

City of Philadelphia



(Bill No. 200576)

AN ORDINANCE

Amending Section 14-513 of The Philadelphia Code, entitled “NCO, Neighborhood Conservation Overlay District,” by revising and clarifying certain provisions, and making related changes, 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:

Key: In Tables and Table Notes, deletions shall be denoted by {squiggly brackets}, and not by [square brackets].

TITLE 14. ZONING AND PLANNING

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CHAPTER 14-300. ADMINISTRATION AND PROCEDURES

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§ 14-303. Common Procedures and Requirements.

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(12) Neighborhood Notice and Meetings

(a) Applicability.

This subsection (12) applies to applications that:

- (.1) Require Zoning Board approval of a special exception under § 14-303(7) (Special Exception Approval);
- (.2) Require Zoning Board approval of a zoning variance under § 14-303(8) (Zoning Variances); [or]
- (.3) Meet the requirements for Civic Design Review in § 14-304(5) (Civic Design [Review].) *Review*); or

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(.4) Are subject to the provisions of § 14-504 (/NCO, Neighborhood Conservation Overlay District) and for which the applicant requests a review of a building permit by the Commission pursuant to the provisions of § 14-504(3)(b)(.2).

(b) Required Notice from the Planning Commission to Applicants and Others.

Within seven days after an appeal has been filed with the Zoning Board for approval of a special exception or variance, *after the Commission has received a request for review of a building permit pursuant to the provisions of § 14-504(3)(b)(.2)*, or after the notification by L&I to an applicant that an application will require review under the Civic Design Review Process, the Commission shall provide notice to the applicant, with a copy to each RCO whose registered boundaries include the applicant's property and to the district councilmember whose district includes the applicant's property, of:

* * *

(.5) A copy of the notice of appeal *or request for review (as applicable)* and any attachments, including any Project Information Form required pursuant to Chapter 18-500 ("Project Information Forms").

* * *

(d) Initial Notice from the Applicant to RCOs and Others.

(.1) *Except for building permits to be reviewed by the Commission pursuant to the provisions of § 14-504(3)(b)(.2), the [The] Department shall provide each applicant with an orange sign consisting of corrugated plastic and measuring approximately four square feet that shall be posted by the applicant and placed on the property that is subject to the approval, review, or variance being sought, according to the same sign number and location requirements as § 14-303(13)(c)(.2). This sign shall include the following information:*

* * *

(e) Neighborhood Meeting and Documentation Requirements.

(.1) After receiving notice from the applicant under subsection (d), the Coordinating RCO, after consultation with the applicant and all other Registered Community Organizations whose registered geographical

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boundaries include the applicant's property, shall set the time, date and place of a public meeting to discuss the applicant's proposal, and shall notify the applicant and all other Registered Community Organizations whose registered geographical boundaries include the applicant's property of those details. The meeting shall be scheduled for a date that is within 45 days after the applicant filed the appeal to the Zoning Board for approval of a special exception or [variance] *variance, after the Commission has received a request for review of a building permit pursuant to the provisions of § 14-504(3)(b)(.2),* or [within 45 days] after the applicant has been notified by L&I that an application will require review under the Civic Design Review Process, as applicable.

* * *

(.5) Neither the Zoning Board nor the Civic Design Review Committee *nor the Commission* shall conduct any public meetings on an application until the earlier of: (i) the applicant and the Coordinating RCO have completed all actions required by subsection (d), above, and by this subsection (e); or (ii) 45 days have elapsed since the applicant filed the appeal to the Zoning Board or was notified by L&I that the application required review under the Civic Design Review Process, *or since the Commission has received a request for review of a building permit pursuant to the provisions of § 14-504(3)(b)(.2),* as applicable, except that if an applicant fails to provide the notice required by subsection (d), then such 45 day period shall be measured from the date the required notice is in fact provided.

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CHAPTER 14-500. OVERLAY ZONING DISTRICTS

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

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(3) Planning Commission Review.

- (a) No building permit shall be issued to construct a building or alter the exterior of a building that is visible from a public street until the Commission has reviewed the application and confirmed that it complies with all regulations applicable to the applicable /NCO district [area.] *area, subject to the review provisions set forth in (b).*

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(b) *An applicant who is denied approval for a building permit by the Commission may, within thirty (30) days of such denial, request in writing a review by the Commission at a regularly scheduled public meeting, subject to the following standards:*

(.1) Where error is alleged in the denial of a building permit application, the Commission shall determine whether the requirements of subsection (a) above and the design standards of the applicable /NCO district area are met and shall approve such application if it determines that the initial decision of the Commission was made in error.

(.2) Where the building permit application deviates from subsection (a) above and the design standards of the applicable /NCO district area, the Commission may approve a building permit application where an application satisfies both (.a) and (.b):

(.a) Prior to the meeting of the Commission, the applicant provides written notice of the request to all RCOs whose registered boundaries include the applicant's property. Such notice must include the date of the review, time and location of the Commission meeting where the application is to be reviewed, and the requested deviation from the design standards of the applicable /NCO district area.

(.b) The Commission determines that:

(.i) Strict conformity with the design standards of the applicable /NCO district area would result in an unreasonable hardship;

(.ii) The deviation from the design standards of the applicable /NCO district area would be reasonable due to special circumstances of the lot or lots in question, including the impact upon existing structures, materials, and uses; and

(.iii) The deviation from the design standards of the applicable /NCO district area may be approved without harming the purposes of the /NCO as set forth in 14-504(1).

(.3) The Commission may approve only deviations from the requirements of subsection (a) above and the design standards of the applicable /NCO district area. The Commission may grant a deviation that is lesser than that requested by the applicant. The Commission shall not approve any deviation from the zoning regulations of the applicable /NCO district area, any other provision of this Zoning Code, or any variance or special exception granted by the Zoning Board.

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(.4) The decision of the Commission to deny approval for a deviation from design standards of the applicable /NCO district area shall be subject to an appeal to the Board of License and Inspection Review, whose review shall be limited to determining whether the decision of the Commission was clearly erroneous.

(c) If the Commission does not make a written decision to approve or deny the building permit application within 30 days of the date that it receives an application, the Commission will be deemed to have approved the application without conditions.

(d) 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.

(e) A decision by the Commission to approve a building permit shall not be subject to appeal separately from an appeal to the Board of License and Inspection Review of L&I's issuance of the building permit.

(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, *or any property within an approved /NCO district is individually designated as historic* pursuant to Chapter 14-1000 (Historic Preservation), all provisions of this § 14-504 (/NCO, Neighborhood Conservation Overlay District) shall be of no further force or effect for the portion of the /NCO included within the historic district *or any property designated as historic*, except as indicated in § 14-504(4)(b) below.

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(5) Queen Village.

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

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(.4) Materials.

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(.d)[Rear walls of buildings must be faced with masonry materials, including stucco, but if] *If the rear of a structure is visible from a street, the material used must be consistent with the front facade of the building.*

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(7) Central Roxborough.

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(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.

* * *

(.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.]

* * *

(8) Ridge Park Roxborough.

* * *

(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.

* * *

(.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.]

* * *

(10) Wissahickon.

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(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.

* * *

(.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.] *At least 70% of the front yard shall be covered with pervious planted material.*

* * *

SECTION 2. This Ordinance shall take effect immediately.

Explanation:

[Brackets] indicate matter deleted.

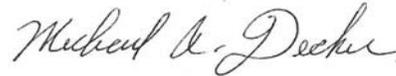
Italics indicate new matter added.

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CERTIFICATION: This is a true and correct copy of the original Bill, Passed by the City Council on December 10, 2020. The Bill was Signed by the Mayor on January 20, 2021.



Michael A. Decker
Chief Clerk of the City Council