

# 910.01 GT, Golden Triangle District

## A. Purpose

The GT, Golden Triangle District is intended to:

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

## B. GT Subdistricts

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

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

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

## C. General Provisions

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

### 1. Use Regulations

#### (a) Primary Uses

Primary uses shall be allowed in the GT District in accordance with the Use Table of Sec. 909.01.

#### (b) General Limitations

- (1) All merchandise and products shall be sold only at retail, unless otherwise stated;
- (2) There may be manufacture, compounding, processing or treatment of products that is clearly incidental and essential to a retail store or business, only when the major portion of such products is to be sold at retail on the premises.
- (3) Uses, operations or products shall not be noxious or offensive by reason of the emission of odor, dust, smoke, gas, vibration, noise or other similar causes.
- (4) Unit group development shall be permitted.

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## 2. *General Open Space Requirements*

### (a) Location

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

### (b) Funds In-Lieu

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

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

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

## 3. *Urban Open Space Requirements*

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

### (a) Components

The particular functions and kinds of Urban Open Space to be provided at a development site shall be based upon consideration of existing and projected pedestrian volumes and circulation patterns; the location, size and character of

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existing Urban Open Space in the vicinity of the development site; existing and proposed land use patterns; relation to public transportation; and objectives contained in the adopted plan and policy documents pertaining to the GT District.

(b) Development Standards

- (1) Urban Open Space designed to facilitate pedestrian circulation or relieve pedestrian congestion shall be at the same level as abutting public sidewalks, shall provide a clear path or area for movement, and shall be accessible to persons with disabilities throughout the entire area.
- (2) Urban Open Space designed to provide passive recreation space or informal activity areas shall abut and be accessible from a public sidewalk. A plaza or park may be located above or below the level of the abutting sidewalk or open space provided it is accessible to the handicapped. A plaza or park shall contain seating, permanent landscaping and lighting for night time illumination. The Urban Open Space shall be open without restriction to the general public at least during business hours normal to the area in which it is located and during periods of heavy pedestrian movement in the area.
- (3) When a development site is adjacent to a bus stop or transit station, the required Urban Open Space shall be designed to provide access to and waiting areas for transit riders.
- (4) Additional Urban Open Space required for developments which utilize the floor area bonus provisions of Sec. 904.05(a)(3)D may be provided as interior (urban open) space rather than as outdoor space. Interior Urban Open Space shall comply with the following standards:
  - (i) Entrances shall be clearly visible from adjacent sidewalks or Urban Open Space and shall be at least 20 feet wide including doorways and glassed walls.
  - (ii) There shall be a sufficiently high level of natural illumination either through walls or glazed roof or ceiling areas to permit the maintenance of plants without additional light sources.
  - (iii) An interior space which functions as a building lobby shall not be used to fulfill an Urban Open Space requirement unless it also functions as a through-block passage accessible to the general public and contains seating available for use by the general public.
  - (iv) An interior Urban Open Space shall be accessible to the handicapped.
  - (v) An interior Urban Open Space shall be open without restriction to the general public at least during normal business hours in the area in which it is located and during periods of heavy pedestrian movement in the area.
  - (vi) An observation deck or viewing area located on the top floor or roof of a building and designed to

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provide a panoramic view may be used to fulfill the additional Urban Open Space requirements, provided it is open and accessible to the general public during business hours normal to the area in which it is located.

- (vii) A permanent gallery for the purpose of the display of works of fine art, available to the public without an admission fee, may be used to fulfill the additional Urban Open Space requirements, provided it is open to the general public during hours normal to museums and galleries, is easily accessible from the public sidewalk or Urban Open Space, and is operated by a not-for-profit institution.
- (viii) Every Urban Open Space provided under the requirements of this Code shall be located and developed to relate harmoniously with development on adjacent sites and to contribute to the attractiveness and efficient functioning of the overall environment of the district.

#### 4. Floor Area Bonuses

##### (a) Urban Open Space

In the event that additional Urban Open Space is provided in the proportions indicated below, maximum building floor area may exceed the floor area ratios specified for the applicable GT subdistrict but shall not exceed the applicable floor area ratio when calculated on the basis of gross lot area. Additional Urban Open Space shall be provided in proportion to the total increase in floor area resulting from the application of gross lot area, and shall be calculated as follows:

**(1) In the GT-A, GT-B and GT-C Districts:**

Total required Urban Open Space = lot area x 20% x (total floor area/base floor area), where base floor area = maximum allowable floor area based on lot area.

**(2) In the GT-D District:**

Total required Urban Open Space = lot area x 60% x (total floor area/base floor area), where base floor area = maximum allowable floor area based on lot area.

##### (b) Transportation Facilities

In the event that transportation facilities as described below are provided and have the affect of reducing the use of automobiles to the GT District, maximum building floor area may exceed the floor area ratios specified for the applicable GT subdistrict by a maximum of 20 percent, provided the transportation facilities and all improvements associated therewith shall be designed, located, developed and maintained as follows:

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- (1) Designed and developed as an integral part of the total development project and not as mere connections;
  - (2) Engineered and completed to accommodate a projected peak hour travel of at least 4,000 persons per weekday in all directions;
  - (3) Utilize separate or partially separate rights-of-way that use boarding areas engineered and completed to accommodate a projected peak hour travel of at least 4,000 persons per weekday in all directions;
  - (4) In addition the applicant must submit a duly executed agreement, in a form satisfactory to the City Solicitor, assuring that the facilities and improvements shall be operated and maintained for the life of the development for which this bonus is allowed.

(c) **Ground Floor Retail**

Affording a structure a floor area bonus equal to the floor area of retail commercial uses permitted within the district, provided that the uses are at street level, that entrance to each individual establishment is directly from the public sidewalks or Urban Open Spaces, that at least 75 percent of the perimeter wall of such uses is glazed, and when it is demonstrated that the location of such uses strengthens retail patterns in the downtown.

5. *Light Access*

Buildings shall be designed to allow light access to abutting properties where there are windows, in buildings on such properties.

**D. Conditional Uses**

The following Conditional Uses shall be permitted in the GT District according to the provisions of Section 917.06.

1. *Density and Intensity Transfers*

An increase in the number of dwelling units and allowable gross floor area of buildings and structures through the transfer of such development rights from zoning lots within the GT Districts having unused development rights to other zoning lots within the GT Districts in conformity with the official master plans of the City, provided that:

- (a) The zoning lot or lots from which unused development rights are transferred shall be known as the sending lot or lots; the zoning lot or lots on which the development rights are to be used shall be known as the receiving lot.
- (b) The receiving lot, prior to the transfer of development rights shall have a gross allowable area under this Zoning Ordinance at least equal to the amount of gross allowable floor area to be transferred.

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- (c) For residential use only on the receiving lot, development rights may be transferred from any other zoning lot within the GT District and the required minimum lot area per dwelling unit and usable open space on the receiving lot shall be calculated without regard to the increase in dwelling units resulting from the transfer of development rights; for structured parking use only on the receiving lot, development rights may be transferred from any other zoning lot within two B. adjacent DR Districts;
  - (d) For any permitted use on the receiving lot, development rights may be transferred from a site containing an historic structure, designated pursuant to the Pittsburgh Code, Section 1007.02 (Section 513.0);
  - (e) For any permitted use on the receiving lot, development rights may be transferred from a site containing a not-for-profit performing arts facility, designated by Council after recommendation of the Planning Commission;
  - (f) Transfers of development rights in c. through e. above may be permitted provided the following findings are made:
    - (1) Any proposal for such a transfer shall assure the safety and convenience of pedestrian and vehicular traffic movement, both within the receiving lot or lots and in relation to access streets, and the harmonious and beneficial relationship of structures and uses on the receiving lot and on adjacent property. The number and location of vehicular access points may be limited and landscaping and other design features may be required as a condition of approval;
    - (2) The streets providing access to the receiving lot shall be adequate to handle increased traffic resulting therefrom, considering the size and uses of the proposed development;
    - (3) Except where the sending lot and receiving lot abut or are immediately adjacent across a street or way, the allowable floor area on the receiving lot shall be limited to an increase of twenty percent (20%) over that allowed by the applicable base floor area ratio without regard to the transferred development rights;
    - (4) The transfer shall effect a binding reduction in the unused development rights under this Zoning Ordinance otherwise available to the sending lot, to the extent of the rights transferred, for the life of the development on the receiving lot. The transfer shall increase the development rights under this Zoning Ordinance otherwise available to the receiving lot, to the extent of the rights transferred, for the life of the development on the receiving lot. To ensure the binding effect of this transfer, a properly drawn legal instrument duly approved by the City Solicitor shall be executed by the parties concerned and shall be filed with the application for occupancy permit. The department, bureau and all other affected City departments shall note on appropriate records the reduction in development rights on the sending lot and the increase in development rights on the receiving lot.
    - (5) In the case of a transfer of development rights involving an Historic Landmark or Performing Arts Facility, there shall exist a plan and program for rehabilitation, if necessary, and for continuing maintenance of the Historic Structure or Performing Arts Facility on the sending lot approved by the Commission which provides for continuation of the structure and use upon which eligibility for the transfer of development rights was

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based for not less than forty (40) years.

- (6) That the zoning lot to which a transfer is made must have prior to the transfer of development rights a gross allowable floor area under this Zoning Ordinance at least equal to the gross allowable floor area to be transferred.

2. *Electronic Sign Messages*

Electronic Sign Messages shall be permitted as a Conditional Use in the GT-A and GT-B Subdistricts in accordance with the following standards:

(a) *Electronic Sign Messages in GT-A*

Subdistrict Electronic Sign Messages shall be permitted as a Conditional Use in accordance with the review procedures of Sec. 917.06, provided that:

- (1) The top of the sign shall not extend more than 30 feet above grade and shall not exceed more than 500 square feet in sign face area;
- (2) All spacing provisions relative to Advertising Signs (Chapter 915) are met; and
- (3) The sign is appropriate at the specific location with respect to the impact upon adjacent property uses, particularly those of a public or semi-private nature, taking into consideration the relative size, height and location of the sign, the hours of illumination, type of lighting, color and intensity of lighting, nature and effect of animated components, and the nature and number of illuminating devices already in the immediate neighborhood.

(b) *Electronic Sign Message in GT-B*

Subdistrict Electronic Sign Messages shall be permitted as a Conditional Use in accordance to the provisions of Sec. 917.06, provided that:

- (1) Signs are limited in size to 300 square feet;
- (2) Signs do not extend more than 30 feet above grade;
- (3) Signs are not visible from districts that do not permit these signs; and
- (4) Signs are not visible from roadways which have speed limits greater than 35 miles per hour.

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## **E. Administrator Exceptions**

The following Administrator Exceptions shall be permitted in the GT District according to the provisions of Sec. 917.08.

### *1. Limited Enlargement on a Lot not Complying with Urban Open Space Requirements*

In the GT District, a structure on a lot not complying with required area of urban open space at ground level, may be enlarged provided that applicable district height and area regulations are not exceeded, any existing lot area of open space at ground level is not reduced and the total required area of urban open space, whether or not at ground level, is supplied on the basis of existing as well as additional lot and building area, except in the following cases:

- (a) An addition, entirely above the existing building, not exceeding 20,000 gross square feet or fifty percent (50%) of the existing gross floor area, whichever is smaller, and where additional lot area is not available for the required urban open space, in which case additional urban open space shall be required only in the amount which can be physically provided at ground level on the lot.
- (b) An existing structure may be enlarged laterally on to an abutting lot not exceeding 3,200 square feet by an amount not to exceed four (4) times the lot area of the lot on which the enlargement occurs providing that any existing area of urban open space is not reduced, that no open area is used for parking, and that the enlargement is in compliance with all applicable requirements of this Zoning Ordinance, in which case no additional urban open space shall be required.
- (c) An existing structure may be enlarged laterally on to an abutting lot not exceeding 6,000 square feet by an amount not to exceed one hundred percent (100%) of the gross square footage of the existing structure providing that any existing area of urban open space is not reduced, and that additional urban open space is provided for the enlargement as if it were a newly constructed separate building complying with all applicable requirements of this Zoning Ordinance.

### *2. Open Air Restaurants and Ice-skating Rinks in Urban Open Space*

Open air restaurants and ice-skating rinks that charge admission shall be permitted within the area of an urban open space provided that a majority of the urban open space is still available to the public without charge.

## **F. GT-A Subdistrict**

The provisions in this section apply to lands within the GT-A Subdistrict of the GT District.

### *1. Purpose*

The purposes of the GT-A Subdistrict area as follows:

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- (a) To provide a zoning classification suitable for application to the core of the Golden Triangle Area, where intensive concentration of retail and other business facilities is desirable;
  - (b) To encourage continuous, primarily retail business frontages at street or similar pedestrian level, with offices, office related, and residential uses as the primary uses of upper stories of buildings, so that a maximum variety of commercial services may be available within convenient distance from each other; and
  - (c) To encourage development of this area primarily for retail business occupancy.

2. *Use Restrictions*

Only Retail Sales and Service and Restaurant uses shall be located with direct access from a street or outside concourse, mall, plaza, promenade, walkway or similar pedestrian level.

3. *Site Development Standards*

Each site in the GT-A District shall be subject to the following site development standards.

(a) *Minimum Lot Area Per Dwelling Unit*

No more than one dwelling unit or suite shall be permitted per 110 square feet of lot area in the GT-A Subdistrict.

(b) *Floor Area Ratio*

The maximum floor area ratio in the GT-A Subdistrict shall be 13

(c) *Urban Open Space*

Urban Open Space shall be provided at ground level in an amount equal to at least 20 percent of the lot area.

**G. GT-B Subdistrict**

The provisions in this section apply to lands within the GT-B Subdistrict of the GT District.

1. *Purpose*

The purposes of the GT-B Subdistrict area as follows:

- (a) To provide a zoning classification suitable for application to that portion of the Golden Triangle Area where office-type business activity may be located so as to be readily accessible to the retail core area.
- (b) To maintain and encourage the development of this area for concentration of business offices in high-density, high-rise

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- office buildings, with related facilities.
  - (c) To encourage development that will enhance the natural site advantages and at the same time preserve and complement visual advantages to end from adjacent locations.

## 2. *Site Development Standards*

Each site in the GT-B District shall be subject to the following site development standards.

- (a) **Minimum Lot Area Per Dwelling Unit**  
No more than one dwelling unit or suite shall be permitted per 110 square feet of lot area in the GT-B Subdistrict.
- (b) **Floor Area Ratio**  
The maximum floor area ratio in the GT-B Subdistrict shall be 13
- (c) **Urban Open Space**  
Urban Open Space shall be provided at ground level in an amount equal to at least 20 percent of the lot area.

## H. **GT-C Subdistrict**

The provisions in this section apply to lands within the GT-C Subdistrict of the GT District.

### 1. *Purpose*

The purposes of the GT-C Subdistrict area as follows:

- (a) To provide a zoning classification suitable for application along the upriver sides of the Golden Triangle Area, where the rivers on the one side of this District and the core of the central business area on the other side create a fitting environment for downtown residential development.
- (b) To encourage residential development of relatively high-density, high-rise dwelling structures among which properly integrated commercial facilities designed primarily to service such residential development may be intermingled.
- (c) To encourage development that will enhance the natural site advantages and at the same time preserve and complement visual advantages from other Golden Triangle and adjacent locations.

### 2. *Site Development Standards*

Each site in the GT-C District shall be subject to the following site development standards.

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(a) Minimum Lot Area Per Dwelling Unit

No more than one dwelling unit or suite shall be permitted per 110 square feet of lot area in the GT-C Subdistrict.

(b) Floor Area Ratio

(1) *Nonresidential*

The maximum floor area ratio for structures that do not contain residential dwelling units shall be 7.5.

(2) *Residential*

The maximum floor area ratio for structures that contain residential dwelling units shall be 7.5, provided that a maximum floor area ratio of up to 10 may be allowed by the Planning Commission when the total amount of residential floor area equals or exceeds twice the amount of bonus floor area.

(c) Urban Open Space

Urban Open Space shall be provided at ground level in an amount equal to at least 20 percent of the lot area. Structures with a floor area ratio of four or less shall be exempt from Urban Open Space requirements, according to the provisions of Sec. 904 ( c ) 3, provided that no open area is used for parking.

(d) Height

The following maximum height standards shall apply in the GT-C Subdistrict.

(1) *Monongahela River Side*

Structures or portions of structures, shall not penetrate an inclined plane determined by straight lines connecting points 180 feet above established street grade on Fort Pitt Boulevard and 385 feet above street grade on Third Avenue calculated at the property lines.

(2) *Allegheny River Side*

Structures or portions of structures, other than those containing residential uses, shall not penetrate an inclined plane determined by straight lines connecting points 180 feet above established street grade on Fort Duquesne Boulevard and 450 feet above street grade on Liberty Avenue, calculated at the property lines. Those portions of structures containing residential uses only may penetrate this inclined plane providing that any portion of the new structure above the inclined plane achieve a minimum setback of 20 feet from property lines along Fort Duquesne Boulevard but shall not penetrate a second inclined plane determined by straight lines connect-

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ing points 250 feet above established street grade on Fort Duquesne Boulevard and 450 feet above street grade on Liberty Avenue, calculated at the property lines.

(3) *Tall Building Bulk Reduction*

The floor area of all floors at or above 300 feet in height shall be reduced in accordance with the following formula:

Total floor area at or above 300 feet = (base floor area) (number of floors) x (reduction factor from table below)

Where:

Base floor area equals average floor area of all floors or portions of floors above one 100 feet in height and below 300 feet in height;

Number of floors means those floors or portions of floors at or above 300 feet that have a floor area no less than 50 percent of the floor area of the floor immediately below. Floors at or above 300 feet that have a floor area that is less than 50 percent of the floor area of the floor immediately below it may be constructed and shall be counted as part of the total project floor area, provided that no floor or floors above a floor not meeting this requirement shall be used in determining the floor elevation of the top floor for purposes of the table below;

The reduction factor to be used in the bulk reduction formula (above) shall be determined from the table below based on the floor elevation of any portion of the top floor:

Floor Elevation Above Street Grade (feet)	Reduction Factor (percent)
440	59.5
430	61.5
420	63.6
410	65.9
400	68.2
390	70.7
380	73.3
370	76.1
360	79.0
350	82.0
340	85.6
330	88.6
320	92.2
310	96.0
300	100

(4) *Design Flexibility*

In order to provide design flexibility for structures that utilize the entire height allowed by the inclined plane, any structure or structures in a unit group development may penetrate a portion of the inclined plane only if an equal amount of building bulk is reduced below the inclined plane and only if the maximum height of the structure or structures occurs at that portion of the site covered by the highest portion of the inclined plane.

(5) *Scale Transitions*

In order to provide a transition in scale from new structures to existing structures on the boulevards fronting on the rivers, development on sites next to existing structures which exceed the height limitation created by the inclined planes may exceed the height limitation by 50 percent of the extent to which the existing structure exceeds the height limitation, providing that any portion of the new structure above the inclined plane achieve a minimum setback of 20 feet from property lines along Fort Pitt Boulevard and Fort Duquesne Boulevard.

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## I. GT-D Subdistrict

The provisions in this section apply to lands within the GT-D Subdistrict of the GT District.

### 1. Purpose

The purposes of the GT-D Subdistrict area as follows:

- (a) To provide a zoning classification suitable for application to the Gateway Center Area in order to maintain and preserve the existing environmental characteristics;
- (b) To encourage new development to follow the pattern which has been established of predominately office uses in high-rise structures with spacious park-like open area at ground level, commercial facilities to serve such development and some mixture of residential uses; and
- (c) To encourage development that will enhance the natural site advantages and at the same time preserve and complement advantages from other Golden Triangle and adjacent locations.

### 2. Site Development Standards

Each site in the GT-D District shall be subject to the following site development standards.

#### (a) Minimum Lot Area Per Dwelling Unit

No more than one dwelling unit or suite shall be permitted per 110 square feet of lot area in the GT-D Subdistrict.

#### (b) Floor Area Ratio

The maximum floor area ratio in the GT-D Subdistrict shall be 7.5.

#### (c) Urban Open Space

Urban Open Space shall be provided at ground level in an amount equal to at least 60 percent of the lot area.

#### (d) Height

The following maximum height standards shall apply in the GT-D Subdistrict.

##### (1) Monongahela River Side

Structures or portions of structures, shall not penetrate an inclined plan determined by straight lines connecting points 180 feet above established street grade on Fort Pitt Boulevard and 385 feet above street grade on

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Third Avenue calculated at the property lines.

(2) *Allegheny River Side*

Structures or portions of structures, other than those containing residential uses, shall not penetrate an inclined plane determined by straight lines connecting points 180 feet above established street grade on Fort Duquesne Boulevard and 450 feet above street grade on Liberty Avenue, calculated at the property lines. Those portions of structures containing residential uses only may penetrate this inclined plane providing that any portion of the new structure above the inclined plane achieve a minimum setback of 20 feet from property lines along Fort Duquesne Boulevard but shall not penetrate a second inclined plane determined by straight lines connecting points 250 feet above established street grade on Fort Duquesne Boulevard and 450 feet above street grade on Liberty Avenue, calculated at the property lines.

(3) *Tall Building Bulk Reduction*

See Tall Building Bulk Reduction regulations of GT-C Subdistrict, Section 904 ( h ) ( 2 ) D.3.

(4) *Design Flexibility*

See Design Flexibility regulations of GT-C Subdistrict, Section 904 ( h ) ( 2 ) D. 4.

(5) *Scale Transitions*

See Scale Transition regulations of GT-C Subdistrict, Section 904 ( h ) ( 2 ) D.5.

# 910.02 DR, Downtown Riverfront District

## A. Purpose

The DR, Downtown Riverfront District is intended to:

1. Maximize opportunities for riverfront use in accordance with the Riverfront Plan to take full advantage of this unique and limited resource;
2. Promote public access to the riverfront; and
3. Encourage reuse of riverfront sites which had previously been occupied by heavy industry.

## B. DR Subdistricts

DR District is further divided into the three following zoning subdistrict classifications:

1. DR-A, Downtown Riverfront Subdistrict A
2. DR-B, Downtown Riverfront Subdistrict B
3. DR-C, Downtown Riverfront Subdistrict C

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

## C. General Provisions

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

### 1. Use Regulations

#### (a) Primary Uses

Primary uses shall be allowed in the DR District in accordance with the Use Table of Sec. 909.01.

#### (b) General Limitations

- (1) All merchandise and products shall be sold only at retail, unless otherwise stated.
- (2) There may be manufacture, compounding, processing or treatment of products that is clearly incidental and essential to a retail store or business, only when the major portion of such products is to be sold at retail on the premises.
- (3) Uses, operations or products shall not be noxious or offensive by reason of the emission of odor, dust, smoke, gas, vibration, noise or other similar causes.
- (4) Unit group development shall be permitted.

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## 2. General Open Space Requirements

(a) Location

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

(b) Funds In-Lieu

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

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

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

(c) Riverfront Park Maintenance In-Lieu

The Planning Commission may approve a reduction in required Urban Open Space by up to 50 percent in the event that the property owner agrees to provide for assumption of the operating and capital replacement costs of an equal area of riverfront park located within the DR District. Such agreement must be duly approved by the City Solicitor, the Planning Director and Director of Parks and Recreation.

(d) Museum, Library or Gallery In-Lieu

The Planning Commission may approve a reduction in required Urban Open Space by up to 50 percent in the event that the property owner agrees to provide an equivalently sized museum, library or gallery located within the DR District. In order to receive Urban Open Space credit, the museum, library or gallery shall be available to the public without an admission fee; remain open to the general public during hours normal to museums, libraries or

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galleries; be easily accessible from the public sidewalk or Urban Open Space; and be operated by a not-for-profit institution.

### 3. *Urban Open Space Requirements*

Urban Open Space shall be provided in accordance with DR subdistrict requirements and shall be located, developed and maintained to provide a contiguous open space system with visual and pedestrian connections to open space at the rivers' edges. It shall also comply with the following standards.

#### (a) Components

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

#### (b) Development Standards

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

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be available for general public use without charge or purchase of any services which may be offered. A park or plaza shall be sited and oriented to maximize the access of sun light and air to the Urban Open Space. The Urban Open Space shall be open without restriction to the general public at least during business hours normal to the area in which it is located and during periods of heavy pedestrian movement in the area.

- (3) When a development site is adjacent to a bus stop or transit station, the required Urban Open Space shall be designed to provide access to and waiting areas for transit riders.
- (4) Every Urban Open Space provided under the requirements of this Code shall be located and developed to relate harmoniously with development on adjacent sites and to contribute to the attractiveness and efficient functioning of the overall environment of the district.
- (5) Open Space, in excess of that required by this Code, which may be provided on a development site shall be located and developed in a manner which does not disrupt or diminish the functioning or public utilization of the required Urban Open Space.

(c) **Maintenance**

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

4. *Light Access*

Buildings shall be designed to allow light access to abutting properties where there are windows in buildings on such properties.

5. *Landscaping*

All open space and other areas not covered by buildings or impervious surfaces shall be landscaped according to the provisions found in the Landscaping Standards of the Subdivision Regulations.

**D. Conditional Uses**

The following Conditional Uses shall be permitted in the DR District according to the provisions of Sec. 917.06.

1. *Density and Intensity Transfers*

An increase in the number of dwelling units and allowable gross floor area of buildings and structures through the transfer of

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such development rights from zoning lots within two B adjacent DR Districts from zoning lots having unused development rights to other zoning lots within the adjacent DR Districts, in conformity with the official master plans of the City, provided that:

- (a) The zoning lot or lots from which unused development rights are transferred shall be known as the sending lot or lots; the zoning lot or lots on which the development rights are to be used shall be known as the receiving lot.
- (b) The receiving lot, prior to the transfer of development rights shall have a gross allowable area under this Zoning Ordinance at least equal to the amount of gross allowable floor area to be transferred.
- (c) For residential use only on the receiving lot, development rights may be transferred from any other zoning lot within the DR Districts and the required minimum lot area per dwelling unit and usable open space on the receiving lot shall be calculated without regard to the increase in dwelling units resulting from the transfer of development rights; for structured parking use only on the receiving lot, development rights may be transferred from any other zoning lot within two B. adjacent DR Districts;
- (d) For any permitted use on the receiving lot, development rights may be transferred from a site containing an historic structure, designated pursuant to the Pittsburgh Code, Section 1007.02 (Section 513.0);
- (e) For any permitted use on the receiving lot, development rights may be transferred from a site containing a not-for-profit performing arts facility, designated by Council after recommendation of the Planning Commission;
- (f) Transfers of development rights in c. through e. above may be permitted provided the following findings are made:
  - (1) Any proposal for such a transfer shall assure the safety and convenience of pedestrian and vehicular traffic movement, both within the receiving lot or lots and in relation to access streets, and the harmonious and beneficial relationship of structures and uses on the receiving lot and on adjacent property. The number and location of vehicular access points may be limited and landscaping and other design features may be required as a condition of approval;
  - (2) The streets providing access to the receiving lot shall be adequate to handle increased traffic resulting therefrom, considering the size and uses of the proposed development;
  - (3) Except where the sending lot and receiving lot abut or are immediately adjacent across a street or way, the allowable floor area on the receiving lot shall be limited to an increase of twenty percent (20%) over that allowed by the applicable base floor area ratio without regard to the transferred development rights;
  - (4) The transfer shall effect a binding reduction in the unused development rights under this Zoning Ordinance otherwise available to the sending lot, to the extent of the rights transferred, for the life of the development on the receiving lot. The transfer shall increase the development rights under this Zoning Ordinance otherwise available to the receiving lot, to the extent of the rights transferred, for

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the life of the development on the receiving lot. To ensure the binding effect of this transfer, a properly drawn legal instrument duly approved by the City Solicitor shall be executed by the parties concerned and shall be filed with the application for occupancy permit. The department, bureau and all other affected City departments shall note on appropriate records the reduction in development rights on the sending lot and the increase in development rights on the receiving lot.

- (5) In the case of a transfer of development rights involving an Historic Landmark or Performing Arts Facility, there shall exist a plan and program for rehabilitation, if necessary, and for continuing maintenance of the Historic Structure or Performing Arts Facility on the sending lot approved by the Commission which provides for continuation of the structure and use upon which eligibility for the transfer of development rights was based for not less than forty (40) years.
- (6) That the zoning lot to which a transfer is made must have prior to the transfer of development rights a gross allowable floor area under this Zoning Ordinance at least equal to the gross allowable floor area to be transferred.

## 2. *Electronic Sign Messages*

Electronic Sign Messages shall be permitted as a Conditional Use in the DR-B Subdistrict provided that:

- (a) The sign shall be attached to existing primary structures;
- (b) The sign shall not exceed a sign face area of 1,200 square feet;
- (c) The sign shall not project more than five feet from the wall of the structure to which it is attached; and
- (d) The sign shall be located within 500 feet of a stadium or auditorium capable of accommodating 10,000 people.

## E. **Administrator Exceptions**

The following Administrator Exceptions shall be permitted in the DR District according to the procedures of Sec. 917.08.

### 1. *Conversion of Existing Buildings to Museum Use*

The conversion of an existing building to a museum use by a nonprofit entity with a waiver of open space requirements and with limited enlargement provided:

- (a) Up to 50% of the required urban open space may be waived; and
- (b) A display area in the first floor of the structure equal to the area of urban open space to be waived that is open to the

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public without charge during the operating hours of the museum shall be provided.

2. *Structures which Penetrate the Inclined Height Plane*

The erection of structures which penetrate the inclined height plane to a maximum of 180 feet shall be permitted provided that:

- (a) The structure or structures are located on disposition parcels of an approved redevelopment area plan;
- (b) The structure or structures are compatible with surrounding structures;
- (c) The structure or structures present an overall image of structures along the shoreline; and
- (d) The structure or structures meet the requirements of plans and policies adopted by the City Planning Commission.

**F. DR-A Subdistrict**

The provisions in this section apply to lands within the DR-A Subdistrict of the DR District.

1. *Purpose*

The purposes of the DR-A Subdistrict area as follows:

- (a) To provide a zoning classification suitable for application to the area of the north shore of the Ohio River west of Three Rivers' Stadium, where the Stadium, the Ohio River, Clemente Park and views of the Golden Triangle and Mt. Washington provide an environment for business, entertainment/recreation and education uses;
- (b) To encourage development which will maximize long term benefits to the City, enhance the use of the Stadium, and complement Golden Triangle, Manchester and Allegheny West uses; and
- (c) To encourage development that will enhance the natural site advantages and at the same time frame views of the Golden Triangle and preserve and complement advantages from other adjacent locations, and enhance public access to the riverfront.

2. *Site Development Standards*

Each site in the DR-A Subdistrict shall be subject to the following site development standards.

- (a) Floor Area Ratio  
The maximum floor area ratio in the DR-A Subdistrict shall be 3:1.
- (b) Urban Open Space  
Urban Open Space shall be provided at ground level in an amount equal to at least 20 percent of the lot area.

- (c) Height  
Maximum building height shall not exceed 85 feet. Signs shall not exceed 35 feet in height from grade.

## **G. DR-B Subdistrict**

The provisions in this section apply to lands within the DR-B Subdistrict of the DR District.

### *1. Purpose*

The purposes of the DR-B Subdistrict area as follows:

- (a) To provide a zoning classification suitable for application to the Three Rivers' Stadium Area on the Allegheny and the Ohio Rivers, where access and infrastructure can support development and parking facilities with a daytime and event population in excess of 50,000;
- (b) To encourage use and development of this area primarily for recreation, entertainment and office uses;
- (c) To encourage development that will enhance the natural site advantages and at the same time preserve and complement visual advantages to and from adjacent locations, and enhance public access to the riverfront; and
- (d) To guide eventual reuse of the Stadium area as a unit group development which will support and complement the Golden Triangle, lead to continued efficient utilization of public infrastructure, extend the open space amenities of the riverfront and Clemente Park throughout the site, and encourage the development of this area for a concentration of business offices in high-density office buildings in a park-like setting, with related uses and facilities.

### *2. Site Development Standards*

Each site in the DR-B District shall be subject to the following site development standards.

- (a) Floor Area Ratio  
The maximum floor area ratio in the DR-B Subdistrict shall be 3:1.
- (b) Urban Open Space  
Urban Open Space shall be provided at ground level in an amount equal to at least 40 percent of the lot area provided at ground level or other pedestrian levels that provide a continuous, pedestrian Space easily accessible from public streets, sidewalks and Clemente Park; the highest level in such a network shall not exceed elevation 770.
- (c) Height  
Maximum building height shall not exceed 150 feet. Signs shall not exceed 35 feet in height from grade, except for

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stadium signs.

## H. DR-C Subdistrict

The provisions in this section apply to lands within the DR-C Subdistrict of the DR District.

### 1. Purpose

The purposes of the DR-C Subdistrict area as follows:

- (a) To provide a zoning classification suitable for application to the area across the Allegheny River from the Golden Triangle Area of the City of Pittsburgh, where the Allegheny River and proximity to the Golden Triangle, Allegheny Center and Northside Communities provide an environment where residential, business support and parking, readily accessible to the Golden Triangle, is desirable;
- (b) To encourage mixed use development, with primarily retail business frontages at street level, with offices, office related and residential uses as the primary uses of upper stories of buildings; and
- (c) To encourage development that will enhance the natural site advantages and at the same time preserve and complement visual advantages from adjacent locations, and enhance public access to the riverfront.

### 2. Site Development Standards

Each site in the DR-C Subdistrict shall be subject to the following site development standards.

#### (a) Floor Area Ratio

The maximum floor area ratio in the DR-C Subdistrict shall be 3:1.

#### (b) Urban Open Space

Urban Open Space shall be provided at ground level in an amount equal to at least 20 percent of the lot area provided at ground level.

#### (c) Height

Maximum building height in the area north of Isabella Street and Isabella Street extended shall not exceed 105 feet. Maximum building height in the area south of Isabella Street and Isabella Street extended shall not exceed 65 feet. Signs shall not exceed 35 feet in height from grade.

# 906: Environmental Overlay Districts

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## 1. Purpose

The purpose of the Environmental Overlay Districts is to:

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

# 906.02: FP-O, Flood Plain Overlay District

## A. Purpose

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

## B. Permits Required

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

## C. Special Definitions

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

1. *Base flood* means a flood having a one percent chance of being equaled or exceeded in any given year.
2. *Development* which may endanger human life means, in accordance with the Pennsylvania Flood Plain Management Act and regulations adopted by the Department of Community Affairs pursuant to that act; any activity requiring the production, storage, use of any amount of radioactive substances; structures or land used for the production or storage of any quantity of the following materials; or structures or land used for any activity requiring the maintenance of a supply (more than 550 gallons or other comparable volume) of the following materials:
  - (a) Acetone
  - (b) Ammonia
  - (c) Benzene
  - (d) Calcium carbide
  - (e) Carbon disulfide
  - (f) Celluloid
  - (g) Chlorine
  - (h) Hydrochloric acid
  - (i) Hydrocyanic acid
  - (j) Magnesium
  - (k) Nitric acid and oxides of nitrogen

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- (l) Petroleum products (gasoline, fuel oil, etc.)
  - (m) Phosphorus
  - (n) Potassium
  - (o) Sodium
  - (p) Sulphur and sulphur products
  - (q) Pesticides (including insecticide, fungicides and rodenticides)
  - (r) Radioactive substances, insofar as such substances are not otherwise regulated.
3. *Encroachment* means any structure or activity which in any manner changes, expands or diminishes the course, current or cross section of any watercourse, floodway or body of water.
  4. *Flood plain* means any land susceptible to being inundated by water from any source during the base flood, as shown on the most current flood plain maps prepared by the Federal Insurance Administration and approved by the Federal Emergency Management Agency (FEMA) for the purpose of determining the official Federal Designated Flood Plain, Floodway and Floodway Fringe. These maps are based on the most current Flood Insurance Study prepared by the Federal Emergency Management Agency; the Study being the definitive source of flood plain information, particularly in regards to base flood elevations and floodway widths.
  5. *Floodway* means the channel of a river or other watercourse and adjacent land areas that shall be reserved in order to discharge the waters of the base flood; in this section, as shown on maps prepared by the Federal Insurance Administration of the Federal Emergency Management Agency. Where no floodway has been delineated within a flood plain, the floodway is established for regulatory purposes as extending 50 feet landward from the top bank of a stream.
  6. *Floodway fringe* means that portion of a flood plain which is not the floodway; in this section, as shown on maps prepared by the Federal Insurance Administration of the Federal Emergency Management Agency.
  7. *Mobile Home* means a structure built on a permanent chassis which is transportable and is used as a permanent residence, temporary residence, office, storage space, or other use.
  8. *Obstruction* means any projection, excavation, building, structure, stockpile, refuse, fill or matter in, along, across or projecting into any channel, watercourse or flood plain area which may impede, retard or change the direction of the flow of water either in itself or by catching or collecting debris carried by such water or which is placed where the flow of the water

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might carry the same downstream.

9. *Special hazard* means obstructions in flood plains which present a special hazard to occupants or to the public and defined in the Pennsylvania Flood Plain Management Act as: hospitals, nursing homes, jails, new mobile home park or new mobile home subdivisions or substantial additions to mobile home parks or subdivisions.
10. *Substantial improvement* means any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either before the improvement is started or, if the structure has been damaged and is being restored, before the damage occurred. This term also includes work on structures which have incurred damage amounting to more than 50 percent of the structure's market value before the damage, regardless of the actual repair work performed. This term does not include:
  - (a) Any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions; or
  - (b) Any alteration of a structure listed on the National Register of Historic Places or the Pennsylvania Inventory of Historic Places, provided the alteration does not preclude the structure's continued designation as a historic structure by the pertinent entity.

#### **D. Effect of District Regulations**

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

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

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**E. Warning and Disclaimer**

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

**F. Floodway Regulations**

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

*1. Compliance with State Flood Plain Management Act*

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

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

*2. When No State Permits Required*

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

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uses are prohibited:

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

3. *Required Analysis*

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

4. *Flood-Proofing*

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

**G. Floodway Fringe Regulations**

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

1. *Uses Permitted By-Right*

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

2. *Conditional Uses*

The following uses may be allowed in the floodway fringe area of a FP-O District after a public hearing and recommendations by the Planning Commission and after approval by City Council in accordance with the provisions of Section 917.06

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- (a) **Uses Classified as Conditional Uses in Underlying Zoning Districts**  
Uses which are classified as Conditional Uses in the underlying zoning district in a FP-O District, but not within a floodway, in accordance with all other provisions of this Zoning Ordinance applicable to the specific use and zoning district and provided:
- (1) The use shall not be a special hazard, development which may endanger life, or a mobile home; nor shall it in any other way constitute or contribute to increased hazards to life or dangers to the public health, safety or welfare during time of flood;
  - (2) Any substantial improvement or new construction shall meet all requirements for elevation above flood level or flood proofing applicable to the particular category of use and structure;
  - (3) In the case of new development or construction, Council shall determine that the proposed use is necessary in the proposed location and that there are no feasible alternative locations outside of the FP-O District;
  - (4) In the case of alterations or enlargements, which do not constitute substantial improvements, Council may require arrangement of uses, mechanical systems, and other elements within a structure, for flood proofing or both, which are reasonably related to the minimization of flood damages and danger to life during time of flood; and
  - (5) If feasible in relation to the use and in relation to the character of adjacent areas, public access to the riverfront should be provided in connection with any new construction or development on a riverfront site within a FP-O District.
- (b) **Development That May Endanger Human Life**  
Development that may endanger human life in a District, but not within a floodway, shall be subject to the following standards:
- (1) No new construction or development classified as development which may endanger life shall be permitted in a FP-O District;
  - (2) Substantial improvement of a development which may endanger human life shall be elevated or flood proofed to remain completely dry up to at least one and one-half feet above the level of the base flood and designed to prevent pollution from the structure or activity during the base flood; and
  - (3) Improvements to structures, which do not constitute substantial improvements, shall be flood proofed to the maximum extent feasible, and Council may impose additional requirements for the storage or anchoring of dangerous substances to reduce possible hazards during time of flood.

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(c) Special Hazards

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

- (1) Council shall determine that the use is necessary in the location proposed and that no feasible alternative site exists in a location not within FP-O District;
- (2) New construction, substantial improvement, enlargements or additions of a special hazard use in a FP-O District shall be located and constructed to fully protect the health and safety of the general public and occupants of the structure. All structures shall be located, constructed and maintained so that:
  - (i) The structure will survive inundation by waters of the base flood without any lateral movement or damage to the structure or to any of its equipment or contents;
  - (ii) The lowest floor elevation will be at least one and one-half feet above the base flood elevation;
  - (iii) The occupants of the structure can remain inside for an indefinite period of time and be safely evacuated at any time during the base flood;
  - (iv) There is full compliance with the Building Code and other requirements for special hazard uses adopted by the City; and
  - (v) Any significant possibility of pollution, increased flood levels or flows, or debris endangering life and property will be prevented.
- (3) Any alteration or improvement of an existing special hazard use, which does not constitute a substantial improvement, enlargement or addition, shall be flood proofed to the maximum extent feasible; and Council may impose additional requirements to insure the safety of occupants during time of flood;
- (4) The minimum filing requirements are met. These filing requirements shall include the following information:
  - (i) A location map which will enable a person unfamiliar with the City to accurately determine the location within the City of the site or property involved;
  - (ii) A topographic map based on the National Geodetic Vertical Datum of 1929, showing existing and proposed contours at intervals of two feet;
  - (iii) The location of the flood plain boundary line, information and spot elevations concerning the 100-year flood elevation, and information concerning the flow of water (including direction and velocities);
  - (iv) Complete information concerning flood depths, pressures, velocities, impact and uplift forces, and other factors associated with the 100-year flood;

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- (v) Detailed information concerning any proposed flood proofing measures;
  - (vi) Cross-section drawings for all proposed streets, drives, other accessways, and parking areas, showing all right-of-way and pavement widths;
  - (vii) Profile drawings for all proposed streets, drives and vehicular accessways including existing and proposed grades;
  - (viii) Plans and profiles of all proposed sanitary and storm sewer systems, water supply systems, and any other utilities and facilities;
  - (ix) Certification from a registered professional engineer, architect or landscape architect that the proposed construction has been adequately designed to protect against damage from the 100-year flood;
  - (x) A statement, certified by a registered professional engineer, architect, landscape architect or other qualified person which contains a complete and accurate description of the nature and extent of pollution that might possibly occur from the development during the course of a 100-year flood, including a statement concerning the effects such pollution might have on human life;
  - (xi) A statement certified by a registered professional engineer, architect or landscape architect which contains a complete and accurate description of the effects the proposed development will have on 100-year flood elevations and flows;
  - (xii) A statement, certified by a registered professional engineer, architect or landscape architect which contains a complete and accurate description of the kinds and amounts of any loose buoyant materials or debris that may possibly exist or be located on the site below the 100-year flood elevation and the effects such materials and debris may have on 100-year flood elevations and flows;
  - (xiii) Any other applicable permits such as, but not limited to, a permit for any activity regulated by the Department of Environmental Resources under Section 302 of the Pennsylvania Flood Plain Management Act (any obstruction; flood control project, publicly owned or maintained; highway owned, constructed or maintained by a non-federal governmental unit; an obstruction owned or maintained by a public utility); and
  - (xiv) An evacuation plan which fully explains the manner in which the site will be safely evacuated before or during the course of a 100-year flood.
- (5) Hospitals, nursing homes, correctional facilities, new mobile home parks or substantial additions to mobile home parks, shall be subject to special permit requirements specified hereunder:
- (i) Within three days of receipt of a Conditional Use application for a special hazard use and before consideration of such application by City Council, the Zoning Administrator shall forward a copy of

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- the application, with accompanying documents to the Allegheny County Planning Commission via registered or certified mail and to the Bureau of Building Inspection for their review; and
- (ii) If, after consideration by City Council, an application is approved, the Zoning Administrator shall so notify via registered or certified mail the Pennsylvania Department of Community Affairs in writing within five working days after the date of City Council approval, together with the application and all documentation. A Certificate of Occupancy shall not be issued for a special hazard conditional use approved by City Council until 30 days after receipt of notification by the Department of Community Affairs. If an application is disapproved by the Department of Community Affairs, the Zoning Administrator shall not issue a permit.

### 3. *Special Exceptions*

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

- (a) The use shall not be a special hazard, development which may endanger human life, or a mobile home; nor shall it in any other way constitute or contribute to increased hazards to life or dangers to the public health, safety or welfare during time of flood;
- (b) Any substantial improvement or new construction shall meet all requirements for elevation above flood level or flood proofing applicable to the particular category of use and structure;
- (c) In the case of new development or construction, the Board shall determine that the proposed use is necessary in the proposed location and that there are no feasible alternative locations outside of the FP-O District; and
- (d) In the case of alterations or enlargements, which do not constitute substantial improvements, the Board may impose requirements for arrangement of uses, mechanical systems and other elements within a structure and/or for flood proofing which are reasonably related to the minimization of flood damages and dangers to life during time of flood.

# 906.03: RF-O, Riverfront Overlay District

## A. Purpose

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

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

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

## B. Special Definitions

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

1. *Access* means a means of approaching or the right to approach, enter and use.
2. *Conservation* means controlled, limited development; protection of basic conditions, qualities or attributes based on natural features, physiographic constraints, or legal covenants in effect at time of the acceptance by the City Planning Commission of The Plan for the Pittsburgh Riverfronts (13 June 1989).
3. *Commercial boat facility used for public admission by charge or charter* means water oriented development, not including regular public transit service requiring a Port Authority license, which makes available to the public via admission charge or charter, private boats capable of providing meals, excursions or entertainment with a capacity of twenty or more persons.
4. *Corridor* means a long narrow strip of land assembled by covenant or deed with an existing, previous or potential common use.

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5. *Development* means the performance of any building, excavation, or mining operation, the making of any substantial change in the use or appearance of any structures or land, or the creation or termination of rights of access or riparian rights. The following activities or uses shall be taken for the purpose of this Code to involve development as defined in this section unless expressly excluded by ordinance:
    - (a) A change in type of use of a structure or land;
    - (b) A reconstruction, alteration of the size, or substantial change in the external appearance of a structure or land;
    - (c) A substantial increase in the intensity of use of land, such as an increase in the number of businesses, manufacturing establishments, offices or dwelling units in a structure or on land;
    - (d) Commencement of mining or excavation on a parcel of land;
    - (e) Demolition of a structure or removal of substantial living trees;
    - (f) Deposit of refuse, solid or liquid waste or fill on a parcel of land;
    - (g) In connection with use of land, the making of any substantial change in noise levels, thermal conditions, or emissions of waste;
    - (h) In connection with use of land, substantial disturbance of existing vegetation, tree cover, site contours, or watercourses including, but not limited to, disturbance for roads, parking areas and structures;
    - (i) Alteration of shore, bank, or flood plain of a river, stream or artificial body of water;
    - (j) Re-establishment of a use which has been abandoned;
    - (k) Departure from the use for which development permission has been granted, or failure to comply with the conditions or an ordinance rule or order granting the development permission under which the development was commenced or is continued.
  6. *Floodway* means the channel of a river and adjacent land area that shall be reserved in order to discharge the waters of the base flood (100 year flood) as depicted on maps prepared by the Federal Emergency Management Agency (dated 15 December 1981 as amended).
  7. *Launching Ramp* means a constructed or altered segment of the river bank or shore used for the purpose of enabling a recreational boat to be placed into the water from a trailer or other apparatus used to transport or store the boat.
  8. *Preservation, Conservation and Development Map* means the map depicting the zoning subdistricts of the RF-O District maintained in the office of the Zoning Administrator.
  9. *Preservation* means maintenance in an existing or natural state in order to prevent environmental degradation of a

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functional or visual nature.

10. *Riverbank* means rising ground bordering a river.

11. *Water enhanced facility or use* means recreation, entertainment or restaurant facilities or uses which achieve greater value or beauty as a result of a location on or near a river.

12. *Water oriented facility or use* means a facility or use which by its nature is required to be on or adjacent to a river; without such adjacency the use could not exist.

13. *Yard, Riverfront* means the area created by the Riverfront Setback requirements of Sec. 906.02(e).

**C. General Review Criteria**

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

**D. Development Review Procedures**

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

**E. Riverfront Setbacks**

In addition to the setback standards of the underlying zoning district, there shall be provided and maintained a Riverfront Setback, not less than 50 feet in depth, measured landward from the normal or full pool elevation, for all property that falls within 50 feet of the Allegheny, Ohio or Monongahela Rivers. Required Riverfront Setbacks shall be landscaped and maintained in good condition. Riverfront Setbacks shall be kept free of trash, storage and parked vehicles. No structures or use shall extend into required Riverfront Setbacks, except for the following, which may be authorized by the Zoning Administrator in

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accordance with the Administrator Exception procedures of Sec. 917.08:

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

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

2. *Exception to Riverfront Setback Requirement*

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

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

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

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

**F. Use Regulations**

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

1. *Preservation Subdistrict*

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

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- (a) **Uses Permitted By-Right**  
All uses permitted by-right in the underlying zoning district shall be permitted by-right in the Preservation Subdistrict provided that:
- (1) No development shall be permitted by-right on slopes in excess of 25 percent;
  - (2) No development shall be permitted by-right within the floodway; and
  - (3) Parks and Recreation (Limited) uses shall be permitted by-right in the RF-O District regardless of whether such use is permitted by-right in the underlying zoning district.
- (b) **Administrator Exceptions**  
All primary uses listed as Administrator Exceptions in the underlying zoning district shall be Administrator Exceptions in the Preservation Subdistrict provided that:
- (1) No development shall be allowed as an Administrator Exception on slopes in excess of 25 percent;
  - (2) No development shall be allowed as an Administrator Exception within the floodway; and
  - (3) Parks and Recreation (General) uses shall be Administrator Exceptions in the RF-O District regardless of whether such use is an Administrator Exception in the underlying zoning district.
- (c) **Special Exceptions**  
All uses listed as Special Exceptions in the underlying zoning district shall be Special Exceptions in the Preservation Subdistrict provided that
- (1) No development shall be allowed as a Special Exception on slopes in excess of 25 percent; and
  - (2) No development shall be allowed as a Special Exception within the floodway.
- (d) **Conditional Uses**  
All uses listed as Conditional Uses in the underlying zoning district shall be allowed as Conditional Uses in the Preservation Subdistrict provided that no development shall be allowed as a Conditional Use within the floodway. In addition, the following uses shall be considered a Conditional Use in accordance with the procedures of Sec. 917.06:
- (1) *New construction or development in a Preservation Subdistrict on slopes in excess of twenty-five percent (25%)*  
New construction or development in a Preservation Subdistrict on slopes in excess of twenty-five percent (25%)

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provided:

- (i) No construction or development occurs on slopes in excess of thirty-three percent (33%);
- (ii) No construction or development occurs in a floodway;
- (iii) The development does not affect more than fifteen percent (15%) of the site's land area which is in the Preservation Subdistrict.
- (iv) It is not possible to locate the development on a portion of the site which is not in the Preservation Subdistrict; and
- (v) Council may impose additional restrictions reasonably necessary to protect the health, safety or welfare; to protect the capacity of the flood plain; to improve or maintain the scenic quality of the rivers or riverfronts.

(2) *Conservation Subdistrict*

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

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

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

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

(b) **Administrator Exceptions**

All uses listed as Administrator Exceptions in the underlying zoning district shall be Administrator Exceptions in the Conservation Subdistrict, according to the provisions of Sec. 917.09, provided that no Administrator Exception use shall be allowed with a Conservation Corridor. The development of a use that is permitted As-of-Right in the underlying zoning district shall be considered an Administrator Exception when located within a Conservation Corridor. In addition, the following uses shall also be Administrator Exceptions in the Conservation Subdistrict:

(1) *Water Oriented Uses*

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

(2) *Parks and Recreation (General)*

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

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

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

- (i) No new construction or development shall be authorized in a floodway for any use which does not require direct access to a river, other than recreation and open space uses, or for which an alternative location outside of a floodway is possible;
- (ii) To the maximum extent feasible, any new construction or development on a site which is partially within a floodway shall be located on portions of the site which are not within the floodway;
- (iii) If feasible in relation to the use and in relation to the character of adjacent areas, public access to the riverfront shall be provided in connection with any new development or construction;
- (iv) All requirements of the Site Plan Review procedures of Sec. 917.04 have been met; and
- (v) Parking is provided in accord with Chapter 910.

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

New construction or development in a Conservation Corridor provided that:

- (i) An alternate development-free continuous corridor of at least the same width as the Conservation Corridor is provided on the Administrator Exception applicant's property;
- (ii) The provided alternate corridor abuts the Conservation Corridors on adjacent properties and forms a continuous corridor;
- (iii) The alternate corridor provided the same general type of potential use as the delineated Conservation Corridor considering such factors as topography, landscaping, surface treatment, vehicular conflicts, and the condition of immediate environs;

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

(c) Special Exceptions

All uses listed as Special Exceptions in the underlying zoning district shall be Special Exceptions in the Conservation Subdistrict in accordance with the provisions of Sec. 917.07, provided that no Special Exception Use shall be allowed within a Conservation Corridor.

(d) Conditional Uses

All uses listed as Conditional Uses in the underlying zoning district shall be allowed as Conditional Uses in the Conservation Subdistrict according to the provisions of Sec. 917.06 provided that no Conditional Uses shall be allowed within a Conservation Corridor. The following uses shall also be Conditional Uses in the Conservation Subdistrict:

(1) *Water Enhanced Uses*

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

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

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(2) *Launching Ramps*

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

(3) *Marinas*

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

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

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

(5) *Public Utility and Mass Transportation Facilities*

Public utility and mass transportation facilities.

3. *Development Subdistrict*

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

(a) *Uses Permitted By-Right*

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

(b) *Administrator Exceptions*

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

(1) *Water Oriented Uses*

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

(2) *Parks and Recreation (General)*

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

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

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

- (i) No new construction or development shall be authorized in a floodway for any use which does not require direct access to a river, other than recreation and open space uses, or for which an alternative location outside of a floodway is possible;
- (ii) To the maximum extent feasible, any new construction or development on a site which is partially within a floodway shall be located on portions of the site which are not within the floodway;
- (iii) If feasible in relation to the use and in relation to the character of adjacent areas, public access to the riverfront shall be provided in connection with any new development or construction;
- (iv) All requirements of the Site Plan Review procedures of Sec. 917.04 have been met; and
- (v) Parking is provided in accord with Chapter 910.

(c) **Special Exceptions**

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

(d) **Conditional Uses**

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

(1) *Water Enhanced Uses*

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

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applicable to the specific use and zoning district and provided:

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

(2) *Launching Ramps*

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

(3) *Marinas*

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

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

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

(5) *Public Utility and Mass Transportation Facilities*

Public utility and mass transportation facilities.