



City of Philadelphia

City Council
Chief Clerk's Office
402 City Hall
Philadelphia, PA 19107

BILL NO. 030695

Introduced October 23, 2003

Councilmember DiCicco

**Referred to the
Committee on Rules**

AN ORDINANCE

Amending Title 14 of The Philadelphia Code, entitled "Zoning and Planning," by adding a new Chapter providing for the creation of Neighborhood Conservation Districts; providing for the adoption of design guidelines for properties within such Districts; and requiring certificates of compliance to alter the exterior of a building within such a District or to demolish or construct a building within such a District so as to ensure compliance with the design guidelines; all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Title 14 of The Philadelphia Code is hereby amended to read as follows:

TITLE 14. ZONING AND PLANNING.

* * *

CHAPTER 14-1200. NEIGHBORHOOD CONSERVATION DISTRICTS.

§14-1201. Findings and purpose.

- (1) Philadelphia consists of very distinctive neighborhoods that were settled at different times during the historical development of the City.*
- (2) These various neighborhoods developed their own distinctive housing patterns which are reflective of the time period during which these neighborhoods were nurtured during the growth of the City.*
- (3) Many of these residential neighborhoods are easily recognizable by their consistency of characteristics such as height, set backs and side yards as well as their*

City of Philadelphia

BILL NO. 030695 continued

distinctive exterior facade design elements including porches and steps, masonry, stoops, cornices and trim, doors and window and other architectural styles and features which over the years created a neighborhood environment and streetscape that brought neighbors together.

(4) *Over the years these distinct neighborhood environments have been subjected to economic and social forces which threaten the very fabric of each one.*

(5) *Under Article I, Section 27 of the Constitution of the Commonwealth of Pennsylvania, the people of Philadelphia have a right to protect their neighborhoods and to preserve the unique contributions of Philadelphia's neighborhoods for all of Philadelphia and its residents.*

(6) *The public welfare of the City will be promoted by encouraging conservation and preservation through the revitalization of these distinctive residential neighborhoods in order to preserve their unique environments.*

(7) *It is necessary to provide a reasonable degree of control over the alteration and improvement of the exterior facades of existing buildings and the design of new construction located in a designated Neighborhood Conservation District (NCD) to preserve the aesthetic fabric of these distinctive Philadelphia neighborhoods.*

(8) *The purpose of this Chapter is the strengthening of Philadelphia neighborhoods to enhance the City's attractiveness as a place to live, work and enjoy its cultural, social and historical opportunities and also to foster a renewed feeling of pride in one's neighborhood.*

(9) *The further purpose of this Chapter is to compliment and supplement the goals of the City Planning Commission, the Philadelphia Historical Commission, and the Neighborhood Transformation Initiative, as they all seek to develop, revitalize, preserve, and conserve the many diverse and historic neighborhoods of the City.*

(10) *This Chapter will also seek to promote the proper improvement of buildings within an NCD and to maximize the economic, social, and educational value of neighborhood transformation.*

§14-1202. Definitions. The following definitions shall apply to this Chapter:

(1) *Alter or alteration. A change in the appearance of a building, structure or site, or any other change for which a permit is required under The Philadelphia Code, including demolition.*

City of Philadelphia

BILL NO. 030695 continued

- (2) *Building. A structure, its site and appurtenances created to shelter any form of human activity.*
- (3) *Construct or construction. The erection of a new building or structure.*
- (4) *Demolition. Razing or destruction of an entire building or structure.*
- (4) *Department. The Department of Licenses and Inspections.*
- (5) *Design. Exterior features including mass, height, appearance and the texture, color, nature and composition of materials.*
- (6) *Historical Commission. The Philadelphia Historical Commission.*
- (7) *NCD. A Neighborhood Conservation District created under this Chapter.*
- (8) *Planning Commission. The City Planning Commission.*

§14-1203. Creation of an NCD; Amendment.

- (1) *An NCD shall be created by ordinance. The ordinance shall set forth the boundaries of the NCD, and shall adopt design guidelines for the NCD meeting the provisions of §14-1204.*
- (2) *An NCD shall consist of an area of at least two blocks by two blocks, no part of which is contained within an Historic District designated under §14-2007, or for which a notice of proposed designation has been sent pursuant to §14-2007 (6)(b).*
- (3) *At least seventy percent (70%) of the NCD's area must be of residential use and zoned residential, and no more than twenty percent (20%) of the NCD's area shall consist of vacant lots or vacant buildings.*
- (4) *No NCD shall be created unless Council finds that the NCD is an area that possesses a consistent physical character as a result of a concentration of residential buildings of similar character or a continuity established by an overall plan.*
- (5) *A petition requesting that the Planning Commission initiate the process towards creating an NCD shall be filed with the Planning Commission either:*

City of Philadelphia

BILL NO. 030695 continued

(a) *by a neighborhood association located within the proposed NCD accompanied by proof that the filing was duly authorized and adopted, or*

(b) *containing the signatures of at least twenty percent (20%) of all property owners and at least twenty percent (20%) of all owners of owner-occupied housing units located within the proposed NCD.*

(6) *The Planning Commission shall then be given no more than six months to draft and review proposed design guidelines and to prepare a proposed enabling ordinance that would establish the NCD in an area whose boundaries are clearly delineated on a map attached to the proposed ordinance, and shall also include as an attachment the proposed set of design guidelines meeting the requirements of §14-1204. The Planning Commission shall work with the residents and neighborhood association and those District Councilpersons representing the NCD 's proposed boundaries to assist in the development of the proposed design guidelines.*

The Planning Commission shall convene at least one public meeting within the NCD 's proposed boundaries in order to seek public comment on the proposed ordinance.

(7) *The proposed ordinance as drafted by the Planning Commission will be forwarded to the District Councilpersons representing the NCD 's proposed boundaries to be introduced at their discretion.*

(8) *The Clerk of Council shall submit any proposed ordinance to create an NCD to the Planning Commission and the Historical Commission immediately upon its introduction. The Planning Commission and the Historical Commission shall then submit their recommendations on the proposed ordinance to Council, provided that Council shall not be bound by such recommendations. The approval of the Planning Commission and Historical Commission shall be presumed unless their recommendations are received within thirty (30) days after introduction of the proposed ordinance.*

(9) *At least sixty (60) days before a public hearing is held on a proposed ordinance creating an NCD, the Clerk of Council shall send written notice of the date, time and place of the public hearing to the owners of all properties located within the proposed NCD, and to any persons who signed the petition requesting the Planning Commission to initiate the process to create the NCD. Such notice shall set forth a location where interested parties may review the proposed map and proposed design guidelines for the NCD. Council shall not enact any ordinance creating an NCD if by the date of such public hearing, at least fifty-one percent (51%) of all property owners or fifty-one percent (51%) of all owners of owner-occupied housing units located within the proposed NCD have filed in writing with the Clerk of Council a statement of opposition to creation of the NCD. Such written statements may include petitions with multiple signatures opposing the creation of the NCD.*

City of Philadelphia

BILL NO. 030695 continued

(10) Council may revise the proposed design guidelines attached to the proposed ordinance submitted by the Planning Commission creating an NCD, and it may reduce the boundaries of the NCD as proposed in the map attached to the proposed ordinance, but it shall not include any areas within the NCD that were not included in the proposed boundaries of the NCD as set forth in the map attached to the proposed ordinance.

(11) Once an NCD is created, the Clerk of Council shall send written notice to the owner of each property within the NCD and to all neighborhood organizations that serve such area. Such notice shall detail the boundaries of the NCD, shall describe the type of activities that are regulated under this Chapter and the method to obtain approvals for such activities, and shall set forth a location at which interested parties may review or obtain copies of the design guidelines adopted for the NCD.

(12) The boundaries or design guidelines of an NCD may be amended under the same procedures governing the creation of an NCD.

§14-1204. Design Guidelines.

(1) In order to ensure that alterations, demolitions, and new construction will be compatible with existing patterns of development in the neighborhood and the massing, proportions, and fenestration patterns of existing buildings, the design guidelines adopted as part of each NCD shall address the following:

(a) Alterations to architectural features of existing buildings that are visible from a public street;

(b) The new construction and expansion of a building;

(c) Construction of a new building or use of a vacant property after substantial demolition of an existing building on a property.

§14-1205. Applicability.

(1) An NCD shall be an Overlay District to any conventional underlying zoning district.

(2) Within an NCD, all of the use, yard, area and other requirements of the underlying zoning district shall apply, except that any activity regulated by this Chapter

City of Philadelphia

BILL NO. 030695 continued

shall also comply with this Chapter. When both the provisions of the underlying zoning district and this Chapter apply, the provision that is most restrictive shall control.

§14-1206. Certificates of compliance required within an NCD.

(1) Within an NCD, a certificate of compliance issued under this Section is required to alter the exterior of a building if such alteration will be visible from a public street, to demolish a building, and to construct a building. This certificate of compliance is required in addition to all other permits and approvals required by law, including, but not limited to, building permits and zoning and use registration permits required under Title 4.

(2) Applications for a certificate of compliance shall be made to the Planning Commission, and shall include the following information:

- (a) a narrative describing the proposed work;*
- (b) photographs of existing conditions;*
- (c) plans and illustrations of the proposed work; and*
- (d) if for demolition, plans for the post-demolition use; and*
- (e) such other information as the Planning Commission may reasonably require to determine compliance with the design guidelines adopted for the NCD.*

(3) The Planning Commission shall issue a certificate of compliance if there is compliance with the design guidelines adopted for the NCD, and it may attach conditions to a certificate of compliance which are reasonably required to meet the purposes of this Chapter. In making its determination, the Planning Commission may consult with the Historical Commission. The Planning Commission may wish to convene an advisory design review panel to facilitate the review of certificate of compliance applications. If the Planning Commission does not issue a certificate of compliance or a written denial of an application for a certificate of compliance within thirty (30) days after it receives an application with all required information, the Planning Commission shall be deemed to have issued the certificate of compliance without conditions.

(4) The Planning Commission's issuance of a certificate of compliance (with or without conditions) or denial of an application for a certificate of compliance may be appealed to the Board of License and Inspection Review ("Board") in the same manner as and subject to all provisions of law governing an appeal to the Board from the grant

City of Philadelphia

BILL NO. 030695 continued

or denial of a building permit. In such an appeal, the Board may in specific cases as will not be contrary to the public interest grant an exemption from the requirements of this Section if, because of special conditions, a literal enforcement of the provisions of this Section would result in unnecessary hardship, and so that the spirit of this Section shall be observed and substantial justice done, subject to such terms and conditions as the Board may decide.

(5) Issuance of a required certificate of compliance shall be a prerequisite to an application for a building or demolition permit within an NCD. The Department shall not accept any application for a building or demolition permit within an NCD unless it is accompanied by proof that a required certificate of compliance was issued or was deemed issued under the provisions of §14-1206(3).

(6) The Planning Commission may by regulation establish a fee that must be paid upon filing an application for a certificate of compliance to reimburse the City's cost of processing such applications. If a building permit is also required for the same work, any such fee shall be credited as an offset against the building permit fee.

§14-1207. Enforcement and Penalties.

(1) Whenever any building is erected, altered, demolished, used or maintained in violation of this Chapter, the Department may serve a written notice of such violation upon the violator directing compliance within such reasonable period of not less than ten (10) days as the Department shall determine.

(2) After the expiration of the time for compliance as stated in the notice of violation, if the violation is not corrected and no appeal is pending, the Department, in addition to invoking any other sanction or remedial procedure may:

(a) itself or by contract correct the violation and/or order the termination of such maintenance or use, charge the cost thereof to the person responsible therefor, and with approval of the Law Department collect such cost by lien and/or otherwise as may be authorized by law;

(b) apply with the approval of the Law Department to any Court of Common Pleas for relief by injunction or restraining order.

(3) In addition to any other sanction or remedial procedure provided, the penalty for violation of any provision of this Chapter is a fine not exceeding one hundred dollars (\$100) for each offense. Each day a violation continues shall be deemed a separate offense for which a separate penalty may be imposed.

City of Philadelphia

BILL NO. 030695 continued

Explanation:

Italics indicate new matter added.