

# City of Philadelphia



*April 6, 2006*

CERTIFICATION: This is to certify that Bill No. 051144-A, entitled "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," was returned by the Mayor to City Council on the thirtieth day of March, 2006 "DISAPPROVED."

The said bill having been considered again, was repassed on the sixth day of April, 2006. Two-thirds of all of the members of City Council having voted in the affirmative, the said bill became law without the Mayor's approval, pursuant to the provisions of Section 2-202 of the Philadelphia Home Rule Charter.

A handwritten signature in cursive script that reads "Patricia Rafferty".

Patricia Rafferty  
Chief Clerk of the City Council

(Bill No. 051144-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. Section 14-104 of The Philadelphia Code is hereby amended to read as follows:

### **TITLE 14. ZONING AND PLANNING**

#### **CHAPTER 14-100. GENERAL PROVISIONS.**

# City of Philadelphia

BILL NO. 051144-A continued

Certified Copy

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

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

(a) 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, 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, 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.*

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#### **Explanation:**

*Italics* indicate new matter added.