

Legislation Details (With Text)

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Title: Amending Title 4 of The Philadelphia Code, Subcode "A," The Philadelphia Administrative Code, to make certain technical amendments, to further provide for penalties, and to transfer the current schedule of fees relating to zoning matters from the Zoning Code to the Administrative Code and to revise such schedule; all under certain terms and conditions.

Sponsors: Councilmember DiCicco

Indexes: ZONING

Code sections: SUBCODE "A" - (THE PHILADELPHIA ADMINISTRATIVE CODE), Title 4 - THE PHILADELPHIA BUILDING CONSTRUCTION AND OCCUPANCY CODE

Attachments: 1. CertifiedCopy11084401.pdf

Date	Ver.	Action By	Action	Result	Tally
12/21/2011	1	MAYOR	SIGNED		
12/15/2011	1	CITY COUNCIL	READ AND PASSED	Pass	17:0
12/8/2011	1	CITY COUNCIL	ORDERED PLACED ON THIS DAY'S FIRST READING CALENDAR		
12/8/2011	1	CITY COUNCIL	SUSPEND THE RULES OF THE COUNCIL	Pass	
12/8/2011	1	CITY COUNCIL	ORDERED PLACED ON NEXT WEEK'S SECOND READING CALENDAR		
12/7/2011	0	Committee of the Whole	HEARING NOTICES SENT		
12/7/2011	0	Committee of the Whole	HEARING HELD		
12/7/2011	0	Committee of the Whole	AMENDED		
12/7/2011	1	Committee of the Whole	REPORTED FAVORABLY, RULE SUSPENSION REQUESTED		
11/17/2011	0	CITY COUNCIL	Introduced and Referred	Pass	

Amending Title 4 of The Philadelphia Code, Subcode "A," The Philadelphia Administrative Code, to make certain technical amendments, to further provide for penalties, and to transfer the current schedule of fees relating to zoning matters from the Zoning Code to the Administrative Code and to revise such schedule; all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Title 4 of The Philadelphia Code is amended to read as follows:

**TITLE 4. THE PHILADELPHIA BUILDING CONSTRUCTION
AND OCCUPANCY CODE**

* * *

CHAPTER 4-200. TEXT OF SUBCODES

SUBCODE “A” (THE PHILADELPHIA ADMINISTRATIVE CODE)

CHAPTER 1
GENERAL

* * *

SECTION A-102 APPLICABILITY

A-102.1 General: The provisions of this code shall apply to matters of administration common to the technical codes as set forth in Section A-101.0. Administrative provisions which are unique to one of the technical codes will be set forth in the administrative provisions of such code. Terms used in this code shall be as defined by the technical codes unless defined herein. The codes listed in Section A-101.3 (other than the Zoning Code) and referenced elsewhere in this code and the other technical codes comprise the Philadelphia Building Construction and Occupancy Code and shall be applicable as [provided in Sections A-102.1.1 through A-102.1.11 and as] stated in each of the codes. Provisions in the appendices of the International codes shall not apply unless specifically adopted in the administrative provisions of the adopted code.

* * *

CHAPTER 3 PERMITS

SECTION A-301 APPLICATION FOR PERMIT

A-301.1 Permits required: An application shall be submitted to the department for the activities listed in Sections A-301.1.1 through [A-301.1.5] *A-301.1.6* and these activities shall not commence without a permit being issued in accordance with Section A-302.0. Where the scope of work includes more than one lot, a separate permit shall be required for each lot.

* * *

A-301.2 Permits not required: Permits shall not be required for the activities listed in Sections A-301.2.1 through A-301.2.5 and the regulations promulgated pursuant thereto. Exemptions from permit requirements of this code or the technical codes shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of The Philadelphia Code.

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A-301.2.2 Fire Prevention Permits: A permit or license shall not be required for those quantities of materials or conditions exempted by the applicable provisions of the Fire [Prevention] Code.

* * *

A-301.2.5 Zoning and use registration permits: A zoning or use registration permit shall not be required

for the following activities:

1. Construction and use of structures totally outside of [district boundaries] *lot lines*.
2. A use registration permit is not required for single-family dwellings [or places of worship].
3. [An application which is filed for alterations] *Alterations* to an existing structure which [does] *do* not change the area, height, floor area or bulk of the structure and the existing use is legal and unchanged.[, shall be approved by a designation of "Permit Not Required".]
4. *Temporary uses, structures and signs for special events of a limited time period, typically open to the public and of a non-commercial nature, as approved by the Code Official after consideration of the impact on the immediate area.*

* * *

A-302.2 Suspension of permit: Any permit issued shall become invalid if the authorized work is not commenced within six months after issuance of the permit, or if the authorized work is suspended or abandoned for a period of six months after the time of commencing the work. The code official is authorized, for reasonable cause, to extend in writing the time for commencing the work for a period not exceeding six months upon written request of the permittee. No permit shall be extended more than once. In order to proceed with the work authorized by an expired permit, a new permit shall be obtained.

Exception: Zoning and use registration permits and permits issued in connection with imminently dangerous or unsafe structures or conditions.

* * *

A-302.2.2 Zoning and use registration permits: [Zoning and/or Use Registration Permits issued with respect to construction or interior alterations, shall expire one year after the date of issuance unless the building permit for such work is issued prior thereto and the work is carried on to completion without voluntary interruption. Use registration permits, where no construction or alteration work is involved, shall expire three months from the date of issuance unless the approved use has begun.

Exception: The Department shall extend, in writing, the expiration date of a zoning and/or use registration permit, for one (1) year, upon written request of the permittee, provided the proposed construction is the same as that authorized under the permit. No permit shall be extended by the Department more than once. This exception shall not apply to use registration permits where no construction or alteration work is involved.] *See § 14-303(10).*

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SECTION A-305 CONSTRUCTION DOCUMENTS

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A-305.2.1.12 Foundation and soils investigations. The soil classification and design load-bearing capacity shall be shown on the construction documents. The owner or applicant shall submit a foundation and soils

investigation to the code official where required in [Sections B-1802.2.1 through B-1802.2.6 of] the Building Code. Where required by the code official, a written report of the investigation shall be submitted that includes, but need not be limited to, the following information:

* * *

CHAPTER 6
PENALTIES

SECTION A-601 FINES

* * *

A-601.3 Fines for Class III offenses: Notwithstanding subsection A-601.1, any person who violates any of the following provisions shall have committed a Class III offense and shall be subject to the fines set forth in subsection 1-109(3) of The Philadelphia Code:

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17. § 14-906 (*Market Street East Advertising District*).

* * *

CHAPTER 8
APPEALS AND VARIANCES

SECTION A-801 TECHNICAL APPEALS

* * *

A-801.5 Notice of decision. The board shall provide a written notice of its decision to the appellant, the owner or owner's agent, and the code official.

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CHAPTER 9 FEES

* * *

SECTION A-902 BUILDING, FUEL GAS AND MECHANICAL CODE FEES

* * *

A-902.4.4 Approval of revised drawings: For the review of revised drawings subsequent to issuance of the building permit, a fee of [ten] \$10.00 [dollars] per sheet shall be paid. The fee shall be based on the total number of sheets contained on one of the three sets of revised drawings submitted for review. The minimum fee for such approval is \$50.00.

* * *

SECTION A-907.0 ZONING FEES

A-907.1 General: The fees to be paid under the requirements of Title 14 (relating to Zoning) shall be as set forth in this Section; except that no permit fees shall be required of any person applying for a use registration permit for a family day care as defined in Title 14.

A-907.1.1 Permit fees: The schedule of fees for permits that are issued pursuant to the requirements of Title 14 shall be as follows:

1. Zoning Permits:

Lots containing one- or two-family dwellings	\$30.00
All other parcels equal to or less than 30,000 square feet	\$125.00
All other parcels greater than 30,000 square feet	\$250.00

2. Use Registration Permits:

For each use in new construction and for each use change in an existing structure \$125.00

3. Accessory sign permit	\$200.00
4. Non-accessory (outdoor advertising) sign permit	\$315.00
5. Preliminary zoning permit review or conditional zoning approval	\$250.00

A-907.1.2 Zoning Board of Adjustment fees: The fees for matters that are taken before the Board pursuant to §14-303 and regulations promulgated thereto shall be as follows:

Note: Fees indicated are per property.

1. For properties containing a one- or two-family dwelling only	\$125.00
2. For any property not included in subsection (1)	\$250.00
3. For each accelerated hearing before the Board, in addition to the fee specified in (1) or (2) above	\$625.00

Note: The maximum accelerated hearing fee for simultaneous hearings resulting from multiple permit applications shall be \$1,875.00.

4. To request a Zoning Board of Adjustment administrative review, as provided by Zoning Board regulations	\$65.00
5. For a reposting of notices of Zoning Board of Adjustment hearings	\$65.00

A-907.1.3 Administrative services fees: The fees for the review or approval of documents by the Department that are required pursuant to local or state law shall be as follows:

1. Certification of Zoning District Classification	\$100.00
2. Application for a "Certification Statement" required for transfer of real estate pursuant to Pennsylvania Act 652 of 1961	\$100.00
3. For certification that a permit is not required	

\$25.00

4. For a Code Interpretation Letter

\$1,000.00

SECTION 2. Effective date. This Ordinance shall be effective contemporaneous with the effective date of the Ordinance entitled “Repealing Title 14 of The Philadelphia Code, entitled “Zoning and Planning,” and replacing it with a new Title 14 of The Philadelphia Code, entitled “Zoning and Planning”; and making conforming changes to the Zoning Maps of the City; all under certain terms and conditions.”

Explanation:

[Brackets] indicate matter deleted.

Italics indicate new matter added.