

Legislation Details (With Text)

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Title: Amending Title 14 of The Philadelphia Code, entitled "Zoning and Planning," by making technical and clarifying changes, under certain terms and conditions.

Sponsors: Councilmember Greenlee

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Code sections:

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| Date | Ver. | Action By | Action | Result | Tally |
|------------|------|--------------------|---|--------|-------|
| 12/18/2013 | 0 | MAYOR | SIGNED | | |
| 12/12/2013 | 0 | CITY COUNCIL | PASSED | Pass | 16:0 |
| 12/5/2013 | 0 | CITY COUNCIL | ORDERED PLACED ON THIS DAY'S FIRST READING CALENDAR | | |
| 12/5/2013 | 0 | CITY COUNCIL | SUSPEND THE RULES OF THE COUNCIL | Pass | |
| 12/5/2013 | 0 | CITY COUNCIL | ORDERED PLACED ON NEXT WEEK'S SECOND READING CALENDAR | | |
| 12/3/2013 | 0 | Committee on Rules | HEARING NOTICES SENT | | |
| 12/3/2013 | 0 | Committee on Rules | HEARING HELD | | |
| 12/3/2013 | 0 | Committee on Rules | REPORTED FAVORABLY, RULE SUSPENSION REQUESTED | | |
| 10/24/2013 | 0 | CITY COUNCIL | Introduced and Referred | Pass | |

Amending Title 14 of The Philadelphia Code, entitled "Zoning and Planning," by making technical and clarifying changes, 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 that contain bracketed table notes, and in the table notes, deletions are indicated by { } rather than [].

TITLE 14. ZONING AND PLANNING

* * *

CHAPTER 14-200. DEFINITIONS

* * *

§ 14-202. Rules of Measurement.

In the application of this Zoning Code the rules of measurement of this § 14-202 (Rules of Measurement) shall be observed and applied.

* * *

(2) Building Frontage, Width of.

[The width of the building frontage is the maximum width of a building, measured in a straight line parallel with the front lot line.] *The horizontal measurement of any wall of a building facing a confirmed street on a lot contiguous to that street.*

* * *

(4) Gross Floor Area. The sum of the gross horizontal areas of all the floors of a building, measured from the exterior faces of the exterior walls or center lines of walls separating two buildings.

(a) Measurement Includes.

(.1) *Porches.* [Porches, whether enclosed or unenclosed.]

* * *

(5.1) Ground Floor Frontage. *The horizontal measurement of any portion of the ground floor of a building fronting on a confirmed street, excluding any building entrances or lobbies.*

* * *

(20) Street Frontage, Width of. [A lot's street frontage is measured as the horizontal distance between side lot lines, as measured along the front lot line.] *The measurement of any lot line contiguous to a confirmed street.*

* * *

§ 14-203. Definitions.

For the purposes of this Zoning Code, the following definitions shall apply; words, phrases, and terms not defined herein, but defined in Title 4 (The Philadelphia Building Construction and Occupancy Code), shall be construed as defined in Title 4.

* * *

(35) Bay Window. A window structure that projects from the wall of a building *and is at least 24 in. above the finished floor surface.*

* * *

(135.1) Front Façade. *The front wall of the main building, excluding bay windows, porches, decks, patios, cellars, and basements.*

* * *

(190.1) **Multiple Buildings.** *A single structure with multiple units shall not constitute multiple buildings.*

* * *

(219) **Parking Lot.** Any outdoor area or space for the parking of *more than three* motor vehicles, including any spaces, aisles, and driveways appurtenant thereto.

* * *

(284) **Sign, Marquee.** A sign attached to or integrated into a marquee, which is an overhanging, substantially horizontal structure of permanent construction attached to a building, whether or not supported by the ground or sidewalk, that projects more than 18 in. over a sidewalk or other right-of-way, but not including balconies or bay windows. The sign may be located on [the] *any* face, top, or underside of the marquee.

* * *

(303.1) **Store Frontage.** *Any exterior wall of a single tenant space.*

* * *

(359) **Visitable Dwelling Unit.** A visitable dwelling unit is one that contains (a) a step-free or accessible ground floor entrance on an accessible route that complies with [ANSI A117.1 - 1998 section 4.8] *ICC A117 as adopted in Title 4 (The Philadelphia Building Construction and Occupancy Code)*, and that has a maximum slope not to exceed 1:12; (b) all ground floor building entrance and ground floor interior doors, except those serving pantries and closets, with a minimum net clear opening of 32 in. when opened 90 degrees; (c) all ground floor interior doors, equipped with levered hardware; (d) all ground floor interior hallways with a minimum width of not less than 36 in., with ramped or beveled changes at door thresholds, and (e) at least one ground floor bathroom with toilet and sink designed and constructed so those using wheelchairs or walkers can enter and close the door behind them.

* * *

CHAPTER 14-300. ADMINISTRATION AND PROCEDURES

§14-301. Reviewers and Decision Makers.

* * *

(3) City Planning Commission.

(a) **General Authority.** The Commission is established by § § 3-100 and 3-800 of the Philadelphia Home Rule Charter and has those powers set forth in Article IV, Chapter 6 of the Philadelphia Home Rule Charter. [If in exercising its authority, the Commission prepares a written interpretation of the Zoning Code in order to resolve an ambiguity, such interpretation shall not be binding unless it is approved by ordinance. Any such interpretation shall be posted on the Commission’s website within one week after approval by ordinance.]

* * *

§ 14-303. Common Procedures and Requirements.

* * *

(6) Zoning Permits.

(a) Applicability. This section applies to all applications where the decision on a permit is to be made by L&I, including but not limited to those specific decisions listed in § 14-303(6)(b) (Types of Zoning Permits). Zoning permits confirm that the application complies with all applicable provisions of this Zoning Code. L&I shall have authority to issue the permits and approvals listed in this § 14-303(6) (Zoning Permits):

* * *

(2) Regardless of whether the existing lot, structure, or use is currently the subject of a variance, permit, certificate, special exception, or proviso issued by the Zoning Board, provided that the application shall be consistent with the terms of *the current Zoning Code and* that variance, permit, certificate, special exception, or proviso. If the application is not consistent with or would require a modification of the terms of a variance, permit, certificate, special exception or proviso approved by the Zoning Board, or otherwise not consistent with this Zoning Code, the application shall be denied and referred to the Zoning Board for action pursuant to the applicable section.

* * *

§ 14-305. Nonconformities.

* * *

(6) Nonconforming Structures. Nonconforming structures may be expanded or extended, provided that the expanded or extended area (a) complies with all provisions of § 14-701 (Dimensional Standards) and § 14-702 (Floor Area Bonuses) applicable to the zoning district where the property is located, (b) complies with the provisions of this § 14-305(6) (Nonconforming Structures), and (c) does not increase any existing nonconformity.

* * *

(g) Repairs to or renovation of a nonconforming structure or site improvement that brings the structure or site improvement into greater compliance with the building code is permitted. *For the purposes of this subsection (6), a repair shall be defined as any one of the following: (a) interior work which does not result in increased gross floor area; (b) the replacement of up to two-thirds of the structural framing members when work involves the replacement of any portion of the exterior wall; or (c) the replacement of portions of nonconforming structures in their original footprint or height. A building may be "repaired" to the original or lesser height and area.*

(7) Nonconforming Lots.

* * *

(b) New subdivisions or re-subdivisions of land *that are subject* [pursuant] to § 14-304(7) (Subdivisions and Subdivision Plats) after the effective date of this Zoning Code must meet the requirement of § 14-701 (Dimensional Standards) as well as all other provisions of this Zoning Code. *All other lot adjustments and subdivisions of nonconforming lots are permitted provided*

the lot adjustment or subdivision does not increase an existing nonconformity.

* * *

CHAPTER 14-500. OVERLAY ZONING DISTRICTS

* * *

§ 14-502. /CTR, Center City Overlay.

* * *

(6) Parking and Loading Regulations. The following parking regulations apply to the areas described in each subsection.

(a) Motor Vehicle Ingress and Egress Restrictions. Vehicular ingress and egress is prohibited to and from the following: (See Parking and Loading Regulations Area Map 1 for illustrative purposes only):

- (.1) *Market Street within the Market Street Area; [Parking garages in the Market Street Area.]*
- (.2) *Chestnut Street and Walnut Street within the Chestnut and Walnut Street Area;*
- (.3) *Locust Street within the Locust Street Area, except the portion between the west side of Juniper Street and the east side of 15th Street.*
- (.4) *Spruce Street within the Spruce Street Area, East; and*
- (.5) *Benjamin Franklin Parkway.*

[(.2) Parking garages and loading and trash storage areas or structures in any of the following areas:

- (.a) Chestnut and Walnut Street Area;
- (.b) Locust Street Area, except the portion between the west side of Juniper Street and the east side of 15th Street;
- (.c) Spruce Street Area, East;
- (.d) Benjamin Franklin Parkway Area.]

* * *

(d) Parking Garage Ground Floor Use Controls. (See Parking and Loading Regulations Area Map 2 for illustrative purposes only.) The ground floor of any parking garage, *other than those accessory to a single- or two-family dwelling*, in the Parking Garage Ground Floor Use Control Area must be occupied by an office, retail sales, commercial services, or public, civic, and institutional use; except that regulated uses, as set forth in § 14-603(13) (Regulated Uses), shall be prohibited. This requirement applies only along these designated street frontages and does not apply to areas occupied by entrances, exits, or waiting areas,

* * *

§ 14-510. /WWO, Wissahickon Watershed Overlay District.

* * *

(7) **Earth Moving Plans.**

(a) No earth moving activity will be permitted within the watershed unless done in accordance with approved earth moving plans. These plans must be prepared by a licensed professional engineer in accordance with regulations approved by the Commission and must set forth the measured by which erosion and sedimentation are controlled. Such plans must be filed with and approved by the Commission except as follows:

(.1) Where the site is designated as being within Category 5 on the Impervious Coverage Map; *or*

[(.2) Where the site is one-half acre or less in area; or]

[(.3)](.2) Where the earth moving or additional impervious coverage will be less than 500 sq.ft.

* * *

CHAPTER 14-600. USE REGULATIONS

* * *

§ 14-601. Use Categories.

* * *

(5) **Office Use Category.** This category includes uses in an enclosed building, customarily performed in an office, that focus on providing executive, management, administrative, government, professional, or medical services. The office subcategories are:

* * *

(b) **Medical, Dental, and Health Practitioner.** Office uses related to diagnosis and treatment of human patients' illnesses, injuries, and physical malfunctions *by a State-licensed medical, dental or health practitioner* that can be performed in an office setting with no overnight care. Surgical, rehabilitation, and other medical centers that do not involve overnight patient stays are included in this subcategory, as are medical and dental laboratories, unless otherwise indicated. The following are medical, dental, and health practitioner specific use types:

* * *

(7) **Commercial Services Use Category.** This category includes uses that provide for consumer or business services, for the repair and maintenance of a wide variety of products, and for entertainment. The commercial services subcategories are:

* * *

(l) **Personal Services.** Uses that provide a variety of services associated with [personal] grooming,

[personal] instruction, and the maintenance of fitness, health, and well-being. The following are personal services specific use types:

* * *

§ 14-602. Use Tables.

* * *

(4) **Commercial Districts.** Principal uses are allowed in Commercial districts in accordance with Table 14-602-2. Uses classified as accessory uses, such as home occupations, are not regulated by the use table, Accessory uses are permitted in conjunction with allowed principal uses, provided they comply with all applicable regulations of § 14-603 (Use-Specific Standards) and § 14-604 (Accessory Uses and Structures).

(a) **Notes for Table 14-602-2.**

* * *

[5] Office, retail, and commercial service uses [must be located only on] *may not be located above the ground floor and may not occupy more than 2,000 sq. ft. of gross floor area.*

* * *

§ 14-604. Accessory Uses and Structures.

* * *

(5) **Roof Decks.** Roof decks are permitted for residential uses in all zoning districts. Roof decks for non-residential uses in the [CMX-2 or CMX-2.5] *CMX-2, CMX-2.5, CMX-3, CMX-4, or CMX-5* district require special exception approval in accordance with the procedures of § 14-303(7). *Roof decks are prohibited on accessory structures.* Roof decks are subject to compliance with § § 14-604(5)(a) through 14-604(5)(c), below.

* * *

(d) **Fences, Guard Rails, and Privacy Screens.** *Fences or guard rails used to enclose roof decks may not exceed 42 in. in height, except that screens up to 60 in. in height may be installed on the sides of the roof decks that are parallel to side lot lines and located within 18 in. of a side lot line that is not also a street line.*

* * *

CHAPTER 14-700. DEVELOPMENT STANDARDS

§ 14-701. Dimensional Standards.

* * *

(2) **Residential District Dimensional Tables.**

* * *

(c) Notes for Table 14-701-2.

* * *

[9] In the RM-1 district, lots less than 45 ft. in depth shall be exempt from rear yard area requirements but shall provide a minimum rear yard depth of 5 ft. [the minimum rear yard depth for lots less than 45 ft. in depth shall be 5 ft.] for the first 12 ft. of building [height. Portions] height; portions of buildings above 12 ft. shall comply with the minimum rear yard depth and minimum rear yard area as set forth in Table 14-701-2.

Table 14-701-2: Dimensional Standards for Higher Density Residential Districts

| Previous District Name | R8/9/10/10B/18/19 | R11/11A/12/13 | R14 | R15/R16 | RC-6 | WRD /ITD | RC-4 |
|---|-------------------|---------------|------|---------|-------|----------|-------|
| District Name | RM-1 | RM-2 | RM-3 | RM-4 | RMX-1 | RMX-2 | RMX-3 |
| *** | *** | *** | *** | *** | *** | *** | *** |
| District and Lot Dimensions | | | | | | | |
| *** | *** | *** | *** | *** | *** | *** | *** |
| Min. Street Frontage as taken from the front lot line (ft.) | | | | | 50 | | |
| *** | *** | *** | *** | *** | *** | *** | *** |
| Rear Yard | | | | | | | |
| *** | *** | *** | *** | *** | *** | *** | *** |
| Min. Area (sq. ft.) | 144 [9] | [7] | | | | | |

* * *

Table 14-701-3: Dimensional Standards for Commercial Districts

| Previous District Name | C1 | C2/RC2 | Commercial Corridor Overlays | C3 | C4 C5 | C7/NSC | ASC |
|---|-------|--------|------------------------------|-------|-------------|--------|------|
| District Name | CMX-1 | CMX-2 | CMX-2.5 | CMX-3 | CMX-4/CMX-5 | CA-1 | CA-2 |
| *** | *** | *** | *** | *** | *** | *** | *** |
| District and Lot Dimensions | | | | | | | |
| *** | *** | *** | *** | *** | *** | *** | *** |
| Min. Street Frontage as taken from the front lot line (ft.) | [1] | | | | | 50 | 100 |
| *** | *** | *** | *** | *** | *** | *** | *** |

* * *

(6) **Exceptions to Dimensional Standards.** The items listed in Table 14-701-6 are exceptions to the dimensional standards otherwise applicable under this § 14-701 (Dimensional Standards). In the case of exceptions to yard, setback, and open space requirements, the areas occupied by the encroachments will not be considered to reduce the amount of open space provided.

Table 14-701-6: Exceptions to Dimensional Standards

| | |
|--|---|
| *** | *** |
| Exceptions to Yard, Setback, and Open Area Requirements | |
| Type of District | Permitted Encroachment |
| Residential Districts | *** |
| | Entranceway covers, canopies, and awnings may project into required front or rear yard areas up to 5 ft., and may project into required side yard areas up to 3 ft. |
| | <i>Porches may encroach into the required front setback in RSA-5 and RM-1 districts.</i> |
| | *** |

* * *

§ 14-702. Floor Area and Height Bonuses.

* * *

(9) Underground Accessory *Parking*. [Parking and Loading.]

(a) Criteria.

* * *

(.4) None of the bonus space gained from underground parking [or loading] may be used to construct additional parking.

* * *

(b) Bonus Floor Area. The additional gross floor area earned by providing underground accessory parking [and loading] is:

* * *

§ 14-704. Open Space and Natural Resources.

* * *

(4) Flood Protection.

* * *

(c) Special Regulations. The following special regulations are imposed to regulate setbacks, construction, and earth-moving activity along watercourses subject to flooding. These regulations are in addition to the requirements of the Pennsylvania Department of Environmental Protection. The Commission may authorize such waivers or partial waivers from the terms of this section as will not be contrary to the public interest if the applicant provides to the Commission a National Flood Insurance Program Elevation Certificate prepared by a licensed land surveyor, professional engineer, or architect authorized by law to certify that the proposed development is not within the floodway or the Special Flood Hazard Area.

(.1) Within the Floodway.

(.a) No encroachment (including fill, new construction, or any development) is permitted; except that *docks*, public utilities, trails, roadways, and bridges are permitted as long as they cause no increase in the Base Flood Elevation.

* * *

§ 14-705. Landscape and Trees.

* * *

(1) On-Site Landscape and Trees.

* * *

(c) General Standards.

* * *

(.1) **Plants.** Herbaceous plants or lawn installed in the required landscaped area shall be from [a list of low-water species maintained by DPR] *the list of appropriate plantings maintained by the Commission.*

* * *

(2) Street Tree Requirements.

* * *

(c) Standards.

* * *

(.2) New street tree planting shall comply with the following standards:

(.a) At least one street tree per 35 ft. of linear frontage shall be provided. Street trees may be [places] *placed* at regular or irregular intervals, provided that there is at least 15 ft. of space between tree trunks. *Where any of these standards conflict with the regulations of the Streets Department or the Department of Parks and Recreation, the least restrictive regulation shall govern.*

* * *

§ 14-706. Fencing and Walls.

* * *

(4) Commercial District Standards.

* * *

(b) **Corner Lots.** Fences on any side of a corner lot building facing a street shall comply with the [front setback for] *rules set forth by subsection (a)(.1), above, for fences facing a front lot line on*

an intermediate lot in that zoning district. Fences on any side of a corner lot building not facing a street shall comply with the [side and rear setbacks of a non-corner] *rules set forth by subsection (a)(.2), above, for fences facing a side or rear lot line on an intermediate lot in that zoning district.*

* * *

§ 14-708. Subdivision Standards.

* * *

- (3) **Subdivision General Design Standards.** The principles, standards, and requirements set forth in this § 14-708 (Subdivision Standards) shall be applied by the Commission in its review of proposed subdivision. These principles and standards are the minimum required and whenever they conflict with any other applicable provision of this Zoning Code, the more restrictive provision shall govern.

* * *

- (b) **Visitability.** In any subdivision containing 50 or more detached, semi-detached or attached houses, at least 10% of the houses shall be visitable dwelling units, as defined in Chapter 14-200 (Definitions).

- (.1) Before the Commission may approve a Preliminary Plat, the Commission shall determine that the proposed subdivision will not preclude 10% of the houses from containing a step-free or accessible ground floor entrance on an accessible route that complies with [ANSI A117.1 - 1998 section 4.8] *ICC A117 as adopted in Title 4 (The Philadelphia Building Construction and Occupancy Code)*, and that has a maximum slope not to exceed 1:12.

* * *

CHAPTER 14-800. PARKING AND LOADING

* * *

§ 14-803. Motor Vehicle Parking Standards.

- (1) **Accessory Parking Standards.**

* * *

- (b) **Location of Accessory Parking.**

- (.1) **Residential and Commercial Districts.**

- (.a) **General.** Except as specified in § 14-803(1)(b)(.1)(b) (Exceptions) below, accessory parking in Residential and Commercial Districts must comply with the requirements in this § 14-803(1)(b)(.1)(a).

- (.i) Garages *and carports* which are attached to the principal building shall be governed by the same setback and yard provisions as the building itself.

* * *

(.b) Exceptions.

* * *

(.ii) Private residence garages and carports are permitted in any part of the rear yard provided that:

* * *

(.bb) Any private residence garage or carport erected after June 23, 1998 shall maintain a minimum setback of three ft. between the garage *or carport* and any property line; and

* * *

(2) Parking Space, Drive Aisle, and Rservoir Space Standards. The standards of this section apply to all accessory and non-accessory parking areas, regardless of whether such parking is provided to meet minimum parking requirements.

* * *

(b) Parking Space and Drive Aisle Dimensions. Off-street parking spaces shall comply with the dimensional standards shown in Table 14-803-1 based on the angle of parking and/or parking space type.

Table 14-803-1: Dimensional Standards for Parking Spaces and Aisles

| Parking Angle/Type | Min. Stall Width (ft.) [1] | Min. Stall Depth (Ft.) [2] | Minimum Aisle Width (Ft.) [5] |
|--------------------|----------------------------|----------------------------|-------------------------------|
| * * * | * * * | * * * | * * * |

Table Notes: [1] As measured by a line perpendicular to the stall line at a point on the outside end of the stall, except when the stall is on measurement shall be on the inside end of the stall. [2] As measured from required curb on the inside edge of the stall. [3] 20 ft. minimum to 25% of all parking spaces in lots with more than 25 spaces. All compact spaces must be clearly identified. [5] *Residential uses with provision.*

* * *

(5) Parking Landscape and Screening. All parking *lots*, [lots and parking garages,] except those accessory to single-family and two-family uses, shall comply with all applicable requirements of this § 14-803(5) (Parking Landscape and Screening).

* * *

CHAPTER 14-900. SIGNS.

* * *

§ 14-903. When a Zoning Permit is Required.

* * *

(2) Zoning Permit Not Required.

* * *

- (d) The erection or placement of [a] *one* temporary sign *per street frontage* not exceeding the following sizes:

* * *

§ 14-904. Accessory Sign Controls.

No accessory sign shall be erected anywhere in the City except in conformity with the applicable provisions of this § 14-904 and all applicable sections of this Zoning Code, except where the provisions of this § 14-904 or other applicable provision of this Zoning Code is expressly superseded. Any accessory sign that does not conform to the requirements of this Zoning Code is declared a public nuisance. No reference to a particular type of use in this § 14-904 shall be construed to imply that the use is allowed under circumstances different from those allowed under Chapter 14-600 (Use Regulations).

* * *

- (1) **Controls That Apply in All Zoning Districts.** These controls apply to specific types of signs in all zoning districts in addition to any other controls imposed by this Zoning Code.

* * *

- (c) **Directional Signs.** Directional signs, including *those* [directional signs] required by state or federal law, must comply with the following standards:

- (.1) No directional sign shall exceed a total sign area of 10 sq. ft. or a height of 7 ft. *except in the case of a clearance sign.*

* * *

- (d) **Extension of Signs over Public Rights-of-Way.**

* * *

- (.3) A sign, except in the case of a marquee sign or a sign on the front or sloped panel of an awning, shall be limited to the following extensions over public rights-of-way:

* * *

- (.c) No more than [10] *four* ft. or two-thirds of the width of any sidewalk, whichever is less, when the lowest part of the sign which extends over the sidewalk is more than 10 ft. above the sidewalk.

* * *

SECTION 2. Effective Date. This Ordinance shall be effective immediately.

Explanation:

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

