measured imposing a circular area on an accurate plan by locating a point on the center of the subject building and by extending a radius of 800 feet. Any other building occupied as an authorized Assisted Living Facility that is located totally within this circular space shall be cause for rejection of this application;
- (ii) Supervision shall be provided in accord with the regulations of the certifying agency(ies) by at least one responsible non-client adult available on the premises on a 24 hour-a-day basis while any of the clients are on the premises;
- (iii) Sleeping rooms shall not be located in any basement or cellar and shall comply with all applicable life-safety codes;
- (iv) New buildings shall be situated within the buildable area of the lots as determined by the zoning district regulations; however, the minimum interior side yard setback in residential districts shall be not less than 10 feet; and
- (v) On-site parking facilities shall be provided at a ratio of one stall for every two full-time staff members and an additional stall for every three non-staff residents who are eligible and are permitted by the operator to operate a motor vehicle.

(2) in RM and Grandview Public Realm Districts

In addition to the standards listed above, Assisted Living Facility (Class C) uses shall be subject to the following standards in the RM and Grandview Public Realm Districts:

- (i) The facility shall be designed to appear as a residential structure, and parking shall be located and screened so as to not be visible from adjacent properties or right-of-way;
- (ii) The required lot area shall be determined using the lot area requirements for residential dwelling units, allowing two beds for each dwelling unit; and
- (iii) The Approving Body shall determine that the proposed use shall not create detrimental impacts to the community taking into consideration the relationship of the proposed use with the surrounding structures, the arrangement, illumination and enclosure of parking facilities, the location and enclosure of trash facilities, the type of signage and that adequate

provisions are made for continuing maintenance of the buildings and grounds.

(3) in NDO, LNC, NDI, and UNC Districts

Assisted Living Facility (Class C) uses shall be subject to the following standards in the NDO, LNC, NDI, and UNC District:

- (i) The Approving Body shall determine that the proposed use shall not create detrimental impacts to the community taking into consideration the relationship of the proposed use with the surrounding structures, the arrangement, illumination and enclosure of parking facilities, the location and enclosure of trash facilities, the type of signage and that adequate provisions are made for continuing maintenance of the buildings and grounds.

911.04.A.67 **Laundry Services**

Laundry Service uses shall be subject to the following standards:

- (1) All uses shall be conducted within a completely enclosed building and shall be designed to minimize external signs of the operation, such as noise, odor, smoke, vibration or other factors; and
- (2) The Approving Body shall determine that the proposed use will not create detrimental impacts on the surrounding properties, taking into consideration the probable traffic generation, loading and unloading, hours of operation, and the emission of odors, fumes, dust, noise, vibration, and glaring light;

911.04.A.68 **Sidewalk Cafe**

Sidewalk Cafe uses shall be subject to the following standards:

- (a) The public sidewalk shall be used for tables and chairs only, for use by customers; service equipment shall not be placed on the public sidewalk;
- (b) The use shall be permitted provided that such use is accessory to an existing functioning restaurant which directly abuts the sidewalk or right of way to be utilized and is within the same frontage as the restaurant with which it is to be associated;
- (c) The portion of the sidewalk or right of way to be used shall be no greater than one-half (1/2) of the space measured between the outside face of the curb and the property line. An unobstructed pedestrian passageway of no less than five (5) feet shall be provided between the curb and the cafe area.
- (d) The sidewalk cafe area shall be separated from the designated pedestrian passageway by a removable barrier surrounding the perimeter. The height of the barrier shall be approximately three (3) feet and removed when the cafe is closed. The hole in the sidewalk shall be capped when the barrier is not in place. The barrier shall be of material and design in keeping with the character of the neighborhood;

- (e) No obstruction shall be placed within eighteen (18) inches of the face of any curb, within five (5) feet of any fire exit, fire hydrant, or building corner;
- (f) It shall be determined that the proposed cafe service will in no way endanger the health, safety or welfare of the public or be detrimental to surrounding property values; and
- (g) The Certificate of Occupancy shall not be issued until a sidewalk encroachment document has been approved by the Department of Public Works.

911.04.A.69 Single-Unit Detached Residential

(a) in H Districts

Single-Unit Detached Residential uses shall be subject to the following standards in the H District:

- (1) The structure shall be located on a street meeting the requirements for “Permanent Improvement” as established by the Department of Public Works;
- (2) Public sewerage and water service shall exist to serve the use or be assured;
- (3) Existing vegetation shall be cleared only to the extent needed for the structure, driveway, and outdoor activities which are associated with residential use, and in no case more than 5,000 square feet of the lot shall be cleared;
- (4) Certification shall be made by the Departments of Public Works and Environmental Services and by the Bureau of Fire Protection that the location, capacity and condition of streets and utilities are adequate to serve the proposed development and that the terrain within and in the vicinity of the proposed site and the proposed site development permit reasonable access for emergency and environmental services; and
- (5) Site Plan Review shall be required in accordance with Sec. 922.04.

(b) in PO District

Single-Unit Detached Residential uses shall be subject to the following standards in the PO District:

- (1) Existing vegetation shall be cleared only to the extent needed for the structure, driveway, and outdoor activities which are associated with residential use, and in no case shall more than 5,000 square feet of the lot be cleared;
- (2) Site Plan Review shall be required in accordance with Sec. 922.04; and
- (3) Public sewerage and water service shall exist to serve the use or be assured.

911.04.A.70 Transit Facility

Transit Facility uses shall be subject to the following standards:

- (a) Parking and vehicular storage areas shall be screened according to the Landscaping and Screening Standards of Chapter 918;
- (b) Pedestrian walkways and loading areas shall be designed to be an integral part of the surrounding street system, and to minimize conflicts with vehicles; and
- (c) Site development standards, off-street parking and loading requirements and landscaping and screening standards shall be established by the Planning Commission, based on an evaluation of the specific Transit Facility proposal.

911.04.A.71 Utility (Limited)

(a) in Residential, Commercial, Public Realm and PO Districts

Utility (Limited) uses shall be subject to the following standards in all residential and commercial zoning districts:

- (1) Overhead lines shall be organized, designed and located to avoid conflict with existing trees and other existing landscape features;
- (2) Where wiring or cables are intended to serve new structures of more than ten new residential units, or new structures of two or more nonresidential buildings within a single development, lines and cables shall be located underground;
- (3) Accessory structures shall not be located in the street side yard; and
- (4) When located in an interior side yard, accessory equipment shall be completely screened from view except as needed for access, according to the Landscaping and Screening Standards of Chapter 918.

911.04.A.72 Utility (General)

Utility (General) uses shall be subject to the following standards:

- (a) In all districts, all facilities which can physically and technically be within an enclosed building shall be within a completely enclosed building;;
- (b) In all districts other than GI, the design of the structure shall follow the development standards for commercial uses in the UNC District;
- (c) The Approving Body shall require additional landscaping and screening of the facility if required to sufficiently screen the facility from surrounding properties; and
- (d) The Approving Body shall determine that such use will not create detrimental impacts on surrounding properties, taking into consideration the probable traffic generation, the physical relationship of the proposed use and structure to the surrounding uses and structures, the probable hours of operation, the design and location of areas for parking and maneuvering of vehicles, and the emission of odors, fumes, dust, noise, vibration, or glaring light.

911.04.A.73 Vehicle/Equipment Repair (Limited)

- (a) in the LNC, NDI and UNC Districts
Vehicle/Equipment Repair (Limited) uses shall be subject to the following standards in the LNC, NDI and UNC Districts:
- (1) The use shall be located within a completely enclosed structure;
 - (2) The facility shall be designed according to the development standards for commercial uses in the district;
 - (3) The building housing such use shall be located at least 30 feet from any right-of-way line and at least 60 feet from any lot in a residential zoning district; and
 - (4) Access to such use shall not be provided from a primary commercial frontage where access from the rear is possible.
 - (5) In the NDI and UNC Districts, the Approving Body shall determine that such use will not create detrimental impacts on the surrounding properties, taking into consideration the probable traffic generation, parking, pedestrian safety, noise and hours of operation.

- (b) in the GT and DR Districts
Vehicle/Equipment Repair (Limited) uses shall be subject to the following standards in the GT and DR Districts:
- (1) The uses shall be only permitted as accessory uses within a larger structure;
 - (2) Vehicular access shall not be provided from the primary commercial frontage where rear vehicular access is possible; and
 - (3) All repair and service work to vehicles shall be conducted within an entirely enclosed structure, and no such work shall be conducted in a location which is visible from adjacent properties or a right-of-way.

911.04.A.74 Vehicle/Equipment Repair (General)

- Vehicle/Equipment Repair (General) uses shall be subject to the following standards:
- (a) The building housing such use shall be located at least 30 feet from any right-of-way line and at least 60 feet from any lot in a residential zoning district;
 - (b) Access to such facility shall not be provided from a primary commercial frontage where access from the rear is possible; and
 - (c) In the NDI and UNC Districts, the Approving Body shall determine that such use will not create detrimental impacts on the surrounding properties, taking into consideration the probable traffic generation, parking, pedestrian safety, noise and hours of operation.

911.04.A.75 Vehicle/Equipment Sales (Limited)

- (a) in LNC, UNC and NDI Districts
Vehicle/Equipment Sales (Limited) shall be subject to the following standards in the LNC, UNC and NDI Districts:
- (1) The facility shall be designed according to the development standards for

- commercial uses in the district; and
- (2) Curb cuts and vehicular drives shall be designed according to the Parking Area Location and Design Standards of Sec. 914.09.

911.04.A.76 Vehicle/Equipment Sales (General)

Vehicle/Equipment Sales (General) shall be subject to the following standards:

(a) in the UNC and NDI Districts

- (1) The facility shall be designed according to the development standards for commercial uses in the district;
- (2) Curb cuts and vehicular drives shall be designed according to the Parking Area Location and Design Standards of Sec. 914.09;
- (3) The Approving Body shall determine that such use will not create detrimental impacts on surrounding properties, taking into consideration probable parking needs, traffic generation, and the design and location of areas for parking and maneuvering of vehicles.

(b) in the HC District

- (1) The facility shall be designed according to the development standards for commercial uses in the district;
- (2) Curb cuts and vehicular drives shall be designed in accordance to the Parking Area Location and Design Standards of Sec. 914.09;
- (3) The Landscaping and Screening Standards of Chapter 918 shall apply; and
- (4) Site Plan Review shall be required.

(c) in the UI District

- (1) The facility shall be designed according to the development standards for commercial uses in the district;
- (2) Curb cuts and vehicular drives shall be designed in accordance to the Parking Area Location and Design Standards of Sec. 914.09;
- (3) The Landscaping and Screening Standards of Chapter 918 shall apply; and
- (4) Site Plan Review shall be required.

911.04.A.77 Vocational School (General)

Vocational School (General) uses shall be subject to the following standards:

(a) in all Districts

The facility shall be designed according to the development standards for commercial uses in the district.

(b) in NDI Districts

- (1) The Approving Body shall determine that such use will not create detrimental impacts on surrounding properties, taking into consideration probable traffic generation, parking needs, the size and bulk of the building,

- and the impacts of uses outside of normal hours of operation; and
- (2) A traffic study in a form approved by the Zoning Administrator shall be submitted with the application, and shall address parking and traffic impacts of the proposed development.

911.04.A.78 Warehouse (General)

Warehouse (General) uses shall be subject to the following standards:

- (a) in the HC District
- (a1) Every portion of the property used for Warehouse (General) uses shall be located not closer than 200 feet from any property in a R or H District, and 100 feet from any property in a NDI, UNC or LNC District;
 - (b2) All maneuvering of vehicle shall be on-site;
 - (c3) Curb cuts shall be minimized to the maximum extent feasible in order to achieve access to the site; and
 - (d4) The Approving Body shall determine that such use will not create detrimental impacts on the surrounding properties, taking into consideration the probable truck maneuvering, traffic generation, paved surfaces, glaring lights and hours of operation.
- (b) in the UI District
- Warehouse (General) uses shall be subject to the following standards in the UI District:
- (1) Every portion of the property used for Warehouse (General) uses shall be located not closer than 200 feet from any property in an R or H District, and 100 feet from any property in an NDI, UNC, or LNC District;
 - (2) All maneuvering of vehicles shall be on-site;
 - (3) Curb cuts shall be minimized to the maximum extent feasible in order to achieve access to the site; and
 - (4) The proposed use shall be subject to the Site Plan Review procedures of Sec. 922.04.

911.04.A.79 Welding or Machine Shop

Welding or Machine Shop uses shall be subject to the following standards:

- (a) in the NDI and HC Districts
- (1) The use shall be conducted within a completely enclosed building and shall create no external visible sign of the operation, such as noise, smoke, vibration or other factor; and
 - (2) The Approving Body shall determine that such use will not create detrimental impacts on the surrounding properties, taking into consideration the probable traffic generation, hours of operation, and the emission of odors, fumes, dust, noise, vibration, and glaring light.

- (b) in the UI District
 - (1) The proposed use shall be subject to the Site Plan Review procedures of Sec. 922.04.

911.04.A.80 Nursery, Retail (Limited and General)

Nursery, Retail (Limited and General) uses shall be subject to the following standards:

- (a) **Nursery, Retail (Limited) in PO districts**
 - (1) Parking shall be provided in a location and manner that allows for all parking required by the facility, and all traffic created by the facility, to be located outside of residential districts;
 - (2) All facilities shall be designed to be compatible with the surrounding landscape, such that the minimum possible grading will be required and the minimum disturbance and removal of existing vegetation will be required.
- (b) **Nursery, Retail (Limited) in NDO and LNC districts**

The proposed use shall be subject to the Landscaping and Screening Standards of Chapter 918.
- (c) **Nursery, Retail (General) in NDI District**
 - (1) The proposed use shall be subject to the Site Plan Review procedures of Sec. 922.04;
 - (2) The proposed use shall be subject to the Landscaping and Screening Standards of Chapter 918; and
 - (3) Parking demand shall be addressed so as to meet parking needs and to discourage parking on nearby streets.
- (d) **Nursery, Retail (General) in GI Districts**
 - (1) The proposed use shall be subject to the Site Plan Review procedures of Sec. 922.04; and
 - (2) Parking demand shall be addressed so as to meet parking needs and to discourage parking on nearby streets.

911.04.A.81 Medical Office (Limited and General)

- (1) in the NDO District

Medical Office (Limited) uses shall be subject to the following standards in the NDO District:

 - (i) The proposed use shall be subject to the Residential Compatibility Standards of Chapter 916; and
 - (ii) The proposed use shall be subject to the Landscaping and Screening Standards of Chapter 918.
- (2) in the LNC and NDI Districts

Medical Office (Limited) uses shall be subject to the following standards in the LNC and NDI Districts:

- (i) The proposed use shall be subject to the Site Plan Review procedures of Sec. 922.04.
- (3) in GI Districts
Medical Office (Limited) uses shall be subject to the following standards in the GI District:
 - (1) The proposed use shall be subject to the Site Plan Review procedures of Sec. 922.04; and
 - (2) The proposed use shall be located within an existing structure.

911.04.A.82 Grocery Store (Limited)

Grocery Store (Limited) uses shall be subject to the following standards:

- (a) in LNC, NDI and UNC Districts
 - (1) Site Plan review shall be required;
 - (2) Parking facilities and access shall be designed and located to minimize impacts on the surrounding properties and the district as a whole.
- (b) in GI Districts
Grocery (Limited) uses shall be subject to the following standards in GI District:
 - (1) Off street parking, loading and hours of operation shall be conducted in a manner that does not interfere with any industrial operations in the vicinity.

911.04.A.83 Grocery Store (General)

- (a) in GI Districts
Grocery Store (General) uses shall be subject to the following standards in GI District:
 - (1) Off street parking, loading and hours of operation shall be conducted in a manner that does not interfere with any industrial operations in the vicinity.
- (b) in UNC and UI Districts
Grocery Store (General) shall be subject to the following standards in the UNC and UI Districts:
 - (1) Parking facilities and access shall be designed and located to clearly meet the demand of the facility in a way that does not interfere with parking spaces required for surrounding residential uses; and
 - (2) The proposed use shall be subject to the Site Plan Review Procedures of Sec. 922.04.
- (c) in LNC and NDI Districts

Grocery Store (General) shall be subject to the following standards in the LNC and NDI Districts:

- (1) Parking and access facilities shall be designed and located to clearly meet the demand of the facility in a way that does not interfere with parking spaces required for the surrounding residential uses;
- (2) The Approving Body shall determine that such use will not create detrimental impacts on surrounding residential properties, considering, among others, the following factors: the adequacy of parking and loading facilities, trash storage, traffic generation, pedestrian access, exhaust odors, vibration, dust, noise, outdoor lighting, signage, and landscape features.
- (3) The Approving Body shall determine that such use will not create detrimental impacts on surrounding properties considering the compatibility of the proposed uses with the surrounding and adjacent uses.

911.04.A.84 Community Home

Community Home uses shall be subject to following standards in all districts:

- (a) The dwelling unit shall have one primary means of ingress/egress, a single outside mail box, single utility connections (except for telephone, computer and cable service), and common eating/cooking areas;
- (b) The use shall not require alteration to the exterior structure except where otherwise permitted for single family residential dwellings or where required under health/safety codes;
- (c) The number of unrelated disabled persons shall not exceed an average of one per bedroom. The following persons shall not be included in determining the average number of persons per bedroom in the Community Home: persons with a permanent personal relationship choosing to share a bedroom with a disabled resident of the Community Home, parents or legal guardians of a resident of the Community Home who choose to live in said home. Further, the use shall not require substantial alterations to the interior of the structure for the purpose of creating additional bedrooms;
- (d) On-site parking spaces shall be provided at the ratio of one stall for every three persons on duty;
- (e) Any office located in the dwelling unit shall be limited to on-site program use only; and
- (e) The Approving Body shall determine that the establishment of the Community Home will not detrimentally impact the neighborhood by contributing to the saturation of Community Homes or social service institutions.

911.04.A.85 Multi-Unit Residential

(a) In the UI District

Multi-Unit Residential uses in the UI District shall be subject to the following standards:

- (1) All residential units shall be limited to floors above the ground floor of the

building; and

- (2) The Approving Body shall determine that the proposed use shall create detrimental impacts on the surrounding district, taking into consideration the probable traffic generation, parking needs, noise generation, and the hours of operation.

(b) in the EMI District

Multi-Unit Residential uses shall be subject to the following standards in the EMI District:

- (1) The proposed use shall be subject to the Residential Compatibility Standards of Chapter 916; and
- (2) The Approving Body shall determine that the proposed use will not create detrimental impacts on surrounding residential properties, taking into consideration the compatibility of the proposed use with the surrounding and adjacent properties; the generation of light and noise from the proposed use; parking, loading and access.

911.04.A.86 Warehouse, Residential Storage

(a) in the NDI District

Warehouse, Residential Storage uses shall be subject to the following standards in the NDI District:

- (1) The Approving Body shall determine that the proposed use will not create detrimental impacts on surrounding properties, taking into consideration the probable traffic generation, the physical relationship of the proposed use and structure to the surrounding uses and structures, the probable hours of operation, and the design and location of parking and loading areas;
- (2) The proposed use shall be subject to the Landscaping and Screening Standards of Chapter 918; and
- (3) Curb-cuts shall be minimized to the maximum extent feasible in order to achieve access to the site.

911.04.A.87 Parking Structure (Limited and General)

(a) Parking Structure (Limited)

(1) In NDO, LNC and NDI Districts

Parking Structure (Limited) uses shall be subject to the following standards in the NDO, LNC, and NDI Districts:

- (i) A needs assessment study shall be supplied to the Approving Body by the applicant in order to demonstrate the necessity of the proposed use in the district;
- (ii) The Approving Body shall determine that such use shall not create

detrimental impacts on the surrounding properties, taking into account the probable traffic generation, the physical relationship of the proposed use and structure to surrounding uses and structures, the impacts of traffic generation on surrounding residential and commercial uses, hours of operation, noise and light;

- (i) The use shall be located to minimize disruption to pedestrian movements;
- (iii) The Residential Compatibility Standards of Chapter 916 shall apply;
- (iv) Curb cuts shall be located a minimum of 60 feet from an intersection and 60 feet from other curb cuts;
- (v) The vehicular entrance and approach to the Parking Structure shall be clearly delineated by markings, striping and/or signage as determined by the Zoning Administrator;
- (vi) The design shall include devices which are intended to minimize noise associated with the mechanical systems of the facility from being heard on other properties in the vicinity;
- (vii) The height and bulk of the proposed structure shall be designed as to minimize blocking of views from adjacent residential properties; and
- (viii) A traffic analysis shall be submitted demonstrating that the proposed development will not create traffic congestion in the district.

(2) in the UI District

Parking Structure (Limited) uses shall be subject to the following standards in the UI District:

- (i) The use shall be located to minimize disruption to pedestrian movements;
- (ii) Curb cuts shall be located a minimum of 60 feet from an intersection and 60 feet from other curb cuts;
- (iii) The vehicular entrance and approach to the Parking Structure shall be clearly delineated by markings, striping and/or signage as determined by the Zoning Administrator;
- (iv) The design shall include devices which are intended to minimize noise associated with the mechanical systems of the facility from being heard on other properties in the vicinity; and
- (v) The height and bulk of the proposed structure shall be designed as to minimize blocking of views from adjacent residential properties.

(b) Parking Structure (General)

(1) in LNC Districts

Parking Structure (General) uses shall be subject to the following standards in the LNC Districts:

- (i) A needs assessment study shall be supplied to Approving Body by the applicant in order to demonstrate the necessity of the proposed use in

the district;

- (ii) The Approving Body shall determine that such use shall not create detrimental impacts on the surrounding properties, taking into account the probable traffic generation, the physical relationship of the proposed use and structure to surrounding uses and structures, the impacts of traffic generation on surrounding residential and commercial uses, hours of operation, noise and light;
- (iii) The use shall be located to minimize disruption to pedestrian movements;
- (iv) The Residential Compatibility Standards of Chapter 916 shall apply;
- (v) Curb cuts shall be located a minimum of 60 feet from an intersection and 60 feet from other curb cuts;
- (vi) The vehicular entrance and approach to the Parking Structure shall be clearly delineated by markings, striping and/or signage as determined by the Zoning Administrator;
- (vii) The design shall include devices which are intended to minimize noise associated with the mechanical systems from being heard on other properties in the vicinity;
- (viii) The height and bulk of the proposed structure shall be designed as to minimize blocking of views from adjacent residential properties; and
- (ix) A traffic analysis shall be submitted demonstrating that the proposed development will not create traffic congestion in the district.

(2) in NDI, UNC and UI Districts

Parking Structure (General) uses shall be subject to the following standards in the NDI, UNC and UI Districts:

- (i) The Approving Body shall determine that such use shall not create detrimental impacts on the surrounding properties, taking into account the probable traffic generation, the physical relationship of the proposed use and structure to surrounding uses and structures, the impacts of traffic generation on surrounding residential and commercial uses, hours of operation, noise and light;
- (ii) The use shall be located to minimize disruption to pedestrian movements;
- (iii) Curb cuts shall be located a minimum of 60 feet from an intersection and 60 feet from other curb cuts;
- (iv) The vehicular entrance and approach to the Parking Structure shall be clearly delineated by markings, striping and/or signage as determined by the Zoning Administrator;
- (v) The design shall include devices are intended to minimize noise associated with mechanical systems of the facility from being heard on other properties in the vicinity;
- (vi) The height and bulk of the proposed structure shall be designed as to

minimize blocking of views from adjacent residential properties; and
(vii) A traffic analysis shall be submitted demonstrating that the proposed development will not create traffic congestion in the district.

(3) in HC District

Parking Structure (General) uses shall be subject to the following standards in the HC District:

- (i) The use shall be located to minimize disruption to pedestrian movements;
- (ii) Curb cuts shall be located a minimum of 60 feet from an intersection and 60 feet from other curb cuts;
- (iii) The vehicular entrance and approach to the Parking Structure shall be clearly delineated by markings, striping and/or signage as determined by the Zoning Administrator;
- (iv) The design shall include devices which are designed to minimize noise associated with the mechanical systems of the facility from being heard on other properties in the vicinity; and
- (v) The height and bulk of the proposed structure shall be designed as to minimize blocking of views from adjacent residential properties.

(4) in GT and DR Districts

Parking Structure (Limited) shall be subject to the following standards in the GT and DR Districts:

- (i) The Approving Body shall determine that such use shall not create detrimental impacts on the surrounding properties, taking into account the probable traffic generation, the physical relationship of the proposed use and structure to surrounding uses and structures, the impacts of traffic generation on surrounding residential and commercial uses, hours of operation, noise and light;
- (ii) The use shall be located to minimize disruption to pedestrian movements;
- (iii) Curb cuts shall be located a minimum of 60 feet from an intersection and 60 feet from other curb cuts; and
- (iv) The vehicular entrance and approach to the Parking Structure shall be clearly delineated by markings, striping and/or signage as determined by the Zoning Administrator.

Chapter 912: Accessory Uses and Structures

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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. Fences, walls and retaining walls;
2. Gardens;
3. 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;
4. Carports and off-street parking areas;
5. Gates and guard houses;
6. Storm shelter and fallout shelters
7. Home occupations, subject to Sec. 912.05;
8. Playhouses, patios, cabanas, porches, decks, gazebos and incidental household storage buildings;
9. Radio and television receiving antennas and support structures, including satellite dishes less than 32 inches in diameter;
10. Swimming pools and other recreational and play facilities for the use of residents;

11. Solar energy systems;
12. 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. Dwelling units, other than mobile homes, for security or maintenance personnel;
2. Fences and walls;
3. Gates and guard houses;
4. Cafeterias, dining halls and similar food services when operated primarily for the convenience of employees, residents, clients, or visitors to the primary use;
5. Gift shops, news stands and similar commercial activities operated primarily for the convenience of employees, residents, clients, or visitors to the primary use;
6. Parking garages and off-street parking areas;
7. Radio and television receiving antennas and support structures, including satellite dishes less than 32 inches in diameter;
8. 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. (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. Accessory structures and uses shall be set back at least five feet from the rear lot line when the rear lot line is not adjacent to a way. Accessory structures and uses be set back at least two 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 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.

912.04.E ***Height***

No accessory structure shall exceed 15 feet or one story in height in a residential zoning district or 20 feet in height in a nonresidential zoning district.

912.04.F ***Building Separation***

Unless attached to the primary structure, accessory structures shall be located at least three feet from a primary structure.

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***

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 axles, unless completely shielded from view of adjacent property.

912.05.B.3 ***Traffic***

A home occupation shall not generate more than six one-way vehicle trips (trip-ends) per 24-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 applicant of any right of "natural expansion" or other right to expand beyond those limits.

Chapter 913: Use Exceptions and Conditions Not Listed in Use Table

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913.01 **General**

The purpose of this chapter is to provide a complete listing and reference to all Administrator Exceptions, Special Exceptions and Conditional Uses which are not found within the Use Table of Chapter 911.

913.02 **Administrator Exceptions**

The following uses shall be allowed as Administrator Exceptions in accordance with the Review Procedures of Sec. 922.08.

913.02.A ***Riverfront Overlay District***

1. Development Review Procedures (Sec. 906.03.D)
2. Riverfront Setbacks for Planned Unit Development Districts (Sec. 906.03.E.1)
3. Exception to Riverfront Setback Requirement (Sec. 906.03.E.2)
4. Water Enhanced or Water Oriented Uses and Structures (Sec. 906.03.E.3)
5. Water Oriented Uses in the Conservation Subdistrict (Sec. 906.03.F.2(b)(1))
6. Parks and Recreation Uses (General) in the Conservation Subdistrict (Sec. 906.03.F.2(b)(2))
7. Construction or Development in a Conservation Subdistrict of the Riverfront Overlay District (Sec. 906.03.F.2(b)(3))
8. Construction or Development in a Conservation Corridor (Sec. 906.03.F.2(b)(4))
9. Water Oriented Uses in the Development Subdistrict (Sec. 906.03.F.3(b)(1))
10. Parks and Recreation Uses (General) in the Development Subdistrict (Sec. 906.03.F.3(b)(2))
11. Construction or Development in a Development Subdistrict of the Riverfront Overlay District (Sec. Sec. 906.03.F.3(b)(3))

913.02.B ***Undermined Area Overlay District***

1. Single-Unit Dwellings (Sec. 906.05.B.2)

913.02.C ***Golden Triangle District***

1. Limited Enlargement on a Lot not Complying with Urban Open Space Requirements (Sec. 910.01.E.1)
2. Open Air Restaurant and Ice-Skating Rinks in Urban Open Space (Sec. 910.01.E.2)

913.02.D ***Downtown Riverfront District***

1. Conversion of Existing Buildings to Museum Use (Sec. 910.02.E.1)
2. Structures which Penetrate the Inclined Height Plane (Sec. 910.02.E.2)

913.02.E ***Parking Loading and Access Regulations***

1. Review and Approval Procedure for Small Facilities (Sec. 914.07.D.1)
2. Shared Parking (Sec. 914.07.G.1(a))
3. Valet Parking (Sec. 914.07.G.1(b))
4. Exceptions to Parking and Loading Area Dimensional Standards (Sec. 914.11.B.1)
5. Exceptions to Off-Street Loading Schedule (Sec. 914.11.B.2)
6. Shared and Off-Site Loading (Sec. 914.11.B.3)
7. Exception to Off-Street Parking Requirements for Infill Housing (Sec. 914.11.B.4)

913.02.F ***Other Administrator Exceptions***

1. Alternative Compliance to Landscaping and Screening Requirements (Sec. 918.06)
2. Features Allowed Within Setbacks (Sec. 925.06.G)

913.03 ***Special Exceptions***

The following uses shall be allowed as Special Exceptions in accordance with the Review Procedures of Sec. 922.07.

913.03.A ***Urban Neighborhood Commercial District***

1. Special Exception for Height (Sec. 904.04.C.4)

913.03.B ***Public Realm District***

1. Height Exception in the Grandview Subdistrict B (Sec. 908.02.G.2(b))
2. Height Exception in the Grandview Subdistrict C (Sec. 908.02.G.3(b))
3. Special Exceptions in Grandview Public Realm District (Sec. 908.02.H)

913.03.C ***Accessory Uses***

1. Special Exception for Employees to a Home Occupation (Sec. 912.05.B.1)

913.03.D ***Parking Loading and Access***

1. Review and Approval Procedure for Large Facilities (sec. 914.07.D.2)
2. Off-Site Parking (Sec. 914.07.G.2(a))
3. Bicycle Parking (Sec. 914.07.G.2(b))
4. Transportation Management Plan (Sec. 914.07.G.2(c))
5. Transit Stops (Sec. 914.07.G.2(d))
6. Exception to Off-Street Parking Schedule (Sec. 914.11.A.1)

7. Parking Areas Accessory to Non-Conforming Uses (Sec. 914.11.A.2)

913.03.E ***Other Special Exceptions***

1. Special Exception for Waiver of Residential Compatibility Standards (Sec. 916.09)
2. Waiver of Operational Performance Standards (Sec. 917.06)

913.03.F ***Drive-Up Windows and Drive-Through Uses***

Drive-up windows and drive-through uses shall be allowed by Special Exception in the LNC, NDI and UNC Districts in accordance with the Review Procedures of Section 922.07. The following standards shall apply:

- (1) The drive-up window and/or drive-through use shall not require an additional curb-cut in the pedestrian right-of-way;
- (2) The vehicular entrance and approach to the drive-up window and/or drive-through use shall be clearly delineated by markings, striping and/or signage as determined necessary by the Zoning Board of Adjustment;
- (3) The drive-up window and/or drive-through use shall be clearly incidental to a primary use; and
- (4) The Zoning Board of Adjustment shall determine that such use will not create detrimental impact on surrounding properties, taking into consideration probable traffic generation, the physical relationship of the proposed use and structure to surrounding uses and structures, the probable hours of operations, and the impacts of traffic generation on surrounding residential and commercial uses.

913.04 **Conditional Uses**

The following uses shall be allowed as Conditional Uses in accordance with the Review Procedures of Sec. 922.06.

913.04.A ***Flood Plain Overlay District***

1. Uses Classified as Conditional Uses in the Underlying Zoning Districts (Sec. 906.02.G.2(a))
2. Development that May Endanger Human Life (Sec. 906.02.G.2(b))
3. Special Hazards (Sec. 906.02.G.2(c))

913.04.B ***Riverfront Overlay District***

1. Water Enhanced Uses in the Conservation Subdistrict (Sec. 906.03.F.2(d)(1))
2. Launching Ramps in the Conservation Subdistrict (Sec. 906.03.F.2(d)(2))
3. Marinas in the Conservation Subdistrict (Sec. 906.03.F.2(d)(3))
4. Commercial Boat Operations that are Available for Public Admission Charge or Charter in the Conservation Subdistrict (Sec. 906.03.F.2(d)(4))
5. Public Utility and Mass Transportation Facilities (Sec. 906.03.F.2(d)(5))
6. Water Enhanced Uses in the Development Subdistrict (Sec. 906.03.F.3(d)(1))
7. Launching Ramps in the Development Subdistrict (Sec. 906.03.F.3(d)(2))
8. Marinas in the Development Subdistrict (Sec. 906.03.F.3(d)(3))

9. Commercial Boat Operations that are Available for Public Admission Charge or Charter in the Development Subdistrict (Sec. 906.03.F.3(d)(4))
10. Public Utility and Mass Transportation Facilities in the Development Subdistrict (Sec. 906.03.F.3(d)(5))

913.04.C ***Golden Triangle District***

1. Density and Intensity Transfers (Sec. 910.01.D.1)
2. Electronic Sign Messages (Sec. 910.01.D.2)

913.04.D ***Downtown Riverfront District***

1. Density and Intensity Transfers (Sec. 910.02.D.1)
2. Electronic Sign Messages (Sec. 910.02.D.2)

Chapter 914: Parking Loading and Access Standards

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914.01 **General**

914.01.A Purpose

The purpose of these regulations is to:

1. Allow flexibility in addressing vehicle parking, loading, and access issues;
2. Present a menu of strategies to solve parking issues rather than parking space requirements;
3. Maintain and enhance a safe and efficient transportation system that is consistent with environmental goals and clean air; and
4. Ensure that off-street parking, loading, and access demands associated with new development will be met without adversely affecting other nearby land uses and surrounding neighborhoods.

914.01.B Applicability

914.01.B.1 New Development

The parking, loading and access standards of this chapter shall apply to any new building constructed and to any new use established, in accordance with the standards of this chapter.

914.01.B.2 Expansions and Alterations

The parking, loading and access standards of this Chapter shall apply when an existing structure or use is expanded or enlarged. Additional off-street parking and loading spaces shall be required only to serve the enlarged or expanded area, not the entire building or use.

914.01.B.3 Change of Occupancy

Off-street parking and loading facilities shall be provided for any change of occupancy or manner of operation that would, based on Parking Schedules A or B

(Sec. 914.02.A and Sec. 914.02.B) or the Off-Street Loading Schedule of Sec. 914.10, result in a requirement for more parking or loading spaces than the existing or more recent use. Additional parking or loading spaces shall be required only in proportion to the extent of the change, not for the entire building or use.

914.01.C ***No Reduction Below Minimums and No Increase Above Maximums***
Existing parking and loading spaces shall not be reduced below the minimums required in this Chapter, nor shall spaces be provided in excess of stated maximums. Any change in use that increases applicable off-street parking or loading requirements shall be a violation of this code unless parking and loading spaces are provided in accordance with the provisions of this Chapter.

914.01.D ***Nonconforming Status***
A use that was legally established prior to the adoption of this ordinance shall not be deemed nonconforming solely as a result of providing fewer than the minimum number or more than the maximum number of off-street parking or loading spaces established in Sec. 914.02.A or Sec. 914.02.B.

914.01.E ***Compliance with Zoning District Regulations***
Unless otherwise specifically stated, off-street parking, loading and circulation areas shall comply with the property development standards of the zoning district in which they are located.

914.02 **Off-Street Parking Schedules**

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

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	1 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 Housing for the Elderly	1 per 4 residents Parking Demand Analysis Required, see Sec. 914.02.B	No maximum
Non-Residential Uses		
Adult Entertainment	1 per 500 s.f. above first 2400 s.f.	1 per 150 s.f.
Amusement Arcade	1 per 500 s.f. above first 2400 s.f.	1 per 150 s.f.
Animal Care	1 per 400 s.f. above first 2400 s.f.	1 per 300 s.f. Parking Demand Analysis Required, See Sec. 914.02.B
Art or Music Studio	1 per 800 s.f.	
Assembly, Public	Parking Demand Analysis Required, See Sec. 914.02.B	
Bank or Financial Institution	1 per 500 s.f. above first 2400 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	
Child Care	1 per 800 s.f.	1 per 400 s.f.
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	
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 2400 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 2400 s.f.	1 per 200 s.f.

Use Type	Minimum Off-Street Automobile Spaces Required	Maximum Off-Street Automobile Spaces Allowed
Laundry Service Library Manufacturing and Asembly	Parking Demand Analysis Required, see Sec. 914.02.B 1 per 600 s.f. Parking Demand Analysis Required, see Sec. 914.02.B	1 per 200 s.f.
Medical Office	1 per 400 s.f. above first 2400 s.f.	
Office Parks and Recreation Post Office Recreation/Entertainment, Outdoor	1 per 500 s.f. above first 2400 s.f. Parking Demand Analysis Required, see Sec. 914.02.B Parking Demand Analysis Required, see Sec. 914.02.B Parking Demand Analysis Required, see Sec. 914.02.B	
Recreation/Entertainment, Indoor Recycling Processing Center Religious Assembly	1 per 500 s.f. above first 2400 s.f. or 1 per 5 seats, whichever is greater Parking Demand Analysis Required, see Sec. 914.02.B 1 per 5 seats	
Restaurant, Fast Food	1 per 75 s.f. of customer service/dining area or 1 per 200 s.f. if no customer service area, plus 6 queuing spaces per service window	
Restaurant Retail Sales and Services Safety Service Salvage Yard	1 per 125 s.f. above first 2400 s.f. 1 per 500 s.f. above first 2400 s.f. Parking Demand Analysis Required, see Sec. 914.02.B 1 per 1,000 s.f. above first 2400 s.f., plus 1 per 10,000 s.f. of lot	1 per 75 s.f. 1 per 175 s.f.
School, Elementary or Secondary Service Station Transit Facility Utility, Public	Parking Demand Analysis Required, see Sec. 914.02.B 2 per service bay Parking Demand Analysis Required, see Sec. 914.02.B Parking Demand Analysis Required, see Sec. 914.02.B	
Vehicle/Equipment Repair Vehicle/Equipment Sales Vocational or Trade School Warehouse	2 per service bay Parking Demand Analysis Required, see Sec. 914.02.B 1 per 500 s.f. Parking Demand Analysis Required, see Sec. 914.02.B	
Warehouse, Residential Storage	Parking Demand Analysis Required, see Sec. 914.02.B	
Welding or Machine Shop	Parking Demand Analysis Required, see Sec. 914.02.B	

914.02.B ***Uses Requiring Parking Demand Analysis***

Uses requiring parking demand analysis have widely varying parking demands, making it difficult to specify a single requirement. The off-street parking requirement for such uses shall be established by the Zoning Administrator based on estimates of parking demand, which may include recommendations of the Institute of Traffic Engineers (ITE), data collected from uses that are the same or comparable to the proposed use, or other relevant information. The Zoning Administrator may require that an applicant submit a parking study that provides analysis and justification for the proposed number of spaces to be provided. Parking studies shall document the source of data used to develop the recommendations. The Zoning Administrator will review the submitted study along with any other traffic engineering and planning data that are appropriate and establish the minimum and maximum off-street parking requirement (including bicycle parking) for the use proposed.

914.03 **Rules for Computing Requirements**

The following rules shall apply when computing the number of spaces required pursuant to Parking Schedule A (Sec. 914.02.A).

914.03.A ***Fractions***

When calculation of the number of required off-street parking spaces results in a fractional number, a fraction of less than one-half shall be disregarded and a fraction of one-half or more shall be rounded to the next highest whole number.

914.03.B ***Multiple Uses or Activities***

When two or more uses, activities, or separate establishments are located within the same development, off-street parking shall be provided for each use or separate establishment according to the Parking Schedule A (Sec. 914.02.A), unless a shared parking plan is approved pursuant to Sec. 914.07.G.1. In the event that one or more uses within a multi-use development are of a size that would otherwise exempt them from compliance with off-street parking requirements, only one such exemption shall be permitted to be taken for the entire development.

914.03.C ***Calculation of Floor Area***

Unless otherwise stated, all square footage-based off-street parking standards shall be computed on the basis of gross floor area used or intended to be used for service to customers, patrons, clients or patients, or as tenants, including areas occupied by fixtures and equipment used for display or sale of merchandise. It need not include floors or parts of floors used principally for nonpublic purposes, such as the storage, incidental repair, processing or packaging of merchandise, for show windows, or for offices incidental to the management or maintenance of stores or buildings when these areas are in separate rooms from the principal use of the building. Floors or parts of floors used principally for rest rooms or for utilities or for fitting rooms, dressing

rooms and alteration rooms shall also be excluded from the definition of “floor area” for the purpose of computing off-street parking requirements. These provisions notwithstanding, the “floor area” used as the basis for computing off-street parking requirements shall never be less than 80 percent of the total gross floor area.

914.03.D *Bench Seating*

When seating consists of benches, pews or other similar seating facilities, each 20 linear inches of seating space shall be counted as one seat.

914.03.E *Employees, Students and Occupants*

For the purpose of computing parking requirements based on the number of employees, students, residents or occupants, calculations shall be based on the largest number of persons working on any single shift, the maximum enrollment or the maximum fire-rated capacity, whichever is applicable.

914.03.F *New and Unlisted Uses*

Upon receiving a development application for a use not specifically listed in the Parking Schedule A (Sec. 914.02.A), the Zoning Administrator shall apply the off-street parking standards of the listed use that is deemed most similar to the use proposed or require that a parking study be submitted pursuant to Sec. 914.02.B.

914.04 *Off-Street Parking Exemption/Reduction Areas*

The minimum off-street parking requirements of Sec. 914.02.A shall be decreased as shown in the following table for uses located in districts designated on the Official Zoning Map as “Parking Exempt Areas.” Uses located in Parking Exempt Areas shall provide no more than the otherwise required minimum parking ratio established in Sec. 914.02.A.

Area	Use Type	Percent Decrease
SP Districts & PUD's	Any use	Parking Demand Analysis Required, see Sec.914.02.B
Downtown	Any use	100
East Liberty	Any use except residential	50
North Shore	Any use except residential	25
North Side	Any use except residential	25
Oakland	Any use except residential	50

914.05 Bicycle Parking

914.06 Parking for Persons with Disabilities

A portion of the total number of required parking spaces shall be specifically designated, located and reserved for use by persons with disabilities.

914.06.A Number of Spaces

Parking spaces reserved for persons with disabilities shall be counted toward fulfilling overall off-street parking standards. The minimum number of spaces to be reserved for persons with disabilities shall be as follows:

Residential Uses	
	Minimum Reserved Spaces Required
Less than 21 Dwelling Units	0
21 to 25 Dwelling Units	1
Non-Residential Uses and Parking Spaces Provided for Dwelling Units in Excess of 25	
Parking Spaces Required	Minimum Reserved Spaces Required
1-25	1
26-50	2
51-75	3
76-100	4
101-150	5
151-200	6
201-300	7
301-400	8
401-500	9
501-1,000	2 % of total spaces
Over 1,000	20, plus 1 for each 100 spaces over 1,000

914.06.B Minimum Dimensions

All parking spaces reserved for persons with disabilities shall be at least 13-1/2 feet in width, measured perpendicular to the angle of parking, provided that the minimum width shall be reduced to 8-1/2 feet for stalls located adjacent to an area that is well-protected and available for easy ingress and egress, with a minimum width of five feet. All parking spaces reserved for persons with disabilities shall be at least 19 feet in length.

914.06.C Location of Spaces

Required spaces for persons with disabilities shall be located as close as possible to

building entrances. The Zoning Administrator may require that off-street parking spaces provided for persons with disabilities be dispersed throughout the parking area if deemed necessary to ensure safe, convenient and accessible parking spaces for all users.

914.06.D ***Signs and Markings***

Required spaces for persons with disabilities shall be designated with signs and pavement markings identifying them as reserved for persons with disabilities. The required sign shall clearly indicate the maximum fine assessed on violators. The size of the sign shall not exceed four square feet.

914.07 **Alternative Access and Parking Plans**

914.07.A ***Scope***

An Alternative Access and Parking Plan represents a proposal to meet vehicle parking and transportation access needs by means other than providing parking spaces on-site in accordance with the ratios established in Sec. 914.02.A.

914.07.B ***Applicability***

Applicants who wish to provide fewer or more off-street parking spaces than allowed pursuant to the Parking Schedule A (Sec. 914.02.A) shall be required to secure approval of an Alternative Access and Parking Plan, in accordance with the standards of this section. The Zoning Administrator may require that an Alternative Access and Parking Plan be submitted in cases where the Zoning Administrator deems the listed standard to be inappropriate based on the unique nature of the use or in cases where the applicable standard is unclear.

914.07.C ***Contents***

Alternative Access and Parking Plans shall be submitted in a form established by the Zoning Administrator and made available to the public. At a minimum, such plans shall detail the type of alternative proposed and the rationale for such a proposal.

914.07.D ***Review and Approval Procedure***

914.07.D.1 ***Small Facilities***

If ten or fewer off-street parking spaces are required pursuant to Parking Schedule A (Sec. 914.02.A), the Zoning Administrator shall be authorized to approve, approve with conditions, approve in part, deny, or deny in part the Alternative Access and Parking Plan for that use. Notification shall be provided in the form of a sign posted on the site of the primary use and the proposed parking facility (if any) at least 10 days before the Zoning Administrator takes action on the plan.

914.07.D.2 ***Large Facilities***

The Zoning Board of Adjustment shall be authorized, in accordance with the Special Exception provisions of Sec. 922.07, to approve, approve with conditions, approve in part, deny, or deny in part Alternative Access and Parking Plans for uses that require more than ten off-street parking spaces (pursuant to Parking Schedule A [Sec. 914.02.A]). A public hearing shall be required. Notification shall be provided in the form of (1) a sign posted on the site of the primary use and the proposed parking facility (if any) at least 21 days before the hearing and (2) written notification at least 15 days prior to the hearing to all property owners and registered neighborhood associations within 300 feet of the proposed use and within 300 feet of the parking area.

914.07.E ***Recording***

An attested copy of an approved Alternative Access and Parking Plan 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 approved Alternative Access and Parking Plan may be amended by the Zoning Board of Adjustment pursuant to Sec. 914.07.

914.07.F ***Violations***

Violations of an approved Alternative Access and Parking Plan shall be considered violations of this Zoning Code and subject to the enforcement and penalty provisions of Chapter 924.

914.07.G ***Eligible Alternatives***

A number of specific parking and access alternatives are described in Secs. 914.07.G.1 through 914.07.G.6.

914.07.G.1 ***Administrator Exceptions***

The Zoning Administrator shall be authorized, in accordance with the Administrator Exception provisions of Sec. 922.08, to consider and approve the following alternatives to providing off-street parking spaces on the site of the subject development if the applicant demonstrates to the satisfaction of the Zoning Administrator 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) **Shared Parking**

It is the City's policy to encourage efficient use of land and resources by allowing users to share off-street parking facilities for multiple use developments or for uses that are located near one another and that have different peak parking demands or different operating hours. Shared parking shall be subject to the following standards.

(1) *Location*

Shared off-street parking spaces shall be located no further than 1,000 feet from the buildings and uses they are intended to serve. 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 principal use.

(2) *Zoning Classification*

Shared parking areas shall be considered accessory uses of primary uses that the parking spaces are intended to serve. Shared parking areas shall require the same or a more intensive zoning classification than that required for the most intensive of the uses served by the shared parking area.

(3) *Required Study and Analysis*

The applicant shall submit a shared parking analysis to the Zoning Administrator which clearly demonstrates the feasibility of shared parking. The study shall be provided in a form established by the Zoning Administrator and made available to the public. It shall address, at a minimum, the size and type of the proposed development, the composition of tenants, the anticipated rate of parking turnover and the anticipated peak parking and traffic loads for all uses that will be sharing off-street parking spaces.

(4) *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.

(5) *Shared Parking Agreement*

A shared parking plan shall be enforced through written agreement among the owners of record. An attested copy of the agreement 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. A shared parking agreement may be revoked by the parties to the agreement only if off-street parking is provided 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.

(6) *Revocation of Permits*

Failure to comply with the shared parking provisions of this section shall constitute a violation of this code and shall specifically be cause for revocation of a building permit.

(b) **Valet Parking**

The Zoning Administrator shall be authorized, in accordance with the Administrator Exception provisions of Sec. 922.08, to permit valet parking as a means of satisfying otherwise applicable off-street parking standards, provided that the following standards are met:

- (1) An automobile shall be retrievable from its parking space with the movement of a maximum of two additional vehicles; and
- (2) The Zoning Administrator certifies that the valet parking will not cause interference with the public use of streets or ways or imperil the public safety.

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**

The Zoning Board of Adjustment shall be authorized, in accordance with the Special Exception provisions of Sec. 922.07, to permit all or a portion of the required off-street parking spaces to be located on a remote and separate lot from the lot on which the primary use is located, subject to the following standards.

(1) *Location*

No off-site parking space shall be located more than 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 more intensive 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:

- (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 space for each bicycle locker, and no more than 10% of the total required spaces.

(c) Transportation Management Plan

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 institute and commit to maintain a transportation management program, in accordance with the standards of this section.

(1) Required Study

The applicant shall submit a study to the Zoning Board of Adjustment which clearly indicates the types of transportation management activities and measures proposed. The study shall be provided in a form established by the Zoning Administrator and made available to the public.

(2) Transportation Management Activities

There shall be no limitation on the types of transportation management

activities for which reductions may be granted from otherwise required off-street parking ratios. The following measures shall serve as a guide to eligible transportation management activities.

- (i) **Posting and Distribution of Information**
The distribution and posting of information from transit agencies and other sources of alternative transportation may be cause for a reduction in otherwise applicable off-street parking requirements.
- (ii) **Transportation Coordinator**
The appointment of a Transportation Coordinator with responsibility for disseminating information on ride-sharing and other transportation options may be cause for a reduction in otherwise applicable off-street parking requirements. In addition to acting as liaisons, Transportation Coordinators must be available to attend meetings and training sessions with the City or transit providers.
- (iii) **Off-Peak Work Hours**
Employers that institute off-peak work schedules, allowing employees to arrive at times other than the peak morning commute period, may be eligible for a reduction in otherwise applicable off-street parking requirements. The peak morning commute period is defined as 7:30a.m. - 9:00 a.m.
- (iv) **Preferential Parking**
The provision of specially marked spaces for each registered car pool and van pool may be cause for a reduction in otherwise applicable off-street parking requirements.
- (v) **Financial Incentives**
The provision of cash or in-kind financial incentives for employees commuting by car pool, van pool and transit may be cause for a reduction in otherwise applicable parking requirements.

(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.

(d) Transit Stops

The Zoning Board of Adjustment shall be authorized, in accordance with the Special Exception provisions of Sec. 922.07, to permit the incorporation of transit stops as a means of satisfying the otherwise applicable off-street parking standards, provided the following conditions are met:

- (1) The transit stop shall be designed to be a station or waiting area for transit riders, clearly identified as such, and open to the public at large;
- (2) The transit stop shall be designed as an integral part of the development project, with direct access to the station or waiting area from the development site;
- (3) The transit waiting area or platform shall be designed to accommodate passengers in a covered waiting area, with seating for a minimum of 20 persons, shall include internal lighting, and shall include other features which encourage the use of the facility, such as temperature control within the waiting area or the inclusion of food vendors;
- (4) The maximum reduction in the number of parking spaces shall be no more than 20% of the total required spaces;
- (5) The Zoning Board of Adjustment shall request a report and recommendation from the Planning Director on the planning aspects, and the potential impacts of the proposed reduction in parking through the provision of a transit facility;
- (6) The transit stop shall be maintained by the developer for the life of the development project.

914.08

Queuing for Drive-Through Facilities

In addition to meeting the off-street parking requirements of Sec. 914.02.A, drive-through facilities shall comply with the following standards.

914.08.A

Queue Space Schedule

The minimum number of queue spaces required shall be as follows. Variations from these minimums may be allowed based on a parking study submitted pursuant to Sec. 914.07.C.

Use Type	Minimum Spaces	Measured From
Bank Teller Lane	3	Teller or Window
Automated Teller Machine	2	Teller Machine
Restaurant Drive-Through	6	Order Box
Car Wash Stall, automatic	4	Entrance
Car Wash Stall, self-service	2	Entrance
Gasoline Pump Island	1	End of island

914.08.B

Minimum Dimensions

Each queue space shall be a minimum of ten feet by 20 feet in size.

914.08.C

Design

Each queue lane shall be clearly defined and designed so as not to conflict or interfere

with other pedestrian or vehicular traffic using the site.

914.09 Parking Area Location and Design

The location, design and improvement standards of this section shall apply to all off-street parking areas containing five or more parking spaces.

914.09.A General Design Principles

914.09.A.1 Location

Off-street parking areas shall be located so as to minimize their adverse impact on the visual environment. To the maximum extent possible, off-street parking areas shall not be visible from a public street, and in no case shall a surface parking lot in NDI, LNC or UNC zoning district be located within 10 feet of the street right-of-way.

914.09.A.2 Layout

There shall be safe, adequate, and convenient arrangement of pedestrian pathways, bikeways, roads, driveways, and off-street parking and loading spaces within off-street parking areas. Streets, pedestrian walks, parking areas, and open space shall be designed as integral parts of an overall site design which shall be properly related to existing and proposed buildings, adjacent uses and landscaped areas.

914.09.A.3 Appearance

The materials used in the design of paving, lighting fixtures, retaining walls, fences, curbs and benches shall be of good appearance, easily maintained and indicative of their function.

914.09.A.4 Maintenance

Parking lots shall be maintained in a safe operating condition so as not to create a hazard or nuisance.

914.09.B Surfacing

Areas used for off-street parking, circulation or vehicle display shall be surfaced with asphalt, concrete, masonry, hard packed slag, or other solid paving materials with sufficient strength to support the vehicle loads imposed, provided that the Zoning Administrator shall be authorized to approve parking areas that are not hard-surfaced when four or fewer parking spaces are involved. All off-street parking and other vehicle circulation areas shall be continuously maintained and designed to preclude free flow of stormwater onto adjacent lots, properties, or public streets or ways.

914.09.C Wheel Stops

Wheel stops or curbing shall be installed to protect walls, poles, structures, pedestrian walkways or landscaped areas. Wheel stops should be placed within two

to three feet from the end of parking spaces.

914.09.D *Landscaping and Screening*

Off-street parking, loading and vehicle display areas shall be landscaped and screened from view in accordance with the Landscaping and Screening Standards of Chapter 918.

914.09.E *Lighting*

Lighting shall be arranged and designed so that no source of light is directed toward any lots used or zoned for residential use. Lighting shall be designed to shield public streets and all other adjacent lands from distracting glare, or hazardous interference of any kind. Vehicular use areas shall not be lighted at any time other than the hours of operation of the use that the parking is intended to serve, except for necessary security lighting.

914.09.F *Parking Area Access*

Access to parking garages and parking areas containing more than five spaces shall be designed to ensure that entering and exiting vehicles do not disrupt vehicle and pedestrian circulation patterns. At a minimum, all garage doors, ticket machines or entrance gates shall be located so as to allow a minimum of 20 feet clearance from sidewalks and street rights-of-way. Driveways serving such parking areas shall be located at least 60 feet from intersecting street rights-of-way, and joint access to abutting parcels shall be provided wherever practical.

914.09.G *Parking Structure Design*

914.09.G.1 *Screening of Vehicles*

Parked vehicles shall be screened from view of adjacent streets and residential zoning districts to the maximum extent feasible.

914.09.G.2 *Ground-Floor Uses*

The street-side, street-level perimeter of parking garages that are adjacent to store-front commercial uses shall be lined by commercially leasable floor space. This requirement shall not apply when the ground floor frontage of the structure is less than 150 feet in length.

914.09.G.3 *Building Lines*

Parking structures shall present a horizontal rather than sloped building line on visible facades.

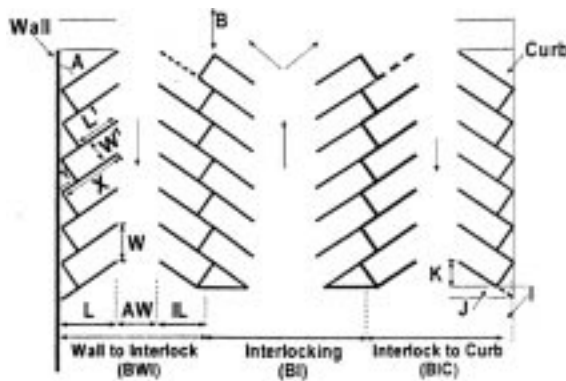
914.09.H *Parking Stall Dimensional Standards*

The following minimum dimensional standards shall apply to all off-street parking areas containing more than five off-street parking spaces.

914.09.H.1 *Standard-Size Parking Stalls*

A minimum of 60 percent of required off-street parking spaces shall be standard-size spaces, designed in accordance the following minimum dimensional standards. All dimensions are measured in feet.

A=angle of parking	90°	80°	75°	70°	65°	60°	55°	50°	45°
W=width of stall parallel to aisle	8.50	8.63	8.80	9.05	9.38	9.81	10.38	11.10	12.02
W¹=width of stall perpendicular to stall	8.50	8.50	8.50	8.50	8.50	8.50	8.50	8.50	8.50
Y=stall length offset	0.00	1.50	2.28	3.09	3.96	4.91	5.95	7.13	8.50
X=stall line length	19.00	20.50	21.28	22.09	22.96	23.91	24.95	26.13	27.50
L=stall depth perpendicular to wall	19.00	20.19	20.55	20.76	20.81	20.70	20.44	20.02	19.45
L¹=stall length	19.00	19.00	19.00	19.00	19.00	19.00	19.00	19.00	19.00
AW=aisle width	24.00	21.00	19.75	18.50	17.25	16.00	14.75	13.50	12.25
IL=stall depth	19.00	19.45	19.45	19.31	19.02	18.58	18.00	17.29	16.44
BW=module, wall to wall	62.00	61.37	60.86	60.02	58.87	57.41	55.63	53.54	51.14
BW¹=module, wall to interlock	62.00	60.64	59.76	58.57	57.08	55.28	53.19	50.81	48.14
BI=module, interlocking	62.00	59.90	58.66	57.12	55.28	53.16	50.75	48.07	45.13
BIC=module, interlock to curb face	59.50	58.14	57.26	56.07	54.78	52.98	50.89	48.81	46.14
I=bumper overhang	2.50	2.50	2.50	2.50	2.00	2.00	2.00	2.00	2.00
J=offset	0.00	0.26	0.59	1.06	1.68	2.45	3.41	4.58	6.01
K=setback	0.00	3.30	4.92	6.50	8.03	9.50	10.09	12.21	13.44
B=cross aisle, one-way	16.00	16.00	16.00	16.00	16.00	16.00	16.00	16.00	16.00
B¹=cross aisle, two-way	24.00	24.00	24.00	24.00	24.00	24.00	24.00	24.00	24.00



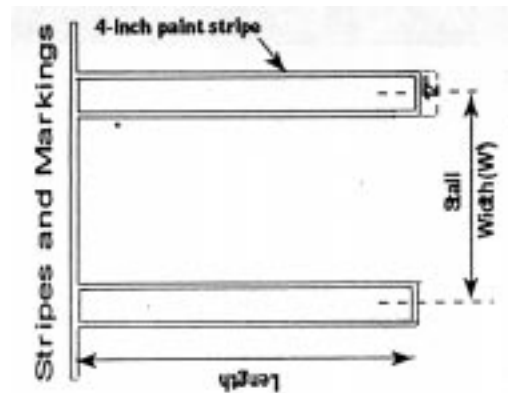
914.09.H.2 Compact-Size Parking Stalls

Up to 40 percent of required off-street parking spaces may be compact-size spaces, which shall be designed in accordance the following minimum dimensional standards. Compact-size spaces shall be clearly identified by pavement markings. All dimensions are measured in

A=angle of parking	90°	80°	75°	70°	65°	60°	55°	50°	45°
W=width of stall parallel to aisle	7.75	7.87	8.02	8.25	8.55	8.95	9.46	10.12	10.96
W'=width of stall perpendicular to stall	7.75	7.75	7.75	7.75	7.75	7.75	7.75	7.75	7.75
Y=stall length offset	0.00	1.37	2.08	2.82	3.61	4.47	5.43	6.50	7.75
X=stall line length	16.50	17.87	18.58	19.32	20.11	20.97	21.93	23.00	24.25
L=stall depth perpendicular to wall	16.50	17.60	17.94	18.16	18.23	18.16	17.96	17.62	17.15
L'=stall length	16.50	16.50	16.50	16.50	16.50	16.50	16.50	16.50	16.50
AW=aisle width	20.00	17.50	16.64	15.78	14.92	14.06	13.20	12.34	11.48
IL=stall depth	16.50	16.92	16.94	16.83	16.59	16.23	15.74	15.13	14.41
BW=module, wall to wall	53.00	52.69	52.53	52.09	51.38	50.39	49.12	47.58	45.77
BWI=module, wall to interlock	53.00	52.02	51.52	50.77	49.74	48.45	46.90	45.09	43.03
BI=module, interlocking	53.00	51.34	50.52	49.44	48.10	46.51	44.68	42.60	40.29
BIC=module, interlock to curb face	50.50	49.52	49.02	48.27	47.44	46.15	44.60	43.09	41.03
I=bumper overhang	2.50	2.50	2.50	2.50	2.30	2.30	2.30	2.00	2.00
J=offset	0.00	0.24	0.54	0.96	1.53	2.24	3.11	4.18	5.48
K=setback	0.00	2.87	4.27	5.64	6.97	8.25	9.46	10.61	11.67
B=cross aisle, one-way	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00
B'=cross aisle, two-way	20.00	20.00	20.00	20.00	20.00	20.00	20.00	20.00	20.00

914.09.I **Stripes and Markings**

Parking stalls shall be delineated by double-striping, in accordance with the following general design guidelines and rules established and made available to the public by the Transportation Planner.



914.10 **Off-Street Loading**

The off-street loading requirement of this section shall apply to those developments of over 2,400 square feet in gross floor area.

914.10.A **Schedule of Off-Street Loading Requirements**

Off-street loading spaces shall be provided on the site of new or expanded uses, in accordance with the minimum standards included in the following off-street loading schedule.

Floor Area	Minimum Off-Street Loading Requirement	
	Retail Sales and Service, Freight Terminal, Warehouse, Hospital, Nursing Home, Manufacturing Uses	Multi-Unit Residential, Hotel/Motel, Office, Restaurant, Assembly, Funeral Home, Institutional Uses
2,401 to 20,000 s.f.	1	1
20,001 to 50,000 s.f.	2	1
50,001 to 80,000 s.f.	3	1
80,001 to 120,000 s.f.	4	2
120,001 to 160,000 s.f.	5	2
160,001 to 200,000 s.f.	6	2
200,001 to 250,000 s.f.	7	3
250,001 +	7 + 1 per 45,000 s.f. above 250,000	3 + 1 per 150,000 s.f. above 250,000

- 914.10.B** ***Rules for Computing Off-Street Loading Requirements***
The following rules shall apply when computing the number of off-street loading spaces required pursuant to the off-street loading schedule of Sec. 914.10.A.
- 914.10.B.1** ***Fractions***
When calculation of the number of required off-street loading spaces results in a fractional number, a fraction of less than one-half shall be disregarded and a fraction of one-half or more shall be rounded to the next highest whole number.
- 914.10.B.2** ***Multiple Uses***
When two or more uses or separate establishments are located within the same development, off-street loading shall be provided for each use or separate establishment according to the off-street loading schedule of Sec. 914.10.A. In the event that one or more uses within a multi-use development are of a size that would otherwise exempt them from compliance with off-street loading requirements, only one such exemption shall be permitted to be taken for the development.
- 914.10.B.3** ***Calculation of Floor Area***
Unless otherwise stated, all square footage- based off-street loading standards shall be computed on the basis of gross floor area within the principal building.
- 914.10.B.4** ***New and Unlisted Uses***
Upon receiving a development application for a use not specifically listed in the off-street loading schedule, the Zoning Administrator shall apply the off-street loading standards of the listed use that is deemed most similar to the use proposed.
- 914.10.C** ***Loading Area Design and Improvement Standards***
The design and improvement standards of this section shall apply to all off-street loading areas.
- 914.10.C.1** ***Surfacing***
Areas used for off-street loading and circulation shall be surfaced with asphalt, concrete, masonry, hard packed slag, or other solid paving materials with sufficient strength to support the vehicle loads imposed. Loading areas shall be continuously maintained and designed to preclude free flow of storm water onto adjacent lots properties, or public streets or ways.
- 914.10.C.2** ***Landscaping and Screening***
Off-street loading areas shall be screened from view in accordance with the Landscaping and Screening Standards of Chapter 918.
- 914.10.C.3** ***Lighting***
Lighting shall be arranged and designed so that no source of light is directed toward any lots used or zoned for residential use. Lighting shall be designed to shield public

streets and all other adjacent lands from distracting glare, or hazardous interference of any kind. Vehicular use areas shall not be lighted at any time other than the hours of operation of the use that the loading is intended to serve, except for necessary security lighting.

914.10.C.4 *Loading Area Access*

Loading areas shall be located and designed to ensure that entering and exiting vehicles do not disrupt vehicle and pedestrian circulation patterns.

914.10.C.5 *Loading Area Dimensional Standards*

(a) **Minimum Standard**

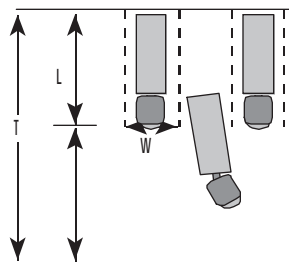
Each required off-street loading space shall be a minimum of ten feet in width and 25 feet in length, provided that a greater length shall be required whenever necessary to ensure that no vehicle using the space extends beyond a property line.

(b) **Large Truck Standards**

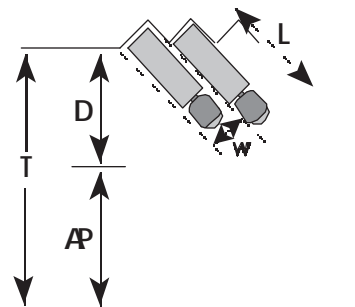
When the Zoning Administrator determines that off-street loading will involve the use of semi-tractor trailer combinations or other vehicles in excess of 25 feet in length, the large truck (AWB-50 Design Vehicle) standards of this section shall apply.

Angle	Length (L)	Clearance (D)	Width (W)	Apron (AP)	T-Offset (T)
90°	55	55	10	77	132
			12	72	127
			14	67	122
60°	55	48	10	55	103
			12	51	99
			14	46	94
45°	55	39	10	45	84
			12	40	79
			14	37	76

Large Truck Usage



90° Angle Configuration



Other than 90° Angle Configuration

914.11 **Exceptions to Off-Street Parking, Loading and Access Standards**

914.11.A ***Exceptions Authorized by the Zoning Board of Adjustment***

The Zoning Board of Adjustment is authorized to grant the following as Special Exceptions, according to the Special Exception Review Procedures of Sec. 922.07.

914.11.A.1 ***Exceptions to Off-Street Parking Schedule***

The minimum off-street parking standards of Parking Schedule A (Sec. 914.02.A) may be modified by the Zoning Board of Adjustment, provided that the following conditions are met:

- (a) The Zoning Board of Adjustment determines that such modification is consistent with the purpose and intent of this zoning code;
- (b) The Zoning Board of Adjustment determines that such modification is:
 - (1) Necessary to develop a site that is severely affected by topographic constraints; or
 - (2) Is of a size, shape or dimension that cannot reasonably accommodate required off-street parking in accordance with Sec. 914.02.A; or
 - (3) Is located in an area where adequate off-street parking otherwise exists; or
 - (4) Is located in an area where additional parking would be undesirable.
- (c) The Zoning Board of Adjustment determines that the applicant has requested approval of an Alternative Access and Parking Plan and been denied such approval or that such a request would not have been appropriate given the nature of the exemption requested;
- (d) The Zoning Board of Adjustment imposes such conditions and limitations with respect to the proposed use and development of the premises as in its opinion are necessary in order to minimize the need for parking facilities and to make such automobile parking facilities as are provided reasonably adequate.

914.11.A.2 ***Parking Areas Accessory to Nonconforming Uses***

Off-street parking or loading accessory to a nonconforming use on the same lot may be authorized by the Zoning Board of Adjustment, provided all of the following conditions are met:

- (a) The parking or loading area complies with the property development standards of the underlying zoning district;
- (b) The parking area or loading space is not provided for the purpose now or in the future of replacing parking or loading space within a structure in order to allow extensions or enlargements of the nonconforming use;
- (c) The Zoning Board of Adjustment determines that the requested parking space

- or loading space is reasonably necessary and essential for the operation of the nonconforming use;
- (d) Reasonable safeguards are established against possible detriment to neighboring properties, including those with respect to sanitation, noise, traffic movement, general safety and amenity; and
 - (e) The accessory parking or loading space may be continued only so long as the principal nonconforming use remains.

914.11.B ***Exceptions Authorized by the Zoning Administrator***

The following exceptions to otherwise applicable standards may be authorized by the Zoning Administrator.

914.11.B.1 ***Exceptions to Parking and Loading Area Dimensional Standards***

Minor reductions of standard size aisle and stall dimensions may be authorized by the Zoning Administrator, provided that the following conditions are met:

- (a) The applicant demonstrates to the satisfaction of the Zoning Administrator that dimensional problems are unique to the dimensions of the land parcel or parcels and not due to decisions by the applicant;
- (b) Proposed reductions shall be limited to the minimum necessary to provide the relief required;
- (c) The applicant submits acceptable engineering and architectural drawings showing all proposed dimensions and geometry of the site and the parking and loading facilities; and
- (d) The Zoning Administrator shall certify that the proposed reduction in standard size aisle and bay dimensions will neither create safety hazards nor cause traffic congestion. The Zoning Administrator may require the submittal of an acceptable Traffic Operations and Management Plan to assure the maintenance of public safety and minimization of traffic congestion.

914.11.B.2 ***Exceptions to Off-Street Loading Schedule***

The Zoning Administrator may authorize an exception to the off-street loading standards of Sec. 914.10.A, provided that the Zoning Administrator determines that projected vehicular service volumes do not warrant the provision of the number of off-street loading spaces otherwise required and that such volume will not cause undue interference with the public use of streets or ways, nor imperil public safety.

914.11.B.3 ***Shared and Off-Site Loading***

The Zoning Administrator shall be authorized to approve off-site and shared loading arrangements where deemed appropriate, provided that the following conditions are met:

- (a) There shall be filed with the application, a plan which will clearly indicate the accessibility of the loading spaces to the structures or uses to be served;
- (b) The Zoning Administrator determines that joint use of the common loading area

is feasible and there is not likely to be conflict in the time of use of such facility;
and

- (c) 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 or shared loading agreement may be revoked by the parties to the agreement only if off-street loading is provided on-site pursuant to Sec. 914.10.A.

914.11.B.4 *Exception to Off-Street Parking Requirements for Infill Housing*

The Zoning Administrator may authorize an exception to the off-street parking requirements for Single-Unit and Two-Unit residential uses provided that the following conditions are met:

- (a) The lot size is less than 2,500 square feet;
- (b) Off-street parking cannot be provided on-site without violation of the setback requirements;
- (c) The Administrator determines that the location, configuration and design of the parking area would be undesirable for the development of the structure and the adjacent and abutting properties; and
- (d) The Administrator determines that there is sufficient on-street parking to address the demand of the proposed use.

Chapter 915: Environmental Performance Standards

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915.01 General

915.01.A Purpose

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

1. Encourage the protection of steep slopes, riparian corridors, and other natural resources, while promoting economic development; promoting the public health, safety, and welfare of the residents of the city; encouraging high-quality development and orderly community growth; and conserving and stabilizing property values

915.01.B Applicability

No structure shall be located, erected, constructed, reconstructed, moved, altered, converted or enlarged; nor shall any structure or land be used or be designed to be used, except in full compliance with the provisions of this section.

915.02 Steep Slope Protection

915.02.A Identification and Assessment

Any application for any permit, other than for a single-unit or two- or three-unit residential use, for development that would disturb or occupy a slope in excess of 15 percent, shall be accompanied by a slope map. The slope map shall be submitted to the Zoning Administrator in a form established by the Zoning Administrator.

915.02.B Slope Protection Standards

The following standards shall apply to all grading and development activities.

915.02.B.1 16 to 25 Percent Slopes

No more than 60 percent of slopes ranging from 16 to 25 percent (prior to grading) shall be developed, regraded or stripped of vegetation, unless the Zoning Administrator determines, based on a report prepared by a certified soil or geotechnical engineer, that the slope may safely be developed.

915.02.B.2 **26 to 30 Percent Slopes**

No more than 30 percent of slopes ranging from 26 to 30 percent (prior to grading) shall be developed, regraded or stripped of vegetation, unless the Zoning Administrator determines, based on a report prepared by a certified soil or geotechnical engineer, that the slope may safely be developed.

915.02.B.3 **31 to 40 Percent Slopes**

No more than 15 percent of slopes ranging from 31 to 40 percent (prior to grading) shall be developed, regraded or stripped of vegetation, unless the Zoning Administrator determines, based on a report prepared by a certified soil or geotechnical engineer, that the slope may safely be developed.

915.02.B.4 **Greater Than 40 Percent Slopes**

Development on or disturbance of slopes in excess of 40 percent (prior to grading) shall be prohibited, provided that utility installation shall be allowed on slopes in excess of 40 percent if the applicant submits substantial competent evidence such installation will not create any risk of harm to the environment, public or private property, or public safety. Such utility lines shall to the maximum extent feasible preserve the natural character of the land. Cut and fill shall be minimized.

915.02.C **Grading, Cuts and Fills**

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

1. To the maximum extent feasible, the applicant shall preserve the natural land forms of the site.
2. 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.
3. Finished grades of 25 percent or less are strongly encouraged. Cut or filled slopes shall not exceed 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 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.
4. The top and bottom of the cut or filled slopes shall be located:
 - (a) No less than 20 feet from any street, building, parking area, or other developed area; and
 - (b) No less than five feet from any adjacent property line or street right-of-way line.

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

915.02.D ***Slope Revegetation***

Slopes in excess of a 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 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 150 square feet of exposed slope area:

1 canopy tree	2 understory trees
2 evergreens	5 shrubs

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

915.03 **Tree and Vegetation Protection**

No development application shall be approved unless it complies with the following standards.

915.03.A ***Tree and Vegetative Surveys***

No development application for any site greater than one acre shall be reviewed unless it is accompanied by a tree survey. The tree survey shall be submitted to the Zoning Administrator in a form established by the Zoning Administrator.

915.03.B ***Tree Protection and Replacement***

915.03.B.1 ***Protection***

All healthy trees with a diameter of 24 inches or more, measured at a point four feet above grade, shall be protected and preserved to the maximum extent feasible.

915.03.B.2 ***Replacement***

All healthy trees with a diameter of 24 inches or more, measured at a point four feet above grade, that are removed during site preparation or development shall be replaced. The combined total diameter of replaced trees shall at least equal the combined total diameter of removed trees. Diameter measurements shall be taken at a point four feet above grade.

915.04 **Maximum Impervious Surface**

No site proposed for development shall create impervious surfaces greater than the following:

915.04.A ***Sites less than one acre***

Sites of less than one acre shall have a maximum impervious surface not greater than 90% of the lot area.

915.04.B ***Sites of one acre or greater***

Sites with a lot area of one acre or more shall have a maximum impervious surface not greater than 80% of the lot area.

Chapter 916: Residential Compatibility Standards

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916.01 **General**

916.01.A Purpose

The Residential Compatibility Standards of this chapter are intended to protect residential properties and neighborhoods from the adverse impacts sometimes associated with adjacent higher density multi-unit residential development and non-residential development and uses.

916.01.B Applicability

916.01.B.1 Building Height and Setback Standards

The Building Height and Setback regulations of the Residential Compatibility Standards shall apply to all non-residential development in residential zoning districts, and all development in RM-3, RM-4, RM-5 and all non-residential base zoning districts when such development is located:

- (a) Across the street from or adjacent to a property that is zoned RSD, RSA, RT, RTS, or H; or
- (b) Within 100 feet of a property zoned RSD, RSA, RT, RTS, or H.

916.01.B.2 Other Standards

The Screening, Site Design, Operating Hours, Noise, Lighting and Odor Regulations of the Residential Compatibility Standards shall apply to all non-residential development in residential zoning districts, and to all development in all non-residential base zoning districts when such development is located:

- (a) Across the street from or adjacent to a property that is zoned RSD, RSA, RT, RTS, RM, or H; or
- (b) Within 200 feet of a property zoned RSD, RSA, RT, RTS, RM, or H.

916.01.C Exemptions

Notwithstanding the applicability statement of Sec. 916.01.B, the following shall be exempt from the Residential Compatibility Standards to the extent indicated:

1. Residential Compatibility Standards shall not be triggered by property that is public right-of-way, railroad track, roadway, median, or utility easement in an RSD, RSA, RT, RTS, RM, or H.
2. The following shall specifically be exempt from compliance with Residential Compatibility Standards:
 - (a) Development within the GT, Golden Triangle, DR, Downtown Riverfront zoning districts and Planned Development Districts;
 - (b) Structural alteration of an existing building when such alteration does not increase the building's square footage or height;
 - (c) A change in use that does not increase the number of off-street parking spaces required (as shown in the Schedule of Off-Street Parking Standards, Sec. 914.02.A).

916.01.D Site Plan Review

All development that is subject to Residential Compatibility Standards shall require site plan review and approval in accordance with the Site Plan Review procedures of Sec. 922.04.

916.02 Building Height and Setback Standards

916.02.A Building Setbacks

The Building Setback regulations of the Residential Compatibility Standards shall apply to the sides of properties that are adjacent to or across the street from properties that are zoned RSD, RSA, RT, RTS, or H in accordance with the following regulations.

916.02.A.1 Interior Sideyard Abuts Interior Sideyard of "R" Property

If the Interior Sideyard of a zoning lot of the subject property abuts the Interior Sideyard of a zoning lot zoned "R", the following setback requirements shall apply:

- (a) **Minimum Front Setback**
The Front Setback of the subject property shall be the same as the required Front Setback of the abutting Residential zoning district for the first 50 feet adjacent to the Residential zoning lot.
- (b) **Minimum Rear Setback**
The Rear Setback of the subject property shall be the same as the required Rear Setback for the abutting Residential Zoning district or 15 feet, whichever is greater.
- (c) **Minimum Interior Sideyard Setback**
The Interior Sideyard Setback of the subject property shall be a minimum of 15 feet.

916.02.A.2 *Interior Sideyard Abuts Rear of "R" Property*

If the Interior Sideyard of a zoning lot (the subject property) abuts the Rear Yard of a zoning lot zoned "R", the following setback requirements shall apply:

(a) **Minimum Front Setback**

The Front Setback of the subject property shall be the same as the required Exterior Sideyard Setback of the abutting Residential zoning district for the first 50 feet adjacent to the Residential zoning lot.

(b) **Minimum Rear Setback**

The Rear Setback of the subject property shall be a minimum of 15 feet.

(c) **Minimum Interior Sideyard Setback**

The Interior Sideyard Setback of the subject property shall be a minimum of 15 feet.

916.02.A.3 *Street Sideyard Across Street or Way from Front of "R" Property*

If the Street Sideyard of a zoning lot of the subject property is across a street or way from the Front Yard of a zoning lot zoned "R", the following setback requirements shall apply:

(a) **Minimum Street Sideyard Setback**

The Street Sideyard Setback of the subject property shall be a minimum of 15 feet.

916.02.A.4 *Street Sideyard Across Street or Way from Street Sideyard of "R" Property*

If the Street Sideyard of a zoning lot of the subject property is across a street or way from the Street Sideyard of a zoning lot zoned "R", the following setback requirements shall apply:

(a) **Minimum Front Setback**

The Front Setback of the subject property shall be the same as the required Front Setback of the abutting Residential zoning district for the first 50 feet adjacent to the Residential zoning lot.

916.02.A.5 *Street Sideyard Across Street or Way from Rear of "R" Property*

If the Street Sideyard of a zoning lot (the subject property) is across a street or way from the Rear of a zoning lot zoned "R", the following setback requirements shall apply:

(a) **Minimum Front Setback**

The Front Setback of the subject property shall be the same as the required Street Sideyard Setback of the abutting Residential zoning district for the first

50 feet adjacent to the Residential zoning lot.

(b) **Minimum Street Sideyard Setback**

The Street Sideyard Setback of the subject property shall be a minimum of 15 feet.

916.02.A.6 *Rear Across Street or Way from Front of “R” Property*

If the Rear of a zoning lot of the subject property is across a street or way from the Front of a zoning lot zoned “R”, the following setback requirements shall apply:

(a) **Minimum Rear Setback**

The Rear Setback of the subject property shall be the same as the required Front Setback of the abutting Residential zoning district or 15 feet, whichever is greater.

916.02.A.7 *Rear Abuts Interior Sideyard of “R” Property*

If the Rear of a zoning lot of the subject property abuts the Interior Sideyard of a zoning lot zoned “R”, the following setback requirements shall apply:

(a) **Minimum Rear Setback**

The Rear Setback of the subject property shall be a minimum of 15 feet.

(b) **Minimum Street Sideyard Setback**

The Street Sideyard Setback of the subject property shall be the same as the required Front Setback of the abutting Residential zoning district for the first 50 feet adjacent to the Residential zoning lot.

916.02.A.8 *Rear Across Street or Way from Street Sideyard of “R” Property*

If the Rear of a zoning lot of the subject property is across a street or way from the Street Sideyard of a zoning lot zoned “R”, the following setback requirements shall apply:

(a) **Minimum Rear Setback**

The Rear Setback of the subject property shall be the same as the required Street Sideyard Setback of the abutting Residential zoning district or 15 feet, whichever is greater.

916.02.A.9 *Rear Abuts Rear of “R” Property*

If the Rear of a zoning lot of the subject property abuts the Rear of a zoning lot zoned “R”, the following setback requirements shall apply:

(a) **Minimum Rear Setback**

The Rear Setback of the subject property shall be the same as the required

Rear Setback of the abutting Residential zoning district or 15 feet, whichever is greater.

916.02.B Building Heights

916.02.B.1 Within 50 Feet of Residential

Structures or portions of structures shall not exceed 40 feet or three stories in height when located within 50 feet of property zoned RSD, RSA, RT, RTS, or H.

916.02.B.2 51 to 100 Feet from Residential

Structures or portions of structures shall not exceed 50 feet or four stories in height when located 51 to 100 feet from property zoned RSD, RSA, RT, RTS, or H.

916.02.B.3 More Than 100 Feet from Residential

No compatibility-related height restrictions shall be imposed on structures located more than 100 feet from property zoned RSD, RSA, RT, RTS, or H.

916.03 Screening

All properties subject to Residential Compatibility Standards shall be subject to the Screening Standards of Chapter 918.

916.04 Site Design

The following additional site design standards shall apply to development that is subject to the Residential Compatibility Standards of this Chapter. These provisions shall not apply to uses that are accessory to uses permitted By-Right in an RSD, RSA, RT, RTS, RM, or H.

- A. No swimming pool, tennis court, ball field, or playground area shall be permitted within 50 feet of property zoned RSD, RSA, RT, RTS, RM, or H.
- B. Dumpsters and refuse receptacles shall be located a minimum of 30 feet from any property zoned RSD, RSA, RT, RTS, RM, or H.
- C. Parking and loading shall not be located within 15 feet of properties zoned RSD, RSA, RT, RTS, RM, or H. Additional setbacks shall be required if the Zoning Administrator finds that the size and number of trucks and the hours of operation would have impact on adjacent residential properties.

916.05 Operating Hours

The following operating hour restrictions shall apply to all development that is subject to Residential Compatibility Standards:

916.05.A Collection of Garbage and Recyclables

No use subject to Residential Compatibility Standards shall be served by garbage or recyclables collection services between the hours of 10:00 p.m. and 6:00 a.m.

916.05.B Loading Operations

No use subject to Residential Compatibility Standards shall conduct loading or unloading operations between the hours of 10:00 p.m. and 6:00 a.m.

916.06 Noise

No use that is subject to Residential Compatibility Standards shall generate noise in excess of 45 dB (A) between the hours of 10:00 p.m. and 6:00 a.m. or in excess of 55 dB(A) at all other times, as measured at the lot line of any lot zoned RSD, RSA, RT, RTS, RM, or H.

916.07 Lighting

All lights used by development that is subject to Residential Compatibility Standards shall be arranged and controlled so as to deflect light away from any lot that is zoned RSD, RSA, RT, RM, or H. Any light or combination of lights that casts light on a public street shall not exceed one foot-candle (meter reading) as measured from the centerline of such street. Any light or combination of lights that cast light on a lot zoned RSD, RSA, RT, RTS, RM, or H shall not exceed 0.4 foot-candles (meter reading), as measured no more than three feet inside the lot line of a lot that is zoned RSD, RSA, RT, RTS, or H.

916.08 Odor

No use that is subject to Residential Compatibility Standards shall be operated in a manner that causes odors that are detectable after the air has been diluted with six or more volumes of odor-free air, as measured within the lot lines of a lot that is zoned RSD, RSA, RT, RTS, RM, or H.

916.09 Waiver of Residential Compatibility Standards

The Zoning Board of Adjustment may approve a Special Exception according to the provisions of Sec. 922.07 to waive one or more of the Residential Compatibility Standards imposed by this Chapter, subject to the following standards:

- A. The Board shall determine that the waiver will not create detrimental impacts on the surrounding properties, taking into consideration the physical relationship of the proposed use and structure to surrounding residential uses and structures;
- B. The Board shall impose alternative methods which will cause the development to comply with the purpose of the Residential Compatibility Standards;
- C. Building height restrictions found in this chapter may be waived only if there is a taller intervening structure between the proposed structure and the adjacent residential zoning district, in which case the height shall be limited to the height of the intervening structure; and

- D. Setbacks for accessory uses, required by Sec. 912.04, shall be waived only if additional screening is required by the Board, beyond that required by Chapter 918, such that the items are completely screened from view from abutting residential properties at grade level of the residential properties.

Chapter 917: Operational Performance Standards

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917.01 General

917.01.A Purpose

The operational performance standards included in this Chapter are intended to protect the health, safety, and welfare of the citizens of Pittsburgh by regulating potential nuisance features associated with certain land uses.

917.01.B Applicability

The standards of this Chapter are standards of performance that apply to uses after they have been established. They are intended to provide quantifiable rules of operation that can be used to ensure that uses do not become nuisances. They are not intended to be conditions for development approval. Buildings, structures or tracts of land that are established, developed or constructed shall comply with all applicable performance standards of this Chapter, except that the following activities shall be exempt:

1. Temporary construction, excavation, and grading; and
2. Demolition activities that are necessary and incidental to the development of facilities on the same lot, on another of several lots being developed at the same time, or on the public right-of-way or easement.

917.01.C Conflict with Other Zoning Provisions

In the case of any conflict between the performance standards of this Chapter and the other regulations of this Code, the more restrictive shall control.

917.01.D Conflict with Local, State or Federal Regulations

In case of conflict between the performance standards set forth in this Chapter and any rules or regulations adopted by any other governmental agencies, the more restrictive shall apply.

917.02 Noise

These standards apply to noise from any machinery or equipment that is part of or operated within any development, including continuous and intermittent noise, noise emitted by speaker boxes, pick-up and delivery trucks, and any other commercial or industrial activities that are under the control of the occupant of a building site.

917.02.A Method of Measurement

Noise shall be measured with a sound level meter that meets the standards of the American National Standards Institute (ANSI Section 51.4-1979, Type 1 or Type 2.) Noise levels shall be measured using an A-weighted sound pressure level scale. Impact noises, produced when two or more objects strike each other, shall be measured using the fast response of the sound level meter, and other noises using the slow response. Impact noises shall be considered to be those noises whose peak values are more than three decibels higher than the values indicated on the sound level meter.

917.02.B Maximum Permitted Sound Levels

The maximum permitted sound pressure levels in decibels across lot lines and district boundaries shall be in accordance with following table. This table shall be used to determine the maximum noise level, measured in A-weighted decibels, that shall be permitted at the property line of the closest use in each of the following categories.

Receiving Land Use	Sound Level Limit (dBA)	
	7 AM – 10 PM	10 PM – 7 AM
Residential	65	55
Public or Institutional	65	55
Commercial	65	60
Industrial & Manufacturing	75	75

917.03 Vibration

No use shall be operated in manner that causes earthborne vibrations in excess of the displacement values set forth below on or beyond the property line of the closest use in each of the following categories.

Receiving Land Use	Peak Particle Velocity (inches per second)	
	7 AM – 10 PM	10 PM – 7 AM
Residential	0.03	0.01
Public or Institutional	0.06	0.06

917.04 Air Quality/Emissions

Any land use or activity that is a source of the emission of smoke, particulate matter or other air pollutants shall comply with all applicable state and federal standards and regulations governing air quality and emissions. Any such land use or other activity shall obtain and maintain all necessary licenses and permits from the appropriate county, state, and federal Agencies.

917.05

Hazardous Materials

Any land use or activity that involves the use of toxic, hazardous, or radioactive materials shall comply with all applicable state and federal regulations governing the use, storage, transportation, emission, and disposal of such materials. Any such land use or other activity shall also obtain and maintain all necessary licenses from the appropriate state and federal Agencies, such as the United States Environmental Protection Agency.

917.06

Waiver of Operational Performance Standards

The Zoning Board of Adjustment may approve a Special Exception, according to the provisions of Sec. 922.07, to waive one or more of the Operational Performance Standards imposed by this chapter, subject to the following standards:

- A. The Board shall determine that the waiver will not create detrimental impacts on the surrounding properties, taking into consideration the physical relationship of the proposed use and structure to surrounding uses and structures, the probable hours of operation, and the emission of odors, fumes, dust, noise, vibration or glaring light;
- B. The waiver does not cause the proposed project to violate any Federal, State or other local laws which may apply; and
- C. The Board shall impose alternative methods which will cause the development to comply with the stated purpose and intent of the Operational Performance Standards.

Chapter 918: Landscaping & Screening Standards

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918.01 General

918.01.A Purpose

The Landscaping and Screening Standards of this chapter are intended to:

1. Encourage the planting of appropriate new vegetation and the preservation of existing vegetation to enhance the built environment and to protect and sustain the natural environment; and
2. Reduce potential nuisances by requiring a visual screen between uses to mitigate the adverse effects of wind and air turbulence; heat and noise; motor vehicle headlight glare and other artificial light intrusion; and other adverse impacts associated with adjoining or nearby uses.

918.01.B Applicability

The landscaping and screening standards of this chapter shall apply to all development that is subject to the Site Plan Review provisions of Sec. 922.04, except that the following shall be exempt to the extent indicated.

918.01.B.1 Off-Street Parking Structures

Off-street parking structures shall be exempt from the off-street parking area landscaping requirements of Sec. 918.02.B, but shall be screened in accordance with the screening provision of Sec. 918.03.

918.01.B.2 Small Off-Street Parking Areas

Off-street parking areas that meet the following criteria shall be exempt from the off-street parking area landscaping requirements of Sec. 918.02.B and from the screening requirements of Sec. 918.03.

(a) Residential Districts

Off-street parking areas in residential zoning districts and containing four or fewer spaces shall be exempt from the off-street parking area landscaping requirements of Sec. 918.02.B and from the screening requirements of Sec. 918.03.

(b) Nonresidential Districts

Off-street parking areas in nonresidential zoning districts and containing ten or fewer spaces shall be exempt from the off-street parking area landscaping requirements of Sec. 918.02.B and from the screening requirements of Sec. 918.03.

918.01.C ***Special Definitions***

The following special definitions shall apply throughout the Landscaping and Screening Regulations of this chapter.

1. **Deciduous** means a plant with foliage that is shed annually.
2. **Evergreen** means a plant with foliage that persists and remains green year-round.
3. **Landscaped area** means a portion of the site which is planted.
4. **Landscaping** means any combination of living plants, such as trees, shrubs, vines, groundcover, flowers, or grass.
5. **Screen** means a method of reducing the impact of noise and unsightly visual intrusions with less offensive or more harmonious elements, such as plants, berms, fences, walls, or any appropriate combination.
6. **Shade tree** means a deciduous tree -rarely an evergreen- planted primarily for its high crown of foliage or overhead.
7. **Shrub** means a woody plant, smaller than a tree, consisting of several small stems from the ground or small branches near the ground; may be deciduous or evergreen.
8. **Street Tree** means a species of tree particularly suited to the requirements of the street environment.
9. **Tree** means a large woody plant having one or several self supporting stems or trunks and numerous branches. May be classified as deciduous or evergreen.

918.02 **Landscaping Requirements**

918.02.A ***General Landscaping***

Any portion of a developed lot or property that is not used for the location of buildings, structures, accessory uses, off-street parking, loading areas, sidewalks or similar features shall be landscaped. Paving that exceeds requirements for off-street

parking areas, driveways, loading areas and sidewalks shall not be substituted for landscaping.

918.02.B ***Off-Street Parking Areas***

Off-street parking areas shall be landscaped in one of the following ways; landscaping can suffice for the screening requirement in Section 918.03 below.

918.02.B.1 ***Option 1***

Under option 1, no parking space shall be further than 50 feet from a shade tree or a landscaped area containing a shade tree.

918.02.B.2 ***Option 2***

Under option 2, a minimum of 25 square feet of landscaping shall be provided for each parking space in parking lots with up to 100 parking spaces. For parking lots with more than 100 parking spaces, a minimum 30 square feet of landscaping shall be provided for each parking space. Required landscaping shall take the form of planter strips, landscaped areas, or perimeter landscaping. The landscaping shall include at least one tree for every five parking spaces. Landscaped areas shall be dispersed throughout the parking lot. Planter strips, landscaped areas, and perimeter landscaped areas shall have a minimum width of five feet.

918.02.C ***Street Trees***

At least one street tree shall be provided for each 30 linear feet of property adjoining a public street. Street trees shall be planted between the sidewalk and street curb. If planting in that area is not possible, street trees shall be installed within 20 feet of street curb. Trees planted between a sidewalk and street curb must have a minimum nonpaved planting area of 18 square feet, with a minimum depth of 3 feet. In cases where there is an existing pattern of street trees, compatible new trees shall be planted according to the existing tree spacing and pattern to the greatest extent possible. In cases where street trees are to be provided by the Department of Public Works, applicant shall provide proof of application through the Street Tree Program to the Zoning Administrator.

918.03 **Screening Requirements**

The following screening standards shall apply.

918.03.A ***Applicability***

The following site features shall be screened on all sides except those sides that abut (not across a street) other features required to be screened. If items 1, 2, or 3 below face a residential zone, they must be equipped with a removable screen:

1. Refuse Receptacles and Waste Removal Areas
2. Open Storage and Open Structures
3. Loading Docks, Service Yards, and Exterior Work Areas

4. Off-Street Parking Areas

918.03.B Standards

Required screening shall comply with the following standards. All items noted in Sec. 918.03.A. above shall be located such that the access location is not on the street side of any residential lot, and does not face on to the street side of any other residential lot. All items noted in Sec. 918.03.A.1 above are required to be screened from view from adjacent property and right of ways, with a visual barrier as defined in this section.

918.03.B.1 Materials and Methods

Required screening shall be provided in the form of new or existing natural plantings, walls and fences, topographic changes, buildings, horizontal separation, or a combination, according to the provisions of this chapter.

(a) Landscaping

Landscape screening shall be a minimum depth of five feet, and plant materials shall be a minimum height of 42” at the time of planting. Evergreen plants or plants with dense structure year round shall be employed.

(b) Fences and Walls

Walls or fences shall be constructed of materials that provide the required degree of opacity, durability and aesthetic compatibility with adjoining areas. The finished side of a fence or wall shall be placed on the outside of the fenced area.

(c) Topographic Changes

Changes in topography, such as changes in grade or earthen berms may be used to provide required screening. The slope of the topographical change shall be of a grade that is suitable for maintenance and soil stability. All slopes are to be planted.

(d) Buildings

Buildings or structures on the same site may be used for screening, as long the buildings or structures are not erected for the sole purpose of screening and meet all other requirements of this Code.

(e) Horizontal separation

Distance between a use or object to be screened and the adjoining property or public right-of-way, may be used in combination with landscaping to provide required screening. The Zoning Administrator may approve a reduction in screening requirements with additional separation beyond required setbacks.

918.03.B.2 Height

Required screening shall be at least as tall as the object to be screened and no taller than eight and a half feet. Parking lots shall be screened to a minimum height of 42". The Zoning Administrator may approve a reduction in screening requirements with additional separation beyond required setbacks.

918.03.B.3 *Opacity*

The screen shall be designed and installed so that the object being screened is not more than 20 percent visible when viewed through the screen.

918.03.B.4 *Location of Screening*

Any screening required by this section shall be located within the property lines of the lot containing the use subject to screening.

918.04 **Plant Material and Maintenance Standards**

The requirements of this section apply to all development subject to landscaping or screening standards.

918.04.A ***Plant Materials***

The selection of plant materials shall be based upon the City of Pittsburgh's climate and soils, and the selection of native and indigenous plant materials is strongly encouraged. A list of allowable and preferred plant species shall be available in the office of the Zoning Administrator.

918.04.B ***Plant Quality***

All plants shall be A-grade or No. 1 grade, with coherent root ball or wrapped roots, of normal health, height, leaf density and spread appropriate to the species.

918.05 **Installation, Maintenance and Replacement**

918.05.A ***Installation***

All landscaping shall be installed according to sound nursery practices in a manner designed to encourage vigorous growth. All landscape material, living and non-living, shall be healthy and in place prior to issuance of final Occupancy Certificate. A temporary Certificate of Occupancy may be issued prior to installation of required landscaping if written assurances and financial guarantees are submitted ensuring that planting will take place when planting season arrives.

918.05.B ***Maintenance and Replacement***

Trees, shrubs, fences, walls and other landscape features depicted on plans approved by the City shall be considered as elements of the project in the same manner as parking, building materials and other details are elements of the plan.

The land owner, or successors in interest, or agent, if any, shall be jointly and severally responsible for the following:

1. Regular maintenance of all landscaping in good condition and in a way that presents a healthy, neat, and orderly appearance. All landscaping shall be maintained free from disease, pests, weeds and litter. This maintenance shall include weeding, watering, fertilizing, pruning, mowing, edging, mulching or other maintenance, as needed and in accordance with acceptable horticultural practices;
2. The repair or replacement of required landscape structures (e.g., walls, fences) to a structurally sound condition;
3. The regular maintenance, repair, or replacement, where necessary, of any landscaping required by this Chapter; and
4. Continuous maintenance of the site.

918.06

Alternative Compliance

The Zoning Administrator may approve an Administrator's Exception, according to the provisions of Sec. 922.08, for Alternative Compliance to the provisions of this chapter, subject to the following standards. The Administrator shall give favorable consideration to designs that attempt to preserve and incorporate existing vegetation in excess of the minimum standards and plans that demonstrate innovative design and use of plant materials.

- A. The alternative plan shall illustrate that the intent of the provisions of this chapter can be more effectively met, in whole or in part, through the alternative means;
- B. The proposed solution shall meet or exceed otherwise applicable landscaping and screening requirements;
- C. Natural land characteristics or existing vegetation on the proposed development site would achieve the intent of this chapter;
- D. Innovative landscaping or architectural design is employed on the proposed development site to achieve a screening effect that is equivalent to the screening standards of this chapter;
- E. The required landscaping or buffering would be ineffective at maturity due to topography or the location of improvements on the site; or
- F. The proposed alternative represents a plan that is as good or better than a plan prepared in strict compliance with the other standards of this chapter.

Chapter 919: Signs

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919.01 General

919.01.A Purpose

The sign regulations of this chapter are intended to:

1. Encourage sound practices with respect to size, spacing, illumination, type and placement of signs for the purpose of safeguarding and enhancing properties in each of the various types of zoning districts;
2. Provide an environment that will promote the orderly growth and development of business and industry in the City;
3. Protect public investment in public structures, open spaces and thoroughfares;
4. Promote the safety and welfare of the people at-large.
5. Recognize the City's environmental attributes, systems of parks, Greenway Program, Riverfront Plan, and public open spaces and the effect that signage can have on these features and programs;
6. Recognize the City's built environment, its significant architecture and cultural resources which provide the City with a sense of its history;
7. Recognize that the unique views and vistas offered by Pittsburgh's many hills, valleys and rivers provide the city with a visual amenity which helps to attract residents, businesses and visitors to the City;
8. Preserve and perpetuate uncluttered and natural views for the enjoyment and environmental enrichment of the citizens of the community and visitors hereto;
9. Enhance the Community appearance, reduce visual clutter and blight, and promote the recreational value of public travel and the economic development of the community;
10. Promote safety upon the streets and highways in the City;
11. Recognize that advertising signs are a legitimate advertising medium in the locations which neither lessen the visual attributes of the City through the placement of such signs, nor cause confusion, safety problems or lessen the ability to identify local businesses through visual clutter; and
12. Regulate advertising signs, or billboards, within the City in the interests of economic prosperity, civic pride, quality of life and general welfare of the people who reside in, are visiting, are employed in or conduct business in the City.

919.01.B Applicability

The sign regulations of this chapter shall govern and control the erection, rehabilitation, enlargement, illumination, animation and maintenance of all signs that

are visible from the public right-of-way or from property other than that on which the subject sign is located. Nothing herein contained shall be deemed a waiver of the provisions of any other ordinance or regulation applicable to signs. No sign shall be painted on a wall or on the surface of any window or door of a building or other structure until the provisions of this Code are satisfied.

919.01.C ***Special Definitions***

The following special definitions shall apply throughout the Sign regulations of this chapter.

1. **Sign** means any surface, fabric or device bearing lettered, pictorial or sculptured matter designed to convey information visually and exposed to public view; or any structure designed to carry the above visual information.
 - (a) A sign includes, but is not limited to:
 - (1) Separate structure consisting of a face or faces upon which information is portrayed and its supporting elements including foundation; or
 - (2) A structure or device erected in the form of a symbol or trademark; or
 - (3) A structure or device designed to carry visual information, attached or fastened to another structure, such as on the wall or roof of a building; or
 - (4) A surface of a structure or device upon which lettered, pictorial or other visual information is painted; or
 - (5) Window signs, cloth banners, balloons, festoon lighting, pennants or other devices designed to attract attention by animation or direct or reflected lighting.
 - (b) A sign does not include:
 - (1) Merchandise, pictures or models of products or services incorporated in a window display;
 - (2) Holiday decorations customarily displayed in a window or on or about the premises of residential structures, or in windows of business uses, without business advertising; or
 - (3) Works of art that in no way identify a business or a product.
2. **Advertising Sign** means a sign that directs attention to a business, commodity, service or entertainment, conducted, sold or offered:
 - (a) Only elsewhere than upon the premises where the sign is displayed; or
 - (b) As a minor and incidental activity upon the premises where the sign is displayed.
3. **Business Sign** means a sign that directs attention to a business, profession or industry located upon the premises where the sign is displayed; to the type of products sold, manufactured or assembled; and/or to the service or entertainment offered on such premises; except a sign pertaining to the preceding if such activity is only minor and incidental to the principal use of the

premises.

4. **Identification Sign** means a sign used to identify the name of the individual or organization occupying the premises; the profession of the occupant; the name of the building on which the sign is displayed; or the name of the major enterprise or principal product or service on the premises.
5. **Nonconforming Sign** means a sign, lawfully existing on the effective date specified by the provisions of Sec. 901.05 that does not completely conform to the sign regulations applicable in the district in which it is located.
6. **Area of Sign** means the entire area within a single continuous perimeter enclosing the extreme limits of writing, representation, emblem or any figure or similar character together with any frame or other material or color forming an integral part of the display or used to differentiate such sign from the background against which it is placed (excluding the necessary supports or uprights on which such sign is placed or apron designed to cover such uprights or work board installed to provide a safe area for servicing such sign). Where a sign has two or more faces on the same side, the area of all faces shall be included in determining the area of the sign, except that when two such faces are placed back-to-back and are at no point more than two feet from one another, the area of the sign shall be taken as the area of one face if the two faces are of equal area, or as the area of the larger face if the two faces are of unequal area.
7. **Back-to-Back Signs** means a structure with two parallel and directly opposite signs with their faces oriented in opposite directions and spaced no more than two feet apart.
8. **Decked Sign** means a structure consisting of two signs, one above the other, both facing the same direction.
9. **Face of Sign** means the side or sides of a sign on which the lettered, pictorial or sculptured matter designed to convey information is to be placed.
10. **Ground Sign** means a free standing sign that is not attached to any building and is supported by uprights, braces or a type of object that is anchored within the ground or if located above ground.
11. **V-Type Sign** means a structure of two signs arranged in the shape of the letter “V” when viewed from above and with their faces oriented in opposite directions, with the faces separated by an angle not to exceed forty-five degrees (45 degrees).
12. **Electronic Message Sign** means a sign with changing text or graphics

generated by electronic components.

919.01.D *Signs Exempt from Permit Requirements*

A Certificate of Occupancy is not required for a sign satisfying the provisions of this Code that does not exceed four square feet in face area.

919.01.E *Prohibited Signs*

The following signs shall be prohibited in all zoning districts:

1. Any display, decoration, sign or show window that provides the observation of any material depicting, describing or relating to “specified sexual activities” or “specified anatomical areas” from any public right of way or public park.
2. Any sign that imitates or resembles any official traffic sign, signal or device.
3. Any sign erected or maintained in such a manner as to obscure or otherwise physically interfere with an official traffic sign, signal or device or to obstruct or physically interfere with the driver’s view of approaching, merging or intersecting traffic.
4. Any sign erected, painted or maintained upon fences, trees, rocks or similar natural feature.
5. Any sign that is structurally unsafe or in disrepair.

919.01.F *Signs Identifying Nonconformities*

No sign shall be erected or painted identifying a nonconforming use without review by the Board of Adjustment.

919.01.G *Illumination*

Illumination of signs shall be permitted only in those districts specified and thence with a stationary shielded light source, with internal illumination or with neon type construction.

919.01.H *Liability for Damages*

The provisions of this Code or the issuance of any sign permit shall not be construed as relieving or limiting the responsibility or liability of the person erecting, owning or maintaining any sign from personal injury or property damage resulting from such sign or work relating thereto; nor shall it be construed as imposing upon the City, or its officers or employees any responsibility or liability by reason of the approval of any sign, material or device under any of the provisions of this Code.

919.01.I *Maintenance*

Any sign, together with its supports, braces, guys, anchors and electrical equipment, shall be kept fully operable, in good repair and maintained in a safe manner and in a neat, clean and attractive condition; the sign face areas shall be kept neatly painted or posted.

919.01.J *Sign Removal*

All signs relating to a product no longer available for purchase and all signs relating to a business which is terminated or relocated, shall be removed or the advertising copy shall be removed. Painted wall signs shall be painted over with a color that resembles or matches the remainder of the building. Should the owner of, or person responsible for the sign, or if the tenant terminating the business fails to remove or paint over the sign within 30 days following the date of obsolescence, the owner of the premises then shall be held responsible for such removal within 60 days following the date of obsolescence.

919.01.K ***Double-Face Signs***

Where a sign is permitted by any provision of this chapter, it shall be construed to permit a double face sign. Each face of a double sign may equal the maximum size for the particular type of sign permitted in this chapter.

919.02 **Advertising Signs**

Advertising signs shall be permitted only in the in AS-O district, subject to the regulations of this section.

919.02.A ***General Location***

Advertising signs shall be situated so as to be entirely within the boundaries of the subject zoning lot; shall not extend above the roof line or parapet wall, whichever is higher, of any building to which it may be attached; and shall not be located within the boundary lines of any railroad right of way or upon any zoning lot on which a railroad passenger station or other railroad building is located.

919.02.B ***Subdistricts***

There shall be two subdistricts established within the AS-O District - Subdistrict A and Subdistrict B, as indicated on the Zoning District Map. Regulations applying to these subdistricts are indicated below.

919.02.C ***Separation from Other Uses***

The face of an advertising sign shall be situated so that it is not visible within a sight distance of 350 feet of the following:

1. Property in a residential or EMI zoning district;
2. Park or recreation area of 1/4 acre or more;
3. Cultural service;
4. The center line of a restricted access highway or center line of ramps thereof.
5. The floodway of the Allegheny, Monongahela or Ohio Rivers;
6. The entry or exit points of the Liberty Tunnels, The Fort Pitt Tunnels, The Squirrel Hill Tunnels or the Wabash Tunnels;
7. Any bridge which crosses the Allegheny, Monongahela, or Ohio Rivers.

919.02.D ***No Painting Directly on Walls***

Advertising signs shall not be painted directly on the wall of any building.

919.02.E *Number Allowed*

The number of advertising sign structures shall be limited to one structure per zoning lot which shall contain no more than two separate sign faces. The faces may be arranged: back-to-back, side-to-side, decked or V-type. In no case shall there be more than one sign face on any wall of a building.

919.02.F *Maximum Face Area*

The square foot face area of an advertising sign shall not exceed 750 square feet in Subdistrict A and 378 square feet in Subdistrict B. The face shall not exceed 20 feet in height or 60 feet in length.

919.02.G *Height*

The height of an advertising sign shall be measured from the ground elevation nearest to the sign to the highest elevation of the sign structure, the overall height of the sign shall not exceed a height of thirty-five (35) feet in Subdistrict B and forty five (45) feet in Subdistrict A. All signs shall be setback within the buildable area of the zoning lot in accordance with the area requirements of the applicable zoning district.

919.02.H *Spacing Between Advertising Signs*

The spacing of advertising signs shall be limited as follows:

1. Along restricted access highways or interchange ramps thereof; no two advertising sign structures shall be spaced less than 1,500 feet apart;
2. Along any other right of way; no two advertising sign structures shall be spaced less than 500 feet apart;
3. The distance between sign structures shall be measured along the center line of the roadway on which the signs are located, and shall extend along the center line of any intersecting roadway. The closest point of the center line to the pertinent sign shall provide the point from which measurements along the center line are taken.

919.02.I *Illumination*

The illumination of advertising signs shall be limited as follows:

1. Illumination shall be effectively shielded so as to prevent beams or rays of light from being directed at any portion of the traveled rights of way or which is of such intensity or brilliance as to cause glare or to impair the vision of the driver of the vehicle, or which interferes with any driver's operation of a motor vehicle;
2. Illumination shall not be permitted that interferes with the effectiveness of or obscures an official traffic sign, device or signal;
3. Advertising signs shall not be permitted that contain, include or are illuminated by any flashing, intermittent or moving lights except those giving public service information such as time, date, temperature, weather or similar information.

919.02.J *Motion*

Advertising signs that contain any form of motion shall be limited as follows:

1. Rotation of any visual component shall be limited to 15 revolutions per minute, except electronic message signs in GT-A, GT-B, DR-B, and CP Districts;
2. The component involving movement shall not project more than two feet from the face of sign nor shall it extend beyond the vertical or horizontal “area of sign” as defined in this chapter.
3. Any mechanical component which is the source of movement shall be concealed in such a manner as to not be obvious;
4. Movement shall not be permitted that interferes with the effectiveness of or obscures an official traffic sign, device or signal;
5. Movement shall not be permitted that adversely affects the community taking into consideration the character of the uses in the vicinity, the possible effect on vehicular traffic and the relationship of the use to its immediate surroundings and to other areas of the City from which it may be viewed.

919.02.K ***Location on Restricted Access Highways***

Any advertising sign erected after May 10, 1958 shall be removed by the owner thereof, at the owner’s expense, within one year after the affected portion of any highway becomes or is designated a restricted access highway in accordance with the provisions of this Code and has been officially opened for public use, if an advertising sign is within 350 feet of the center line of such highway or the interchange ramps thereof and the face of an advertising sign is visible therefrom.

919.02.L ***General Prohibitions***

1. No advertising sign shall be erected or maintained in such a manner as to obscure or otherwise physically interfere with an official traffic sign, signal or device, or to obstruct or physically interfere with the driver’s view of approaching, merging or intersecting traffic.
2. No advertising sign shall be erected or maintained which imitates or resembles any official traffic sign, signal or device.
3. No advertising sign shall be erected, painted or maintained upon trees, rocks, other natural features or that which is structurally unsafe or in disrepair.

919.02.M ***Maintenance***

Any advertising sign, together with its supports, braces, guys, anchors and electrical equipment, shall be kept fully operable, in good repair and maintained in a safe manner and in a neat, clean and attractive condition. The display surfaces of all advertising signs shall be kept neatly painted or posted.

919.02.N ***Nonconforming Advertising Signs***

A nonconforming advertising sign may be continued only as provided in this section:

1. Normal maintenance of a nonconforming sign may occur, including any necessary repairs or alterations which do not enlarge, extend, or intensify the nonconformity;

2. No structural alteration, enlargement, or extension shall be made of a nonconforming sign, except when the alteration is required by law or will eliminate the nonconforming condition;
3. Shall not be moved to a different location;
4. Poster paper and panel copy boards may be replaced. Painted bulletin boards may be repainted.
5. If a nonconforming sign is damaged or destroyed by any means to the extent of fifty percent (50%) or more of its replacement value at the time of the damage or destruction (based on prevailing costs), the sign shall be made to conform to the provisions of this section. However, if the damage or destruction is less than fifty percent (50%) of the replacement value, then the sign may thereafter be restored to its original condition.

919.02.O ***Location in Historic Districts***

Advertising signs in City designated Historic Districts or within 100 feet of and visible from such Districts shall be approved by the Historic Review Commission prior to obtaining zoning approval.

919.02.P ***Annual Inspection Tags***

The Bureau of Building Inspection shall annually issue inspection tags for each sign face as follows:

1. The Chief of the Bureau of Building Inspection shall issue an inspection tag for each advertising sign. The tag shall contain a number peculiar to that sign face. The Chief shall inspect each advertising sign annually and if it complies with the provisions of the Code shall issue a renewal sticker to be affixed to the inspection tag. The color of the renewal sticker shall be changed annually to simplify visual inspection. The tag and renewal sticker issued for a sign which is subsequently removed shall be returned to the Bureau of Building Inspection.
2. The Chief of the Bureau of Building Inspection is authorized and directed to make reasonable rules and regulations for implementation and administration of an annual inspection tag and sticker system.

919.03 **Nonadvertising Signs**

The regulations of this section shall apply to signs other than advertising signs. Nonadvertising signs shall be permitted in accordance with the regulations of this section.

919.03.A ***Signs Inside Buildings***

Signs on the inside of the buildings or other structures, designed not to be seen from the exterior of such buildings or structures shall be permitted in any district with unlimited size and interior location.

919.03.B

Flags

Official government flags, emblems and insignia shall be permitted in any district with unlimited size and location.

919.03.C

Plaques, Cornerstones and Nameplates

Memorial plaques, cornerstones or name plates bearing only the name of the owner, the name or use of the structure or the date of erection of the structure shall be permitted in any district, subject to the following:

1. Such signs shall be limited to one of each type for each structure and shall not exceed four square feet in face area;
2. Such signs shall be limited to one along each street frontage, built in or attached to a wall of the structure.

919.03.D

Historic Tablets

Historic tablets or building directories bearing only the name of the owner, the name or use of the structure and its occupants, the date of erection of the structure or reading matter commemorating a person, event or significance of the location shall be allowed in all districts, subject to the following standards:

919.03.D.1

Residential Districts

In residential zoning districts, such signs:

- (a) Shall not exceed eight square feet in face area;
- (b) Shall be limited to one along each street frontage;
- (c) May be attached to a wall of the building and shall not project more than four inches therefrom or may be situated as a ground sign and shall not exceed more than 12 feet from the top of the sign to the grade beneath the sign.

919.03.D.2

Other Districts

In districts other than residential zoning districts, such signs:

- (a) Shall not exceed 12 square feet in face area;
- (b) Shall be limited to one along each street frontage;
- (c) May be attached to a building wall and shall not project more than 12 inches therefrom or may be situated as a ground sign and shall not extend more than 12 feet from the top of the sign to the grade beneath the sign.

919.03.E

Bulletin Boards

Bulletin boards of religious and other institutions used to indicate the services or activities offered on the premises shall be permitted in any district provided that such signs:

1. Shall not exceed 30 square feet in face area; and
2. Shall be limited to one along each street frontage.

919.03.F

Real Estate and Political Signs

Temporary real estate signs pertaining to the sale or lease of the premises and

temporary political campaign signs or posters relating to the election of a person to public office, to a political party or to a matter to be voted upon at an election called by a public body shall be subject to the following regulations.

919.03.F.1 **General**

- (a) Such signs may be attached to a wall of the building and project not more than 12 inches therefrom or may be staked into the ground not extending more than six feet from the top of the sign or poster to the grade beneath the sign or poster.
- (b) Such signs shall be removed within 30 days following the sale or election. An elected candidate in a primary election may maintain the sign until 30 days following the general election.

919.03.F.2 **Residential, LNC, UNC, GT, DR, EMI Districts**

In the Residential, LNC, UNC, HC, GT, DR and EMI zoning districts such signs:

- (a) Shall not exceed 12 square feet in face area;
- (b) Shall be nonilluminated and limited to one along each street frontage.

919.03.F.3 **HC, NDI, UI and GI Districts**

In the HC, GI, UI and NDI zoning districts, such signs:

- (a) Shall not exceed 32 square feet in face area;
- (b) Shall be limited to two along each street frontage and may be illuminated.

919.03.G **Address Signs**

Street address numerals shall be permitted in any district provided the face area shall not exceed two square feet.

919.03.H **Holiday Displays**

Temporary displays or signs in the nature of decorations, clearly incidental and commonly associated with any national, local or religious holiday, permitted in any district provided:

1. They shall not be displayed for a period of more than 90 consecutive days nor more than 90 days in any one year;
2. They may extend over public right of ways provided authorization is supplied by the Director of the Department of Public Works and the Chief of the Bureau of Building Inspection.

919.03.I **Convenience Information Signs**

Convenience information signs, such as date, time and weather, and official emblems of on-premises religious, charitable, public and nonprofit organizations may be permitted in any district provided that such signs:

1. Shall not contain advertising matter attached to or integrated with or as part of such sign;

2. Shall not project more than 12 inches within a public right of way;
3. Shall not exceed 18 square feet in face area;
4. The Zoning Administrator shall determine whether such sign is appropriate at the specific location taking into consideration the character of the uses in the vicinity, the possible effect of vehicular traffic, if any, and the relationship of the use to its immediate surroundings and to other portions of the City from which it may be viewed, including the size, height, extent and other characteristics.

919.03.J Public Information Signs

Public service and information signs of such size and type and in such locations approved by the Director of the Department of Public Works, intended to satisfy the public need, are permitted in any district, including:

1. Convenience signs identifying location of rest rooms, freight entrances and parking areas;
2. Government signs for the control of traffic and other regulatory purposes;
3. Public transit service signs;
4. Public utility information signs;
5. Safety signs;
6. Signs erected by a public agency in the performance of a public duty;
7. Signs indicating scenic or historic points of interest;
8. Street signs;
9. Trespassing signs;
10. Other directional signs as may be deemed necessary for the preservation of the public safety.

919.03.K Public Parking Identification and Rate Signs

919.03.K.1 Residential Districts

In residential zoning districts, public parking identification and rate signs:

- (a) Shall not exceed eight square feet in face area;
- (b) Shall be limited to one sign within the vicinity of each entrance.

919.03.K.2 Other Districts

In districts other than residential zoning districts, any number of public parking identification and rate signs shall be permitted, provided that the total accumulated face area of such signs does not exceed 24 square feet.

919.03.L Home Occupation Signs

Signs required by licensing requirements:

1. Shall not exceed four square feet in face area;
2. Shall be limited to one sign for each principal entrance;
3. May be attached to a wall of the building and shall not project more than 12 inches therefrom or may be situated as a pole sign not extending more than ten feet from the top of the sign to the grade beneath the sign and shall be setback

- at least five feet from any lot line when such space is unoccupied by building;
4. Shall be nonilluminated.

919.03.M Business Signs and Identification Signs

Business signs or identification signs (other than the miscellaneous signs described in Sec. 919.03.A through Sec. 919.03.L, and Sec. 919.03.N) shall be allowed in accordance with the following standards.

919.03.M.1 General

- (a) Ground signs shall be situated on the zoning lot, shall not extend beyond any street line or lot line and shall not extend above the height limit of the respective zoning district, unless otherwise designated;
- (b) The face area of signs shall not exceed a vertical measurement of 20 feet;
- (c) Wall mounted signs shall not project more than 12 inches over a public street or way; and
- (d) May be illuminated.

919.03.M.2 Signs Containing Animation, Rotation or Illumination in HC, GT, NDI, UI and GI Districts

In the HC, GT, NDI, UI and GI zoning districts, such signs may contain animation, rotation or illumination that flashes or is intermittent provided:

- (a) Revolving or rotating components shall not exceed a speed of eight revolutions per minute;
- (b) Flashing or intermittent illumination shall not be of high intensity, strobe type lights or emergency vehicle type lights;
- (c) It is demonstrated that such sign is appropriate at the specific location with respect to the impact upon adjacent property uses, particularly those of a public or semi-public nature, taking into consideration the relative size, height and location of the sign, the hours of illumination, type of lighting, color and intensity of lighting, nature and effect of animated components and the nature and number of illuminating devices already in the immediate neighborhood.

919.03.M.3 RP, EMI and GPR

In the RP, EMI and GPR zoning districts:

- (a) Wall mounted signs shall be limited to one along each street frontage, not exceeding 80 square feet in face area and shall not extend more than 20 feet above grade;
- (b) Ground signs shall be limited to one along each street frontage when the property frontage measures 200 feet or less. Otherwise, ground signs shall not be spaced within 200 feet of each other when located on the same zoning lot. Ground signs shall not extend more than 20 feet from the top of the sign to the grade beneath the sign and shall not exceed a total face area of 50 square feet;
- (c) Roof signs shall not be permitted;
- (d) These signs shall not contain animation, rotation (other than barber poles) or

illumination that flashes or is intermittent;

- (e) Marquee or canopy sign is a sign attached to, painted on or inscribed upon a marquee or canopy that otherwise complies with any other governmental regulation; the face of such sign shall not project above or below the marquee or canopy, shall not exceed eight inches in height, shall not project more than six inches horizontally from the surface of such marquee or canopy, shall not contain flashing lights or animation and shall not contain any advertising except for the name of the owner, name of the building or the name of the business.

919.03.M.4 *HC Districts*

In the HC zoning districts:

- (a) Wall mounted signs are allowed provided that the total face area attached to a wall shall not exceed one square foot of sign face area for each four square feet of exposed wall area and shall not exceed a total sign face area per wall of 180 square feet;
- (b) Ground signs shall be limited to one along each street frontage when the property frontage measures 150 feet or less, otherwise ground signs shall not be spaced within 150 feet of each other when located on the same zoning lot. Ground signs shall not extend more than 30 feet from the top of the sign to the grade beneath the sign and shall not exceed a total face area of 60 square feet;
- (c) One roof sign may be substituted for a permitted wall mounted sign as otherwise permitted under this subsection, provided the height of the sign is not greater than six feet;
- (d) Signs attached to gasoline dispensing pumps shall be limited to one sign not exceeding four square feet in face area for each pump;
- (e) Marquee or canopy sign is a sign attached to, painted on or inscribed upon a marquee or canopy that otherwise complies with any other governmental regulation; the face of such sign shall not project above or below the marquee or canopy, shall not exceed eight inches in height, shall not project more than six inches horizontally from the surface of such marquee or canopy, shall not contain flashing lights or animation and shall not contain any advertising except for the name of the owner, name of the building or the name of the business.

919.03.M.5 *LNC, UNC, GT, CP, AP, and SP-5*

In the LNC, UNC, GT, CP, AP and SP-5 districts:

- (a) Wall mounted signs are permitted provided that the total face shall not exceed one (1) square foot of sign face area for each five square feet of exposed wall area, shall not extend more than 30 feet above grade, except that the name of the building or business may be located above the 30 foot height limit;
- (b) Ground signs shall be limited to one along each street frontage when the property frontage measures 100 feet or less, otherwise ground signs shall not be spaced within 100 feet of each other when located on the same zoning lot. Ground signs shall not extend more than 40 feet from the top of the sign to the grade beneath the sign and shall not exceed a total face area of 150 square feet;

- (c) Roof mounted signs and signs attached to a building with a projection above the roof peak or parapet wall, whichever is lower, shall be limited to the name of the building so attached to or the name of the business establishment situated within the building:

- (1) *LNC, UNC, and SP-5 Districts*

- In the LNC, UNC, and SP-5 zoning districts, roof mounted signs and signs attached to a building:

- (i) Shall not exceed four feet in height when attached to a one story building and have not more than a two foot space between sign and peak or parapet of roof.
 - (ii) Are not permitted when the building is more than one story in height.

- (2) *GT, CP and AP Districts*

- In the GT, CP and AP zoning districts, roof mounted signs and signs attached to a building:

- (i) Shall not exceed ten feet in height and have not more than a two foot space between sign and peak or parapet of roof.

- (d) Marquee or canopy sign is a sign attached to, painted on or inscribed upon a marquee or canopy that otherwise complies with any other governmental regulation; the face of such sign shall not project above or below the marquee or canopy, shall not exceed eight inches in height, shall not project more than six inches horizontally from the surface of such marquee or canopy, shall not contain flashing lights or animation and shall not contain any advertising except for the name of the owner, name of the building or the name of the business.

919.03.M.6 *NDI, GI, and UI Districts*

In the NDI, GI and UI zoning districts:

- (a) Wall mounted signs are allowed provided that the total face area attached to a wall shall not exceed one square foot of sign face area for each three square feet of exposed wall area;
- (b) Roof mounted signs shall be limited to the name of the building so attached to or the name of the business establishment situated within the building and shall not exceed 15 feet in height;
- (c) Ground signs shall not extend more than 45 feet from the top of the sign to the grade beneath the sign provided that no sign shall exceed 200 square feet in face area or a vertical measurement of 20 feet;
- (d) Marquee or canopy sign is a sign attached to, painted on or inscribed upon a marquee or canopy that otherwise complies with any other governmental regulation; the face of such sign shall not project above or below the marquee or canopy, shall not exceed eight inches in height, shall not project more than six inches horizontally from the surface of such marquee or canopy, shall not contain flashing lights or animation and shall not contain any advertising except

for the name of the owner, name of the building or the name of the business.

919.03.N *Identification Signs not Regulated Above*

1. Identification signs for Child Care uses, and office of minister or physician, shall be permitted in any district where the use is permitted provided that:
 - (a) The sign shall not exceed five square feet in face area;
 - (b) The use shall be limited to one sign for each principal entrance;
 - (c) The sign may be attached to a wall of the building and shall not project more than 12 inches therefrom or may be situated as a pole sign not exceeding more than 10 feet from the top of the sign to the grade below the sign and shall be setback at least five feet from any lot line when the space is unoccupied by building; and
 - (d) The sign shall be non-illuminated.

2. Identification signs for Multi-Unit Residential uses, Multi-Suite Residential uses, Community Centers, Funeral Homes, Housing for the Elderly, Institutional uses, Library, Medical Office, Cultural Service, Nursing Home, or School, shall be permitted in any district where the use is permitted provided that:
 - (a) The sign shall not exceed 12 square feet in face area;
 - (b) The use shall be limited to one sign for each primary entrance; and
 - (c) The sign may be attached to a wall of the building and shall not project more than 12 inches therefrom, or may be situated as a pole sign not extending more than 12 feet from the top of the sign to the grade beneath the sign and shall be setback at least five feet from any lot line when such space is unoccupied by building.

3. Identification signs for Institutional uses, including Hospital, College or University, and Park uses, shall be permitted in any district where such use is permitted, provided that:
 - (a) The sign shall not exceed 32 square feet in face area;
 - (b) The use shall be limited to one sign along each street frontage or as necessary for adequate direction;
 - (c) The sign may be attached to a wall of the building and shall not project more than 12 inches therefrom, or may be situated as a pole sign not extending more than 12 feet from the top of the sign to the grade beneath the sign and shall be setback at least 20 feet from any lot line other than the street line.

919.04 **Neighborhood Business District Sign Regulations**

919.04.A **General**

919.04.A.1 *Purpose*

The purpose of these special neighborhood business district sign regulations is to provide a level of control over signage in commercial areas of the City that include uses that are within and adjacent to residential neighborhoods, where such uses are physically oriented toward pedestrian traffic rather than vehicular traffic, and where the existing general provisions regulating signage allow types and sizes of signs which are not appropriate to these districts.

919.04.A.2 *Applicability*

These regulations shall apply only to those areas specifically listed hereunder, and shall be used in addition to the general provisions for signs found throughout this chapter. Where differences occur between the Neighborhood Business District Sign Regulations of this section (Sec. 919.04) and those found elsewhere in this chapter, the Neighborhood Business District Sign Regulations of this section shall control.

919.04.A.3 *Neighborhood Business Sign Districts Established*

The following Neighborhood Business Sign Districts are hereby established:

- (a) East Carson Street

919.04.A.4 *Special Definitions*

The following special definitions shall apply throughout the Neighborhood Business District Sign Regulations of this section (Sec. 919.04).

- (a) **Projecting Sign** means any business or identification sign which sole means of support is by attachment to a legal structure on a zoning lot and which projects more than 12 inches into a public right of way. A projecting sign shall contain no more than two sign faces which include lettering, and these sign faces shall be back-to-back.

919.04.B **Regulations Applicable to All Neighborhood Business Districts**

The provisions of this section apply to all Neighborhood Business Sign Districts.

919.04.B.1 *Number of Signs*

- (a) For each street level business, a maximum of one wall sign, two window signs, and either one awning sign or one projecting sign or one ground sign shall be permitted for each facade of a structure facing a street.
- (b) For each upper floor business, a maximum of two window signs, one door sign, and either one awning sign or one projecting sign shall be permitted for each

facade of a structure facing a street.

- (c) The maximum area of all signs, including ground signs, shall be 15 percent of the area of the face of the building on which the signs are proposed. For ground signs, the area of the face of the building nearest to and visible from the ground signs shall be considered for this calculation.

919.04.B.2 *Sign Size*

- (a) Wall signs shall be a maximum of two square feet in area for every lineal foot of building frontage, up to a maximum of 40 square feet. Maximum lettering Size shall be 18 inches high.
- (b) For each street level business window and door signs shall be a maximum of 20 percent of the glazed area of the window or door in which they are placed up to a maximum of eight square feet. For each upper floor business, window or door signs shall be maximum of 50 percent of the glazed area of the window or door in which they are placed, up to a maximum of ten square feet.
- (c) Projecting signs shall be a maximum of nine square feet per side. The area of irregular or three-dimensional shapes shall be computed by multiplying the height and width at the widest points.
- (d) Ground signs shall be limited to 40 square feet, and the sign and sign structure shall be no higher than 12 feet.

919.04.B.3 *Location*

- (a) No sign or sign structure or support shall be placed onto or obscure or damage any significant architectural feature of a building, including but not limited to a window or door frame, cornice, molding, ornamental feature, or unusual or fragile material.
- (b) No sign shall be painted onto any significant architectural feature, including but not limited to a window or door frame, cornice, molding, ornamental feature, or unusual or fragile material.
- (c) No sign or sign structure or support shall be located on the roof of any building or structure, nor shall any sign or sign structure or support extend beyond the cornice line of any building or structure.
- (d) Projecting signs shall extend no more than four feet from the front of a building or structure or two-thirds of the width of the sidewalk beneath the sign where such sidewalk exists, whichever is less. The bottom most point of a projecting sign shall be no less than ten feet from above grade beneath the sign.

919.04.B.4 *Materials*

- (a) The following types of signs and materials shall not be permitted for signs in a Neighborhood Business Sign District:
 - (1) Internally illuminated box signs;
 - (2) Individually illuminated channel letters;
 - (3) Flashing, moving or intermittently illuminated sign;
 - (4) Internally illuminated awnings.
- (b) Wall signs shall be painted only onto a separate material which is applied to the facade of the building.
- (c) For awning signs, letters shall be applied or painted onto the valance portion of the awning only.

919.04.B.5 *Illumination*

- (a) Internally illuminated signs or sign letters shall not be permitted.
- (b) The sign face may be illuminated with small shielded spotlights which are placed as to not glare onto the public right of way or onto adjacent properties or neon tubing may be attached to the face of the sign for illumination.

919.04.B.6 *Historic Plaques*

In addition to the signs permitted above, the City’s historic designation plaque and one other historic plaque may be applied to a wall of a building or structure. These historic plaques shall be a maximum of one and one-half square feet in area.

919.04.C ***East Carson Street District Standards***

The provisions in this section apply only within the East Carson Street Neighborhood Business Sign District.

919.04.C.1 *Intent*

This commercial area is an historic district with a unique collection of nineteenth and early twentieth century structures, built in a variety of architectural styles, but forming a continuous urban fabric along an important city arterial. The vast majority of structures are attached brick structures built to the property line along the street with narrow sidewalks along a two or three lane cartway.

The intent of these special provisions is to minimize the possibly adverse effect of signs on these significant architectural resources, to improve the safety of pedestrian and vehicular traffic, and to improve the communicative value of the signage for the primary users of the district.

A further intent of these regulations is to provide for signage which is compatible with

the architectural character of the district, so that the historic characteristics of the district are not adversely impacted by inappropriate signage.

919.04.C.2 *Number*

One ground sign shall be permitted per zoning lot and shall substitute for a projecting sign or an awning sign.

919.04.C.3 *Size*

- (a) Ground signs shall be limited to 25 square feet in area, and the sign and sign structure shall be no higher than eight feet.
- (b) The limitation on the total area of all signs shall not include signs which are determined to be a significant historic element of the building and which are an integral part of the building facade.

919.04.C.4 *Location*

- (a) Signs for street level businesses shall be located below the sills of the second floor windows and above the frame of the storefront windows.
- (b) Ground signs shall be located within the buildable area of the lot. Ground signs shall be used only where the building or structure on a zoning lot is set back from the front property line by at least 20 feet. Ground signs shall not be supported by poles, uprights, braces or other means of support which are not a part of the sign face.

919.04.C.5 *Materials*

Sign supports and structures shall be designed to be the minimum necessary to safely install the sign. Sign structures and supports shall be designed to be compatible with the architecture of the building.

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920.01 General

920.01.A Provision of Child Care Facilities

1. Space for a child day care facility or facilities as specified herein shall be provided at the time of erection or enlargement of any nonresidential structure or any successive expansions of a nonresidential structure, conditional use, unit group development or planned development that exceeds the following minimum sizes:
 - (a) Any office structure that contains a gross floor area of 90,000 square feet or more or successive expansions of an office structure, conditional use, unit group development or planned development in which the cumulative increase in gross floor area is 90,000 square feet or greater.
 - (b) Any structure other than an office, residential or industrial structure containing a gross floor area of 180,000 square feet or more or successive expansions of such a structure, conditional use, unit group development or planned development in which the cumulative increase in gross floor area is 180,000 square feet or greater.
 - (c) Any mixed-use structure, where the component uses contained therein are less than the threshold sizes established in Sections 920.01.A.1(a) and 920.01.A.1(b), but where the sum of the otherwise required child day care facilities for each component use is greater than or equal to 1,260 gross floor area. The sum of such otherwise required facilities shall be calculated as follows:

$$\text{Facility GFA} = (\text{PO} \times \text{GFA} \times 0.014) + (\text{PN} \times \text{GFA} \times .007)$$

Where:

Facility GFA	=	Sum of Component use Facility
PO	=	Percent Office use in Structure
PN	=	Percent Non-office Nonresidential use in Structure
GFA	=	Gross floor area of Structure

2. Exemption from the calculation of gross floor area of a subject structure shall be calculated for those components of a structure which constitute the primary use and which can be shown to generate only employment which is accounted for

elsewhere in the structure. Examples of such component spaces might include, but would not be limited to: classroom space; automobile or boat showroom, service, and storage space; parking and loading space; furniture showroom and storage space; animal and laboratory supply storage space; special mechanical and HVAC equipment space within research and development and laboratory structures. Such component spaces eligible for exemption under this section shall not include those spaces typically incident to building occupancy, including but not limited to: hallways; lobbies; and conference rooms.

920.01.B ***Floor Area Bonus***

The lesser of 400 percent of the gross floor area of the required child day care facility or facilities provided pursuant to this chapter or one-half the gross floor area of that floor of the subject structure located at the midpoint of the structure's height shall be excluded from the calculation of the permitted floor area of the subject structure or the permitted bulk of the subject structure as defined by the area requirements of the Zoning District in which the subject structure is located, and from the calculation of the permitted height of the subject structure as defined by the height requirements of the Zoning District in which the subject structure is located, provided that such exclusion shall not increase the permissible site coverage of the subject structure or decrease any yard requirement of the subject structure as defined by that Zoning District by more than the increase in gross floor area afforded by this section when divided by the total number of floors of the structure and provided that such exclusion shall not increase the otherwise allowable height of the subject structure within the underlying zoning district by more than one floor.

920.01.C ***Net Increase in Space Required***

The provisions of this section may be satisfied only by a net increase in child day care facility space as computed under the requirements of this section and as located in compliance with the requirements of this section. Purchasing, leasing, relocating or otherwise reserving existing space in existing child day care facilities shall not satisfy the provisions of this chapter.

920.01.D ***Operation by Licensed Child Day Care Provider***

A child day care facility constructed or provided pursuant to the provisions of this chapter shall be operated by a licensed child day care provider.

920.01.E ***Preference to Tenants***

Preference in the allocation of child day care services in a child day care facility created pursuant to this chapter shall be given to the tenants, and employees of tenants, of the structure which has caused the creation of the facility.

920.02 **Floor Area Requirements for Child Care**

A. The gross floor area of the required child day care facility in office structures shall total no less than 1,260 square feet or 1.40 percent of the gross floor area

of the structure exclusive of parking, loading and those exceptions listed under Sec. 914.11, whichever is greater.

- B. The gross floor area of the required child day care facility in any structure other than an office, residential or industrial structures shall total no less than 1,260 square feet or 0.70 percent of the gross floor area of the structure exclusive of parking, loading and those exceptions listed under Sec.920.01.A, whichever is greater.
- C. In the case of a mixed-use development, the gross floor area of the required child day care facility shall total no less than the sum of the gross floor areas of the required child day care facilities for each component use of the development as calculated under this section.
- D. Any net increase in the gross floor area of a structure, conditional use, unit group development or planned development through subsequent development action shall be matched by a corresponding increase in the gross floor area of the required child day care facility or facilities. Such increase shall be computed per Secs. 920.01.A and 920.02. The owner or agent for the subject structure shall certify that the requirement for a net increase in child day care facilities specified herein remains satisfied. Any net decrease in the gross floor area of a structure, conditional use, unit group development or planned development through subsequent development action may, at the owner's option, be matched by a corresponding decrease in the gross floor area of the required child day care facility or facilities. Such decrease shall not exceed the amount computed per Secs. 920.01.A and 920.02.

920.03

Location

- A. The required child day care facility shall be located on the same zoning lot as the subject structure and in accordance with the standards of the Pennsylvania Department of Public Welfare and the Pittsburgh Bureau of Building Inspection, except as specified in Sec. 920.05.B.
- B. The location or locations of the required facility or facilities may be changed provided that the new facility or facilities are located in accordance with Sec. 920.03.A and Sec. 920.05.B and that the owner of or agent for the subject structure certifies that the requirement for a net increase in child day care facilities under Sec. 920.02.D remains satisfied.
- C. The requirement for the provision of the child day care facility for a single structure may be met through a combination of two or more child day care facilities whose combined gross floor area totals no less than the required gross floor area specified in Sec. 920.02 and are located in accordance with Sec. 920.03 and Sec. 920.05.B, provided that each of such facilities are of a minimum size of 1,260 square feet gross floor area.

920.04 **Special Exception**

The following uses shall be permitted as Special Exceptions in accordance with the Special Exception Review Procedures of Sec. 922.07:

920.04.A ***Reduction in the Gross Floor Area of the Child Day Care Facility Required***

The gross floor area of the child care facility may be reduced provided that:

1. The applicant can provide evidence that no child day care provider can be found to provide child day care services in any of the variety of locations permissible under Secs. 920.03.A and 920.05.B.
2. The Board determines that the proposed reduction shall not be detrimental to the community by increasing the unmet demand for existing child day care facilities, taking into consideration the number, location, availability and length of waiting lists of such existing facilities.
3. The Board imposes such conditions and limitations as to the duration of the reduction which in its opinion are necessary in order to ensure that the reduction results in no future increase in unmet demand for child day care facilities.

920.05 **Administrator Exceptions**

The following shall be Administrator Exceptions in accordance with the provisions of Sec. 922.08:

920.05.A ***Increase in Site Coverage/ Decrease in Yard Requirement***

In all districts other than R or RP, increase in the permissible site coverage of a structure or the decrease in any yard requirement of a structure meeting the requirements of Sec. 920.01 Child Day Care Facilities provided:

1. The increase in permissible site coverage or the decrease in any yard requirement is less than or equal to the increase in GFA when divided by the total number of floors of the structure; and
2. Such increases in site coverage or decreases in yards shall not create a safety hazard by creating sight distance problems for vehicles entering or exiting a site; and
3. Such decrease in yards shall be limited to no greater than ten percent (10%) of any specified yard.

920.05.B ***Day Care Location Exceptions***

1. Provision of the required child day care facility or facilities for a subject structure in any Zoning District may be satisfied by the provision of a facility or facilities in one or several of the following locations, provided that each of such facilities are of a minimum size of 1,260 square feet GFA:
 - (a) On a zoning lot located no more than 2,500 feet walking distance from the zoning lot of the subject structure, or in EMI districts no more than 2,500 feet from an institutional campus boundary defined in that institution's

- Master Plan as duly approved by the Planning Commission;
- (b) On a zoning lot more than 1,000 feet walking distance from the subject structure upon which or adjacent to is located a major parking garage or a major parking area, provided that a portion of such parking garage or parking area is reserved for the exclusive use of tenants of the subject structure, and that regularly scheduled shuttle service is in operation between the parking garage or parking area and the subject structure.
2. Provision of the required child day care facility or facilities for a subject structure in a GT Golden Triangle or DR Downtown Riverfront District may be satisfied by the provision of a facility or facilities in one or several of the following locations, provided that each of such facilities are of a minimum size of 1,260 square feet GFA:
- (a) A public Intermodal Transportation Center located within any GT or DR District, or in any District adjacent to any GT or DR District;
- (b) A major or minor parking garage, open to the general public and with a minimum size of 500 stalls, located within any GT or DR District;
- (c) A major or minor parking area, open to the general public and with a minimum size of 500 stalls, located within any GT or DR District;
- (d) A transit stop, engineered and completed to accommodate a projected peak hour travel of at least 4,000 persons per weekday in all directions, located within any GT or DR District.
3. Provision of the required child day care facility or facilities for a subject structure in Oakland districts may be satisfied by the provision of a facility or facilities in one or several of the following locations, provided that each of such facilities are of a minimum size of 1,260 square feet GFA:
- (a) A public Intermodal Transportation Center located within any Oakland district;
- (b) A major or minor parking garage, open to the general public and with a minimum size of 500 stalls, located within an Oakland district;
- (c) A major or minor parking area, open to the general public and with a minimum size of 500 stalls, located within an Oakland district;
- (d) A transit stop, engineered and completed to accommodate a projected peak hour travel of at least 4,000 persons per weekday in all directions, located within an Oakland district.

Chapter 921: Nonconformities

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921.01 General

921.01.A Purpose

It is the general policy of the City to allow uses, structures and lots that came into existence legally in conformance with then-applicable requirements to continue to exist and be put to productive use, but to bring as many aspects of such situations into compliance with existing regulations as is reasonably possible. This chapter establishes regulations governing uses, structures and lots that were lawfully established but that do not conform to one or more existing requirements of this Code. The regulations of this chapter are intended to:

1. Recognize the interests of property owners in continuing to use their property;
2. Promote reuse and rehabilitation of existing buildings;
3. Place reasonable limits on the expansion of nonconformities that have the potential to adversely affect surrounding properties and the community as a whole; and
4. Protect the integrity of residential neighborhoods from the potential impacts of nonconforming uses.

921.01.B Unsafe Situations

Nothing in this chapter shall be construed to permit the continued use of a building or structure found to be in violation of building, basic life safety or health codes of the City.

921.01.C Compliance with Regulations

The right to change or expand any nonconformity shall be subject to all applicable housing, building, health and other life safety codes. Nonconformities shall also be subject to all applicable regulations of this Code.

921.01.D Repair and Maintenance

Normal maintenance and incidental repair may be performed on a conforming structure that contains a nonconforming use or on a nonconforming structure. Nothing in this chapter shall be construed to prevent structures from being structurally strengthened or restored to a safe condition, in accordance with an order of the Building Official.

921.01.E *Accessory Uses and Structures*

Nonconforming accessory uses and nonconforming accessory structures shall be subject to all same provisions that govern nonconforming primary uses and structures.

921.01.F *Determination of Nonconformity Status*

The burden of establishing that a nonconforming use or nonconforming structure lawfully exists under this Zoning Code, shall be the owner's burden and not the City's.

921.02 *Nonconforming Uses*

A nonconforming use which has a valid Certificate of Occupancy and lawfully occupies a structure or vacant site on the date that it becomes nonconforming may be continued as long as it remains otherwise lawful, subject to the standards and limitations of this section.

921.02.A *Movement, Alteration and Enlargement*

921.02.A.1 *Enlargement*

A nonconforming use may not be enlarged, expanded or extended to occupy parts of another structure or portions of a site that it did not occupy on the date that it became nonconforming, unless approved by the Zoning Board of Adjustment as a special exception, pursuant to the procedures of Sec. 922.07 and subject to the following limits.

(a) **Limit on Enlargement**

- (1) The Zoning Board of Adjustment shall not allow as a special exception any enlargement, expansion or extension that has the effect of increasing the total floor area or lot coverage of a nonconforming use by more than 25 percent in a non-residential zoning district or by more than 15 percent in a residential zoning district, when compared to the floor area or site area coverage of the nonconforming use at the time it became nonconforming.
- (2) The lot on which a nonconforming use is situated may not be merged with an adjacent lot for purposes of creating a single larger zoning lot on which a nonconforming use shall be situated.

(b) **Limit on Enlargements that Create Other Nonconformities**

The enlargement of a nonconforming use that has the effect of making a structure noncomplying or nonconforming in any other respect shall not be permitted as a special exception, but rather shall be construed as a request for a variance, subject to the procedures of Sec. 922.09

921.02.A.2 *Limits on Improvements*

Exterior or interior remodeling or improvements to a structure containing a nonconforming use shall be permitted, provided that any proposed enlargement, expansion or extension shall be subject to the provisions of Sec. 921.02.A.1.

921.02.A.3 *Relocation of Structures Containing Nonconforming Uses*

A structure containing a nonconforming use shall not be moved unless the use and structure will comply with all of the regulations that apply in the new location. The Zoning Board of Adjustment may authorize as a special exception a structure containing a nonconforming use to be moved to another location on the same lot only if the Zoning Board of Adjustment determines that such a move will not have the effect of increasing the degree of nonconformity.

921.02.A.4 *Change to Another Nonconforming Use*

A nonconforming use may be changed to another nonconforming use, as a special exception, provided that the new use shall be of the same general character or of a character that is more closely conforming than the existing, nonconforming use. The determination of whether a proposed use is a conforming use or is less intense than the existing nonconforming use shall be made by the Zoning Board of Adjustment based on factors including, but not limited to:

- (a) Hours of operation;
- (b) Number of parking spaces;
- (c) Number of employees;
- (d) Physical size of building relative to surrounding buildings;
- (e) Design characteristics of building relative to design features of surrounding buildings; and
- (f) Traffic generation.

In addition, in determining whether a proposed change to another nonconforming use is more or less intensive than the existing use, the Zoning Board shall use the Use Classification System of Section 911.02, wherein all residential and mixed use zoning districts are listed in hierarchical order of intensity, with RSD being the least intensive and GI being the most intensive. This hierarchy of zoning districts shall not apply to Special Districts or Downtown districts. Within the Use Classification System, the Zoning Board shall use the following criteria:

1. Any use which is permitted as-of-right in a less intensive zoning district shall be considered less intensive than a use permitted as-of-right within a more intensive zoning district.
2. Within the same zoning district, a use shall be considered more intensive than another use if the approval required for such use is a higher level in the following hierarchy: as-of-right (P), Administrator's Exception (A), Special Exception (S), Conditional Use (C).
3. When two uses cannot be compared according to the above criteria, the Zoning

Board shall consider the districts where the uses are permitted, and shall consider the Use Standards of Sec. 911.04 in determining the relative intensity of use.

921.02.A.5 *Controlling Negative Impacts*

The applicant shall bear the burden of proof that the proposed change, or proposed expansion, enlargement or extension of the nonconforming use will not result in greater negative impacts on nearby residents and properties.

921.02.B ***Abandonment***

921.02.B.1 *Effect of Abandonment*

Once abandoned, a nonconforming use shall not be reestablished or resumed. Any subsequent use or occupancy of the structure or land site must conform with the regulations of the district in which it is located and all other applicable requirements of this Code.

921.02.B.2 *Evidence of Abandonment*

A nonconforming use shall be presumed abandoned when any one of the following has occurred:

- (a) A less intensive use has replaced the nonconforming use;
- (b) Greater than 24% of the building or structure has been removed through the applicable procedures for condemnation of unsafe structures or otherwise by operational law;
- (c) The owner has physically changed the building or structure or its fixtures or equipment in such a way as to clearly indicate a change in use or activity to something other than the nonconforming use; or
- (d) The use has been discontinued, vacant or inactive for a continuous period of at least one year, provided this presumption may be rebutted upon showing, to the satisfaction of the Zoning Board of Adjustment, that the owner had no intention to abandon. Where appropriate, the Zoning Board of Adjustment may require contemporaneous documentation of previous use or intended use, such as leases or real estate advertisement, to rebut the presumption.

921.03 **Nonconforming Structures**

A nonconforming structure, including a nonconforming sign, which has a valid Certificate of Occupancy and lawfully occupies a site on the date that it becomes nonconforming that does not conform with the site development standards of the underlying zoning district or any other development standards of this Code may be used and maintained, subject to the standards and limitations of this section.

921.03.A ***Maintenance and Repair***

921.03.A.1 *Maintenance, Remodeling and Repair*

Maintenance, remodeling and repair of a nonconforming structure shall be permitted without a variance and without special exception approval, provided that such maintenance, remodeling or repair does not increase the degree of nonconformity.

921.03.A.2 *Non-residential Nonconforming Structures*

In the case of non-residential nonconforming structures in any class of residential zones, maintenance and routine repairs shall be permitted without variance or special exception approval.

921.03.A.3 *Exterior or Interior Remodeling or Improvements to Structures*

Exterior or interior remodeling or improvements to a structure containing a nonconforming use shall be permitted, provided that any proposed enlargement or extension shall be subject to the provisions of Sec. 921.02.A.1 and Sec. 921.03.A.4.

921.03.A.4 *Limits on Improvements to Nonconforming Structures in Residential Areas Containing a Nonconforming Use*

In the event of replacement or reconfiguration of major structural (supporting) components, interior partition walls, changes to rooflines, cornice lines and rooftop structures, replacement of windows and doors with inherently more expensive or elaborate type or construction, changes in the configuration of opening, the creation of new openings, installing through-wall vents and air conditioners, installing bays, oriels, and balconies, changes to storefronts, steps and entryways, cladding exterior walls in a new material, barrier-free access improvements, construction of additions, increases in utility capacities or enhancement of electrical, plumbing HVAC systems and other mechanical equipment shall be considered as improvements. The difference in cost for such changes shall not exceed 50% of the assessed value of the structure at the time of the first said improvements or before restoration (as described in Sec. 921.03.C.1). Regional construction cost estimating publications shall be used to establish respective cost differentials except in cases where this is impracticable.

921.03.A.5 *Conversion of Nonresidential Nonconforming Structures*

No limits on costs of improvements shall apply to conversions of nonconforming nonresidential structures to residential uses in residential zoning districts.

921.03.B *Occupancy by a Conforming Use*

A nonconforming structure may be occupied by any use allowed in the zoning district in which the structure is located, subject to all other applicable use approval procedures and conditions.

921.03.C *Restoration and Reconstruction*

921.03.C.1 *Restoration of Nonconforming Structures Containing a Nonconforming Use*

In any residential zoning district, replacement of major (supporting) structural components, interior partition walls, windows and doors, utility connections and systems, HVAC systems, and other mechanical equipment, the Zoning Board of Adjustment shall be authorized to approve, as a special exception, the rehabilitation of nonresidential nonconforming structures, provided that such work involves restoration of said structures to the character existing at the time they became nonconforming. This determination shall be made by reference to documented use, photographic records, and direct inspection by the Bureau of Building Inspection. Such restoration shall be permissible without limit on costs so long as said replacements are of like kind and capacities of original equipment. With respect to this section, the limitation of 50% of assessed valuation of the structure contained within Sec. 921.03.A.4 above shall not apply.

921.03.C.2 *Reconstruction of a Damaged Nonconforming Structure*

The Zoning Board of Adjustment shall be authorized to approve, as a special exception, the reconstruction of a nonconforming structure damaged by fire, wind, tornado, earthquake, or other natural disaster, provided that such rebuilding does not increase the intensity of use, as determined by the number of dwelling units (for residences) or floor area or ground coverage (for nonresidential uses). Before approving reconstruction as a special exception, the Zoning Board of Adjustment shall determine that the reconstruction will comply with applicable zoning standards to the fullest extent possible and will not result in greater nonconformity than existed before the damage occurred. For the purposes of this section, in any residential district, reconstructions shall be governed by Sec. 921.03.C.1 of this Chapter, “Restoration of Nonconforming Structures Containing a Nonconforming Use.”

921.03.C.3 *Willful Destruction*

In the event of arson or other willful destruction, reconstruction of nonconforming structures shall be prohibited if such casualty is traceable to the owner or his/her agent. Such instances shall result in forfeiture of the nonconforming status, and must subsequently be brought within all the prevailing restrictions applied to the surrounding district.

921.03.D *Enlargement and Expansion*

921.03.D.1 *Enlargement and Expansion of a Nonconforming Structure*

A nonconforming structure may be enlarged, expanded or extended, in compliance with all applicable regulations of this Code, unless the enlargement, expansion or extension has the effect of increasing the degree of nonconformity or making a use or structure nonconforming in any other respect, subject to any applicable requirements of Section 922.02.

921.03.D.2 *Displacement of Conforming Structures or Uses*

In no case shall the expansion of a nonresidential nonconforming structure be enlarged should such enlargement displace conforming structures or uses on the same lot.

921.03.E Relocation

The Zoning Board of Adjustment may authorize, as a special exception, a structure containing a nonconforming use to be moved to another location on the same lot, provided that the Zoning Board of Adjustment determines that such a move will not have the effect of increasing the degree of nonconformity.

921.03.F Nonconforming Signs

Nonconforming signs shall be subject to the noncomplying structure regulations of this section, as modified by the following:

1. Nonconforming signs may be repaired, provided that no structural alterations shall be made which increase the area of the advertising matter;
2. Nonconforming signs may not be enlarged, added to or replaced by another nonconforming sign or by a nonconforming use or structure, except that the substitution or interchange of poster panels and painted boards on nonconforming signs shall be permitted.
3. Business signs or identification signs shall not be replaced with advertising signs.

921.04 Nonconforming Lots

A lot shown on an approved and recorded subdivision plat or a parcel shown on the Allegheny County Record Of Deed's records as a separate parcel on such date may be occupied and used although it may not conform in every respect with the dimensional requirements of this Code, subject to the provisions of this section.

921.04.A Vacant Lot

If the lot or parcel was vacant on the date which this code became applicable to it and is in separate ownership from abutting lots or parcels, then the Zoning Administrator shall approve the use of the lot as an Administrator Exception for a single-unit residential use, or the Zoning Board of Adjustment shall approve, as a special exception, the lot for a conforming use permitted in the district in which the lot is located, according to the following standards:

1. The use and structure shall comply with all applicable dimensional requirements of the code to the extent practicable; and
2. If the applicable zoning district permits a variety of uses or a variety of intensities of uses, and one or more uses or intensities would comply with applicable setback requirements while others would not, then only the uses or intensities that would conform with the applicable setback requirements are permitted.

921.05 Other Nonconformities

921.05.A Examples of Other Nonconformities

The types of other nonconformities to which this section applies include but are not necessarily limited to: fence height or location; lack of buffers or screening; lack of or inadequate landscaping; lack of or inadequate off-street parking; and other nonconformities not involving the basic design or structural aspects of the building, location of the building on the lot, lot dimensions or land or building use. However, development that is consistent with a site plan approved on the date that this Code became effective shall be deemed to be in conformance with this Code to the extent that it is consistent with the approved plan and to the extent that such plan or conditions imposed thereon directly addresses the specific issue involved in the determination of conformity.

921.05.B Policy

Other nonconformities involve less investment and are more easily corrected than those involving lots, buildings and uses. Such other nonconformities shall be eliminated as quickly as practicable.

921.05.C Elimination of Other Nonconformities

When reviewing a Special Exception for any nonconforming use or structure, the Zoning Board of Adjustment may require that other nonconformities, as defined in Sec. 921.05.A, shall be eliminated to the extent that it is possible to eliminate such other nonconformities on the same lot as the nonconforming use or structure.

921.06 Certificates of Occupancy

921.06.A Rights Conditional

The rights given to those using or owning property involving a nonconformity are specifically conditioned on the receipt of a valid Certificate of Occupancy.

921.06.B Deadlines

For nonconformities existing on the date of adoption of this Code, property owners shall obtain a valid Certificate of Occupancy according to the provisions of Section 921.01. For nonconformities arising because of an amendment to this Code or because of a change in jurisdictional boundaries, property owners shall have one year from the date on which the situation first became nonconforming to obtain a valid Certificate of Occupancy. Subject to the verification procedures established by the Zoning Administrator, nonconformities with a valid Certificate of Occupancy shall be deemed to be lawful nonconformities, to the extent documented. All rights to continuance, maintenance, repair and other continuation of the nonconformity shall

apply.

Chapter 922: Development Review Procedures

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922.01 **General Requirements for All Procedures**

The general requirements of this section shall apply to all development review procedures, unless otherwise indicated.

922.01.A Applications and Fees

Applications for any action under this Code shall be submitted on forms provided by the department head responsible for accepting the application and in such numbers as required. Applications shall be accompanied by a non-refundable fee established by the Planning Director to defray the costs of processing applications. Fees shall not be required with applications initiated by the Planning Commission or City Council. Any application that does not include required information or that is not accompanied by the required fee shall be returned to the applicant as incomplete and no further processing of the application shall occur until the deficiencies are corrected.

922.01.B Hearings

The requirements and limitations of this section shall apply to all hearings held pursuant to this chapter.

922.01.B.1 Limitations on Action

The body holding the hearing may take any action on the application that is consistent with the notice given, including approving such application, approving the application with conditions, approving in part, denying in part, or denying the application. The reviewing body may impose conditions on the application or allow amendments to the application if the effect of the conditions or the amendments is to allow a less intensive use or zoning district than proposed on the application or to reduce the impact of the development or to reduce the amount of land area included in the application. The review body may not approve a greater amount of development, a more intensive use or a more intensive zoning district than was indicated in the notice.

922.01.B.2 *Continuance of Hearing*

A hearing for which proper notice was given may be continued to a later date without again complying with the notice requirements of this chapter, provided that the hearing is set for a date and time certain.

922.01.C ***Notices***

The requirements and limitations of this section shall apply to all notices required by this chapter to be given by or on behalf of the Council, Planning Commission, Zoning Board of Adjustment, or the Zoning Administrator. The provisions of this section describe the various types of notices that are required for different types of applications. The actual type of notice required for a given application is specified under the relevant review procedure of this chapter.

922.01.C.1 *Mailed Notice*

Notice required pursuant to this section shall be mailed to all abutting property owners, including those across streets or ways, based on ownership information available from the Allegheny County Board of Property Assessment, Appeals and Review. Notices shall also be mailed to Registered Neighborhood Associations and the official clerk or secretary of any other political subdivision within the required radius of notification. The notice shall indicate the time and place of the public hearing and provide a general description of the application. The minimum radius of notification and number of notices shall be as set forth for each type of approval below. The timing of the mailed notice shall be as indicated in this chapter.

922.01.C.2 *Posted Notice*

Notice required pursuant to this section shall be posted on weatherproof signs and placed on the property that is the subject of the application. At least one sign shall be posted for each 100 feet of street frontage up to a maximum of ten signs. Required signs shall be placed along the perimeter of the subject property in locations that are clearly legible from adjacent public streets. Required signs shall indicate the time and place of the public hearing, if appropriate, and provide a general description of the application. The timing of the posted notice shall be as indicated in this chapter. The applicant shall submit a photograph of the sign posted on the property to evidence compliance with the posting requirement.

922.01.C.3 *Constructive Notice*

Notice under this Code shall be deemed to be complete and in compliance with applicable requirements when there is substantial compliance with applicable notice requirements. Minor technical deviations from the requirements shall not be deemed to impair the notice where there is actual notice. When required written notices have been properly addressed and deposited in the mail, failure of a party to receive such notice shall not invalidate any subsequent action. In all cases, however, the requirements for the timing of the notice and for specifying the time, date and place of

a hearing and the general location of the subject property shall be strictly construed. In the event that questions arise at the hearing regarding the adequacy of notice, the body hearing the matter shall make a formal finding regarding whether there was substantial compliance with the notice requirements of this chapter.

922.02 **Occupancy Permits**

922.02.A ***Applicability***

A Certificate of Occupancy shall be required for all of the following:

1. Major Excavation/Grading/Fill;
2. A new or changed use of land or structure hereafter erected, structurally altered or enlarged or changed in use or to a higher intensity use except for the noncommercial cultivation of plants and plantings; and
3. The erection, enlargement or reconstruction of a sign or sign structure, except signs that do not exceed four square feet in area.
4. Continuation of a nonconforming use and/or nonconforming structure.

922.02.B ***Initiation***

An application for a Certificate of Occupancy may be filed by the owner of the subject property or the owner's agent.

922.02.C ***Application***

1. A complete application for a Certificate of Occupancy shall be submitted to the Zoning Administrator in a form established by the Zoning Administrator, along with a nonrefundable fee that has been established to defray the cost of processing development applications. No application shall be processed until the Zoning Administrator determines that the application is complete and the required fee has been paid.
2. Each application for Certificate of Occupancy, except change of a conforming use, shall be accompanied by a plot plan, in a form established by the Zoning Administrator. Each application for a new business or identification sign shall also include an elevation plan, which shall proportionally describe the graphic arrangement of all material to be displayed on the sign.
3. Where complete and accurate information is not readily available from existing records, the Zoning Administrator may require the applicant to furnish a survey of the lot by a registered engineer or surveyor.
4. Each property owner or authorized agent shall be required to attest to the correctness of the statements and add data furnished with the application.
5. A file of applications and plot plans shall be kept in the office of the Zoning Administrator.
6. Any Certificate of Occupancy application requiring Site Plan Review, Variances, Special Exception approval or Conditional Use approval shall not be approved until the noted approval has been granted.

922.02.D ***Timing of Application***

An application for a Certificate of Occupancy shall be submitted at the following times:

1. Simultaneously with the application for a building permit pursuant to the provisions of the Building Code;
2. At the time of a change in use of land or structure;
3. Prior to the issuance of any permit for Major Excavation/Grading/Fill or for excavation for or erection of a structure or part thereof.

922.02.E ***Permits and Inspections***

922.02.E.1 ***Approval of Certificate of Occupancy***

Occupancy Permits shall be issued by the Chief of the Bureau of Building Inspection only after the application for a Certificate of Occupancy has been approved by the Zoning Administrator with regard to compliance with the Zoning Ordinance, and the Chief of the Bureau of Building Inspection is satisfied that the use or physical improvement is completed according to the approved application and the provisions of the Building Code and Zoning Code.

922.02.E.2 ***Building Permits***

Approval of a Certificate of Occupancy application shall be required prior to the issuance of any building permit.

922.02.E.3 ***Inspections***

Within 30 days of erection of the structure or the completion of structural alterations, the Chief of the Bureau of Building Inspection shall inspect the physical improvements for the purpose of determining compliance with the Certificate of Occupancy application and the Building Permit.

922.02.F ***Temporary Permits***

A temporary certificate of occupancy may be authorized by the Zoning Administrator and issued by the Chief of the Bureau of Building Inspection during the completion of alterations or during partial occupancy of a structure pending its completion. Such temporary certificate shall not be construed as altering the rights, duties or obligations of either the owners or the City with respect to the use or occupancy of the premises in question, or in any matter within the purview of this Zoning Code. The temporary certificate shall not be issued except under such restrictions and provisions as will adequately ensure safety of the occupants. Applications and fees shall be required for temporary permits.

922.02.G ***Filing***

A file of Occupancy Permits and temporary certificates of occupancy shall be kept in the office of the Chief of the Bureau of Building Inspection. A copy of the permit shall

be sent to the Zoning Administrator when the permit is issued and a copy of the permit and accompanying plan shall be furnished on request to any person having a proprietary or tenancy interest in the structure or land affected thereby.

922.02.H ***Lapse of Approval***

922.02.H.1 ***Occupancy Permits Involving Physical Improvements***

If the Certificate of Occupancy involves physical improvements that have not been substantially initiated within one year of the date of approval or authorization approval of the Application, the approval shall lapse. The approval shall also lapse if, after starting construction, the construction is discontinued for a period of one year or more. No physical improvements shall be made after approval lapses unless the approval or authorization is renewed pursuant to Sec. 922.02.H.3.

922.02.H.2 ***Occupancy Permits Not Involving Physical Improvements***

If the Certificate of Occupancy does not involve physical improvements, and a Certificate of Occupancy has not been issued within one year of the date of approval or authorization, the approval shall lapse. No Certificate of Occupancy shall be issued after approval lapses unless the approval or authorization is renewed pursuant to Sec. 922.02.H.3.

922.02.H.3 ***Renewal in the Event of Lapse***

The Zoning Administration may renew the application for which approval has lapsed provided that no more than one year has elapsed since the date of the original approval or, in the case of discontinuance of work, since the date of discontinuance. A lapsed application shall not be renewed more than once. Renewal shall be made by written statement without requiring the filing of a new application or plot plan. Renewal shall have the same effect as the original approval. If no renewal is granted with the one-year period allowed for renewals, the original approval shall be void and have no further effect.

922.02.I ***Pending Zoning Map and Text Amendments***

During the consideration of any bill introduced before the City Council to amend this ordinance in part, without replacing all of its provisions, and until such bill is either enacted or rejected according to law, the Administrator and other city officials and bodies shall take no action upon any application for Certificate of Occupancy filed to obtain approval of a use or other matter that would be forbidden by such proposed amendment if enacted.

922.02.J ***Revocation of Occupancy Permits***

Where an application for Certificate of Occupancy has been approved for zoning by the Zoning Administrator, and an error nullifying the basis for such approval has been discovered prior to the issuance of the certificate, and where the Chief of the Bureau of Building Inspection has been so notified in writing by the Zoning Administrator, no

Certificate of Occupancy shall subsequently be issued on such application until the error has been corrected. Where such error has been discovered subsequent to the issuance of the Certificate of Occupancy, upon written notification by the Zoning Administrator, the Chief of the Bureau of Building Inspection shall revoke such permit.

922.03 Certificates of Zoning Classification

922.03.A Applicability

A Certificate of Zoning Classification shall be required per laws of the Commonwealth of Pennsylvania.

922.03.B Representations and Advertisements

No person shall advertise or make any oral or written representations that a property can be used in a manner that is inconsistent with the terms of this Zoning Code, unless such use of property shall have been duly certified by prior issuance of a certificate of occupancy for such use.

922.03.C Initiation

An application for an Certificate of Zoning Classification may be filed by the owner of the subject property or the owner's agent.

922.03.D Application

A complete application for an Certificate of Zoning Classification shall be submitted to the Zoning Administrator in a form established by the Zoning Administrator, along with a nonrefundable fee that has been established to defray the cost of processing development applications. No certificate shall be issued until the Zoning Administrator determines that the application is complete and the fee has been paid.

922.03.E Issuance of Certificates

Promptly upon receipt of a complete application, the Zoning Administrator shall issue a Certificate of Zoning Classification.

922.04 Site Plan Review

This section sets out the procedural requirements for Site Plan Review and approval.

922.04.A Applicability

The Site Plan Review procedures of this section shall apply to:

1. Any new construction or building addition or enlargement in the LNC District on a lot that has an area of 6,000 square feet or more;
2. Any new construction or building addition or enlargement in the NDI or UNC Districts on a lot that has an area of 8,000 square feet or more;
3. Any new construction or building addition or enlargement in the HC or GI

- Districts on a lot that has an area of 20,000 square feet or more;
4. Any off-street parking area in an LNC, NDI or UNC District that includes more than ten parking spaces or more than 2,500 square feet of surface area; and
 5. Any new building in an LNC, NDI or UNC District that is less than two stories or 20 feet in height.

Although site plans may be required with applications for other forms of development approval (e.g., Conditional Uses or Special Exceptions), those plans shall be reviewed in accordance with the respective development review procedure. When site plans are reviewed in conjunction with other forms of development approval, separate site plan review under the procedures of this section (Sec. 922.04) shall not be required.

922.04.B *Application*

A complete application for Site Plan approval shall be submitted to the Zoning Administrator in a form established by the Zoning Administrator, along with a nonrefundable fee that has been established to defray the cost of processing development applications. No application shall be processed until the Zoning Administrator determines that the application is complete and the required fee has been paid.

922.04.C *Action by the Zoning Administrator*

Within 21 days of receiving a complete application, the Zoning Administrator shall take one of the following actions:

1. Approve the Site Plan as submitted, in accordance with the Site Plan Review Criteria of Sec. 922.04.E;
2. Approve the Site Plan with conditions, in accordance with the Site Plan Review Criteria of Sec. 922.04.E;
3. Deny the application, in accordance with the Site Plan Review Criteria of Sec. 922.04.E; or
4. Forward the application to the Planning Commission to obtain their recommendation for approval or denial when applicable.

922.04.D *Recommendation of the Planning Commission*

The Planning Commission's role in the Site Plan Review process of this section is advisory only; only the Zoning Administrator is authorized to approve or deny site plan applications. The Commission shall recommend approval or denial of the Site Plan within 60 days of forwarding by the Zoning Administrator. If the Commission does not act within 60 days, the action shall be deemed to be a recommendation for approval.

922.04.E *Site Plan Review Criteria*

An application for Site Plan approval shall not be approved unless the Zoning Administrator determines that proposal complies with all applicable requirements of this Code and with all adopted plans and policy documents of the City. The Zoning Administrator may grant approval with conditions only to the extent that such conditions specify the actions necessary to bring the application into complete compliance with this Code and adopted plans and policy documents. No Certificate of Occupancy or subsequent approval shall be granted until such time as any such conditions have been met.

922.04.F ***Notice of Decision***

The Zoning Administrator shall, within five business days of the decision on a site plan matter, give notice of such decision to the applicant.

922.04.G ***Revisions to Approved Site Plans***

The Zoning Administrator may approve minor amendments to approved Site Plans without the refile of a new application. Nothing shall preclude the Zoning Administrator from approving minor amendments.

922.04.H ***Expiration of Approved Site Plans***

The release of a site plan shall expire if the applicant or the applicant's successor in interest fails to commence construction of one or more of the improvements shown on the released site plan within one year of the date that the site plan was released.

922.05 **Zoning Map and Text Amendments**

Any amendment to the zoning district boundaries shown on the Zoning District Map or to the text of this Zoning Code shall follow the procedures set forth in this section.

922.05.A ***Authority to File Applications***

The Planning Commission or the City Council may initiate a Zoning Map and/or Text Amendments with or without an application from the property owner.

922.05.B ***Initiation***

922.05.B.1 ***Text Amendments***

An application for an amendment to the text of this Code may be proposed by the Planning Commission or City Council.

922.05.B.2 ***Map Amendments***

An application to amend the boundaries of the Zoning District Map may be proposed by the City Council, the Planning Commission, the owner of the subject property or the owner's agent.

922.05.C

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 date and give at least 21 days notice of the Planning Commission hearing by mail and posting, in accordance with the notice requirements of Secs. 922.01.C.1 and 922.01.C.2. City Council shall schedule a public hearing, notify the applicant of the hearing date, and give at least 21 days notice of the City Council hearing by mail and posting, in accordance with the notice requirements of Secs. 922.01.C.1 and 922.01.C.2.

922.05.D

Hearing and Action by the Planning Commission

The Planning Commission may hold a public hearing on the application or may choose not to conduct a hearing. In any case, the Commission shall act to recommend approval or denial of the application within 90 days of the receipt of the completed application. Where the Commission fails to render its decision within the period required by this subsection, the decision shall be deemed to have been rendered in denial of the application 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 application because of the failure of the Commission to meet or render a decision as hereinabove provided, the City shall give public notice of said decision within ten days, according to the provisions of Section 917.05.C.

922.05.E

Hearing and Action by City Council

City Council shall hold a public hearing on the Zoning Text or Map Amendment within 120 days of the Planning Commission's action on the application. After the public hearing, Council shall act to approve or deny the application, within 90 days of the Council hearing. In taking action, Council shall consider the criteria specified in Section 922.05.F. Where Council fails to render its decision within the period required by this subsection, or fails to hold the required public hearing within 120 days from the date of the Planning Commission's action, the decision shall be deemed to have been rendered in denial of the application 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 application because of the failure of Council to meet or render a decision as hereinabove provided, the City shall give public notice of said decision within ten days, according to the provisions of Section 922.07.B. Nothing in this subsection shall prejudice the right of any party opposing the application to urge that such a decision is erroneous.

922.05.F

Review Criteria

The criteria for review of a proposed amendment to the Zoning District Map or the text of the Zoning Code are set out in this section. Not all of the criteria must be given equal consideration by the Planning Commission or City Council in reaching a decision. The criteria to be considered shall be as follows:

1. The consistency of the proposal with adopted plans and policies of the City;
2. The convenience and welfare of the public;
3. The intent and purpose of this Zoning Code;
4. Compatibility of the proposal with the zoning, uses and character of the neighborhood;
5. The suitability of the subject property for the uses to which it has been restricted without the proposed zoning map amendment;
6. The extent to which approval of the proposed zoning map amendment will detrimentally affect nearby property;
7. The length of time the subject property has remained vacant as zoned;
8. Impact of the proposed development on community facilities and services; and
9. The recommendations of staff.

The applicant shall have the burden of demonstrating that the proposal meets the applicable review criteria.

922.05.G ***Negative Recommendation of Planning Commission***

If the Planning Commission recommends disapproval of a zoning map or text amendment, approval of such an amendment by the City Council shall require an affirmative vote of no fewer than seven members.

922.05.H ***Successive Applications***

In the event that the City Council denies an application for an amendment to the Zoning District Map, a similar application shall not be refiled unless the Planning Commission, upon petition by the applicant, determines that significant physical, economic or land use changes have taken place within the immediate vicinity, or a significant zoning regulation text change has been adopted, or when the reapplication is for a more restrictive change of zoning classification or a different use request than the original request. The applicant shall submit a statement in detail setting out those changes which he or she deems significant and upon which he or she relies for refileing the original application.

922.05.I ***Notification of Amendment***

Promptly after the effective date of any amendment to the Zoning District Map, the Zoning Administrator shall send notice of the amendment to the record owners of property rezoned by the amendment.

922.06 **Conditional Uses**

This section sets out the required review and approval procedures for Conditional Uses.

922.06.A ***Initiation***

An application for Conditional Use approval may be filed by the owner of the subject

property or the owner's agent.

922.06.B ***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 21 days notice of the Planning Commission hearing by mail and posting, in accordance with the notice requirements of Secs. 922.01.C.1 and 922.01.C.2, and with at least 25 notices and 150 foot radius of notification.

922.06.C ***Hearing and Action by the Planning Commission***

The Commission shall hold a public hearing on the Conditional Use application. After the public hearing, the Commission shall recommend to approve, approve with conditions, approve in part, deny or deny in part the application, within 45 days of the Commission hearing. Where the Commission fails to render its decision within the period required by this subsection, or fails to hold the required public hearing within 45 days from the date of the completed application being received by the Administrator, the decision shall be deemed to have been 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 had been rendered in denial of the failure of the Commission to meet or render a decision as hereinabove provided, the City shall give public notice of said decision within ten days, according to the provisions of Sec. 922.06.B. Nothing in this subsection shall prejudice the right of any party opposing the application to appeal for reconsideration.

922.06.D ***Hearing and Action by City Council***

922.06.D.1 ***Hearing and Action by City Council***

City Council shall hold a public hearing on the Conditional Use application within 45 days of the Planning Commission's action on the application. After the public hearing, Council shall act to approve, approve with conditions, approve in part, deny or deny in part the application, within 45 days of the council hearing, In taking action, the City Council shall consider the criteria specified in Sec. 922.06.E. Where Council fails to render its decision within the period specified by this subsection, or fails to hold the required public hearing within 45 days from the date of the decision of the Planning Commission, the decision shall be deemed to have been 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 is rendered in denial of the applicant because of the failure of Council to meet or render a decision as hereinabove provided, the Zoning Administrator shall give public notice of said decision within ten days, according to the provisions of Sec. 922.06.B. Nothing in this subsection shall prejudice the right of

any party opposing the application to appeal for reconsideration.

922.06.D.2 ***City Council Public Hearing Procedures***

The City Council hearing shall be conducted in the following manner:

Following a report from a representative of the Department of City Planning, the applicant or applicant's representative shall be afforded the opportunity to describe the proposed conditional use and its expected impact before other speakers are allowed to testify.

At the conclusion of the public hearing, the applicant or the applicant's representative shall be afforded the opportunity to rebut testimony delivered during the hearing and/or make a closing statement. Abutting property owners shall also be afforded the opportunity to rebut testimony delivered during the hearing and/or make closing statements at the conclusion of the public hearing.

Notwithstanding the procedures set forth herein, Council may supplement same with such additional procedures as it shall deem necessary to assure a fair and adequate hearing.

922.06.D.3 ***Recusal Required***

Any Council member who voices an opinion at any time prior to Council taking action on a proposed conditional use, either in opposition to or in favor of said conditional use, whether orally or in writing, shall immediately recuse him or herself from participation in any votes taken by Council on said conditional use. In any event, no Council member who has voiced an opinion in favor of or in opposition to a proposed conditional use shall be permitted to cast his or her vote on said conditional use.

922.06.E ***Review Criteria***

The general criteria for review and approval of a Conditional Use are set out in this section. Specific conditions that apply to such uses are set out in Sec. 911.04.

922.06.E.1 ***General Criteria***

City Council shall approve Conditional Uses only if (1) the proposed use is determined to comply with all applicable requirements of this Code and with adopted plans and policies of the City and (2) the following general criteria are met:

- (a) That the development will not create detrimental visual impacts, such that the size and visual bulk of the proposed development is determined to create an incompatible relationship with the surrounding built environment, public streets and open spaces and land use patterns;
- (b) That the development will not create detrimental transportation impacts, such that the proposed development is determined to adversely affect the safety and

- convenience of residential neighborhoods or of vehicular and pedestrian circulation in the vicinity of the subject tract, including traffic reasonably expected to be generated by the proposed use and other uses in the area given the existing zoning, existing land uses and proposed land uses in the area;
- (c) That the development will not create detrimental transportation impacts, such that the proposed development will result in traffic volumes or circulation patterns that exceed the capacity of streets and intersections likely to be used by traffic to and from the proposed development;
 - (d) That the development will not create detrimental operational impacts, including potential impacts of hours of operation, management of traffic, servicing and loading operations, and any on-site operations associated with the ongoing functions of the use on the site, in consideration of adjacent and surrounding land uses which may have differing sensitivities to such operational impacts;
 - (e) That the development will not create detrimental health and safety impacts, including but not limited to potential impacts of noise, emissions, or vibrations from the proposed development, or functions within the proposed site which would otherwise affect the health or safety of others as a direct result of the operation of the proposed use;
 - (f) That the development will not create detrimental impacts on the future and potential development of parcels in the vicinity of the proposed site of the development; and
 - (g) That the development will not create detrimental impacts on property values.

922.06.F *Negative Recommendation of Planning Commission*

If the Planning Commission recommends disapproval of a Conditional Use, approval by the City Council shall require an affirmative vote of no fewer than seven members.

922.06.G *Successive Applications*

In the event that the City Council denies an application for a Conditional Use, a similar application shall not be refiled unless the Planning Commission, upon petition by the applicant, determines that significant physical, economic or land use changes have taken place within the immediate vicinity, or a significant zoning regulation text change has been adopted, or when the reapplication is for a different use than the original request. The applicant shall submit a statement in detail setting out those changes which he or she deems significant and upon which he or she relies for refileing the original application.

922.06.H *Conditional Use Plan Amendments*

The Zoning Administrator may approve minor amendments to approved Conditional Use applications without the refileing of a new application. Nothing shall preclude the Zoning Administrator from approving minor amendments.

922.06.I *Lapse of Approval*

922.06.I.1

Conditional Uses Involving Physical Improvements

If the Conditional Use involves physical improvements that have not been substantially initiated within one year of the date of approval or authorization approval of the Conditional Use, the approval shall lapse. The Conditional Use approval shall also lapse if, after starting construction, the construction is discontinued for a period of one 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.

922.06.I.2

Conditional Uses Not Involving Physical Improvements

If the Conditional Use does not involve physical improvements, and a Certificate of Occupancy is not issued for the Conditional Use within one year of the date of approval or authorization, the approval shall lapse. No Certificate of Occupancy shall be issued after approval lapses unless the approval or authorization is renewed pursuant to Sec. 922.06.I.3.

922.06.I.3

Renewal in the Event of Lapse

The City Council may renew its approval of a Conditional Use for which approval has lapsed provided that no more than one 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. If no renewal is granted with the one-year period allowed for renewals, the original approval shall be void and no further effect. Occupancy Permits shall be automatically renewed coincidentally with and for the same time periods and limitations as prescribed for renewals of Special Exception approvals.

922.07

Special Exceptions

This section sets out the required review and approval procedures for Special Exceptions.

922.07.A

Initiation

An application for Special Exception approval may be filed by the owner of the subject property or the owner's agent.

922.07.B

Notice

Promptly upon determining that an application is complete, the Zoning Administrator shall schedule a public hearing before the Zoning Board of Adjustment, notify the applicant of the hearing date and give at least 21 days notice of the hearing by mail and posting, in accordance with the notice requirements of Secs. 922.01.C.1 and 922.01.C.2. The required area of notification shall include abutting property owners, those property owners immediately across a street or way, and members of City Council. On the application, the applicant shall include names and mailing addresses of property owners who are required to be notified.

922.07.C ***Hearing and Action***

The Zoning Board of Adjustment shall hold a public hearing on the Special Exception application. After the public hearing, the Board shall act to approve, approve with conditions, approve in part, deny or deny in part the application, within 45 days of the Board hearing. Where the Board fails to render its decision within the period required by this subsection, or fails to hold the required public hearing within 45 days from the date of the completed application being received by the Administrator, the decision shall be deemed to have been 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 applicant because of the failure of the Board to meet or render a decision as hereinabove provided, the Zoning Administrator shall give public notice of said decision within ten days, according to the provisions of Sec. 922.07.B. Nothing in this subsection shall prejudice the right of any party opposing the application to appeal for reconsideration.

The Zoning Board of Adjustment's action shall be based on stated findings of fact. The conditions imposed on uses classified as Special Exceptions shall be construed as limitations on the power of the Zoning Board of Adjustment to act. A mere finding that a use complies with those conditions or a recitation of those conditions, unaccompanied by specific findings of fact, shall not be considered findings of fact for the purpose of complying with this Code. Before acting on an application, the Zoning Board of Adjustment shall consider the general review criteria of Sec. 922.07.D.

922.07.D ***Review Criteria***

The general criteria for review and approval of a Special Exception are set out in this section. Specific conditions that apply to such uses are set out in Sec. 911.04.

922.07.D.1 ***General Criteria***

The Zoning Board of Adjustment shall approve Special Exceptions only if (1) the proposed use is determined to comply with all applicable requirements of this Code and with adopted plans and policies of the City and (2) the following general criteria are met:

- (a) That the development will not create detrimental visual impacts, such that the size and visual bulk of the proposed development is determined to create an incompatible relationship with the surrounding built environment, public streets and open spaces and land use patterns;
- (b) That the development will not create detrimental transportation impacts, such that the proposed development is determined to adversely affect the safety and convenience of residential neighborhoods or of vehicular and pedestrian circulation in the vicinity of the subject tract;
- (c) That the development will not create detrimental transportation impacts, such that the proposed development will result in traffic volumes or circulation

- patterns that substantially exceed the capacity of streets and intersections likely to be used by traffic to and from the proposed development;
- (d) That the development will not create detrimental operational impacts, including potential impacts of hours of operation, management of traffic, servicing and loading operations, and any on-site operations associated with the ongoing functions of the use on the site, in consideration of adjacent and surrounding land uses which may have differing sensitivities to such operational impacts;
 - (e) That the development will not create detrimental health and safety impacts, including but not limited to potential impacts of noise, emissions, or vibrations from the proposed development, or functions within the proposed site which would otherwise affect the health or safety of others as a direct result of the operation of the proposed use;
 - (f) That the development will not create detrimental impacts on the future and potential development of parcels in the vicinity of the proposed site of the development; and
 - (g) That the development will not create detrimental impacts on property values.

922.07.E ***Successive Applications***

In the event that the Zoning Board of Adjustment denies an application for a Special Exception, a similar application shall not be refiled unless the Zoning Board of Adjustment determines that significant physical, economic or land use changes have taken place within the immediate vicinity, or a significant zoning regulation text change has been adopted, or when the reapplication is for a different use than the original request. The applicant shall submit a statement in detail setting out those changes which he or she deems significant and upon which he or she relies for refileing the original application.

922.07.F ***Lapse of Approval***

922.07.F.1 ***Special Exceptions Involving Physical Improvements***

If the Special Exception involves physical improvements that have not been substantially initiated within one year of the date of approval or authorization of the Special Exception, the approval shall lapse. The Special Exception approval shall also lapse if, after starting construction, the construction is discontinued for a period of one year or more. No physical improvements shall be made after approval lapses unless the approval or authorization is renewed pursuant to Sec. 922.07.F.3.

922.07.F.2 ***Special Exceptions Not Involving Physical Improvements***

If the Special Exception does not involve physical improvements, and a Certificate of Occupancy has not been issued for the Special Exception within one year of the date of approval or authorization, the approval shall lapse. No Certificate of Occupancy shall be issued after approval lapses unless the approval or authorization is renewed pursuant to Sec. 922.07.F.3.

922.07.F.3 ***Renewal in the Event of Lapse***

The Zoning Board of Adjustment may renew its approval of a Special Exception for which approval has lapsed provided that no more than one 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. If no renewal is granted with the one-year period allowed for renewals, the original approval shall be void and no further effect. Occupancy Permits shall be automatically renewed coincidentally with and for the same time periods and limitations as prescribed for renewals of Special Exception approvals.

922.08 **Administrator Exceptions**

This section sets out the required review and approval procedures for Administrator Exceptions.

922.08.A ***Initiation***

An application for approval of an Administrator Exception may be filed by the owner of the subject property or the owner's agent.

922.08.B ***Notice***

After approval of the Administrator Exception is granted, the applicant shall post notice in accordance with the notice requirements of Secs. 922.01.C.2.

922.08.C ***Action***

Within 21 days of receipt of a complete application for an Administrator Exception, the Zoning Administrator shall approve, approve with conditions, approve in part, deny, or deny in part the application. Where the Administrator fails to render a decision within the period required by this subsection, the decision shall be deemed to have been 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 deemed denial, it may be sent to the Zoning Board of Adjustment for immediate review. When a decision has been rendered in denial of the applicant because of the failure of the Administrator to meet or render a decision as hereinabove provided, the Zoning Administrator shall give public notice of said decision within ten days, according to the provisions of Sec. 922.08.B. Nothing in this subsection shall prejudice the right of any party opposing the application to appeal for reconsideration.

922.08.D ***Basis for Action***

The Zoning Administrator's action shall be based solely on a determination of whether the application, as proposed, complies with the standards of this Code. The Zoning Administrator may grant approval with conditions only to the extent that such conditions specify the actions necessary to bring the application into complete

compliance with the Code. No Certificate of Occupancy or subsequent approval shall be granted until such time as such conditions have been met.

922.08.E ***Lapse of Approval***

922.08.E.1 ***Administrator Exceptions Involving Physical Improvements***

If the Administrator Exception involves physical improvements that have not been substantially initiated within one year of the date of approval or authorization approval of the Zoning Administrator Exception, the approval shall lapse. The Zoning Administrator Exception approval shall also lapse if, after starting construction, the construction is discontinued for a period of one year or more. No physical improvements shall be made after approval lapses unless the approval or authorization is renewed pursuant to Sec. 922.08.E.3.

922.08.E.2 ***Administrator Exceptions Not Involving Physical Improvements***

If the Zoning Administrator Exception does not involve physical improvements, and a Certificate of Occupancy has not been issued for the Zoning Administrator Exception within one year of the date of approval or authorization, the approval shall lapse. No Certificate of Occupancy shall be issued after approval lapses unless the approval or authorization is renewed pursuant to Sec. 922.08.E.3.

922.08.E.3 ***Renewal in the Event of Lapse***

The Zoning Administrator may renew its approval of a Administrator Exception for which approval has lapsed provided that no more than one 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. If no renewal is granted with the one-year period allowed for renewals, the original approval shall be void and no further effect. Occupancy Permits shall be automatically renewed coincidentally with and for the same time periods and limitations as prescribed for renewals of Administrator Exception approvals.

922.09 ***Variances***

This section sets out the required review and approval procedures for Variances.

922.09.A ***Initiation***

An application for a Variance may be filed by the owner of the subject property or the owner's agent.

922.09.B ***Application***

A complete application for a Variance shall be submitted to the Zoning Administrator in a form established by the Zoning Administrator, along with a nonrefundable fee that has been established to defray the cost of processing development applications. No application shall be processed until the Zoning Administrator determines that the

application is complete and the required fee has been paid.

922.09.C

Notice

Promptly upon determining that an application is complete, the Zoning Administrator shall schedule a public hearing before the Zoning Board of Adjustment, notify the applicant of the hearing date and give at least 21 days notice of the hearing by mail and posting, in accordance with the notice requirements of Secs. 922.01.C.1 and 922.01.C.2. The required area of notification shall include no less than six property owners which are nearest the subject property, as reasonably determined by the Zoning Administrator, and shall, regardless of number, include abutting property owners, and those immediately across a street or way. On the application, the applicant shall include names and mailing addresses of property owners who are required to be notified.

922.09.D

Hearing and Action

The Zoning Board of Adjustment shall hold a public hearing on the Variance application. After the public hearing, the Board shall act to approve, approve with conditions, approve in part, deny, or deny in part the application within 45 days of the Board hearing. Where the Board fails to render its decision within the period required by this subsection, or fails to hold the required public hearing within 45 days from the date of the completed application being received by the Administrator, the decision shall be deemed to have been rendered in denial of the application 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 application because of the failure of the Board to meet or render a decision as hereinabove provided, the Zoning Administrator shall give public notice of said decision within ten days, according to the provisions of Sec. 922.09.C. Nothing in this subsection shall prejudice the right of any party opposing the application to appeal for reconsideration.

The Zoning Board of Adjustment's action shall be based on stated findings of fact. The conditions imposed on uses classified as Variances shall be construed as limitations on the power of the Zoning Board of Adjustment to act. A mere recitation of the conditions for approval, unaccompanied by specific findings of fact, shall not be considered findings of fact for the purpose of complying with this Code.

922.09.E

General Conditions for Approval

No variance in the strict application of any provisions of this Zoning Code shall be granted by the Zoning Board of Adjustment unless it finds that all of the following conditions exist:

1. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to the conditions, and not the circumstances or conditions generally created by the provisions of the zoning ordinance in the

neighborhood or district in which the property is located;

2. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the zoning ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property;
3. That such unnecessary hardship has not been created by the appellant;
4. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare; and
5. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

In granting any variance, the board may attach such reasonable conditions and safeguards as it may deem necessary to implement to purposes of this act and the zoning ordinance

The applicant shall have the burden of demonstrating that the proposal satisfies the applicable review criteria.

922.09.F ***Special Conditions for Approval of Variances in FP-O District***

In addition to the General Conditions for Approval of a variance (Sec. 922.09.E), the following conditions shall apply only to the variances from any requirements of the FP-O, Flood Plain Overlay District (Sec. 906.02).

1. No variance shall be granted from any regulation pertaining to a development that may endanger human life or a special hazard except that a variance may be granted to the requirement that the elevation of structures be at least one and one-half feet above base flood level, provided that the variance shall not result in the minimum elevation being reduced below the base flood level.
2. If a variance is granted for any other use in an FP-O District that results in construction being allowed below the base flood level, the applicant shall be notified in writing that the variance may result in:
 - (a) Increased premiums for flood insurance; and
 - (b) Increased risks to life and property.
3. The Zoning Board of Adjustment shall maintain a record of all variances granted from the requirements of the FP-O, Flood Plain Overlay District (Sec. 906.02)

and submit that record to the Federal Insurance Administrator annually as a part of the City's required annual report on flood plain management activities.

4. No variance shall be granted for any floodway use that would result in any increase in flood levels during the base flood.

The applicant shall have the burden of demonstrating that the proposal satisfies the applicable review criteria.

922.09.G ***Lapse of Approval***

922.09.G.1 *Variances Involving Physical Improvements*

If the Variance involves physical improvements that have not been substantially initiated within one year of the date of approval or authorization approval of the Variance, the approval shall lapse. The Variance approval shall also lapse if, after starting construction, the construction is discontinued for a period of one year or more. No physical improvements shall be made after approval lapses unless the approval or authorization is renewed pursuant to Sec. 922.09.G.3.

922.09.G.2 *Variances Not Involving Physical Improvements*

If the Variance does not involve physical improvements, and a Certificate of Occupancy has not been issued for the Variance within one year of the date of approval or authorization, the approval shall lapse. No Certificate of Occupancy shall be issued after approval lapses unless the approval or authorization is renewed pursuant to Sec. 922.09.G.3.

922.09.G.3 *Renewal in the Event of Lapse*

The Zoning Board of Adjustment may renew its approval of a Variance for which approval has lapsed provided that no more than one 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. If no renewal is granted with the one-year period allowed for renewals, the original approval shall be void and no further effect.

922.09.G.4 *Automatic Renewal of Occupancy Permits*

Occupancy Permits shall be automatically renewed coincidentally with and for the same time periods and limitations as prescribed for renewals of Special Exception approvals.

922.10 **Project Development Plans**

This section sets out the required review and approval procedures for Project Development Plans, which are required for development in the Golden Triangle (GT), Downtown Riverfront (DR), and Public Realm (PR) zoning districts.

922.10.A ***Purpose***

The Project Development Plan review procedures of this section are intended to provide a vehicle for evaluating individual development proposals within the broader context of development and plans for areas of regional significance, including the Golden Triangle and Downtown Riverfront areas. It is further the intent of these review and approval procedures to afford maximum design flexibility for individual development projects, consistent with planning objectives for the Golden Triangle, Downtown Riverfront, and Public Realm areas.

922.10.B ***Applicability***

In each GT, DR and Public Realm District, every new or changed use of land and every structure hereafter erected, enlarged, demolished or externally altered except structures involving external alterations not in excess of \$100,000 shall, in addition to conforming to any and all regulations pertaining thereto that are specifically set forth in this Zoning Ordinance, be in accord with a Project Development Plan approved by the Commission.

922.10.C ***Application***

All applicants for Project Development Plan approval shall first file an application with the Zoning Administrator, along with a nonrefundable fee that has been established to defray the cost of processing development applications. No application shall be processed until the Zoning Administrator determines that the application is complete and the required fee has been paid.

922.10.D ***Preliminary Review***

922.10.D.1 ***Procedure***

As a part of the preliminary review, the Zoning Administrator shall prescribe the required form and content of the final Project Development Plan application, which may be submitted in schematic or preliminary form and which may include a site plan; building elevations; building and site perspective drawings; information on building size, height, proposed uses, traffic generation characteristics and other plans and information sufficient to illustrate the proposed development and its relation to adjacent buildings, streets and open spaces.

922.10.E ***Final Review***

922.10.E.1 ***Action by the Planning Commission***

The Zoning Administrator shall schedule a review by the Planning Commission when all the requirements established during the preliminary review have been fulfilled. The Planning Commission shall review the Project Development Plan application and act to approve, approve with conditions, or deny the application. The Planning Commission shall approve a Project Development Plan if it finds that the plan

complies with the review criteria of Sec. 922.10.E.2 and if the proposal complies with all applicable Zoning Code requirements and adopted plans and policy documents, including all applicable standards of the GT, DR and Public Realm zoning districts. The Planning Commission shall deny approval of a Project Development Plan if it finds that the plan is not in conformance with this Zoning Code or with adopted plans and policy documents. In acting upon a Project Development Plan, the Planning Commission shall include a description of specific site improvements and development characteristics upon which its approval is conditioned. Such conditions shall be binding upon the applicant.

922.10.E.2 *Review Criteria*

In reviewing applications for Project Development Plan approval, the Planning Commission shall consider the extent to which the Project Development Plan addresses the following criteria. The Planning Commission shall not approve any Project Development Plan that, in the determination of the Planning Commission, does not adequately address one or more of these criteria in accordance with objectives contained in general or site specific policy documents adopted by the Planning Commission.

- (a) The proposed development must include retail facilities, where such facilities would maintain and continue the existing retail patterns;
- (b) The proposed development must address compatibility with any existing residential area, including provision for maintenance of residential uses in existing residential areas;
- (c) The proposed development must make provision for adequate parking, considering available transit alternatives and support services, and make provision for adequate vehicle access and loading areas in relation to street capacity, functional classification, and land use patterns, such that any vehicular access points do not create congestion on public streets or create hazardous conditions for pedestrians;
- (d) The proposed development must adequately address traffic generation characteristics in relation to street capacity, intersection classification, and existing and projected traffic volumes and address reasonable alternatives that would enable increased traffic to be directed away from congested areas;
- (e) The proposed development must adequately address pedestrian traffic generation, proposed pedestrian circulation facilities and patterns, including, but not limited to, provision for adequate sidewalk capacity on and off site, provision for appropriate pedestrian safety on and off site, and provision for pedestrian circulation patterns which do not substantially alter existing patterns and which enhance desired patterns where possible;
- (f) The proposed development must adequately address access to public transportation facilities, including, but not limited to, provision for safe pedestrian access to and from transit stops, and pedestrian circulation patterns which encourage the use of public transit, and the provision of on site facilities

- for alternative means of transportation such as bicycles or van pools;
- (g) The proposed development must adequately address the preservation of historic structures and significant features of existing buildings, including, if applicable, the retention and reuse of structures which are locally or federally designated historic structures; retention and reuse of significant structures, provided that such preservation requirements may be waived if the applicant shows that use of such structure is no longer economically or physically viable; and retention and reuse of structures which contribute to the character of an historically significant area;
 - (h) The proposed development must adequately address architectural relationships with surrounding buildings, including, but not limited to, provision for appropriate building siting, massing, facade treatment, materials, proportion, and scale;
 - (i) The proposed development must adequately address microclimate effects of proposed development, including, but not limited to, wind velocities, sun reflectance and sun access to streets, existing buildings, and public and private open space;
 - (j) The proposed development must adequately address protection of views and view corridors, including, if applicable, important views along major public streets, views from surrounding private properties, and views to and from significant public places, such as parks, open spaces, or riverfronts;
 - (k) The proposed development must adequately address the location, development and functions of open space, including, but not limited to, provision for additional open space where necessary for light and air to adjacent properties, provision for additional open space where desirable to lessen pedestrian impacts and increase safety, or maintenance of existing open spaces which serve these same purposes;
 - (l) The proposed development must address the project's compatibility and conformance with any overall master plans or comprehensive plans approved by the City Planning Commission and designated by the Department of City Planning, which address Downtown area development;

922.10.F ***Amendments***

The procedure for amending an approved Project Development Plan shall be the same as required for a new plan under this section, provided that the Zoning Administrator may approve minor amendments to approved Project Development Plans without the refile of a new application. Nothing shall preclude the Zoning Administrator from approving minor amendments.

922.10.G ***Occupancy Permits***

The Zoning Administrator shall not authorize zoning approval of an application for a Certificate of Occupancy for a development subject to Project Development Plan requirements until the Planning Commission has approved the Project Development Plan.

922.11 **Planned Developments**

This section sets out the required review and approval procedures for Specially Planned (SP) Developments and Planned Unit Developments (PUDs).

922.11.A ***Method of Adoption***

SP or PUD zoning districts may be established only in accordance with the Zoning Map Amendment procedures of Sec. 922.05 and the review and approval procedures of this section, which shall be carried out concurrently with the Zoning Map Amendment process.

922.11.B ***Preliminary Development Plan***

922.11.B.1 ***Application***

A complete application for Preliminary Land Development Plan approval shall be submitted to the Zoning Administrator in a form established by the Zoning Administrator, along with a nonrefundable fee that has been established to defray the cost of processing development applications. No application shall be processed until the Zoning Administrator determines that the application is complete and the required fee has been paid. Application for SP or PUD rezoning shall be submitted at the time of application for a certificate of occupancy.

922.11.B.2 ***Hearing and Action by the Planning Commission***

The Planning Commission shall hold a public hearing on the application for Preliminary Development Plan Approval concurrently with the public hearing on the rezoning application. After the public hearing, the Planning Commission shall recommend approval, approval with conditions, or denial of the application and transmit an accurate written summary of the proceedings to the City Council.

922.11.B.3 ***Review Criteria***

The Planning Commission shall recommend approval of the Preliminary Land Development Plan application only if it finds that the proposal meets all of the following criteria:

- (a) That the proposed district shall create an efficient, functional and attractive urban area which incorporates a high level of amenities;
- (b) That the proposed district shall protect and preserve the natural environment;
- (c) That the proposed district shall create a favorable environmental, social and economic impact on the City;
- (d) That the establishment, maintenance, location and operation of the proposed district shall not be detrimental to or endanger the public health, safety, morals, comfort or general welfare;
- (e) That the proposed district shall 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 adjacent zoning districts;
- (f) That the establishment of the proposed district shall not impede the normal and orderly development and improvement of property for uses permitted in the adjacent districts;
 - (g) That adequate utilities, access road, drainage and other necessary facilities have been or shall be provided;
 - (h) That adequate measures have been or shall be taken to provide ingress and egress designated so as to minimize traffic congestion in the public streets; and
 - (i) That the proposed development complies with plans and policy documents adopted from time to time by the City.

922.11.B.4 *Conditions of Approval*

The Planning Commission may recommend approval with conditions if such conditions, when met, would have the effect of bringing the proposal into full compliance with the review criteria of Sec. 922.11.B.3.

922.11.B.5 *Hearing and Action by City Council*

The City Council shall hold a public hearing on the Zoning Map Amendment application. After the public hearing, the City Council shall act to approve, approve with conditions, approve in part, deny, or deny in part the application. The Zoning Map Amendment shall not become effective nor shall it be entered upon the Zoning District Map until the Planning Commission has approved a Final Land Development Plan and an Improvement subdivision site plan has been duly recorded.

922.11.C *Final Land Development Plans*

922.11.C.1 *Application*

After City Council approval of the Zoning Map Amendment, the applicant shall submit a Final Land Development Plan to the Zoning Administrator who shall forward the application to the Planning Commission for review. At the time of Final Land Development Plan submittal, the applicant shall also submit the Improvement subdivision site plan for the Planning Commission's review. For an SP District, the Final Land Development Plan application shall cover at least five acres or one-third of the area included in the Preliminary Land Development application, whichever is less.

922.11.C.2 *Review and Action by the Planning Commission*

The Planning Commission shall review the Final Land Development Plan and Improvement subdivision site plan and evaluate whether the plans comply with the approved Preliminary Land Development Plan. The Planning Commission shall approve the Final Land Development Plan and Improvement subdivision site plan if it finds that the plans comply with the approved Preliminary Land Development Plan and all applicable Code requirements. The Planning Commission shall deny approval

of a Final Land Development Plan application if it finds that the plan does not comply with the approved Preliminary Land Development Plan, this Zoning Code or with adopted plans and policy documents.

922.11.C.3 *Effect of Final Land Development Approval*

After a Final Land Development Plan has been approved by the Planning Commission and the Improvement subdivision site plan has been recorded, the applicant may submit a Certificate of Occupancy application and construction drawings for a project development to the Zoning Administrator. If the development is determined by the Zoning Administrator to be in substantial compliance with the Final Land Development Plan, the Zoning Administrator shall approve the Certificate of Occupancy application and building permit application. No Certificate of Occupancy application or building permit application shall be approved if the project is determined not to be in substantial compliance with the approved Final Land Development Plan. If the project development is determined not to be in substantial compliance with the Final Land Development Plan, the applicant may request approval of Land Development Plan amendment, in accordance with Sec. 922.11.C.4.

922.11.C.4 *Amendments*

The procedure for amending an approved Final Land Development Plan shall be the same as required for approval of the original Final Land Development Plan, except that the Zoning Administrator may approve an occupancy permit application for a project in an SP or PUD District if the Planning Director determines that the proposed project represents only a minor amendment to an approved Final Land Development Plan. A minor amendment, for the purpose of this provision, shall be one that meets all of the following conditions:

- (a) Involves no change in use;
- (b) Increases development intensity or residential density by no more than ten percent;
- (c) Increases the height of any structure by no more than ten percent;
- (d) Decreases the amount of public open space; and
- (e) Places no structure closer to the perimeter of the planned development site than shown on the approved Final Land Development Plan.

922.11.C.5 *Lapse of Approval*

If an applicant submits an application to the Zoning Administrator for approval of a Certificate of Occupancy application more than seven years after the date of approval of the Final Land Development Plan, the Planning Commission may require that the planning studies conducted for the land development plan be updated, and that additional planning studies be conducted to determine the current impact of the proposed development on the remainder of the planned development and on the City. The Planning Commission shall evaluate the development's impacts in terms of the review criteria of Sec. 922.11.B.3 and may require the applicant to submit a Land

Development Plan amendment, in accordance with Sec. 922.11.C.4.

922.11.D ***Land Development Reports for SP Districts***

For SP Districts, every two years, beginning from the date of approval of the first Final Land Development Plan, the applicant shall submit to the Planning Commission a Land Development Report. The Planning Commission may approve the Land Development Report, approve the report with amendments, or, in the event that a Land Development Report is not submitted, the Planning Commission may approve a report prepared by the Zoning Administrator. The approval of a land development report shall amend the land development plan to the extent specified in the land development report.

922.12 **Institutional Master Plans**

This section sets out the required review and approval procedures for Institutional Master Plans.

922.12.A ***Purpose***

The Institutional Master Plan review and approval procedures are intended to provide a framework for development of large institutions such as hospitals and colleges, which control large areas of land within the City, contain a much greater density of development than surrounding areas, are a source of substantial employment, and are usually located immediately adjacent to residential neighborhoods. An Institutional Master Plan is intended to permit flexibility for a large institution which is not possible on a lot-by-lot basis, while providing a level of understanding to the public and the community about the potential growth of institutions and the resultant impacts. The provisions are specifically intended to:

1. Protect the integrity of adjacent residential neighborhoods by addressing impacts of institutional development on adjacent areas;
2. Provide a growing and continuing source of employment which is easily accessible;
3. Create attractive and efficient urban areas which incorporate a high degree of amenity; and
4. Protect sensitive portions of the natural and man-made environment which are potentially affected by institutional development.

922.12.B ***Application***

A complete application for an Institutional Master Plan approval shall be submitted to the Zoning Administrator in a form established by the Zoning Administrator, along with a nominal nonrefundable fee that has been established to defray the cost of processing development applications. No application shall be processed until the Zoning Administrator determines that the application is complete and the required fee has been paid.

922.12.C

Notice

Promptly upon determining that an application is complete, the Zoning Administrator shall schedule an initial public hearing before the Planning Commission, notify the applicant of the hearing date and give at least 21 days notice of the hearing by mail and posting, in accordance with the notice requirements of Secs. 922.01.C.1 and 922.01.C.2. Notice of subsequent public hearings shall be made in accordance with the posting requirements of Sec. 922.01.C.2.

922.12.D

Hearing and Action by the Planning Commission

The Commission shall hold at least one public hearing on the Institutional Master Plan Application. After the public hearing, the Commission shall recommend to approve, approve with conditions, approve in part, deny or deny in part the application, within 90 days of the Commission hearing. Where the Commission fails to render its decision within the period required by this subsection, or fails to hold the required public hearing within 90 days from the date of the completed application being received by the Administrator, the decision shall be deemed to have been 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 applicant because of the failure of the Commission to meet or render a decision as hereinabove provided, the City shall give public notice of said decision within ten days, according to the provisions of Section 917.12.C. Nothing in this subsection shall prejudice the right of any party opposing the application to urge that such decision is erroneous.

922.12.E

Hearing and Action by City Council

City Council shall hold a public hearing on the Institutional Master Plan Application within 120 days of the decision of the Planning Commission. After the public hearing, Council shall approve, approve with conditions, approve in part, deny or deny in part the application, within 90 days of the Council hearing. Where Council fails to render its decision within the period required by this subsection, or fails to hold the required public hearing within 120 days from the date of the decision of the Planning Commission, the decision shall be deemed to have been 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 applicant because of the failure of Council to meet or render a decision as hereinabove provided, the City shall give public notice of said decision within ten days, according to the provisions of Section 917.12.C. Nothing in this shall prejudice the right of any party opposing the application to urge that such a decision is erroneous.

922.12.F

Required Updates

922.12.F.1

Timing

An approved Institutional Master Plan shall be updated every three years, starting from the date that the first Institutional Master Plan was approved by City Council

and thereafter measured from the date of the last update.

922.12.F.2 **Contents**

To update an Institutional Master Plan, an institution shall file with the Planning Director a description of all projects, including estimated timetables for the commencement, progress, and completion of such projects, that:

- (a) Have been completed since the most recent annual update or Institutional Master Plan approval or renewal date;
- (b) Are continuing, including a description of the status and estimated timetables for completion of such projects; or
- (c) Are scheduled to begin in the upcoming 24 months.

If other elements of an approved Institutional Master Plan have not changed, the update shall state such, and the approved Institutional Master Plan shall remain in effect, until such time as an amended Institutional Master Plan is approved, or ten years, whichever is less.

922.12.F.3 **Effect**

The requirement of a triennial update of an Institutional Master Plan shall be in addition to any amendments that may occur as set forth in Sec. 922.12.G. Inclusion, description or scheduling of a project in any such triennial update shall not serve to add that project to any applicable Institutional Master Plan without a formal amendment of such under Sec. 922.12.G.

922.12.F.4 **Failure to Update**

If an Institutional Master Plan is not updated within the required time-frame, the approval shall lapse and become void. Failure to update an Institutional Master Plan and the resulting lapse of approval shall not affect the status of existing uses or structures, or of buildings, uses or occupancy permits already issued. The lapse of approval shall, however, be cause for denying all permits and approvals for uses and structures that are not already existing, until such time as a new or amended Institutional Master Plan is approved pursuant to the procedures of this section.

922.12.G **Amendments**

The procedure for amending an approved Institutional Master Plan shall be the same as required for a new plan under this section, except that minor revisions may be approved as an Administrator Exception and shall require Site Plan Review in accordance with the provisions of Sec. 922.04 prior to Administrator Approval. Revisions that shall not be considered “minor” include but are not limited to those that:

- 1. Will result in the creation of or the need for additional parking;
- 2. Will result in an increase in the number of employees;
- 3. Will result in the addition of more than 25,000 square feet of floor area;
- 4. Will result in the coverage or more than 25,000 square feet of site area;

5. Will change traffic patterns;
6. Result in reduction of open space.

922.12.H Required Informational Updates

If the institution that submitted the Master Plan becomes aware of any changes in any of the information submitted with that Institutional Master Plan, such as changes in ownership or control of land buildings, and other structures owned or occupied by the institution, the institution shall within thirty (30) days inform the Planning Director in writing of the changes. This informational update shall be provided in addition to such triennial updates and Institutional Master Plan amendments that may be required.

922.13 IPOD, Interim Planning Overlay Districts

922.13.A IPOD-1, Oakland

922.13.A.1 Procedure

The procedures listed hereunder shall be followed in the review and approval of IPOD Project Development Plans in the Oakland IPOD District.

- (a) The applicant shall request a preliminary review of the IPOD Project Development Plan by filing an application for preliminary review with the Administrator.
- (b) The Administrator shall prescribe the required form and content of application plans and documents, which may be in schematic or preliminary form and which may include a site plan, building elevations, building and site perspective drawings, information on building size, height, proposed uses, traffic generation characteristics and other plans and information sufficient to illustrate the proposed development and its relation to adjacent buildings, streets and open spaces.
- (c) An application for final review and approval of an IPOD Project Development Plan shall be filed with the Administrator when all of the requirements contained in this chapter of the Zoning Ordinance and all applicable requirements contained in other provisions of this Zoning Ordinance have been fulfilled, including the review criteria specified in subsection (5)A. the Administrator shall prescribe the form and content of plans and documents required for final review of the IPOD Project Development Plan.
- (d) At a public meeting, the Planning Commission may take testimony on the proposed Project Development Plan. A public hearing before the Planning

Commission on the proposed IPOD PDP may also be held at the request, in writing, of any community organization found on the List of Community Organizations that is kept by the Zoning Division, or by petition signed by 25 Oakland residents, property owners or merchants.

- (e) In the event that the Planning Commission approves an IPOD PDP, the Commission, where applicable, shall include a description of the specific site improvements, off-site mitigation measures; and development and operating characteristics upon which its approval is conditioned, and these conditions shall be binding upon the applicant and shall be considered to be part of the project development plan.
- (f) The Administrator shall not authorize zoning approval of an application for an occupancy permit for development subject to the requirements of this section until the Commission has approved the IPOD Project Development Plan.
- (g) If a Project Development Plan within the IPOD requires approval of a Conditional Use application by City Council, such approval shall be in accordance with both the requirements for Conditional Use applications and with the requirements for IPOD Project Development Plan Review and Approval, and shall be filed and processed as a single application. The City Planning Commission shall take actions on the separate motions for the Conditional Use application on the IPOD application.

922.13.A.2 *Review Criteria*

In reviewing applications for IPOD Project Development Plan review and approval, the Planning Commission shall consider the adequacy with which the IPOD Project Development Plan addresses the following twelve (12) criteria. The Planning Commission may refuse to approve any plan which does not adequately address one or more of these twelve (12) criteria, where the failure to meet such criteria would create detrimental impact on the health, safety and general welfare of the community.

- (a) The proposed development must include retail facilities, where such facilities would maintain and continue existing retail patterns;
- (b) The proposed development must address compatibility with any existing residential area, including provision for maintenance of residential uses in existing residential areas;
- (c) The proposed development must make provision for adequate parking, considering available transit alternatives and support services, and make provision for adequate vehicle access and loading areas in relation to street capacity, functional classification, and land use patterns, such that any vehicular access points not create congestion on public streets or create hazardous conditions for pedestrians;
- (d) The proposed development must adequately address traffic generation

- characteristics in relation to street capacity, intersection classification, and existing and projected traffic volumes and address reasonable alternatives that would enable increased traffic to be directed away from residential districts;
- (e) The proposed development must adequately address pedestrian traffic generation, proposed pedestrian circulation facilities and patterns, including but not limited to, provision for adequate sidewalk capacity on and off site, provision for appropriate pedestrian safety on and off site, and provision for pedestrian circulation patterns which do not substantially alter existing patterns and which enhance desired patterns where possible;
 - (f) The proposed development must adequately address access to public transportation facilities, including, but not limited to, provision for safe pedestrian access to and from transit stops, and pedestrian circulation patterns which encourage the use of public transit, and the provision of on site facilities for alternative means of transportation such as bicycles or van pools;
 - (g) The proposed development must adequately address the preservation of historic structures and significant features of existing buildings, including, if applicable, the retention and reuse of structures which are locally or federally designated historic structures; retention and reuse of significant structures, provided that such preservation requirements may be waived if the applicant shows that use and reuse of such structure is no longer economically or physically viable; and retention and reuse of structures which contribute to the character of an historically significant area;
 - (h) The proposed development must adequately address architectural relationships with surrounding buildings, including, but not limited to, provision for appropriate building siting, massing, facade treatment, materials, proportion, and scale;
 - (i) The proposed development must adequately address microclimate effects of proposed development, including, but not limited to, wind velocities, sun reflectance and sun access to streets, existing buildings, and public and private open space;
 - (j) The proposed development must adequately address protection of views and view corridors, including, if applicable, important views along major public streets, views from surrounding private properties, and views to and from significant public places, such as parks, open spaces, or campus areas;
 - (k) The proposed development must adequately address the location, development and functions of open space, including, but not limited to, provision for additional open space where necessary for light and air to adjacent properties, provision for additional open space where desirable to lessen pedestrian impacts and increase safety, or maintenance of exiting open spaces which serve these same purposes; and
 - (l) The proposed development must address the project's compatibility and conformance with any overall master plans or comprehensive plans approved by the City Planning Commission and designated by the Department of City Planning, which address Oakland area development.

Chapter 923: Reviewers & Decision Makers

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923.01 Planning Commission

923.01.A *Existence, Membership and Terms*

The City Planning Commission, as presently constituted, shall continue to exercise its powers and functions under this Code, composed of its present nine members, serving six-year terms of office, as now staggered so that the terms of only three members expire every other year. The Mayor shall appoint all successor members of the Commission, with the approval of City Council, on the expiration of their respective terms to serve six years. Vacancies occurring otherwise than through the expiration of term shall be filled as original appointments are made and for the unexpired term. All members of the Commission shall serve, as such, without compensation.

923.01.B *Powers*

It shall be the duty of the Commission to make and adopt a master plan, either as a whole or in sections, for the physical development of the city and of any land outside its boundaries which in the Commission's judgment bears relation to the planning of such city. Such plan or plans, with the accompanying maps, plats, charts, and descriptive matter, shall show the Commission's recommendations for the future development of said territory as well as a zoning plan for the control of the height, area, bulk, location, occupation, and use of buildings and land. The Commission may make, adopt, and publish a part of the plan covering one or more divisions of the city or other subjects. The Commission may amend, extend or add to the plan or any section thereof.

923.01.C *Rules and Procedures*

The Commission shall elect a chairman, vice chairman, and secretary and shall have such other officers and employees as may be authorized by City Council. The term of the chairman, vice chairman, and secretary shall be for two years, with eligibility for re-election. The Commission shall hold at least one regular meeting in each month. It shall adopt rules for transaction of all business and shall keep a record of its resolutions, transactions, findings, and determinations, which shall be a public record. The Commission may contract with city planners, engineers, architects, and other consultants for such services as it may require. The expenditures and contracts of the Commission, exclusive of gifts, shall be within the amounts appropriated for the purpose by Council, which shall provide the funds, equipment, and accommodations

necessary for the Commission's work.

923.02 Zoning Board of Adjustment

923.02.A Existence, Membership and Terms

The Zoning Board of Adjustment, as presently constituted, shall continue to exercise its powers and functions under this Code, composed of its present three members, serving three-year terms of office, as now staggered so that the term of only one member expires each year. The Mayor shall appoint all successor members of the Board, with the approval of Council, for like three-year terms, but a vacancy occurring before the end of a term shall be filled, by a like appointment with approval, only for the duration of the unexpired term. As heretofore, at all times, one member of the Board shall also serve, by designation of the Mayor, as one of the nine members of the Planning Commission.

923.02.B Powers

The Zoning Board of Adjustment shall have the following powers:

1. To hear and decide appeals where it is alleged that there is error in any order, requirement, decision or determination made by the Zoning Administrator or the Chief of the Bureau of Building Inspection in the administration of this Code, and, upon appeal, to interpret any provision of this Code where its meaning or application is in question;
2. To authorize upon appeal, in specific cases, variances from the terms of this Code in accordance with Section 922.09;
3. To hear and decide, upon appeal from the grant or denial of zoning approval with respect to a specific application, issues of the validity of any provision of this Code; and
4. To hear and decide special exceptions authorized by specific provisions of this Code, in accordance with Section 922.07 and other provisions of this Code that prescribe standards for the respective special exceptions authorized.
5. The Board, in conformity with this Code, may affirm or reverse or modify, wholly or partly, any order, requirement, decision or determination appealed, and may make such order as it finds to be proper, as if acting with all the powers of the officer from whom the appeal has been taken.

923.02.C Rules and Procedures

1. The Board shall adopt and maintain rules of procedure not inconsistent with the provisions of this Code. The Board shall give public notice of the adoption, amendment or revocation of its rules of procedure by (1) publication of such notice once, in a newspaper of general circulation in the City, and (2) by maintaining copies of such rules for public inspection at its office.
2. The Board shall meet at the call of its chairperson and at such other times as the

Board may determine. All meetings of the Board shall be open to the public. The Board shall provide for a record of the evidence received by it at its hearings, and shall keep a record of its proceedings showing the vote, abstention or absence of each member with respect to each official action. For the purpose of the Board's hearings, the chairperson or designated member shall administer oaths and may issue subpoenas to compel the attendance of witnesses.

923.02.D Appeals

Appeals to the Board may be taken by any person aggrieved, or the head of any department affected by a decision of the city official from whose action the appeal is taken. Each appeal shall be taken within thirty days of the determination, action, or decision. The filing of appeals, hearings notices and hearings, whether for interpretations, variances or validity determinations, shall be in accordance with this Code's provisions for variance appeals in Section 922.09.

923.02.E Applications for Special Exceptions

The filing of applications for special exceptions, and hearings and hearing notices pursuant to the same, shall be in accordance with Section 922.07.

923.02.F Fees

Persons filing appeals or applications for consideration by the Board shall pay the fees for same as prescribed by Section 922.01.A of this Code.

923.02.G Stays of Proceedings

An appeal to the Board, if timely taken according to the above section, shall automatically stay all actions purported to be authorized by the decision appealed, unless the officer from whose decision the appeal is taken certifies to the Board a written opinion, supported by a statement of facts, that a stay would cause imminent danger to life or property. In the case of such a certification, the actions deemed necessary, according to such officer's opinion, shall not be stayed except by a specific order of the Board, issued after a special hearing, or by an order of court.

923.02.H Appeal of Zoning Board of Adjustment Decisions to Court

Any party aggrieved by a decision of the Zoning Board of Adjustment, 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.

923.03.I Preservation of Proceedings Before the Zoning Board of Adjustment

All proceedings before the Zoning Board of Adjustment will be recorded on audiotape. One 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 copy of the audiotape. The fee charged for such tape may not exceed the cost of reproducing the audiotape.

923.03 Zoning Administrator

923.03.A *Designation and Powers*

The Zoning Administrator shall be a staff member of the Department of City Planning so designated by the City Planning Commission, who is herein charged with the administration of this Zoning Ordinance. The Zoning Administrator shall administer Administrator Exceptions pursuant to Sec. 922.08.

Chapter 924: Enforcement & Penalties

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- 924.01 Authority**
This Code shall be enforced by the Chief of the Bureau of Building Inspection or such other officer of the City as may from time to time be designated by the City Council or its designee.
- 924.02 Issuance of Permits**
No person in the employ of the City or acting on behalf of the City shall issue any building permit, grant any Certificate of Occupancy or otherwise allow a building or use that would violate the provisions of this Code. Any permit issued upon a false statement of fact that is material to the issuance of such permit shall be void.
- 924.03 Types of Violations**
Any of the following shall be a violation of this Code and shall be subject to the enforcement remedies and penalties provided by this Code and by state law:
- 924.03.A Development or Use Without Permits**
To engage in any development, use, construction, remodeling or other activity of any nature that is subject to the provisions of this Code without all of the required permits, approvals, certificates and other forms of authorization required by this Code in order to conduct or engage in such activity;
- 924.03.B Development or Use Inconsistent with Permit**
To engage in any development, use, construction, remodeling, or other activity of any nature in any way inconsistent with the terms and conditions of any permit, approval, certificate or other form of authorization required in order to engage in such activity;
- 924.03.C Development or Use Inconsistent with Conditions**
To violate, by act or omission, any term, condition, or qualification placed upon a required permit, certificate, or other form of authorization;
- 924.03.D Development or Use Inconsistent with Code**
To erect, construct, reconstruct, remodel, alter, maintain, move, or use any building, structure or sign, or to use any land in violation or contravention of any regulation of this Code;

924.03.E ***Making Lot or Setback Noncomplying***
To reduce or diminish any lot area so that the setbacks or open spaces shall be smaller than prescribed by this Code;

924.03.F ***Increasing Intensity of Use***
To increase the intensity of use of land or structure, except in accordance with the procedural and substantive requirements of this Code;

924.03.G ***Continuing Violation***
To continue any of the above violations; and

924.03.H ***Removing, Defacing, Obscuring Notice***
To remove, deface, obscure or otherwise interfere with any notice required by this Code.

924.04 **Remedies**

The City shall have the following remedies and enforcement powers:

924.04.A ***Withhold Permits***
The City may deny or withhold all permits, certificates or other forms of authorization on any land or structure or improvements thereon upon which there is an uncorrected violation of a provision of this Code or of a condition or qualification of a permit, certificate, approval or other authorization previously granted by the City, Planning Commission or the applicable Zoning Board of Adjustment. The City may, instead of withholding or denying an authorization, grant such authorization subject to the condition that the violation be corrected. The provisions of this section shall apply regardless of whether the current owner or applicant is responsible for the violation in question.

The City may deny or withhold all permits, certificates or other forms of authorization on any land or structure or improvements owned by a person who owns, developed or otherwise caused an uncorrected violation of a provision of this Code or of a condition or qualification of a permit, certificate, approval or other authorization previously granted by the City. This provision shall apply regardless of whether the property for which the permit or other approval is sought is the property in violation.

924.04.B ***Revoke Permits***

924.04.B.1 ***Permits for Construction***

Any permit may be revoked when the Chief of the Bureau of Building Inspection determines that any of the following conditions exist:

- (a) That there is departure from the plans, specifications, or conditions that apply to the permit;
- (b) That the same was procured by false representation or was issued by mistake;

or

- (c) That any of the provisions of this chapter are being violated. Written notice of such revocation shall be served upon the owner, his or her agent, or contractor, or upon any person employed on the building or structure for which such permit was issued, or shall be posted in a prominent location; and, thereafter, no such construction shall proceed.

924.04.B.2 ***Permits for Occupancy***

Any permit allowing legal occupancy of a structure or a lot, including the Certificate of Occupancy, may be revoked when the Chief of Building Inspection determines that any of the following conditions exist:

- (a) That there has been a violation of the approved plan, specifications or conditions that apply to the permit, including violations resulting from changes to the structure or lot from the approved plan;
- (b) There has been a violation of the approved plan or conditions that apply to the approved plan or permit which result from non-compliance with operational aspects of the structure or lot, which include but are not limited to hours of operation, violation of the noise, vibration or other environmental standards of this code, or other management practices of the building or lot which are in clear violation of the approved plans.

924.04.C ***Stop Work***

With or without revoking permits, the City may stop work on any building or structure on any land on which there is an uncorrected violation of a provision of this Code or of a permit or other form of authorization issued hereunder, in accordance with its power to stop work under the Building Code.

924.04.D ***Revoke Plan or Other Approvals***

Where the violation involves a failure to comply with approved plans or conditions to which the approval of was made subject, the body with authority to approve the plans or applications may, upon notice to the applicant and after a hearing, revoke the plan or other approval, or condition the continuance of approval on such conditions as the City Council may reasonably impose.

924.04.E ***Injunctive Relief***

The City may seek an injunction or other equitable relief in court to stop any violation of this Code.

924.04.F ***Abatement***

The City may seek a court order in the nature of mandamus, abatement or other action or proceeding to abate or remove a violation or to otherwise restore the premises in question to the condition in which they existed prior to the violation.

924.04.G ***Penalties***

Any person, firm, association, or corporation violating any provision of this Zoning Ordinance shall upon conviction be fined not more than \$1,000 for each offense and costs, and in default of payment of such fine and costs, shall be imprisoned in the county jail or workhouse for not more than 30 days. Each day a violation is continued shall constitute a separate offense. In the case of firms or associations, the penalty may be imposed upon the partners or members thereof, and in the case of corporations, upon the officers thereof.

924.04.H ***Other Remedies***

The City shall have such other remedies as are and as may be from time to time provided by Pennsylvania law for the violation of zoning or related provisions of its Code.

923.04.I ***Remedies Cumulative***

These remedies shall be cumulative.

924.05 **Enforcement Procedures**

In enforcing this Code, the City shall follow the procedures set forth in this section.

924.05.A ***Notice***

In the case of violations not involving continuing construction or development, or any emergency situation, the Chief of the Bureau of Building Inspection shall give written notice of the nature of the violation to the owner of the land and to any person who is a party to the agreement or an applicant for any relevant permit, certificate or approval, after which the person receiving such notice shall have 30 days to correct the violation before further enforcement action.

924.05.B ***Immediate Enforcement***

In the case of a violation involving either continuing construction or development or an emergency situation (as reasonably determined by the Chief of the Bureau of Building Inspection), the City may use the enforcement powers and remedies available to it under this chapter without prior notice. Simultaneously with beginning enforcement action, the Chief of the Bureau of Building Inspection shall send notice to the owner of the land and to any person who is a party to the agreement or an applicant for any relevant permit, certificate or approval.

924.06 **Other Enforcement Matters**

924.06.A ***Other Powers***

In addition to the enforcement powers specified in this chapter, the City may exercise

any and all enforcement powers granted to them by Pennsylvania law, as it may be amended from time to time.

924.06.B

Continuation

Nothing in this Code shall prohibit the continuation of previous enforcement actions, undertaken by the City pursuant to previous and valid resolutions, ordinances and laws.

Chapter 925: Measurements

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925.01 Lot Size

Lot size or lot area refers to the amount of horizontal land area within lot lines. No building permit or development approval shall be issued for a lot that does not meet the minimum lot size requirements of this Code except in the following cases.

925.01.A *Reduction for Public Purpose*

When an existing lot is reduced as a result of conveyance to a federal, state or local government for a public purpose and the remaining area is at least 75 percent of the required minimum lot size for the district in which it is located, then that remaining lot shall be deemed to comply with the minimum lot size standards of this Code.

925.01.B *Utility Facilities*

Utility facilities using land or an unoccupied building requiring less than 1,000 square feet of site area are exempt from the minimum lot size standards of all zoning districts.

925.01.C *Single-Unit Dwelling Exemptions*

1. The minimum lot size standards of this Code shall not be interpreted as prohibiting the construction of a single-unit residential dwelling unit on a lot that was legally platted or recorded prior to the adoption of this Code.
2. A single unit dwelling on a recorded zoning lot with a lot area less than otherwise required by the provisions of Chapter 903, may be approved as an Administrator's Exception according to the provisions of Sec. 922.08.

925.02 Lot Width

Lot width refers to the horizontal distance between the side lot lines as measured along a straight line parallel to the front lot line or the chord thereof. The minimum lot width shall be measured between the side lot lines along a line that is parallel to the front lot line and located the minimum front setback distance from the front lot line. In the case of cul-de-sac lots, the minimum lot width may be measured between the side lot lines along a line that is parallel to the front lot line and located at the actual front building line.

925.03

Density

Density refers to the number of dwelling units for each (gross) acre of land. Density shall be calculated by dividing the number of dwelling units by the lot area (in acres).

925.04

Floor Area Ratio (FAR)

Floor area ratio (FAR) refers to the amount of gross floor area of all principal buildings on a lot divided by the total area of the lot on which such buildings are located.

925.05

Build-To Line

“Build-to line” requirements are established in some zoning districts as a means of preserving the established pattern of development along streets. The build-to line is an imaginary line that falls within three feet of the line along which most buildings in a block have the majority of their front facade.

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. 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 4 feet above the ground level adjacent thereto;
3. In “R” Residential and “LNC” Districts, fences or lattice-work screens or walls not more than 6-1/2 feet in height, or hedges or thick growths of shrubs, maintained so as to not 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.
4. Railings not more than 3-1/2 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 feet into the required setback;
8. Eaves that do not project more than 2 feet into the required setback;

9. Open outside stairways, entrance hoods, terraces, canopies and balconies that do not project more than five feet into a required front or rear setback nor more than two feet into a required side setback;
10. Chimneys, flues and ventilating ducts that do not project more than two 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.

925.06.B ***Contextual Front Setbacks***

Regardless of the minimum front setback requirements imposed by the zoning district standards of this Code, applicants shall be allowed to use Contextual Front Setback. The Contextual Front Setback shall apply only to primary uses and structures. A Contextual Front Setback may fall at any point between the (zoning district) required front setback and the front setback that exists on a lot that is adjacent and oriented to the same street as the subject lot. If the subject lot is a corner lot, the Contextual Setback may fall at any point between the (zoning district) required front setback and the front setback that exists on the lot that is adjacent and oriented to the same street as the subject lot. If lots on either side of the subject lot are vacant, the setback that is required by the zoning district shall apply. This provision shall not be interpreted as requiring a greater front setback than imposed by the underlying zoning district, and it shall not be interpreted as allowing setbacks to be reduced to a level that results in right-of-way widths dropping below established minimums.

925.06.C ***Contextual Side Setbacks***

Regardless of the minimum side setback requirements imposed by the zoning district standards of this Code, applicants shall be allowed to use a Contextual Side Setback. The Contextual Side Setback shall apply only to primary uses and structures. A Contextual Side Setback may fall at any point between the required side setback and the side setback that exists on a lot that is adjacent and oriented to the same street as the subject lot, but shall be a minimum of 3 feet. If the subject lot is a corner lot, the Contextual Side Setback may fall at any point between the required side setback required by the zoning district and the side setback that exists on the lot that is adjacent and oriented to the same street as the subject lot, but shall be a minimum of 3 feet. If lots on either side of the subject lot are vacant, the setback that is required by the zoning district shall apply. This provision shall not be interpreted as requiring a greater side setback than imposed by the underlying zoning district, and it shall not be interpreted as allowing setbacks to be reduced to a level that results in right-of-way widths dropping below established minimums.

Regardless of the setbacks of adjacent structures, for any single-unit house on a recorded zoning lot that is less than 60 feet in width, the side yards may be reduced according to the following:

Lot Width	Required Interior Setback	Required Streetside Setback
59'	5'	29'
58'	5'	28'
57'	5'	27'
56'	5'	26'
55'	5'	25'
54'	5'	24'
53'	5'	23'
52'	5'	22'
51'	5'	21'
50'	5'	20'
49'	5'	20'
48'	5'	19'
47'	5'	19'
46'	5'	18'
45'	5'	18'
44'	4'	18'
43'	4'	17'
42'	4'	17'
41'	4'	16'
40'	4'	16'
39'	4'	15'
38'	4'	15'
37' and below	3'	15'

925.06.C.1 *Reduced Setback on Both Sides*
 The applicant may reduce the side setback to 3 feet on both sides only if adjacent properties have setbacks of 3 feet or less on the sides abutting the applicant’s property.

925.06.C.2 *Zero Setback on One Side*
 The applicant may reduce the side setback to zero when the side of the abutting property has a zero side setback when both building walls abutt each other.

925.06.D *Front Setbacks on Corner Lots*
 In the case of corner lots, the side of the lot with the shortest street frontage shall be considered the “front” setback.

925.06.E *Setbacks Reduced for Public Purpose*
 When an existing setback is reduced as a result of conveyance to a federal, state or local government for a public purpose and the remaining setback is at least 75

percent of the required minimum setback for the district in which it is located, then that remaining setback shall be deemed to be in compliance with the minimum setback standards of this Code.

925.06.F ***Interior Side Setbacks When None Required***

When no interior side setback is required and such a setback is provided it shall be a minimum of three feet in depth. If an interior side setback is not provided the wall of the structure shall be on the interior side lot line.

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 yard;
- (b) Garage, carport or parking stalls in rear yard;
- (c) Storage shed or gazebo in rear yard;
- (d) Open deck no higher than first floor in side or rear yard;
- (e) Air conditioner/ condenser in side or rear yard; and
- (f) Air conditioner/ condenser in front yard no closer to street than existing front porch or stoop.

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) In respect to the side yard requirements, the proposed construction or erection will not place the accessory use any closer to the neighboring property than the applicant's existing building line location;
- (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; and

- (f) Any illumination or drainage shall be contained on site and directed away from abutting properties.

C. Administrator Action

Before approving an application, the Administrator shall recommend reasonable adjustments including, but not limited to, items concerning utilities, drainage, noise, landscaping and maintenance thereof, lighting, access, egress, screening of accessways to ensure that authorization of the proposed exception is consistent with the standards found in Sec. 925.06.G.2 above.

925.06.H ***Front Yard Parking***

925.06.H.1 *Authorization of Front Yard District*

The City Planning Commission may designate a Front Yard District at the request of at least sixty percent of the property owners on the blockface of any specific street according to the procedure established by the Zoning Administrator. Blockface is defined as all properties on one side of a given street existing between two consecutive intersecting streets. Designation of a Front Yard Parking District allows individual property owners to file for a Special Exception from the Board of Adjustment to park one noncommercial automobile in the front yard of a residence, under certain conditions, as prescribed in Sec.925.06.H.2. Designation of a Front Yard District shall be considered subject to the following criteria:

- (a) The cartway of the block shall be no wider than 18 feet for a one-way street, or no wider than 27 feet for a two-way street; and
- (b) A majority of the lots along the subject block shall not be accessible to the rear or side yard; or
- (c) Where the Planning Commission determines physical conditions warrant creation of a Front Yard Parking District, such as, but not limited to:
 - (1) Excessive topography which prevents parking on lot other than the front yard;
 - (2) Restriction on parking due to fire lane or no parking designation or narrow width of cartway;
 - (3) Location of underground utility lines which prevent access to rear or side yard.

925.06.H.2 *Conditions of Special Exception*

Installation of one parking stall for a noncommercial automobile when accessory to a residential use shall be limited to RSD, Single-Unit Detached Residential, RSA, Single-Unit Attached Residential, and RT, Two-Unit Residential Use Subdistricts when located in an overlay Front Yard Parking District as designated by the Planning Commission, as specified under Sec.925.06.H.1, provided:

- (a) The maximum dimensions of the stall shall not exceed 20 feet in depth and 10 feet in width or 50 percent of the property's frontage, whichever is less;

- (b) The stall shall be designed so that a vehicle parked on it shall not project onto any public right-of-way and will be accessed via a depressed-type cub cut, built according to city standards;
- (c) The stall shall be located so as to provide a minimum 5 foot wide landscaped side yard;
- (d) The stall shall be paved with concrete, asphalt, or pavers, not including grass, slag, gravel, or mulch;
- (e) Each lot within the Front Yard Parking District shall be subject to the following criteria:
 - (1) The lot shall not be accessible to the rear or side yard; or
 - (2) The Zoning Board of Adjustment determines that physical conditions warrant inclusion such as but not limited to (1) excessive topography which prevents parking on lot other than the front yard, or (2) location of underground utility lines which prevent access to rear and side yard.
- (f) The remainder of the front yard shall be landscaped to adequately screen the parking space from view by adjoining properties to the fullest extent possible. Landscaping shall include evergreen shrubs, trees, decorative walls, and other decorative elements to achieve the proper screening.

925.06.I Contextual Rear Setbacks

Regardless of the minimum rear setback requirements imposed by the zoning district standards of this Code, applicants shall be allowed to use a Contextual Rear Setback. The Contextual Rear Setback shall apply only to primary uses and structures. A Contextual Rear Setback may fall at any point between the required rear setback and the rear setback that exists on a lot that is adjacent to the subject lot and oriented to the same street as the subject lot. If the subject lot is a corner lot, the Contextual Setback may fall at any point between the rear setback required by the zoning district regulations and the rear setback that is adjacent to the subject lot and oriented to the same street as the subject lot. If lots on either side of the subject lot are vacant, the setback that is required by the zoning district shall apply. This provision shall not be interpreted as requiring a greater rear setback than imposed the zoning district, and it shall not be interpreted as allowing setbacks to be reduced to a level that results in right-of-way widths dropping below established minimums. (Ord. 16(99)/ July 1, 1999/A-U6)

925.07 Height

925.07.A Measured in Feet

When measured in feet, building height refers to the vertical distance between the average finished grade along the wall facing the front street yard at the base of the building and: 1) the highest point of the coping of a flat roof; 2) the deck line of a mansard roof; or 3) the average height level between the eaves and ridge line of a gable, hip or gambrel roof. In the case of fences or walls, other than retaining walls,

height shall be measured on the side with the least vertical exposure above finished grade to the top of the fence or wall.

925.07.B ***Measured in Stories***

In measuring the height of a building in stories the following measurement rules shall apply:

1. A basement, half-story, or penthouse, when designed for dwellings or primary occupancy shall be counted as a full story;
2. A basement shall be counted a full story when 60 percent or more of the exterior surface of any street wall thereof, extends above the ground directly abutting such exterior street wall. In determining the percentage of exposed exterior surface of basement street walls, 100 percent shall be calculated by multiplying the width of such exterior walls by an assumed basement floor elevation of nine feet measured downward from the surface of the first floor above the basement;
3. A balcony or mezzanine shall be counted a full story when its floor area is in excess of one-third of the total area of the nearest full floor directly below it.

925.07.C ***Exemptions from Height Standards***

The following structures and features shall be exempt from the height requirements of this Code:

1. Chimneys, smokestacks or flues that cover no more than five percent of the horizontal surface area of the roof;
2. Cooling towers and ventilators that cover no more than five percent of the horizontal surface area of the roof;
3. Elevator bulkheads and stairway enclosures;
4. Fire towers;
5. Utility poles and support structures;
6. Belfries, spires and steeples;
7. Monuments and ornamental towers; and
8. Radio and television antennas, including satellite dishes less than 32" in diameter.

925.07.D ***Contextual Height***

Regardless of the maximum height limit imposed by the zoning district standards of this Code, applicants shall be allowed to use a contextual height limit. The allowed contextual height may fall at any point between the (zoning district) maximum height limit and the height of a building that exists on a lot that is adjacent to the subject lot. If the subject lot is a corner lot, the contextual height may fall at any point between the (zoning district) maximum height limit and the building height that exists on the lot that is adjacent to the subject lot. If lots on either side of the subject lot are vacant, the height that “exists” on such vacant lots shall be interpreted as the maximum height limit that applies to the vacant lot. This provision shall not be interpreted as requiring a greater minimum heights or lower maximum heights than imposed by the underlying

zoning district, and it shall not be interpreted as allowing buildings heights that would conflict with Residential Compatibility Standard height limits of Chapter 916.

Chapter 926: Definitions

Words and terms used in this Code shall be given the meanings set forth in this section. All words not defined in this section shall be given their common, ordinary meanings, as the context may reasonably suggest.

1. **Accessory Structure and Accessory Use** means a use or structure that is subordinate to and serves a primary use or structure; is subordinate in area, extent and purpose to the primary use or structure served; contributes to the comfort, convenience or necessity of occupants of the primary use or structure served; and is located on the same zoning lot and in the same zoning district as the primary use.
2. **Administrator, Zoning** means a staff member of the Department of City Planning so designated by the City Planning Commission, who is herein charged with the administration of this Zoning Ordinance.
3. **Adult Entertainment (General)** means an Adult bookstore, Adult Mini-Theater, Massage establishment, Model studio, or Sexual encounter or Meditation center.
4. **Adult Bookstore** means a commercial establishment having a substantial or significant portion of its stock in trade, books, magazines, photographs, or other material which are distinguished and characterized by their emphasis on matter depicting, describing or relating to the specified sexual activities or specified anatomical areas defined herein or an establishment with a segment or section devoted to the sale or display of such material.
5. **Adult Mini Theater** means an enclosed building defined herein as an adult theater but with a capacity less than fifty persons.
6. **Model Studio** means any place where, for any form of consideration or gratuity, figure models who display specified anatomical areas are provided to be observed, sketched, drawn, painted, sculptured, photographed or similarly depicted by persons paying such consideration or gratuity, except by any school accredited by the Department of Education, Commonwealth of Pennsylvania.
7. **Massage Establishment** means any building, room, place or establishment where, for any form of consideration or gratuity, manipulated massage or manipulated exercises are practiced upon the human body by anyone not a duly licensed physician, osteopath, chiropractor, registered nurse and practical nurse operating under a physician's directions, registered speech pathologists and physical or occupational therapists who treat only patients recommended by a licensed physician and operate only under such physician's direction, whether with or without the use of mechanical, therapeutic or bathing devices, and shall include Turkish bathhouses. The term shall not include a regularly licensed hospital, medical clinic or nursing home, duly licensed beauty parlors or barber shops.

8. **Sexual Encounter or Meditation Center** means any business, agency or person who, for any form of consideration or gratuity, provides a place where two or more persons, not all members of the same household, may congregate, assemble or associate for the purpose of engaging in specified sexual activities or exposing specified anatomical areas.
9. **Adult Entertainment (Limited)** means an Adult Cabaret or Adult Theater.
10. **Adult Cabaret** means a cabaret which features topless dancers, go-go dancers, exotic dancers, strippers, male or female impersonators, or similar entertainers which characterize an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas as defined herein.
11. **Adult Theater** means an enclosed building with a capacity of 50 or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas as defined herein, for observation by patrons therein.
12. **Advertising Sign** means a sign that directs attention to a business, commodity, service or entertainment, conducted, sold or offered elsewhere than upon the premises where the sign is displayed.
13. **Alteration, Structural** means any change which would tend to prolong the life of the supporting members of a building or structure, such as bearing walls, columns, beams or girders.
14. **Amusement Arcade** see Use Table, Section 911.02 In addition, the definition of Amusement Arcade also includes any establishment licensed by the Pennsylvania Liquor Control Board where eight (8) or more mechanical or electronic devices, machines, tables or apparatus of any kind are located for playing games of skill or amusement. Amusement Arcade also means any Pennsylvania Liquor Control Board licensed establishment that constitutes a non-conforming use in any residential or PO district where six or more mechanical or electronic devices, machines, tables or apparatus of any kind are located for playing games of skill or amusement.
15. **Animal Care (General)** see Use Table, Section 911.02.
16. **Animal Care (Limited)** see Use Table, Section 911.02.
17. **Art or Music Studio** see Use Table, Section 911.02.
18. **Assembly, Public** see Use Table, Section 911.02.
19. **Assembly, Public (General)** see Use Table, Section 911.02.
20. **Assembly, Public (Limited)** see Use Table, Section 911.02.

21. **Automobile** means any a self-propelled, free-moving vehicle designed for passenger transportation, including but not limited to cars, motorcycles, mopeds, pickup trucks, or vans, excluding recreational vehicles, boats or trailers.
22. **Automobile, Compact Size** means an automobile which occupies an area of less than nine square meters (97 square feet).
23. **Automobile, Standard Size** means an automobile which occupies an area greater than or equal to nine square meters (97 square feet).
24. **Automobile, Noncommercial** means an automobile designed and used primarily for transport of passengers, but not including a bus, taxicab, limousine or similar vehicle used for commercial transportation vehicles.
25. **Bank or Financial Institution** see Use Table, Section 911.02.
26. **Bank or Financial Institution (General)** see Use Table, Section 911.02.
27. **Bank or Financial Institution (Limited)** see Use Table, Section 911.02.
28. **Base Zoning District** means the underlying zoning district.
29. **Basement** means a portion of a building partly below ground and having more than one-half of its height above the level of the adjoining ground.
30. **Basic Industry** see Use Table, Section 911.02.
31. **Bed and Breakfast** see Use Table, Section 911.02.
32. **Bed and Breakfast (General)** see Use Table, Section 911.02.
33. **Bed and Breakfast (Limited)** see Use Table, Section 911.02.
34. **Board** means the Zoning Board of Adjustment.
35. **Building** means a structure having a roof supported by columns or walls, for the housing or enclosure of persons, animals or chattels.
36. **Build-To Line** see Section 925.05
37. **Building, Principal** means the building on a lot in which the primary use of the lot is conducted.
38. **Car Wash** see Use Table, Section 911.02.

- 39. **Carport** means a roofed structure providing space for the parking of motor vehicles and enclosed on not more than three sides.
- 40. **Cellar** means a portion of a building having one-half or more of its height below the average level of the adjoining ground.
- 41. **Cemetery** see Use Table, Section 911.02.
- 42. **Child Care** see Use Table, Section 911.02.
- 43. **Child Care (General)** see Use Table, Section 911.02.
- 44. **Child Care (Limited)** see Use Table, Section 911.02.
- 45. **City Council** means the City Council of the City of Pittsburgh.
- 46. **Communication Tower** see Use Table, Section 911.02.
- 47. **Communication Tower, Class A** see Use Table, Section 911.02.
- 48. **Communication Tower, Class B** see Use Table, Section 911.02.
- 49. **Communication Tower, Class C** see Use Table, Section 911.02.
- 50. **Commercial Vehicle** means any motor vehicle licensed by the state as a commercial vehicle.
- 51. **Community Center** see Use Table, Section 911.02.
- 52. **Community Center (General)** see Use Table, Section 911.02.
- 53. **Community Center (Limited)** see Use Table, Section 911.02.
- 54. **Construction Contractor** see Use Table, Section 911.02.
- 55. **Construction Contractor (General)** see Use Table, Section 911.02.
- 56. **Construction Contractor (Limited)** see Use Table, Section 911.02.
- 57. **Contextual Setback** means an imaginary line that may be established at any point between the (zoning district) required front setback and the front setback that exists on a lot that is adjacent and oriented to the same street as the subject lot. See also Sec. 925.06.
- 58. **Contextual Height** means an imaginary line that may be established at any point between the

maximum building height of the zoning district and the building height that exists on a lot that is adjacent to and oriented to the same street as the subject lot. See also Sec. 925.07.D.

- 59. **Correctional Facility** see Use Table, Section 911.02.
- 60. **Cultural Service** see Use Table, Section 911.02.
- 61. **Cultural Service (General)** see Use Table, Section 911.02.
- 62. **Cultural Service (Limited)** see Use Table, Section 911.02.
- 63. **Decision-Maker or Decision-Making Body** means the entity (City Council, Planning Commission, Zoning Board of Adjustment, Zoning Administrator, Planning Director or department head) that is authorized to finally approve or deny an application or permit required under this development code. See also Chapter 923.
- 64. **Density** See Sec. 925.03.
- 65. **Department** means the Department of City Planning of the City of Pittsburgh.
- 66. **Design Standards** means a set of guidelines defining parameters to be followed in a site and/or building design and development.
- 67. **Development** means any activity for which a permit or other approval is required to be obtained from the Zoning Administrator.
- 68. **Development Envelope** means the projected maximum bulk of building on a development site based on the capacity of the site and on urban design considerations of the surrounding context.
- 69.A. **Development Standards** means a set of guidelines or defining parameters to be followed in site and/or building development.
- 69.B. **Disabled** means “handicapped” as defined according to the Fair Housing Act Amendments of 1988, 42 U.S.C.S. SubSection 3602(h), and any amendments thereto.
- 70. **District** means zoning district.
- 71. **Dormitory** see Use Table, Section 911.02.
- 72. **Dwelling Unit** means a building or portion thereof designed and used for residential occupancy by a single family and that includes exclusive sleeping, cooking, eating and sanitation facilities. Buildings with more than one set of cooking facilities are considered to contain multiple dwelling units unless the additional cooking facilities are clearly accessory, such as an outdoor grill.

- 73. Educational Classroom** see Use Table, Section 911.02.
- 74. Enlarge or Enlargement** means to increase, or an increase in:
- (a) The size, height, gross floor area or capacity of an existing structure;
 - (b) The area of land for an existing use;
 - (c) The intensity of use of land or structure such as the addition of dwelling unit, suites, bedrooms or sleeping rooms, parking stalls, or floor area used or intended to be used for service to the people as customers, clients, patrons, patients or tenants.
- 75. Excavation/Grading/Fill, Major** see Use Table, Section 911.02.
- 76. Family** means:
- (a) An individual, or two or more persons related by blood or marriage or adoption, living together in a dwelling unit; or
 - (b) A group of not more than three persons who need not be related by blood or marriage or adoption, living together as a single housekeeping unit in a dwelling unit, and shared common facilities as considered reasonably appropriate for a family related by blood, marriage or adoption; in either case exclusive of usual servants; or
 - (c) A group of not more than eight (8) unrelated disabled people living together as a single housekeeping unit in a dwelling unit and sharing common facilities as considered reasonably appropriate for a family related by blood, marriage or adoption. If appropriate, one staff person may reside on the premises and will not be included in the total number of occupants. Any additional staff shall be included in the total number of occupants. A Family may not be a Multi-Suite Residential facility as defined in Sec. 911.02 or an Assisted Living facility as defined in Sec. 911.02.
- 77. Firearm Business Establishment** means any business establishment, duly licensed by the appropriate agencies of the United States of America and the Commonwealth of Pennsylvania, that engages in the sale of firearms. (Firearms as defined by Sec. 607.01 of the Pittsburgh Code of Ordinances), either by wholesale or retail, mail order or any other manner.
- 78. Floor Area, Gross** means the sum total horizontal area of all floors of a building, measured from the exterior face of exterior walls or from the center lines of walls separating two abutting structures, including:
- (a) Basement;
 - (b) Elevator shafts and stairwells at each story;
 - (c) Floor space used for mechanical equipment;
 - (d) Penthouse;
 - (e) Half story; and
 - (f) Interior balcony or mezzanine;
- but not including
- (a) Cellar;
 - (b) Accessory water tanks or cooling towers;
 - (c) Uncovered steps; and

- (d) Terraces, breezeways, open porches and exterior balconies.
79. **Floor Area Ratio (FAR)** see Sec. 925.04.
80. **Fraternity/Sorority** see Use Table, Section 911.02.
81. **Freight Terminal** see Use Table, Section 911.02.
82. **Funeral Home** see Use Table, Section 911.02.
83. **Garage** means a structure or any portion thereof designed for the parking of one or more automobiles, not including vehicle repair, exhibition or showrooms, or storage of cars for sale.
84. **Golf Course** see Use Table, Section 911.02.
85. **Grade, Average Finished** means the average between the highest and lowest elevation of the ground abutting the street walls of a structure, existing, or as shown on the construction plans. See also Sec. 925.07.
86. **Ground Level** means any horizontal area of a property which is at or below the average of the highest and lowest elevations of the adjoining sidewalk area, or not more than 20 feet above the average elevation; convenient for public access, and connected to the sidewalk by adequate stairs or ramps where necessary to assure such convenient public access.
87. **Group Residential** means the use of a site for occupancy by groups of people not defined as a family, on a weekly or longer basis. Typical uses include fraternity or sorority houses, dormitories, residence halls, boarding/lodging houses, convents and monasteries.
88. **Grocery Store** see Use Table, Section 911.02.
89. **Group Residential (General)** means a group residential use with a capacity of 12 or more persons.
90. **Group Residential (Limited)** means a group residential use with a capacity up to 11 persons.
91. **Hazardous Operations** see Use Table, Section 911.02.
92. **Height, Building** means the vertical distance between Average Finished Grade along the wall facing the front street yard and:
(a) The highest point of the coping of a flat roof;
(b) The deck line of a mansard roof; or
(c) The average height level between the eaves and ridge line of a gable, hip or gambrel roof.
See also Sec. 925.07

93. **Height, Structure (other than building)** means the vertical distance measured from Average Finished Grade to the highest point of the structure.
94. **Helicopter General Private Use Landing Area** means a heliport, helipad or helistop that is restricted in use to the owner or operator of the facility or to persons authorized by the owner or operator per licensing requirements of the Commonwealth.
95. **Helicopter Landing Area** see Use Table, Section 911.02.
96. **Helicopter Medical Private Use Landing Area** means a private use heliport, helipad or helistop which provides helicopter landing area for the transport of persons in need of emergency medical care; the transport of patients needing specialized treatment; or the emergency transport of organs, blood, medicine or medical equipment.
97. **Helicopter Public Use Landing Area** means a heliport, helipad or helistop that has been designated by the Pennsylvania Department of Transportation Bureau of Aviation and the owner of such facility for use by the general public whether operated by a public agency or private individual, firm or corporation.
98. **Helipad** see Use Table, Section 911.02.
99. **Heliport** see Use Table, Section 911.02.
100. **Helistop** see Use Table, Section 911.02.
101. **High-Density Residential** means residential development with a density of 750 dwelling units per acre.
102. **Historic District** means a district or zone designated by a local authority or state or federal government within which buildings, structures, appurtenances, and places are of basic and vital importance because of their association with history; or because of their unique architectural style and scale, including color, proportion, form, and architectural detail; or because of their being a part of or related to a square, park, or area the design or general arrangement of which should be preserved and/or developed according to a fixed plan based on cultural, historical, or architectural motives or purposes.
103. **Historic Building** means any building that is historically or architecturally significant.
104. **Historic Structure** means a building or structure that has been designated by a local authority.
105. **Home Occupation** see Sec. 912.02.
106. **Hospital** see Use Table, Section 911.02.

107. **Hotel/Motel** see Use Table, Section 911.02.
108. **Hotel/Motel (General)** see Use Table, Section 911.02.
109. **Hotel/Motel (Limited)** see Use Table, Section 911.02.
110. **Impervious Surface** means any surface, including surfaces of structures, that prevents absorption of stormwater into the ground.
111. **Incinerator, Solid Waste** see Use Table, Section 911.02.
112. **Institution** means a group of buildings or structures that are under common or related ownership, that are located in a contiguous area, notwithstanding rights-of-ways; that contain two or more different uses as integral parts of the functions of the organization, such that different structures contain different primary uses; and that contain a combined minimum of 100,000 total square feet of gross floor area.
113. **Intensity of Use** means the number of dwelling units per acre for residential development and the floor area ratio (FAR) for nonresidential development, such as commercial, office, and industrial.
114. **Laboratory/Research Services** see Use Table, Section 911.02.
115. **Laboratory/Research Services (General)** see Use Table, Section 911.02.
116. **Laboratory/Research Services (Limited)** see Use Table, Section 911.02.
117. **Laundry Service** see Use Table, Section 911.02.
118. **Library** see Use Table, Section 911.02.
119. **Library (General)** see Use Table, Section 911.02.
120. **Library (Limited)** see Use Table, Section 911.02.
121. **Lodging room** means a room rented as sleeping or living quarters, without cooking facilities and with or without an individual bathroom.
122. **Lot Area** means the total area of a lot lying within the lot lines, not including any portion of a street or way.
123. **Lot, Corner** means a lot abutting two or more streets at their intersection.
124. **Lot Depth** means the horizontal distance between front and rear lot lines measured at the mid-point between the two side lot lines.

125. **Lot, Interior** means a lot other than a corner lot.
126. **Lot, Key** means a corner lot abutting two or more non-corner (interior or through) lots.
127. **Lot, Recorded** means a lot designated on a plat of subdivision duly recorded pursuant to statute, in the Recorder's Office for the recording of deeds, plans, etc., of Allegheny County. A recorded lot may or may not coincide with a zoning lot or an accredited zoning lot.
128. **Lot Lines** means the lines that bound a zoning lot.
129. **Lot** means land occupied or intended to be occupied by a building, or unit group of buildings, and accessory buildings, together with such setbacks and lot area as are required by this Code, and having at least one frontage upon a street.
130. **Lot Size** See Sec. 925.01.
131. **Lot Width** See Sec. 925.02.
132. **Lot, Through** means a lot, other than a corner lot, having frontage on two parallel or approximately parallel streets.
133. **Lot Width** means the horizontal distance between the side lot lines as measured along a straight line parallel to the front lot line or the chord thereof at a point located the minimum front setback distance from the front lot line. See Sec. 925.02.
134. **Lot, Zoning** means a parcel of land that is designated by its owner at the time of applying for a building permit as one lot, all of which is to be used, developed or built upon as a unit under single ownership. Such lot may consist of:
- (a) a single "Recorded Lot;" or
 - (b) a portion of a "Recorded Lot;" or
 - (c) a combination of complete "Recorded Lots," complete "Recorded Lots" and portions of "Recorded Lots" or portions of "Recorded Lots."
135. **Low Density Residential** means residential development at a density of 3,000 square feet per unit.
136. **Manufacturing and Assembly** see Use Table, Section 911.02.
137. **Manufacturing and Assembly (General)** see Use Table, Section 911.02.
138. **Manufacturing and Assembly (Limited)** see Use Table, Section 911.02.
139. **Marina** means a facility for the storage (wet and dry), launching and mooring of boats together with

accessory retail and service uses including restaurants and live-aboards.

- 140. Major Traffic Thoroughfare** means a main traffic artery designated on the zoning district map as a major traffic thoroughfare.
- 141. Major Transit Facility** means a platform or waiting area adjacent to a public mass transit system which utilizes an exclusive right-of-way.
- 142. Massage** means any process consisting of kneading, rubbing or otherwise manipulating the skin of the body of a human being either with the hand or by means of electrical instruments or apparatus or other special apparatus, but shall not include massages by duly licensed physicians, osteopaths, chiropractors, registered nurses and practical nurses operating under a physician's directions, registered speech pathologists and physical or occupational therapists who treat only patients recommended by a licensed physician and who operate only under such physician's direction; nor shall this definition include any massage of the face or neck practiced by beauticians, cosmetologists and barbers duly licensed.
- 143. Maximum Extent Feasible** means the point at which all possible measures have been undertaken by the applicant, and which point further measures would involve physical or economic hardships that would render a development project infeasible or would be unreasonable in the judgment of the Planning Director.
- 144. Medical Office/Clinic** see Use Table, Section 911.02.
- 145. Medical Office/Clinic (General)** see Use Table, Section 911.02.
- 146. Medical Office/Clinic (Limited)** see Use Table, Section 911.02.
- 147. Mixed Use Development** means the development of a tract of land, building, or structure with a variety of complementary and integrated uses, such as, but no limited to, residential, office, manufacturing, retail, public, or entertainment, in a compact urban form.
- 148. Moderate-Density Residential** means residential development with a density of 1800 square feet per unit.
- 149. Multi-Unit Residential** see Use Table, Section 911.02.
- 150. Nonconforming Structure** means a building, structure or sign, or portion thereof, lawfully existing at the time these regulations became effective, or as amended, which does not comply with the setback, height, lot size or other site development standards applicable in the zoning district in which the building or structure is located.
- 151. Nonconforming Sign** means a sign, lawfully existing at the time these regulations became effective, or as amended, which does not completely conform to the sign regulations applicable in the zoning

district in which it is located.

- 152. Nonconforming Use** means the use of any land, building or structure, other than a sign, which does not comply with the use regulations of the zoning district in which such use is located, but which complied with the use regulations in effect at the time the use was established.
- 153. Nonconformity** means a nonconforming use or noncomplying structure or other situation that does not comply with currently applicable regulations, but which complied with zoning regulations in effect at the time it was established.
- 154. Nursery** means land or greenhouses used to raise flowers, shrubs, and plants for sale.
- 155. Nursery, Retail** see Use Table, Section 911.02.
- 156. Nursery, Retail (Limited)** see Use Table, Section 911.02.
- 157. Nursery, Retail (General)** see Use Table, Section 911.02.
- 158. Office** see Use Table, Section 911.02.
- 159. Office (General)** see Use Table, Section 911.02.
- 160. Office (Limited)** see Use Table, Section 911.02.
- 161. Open Space** means that portion of a lot which is not occupied by buildings, parking areas, driveways, streets or loading areas.
- 162. Overlay Zoning District** means a zoning district that encompasses one or more underlying zoning districts and that imposes additional requirements or provisions above that required by the underlying zoning district.
- 163. Owner** means the property owner of record, according to the Recorders' Office of Allegheny County.
- 164. Parking Area** means an open space other than a street or way, used for the parking of only automobiles.
- 165. Parking Area, Shared** means the joint use of a parking area for more than one use.
- 166. Parking, Commercial** see Use Table, Section 911.02.
- 167. Parking, Commercial (General)** see Use Table, Section 911.02.
- 168. Parking, Commercial (Limited)** see Use Table, Section 911.02.

169. **Parking, Off-Site** means parking provided for a specific use but located on a site other than the one which the specific use is located.
170. **Parks and Recreation** see Use Table, Section 911.02.
171. **Parks and Recreation (General)** see Use Table, Section 911.02.
172. **Parks and Recreation (Limited)** see Use Table, Section 911.02.
173. **Party Wall** means a wall which divides two adjoining properties usually, but not necessarily, having half its thickness on each property and in which each of the owners of the adjoining properties has rights of enjoyment.
174. **Physical Improvement** means any permanent structure that becomes part of, placed upon, or is affixed to real estate.
175. **Plan, Grading** means a site plan or drawing that portrays an intended physical change in the land surface of a lot or tract of land.
176. **Plan, Improvement Subdivision Site** means a drawing that represents the official site plan of an improvement subdivision, as further defined and referred to in the Planning Commission's Improvement Subdivision Regulations, pursuant to the Act of May 13, 1927 (P.L. 1011), as amended. (53 P.L. Sec. 22761 et seq.)
177. **Plan, Plot** means a drawing used in connection with an application for Certificate of Occupancy for the purposes of identifying the intended use or occupancy of a particular lot, and to facilitate administrative review for zoning compliance. The drawing shall show the location of the property boundary, structures, streets and other important features.
178. **Plan, Site** means drawings which indicate details of existing and/or intended developments of a particular lot or tract of land in relationship to its surroundings, including details of land use, topography, landscaping and structures.
179. **Plan, Subdivision** means a drawing for recording the division of land for improvement or sale, prepared in accord with the Planning Commission's Subdivision Regulations, pursuant to the Act of May 13, 1927 (P.L. 1011), as amended. (53 P.S. Sec. 22761 et seq.)
180. **Planning Commission** means the City Planning Commission (CPC) of the City of Pittsburgh.
181. **Planning Director** means the Director of the Department of City Planning of the City of Pittsburgh.
182. **Plot Plan** see Plan, Plot.

- 183. Post Office** means a facility owned and maintained by the Postal Service of the United States of America for the purpose of distributing mail to the public.
- 184. Primary Use** means the principal or predominant use of any lot or parcel.
- 185. Primary Structure** means a structure in which is conducted the primary use of the lot on which it is located.
- 186. Public Realm** means that outdoor area which is experienced by the public in general, including public rights-of-way or public spaces and the private and public portions of buildings which enclose them. The Public Realm includes, but is not limited to, areas such as public streets and the yards and facades of the buildings which front the street, the rivers and adjacent riverfront property, and hillsides which are visible from public spaces and places.
- 187. Recreation and Entertainment, Indoor** see Use Table, Section 911.02.
- 188. Recreation and Entertainment, Indoor (General)** see Use Table, Section 911.02.
- 189. Recreation and Entertainment, Indoor (Limited)** see Use Table, Section 911.02.
- 190. Recreation and Entertainment, Outdoor** see Use Table, Section 911.02.
- 191. Recreation and Entertainment, Outdoor (General)** see Use Table, Section 911.02.
- 192. Recreation and Entertainment, Outdoor (Limited)** see Use Table, Section 911.02.
- 193. Recyclable Material** means material including but not limited to metal, glass, plastic and paper which is intended for reuse, remanufacture or reconstitution for the purpose of using the altered form. Recyclable material shall not include biodegradable wastes, hazardous materials, industrial scrap materials or used clothing, furniture, appliances, vehicles or parts thereof.
- 194. Recycling Collection Station** see Use Table, Section 911.02.
- 195. Recycling Processing Station** see Use Table, Section 911.02.
- 196. Religious Assembly** see Use Table, Section 911.02.
- 197. Religious Assembly (General)** see Use Table, Section 911.02.
- 198. Religious Assembly (Limited)** see Use Table, Section 911.02.
- 199. Research Services** see Use Table, Section 911.02.
- 200. Residential** means a structure or use type that is arranged, designed, used or intended to be used

for one or more dwelling units for residential occupancy.

- 201. Restaurant, Fast-Food** see Use Table, Section 911.02.
- 202. Restaurant, Fast-Food (General)** see Use Table, Section 911.02.
- 203. Restaurant, Fast-Food (Limited)** see Use Table, Section 911.02.
- 204. Restaurant** see Use Table, Section 911.02
- 205. Restaurant (General)** see Use Table, Section 911.02
- 206. Restaurant (Limited)** see Use Table, Section 911.02
- 207. Restricted Access Highway** means a major traffic thoroughfare or part thereof which when open to public use is:
- (a) Constructed or maintained pursuant to the Federal Aid Highway Act of 1956, or any amendment or supplement thereto, as an interstate highway;
 - (b) A limited access highway under the Pennsylvania Limited Access Highway Act of May 29, 1945 (P. L. 1108), as amended (36 P.S. Sec. 2391-1 et seq.); or
 - (c) Designated from time to time as restricted access highway by Council on the basis of being either a:
 - (1) Primary or urban route on the State highway system; or
 - (2) Primary route on the Allegheny County highway system approved by the County Planning Commission; or
 - (3) Primary route on the City highway system approved by the City Planning Commission, and, in addition to meeting one of the above three criteria, having either:
 - (i) A minimum width of four lanes, or
 - (ii) Fifty-one percent or more of the total affected frontage in one or more of the following categories:
 - 1. Public park;
 - 2. Publicly owned or controlled land;
 - 3. Redevelopment or renewal area wherein advertising signs are prohibited by the redevelopment or renewal proposal approved by City Council;
 - 4. Land which is so located that the construction of the highway or the regulation thereof prevents private or public vehicular access thereto;
 - 5. Land within 350 feet of the center line of any highway or interchange ramps thereof covered by subsections (i) or (ii) hereof.
- 208. Retail Sales and Service** see Use Table, Section 911.02.
- 209. Retail Sales and Service (General)** see Use Table, Section 911.02.

- 210. Retail Sales and Service (Limited)** see Use Table, Section 911.02.
- 211. Retail Sales and Services, Residential Convenience** see Use Table, Section 911.02.
- 212. Reviewer or Review Body** means the entity (City Council, Planning Commission, Zoning Board of Adjustment, Zoning Administrator, Planning Director, or department head) that is authorized to approve or deny or to recommend approval or denial of an application or permit required under this development code.
- 213. Right-of-Way** means a strip of land acquired by reservation, dedication, forced dedication, prescription, or condemnation and intended to be occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer, and other similar uses.
- 214. Safety Services** see Use Table, Section 911.02.
- 215. Salvage Yard** see Use Table, Section 911.02.
- 216. School, Elementary or Secondary** see Use Table, Section 911.02.
- 217. School, Elementary or Secondary (General)** see Use Table, Section 911.02.
- 218. School, Elementary or Secondary (Limited)** see Use Table, Section 911.02.
- 219. Service Station** see Use Table, Section 911.02.
- 220. Setback, Front** means a setback that is to extend across the full width of a lot, the required depth of which is measured as the minimum horizontal distance between the street right-of-way line and a line parallel thereto on the lot. See also Sec. 925.06.
- 221. Setback, Interior Side** means a setback that is to extend from the street right-of-way line to the rear lot line along the side of a lot that is adjacent to another lot, the required depth of which is measured as the minimum horizontal distance between the side lot line and a line parallel thereto on the lot. See also Sec. 925.06.
- 222. Setback** means the distance that is required by this Code to be maintained in an unobstructed state between a structure and the property line of the lot on which the structure is located. Note: The term “setback” refers to a required minimum area, while the term “yard” refers to the actual open area. See also Sec. 925.06.
- 223. Setback, Rear** means a setback that is to extend across the full width of a lot, the required depth of which is measured as the minimum horizontal distance between the rear lot line and a line parallel thereto on the lot. See also Sec. 925.06.
- 224. Setback, Street Side** means a setback that is to extend from the street right-of-way line to the rear

lot line along the side of a lot that is adjacent to a street or street right-of-way line, the required depth of which is measured as the minimum horizontal distance between the side lot line and a line parallel thereto on the lot. See also Sec. 925.06.

225. Single-Unit Attached Residential see Use Table, Section 911.02.

226. Single-Unit Detached Residential see Use Table, Section 911.02.

227. Sleeping room means a fully enclosed portion of a building, designed or intended to be used for sleeping purposes. For purposes of measurement in this Zoning Ordinance, where a sleeping room contains more than two beds, every unit of two beds, or fraction thereof, shall be counted as a separate sleeping room.

228. Source means any place, building, facility, equipment, installation, operation, activity, or other thing or any combination thereof:

- (a) At, from, or by reason of which there may be emitted into the outdoor atmosphere any air containment;
- (b) Which belong to the same industrial group;
- (c) Which is located on one or more contiguous or adjacent properties; and
- (d) Which is owned, operated, or allowed to be operated by the same person or by persons under common control or which is jointly owned, operated, or allowed to be operated by two or more person,

but not including motor vehicles or those emissions resulting from an external combustion engine for transportation purposes or from a nonroad engine or nonroad vehicle as defined in Section 216 of the Clean Air Act.

229. Specified Anatomical Areas mean:

- (a) human male genitals in a discernibly turgid state, even if completely and opaquely covered; or
- (b) areas of the human body that are less than completely opaquely covered and limited to:
 - (1) human genitals or pubic region;
 - (2) buttock; and
 - (3) female breast below a point immediately above the top of the areola.

230. Specified sexual activities mean:

- (a) acts of human masturbation, sexual intercourse or sodomy;
- (b) fondling or other erotic touching of human genitals, pubic region, buttock or female breasts; or
- (c) human genitals in a state of sexual stimulation or arousal.

231. Standard Industrial Classification (SIC) means the classification by type of activities in which engaged; for purposes of facilitating the collection, tabulation, presentation, and analysis of data relating to establishments; and for promoting uniformity and comparability in the presentation of statistical data collected by various agencies of the United States Government, State agencies, trade associations, and private research organizations.

- 232. Story** means that portion of a building included between the surface of any floor and the surface of the next floor above it, or if there is no floor above it then the space between such floor and the ceiling next above it; not including cellar or basement.
- 233. Story, Half** means a story under a gable or hip or gambrel roof the wall plates of which, on at least two opposite exterior walls, are not more than two feet above the floor of such story.
- 234. Street** means a strip of land at least 25 feet wide that provides access to public property, or in a plan of land subdivision approved by the Planning Commission, the boundary lines of which include roadway or sidewalk area.
- 235. Structure** means anything constructed or erected, the use of which requires, directly or indirectly, a permanent location on the land.
- 236. Suite** means one or a group of connected living or sleeping rooms.
- 237. Three-Unit Residential** see Use Table, Section 911.02.
- 238. Transit Facility** see Use Table, Section 911.02.
- 239. Two-Unit Residential** see Use Table, Section 911.02.
- 240. Underlying Zoning District** means the base zoning district.
- 241. Unit Group Development** means two or more related primary buildings or uses on one zoning lot.
- 242. Use** means the purpose for which land or a building is arranged, designed or intended, or for which either land or a building is or may be occupied or maintained.
- 243. Utility (General)** see Use Table, Section 911.02.
- 244. Utility (Limited)** see Use Table, Section 911.02.
- 245. Variance** means a modification of the literal provisions of this Zoning Code which the Zoning Board of Adjustment is permitted to grant when strict enforcement of such provisions would cause unnecessary hardship owing to circumstances unique to the individual property on which the variance is sought.
- 246. Vehicle/Equipment Repair (General)** see Use Table, Section 911.02.
- 247. Vehicle/Equipment Repair (Limited)** see Use Table, Section 911.02.
- 248. Vehicle/ Equipment Sales** see Use Table, Section 911.02.

- 249. **Vehicle/ Equipment Sales (General)** see Use Table, Section 911.02.
- 250. **Vehicle/ Equipment Sales (Limited)** see Use Table, Section 911.02.
- 251. **Very High-Density Residential** means residential development with a density of 400 square feet per unit.
- 252. **Very Low-Density Residential** means residential development with a density of 8,000 square feet per unit.
- 253. **Vocational School** see Use Table, Section 911.02.
- 254. **Vocational School (General)** see Use Table, Section 911.02.
- 255. **Vocational School (Limited)** see Use Table, Section 911.02.
- 256. **Warehouse** see Use Table, Section 911.02.
- 257. **Warehouse (General)** see Use Table, Section 911.02.
- 258. **Warehouse (Limited)** see Use Table, Section 911.02.
- 259. **Warehouse, Residential Storage** see Use Table, Section 911.02.
- 260. **Way** means a strip of land less than 25 feet wide that provides access to public property or in a plan of land subdivision approved by the Planning Commission, the boundary lines of which include roadway and/or sidewalk area.
- 261. **Welding or Metal Shop** see Use Table, Section 911.02.
- 262. **Yard** means the actual unobstructed open space that exists or that is proposed between a structure and the lot lines of the lot on which the structure is located. See “Setback.”
- 263. **Zoning Board** means the Zoning Board of Adjustment.