

Legislation Details (With Text)

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Title: Amending Title 14 of The Philadelphia Code, entitled "Zoning and Planning," by adding a new Chapter providing for the creation of Neighborhood Residential Preservation and Revitalization Overlay Districts; providing for the adoption of design guidelines for properties within such Districts; and requiring special permits to alter the exterior of a building within such a District or to construct a building within such a District so as to ensure compliance with the design guidelines; all under certain terms and conditions.
Sponsors: Councilmember DiCicco
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5/29/2002	0	Committee on Rules	HEARING NOTICES SENT		
5/29/2002	0	Committee on Rules	RECESSED		
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11/20/2001	0	Committee on Rules	HEARING NOTICES SENT		
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5/31/2001	0	CITY COUNCIL	Referred		
5/31/2001	0	CITY COUNCIL	Introduced	Pass	

Amending Title 14 of The Philadelphia Code, entitled “Zoning and Planning,” by adding a new Chapter providing for the creation of Neighborhood Residential Preservation and Revitalization Overlay Districts; providing for the adoption of design guidelines for properties within such Districts; and requiring special permits to alter the exterior of a building within such a District or to construct a building within such a District so as to ensure compliance with the design guidelines; 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 14-1200. RESIDENTIAL PRESERVATION AND REVITALIZATION DISTRICTS

§14-1201. Findings and purpose.

(1) Philadelphia is comprised of very distinctive neighborhoods that were settled at different times during the historical development of the City.

(2) These various neighborhoods developed their own distinctive housing patterns which are reflective of the time period during which these neighborhoods were nurtured during the growth of the City.

(3) Many of these residential neighborhoods are easily recognizable by their distinctive exterior facades which include porches and steps, masonry, stoops, cornices and trim, doors and window and other architectural stylings which over the years created a neighborhood environment and streetscape that brought neighbors together.

(4) Over the years these distinctive neighborhoods with their distinctive aesthetic environments have been subjected to economic and social forces which threaten the very fabric of each one.

(5) The people of Philadelphia have a right to protect the distinctive aesthetic environment of their neighborhood and to preserve the unique contributions of Philadelphia's neighborhoods to the entire City of Philadelphia.

(6) The people of Philadelphia have a right to this historic and aesthetic environment being protected under Article 1, Section 27 of the Constitution of the Commonwealth of Pennsylvania.

(7) The public welfare of the City will be promoted by encouraging conservation and preservation through the revitalization of these distinctive residential neighborhoods in order to preserve their aesthetic environment.

(8) It is necessary to provide a reasonable degree of control over the design, construction, alteration and repair of the exterior facades of residential buildings located in a designated Residential Preservation and Revitalization Overlay District (RPROD) to prevent deterioration and blight from further destroying the aesthetic fabric of these distinctive Philadelphia neighborhoods.

(9) The further purpose of this Chapter is the strengthening of Philadelphia neighborhoods which will enhance the City's attractiveness as a place to live, work and enjoy its cultural, social and historical opportunities and also to foster a renewed feeling of pride in one's neighborhood.

(10) It is also the purpose of this Chapter to address areas where there is not grassroots support for creating an Historic District under §14-2007 or where the criteria to be designated an Historic District cannot be met.

(11) It is also the purpose of this Chapter to avoid a level of regulation that might discourage the proper repair and improvement of buildings within an RPROD considering the economic market within the area.

§14-1202. Definitions. The following definitions shall apply to this Chapter:

(1) *Alter or alteration.* A change in the appearance of a building, structure or site, or any other change for which a permit is required under The Philadelphia Code, other than the razing or destruction of an entire building or structure. Alteration includes the reroofing, cleaning or painting of a building or structure.

(2) *Building.* A structure, its site and appurtenances created to shelter any form of human activity.

(3) *Construct or construction.* The erection of a new building or structure.

(4) *Department.* The Department of Licenses and Inspections.

(5) *Design.* Exterior features including mass, height, appearance and the texture, color, nature and composition of materials.

(6) *Historical Commission.* The Philadelphia Historical Commission.

(7) *Planning Commission.* The City Planning Commission.

(8) *Primary facade.* The exterior wall of the front of a building which faces a street and contains an entrance to the building.

(9) *RPROD.* A Residential Preservation and Revitalization Overlay District created under this Chapter.

§14-1203. *Applicability.*

(1) *An RPROD shall be an Overlay District to any conventional underlying zoning district.*

(2) *Within an RPROD, all of the use, yard, area and other requirements of the underlying zoning district shall apply, except that any activity regulated by this Chapter shall also comply with this Chapter. When both the provisions of the underlying zoning district and this Chapter apply, the provision that is most restrictive shall control.*

§14-1204. *RPROD permits.*

(1) *Within an RPROD, an RPROD permit issued under this Section is required to alter the exterior of a building used for any residential activity if such alteration will be visible from a public street, and to construct a building. This special permit is required in addition to all other permits and approvals required by law, including, but not limited to, building permits and zoning and use registration permits required under Title 4.*

(2) *Applications for an RPROD permit shall be made to the Department, and shall include the following information:*

(a) *a narrative describing the proposed work;*

(b) *photographs of existing conditions;*

(c) *plans and illustrations of the proposed work; and*

(d) *such other information as the Department may reasonably require to determine compliance with the design guidelines adopted for the RPROD.*

(3) *If the City has created an Advisory Board for any particular RPROD, then the Department shall forward a copy of any application for an RPROD permit within such RPROD to the Advisory Board, and the*

Department shall not act on the application until it has received the recommendations of the Advisory Board, except that the Department may act on any application if more than thirty (30) days have elapsed from the date the Department forwarded the copy of the application to the Advisory Board. The Department shall not be bound by any recommendation of an Advisory Board.

(4) The Department shall issue an RPROD permit if there is compliance with the design guidelines adopted for the RPROD, and it may attach conditions to an RPROD permit which are reasonably required to meet the purposes of this Chapter.

§14-1205. Design Guidelines.

(1) The design guidelines adopted as part of each RPROD District shall address the following:

(a) Alterations to architectural features of existing principal buildings;

(b) The new construction and expansion of a building, which shall be controlled to ensure that the new building will be compatible with existing patterns of development in the neighborhood and the massing, proportions, and fenestration patterns of existing buildings; and

(c) Construction of a new building on a vacant property or after substantial demolition of an existing building on a property.

(2) The design guidelines shall address only the exterior appearance of the primary facade and side walls of principal buildings that abut a street, and the design guidelines may address rear walls of principal buildings that abut streets with a right of way of greater than twenty feet (20').

§14-1206. Creation of an RPROD; Amendment.

(1) An RPROD shall be created by ordinance. The ordinance shall set forth the boundaries of the RPROD, and shall adopt design guidelines for the RPROD meeting the provisions of §14-1205.

(2) No RPROD shall be created unless:

(a) It consists of an area of at least two blocks by two blocks;

(b) At least sixty percent (60%) of the residential buildings within the RPROD are at least thirty (30) years old;

(c) At least sixty percent (60%) of the residential buildings within the RPROD are occupied; and

(d) City Council finds that the RPROD is an area that possesses a significant concentration, linkage or continuity of building structures or sites united by past events, plan, or physical development.

(3) An ordinance creating an RPROD shall include findings that the following process has been completed:

(a) A petition shall be filed with the Chief Clerk of Council that contains the signatures of representatives of at least ten percent (10%) of all dwelling units and at least ten percent (10%) of all owner-

occupied housing units located within the proposed RPROD. For purposes of this Section, a “representative” shall be an adult living on the premises whose name appears either on the deed or the lease to such premises, or on a formal agreement of sale. The petition shall request the creation of an RPROD in an area whose boundaries are clearly delineated on a map attached to the petition, and shall also include as an attachment a proposed set of design guidelines meeting the requirements of §14-1205.

(b) If after the petition is filed with the Chief Clerk a bill is introduced to create the RPROD, then the Chief Clerk shall transmit a copy of the bill together with the petition and accompanying map and design guidelines to the Planning Commission and the Historical Commission.

(c) The Planning Commission shall hold a public hearing to receive testimony or documentary evidence as to the proposed creation of the RPROD. At least sixty (60) days before such public hearing is held, the Planning Commission shall send written notice of the date, time and place of the public hearing to the owners of all properties located within the proposed RPROD, and to all persons who signed the petition requesting creation of the RPROD, and shall also publish notice in a newspaper of general circulation within the City. Such notices shall set forth a location where interested parties may review the proposed map and proposed design guidelines for the RPROD.

(d) The Historical Commission may transmit to the Planning Commission its recommendations as to the creation of the RPROD, the proposed map and the proposed design guidelines at any time before the date of the required public hearing. However, if no such recommendation is received prior to the date of the required public hearing, the Planning Commission may proceed without receiving such recommendation.

(e) After the required public hearing has been held, the Planning Commission shall at a public meeting adopt its recommendations concerning whether the RPROD should be created, and whether any changes should be made to the proposed map of the district or to the proposed design guidelines. City Council shall not enact an ordinance creating an RPROD until it has received the recommendations of the Planning Commission, except that if more than thirty (30) days has elapsed since the date of the required public hearing, City Council may enact an ordinance creating an RPROD without receiving the recommendations of the Planning Commission. In enacting such an ordinance, City Council shall not be bound by the recommendations of the Planning Commission.

(f) City Council shall not enact any ordinance creating an RPROD if by the date of the required public hearing before the Planning Commission, at least fifty-one percent (51%) of all dwelling units or fifty-one percent (51%) of all owner-occupied housing units located within the proposed RPROD have filed in writing with the Chief Clerk of Council a statement of opposition to creation of the RPROD. Such written statements may include petitions with multiple signatures opposing the creation of the RPROD.

(4) An ordinance creating an RPROD may revise the proposed design guidelines attached to the petition requesting creation of the RPROD, and it may reduce the boundaries of the RPROD as proposed in the map attached to the petition, but it shall not include any areas within the RPROD that were not included in the proposed boundaries of the RPROD as set forth in the map attached to the petition.

(5) Once an RPROD is created, the Planning Commission shall send written notice to the owner of each property within the RPROD and to all neighborhood organizations that serve such area. Such notice shall detail the boundaries of the RPROD, shall describe the type of activities that are regulated under this Chapter and the method to obtain approvals for such activities, and shall set forth a location at which interested parties

may review or obtain copies of the design guidelines adopted for the RPROD.

(6) The boundaries or design guidelines of an RPROD may be amended under the same procedures governing the creation of an RPROD.

§14-1207. Enforcement and Penalties.

(1) Whenever any building is erected, altered, used or maintained in violation of this Chapter, the Department may serve a written notice of such violation upon the violator directing compliance within such reasonable period of not less than ten (10) days as the Department shall determine.

(2) After the expiration of the time for compliance as stated in the notice of violation, if the violation is not corrected and no appeal is pending, the Department, in addition to invoking any other sanction or remedial procedure may:

(a) itself or by contract correct the violation and/or order the termination of such maintenance or use, charge the cost thereof to the person responsible therefor, and with approval of the Law Department collect such cost by lien and/or otherwise as may be authorized by law;

(b) apply with the approval of the Law Department to any Court of Common Pleas for relief by injunction or restraining order.

(3) In addition to any other sanction or remedial procedure provided, the penalty for violation of any provision of this Chapter is a fine not exceeding one hundred dollars (\$100) for each offense. Each day a violation continues shall be deemed a separate offense for which a separate penalty may be imposed.

Explanation:

Italics indicate new matter added.