

City of Philadelphia



(Bill No. 030768)

AN ORDINANCE

Amending Title 14 of The Philadelphia Code, entitled "Zoning and Planning," by amending Chapter 14-100 entitled "General Provisions" by amending Section 14-104, entitled "Non-Conforming Structures and Uses" by amending provisions relating to the reconstruction of non-conforming structures, under certain terms and conditions.

WHEREAS, Many of the provisions of the current Zoning Code were drafted in the mid 1950's and enacted in 1962;

WHEREAS, These provisions of the Code were intended to respond to new development of large tracts of undeveloped land;

WHEREAS, The current Code does not work well for infill development;

WHEREAS, In many areas of the City, the majority of the existing residential lots do not conform to the minimum lot area, lot size or rear yard requirements of the Code;

WHEREAS, Many of these lots existed prior to the enactment of the City's first Zoning Code in 1932;

WHEREAS, In many instances the only way a building can be replaced is by seeking the approval of variances through the Zoning Board of Adjustment;

WHEREAS, This can prove be an unnecessary obstacle to rehabilitation, development and redevelopment; now therefore

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Title 14 of The Philadelphia Code is hereby amended by amending Section 14-104 entitled "Non-Conforming Structures and Uses" to read as follows:

TITLE 14. ZONING AND PLANNING.

CHAPTER 14-100. GENERAL PROVISIONS.

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§14-104. Non-Conforming Structures and Uses.

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(6) Reconstruction of Demolished, Destroyed, or Condemned Structures.

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(c) Where a structure or any portion thereof is demolished other than by fire, Act of God or under legal condemnation, it shall be rebuilt only in accordance with the area height, floor area and bulk regulations of the district in which it is located; provided, that where such demolition constitutes two-thirds or more of the gross floor area of the structure, it shall, upon reconstruction, conform to the use regulations of the district in which it is located;

(d) As an exception to the foregoing paragraphs (a), (b) and (c) above, properties zoned R-3, R-5, R-9, R-9A, R-10 and R-10A may be reconstructed to their prior configuration prior to the demolition or destruction of the structure, and as such case shall be exempt from any current off street parking requirements. This exception shall only apply where at least 75% of the structures in the block are still in place. This shall only apply to the Third Councilmanic District.

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SECTION 2. This Ordinance shall take effect immediately.

Explanation:

Italics indicate new matter added.

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CERTIFICATION: This is a true and correct copy of the original Bill, Passed by the City Council on December 18, 2003. The Bill was Signed by the Mayor on December 31, 2003.



Patricia Rafferty
Chief Clerk of the City Council