



## Legislation Details (With Text)

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<b>Type:</b>	Ordinance	<b>Status:</b>	Passed Finally
<b>File created:</b>	7/19/2021	<b>In control:</b>	Committee on Land Use and Economic Development
<b>On agenda:</b>	7/20/2021	<b>Final action:</b>	10/5/2021
<b>Enactment date:</b>	10/5/2021	<b>Enactment #:</b>	34
<b>Effective date:</b>	10/11/2021		
<b>Title:</b>	Ordinance amending the Pittsburgh Code, Title Nine: Zoning, Articles I-IX, Title Four, Article III, and Title Thirteen: Zoning, Chapter 1301, making various amendments to the Zoning Code related to stormwater management. (Public Hearing held 9/21/21)		
<b>Sponsors:</b>			
<b>Indexes:</b>	PGH. CODE ORDINANCES TITLE 04 - PUBLIC PLACES, PGH. CODE ORDINANCES TITLE 09 - ZONING, PGH. CODE ORDINANCES TITLE 13 STORMWATER MANAGEMENT		
<b>Code sections:</b>			
<b>Attachments:</b>	1. 2021-1720 Cover Letter for City Council-2, 2. 2021-1720 Stormwater Hearing Report 2021-07-13, 3. 2021-1720 Stormwater Memo, 4. 2021-1720 Summary		

Date	Ver.	Action By	Action	Result
10/11/2021	2	Mayor	Signed by the Mayor	
10/5/2021	2	City Council	Passed Finally	Pass
9/29/2021	2	Standing Committee	AMENDED	Pass
9/29/2021	2	Standing Committee	Affirmatively Recommended as Amended	Pass
9/21/2021	1	Committee on Hearings	Public Hearing Held	
7/21/2021	1	Standing Committee	Held for Cablecast Public Hearing	Pass
7/20/2021	1	City Council	Waived under Rule 8	Pass
7/20/2021	1	City Council	Read and referred	

Ordinance amending the Pittsburgh Code, Title Nine: Zoning, Articles I-IX, Title Four, Article III, and Title Thirteen: Zoning, Chapter 1301, making various amendments to the Zoning Code related to stormwater management.  
*(Public Hearing held 9/21/21)*

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

**Section 1.** Ordinance amending the Pittsburgh Code, Title Nine: Zoning, Article I: Introduction and Establishment, Chapter 902: Zoning Districts in General, Section 902.01 Establishment of Zoning Districts is here by amended as follows:

**SEE ATTACHMENT**

#### **§ 431.04 PRIVATE SEWER CONSTRUCTION.**

The City Director of Public Works may require the owner of any structure located within the City which is accessible to a public storm or sanitary sewer to construct and maintain, at his or her expense, the underground sewers. The sewers shall be constructed of materials and in a manner as required by the Department.  
(Ord. 21-1984, eff. 9-28-84)

#### **§ 431.05 SEWER CONNECTION PERMIT AND APPROVAL.**

No person shall connect a private sewer, storm or sanitary sewer to a City sewer without first obtaining a permit from the City Department of Public Works. All connection shall be made in conformity with plans and specifications approved by the City Department and subject to its inspection.

(Ord. 21-1984, eff. 9-28-84)

#### **§ 431.07 - PRIVATE SEWER MAINTENANCE.**

**All private sewer laterals and sewer lateral connections shall be maintained and kept in good operating condition. Private sewer laterals and sewer lateral connections shall be maintained as follows:**

- (a) Shall be kept free from roots, grease deposits, and solids, which may impede the flow or obstruct the transmission of sewage in the sewer main.**
- (b) All pipe joints shall be water tight and all pipes shall be structurally sound in order to prevent groundwater infiltration.**
- (c) Shall be free of any structural defects such as cracks, openings, rodent holes or missing portions, and the grade shall be uniform without sags or offsets.**
- (d) All cleanouts and/or access ports shall be securely sealed with a proper cap at all times. The riser pipe shall be in good structural condition and be water tight in order to prevent groundwater infiltration.**
- (e) Any failure to maintain and keep in good operating condition the private sewer lateral and sewer lateral connection as stipulated in Sections 431.06A through D may result in the City or its designee issuing a written notice of violation to the owner of the property describing the repair required and specifying the date by which such repair is to be completed. The City or its designee, in its discretion, may also take any other appropriate and available enforcement action to protect the sewer system from a non-compliant lateral. Enforceable action may include penalties as stipulated in Section 101.09. The notice of violation shall contain:**
  - (1) The name and address of the alleged violator;**
  - (2) The address when available or a description of the building, structure or land upon which the violation is occurring, or has occurred;**
  - (3) A statement specifying the nature of the violation;**
  - (4) A description of the remedial measures necessary to restore compliance with this Chapter and a time schedule for the completion of such remedial action;**
  - (5) A statement of the penalty or penalties that shall or may be assessed against the Person to whom the notice of violation is directed; and**
  - (6) A statement that the determination of violation may be appealed to the Pittsburgh Municipal Court by filing a written notice of appeal within thirty (30) days of service of notice of violation.**

(Ord. XX-XXXX, eff. X-XX-XX)

#### **§ 751.01 REGISTRATION REQUIRED.**

**No person shall engage in any activity regulated by Title 10, Building, or Title 13, Stormwater of the Pittsburgh Code, including those activities requiring a permit, without first obtaining a general contractor registration from the License Officer. The persons shall include individuals, proprietorships, partnerships and corporations. The provisions of Chapter 701 are also incorporated herein.**

(Ord. 43-1992, eff. 12-4-92; Ord. No. 27-2018, § 1, eff. 8-6-18)

§ 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) R1D, Single-Unit Detached Residential
- (2) R1A, Single-Unit Attached Residential
- (3) R2, Two-Unit Residential
- (4) R3, Three-Unit Residential
- (5) RM, Multi-Unit Residential

(b) Development Subdistricts

- (1) VL - Very Low-Density
- (2) L - Low-Density
- (3) M - Moderate-Density
- (4) H - High-Density
- (5) VH - 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

#### 902.01.A.3 Special Purpose Districts

The following Special Purpose Districts are established:

- (a) EMI, Educational/Medical Institutional
- (b) P, Park
- (c) H, Hillside
- (d) RIV, Riverfront
  - (1) RIV-GI, Riverfront General Industrial
  - (2) RIV-IMU, Riverfront Industrial Mixed Use
  - (3) RIV-MU, Riverfront Mixed Use
  - (4) RIV-NS, Riverfront North Shore
  - (5) RIV-RM, Riverfront Mixed Residential

#### 902.01.B Overlay Zoning Districts

The following Overlay Zoning Districts are hereby established:

- (1) FP-O, Flood Plain Overlay
- (2) [Reserved].

- (3) LS-O, Landslide-Prone Overlay
- (4) UM-O, Undermined Area Overlay
- (5) VP-O, View Protection Overlay
- (6) **[Reserved] 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
- (2) Oakland

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) [Reserved]
- (c) [Reserved]
- (d) SP-4, Station Square
- (e) SP-5, South Side Works
- (f) SP-6, Palisades Park
- (g) SP-7, Oakland Planned Unit Development District
- (h) SP-8, Riverfront Landing
- (i) SP-9, Bakery Square
- (j) SP-10, Hazelwood Green

(k) SP-11, Lower Hill Planned Development District

#### 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

(Ord. 16-2002, § 1, 6-4-02; Ord. 44-2003, eff. 12-31-03; Ord. 40-2005, § 1A, eff. 12-30-05; Ord. No. 23-2012, § 1.A., 12-12-12; Ord. No. 28-2012, § 1.A., 12-27-12; Ord. No. 28-13, § 1.A., 10-23-13; Ord. No. 1-2015, § 1.A., 2-10-15; ; Ord. No. 31-2018, § 2, eff. 8-6-18; Ord. No. 2-2019, § 1, eff. 1-10-19)

### § 905.03. - EMI, Educational/Medical Institution District.

#### 905.03.A Purpose

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

(a) Accommodate educational and medical institutional uses, such as hospitals, colleges and universities, within the urban context;

(b) Promote and enhance the development and expansion of medical and educational uses; and

(c) 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 twenty-five thousand (25,000) square feet of floor area;

(4) Shall not result in the coverage or a total of more than twenty-five thousand (25,000) square feet of site area; and

(5) Shall not increase the height of any structure by more than one (1) story or fourteen (14) feet.

(6) Shall be subject to Site Plan Review and Design Review in accordance with Section 922.04.E.4.

#### 905.03.D.3 Institutional Master Planning Area

An Institutional Master Plan shall illustrate and identify the current land use of all the area within the EMI District, contiguous properties, and properties within one thousand (1,000) feet of the EMI District which are under the control of the institution.

#### 905.03.D.4 Submission Requirements

An Institutional Master Plan shall include, at a minimum, 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; ~~and~~
- (6) List of stormwater management best management practices (BMPs) with the following information for each BMP: location including latitude and longitude with street address, type of BMP, the year BMP was installed, and any associated stormwater volume control offsets information in accordance with Title Thirteen: Stormwater Management.**

(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.

**(8) Proposed stormwater management strategy including the type and location of stormwater best management practices and stormwater volume control offsets planned in relation to future development.**

(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 which has not expired. 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 twenty-five thousand (25,000) square feet of floor area; and
- (d) The project does not result in the coverage of more than twenty-five thousand (25,000) square feet of site area.
- (e) Shall be subject to Site Plan Review and Design Review in accordance with Section 922.04.E.4.

Such a certification of consistency, or finding of inconsistency, or finding of consistency subject to conditions, shall be issued within forty-five (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.

905.03.D.6 Institutional Master Plan Required

All Institutions within an EMI Zoning District shall have an approved Institution Master Plan on file with the Zoning Administrator within three (3) years of the effective date of this subsection.

(Ord. No. 19-2010, § 1A, eff. 6-17-10)

§ 905.04 - RIV, Riverfront.

905.04.A.1. Purpose

The Allegheny, Monongahela, and Ohio Rivers and their riverfronts are valuable cultural and ecological resources of city-wide and regional significance that contribute to the public's economic, environmental, recreational, and aesthetic well-being. The City intends to improve the ecological health of its rivers and riverfronts for the benefit of the public through regulation of development along its riverfronts. Regulation through the Riverfront (RIV) Zoning District will limit potentially detrimental impacts near the riverfronts

while allowing for high-quality, sustainable development and preservation of the diverse character of the City's riverfronts. The RIV Riverfront Zoning District is intended to promote development of the City's riverfronts in a manner that:

- (a) Acknowledges the historic diversity of uses, the varied character, and the economic value of the riverfronts;
- (b) Facilitates mixed-use development that physically and functionally integrates with the riverfront and strengthens pedestrian connections to the riverfronts;
- (c) Maintains and creates connections between the riverfronts and neighborhoods within the City;
- (d) Protects areas of industrial use from encroachment of incompatible uses;
- (e) Creates an environment that supports multiple modes of transportation;
- (f) Promotes sustainable development;
- (g) Improves of the ecological health of the rivers;
- (h) Conserves and enhances riverbanks and riverfronts;
- (i) Conserves, restores, and enhances native riverbank and aquatic plant life, improves river ecosystem health, and supports biodiversity; and
- (j) Improves the scenic qualities and the public's enjoyment of riverfronts by preserving, creating, and enhancing public views and access to the riverfronts.

#### 905.04.A.2. RIV Subdistricts

To respond to the variety of development forms along Pittsburgh's riverfronts, the RIV District is divided into five (5) subdistricts that relate to the function, scale, character and use of different areas along the rivers. The subdistricts are as follows and are indicated in the RIV District Subdistricts map:

##### a. RIV-RM Mixed Residential Subdistrict

The RIV-RM Mixed Residential Subdistrict is intended for areas of higher density residential development.

##### b. RIV-MU Mixed-Use Subdistrict

The RIV-MU Mixed-Use Subdistrict is intended to foster a vibrant, connected mixed-use environment that may be designed either vertically within a single development or horizontally within a larger area.

##### c. RIV-NS North Shore Subdistrict

The RIV-NS North Shore Subdistrict is intended specifically to address the North Shore and its unique mix of large-scale sports, entertainment, and cultural uses. As a mixed-use district, high density residential development is also allowed.

##### d. RIV-GI General Industrial Subdistrict

The RIV-GI General Industrial Subdistrict is intended to address a variety of industrial uses. The district accommodates both general industrial uses, as well as heavier industrial uses that may produce external impacts such as smoke, noise, glare, or vibration. Outdoor storage and related outdoor activities may also be included in the operation of such uses. The subdistrict is structured to prevent encroachment of non-industrial uses, accommodate site design elements related to public safety, and maintain compatibility with surrounding uses.

##### e. RIV-IMU Industrial Mixed-Use Subdistrict

The RIV-IMU Industrial Mixed-Use Subdistrict is intended to address areas of the riverfront that are diversifying from their original, strictly industrial nature. It accommodates a variety of higher intensity uses, including light industrial, commercial, and high density residential development. The RIV-IMU Subdistrict is also intended for industrial areas that are focused on research and development and technology-oriented industries.

#### 905.04.B. Definitions

The following definitions apply in the RIV District. Where this Code contains a defined term that conflicts with the definition of the term below, the definitions of this section control in the RIV District.

1. Build-To Zone - The area between the lot line and a specified depth, measured perpendicular from the lot line, where the frontage or façade of a structure must be located. If a percentage is specified, it indicates the percentage of the building frontage or façade that must be located with the build-to zone.
2. Cool Roof - A roof that has been designed to reflect more sunlight and absorb less heat than a standard roof. Typical designs are roofs made of a highly reflective type of paint, a sheet covering, or highly reflective tiles or shingles. A green roof may also be considered a cool roof.
3. Green Roof - A building roof partially or completely covered with vegetation and a growing medium, planted over a waterproofing membrane. It may also include additional layers such as a root barrier and drainage and irrigation systems.
4. Project Pool Elevation - The hydraulically based reference plane that indicates water surface elevation in an area regulated by water control structures such as dams. For the purpose of [Section] 905.04, Pittsburgh's Project Pool Elevation is measured as seven hundred ten (710) feet on all three (3) rivers.
5. Tower - A portion of a building above eighty-five (85) feet that extends vertically above the broader base.
6. Water-Dependent Facility or Use - A facility or use that by its nature is required to be on or adjacent to a river; without such adjacency the use could not exist. This includes facilities or uses in legal existence prior to the RIV District that were originally designed to utilize the rivers (such as concrete factories), but do not currently use river transport and generally maintain legacy infrastructure related to river use.
7. Water Enhanced Facility or Use - Recreation, entertainment, or restaurant facilities or similar uses that achieve greater value or beauty as a result of a location on or near a river.
8. Visual Access Corridor - The line of sight, identified as to width and distance of an observer looking toward an object of significance to the community from a public space. In the RIV District, the focus of the visual access is the riverfront.

#### 905.04.C. Required Zoning Review

##### 905.04.C.1.

The following development actions are subject to Site Plan Review and approval per Section 922.04, unless such actions meet the thresholds of Section 905.04.C.2, in which case they are subject to Project Development Plan review and approval:

- a. Any new construction or expansion of accessory structures within two hundred (200) feet of the

Project Pool Elevation.

- b. All new construction of primary structures.
- c. Any expansion or any exterior renovation to an existing primary structure.
- d. All new construction of surface parking lots or parking structures.
- e. The expansion of any existing surface parking lot.

905.04.C.2.

Any existing single-family detached dwellings located within the RIV District are exempt from Site Plan Review, unless otherwise specifically required by the Zoning Code.

905.04.C.3.

The following development actions are subject to Project Development Plan review and approval by Planning Commission per Section 922.10.

- a. All new construction of a primary structure located fully or partially within two hundred (200) feet of the Project Pool Elevation of the river, excluding necessary equipment for Manufacturing and Assembly or Basic Industry use.
- b. All new construction of fifteen thousand (15,000) square feet or more in gross floor area.
- c. Any addition or expansion of fifteen thousand (15,000) square feet or more in gross floor area or building footprint.
- d. Commercial structured parking of fifty (50) or more spaces.

905.04.C.4.

A transportation study is required for any development project subject to Site Plan Review or requiring a Project Development Plan when it is anticipated that such project may have substantial impacts on the City's comprehensive transportation network.

- a. To determine whether a transportation study is required for such projects, a transportation scoping form must be prepared by a qualified transportation engineer. If required by the Zoning Administrator, the transportation study scope must be tailored to the site-specific elements of the proposed land development project and must conform to City guidelines.
- b. The project applicant must submit a transportation management plan as a part of the transportation study. The transportation management plan must conform to City guidelines and will be reviewed and approved as part of the transportation study.
- c. The transportation study shall meet the applicable Project Development Plan criteria of [Section] 922.10.E.2.

905.04.D. Uses

1. Primary uses shall be allowed in the RIV-RM, RIV-MU, RIV-NS, RIV-GI, and RIV-IMU Subdistricts in accordance with the Use Table of Sec. 911.02.
2. Lawful uses and structures existing in the RIV zoning district prior to the adoption of the RIV zoning district and zoning text may continue to lawfully exist pursuant to Chapter 921: Nonconformities.
3. Legal nonconforming Single-Unit Detached Residential uses and accessory structures located on the same Zoning Lot in the RIV zoning district may make improvements, alterations or expansion subject to all Zoning Code provisions applicable to Single-Unit Detached Residential uses in R1D-H zoning districts.
4. Where a site has an Act 2 designation as part of the Pennsylvania Department of Environmental Protection's Land Recycling Program, any use permissions or restrictions that are part of such designation control over the related provisions and standards of the RIV District.

#### 905.04.E. Dimensional Regulations

1. The following dimensional regulations apply in the RIV District. The regulations apply throughout the RIV District unless a regulation is specifically identified as applying only to a particular subdistrict.
2. Where a site has an Act 2 designation as part of the Pennsylvania Department of Environmental Protection's Land Recycling Program, any regulations or requirements that are part of such designation control over the related provisions and standards of the RIV District.

##### 905.04.E.1. [Reserved]

##### 905.04.E.2. [Reserved]

##### 905.04.E.3. Height

- a. Base height in the RIV is sixty (60) feet except where, in accordance with the adopted height map for the RIV, maximum height is indicated to be forty-five (45) feet.
- b. A minimum height of twenty-four (24) feet is required for Primary Structures.
- c. The maximum height of a Primary Structure may exceed fifty-five (55) feet, up to the maximum height illustrated in the Height Map, provided the following conditions are met:

###### (1) Height Bonus

To exceed the height of sixty (60) feet, a development must qualify for a height bonus as described in Sections 905.04.K and 915.07.

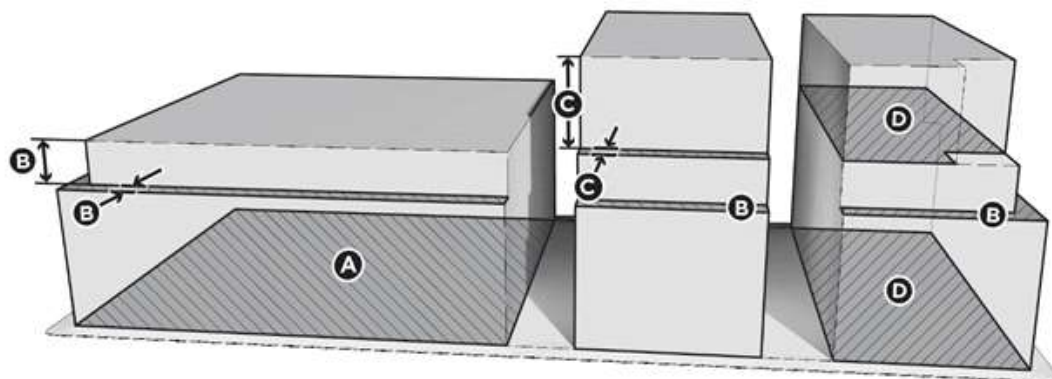
###### (2) Height Design Standards

To exceed the height of sixty (60) feet, as permitted in the Height Map, buildings must meet the

following design standards:

- (a) Buildings over sixty-five (65) feet in height are limited to a maximum building footprint of forty thousand (40,000) square feet
  - (b) Buildings over eighty-five (85) feet in height are limited to a maximum building footprint of sixty-five thousand (65,000) square feet when including one (1) or more towers.
    - (i) Cumulative tower footprints may be no more than fifty (50) percent of the square footage of the footprint of the base.
    - (ii) Towers must maintain upper-story step backs of [Section] 905.04.E.3.c.(2)(c)(ii)(A)-(D).
  - (c) Where a building exceeds sixty-five (65) feet in height, step-backs are required as follows (see Figure 2):
    - (i) A minimum front and street-side step-back of ten (10) feet is required for structures of sixty-five (65) feet in height or greater.
    - (ii) Structures in excess of eighty-five (85) feet in height shall meet one of the following standards beginning no higher than eighty-five (85) feet:
      - (A) Additional front and street-side step-backs of ten (10) feet are required, in addition to the ten (10) foot step-back required at sixty-five (65) feet.
      - (B) The portion of the structure that exceeds eighty-five (85) feet in height must be no more than eighty (80) percent of the building footprint. The required ten-foot step-back at sixty-five (65) feet shall be maintained.
      - (C) A minimum step-back of ten (10) feet along the façade parallel to the river, beginning no higher than sixty-five (65) feet, is required for all buildings located within one hundred twenty-five (125) feet of the Project Pool Elevation.
      - (D) Any required building step-back may begin at a lower height but at a minimum must occur at the portion of a building exceeding sixty-five (65) feet or six (6) stories, whichever occurs first.
  - (d) For structures that exceed sixty-five (65) feet in height, applicants must submit a shadow study demonstrating the effects of the proposed structure to the Zoning Administrator. Pre- and post-development shadows must be included in the shadow study. The study must depict, at a minimum, mid-morning and mid-afternoon shadows cast on the following dates: March 21, June 21, September 22, and December 21, corresponding to the first day of each season.
- d. If federal or state regulations that preempt this Code require a height that exceeds sixty (60) feet for any structure, such height is permitted to the extent the preempting law requires even if it exceeds the maximum height limitations of Figure 2. In such case, compliance with the bonus provisions of Section 905.04.K is not required for the additional required height. Structures accessory to Basic Industry and Manufacturing and Assembly uses that exceed sixty (60) feet in height and require additional height to function as an essential part of the use are also exempt from this section.





- A** Buildings over 65 feet in height are limited to a maximum building footprint of 40,000 square feet.
- B** Structures measuring taller than 65 feet in height are required to provide a minimum front and street-side step back of ten feet at the portion of the building exceeding 65 feet or six stories, whichever occurs first.
- C** Structures measuring taller than 85 feet in height are required to provide either of the following:  
An additional minimum front and street-side step back of ten feet at the portion of the building exceeding 85 feet; or
- D** The footprint of the portion of the structure exceeding 85 feet in height may be no greater than 80% of the total building footprint.

**FIGURE 2: BUILDING HEIGHT AND UPPER-STORY STEPBACKS WHEN NOT USING TOWER DESIGN OPTIONS**

#### 905.04.E.4. Structure Placement

a. Riparian Buffer Zone. Riparian Buffer Zones are vital elements of riverfronts, and they create and provide protection of surface and ground water quality, water resources, and complex ecosystems that provide food and habitat for unique plant and animal species. Riparian Buffer Zones are essential to the mitigation and control of nonpoint source pollution. **The Riparian Buffer Zone requirements of Chapter 905.04 are specific to the RIV Riverfront Zoning District. Refer to Title Thirteen: Stormwater Management for additional riparian buffer requirements associated with streams, lakes, ponds, and wetlands. Requirements may not be mutually exclusive.**

(1) No development is permitted within one hundred twenty-five (125) feet of the Project Pool Elevation of the river, except as provided herein.

(a) The following are fully exempt from the riparian buffer zone requirement:

- (i) Water-Dependent Facilities or Uses.
- (ii) Water-Enhanced Facilities or Uses
- (iii) Accessory uses that are open space amenities such as unstaffed bike rental stations,

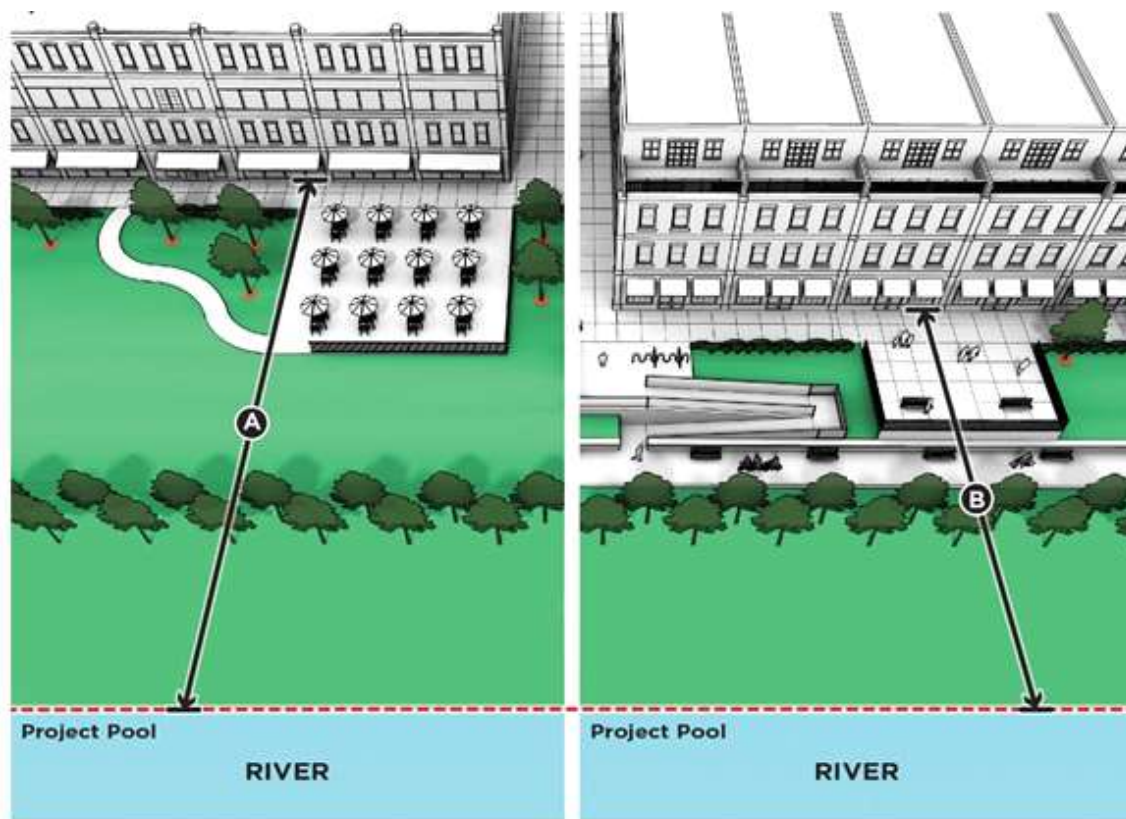
unstaffed bike repair stands, kayak launches, and fishing areas.

- (b) The riparian buffer zone may be reduced to no less than ninety-five (95) feet from the Project Pool Elevation if it complies with the bonus provisions in Section 905.04.K. (See Figure 3.)
- (c) If an abutting parcel contains a primary structure encroaching into the Riparian Buffer closer than ninety-five (95) feet to the Project Pool Elevation, structures on the Subject Property may encroach into the Riparian Buffer Zone to either (1) the extent of encroachment on the abutting parcel or (2) fifty (50) feet from the Project Pool Elevation, whichever distance is further from the river, when the following conditions are met:
  - (i) The development obtains bonus points in accordance with subsection (b), sufficient to encroach to ninety-five (95) feet from the Project Pool Elevation, plus two (2) additional points earned from Section 915.07.D.7, Riparian Public Access Easements, Trails and Amenities;
  - (ii) Building footprint occupies no more than thirty (30) percent of the area between fifty (50) and ninety-five (95) feet of the Project Pool Elevation.
- (2) Within the required riparian buffer zone, landscaping must consist primarily of species that are native or naturalized to the region. Landscape should incorporate species from the Pennsylvania Department of Conservation and Natural Resources' (DCNR's) Native Wild Plant Species Accounts. Grading, filling, excavation, clear cutting, and removal of vegetative cover are prohibited within the riparian buffer zone, except in the following instances, and only to the extent the Zoning Administrator determines to be necessary:
  - (a) To remove noxious or invasive vegetation.
  - (b) To implement green infrastructure or stormwater best management practices (BMPs) **in accordance with Title Thirteen: Stormwater Management.**
  - (c) To facilitate a Water-Dependent or Water-Enhanced Facilities or Uses, including riverfront trails.
  - (d) To implement erosion and flood control measures.
  - (e) To undertake activities related to riverbank restoration and stabilization.

### FIGURE 3: RIPARIAN BUFFER ZONE

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**A** Non-exempt structures must be set back 125 feet from the project pool of the river.

**B** The riparian buffer zone may be reduced to no less than 95 feet for a structure if it provides one or more bonus actions.

#### b. Street Build-To Zone and Pedestrian Sidewalks

(1) When abutting a Street, a build-to zone is imposed between zero (0) and ten (10) feet inward from the property line (See Figure 4).

(2) When abutting a Street, a minimum of sixty (60) percent of the building frontage or façade must be located in the Build-To Zone.

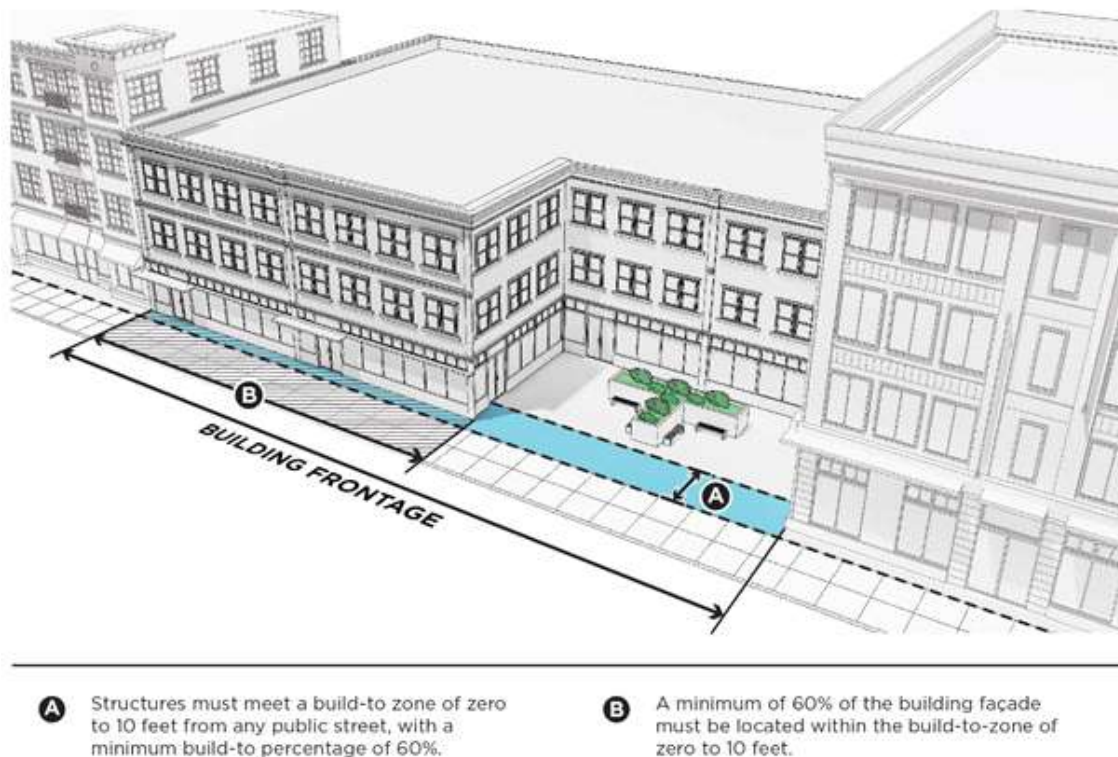
(3) Continuous pedestrian sidewalks at least ten (10) feet wide shall be provided along the facades or frontages of the side of a building abutting a Street, inclusive of obstructions including street furniture, tree pits, and Green Infrastructure. A clear path exclusive of obstructions of at least five (5) feet shall be provided. If the sidewalk does not have ten (10) feet of width available in the public right-of-way as determined by the City, the additional width must be provided on the development parcel.

(4) The Build-To Zone requirements of Section 905.04.E.b.i-ii and the pedestrian sidewalk requirements of Section 905.04.E.3.b.iii shall be applied concurrently. If a sidewalk ten (10) feet wide is placed entirely on a development parcel, the Build-To Zone shall begin at ten (10) feet from the lot line.

(5) An alternative location for the Build-To Zone in the RIV-NS Subdistrict, in order to provide additional open space along the Street, shall be allowed in accordance with the Administrator Exception procedures of Section 922.08:

- (a) The development parcel with the additional open space shall be within two hundred (200) feet of a stadium;
- (b) The building(s) shall maintain a minimum of eighty (80) percent of the building frontage located within the alternative Build-To Zone;
- (c) The street level along the open space shall include restaurant, retail, or other publicly accessible uses not to extend onto the public right-of-way; and
- (d) The open space shall be designed to promote pedestrian activity and may include outdoor seating and other furniture.

**FIGURE 4: STREET BUILD-TO ZONE**



**c. Rear Setback**

- (1) The rear setback for Single-Unit Attached Residential, two-unit residential, and three-unit residential structures is five (5) feet. This may be reduced to two (2) feet when the rear yard abuts a way.
- (2) No rear setback required for other uses.

**d. Visual Access along Street Corridors (See Figure 5)**

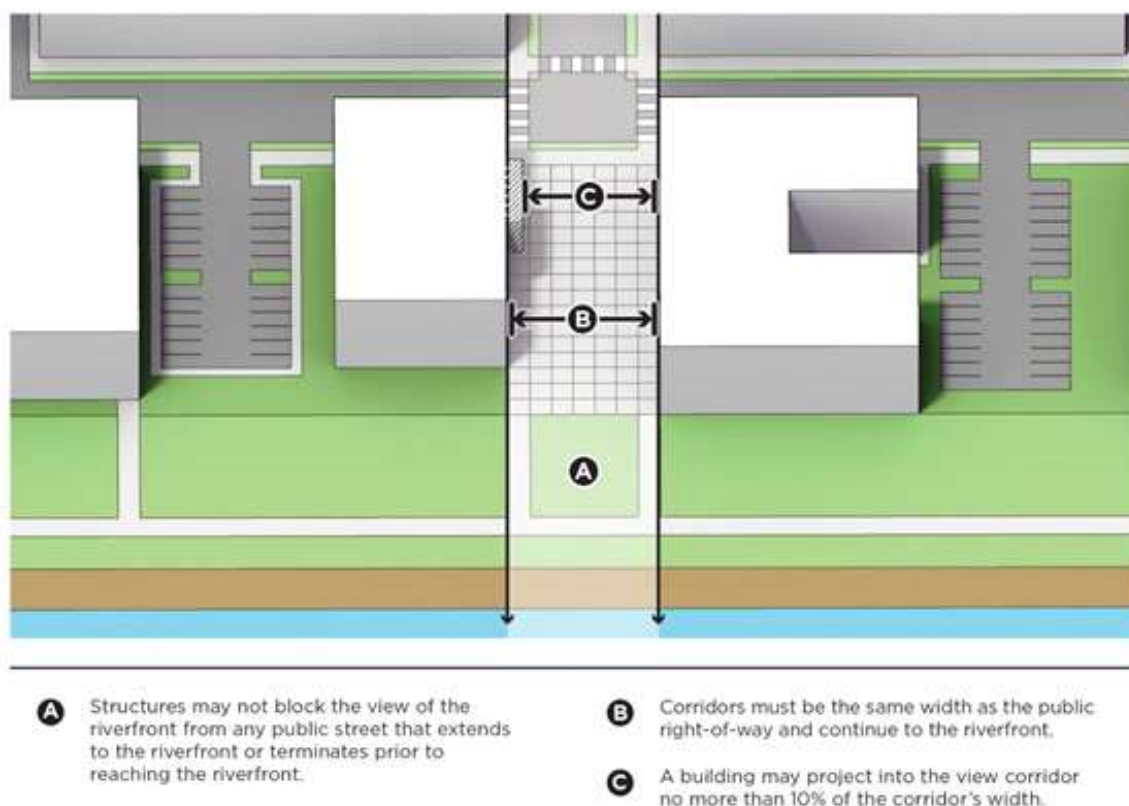
- (1) No structure may block the Visual Access Corridor between the riverfront and any Street perpendicular to the riverfront where the Visual Access Corridor:

- (a) Extends to the riverfront.
- (b) Terminates before reaching the riverfront but is within the RIV District.
- (2) Corridors must be at least the same width as the public right-of-way and must continue to the riverfront as a straight-line extension of the Street.
- (3) Primary Structures may set back farther from the Visual Access Corridor.
- (4) The encroachment of a structure into any Visual Access Corridor is limited to no more than ten (10) percent of the width of the Corridor.
- (5) Requirements for visual access along Street Corridors shall apply to all new structures and uses regardless of existing structures and uses located within the Corridors. No Accessory Structures may be located in the Corridor.
- (6) Building passages cannot be used to meet the requirement of this Section.

#### **FIGURE 5: VISUAL ACCESS CORRIDORS**

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#### 905.04.E.5. Building Length

Building length is limited to a maximum of five hundred (500) feet except where the structure is a stadium use. Where a zoning lot has a building at a length of five hundred (500) feet, any new buildings or building addition on the same zoning lot shall be separated by at least thirty (30) feet.

#### 905.04.F. Stormwater Management

Stormwater standards (Chapter 1003 **and Title Thirteen: Stormwater Management**) shall apply to all Project Development Plans and Site Plan Review with Regulated **Activities as defined in Title Thirteen: Stormwater Management** equal to or greater than five thousand (5,000) square feet in area. **Small Project Stormwater Standards of Section 915.03 shall apply to all new construction and building additions that include a land disturbance greater than five hundred (500) square feet but less than five thousand (5,000) square feet in area.**

#### 905.04.G. Design Standards

##### 905.04.G.1. Alternative Design Standard Compliance

The Zoning Administrator may approve alternative design standard compliance as an Administrator Exception, in accordance with Section 922.08, where the alternative design is determined to achieve the purpose of the RIV District equally or more so than through strict adherence to the standards.

##### 905.04.G.2. Design Standards for Residential Uses in the RIV District

Single-Unit Attached Residential, Two-Unit Residential, Three-Unit Residential and Multi-Unit Residential uses must meet the following requirements:

- a. Façades must be designed with consistent building materials and treatments that wrap around all façades. There must be a unifying architectural theme for the entire development, using a common vocabulary of architectural forms, elements, materials, and/or colors.
- b. Façades of structures containing Multi-Unit Residential uses abutting a street or abutting the riverfront must be articulated through the use of architectural elements to break up blank walls, add visual interest, and present a residential character. Two (2) or more of the following forms of building articulation must be incorporated into the design of structures containing Multi-Unit Residential uses (see Figure 6):
  - (1) For facades over fifty (50) feet in length, modulation of the façade through the use of features such as projections or indentations. Such building modulations must either be projected or be set back a minimum of two (2) feet in depth, and must be a minimum of four (4) feet in width. There may be no more than fifty (50) feet between such modulations.
  - (2) Architectural elements such as balconies, bay windows, patios, porches, or terraces. There may be no more than fifty (50) feet between such elements.
  - (3) Changes in color, texture, or material. Changes should occur at inside corners to convey solidity and permanence, and should not occur on a flat wall plane or an outside edge. There may be no more than fifty (50) feet between such changes.
  - (4) Lighting fixtures or other building ornamentation such as artwork, trellises, or green walls. There may be no more than fifty (50) feet between such fixtures or elements of ornamentation.
- c. Public entrances on any façade must be designed as visually distinct elements of the facade.
- d. Where private open space for residents is maintained along the riverfront façade, only forty (40) percent of the total of such area may consist of impervious surface. Any fencing that delineates the private open space from public space must be open fencing of at least sixty (60) percent open design with a maximum height of six and one half (6.5) feet. Shadowbox fencing is prohibited.
- e. Single-Unit Attached Residential uses are subject to the following curb cut standards:
  - (1) Garages and parking spaces must be accessed from the rear yard if rear yard access is available. Corner lots, with or without rear access, may alternatively access garages and parking spaces from the exterior side yard.
  - (2) In cases where front-loaded garage design is the remaining option, shared driveways with one (1) curb cut are encouraged.





**A** Façades must be designed with consistent building materials and a unifying architectural theme.

**B** Building façades must be articulated using architectural elements occurring at intervals no greater than 50 linear feet.

**FIGURE 6: DESIGN STANDARDS FOR MULTI-UNIT RESIDENTIAL**

### 905.04.G.3. Design Standards for Nonresidential Uses

The RIV District Design Standards Table sets forth the required designs standards in RIV Subdistricts RIV-MU, RIV-NS, RIV-GI, and RIV-IMU. The Design Standards table does not apply to Residential uses in any subdistrict, or necessary equipment and industrial structures that function as an essential part of Manufacturing and Assembly or Basic Industry uses. For non-residential uses within the RIV-RM Subdistrict, RIV-MU Standards apply. An X indicates that a standard is required in the corresponding subdistrict. (See Figure 7.)

RIV District Design Standards		RIV-MU	RIV-NS	RIV-GI	RIV-IMU
Façade Design					
a.	The ground floor of a multi-story building must be a minimum of 15 feet in height measured floor to floor, to promote mixed-use and accommodate a variety of ground-floor uses.	X	X		X
b.	No facade adjacent to a street or a riverfront can contain a non-articulated condition greater than 50 linear feet in length. Building wall articulation must be achieved through changes in the façade depth of no less than six inches.	X	X		X
c.	Façades must be designed with consistent building materials and treatments that wrap around all façades. A unifying architectural theme must be used for the entire development, using a common vocabulary of architectural forms, elements, materials, and/or colors.	X	X		X

	Building Entry				
d.	All buildings must maintain a public entrance from the sidewalk along the primary street frontage.	X	X		X
e.	Public entrances on any façade must be designed as visually distinct elements of the facade.	X	X		X
	Fenestration Design				
f.	The ground floor of a street facing façade must maintain a transparency of 50%, measured as a percentage of the ground floor façade floor to floor height.	X	X		X
g.	The ground floor of a riverfront façade, must maintain a minimum transparency of 50%, measured as a percentage of the ground floor façade floor to floor height.	X	X		X
h.	Upper floors of a riverfront façade must maintain a transparency of 25% of the wall area of each story.	X	X		
	Roof Design				
i.	Any roof that is visible from a public right-of-way must be 30-year architectural shingle or colored standing seam metal roofing <b>or a green roof</b> .	X	X		X
j.	Cool Roofs are required for new construction and for roof replacement on existing buildings. Solar Reflective Index values of cool roofs must be consistent with Energy Star Roof Products Key Product Criteria.	X	X	X	X
k.	Reflective roof surfaces that produce glare are prohibited, except for solar panels or cool roofs intended to radiate absorbed or non-reflected solar energy and reduce heat transfer to the building.	X	X	X	X
	Site Design				
l.	Curb cuts, including access to surface parking lots and structures, should be minimized along perpendicular connections to the riverfront.	X			X
m.	Impervious surfaces of plazas or open spaces along riverfronts shall not exceed 40%.	X	X		X
n.	Security elements, such as bollards, and site amenities, like bike racks, should be coordinated with the architectural theme of the building and/or the surrounding landscape and hardscape design.	X	X		X
o.	No curb cuts should be permitted along primary streets when access to a lot is otherwise available via a secondary street or a way.	X	X	X	X

905.04.G.4. Building Material

Durable, high quality building materials are required.

a. The following building materials are prohibited on any façade:

(1) Plain concrete block, restriction does not apply in the RIV-GI Subdistrict or to Basic Industry and Assembly and Manufacturing where not visible from the public realm including rivers.

(2) Exposed aggregate (rough finish) concrete wall panels

(3) Exterior insulating finish systems (EIFS)

(4) T-111 composite plywood siding

(5) Vinyl, excluding cellular vinyl trim

(6) Fiber cement and composite panels on the ground floor; this does not apply to single-family attached dwellings

(7) Reflective (mirror finish) glass.

b. The following building materials may be used only as decorative or detail elements for up to twenty-five (25) percent of the façade, measured as the total of the whole facade.

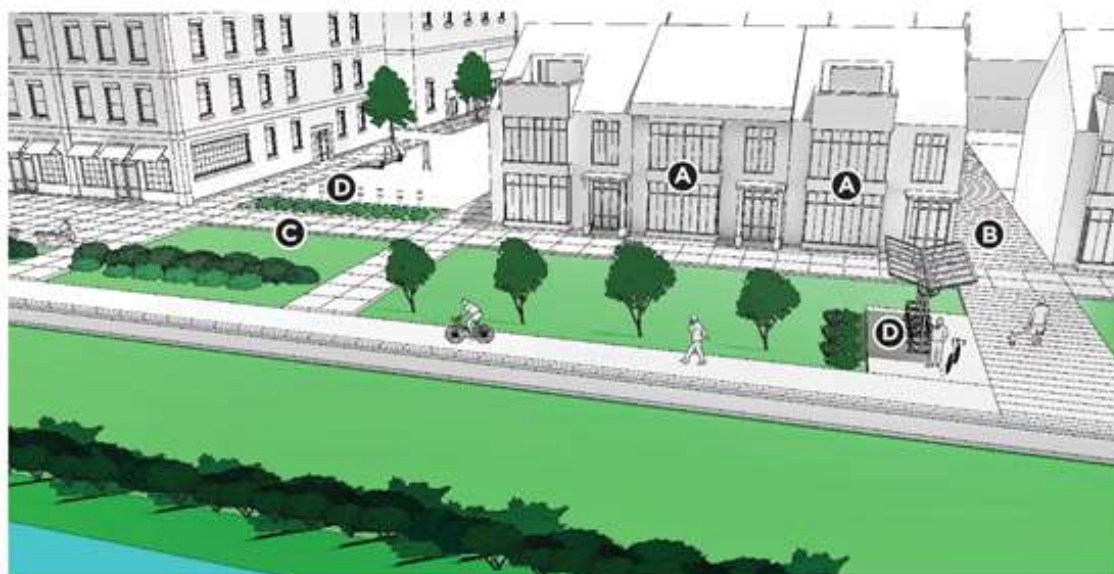
(1) Corrugated metal

(2) Cellular vinyl trim when used for single-family attached and multi-family.



- A** The ground floor of a multi-story building must be at least 15 feet in height.
- B** Facades abutting a street or the riverfront cannot have blank wall areas that exceed 50 linear feet.
- C** Buildings must feature a public entrance from the sidewalk along the primary street frontage. All public entrances must be visually distinctive.
- D** Total impervious surface area for plazas or open spaces along riverfronts is limited to 60%.

**FIGURE 7: DESIGN STANDARDS FOR DEVELOPMENTS IN THE RIV DISTRICT**



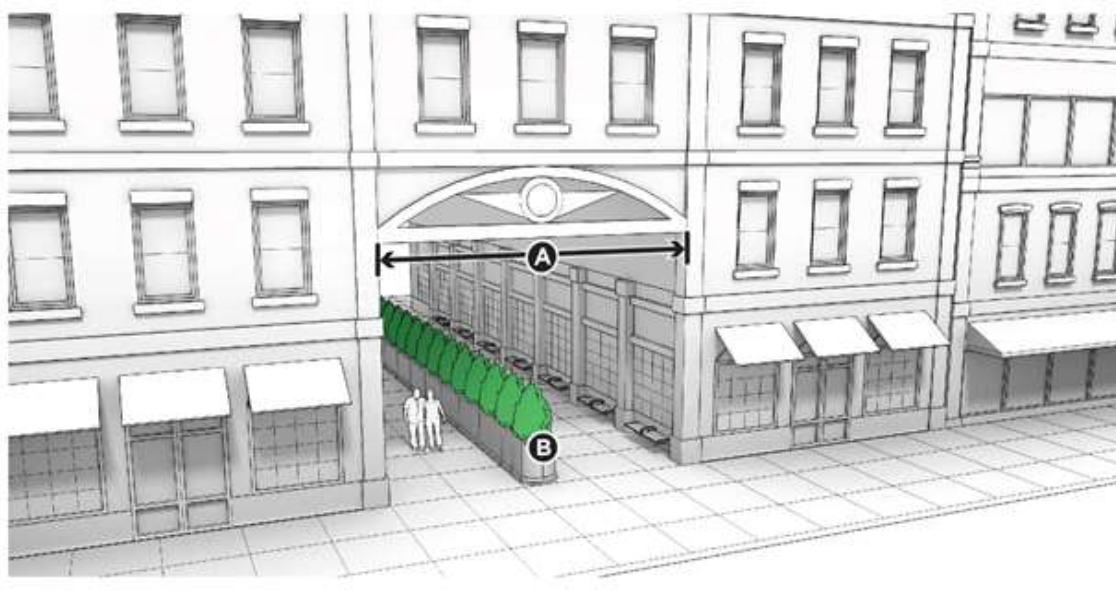
- A** Developments must have a unifying architectural theme and use consistent building materials throughout.
- B** Multi-building complexes must be designed using unifying visual links between buildings.
- C** Developments should provide pedestrian links to adjacent commercial uses.
- D** Security elements and site amenities like bollards and bike racks should be coordinated with the architectural theme of the building and/or the surrounding landscape design.

#### 905.04.G.5. Building Passages

Building passages that provide a break in the ground floor façade from a public street and may include stories above the ground floor are encouraged. Building passages may be public, allowing public access to the riverfront, or private. (See Figure 8.)

##### a. General Requirements

- (1) Building passages must be a minimum of fifteen (15) feet in width. A width of thirty (30) feet or greater is preferred.
- (2) To provide a visual connection from the street to the riverfront, passages must be designed to maintain views from one (1) end through to the other. Such views must not be obstructed by lighting or other features.
- (3) Inclusion of decorative elements or public art within passages is encouraged.
- (4) For the purposes of calculating a build-to line, build-to zone, and/or build-to percentage, a building passage is considered part of the building façade that meets such requirements.



**A** Building passages must be at least 15 feet in width but a width of 30 feet or greater is preferred.

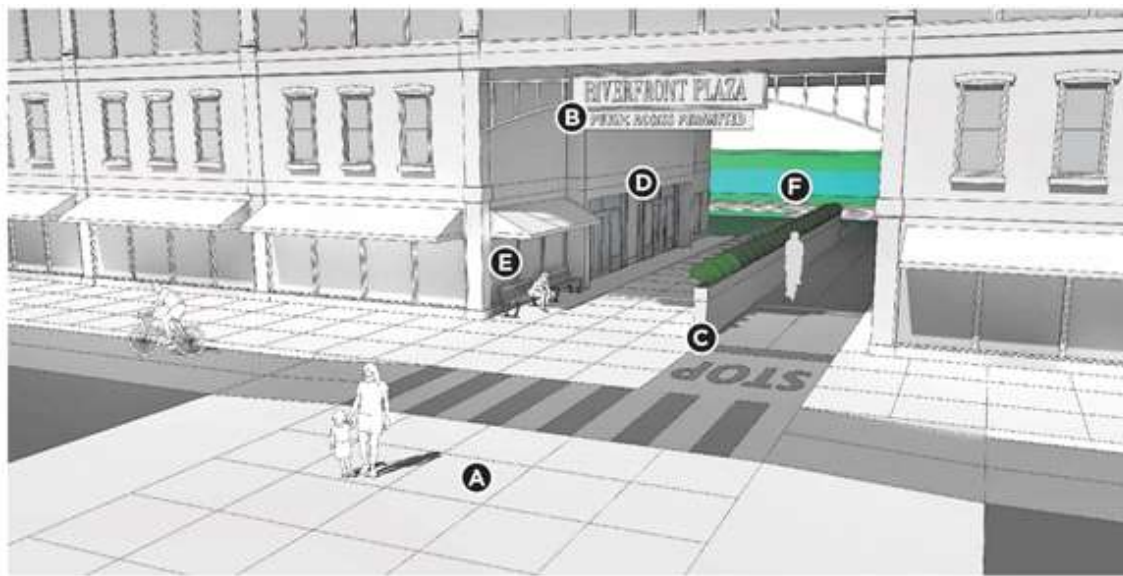
**B** Including decorative elements or public art within passages is encouraged.

**FIGURE 8: GENERAL REQUIREMENTS FOR BUILDING PASSAGES**

**b. Public Building Passages**

- (1) To the extent possible, building passages should align with the street grid or other points of access to public open space along the riverfront where feasible.
- (2) Signs that indicate public access are required.
- (3) In nonresidential and mixed-use buildings, ground floor uses must be oriented toward the passage, including public entrances where feasible.
- (4) Ground floor façades facing into public building passages in nonresidential and mixed-use buildings must maintain a minimum transparency of thirty-five (35) percent of the wall area of the passage.
- (5) Where providing a connection directly to the riverfront, passages must be designed to maintain views from one (1) end through to the other. Such views must not be obstructed by lighting or other features.





- A** Building passages should align with public open space access points and pedestrian crosswalks to the extent possible.
- B** Signs indicating public access are required.
- C** Public access allowing both pedestrians and bicyclists must be delineated through distinct markings.
- D** In nonresidential and mixed-use buildings, ground floor uses and entrances must be oriented toward the building passage.
- E** Ground floor façades facing into passages in nonresidential and mixed-use buildings must have a minimum transparency of 35%.
- F** Passages providing a direct connection to the riverfront may not be obstructed by building or accessory features.

**FIGURE 9: PUBLIC BUILDING PASSAGES**

**c. Private Building Passages**

- (1) Private building passages may be closed off to the public with gates and/or fencing but must be of open design to allow the public a clear view through the passage.
- (2) Private passages should be designed with elements to be used by site users, such as seating areas.
- (3) Ground floor façades facing into private building passages in nonresidential and mixed-use buildings must maintain a minimum transparency of twenty-five (25) percent of the wall area of the passage.



- A** Non-retractable or permanently closed security gates may not be used to close off private passages.
- B** Private passages should include elements serving the site user, such as seating.

- C** Passages providing a visual connection from the street to the riverfront must be designed to maintain views from one end through to the other.

**FIGURE 10: PRIVATE BUILDING PASSAGES**

#### 905.04.H. Accessory Structures and Encroachments

In addition to the requirements of the Zoning Code, the following apply to the RIV District. In the case of conflict with other provisions of the Code, these provisions control in the RIV District.

##### 905.04.H.1. Fences

a. Fences and walls in the RIV District, except in the RIV-GI subdistrict, are permitted as follows:

- (1) Fences and walls in the Build-To Zones are permitted to a maximum four (4) feet in height and shall be of an open design.
- (2) Fences and walls in the rear and interior side yard are permitted to a maximum height of six and one-half (6.5) feet and may be opaque, except when adjacent to the riverfront.
- (3) Fences adjacent to the riverfront are permitted to a maximum height of six and one-half (6.5) feet and with a minimum of sixty (60) percent opacity.
- (4) Security fencing that is required by federal or state regulations may exceed height and/or opacity maximums.
- (5) Walls greater than forty (40) feet in length must incorporate some sort of visual relief, including, but not limited to, pattern breaks, varying wall construction, vertical features such as



columns, differing construction materials, or a combination of the above.

b. Fences and walls in the RIV-GI Subdistrict are permitted as follows:

(1) Fences and walls are permitted to a maximum height of eight (8) feet and may be opaque.

(2) Security fencing that is required by federal or state regulations may exceed height and/or opacity maximums.

(3) Walls greater than forty (40) feet in length must incorporate some sort of visual relief, including, but not limited to, pattern breaks, varying wall construction, vertical features such as columns, differing construction materials, or a combination of the above.

c. The following materials are prohibited in the construction of fences and walls:

(1) Scrap metal

(2) Corrugated metal

(3) Sheet metal

(4) Pallets

(5) Electrical fences

(6) Razor or barbed wire, unless required by state or federal regulations. Where permitted, it must be located at least eight (8) feet above the ground.

(7) Chain link, including chain link with slats. Chain link without slats is permitted in heavy industrial or utility uses within the RIV District.

## 905.04.H.2. Mechanical Equipment

The following standards apply to mechanical equipment in all subdistricts except the RIV-GI Subdistrict. Mechanical equipment includes heating, ventilation, and air conditioning (HVAC) equipment, electrical generators, and similar equipment. These standards do not apply to wind turbines and solar panels.

a. Ground-Mounted Equipment

Mechanical equipment must be located to the side or rear of the structure. Any mechanical equipment visible from the public realm, including rivers, must be screened from view by a decorative wall or solid fence that is compatible with the architecture of the building and/or landscaping. The wall or fence must be of a height equal to or greater than the height of the mechanical equipment being screened.

b. Roof-Mounted Equipment

*Roof-mounted equipment visible from the proximal public realm must be screened.*

c. Wall-Mounted Equipment

(1) Wall-mounted mechanical equipment is not permitted on any façade abutting a primary street frontage.

- (2) Wall-mounted mechanical equipment on a riverfront or secondary street-fronting façade that protrudes more than twelve (12) inches from the outer building wall must be screened from view by structural features that are compatible with the architecture of the subject building. This does not apply to window-mounted air conditioners.

#### 905.04.H.3. Flat Roof Features

- a. Green roofs, rooftop decks, rooftop gardens, and stormwater management systems are permitted to extend above the parapet of any flat roof building. **Refer to the City of Pittsburgh Stormwater Design Manual for additional requirements for rooftop stormwater management systems.**
- b. Accessory rooftop features of a flat roof, including green roofs, rooftop decks, rooftop gardens, and stormwater management systems are excluded from the calculation of maximum building height.

#### 905.04.H.4. Wind Turbines

- a. Wind turbines may be designed as either vertical or horizontal axis turbines, with or without exposed blades, including designs that combine elements of the different types of turbines.
- b. Wind turbines are subject to the following height restrictions:
  - (1) Maximum height is the total height of the turbine system, including the tower and the maximum vertical height of the turbine blades. Maximum height therefore is calculated measuring the length of a prop at maximum vertical rotation to the base of the tower. The maximum height of any ground-mounted wind turbine is measured from grade to the length of a prop at maximum vertical rotation.
  - (2) No portion of exposed turbine blades may be within twenty (20) feet of the ground. Unexposed turbine blades may be within ten (10) feet of the ground.
  - (3) The maximum height of a ground-mounted wind turbine is sixty (60) feet.
  - (4) The maximum height of a roof-mounted wind turbine is fifteen (15) feet where the building structure is less than sixty (60) feet high, and twenty-five (25) feet where the building structure is sixty (60) feet high or greater.
- c. Ground-mounted wind turbines are permitted only in the rear yard. No part of the wind system structure, including guy wire anchors, may be located closer than ten (10) feet to any lot line.
- d. Ground-mounted wind turbines must be set back a distance equal to the height of the turbine from any primary structures on the lot and adjacent lots, as measured at the nearest external wall or walls.
- e. All wind turbines must be equipped with manual (electronic or mechanical) and automatic over speed controls to limit the blade rotation speed to within the design limits of the wind energy system.

#### 905.04.I. Parking

In addition to the Parking, Loading and Access requirements of Chapter 914, the following limitations on parking shall apply. In the case of conflict with other provisions of the Code, these provisions control in the RIV District.

905.04.I.1. Required Parking

- a. The minimum parking required in the RIV District is fifty (50) percent of the minimum parking required in Schedule A of Section 914.02.A, unless otherwise provided.
- b. The maximum parking limitation is the minimum parking required listed in Schedule A of Section 914.02.A.
- c. Uses requiring parking demand analysis shall provide parking in accordance with [Section] 914.02.E without modification.
- d. Reduction to required parking minimums may be available by contributing to a mobility improvement trust.

905.04.I.2. Surface Parking Lot Restriction

- a. No surface parking shall exceed seventy-five (75) parking spaces on a single Zoning Lot or group of lots under common ownership.
- b. Any surface parking lot located between a building and the riverfront, including across a street, shall have a maximum of fifteen (15) parking spaces.
- c. Except otherwise stated in [Section] 905.04.I.2.d, temporary surface parking Lots during phased developments may exceed the above parking limits of Section 905.04.I, and shall be approved as an Administrator's Exception in accordance with Section 922.08, subject to the following standards:
  - (1) An application for a temporary surface parking Lot must be submitted along with a Project Development Plan application, in accordance with Section 905.04.C.3. The Project Development Plan application shall be for an occupied structure, excluding Structured Parking uses. Occupancy for a temporary surface parking lot shall not be issued until a building permit has been issued for construction of the structure approved in the Project Development Plan.
  - (2) A Certificate of Occupancy for a temporary surface parking Lot shall expire after a period of three (3) years from the date of issuance. One (1) extension for an additional three (3) years may be permitted as a Special Exception in accordance with [Section] 922.07, At the time the temporary surface parking lot expires and the use shall be deemed to be abandoned in accordance with Section 921.02.B.
  - (3) The temporary surface parking lot shall be screened in accordance with Section 918.03 and provide street trees in accordance with Section 918.02.C. The landscaping provisions of Section 918.02.B shall not apply to temporary surface parking lots.
- d. In the RIV-IMU between 21<sup>st</sup> Street and 54<sup>th</sup> Street , temporary surface parking lots during phased developments may exceed the above parking limits of Section 905.04.I, and shall be approved as a Special Exception in accordance with [Section] 922.07, subject to the following standards:
  - (1) An application for a temporary surface parking Lot must be submitted along with a Project Development Plan application, in accordance with Section 905.04.C.3. The Project Development Plan application shall be for an occupied structure, excluding Structured Parking uses. Occupancy for a temporary surface parking lot shall not be issued until a building permit has been issued for construction of the structure approved in the Project Development Plan.

(2) A contribution shall be made to a mobility improvement trust when established.

(3) A Certificate of Occupancy for a temporary surface parking Lot shall expire after a period of three (3) years from the date of issuance. One (1) extension for an additional three (3) years may be permitted as a Special Exception in accordance with [Section] 922.07, with a contribution to a mobility improvement trust at a higher rate than the initial payment. At the time the temporary surface parking lot expires and the use shall be deemed to be abandoned in accordance with Section 921.02.B. At that time the temporary surface parking lot expires and the use shall be deemed to be abandoned in accordance with Section 921.02.B.

(3)[(4)] The temporary surface parking lot shall be screened in accordance with Section 918.03 and provide street trees in accordance with Section 918.02.C. The landscaping provisions of Section 918.02.B shall not apply to temporary surface parking lots.

a.[d.] No surface parking shall exceed seventy-five (75) parking spaces on a single Zoning Lot or group of lots under common ownership.

b.[e.] Any surface parking lot located between a building and the riverfront, including and the maximum parking limitation across a street, shall have a maximum of fifteen (15) parking spaces.

#### 905.04.J. Landscape ~~and Green Infrastructure~~

In addition to the Landscaping and Screening Standards of Chapter 918, the following landscape requirements shall apply. In the case of conflict with other provisions of the Code, these provisions control in the RIV District.

##### 905.04.J.1. Site Landscape

a. Areas of a development that are not covered by structures or impervious surface must be planted and maintained with live landscaping that contributes to the biodiversity of the three (3) rivers, enhancing the wildlife habitat and native plant communities of the Western Pennsylvania region. Such landscaping must consist primarily of species that are native or naturalized to the region. Landscape should incorporate species from the Pennsylvania Department of Conservation and Natural Resources' (DCNR's) Native Wild Plant Species Accounts.

b. All plant species listed on the Pennsylvania Department of Conservation and Natural Resources (DCNR) Invasive Plants List are prohibited.

c. River rock, mulch and other permeable landscape material may be exposed for a maximum of thirty (30) percent of the total landscape area. These materials cannot be used on slopes of thirty-three (33) percent or greater.

##### 905.04.J.2. Screening Buffers in the RIV-GI Subdistrict

This section establishes standards for the dimension and required landscape for buffer yards between land uses and/or zoning districts within the rear or interior side yard.

a. Screening buffers are required where the RIV-GI Subdistrict abuts any other RIV Subdistrict or any other non-industrial zoning district. This does not apply if a public right-of-way is located between

districts.

b. Screening buffer landscape is in addition to any other landscape requirements, such as parking lot landscaping.

c. Screening buffers must be reserved for the planting of material and installation of screening as required by this section. No parking, sidewalks, accessory structures, or any impervious surfaces are permitted within the screening buffer area.

d. RIV District screening buffer requirements (See Figure 11):

(1) A screening buffer must be a minimum of ten (10) feet in width.

(2) The minimum number of shade or evergreen trees required to be planted is one (1) tree for every twenty-five (25) linear feet of screening yard. Trees may be spaced at various intervals, but the total number of trees must be no less than one (1) per twenty-five (25) linear feet of screening buffer length.

(3) The minimum number of evergreen shrubs required to be planted is one (1) shrub for every three (3) linear feet of screening yard. Shrubs may be spaced at various intervals, but the total number of shrubs must be no less than one (1) per three (3) linear feet of screening buffer length.

(4) In addition to the shrub and tree masses, sixty (60) percent of the remaining landscape area must be planted and maintained in live groundcover, perennials, or ornamental grasses.

(5) Landscape area not covered by shrub and tree masses, live groundcover, perennials or ornamental grasses may be covered by river rock or other permeable natural materials. Impermeable or non-natural materials are not permitted.

(6) Required landscaping must consist primarily of species that are native or naturalized to the region. Landscape should incorporate species from the Pennsylvania Department of Conservation and Natural Resources' (DCNR's) Native Wild Plant Species Accounts.

(7) Unless otherwise specifically required by this Zoning Code, an opaque fence or wall must be erected along one hundred (100) percent of the screening buffer length, with the exception of ingress/egress points. Fences or walls must meet the following standards:

(a) Fences or walls must be a minimum of six (6) feet and a maximum of eight (8) feet in height, and a fence and berm may be combined provided the total height meets these requirements. Fences or walls must be erected along one hundred percent (100) percent of the screening buffer length, with the exception of ingress/egress points.

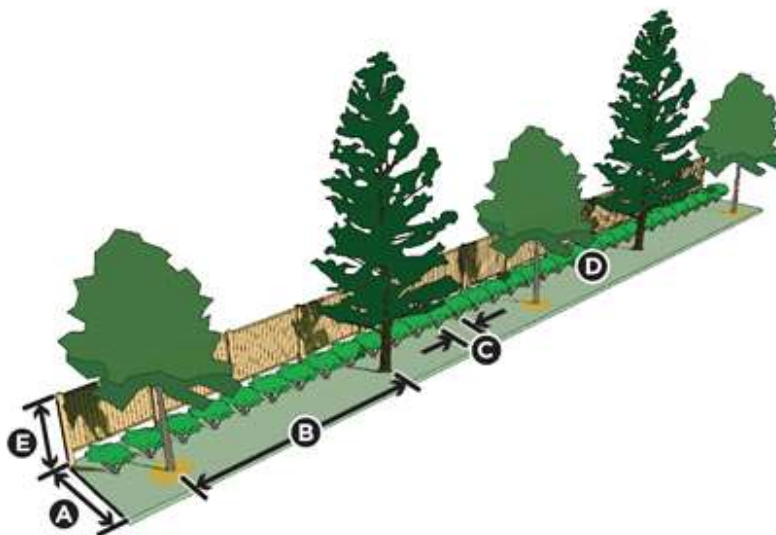
(b) Fences or walls must be constructed of wood posts and planks, brick, masonry or stone. Chain link, with or without slats, is prohibited.

(c) Fences or walls must be compatible with the architectural style and building materials of the primary structure.

(d) Walls greater than forty (40) feet in length must incorporate some form of visual relief,

including, but not limited to, pattern breaks, varying wall construction, vertical features such as columns, differing construction materials, or a combination of the above.

**FIGURE 11: SCREENING BUFFERS**



- A** A buffer yard must be at least 10 feet in width.
- B** One shade or evergreen tree must be planted for every 25 feet of buffer yard length.
- C** One evergreen shrub must be planted for every three feet of buffer yard.
- D** 60% of landscape area outside of shrub and tree masses must be planted in live groundcover, perennials, or ornamental grasses.
- E** A solid fence or wall between six feet and eight feet in height must be erected along 100% of the buffer yard length.

#### 905.04.K. Bonuses Goals and Points

Certain dimensional regulations allow for development bonuses. Bonuses allow for additional building height and a reduction in the Riparian Buffer Zone provided certain conditions are met. Bonus actions are assigned points which allow additional building height above the base height of sixty (60) feet or reduction of the required Riparian Buffer Zone.

##### 905.04.K.1. Performance Points System

New buildings and renovations in this district can utilize the bonus system of Section 915.07. The list below identifies the bonus options available to projects in this district and any modifications to the points earned. Points earned by satisfying the bonus goals can be utilized in this district to achieve the bonus height as identified in Section 905.04.E.3 and/or the structure placement with the Riparian Buffer Zone as identified in Section 905.04.E.4.a. Each point equates to ten (10) feet of additional building height or ten (10) feet of Riparian Buffer Zone reduction. Points are not transferrable to other development projects.

- a. On-Site Energy Consumption - New Construction: Section 915.07.D.1.a-1.c; points as listed.
- b. On-Site Energy Consumption - Existing Buildings: Section 915.07.D.2.a-2.c; points as listed.
- c. On-Site Energy Generation: Section 915.07.D.3.a-3.c; points as listed.
- d. Affordable Housing: Section 915.07.D.4.a-4.d; points modified as follows: 4.c is four (4) points; 4.d is six (6) points.

- e. Rainwater: Required native species must be chosen from the Pennsylvania Department of Conservation and Natural Resources' (DCNR's) Native Wild Plant Species Accounts. Section 915.07.D.5.a-5.c; points as listed.
- f. Riverfront Public Access Easements, Trails and Amenities: Section 915.07.D.7.a-7.f; points as listed.
- g. Neighborhood Ecology: Section 915.07.D.8.a-8.b; points as listed.
- h. Public Art: Section 915.07.D.9.a-9.c; points as listed.
- i. Urban Fabric: Section 915.07.D.10.a; points as listed.
- j. Transit-Oriented: Section 915.07.D.11,a-11.b; points as listed.

(Ord. No. 31-2018, § 4, eff. 8-6-18)

## § 906.02. - FP-O, Floodplain overlay district.

### 906.02.A Purpose

The purpose of the FP-O Floodplain 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.

The intent of this section is to:

1. Promote the general health, welfare, and safety of the community.
2. Encourage the utilization of appropriate construction practices in order to prevent or minimize flood damage in the future.
3. Minimize danger to public health by protecting water supply and natural drainage.
4. Reduce financial burdens imposed on the community, its governmental units, and its residents, by preventing excessive development in areas subject to flooding.
5. Comply with federal and state floodplain management requirements.

### 906.02.B Applicability

It shall be unlawful for any person, partnership, business or corporation to undertake, or cause to be undertaken, any construction or development anywhere within the floodplain unless zoning approval has been obtained from the Zoning Administrator and a permit has been issued by the Bureau of Building Inspection.

### 906.02.C Warning and Disclaimer of Liability

The degree of flood protection sought by the provisions of this section is considered reasonable for regulatory purposes and is based on accepted engineering methods of study. Larger floods may occur or flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings



restricted by debris. This chapter does not imply that areas outside any identified floodplain areas, or that land uses permitted within such areas will be free from flooding or flood damages.

This section shall not create liability on the part of the City or any officer or employee thereof for any flood damages that result from reliance on this section or any administrative decision lawfully made thereunder.

#### 906.02.D Administration

##### 906.02.D.1 Floodplain Administrator

The Zoning Administrator is hereby appointed to administer and enforce this section. The Zoning Administrator may: (a) Fulfill the duties and responsibilities set forth in these regulations, (b) Delegate duties and responsibilities set forth in these regulations to qualified technical personnel, plan examiners, inspectors, and other employees, or (c) Enter into a written agreement or written contract with another agency or private sector entity to administer specific provisions of these regulations.

Administration of any part of these regulations by another entity shall not relieve the community of its responsibilities pursuant to the participation requirements of the National Flood Insurance Program as set forth in the Code of Federal Regulations at 44 C.F.R. Section 59.22.

##### 906.02.D.2 Approvals Required

Approval from the Zoning Administrator shall be required before any construction or development as defined in Article IX is undertaken within the floodplain overlay. Additional permits may be required at the determination of the Zoning Administrator for items not traditionally needing a building or occupancy permit, which include, but may not be limited to parking of recreation vehicles and storage of equipment and materials.

##### 906.02.D.3 Duties and Responsibilities of the Zoning Administrator

(a) No approval shall be granted until it has been determined that the proposed work to be undertaken will be in conformance with the requirements of this and all other applicable codes and ordinances.

(b) Prior to issuance of zoning approval, the Zoning Administrator shall review the application for the permit to determine if all other necessary government permits required by state and federal laws have been obtained, such as those required by the Pennsylvania Sewage Facilities Act (Act 1966-537, as amended); the Pennsylvania Dam Safety and Encroachments Act (Act 1978-325, as amended); the Pennsylvania Clean Streams Act (Act 1937-394, as amended); and the U.S. Clean Water Act, Section 404, 33, U.S.C. 1344. No zoning approval shall be issued until this determination has been made.

(c) The Zoning Administrator shall maintain in perpetuity all records associated with the requirements of this section including, but not limited to, finished construction elevation data, permitting, inspection and enforcement.

(d) The Zoning Administrator is the official responsible for submitting a biennial report to FEMA concerning community participation in the National Flood Insurance Program.

(e) The responsibility, authority and means to implement the commitments of the Zoning Administrator can be delegated from the person identified. However, the ultimate responsibility lies with the Zoning Administrator.

(f) The Zoning Administrator shall delegate the consideration of the requirements of the Building Code

in accordance with Title 10 to the Building Code Official.

#### 906.02.D.4 Application Procedures and Requirements

(a) In addition to the information required to apply for Zoning Vouchers and Building Permits, if any proposed construction or development is located entirely or partially within any identified floodplain area, applicants shall provide all the necessary information in sufficient detail and clarity to enable the Zoning Administrator to determine that:

- (1) all such proposals are consistent with the need to minimize flood damage and conform with the requirements of this and all other applicable codes and ordinances;
- (2) all utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage;
- (3) adequate drainage is provided so as to reduce exposure to flood hazards;
- (4) structures will be anchored to prevent floatation, collapse, or lateral movement;
- (5) building materials are flood-resistant;
- (6) appropriate practices that minimize flood damage have been used; and
- (7) electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities have been designed and located to prevent water entry or accumulation.

(b) Applicants shall file the following minimum information plus any other pertinent information as may be required by the Zoning Administrator to make the above determination:

(1) A completed application form, in writing and submitted to the Zoning Administrator. The application shall contain the following:

- (i) Name and address of applicant;
- (ii) Name and address of owner of land on which proposed construction is to occur;
- (iii) Name and address of contractor;
- (iv) Site location including address;
- (v) Listing of other permits required;
- (vi) Brief description of proposed work and estimated cost, including a breakout of cost of proposed improvement and the market value of the building before the damage occurred where appropriate; and
- (vii) A plan of the site showing the exact size and location of the proposed construction as well as any existing buildings or structures.

(2) A plan of the entire site, clearly and legibly drawn at a scale of one (1) inch being equal to one hundred (100) feet or less, showing the following:

- (i) North arrow, scale, and date;
  - (ii) Topographic contour lines;
  - (iii) The location of all existing and proposed buildings, structures, and other improvements, including the location of any existing or proposed subdivision and development;
  - (iv) The location of all existing streets, drives, and other access ways; and
  - (v) The location of any existing bodies of water or watercourses, identified floodplain areas, and, if available, information pertaining to the floodway, and the flow of water including direction and velocities.
- (3) Plans of all proposed buildings, structures and other improvements, drawn at suitable scale showing the following:
- (i) The proposed lowest floor elevation of any proposed building based upon North American Vertical Datum of 1988;
  - (ii) The elevation of the base flood; and
  - (iii) Supplemental information as may be necessary under the Building Code in accordance with Title 10.
- (4) The following data and documentation:
- (i) If available, information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with a base flood; and Floodway Area (See 906.02.E.2.a) when combined with all other existing and anticipated development, will not increase the base flood elevation at any point;
  - (ii) Documentation, certified by a registered professional engineer or architect, to show that the cumulative effect of any proposed development within an AE Area/District without floodway (See Section 906.02.E.2.b) when combined with all other existing and anticipated development, will not increase the base flood elevation more than one (1) foot at any point within the community;
  - (iii) A document, certified by a registered professional engineer or architect, which states that the proposed construction or development has been adequately designed to withstand the pressures, velocities, impact and uplift forces associated with the base flood. Such statement shall include a description of the type and extent of floodproofing measures which have been incorporated into the design of the structure and/or the development;
  - (iv) Detailed information needed to determine compliance with Section 906.02.F.3.f, Storage, and Section 906.02.F.4, Development Which May Endanger Human Life, including:
    - A. The amount, location and purpose of any materials or substances referred to in Sections 906.02.F.3.f. and 906.02.F.4 which are intended to be used, produced, stored or otherwise maintained on site;

B. A description of the safeguards incorporated into the design of the proposed structure to prevent leaks or spills of the dangerous materials or substances listed in 906.02.F.4 during a base flood;

(v) The appropriate component of the Department of Environmental Protection's Planning Module for Land Development;

(vi) Where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Protection, to implement and maintain erosion and sedimentation control; and

(vii) Completed Elevation Certificate based on construction drawings.

#### 906.02.D.5 Review of Application by Others

A copy of all plans and applications for any proposed construction or development in any identified floodplain area to be considered for approval may be submitted by the Zoning Administrator to any other appropriate agencies and/or individuals (e.g. Planning Commission, etc.) for review and comment.

#### 906.02.D.6 Changes

After approval is issued by the Zoning Administrator, no changes of any kind shall be made to the application, permit or any of the plans, specifications or other documents submitted with the application without the written consent or approval of the Zoning Administrator. Requests for any such change shall be in writing, and shall be submitted by the applicant to Zoning Administrator for consideration.

#### 906.02.E Identification of Floodplain Areas

##### 906.02.E.1 Identification

The identified floodplain area shall be:

(a) Any areas of City classified as Special Flood Hazard Areas (SFHAs) in the Flood Insurance Study (FIS) and the accompanying Flood Insurance Rate Maps (FIRMs) dated September 26, 2014 and issued by the Federal Emergency Management Agency (FEMA) or the most recent revision thereof, including all digital data developed as part of the Flood Insurance Study, and

(b) Any Community Identified Flood Hazard Areas.

The above referenced FIS and FIRMs, and any subsequent revisions and amendments are hereby adopted by City and declared to be a part of this section.

##### 906.02.E.2 Description and Special Requirements of Identified Floodplain Areas

The identified floodplain area shall consist of the following specific areas:

(a) The Floodway Area shall be those areas identified in the FIS and the FIRM as floodway and which represent the channel of a watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without increasing the water surface elevation by more than one (1) foot at any point. This term shall also include floodway areas which have been identified in other available studies or sources of information for those Special Flood Hazard Areas where no floodway has been identified

in the FIS and FIRM.

- (i) Within any floodway area, no encroachments, including fill, new construction, substantial improvements, or other development shall be permitted unless it has been demonstrated through hydrologic and hydraulic analysis performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.
  - (ii) Within any floodway area, no new construction or development shall be allowed, unless the appropriate permit is obtained from the Department of Environmental Protection Regional Office.
- (b) The AE Area/District shall be those areas identified as an AE Zone on the FIRM included in the FIS prepared by FEMA for which base flood elevations have been provided.
- (i) The AE Area adjacent to the floodway shall be those areas identified as an AE Zone on the FIRM included in the FIS prepared by FEMA for which base flood elevations have been provided and a floodway has been delineated.
- (c) The A Area/District shall be those areas identified as an A Zone on the FIRM included in the FIS prepared by FEMA and for which no base flood elevations have been provided. For these areas, elevation and floodway information from other Federal, State, or other acceptable sources shall be used when available. Where other acceptable information is not available, the base flood elevation shall be determined by using the elevation of a point on the boundary of the identified floodplain area which is nearest the construction site.
- In lieu of the above, the municipality may require the applicant to determine the elevation with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the municipality.
- (d) Community Identified Flood Hazard Areas shall be those areas where the City has identified local flood hazard or ponding areas, as delineated and adopted on a "Local Flood Hazard Map" using best available topographic data and locally derived information such as flood of record, historic high water marks, soils or approximate study methodologies.

#### 906.02.E.3 Changes in Identification of Area

The Identified Floodplain Area may be revised or modified by the City where studies or information provided by a qualified agency or person documents the need for such revision. However, prior to any such change to the Special Flood Hazard Area, approval must be obtained from FEMA. Additionally, as soon as practicable, but not later than six (6) months after the date such information becomes available, a community shall notify FEMA of the changes to the Special Flood Hazard Area by submitting technical or scientific data. See Section 906.02.F.1.b. for situations where FEMA notification is required.

906.02.F Technical Provisions

906.02.F.1 General

(a) Alteration or Relocation of Watercourse

(1) No encroachment, alteration, or improvement of any kind shall be made to any watercourse until all adjacent municipalities which may be affected by such action have been notified by the municipality, and until all required permits or approvals have first been obtained from the Department of Environmental Protection Regional Office.

(2) No encroachment, alteration, or improvement of any kind shall be made to any watercourse unless it can be shown that the activity will not reduce or impede the flood carrying capacity of the watercourse in any way.

(3) In addition, FEMA and the Pennsylvania Department of Community and Economic Development, shall be notified prior to any alteration or relocation of any watercourse.

(b) When the following encroachments are permitted: any development that causes a rise in the base flood elevations within the floodway; any development occurring in Zones A1-30 and Zone AE without a designated floodway, which will cause a rise of more than one foot in the base flood elevation; or alteration or relocation of a stream (including but not limited to installing culverts and bridges), the Applicant shall (as per 44 CFR Part 65.12):

(1) Apply to FEMA for conditional approval of such action prior to permitting the encroachments to occur.

(2) Upon receipt of the Administrator's conditional approval of map change and prior to approving the proposed encroachments, the City shall provide evidence to FEMA of the adoption of floodplain management ordinances incorporating the increased base flood elevations and / or revised floodway reflecting the post-project condition.

(3) Upon completion of the proposed encroachments, the City shall provide as-built certifications. FEMA will initiate a final map revision upon receipt of such certifications in accordance with 44 CFR Part 67.

(c) Any new construction, development, uses or activities allowed within any identified floodplain area shall be undertaken in strict compliance with the provisions contained in this section and any other applicable codes, ordinances and regulations.

906.02.F.2 Elevation and Floodproofing Requirements

(a) Residential Structures

(1) In AE Zones, any new construction or substantial improvement shall have the lowest floor (including basement) elevated up to, or above, the regulatory flood elevation as defined in Section 906.02.J.

(2) In A Zones, where there are no Base Flood Elevations specified on the FIRM, any new

construction or substantial improvement shall have the lowest floor (including basement) elevated up to, or above, the regulatory flood elevation determined in accordance with Section 906.02.E.2.b.

(3) The design and construction standards and specifications contained in the Building Code in accordance with Title 10 and ASCE 24 shall be utilized, where they are more restrictive.

(b) Non-residential Structures

(1) In AE Zones, any new construction or substantial improvement of a non-residential structure shall have the lowest floor (including basement) elevated up to, or above, the regulatory flood elevation, or be designed and constructed so that the space enclosed below the regulatory flood elevation:

(i) Is floodproofed so that the structure is watertight with walls substantially impermeable to the passage of water and,

(ii) Has structural components with the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

(2) In A Zones, where there no Base Flood Elevations are specified on the FIRM, any new construction or substantial improvement shall have the lowest floor (including basement) elevated or completely floodproofed up to, or above, the regulatory flood elevation determined in accordance with Section 906.02.E.2.c.

(3) Any non-residential structure, or part thereof, made watertight below the regulatory flood elevation shall be floodproofed in accordance with the WI or W2 space classification standards contained in the publication entitled "Flood-Proofing Regulations" published by the U.S. Army Corps of Engineers (June 1972, as amended March 1992) or with some other equivalent standard. All plans and specifications for such floodproofing shall be accompanied by a statement certified by a registered professional engineer or architect which states that the proposed design and methods of construction are in conformance with the above referenced standards.

(4) The design and construction standards and specifications contained Building Code in accordance with Title 10 and ASCE 24 shall be utilized, where they are more restrictive.

(c) Space below the lowest floor

(1) Fully enclosed space below the lowest floor (excluding basements) which will be used solely for the parking of a vehicle, building access, or incidental storage in an area other than a basement, shall be designed and constructed to allow for the automatic entry and exit of floodwaters for the purpose of equalizing hydrostatic forces on exterior walls. The term "fully enclosed space" also includes crawl spaces.

(2) Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria:

(i) A minimum of two openings having a net total area of not less than one (1) square inch

for every square foot of enclosed space.

(ii) The bottom of all openings shall be no higher than one (1) foot above grade.

(iii) Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(d) Historic Structures

Historic structures as defined in Section 906.02.J undergoing repair or rehabilitation that would constitute a substantial improvement as defined in this section, must comply with all requirements in this section that do not preclude the structure's continued designation as a historic structure. Documentation that a specific section requirement will cause removal of the structure from the National Register of Historic Places or the State Inventory of Historic places must be obtained from the Secretary of the Interior or the State Historic Preservation Officer. Any exterior alterations to properties designated by the City as historic must be approved by the City's Historic Review Commission prior to commencement. Any exemption from Code requirements will be the minimum necessary to preserve the historic character and design of the structure.

(e) Accessory structures

Structures accessory to a principal building need not be elevated or floodproofed to remain dry, but shall comply, at a minimum, with the following requirements:

(1) The structure shall not be designed or used for human habitation, but shall be limited to the parking of vehicles, or to the storage of tools, material, and equipment related to the principal use or activity;

(2) Floor area shall not exceed two hundred (200) square feet;

(3) The structure will have a low damage potential;

(4) The structure will be located on the site so as to cause the least obstruction to the flow of floodwaters;

(5) Power lines, wiring, and outlets will be elevated to the regulatory flood elevation;

(6) Permanently affixed utility equipment and appliances such as furnaces, heaters, washers, dryers, etc. are prohibited;

(7) Sanitary facilities are prohibited; and

(8) The structure shall be adequately anchored to prevent flotation, collapse, and lateral movement and shall be designed to automatically provide for the entry and exit of floodwater for the purpose of equalizing hydrostatic forces on the walls. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria:

(i) A minimum of two openings having a net total area of not less than one (1) square inch for every square foot of enclosed space.



(ii) The bottom of all openings shall be no higher than one (1) foot above grade.

(iii) Openings may be equipped with screens, louvers, etc. or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

### 906.02.F.3 Design and Construction Standards

The following minimum standards shall apply for all construction and development proposed within any identified floodplain area:

#### (a) Fill

If fill is used, it shall:

- (1) Extend laterally at least fifteen (15) feet beyond the building line from all points;
- (2) Consist of soil or small rock materials only - Sanitary Landfills shall not be permitted;
- (3) Be compacted to provide the necessary permeability and resistance to erosion, scouring, or settling;
- (4) Be no steeper than one (1) vertical to two (2) horizontal feet unless substantiated data justifying steeper slopes are submitted to, and approved by the Floodplain Administrator; and
- (5) Be used to the extent to which it does not adversely affect adjacent properties.

#### (b) Drainage Facilities

Storm drainage facilities shall be designed to convey the flow of stormwater runoff in a safe and efficient manner. The system shall ensure proper drainage along streets, and provide positive drainage away from buildings. The system shall also be designed to prevent the discharge of excess runoff onto adjacent properties.

#### (c) Water and Sanitary Sewer Facilities and Systems

- (1) All new or replacement water supply and sanitary sewer facilities and systems shall be located, designed and constructed to minimize or eliminate flood damages and the infiltration of floodwaters.
- (2) Sanitary sewer facilities and systems shall be designed to prevent the discharge of untreated sewage into floodwaters.
- (3) No part of any on-site waste disposal system shall be located within any identified floodplain area except in strict compliance with all State and local regulations for such systems. If any such system is permitted, it shall be located so as to avoid impairment to it, or contamination from it, during a flood.
- (4) The design and construction provisions of the UCC and FEMA #348, "Protecting Building

Utilities From Flood Damages" and "The International Private Sewage Disposal Code" shall be utilized.

(d) Other Utilities

All other utilities such as gas lines, electrical and telephone systems shall be located, elevated (where possible) and constructed to minimize the chance of impairment during a flood.

(e) Streets

The finished elevation of all new streets shall be no more than one (1) foot below the Regulatory Flood Elevation.

(f) Storage

All materials that are buoyant, flammable, explosive, or in times of flooding, could be injurious to human, animal, or plant life, and not listed in Section 906.02.F.4, Development Which May Endanger Human Life, shall be stored at or above the Regulatory Flood Elevation or floodproofed to the maximum extent possible.

(g) Placement of Buildings and Structures

All buildings and structures shall be designed, located, and constructed so as to offer the minimum obstruction to the flow of water and shall be designed to have a minimum effect upon the flow and height of floodwater.

(h) Anchoring

- (1) All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse, or lateral movement.
- (2) All air ducts, large pipes, storage tanks, and other similar objects or components located below the regulatory flood elevation shall be securely anchored or affixed.

(i) Floors, Walls, and Ceilings

- (1) Wood flooring used at or below the Regulatory Flood Elevation shall be installed to accommodate a lateral expansion of the flooring, perpendicular to the flooring grain without causing structural damage to the building.
- (2) Plywood used at or below the regulatory flood elevation shall be of a "marine" or "water-resistant" variety.
- (3) Walls and ceilings at or below the regulatory flood elevation shall be designed and constructed of materials that are "water-resistant" and will withstand inundation.
- (4) Windows, doors, and other components at or below the regulatory flood elevation shall be made of metal or other "water-resistant" material.

(j) Paints and Adhesives

- (1) Paints and other finishes used at or below the regulatory flood elevation shall be of "marine" or "water-resistant" quality.
- (2) Adhesives used at or below the regulatory flood elevation shall be of a "marine" or "water-resistant" variety.
- (3) All wooden components (doors, trim, cabinets, etc.) used at or below the regulatory flood elevation shall be finished with a "marine" or "water-resistant" paint or other finishing material.

(k) Electrical Components

- (1) Electrical distribution panels shall be at least three (3) feet above the base flood elevation.
- (2) Separate electrical circuits shall serve lower levels and shall be dropped from above.

(l) Equipment

Water heaters, furnaces, air conditioning and ventilating units, and other electrical, mechanical or utility equipment or apparatus shall not be located below the regulatory flood elevation.

(m) Fuel Supply Systems

All gas and oil supply systems shall be designed to prevent the infiltration of floodwaters into the system and discharges from the system into floodwaters. Additional provisions shall be made for the drainage of these systems in the event that floodwater infiltration occurs.

(n) Building Code Coordination

The Standards and Specifications contained Title 10 - Building, including adoption of the Uniform Construction Code 34 PA Code (Chapters 401-405), as amended and not limited to the following provisions shall apply to the above and other sections and subsections of this section, to the extent that they are more restrictive and supplement the requirements of this section.

International Building Code (IBC) 2009 or the latest edition thereof: Secs. 801, 1202, 1403, 1603, 1605, 1612, 3402, and Appendix G.

International Residential Building Code (IRC) 2009 or the latest edition thereof: Secs. R104, R105, R109, R322, Appendix E, and Appendix J.

906.02.F.4 Development Which May Endanger Human Life

(a) In accordance with the Pennsylvania Flood Plain Management Act, and the regulations adopted by the Department of Community and Economic Development as required by the Act, any new or substantially improved structure which:

- (1) Will be used for the production or storage of any of the following dangerous materials or

substances; or,

(2) Will be used for any activity requiring the maintenance of a supply of more than five hundred fifty (550) gallons, or other comparable volume, of any of the following dangerous materials or substances on the premises; or,

(3) Will involve the production, storage, or use of any amount of radioactive substances;

Shall be subject to the provisions of this section, in addition to all other applicable provisions. The following list of materials and substances are considered dangerous to human life:

- Acetone
- Ammonia
- Benzene
- Calcium carbide
- Carbon disulfide
- Celluloid
- Chlorine
- Hydrochloric acid
- Hydrocyanic acid
- Magnesium
- Nitric acid and oxides of nitrogen
- Petroleum products (gasoline, fuel oil, etc.)
- Phosphorus
- Potassium
- Sodium
- Sulphur and sulphur products
- Pesticides (including insecticides, fungicides, and rodenticides)
- Radioactive substances, insofar as such substances are not otherwise regulated.

(b) Within any Floodway Area, any structure of the kind described in Subsection A., above, shall be prohibited. Where permitted within any Identified Floodplain Area, any new or substantially improved residential structure of the kind described in Section 906.02.F.4.a. above, shall be elevated to remain completely dry up to at least one and one-half (1½) feet above base flood elevation and built in accordance with Sections 906.02.F.1, 906.02.F.2, and 906.02.F.3.

(c) Where permitted within any Identified Floodplain Area, any new or substantially improved non-

residential structure of the kind described in Section 906.02.F.4 above, shall be built in accordance with Sections 906.02.F.1, 906.02.F.2, and 906.02.F.3 including:

- (1) Elevated, or designed and constructed to remain completely dry up to at least one and one-half (1½) feet above base flood elevation, and
- (2) Designed to prevent pollution from the structure or activity during the course of a base flood.

Any such structure, or part thereof, that will be built below the regulatory flood elevation shall be designed and constructed in accordance with the standards for completely dry floodproofing contained in the publication "Flood-Proofing Regulations (U.S. Army Corps of Engineers, June 1972 as amended March 1992), or with some other equivalent watertight standard.

#### 906.02.F.5 Special Requirements for Subdivisions and Development

All subdivision proposals and development proposals containing at least 50 lots or at least 5 acres, whichever is the lesser, in Identified Floodplain Areas where base flood elevation data are not available, shall be supported by hydrologic and hydraulic engineering analyses that determine base flood elevations and floodway information. The analyses shall be prepared by a licensed professional engineer in a format required by FEMA for a Conditional Letter of Map Revision and Letter of Map Revision. Submittal requirements and processing fees shall be the responsibility of the applicant.

#### 906.02.F.6 Special Requirements for Manufactured Homes

- (a) Within any Floodway Area/District, manufactured homes shall be prohibited. If a variance is obtained in accordance with the criteria in Section 906.02.I, then the following provisions apply:
- (b) Where permitted within any Identified Floodplain Area, all manufactured homes, and any improvements thereto, shall be:
  - (1) Placed on a permanent foundation;
  - (2) Elevated so that the lowest floor of the manufactured home is at least one and one-half (1½) feet above base flood elevation;
  - (3) Anchored to resist flotation, collapse, or lateral movement; and
  - (4) Have all ductwork and utilities including HVAC/heat pump elevated to the Regulatory Flood Elevation.
- (c) Installation of manufactured homes shall be done in accordance with the manufacturers' installation instructions as provided by the manufacturer. Where the applicant cannot provide the above information, the requirements of Appendix E of the 2009 "International Residential Building Code" or the "U.S. Department of Housing and Urban Development's Permanent Foundations for Manufactured Housing," 1984 Edition, draft or latest revision thereto and 34 PA Code Chapter 401-405 shall apply.
- (d) Consideration shall be given to the installation requirements of the Building Code, as prescribed in Title 10 - Building, as amended where appropriate and/or applicable to units where the manufacturers' standards for anchoring cannot be provided or were not established for the proposed unit(s) installation.

#### 906.02.F.7 Special Requirements for Recreational Vehicles

Recreational vehicles in Zones A and AE must either:

- (a) Be on the site for fewer than one hundred eighty (180) consecutive days, and
- (b) Be fully licensed and ready for highway use, or
- (c) Meet the permit requirements for manufactured homes in Section 906.02.F.6.

#### 906.02.G Activities Requiring Special Permits

##### 906.02.G.1 General

In accordance with the administrative regulations promulgated by the Department of Community and Economic Development to implement the Pennsylvania Flood Plain Management Act, the following activities shall be prohibited within any Identified Floodplain Area unless a Special Permit has been issued by the City.

(a) The commencement of any of the following activities; or the construction, enlargement, or expansion of any structure used, or intended to be used, for any of the following activities:

- (1) Hospitals
- (2) Nursing homes (meaning facilities where twenty-four (24) hour staff care or supervision is provided)
- (3) Correctional Facilities

##### 906.02.G.2 Application Requirements for Special Permits

Applicants for Special Permits shall provide five copies of the following items:

- (a) A completed Application as prescribed by the Zoning Administrator.
- (b) A small scale map showing the vicinity in which the proposed site is located.
- (c) Detailed Site Plan of the entire site that meets the requirements of Section 922.01.D.2 A, clearly and legibly drawn at a scale of one (1) inch being equal to one hundred (100) feet or less, showing the following:
  - (1) Topography based upon the North American Vertical Datum (NAVD) of 1988, showing existing and proposed contours at intervals of two (2) feet;
  - (2) The location of all existing streets, drives, other access ways, and parking areas, with information concerning widths, pavement types and construction, and elevations;
  - (3) The location of any existing bodies of water or watercourses, buildings, structures and other public or private facilities, including railroad tracks and facilities, and any other natural and man-made features affecting, or affected by, the proposed activity or development;
  - (3) The location of the floodplain boundary line, information and spot elevations concerning the

base flood elevation, and information concerning the flow of water including direction and velocities;

- (4) The location of all proposed buildings, structures, utilities, and any other improvements; and
- (5) Any other information which the municipality considers necessary for adequate review of the application.

(d) Plans of all proposed buildings, structures and other improvements, clearly and legibly drawn at suitable scale showing the following:

- (1) Sufficiently detailed architectural or engineering drawings, including floor plans, sections, and exterior building elevations, as appropriate;
- (2) For any proposed building, the elevation of the lowest floor (including basement) and, as required, the elevation of any other floor;
- (3) Complete information concerning flood depths, pressures, velocities, impact and uplift forces, and other factors associated with the base flood;
- (4) Detailed information concerning any proposed floodproofing measures;
- (5) Cross section drawings for all proposed streets, drives, other accessways, and parking areas, showing all rights-of-way and pavement widths;
- (6) Profile drawings for all proposed streets, drives, and vehicular accessways including existing and proposed grades; and
- (7) Plans and profiles of all proposed sanitary and storm sewer systems, water supply systems, and any other utilities and facilities.

(e) The following data and documentation:

- (1) Certification from a registered professional engineer, architect, or landscape architect that the proposed construction has been adequately designed to protect against damage from the base flood;
- (2) 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 base flood, including a statement concerning the effects such pollution may have on human life;
- (3) 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 base flood elevation and flows;

- (4) 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 base flood elevation and the effects such materials and debris may have on base flood elevation and flows;
- (5) The appropriate component of the Department of Environmental Protection's "Planning Module for Land Development;"
- (6) Where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Protection to implement and maintain erosion and sedimentation control **and meeting the requirements of Title Thirteen: Stormwater Management, as applicable;**
- (7) Any other applicable permits such as, but not limited to, a permit for any activity regulated by the Department of Environmental Protection under Section 302 of Act 1978-166; and
- (8) An evacuation plan which fully explains the manner in which the site will be safely evacuated before or during the course of a base flood.

#### 906.02.G.3 Application Review Procedures

Upon the Zoning Administrator's receipt of an application for a Special Permit the following procedures shall apply in addition to those of Section 906.02.D:

- (a) Promptly upon determining that an application is complete, the Zoning Administrator shall schedule a public hearing before the Planning Commission and notify the applicant of the hearing date. The application shall be reviewed as a Project Development Plan as per section 922.10 except that the criteria for review shall be provisions 906.02.F of this section.
- (b) If the Planning Commission and/or City approves an application, it shall file written notification, together with the application and all pertinent information, with the Department of Community and Economic Development, by registered or certified mail, within five (5) working days after the date of approval.
- (c) Before issuing the Special Permit, the Zoning Administrator shall allow the Department of Community and Economic Development thirty (30) days, after receipt of the notification by the Department, to review the application and decision made by Council.
- (d) If the Zoning Administrator does not receive any communication from the Department of Community and Economic Development during the thirty (30) day review period, it may issue a Special Permit to the applicant.
- (e) If the Department of Community and Economic Development should decide to disapprove an application, it shall notify the Zoning Administrator and the applicant, in writing, of the reasons for the disapproval, and the Zoning Administrator shall not issue the Special Permit.



#### 906.02.G.4 Special Technical Requirements

(a) In addition to the requirements of Section 906.02.F, the following minimum requirements shall also apply to any proposed development requiring a Special Permit. If there is any conflict between any of the following requirements and those in Section 906.02.F. or in any other code, ordinance, or regulation, the more restrictive provision shall apply.

(b) No application for a Special Permit shall be approved unless it can be determined that the structure or activity will be located, constructed and maintained in a manner which will:

(1) Fully protect the health and safety of the general public and any occupants of the structure. At a minimum, all new structures shall be designed, located, and constructed so that:

(i) The structure will survive inundation by waters of the base flood without any lateral movement or damage to either the structure itself, or to any of its equipment or contents below the BFE.

(ii) The lowest floor (including basement) will be elevated to at least one and one-half (1½) feet above 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.

(2) Prevent any significant possibility of pollution, increased flood levels or flows, or debris endangering life and property.

(c) All hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc. shall be submitted in sufficient detail to allow a thorough technical review by the Zoning Administrator, Planning Commission, and the Department of Community and Economic Development.

#### 906.02.H Existing Structures In Identified Floodplain Areas

##### 906.02.H.1 Existing Structures

The provisions of this section do not require any changes or improvements to be made to lawfully existing structures. However, when an improvement is made to any existing structure, the provisions of Section 906.02.H.2 shall apply.

##### 906.02.H.2 Improvements

The following provisions shall apply whenever any improvement is made to an existing structure located within any Identified Floodplain Area:

(a) No expansion or enlargement of an existing structure shall be allowed within any Floodway Area/District that would cause any increase in BFE.

(b) No expansion or enlargement of an existing structure shall be allowed within AE Area/District without floodway that would, together with all other existing and anticipated development, increase the BFE more than one (1) foot at any point.

(c) Any modification, alteration, reconstruction, or improvement of any kind to an existing structure to an extent or amount of fifty (50) percent or more of its market value, shall constitute a substantial improvement and shall be undertaken only in full compliance with the provisions of this section.

(d) The above activity shall also address the requirements of the Building Code, as prescribed in Title 10 - Building.

#### 906.02.I Variances

##### 906.02.I.1 Variance Procedures and Conditions

Requests for variances shall be considered by the Zoning Board of Adjustment in accordance with the procedures contained in Section 922.09 and the following:

(a) No variance shall be granted for any construction, development, use, or activity within any Floodway Area/District that would cause any increase in the BFE.

(b) No variance shall be granted for any construction, development, use, or activity within any AE Area/District without floodway that would, together with all other existing and anticipated development, increase the BFE more than one (1) foot at any point.

(c) Except for a possible modification of the regulatory flood elevation requirement involved, no variance shall be granted for any of the other requirements pertaining specifically to development regulated by Special Permit (or Prohibited Activities) (906.02.G) or to Development Which May Endanger Human Life (Section 906.02.F.4).

(d) In reviewing any request for a variance, in addition to the considerations of Section 922.09.E., the Zoning Board of Adjustment shall consider, that the granting of the variance will:

(1) Neither result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, or extraordinary public expense,

(2) Nor create nuisances, cause fraud on, or victimize the public, or conflict with any other applicable state or local ordinances and regulations.

(e) Whenever a variance is granted, the Zoning Board of Adjustment shall notify the applicant in writing that:

(1) The granting of the variance may result in increased premium rates for flood insurance.

(2) Such variances may increase the risks to life and property.

(f) A complete record of all variance requests and related actions shall be maintained by the Zoning Administrator. In addition, a report of all variances granted during the year shall be included in the annual report to the FEMA.

Notwithstanding any of the above, however, all structures shall be designed and constructed so as to have

the capability of resisting the one-percent (1%) annual chance flood.

## 906.02.J Definitions

### 906.02.J.1 General

Unless specifically defined below, words and phrases used in this section shall be interpreted in accordance with Section 926.

### 906.02.J.2 Specific Definitions

- (a) Base flood means a flood which has a one percent chance of being equaled or exceeded in any given year (also called the "100-year flood" or one-percent (1%) annual chance flood).
- (b) Base flood discharge means the volume of water resulting from a Base Flood as it passes a given location within a given time, usually expressed in cubic feet per second (cfs).
- (c) Base flood elevation (BFE) means the elevation shown on the Flood Insurance Rate Map (FIRM) for Zone AE that indicates the water surface elevation resulting from a flood that has a 1-percent (1%) or greater chance of being equaled or exceeded in any given year.
- (d) Basement means any area of the building having its floor below ground level on all sides.
- (e) Building means a combination of materials to form a permanent structure having walls and a roof. Included shall be all manufactured homes and trailers to be used for human habitation.
- (f) Development means any man-made change to improved or unimproved real estate, including but not limited to the construction, reconstruction, renovation, repair, expansion, or alteration of buildings or other structures; the placement of manufactured homes; streets, and other paving; utilities; filling, grading and excavation; mining; dredging; drilling operations; storage of equipment or materials; and the subdivision of land.
- (g) Existing manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.
- (h) Expansion to an existing manufactured home park or subdivision means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
- (i) Flood means a temporary inundation of normally dry land areas.
- (j) Flood Insurance Rate Map (FIRM) means the official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.
- (k) Flood Insurance Study (FIS) means the official report provided by the Federal Emergency Management Agency that includes flood profiles, the Flood Insurance Rate Map, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.
- (l) Floodplain Area means a relatively flat or low land area which is subject to partial or complete

inundation from an adjoining or nearby stream, river or watercourse; and/or any area subject to the unusual and rapid accumulation of surface waters from any source.

(m) Floodproofing means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

(n) Floodway means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

(o) Highest Adjacent Grade means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

(p) Historic structure means any structure that is:

(1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(3) Individually listed on a state inventory of historic places in states which have been approved by the Secretary of the Interior; or

(4) Individually listed on a local inventory of historic places in communities with historic preservation that have been certified either:

(i) By an approved state program as determined by the Secretary of the Interior; or

(ii) Directly by the Secretary of the Interior in states without approved programs.

(q) Identified Floodplain Area is an umbrella term that includes all of the areas within which the community has selected to enforce floodplain regulations. It will always include the area identified as the Special Flood Hazard Area on the Flood Insurance Rate Maps and Flood Insurance Study, but may include additional areas identified by the community. See Sections 906.02.E.1 and 906.02.E.2 for the specifics on what areas the community has included in the Identified Floodplain Area.

(r) Lowest floor means the lowest floor of the lowest fully enclosed area (including basement). An unfinished, flood resistant partially enclosed area, used solely for parking of vehicles, building access, and incidental storage, in an area other than a basement area is not considered the lowest floor of a building, provided that such space is not designed and built so that the structure is in violation of the applicable non-elevation design requirements of this chapter.

(s) Manufactured home means a structure, transportable in one or more sections, which is built on a permanent chassis, and is designed for use with or without a permanent foundation when attached to the required utilities. The term includes park trailers, travel trailers, recreational and other similar vehicles which are placed on a site for more than one hundred eighty (180) consecutive days.

(t) Manufactured home park or subdivision means a parcel (or contiguous parcels) of land divided into

two (2) or more manufactured home lots for rent or sale.

(u) **Minor Repair** means the replacement of existing work with equivalent materials for the purpose of its routine maintenance and upkeep, but not including the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the exitway requirements; nor shall minor repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, oil, waste, vent, or similar piping, electric wiring, mechanical or other work affecting public health or general safety.

(v) **New Construction** means structures for which the start of construction commenced on or after September 26, 2014 and includes any subsequent improvements to such structures. Any construction started after December 15, 1981 and before September 26, 2014, is subject to the Code in effect at the time the permit was issued, provided the start of construction was within one hundred eighty (180) days of permit issuance.

(w) **Person** means an individual, partnership, public or private association or corporation, firm, trust, estate, municipality, governmental unit, public utility or any other legal entity whatsoever, which is recognized by law as the subject of rights and duties.

(x) **Post-FIRM Structure** means a structure for which construction or substantial improvement occurred after December 31, 1974 or on or after the community's initial Flood Insurance Rate Map (FIRM) dated December 15, 1981, whichever is later, and, as such, would be required to be compliant with the regulations of the National Flood Insurance Program.

(y) **Pre-FIRM Structure** means a structure for which construction or substantial improvement occurred on or before December 31, 1974 or before the community's initial Flood Insurance Rate Map (FIRM) dated December 15, 1981, whichever is later, and, as such, would not be required to be compliant with the regulations of the National Flood Insurance Program.

(z) **Recreational vehicle** means a vehicle which is:

- (1) Built on a single chassis;
- (2) Not more than four hundred (400) square feet, measured at the largest horizontal projections;
- (3) Designed to be self-propelled or permanently towable by a light-duty truck,
- (4) Not designed for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

(aa) **Regulatory flood elevation** means the base flood elevation (BFE) or estimated flood height as determined using simplified methods plus a freeboard safety factor of one and one-half (1½) feet.

(bb) **Special permit** means a special approval which is required for hospitals, nursing homes, correctional facilities, and new manufactured home parks/subdivisions and substantial improvements to such existing parks, when such development is located in all, or a designated portion of a floodplain.

(cc) **Special flood hazard area (SFHA)** means an area in the floodplain subject to a 1-percent (1%) or greater chance of flooding in any given year. It is shown on the FIRM as Zone A or AE.

(dd) **Start of construction** means includes substantial improvement and other proposed new development and

means the date the Permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred eighty (180) days after the date of the permit and shall be completed within twelve (12) months after the date of issuance of the permit unless a time extension is granted, in writing, by the Zoning Administrator. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufacture home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

(ee) **Structure** means a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

(ff) **Subdivision** means the division or re-division of a lot, tract, or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs, or devisees, transfer of ownership or building or lot development: Provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

(gg) **Substantial damage** means damage from any cause sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty (50) percent or more of the market value of the structure before the damage occurred.

(hh) **Substantial improvement** means any reconstruction, rehabilitation, addition, or other improvement of a structure, of which the cost equals or exceeds fifty (50) percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage" regardless of the actual repair work performed. The term does not, however, include any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions.

(ii) **Uniform Construction Code (UCC)** means the statewide building code adopted by The Pennsylvania General Assembly in 1999 applicable to new construction in all municipalities whether administered by the municipality, a third party or the Department of Labor and Industry. Applicable to residential and commercial buildings, The Code adopted The International Residential Code (IRC) and the International Building Code (IBC), by reference, as the construction standard applicable with the State floodplain construction. For coordination purposes, references to the above are made specifically to various sections of the IRC and the IBC.

(jj) Violation means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR §60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

(Ord. No. 17-2014, § 1(Att.), 9-23-14)

§ 906.07. - ~~RESERVED~~ SM-O, Stormwater Management Overlay District.

~~906.07.A Purpose~~

~~The purpose for stormwater management as required by federal and state laws and regulations are set forth in Chapter 1001 of Title Ten: Building, at section 1001.04.~~

~~The purposes set forth in section 1001.04, to the extent that they contradict or conflict with the purposes set forth in this section 906.07.A., supersede the purposes set forth in this section 906.07.A.~~

~~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 definitions applicable to stormwater management as required by federal and state laws and regulations are set forth in Chapter 1003 of Title Ten: Building at section 1003.01. The definitions provided in section 1003.01, to the extent they contradict or conflict with the definitions provided herein, supersede the definitions provided in this section 906.07.B.~~

~~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, P.L. 324, 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., fifty-year storm) and duration (e.g., twenty-four-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 stormwater 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 stormwater 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 stormwater 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 stormwater 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. Stormwater Collection System means natural or engineered structures which collect and transport stormwater 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. Stormwater Management Plan means the plan for managing stormwater runoff from a specific development site.~~

~~47. Stormwater 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 Stormwater 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 stormwater 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. Any earth disturbance or any activities that involve the alteration or development of land in a manner that may affect stormwater runoff are subject to regulation by this ordinance as supplemented, or unless superseded, by Chapter 1003 of Title Ten: Building.~~

### 906.07.D—General Provisions

- ~~1. Land alteration and development activities must be in conformance with the applicable watershed stormwater 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 stormwater 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 one (1) inch equals one hundred (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 one hundred-year floodplains on the development site (as appropriate) based on the municipal Flood Insurance Study maps or delineated by applicable Federal Emergency Management Agency ("FEMA") maps and studies as being a special flood hazard area.~~

**(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 two (2) feet; in areas with slopes greater than fifteen (15) percent, 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 or the Pennsylvania Stormwater Best Management Practices Manual, PA DEP 363-0300-002, December 30, 2006, as amended. The Rational Method may be utilized for development sites of less than two hundred (200) acres.~~

**(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, rights-of-way, deed restrictions~~

~~Show all existing and proposed easements and rights-of-way 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 Pa DEP) 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 five thousand (5,000) 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 two-, five-, ten-, fifty-, and one hundred-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 (1) 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 twenty (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 area:

Subarea 26	70%	(2, 5, 10 year storms)
	55%	(50, 100 year storms)
Subarea 27	55%	(2, 5, 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 five thousand (5,000) 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 two-, ten-, twenty-five-, and one hundred-year storm frequencies. The SCS twenty-four-hour, Type II Rainfall Distribution shall be used for analyzing stormwater runoff for both pre and post development conditions. The twenty-four-hour total rainfall for these storm frequencies in the watershed are:~~

<del>2 year</del>	<del>2.50 inches</del>
<del>10 year</del>	<del>3.61 inches</del>
<del>25 year</del>	<del>4.31 inches</del>
<del>100 year</del>	<del>5.71 inches</del>

**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 (1) 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 or 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:~~

<del>Subarea 1</del>	<del>100%</del>
<del>Subarea 2</del>	<del>100%</del>
<del>Subarea 4</del>	<del>60%</del>
<del>Subarea 6</del>	<del>60%</del>

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 those 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.~~

(Ord. 18-2007, § 1, eff. 11-19-07; Ord. No. 5-2008, § 1, eff. 5-21-08) § 908.04. - Uptown Public Realm District.

908.04.A Definitions

1. Affordable Housing shall mean housing with a gross cost, including utilities, that does not exceed thirty (30) percent of the occupant's income.

2. Green Infrastructure shall mean systems and practices that use or mimic natural processes to infiltrate, evapotranspire, or reuse stormwater on the site where it is generated. a strategic network



~~of vegetated areas and water retention techniques intended to mitigate stormwater problems. Examples of green infrastructure include: greenways, rain gardens, bioswales, green roofs, and rain barrels.~~

3. Regulated Activities shall include land operations, earth disturbances, or any activities that involve the alteration or development of land in a manner that may affect stormwater runoff.

#### 908.04.B Objective

The Uptown Public Realm District (UPR) or "district" was created to provide regulations for the development and growth of Uptown as Pittsburgh's first EcoInnovation District. A special emphasis is placed on sustainability and economic development in the district. The regulations preserve the mixed-use nature of the community and encourage investment to increase the residential population and commercial activity.

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

- To implement the development vision of the Uptown / West Oakland EcoInnovation District Plan;

- To allow denser development which better utilizes limited lands and supports a complete and healthy urban community;

- To encourage innovative new buildings that are highly energy efficient, produce energy on-site or connect to efficient district energy systems, and/or capture and treat rainwater on-site using green infrastructure;

- To provide Affordable Housing in the district; and

- To encourage sustainable development through adaptive reuse of existing buildings to maintain the district's built heritage.

#### 908.04.C General Provisions

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

##### 908.04.C.1 Use

Permitted uses shall be those listed in each subdistrict below.

##### 908.04.C.2 Development Standards

a. All Project Development Plans within the district shall be subject to Design Review.

b. Project Development Plans that are filed for building demolitions not part of an application for new construction shall include a report, study, or statement of the property's future use that meets the review criteria of Section 922.10.E.2.

c. No surface parking, accessory or primary, shall be constructed with frontage on Fifth Avenue, Forbes Avenue, or Boulevard of the Allies. Surface parking in all other locations will only be permitted if the applicant provides the alternatives considered and demonstrates why those alternatives were not

feasible.

d. Landscaping and screening standards (Chapter 918) shall apply to all Project Development Plans within the district. The exemption provisions of Section 918.01.B.2 shall not apply in the Uptown Public Realm District, and off-street parking areas shall be subject to all screening and landscaping standards of Chapter 918.

e. Structured parking must be designed to allow for conversion to other uses or the applicant must provide analysis that clearly demonstrates this requirement cannot be met including engineering diagrams and/or other schematics.

f. No building wall adjacent to a street shall contain a non-articulated condition greater than fifty (50) linear feet in length. Building wall articulation shall be achieved through changes in the facade depth no smaller than six (6) inches.

g. Street level facades fronting on Fifth Avenue and Forbes Avenue or primary building frontages on any other street shall be transparent between the height of three (3) feet and eight (8) feet above the walkway grade for no less than sixty (60) percent of the horizontal length of the building facade.

h. Active uses shall be provided along the ground floor of the building frontage along Fifth Avenue and Forbes Avenue or primary building frontages on any other street. Active uses include residential, retail, office, lobbies, and bike facilities.

i. All primary structures shall provide a prominent and highly visible street level doorway or entrance on the facades of the building that front onto Fifth Avenue or Forbes Avenue.

j. Continuous pedestrian sidewalks at least ten (10) feet wide shall be provided along the facades of the building that front onto streets inclusive of obstructions including street furniture, tree pits, and Green Infrastructure. A clear path exclusive of obstructions of at least five (5) feet shall be provided. If the sidewalk does not have ten (10) feet of width available in the public right-of-way as determined by the City, the additional width must be provided on the development parcel.

k. All new buildings with a gross floor area greater than ten thousand (10,000) square feet or building additions with a gross floor area greater than five thousand (5,000) square feet shall undergo a green building advisory consultation coordinated by the City of Pittsburgh.

l. Stormwater standards (Chapter 1003 **and Title Thirteen: Stormwater Management**) shall apply to all Project Development Plans with Regulated Activities equal to or greater than five thousand (5,000) square feet in area. ~~Small Project Stormwater Standards of Section 915.03 shall apply to all new construction and building additions that include a land disturbance greater than five hundred (500) square feet but less than five thousand (5,000) square feet in area.~~

#### 908.04.C.3 Bonus Goals and Points

New buildings and renovations in this district can utilize the bonus system of Section 915.07. The list below identifies the bonus options available to projects in this district and any modifications to the points earned. Points earned by satisfying the bonus goals can be utilized in this district to achieve the bonus height as identified in Section 908.04.C.4. Points are not transferrable to other development projects.

a. On-site energy consumption - New construction: Section 915.07.D.1.a-1.c.; points as listed.

b. On-site energy consumption - Existing buildings: Section 915.07.D.2.a-2.c.; points modified as

follows: 2.a is two points, 2.b is three points and 2.c is four points.

c. On-site energy generation: Section 915.07.D.3.a-3.c.; points as listed.

d. Affordable housing: Section 915.07.D.4.a-4.c.; points modified as follows: 4.c is four points; 4.d is six points.

e. Rainwater: Section 915.07.D.5; points as listed.

f. Building Reuse: Section 915.07.D.5; points as listed.

#### 908.04.C.4 Bonus Height

New buildings and renovations in this district can exceed the maximum heights permitted without bonuses in each subdistrict by using the Performance Points System. Each point equates to fifteen (15) feet of additional building height. Maximum heights with bonuses are regulated for each subdistrict.

Bonus height earned through the Performance Points System may not be applied in addition to any other height or FAR bonus or exception. These bonuses may not be applied in addition to any additional height or FAR variances or special exceptions granted by the Zoning Board of Adjustment.

#### 908.04.C.5 Off-Street Parking

Off-street parking spaces shall be provided in accordance with the minimum and maximum standards below. Where application of the standard results in a fraction of a space, the number of spaces allowed shall be calculated by rounding the number of spaces allowed down to the nearest full space when the fraction is less than 0.5 spaces and rounding up to the next full space when the fraction is equal to or greater than 0.5 spaces. The parking schedule in this section shall not apply to the Bicycle Parking Requirement of Section 914.05.D.

Use Type	Minimum Off-Street Automobile Spaces Required	Maximum Off-Street Automobile Spaces Allowed
Residential Uses	Exempted in accordance with Section 914.04. - Off-Street Parking Exemption/Reduction Areas	0.9 per unit
Commercial Uses Includes all permitted non-residential uses other than Manufacturing and Assembly, Welding or Machine Shop		1 per 1,000 s.f.
Industrial Uses Includes Manufacturing and Assembly, Welding or Machine Shop		Parking Demand Analysis Required, see Section 914.02.B

#### 908.04.D Uptown Public Realm Subdistricts

908.04.D.1 Uptown Subdistrict A/UPR-A: Mixed-Use Urban Core

a. Purpose

To encourage mixed-use buildings with office, retail and restaurant uses in the ground floors of residential- and office-like structures;

To increase the scale and density of the subdistrict to allow for more employment and housing; and

To encourage adaptive reuse of existing buildings and/or the incorporation of existing buildings into new development projects.

b. Uses

Uses are the same as those found in Chapter 903 for the GT, Golden Triangle District, except where modified below.

Permitted By Right:

Housing for the Elderly (Limited)

Housing for the Elderly (General)

Outdoor Retail Sales and Service [Non-Accessory Use]

Sidewalk Cafe

Not permitted:

Adult Entertainment

Correctional Facility (Limited)

Correctional Facility (General)

Excavation/Grading/Fill, Major

Firearms Business Establishment

Gaming Enterprise

Special Exceptions:

Funeral Home

Incinerator, Solid Waste

Laundry Service

Manufacturing and Assembly (Limited)

Manufacturing and Assembly (General)

Parking, Structured (General)

Recycling Processing Center

Welding or Machine Shop

Administrator Exception:

New and Unlisted Uses

In accordance with Section 922.08, the Zoning Administrator shall consider New and Unlisted Uses consistent with the Uptown/West Oakland EcoInnovation District Plan, as adopted by Planning Commission.

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

c. Conditions of approval for Special Exceptions

Parking, Structured (General) uses shall not be permitted unless at least three (3) of the following site features are included:

On-site renewable energy generation;

Combined heat and power with battery storage;

Connection to district energy system;

Connection to smart/micro-energy grid;

Secured bike storage;

Bike share station;

Electric vehicle charging for 10% of spaces;

Green infrastructure that mitigates stormwater runoff from the right-of-way **and is in accordance with all requirements of Title Thirteen: Stormwater Management, as applicable;**

Air or other environmental quality monitors;

Neighborhood scale recycling collection station; and

Neighborhood scale compost station.

d. Site Development Standards

Site Development Standard	UPR-A Regulation
Minimum Lot Size	None
Minimum Height	30 feet
Maximum Height without Bonus	60 feet
Maximum Height with Bonus	180 feet
Minimum Interior Sideyard Setbacks	0 feet
Minimum Front and Exterior Sideyard Setbacks	
First 50 feet from ground level	0 feet

51-90 feet from ground level	10 feet
91-120 feet from ground level	15 feet
121-180 feet from ground level	25 feet
Heights are measured from grade on primary frontage.	
Minimum Rear Setback	
When not adjacent to way, Tustin Street or Watson Street	20 feet
When adjacent to way, Tustin Street or Watson Street	0 feet

e. Specific Project Development Plan Standards

(1) All new construction and/or enlargements shall maintain an eighty-five (85) percent building frontage along the established build-to line on the primary frontage except where determined by the minimum front and side setbacks for the subdistrict.

(2) All new buildings greater than ten thousand (10,000) square feet or building additions greater than five thousand (5,000) square feet shall join the Pittsburgh 2030 District.

908.04.D.2 Uptown Subdistrict B/UPR-B: Residential Core

a. Purpose

To encourage a diverse range of residential use types;

To encourage appropriately scaled infill development; and

To encourage creative/industrial and live/work uses.

b. Uses

Uses are the same as those found in Chapter 903 for the LNC, Local Neighborhood Commercial District, except where modified below.

Permitted By Right:

Housing for the Elderly (Limited)

Housing for the Elderly (General)

Grocery Store (General)

Laboratory/Research Services (General)

Office (General)

Recycling Collection Station

Restaurant (General)

Retail Sales and Services (General)

Sidewalk Cafe

Not permitted:

Controlled Substance Dispensation Facility

Excavation/Grading/Fill, Major

Hotel/Motel (General)

Service Station

Vehicle/Equipment Sales (Limited)

Special Exceptions:

Agriculture (General)

Agriculture (Limited) with Beekeeping

Agriculture (Limited)

Hotel/Motel (Limited)

Manufacturing and Assembly (Limited)

Manufacturing and Assembly (General)

Nursery, Retail (Limited)

Nursery, Retail (General)

Parking, Structured (General)

Incinerator, Solid Waste

Recycling Processing Center

Warehouse (Limited)

Welding or Machine Shop

Administrator Exception:

New and Unlisted Uses

In accordance with 922.08, the Zoning Administrator shall consider New and Unlisted Uses consistent with the Uptown / West Oakland EcoInnovation District Plan, as adopted by Planning Commission.

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

c. Conditions of approval for Special Exceptions

Parking, Structured (General) uses shall not be permitted unless at least three (3) of the following site

features are included:

On-site renewable energy generation;

Combined heat and power with battery storage;

Connection to district energy system;

Connection to smart/micro-energy grid;

Secured bike storage;

Bike share station;

Electric vehicle charging for 10% of spaces;

Green infrastructure that mitigates stormwater runoff from the right-of-way **and is in accordance with all requirements of Title Thirteen: Stormwater Management, as applicable;**

Air or other environmental quality monitors;

Neighborhood scale recycling collection station; and

Neighborhood scale compost station.

#### d. Site Development Standards

Site Development Standard	UPR-B Regulation
Minimum Lot Size	None
Minimum Height	20 feet
Maximum Height without Bonus	40 feet
Maximum Height with Bonus	70 feet
Minimum Interior Sideyard Setbacks	0 feet
Minimum Front and Exterior Sideyard Setbacks	
First 40 feet from ground level	0 feet
41-70 feet from ground level	10 feet
Heights are measured from grade on primary frontage.	
Minimum Rear Setback	
When not adjacent to way, Tustin Street or Watson Street	20 feet
When adjacent to way, Tustin Street or Watson Street	0 feet

(Ord. No. 48-2017, § 4, 12-8-17)

§ 911.04. - Use Standards.

(Ord. 20/July 8, 1999/Amend. 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. For the purposes of this Chapter, the following terms, phrases, words and their derivations shall have the meaning given herein unless otherwise specifically provided in this Chapter, or Chapter 926, unless the context clearly indicates otherwise or unless such meaning would be inconsistent with the manifest intent of Council.

(Ord. No. 33-2016, § 1, eff. 12-13-16)

#### 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 one thousand (1,000) feet of any of the following uses: Adult Entertainment uses, Amusement Arcade, Hotel/Motel, bar or nightclub or Gaming Enterprise. This one thousand-foot area shall be defined by a radius of one thousand (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 five hundred (500) feet from the following uses. The five hundred-foot area shall be defined by a radius of five hundred (500) feet from the property line of the subject building:

- (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;
- (10) Three-Unit Residential; and
- (11) Public Assembly (General).

(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.

(d) Operational Standards

- (1) Establish a minimum size space for adult cabaret performance.
- (2) Establish a minimum size space for showing movies or videos.
- (3) Stages are required for all live entertainment.
- (4) A floor layout of premises is required that ensures that the manager has visual control of the premises.
- (5) Operating days and hours shall be specified.
- (6) Access control measures shall be specified.
- (7) Posting and enforcement of a "no-loitering" policy is required.
- (8) All Adult Entertainment establishments shall be licensed with the Bureau of Building Inspections.

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

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

- (1) The site shall be at least two (2) acres in size;
- (2) No structure, including beehives, chicken coops, or any similar accessory structures, except a dwelling unit shall be located within fifty (50) feet of any lot line;

- (3) The sale of non-mechanical agricultural and farm products that are grown, used, produced on site, or are part of an affiliated Community Supported Agriculture program shall be permitted and shall comply with the standards of Section 912.06, Outdoor Retail Sales and Service (Accessory Use);
- (4) Killing or dressing of animals raised on the premises shall be permitted if conducted entirely within an enclosed building;
- (5) The keeping of poultry birds, livestock, and domestic small farm animals shall be permitted within a securely fenced and enclosed area. Only chickens, ducks, bees, and goats may be permitted when there is not also a residential use of the property;
- (6) All animal structures and roaming areas shall be kept sanitary and free from accumulations of animal excrement and objectionable odor;
- (7) All seed, fertilizer, and animal feed shall be stored in a secured, rodent-proof container and housed within an enclosed structure; and
- (8) All applications shall be in compliance with Environmental Overlay District regulations of Chapter 906.

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

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

- (1) The sale of non-mechanical agricultural and farm products that are grown, used, produced on site, or are part of an affiliated Community Supported Agriculture program shall be permitted, and shall comply with the standards of Section 912.06, Outdoor Retail Sales and Service (Accessory Use);
- (2) The keeping of poultry, livestock, and domestic small farm animals is not permitted;
- (3) For property with a minimum of two thousand (2,000) square feet in size, the property owner is permitted to keep two (2) beehives. For every additional two thousand (2,000) square feet of property, the owner is permitted two (2) additional beehives;
- (4) All structures necessary for and related to the housing of honeybees shall be subject to any required setbacks of the underlying zoning district, but shall in all cases be a minimum of ten (10) feet from any property line;
- (5) A "flyway barrier" of at least six (6) feet in height shall be provided at all places on the property line that are within twenty (20) feet of the hive(s). The "flyway barrier" shall consist of a solid fence or wall, dense vegetation, or combination thereof. No flyway is required for hives that are located on porches or balconies at least ten (10) feet above grade, except where such porch or balcony is located less than five (5) feet from a property line.
- (6) Roof-mounted beehives shall be located on primary and accessory structures no lower than ten (10) feet from grade and shall not be within the required setback;
- (7) All seed, fertilizer, or similar products shall be stored in a secured, rodent-proof container and

housed within an enclosed structure; and

(8) All applications shall be subject to the Environmental Overlay District regulations of Chapter 906.

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

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

(1) The sale of non-mechanical agricultural and farm products that are grown, used, produced on site, or are part of an affiliated Community Supported Agriculture program shall be permitted, and shall comply with the standards of Section 912.06, Outdoor Retail Sales and Service (Accessory Use);

(2) The keeping of poultry, livestock, and domestic small farm animals is not permitted;

(3) All seed, fertilizer, or similar products shall be stored in a secured, rodent-proof container and housed within an enclosed structure; and

(4) All applications shall be subject to the Environmental Overlay District regulations of Chapter 906.

#### 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 three hundred (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 five hundred (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, DR and EMI Districts

Animal Care (Limited) uses in the GT, DR and EMI 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.

(b) In the RIV Districts

Animal Care (Limited) use in the RIV Districts shall be subject to the following standards:

- (1) 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, RIV-MU, RIV-IMU and HC districts Assembly, Public (Limited) uses shall be subject to the following standards:

- 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.

4. The proposed use shall be subject to the Site Plan Review Procedures of Section 922.04.

(b) In P District

Assembly, Public (Limited) uses shall be subject to the following standards in the P 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.

(c) In EMI districts Assembly, Public (General) uses shall be subject to the following standards:

- (1) The design shall include devices which prevent noise associated with the use of the facility from being heard on other properties in the vicinity;
- (2) A traffic analysis shall be submitted demonstrating that the proposed development will not create traffic congestion in the district;
- (3) The proposed use shall be in compliance with an approved Institutional Master Plan; and
- (4) The proposed use shall be subject to the Project Development Plan procedures of Section 922.10.

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 P District

Assembly, Public (General) uses shall be subject to the following standards in the P 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.

(c) In EMI Districts

- (1) *[Reserved.]*
- (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;

- (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; and
- (7) The proposed use shall be in compliance with an approved Institutional Master Plan;
- (8) The proposed use shall be subject to the Project Development Plan procedures of Section 922.10.

(d) In RIV 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) Parking shall be provided in a location and manner that allows for all parking to be located outside of residential districts; and
- (4) 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.

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 manager available on the premises on a twenty-four-hour-day basis while guests are on the premises;
- (b) Food and beverage service shall be limited to breakfast for registered, paying overnight guests except in the case of limited social and business functions held on premises;
- (c) Guests shall be limited to a maximum length of stay of fifteen (15) consecutive days in any thirty-day period;
- (d) Wherein limited retail sales limited to incidental, occupant convenience items, and marketing and promotional items of our city are allowed to be sold to guests and visitors on the premises provided that there is no indication of items for sale by way of exterior signs or window displays;
- (e) Wherein limited social and business functions may occur provided that:



- (1) The hours are limited to no later than 6:00 p.m. daily for bed and breakfasts (Limited); and no later than 11:00 p.m. Monday through Saturday, and 6:00 p.m. on Sunday for bed and breakfasts (General). No bed and breakfast shall host more than two (2) scheduled social or business functions per week.
- (2) Valet parking shall be provided having a minimum of one (1) parking stall for every four (4) occupants permitted under the occupancy placard issued by the Bureau of Building Inspection.
- (3) Strict compliance with the local noise ordinance is maintained.
- (4) Occupancy shall not exceed the number of persons listed on the occupancy placard by the Bureau of Building Inspection.

(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 (1) Bed and Breakfast use shall be permitted in a building and only in a single-unit residential structure.

(j) The Bureau of Building Inspection shall designate at least one enforcement officer to be available during evening hours on weekdays and weekends to enforce the restrictions contained in this chapter.

(k) A Bed and Breakfast Problem Solving Task Force is hereby created comprising Public Safety, Bureau of Building Inspection, City residents living adjacent to Bed and Breakfast, and representatives of Bed and Breakfast Association to (1) receive complaints and mediate disputes and (2) initiate a report to City Council at the end of twelve (12) months with recommendations for legislative amendments if needed. This shall take effect upon the date of the Mayor's signature (March 26, 1999), and will expire one (1) year later.

(Ord. No. 3/April 1, 1999/Amend. U-4)

#### 911.04.A.8 Bed and Breakfast (Limited)

(a) In Residential and Grandview Public Realm, RIV-RM, and EMI Districts, Bed and Breakfast (Limited) uses shall be subject to the following standards:

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 (3) guest rooms, to be

occupied by a total of no more than five (5) guests;

- (2) An identification sign, non-illuminated and no larger than four (4) 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 (1) parking stall for the resident operator and one (1) 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 R1D-VL and R1D-L Districts, a bed and breakfast use may only be located in a historically designated structure.

#### 911.04.A.9 Bed and Breakfast (General)

(a) In R2, RM, Grandview Public Realm, RIV-RM and EMI Zoning Districts, Bed and Breakfast (General) uses shall be subject to the following standards:

- (1) The Bed and Breakfast use shall be limited to no more than ten (10) guest rooms and each guest room may provide lodging for up to two (2) individuals, unless children under the age of sixteen (16) years are accompanying the guests, and in no instance shall the total number of guests in a Bed and Breakfast use exceed thirty (30);
- (2) An identification sign, non-illuminated and no larger than four (4) 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 (2) parking stalls for the resident operator and one (1) 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 sixty (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 and RIV-IMU Districts, car wash uses shall be subject to the following standards:

- (1) Curb cuts shall be located a minimum of sixty (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 R1D and R1A Districts

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

- (1) The Approving Body shall determine that the proposed use will not create detrimental impact on the surrounding properties, taking into consideration the probable traffic generation, height, bulk and scale of the proposed structure, compatibility of the proposed structure with residential structures in the district, parking needs, noise generation, the volume of people, and hours of operation;
- (2) Outdoor play areas shall be sufficiently enclosed and screened from the street such that children are protected from vehicular traffic, and that neighboring properties are screened in order to minimize external impacts of the play areas; and

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

(b) In the GI District

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

- (1) Child Care uses shall be located and designed so as to protect children from any external impacts of industrial operations in the vicinity;
- (2) The proposed use shall be subject to the Site Plan Review procedures of Sec. 922.04;
- (3) Parking and access shall be provided in such a way as to protect users from any external impacts of traffic in the vicinity; and
- (4) The Approving Body shall determine that the proposed location of such use will not create detrimental impacts for children attending such facility, taking into consideration surrounding industries, hazardous conditions, traffic generation and hours of operation.

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

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

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

(d) In EMI Districts

Child Care uses shall be subject to the following standards:

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

#### 911.04.A.13 Communication Towers and Antennas

The following standards shall apply to all Communication Tower and Antenna Primary Uses:

- (a) The following standards shall apply to all Communication Tower and Antenna uses in all zoning

districts in addition to the standards required for each Class of Tower (Class A, B, and C) listed hereafter:

(1) In all zoning districts:

(i) All Tower and Antenna applications on parcels of land shall be submitted to the Zoning Administrator for the Administrator's review and comment.

(ii) All applications that are within a Public Right-of-Way shall be subject to all applicable guidelines and standards as adopted by the Art Commission, and all applicable standards and processes within the City Code regarding obstructions or otherwise dealing with structures within Rights-of-Way. Administration of approvals and permits within Rights-of-Way shall be as prescribed by the Director of Mobility and Infrastructure.

(iii) Applications shall be deemed complete only upon receipt of all requisite documents necessary for review including, but not limited to those listed in Section 911.04.A.13(a)(8), and certification that the submitted documents are adequately complete and accurate for review.

(iv) Applications where the subject is a Primary Use will be reviewed in accordance with the process and standards herein.

(v) Applications where the subject is an Accessory Use or Structure will be reviewed by the Administrator as an Administrator's Exception and approved or rejected in accordance with the procedure set forth in Section 922.08, and in accordance with the standards within Section 912.04.G of the Code.

(vi) Applications where the subject is a Primary Use, and where the proposal meets the criteria below, will be reviewed by the Zoning Administrator as an Administrator's Exception and approved or rejected in accordance with the procedure set forth in Section 922.08:

a. New Antenna locating and co-locating on an existing Tower or Alternative Antenna Support Structures.

b. New concealed, stealth or camouflaged Towers, Antenna, DAS or Alternative Antenna Support Structures which are designed to blend in with the surroundings, including but not limited to, Antennas located in a structure such as a church steeple, or bell tower but which are not noticeable to the reasonable observer, and Antennas disguised as things such as trees, flagpoles, chimneys, grain silos or anything consistent with the surroundings.

c. New Antenna installed on a structure other than a Tower; provided the Antenna and supporting electrical and mechanical equipment must be of a neutral color that is closely compatible with the color of the supporting structure so as to make the Antenna and related equipment as visually unobtrusive as possible. Specifically, the application will be reviewed to determine whether it is compatible with the neighborhood, the surrounding uses, and the skyline.

d. Amateur Radio Antennas up to eighty (80) feet, that are owned and operated, exclusively, by a federally licensed amateur radio station operator. Approval of said Amateur Radio Antennas is conditioned upon the lack of interference with immediate neighbors' quiet enjoyment of their property.

e. Temporary Towers and Antennas, where temporary means six (6) months or less, and said

Towers and Antennas shall not exceed eighty (80) feet.

- (2) The owner shall maintain the Tower, Antenna, Communications Facility, Station and Transmission Equipment in compliance with standards contained in applicable Federal, State and Local laws and regulations.
- (3) All Towers, except concealed, stealth or camouflaged Towers and Antenna which are designed to blend in with the surroundings, and Alternative Antenna Support Structures shall be designed for collocation, which shall mean the ability of the structure to allow for the placement of antennae for three (3) or more tenants. As a condition of issuing a permit to construct or operate a Tower in the City, the owner/operator of the Tower is required to allow collocation until said Tower has reached maximum structural and frequency capacity. Any expansion of a Tower requires the entire site and/or Communications Facility to comply with the standards and conditions set forth in this Pittsburgh Zoning Code.
- (4) Communications Facility shall mean any accessory building, structure, equipment cabinet, Base Station, Transmission Equipment or any other equipment installed in connection with Towers and/or Antennas for the direct or indirect purpose of providing low power radio communications service and shall be:
  - (i) Constructed so as to conform with all aspects of the Pittsburgh Code, including but not limited to, requirements regarding height, setback, lighting, landscaping, screening, construction materials, etc., and
  - (ii) Fully automated and unattended on a daily basis and shall be visited only for periodic maintenance, and
  - (iii) Accessed by means of a public street or easement to a public street. The easement shall be a minimum of twenty (20) feet in width and shall be improved to a width of at least twelve (12) feet with a dust-free, all-weather surface for the entire length. The access shall be landscaped to the satisfaction of the Zoning Administrator.
- (5) A soil report complying with the standards of Appendix I: Geotechnical Investigations, ANSI/EIA-222-E, as amended, shall be submitted to the City, sealed by a Professional Engineer, to document and verify the design specifications of the foundation for the Communications Tower and/or Antenna, and anchors for the guy wires if used.
- (6) The Towers and Antennas erected thereon as well as free-standing Communication Antennas shall be designed to withstand wind gusts in accordance with in accordance with the current Structural Standards for Steel Antenna Towers and Antenna Supporting Structures, published by the Electrical Industrial Association/Telecommunications Industry Association and applicable requirements of the Pennsylvania Uniform Construction Code and other applicable regulations, current BOCA Code standards and/or other applicable generally accepted industry standards, laws, ordinances and regulations.
- (7) All new Applications for Communications Towers shall be accompanied with a statement from an engineer qualified in the field of radio frequency engineering, certifying that the

Communications Tower and Communications Facility are within the applicable standards adopted by the Federal Communications Commission (FCC) for safety levels with respect to human exposure to radio frequency electromagnetic fields, as the same shall exist at the time of application.

(8) All applications shall include:

- (i) A map illustrating the location of the site for the proposed Tower, Antenna, Station and/or Communications Facility. The site shall be physically and visually marked in the field, for immediate identification, with any combination of survey irons or flags.
- (ii) Explanation from the Applicant as to why the site was selected. No new Tower or Antenna shall be permitted unless the Applicant submits evidence that demonstrates that no existing Tower, Antenna, Station, Communications Facility or structure can accommodate the Applicant's proposed antenna.
- (iii) A written commitment to the Zoning Administrator from the owner/operator of the Tower that the owner/operator shall allow collocation on the Tower where structurally and economically feasible.
- (iv) A visual analysis, which may include photo simulation or other techniques, which identifies the potential visual impacts of the proposed Tower, Antenna, Station or Communications Facility. Visual analysis of the Tower, Antenna, Station or Communications Facility shall be from at least two (2) directions.
- (v) Radio Frequency Propagation Maps.
- (vi) A NEPA (National Environmental Policy Act) Environmental Compliance Checklist prepared in accordance with Section 106 of NEPA; which shall be provided by the Applicant prior to the issuance of a permit.
- (vii) A report by a certified engineer documenting the following:
  - a. Tower or Antenna height and design, including technical, engineering, collocation, economic and other pertinent factors governing selection of the proposed design. Height shall be measured to the highest point of the structure and/or the highest point of its accessory equipment or antenna, whichever is higher. A cross section of the Tower or Antenna shall be included.
  - b. Total anticipated capacity of the site, including number and types of Antennas which can be accommodated.
  - c. Evidence of structural integrity of the Tower and/or the Antenna structure.
  - d. Failure characteristics of the Tower and/or Antenna and demonstration that the site and setbacks are of adequate size to accommodate debris.
  - e. Ice hazards and mitigation measures which have been employed, including increased setbacks and/or deicing equipment.
  - f. Specific design and construction plans for the Tower, Antenna, Station or Communications Facility which include the means by which shared use requirements will be met.

(viii) Site plans.

a. A plot plan shall be submitted with the application showing the location and dimensions of the Tower, Antenna, Station and/or Communications Facility and all improvements in the project area, including information concerning (if required) rights-of-way and easements, topography, setbacks, ingress/egress, parking, fencing, landscaping, screening, concealment, and adjacent zoning and uses. Concept plan approval by the Approving Body is required for applications requiring ZBA or City Council approval. Final Site Plan approval is required by the Zoning Administrator prior to the issuance of an Occupancy Permit. Final Site Plan approval by the Zoning Administrator is also required for administratively approved applications.

b. As part of the plot plan review, screening, fencing, or anti-climbing security features will be required, at the discretion of the Zoning Administrator, around the base of the Tower, Antenna, Station and/or Communications Facility and any shelters as listed in the Use Standards for the specific Class of Tower.

(9) Abandoned Towers and Antennas.

(i) The Tower, Antenna, Station and/or Communications Facility shall be utilized continuously for communication services. In the event the Tower, Antenna, Station and/or Communications Facility ceases to be used for communication services for a period of six (6) consecutive months, the Tower, Antenna, Station and/or Communications Facility shall be removed. The Applicant may be granted an extension up to six (6) months at the discretion of the Zoning Administrator.

(ii) All abandoned Towers, Antennas, Stations and/or facilities improvements above ground and to three (3) feet below grade shall be removed within ninety (90) days of abandonment.

(iii) All unused building-mounted Antennas shall be removed within sixty (60) days of abandonment.

(iv) The Department of Permits, Licensing and Inspections, as well as the Department of Public Works and Department of Mobility and Infrastructure will monitor the Towers, Antennas, Stations and/or facilities for signs of abandonment.

(10) Damaged/Destroyed Towers and Antennas.

Any Tower, Antenna, Station and/or Communications Facility damaged/destroyed by vandalism, terrorism, faulty construction or design, wind, ice, snow, earthquake, fire, or other act of nature or God, that was completely operational/functional at the time of the damage/destruction, must be repaired/replaced within six (6) months of damage/destruction. If the Tower, Antenna, Station and/or Communications Facility is not repaired/replaced within six (6) months the requirements under "Abandoned Towers and Antennas" will apply.

(11) Replacement Towers and Antennas.

(i) Any Tower or Antenna can be replaced with a similar Tower or Antenna for reasons of structural integrity, or advances that have been made in technology since the installation of the existing Tower, or for the installation of a less intrusive technology or stealth technology.

(ii) Replacement Towers must meet the requirements of this Section.

(iii) Replacement Towers must receive administrative approval and are subject to the fee schedule in this Section.



(b) Communication Tower, Class A (zero (0) feet to eighty (80) feet).

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 three hundred (300) feet from the lot line of any adjacent R-zoned lot that is occupied by one (1) 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 five (5) feet from any property line, and no closer than ten (10) feet from the lot line of an R-zoned lot that is occupied by one (1) 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 eighty (80) feet provided it is demonstrated to the Administrator that such height is necessary and essential for the proper functioning of the concerned Tower, Antenna, Station and/or Communications Facility and said Tower, Antenna, Station and/or Communications Facility employs concealment, stealth technology, or is otherwise camouflaged with a design to blend in with the surroundings or otherwise be disguised consistent with the surroundings;
- (iii) The applicant shall demonstrate to satisfaction of the Zoning 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 the proposed Tower, Antenna, Station and/or Communications Facility cannot be co-located on an existing structure. The information submitted by the applicant shall include a map of the area to be served by the Tower, Antenna, Station and/or Communications Facility and the relationship of the proposed site to other telecommunications Towers, Antennas, Stations and/or facilities;
- (iv) A fence or wall not less than six and one-half (6½) feet in height from finished grade shall be constructed around each Tower and around each guy anchor and peripheral support. The fence or wall shall comply with all provisions of this Zoning Code, including but not limited to the relevant provisions of Chapters 918 and 925 of this Zoning Code, as well as with the following standards:
  - a. Access to the Tower shall be through a locked gate in the required fence or wall;
  - b. 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 five (5) feet with trees planted along the exterior of the screen. Tree plantings shall consist of three-inch minimum caliper deciduous or evergreen trees planted twenty (20) feet on center maximum. Existing vegetation shall be preserved to the maximum extent possible; and
  - c. If high voltage is necessary for the operation of the Tower and it is present in a ground grid or in the Tower, signs located every twenty (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 Towers shall be removed within six (6) 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:
  - a. The minimum setback between Communication Towers and property lines of non-residentially zoned lots shall be at a distance equal to twenty (20) percent of the height of the Tower;
  - b. Communication Towers shall be setback a minimum of fifty (50) feet from any existing or planned right-of-way; and
  - c. Communication Towers shall be set back a minimum of three hundred (300) feet from the lot line of any adjacent R-zoned lot that is occupied by one (1) or more dwelling units.
- (ii) 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 five (5) feet from any property line, and no closer than ten (10) feet from the lot line of an R-zoned lot that is occupied by one (1) or more dwelling units.
- (iii) 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, Antenna, Station and/or Communications Facility and said Tower, Antenna, Station and/or Communications Facility employs concealment, stealth technology, or is otherwise camouflaged with a design to blend in with the surroundings or otherwise be disguised consistent with the surroundings.
- (iv) When a Communication Tower, Antenna, Station and/or Communications Facility 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 the proposed Communication Tower, Antenna, Station and/or Communications Facility cannot be co-located on an existing structure and that a diligent effort was made to locate on an existing structure . The information submitted by the Applicant

shall include a map of the area to be served by the Tower, Antenna, Station and/or Communications Facility and the relationship of the proposed site to other telecommunications Towers.

a. When the proposed site is in any residential district, the Applicant shall demonstrate to the satisfaction of Council that the proposed Communication Tower, Antenna, Station and/or Communications Facility cannot be co-located on an existing Tower, Antenna, Station and/or Communications Facility within a nonresidential district and that a diligent effort was made to locate on an existing structure. The information submitted by the Applicant shall include a map of the area to be served by the Tower, Antenna, Station and/or Communications Facility and the relationship of the proposed site to other telecommunications Towers.

(v) A fence or wall not less than six and one-half (6½) 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 all provisions of this Zoning Code, including but not limited to the relevant provisions of Chapters 918 and 925 of this Zoning Code, as well as with the following standards:

a. Access to the Tower shall be through a locked gate in the required fence or wall;

b. In accordance with Chapter 918, 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 five (5) feet with trees planted along the exterior of the screen. Tree plantings shall consist of three-inch minimum caliper deciduous or evergreen trees planted twenty (20) feet on center maximum. Existing vegetation shall be preserved to the maximum extent possible; and

c. 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 twenty (20) feet and attached to the fence or wall shall display in large bold letters the following: "HIGH VOLTAGE- DANGER".

(vi) Communication Towers shall not encroach into or through any established public or private airport approach path as established by the Federal Aviation Administration (FAA).

(vii) All obsolete or unused Communication Towers shall be removed within six (6) months of cessation of use.

(viii) Communication Towers shall comply with current Federal Communication Commission standards for non-ionizing electromagnetic radiation (NIER).

(ix) 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.

(x) 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).

(c) Communication Tower, Class B (eighty-one (81) feet to one hundred eighty (180) feet can be allowed as Special Exceptions in accordance with the Review Procedures of Sec. 922.07; and Class C (one hundred eighty-one (181) feet and above) can be allowed as Conditional Uses in accordance with

the Review Procedures of Sec. 922.06: 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 property lines of non-residentially zoned lots shall be at a distance equal to twenty (20) percent of the height of the Tower;
  - (ii) Communication Towers shall be setback a minimum of fifty (50) feet from any existing or planned right-of-way; and
  - (iii) Communication Towers shall be set back a minimum of three hundred (300) feet from the lot line of any adjacent R-zoned lot that is occupied by one (1) or more dwelling unit.
  - (iv) 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 five (5) feet from any property line, and no closer than ten (10) feet from the lot line of an R-zoned lot that is occupied by one (1) or more dwelling units.
- (2) Class B and C Communication Towers' height must be demonstrated to the appropriate approving body, such as the ZBA, Planning Commission or City Council that such height is necessary and essential for the proper functioning of the concerned Tower, Antenna, Station and/or Communications Facility and said Tower, Antenna, Station and/or facility employs concealment, stealth technology, or is otherwise camouflaged with a design to blend in with the surroundings or otherwise be disguised consistent with the surroundings.
- (3) When a Class B or C Communication Tower is proposed to be located in any district, the Applicant shall demonstrate to satisfaction of the appropriate approving body, such as the ZBA, Planning Commission or City 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 the proposed Communication Tower, Antenna, Station and/or Communications Facility cannot be co-located on an existing Tower, Antenna, Station and/or facility and that a diligent effort was made to locate on an existing structure. The information submitted by the Applicant shall include a map of the area to be served by the Tower, Antenna, Station and/or Communications Facility and the relationship of the proposed site to other telecommunications Towers.
  - (i) When the proposed site is in any residential district, the Applicant shall demonstrate to the satisfaction of the appropriate approving body, such as the ZBA, Planning Commission or City Council that the proposed Communication Tower, Antenna, Station and/or Communications Facility cannot be co-located on an existing Tower, Antenna, Station and/or facility within a nonresidential district and that a diligent effort was made to locate on an existing structure. The information submitted by the Applicant shall include a map of the area to be served by the Tower, Antenna, Station and/or Communications Facility and the relationship of the proposed

site to other telecommunications Towers.

- (4) A fence or wall not less than six and one-half (6½) 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 all provisions of this Zoning Code, including but not limited to the relevant provisions of Chapters 918 and 925 of this Zoning Code, as well as 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 five (5) feet with trees planted along the exterior of the screen. Tree plantings shall consist of three-inch minimum caliper deciduous or evergreen trees planted twenty (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 twenty (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 six (6) months of cessation of use.
- (7) Communication Towers 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).

(Ord. No. 33-2016, § 1, eff. 12-13-16; Ord. No. 25-2018, § 3, eff. 7-19-18)

#### 911.04.A.14 Community Center (Limited and General)

##### (a) Community Center (Limited)

##### (1) In all Residential, Grandview Public Realm, and RIV-RM 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 (1) 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 all UI and EMI Districts

Community Center (Limited and General) uses shall be subject to the following standards:

- (i) The proposed use shall be subject to the Site Plan Review Procedures of Section 922.04; and
- (ii) 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 (1) time; and
- (iv) The Residential Compatibility Standards of Chapter 916 shall apply.

(2) In P and Grandview Public Realm Districts

Community Center (General) uses in the P 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 (1) time; and
- (iv) The Residential Compatibility Standards of Chapter 916 shall apply.

(3) In EMI Districts

Community Center (General) uses shall be subject to the following standards:

- (i) The proposed use shall be subject to the Site Plan Review procedures of Section 922.04;
- (ii) Parking shall be provided in a location and manner that allows for all parking to be located outside of residential areas.

(4) In RIV 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; and
- (ii) 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 (1) time.

911.04.A.15 Construction Contractor (Limited)

(a) In LNC, NDI, UNC, and RIV Districts

Construction Contractor (Limited) uses shall be subject to the following standards in the LNC, NDI, UNC, and RIV 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 and RIV-RM 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 (1) time; and

(4) The Residential Compatibility Standards of Chapter 916 shall apply.

(b) In the P District

Cultural Service (Limited) uses shall be subject to the following standards in the P 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:

- (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; and
- (3) The proposed use shall be subject to the Site Plan Review procedures of Section 922.04.

(d) In EMI Districts

- (1) The proposed use shall be in compliance with an approved Institutional Master Plan; and
- (2) The proposed use shall be subject to the Project Development Plan procedures of Section 922.10

#### 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 P District

Cultural Service (General) uses shall be subject to the following standards in the P 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.

(d) In EMI Districts

Cultural Service (General) uses shall be subject to the following standards:

- (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, 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 meeting facilities;
- (2) The proposed use shall be in compliance with an approved Institutional Master Plan;
- (3) The proposed use shall be subject to the Project Development Plan procedures of Section 922.10.

#### 911.04.A.20 Educational Classroom Space (Limited)

##### (a) In non-EMI Districts

Educational Classroom Space (Limited) shall be subject to the following standards:

- (1) The design of the structure shall follow the district's development standards for commercial uses;
- (2) The height and bulk of the proposed structure shall be designated as to minimize blocking of views from adjacent residential properties;
- (3) 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
- (4) 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;
- (5) The proposed use shall be subject to the Site Plan Review procedures of Section 922.04.

##### (b) In EMI districts

Educational Classroom Space (Limited) shall be subject to the following standards:

- (1) The proposed use shall be in compliance with an approved Institutional Master Plan; and
- (2) The proposed use shall be subject to the Project Development Plan procedures of Section 922.10.

#### 911.04.A.21 Educational Classroom Space (General)

(a) In UNC Districts

Educational Classroom Space (General) shall be subject to the following standards:

- (1) The design of the structure shall follow the district's development standards for commercial uses;
- (2) The height and bulk of the proposed structure shall be designed as to minimize blocking of views from adjacent residential properties;
- (3) 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
- (4) 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;

(b) In EMI Districts

Educational Classroom Space (Limited) shall be subject to the following standards:

- (1) The proposed use shall be in compliance with an approved Institutional Master Plan; and
- (2) The proposed use shall be subject to the Project Development Plan procedures of Section 922.10.

(c) In RIV Districts

Educational Classroom Space (General) shall be subject to the following standards:

- (1) 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
- (2) 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 **and Title Thirteen: Stormwater Management, as applicable;**
- (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 Department of Mobility and Infrastructure.

911.04.A.22A Forestry Uses Shall be Subject to the Following Standards:

- (a) Site Plan (Logging Plan) Review will be required as per Section 922.04.
  - (1) Such a plan must be drawn to scale and in addition to information required in Section 922.09 of the Zoning Code depict: the location of trees to be cut and residual stands; the location of all skid roads, skid trails and log landings; the location of any streams or wetlands; the location of curb cuts; the location of public or private easements; the location of any residential structure within fifty (50) feet of the property line.
  - (2) Forestry activities shall be at least fifty (50) feet from property lines.
  - (3) Forestry activities shall be at least one hundred (100) feet from a residential structure.
  - (4) Debris shall not be stored within the previously specified setbacks.
  - (5) Log Landings, skid roads and skid trails as specific forestry activities shall observe previously specified setbacks.
  - (6) Access to haul roads shall be via an approved curb cut.
  - (7) Forestry activities shall not occur between 10:00 p.m. and 7:00 a.m. and may have further restrictions placed on hours of operation as determined by the Zoning Administrator.
  - (8) Prior to approval, the Zoning Administrator will require the approval of all haul roads by the Department of Mobility and Infrastructure.
  - (9) Timber harvesting shall not occur on slopes greater than forty (40) percent.
  - (10) No more than fifty (50) percent of the trees shall be removed on slopes greater than twenty-five (25) percent.
  - (11) No more than fifty (50) percent of the trees shall be removed within fifty (50) feet of any

stream or wetland.

(12) Compliance with Environmental Overlay Districts (906) requirements must be assured.

(13) An approved revegetation plan depicting the planting of specific species by area is required; no invasive species may be employed in that planting plan.

(14) Proof of liability insurance naming the property owner and the City of Pittsburgh as insured or additional insureds with combined coverage of no less than one million dollars (\$1,000,000.00).

(15) Compliance with all applicable City of Pittsburgh, Allegheny County, Commonwealth of Pennsylvania and Federal laws.

#### 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 occupancy permit application 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;
- (5) The proposed use shall be in compliance with an approved Institutional Master Plan; and
- (6) The proposed use shall be subject to the Project Development Plan procedures of Section 922.10.

(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;
- (5) The proposed use shall be in compliance with an approved Institutional Master Plan; and
- (6) The proposed use shall be subject to the Project Development Plan procedures of Section 922.10.

(Ord. No. 24/August 21, 2000/Amend U-23)

911.04.A.24 Freight Terminal

(a) In HC and RIV Districts

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 two hundred (200) feet to any property in a R or H District, and one hundred (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 (1) parking space sufficient to park a motor freight vehicle for every four (4) 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 and/or Department of Mobility and Infrastructure.

#### 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 three hundred (300) feet of any districts other than GI or RIV-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 fifty (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 nine hundred (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 one hundred eighty (180) feet from a school stadium, playground, school athletic field or public right-of-way adjacent to and within one-quarter ( $\frac{1}{4}$ ) 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 three hundred fifty (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 four hundred (400) feet from an Elementary or Secondary School building which has a minimum regular attendance of fifty (50) or more students.

(d) A helicopter landing area with more than three (3) flights per month occurring between 10:00 p.m. and 7:00 a.m. shall be located at least four hundred (400) feet from residential uses in residential, RP, AP, SP, and LNC Districts.

(e) A helicopter landing area with three (3) or fewer flights per month occurring between 10:00 p.m. and 7:00 a.m. shall be located at least three hundred (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 RIV-NS Districts.

(g) A helicopter landing area shall be spaced at least two thousand (2,000) feet from any other helicopter landing area. This spacing requirement may be reduced to one thousand five hundred (1,500) feet if it is demonstrated that all associated approach/departure flight paths are at least one thousand five hundred (1,500) feet from one (1) 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 fifty (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 three (3) db in noise levels, measured at a four hundred-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 thirty-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 sixteen (16) specific environmental categories (out of twenty (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 sixteen (16) categories are:

- (1) Noise in terms of Ldn via analysis utilizing the FAA helicopter noise model;
- (2) Compatible land use within four hundred (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, RIV-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 sixteen (16) specific environmental categories (out of twenty (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 sixteen (16) categories are:

- (1) Noise in terms of Ldn via analysis utilizing the FAA helicopter noise model;
- (2) Compatible land use within four hundred (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 seventy-five (75) dBLdn at residential uses in residential zoning districts, the application shall be denied.

(c) An environmental report addressing the pertinent sixteen (16) specific environmental categories (out of twenty (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 sixteen (16) categories are:

- (1) Noise in terms of Ldn via analysis utilizing the FAA helicopter noise model;
- (2) Compatible land use within four hundred (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, CP, SP, UI, GI, RIV-IMU, RIV-NS, and EMI Districts:

The following standards shall apply to all Helistops in GT, CP, SP, UI, GI, RIV-IMU, RIV-NS, 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 seventy-five (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 and RIV-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.

- (b) In EMI Districts

Hotel/Motel (Limited) uses shall be subject to the following standards:

- (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, generation of noise and the hours of operation; and
- (2) The proposed use shall be subject to the Project Development Plan procedures of Section 922.10.

- (c) In RIV Districts

Hotel/Motel (Limited) uses shall be subject to the following standards:

- (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, generation of noise and the hours of operation; 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.

(b) In EMI Districts

Hotel/Motel (General) uses shall be subject to the following standards:

- (1) The height and bulk of the proposed structure shall be designed as to minimize blocking of views from adjacent residential properties;
- (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, generation of noise and the hours of operation; and
- (3) The proposed use shall be subject to the Project Development Plan procedures of Section 922.10.

(c) In the RIV-MU District

Hotel/Motel (General) uses shall be subject to the following standards:

- (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) 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.

#### 911.04.A.35 Housing for the Elderly

##### (a) In all Districts except RIV

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 (40) percent of the required lot shall be in usable open space at ground level, not less than eight (8) 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 and RIV-RM

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 four hundred fifty (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.

(d) In RIV-MU, RIV-NS and RIV-IMU

Housing for the Elderly (Limited and General) shall be subject to the following standards:

- (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 site should be reasonably accessible to food markets, drug stores, medical facilities and social services;
- (3) The site shall have reasonable access to public transit; and
- (4) 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;

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.

(b) In EMI Districts

Laboratory, Research Services (Limited and General) uses shall be subject to the following standards:

- (1) The height and bulk of the proposed structure shall be designed as to minimize blocking of

views from adjacent residential properties;

- (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, generation of noise and the hours of operation; and
- (3) The proposed use shall be in compliance with an approved Institutional Master Plan; and
- (4) The proposed use shall be subject to the Project Development Plan procedures of Section 922.10.

#### 911.04.A.38 Library (Limited and General)

##### (a) In R1D, R1A, R2, R3, RM, and RIV-RM Subdistricts

Library (Limited) uses shall be subject to the following standards in the R1D, R1A, R2, R3, RM, and RIV-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 Section 922.04 shall apply.

##### (c) In EMI Districts

Library (Limited and General) uses shall be subject to the following standards:

- (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, 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 meeting facilities;
- (2) The proposed use shall be in compliance with an approved Institutional Master Plan; and
- (3) The proposed use shall be subject to the Project Development Plan procedures of Section 922.10.

#### 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.

(c) In the RIV-MU District

Manufacturing and Assembly (Limited) uses shall be subject to the following standards:

(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.40 Manufacturing and Assembly (General)

(a) In NDI, UI, RIV and HC Districts

Manufacturing and Assembly (General) uses shall be subject to the following standards in the NDI, UI, RIV 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 one (1) space per two (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

Multi-Suite Residential (Limited and General) uses shall be subject to the following standards:

- a. The proposed use shall be subject to the Site Plan Review procedures of Section 922.04;
- 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 one (1) space per two (2) sleeping rooms.

(3) In EMI Districts

Multi-Suite Residential (Limited) shall be subject to the following standards:

- 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. 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;
- d. 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;
- e. Parking will be provided at a minimum of one (1) space per two (2) sleeping rooms; and
- f. The proposed use shall be subject to the Project Development Plan procedures of Section 922.10.

(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 one (1) space per two (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 one (1) space per two (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 one (1) space per two (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.

(4) In EMI Districts

Multi-Suite Residential uses shall be subject to the following standards:

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. 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;

d. 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;

e. Parking will be provided at a minimum of one (1) space per two (2) sleeping rooms; and

f. The proposed use shall be subject to the Project Development Plan procedures of Section 922.10.

911.04.A.42 Office (Limited) in the NDO and EMI Districts:

(a) In NDO District

Office (Limited) uses shall be subject to the following standards:

- (1) The proposed use shall be subject to the Residential Compatibility Standards of Chapter 916;
- (2) The proposed use shall be subject to the Landscaping and Screening Standards of Chapter 918;
- (3) 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 of a scale and character that is consistent with the scale and character of adjacent residential neighborhoods;
- (4) The gross floor area of any non-residential development, or any portion of any development which is non-residential in use shall not exceed eight thousand (8,000) square feet;
- (5) 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
- (6) For Office (General) uses, 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 EMI Districts

Office (limited) uses shall be subject to the following standards:

- (1) The proposed use shall be in compliance with an approved Institutional Master Plan; and
- (2) The proposed use shall be subject to the Project Development Plan procedures of Section 922.10.

911.04.A.43 Office (General) in LNC, NDI, GI, NDO, RIV and EMI Districts

(a) In the LNC, RIV and NDI Districts Office (General) uses shall be subject to the following standards:

- (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.

(b) In the GI District Office (General) uses shall be subject to the following standards:

- (1) The use shall be allowed only in buildings that were in existence prior to the effective date specified by the provisions of Section 901.05 and only when located above the ground floor.

(c) In the NDO District Office (General) uses shall be subject to the following standards:

- (1) The proposed use shall be subject to the Residential Compatibility Standards of Chapter 916;
- (2) The proposed use shall be subject to the Landscaping and Screening Standards of Chapter 918;

- (3) 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 of a scale and character that is consistent with the scale and character of adjacent residential neighborhoods;
- (4) Parking shall be provided in a location and manner that allows for all parking requirements by the facility, and all traffic created by the facility, to be located outside of residential districts; and
- (5) For office (General) uses, 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.

(d) In EMI Districts

Office (General) uses shall be subject to the following standards:

- (1) The proposed use shall be in compliance with an approved Institutional Master Plan;
- (2) The proposed use shall be subject to the Project Development Plan procedures of Section 922.10.

911.04.A.44 Parking, Commercial (Limited)

(a) In NDI, UNC, and GI Districts:

Parking, Commercial (limited) uses shall be subject to the following standards in NDI, UNC, and GI districts:

- (1) The use shall be located to minimize disruption to pedestrian movements; and
- (2) Curb cuts shall be located a minimum of sixty (60) feet from an intersection and sixty (60) feet from other curb cuts.

(b) In LNC and RIV Districts:

Parking, Commercial (limited) uses shall be subject to the following standards in the LNC and RIV Districts:

- (1) The use shall be located to minimize disruption to pedestrian movements;
- (2) Curb cuts shall be located a minimum of sixty (60) feet from an intersection and sixty (60) feet from other curb cuts; 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, hours of operation, noise, and light.



(c) In EMI districts

Parking, Commercial (Limited) uses shall be subject to the following standards:

- (1) The use shall be located to minimize disruption to pedestrian movements;
- (2) Curb cuts shall be located a minimum of sixty (60) feet from an intersection and sixty (60) feet from other curb cuts;
- (3) The proposed use shall be in compliance with an approved Institutional Master Plan; and
- (4) The proposed use shall be subject to the Project Development Plan procedures of Section 922.10.

911.04.A.45 Parking, Commercial (General)

(a) In all non-EMI Districts

Parking, Commercial (General) uses shall be subject to the following standards:

- (1) The use shall be located to minimize disruption to pedestrian movements;
- (2) Curb cuts shall be located a minimum of sixty (60) feet from an intersection and sixty (60) feet from other curb cuts; 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, hours of operation, noise, and light.
- (4) The lot containing the Parking, Commercial (General) use shall not be located within one thousand (1,000) feet from a Gaming Enterprise as measured from the lot lines of the subject properties.

(b) In EMI districts

Parking, Commercial (Limited) uses shall be subject to the following standards:

- (1) The use shall be located to minimize disruption to pedestrian movements;
- (2) Curb cuts shall be located a minimum of sixty (60) feet from an intersection and sixty (60) feet from other curb cuts;
- (3) The proposed use shall be in compliance with an approved Institutional Master Plan; and
- (4) The proposed use shall be subject to the Project Development Plan procedures of Section 922.10.

(c) In RIV-NS District

Parking, Commercial (Limited) uses shall be subject to the following standards:

- (1) Commercial parking lots shall be permitted only when they also serve as accessory or shared

parking for on-site or adjacent uses at different peak parking demands.

**911.04.A.46 Parks and Recreation (Limited and General)**

(a) In Residential, Grandview Public Realm and EMI 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 twenty-five (25) percent 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 P Districts

Recreation and Entertainment, Outdoor (General) uses shall be subject to the following standards in the P

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.

(e) In EMI Districts

Recreational and Entertainment, Indoor (General) uses shall be subject to the following standards:

- (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, generation of noise and the 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 development;

- (3) The height and bulk of the proposed structure shall be designed as to minimize blocking of views from adjacent residential properties;
- (4) The proposed use shall be in compliance with an approved Institutional Master Plan; and
- (5) The proposed use shall be subject to the Project Development Plan procedures of Section 922.10.

#### 911.04.A.48 Recreation and Entertainment, Indoor (Limited)

##### (a) In the P District

Recreation and Entertainment, Indoor (Limited) uses shall be subject to the following standards in the P 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.

##### (b) In EMI Districts

Recreational and Entertainment, Indoor (Limited) uses shall be subject to the following standards:

- (1) The proposed use shall be in compliance with an approved Institutional Master Plan; and
- (2) The proposed use shall be subject to the Project Development Plan procedures of Section 922.10.

#### 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 P Districts

Recreation and Entertainment, Outdoor (Limited) uses shall be subject to the following standards in the P 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.

(c) In EMI Districts

Recreational and Entertainment, Outdoor (Limited) uses shall be subject to the following standards:

- (1) The proposed use shall be in compliance with an approved Institutional Master Plan; and
- (2) The proposed use shall be subject to the Project Development Plan procedures of Section 922.10.

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 P District

Recreation and Entertainment, Outdoor (General) uses shall be subject to the following standards in the P 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.

(c) In EMI Districts

Recreational and Entertainment, Outdoor (General) uses shall be subject to the following standards:

- (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, generation of noise and the hours of operation;
- (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;
- (4) The proposed use shall be in compliance with an approved Institutional Master Plan; and
- (5) The proposed use shall be subject to the Project Development Plan procedures of Section 922.10.

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 sixty (60) feet from any intersection or

driveway and shall not conflict with residential parking.

#### 911.04.A.52 Recycling Processing Center

(a) In NDI, RIV, 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, UNC, RIV and EMI 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 P District

Restaurant, Fast Food (Limited) uses shall be subject to the following standards in the P 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 and RIV Districts

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 P District

Restaurant (Limited) uses shall be subject to the following standards in the P 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.

(c) In EMI Districts

Restaurant (Limited) uses shall be subject to the following:

- (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) The proposed use shall be subject to the Site Plan Review procedures of Section 922.04.

911.04.A.57 Restaurant (General)

(a) In LNC, NDI, UNC, RIV and EMI 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;
- (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; and
- (3) The proposed use shall be subject to the Site Plan Review procedures of Section 922.04.

(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 P District

Restaurant (General) uses shall be subject to the following standards in the P 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.

(d) In EMI Districts

Retail Sales and Services (General) shall be subject to the following standards:

- (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, generation of noise and the 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 development;
- (3) Off-street parking, loading and hours of operation shall be conducted in a manner that does not

interfere with institutional operations in the vicinity;

(4) The proposed use shall be subject to the Site Plan Review procedures of Section 922.04.

#### 911.04.A.60 Retail Sales and Service, Residential Convenience except in RIV Districts

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 fifty (50) dwelling units;
- (b) No direct, exterior entrance to the street or sidewalk shall be permitted;
- (c) The gross floor area of all such uses within a single building shall not exceed fifty (50) percent of the gross floor area of the first level of the building; and
- (d) The proposed use shall be subject to the Site Plan Review procedures of Section 922.04.

#### 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 P 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 fifty (50) percent of the lot shall contain impervious surfaces.
- (3) Parking and driveway area shall be screened from view from adjacent streets and residential uses.

(e) In EMI Districts

Safety Service uses shall be subject to the following standards:

- (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, generation of noise and the hours of operation;
- (2) The proposed use shall be subject to the Site Plan Review procedures of Section 922.04.

911.04.A.62 Salvage Yard

(a) In GI and RIV Districts

Salvage Yard uses shall be subject to the following standards in the GI and RIV Districts:

- (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, UI, RIV and EMI 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, LNC, RIV and EMI 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;
- (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.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 thirty-five (35) feet from any right-of-way;
- (b) Curb cuts shall be located at least sixty (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, RIV 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 one hundred fifty (150) feet from any residential zoning district;
- (g) In the LNC and RIV-MU Districts, a maximum of two (2) curb cuts shall be provided, and shall be a

minimum of sixty (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 five thousand (5,000) square feet plus five hundred (500) square feet for each sleeping room in excess of three (3). Every unit of two (2) 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 (1) 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 eight hundred (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 eight hundred (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 (1) 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 ten (10) feet; and

(vi) On-site parking facilities shall be provided at a ratio of one (1) stall for every two (2) full-time staff members and an additional stall for every three (3) 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 five thousand (5,000) square feet plus three hundred (300) square feet for each sleeping room in excess of three (3). Every unit of two (2) 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 (1) 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 eight hundred (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 eight hundred (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 (1) 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 ten (10) feet;

- (6) On-site parking facilities shall be provided at a ratio of one (1) stall for every two (2) full-time staff members and an additional stall for every three (3) 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 five thousand (5,000) square feet plus three hundred (300) square feet for each sleeping room in excess of three (3). Every unit of two (2) 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 (1) 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 eight hundred (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 eight hundred (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;
- (iii) Supervision shall be provided in accord with the regulations of the certifying agency(ies) by at least one (1) 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 ten (10) feet; and
- (vi) On-site parking facilities shall be provided at a ratio of one (1) stall for every two (2) full-time staff members and an additional stall for every three (3) 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 (2) 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 (½) 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 Mobility and Infrastructure.

#### 911.04.A.69 Single-Unit Detached and Attached Residential

##### (a) In H Districts

Single-Unit Detached and Attached Residential uses shall be subject to the following conditions in the H District.

- (1) Topography. Primary structure must be located on buildable land defined as a contiguous area of the lot less than thirty (30) percent in existing slope.
- (2) Soils. Any site proposed for development in the H District shall be investigated to determine the soil characteristics. A soils engineering report may be required at the discretion of the Zoning Administrator. Factors to be considered by the Zoning Administrator when determining whether an engineering report will be required include the following (any one (1) factor may warrant an engineer's report):
  - a. Nature, distribution, and strength of existing soils as described in the County Soils Survey;
  - b. Any development proposed on natural slopes greater than 20%;
  - c. Areas that are landslide-prone;
  - d. Areas with soils that have a high shrink-swell potential;
- (3) Vegetation. The proposed development shall be designed to minimize the incidence of erosion. The Zoning Administrator will be reviewing the application to determine how the applicant uses the vegetation to reduce erosion. The application must show the Administrator how:
  - a. Any deep-rooted woody vegetation reduces storm runoff volume over the slope;

b. Existing and proposed foliage reduces the velocity of raindrops by reducing their energy when they strike the ground;

c. Existing and proposed vegetation increases the roughness of the ground surface which slows the velocity of surface water flow; and

d. Existing root networks will be protected to bind the soil.

(4) Access. For any new construction of a dwelling, or dwellings, on a lot fronting on a substandard hillside street, the Zoning Administrator will be reviewing the application to determine how the applicant accesses the street and will be making recommendations to improve any substandard conditions that will be conditions of any approval for a building and occupancy permit. The Zoning Administrator will consider the following existing conditions in the review: road width and slope, road surface condition, drainage, sight distance, availability of on-street and off-street parking, and presence of retaining walls.

(5) Infrastructure. Public water and sewer must be available for connection at the lot line.

If the lot in which the owner/applicant is requesting to build upon is determined to meet these five (5) conditions, the Zoning Administrator will then review the plot plan for compliance with the Development Standards in Section 905.02.C, 905.02.D, and 905.02.E.

(b) Existing vegetation shall be cleared only to the extent needed for the structure, driveway, and outdoor activities that are associated with the residential use. In no case shall more than ten (10) percent, or two thousand four hundred (2,400) square feet, whichever is larger, be cleared.

(c) Single Unit Attached dwellings are permitted by Special Exception in the H District provided that no more than four (4) units are constructed in any cluster.

#### 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 all Districts

Utility (Limited) uses shall be subject to the following standards

- (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 (10) new residential units, or new structures of two (2) 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 or the RIV, 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 thirty (30) feet from any right-of-way line and at least sixty (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, DR and EMI 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.

(c) In RIV Districts.

Vehicle/Equipment Repair (Limited) uses shall be subject to the following standards:

- (1) The uses shall be only permitted as accessory uses within a larger structure;
- (2) 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 thirty (30) feet from any right-of-way line and at least sixty (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, UI, RIV and NDI Districts

Vehicle/Equipment Sales (Limited) shall be subject to the following standards in the LNC, UNC, UI, RIV 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 Section 914.09; and
- (3) The public right-of-way shall not be used for the storage of vehicles; and
- (4) Except as provided for in other regulations, no unregistered or uninspected motor vehicle shall be parked, kept or stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepaired, or in the process of being stripped or dismantled; and
- (5) The Landscaping and Screening Standards of Chapter 918 shall apply regardless of the number of parking stalls provided.

(b) The definition of vehicle/equipment sales, Section 911.02, includes the retail, wholesale, or rental of motorized vehicle, etc.

(Ord. 30/November 11, 2000/Amend. U-27)

#### 911.04.A.76 Vehicle/Equipment Sales (General)

Vehicle/Equipment Sales (General) shall be subject to the following standards:

(a) In the UNC, RIV 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 (Limited and General)

(a) Vocational School (Limited) uses shall be subject to the following standards:

(1) In EMI Districts

(i) The proposed use shall be in compliance with an approved Institutional Master Plan; and

(ii) The proposed use shall be subject to the Project Development Plan Procedures of Section 922.10.

(b) Vocational School (General) uses shall be subject to the following standards:

(1) In all Districts

The facility shall be designed according to the development standards for commercial uses in the district.

(2) In NDI and RIV Districts

(i) 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

(ii) 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) In EMI Districts

Vocational School (General) uses shall be subject to the following standards:

(i) The proposed use shall be in compliance with an approved Institutional Master Plan; and

(ii) The proposed use shall be subject to the Project Development Plan procedures of Section 922.10.

#### 911.04.A.78 Warehouse (Limited and General)

(a) In EMI Districts

Warehouse (Limited) uses shall be subject to the following standards:

- (1) Every portion of the property used for Warehouse (Limited) uses shall be located not closer than two hundred (200) feet from any property in a R or H district and one hundred (100) feet from any property in a NDI, UNC or LNC district;
- (2) Any vehicular maneuvering shall be located on-site;
- (3) Curb cuts shall be minimized to the maximum extent feasible in order to achieve access to the site;
- (4) 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 meeting facilities;
- (5) The proposed use shall be subject to the Site Plan Review Procedures of Section 922.04.

(b) In the HC District

Warehouse (General) uses shall be subject to the following standards:

- (1) Every portion of the property used for Warehouse (General) uses shall be located not closer than two hundred (200) feet from any property in a R or H District, and one hundred (100) feet from any property in a NDI, UNC or LNC District;
- (2) All maneuvering of vehicle 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 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.

(c) In the UI District

Warehouse (General) uses shall be subject to the following standards:

- (1) Every portion of the property used for Warehouse (General) uses shall be located not closer than two hundred (200) feet from any property in an R or H District, and one hundred (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 Section 922.04.

(d) In RIV Districts

Warehouse (Limited and General) uses shall be subject to the following standards:

(1) Any vehicular maneuvering shall be located on-site; and

(2) Curb cuts shall be minimized to the maximum extent feasible in order to achieve access to the site.

#### 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 P 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.

(e) Nursery, Retail (General) in RIV Districts

- (1) 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.
- (iii) 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 of a scale and character that is consistent with the scale and character of adjacent residential neighborhoods;
- (iv) 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;
- (v) For Medical Office (General) uses, the Approving Body shall determine that the site is sufficiently separated from property zoned Residential and that the additional size of the use will not create a detrimental impact on such properties through consideration of the additional traffic impacts caused by 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 and noise generation and the hours of operation; and
- (vi) 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) 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:

- (i) The proposed use shall be subject to the Site Plan Review procedures of Sec. 922.04; and
- (ii) The proposed use shall be located within an existing structure.

(4) In EMI Districts

Medical Office (Limited and General) uses shall be subject to the following standards:

- (i) The proposed use shall be in compliance with an approved Institutional Master Plan; and
- (ii) The proposed use shall be subject to the Project Development Plan procedures of Section 922.10.

911.04.A.82 Grocery Store (Limited)

Grocery Store (Limited) uses shall be subject to the following standards:

(a) In LNC, NDI, UNC and EMI 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, UI and EMI 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 (1) 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 (1) 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 (1) stall for every three (3) persons on duty;

(e) Any office located in the dwelling unit shall be limited to on-site program use only; and

(f) 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 may be limited to floors above the ground floor of the building when residential uses are not desirable on the ground floor.

(Ord. No. 10/July 8, 1999/Amend. U-10)

(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:

- (i) A needs assessment study shall be applied 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;
- (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 sixty (60) feet from an intersection and sixty (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 approving body;
- (vii) 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;
- (viii) The proposed use shall be subject to the site plan review procedures of Section 922.04;
- (ix) The height and bulk of the proposed structure shall be designated to minimize blocking of views from adjacent residential properties; and
- (x) A traffic analysis shall be submitted demonstrating that the proposed development will not create traffic congestion in the district.

(2) In EMI Districts

Parking Structure (limited) uses shall be subject to the following standards:

- (i) The use shall be located to minimize disruption to pedestrian movements;
- (ii) Curb cuts shall be located a minimum of sixty (60) feet from an intersection and sixty (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;
- (v) The height and bulk of the proposed structure shall be designed as to minimize blocking of



views from adjacent residential properties;

(vi) The proposed use shall be in compliance with an approved Institutional Master Plan; and

(vii) The proposed use shall be subject to the Project Development Plan procedures of Section 922.10.

(3) In GT and RIV Districts

Parking Structure (Limited) shall be subject to the following standards:

(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 sixty (60) feet from an intersection and sixty (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 approving body.

(b) Parking Structure (General)

(1) In LNC Districts

Parking Structure (General) uses shall be subject to the following standards:

(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 sixty (60) feet from an intersection and sixty (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 approving body;

(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 proposed use shall be subject to the Site Plan Review procedures of Section 922.04;
- (ix) The height and bulk of the proposed structure shall be designed as to minimize blocking of views from adjacent residential properties; and
- (x) A traffic analysis shall be submitted demonstrating that the proposed development will not create traffic congestion in the district.

(2) In EMI Districts

Parking Structure (general) uses shall be subject to the following standards:

- (i) The use shall be located to minimize disruption to pedestrian movements;
- (ii) Curb cuts shall be located a minimum of sixty (60) feet from an intersection and sixty (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;
- (v) The height and bulk of the proposed structure shall be designed as to minimize blocking of views from adjacent residential properties;
- (vi) The proposed use shall be in compliance with an approved Institutional Master Plan; and
- (vii) The proposed use shall be subject to the Project Development Plan procedures of Section 922.10.

(3) In the HC, GT and RIV Districts:

Parking Structure (General) uses shall be subject to the following standards:

- (i) The use shall be located to minimize disruption to pedestrian movements;
- (ii) Curb cuts shall be located a minimum of sixty (60) feet from an intersection and sixty (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 approving body.
- (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.

911.04.A.88 Club: Social, Fraternal, Athletic, Business or Professional

- (i) Amount of required parking stalls shall be determined by the approving body based on the nature of

the operation and the availability of off-site parking facilities.

(ii) 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, hours and days of operation.

(Ord. 28/November 17, 2000/Amend. U-25)

#### 911.04.A.89 Hospital

##### (a) In EMI Districts

Hospital uses shall be subject to the following standards:

- (1) The design shall include devices which prevent noise and emissions associated with the use of the facility from being impacted on other properties in the vicinity;
- (2) The height and bulk of the proposed structure shall be designed as to minimize blocking of views from adjacent residential properties;
- (3) Parking shall be provided in a location and manner that allows for all parking to be located outside of residential districts;
- (4) The proposed use shall be in compliance with an approved Institutional Master Plan; and
- (5) The proposed use shall be subject to the Project Development Plan procedures of Section 922.10.

##### (b) In RM, LNC, UNC, HC, and UI Districts

Hospital uses shall be subject to the following standards:

- (1) The buildable area of the lot shall not be nearer than thirty (30) feet to any lot line which is not a street line;
- (2) The permissible height regulations of the district wherein such use is located shall apply, and may be exceeded provided any portion of a structure above the permissible height shall not exceed the height of inward-sloping planes; beginning at the rear lot line other than street line at the average grade level of the ground along such rear lot line opposite the structure concerned, and having a rise of one (1) foot for each two (2) feet of horizontal dimensions; and, beginning at the respective side lot lines other than street lines at the average grade level of the ground along such lot lines opposite the structure concerned, and having a rise of one (1) foot for each two (2) feet of horizontal dimension;
- (3) The total bulk of buildings upon the zoning lot shall not exceed the cubical contents of a prism having a base equal to the buildable area of the lot and height of eighty-five (85) feet;

- (4) Automobile parking area may encroach on yards not abutting a street, but not closer to a lot line than fifteen (15) feet, provided it shall be visually screened from adjoining property in accordance with the screening provisions of Section 918.03.
- (5) An Institutional Muaster Plan must be approved by Planning Commission prior to the review of the Conditional Use Application.

911.04.A.90 College or University Campus

(a) In LNC, UNC, HC, UI and RM Districts: College or University Campus uses shall be subject to the following standards in LNC, UNC, HC, UI and RM Districts:

- (1) The buildable area of the lot shall not be nearer than thirty (30) feet to any lot line which is not a street line;
- (2) The permissible height regulations of the district wherein such use is located shall apply, and may be exceeded provided any portion of a structure above the permissible height shall not exceed the height of inward-sloping planes; beginning at the rear lot line other than street line at the average grade level of the ground along such rear lot line opposite the structure concerned, and having a rise of one (1) foot for each two (2) feet of horizontal dimensions; and, beginning at the respective side lot lines other than street lines at the average grade level of the ground along such lot lines opposite the structure concerned, and having a rise of one (1) foot for each two (2) feet of horizontal dimension;
- (3) The total bulk of buildings upon the zoning lot shall not exceed the cubical contents of a prism having a base equal to the buildable area of the lot and a height of eighty-five (85) feet;
- (4) Automobile parking area may encroach on yards not abutting a street, but not closer to a lot line than fifteen (15) feet, provided it shall be visually screened from adjoining property in accordance with the screening provisions of Section 918.03.
- (5) An Institutional Master Plan must be approved by Planning Commission prior to the review of the Conditional Use Application.

911.04.A.91 Outdoor Retail Sales and Service (Non-Accessory Use).

Outdoor Retail Sales and Service (Non-Accessory Use) shall be subject to the following standards:

- (a) A lot containing outdoor retail sales and service shall not be located within one hundred (100) feet of a lot with a certificate of occupancy for the sale of similar goods and service or an approved vending location selling similar goods and service; and
- (b) When applicable to the proposed type of goods and service being sold the applicant must present a letter of compliance from Fire Prevention, Allegheny County Health Department and any other appropriate agency or department; and
- (c) Must provide and have available sufficient on-site area to accommodate a standing area for

customers purchasing or attempting to purchase goods and service without encroaching on the public right-of-way or adjacent property; and

(d) Must provide sufficient trash receptacles for wrappers, containers and other disposable products associated with the sale of goods and service.

#### 911.04.A.92 Firearms Business Establishment

Firearms Business Establishment shall be subject to the following standards in the NDI, UNC, HC, GI, UI, GT, and RIV Districts:

(a) Firearms Business Establishments shall not be located in a designated area that contains any of the following uses. The building shall not be located within a distance of five hundred (500) feet, measured along a straight line projected from each pedestrian entrance or exit of the subject occupancy to the nearest building wall or boundary line for a park or playground of any of the following:

- (1) Elementary or secondary school;
- (2) Public playground;
- (3) Public or non-profit operated recreation center;
- (4) Drug or alcohol rehabilitation center;
- (5) Church, synagogue, or temple;
- (6) Gaming enterprise.

(b) An adequate security system shall be provided as determined by the Board to be appropriate.

#### 911.04.A.93 Check Cashing

The following standards shall apply to all Check Cashing uses:

(a) Check Cashing facilities shall not be open for business to customers for more than nine (9) hours within any twenty-four-hour period and shall not be open for business on Sundays;

(b) The building housing a Check Cashing facility shall not be located within five hundred (500) feet from any residential use as measured from the center point of the subject building;

(c) The building housing a Check Cashing facility shall not be located within one thousand (1,000) feet from another Check Cashing facility, a Pawn Shop, Gaming Enterprise or a facility containing mechanical or electronic devices, machines, tables or apparatus of any kind used for playing games of skill or amusement, as a primary or accessory use, as measured from the center point of the subject building;

(d) A Check Cashing use shall not be conducted as a unit of another business and shall be financed and conducted as a separate business unit, however, this shall not prevent a check cashing facility from leasing part of the premises of another business for the conduct of check cashing activities on the same

premises;

(e) A Check Cashing facility may not accept money or currency for deposit or act as agent for persons, firms, partnerships, associations or corporations to hold money or currency in escrow for others for any purpose, however, a check cashing facility may act as agent for the issuer of money orders or travelers checks;

(f) The applicant is required to be licensed as a Check Cashier with the Commonwealth of Pennsylvania Department of Banking;

(g) Not more than one (1) place of business may be operated under the same Commonwealth of Pennsylvania Department of Banking license;

(h) A licensee may not contract with another individual or business entity to manage the Check Cashing facility, not including persons employed to operate the facility;

(i) Check cashing facilities shall not issue tokens to be used in lieu of money for the purchase of goods or services from any enterprise;

(j) The use of bars, chains, or similar security devices that are visible from a public street or sidewalk shall be prohibited.

#### 911.04.A.94 Custodial Care Facility

Custodial Care Facilities shall be subject to following standards in all districts:

(a) An Operation Management Plan for the proposed use shall be submitted as part of the application for the Occupancy Permit. The Plan shall describe programs of operation and management including: Uses and activities that will occur in conjunction with the use, hours of operation of non-residential services, noise control, traffic generation, and methods to minimize loitering in the vicinity of the facility. In addition, a Communications Plan that describes how the provider will communicate with local community, neighborhood, and business organizations, and with adjacent neighbors on a regular basis, and how any community issues or concerns will be addressed

(b) The dwelling unit shall have one (1) 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;

(c) 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;

(d) Lot area shall be provided at the rate of five thousand (5,000) square feet plus five hundred (500) square feet for each sleeping room in excess of three (3) beds. Every unit of two (2) beds, or fraction hereof, in a sleeping room shall be counted as a separate sleeping room. The Board may reduce this provision when the use has been in existence since May 10, 1958;

(e) Supervision shall be provided in accord with the regulations of the certifying agency(ies) by at least

one (1) responsible non-client adult available on the premises on a twenty-four-hour a day basis while any of the clients are on premises;

(f) Sleeping rooms shall not be located in any basement or cellar and shall comply with all applicable life-safety codes; and

(g) On-site parking facilities shall be provided at the ratio of one (1) stall for every two (2) full-time staff members and an additional stall for every three (3) non-staff members who are eligible and permitted by the operator to operate a motor vehicle.

#### 911.04.A.95A Personal Care Residence (Large)

Personal Care Residence (Large) uses shall be subject to the following standards:

(a) Lot area shall be provided at the rate of five thousand (5,000) square feet plus three hundred (300) square feet for each sleeping room in excess of three (3). Every unit of two (2) 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;

(b) Any Personal Care Residence shall be spaced no closer than eight hundred (800) feet from any other authorized Personal Care Residence or health care related 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 eight hundred (800) feet. Any other building occupied as an authorized Personal Care Residence that is located totally within this circular space shall be cause for rejection the application;

(c) Supervision shall be provided in accord with the regulations of the certifying agency(ies) and by at least one (1) responsible non-client adult available on the premises on a twenty-four-hour-a-day basis while any of the clients are on the premises. Failure to abide by the certifying body's supervision regulations may result in revocation of an Occupancy Permit;

(d) Sleeping rooms shall not be located in any basement or cellar and shall comply with all applicable life-safety codes;

(e) 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 ten (10) feet;

(f) On-site parking facilities shall be provided at a ratio of one (1) stall for every two (2) full-time staff members and an additional stall for every three (3) non-staff residents who are eligible and are permitted by the operator to operate a motor vehicle;

(g) 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; and

(h) Eighty (80) percent of the clients shall be sixty-two (62) or more years of age or disabled as defined by the Fair Housing Amendment Act of 1988.

#### 911.04.A.95B Personal Care Residence (Small)

Personal Care Residence (Small) uses shall be subject to the following standards:

(a) In all Districts:

Personal Care Residences (Small) shall be subject to the following standards in all districts:

(i) Lot area shall be provided at the rate of five thousand (5,000) square feet plus three hundred (300) square feet for each sleeping room in excess of three (3). Every unit of two (2) beds, or fraction thereof, in a sleeping room shall be counted as a separate sleeping room. The Board may reduce this provision when the facility is to be located in a building that has been constructed prior to May 10, 1958;

(ii) Any Personal Care Residence shall be spaced no closer than eight hundred (800) feet from any other authorized Personal Care Residence or health care related 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 eight hundred (800) feet. Any other building occupied as an authorized Personal Care Residence that is located totally within this circular space shall be cause for rejection of this application;

(iii) Supervision shall be provided in accord with the regulations of the certifying agency(ies) and by at least one (1) responsible non-client adult available on the premises on a twenty-four-hour-a-day basis while any of the clients are on the premises. Failure to abide by the certifying body's supervision regulations may result in revocation of an Occupancy Permit;

(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 ten (10) feet;

(vi) On-site parking facilities shall be provided at a ratio of one (1) stall for every two (2) full-time staff members and an additional stall for every three (3) non-staff residents who are eligible and are permitted by the operator to operate a motor vehicle; and

(vii) Eighty (80) percent of the clients shall be sixty-two (62) or more years of age or disabled as defined by the Fair Housing Amendment Act of 1988.

(b) In RM and Grandview Public Realm Districts

In addition to the standards listed above, Personal Care Residences (Small) 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 (2) beds for each dwelling unit;
- (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; and
- (iv) Eighty (80) percent of the clients shall be sixty-two (62) or more years of age or disabled as defined by the Fair Housing Amendment Act of 1988.

(c) In NDO, LNC, NDI, and UNC Districts

Personal Care Residences (Small) 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, and
- (ii) Eighty (80) percent of the clients shall be sixty-two (62) or more years of age or disabled as defined by the Fair Housing Amendment Act of 1988.

911.04.A.96 Bank or Financial Institutional (Limited and General)

(a) In EMI Districts

Bank or Financial Institution (Limited and General) uses shall be subject to the following standards:

- (1) Parking demand shall be addressed so as to meet parking needs and to discourage parking in residential districts;
- (2) The proposed use shall be subject to the Site Plan Review procedures of Section 922.04.

911.04.A.97 Pawn Shop

The following standards shall apply to all Pawn Shop uses:

- (a) Pawn Shop facilities shall not be open for business to customers for more than nine (9) hours within any twenty-four-hour period and shall not be open for business on Sundays;
- (b) The building housing a Pawn Shop facility shall not be located within five hundred (500) feet from any residential use as measured from the center point of the subject building;
- (c) The building housing a Pawn Shop facility shall not be located within one thousand (1,000) feet

from another Pawn Shop, a Check Cashing facility, Gaming Enterprise or a facility containing mechanical or electronic devices, machines, tables or apparatus of any kind used for playing games of skill or amusement, as a primary or accessory use, as measured from the center point of the subject building;

(d) The use of bars, chains, or similar security devices that are visible from a public street or sidewalk shall be prohibited.

#### 911.04.A.98 Controlled Substance Dispensation Facility

Controlled Substance Dispensation Facility uses shall be subject to the following standards in all Zoning Districts:

(a) The building or structure housing or enclosing a Controlled Substance Dispensation Facility shall not be established or operated within five hundred (500) feet from any of the following structures or use types, except when such facilities are within and interior to Hospitals in the EMI District, where Controlled Substance Dispensation Facility is a permitted use:

- (1) Residential uses;
- (2) School, Elementary or Secondary;
- (3) Parks and Recreation;
- (4) Child Care;
- (5) Dormitory;
- (6) Religious Assembly;
- (7) Public Destination Facility;
- (8) College or University campus;
- (9) Educational Classroom Space; and

(10) Vocational School.

(11) Libraries

(b) 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, the probable hours of operation, the impacts of parking and the number of people using the premises at any one (1) time.

(c) The facility shall include interior public lobbies or waiting areas sized to accommodate any and all individuals seeking treatment at any one (1) time.

#### 911.04.A.99 Medical Marijuana Dispensary

Medical Marijuana Dispensary uses shall be subject to the following standards:

- (a) Off-street parking, loading, and hours of operation shall be conducted in a manner that does not interfere with other uses in the vicinity.

Editor's note- Former § 911.04.A.99 was repealed by Ord. No. 8-2013, adopted Jan. 31, 2013. Subsequently, Ord. No. 4-2018, § 2, effective March 6, 2018, enacted new provisions to read as herein set out.

#### 911.04.A.100 Medical Marijuana Growing and Processing

Medical Marijuana Growing and Processing uses shall be subject to the following standards:

- (a) 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 any other factor; and
- (b) 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.

Editor's note- Former § 911.04.A.100 was repealed by Ord. No. 8-2013, adopted Jan. 31, 2013. Subsequently, Ord. No. 4-2018, § 2, effective March 6, 2018, enacted new provisions to read as herein set out.

(Ord. 23-2001, § 2, eff. 11-30-01; Ord. 25-2001, §§ 1Y-1NNN, eff. 11-30-01; Ord. 21-2202, §7, eff. 6-18-02; Ord. 35-2002, § 1D, eff. 12-3-02; Ord. 31-2003, §§ 1A, 1B, eff. 11-10-03; Ord. 36-2003, § 1A, eff. 12-16-03; Ord. 45-2003, § 10, eff. 12-31-04; Ord. 23-2004, § 1C, eff. 12-20-04; Ord. 32-2005, §§ 1B-1AA, eff. 11-23-05; Ord. 38-2005, §§ 1A-1C, 1E-1G, eff. 12-30-05; Ord. 39-2005, § 1, eff. 12-30-05; Ord. 40-2005, § 1A, eff. 12-30-05; Ord. 42-2005, §§ 19-24, eff. 12-30-05; Ord. No. 2-2007, § 1(C), eff. 2-20-07; Ord. 13-2007, §§ 1C, 1D, eff. 8-3-07; Ord. No. 32-2009, § 2, eff. 12-11-09; Ord. No. 1-2011, § 2, eff. 2-14-11; Ord. No. 8-2013, §§ 1C, 1D, 1-31-13; Ord. No. 25-2015, § 2, eff. 7-9-15; Ord. No. 2-2018, § 27, eff. 2-15-18; Ord. No. 4-2018, § 2, eff. 3-6-18; Ord. No. 31-2018, § 10, eff. 8-6-18

#### § 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 (5) 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 ten (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 offstreet 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, and stormwater management features**.

#### 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 (4) 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 **and in accordance with Title Thirteen: Stormwater Management, as applicable**.

#### 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 (2) to three (3) 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 (5) 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 twenty (20) feet clearance from sidewalks and street rights-of-way. Driveways serving such parking areas shall be located at least sixty (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

(a) For parking structures greater than one hundred fifty (150) feet in length that are adjacent to store-front commercial uses, active uses shall be located along a minimum of fifty (50) percent of the length of the street-side, street-level perimeter. For the purposes of this Section, active uses shall include commercial, residential, and accessory uses and activities that typically have user-occupied areas that are expressed through building fenestration and articulation.

(b) Within the RIV District, any ground-level structured parking that has primary frontage along the riverfront or along a street or publicly accessible pedestrian easement shall be screened architecturally or be screened according to the provisions of Section 918.03.B.

##### 914.09.G.3 Building Lines

Parking structures shall present a horizontal rather than sloped building line on visible facades.

##### 914.09.G.4 Parking for Persons with Disabilities, Ground Floor Vehicle Entrances

Parking structures containing more than one (1) floor shall provide a minimum of nine (9) feet six (6) inches of vertical clearance on the ground floor between all spaces and vehicle access routes to site entrance(s) and exit(s). Signage and other objects may not project into this clearance. Van accessible reserved spaces may be placed on this level in accordance with the requirements of Section 914.06.

#### 914.09.H Parking Stall Dimensional Standards

The following minimum dimensional standards shall apply to all off-street parking areas.

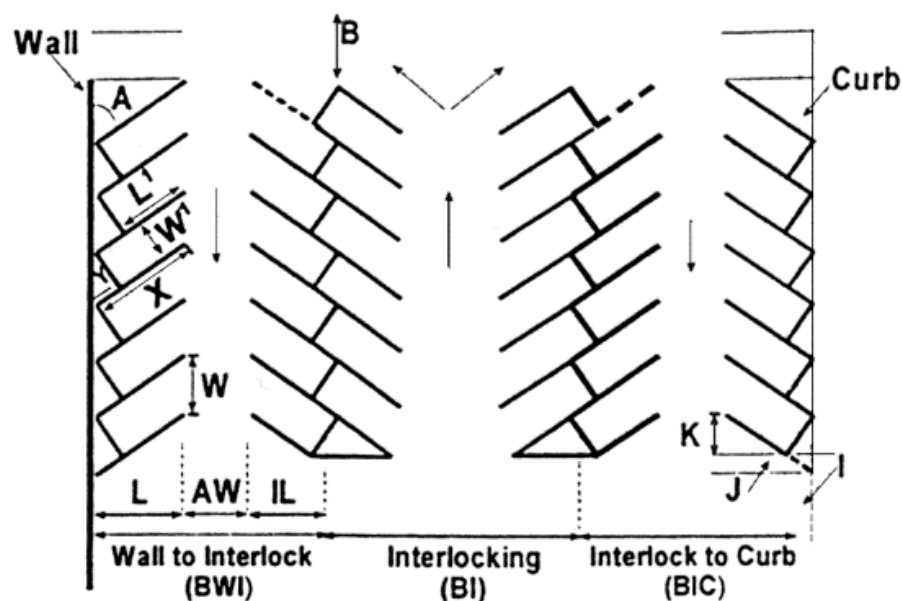
(Ord. 28/November 17, 2000/Amend. U-25)

##### 914.09.H.1 Standard-Size Parking Stalls

A minimum of sixty (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
W <sup>1</sup> = 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
L <sup>1</sup> = 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	51.15
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



### Standard Size Parking Stalls

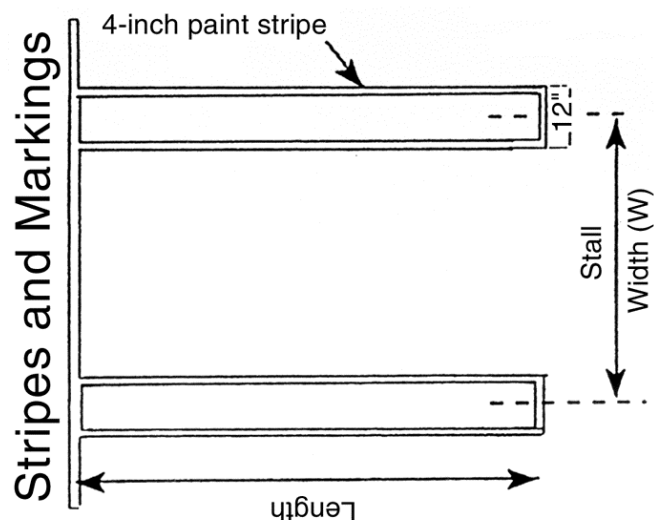
#### 914.09.H.2 Compact-Size Parking Stalls

Up to forty (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 feet.

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	10.95
W <sup>1</sup> = 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 <sup>1</sup> = 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
BW <sup>1</sup> = 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 <sup>1</sup> = 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.



### Stripes and Markings

(Ord. 21-2002, § 14, eff. 6-18-02; Ord. No. 31-2018, § 12, eff. 8-6-18)

#### § 914.10. - Off-Street Loading.

The off-street loading requirement of this section shall apply to those developments of over two thousand four hundred (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 offstreet loading spaces results in a fractional number, a fraction of less than one-half ( $\frac{1}{2}$ ) shall be disregarded and a fraction of one-half ( $\frac{1}{2}$ ) or more shall be rounded to the next highest whole number.

### 914.10.B.2 Multiple Uses

When two (2) 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 (1) 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 (1) 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 **and in accordance with Title Thirteen: Stormwater Management, as applicable.**

### 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

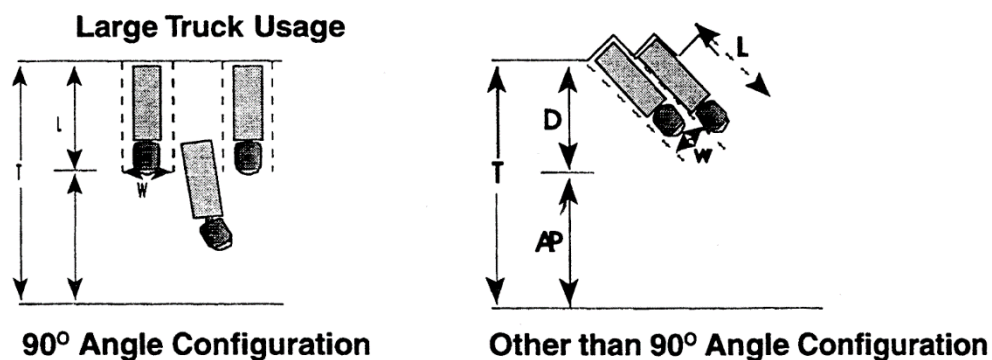
## (a) Minimum Standard

Each required off-street loading space shall be a minimum of ten (10) feet in width and twenty-five (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 twenty-five (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 12 14	77 72 67	132 127 122
60°	55	48	10 12 14	55 51 46	103 99 94
45°	55	39	10 12 14	45 40 37	84 79 76



### Loading Area Dimensional Standards

#### § 915.03. - **RESERVED** Small Project Stormwater Standard

##### **915.03.A—Purpose**

**Viewed in aggregate, effective management of stormwater on small sites is as important as management on large sites. Small sites may require different technologies and methods to achieve stormwater management due to limited available space and smaller overall project budgets. The provisions of this standard have been designed to regulate stormwater management on smaller sites where the requirements of Chapter 1003 do not apply.**

##### **915.03.B—Applicability**

**When required by the Zoning District, the requirements of this Section shall be applicable to all new construction and building additions that include a land disturbance greater than five hundred (500) square feet up but less than five thousand (5,000) square feet in area.**

##### **915.03.C—Requirement**

**Projects require an approved Small Project Stormwater Worksheet that clearly identifies:**

- 1. The total new impervious area created as a result of the proposed development; and**
- 2. The Best Management Practices (BMP) of Section 915.03.D that will be used to infiltrate the volume of stormwater to be managed;**
- 3. How the BMP(s) identified manage the complete volume of stormwater captured by the new impervious surface area over a 24-hour period.**

##### **915.03.D—Best Management Practices (BMP)**

**Different BMPs can be deployed based on the unique characteristics of the development site and development plan. Green Infrastructure is preferred. The following is a partial list of BMPs that can be used to manage stormwater for small projects.**

- 1. Decreased impervious surface coverage**
- 2. Routed flow over grass**
- 3. Grassed channels and vegetated strips**
- 4. Rain gardens**
- 5. Concrete lattice block or permeable surfaces**
- 6. Seepage pits, seepage trenches, or other infiltration structures**
- 7. Rooftop detention**
- 8. Parking lot detention**
- 9. Cisterns and underground reservoirs**
- 10. Amended soils**
- 11. Retention basins**
- 12. Infiltration basins**
- 13. Ecoroofs, green roofs, vegetated roofs**
- 14. Other methods**

**(Ord. No. 48-2017, § 7, 12-8-17)**

§ 915.07. - Performance Points System.

915.07.A Purpose

The City of Pittsburgh recognizes that communities that embrace innovation and livability while remaining affordable to all citizens will be more sustainable both in their demands on the environment and their ability to continue to grow and succeed over time. This set of incentives for development seeks to increase the provision of affordable housing, increase the number of green buildings constructed, and incent the retention of existing structures that represent the city's built heritage.

915.07.B Applicability

The following incentives are available within designated zoning districts that include the following elements:

1. Provision enabling use of this bonus system;
2. Bonus Goals and Points section specifying the points awarded for each option; and
3. Bonus section specifying how points earned through the incentives can be used.

915.07.C Definitions

**1. [Reserved] 1.5 inches of Rainfall in a 24-Hour Period shall mean the total volume of rainwater that falls on the site area at a depth of 1.5 inches in a single 24-hour period. This standards is based on PWSA analysis of events that have caused local flooding.**

2. 95th Percentile Rain Event shall mean the measured precipitation depth accumulated over a 24-hour period for the period of record that ranks in the 95th percentile rainfall depth based on the range of all daily event occurrences during this period.

3. Affordable Housing shall mean housing with a gross cost, including utilities, that does not exceed thirty (30) percent of the occupant's income.

4. AIA 2030 Commitment Average Savings Level shall mean the average reported energy reduction of architecture firms that have committed to the AIA (American Institute of Architects) 2030 Challenge. Average savings levels can be found in the annual AIA 2030 Commitment Report.

5. Area Median Income (AMI) shall mean the average medium income of the metropolitan area (MSA) or Non-Metropolitan areas (counties) as established annually by the U.S. Department of Housing and Urban Development (HUD).

6. Building Energy Model (BEM) shall mean the use of a physics-based software simulation of building energy use. A BEM program takes as input a description of a building form and materials, the building's use and operation including schedules for occupancy, lighting, plug-loads, and thermostat settings, and combines these inputs with information about local weather and uses physics equations to calculate thermal loads, system response to those loads, and resulting energy use, along with related metrics like occupant comfort and energy costs.

7. Distributed Energy Systems shall mean a range of smaller-scale technologies designed to provide electricity and thermal energy closer to consumers. These approaches include fossil and renewable energy technologies, micro-grids, on-site energy storage, and combined heat and power systems. Technologies could include: existing district energy facilities combined heat and power systems, microgrids, fuel cells, and batteries.

8. Green Infrastructure shall mean **systems and practices that use or mimic natural processes to infiltrate, evapotranspire, or reuse stormwater on the site where it is generated** ~~a strategic network of vegetated areas and water retention techniques intended to mitigate stormwater problems. Examples of green infrastructure include: greenways, rain gardens, bioswales, green roofs, and rain barrels.~~

9. On-Site Renewable Energy shall mean renewable sources, such as wind, solar, and co-generation, that are generated on the project site, thereby relieving reliance on the grid and providing alternative sources of electricity.

10. National Median Site Energy Use Intensity shall mean the middle of the national population - half of

buildings use more energy, half use less. The National median source EUI is published regularly by the U.S. Environmental Protection Agency's Energy Star program.

11. Native Plants shall mean plants indigenous to Western Pennsylvania. This includes plants that have developed or occurred naturally, excluding invasive species.

12. Networked Walkshed shall mean the land area within a defined walking range, traversable on established streets or pathways.

13. Pittsburgh 2030 District shall mean the initiative led by the Green Building Alliance that supports business and building owners and managers in working toward fifty (50) percent reductions in energy use, water consumption, and transportation emissions (below baselines) by the year 2030.

14. Rapid Services shall mean all modes of transit which use an exclusive right-of-way or have at least seventy-five (75) percent of route miles along a fixed guideway.

15. Site Energy Use Intensity (EUI) shall mean the total, annual building energy use normalized by its gross square footage. Site energy is the amount of energy consumed by a building or development on site, usually reflected on utility bills, but including heat and power generated and used on site. Site EUI is a building's total annual on-site energy usage in kBTU/ft<sup>2</sup> and can be determined by using an online calculator to aid in the assessment of energy performance of commercial building designs and existing buildings such as the U.S. Environmental Protection Agency's Target Finder.

**16. Preferred Stormwater Management Technologies shall mean stormwater management practices that can provide additional co-benefits, increased reliability, or better performance than other technologies. Preferred Stormwater Management Technologies must be in accordance with the City of Pittsburgh Stormwater Design Manual.**

#### 915.07.D Bonus Goals and Points

Goal	Points
1. On-Site Energy Consumption - New Construction	
1.a Site level	1
1.b Site	2
1.c Site	3

2. On-Site Energy Consumption - Existing Buildings		
2.a	Site	1
2.b	Site	2
2.c	Site	3
3. On-Site Energy Generation		
At least one (1) point from On- Site Energy Consumption required prior to using the On -Site Energy Generation points below.		
3.a	At le	1
3.b	At le	2
	Con	
3.c	75%	3
4. Affordable Housing		
Available only to projects where at least 50% of the gross floor area is used for residential units.		
Points for options 4.c and 4.d below will only be awarded to development projects providing at least 20 housing units.		
4.a	At le	1 below

4.b	At le2 below	
	At le below	
	At le below	
4.c	At le3 below	
	At le below	
	At le or be	
4.d	20%4 below	
	20% below	
5. Rainwater		
All vegetated Green Infrastructure must use at least 50% Native Plants.		
<del>The Zoning Administrator can update payment-in- lieu options as needed to remain consistent with Green Infrastructure construction costs.</del>		
5.a	At le1 <del>surf</del> <del>1.05</del> <del>whic</del> <del>Infra</del> <del>insta</del>	
	At le <del>surf</del> <del>1.05</del> <del>whic</del>	



	For Infr -in-l	
5.b	At le2 surf 1.05 whie Infr Tech	
	At le surf 1.05 whie	
	For Infr -in-l	
5.c	100%3 surf 1.05 whie Infr Tech	
	45% inch in 15 grea	
	For Infr -in-l	
6. Building Reuse		
6.a	Exte1 more door prim	
6.b	At le2 50 ye	
6.c	Exis3	
7. Riverfront Public Access Easements, Trails and Amenities		

7.a	For p1 prov Pitts parce	
7.b	For s2 cons stand that c	
7.c	For s1 made of M conn	
7.d	For s2 deve conti	
7.e	Prov2 open	
7.f	Prov1 with right	
8. Neighborhood Ecology		
8.a	Group1 of th	
8.b	The 1 of th	
9. Public Art		
<i>The percent of estimated gross construction cost applied to public art includes artist engagement; design, fabrication and placement of art; insurance; and funds dedicated for ongoing maintenance.</i>		

9.a	At le1 the c Publ contr publ	
9.b	At le2 the c Publ contr publ	
9.c	At le3 the c Publ contr publ	
10. Urban Fabric		
10.a	Struc2 park	
11. Transit- Oriented Development		
11.a	Site 1	
11.b	On-s3 of th static	

## 915.07.E Enforcement

1. If a project is awarded a height or riparian buffer bonus pursuant to this subsection, the Developer shall provide the Department of City Planning with satisfactory evidence of having completed the following steps in the process toward achieving the requirements of the bonus:

a. On-site energy consumption and production:

(1) Application and predesign phase: Submission of the p4 Energy Declaration or other form as proscribed by the Zoning Administrator clearly indicating the EUI target of the building based upon percent reduction from the baseline. The baseline as determined by building use type, is based upon the 2003 Commercial Building Energy Consumption Survey (CBECS) data. In addition to EUI target of the building, the Declaration must also include the energy efficiency approaches and technologies that will be used to minimize demand, any on-site energy generation systems, and the amount of expected building demand that will be offset.

(2) Design completion and prior to construction: Provide design narrative and construction documents. For projects with at least 20,000 square feet of gross floor area a BEM will be

required showing that the building is designed to meet the desired site EUI reductions compared to national averages for the building type and size. All projects, including those with less than 20,000 square feet of gross floor area, are required to submit an updated p4 Energy Declaration or other form as proscribed by the Zoning Administrator.

(3) Construction completion and building occupancy: Provide final performance-based commissioning report and/or applicable third party certification of energy performance (e.g., Passive House, Leadership in Energy and Environmental Design, Living Building Challenge).

(4) Following first-year operations completion: Provide proof of whole building energy consumption, verified with utility invoices or digital meter data for energy consumed and produced or third party verified by Professional Engineer or equivalent. This requirement may be satisfied by ongoing participation in the Pittsburgh 2030 District.

b. Affordable housing

(1) Application and predesign phase: Provide a matrix that documents the unit count and includes AMI of occupants. Identify in writing all subsidies and/or financing programs the project will utilize in the provision of affordable housing. Provide letters of commitment for any subsidies and/or financing secured.

(2) Design completion and prior to construction: Provide floor plans that identify housing unit types and location of amenities, entrances, and lobbies with American Disabilities Act (ADA) accessibility. Provide letters of commitment for any subsidies and/or financing secured. Where letters of commitment are forthcoming, this requirement can be met by submitting the project for review by the Housing Department of the Urban Redevelopment Authority which will provide a memo to the Department of City Planning identifying how the project satisfies the p4 Affordability component.

c. Rainwater

(1) Application and predesign phase: Provide a **conceptual preliminary** stormwater management plan **in accordance with Title Thirteen: Stormwater Management and** clearly identifying how the project will satisfy the bonus.

(2) Design completion and prior to construction: Provide a Stormwater Management Site Plan **in accordance with Title Thirteen: Stormwater Management and** clearly identifying how the project will satisfy the bonus.

(3) Construction completion and building occupancy: **Provide documentation of completion of all Record Drawings, Completion Certificate, and Final Inspection requirements in accordance with Title Thirteen: Stormwater Management** ~~Register the project with the Pittsburgh Water and Sewer Authority (PWSA).~~

(4) Following first-year operations completion: Provide a performance-based report following one (1) year of operation that shows **stormwater management installations-Green Infrastructure** ~~is~~ are performing as specified in the project's Stormwater Management Site Plan

and **in accordance with Title Thirteen: Stormwater Management requirements.**

d. On-Site Public Art:

(1) Application and predesign phase: Provide a preliminary public art plan that clearly identifies how the project will satisfy the bonus, including estimated gross construction cost, opportunities for inclusion of public art, and a plan for artist engagement.

(2) Design completion and prior to construction: The Department of City Planning will approve final plan for public art including a final budget, design of public art element(s), and proof of establishment of fund for ongoing maintenance.

(3) Construction completion and building occupancy: Provide Department of City Planning with verification that art was installed as designed along with breakdowns and receipts of final project costs. If art was not installed as designed, provide narrative explanation of what alterations were made and why.

2. If the project does not provide satisfactory evidence of achieving the performance standards of each used bonus within three (3) years of receiving its initial certificate of occupancy, then the developer shall be subject to a fine equal to one (1) percent of the construction costs. If the fine is not paid within thirty (30) days of the date it is imposed, then the City shall have the authority to revoke the certificate of occupancy for the building.

(Ord. No. 48-2017, § 7, 12-8-17; Ord. No. 31-2018, § 13, eff. 8-6-18)

§ 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. Landscaped areas shall be irrigated. Mulch, stone and other non-vegetative material shall not be substituted for landscaping. 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

A minimum of twenty-five (25) square feet of landscaping shall be provided for each parking space in parking lots with up to one hundred (100) parking spaces. For parking lots with more than one hundred (100) parking spaces, a minimum thirty (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 (1) tree for every five (5) 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 (5) feet.

#### 918.02.C Street Trees

At least one (1) street tree shall be provided for each thirty (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 twenty (20) feet of street curb. Trees planted between a sidewalk and street curb must have a minimum nonpaved planting area of **thirty (30) eighteen (18)** square feet, with a minimum depth of three (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.

(Ord. 42-2005, §§ 28, 29, eff. 12-30-05)

#### § 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, building addition or enlargement or exterior renovation of an existing structure in the NDO, LNC, NDI, UNC or P district on a lot that has an area of two thousand four hundred (2,400) square feet or more;
2. Any new construction or building addition or enlargement or exterior renovation of an existing structure in the HC, UI or GI district on a lot that has an area of eight thousand (8,000) square feet or more;
3. Any off-street parking area in NDO, NDI, LNC, UNC, UI or P district that includes more than ten (10) parking spaces or more than two thousand five hundred (2,500) square feet of surface area;
4. Any construction (includes additions and rehabilitations) in the H district;
5. Any new construction, enlargement or renovation of a multi-unit residence of four (4) or more units; and
6. Any development requiring Site Plan Review listed in Section 911.04 - Use Standards.

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.

(Ord. 25-2001, § 000, eff. 11-30-01; Ord. 35-2002, § 1E, eff. 12-3-02; Ord. 45-2003, § 14, eff. 12-31-03)

#### 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

1. Within fourteen (14) days of receiving a complete application, the Zoning Administrator may forward the application to the Planning Commission for recommendation of approval or denial based on the Site Plan Review Criteria of Section 922.04.E. The Zoning Administrator may also notify adjacent property owners of such action according to the Notice procedures of Section 922.01.C.

2. If the Zoning Administrator refers the completed application to the Planning Commission, the Zoning Administrator must take one (1) of the following actions within twenty-one (21) days of receiving the Planning Commission's recommendation:

- a. Approve the Site Plan as submitted, in accordance with the Site Plan Review Criteria of Section 922.04.E;
- b. Approve the Site Plan with conditions, in accordance with the Site Plan Review Criteria of Section 922.04.E;
- c. Approve the Site Plan with changes recommended by the Planning Commission, in accordance with the Site Plan Review Criteria of Section 922.04.E;
- d. Deny the application in accordance with the Site Plan Review Criteria of Section 922.04.E.

3. If the Zoning Administrator chooses to review the site plan, and not forward the application to the Planning Commission for recommendation, the Zoning Administrator will conduct his review and make a recommendation to the applicant based on the Site Plan Review Criteria of Section 922.04.E. The Zoning Administrator may also notify adjacent property owners of such action according to the Notice procedures of Section 922.01.C.

(Ord. 45-2003, § 14, eff. 12-31-03)

#### 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 sixty (60) days of forwarding by the Zoning Administrator. If the Commission does not act within sixty (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.

The following standards shall apply for all Site Plan Review projects unless it is determined by the Zoning Administrator that the site contains 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.

1. For all properties zoned UI, GI, and NDI, the following standards shall apply:

a. Orientation

It is recommended that the orientation of industrial buildings be toward the street parallel to the front property line. All building elevations that have entrances should be treated as facades (except loading docks to the rear).

b. Roof Forms and Materials

Mechanical equipment on roofs should be screened with a parapet wall.

c. Entrances and Windows

Entrances and windows should be placed in the main facade of the building.

d. Setback

Parking areas in industrial districts should not be located between the right-of-way and the building; however, the Zoning Administrator may permit limited parking between the right-of-way and the building provided that such parking is landscaped in conformance with a plan approved by the Zoning Administrator.

e. Service and Docking Facilities

i. Service and docking facilities should be located on the side or rear of the building.

ii. Service and docking facilities should be separate from the main circulation and parking functions.

iii. All dumpsters should be screened on all sides exposed to street view and adjacent land uses. All dumpsters should be shown on the approved site plan.

iv. Service and docking facilities should be easily accessible by service vehicles.

v. Service and docking facilities should be screened from the remainder of the project, adjacent land uses, and major thoroughfares.

f. Utilities/Mechanical/Outdoor Storage

i. Utilities should be underground from R.O.W. to building to reduce visual clutter. If overhead electrical service is provided at the street, similar services can be provided to the building.



- ii. Screen mechanical equipment from the project and adjacent land uses.
- iii. Outdoor storage must be screened from the remainder of the project, adjacent land uses, and streets.

g. Streetscape

Create a landscaped edge outside of the right-of-way along the street.

2. For all properties zoned HC, the following standards shall apply:

a. Orientation

- i. All new buildings shall have consistent orientation and setbacks with adjacent buildings along the street.
- ii. While most new buildings are recommended to be horizontally oriented, clues should be taken from proximate structures' orientation.
- iii. A second aspect of orientation is how the major facade of a building relates to the street. It is recommended that in most cases the front facade should be parallel to the street while recognizing that there still may be the need for side or rear entrances to the building. These secondary elevations should also be designed as a facade if they serve as entrances.

b. Service Areas

All service areas shall be located to the "rear" of the building, away from primary views to the extent possible. If exposed to view, service areas shall be screened with landscaping and appropriate fencing.

c. Building Elevations

- i. Individual buildings shall be designed so that the width or length of any uninterrupted elevation facade is not greater than one and one-half (1½) times the height of the building. The use of fenestration patterns and traditional design elements is encouraged to provide relief to buildings over forty (40) feet in length or width. Expanses of "unbroken walls" over forty (40) feet shall be prohibited. Examples of such design elements are facade offsets, covered porticoes, recessed or projected entries, and other appropriate architectural features and details.
- ii. It is recommended to vary rooflines of new construction and rehabilitation to add visual interest and to break up the mass of the building.

d. Landscaping and Buffering

- i. Landscaping shall be required to add visual interest to open spaces, parking areas, and facades as well as to soften transition between buildings of differing heights and style.
- ii. Landscaping is required for all parking lots.
- iii. Buffering shall be required along the periphery of each individual site. Street trees shall be required along the street edge of the primary access road. Clustering of smaller trees is encouraged throughout the developed area.

e. Walls and Fences

Walls and fences shall be uniform and compatible with architectural style, color, and building material. Appropriate materials include iron grating, wood, stone, or brick. No chain link or stockade fencing will be permitted. Walls greater than forty (40) feet in length shall incorporate some form of visual relief, including, but not limited to, pattern breaks, varying wall construction, vertical features such as columns, differing construction materials, or a combination of the above.

d. Signs

A comprehensive sign package shall be submitted at the time of application. This shall include any proposed directory signs, free-standing signs, and/or all proposed facade signs. Signs shall comply with the sign ordinance.

e. Parking

Rear and side yard parking is encouraged. All parking areas shall include interior landscaping.

3. For all properties zoned UNC, LNC, and NDO, the following standards shall apply:

a. Build-To Line

All new construction and/or enlargements shall maintain a sixty-five (65) percent building frontage along the established build-to line. Properties on corner lots shall maintain a sixty-five (65) percent building frontage on the primary frontage and shall maintain a fifty (50) percent building frontage on the secondary frontage.

b. Ground-Floor Transparency

The street level facade shall be transparent between the height of three (3) feet and eight (8) feet above the walkway grade for no less than sixty (60) percent of the horizontal length of the building facade or shall include commercial-type windows and door openings.

c. Doorways and Entrances

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

d. Building Design

Varied building designs that avoid long, flat facades are required. Buildings must consider the project's siting, massing, proportions, scale, facade treatment and materials in relationship to the surrounding architectural context. Continuous linear strip development is discouraged except in highway locations.

e. Parking Areas

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

- i. 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. 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 (3) feet and eight (8) feet above parking area grade for no less than thirty (30) percent of the horizontal length of the building facade.

f. Transportation Analysis

When determined necessary by the Zoning Administrator, a Transportation Analysis shall be submitted for a project in relation to street capacity, intersection classification, existing and projected traffic volumes and reasonable alternatives that will enable increased traffic to be directed away from residential areas and congested areas.

4. For all properties zoned other than those districts listed above or uses specifically required by the Code to undergo site plan review, the following standards shall apply:

a. Use, Scope, and Intensity

When determined by the Zoning Administrator, the applicant shall provide sketches, exhibits, and other materials to illustrate and quantify the character and site-related impacts of the proposed development.

b. Site Design

Layout design should be guided by such factors as the topography of the site, privacy, building height, orientation, daylight needs, drainage, and views.

c. Building Design

The Zoning Administrator will consider the following guidelines when reviewing building design: harmony of design, creativity and diversity of design, massing, orientation, scale, and materials.

d. Landscape Plan

The landscape design should recognize and make use of the various functions served by landscaping: aesthetic function, architectural function, engineering function, and climatological function.

e. Transportation Analysis

When determined necessary by the Zoning Administrator, a Transportation Analysis shall be submitted for a project in relation to street capacity, intersection classification, existing and projected traffic volumes and reasonable alternatives that will enable increased traffic to be directed away from residential areas and congested areas.

5. *[Reserved.]*

6. For all properties and uses that contain a new structure with a footprint area in excess of fifty thousand (50,000) square feet and are specifically required by the Code to undergo site plan review the following standards shall apply:

a. Ground-Floor Tenant Space

The street level facade shall be lined with space suitable for lease to individual commercial operations for no less than sixty (60) percent of the horizontal length of the building facade facing the primary street and forty (40) percent of the horizontal length of the building facades facing secondary streets. Each individual commercial space shall have an independent entrance and signs on the exterior of the structure.

b. Ground-Floor Transparency

The street level facade shall be transparent between the height of three (3) feet and eight (8) feet above the walkway for no less than seventy (70) percent of the horizontal length of the building facade facing the primary street and forty (40) percent of the horizontal length of the building facades facing secondary streets.

c. Upper-Floor Transparency

The building facades facing the primary and secondary streets above the street level floor shall be transparent at each floor level for no less than twenty-five (25) percent of the horizontal length of the upper floor facade.

d. Doorways and Entrances

All primary structures shall provide a prominent and highly visible street level doorway or entrance on the facade of the building which fronts along a primary or secondary street. Doorways or entrances situated on corners of structures may face both parking areas and the primary or secondary street; otherwise, the doorway or entrance shall not face a parking area. Main entrances to buildings should be emphasized using larger doors and framing devices such as deep overhangs, recesses, peaked roof forms and arches.

e. Building Height

All primary structures shall be no less than forty (40) feet in height and shall not be less than two (2) stories.

f. Service and Docking Facilities

All waste removal and storage areas, loading docks and service yards shall not be located along a facade facing a primary or secondary street and shall be entirely enclosed within the primary structure. Such facilities shall be separated from the main circulation and parking functions.

g. Utility and Mechanical Equipment

i. Utilities shall be underground from R.O.W. to building.

ii. All utility equipment including but not limited to meters, transformers and electrical switches shall not be visible from a property line, parking area or customer entrance or should be located inside of the principal structure except where specifically prohibited by the utility.

iii. Roof mounted mechanical equipment shall be located such that is not visible from a point six (6) feet above grade within one hundred (100) feet of the structure on which it is mounted.

h. Sidewalks

Sidewalks shall be provided which are a minimum of fifteen (15) feet in width at the perimeter of the lot facing the primary street and a minimum of twelve (12) feet in width at the perimeter of the lot facing the secondary streets. Sidewalks shall be a minimum of ten (10) feet in width when provided for pedestrian circulation in parking areas and between ROW and customer entrances.

i. Lot Line

All new construction and/or enlargements shall maintain a eighty (80) percent building frontage along each exterior lot line facing a primary or secondary street.

j. Parking Requirements

- i. Surface parking shall be permitted for no more than three hundred (300) spaces except in the GT, DR, EMI and SP Districts, where surface parking shall be permitted for no more than one hundred fifty (150) spaces.
- ii. All parking in excess of three hundred (300) spaces shall be structured except in the GT, DR, EMI and SP Districts, where all parking in excess of one hundred fifty (150) spaces shall be structured.
- iii. Surface parking areas shall be designed by a registered landscape architect.
- iv. Landscaping in surface parking areas shall include one (1) tree for every five (5) parking spaces and one (1) additional tree at the termination of each row of spaces.
- v. No more than five (5) contiguous parking spaces shall be permitted in surface parking areas.
- vi. Where rows of parking spaces face one another a four-foot landscaped area shall be required between rows.
- vii. Planting areas not separated by vehicular aisles shall abut.
- viii. A planting area of not less than eight and one-half (8.5) feet in width and nineteen (19) feet in length shall be provided for each tree.
- ix. Tree planting areas shall be protected by raised curbs.
- x. Trees shall be of the large canopy variety.
- xi. Tree selection and placement shall be reviewed by the City Forester.
- xii. Light poles and fixtures shall be metal-halide and shall comply with the City of Pittsburgh Downtown Standard.
- xiii. Pedestrian aisles shall be provided to connect parking areas with the primary structure. Pedestrian aisles shall be clearly demarcated.

k. Building Materials

Exterior finish materials shall be of enduring quality. Synthetic stucco, concrete block and simulated wood products may not be used as primary exterior finish materials.

l. Storm Water Management

A Stormwater Management Site Plan shall be submitted in accordance with Title Ten: Building, Chapter 1003: Land Operations Control and **Title Thirteen: Stormwater Management, as applicable and Stormwater Management, as amended.**

m. Natural Features

The development shall minimize negative impacts on existing natural features and shall be designed so as to be compatible with natural features that are retained.

7. Additional Information

When determined by the Zoning Administrator, any additional information specific to the proposed use as deemed necessary by the Zoning Administrator or Planning Commission for adequate site plan review.

8. Conformance with Plans and Policy

Projects are required to be compatible and conform to any master plan, comprehensive plan or development strategy approved by the Planning Commission.

(Ord. 45-2003, § 14, eff. 12-31-03)

922.04.F Notice of Decision

The Zoning Administrator shall, within five (5) 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 refiling 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 (1) or more of the improvements shown on the released site plan within one (1) year of the date that the site plan was released.

(Ord. 40-2005, §§ 1A, 1I, eff. 12-30-05; Ord. 42-2005, § 31, eff. 12-30-05; Ord. 18-2007, § 2, eff. 11-19-07)

§ 924.02. - Issuance of Permits.

No person in the employ of the City or acting on behalf of the City shall

(a) 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.

~~(b) Approve any SWM Site Plan, make any final determination on maintenance responsibilities or accept dedication of facilities where the SWM Site Plan or the SWM BMPs do not meet the design standards and criteria of this Zoning Code or of Chapter 1003 of Title Ten: Building, or otherwise violate the provisions of this Code or Chapter 1003 of Title Ten: Building. Any approval based upon a false statement of fact that is material to the grant of such approval shall be void.~~

(Ord. 18-2007, § 3, eff. 11-19-07)

#### § 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

(a) 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;

(b) To engage in any Regulated Activity, as defined in this Code or in Chapter 1003 of Title Ten: Building **or in Title Thirteen: Stormwater Management, as applicable**, without all of the required permits, approvals, certificates and other forms of authorization required by such Codes 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, approved Stormwater Management Site Plan, certificate or other form of authorization required in order to engage in such activity;

##### 924.03.C Development or Use or Regulated Activity Inconsistent with Conditions

To violate, by act or omission, any term, condition, or qualification placed upon a required permit, approved Stormwater Management Site Plan, certificate, or other form of authorization;

##### 924.03.D Development or Use or Regulated Activity Inconsistent with Code

To erect, construct, reconstruct, remodel, alter, maintain, move, or use any building, structure or sign, or to use any land, or perform any Regulated Activity, in violation or contravention of any regulation of this Code or of Chapter 1003 of Title Ten: Building or **of Title Thirteen: Stormwater Management;**

##### 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.

(Ord. 18-2007, § 3, eff. 11-19-07)

§ 924.04. - Remedies.

The City shall have the following remedies and enforcement powers:

924.04.A Withhold Permits and Approvals.

The City may deny or withhold all permits, certificates, approvals or other forms of authorization, or for any SWM Site Plan or SWM BMPs, on any land or structure or improvements thereon upon which there is an uncorrected violation of a provision of this Code or of Chapter 1003 of Title Ten: Building **or of Title Thirteen: Stormwater Management**, or of a condition or qualification of a permit, certificate, approval or other authorization previously granted by the City, Planning Commission, or Code Official, 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, approvals, certificates or other forms of authorization or for any SWM Site Plan or SWM BMPs on any land or structure or improvements or Development owned by a person who owns, developed or otherwise caused an uncorrected violation of a provision of this Code or of Chapter 1003 of Title Ten: Building **or of Title Thirteen Stormwater Management** 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 and Approvals

### 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.B.3. Approval of SWM Site Plan and SWM BMPs

Any approval may be revoked when the Code Official determines that any of the following conditions exist:

- (a) **Non-compliance or failure to implement any provision of the approved SWM Site Plan or Operation and Maintenance Agreement; or That there is departure from the SWM Site Plan or SWM BMP specifications or conditions that apply to the SWM Site Plan; or**

- (b) That the same was procured by false representation or was issued by mistake; or

- (c) **A violation of any provision of Title Thirteen: Stormwater Management or any other applicable law, ordinance, rule, or regulation relating to the regulated activity; or**

- (d) **The creation of any condition or the commission of any act during the regulated activity which constitutes or creates a hazard, nuisance, pollution, or endangers the life or property of others; or**

- (e) ~~(e)~~ That any of the provisions of this chapter are being violated. Written notice of such revocation shall be served upon the owner, Developer, his or her agent, or contractor, or upon any person employed on the development or structure for which such approval was issued, or shall be posted in a

prominent location; and, thereafter, no such construction shall proceed.

#### 924.04.C Stop Work

With or without revoking permits, the City may stop work on any Development, Regulated Activity, building or structure on any land on which there is an uncorrected violation of a provision of this Code or of Chapter 1003 **or of Title Thirteen: Stormwater Management** or of a permit or approval or other form of authorization issued hereunder, in accordance with its power to stop work under the Building Title.

#### 924.04.D Revoke Plan, SWM Site Plan Approval 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 or of the Stormwater Management provisions of Title Ten: Building **or of Title Thirteen: Stormwater Management**.

#### 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, or of the Stormwater Management provisions of Chapter 1003 of Title Ten: Building **or of Title Thirteen: Stormwater Management**, shall upon conviction be fined not more than one thousand dollars (\$1,000.00) 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 thirty (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 stormwater management plans or ordinances or zoning or related

provisions of its Code.

#### 924.04.I Remedies Cumulative

These remedies shall be cumulative.

(Ord. 18-2007, § 3, eff. 11-19-07)

### § 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.
- 5.1. **Alternative Antenna Support Structure(s)** means manmade trees, clock towers, bell steeples, light poles, flag poles, signs, and similar alternative-design mounting structures that camouflage or conceal the presence of Antennas or Towers.
- 5.2. **Antenna (or Antennae or Antennas)** means any apparatus designed for telephonic, data, radio, or television communications through the sending and/or receiving of electromagnetic waves, including but not limited to, Communications Antenna and Distributed Antenna Systems (DAS).
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 (2) 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, 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 fifty (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 P district where six (6) 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 (9) square meters (ninety-seven (97) square feet).

23. **Automobile, Standard Size** means an automobile which occupies an area greater than or equal to nine (9) square meters (ninety-seven (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.

27.1. **Base Station** means the structure or equipment at a fixed location that enables wireless communications licensed or authorized by the FCC, between user equipment and a communications network. The term does not encompass a Tower as defined in this chapter or any equipment associated with a Tower.

(i) The term includes, but is not limited to, equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

(ii) The term includes, but is not limited to, radio transceivers, Antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including Distributed Antenna Systems and Small-Cell Networks).

(iii) The term includes any structure other than a Tower that, at the time an eligible facilities modification application is filed with the City under the Zoning laws of the City, Chapter 412, and/or Chapter 427, supports or houses equipment described in paragraphs (i)-(ii) immediately-above, and that has been reviewed and approved under the applicable zoning or siting process, or under another State, County or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support.

(iv) The term does not include any structure that, at the time a completed eligible facilities modification application is filed with the City under this section, does not support or house equipment described in paragraphs (i)-(ii) immediately above.

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 (½) 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 (3) sides.

40. **Cellar** means a portion of a building having one-half (½) 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.

45.1. **Co-locating** and **Collocation** mean to locate wireless communications equipment from more than one (1) provider on a single site and/or the mounting or installation of one or more Wireless Communications Facilities as defined herein, including but not limited to, Transmission Equipment and/or Antenna, on an existing Tower, utility pole, light pole, and/or any Eligible Support Structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.

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.

49.1. **Communications Antenna** means any device used to collect or radiate electromagnetic waves, including directional antennae, microwave dishes and satellite dishes, and omni-directional antennae, including but not limited to, Distributed Antenna Systems (DAS).

49.2. **Communications Facility (or Communications Facilities)** shall mean any accessory building, structure, equipment cabinet, Base Station, Transmission Equipment or any other equipment installed in connection with Towers and/or Antennas for the direct or indirect purpose of providing low power radio communications service and shall be:

(i) Constructed so as to conform with all aspects of the Pittsburgh Code, including but not limited to, requirements regarding height, setback, lighting, landscaping, screening, construction materials, etc., and

(ii) Fully automated and unattended on a daily basis and shall be visited only for periodic maintenance, and

(iii) Accessed by means of a public street or easement to a public street. The easement shall be a minimum of twenty (20) feet in width and shall be improved to a width of at least twelve (12) feet with a dust-free, all-weather surface for the entire length; the access shall be landscaped to the satisfaction of the Zoning

Administrator.

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.

53.1. **Conceal or Concealment** means Eligible Support Structures, Towers, Antennas, Stations, Communications Facilities and transmission Facilities designed to look like some feature other than a Wireless Tower or Base Station, including but not limited to Alternative Antenna Support Structures as defined herein at Chapter 926 (5.1).

53.2. **Conservation** means controlled, limited development; protection of basic conditions, qualities or attributes based on natural features, physiographic constraints, or legal covenants.

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.

56.1. **Construction Management Plan** means a plan that identifies the scope and details of a construction operation, including but not limited to transportation routing, street closures and obstructions, debris/dumpster maintenance, work crew parking, site maintenance, etc. A Construction Management Plan shall include measures that will be taken during construction operations to mitigate environmental impacts such as construction noise, traffic, parking, air and light, to the maximum extent feasible. Mitigating measures include but are not limited to sound barriers, temporary sidewalks and sidewalk protection, dust and debris management, and construction safety plans. A Construction Management Plan shall be approved by the Zoning Administrator, Director of Public Works and the Director of Permits, Licenses and Inspections.

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.

65.1 **Design Review** means the review of a project for potential impact on the public realm related to the design of buildings, landscaping, and overall site, in accordance with the zoning district requirements and/or development approval process outlined in the Zoning Code. Design review includes consideration of the project's siting, massing, proportions, scale, facade treatment and materials in relationship to the surrounding architectural and neighborhood context.

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 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 Code 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;
- d. Commencement of mining or excavation on a parcel of land;
- e. Demolition of a structure or removal of substantial living trees;
- f. Deposition of refuse, solid or liquid waste or fill on a parcel of land;
- g. In connection with the 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;
- h. Alteration of shore, bank or floodplain of a river, stream, or artificial body of water;
- i. Re-establishment of a use which has been abandoned;
- j. Departure from the use for which development permission has been granted, or failure to comply with the conditions of an ordinance or order granting the development permission under which the development was commenced or is continued.

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.



**69.C. Distributed Antenna Systems (DAS)** means a network of spatially separated Antenna sites connected to a common source that provides wireless service within a geographic area or structure.

**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 (1) 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.

**73.1. Eligible Support Structure(s)** means any existing Tower or Base Station as defined in this Chapter and Chapter 427, provided that it is in existence at the time the eligible facilities modification application is filed with the City under the Zoning Code, Chapter 901 et seq.

**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.

**75.1. Facade** means the exterior elevation of a structure or building as viewed from a single vantagepoint and determined by the Zoning Administrator.

**75.2. Facility (or Facilities)** means Monopole, Non-Tower Wireless Communications Facility (Non-Tower WCF), Small Cell Facility, Small Cell Network, Tower-Based Wireless Communications Facility (Tower-Based WCF), and/or Wireless Communications Facility (WCF), and/or any accessory building, structure, equipment cabinet or equipment installed in connection with Communication Towers and/or Antennas for the primary purpose of providing low power radio communication service.

**76. Family** means:

(a) An individual, or two (2) 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 (3) 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 (1) 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.** See Use Table, Section 911.02.

**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 line of walls separating two (2) abutting buildings, including;

- (a) Basements;
- (b) Elevator shafts and stairwells at each floor;
- (c) Floor space used for mechanical equipment;
- (d) Penthouses;
- (e) Half stories, and
- (f) Interior balconies and mezzanines.

But not including:

- (a) Cellars;
- (b) Accessory tanks or cooling towers;
- (c) Uncovered steps;
- (d) Terraces, breezeways, open porches and exterior balconies; and
- (e) Parking structures and garages, except where parking is the primary use.

**79. Floor Area Ratio (FAR)** see Section 925.04.

**79.1. Forestry Activities** means the management, cultivation, maintenance, and harvesting of timber from a site of one quarter ( $\frac{1}{4}$ ) acre (ten thousand eight hundred ninety (10,890) square feet; approximately one hundred four and thirty-five hundredths (104.35) feet by one hundred four and thirty-five hundredths (104.35) feet) or more, or a linear extent in any direction exceeding two hundred (200) feet. Does not include the production or processing of lumber or similar activities whether grown on site or off site.

**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 (1) or more automobiles, not including vehicle repair, exhibition or showrooms, or storage of cars for sale.

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

**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 Section 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 twenty (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 twelve (12) or more persons.

90. **Group Residential (Limited)** means a group residential use with a capacity up to eleven (11) persons.

90.1. **Haul Road** means a road designed for use by trucks to transport harvested timber from the log landing to its destination.

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 Section 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 seven hundred fifty (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. **Impervious surfaces shall include, but not be limited to: roofs; additional indoor living spaces, patios, garages, storage sheds and similar structures; and any streets or sidewalks. Decks, parking areas, and driveway areas are counted as impervious areas if they prevent infiltration. Gravel is considered impervious unless compaction or infiltration tests are provided in accordance with requirements of the City of Pittsburgh Stormwater Design Manual.**

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 (2) 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 one hundred thousand (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.

121.1. **Log Landing** means the area at the end of a skid road where harvested timber is stored or prepared for transport from the site.

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 (2) 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 (2) side lot lines.

125. **Lot, Interior** means a lot other than a corner lot.

126. **Lot, Key** means a corner lot abutting two (2) 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 Records' 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 no more than one (1) main structure, 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 (1) frontage upon a street.

(Ord. 28/November 17, 2000/Amend. U-25 )

130. **Lot Size** See Section 925.01.

131. **Lot Width** See Section 925.02.

132. **Lot, Through** means a lot, other than a corner lot, having frontage on two (2) 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 Section 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 (1) 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 three thousand (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 liveboards.

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.

142.1. **Master Development Plan** means a document in support of a proposal for development, submitted to the Planning Commission, in order to demonstrate that a superior development is intended. The Master Development Plan shall contain all that information required by the Zoning Administrator to support the application.

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 one thousand eight hundred (1,800) square feet per unit.

148.1. **Monopole** means a Wireless Communications Facility or site which consists of a single pole structure, designed and erected on the ground or on top of a structure, to support communications Antennae and connecting appurtenances, which consists of a single freestanding pole designed to support communication

Antennae arrays. The structure is anchored to a single concrete and steel foundation (caisson) embedded into the soil.

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.

153.1. **Non-Tower Wireless Communications Facility (Non-Tower WCF)** means all non-tower wireless communications facilities, including but not limited to, Antennae and related equipment. Non-Tower WCF shall not include support structures for Antennae and related equipment.

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 (1) 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 Records' 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 (1) 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 (1) 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 (2) 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.
- 183.1. **Preservation** means maintenance in an existing or natural state in order to prevent environmental degradation of a functional or visual nature.



184. **Primary Use** means the principal or predominant use of any lot or parcel.

184.1. **Primary Street** means the street having the most immediate relationship to existing commercial or residential uses and which affords the principal means of access to abutting property.

185. **Primary Structure** means a structure in which is conducted the primary use of the lot on which it is located.

185.1. **Public Destination Facilities** means a structure providing as its primary use one (1) of the following: community center, hospital, cultural services (limited and general), public assembly (general) recreation and entertainment facilities (general, indoor and outdoor) and gaming enterprises.

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.

186.1. **Public Way(s)** means the surface, the air above the surface, and the area below the surface within any public right-of-way and any street, highway, lane, path, alley, sidewalk, boulevard, drive, bridge, tunnel, park, parkway, lane, square, viaduct, waterway or other public right-of-way including public utility easements or rights-of-way in which the City has jurisdiction; and any other public ground or water within belonging to the City.

186.2. **Radio Frequency (RF) Propagation Map** means a multicolored map depicting a visual representation of the proposed coverage area and signal strength within the proposed coverage area, regularly used by radio frequency engineers when designing a communications network.

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 (1) or more dwelling units for residential occupancy.

200.1. **Residual Stand** means trees remaining following the cutting operation.

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 (1) of the above three (3) criteria, having either:

(i) A minimum width of four (4) lanes, or

(ii) Fifty-one percent or more of the total affected frontage in one (1) 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 three hundred fifty (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.

211.1 **Retail Sales and Service, Outdoor (Non-Accessory Use)**. 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(s)-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; and/or the surface and space above and below any real property in which the City has an interest in law or equity, including, but not limited to any public street, boulevard, road, highway, freeway, lane, alley, court, sidewalk, parkway, swale, river, tunnel, viaduct, bridge, park, or any other place, area, or real property, other than real property owned in fee by the City.

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.

218.1. **Secondary Street** means the street that is subordinate to an intersecting or adjacent primary street and which affords only a secondary means of access to abutting property.

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 Section 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 Section 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 Section 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 Section 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 Section 925.06.

**225. Single-Unit Attached Residential** see Use Table, Section 911.02.

**226. Single-Unit Detached Residential** see Use Table, Section 911.02.

**226.1. Skid** means drag logs by lifting one (1) end off the ground to reduce resistance.

**226.2. Skid road** means a road designed for frequent use by skidding equipment. Skid must incorporate water-control structures to address runoff.

**226.3. Skid trail** means a trail requiring less construction than a skid road because it is used less frequently by skidding equipment.

**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 (2) beds, every unit of two (2) beds, or fraction thereof, shall be counted as a separate sleeping room.

**227.1. Small Cell Facility (or Small Cell Facilities)** means a personal wireless services facility that meets both of the following qualifications:

(i) Each Antenna is located inside an antenna enclosure of no more than three cubic feet in volume or, in the case of an Antenna that has exposed elements, the Antenna and all of its exposed elements could fit within an imaginary enclosure of no more than three cubic feet; and

(ii) Primary equipment enclosures are no larger than seventeen cubic feet in volume. The following associated equipment may be located outside the primary equipment enclosure and if so located, are not included in the calculation of equipment volume: electric meter, concealment, telecommunications demarcation box, ground-based enclosures, battery back-up power systems, grounding equipment, power transfer switch, and cut-off switch.

**227.2. Small Cell Network** means a collection of interrelated Small Cell Facilities designed to deliver personal wireless services.

**227.3. Stealth Technology** means camouflaging and Concealment methods applied to Wireless Communications Towers, Antennae and other Facilities which render them more visually appealing or blend the proposed Facility into the existing structure or visual backdrop in such a manner as to render it minimally visible to the casual observer. Such methods include, but are not limited to, architecturally screened roof-mounted antennas, building-mounted antennas painted to match the existing structure and Facilities constructed to resemble trees, shrubs, and light poles.

**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 (1) 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 (2) 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.

**231.1. Station** means Base Station as defined in this Chapter herein.

**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 (2) opposite exterior walls, are not more than two (2) feet above the floor of such story.

**234. Street** means a strip of land at least twenty-five (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 (1) or a group of connected living or sleeping rooms.

**236.1. Tenant** means a business or organization occupying building space with a registered mailing address for that space.

236.2. **Tertiary Street** means the street whose functions are normally associated with service, delivery, and waste collection and which is not intended for general traffic circulation.

237. **Three-Unit Residential** see Use Table, Section 911.02.

237.1. **Tower** means Communications Tower(s), including but not limited to, any structure that is designed and constructed primarily for the purpose of supporting one (1) or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, DAS hub facilities and the like.

237.2. **Tower, Abandoned** means any tower not in service. A tower not in service may be characterized as not having any antennas (panel type and whip type), or any other device that looks like an antenna, on the tower.

237.3. **Tower, Guyed** means any tower using wire guys connecting above grade portions of a tower diagonally with the ground to provide support for tower and/or antennae.

237.4. **Tower Height** means measured from the base on which the tower is mounted to the top of the tower or other structure, even if the highest point is an antenna or lightning rod, whichever is greater.

237.5. **Tower, Lattice (Self-support)** means structure which generally has three (3) or four (4) legs consisting of vertical, horizontal, and diagonal cross strips or bars that is designed to support communication antenna arrays. The structure legs are anchored to concrete and steel foundations (caissons) embedded into the soil.

237.6. **Tower, Mobile** means any tower capable of being transported in, or by, a motor vehicle. A mobile tower parked for more than twenty-four (24) hours will be classified as a temporary tower.

237.7. **Tower, Monopole** means a Wireless Communications Facility or site which consists of a single pole structure, designed and erected on the ground or on top of a structure, to support communications Antennae and connecting appurtenances, which consists of a single freestanding pole designed to support communication Antennae arrays. The structure is anchored to a single concrete and steel foundation (caisson) embedded into the soil.

237.8. **Tower, Temporary** means towers standing for sixty (60) consecutive days or less. Need for Tower must be established. Need must be based on public safety and/or a public emergency.

237.9. **Tower-Based Wireless Communications Facility (Tower-Based WCF)** means a Tower and its supporting Antennae, including, but not limited to, self-supporting lattice towers, guy towers and monopoles. DAS hub facilities are considered to be Tower-Based WCFs

237.10. **Transmission Equipment** means equipment that facilitates transmission for any wireless communication service licensed or authorized by the FCC, including, but not limited to, radio transceivers, Antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

238. **Transit Facility** see Use Table, Section 911.02.

238.1. **Transparent** means a window or clear surface unobstructed by signage, interior graphic elements, reflective coating, translucent or textured finish, racking or any type of fixed furniture that can be seen through from both the interior and exterior of a structure.

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 (2) or more related primary buildings or uses on one (1) zoning lot.

241.1 **Usable and Urban Open Space** means that portion of a lot, which is not occupied by buildings, parking areas, driveways, streets or loading areas.

(Ord. 28/November 17, 2000/Amend. U-25 )

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 four hundred (400) square feet per unit.

252. **Very Low-Density Residential** means residential development with a density of eight thousand (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 twenty-five (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.

261.1. **Wireless** means transmissions through the airwaves including, but not limited to, infrared line of sight, cellular, PCS, microwave, satellite, or radio signals.

261.2. **Wireless Communications Facility (WCF)** means the Antennae, nodes, control boxes, Towers, poles, conduits, ducts, pedestals, electronics and other equipment used for the purpose of transmitting, receiving, distributing, providing, or accommodating wireless communications services.

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.

(Ord. 23-2001, § 3, eff. 11-30-01; Ord. 21-2002, § 27, eff. 6-18-02; Ord. 22-2002, § 1K, eff. 6-25-02; Ord. No. 2-2005, §§ 1A, 1B, eff. 1-25-05; Ord. 39-2005, § 1D, eff. 12-30-05; Ord. 40-2005, § 1A, eff. 12-30-05; Ord. 42-2005, §§ 40, 41, eff. 12-30-05; Ord. No. 19-2010, § 2A, eff. 6-17-10; Ord. No. 25-2015, § 5, eff. 7-9-15; Ord. No. 33-2016, § 3, eff. 12-13-16; Ord. No. 13-2017, § 4, eff. 3-6-17; Ord. No. 6-2018, § 1, eff. 3-16-18)

## **TITLE THIRTEEN: - STORMWATER MANAGEMENT**

### *CHAPTER 1301: - GENERAL PROVISIONS*

#### *§ 1301.01 - SHORT TITLE.*

This Title shall be known and may be cited as the "City of Pittsburgh Stormwater Management Ordinance."

(Ord. No. 12-2019, art. I, § 13101, eff. 3-20-19)

#### *§ 1301.02 - STATEMENT OF FINDINGS.*

The governing body of the City finds that:

- a. Inadequate management of accelerated **Runoff** of stormwater resulting from **Development** throughout a watershed increases **Runoff** volumes, flows and velocities, contributes to **Erosion** and **Sedimentation**, overtaxes the carrying capacity of **Streams**, **Combined Sewers**, and **Storm Sewers**, greatly increases the cost of public facilities to carry and control stormwater, undermines **Floodplain** management and flood control efforts in downstream communities, reduces **Groundwater** recharge, contributes to and increases basement sewage backups and surface flooding, threatens public health and safety, and increases nonpoint source pollution of water resources.
- b. A comprehensive program of stormwater management (SWM), including regulation of **Development** and activities causing accelerated **Runoff**, is fundamental to the public health, safety, and welfare and the protection of people of the Commonwealth, their resources, and the environment.
- c. Stormwater is an important water resource that provides **Groundwater** recharge for water supplies and supports the base flow of streams.
- d. The use of **Green Infrastructure** (GI) and **Low Impact Development** (LID) are intended to address the



root cause of water quality impairment by using systems and practices which use or mimic natural processes to:

- 1) infiltrate and recharge,
- 2) evapotranspire, and/or
- 3) harvest and use precipitation near where it falls to earth. Green infrastructure practices and LID contribute to the restoration or maintenance of pre-**Development** hydrology.

e. Federal and state regulations require certain municipalities to implement a program of stormwater controls. These municipalities are required to obtain a permit for stormwater **Discharges** from their separate **Storm Sewer** systems and **Combined Sewer** systems under the National Pollutant Discharge Elimination System (NPDES) program, **Combined Sewer Overflow (CSO)** Control Policy, and Clean Water Act.

f. Local combined sewer systems can convey **Stormwater** so long as the **Peak Flows** are stored and released to the combined sewers over a period of time. This approach optimizes the treatment of urban **Stormwater** by the **Allegheny County Sanitary Authority** (ALCOSAN) treatment works.

(Ord. No. 12-2019, art. I, § 13102, eff. 3-20-19)

#### § 1301.03 - PURPOSE.

The purpose of this Title is to promote health, safety, and welfare within the City and its watersheds by minimizing the harms and maximizing the benefits described in Section 1301.02 [https://library.municode.com/pa/pittsburgh/codes/code\\_of\\_ordinances?nodeId=PIZOCO\\_TITTHIRTEENSTMA\\_CH1301GEPR\\_S1301.02STFI](https://library.municode.com/pa/pittsburgh/codes/code_of_ordinances?nodeId=PIZOCO_TITTHIRTEENSTMA_CH1301GEPR_S1301.02STFI) of this Title, through provisions designed to:

- a. Meet legal water quality requirements under state law, including regulations in **25 PA. Code 93 PA Code Title 25** to protect, maintain, reclaim, and restore the existing and designated uses of the waters of this Commonwealth.
- b. Preserve natural drainage systems.
- c. Manage **Stormwater Runoff** close to the source, reduce **Runoff** volumes, and mimic pre-**Development** hydrology.
- d. Provide procedures and **Performance Standards** for **Stormwater** planning and management.
- e. Maintain **Groundwater** recharge to prevent degradation of surface and **Groundwater** quality and to otherwise protect water resources.
- f. Prevent scour and **Erosion** of **Stream** banks and streambeds.
- g. Reduce basement sewage backups and surface flooding.
- h. Provide proper operation and maintenance of all **Stormwater Best Management Practices** (BMPs) that are implemented within the City.
- i. Provide standards to meet NPDES permit requirements.

(Ord. No. 12-2019, art. I, § 13103, eff. 3-20-19)

#### § 1301.04 - STATUTORY AUTHORITY.

The City is empowered to regulate land use activities that affect **Runoff** by the authority of the ~~Act of July~~

31, 1968, P.L., No. 247, The Pennsylvania Municipalities Planning Code, as amended, and/or the Act of October 4, 1978, P.L. 864 (Act 167), 32 P.S. Section 680.1, et seq., as amended, The Stormwater Management Act, **and the Home Rule Charter of the City of Pittsburgh.**

(Ord. No. 12-2019, art. I, § 13104, eff. 3-20-19)

*§ 1301.05 - APPLICABILITY.*

All **Regulated Activities** and all activities that may affect **Stormwater Runoff**, including land **Development** and **Earth Disturbance Activity**, are subject to regulation by this Title.

(Ord. No. 12-2019, art. I, § 13105, eff. 3-20-19)

*§ 1301.06 - REPEALER.*

Any other ordinance provision(s) or regulation of the City inconsistent with any of the provisions of this Title is hereby repealed to the extent of the inconsistency only, to the extent permitted by law.

(Ord. No. 12-2019, art. I, § 13106, eff. 3-20-19)

*§ 1301.07 - SEVERABILITY.*

In the event that a court of competent jurisdiction declares any section or provision of this Title invalid, such decision shall not affect the validity of any of the remaining provisions of this Title.

(Ord. No. 12-2019, art. I, § 13107, eff. 3-20-19)

*§ 1301.08 - COMPATIBILITY WITH OTHER REQUIREMENTS.*

**a.** Approvals issued and actions taken under this Title do not relieve the **Applicant** of the responsibility to secure required permits or approvals for activities regulated by any other code, law, regulation or ordinance.

**b.** All improvements required by this Title shall be designed and constructed in conformance with this Title and the code for the City of Pittsburgh and the City of Pittsburgh Stormwater Design Manual, which the Department of City Planning shall promulgate. Except as specifically provided for in this chapter, nothing contained in this Title shall be construed to affect the other code of the City of Pittsburgh.

(Ord. No. 12-2019, art. I, § 13108, eff. 3-20-19)

*§ 1301.09 - ERRONEOUS PERMIT.*

Any permit or authorization issued or approved based on false, misleading or erroneous information provided by an **Applicant** is void without the necessity of any proceedings for revocation. Any work undertaken or use established pursuant to such permit or other authorization is unlawful. No action may be taken by a board, agency or employee of the City purporting to validate such a violation.

(Ord. No. 12-2019, art. I, § 13109, eff. 3-20-19)

§ 1301.10 - VERSION OF REGULATIONS AND STANDARDS.

Any reference to a statute, regulation or standard, shall be interpreted to refer to the latest or most current version of that document.

(Ord. No. 12-2019, art. I, § 13110, eff. 3-20-19)

CHAPTER 1302: - DEFINITIONS

§ 1302.01 - [GENERALLY.]

For the purposes of this Title, certain terms and words used herein shall be interpreted as follows:

- a. Words used in the present tense include the future tense; the singular number includes the plural, and the plural number includes the singular; words of masculine gender include feminine gender; and words of feminine gender include masculine gender.
- b. The word "includes" or "including" shall not limit the term to the specific example but is intended to extend its meaning to all other instances of like kind and character.
- c. The words "shall" and "must" are mandatory; the words "may" and "should" are permissive.

These definitions do not necessarily reflect the definitions contained in pertinent regulations or statutes, and are intended for this Title only.

1. **95TH PERCENTILE RAINFALL EVENT.** The measured precipitation depth accumulated over a twenty-four-hour period for the period of record that ranks as the 95th percentile rainfall depth based on the range of all daily event occurrences during this period. Refer to the City of Pittsburgh Stormwater Design Manual for rainfall depth for 95th Percentile Rainfall Event. ~~As of 2018, the precipitation volume of the 95th Percentile Rainfall Event shall be one and a half (1.5) inches, based on the Technical Guidance on Implementing the Stormwater Runoff Requirements for Federal Projects under Section 438 of the Energy Independence and Security Act (2009) prepared by the United States Environmental Protection Agency. Beginning on January 1, 2020 and every five (5) years thereafter, the Review Body may recalculate the volume of the 95th Percentile Rainfall Event, which must be calculated based on a minimum of thirty (30) years of precipitation data.~~
2. **ACT 167.** The City is empowered to regulate land use activities that affect Runoff and surface and groundwater quality and quantity by the authority of the Commonwealth of Pennsylvania's Act of October 4, 1978, P.L. 864 (Act 167), 32 P.S. Section 680.1, et seq., as amended, the "Storm Water Management Act."
3. **AGRICULTURAL ACTIVITY.** Activities associated with agriculture such as agricultural cultivation, agricultural operation, and animal heavy use areas. This includes the work of producing crops including tillage, land clearing, plowing, disking, harrowing, planting, harvesting crops or pasturing and raising of livestock and installation of conservation measures. Construction of new buildings or Impervious Area is not considered an agricultural activity.
4. **APPLICANT.** A landowner, Developer, or other person who has filed an application to the City for approval to engage in any regulated activity at a Project Site in the City.
5. **BEST MANAGEMENT PRACTICE (BMP).** Activities, facilities, designs, measures, or procedures used to manage stormwater impacts from regulated activities, to meet State Water Quality

**Requirements**, to promote groundwater recharge, and to otherwise meet the purposes of this Title. Stormwater BMPs are commonly grouped into one (1) of two (2) broad categories or measures: "structural" or "non-structural." In this Title, non-structural BMPs or measures refer to operational and/or behavior-related practices that attempt to minimize the contact of pollutants with stormwater **Runoff**, whereas structural BMPs or measures are those that consist of a physical device or practice that is installed to capture and treat stormwater **Runoff**. **Refer to the City of Pittsburgh Stormwater Design Manual for standards for stormwater BMPs. Structural BMPs include, but are not limited to, a wide variety of practices and devices, from large-scale retention ponds and constructed wetlands, to small-scale underground treatment systems, infiltration facilities, filter strips, low impact design, bioretention, wet ponds, permeable paving, grassed swales, riparian or forested buffers, sand filters, detention basins, and manufactured devices. Structural stormwater BMPs are permanent appurtenances to the project site.**

6. **CHANNEL.** A natural stream that conveys water; a ditch or open channel excavated for the flow of water.
  7. **CITY.** The City of Pittsburgh in Allegheny County, Pennsylvania, and any related city agency **bureau** or department.
  8. **COMBINED SEWER.** Portions of the Sewer System which were designed and built to carry sanitary sewage and/or industrial waste in a manner combined with stormwater Discharge.
  9. **CONDUIT.** Any channel intended for the conveyance of water, whether open or closed.
  10. **CONFLUENCE.** Points where watercourses join together.
  11. **CONSERVATION DISTRICT.** A conservation district, as defined in Section 3(c) of the Conservation District Law (3 P. S. § 851(c)) that has the authority under a delegation agreement executed with DEP to administer and enforce all or a portion of the regulations promulgated under PA Code Title 25, Chapter 102.
  12. **COUNTY.** The County of Allegheny, Pennsylvania.
  13. **CULVERT.** A pipe, conduit or similar structure including appurtenant works which carries water under or through an embankment or fill.
  14. **DAM.** 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.
  15. **DESIGN STORM.** The magnitude and temporal distribution of precipitation from a storm event measured in probability of occurrence (e.g., a 5-year storm) and duration (e.g., twenty-four (24) hours) used in the design and evaluation of stormwater management systems. Also see Return Period.
  16. **DESIGN STORM METHOD.** A method of calculating stormwater management needs, also known as Volume Control-Guideline 1 (CG-1) in the **PA** BMP Manual <sup>3</sup>, requiring detailed modeling based on site conditions.
  17. **DESIGNATED PLAN REVIEWER.** A Qualified Professional as defined herein, that has been designated by the City to be the reviewer of SWM Site Plans for the City, and shall be understood to be the reviewer where indicated as the City within this Title.
- ~~DETENTION BASIN.~~** ~~An impoundment designed to collect and retard stormwater runoff by temporarily storing the runoff and releasing it at a predetermined rate. Detention basins are designed to drain completely in a designed period after a rainfall event, and to become dry until the next rainfall event.~~
18. **DETENTION VOLUME.** The volume of runoff that is captured and released into the **Waters** of the Commonwealth at a controlled rate.
  19. **DEP.** The Pennsylvania Department of Environmental Protection.
  20. **DEVELOPER.** Any landowner, agent of such landowner or tenant with the permission of such landowner, who seeks to make or makes or causes to be made a subdivision or land **Development** or to undertake any regulated activities at a site in the city.

21. **DEVELOPMENT.** For the purposes of this ordinance: any activity, construction, alteration, change in land use or similar action that affects stormwater runoff characteristics.
22. **DEVELOPMENT SITE (SITE).** See Project Site.
23. **DIAMETER BREAST HEIGHT (DBH).** The diameter of the trunk of a tree, measured four and one-half (4.5) feet above ground level. For trees with co-dominant (forked) stems, the trunk is measured below the fork and above the trunk flare, at the point of the smallest diameter. For multi-stemmed trees, the diameter is considered to be the sum of the diameters of all of the stems that contribute significantly to the crown.
24. **DISCHARGE.** 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).
25. **DISTURBED AREA.** An unstabilized land area where an Earth Disturbance Activity is occurring or has occurred.
26. **DRAINAGE.** Interception and removal of excess surface water or groundwater from land by artificial or natural means.
27. **DRAINAGE AREA.** 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.
28. **EARTH DISTURBANCE ACTIVITY.** A construction or other human activity which disturbs the surface of the land, including, but not limited to: clearing and grubbing; planting; grading; demolition; excavations; embankments; road construction or full depth repair; building construction; and the moving, depositing, stockpiling, or storing of soil, rock, or earth materials.
29. **ENCROACHMENT.** 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.
30. **EROSION.** The natural process by which the surface of the land is worn away by water, wind, or chemical action.
31. **EXISTING CONDITION.** The dominant land cover during the five-year period immediately preceding a proposed regulated activity.
32. **FEMA.** Federal Emergency Management Agency.
33. **FLOODPLAIN.** Any land area susceptible to inundation by water from any natural source or delineated by applicable FEMA maps and studies as being a special flood hazard area, as identified per the Floodplain Overlay District in Title Nine 9. Also includes areas that comprise Group 13 Soils, as listed in Appendix A of the Pennsylvania DEP Technical Manual for Sewage Enforcement Officers (as amended or replaced from time to time by DEP).
34. **FLOODWAY.** The channel of the watercourse and those portions of the adjoining Floodplains that are reasonably required to carry and Discharge the 100-year flood. Unless otherwise specified, as identified per the Floodplain Overlay District in Title Nine 9. In an area where no FEMA maps or studies have defined the boundary of the 100-year floodway, it is assumed-absent evidence to the contrary-that the floodway extends from the stream to fifty (50) feet from the top of the bank of the stream.
35. **GREEN INFRASTRUCTURE.** Systems and practices that use or mimic natural processes to infiltrate, evapotranspire, or reuse stormwater on the site where it is generated.
36. **GROUNDWATER.** Water beneath the earth's surface that supplies wells and springs and is within the saturated zone of soil and rock.
37. **GROUNDWATER RECHARGE.** The replenishment of existing natural underground water supplies from precipitation or overland flow.
38. **HYDROLOGIC SOIL GROUP (HSG).** Infiltration rates of soils vary widely and are affected by subsurface Permeability as well as surface intake rates. Soils are classified into four (4) HSGs (A, B, C, and D) according to their minimum infiltration rate, which is obtained for bare soil after prolonged wetting. The NRCS defines the four (4) groups and provides a list of most of the soils in the United

States and their group classification. The soils in the area of the development site may be identified from a soil survey report that can be obtained from local NRCS offices or conservation district offices. Soils become less pervious as the HSG varies from A to D (NRCS 1, 2).

39. **HYDROLOGY. 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.**
40. **IMPERVIOUS SURFACE (IMPERVIOUS AREA).** A surface that prevents the infiltration of water into the ground. Impervious surfaces (or areas) shall include, but not be limited to: roofs; additional indoor living spaces, patios, garages, storage sheds and similar structures; and any ~~new~~ streets or sidewalks. Decks, parking areas, and driveway areas are counted as **Impervious Areas** if they directly prevent infiltration. Gravel is considered impervious unless compaction or infiltration tests are provided **in accordance with requirements of the City of Pittsburgh Stormwater Design Manual.**
41. **IN-LIEU FEE. Fee that Developers or property owners may pay to achieve alternative compliance if unable to comply with volume control regulations with onsite management. Fee amount is commensurate with the cost of meeting management requirements off-site.**
42. **INVASIVE SPECIES.** Plant species that are not native to the state, grow aggressively, and spread and displace **Native Vegetation** per DCNR's most-recently published invasive species list.
43. **INFILTRATION.** Movement of surface water into the soil, where it is absorbed by plant roots, evaporated into the atmosphere, or percolated downward to recharge groundwater.
44. **LAND DEVELOPMENT (DEVELOPMENT).** Any activity, construction, alteration, change in land use or similar action that affects stormwater runoff characteristics. The definitions in the "Subdivision Regulations and Standards of the City Planning Commission," the Special Definitions for the Riverfront Overlay District of the Zoning Code, and/or the definition in Chapter 926 of the Zoning Code may apply.
45. **LOW IMPACT DEVELOPMENT (LID).** Site design approaches and small-scale stormwater management practices that promote the use of natural systems for infiltration, evapotranspiration, and reuse of rainwater. LID can be applied to new development, urban retrofits, and revitalization projects. LID utilizes design techniques that infiltrate, filter, evaporate, and store runoff close to its source. Rather than rely on costly large-scale conveyance and treatment systems, LID addresses stormwater through a variety of small, cost-effective landscape features located on-site.
46. **LANDSLIDE-PRONE AREA.** Any area delineated on the City of Pittsburgh landslide-prone overlay district map and /or which is determined by a geotechnical study to be landslide prone.
47. **MS4.** Municipal separate storm sewer system; a conveyance or system of conveyances that is owned by a state, city, town, village, or other public entity that discharges to waters of the Commonwealth; is designed or used to collect or convey stormwater (including storm drains, pipes, ditches, etc.); is not a combined sewer; and is not part of a publicly owned treatment works (sewage treatment plant).
48. **NATIVE VEGETATION.** Plant species that have historically grown in Pennsylvania and are not invasive species as defined herein.
49. **NRCS.** USDA Natural Resources Conservation Service (previously Soil Conservation Service).
50. **OUTFALL. Points or areas at which stormwater 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.**
51. **OUTLET STRUCTURE. A structure designed to control the volume of stormwater runoff that passes through it during a specific length of time.**
52. **PA BMP MANUAL. The Pennsylvania Department of Environmental Protection's Stormwater Best Management Practices Manual, most recent version.**
53. **PEAK DISCHARGE/FLOW/RATE OF RUNOFF.** The maximum rate of flow of water at a given point and time resulting from a specific storm event.
54. **PERFORMANCE STANDARD. A standard which establishes an end result or outcome which is to**

- be achieved but does not prescribe specific means for achieving it.
55. **PERMEABILITY.** The rate at which water will move through a saturated soil.
56. **PERVIOUS AREA.** Any area not defined as impervious.
57. **POINT OF INTEREST.** A point of hydrological and hydraulic importance used for analysis.
58. **PREFERRED STORMWATER MANAGEMENT TECHNOLOGIES.** Stormwater management practices that can provide additional co-benefits, increased reliability, or better performance than other technologies. Preferred Stormwater Management Technologies must be in accordance with the City of Pittsburgh Stormwater Design Manual.
59. **PROJECT SITE.** The specific area of land where any regulated activities in the City are planned, conducted, or maintained.
60. **QUALIFIED PROFESSIONAL.** Any person licensed by the Pennsylvania Department of State or otherwise qualified under Pennsylvania law to perform the work required by this Title.
61. **REGULATED ACTIVITIES.** Any earth disturbance activities or any activities that involve the alteration or development of land in a manner that may affect stormwater runoff.
62. **REGULATED EARTH DISTURBANCE ACTIVITY.** Activity involving earth disturbance subject to regulation under PA Code Title 25, Chapters 92 and 102, or the Clean Streams Law.
63. **RELEASE RATE.** The percentage of Existing Conditions peak rate of runoff from a site or Subarea to which the proposed conditions peak rate of runoff must be reduced to protect downstream areas.
64. **RELEASE RATE DISTRICT.** A watershed or portion of a watershed for which a release rate has been established by an adopted Act 167 Stormwater Management Plan.
65. **RESERVOIR.** Any basin, either natural or artificial, which contains or will contain the water impounded by a Dam.
66. **RETENTION VOLUME/REMOVED RUNOFF.** The volume of runoff that is captured and not released directly into the surface waters of this Commonwealth during or after a storm event.
67. **RETURN PERIOD.** The average interval, in years, within which a storm event of a given magnitude can be expected to occur one time. For example, the 25-year return period rainfall would be expected to occur on average once every 25 years; or stated in another way, the probability of a 25-year storm occurring in any one (1) year is 0.04 (i.e., a four-percent chance).
68. **RIPARIAN BUFFER.** A permanent vegetated area of trees and shrubs located adjacent to streams, lakes, ponds and wetlands.
69. **RUNOFF.** Any part of precipitation that flows over the land.
70. **RUNOFF CHARACTERISTICS.** The surface components of any watershed which affect the rate, amount, and direction of stormwater runoff. These may include but are not limited to: vegetation, soils, slopes, and man-made landscape alterations.
71. **SANITARY SEWER:** Portions of the Sewer System which were designed and built to carry sanitary sewage and/or industrial waste separately from storm water Discharge, or portions of the Sewer System so designated as a Sanitary Sewer by resolution of PWSA.
72. **SCS.** Soil Conservation Service, U.S. Department of Agriculture.
73. **SEDIMENT.** Soils or other materials transported by surface water as a product of Erosion.
74. **SEDIMENTATION.** The process by which mineral or organic matter is accumulated or deposited by moving wind, water, or gravity.
75. **SIMPLIFIED METHOD.** A method of calculating stormwater management needs, also known as Volume Control-Guideline 2 (CG-2) in the PA BMP Manual<sup>3</sup>, which is independent of site conditions.
76. **STATE WATER QUALITY REQUIREMENTS.** The regulatory requirements to protect, maintain, reclaim, and restore water quality under PA Code Title 25 and the Clean Streams Law.
77. **STORM SEWER.** A sewer that carries intercepted surface runoff, street water, and other washwaters, or drainage, but excludes sewage and industrial wastes.
78. **STORM SEWER DISCHARGE.** Flow from a storm sewer that is discharged into a receiving stream.

**79. STORMWATER.** Drainage runoff from the surface of the land resulting from precipitation or snow or ice melt.

**80. STORMWATER COLLECTION SYSTEM.** Natural or engineered structures which collect and transport stormwater 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.

~~**STORMWATER MANAGEMENT FACILITY.** Any structure, natural or manmade, that, due to its condition, design, or construction, conveys, stores, or otherwise affects stormwater runoff. Typical stormwater management facilities include, but are not limited to: detention and retention basins; open channels; storm sewers; pipes; rain gardens, bio-retention planters and swales, and other infiltration facilities.~~

**81. STORMWATER MANAGEMENT(SWM) SITE PLAN.** The plan prepared by the Developer or the Developer's representative indicating how stormwater runoff will be managed at the development site in accordance with this Title. Stormwater Management Site Plan will be designated as SWM Site Plan throughout this Title.

**82. STORMWATER PERMIT.** An official document issued by the building code official that authorizes performance of work regulated by this ordinance.

**83. STREAM.** A channel or conveyance of surface water having a defined bed and banks, whether natural or artificial, with perennial or intermittent flow.

**84. STREAMBANK, TOP OF.** The first substantial break in slope between the edge of the bed of the stream and the surrounding terrain.

**85. SUBAREA.** A portion of the watershed that has similar hydrological characteristics and drains to a common point.

**86. TIME OF CONCENTRATION.** 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.

**87. UNDERMINED AREA.** Area where coal or other minerals have been mined, removing the lateral support and leaving underground voids where the accumulation of water can occur and/or can increase acid mine drainage.

**88. USDA.** United States Department of Agriculture

**89. VOLUME OF STORMWATER RUNOFF.** 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.

**90. WATERS OF THIS COMMONWEALTH.** Any and all rivers, streams, creeks, rivulets, impoundments, ditches, watercourses, storm sewers, lakes, dammed water, wetlands, ponds, springs, and all other bodies or channels of conveyance of surface and underground water, or parts thereof, whether natural or artificial, within or on the boundaries of this Commonwealth.

**91. WATERCOURSE.** See Stream.

**92. WATERSHED.** Region or land area drained by a river, watercourse, or other surface water of this Commonwealth to a downstream point.

**93. WATERSHED STORM WATER MANAGEMENT PLAN (OR WATERSHED PLAN).** The plan for management of stormwater runoff throughout a designated watershed as required by the Pennsylvania Storm Water Management Act.

**94. WETLAND.** Areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, and similar areas.

(Ord. No. 12-2019, art. II, eff. 3-20-19)



CHAPTER 1303: - STORMWATER MANAGEMENT STANDARDS

§ 1303.01 - GENERAL REQUIREMENTS.

a. For all **Regulated Activities** that result in cumulative **Earth Disturbances** equal to or greater than ten thousand (10,000) square feet, or the addition of five thousand (5,000) square feet of **Impervious Area**, or lower thresholds as defined in the Zoning Ordinance, unless preparation of an SWM **Site Plan** is specifically exempted in Section 1303.02 <[https://library.municode.com/pa/pittsburgh/codes/code\\_of\\_ordinances?nodeId=PIZOCO\\_TITTHIRTEENSTMA\\_CH1303STMAST\\_S1303.02EX](https://library.municode.com/pa/pittsburgh/codes/code_of_ordinances?nodeId=PIZOCO_TITTHIRTEENSTMA_CH1303STMAST_S1303.02EX)>:

1. Preparation and implementation of an approved SWM **Site Plan** is required.

2. No **Regulated Activities** shall commence until the City issues written approval of an SWM **Site Plan**, which demonstrates compliance with the requirements of this Title.

b. SWM **Site Plans** approved by the City, in accordance with Section 1304.06

<[https://library.municode.com/pa/pittsburgh/codes/code\\_of\\_ordinances?nodeId=PIZOCO\\_TITTHIRTEENSTMA\\_CH1304STMASWSIPLRE\\_S1304.06AUCOTEVA](https://library.municode.com/pa/pittsburgh/codes/code_of_ordinances?nodeId=PIZOCO_TITTHIRTEENSTMA_CH1304STMASWSIPLRE_S1304.06AUCOTEVA)>, shall be on

site throughout the duration of the regulated activity.

c. These standards apply to the landowner and any person engaged in **Regulated Activities**.

d. **Riparian Buffer** requirements per Section 1303.05

<[https://library.municode.com/pa/pittsburgh/codes/code\\_of\\_ordinances?nodeId=PIZOCO\\_TITTHIRTEENSTMA\\_CH1303STMAST\\_S1303.05RIBU](https://library.municode.com/pa/pittsburgh/codes/code_of_ordinances?nodeId=PIZOCO_TITTHIRTEENSTMA_CH1303STMAST_S1303.05RIBU)> are applicable regardless of

whether or not the disturbance thresholds triggering SWM **Site Plan** review are met.

e. For all **Regulated Earth Disturbance Activities**, **Erosion** and sediment control BMPs shall be designed, implemented, operated, and maintained during the **Regulated Earth Disturbance Activities** (e.g., during construction) to meet the purposes and requirements of this Title and to meet all requirements under PA Code Title 25 and the Clean Streams Law. Various BMPs and their design standards are listed in the Erosion and Sediment Pollution Control Program Manual (E&S Manual4), No. 363-2134-008, as amended and updated.

f. Impervious areas **from a Project Site**:

1. The measurement of **Impervious Areas** shall include all of the **Impervious Areas** in the **Project Site** **total proposed development** even if **Development** is to take place in stages.

2. For **Development** taking place in stages, the entire **Development** plan must be used in determining conformance with this Title.

3. For projects that add **Impervious Areas** to a site, the total **Impervious Areas** is subject to the requirements of this Title and of Title Nine, the Zoning Code. **The total Impervious Areas calculation shall include the sum of the remaining pre-Development Impervious Areas plus any newly created post-Development Impervious Areas, if applicable.**

g. Stormwater flows onto adjacent or downstream property shall not be created, increased, decreased, relocated, impeded, or otherwise altered without written permission of the affected property owner(s).

Notification shall include a description of the proposed **Development** and the stormwater flows that are being created, increased, decreased, relocated, impeded, or otherwise altered. Adjacent property shall at a minimum include any property having a shared boundary with the subject property of the SWM **Site Plan**, however, if in the judgement of the Designated Plan Reviewer additional properties are being affected, additional notifications may be required. Proof of notification (signed postal receipt for example) shall be included as part of the SWM plan submission to the City. Such stormwater flows shall be subject to the requirements of this Title.

h. All **Regulated Activities** shall include such measures as necessary to:

1. Protect health, safety, and property.

2. Meet the water quality goals of this Title by implementing measures to:

A. Minimize disturbance to **Floodplains**, wetlands, natural slopes over twenty-five (25) percent, existing **Native Vegetation**, trees and wooded areas.

B. Maintain or extend **Riparian Buffers**.

C. Minimize soil disturbance and soil compaction.

D. Avoid erosive flow conditions in natural flow pathways.

E. Minimize thermal impacts to waters of this Commonwealth.

F. Disconnect **Impervious Surfaces** by directing **Runoff** to **Pervious Areas**, wherever possible.

3. Incorporate **Green Infrastructure** methods described in the **City of Pittsburgh Stormwater Design Manual** ~~DEP Stormwater Best Management Practices Manual (BMP Manual<sup>3</sup>)~~. **In cases where Green Infrastructure is infeasible, as determined within the City of Pittsburgh Stormwater Design Manual, the SWM Site Plan shall meet the requirements in** Section 1303.033. ~~If methods other than green infrastructure and LID methods are proposed to achieve the volume and rate controls required under this Title, the SWM site PLAN must include a detailed justification, acceptable to the Designated Plan Reviewer, demonstrating that the use of LID and green infrastructure is not practicable. See Section 1303.033.~~

i. Infiltration BMPs should be dispersed throughout the **Project Site** at strategic locations, made as shallow as practicable, and located to maximize use of natural on-site **Infiltration** features provided that the geological and soil conditions are conducive to **Infiltration**. **Locations where Infiltration is prohibited within the City are defined within the City of Pittsburgh Stormwater Design Manual. Infiltration is prohibited in the Landslide-Prone Overlay District.**

j. **All Infiltration BMPs** should completely drain both the volume control and rate control capacities over a period of time not less than twenty-four (24) and not more than seventy-two (72) hours from the end of the **Design Storm**.

k. The **Design Storm** precipitation depths to be used in the analysis of **volume control and Peak Rates of Discharge** shall be as obtained in **the City of Pittsburgh Stormwater Design Manual in PennDOT's Drainage Manual, Publication 584, Appendix 7A; or obtained from the latest version of the Precipitation-Frequency Atlas of the United States, National Oceanic and Atmospheric Administration (NOAA), National Weather Service, Hydrometeorological Design Studies Center.**

l. For all **Regulated Activities**, SWM BMPs shall be designed, implemented, operated, and maintained to meet the purposes and requirements of this Title and to meet all requirements under PA Code Title 25, the Clean Streams Law, and the Storm Water Management Act.

m. Regulated activities shall incorporate BMPs and their design standards as listed in the **City of Pittsburgh Stormwater Design Manual BMP Manual** <sup>3</sup> ~~when feasible or required~~.

n. The City may, after consultation with DEP, approve measures for meeting the **State Water Quality Requirements** other than those in this Title, provided that they meet the minimum requirements of, and do not conflict with, state law including, but not limited to, the Clean Streams Law.

**o. For Regulated Activities discharging stormwater to surface Waters of the Commonwealth via privately and/or publicly owned separate Storm Sewers, BMPs shall meet or exceed pollutant filtration requirements within the City of Pittsburgh Stormwater Design Manual.**

**p. For Regulated Activities within high pollutant loading hotspot areas, all BMPs used to meet the volume and/or rate control requirements shall incorporate pretreatment to prevent BMP performance decline due to pollutants. Guidelines for pollutant loading hotspot areas and pretreatment design methods shall meet requirements within the City of Pittsburgh Stormwater Design Manual.**

**q. The order of preference for all stormwater Discharge connections, regardless if subject to stormwater regulations, shall be 1.) the surface Waters of the Commonwealth, 2.) a public separate Storm Sewer, and 3.) a public combined sewer. All stormwater connections and the minimum distance threshold for mandatory connection shall meet requirements within Title Four: Public Spaces Chapter 433: Illegal Surface Stormwater Connections, the PWSA Developers Manual, and the City of Pittsburgh Stormwater Design Manual.**

**r. Surface stormwater Discharges from a Project Site to the public right-of-way are prohibited and all stormwater Discharges must connect as per the connection requirements in 1303.01.q In the event that surface Discharges to the right-of-way are unavoidable per an alternatives analysis submitted to the City demonstrating that the connection options in 1303.01.q are not feasible, a “no-harm” downstream hydraulic analysis is required at the discretion of the City to ensure that sufficient conveyance capacity exists to convey the Discharge without risk to public safety. “No-harm” downstream hydraulic analysis shall meet the requirements within the City of Pittsburgh Stormwater Design Manual.**

**s. All stormwater Runoff and Groundwater originating from a Project Site are the sole responsibility of the property owner to provide for, and maintain, private stormwater management infrastructure that safely conveys all Discharge flows. No Discharges shall result in a public safety and/or nuisance risk to adjacent public and private property. In the event of insufficient capacity to meet this requirement, the Developer must construct new or existing infrastructure upgrades, either on adjacent private property or to the public right-of-way infrastructure. Cost for upgrades shall be provided at Developer’s expense. Depending on the type of the upgrade, the City at its discretion may require regular maintenance, at the Developer’s expense, to ensure long-term functionality.**

(Ord. No. 12-2019, art. III, § 13301, eff. 3-20-19)

§ 1303.02 - EXEMPTIONS.

- a. Agricultural Activity is exempt from the SWM Site Plan preparation requirements of this Title provided the activities are performed according to the requirements of PA Code Title 25, Chapter 102.
- b. Roadway resurfacing and maintenance projects, which do not increase Impervious Area, and underground infrastructure projects are exempt from the provisions of this Title, provided the activities meet the requirements of all other municipal, state and federal requirements.
- c. Demolition of a residential structure by the City or other governmental body.
- d. Exemptions from any provisions of this Title shall not relieve the Applicant from the requirements in Section 1303.01. ~~eE~~ through ~~kK~~, which require all disturbance and Development activities, regardless of SWM Site Plan review requirements, to comply with other relevant state and local codes.
- e. The City may deny or revoke any exemption pursuant to this Section at any time for any project that the City believes may pose a threat to public health and safety or the environment.
- f. If conditions exist that prevent the reasonable implementation of water quality and/or quantity control practices on site, upon written request by the Applicant, the City Department may at its sole discretion accept off-site stormwater management practices, retrofitting, Stream restorations, or other practices that provide water quality and/or quantity control equal or greater than onsite practices for the volume which the Applicant has demonstrated to be infeasible to manage and treat on site.  
(Ord. No. 12-2019, art. III, § 13302, eff. 3-20-19)

§ 1303.03 - VOLUME CONTROLS.

**Preferred and approved stormwater BMPs, as identified** ~~The green infrastructure and low impact development practices provided~~ in the City of Pittsburgh Stormwater Design Manual BMP Manual, shall be used ~~utilized~~ for meeting the regulatory requirements for all Regulated Activities ~~wherever possible~~. Water volume controls shall be implemented using the Design Storm Method in subsection A or the Simplified Method in subsection B below ~~or alternative design criteria as allowed by PA Code Title 25, Chapter 102.~~

- a. The Design Storm Method (CG-1 in the PA BMP Manual) is applicable as a method to any size of regulated activity. This method requires detailed modeling based on site conditions. The following shall be incorporated into the Design Storm Method:
  - 1. Do not increase the post-Development total Runoff volume for all storms equal to or less than the two-year, twenty-four-hour duration precipitation.
  - 2. Runoff from at least the annual 95th Percentile Rainfall Event using future climate change rainfall projections within the City of Pittsburgh Stormwater Design Manual shall be permanently removed from the Runoff flow, i.e., it shall not be released into the sewer system or surface waters of this Commonwealth. For privately-funded projects: At least the first one (1) inch of runoff from impervious surfaces shall be permanently removed from the runoff flow, i.e.,

it shall not be released into the surface waters of this Commonwealth.

3. Removal options include reuse, evaporation, transpiration, and Infiltration. Demonstration of technical infeasibility for the removal of Runoff shall meet infeasibility criteria thresholds established within the City of Pittsburgh Stormwater Design Manual. If removal of the Runoff is deemed infeasible, and the Designated Plan Reviewer agrees, Runoff shall be detained and meet water quality Release Rate requirements as stipulated within the City of Pittsburgh Stormwater Design Manual. Fee-in lieu payments for not meeting the volume requirement within this Chapter are provided in Section 1303.03.F. For publicly-funded projects: Runoff from at least the 95th percentile storm event shall be permanently removed from the runoff flow, i.e., it shall not be released into the surface waters of this Commonwealth.

~~4. For both privately and publicly-funded projects: Removal options include reuse, evaporation, transpiration, and, except in the Landslide-Prone Overlay District, infiltration. If the developer provides justification that the listed removal options are not feasible, and the Designated Plan Reviewer agrees, runoff shall be detained in a facility designed for a twenty-four-hour dewatering time if in an area with a dedicated stormwater system (not contributory to a combined sewer system), or shall be detained in a facility designed for a seventy-two-hour dewatering time if in an area contributory to a combined sewer system, before discharge to the environment or local stormwater systems.~~

~~4. 5.~~ For modeling purposes:

A. Existing (pre-Development) non-forested Pervious Areas shall be calculated using Permeability coefficients for meadow in good condition, in efforts to be as conservative as possible in Existing Conditions modeling.

B. Twenty (20) percent of existing Impervious Area, when present, shall be calculated using Permeability coefficients for meadow in good condition in the model for existing conditions. The intent of this is to start calculations from a baseline that is closer to naturally-occurring, pre-urbanization conditions, realizing that Impervious cover has detrimental hydrologic impacts.

b. The Simplified Method (CG-2 in the PA BMP Manual) provided below is independent of site conditions and should be used if the Design Storm Method is not followed. This method is not applicable to Regulated Activities greater than one (1) acre or for projects that require design of stormwater storage facilities. For Impervious Surfaces:

1. Stormwater facilities shall capture at least the first two (2) inches of Runoff from Impervious Surface.

2. Runoff from at least the 95th Percentile Rainfall Event using future climate change rainfall projections within the City of Pittsburgh Stormwater Design Manual shall be permanently removed from the Runoff flow, i.e., it shall not be released into the sewer system or surface waters of this Commonwealth. For privately-funded projects: At least the first one (1) inch of runoff from impervious surfaces shall be permanently removed from the runoff flow, i.e., it shall not be released into the surface waters of this Commonwealth.

3. Removal options include reuse, evaporation, transpiration, and Infiltration. Demonstration of

technical infeasibility for the removal of Runoff shall meet infeasibility criteria established within the City of Pittsburgh Stormwater Design Manual. If removal of Runoff is deemed infeasible, and the Designated Plan Reviewer agrees, Runoff shall be detained and meet design requirement for non-infiltrating BMPs as stipulated within the City of Pittsburgh Stormwater Design Manual. For publicly-funded projects: Runoff from at least the 95th-percentile storm event shall be permanently removed from the runoff flow, i.e., it shall not be released into the surface waters of this Commonwealth.

~~4. For both privately and publicly-funded projects: Removal options include reuse, evaporation, transpiration, and, except in the Landslide-Prone Overlay District, infiltration. If the developer provides justification that the listed removal options are not feasible, and the Designated Plan Reviewer agrees, runoff shall be detained in a facility designed for a twenty-four-hour dewatering time if in an area with a dedicated stormwater system (not contributory to a combined sewer system), or shall be detained in a facility designed for a seventy-two-hour dewatering time if in an area contributory to a combined sewer system, before discharge to the environment or local stormwater systems.~~

#### c. Volume Control Incentives and Offsets

1. Applicants that manage additional volume in excess of the requirements of this title may be eligible for a volume control incentive grant payment per additional cubic foot of storage volume provided up to 2.5 inches of precipitation over Impervious Surfaces either within the proposed Development or within lands outside of the proposed Development but owned by the Applicant. Volume control incentive grant payment rates shall be as stipulated in the City of Pittsburgh Stormwater Design Manual and are subject to the availability of funds.

2. Applicants meeting the volume control requirement using a combination of preferred BMPs, water reuse, and active controls as defined in the City of Pittsburgh Stormwater Design Manual, will be eligible for a 5-business day SWM Site Plan review.

3. Subject to requirements outlined in the City of Pittsburgh Stormwater Design Manual, Applicants may offset the volume control requirement by managing an equivalent area of Impervious Surface outside of the Project Site but within lands owned by the Applicant.

4. Subject to requirements outlined in the City of Pittsburgh Stormwater Design Manual, Applicants may implement volume control projects on lands owned by the Applicant to offset volume requirements for future Development projects. Should volume control requirements change between the time when the offsetting project is implemented and when the future Development project occurs, the volume control offset will be prorated accordingly. Volume offsets shall be transferable in the event that the property is sold or otherwise transferred to a different owner than the Applicant.

5. Volume control offset projects must fully meet the requirements of this Title.

6. Approval of volume control offsets under this Title does not necessarily authorize this approach for meeting NPDES permit requirements.

#### d. In cases where the Applicant believes that meeting the volume control requirement is technically

infeasible using preferred or approved BMPs, the Applicant must either submit an innovation approval request per § 1303.03 (e) and/or submit a technical infeasibility determination as part of the SWM Site Plan to determine if volume control requirements can be met in whole or in part using an In-lieu Fee payment as described in § 1303.03 (f). The technical infeasibility determination report shall at least include, but is not limited to, engineering calculations, geologic reports, results of geotechnical investigations and Infiltration testing, hydrologic analyses, and site maps, as defined in the City of Pittsburgh Stormwater Design Manual. Within the technical infeasibility determination report, Applicants must demonstrate the technical infeasibility of each approved BMP for each Drainage Area within the proposed Project Site according to BMP-specific technical infeasibility criteria defined in the City of Pittsburgh Stormwater Design Manual.

e. Applicants wishing to meet volume control requirements using innovative BMPs not listed as preferred or approved BMPs may submit an innovation approval request to the City authorizing the use of innovative technologies on a case-by-case basis. The innovation approval request must include 1) evidence that the BMP is approved by a recognized third party certification program listed in the City of Pittsburgh Stormwater Design Manual, or 2) performance data collected in accordance with data collection protocols listed in the City of Pittsburgh Stormwater Design Manual, or 3) a study plan for a pilot project in accordance with pilot project study plan requirements provided in the City of Pittsburgh Stormwater Design Manual and for which the pilot project proposes to provide management for no more than 10% of the total regulated Drainage Area of the Project Site.

f. Applicants must pay, as a pre-requisite of City issuance of SWM Site Plan approval, a one time fee in-lieu payment for each Drainage Area for which the volume control requirement cannot be met using preferred or approved BMPs, and for which the City has determined that the technical infeasibility determination is justified, less any areas for which the volume control requirement is being met using offsets or via an innovation approval request. The one time fee in-lieu payment shall be \$600,000 per acre-inch of the required volume for each Drainage Area to meet the volume control requirement per Section 1303.03. The fee in-lieu payment amount may be adjusted annually after January 1, 2022 based on the percentage change in the United States Bureau of Labor Statistics Consumer Price Index for All Urban Consumers for all items for the Pittsburgh area. Fee in-lieu payments are not available as a compliance alternative to meet rate control requirements.

g. Determination of technical infeasibility by the City for purposes of issuing SWM Site Plan approval shall not imply that technical infeasibility has been established for purposes relating to obtaining NPDES permit authorization.

(Ord. No. 12-2019, art. III, § 13303, eff. 3-20-19)

#### *§ 1303.04 - RATE CONTROLS.*

Rate control requirements are regulated based on the Project Site location and its respective watershed. Special rate control watersheds include: Allegheny County Act 167 watersheds (Section 1303.04.a) and Public Health and Safety watersheds (Section 1303.04.b). For Project Sites that overlap both Allegheny County Act 167 watersheds and Public Health and Safety watersheds, rate control calculations for both provisions shall be performed and the more stringent Release Rate shall govern. For areas not covered by either Allegheny County Act 167 watersheds or the Public Health and Safety watersheds, rate control requirements are regulated to the requirements in Section 1303.04.c.

a. For areas ~~not~~ covered by ~~the~~ a maximum-allowable Release Rate map from ~~the~~ an approved Allegheny

**County Act 167 Stormwater Management Plan:**

For the 1-, 2-, 5-, 10-, 25-, 50-, and 100-year, twenty-four-hour **rainfall storm** events, the post-**Development Peak Discharge** rates will follow the applicable approved **Release Rate** maps **and procedures incorporating the use of future climate rainfall projections provided in the City of Pittsburgh Stormwater Design Manual contained in Appendix A (New and Existing Release Rate Management Districts).** ~~This pre-development to post-development control is not to be misconstrued as the same as the "Conditional Direct Discharge" areas on the release rate maps. If it is shown that the peak rates of discharge indicated by the post-development analysis are less than or equal to the peak rates of discharge indicated by the pre-development analysis for 1-, 2-, 5-, 10-, 25-, 50-, and 100-year, twenty-four-hour storms, then the requirements of this section have been met.~~<sup>22</sup> ~~Peak flows should be computed using the methods included in the Chapter titled "Stormwater Calculations and Methodology" of the BMP Manual~~<sup>3</sup>.

**b. For areas covered by the City Public Health and Safety Release Rate map:**

**The City has identified watersheds with infrastructure that are subject to capacity restrictions and therefore pose a risk to public health and safety associated with basement sewage backups and surface flooding. The Public Health and Safety Release Rate requirement minimizes the impact of Runoff from Development within the identified watersheds. For watersheds identified on the Public Health and Safety Release Rate maps, post-Development Discharge rates shall not exceed the pre-Development Discharge rates for the 1-, 2-, 5-, 10-, 25-, 50-, and 100-year, 24-hour rainfall events using the rainfall estimates and procedures incorporating the use of future climate change rainfall projections provided within the City of Pittsburgh Stormwater Design Manual. Post-Development Discharge rates also shall meet the Public Health and Safety Release Rate requirements using future climate change rainfall projections within the City of Pittsburgh Stormwater Design Manual.**

~~For areas covered by a maximum-allowable release rate map from an approved Act 167 Stormwater Management Plan:~~

~~For the 1-, 2-, 5-, 10-, 25-, 50-, and 100-year, twenty-four-hour storm events, the post-development peak discharge rates will follow the applicable approved release rate maps. These maps are contained in Appendix A (New and Existing Release Rate Management Districts). Peak flows should be computed using the methods included in Chapter 8 of the BMP Manual~~<sup>3</sup>.

**c. For areas not covered by the maximum-allowable Release Rate map from the approved Allegheny County Act 167 Stormwater Management Plan (Refer to 1303.04.a), or by the City Public Health and Safety Release Rate map (Refer to 1303.04.b):**

**Post-Development Discharge rates shall not exceed the pre-Development Discharge rates for the 1-, 2-, 5-, 10-, 25-, 50-, and 100-year, 24-hour rainfall events using the rainfall estimates and procedures incorporating the use of future climate change rainfall projections provided within the City of Pittsburgh Stormwater Design Manual.**

**d. e. For modeling purposes, whether or not the area is covered by a City Public Health and Safety and/or an Allegheny County Act 167 maximum-allowable Release Rate map:**

1. Existing (pre-**Development**) non-forested **Pervious Areas** shall be calculated using **Permeability** coefficients for meadow in good condition.
2. Twenty (20) percent of existing **Impervious Area**, when present, shall be calculated using



**Permeability** coefficients for meadow in good condition in the model for **Existing Conditions**. The intent of this is to start calculations from a baseline that is closer to naturally-occurring, pre-urbanization conditions, realizing that **Impervious** cover has detrimental hydrologic impacts.

**e. Rate Control Incentives and Points of Interest**

**1. Applicants that provide rate control in excess of the requirements of this chapter may be eligible for a rate control incentive grant payment per additional acre-inch of storage volume provided. Rate control incentive payment rates shall be as stipulated in the City of Pittsburgh Stormwater Design Manual and are subject to the availability of funds.**

**2. Rate control and volume control incentive grant payments are not additive.**

**3. Subject to requirements outlined in the City of Pittsburgh Stormwater Design Manual, Applicants may meet rate control requirements at a downstream Point of Interest that includes lands owned by the Applicant but outside of the Project Site, so long as the Point of Interest is located upslope of the Discharge to the public sewer system.**

(Ord. No. 12-2019, art. III, § 13304, eff. 3-20-19)

***§ 1303.05 - RIPARIAN BUFFERS.***

a. In order to protect and improve water quality, a **Riparian Buffer** easement shall be created and recorded as part of any subdivision or land **Development** that encompasses a **Riparian Buffer**, regardless of whether other requirements from this Title apply. The intent of this Title in establishing a **Riparian Buffer** is to protect and improve **Stream** water quality. The **Riparian Buffer** is intended to slow overland flow to the **Stream** through the presence of native grasses, trees and shrubs, allowing **Infiltration/Groundwater** recharge; causing deposition of sediment, nutrients, pesticides, and other pollutants in the buffer rather than in the **Stream**; and reducing **Erosion** by providing **Stream** bank stabilization. The trees provide shade for **Streams**; keeping waters cooler and reducing evaporation.

b. Except as required by PA Code Title 25 Chapter 102, the **Riparian Buffer** easement shall be required for all **Streams** with a contributing watershed area of greater than ten (10) acres. The **Riparian Buffer** easement shall be measured to be a minimum of thirty-five (35) feet from the **Top of the Streambank** (on each side).

c. Minimum management requirements for **Riparian Buffers**:

1. No use or construction within the **Riparian Buffer** shall be permitted that is inconsistent with the intent of the **Riparian Buffer** as described in Section 1303.05.A.
2. Existing **Native Vegetation** shall be protected and maintained within the **Riparian Buffer** easement.
3. Whenever practicable, invasive vegetation shall be actively removed and the **Riparian Buffer** easement shall be planted with native trees, shrubs and other vegetation to create a diverse native plant community appropriate to the intended ecological context of the site.

d. The **Riparian Buffer** easement shall be enforceable by the City and shall be recorded in the appropriate County Recorder of Deeds Office, so that it shall run with the land and shall limit the use of the property located therein. The easement shall allow for the continued private ownership and shall count toward the

minimum lot area required by zoning, unless otherwise specified in the Zoning Ordinance.

e. Any permitted use within the **Riparian Buffer** easement shall be conducted in a manner that will maintain the extent of the existing 100-year **Floodplain**, improve or maintain the **Stream** stability, and preserve and protect the ecological function of the **Floodplain**.

f. Stormwater drainage pipes shall be permitted within the **Riparian Buffer** easement, but they shall cross the easement in the shortest practical distance. Other structural stormwater management facilities are not permitted within the **Riparian Buffer** easement.

g. The following conditions shall apply when public and/or private recreation trails are permitted by the City within **Riparian Buffers**:

1. It is preferred that trails be designed to be permeable and for non-motorized use only; however, impermeable trails are permitted provided they have adequate drainage.
2. Trails shall be designed to have the least impact on native plant species and other sensitive environmental features.

h. Septic drainfields and sewage disposal systems shall not be permitted within the **Riparian Buffer** easement and shall comply with setback requirements established under PA Code Title 25, Chapter 73.

i. Underground utilities shall be permitted within the **Riparian Buffer** easement; however, work shall be performed to minimize disturbance area and removal of trees. Restoration within the **Riparian Buffer** easement shall be with native species of trees, grasses, and other plantings.

1. Where tree removal is necessary, an existing tree survey, tree replacements, and landscape restoration plan shall be designed by a Registered Professional with the requisite experience. Tree replacements shall follow the tree replacement requirements of the Zoning Ordinance for trees greater than twelve (12) inches DBH (diameter at breast height), or a one-to-one replacement rate for trees lesser than twelve (12) inches DBH.

2. Aboveground utilities shall only be permitted to cross the easement perpendicular to the easement or in the shortest practical distance. Existing utilities may remain and be maintained as required.

(Ord. No. 12-2019, art. III, § 13305, eff. 3-20-19)

**~~§ 1303.06 – STANDARDS FOR GREEN INFRASTRUCTURE AND LOW-IMPACT DEVELOPMENT.~~**

**~~a. If methods other than green infrastructure and low-impact development methods are proposed to achieve the volume and rate controls required under this Ordinance, the applicant shall demonstrate technical infeasibility in the SWM site plan sealed by a qualified professional.~~**

**~~b. Demonstration of technical infeasibility. For projects where technical infeasibility exists, the developer shall document and quantify that, due to the site conditions enumerated below, it is technically infeasible to manage the total amount of the precipitation from rainfall events less than or equal to the 95th percentile rainfall event by infiltrating, evapotranspiring and harvesting and reusing~~**

~~the precipitation using green infrastructure and low impact development practices. Documentation of technical infeasibility shall at least include, but is not limited to, engineering calculations, geologic reports, hydrologic analyses, and site maps. The stormwater management plan reviewer may consider the following site conditions that may prevent the utilization of green infrastructure and low impact development technologies and stormwater strategies, such as infiltration, evapotranspiration, and harvesting and reuse:~~

- ~~1. The conditions on the site preclude the use of infiltration practices due to the presence of shallow bedrock, contaminated soils, landslide prone areas, near surface ground water or other factors such as underground facilities or utilities;~~
- ~~2. The design of the site precludes the use of soil amendments, plantings of vegetation or other designs that can be used to infiltrate and evapotranspire runoff;~~
- ~~3. Water harvesting and use are not practical or possible because the volume of water used for irrigation, toilet flushing, industrial make-up water, wash waters, or other is not significant enough to warrant the design and use of water harvesting and use systems;~~
- ~~4. Modifications to an existing building to manage stormwater are not feasible due to structural or plumbing constraints or other factors as identified by the facility owner/operator;~~
- ~~5. Small project sites where the lot is too small to accommodate infiltration practices adequately sized to infiltrate the volume of runoff from impervious surfaces;~~
- ~~6. Soils that cannot be sufficiently amended to provide for the requisite infiltration rates;~~
- ~~7. Situations where site use is inconsistent with the capture and use of stormwater or other physical conditions on site that preclude the use of plants for evapotranspiration or bioinfiltration;~~
- ~~8. Retention and/or use of stormwater onsite or discharge of stormwater onsite via infiltration has a significant adverse effect on the site or the down gradient water balance of surface waters, ground waters or receiving watershed ecological processes, including areas that may exacerbate acid mine drainage or subsidence;~~
- ~~9. State and local requirements or permit requirements that prohibit water collection or make it technically infeasible to use certain green infrastructure and low impact development techniques;~~
- ~~10. Compliance with the requirements of this Chapter would result in the retention and/or use of stormwater on the site such that an adverse water balance impact may occur to the receiving surface waterbody or groundwater.~~

~~c. If, due to the existence of site conditions described above, a developer successfully demonstrates to the stormwater management plan reviewer that it is technically infeasible to manage the total amount of the precipitation from rainfall events less than or equal to the 95th percentile rainfall event by infiltrating,~~

~~evapotranspiring and harvesting and reusing the precipitation using green infrastructure and low impact development practices, the remaining percentage of precipitation may be managed using conventional technologies so long as they adhere to all detention and release rate requirements in this Title.~~

~~(Ord. No. 12-2019, art. III, § 13306, eff. 3-20-19)~~

#### *CHAPTER 1304: - STORMWATER MANAGEMENT SITE PLAN REQUIREMENTS*

##### *§ 1304.01 - GENERAL REQUIREMENTS ~~PLAN REQUIREMENTS~~.*

a. For any activities regulated by this Title, no Earth Disturbance may commence and no building permit may be issued until the City has approved a SWM Site Plan.

b. SWM Site Plan review and approval is a two-step process consisting of:

1. City review and approval of a Conceptual SWM Plan in accordance with the requirements of Section 1304.02.

2. City review and approval of a SWM Site Plan in accordance with the requirements Section 1304.03.

c. The Applicant must receive Conceptual SWM Plan approval from the City prior to submission of a SWM Site Plan.

d. The City shall not approve any SWM Site Plan that is deficient in meeting the requirements of this Title. At its sole discretion and in accordance with this Title, when a SWM Site Plan is found to be deficient, the City may either disapprove the submission and require a resubmission, or in the case of minor deficiencies, the Designated Plan Reviewer may accept submission of modifications.

~~The City shall not approve any SWM site plan that is deficient in meeting the requirements of this Title. At its sole discretion and in accordance with this Article, when a SWM site plan is found to be deficient, the City may either disapprove the submission and require a resubmission, or in the case of minor deficiencies, the Designated Plan Reviewer may accept submission of modifications.~~

The following items shall be included in the SWM site plan:

~~a. Provisions for permanent access or maintenance easements for all physical SWM BMPs, such as ponds and infiltration structures, as necessary to implement the operation and maintenance (O&M) plan discussed in subsection b.9. below.~~

~~b. The SWM site plan shall provide the following information:~~

~~1. The overall stormwater management concept for the project.~~

~~2. A determination of site conditions in accordance with the BMP Manual <sup>3</sup>. A detailed site evaluation shall be completed for projects proposed in environmentally sensitive areas, such as but not limited to brownfields and areas with steep slopes.~~

~~3. Stormwater runoff design computations and documentation as specified in this Title, or as otherwise necessary to demonstrate that the maximum practicable measures have been taken to meet the requirements of this Title, including the recommendations and general requirements in Section 1303.1.~~

~~4. Expected project schedule.~~

~~5. A soil Erosion and sediment control plan, where applicable, as prepared for and submitted to the approval authority.~~

6. The effect of the project (in terms of runoff volumes, water quality, and peak flows) on surrounding properties and aquatic features and on any existing stormwater conveyance system that may be affected by the project.

7. Plan and profile drawings of all SWM BMPs, including drainage structures, pipes, open channels, and swales.

8. SWM site plan shall show the locations of existing and proposed on-lot wastewater facilities and water supply wells, property boundaries, existing and proposed topography, point(s) of interest, utilities, and potential utility conflicts.

9. The SWM site plan shall include an O&M plan for all existing and proposed physical stormwater management facilities. This plan shall address long-term ownership and responsibilities for O&M including type and schedule/frequency of maintenance activities, personnel and equipment requirements, estimated annual maintenance costs, and method of financing continuing O&M.

10. A justification, acceptable to the Designated Plan Reviewer, must be included in the SWM site plan if BMPs other than green infrastructure methods and LID practices are proposed to achieve the volume, rate and water quality controls under this Title. See Section 1303.06

<[https://library.municode.com/pa/pittsburgh/codes/code\\_of\\_ordinances?nodeId=PIZO00\\_TITTHIRTEENSTMA\\_CH1303STMAST\\_S1303.06STGRINLPADE](https://library.municode.com/pa/pittsburgh/codes/code_of_ordinances?nodeId=PIZO00_TITTHIRTEENSTMA_CH1303STMAST_S1303.06STGRINLPADE)>.

A. Documentation and quantification of why, due to the applicable site conditions, it is technically infeasible to manage the total amount of the precipitation from rainfall events less than or equal to the 95th percentile rainfall event by infiltrating, evapotranspiring and harvesting and reusing the precipitation using green infrastructure and low impact development practices;

B. If conventional technology will be used to manage any volume, a list and description of conventional technologies the developer plans to utilize and how much precipitation volume those conventional technologies will manage.

(Ord. No. 12-2019, art. IV, § 13401, eff. 3-20-19)

§ 1304.02 -CONCEPTUAL STORMWATER MANAGEMENT PLAN PLAN SUBMISSION.

The following items shall be included in the Conceptual SWM Plan submission:

a. Conceptual SWM Plan review application in accordance with requirements outlined in the City of Pittsburgh Stormwater Design Manual.

b. Conceptual SWM Plan in accordance with requirements outlined in the City of Pittsburgh Stormwater Design Manual and containing the following information:

1. Applicant and project location information.

2. Preliminary base plans depicting Existing Conditions and lot lines.

3. Limits of Earth Disturbance.

4. Identification of proposed site improvements consistent with improvement shown on Zoning Site Plan submission, if applicable.

5. Identification of areas for proposed stormwater management BMPs, including locations, extent, and types of BMPs depicting conceptual footprints and volumes, Discharge locations and safe overflow connections; and

6. Post-construction stormwater management BMP Drainage Areas delineating pervious and impervious cover.

7. Plan call outs and tabular information designating proposed stormwater volume control offsets, rate control points of interest, additional or enlarged BMPs qualifying for stormwater management volume or rate incentives, proposed BMPs targeted for innovation track approval, and accounting of points if preferred technology incentives are being requested.

8. Preliminary technical feasibility determination reports for any Drainage Areas for which the Applicant intends to pursue In-lieu Fee compliance.

**c. Documentation of proposed Rainwater Bonus Goals and Points in accordance with Title Nine: Zoning, Chapter 915: Environmental Performance Standards, Section 915.07.D.5, if applicable.**

~~Plans shall be submitted in a format acceptable to the Designated Plan Reviewers.~~

(Ord. No. 12-2019, art. IV, § 13402, eff. 3-20-19)

**§ 1304.03 - *STORMWATER-MANAGEMENT SITE PLAN* Plan Review**

**The following items shall be included in the SWM Site Plan Submission:**

a. Provisions for permanent access or maintenance easements for all physical SWM BMPs, such as ponds and **Infiltration** structures, as necessary to implement the operation and maintenance (O&M) plan discussed in subsection b.9. below.

**b. SWM Site Plan in accordance with requirements outlined in the City of Pittsburgh Stormwater Design Manual and containing the following information:**

**1. The overall stormwater management concept for the project.**

**2. A determination of site conditions in accordance with the City of Pittsburgh Stormwater Design Manual and DEP PA BMP Manual<sup>3</sup>. A detailed site evaluation shall be completed for projects proposed in environmentally sensitive areas, such as but not limited to brownfields and areas with steep slopes.**

**3. Stormwater Runoff design computations and documentation as specified in this Title and the City of Pittsburgh Stormwater Design Manual, or as otherwise necessary to demonstrate that the maximum practicable measures have been taken to meet the requirements of this Title, including the recommendations and general requirements in Section 1303.01.**

**4. Expected project schedule.**

**5. A soil Erosion and sediment control plan, where applicable, as prepared for and submitted to the approval authority.**

**6. The effect of the project (in terms of Runoff volumes, water quality, and Peak Flows) on surrounding properties and aquatic features and on any existing stormwater conveyance system that may be affected by the project.**

**7. Plan and profile drawings of all SWM BMPs, including drainage structures, pipes, open Channels, and swales.**

**8. SWM Site Plan shall show the locations of existing and proposed on-lot wastewater facilities and water supply wells, property boundaries, existing and proposed topography, point(s) of interest, utilities, and potential utility conflicts.**

**9. The SWM Site Plan shall include an O&M plan in accordance with the City of Pittsburgh Stormwater Design Manual for all existing and proposed physical stormwater management facilities. This plan shall address long-term ownership and responsibilities for O&M including type and schedule/frequency of maintenance activities, personnel and equipment requirements, estimated annual maintenance costs, and method of financing continuing O&M.**

**10. A justification in accordance with the City of Pittsburgh Stormwater Design Manual requirements, acceptable to the Designated Plan Reviewer, must be included in the SWM Site Plan if BMPs other than preferred or approved BMPs are proposed to achieve the volume, rate and water quality controls under this Title. See Chapter 1303 and the City of Pittsburgh**

Stormwater Design Manual.

11. Plan call outs and tabular information designating proposed stormwater volume control offsets, rate control points of interest, additional or enlarged BMPs qualifying for stormwater management volume or rate incentives, proposed BMPs targeted for innovation track approval, and accounting of points if preferred technology incentives are being requested.

12. Technical feasibility determination reports for any Drainage Areas for which the Applicant intends to pursue In-lieu Fee compliance.

c. Infiltration testing and geotechnical testing investigation report in accordance with the City of Pittsburgh Stormwater Design Manual.

d. For any activities that require state or federal permits, proof of application or approval of those permit(s).

e. Proof of submission of a soil Erosion and sediment control plan to the Allegheny County Conservation District and approval of Non-Permitted Plan, per 25 PA Code 102.4(b)(2)(i), or approval of General (PAG-02) or Individual NPDES Permit for Stormwater Discharges Associated with Construction Activities, or Erosion and Sediment Permit (ESCP) as applicable.

~~The City has designated the Department of City Planning and the Pittsburgh Water and Sewer Authority as the Designated Plan Reviewers of SWM site plans for the City, and shall be understood to be the reviewer where indicated as the City within this Title.~~

(Ord. No. 12-2019, art. IV, § 13403, eff. 3-20-19)

§ 1304.04 - PLAN-SUBMISSION. MODIFICATION OF PLANS.

Plans shall be submitted in a format acceptable to the Designated Plan Reviewers.

~~A modification to an approved SWM site plan that involves a change in SWM BMPs or techniques, or that involves the relocation or redesign of SWM BMPs, or that is necessary because soil or other conditions are not as stated on the approved SWM site plan, as determined by the Designated Plan Reviewer, shall require a resubmission of the modified SWM site plan in accordance with this Article.~~

(Ord. No. 12-2019, art. IV, § 13404, eff. 3-20-19)

§ 1304.05 - PLAN-REVIEW. RESUBMISSION OF DISAPPROVED SWM SITE PLANS.

a. Conceptual SWM Plans and SWM Site Plans shall be submitted to and approved by the City for consistency with the provisions of this Title and the City of Pittsburgh Stormwater Design Manual.

b. The City has designated the Department of City Planning, the Department of Permits, Licenses, and Inspections, and the Pittsburgh Water and Sewer Authority as the Designated Plan Reviewers of SWM Site Plans for the City, and shall be understood to be the reviewer where indicated as the City within this Title.

c. The City shall notify the Applicant in writing within fifteen (15) business days whether the Conceptual SWM Site Plan is approved or disapproved or requires additional documentation. If a longer notification period is provided by other statute, regulation, or ordinance, the Applicant will be so notified by the City.

d. Conceptual SWM Site Plan approval will expire after one (1) year from the date of issuance. The Applicant may request to renew the application for one (1) additional year provided the request is submitted prior to the expiration of the approval. A lapsed approval shall not be renewed more

than once. Renewal shall be made by written statement without requiring the filing of a new application. 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.

e. The City shall notify the Applicant in writing within forty-five (45) days whether the SWM Site Plan is approved or disapproved or requires additional documentation. If a longer notification period is provided by other statute, regulation, or ordinance, the Applicant will be so notified by the City.

f. For any SWM Site Plan that proposes to use any BMPs other than Green Infrastructure and LID practices to achieve the volume and rate controls required under this Title, the City will not approve the SWM Site Plan unless it determines that Green Infrastructure and LID practices are infeasible in accordance with of the City of Pittsburgh Stormwater Design Manual.

g. If the City disapproves the SWM Site Plan, the City will state the reasons for the disapproval in writing. Revisions to a SWM Site Plan can be approved if requirements of the code are met.

h. No person in the employ of the City or acting on behalf of the City shall approve any SWM Site Plan, make any final determination on maintenance responsibilities or accept dedication of facilities where the SWM Site Plan or the SWM BMPs do not meet the design standards and criteria of this Title or the City of Pittsburgh Stormwater Design Manual. Any approval based upon a false statement of fact that is material to the grant of such approval shall be void.

~~A disapproved SWM site plan may be resubmitted, with the revisions addressing the City's concerns, to the City in accordance with this Article. The applicable review fee, in accord with Article VI, must accompany a resubmission of a disapproved SWM site plan.~~

(Ord. No. 12-2019, art. IV, § 13405, eff. 3-20-19)

§ 1304.06 - ~~MODIFICATION OF PLANS~~ AUTHORIZATION TO CONSTRUCT AND TERM OF VALIDITY.

A modification to an approved SWM Site Plan that involves a change in SWM BMPs or techniques, or that involves the relocation or redesign of SWM BMPs, or that is necessary because soil or other conditions are not as stated on the approved SWM Site Plan, as determined by the Designated Plan Reviewer, shall require a resubmission of the modified SWM Site Plan in accordance with this Title.

~~The City's issuance of a stormwater management approval letter authorizes the regulated activities contained in the SWM site plan for a maximum term of validity of five (5) years following the date of approval. The City may specify a term of validity shorter than five (5) years in the approval for any specific SWM site plan. Terms of validity shall commence on the date the City signs the approval for an SWM site plan. If an approved SWM site plan is not completed according to Section 1304.07 ~~<[https://library.municode.com/pa/pittsburgh/codes/code\\_of\\_ordinances?nodeId=PIZOCTITTHIRTEENSTMA\\_CH1304STMASWSIPLRE\\_S1304.07REDRCOCEFIH](https://library.municode.com/pa/pittsburgh/codes/code_of_ordinances?nodeId=PIZOCTITTHIRTEENSTMA_CH1304STMASWSIPLRE_S1304.07REDRCOCEFIH)>~~ within the term of validity, then the City may consider the SWM site plan disapproved and may revoke any and all permits. SWM site plans that are considered disapproved by the City shall be resubmitted in accordance with Section 1304.05 ~~<[https://library.municode.com/pa/pittsburgh/codes/code\\_of\\_ordinances?nodeId=PIZOCTITTHIRTEENSTMA\\_CH1304STMASWSIPLRE\\_S1304.05REDISWSIPL](https://library.municode.com/pa/pittsburgh/codes/code_of_ordinances?nodeId=PIZOCTITTHIRTEENSTMA_CH1304STMASWSIPLRE_S1304.05REDISWSIPL)>~~ of this Title.~~

(Ord. No. 12-2019, art. IV, § 13406, eff. 3-20-19)

§ 1304.07 - ~~RESUBMISSION OF DISAPPROVED SWM SITE PLANS. RECORD DRAWINGS,~~



## **COMPLETION CERTIFICATE, AND FINAL INSPECTION.**

A disapproved SWM Site Plan may be resubmitted, with the revisions addressing the City's concerns, to the City in accordance with this Article. The applicable review fee, in accord with Chapter 1306, must accompany a resubmission of a disapproved SWM Site Plan.

~~a. The Design Engineer must be given a minimum of one (1) week notice prior to the SWM BMPs installation. The Design Engineer must be present during the installation of all layers of the SWM BMPs.~~

~~b. The developer shall be responsible for providing record drawings of all SWM BMPs included in the approved SWM site plan. The record drawings and an explanation of any discrepancies with the construction plans shall be submitted to the City.~~

~~c. The record drawing submission shall include a certification of completion signed by the BMP Design Engineer, or the Design Engineer's representative for the project, verifying that all permanent SWM BMPs have been constructed according to the approved plans and specifications. The latitude and longitude coordinates for all permanent SWM BMPs must also be submitted, at the central location of the BMPs. If any licensed qualified professionals contributed to the construction plans, then a licensed qualified professional must sign the completion certificate.~~

~~d. The City or its designated representative may conduct inspections during construction as it deems appropriate. If inspections performed by the City reveal deficiencies from the submitted and approved SWM site plan, the City may request corrective actions. Any corrective action shall be at the cost of the stormwater facility owner.~~

~~e. After receipt of the completion certification by the City, the City will conduct a final inspection, and may conduct inspections thereafter to ensure proper functioning and compliance with approved plans.~~

(Ord. No. 12-2019, art. IV, § 13407, eff. 3-20-19)

## **§ 1304.08 - PERMIT ISSUANCE AND TERM OF VALIDITY.**

The City's issuance of a stormwater permit authorizes the Regulated Activities contained in the SWM Site Plan for a maximum term of validity of five (5) years following the date of approval. The City may specify a term of validity shorter than five (5) years in the approval for any specific SWM Site Plan. Terms of validity shall commence on the date the City issues a stormwater permit. If an approved SWM Site Plan is not completed according to Section 1304.11 within the term of validity, then the City may consider the SWM Site Plan disapproved and may revoke any and all permits. SWM Site Plans that are considered disapproved by the City shall be resubmitted in accordance with Section 1304.07 of this Title.

(Ord. No. 12-2019, art. IV, § 13406, eff. 3-20-19)

## **§ 1304.09 - INSTALLATION STANDARDS**

a. All SWM BMPs shall be installed per the 2015 International Plumbing Code. The following provisions are adopted as follows:

**1. General Modifications:**

- a. References to “plumbing permits” shall be replaced with “stormwater permits”.
- b. References to “plumbing department” and/or “plumbing inspection department” shall be replaced with “The Department of Permits, Licenses, and Inspections.
- c. References to “plumbing systems” shall be replaced with “stormwater plumbing systems”.
- d. Some technical requirements may be modified by the current Stormwater Design Manual.

**2 Section 101 General subsections 101.3 & 101.4 with the following modifications:**

- a. 101.3 Intent. The purpose of this code is to establish minimum standards to provide a reasonable level of safety, health, property protection and public welfare by regulating and controlling the design, construction, installation, quality of materials, location, operation and maintenance or use of plumbing equipment and systems .

**3. Section 102 Applicability subsections 102.1, 102.2, 102.3, 102.8, 102.9, 102.10, 102.11.**

**4. Section 103 Department of Permits, Licenses, and Inspections subsection 103.4.**

**5. Section 104 Duties and Powers of the Code Official subsections 104.1, 104.3, 104.4, 104.5, 104.6, 104.7**

**6. Section 105 Approval all subsections.**

**7. Section 106 Permits subsection 106.3, 106.4, and 106.5 with the following modifications:**

- a. 106.4 Application. Any owner or owner’s authorized agent who intends to install a stormwater plumbing system shall first make application to the building official and obtain the required permit.

**8. Section 108 Violations all subsections with the following modifications:**

- a. 108.4 Violation Penalties. Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair plumbing work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a summary offense, and if found guilty shall be punishable by a fine of not more than \$1,000 dollars. Each day that a violation continues after due notice has been served shall be deemed a separate offense.
- b. 108.5 Stop Work Orders. Upon notice from the code official, work on any plumbing system that is being performed contrary to the provisions of this code or in a dangerous or unsafe manner shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's authorized agent, or to the person performing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not more than \$1,000 dollars.

**9. Section 109 Means of Appeal subsection 109.1 modified as follows:**

a. 109.1 Application for appeal. Any person shall have the right to appeal a decision of the code official regarding the standards adopted for stormwater permits. These appeals shall be submitted to the Board of Appeals per the process and procedure outlined in Section 1002 of Title X - Building Code of the Pittsburgh City Code.

10. Section 201 General all subsections

11. Section 202 General Definitions all subsections

a. STORMWATER PERMIT. An official document issued by the building official that authorizes performance of work regulated by this ordinance.

b. STORMWATER PLUMBING SYSTEM. A system that includes conveyance of storm water as regulated by Title 13 of Pittsburgh City Code including respective connections, devices and appurtenances within a premises, and storm sewer.

12. Section 301 General subsections 301.1, 301.2, 301.5, and 301.7.

13. Section 302 Exclusion of Materials Detrimental to the Sewer System all subsections

14. Section 303 Materials all subsections

15. Section 304 Rodentproofing all subsections

16. Section 305 Protection of Pipe and Plumbing System Components all subsections except for 305.4.1 and 305.5 with the following modifications:

a. 305.4 Freezing. Sewers shall be installed 3' below grade, measured to the top of pipe.

17. Section 306 Trenching, Excavation, and Backfill all subsections

18. Section 309 Flood Hazard Resistance all subsections

19. Section 312 Tests and Inspections subsection 312.1, 312.2, 312.3, and 312.8

20. Section 316 Alternative Engineered Design all subsection

21. Section 702 Materials subsections 702.1, 702.2, and 702.4

22. Section 703 Building Sewer subsections 703.2, 703.3, 703.5, and 703.6

23. Section 705 Joints all subsections

24. Section 706 Connections Between Drainage Piping and Fittings all subsections

25. Section 707 Prohibited Joints and Connections all subsections

26. Section 708 Cleanouts all subsections

27. Section 1101 General subsections 1101.1, 1101.2, 1101.3, 1101.4, 1101.5, 1101.6, 1101.8, and 1101.9

28. Section 1102 Materials subsections 1102.1, 1102.2, 1102.3, 1102.4, 1102.5, and 1102.7

29. Section 1105 Roof Drains subsection 1105.2

30. Section 1106 Size of Conductors, Leaders and Storm Drains subsection 1106.1, and 1106.2 modified as follows:

a. 1106.1 General. The size of storm sewers and any horizontal branches of sewers shall be based on the weather data in the Stormwater Design Manual.

31. Section 1109 Combined Sanitary and Storm Public Sewer all subsections

32. Section 1111 Subsoil Drains subsection 1111.1

33. Chapter 15 Referenced Standards all standards

## **§ 1304.10 - INSPECTIONS AND TESTING.**

**a. General.** The Director of Permits, Licenses, and Inspections and their designee(s) are authorized to conduct such inspections as are deemed necessary to determine compliance with the provisions of this ordinance. Construction or work for which a permit is required shall be subject to inspection by the Director of Permits, Licenses, and Inspections and their designee(s), and such construction or work shall remain accessible and exposed for inspection purposes until approved. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this ordinance or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of this ordinance or of other ordinances of the jurisdiction shall not be valid. It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes. Neither the Department of Permits, Licenses, and Inspection nor the City shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

**b. Required inspections and testing.** The Director of Permits, Licenses, and Inspections and their designee(s), upon notification from the permit holder or the permit holder's agent, shall make the following inspections and such other inspections as necessary, and shall either release that portion of the construction or shall notify the permit holder or an agent of any violations that must be corrected.

**1. Pre-construction inspection shall be made to review scope of work, construction sequencing, and inspection schedule. This inspection may be waived by the Department of Permits, Licenses, and Inspections.**

**2. Underground inspection shall be made after trenches or ditches are excavated and bedded, piping installed, and before any backfill is put in place.**

**3. Final inspection shall be made after the stormwater management system is complete and is ready for service.**

**c. Other inspections.** In addition to the inspections specified above, the Director of Permits, Licenses, and Inspections and their designee(s) shall be authorized to make or require other inspections of any construction work to ascertain compliance with the provisions of this ordinance and other laws that are enforced.

**d. Inspection requests.** It shall be the duty of the holder of the permit or their duly authorized agent to notify the Director of Permits, Licenses, and Inspections or their designee(s) when work is ready for inspection. It shall be the duty of the permit holder to provide access to and means for inspections of such work that is regulated by this ordinance.

**e. Approval required.** Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the Director of Permits, Licenses, and Inspections and their designee(s). The Director of Permits, Licenses, and Inspections and their designee(s), upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or notify the permit holder or his or her agent wherein the same fails to comply with this ordinance. Any portions that do not comply shall be corrected at the cost of the permit holder and such portion shall not be covered or concealed until authorized by the Director of Permits, Licenses, and Inspections and their designee(s).

**f. Approved agencies.** The Director of Permits, Licenses, and Inspections and their designee(s), at their discretion, is authorized to accept reports of approved inspection agencies, provided that such agencies

satisfy the requirements as to qualifications and reliability.

g. Special inspections. Special inspections of alternative engineered design plumbing systems shall be conducted in accordance with the following:

1. Periodic inspection. The registered design professional or designated inspector shall periodically inspect and observe the alternative engineered design to determine that the installation is in accordance with the approved construction documents, including approved SWM site plan, and this ordinance. Discrepancies shall be brought to the immediate attention of the permit holder for correction. Records shall be kept of all inspections.

2. Written report. The registered design professional shall submit a final report in writing to the Director of Permits, Licenses, and Inspections and their designee(s) upon completion of the installation, certifying that the alternative engineered design conforms to the approved construction documents, including approved SWM site plan, and this ordinance. A final inspection shall not be authorized until a written certification has been submitted.

h. Testing. Systems shall be tested as required in 1303.09. Tests shall be made by the permit holder and observed by the Director of Permits, Licenses, and Inspections and their designee(s). Equipment, material and labor required for testing an installed system or part thereof shall be furnished by the permit holder.

i. Reinspection and testing. Where any work or installation does not pass any initial test or inspection, the necessary corrections shall be made to comply with this ordinance. The permit shall then notify the Director of Permits, Licenses, and Inspections and their designee(s) to schedule inspection and testing.

j. Approval. After the prescribed tests and inspections indicate that the work complies in all respects with this ordinance and approved construction documents, including approved SWM site plan, the Director of Permits, Licenses, and Inspections and their designee(s) shall grant a passed final inspection.

1. Revocation. The Director of Permits, Licenses, and Inspections and their designee(s) is authorized to, in writing, suspend or revoke a final inspection issued under the provisions of this ordinance wherever the notice is issued in error, or on the basis of incorrect information supplied, or where it is determined that the system or portion thereof is in violation of any provisions of this ordinance.

k. Connection of service utilities. A person shall not make connections from a utility, water system or sewer system to any system that is regulated by this ordinance until authorized by the Director of Permits, Licenses, and Inspections and their designee(s).

(Ord. No. 12-2019, art. IV, § 13406, eff. 3-20-19)

**§ 1304.11 - RECORD DRAWINGS, COMPLETION CERTIFICATE, AND FINAL INSPECTION.**

- a. **The Qualified Professional must be given a minimum of one (1) week notice prior to the SWM BMPs installation. The Qualified Professional must be present during the installation of all layers of the SWM BMPs.**
- b. **The Developer shall be responsible for providing record drawings of all SWM BMPs included in the approved SWM Site Plan and in accordance with the City of Pittsburgh Stormwater Design Manual. The record drawings and an explanation of any discrepancies with the construction plans shall be submitted to the City.**
- c. **The record drawing submission shall include a certification of completion signed by the BMP Design Engineer, or the Design Engineer's representative for the project, verifying that all permanent SWM BMPs have been constructed according to the approved plans and specifications. The latitude and longitude coordinates for all permanent SWM BMPs must also be submitted, at the central location of the BMPs. If any licensed Qualified Professionals contributed to the construction plans, then a licensed Qualified Professional must sign the completion certificate.**
- d. **The City or its designated representative may conduct inspections during construction as it deems appropriate. If inspections performed by the City reveal deficiencies from the submitted and approved SWM Site Plan, the City may request corrective actions. Any corrective action shall be at the cost of the stormwater facility owner.**
- e. **After receipt of the completion certification by the City, the City will conduct a final inspection, and may conduct inspections thereafter to ensure proper functioning and compliance with approved plans.**

(Ord. No. 12-2019, art. IV, § 13407, eff. 3-20-19)

***CHAPTER 1305: - OPERATION AND MAINTENANCE***

***§ 1305.01 - RESPONSIBILITIES OF DEVELOPERS AND LANDOWNERS.***

- a. **The owner will be responsible for all operation and maintenance (O&M) responsibilities associated with privately owned stormwater BMPs unless otherwise agreed upon by the City and PWSA in writing. The Designated Plan Reviewers shall make the final determination on the continuing maintenance responsibilities prior to final approval of the SWM site plan but it is assumed that the owner will be responsible for all operation and maintenance responsibilities unless otherwise agreed upon by the City and PWSA in writing.**
- b. **Facilities, areas, or structures used as SWM BMPs shall be enumerated as permanent real estate appurtenances and recorded as deed restrictions or conservation easements that run with the land, including an operations and maintenance agreement as described in § 1305.02 (a). The preparation of deed restrictions or conservation easements shall conform to requirements set forth in the City of Pittsburgh Stormwater Design Manual.**
- c. **The O&M plan shall be recorded as a restrictive deed covenant that runs with the land.**

d. PWSA, in coordination with the City, may take enforcement actions against an owner for any failure to satisfy the provisions of this Article.

(Ord. No. 12-2019, art. V, § 13501, eff. 3-20-19)

§ 1305.02 - OPERATION AND MAINTENANCE AGREEMENTS.

a. Prior to final approval of the SWM **Site Plan**, the property owner shall sign and record an O&M agreement, as approved by the Designated Plan Reviewers, covering all stormwater control facilities which are to be privately owned. **The O&M Agreement shall incorporate the O&M Plan developed under Chapter 1304.03.**

1. The owner, successor and assigns shall maintain all facilities in accordance with the approved maintenance schedule in the O&M agreement.

2. The owner shall maintain the stormwater control facilities to ensure that the post-construction stormwater **Runoff Performance Standards** are being met.

3. The owner shall convey to the City conservation easements to assure access for periodic inspections by the **City or its designee PWSA** as necessary.

4. The owner shall keep on file with the City the name, address, and contact information of the person or company responsible for maintenance activities; in the event of a change, new information shall be submitted by the owner to the City within ten (10) working days of the change.

b. The owner is responsible for O&M of the SWM BMPs. If the owner fails to adhere to the O&M agreement, the City/PWSA may perform the services required at the owner's expense and charge the owner appropriate fees. Nonpayment of fees may result in a lien against the property.

(Ord. No. 12-2019, art. V, § 13502, eff. 3-20-19)

§ 1305.03 - OPERATOR **POST CONSTRUCTION** INSPECTIONS.

The landowner or the owner's designee (including the City for dedicated and owned facilities) shall inspect SWM BMPs, facilities and/or structures installed under this Ordinance **post construction** according to the following frequencies, at a minimum, to ensure the BMPs, facilities and/or structures continue to function as intended:

a. Annually for the first five (5) years.

b. Once every three (3) years thereafter.

c. During or immediately after the cessation of a ten-year or greater storm.

A written inspection report shall be created to document each inspection. The inspection report shall contain the date and time of the inspection, the individual(s) who completed the inspection, the location of the BMP, facility or structure inspected, observations on performance, and recommendations for improving performance, if applicable. Any repairs or corrective maintenance work recommended within the inspection report must be implemented in a timely manner and similarly documented. Inspection reports shall be kept onsite and furnished to City/PWSA inspectors upon request.

(Ord. No. 12-2019, art. V, § 13503(1), eff. 3-20-19)

*§ 1305.04 - PERFORMANCE GUARANTEE.*

**The City may, at its discretion, require the submittal of a performance security or bond prior to issuance of a permit in order to insure that the stormwater practices are installed by the permit holder as required by the approved SWM Site Plan. The amount of the installation performance security shall be the total estimated construction cost of the stormwater management practices, plus 25%. The performance security shall contain forfeiture provisions for failure to complete work specified in the SWM Site Plan. The installation performance security shall be released in full only after receipt of the completion certification by the City and after a final inspection by the City in accordance with Section 1304.11 Provisions for a partial pro-rata release of the performance security based on the completion of various Development stages can be done at the discretion of the City.**

~~For SWM site plans that involve subdivision and land development, the applicant shall provide a financial guarantee to the City for the timely installation and proper construction of all stormwater management controls as required by the approved SWM site plan and this Title in a format acceptable to the City.~~

(Ord. No. 12-2019, art. V, § 13503(2), eff. 3-20-19)

*CHAPTER 1306: - FEES AND EXPENSES*

*§ 1306.01 - GENERAL.*

The City may include all costs incurred into the review fee charged to an **Applicant**. The review fee may include, but not be limited to, costs for the following:

- a. Administrative/clerical processing.
- b. Review of the SWM **Conceptual Plan and/or Site Plan**.
- c. Review of a SWM **Conceptual Plan and/or Site Plan** resubmission.
- d. Attendance at meetings.
- e. Inspections.

(Ord. No. 12-2019, art. VI, § 13601, eff. 3-20-19)

*CHAPTER 1307: - PROHIBITIONS*

*§ 1307.01 - PROHIBITED DISCHARGES AND CONNECTIONS.*

**Stormwater Discharges and connections shall be subject to the provisions within Title Four: Public Spaces Chapter 433: Illegal Surface Stormwater Connections, City of Pittsburgh Stormwater Design Manual, and the PWSA Developer's Manual.**

- ~~a. Any drain or conveyance, whether on the surface or subsurface, that allows any non-stormwater discharge including sewage, process wastewater, and wash water to enter a regulated MS4 or to enter the surface waters of this Commonwealth is prohibited.~~
- ~~b. No person shall allow, or cause to allow, discharges into a regulated MS4, or discharges into waters of this Commonwealth, which are not composed entirely of stormwater, except (1) as provided in~~



~~paragraph c. below and (2) discharges authorized under a state or federal permit.~~

~~c. The following discharges are authorized unless they are determined to be significant contributors to pollution of a regulated MS4 or to the waters of this Commonwealth:~~

~~1. Discharges or flows from firefighting activities.~~

~~2. Discharges from potable water sources including water line flushing and fire hydrant flushing, if such discharges do not contain detectable concentrations of total residual chlorine (TRC).~~

~~3. Non-contaminated irrigation water, water from lawn maintenance, landscape drainage and flows from riparian habitats and wetlands.~~

~~4. Diverted stream flows and springs.~~

~~5. Non-contaminated pumped groundwater and water from foundation and footing drains and crawl space pumps.~~

~~6. Non-contaminated HVAC condensation and water from geothermal systems.~~

~~7. Residential (i.e., not commercial) vehicle wash water where cleaning agents are not utilized.~~

~~8. Non-contaminated hydrostatic test water discharges, if such discharges do not contain detectable concentrations of TRC.~~

~~9. Dechlorinated swimming pool and hot tub discharges, as long as the DEP guidelines for swimming pool water discharge are followed.~~

~~d. In the event that the City or DEP determines that any of the discharges identified in subsection c. significantly contribute pollutants to a regulated MS4 or to the waters of this Commonwealth, the City or DEP will notify the responsible person(s) to cease the discharge.~~

(Ord. No. 12-2019, art. VII, § 13701, eff. 3-20-19)

#### *§ 1307.02 - ROOF DRAINS AND SUMP PUMPS.*

**Stormwater Discharge from roof drains and sump pumps shall be in conformance with the provisions within Title Four: Public Spaces Chapter 433: Illegal Surface Stormwater Connections, City of Pittsburgh Stormwater Design Manual, and the PWSA Developer's Manual. Roof drains and sump pumps shall discharge to infiltration or vegetative BMPs wherever feasible.**

(Ord. No. 12-2019, art. VII, § 13702, eff. 3-20-19)

#### *§ 1307.03 - ALTERATION OF SWM BMPs.*

No person shall modify, remove, fill, landscape, or alter any SWM BMPs, facilities, areas, drainage easements, or structures that were installed as a requirement of this Title without the written approval of the City.

(Ord. No. 12-2019, art. VII, § 13703, eff. 3-20-19)

### *CHAPTER 1308: - ENFORCEMENT AND PENALTIES*

#### *§ 1308.01 - RIGHT OF ENTRY.*

Upon presentation of proper credentials, the City or its designated agent may enter at reasonable times upon any property within the City to inspect the condition of the stormwater structures and facilities in regard to any aspect regulated by this Title.

(Ord. No. 12-2019, art. VIII, § 13801, eff. 3-20-19)

*§ 1308.02 - ENFORCEMENT.*

- a. It shall be unlawful for a person to undertake any regulated activity except as provided in an approved SWM **Site Plan** ~~site-plan~~, unless specifically exempted in Section 1303.02.
- b. It shall be unlawful to violate Section 1307.03 of this Title.
- c. Inspections regarding compliance with the SWM **Site Plan** ~~site-plan~~ are a responsibility of the City. Inspections for operations and maintenance are the responsibility of the landowner or the owner's designee.

(Ord. No. 12-2019, art. VIII, § 13802, eff. 3-20-19)

*§ 1308.03 - SUSPENSION AND REVOCATION.*

a. Any approval or permit issued by the City pursuant to this Title may be suspended or revoked **by the City, as authorized by the Director of Permits, Licenses, and Inspections and their designee(s), according to the procedures set forth in Title Nine: Zoning, Chapter 924: Enforcement and Penalties.**

**1. Non-compliance with or failure to implement any provision of the approved SWM site plan or O&M agreement.**

**2. A violation of any provision of this Title or any other applicable law, ordinance, rule, or regulation relating to the regulated activity.**

**3. The creation of any condition or the commission of any act during the regulated activity which constitutes or creates a hazard, nuisance, pollution, or endangers the life or property of others.**

b. A suspended approval may be reinstated by the City when:

1. The City has inspected and approved the corrections to the violations that caused the suspension.
2. The City is satisfied that the violation has been corrected.

c. An approval that has been revoked by the City cannot be reinstated. The **Applicant** may apply for a new approval under the provisions of this Title.

d. If a violation causes no immediate danger to life, public health, or property, at its sole discretion, the City may provide a limited time period for the owner to correct the violation. In these cases, the City will provide the owner, or the owner's designee, with a written notice of the violation and the time period allowed for the owner to correct the violation. If the owner does not correct the violation within the allowed time period, the City may revoke or suspend any, or all, applicable approvals and permits pertaining to any provision of this Title.

(Ord. No. 12-2019, art. VIII, § 13803, eff. 3-20-19)

*§ 1308.04 - PENALTIES.*

a. Anyone violating the provisions of this Title shall be guilty of a summary offense, and upon conviction, shall be subject to a fine consistent with current City fee and penalty schedules for each violation, recoverable with costs. Each day that the violation continues shall be a separate offense and penalties shall be cumulative.

b. In addition, the City may institute injunctive, mandamus, or any other appropriate action or proceeding at law or in equity for the enforcement of this Title. Any court of competent jurisdiction shall have the right to issue restraining orders, temporary or permanent injunctions, mandamus, or other appropriate forms of remedy or relief.

(Ord. No. 12-2019, art. VIII, § 13804, eff. 3-20-19)

*§ 1308.05 - APPEALS.*

a. Any person aggrieved by any action of the City or its designee, relevant to the provisions of this Title, may appeal to the City within thirty (30) days of that action.

b. Any person aggrieved by any decision of the City, relevant to the provisions of this Title, may appeal to the Allegheny County Court of Common Pleas within thirty (30) days of the City's decision.

**c. Appeals related to Sections 1304.09 and 1304.10 shall be subject to the authority of the Board of Appeals per Title X - Section 1002.02.**

(Ord. No. 12-2019, art. VIII, § 13805, eff. 3-20-19)

*CHAPTER 1309: - REFERENCES*

*§ 1309.01 - [GENERALLY.]*

a. U.S. Department of Agriculture, National Resources Conservation Service (NRCS). National Engineering Handbook. Part 630: Hydrology, 1969-2001. Originally published as the National Engineering Handbook, Section 4: Hydrology. Available from the NRCS online at: <http://www.nrcs.usda.gov/>.

b. U.S. Department of Agriculture, Natural Resources Conservation Service. 1986. Technical Release 55: Urban Hydrology for Small Watersheds, 2nd Edition. Washington, D.C.

c. Pennsylvania Department of Environmental Protection. No. 363-0300-002 (December 2006), as amended and updated. Pennsylvania Stormwater Best Management Practices Manual. Harrisburg, PA.

d. Pennsylvania Department of Environmental Protection. No. 363-2134-008 (March 31, 2012), as amended and updated. Erosion and Sediment Pollution Control Program Manual. Harrisburg, PA.

e. U.S. Department of Commerce, National Oceanic and Atmospheric Administration, National Weather Service, Hydrometeorological Design Studies Center. 2004-2006. Precipitation-Frequency Atlas of the United States, Atlas 14, Volume 2, Version 3.0, Silver Spring, Maryland. Internet address:

<http://hdsc.nws.noaa.gov/hdsc/pfds/>.

(Ord. No. 12-2019, art. IX, eff. 3-20-19)

## *APPENDICES*

### **CHAPTER 1310: - EFFECTIVE DATE**

#### **§ 1310.01 - EFFECTIVE DATE.**

- a. **Unless otherwise specifically stated, the provisions of this Code shall become effective on March 31, 2022.**

See City website.

(Ord. No. 12-2019, art. IX, eff. 3-20-19)