



City of Philadelphia

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

BILL NO. 190408

Introduced May 16, 2019

Councilmember Jones

**Referred to the
Committee on Rules**

AN ORDINANCE

Amending Title 14 of The Philadelphia Code, entitled "Zoning and Planning," to revise certain provisions of Section 14-504, entitled "/NCO, Neighborhood Conservation Overlay District," 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 14-500. OVERLAY ZONING DISTRICTS

* * *

§ 14-504. /NCO, Neighborhood Conservation Overlay District.

(1) Purposes.

The /NCO, Neighborhood Conservation Overlay district is intended to:

- (a) Promote the public welfare of the City by encouraging conservation and preservation through the revitalization of the physical environment that is unique to a specific neighborhood;

City of Philadelphia

BILL NO. 190408 continued

(b) Provide a reasonable degree of control over the alteration and improvement of the exterior facades of existing buildings and the design of new construction to preserve the aesthetic fabric of these *areas*; [areas, without modifying the availability of permitted and special exception uses in the neighborhood pursuant to Chapter 14-600 (Use Regulations);]

* * *

(1.1) *Permits.*

The regulations applicable to each /NCO district are divided into zoning regulations and design standards. Compliance with the provisions of the zoning regulations shall be a prerequisite to the issuance of a zoning permit. Compliance with the provisions of the design standards shall be a prerequisite to the issuance of a building permit.

(2) Design [Guidelines] *Standards.*

The design [guidelines] *standards* adopted as part of each /NCO district may address building and site design, but may not address the availability of permitted and special exception uses pursuant to Chapter 14-600 (Use Regulations), related to any of the following:

* * *

(3) Planning Commission Review.

* * *

(c) The Commission's decision shall not be subject to appeal separately from an appeal to the *Zoning Board of Adjustment on the zoning permit application or the Board of License and Inspection Review of L&I's decision on the building permit application.*

(4) Historic District Designation.

(a) In the event any portion of an approved /NCO district is included in a historic district designated by the Historical Commission pursuant to Chapter 14-1000 (Historic Preservation), all [design or development standards, and all review and approval procedures listed in] *provisions of this § 14-504 (/NCO, Neighborhood Conservation Overlay District)* shall be of no further force or effect for the portion

City of Philadelphia

BILL NO. 190408 continued

of the /NCO included within the historic district, except as indicated in § 14-504(4)(b) below.

* * *

(5) Queen Village.

* * *

(b) *Zoning [Area] Regulations for Residential and Residentially-Zoned Structures.*

These regulations will apply to residentially-zoned properties, regardless of use, and to properties that are permitted by L&I for exclusive residential use.

(.1) Building Setback Line.

Buildings with [legal] street frontage [must] *shall* have no front setback, except *that* buildings with one street frontage of 20 ft. or more and buildings on corner lots may have front setbacks from all street frontages [only] if a fence wall is constructed upon the property line where the setback is used, and the space between the fence wall and the building contains at least one tree as approved in the DPR plantings list.

(.2) Height Regulations.

On streets with a width of 21 ft. or less, including the cartway and [legal] sidewalks, new construction [may] *shall* not exceed 22 ft. in height to a cornice line, before either:

* * *

(.3) *Roof Decks.*

Roof decks shall be setback at least eight ft. from the front property line, or a parapet at least 42 in. high shall be used to enclose the front of the deck.

(.4) *Parking.*

New curb cuts shall not exceed ten ft. in width for a single space, and 20 ft. for a double space.

City of Philadelphia

BILL NO. 190408 continued

(c) *Zoning Regulations for Commercially-Zoned and Industrially-Zoned Structures.*

The regulations of this § 14-504(5)(c) will apply to commercially-zoned or industrially-zoned properties other than properties permitted by L&I for exclusive residential use.

(.1) *Building Setback Line.*

Buildings with street frontage shall not have front setbacks.

(d) Design [Guidelines] *Standards for Residential and Residentially-Zoned Structures.*

* * *

(.2) *Windows.*

Windows along the street front of first floor habitable rooms [must] *shall* comply with the following:

(.a) [Have a maximum height of four ft. six in. from] *The height of the bottom windowsill [must] shall be no more than four ft. six in. from [to] the sidewalk;*

(.b) The overall window height [must] *shall* be at least four ft. from sill to head; and

(.c) The minimum aggregate width of the window, in [lineal] *linear* ft., [must] *shall* be at least 33% of the total [lineal] *linear* frontage of the first floor.

(.3) *Parking.*

(.a) [Front garages will] *Vehicular entryways of private residence parking garages that front on any street shall only be permitted where there is a habitable room on the first floor and the window requirements for that habitable room are met.*

(.b) Open-air parking spaces [may] *shall* not be visible from the street frontage.

(.c) [New curb cuts may not exceed 10 ft. in width for a single space, and 20 ft. for a double space.]

City of Philadelphia

BILL NO. 190408 continued

(.d)] For new construction of two or more *dwelling* units within a row, parking spaces or *private residence parking* garages [must] *shall* be placed directly adjacent to one another, except where the Commission determines it impracticable.

(.4) [Roof Decks.

Roof decks must be setback at least eight ft. from the front property line, or a parapet at least 42 in. high may be used to enclose the front of the deck.

(.5)] Materials.

* * *

[(d)](e) Design [Guidelines] *Standards* for Commercially-Zoned and Industrially-Zoned Structures.

The regulations of this [§ 14-504(5)(d)] § *14-504(5)(e)* will apply to commercially-zoned or industrially-zoned properties other than properties permitted by L&I for exclusive residential use. They apply to new construction and alterations.

(.1) [Building Setback Line.

Buildings with legal street frontage may not have front setbacks.

(.2)] Parking and Loading.

New off-street parking and loading areas [must] *shall* not be visible from the [main] *primary* street frontage.

[(.3)](2) Materials.

The materials used in the construction of a new structure or facade [must] *shall* be of similar material to that used on the nearest residential structures fronting on the same street as the property under review.

(6) Overbrook Farms.

(a) Purpose.

City of Philadelphia

BILL NO. 190408 continued

The Overbrook Farms /NCO district is established in order to preserve and protect [this] *the* area of the city *within its boundaries*. It is recognized that this section of the city, located primarily within the Overbrook Farms National Historic District, is a [unique] *unique*, mixed-use, neighborhood-oriented retail district containing residential uses and retail uses interspersed at street level *with residential uses on* [and] upper *floors*. [floor residential uses.] There is a need to establish special sign and building controls to protect the unique character of the district, foster the preservation of buildings in accordance with its special character, and encourage new [compatible development.] *development that is compatible with this character*.

(b) Applicability.

The requirements of this Overbrook Farms /NCO district apply to all lots within the boundaries shown on the following map.

* * *

(c) [Additional Permitted Uses.] *Zoning Regulations*.

On RSA-3-zoned lots fronting on 63rd Street, office and financial services uses, except for personal credit establishments, are permitted in addition to uses allowed by the underlying zoning.

(d) Design Standards.

The Overbrook Farms design standards of this subsection apply to all properties within Overbrook Farms [/NCA Overlay] /NCO district except for those properties *with frontage on* [fronting] on City Avenue between Drexel Road and Overbrook Avenue.

* * *

(7) Central Roxborough.

* * *

(c) *Zoning* [Area and Form] Regulations for *Residential and* Residentially-Zoned Structures.

These regulations shall apply to residentially-zoned properties and to properties permitted by L&I for exclusive residential use.

City of Philadelphia

BILL NO. 190408 continued

(.1) Building Setback Line.

The front setback shall be no further from the street than the furthest front facade of the principal building on *any* [either of the two immediately] abutting [lots,] *lots on the same blockface* and shall be located no closer to the primary street than the closest front facade of the principal building on *any such* [either of the two immediately] abutting lots. If [both of the immediately] *all such* abutting lots are vacant, then the setback range shall be based on the building that is closest to the subject property and on the same blockface. Where there are not a sufficient number of lots that meet these criteria to establish a front setback, the front setback shall adhere to the standards set by the underlying zoning district.

* * *

(.3) [Design Standards.] *Porches.*

[(.a) The principal building shall have a habitable room on the front of the first floor with at least one window facing the street. A habitable room shall be defined as in the Property Maintenance Code, Section PM-202.0.

(.b)] Porches are permitted on all blocks and may be located in the required front setback. Porches shall be required if at least one of the immediately abutting lots contains a porch. Porches shall be a minimum of 5 ft. in depth, as measured from the front wall of the enclosed main structure, out toward the front property line.

[(.c) New utility meters and HVAC equipment located on frontages shall be screened with landscaping, fences, or walls. Any other utility structures and their conduits facing a frontage shall be painted to match the wall or otherwise have their visibility minimized. This provision shall not apply to satellite dishes less than one meter in diameter or window air conditioning units.

(.d) Flush mounted windows shall be prohibited. Sills must project from the wall a minimum of one inch.]

(.4) [Impervious Surface Coverage.

City of Philadelphia

BILL NO. 190408 continued

The impervious coverage for front yards shall not exceed 30% of the area of the front yard. Porches shall be excluded from the front yard impervious coverage total.

(.5) Materials.

(.a) For new construction, the following front building facade materials shall be prohibited - vinyl siding, aluminum siding, and synthetic stucco.

(.b) Retaining walls and garden walls located along a street frontage shall not be constructed of concrete masonry units (CMUs) unless capped and covered with stone, cultured stone, stucco, or brick.

(.c) Fences or fence walls located along a street frontage shall be iron, stone, cultured stone, stucco, brick, painted wood, or finished wood. Chain link and vinyl fences are prohibited on frontages.

(.d) Windows in masonry, brick, brick veneer, or stone veneer walls, with or without stucco veneer, shall be inset a minimum of three inches.

(.6) Parking.

(.a) Parking in the front yard [and front loaded parking garages] shall be prohibited.

(.b) *Vehicular entryways of private residence parking garages that front on any street shall be prohibited.*

(.c) Curb cut width shall be limited to 12 ft.

(d) *Design Standards for Residential and Residentially-Zoned Structures*
These regulations shall apply to residentially-zoned properties and to properties permitted by L&I for exclusive residential use.

(.1) *Building Standards. The principal building shall have a habitable room on the front of the first floor with at least one window facing the street. A habitable room shall be defined as in the Property Maintenance Code, Section PM-202.0.*

(.2) *New utility meters and HVAC equipment located on frontages shall be screened with landscaping, fences, or walls. Any other utility structures and their conduits facing a frontage shall be painted to match the wall or*

City of Philadelphia

BILL NO. 190408 continued

otherwise have their visibility minimized. This provision shall not apply to satellite dishes less than one meter in diameter or window air conditioning units.

(.3) Flush mounted windows shall be prohibited. Sills shall project from the wall a minimum of one inch.

(.4) Impervious Surface Coverage.

The impervious coverage for front yards shall not exceed 30% of the area of the front yard. Porches shall be excluded from the front yard impervious coverage total.

(.5) Materials.

(.a) For new construction, the following front building facade materials shall be prohibited: vinyl siding, aluminum siding, and synthetic stucco.

(.b) Retaining walls and garden walls located along a street frontage shall not be constructed of concrete masonry units (CMUs) unless capped and covered with stone, cultured stone, stucco, or brick.

(.c) Fences or fence walls located along a street frontage shall be iron, stone, cultured stone, stucco, brick, painted wood, or finished wood. Chain link and vinyl fences are prohibited on frontages.

(.d) Windows in masonry, brick, brick veneer, or stone veneer walls, with or without stucco veneer, shall be inset a minimum of three inches.

(e) Design Standards [Area and Form Regulations] for Commercial Structures.

These regulations shall apply to [commercially or residentially zoned] commercially-zoned or residentially-zoned properties used for retail sales or an eating and drinking establishment.

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(8) Ridge Park Roxborough.

City of Philadelphia

BILL NO. 190408 continued

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(b) *Zoning* [Area and Form] Regulations for Residential *and Residentially-Zoned* Structures.

These regulations shall apply to residentially-zoned properties and to properties permitted by L&I for exclusive residential use.

(.1) Building Setback Line.

The front setback shall be no further from the street than the furthest front facade of the principal building on *any* [either of the two immediately] abutting [lots,] *lots on the same blockface* and shall be located no closer to the primary street than the closest front facade of the principal building on *any such* [either of the two immediately] abutting lots. If [both of the immediately] *all such* abutting lots are vacant, then the setback range shall be based on the building that is closest to the subject property and on the same blockface. Where there are not a sufficient number of lots that meet these criteria to establish a front setback, the front setback shall adhere to the standards set by the underlying zoning district.

* * *

(.3) [Design Standards.] *Porches*.

[(.a) Residential buildings shall have a habitable room on the front of the first floor with at least one window facing the street. A habitable room shall be defined as in the Property Maintenance Code, Section PM-202.0.

(.b)] Porches are permitted on all blocks and may be located in the required front setback. Porches shall be required if at least one of the immediately abutting lots contains a porch. Porches shall be a minimum of 5 ft. in depth, as measured from the front facade of the enclosed main structure, out toward the front property line.

[(.c) New utility meters and HVAC equipment located on frontages shall be screened with landscaping, fences, or walls. Any other utility structures and their conduits facing a frontage shall be painted to match the wall or otherwise have their visibility minimized. This provision shall not apply to satellite dishes less than one meter in diameter or window air conditioning units.

City of Philadelphia

BILL NO. 190408 continued

(.d) Flush mounted windows shall be prohibited along street frontages. Sills must project from the wall a minimum of one inch.]

(.4) [Impervious Surface Coverage.

The impervious coverage for front yards shall not exceed 30% of the area of the front yard. Porches shall be excluded from the front yard impervious coverage total.

(.5) Materials.

(.a) For new construction, the following front building facade materials shall be prohibited – vinyl siding, aluminum siding, and synthetic stucco.

(.b) Retaining walls and garden walls located along a street frontage shall not be constructed of concrete masonry units (CMUs) unless capped and covered with stone, cultured stone, stucco, or brick.

(.c) Fences or fence walls located along a street frontage shall be iron, stone, cultured stone, stucco, brick, painted wood, or finished wood. Chain link and vinyl fences are prohibited on frontages.

(.d) Windows in masonry, brick, brick veneer, or stone veneer walls, with or without stucco veneer, shall be inset a minimum of three inches.

(.6) Parking.

(.a) Parking in the front yard [and front loaded parking garages] shall be prohibited.

(.b) *Vehicular entryways of private residence parking garages that front on any street shall be prohibited.*

(.b) Curb cut width shall be limited to 12 ft.

(c) *Design Standards for Residential and Residentially-Zoned Structures*

These regulations shall apply to residentially-zoned properties and to properties permitted by L&I for exclusive residential use.

City of Philadelphia

BILL NO. 190408 continued

(.1) Residential buildings shall have a habitable room on the front of the first floor with at least one window facing the street. A habitable room shall be defined as in the Property Maintenance Code, Section PM-202.0.

(.2) New utility meters and HVAC equipment located on frontages shall be screened with landscaping, fences, or walls. Any other utility structures and their conduits facing a frontage shall be painted to match the wall or otherwise have their visibility minimized. This provision shall not apply to satellite dishes less than one meter in diameter or window air conditioning units.

(.3) Flush mounted windows shall be prohibited along street frontages. Sills shall project from the wall a minimum of one inch.

(.4) Impervious Surface Coverage.

The impervious coverage for front yards shall not exceed 30% of the area of the front yard. Porches shall be excluded from the front yard impervious coverage total.

(.5) Materials.

(.a) For new construction, the following front building facade materials shall be prohibited: vinyl siding, aluminum siding, and synthetic stucco.

(.b) Retaining walls and garden walls located along a street frontage shall not be constructed of concrete masonry units (CMUs) unless capped and covered with stone, cultured stone, stucco, or brick.

(.c) Fences or fence walls located along a street frontage shall be iron, stone, cultured stone, stucco, brick, painted wood, or finished wood. Chain link and vinyl fences are prohibited on frontages.

(.d) Windows in masonry, brick, brick veneer, or stone veneer walls, with or without stucco veneer, shall be inset a minimum of three inches.

(9) Powelton Village.

City of Philadelphia

BILL NO. 190408 continued

* * *

(b) *Zoning [Area and Form] Regulations for Residential and Residentially-Zoned Structures.*

These regulations shall apply to residentially-zoned properties and to properties permitted by L&I for exclusive residential use.

* * *

(.3) *Porches*

Where a new building is attached to an existing structure that includes a porch, the new structure shall also include a porch. The new porch must match the existing depth, roofline, and floorline of the existing adjacent porch.

(c) *Design Standards for Residential and Residentially-Zoned Structures.*

These regulations shall apply to residentially-zoned properties and to properties permitted by L&I for exclusive residential use.

(.1) Fenestration.

(.a) For all new construction, windows along the street frontage of the first floor shall:

(.i) have an overall window height of at least five feet from sill to head, and;

(.ii) have a minimum aggregate width, in [lineal] *linear* feet, of at least 25% of the total [lineal] *linear* frontage of the first floor.

* * *

[(.4)](.2) Utilities.

* * *

[(.5)](.3) Impervious Coverage.

City of Philadelphia

BILL NO. 190408 continued

* * *

[(.6)](.4) Screening of Refuse Containers.

* * *

[(.7)](.5) Cornices.

* * *

[(.8)](.6) Porches.

(a) [Where a new building is attached to an existing structure that includes a porch, the new structure shall also include a porch. The new porch must match the existing depth, roofline, and floorline of the existing adjacent porch.]

(b) Existing porches at the front of a building shall not be enclosed to make interior living space, unless enclosed with at least 80% of facade consisting of transparent glass.

(c) Accessible or visitable units are exempt from the requirements of this subsection [(8)].(6).

[(.9)](.7) Materials.

* * *

[(c)] (d) *Design Standards* [Area and Form Regulations] for Commercial Structures.

These regulations shall apply to commercially-zoned properties, unless covered by subsection [(b)] (c).

* * *

(.2) Fenestration.

(a) For new construction, windows of first floor habitable space, as defined in the Property Maintenance Code - Section PM-202, that face a street frontage shall:

City of Philadelphia

BILL NO. 190408 continued

(i) have an overall window height of at least six feet from sill to head, and;

(.ii) at the primary facade, have a minimum aggregate width in [lineal] *linear* feet of at least 66% of the total [lineal] *linear* frontage of the first floor.

* * *

(10) Wissahickon.

* * *

(c) *Zoning [Area and Form] Regulations for Residential and Residentially-Zoned Structures.*

These regulations shall apply to residentially-zoned properties and to properties permitted by L&I for exclusive residential use.

(.1) Building Setback line.

The front setback shall be no further from the street than the furthest front facade of the principal building on *any* [either of the two immediately] abutting [lots,] *lots on the same blockface* and shall be located no closer to the primary street than the closest front facade of the principal building on *any such* [either of the two immediately] abutting lots. If [both of the immediately] *all such* abutting lots are vacant, then the setback range shall be based on the building that is closest to the subject property and on the same blockface. Where there are not a sufficient number of lots that meet these criteria to establish a front setback, the front setback shall adhere to the standards set by the underlying zoning district.

* * *

(.3) [Design Standards.] *Porches.*

[(.a) The principal building shall have a habitable room on the front of the first floor with at least one entryway and one window

City of Philadelphia

BILL NO. 190408 continued

facing the street. A habitable room shall be defined as in the Property Maintenance Code, Section PM-202.0.

(.b)] Porches are permitted on all blocks and may be located in the required front setback. Porches shall be required if at least one of the immediately abutting lots with the same frontage contains a porch. Porches shall be a minimum of 5 ft. feet in depth, as measured from the front wall of the enclosed main structure, out toward the front property line.

[(c) New utility meters and HVAC equipment located on frontages shall be screened with landscaping, fences, or walls. Any other utility structures and their conduits facing a frontage shall be painted to match the wall or otherwise have their visibility minimized. This provision shall not apply to satellite dishes less than one meter in diameter or window air conditioning units.

(.d) Flush mounted windows shall be prohibited. Sills must project from the wall a minimum of two inches.]

(.4) [Impervious Surface Coverage and Landscaping.

(.a) The impervious coverage for front yards shall not exceed 30% of the area of the front yard. Porches shall be excluded from the front yard impervious coverage total. The remainder of the area shall consist of planted material.

(.b) A street tree is required, in accordance with requirements of the City of Philadelphia Streets Department and the Fairmount Park Commission.

(.5) Materials.

(.a) For new construction, the following front facade materials shall be prohibited: vinyl siding, aluminum siding, fiber cement siding, stone veneer, metal panels, and synthetic stucco.

(.b) Retaining walls and garden walls located along a street frontage shall not be constructed of concrete masonry units (CMUs) unless capped and covered with stone, cultured stone, stucco, or brick.

City of Philadelphia

BILL NO. 190408 continued

(c) Fences or fence walls located along a street frontage shall be iron, stone, cultured stone, stucco, brick, painted wood, or finished wood. Chain link and vinyl fences are prohibited on frontages.

(d) Windows in masonry, brick, brick veneer, or stone veneer walls, with or without stucco veneer, shall be inset a minimum of three inches.

(.6) Parking.

(a) Parking in the front yard [and front loaded parking garages] shall be [prohibited,] *prohibited*.

(b) *Vehicular entryways of private residence parking garages that front on any street shall be prohibited, except when all immediately abutting lots with the same frontage contain existing structures with such vehicular entryways. [an existing front loaded garage.] In such instances, a vehicular entryway of a private residence parking garage that fronts on a street [a front loaded parking garage] shall be permitted, provided it complies with all other applicable standards of this Zoning Code.*

[(b)] (.c) Curb cut width shall be limited to 12 feet.

(d) *Design [Guidelines] Standards for Residential and Residentially-Zoned Structures.*

These regulations shall apply to residentially-zoned properties and to properties permitted by L&I for exclusive residential use.

(.1) *The principal building shall have a habitable room on the front of the first floor with at least one entryway and one window facing the street. A habitable room shall be defined as in the Property Maintenance Code, Section PM-202.0.*

(.2) *New utility meters and HVAC equipment located on frontages shall be screened with landscaping, fences, or walls. Any other utility structures and their conduits facing a frontage shall be painted to match the wall or otherwise have their visibility minimized. This provision shall not apply to satellite dishes less than one meter in diameter or window air conditioning units.*

(.3) *Flush mounted windows shall be prohibited. Sills shall project from the wall a minimum of two inches.*

City of Philadelphia

BILL NO. 190408 continued

(.4) Impervious Surface Coverage and Landscaping.

(.a) The impervious coverage for front yards shall not exceed 30% of the area of the front yard. Porches shall be excluded from the front yard impervious coverage total. The remainder of the area shall consist of planted material.

(.b) A street tree is required, in accordance with requirements of the Streets Department and the Department of Parks and Recreation.

(.5) Materials.

(.a) For new construction, the following front facade materials shall be prohibited: vinyl siding, aluminum siding, fiber cement siding, stone veneer, metal panels, and synthetic stucco.

(.b) Retaining walls and garden walls located along a street frontage shall not be constructed of concrete masonry units (CMUs) unless capped and covered with stone, cultured stone, stucco, or brick.

(.c) Fences or fence walls located along a street frontage shall be iron, stone, cultured stone, stucco, brick, painted wood, or finished wood. Chain link and vinyl fences are prohibited on frontages.

(.d) Windows in masonry, brick, brick veneer, or stone veneer walls, with or without stucco veneer, shall be inset a minimum of three inches.

(e) Design Standards [Area and Form Regulations] for Commercial Structures. These regulations shall apply to [commercially or residentially zoned] commercially-zoned or residentially-zoned properties used for commercial purposes.

* * *

Explanation:

[Brackets] indicate matter deleted.
Italics indicate new matter added.