



Legislation Details (With Text)

**File #:** 2021-2096    **Version:** 1  
**Type:** Ordinance    **Status:** Held In Council  
**File created:** 10/22/2021    **In control:** Committee on Hearings  
**On agenda:** 10/26/2021    **Final action:**  
**Enactment date:**    **Enactment #:**  
**Effective date:**

**Title:** Ordinance amending the Pittsburgh Code, Title Nine - Zoning, Article IX - Development Review Procedures, Chapter 922 - Measurements by amending language in Section 922.02. (Public Hearing scheduled for 12/14/21)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. 2021-2096 Cover Letter-City Council Cover Letter ROZA, 2. Summary 2021-2096

Date	Ver.	Action By	Action	Result
11/1/2021	1	Standing Committee	Held for Cablecast Public Hearing	Pass
10/26/2021	1	City Council	Read and referred	

Ordinance amending the Pittsburgh Code, Title Nine - Zoning, Article IX - Development Review Procedures, Chapter 922 - Measurements by amending language in Section 922.02. (Public Hearing scheduled for 12/14/21)

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

**Section 1.** The Pittsburgh Code, Title Nine - Zoning, Article IX - Development Review Procedures, Chapter 922.02 is hereby amended as follows:

922.02. - Record of **Zoning Approval and** Certificate of Occupancy.

**922.02.A Applicability**

**A Record of Zoning Approval shall be required for all Development subject to the regulations of this code as described in 922.02.A.1 whether or not a Certificate of Occupancy shall be required according to 922.02.A.2.**

**A Certificate of Occupancy shall be required for the lawful use or occupancy of all lands, structures or premises, or parts thereof as described in 922.02.A.2 whether or not a Record of Zoning Approval shall be required according to 922.02.A.1.**

**922.02.A.1 Record of Zoning Approval**

**A Record of Zoning Approval shall be required for all Development subject to the regulations of this code, except that the following actions may be exempted from obtaining a Record of Zoning Approval, unless located within a Chapter 906 Environmental Overlay District. Exempted actions still subject to enforcement for compliance with all relevant requirements within this code:**

- a. Signs no larger than 4 square feet;**
- b. Interior renovations that do not result in a change of use in accordance with the use provisions of Chapter 911;**
- c. Retaining Walls no taller than 4 feet;**
- d. Prefabricated swimming pools accessory to a Single-Unit Residential or Two- Unit Residential dwelling that are less than 24 inches deep;**
- e. One story, detached accessory structures used as storage sheds, or similar unoccupied structures, provided the floor area does not exceed 120 square feet in area, accessory to a Single-Unit Residential or Two-Unit Residential dwelling; and**
- f. Swings and other playground equipment accessory to a Single-Unit Residential or Two-Unit Residential dwelling.**

#### **922.02.A.2 Certificate of Occupancy**

A Certificate of Occupancy shall be required for the lawful use or occupancy of all land, structures or premises, or parts thereof, in all of the following circumstances:

- ~~a.~~ 1. Major Excavation/Grading/Fill as defined in Chapter 911.02 (Use Table);
- ~~b.~~ 2. A new or changed use of land or new or changed use of structure except for the noncommercial cultivation of plants and plantings;
- ~~c.~~ 3. A structure hereafter erected, altered or enlarged except for the following:
  - ~~1.~~ (a) Interior renovation **that does not result in undertaken** for a change of use **in accordance with the use provisions of Chapter 911**, including but not limited to painting, blown-in insulation, waterproofing, replacing kitchen or bathroom cabinets, and floor coverings such as carpet, vinyl and tile;
  - ~~2.~~ (b) Exterior renovation that does not alter the footprint or exterior dimensions of an existing structure, including but not limited to painting, the application of sheathing such as shingles and siding, and hanging gutters and downspouts;
  - ~~3.~~ (c) Concrete on grade, including but not limited to patios, steps and driveways, but not including vehicle parking.
  - ~~(d)~~ Steam cleaning or pointing bricks;

- ~~d.~~ 4. The erection, enlargement or reconstruction of a sign or sign structure, except signs that do not exceed four (4) square feet in area; **and**
- ~~e.~~ 5. Continuation of a nonconforming use and/or nonconforming structure.

#### 922.02.B Initiation

An application for a **Record of Zoning Approval and/or** a Certificate of Occupancy may be filed by the owner of the subject property or the owner's agent.

#### 922.02.C Application

1. A complete application for a **Record of Zoning Approval Certificate of Occupancy** shall be submitted to the Zoning Administrator in a form established by the Zoning Administrator, along with a nonrefundable fee that has been established to defray the cost of processing development applications. No application shall be processed until the Zoning Administrator determines that the application is **deemed** complete and the required fee has been paid.
2. Each application for a **Record of Zoning Approval Certificate of Occupancy**, ~~except for a change from one (1) conforming use to another conforming use,~~ shall be accompanied by a site plans **as deemed necessary in a form established by the Zoning Administrator, to accurately assess compliance with the provisions of this code;**
3. Where complete and accurate information is not readily available from existing records, the Zoning Administrator may require the applicant to furnish a survey of the lot by a registered engineer or surveyor.
4. Each property owner or authorized agent shall be required to attest to the correctness of the statements and add data furnished with the application.
5. A file of applications and plot plans shall be kept in the office of the Zoning Administrator.
6. Any Certificate of Occupancy application requiring Site Plan Review, Variances, Special Exception approval, **Project Development Plan, Final Land Development Plan,** or Conditional Use approval shall not be approved until the noted approval has been granted.;
7. **An application shall be deemed to be complete when all applicable plans, studies, reports and worksheets are submitted in a full and legible format with sufficient details of the proposed development to allow all reviews to be executed as required by the Zoning Administrator given the location and proposed scope of work.**

#### 922.02.D Timing of Application

An application for a **Record of Zoning Approval Certificate of Occupancy** shall be submitted at the following times:

1. **At the time of a proposal for development, and prior to an application for a building permit pursuant to the provisions of the Building Code, or S simultaneously with the application for a building permit pursuant to the provisions of the Building Code for certain scopes of work and circumstances as defined by the Zoning Administrator;**

2. At the time of a **proposed** change in use of land or structure;
3. Prior to the issuance of any permit for Major Excavation/Grading/Fill or for excavation for or erection of a structure or part thereof.
4. Or as otherwise determined by the Zoning Administrator as necessary based on the scope and type of the Application

#### 922.02.E Permits and Inspections

##### 922.02.E.1 Approval Issuance of Certificate of Records of Zoning Approval and Certificates of Occupancy

**Records of Zoning Approval shall be issued only after the application has been approved by the Zoning Administrator with regard to compliance with the zoning ordinance.**

~~Certificates of Occupancy Permits shall be issued by the Building Code Official (BCO) of the Department of Permits, Licenses, and Inspections Chief of the Bureau of Building Inspection only after the application for a Certificate of Occupancy has been approved by the Zoning Administrator with regard to compliance with the Zoning Ordinance, and the Building Code Official (BCO) of the Department of Permits, Licenses, and Inspections Chief of the Bureau of Building Inspection is satisfied that the use or physical improvement is completed according to the approved application and the provisions of the Building Code and Zoning Code.~~

##### 922.02.E.2 Building Code Permits

Approval of a **Record of Zoning Approval Certificate of Occupancy** application shall be required prior to the issuance of any building code permit **unless the scope of work is exempted in accordance with 922.02.A.1 or similar exemptions to limited scopes of work as defined by the Zoning Administrator and the Building Code Official (BCO) of Permits Licenses and Inspections.**

##### 922.02.E.3 Inspections

~~Within thirty (30) days of erection of the structure or the completion of structural alterations, the Chief of the Bureau of Building Inspection The Department of Permits, Licenses, and Inspections shall inspect the physical improvements for the purpose of determining compliance with the Record of Zoning Approval and/or Certificate of Occupancy application and the Building Code Permit.~~

##### 922.02.F Temporary Permits Certificate of Occupancy

A ~~Temporary certificate of occupancy~~ **Certificate of Occupancy** may be authorized by the Zoning Administrator and issued by the **Building Code Official (BCO) of the Department of Permits, Licenses, and Inspections** ~~Chief of the Bureau of Building Inspection~~ **only in the following cases:**

1. ~~d~~**During the completion of alterations or during partial occupancy of a duly permitted structure pending its completion, a Temporary Certificate of Occupancy may be issued. Such temporary certificates shall not be construed as altering the rights, duties or obligations of either the owners or the City with respect to the use or occupancy of the**

premises in question, or in any matter within the purview of this Zoning Code. The temporary certificate shall not be issued except under such restrictions and provisions as will adequately ensure safety of the occupants.; ~~and Applications and fees shall be required for temporary permits.~~

2. **A Temporary Certificate of Occupancy may be issued for one-time special events on private property and shall be subject to review and approval by all agencies as deemed necessary based on the size and location of the event.**

#### 922.02.G Filing

A ~~paper or digital~~ file of **Certificates of Occupancy, Record of Zoning Approval, and tTemporary Permits** Certificate of Occupancy ~~certificates of occupancy~~ shall be kept in the office of **the Department of Permits, Licenses, and Inspections** Chief of the Bureau of Building Inspection. A copy of ~~all~~ the permits shall be **shared with** sent to the Zoning Administrator when the permit is issued.

#### 922.02.H Lapse of Approval

##### 922.02.H.1 **Records of Zoning Approval and Certificates of Occupancy** Involving Physical Improvements

If the **Record of Zoning Approval or the** Certificate of Occupancy involves physical improvements that have not been substantially initiated within one (1) year of the date of approval or authorization approval of the application, the approval shall lapse. The approval shall also lapse if, after starting construction, the construction is discontinued for a period of one (1) year or more. No physical improvements shall be made after approval lapses unless the approval or authorization is renewed pursuant to Sec.922.02.H.3.

##### 922.02.H.2 Certificates of Occupancy **and Records of Zoning Approval** Not Involving Physical Improvements

If the **Record of Zoning Approval or the** Certificate of Occupancy does not involve physical improvements, and a Certificate of Occupancy has not been issued within one (1) year of the date of approval or authorization, the approval shall lapse. No Certificate of Occupancy shall be issued after approval lapses unless the approval or authorization is renewed pursuant to Sec. 922.02.H.3.

##### 922.02.H.3 Renewal in the Event of Lapse

The Zoning Administrator may renew the application for which approval has lapsed provided that no more than one (1) year has elapsed since the date of the original approval or, in the case of discontinuance of work, since the date of discontinuance. A lapsed application shall not be renewed more than once. Renewal shall be made by written statement without requiring the filing of a new application or plot plan. Renewal shall have the same effect as the original approval. If no renewal is granted with the one-year period allowed for renewals, the original approval shall be void and have no further effect.

##### 922.02.H.4 **Project Development Plan Approval**

**If an applicant submits an application to the Zoning Administrator for approval of a Record of Zoning Approval or Certificate of Occupancy more than three (3) years after the date of**

approval of the Project Development Plan, the Zoning Administrator may require that planning studies be conducted to determine the current impact of the proposed development on the neighborhood and on the City. The Zoning Administrator may choose to have the Planning Commission review the development as a new application in accordance the review criteria of Sec 922.10.E.2 as per Sec 922.10.E.1.

#### 922.02.I Pending Zoning Map and Text Amendments

~~During the consideration~~ Upon notice, in accordance with Section 922.01, of any bill introduced before the City Council or the Planning Commission to amend this ordinance in part, without replacing all of its provisions, and until such bill is either enacted or rejected according to law, the Zoning Administrator and other city officials and bodies shall take no action upon any application for Certificate of Occupancy filed to obtain approval of a use or other matter that would be forbidden by such proposed amendment if enacted.

#### 922.02.J Revocation of Certificates of Occupancy

Where an application for Certificate of Occupancy has been approved for zoning by the Zoning Administrator, and an error nullifying the basis for such approval has been discovered prior to the issuance of the certificate, and where the Building Code Official (BCO) of the Department of Permits, Licenses, and Inspections Chief of the ~~Bureau of Building Inspection~~ has been so notified in writing by the Zoning Administrator, no Certificate of Occupancy shall subsequently be issued on such application until the error has been corrected. Where such error has been discovered subsequent to the issuance of the Certificate of Occupancy, upon written notification by the Zoning Administrator, the Building Code Official (BCO) of the Department of Permits, Licenses, and Inspections Chief of the ~~Bureau of Building Inspection~~ shall revoke such ~~permit~~ Certificate of Occupancy.