

Title 9. Zoning Code

Article IV. Planning Districts

CHAPTER 908. Public Realm Districts

§ 908.01. General.

[Ord. 16-2002, § 1, eff. 6-4-2002; Ord. 19-2004, § 1A, eff. 11-8-2004; Ord. No. 48-2017, § 3, 12-8-2017]

- A. Purpose. In recognition of the strategic importance of specific areas, pathways and places within the City which possess distinctive characteristics and which have City-wide or regional importance, or have the potential to develop such importance, the Public Realm District regulations are intended to provide a framework to:
 - 1. Identify significant areas, pathways and places, with unique and distinctive characteristics;
 - 2. Preserve and enhance qualities that contribute to district identity and to its public nature;
 - 3. Encourage development that is consistent with and enhances the distinctive characteristics of the district; and
 - 4. Address the impacts of larger scale development within the districts in the surrounding residential and commercial areas.
- B. Overview of Public Realm District Regulations. Public Realm Districts address land use and development issues that are unique to specific areas of the city. Public Realm Districts and their subdistricts provide a means of modifying otherwise applicable zoning regulations for specific areas of the city that are the subject of special plans or studies. Because Public Realm Districts are meant to carry out area-specific objectives, they shall be designated as either a base zoning district or overlay zoning provisions.
- C. Applicability of Public Realm District Regulations. Public Realm District regulations apply in combination with all other applicable standards and requirements of this Code. When standards of a Public Realm District or smaller subdistrict conflict with other standards of this Code, the regulations of the Public Realm District/subdistrict shall always control. When no Public Realm District standards are specified, all otherwise applicable regulations of this Code shall control.
- D. Establishment of Public Realm Districts.
 - 1. The City Council may designate Public Realm Districts/subdistricts upon the request of the City Planning Commission in accordance with the provisions of Section **922.05**, Zoning Map and Text Amendments.
 - 2. A Public Realm District shall possess unique qualities and characteristics that distinguish it from other districts within the city and enable it to be considered a city asset.
 - 3. At the time of establishment of a Public Realm District, the City Council shall, upon recommendation from the City Planning Commission:
 - (a) Delineate the boundaries or limits of the district or overlay;
 - (b) Identify the distinguishing characteristics of the district or overlay;
 - (c) Categorize either the district or the overlay as one of the following three types:
 - (1) Public Realm Area. A Public Realm Area shall comprise a contiguous area of land of not less than five (5) acres and shall abut or include a publicly accessible street, walkway, park, river, or right-of-way.
 - (2) Public Realm Pathway. A Public Realm Pathway shall comprise a contiguous path or artery (automobile, pedestrian or river route) that is not less than one mile in length. Regulations shall apply to the street yards and building faces of the properties with frontage on the Public Realm Pathway.
 - (3) Public Realm Place. A Public Realm Place shall comprise a specific location of natural, historic or cultural significance or city amenity, and the street yards of properties abutting and fronting the Public Realm Place.
 - (d) Adopt Public Realm regulations for each Public Realm District or overlay after recommendation by City Planning Commission.
- E. Compliance with Public Realm Regulations. Within any Public Realm District, an application for a permit for new construction, enlargement of existing structure, grading or removal of vegetation shall be approved only in accordance with the Public Realm regulations adopted by the City Council for that Public Realm District.
- F. Public Realm Project Development Plan Review and Approval. In the every Public Realm District, every new use of land, every building demolition, every new, enlarged or reconstructed advertising sign, every new or enlarged parking area, and every structure erected or enlarged, with the exceptions noted in the following sub paragraph, shall, in addition to conforming to any and all regulations pertaining thereto in this Zoning Ordinance, be in accord with a Project Development Plan (PDP) approved by the Commission.
 - 1. Developments that do not require approval of a Project Development Plan are:

- (a) Structures involving external alterations not in excess of one hundred thousand dollars (\$100,000) in the Uptown Public Realm District or fifty thousand dollars (\$50,000.00) elsewhere;
 - (b) Exterior alterations where those alterations have no visible impact on the proximal public realm; or
 - (c) Interior renovations only, except where four (4) or more dwelling units are created.
- 2. Plans and documents constituting Project Development Plan shall be prepared in a manner set forth in submissions requirements established by the Zoning Administrator, and shall include but not be limited to, site plans, building elevations with material descriptions, landscaping plans with types of plant materials, lighting and signage plans, and planning studies as defined in Section **922.10** of this Zoning Ordinance.
- 3. Development which is subject to Project Development Plan review and approval shall comply with all review criteria specified in Section **922.10** and all applicable standards contained in the plans and policy documents adopted by the Commission which were noted at the time of application for the Project Development Plan.
- G. Procedure. The procedures listed hereunder shall be followed in the review and approval of Project Development Plans.
 - 1. The applicant shall request a preliminary review of the Public Realm Project Development Plan by filing an application for preliminary review with the Zoning Administrator.
 - 2. The Zoning Administrator shall prescribe the required form and content of application plans and documents, which may be in schematic or preliminary form and which may include a site plan, building elevations, building and site perspective drawings, information on building size, height, proposed uses, traffic generation characteristics, geotechnical information regarding site stability and potential for new construction, and other plans and information sufficient to illustrate any proposed development and its relation to adjacent buildings, streets and open spaces.
 - 3. An application for interim review and approval of a Public Realm Project Development Plan shall be filed with the Zoning Administrator when all of the requirements contained in this chapter of the Zoning Ordinance and all applicable requirements contained in other provisions of this Zoning Ordinance have been fulfilled, including the review criteria specified in Section 922.10.E.2. The Zoning Administrator shall prescribe the form and content of plans and documents required for interim review of the Project Development Plan.
 - 4. The City Planning Commission may, but shall not be required to hold a public hearing on the proposed Public Realm Project Development Plan, unless a public hearing is requested by petition filed with the Commission, prior to action by the Planning Commission, and signed by twenty-five (25) residents, property owners or merchants, or at the discretion of the Planning Director, in which event a public hearing shall be held.
 - 5. In the event that the City Planning Commission gives interim approval to a Public Realm Project Development Plan, the Commission, where applicable, shall include a description of the specific site improvements, off-site mitigation measures; and development and operating characteristics upon which its approval is conditioned, and these conditions shall be binding upon the applicant and shall be considered to be part of the project development plan.
 - 6. The Zoning Administrator shall not authorize zoning approval of an application for an occupancy permit for a development subject to the requirements of this section until the Commission has approved the Public Realm Project Development Plan.
 - 7. If a Project Development Plan within the Public Realm District requires approval of a Conditional Use Application by City Council, such approval shall be in accordance with both the requirements for Conditional Use Applications and with the requirements for Public Realm Project Development Plan, and shall be filed and processed as single application. The City Planning Commission shall take action on the separate motions for the Conditional Use Application and the PDP application.
 - 8. Following approval of the Public Realm Project Development Plan by the City Planning Commission, Special Exception approval by the Zoning Board of Adjustment and/or Conditional Use approval by City Council, the applicant may file for a Certificate of Occupancy with the Zoning Administrator. The Zoning Administrator shall prescribe the required form of the application, which shall address parking needs and minimize traffic disruptions during construction.

§ 908.02. Grandview Public Realm District.

[Ord. 16-2002, § 1, eff. 6-4-2002; Ord. 15-2004, § 1, eff. 9-21-2004]

- A. General Boundaries. The Grandview Public Realm District is generally bounded by the property lines of properties that front or are directly adjacent to Grandview Avenue for its entire length. The general boundaries of the district extend from Sycamore Street on the east to Republic Street on the west. Specific boundaries of the district are mapped on the City's Zoning District Map.
- B. Objective.

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

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

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

- C. General Provisions. The provisions of this section shall apply to the entire Grandview Public Realm District unless otherwise noted hereunder.
1. Use. Permitted uses shall be those listed in each subdistrict below:
 2. Height. Height limitations shall be those listed in each subdistrict below, in addition to the following:
 - (a) Except for subsurface structures exclusively necessary for support of the balance of the structure (such as footers or pylons), no structure or portion of structure on a lot which fronts along Grandview Avenue shall descend more than one level or fifteen (15) feet below the lowest elevation of the Grandview Avenue right-of-way at any point along the lot frontage. On lots that do not abut Grandview Avenue, structure and portions of structures shall not extend more than one level or fifteen (15) feet below the lowest point of the existing elevation of the lot.
 3. Area. Area requirements shall be those listed in each subdistrict below, in addition to the following:
 - (a) Front Setback. The minimum front setback shall be:
The range of front yard depths of abutting properties, when both abutting properties contain structures, in accordance with Section 925.06.B; or,
The range of front yard depth of an abutting property, when only one (1) property contains a structure, or fifteen (15) feet; or
Fifteen (15) feet when no abutting properties contain structures.
 - (b) Sideyard Setback. The minimum sideyard setback shall be the average of that of abutting properties, but no less than three (3) feet.
 - (c) Rear Setback. The minimum rear setback shall be:
Thirty (30) feet; or
On properties on the northerly side of Grandview Avenue, rear yards shall be provided such that no structure is built on property with a slope in excess of thirty (30) percent.
 4. Development Standards. Exterior parking, loading or other servicing areas shall be completely screened from view from adjacent properties through one (1) of the following means or some combination of these:
 - (a) A landscaped bed a minimum of ten (10) feet in width which includes sufficient planting to screen the view of service functions in an opaque manner all year round; or,
 - (b) Opaque architectural walls; or
 - (c) Parking and service functions within the building shall be wholly enclosed.
- D. Grandview Public Realm Subdistricts.
1. Grandview Subdistrict A/GPR-A.
 - (a) Permitted Uses. The following uses shall be permitted by-right in GPR-A subdistrict:
Single-Unit Detached Residential
Single-Unit Attached Residential
Two-Unit Residential
Accessory uses in accordance with the provisions of Chapter **912**, Accessory Uses.
 - (b) Height.
 - (1) Main Structure. The maximum height of primary structures in GPR-A shall be forty (40) feet.
 - (2) Accessory Structure. The maximum height of accessory structures in GPR-A shall be fifteen (15) feet.
 - (c) Area.
 - (1) Single-Unit Attached Residential. The minimum lot area per dwelling unit in GPR-A shall be two thousand five hundred (2,500) square feet.
 - (2) Single-Unit Detached and Two-Unit Residential. The minimum lot area per dwelling unit in GPR-A shall be three thousand (3,000) square feet.
 - (d) Exceptions. Use exceptions are the same as those found in Chapter **903** for the RT-3, Residential Two-Unit, Moderate Density district.
 2. Grandview Subdistrict B/GPR-B.
 - (a) Permitted Uses. The following uses shall be permitted by-right in GPR-B subdistrict:
Single-Unit Detached Residential
Single-Unit Attached Residential
Two-Unit Residential
Three-Unit Residential
Multi-Unit Residential
Accessory uses in accordance with the Accessory Use regulations of Chapter **913**.

(b) Height.

- (1) Main Structure. The maximum height of primary structures in GPR-B shall be forty (40) feet. (see Section 908.02.H for Special Exception to permit Main Structure height of nine (9) stories)
- (2) Accessory Structure. The maximum height of accessory structures in GPR-B shall be fifteen (15) feet.

(c) Area.

- (1) Multi-Unit Residential. The minimum lot area per unit for Multi-Unit Residential uses in GPR-B shall be six hundred (600) square feet.
- (2) Single-Unit Attached Residential. The minimum lot area per unit for Single-Unit Attached Residential in GPR-B shall be two thousand five hundred (2,500) square feet.
- (3) Single-Unit Detached and Two- and Three-Unit Residential. The minimum lot area per unit for Single-Unit Detached and Two- and Three-Unit Residential uses in GPR-B shall be three thousand (3,000) square feet.

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

3. Grandview Subdistrict C/GPR-C.

- (a) Permitted Uses. The following uses shall be Permitted By-Right within GPR-C subdistrict:

Single-Unit Detached Residential
Single-Unit Attached Residential
Two-Unit Residential
Three-Unit Residential
Multi-Unit Residential
Library (Limited)
Cultural Facility (Limited)
Accessory Uses in accordance with the Accessory Use regulations of Chapter **913**.

- (b) Uses Permitted By Administrator Exception. The following uses shall be allowed as in accordance with the review procedures of Section **922.04** and the standards listed below:

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

(c) Height.

- (1) Main Structure. The maximum height of primary structures in GPR-C shall be forty (40) feet. (see Section 908.02.H for Special Exception to permit Main Structure height of nine (9) stories)
- (2) Accessory Structure. The maximum height of accessory structures in GPR-C shall be fifteen (15) feet.

(d) Area.

- (1) Multi-Unit Residential. The minimum lot area per unit for Multi-Unit Residential use in GPR-C shall be six hundred (600) square feet.
- (2) Single-Unit Attached Residential. The minimum lot area per unit for Single-Unit Attached Residential uses in GPR-C shall be two thousand five hundred (2,500) square feet.
- (3) Single-Unit Detached and Two- and Three-Unit Residential. The minimum lot area per unit for Single-Unit Detached and Two- and Three-Unit Residential uses in GPR-C shall be three hundred (300) square feet.

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

4. Grandview Subdistrict D/GPR-D.

- (a) Permitted Uses. The following uses shall be permitted by-right in GPR-D subdistrict:

- (1) Single-Unit Detached Residential.
- (2) Single-Unit Attached Residential.
- (3) Two-Unit Residential.
- (4) Three-Unit Residential.

- (5) Multi-Unit Residential.
- (6) Accessory uses in accordance with the Accessory Use regulations of Chapter **913**.
- (b) Height.
 - (1) Main Structure. The maximum height of primary structures in GPR-D shall be forty (40) feet.
 - (2) Accessory Structure. The maximum height of accessory structures in GPR-D shall be fifteen (15) feet.
- (c) Area.
 - (1) Multi-Unit Residential. The minimum lot area per unit for Multi-Unit Residential uses in GPR-D shall be six hundred (600) square feet.
 - (2) Single-Unit Attached Residential. The minimum lot area per unit for Single-Unit Attached Residential in GPR-D shall be 2500 square feet.
 - (3) Single-Unit Detached and Two- and Three-Unit Residential. The minimum lot area per unit for Single-Unit Detached and Two- and Three-Unit Residential uses in GPR-D shall be three thousand (3,000) square feet.
- (d) Exceptions. Use exceptions are the same as those found in Chapter **903** for the R3-M, Three-Unit Residential, Moderate Density district.
- E. Special Exceptions. The following Special Exceptions shall be permitted in the Grandview Public Realm District in accordance with the provisions of Section **922.07**.
 - 1. Height. The erection of a building that exceeds forty (40) feet in height shall be permitted in subdistricts GPR-B and GPR-C provided that:
 - (a) The zoning lot shall be located on the southerly side of Grandview Avenue;
 - (b) The building shall be solely occupied for residential purposes in the GPR-B subdistrict;
 - (c) Any portion of the proposed building above forty (40) feet shall be within five hundred (500) feet of an existing building which exceeds forty (40) feet in height as measured along the Grandview Avenue frontage;
 - (d) The maximum height of the building shall not be more than one hundred (100) feet;
 - (e) The height of the building shall vary in generally the same direction as the natural slope along Grandview Avenue, such that taller portions of the building shall be located at the higher elevations of Grandview and the lower portions of the building shall be located at the lower elevations of Grandview; and
 - (f) The Zoning Board of Adjustment shall evaluate a report and recommendation from the Planning Director on the planning and urban design impacts of the proposed building, and on its consistency with the recommendations of any relevant studies and policies adopted by the Commission for the Grandview area.

§ 908.03. Oakland Public Realm District.

[Ord. 16-2002, § 1, eff. 6-4-2002; Ord. No. 1-2023, § 10, 3-1-2023; Ord. No. 13-2024, § 1, eff. 5-14-2024]

- A. General Boundaries. Specific boundaries of the Oakland Public Realm District are mapped on the City's Zoning District Map.
- B. Objective.

Oakland is a place of unusual density and concentrated public activity due to the lively environment of highly mixed uses, monumental and grand civic buildings, and large educational and medical institutions. The intent of the Oakland Public Realm District (OPR) is to provide regulations for the development and growth of Oakland in an effort to preserve the mixed use nature of the community while enhancing the sense of place within Oakland's public areas. The Oakland Improvement Strategy, A Comprehensive Strategy for the Development, Improvement and Zoning of Oakland's Public Corridors, Housing and Commercial Areas, identified the need to create zoning standards reflective of the vast areas of Oakland used and seen by the general public. Four (4) sub-districts have been designed to accentuate the positive attributes of each area, and to protect and enhance the fine qualities of Oakland.

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

- To enact and implement new zoning districts to enhance and protect Oakland's special character;
- To protect the character of less intensive uses from impacts of more intensive uses;
- To provide a guide to non-residential and residential development in order to encourage growth that will be both pedestrian friendly and compatible with the existing neighborhood; and
- To encourage mixed use development that allows non-residential and residential uses to co-exist without conflict.

- C. General Provisions. The provisions of this section shall apply to the entire Oakland Public Realm District unless otherwise noted hereunder.
 - 1. Use. Permitted uses shall be those listed in each subdistrict below.
 - 2. Development Standards.
 - Site Development Standards are listed in each subdistrict below.
 - The Residential Compatibility Standards of Chapter **916** shall impose additional height and setback standards on new High Density and Very High Density Residential and nonresidential development abutting Residential and H Districts.
 - The Environmental Performance Standards of Chapter **915** shall impose additional restrictions on site development.

New development shall be allowed to use Contextual Setbacks and Contextual Building Heights in accordance with the provisions of Section **925.06** and Section **925.07**.

D. Oakland Public Realm Subdistricts.

1. Oakland Subdistrict A/OPR-A: Atwood Street District.

(a) Purpose.

To encourage limited retail and restaurant uses in the ground floors of residential-like structures.

To maintain the existing residential scale and character of the street in order to address potential impacts of commercial development in a residential area.

(b) Permitted Uses. The following uses shall be permitted by-right in the OPR-A Subdistrict:

Single-unit detached residential

Single-unit attached residential

Two-unit residential

Art or Music Studio

Medical Office (limited)

Restaurant, Fast Food (limited)

Restaurant (limited)

Retail Sales and Services (limited)

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

(c) Site Development Standards.

Site Development Standard	OPR-A Regulation
Minimum Lot Size	None
Maximum Floor Area Ratio	3:1
Minimum Front Setback	0 feet
Minimum Rear Setback	
When not adjacent to way	20 feet
When adjacent to way	0 feet
Minimum Interior Sideyard Setback	0 feet
Minimum Street Sideyard Setback	5 feet
Maximum Lot Coverage	80%
Maximum Height	40 feet

(d) Specific Project Development Plan Standards.

No parking shall be permitted in the front yard; interior garages on the front facade are not permitted. Accessory detached garages are permitted only in the rear yard.

New construction shall maintain a sixty-five (65) percent building frontage along the established build-to-line.

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

Entrances to first floor uses shall provide a prominent and highly visible street level doorway or entrance on the facade of the building that fronts onto Atwood Street.

(e) Use Exceptions. Use exceptions are the same as those for the Neighborhood Office/NDO district as listed in the Use Table in Section **911.02**.

2. Oakland Subdistrict B/OPR-B: Craig Street.

(a) Purpose.

To encourage retail and restaurant uses in the ground floors of buildings.

To encourage a variety of residential and office-like uses on the upper floors of buildings.

(b) Permitted Uses. The following uses shall be permitted by-right in the OPR-B Subdistrict:

Two-unit residential

Three-unit residential

Multi-unit residential

Art or Music Studio

Bank or Financial Institution (limited)

Bed and Breakfast (limited)

Community Center (limited)

Cultural Services (limited)

Library (limited and general)
 Medical Office (limited and general)
 Office (limited and general)
 Religious Assembly (limited)
 Restaurant, Fast Food (limited)
 Restaurant (limited)
 Retail Sales and Services (limited)

Accessory uses in accordance with the Accessory Use regulations of Chapter **912**. In addition, accessory uses in the uses in the OPR-B Subdistrict shall not exceed twenty-five (25) percent of the gross floor area of the primary use.

(c) Site Development Standards.

Site Development Standard	OPR-B Regulation
Minimum Lot Size	None
Maximum Floor Area Ratio	4:1
Minimum Front Setback	0 feet
Minimum Rear Setback	
When not adjacent to way	20 feet
When adjacent to way	0 feet
Minimum Interior Sideyard Setback	0 feet
Minimum Street Sideyard Setback	0 feet
Maximum Lot Coverage	90%
Maximum Height	60 feet (see Section 908.03.D.2.f for Special Exception for additional height)

(d) Specific Project Development Plan Standards.

No accessory surface parking will be permitted without the applicant providing the alternatives considered and the reasons why those alternatives were not determined to be acceptable by the applicant.

New construction shall maintain a sixty-five (65) percent building frontage along the established build-to-line.

The street level facade shall be transparent between the height of three (3) feet and eight (8) feet above the walkway grade for no less than sixty (60) percent of the horizontal length of the building facade.

All Primary Structures shall provide a prominent and highly visible street level doorway or entrance on the facade of the building that fronts onto Craig Street.

(e) Use Exceptions. Use exceptions are the same as those for the Local Neighborhood Commercial/LNC district as listed in the Use Table in Section **911.02**.

(f) Special Exception for Height in the OPR-B Subdistrict.

Additional height above sixty (60) feet in the Oakland Public Realm Subdistrict B shall be allowed in accordance with the Special Exception procedures of Section **922.07** with the following standards:

The maximum height shall be eighty-five (85) feet;

The additional height will not create detrimental impacts on nearby properties through consideration of the additional traffic impacts caused by the additional height, the impacts on views from such properties, and the impacts of the bulk of the buildings on such properties.

3. Oakland Subdistrict C/OPR-C: Fifth & Forbes District.

(a) Purpose.

To provide a district where an intensive concentration of mixed uses that accommodate office, retail, housing, institutional, classrooms, and student housing of all types.

To encourage continuous retail business frontage at street or similar pedestrian level, with additional retail, office, classrooms, institutional, and residential uses as the primary uses of upper stories of buildings.

To encourage private development which creates a vibrant and attractive pedestrian environment along the public streets.

(b) Permitted Uses. The following uses shall be permitted by-right in the OPR-C Subdistrict:

Multi-unit Residential
 Art or Music Studio
 Bank or Financial Institution (limited and general)
 Bed and Breakfast (limited and general)
 Child Care (limited and general)
 Community Center (limited and general)
 Cultural Services (limited and general)
 Grocery Store (limited)

Hotel/Motel (limited and general)
 Laboratory/Research Services (limited and general)
 Library (limited and general)
 Medical Office (limited and general)
 Office (limited and general)
 Parking Structure (limited and general)
 Religious Assembly (limited and general)
 Restaurant, Fast Food (limited)
 Restaurant (limited and general)
 Retail Sales and Services (limited and general)
 Vocational School (limited)

Accessory uses in accordance with the Accessory Use regulations of Chapter **912**. In addition, accessory uses in the OPR-C Subdistrict shall not exceed twenty-five (25) percent of the gross floor area of the primary use.

(c) Site Development Standards.

Site Development Standard	OPR-C Regulation
Minimum Lot Size	None
Maximum Floor Area Ratio	6:1 (see Section 908.03.D.3.g for Special Exception for additional floor area)
Minimum Front Setback	0 feet
Minimum Rear Setback	
When not adjacent to way	20 feet
When adjacent to way	0 feet
Minimum Interior Sideyard Setback	0 feet
Minimum Street Sideyard Setback	0 feet
Maximum Lot Coverage	90%
Maximum Height	85 feet (see Section 908.03.D.3.f for Special Exception for additional height)

(d) Specific Project Development Plan Standards.

No accessory surface parking will be permitted without the applicant providing the alternatives considered and the reasons why those alternatives were not determined to be acceptable by the applicant.

New construction shall maintain eighty-five (85) percent building frontage along the established build-to-line.

The street level facade shall be transparent between the height of three (3) feet and eight (8) feet above the walkway grade for less than sixty (60) percent of the horizontal length of the building facade.

Ground-floor retail or commercial space shall be provided along the entire building frontage along Forbes and Fifth Avenues.

All primary structures shall provide a prominent and highly visible street level doorway or entrance on the facades of the building which front onto either Fifth Avenue, Forbes Avenue or cross streets.

Continuous pedestrian sidewalks shall be provided along the main facade of building that front onto Forbes Avenue and Fifth Avenue.

(e) Use Exceptions. Use exceptions are the same as those for the Urban Neighborhood Commercial/UNC district as listed in the Use Table in Section **911.02**.

(f) Special Exception for Height in the OPR-C Subdistrict.

Additional height above eighty-five (85) feet in the Oakland Public Realm Subdistrict C shall be allowed in accordance with the Special Exception procedures of Section **922.07** with the following standards:

The building shall have frontage along Fifth Avenue;

The maximum height shall be one hundred twenty (120) feet, measured from Fifth Avenue;

The additional height will not create detrimental impacts on nearby residential properties through consideration of the additional traffic impacts caused by the additional height, the impacts on views from such residential properties, and the impacts of the bulk of the buildings on such residential properties.

(g) Special Exception for FAR in the OPR-C Subdistrict. Additional FAR allowance in the Oakland Public Realm Subdistrict C shall be allowed in accordance with the Special Exception procedures of Section **922.07** with the following standards:

The maximum FAR for structures that contain residential dwelling units shall be 7.5, provided that the total amount of residential floor area equals or exceeds twice the amount of bonus floor area;

The additional density will not create detrimental impacts through consideration of the additional traffic impacts caused by the additional density and the impacts of the bulk of the buildings on such residential properties.

4. Oakland Subdistrict D/OPR-D: Boulevard of the Allies.

(a) Purpose.

To encourage the redevelopment of the Boulevard of the Allies as a grand boulevard and an entrance to Oakland and Schenley Park as well as an attractive connection to Downtown.

To create consistency in scale, size and design of buildings on the Boulevard of the Allies in order to reflect the desire to create an urban boulevard.

To address the need for an alternative and safe pedestrian environment which promotes strong connections between neighborhoods on both sides of the street.

(b) Permitted Uses. The following uses shall be permitted by-right in the OPR-D Subdistrict:

Single-unit attached residential
Two-unit residential
Three-unit residential
Multi-unit residential
Housing for the Elderly (limited)
Animal Care (limited)
Art or Music Studio
Bank or Financial Institution (limited and general)
Bed and Breakfast (limited and general)
Child Care (limited and general)
Community Center (limited and general)
Cultural Services (limited and general)
Grocery Store (limited and general)
Hotel/motel (limited and general)
Laboratory/Research Services (limited and general)
Library (limited and general)
Medical Office (limited and general)
Nursery (limited)
Office (limited and general)
Parking Structure (limited and general)
Parks and Recreation, Indoor (limited)
Parks and Recreation, Outdoor (limited)
Religious Assembly (limited and general)
Restaurant, Fast Food (limited)
Restaurant (limited and general)
Retail Sales and Services (limited and general)
Safety Service
Vocational School (limited)

Accessory uses in accordance with the Accessory Use regulations of Chapter **912**. In addition, accessory uses in the OPR-D Subdistrict shall not exceed twenty-five (25) percent of the gross floor area of the primary use.

(c) Site Development Standards.

Site Development Standard	OPR-D Regulation
Minimum Lot Size	None
Maximum Floor Area Ratio	
When not located within 1,500 ft. of a Major Transit Facility	4:1
When located within 1,500 ft. of a Major Transit Facility	5:1
Maximum Lot Coverage	80%
Minimum Front Setback	20 feet
Minimum Rear Setback	
When not adjacent to way	20 feet
When adjacent to way	0 feet
Minimum Sideyard Setback	0 feet
Maximum Height	60 feet (see Section 908.03.D.4.f for Special Exception for additional height)

(d) Specific Project Development Plan Standards.

Any parking area adjacent to the Boulevard of the Allies must be adequately screened from view with decorative fencing or landscaping.

New construction shall maintain a fifty (50) percent building frontage along the established build-to-line.

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

Each principal building on a site shall have a clearly defined, highly visible entrance. Main entrances to buildings should be emphasized using larger doors and framing devices such as deep overhangs, recesses, peaked roof forms, and arches. This entrance shall face the Boulevard of the Allies.

Sidewalks at least six (6) feet in width shall be provided along the Boulevard of the Allies, and at least one (1) continuous pedestrian walkway must be provided from the street to the principal building entrance.

Street trees are required along the entire site frontage along the Boulevard of the Allies according to standards outlined in Section 918: Landscaping & Screening Standards. Additional landscaping shall be in the required twenty-foot front setback with the purpose to screen buildings and parking areas; such landscaping shall be considered in the Project Development Plan review process. Use of earthen berms, low walls, ornamental fences and other such screening types should be considered as components of the landscaping plan in the frontyard setback.

- (e) Use Exceptions. Use exceptions are the same as those for the Urban Neighborhood Commercial/UNC district as listed in the Use Table in Section **911.02**.
- (f) Special Exception for Height in the OPR-D Subdistrict.

Additional height above sixty (60) feet in the Oakland Public Realm Subdistrict D shall be allowed in accordance with the Special Exception procedures of Section **922.07** with the following standards:

The maximum height shall be eighty-five (85) feet;

The additional height will not create detrimental impacts on nearby properties through consideration of the additional traffic impacts caused by the additional height, the impacts on views from such properties, and the impacts of the bulk of the buildings on such properties.

§ 908.04. Uptown Public Realm District.

[Ord. No. 16-2002, eff. 6-4-2002; Ord. No. 48-2017, § 4, 12-8-2017; Ord. No. 34-2021, § 1, eff. 10-11-2021; Ord. No. 13-2024, § 2, eff. 5-14-2024]

A. Definitions.

1. **AFFORDABLE HOUSING**

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

2. **GREEN INFRASTRUCTURE**

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

3. **REGULATED ACTIVITIES**

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

B. Objective.

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

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

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

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

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

To provide Affordable Housing in the district; and

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

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

1. Use. Permitted uses shall be those listed in each subdistrict below.

2. Development Standards.

- a. All Project Development Plans within the district shall be subject to Design Review.
- b. Project Development Plans that are filed for building demolitions not part of an application for new construction shall include a report, study, or statement of the property's future use that meets the review criteria of Section 922.10.E.2.
- c. No surface parking, accessory or primary, shall be constructed with frontage on Fifth Avenue, Forbes Avenue, or Boulevard of the Allies. Surface parking in all other locations will only be permitted if the applicant provides the alternatives considered and demonstrates why those alternatives were not feasible.
- d. Landscaping and screening standards (Chapter **918**) shall apply to all Project Development Plans within the district. The exemption provisions of Section 918.01.B.2 shall not apply in the Uptown Public Realm District, and off-street parking areas shall be subject to all screening and landscaping standards of Chapter **918**.

- e. Structured parking must be designed to allow for conversion to other uses or the applicant must provide analysis that clearly demonstrates this requirement cannot be met including engineering diagrams and/or other schematics.
 - f. No building wall adjacent to a street shall contain a non-articulated condition greater than fifty (50) linear feet in length. Building wall articulation shall be achieved through changes in the facade depth no smaller than six (6) inches.
 - g. Street level facades fronting on Fifth Avenue and Forbes Avenue or primary building frontages on any other street shall be transparent between the height of three (3) feet and eight (8) feet above the walkway grade for no less than sixty (60) percent of the horizontal length of the building facade.
 - h. Active uses shall be provided along the ground floor of the building frontage along Fifth Avenue and Forbes Avenue or primary building frontages on any other street. Active uses include residential, retail, office, lobbies, and bike facilities.
 - i. All primary structures shall provide a prominent and highly visible street level doorway or entrance on the facades of the building that front onto Fifth Avenue or Forbes Avenue.
 - j. Continuous pedestrian sidewalks at least ten (10) feet wide shall be provided along the facades of the building that front onto streets inclusive of obstructions including street furniture, tree pits, and Green Infrastructure. A clear path exclusive of obstructions of at least five (5) feet shall be provided. If the sidewalk does not have ten (10) feet of width available in the public right-of-way as determined by the City, the additional width must be provided on the development parcel.
 - k. All new buildings with a gross floor area greater than ten thousand (10,000) square feet or building additions with a gross floor area greater than five thousand (5,000) square feet shall undergo a green building advisory consultation coordinated by the City of Pittsburgh.
 - l. Stormwater standards (Chapter **1003** and Title 13: Stormwater Management) shall apply to all Project Development Plans with Regulated Activities equal to or greater than five thousand (5,000) square feet in area.
3. Bonus Goals and Points. New buildings and renovations in this district can utilize the bonus system of Section **915.07**. The list below identifies the bonus options available to projects in this district and any modifications to the points earned. Points earned by satisfying the bonus goals can be utilized in this district to achieve the bonus height as identified in Section 908.04.C.4. Points are not transferrable to other development projects.
- a. On-site energy consumption - New construction: Section 915.07.D.1.a—1.c.; points as listed.
 - b. On-site energy consumption - Existing buildings: Section 915.07.D.2.a—2.c.; points modified as follows: Subsection **2.a** is two points, Subsection **2.b** is three points and Subsection **2.c** is four points.
 - c. On-site energy generation: Section 915.07.D.3.a—3.c.; points as listed.
 - d. Affordable housing: Section 915.07.D.4.a—4.c.; points modified as follows: Subsection 4.c is four points; Subsection 4.d is six points.
 - e. Rainwater: Section 915.07.D.5; points as listed.
 - f. Building Reuse: Section 915.07.D.5; points as listed.
4. Bonus Height.
- New buildings and renovations in this district can exceed the maximum heights permitted without bonuses in each subdistrict by using the Performance Points System. Each point equates to fifteen (15) feet of additional building height. Maximum heights with bonuses are regulated for each subdistrict.
- Bonus height earned through the Performance Points System may not be applied in addition to any other height or FAR bonus or exception. These bonuses may not be applied in addition to any additional height or FAR variances or special exceptions granted by the Zoning Board of Adjustment.
5. Off-Street Parking. Off-street parking spaces shall be provided in accordance with the minimum and maximum standards below. Where application of the standard results in a fraction of a space, the number of spaces allowed shall be calculated by rounding the number of spaces allowed down to the nearest full space when the fraction is less than 0.5 spaces and rounding up to the next full space when the fraction is equal to or greater than 0.5 spaces. The parking schedule in this section shall not apply to the Bicycle Parking Requirement of Section 914.05.D.

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

D. Uptown Public Realm Subdistricts.

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

a. Purpose.

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

To increase the scale and density of the subdistrict to allow for more employment and housing; and
 To encourage adaptive reuse of existing buildings and/or the incorporation of existing buildings into new development projects.

b. Uses.

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

Permitted By Right:

Housing for the Elderly (Limited)
 Housing for the Elderly (General)
 Outdoor Retail Sales and Service [Non-Accessory Use]

Not permitted:

Adult Entertainment
 Correctional Facility (Limited)
 Correctional Facility (General)
 Excavation/Grading/Fill, Major
 Firearms Business Establishment
 Gaming Enterprise

Special Exceptions:

Funeral Home
 Incinerator, Solid Waste
 Laundry Service
 Manufacturing and Assembly (Limited)
 Manufacturing and Assembly (General)
 Parking, Structured (General)
 Recycling Processing Center
 Welding or Machine Shop

Administrator Exception:

New and Unlisted Uses

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

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

c. Conditions of approval for Special Exceptions.

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

On-site renewable energy generation;
 Combined heat and power with battery storage;
 Connection to district energy system;
 Connection to smart/micro-energy grid;
 Secured bike storage;
 Bike share station;
 Electric vehicle charging for 10% of spaces;
 Green infrastructure that mitigates stormwater runoff from the right-of-way and is in accordance with all requirements of Title 13: Stormwater Management, as applicable;
 Air or other environmental quality monitors;
 Neighborhood scale recycling collection station; and
 Neighborhood scale compost station.

d. Site Development Standards.

Site Development Standard	UPR-A Regulation
Minimum Lot Size	None
Minimum Height	30 feet
Maximum Height without Bonus	60 feet
Maximum Height with Bonus	180 feet
Minimum Interior Sideyard Setbacks	0 feet
Minimum Front and Exterior Sideyard Setbacks	
First 50 feet from ground level	0 feet
51—90 feet from ground level	10 feet
91—120 feet from ground level	15 feet
121—180 feet from ground level	25 feet

Site Development Standard	UPR-A Regulation
Heights are measured from grade on primary frontage.	
Minimum Rear Setback	
When not adjacent to way, Tustin Street or Watson Street	20 feet
When adjacent to way, Tustin Street or Watson Street	0 feet

e. Specific Project Development Plan Standards.

- (1) All new construction and/or enlargements shall maintain an eighty-five (85) percent building frontage along the established build-to line on the primary frontage except where determined by the minimum front and side setbacks for the subdistrict.
- (2) All new buildings greater than ten thousand (10,000) square feet or building additions greater than five thousand (5,000) square feet shall join the Pittsburgh 2030 District.

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

a. Purpose.

To encourage a diverse range of residential use types;
 To encourage appropriately scaled infill development; and
 To encourage creative/industrial and live/work uses.

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

Permitted By Right:

Housing for the Elderly (Limited)
 Housing for the Elderly (General)
 Grocery Store (General)
 Laboratory/Research Services (General)
 Office (General)
 Recycling Collection Station
 Restaurant (General)
 Retail Sales and Services (General)

Not permitted:

Controlled Substance Dispensation Facility
 Excavation/Grading/Fill, Major
 Hotel/Motel (General)
 Service Station Vehicle/Equipment Sales (Limited)

Special Exceptions:

Agriculture (General)
 Agriculture (Limited) with Beekeeping
 Agriculture (Limited)
 Hotel/Motel (Limited)
 Manufacturing and Assembly (Limited)
 Manufacturing and Assembly (General)
 Nursery, Retail (Limited)
 Nursery, Retail (General)
 Parking, Structured (General)
 Incinerator, Solid Waste
 Recycling Processing Center
 Warehouse (Limited)
 Welding or Machine Shop

Administrator Exception:

New and Unlisted Uses

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

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

c. Conditions of Approval for Special Exceptions.

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

On-site renewable energy generation;
 Combined heat and power with battery storage;
 Connection to district energy system;

Connection to smart/micro-energy grid;
 Secured bike storage;
 Bike share station;
 Electric vehicle charging for 10% of spaces;
 Green infrastructure that mitigates stormwater runoff from the right-of-way and is in accordance with all requirements of Title 13: Stormwater Management, as applicable;
 Air or other environmental quality monitors;
 Neighborhood scale recycling collection station; and
 Neighborhood scale compost station.

d. Site Development Standards.

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