

# City of Philadelphia



(Bill No. 060260-A)

## AN ORDINANCE

Amending Title 14 of The Philadelphia Code, entitled "Zoning and Planning," by amending Section 14-104, entitled "Non-Conforming Structures and Uses," by amending provisions relating to the reconstruction of non-conforming structures, 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 14-100. GENERAL PROVISIONS.**

\* \* \*

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

\* \* \*

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

(a) [Where] *Except as provided in subsection (b) below, where any structure, containing a non-conforming use or being non-conforming as to area, height, floor area or bulk, has two-thirds or more of its gross floor area destroyed by fire or Act of God, or is legally condemned, the new construction which is erected in place of said destroyed or condemned portion shall be erected in conformance with the use, area, height, floor area and bulk regulations of the district in which said structure is located; provided, that the erection of new parking and/or loading spaces shall not be required in connection with said new construction, except where said destruction or condemnation is 90% or more of the gross floor area of the structure; [provided, however, that this subsection shall not apply to the following:*

(.1) Residential structures in districts zoned R-1, R-1A, R-2, R-3, R-4, R-5 or R-6, in the Tenth Councilmanic District.]

(b) Where any structure, containing a non-conforming use or being non-conforming as to area, height, floor area or bulk, has less than two-thirds of its gross floor area destroyed by fire or Act of God, or is legally condemned; *or, in the case of a*

# City of Philadelphia

BILL NO. 060260-A continued

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*single-family, duplex or multiple family dwelling on a block where at least 75% of the structures are in place, is destroyed in whole or in part by fire or Act of God, or is legally condemned, it may be reconstructed and used for the same non-conforming use if building reconstruction is commenced within three years of destruction or condemnation and is carried on to completion without interruption, and any such reconstruction need not comply with any parking requirements set forth in Section 14-1402 to the extent such requirements did not previously apply to the structure prior to its destruction, but the new structure shall not exceed in area, height, floor area and bulk the structure so destroyed or condemned and shall be subject to all other provisions of this Section governing non-conforming structures and uses; [provided, however, that a residential structure in a district zoned R-1, R-1A, R-2, R-3, R-4, R-5 or R-6, in the Tenth Councilmanic District, may take advantage of this subparagraph regardless whether the structure is destroyed in whole or in part, and any such reconstruction need not comply with any parking requirements set forth in Section 14-1402 to the extent such requirements did not previously apply to the structure prior to its destruction.]*

(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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**Explanation:**

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

# City of Philadelphia

BILL NO. 060260-A continued

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# City of Philadelphia

BILL NO. 060260-A continued

Certified Copy

CERTIFICATION: This is a true and correct copy of the original Bill, Passed by the City Council on May 25, 2006. The Bill was Signed by the Mayor on June 8, 2006.



Patricia Rafferty  
Chief Clerk of the City Council