

Legislation Text

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Amending Title 14 of the Philadelphia Code, entitled "Zoning and Planning," by revising and clarifying certain provisions and making technical 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:

1. 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

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§14-203. Definitions.

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(138) **[Gasoline Station.**

See § 14-601(8)(c) (Gasoline Station)] *Reserved.*

* * *

(328) **Subdivision.**

A division of any part, lot, or area of land by the owner or his *or her* agent into two or more lots, or changes in existing lot lines, for the purpose of conveyance, transfer, improvement, or sale with or without appurtenant roads, streets, lanes, driveways, and ways dedicated or intended to be dedicated to public use, or the use of purchasers or owners of lots fronting on them. The term subdivision includes re-subdivision and, as appropriate, shall refer to the process of subdividing land or to the land so subdivided.

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(351.1) *Vehicle Fueling Station.*

See § 14-601(8)(c) (Vehicle Fueling Station).

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CHAPTER 14-300. ADMINISTRATION AND PROCEDURES

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§14-301. Reviewers and Decision Makers.

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(3) City Planning Commission.

* * *

(c) Review and Prerequisite Approval Authority.

(.1) The Commission provides prerequisite approvals for:

* * *

(.f) [Reserved.] *Screening for Wireless Service Facilities (Freestanding Towers) that does not conform to the list of trees recommended by the Commission. See § 14-603(16)(d) (Screening)*

* * *

(.m) Zoning permits regarding landscape and screening for parking lots[and garages]. See § 14-803(5) (Parking Landscape and Screening).

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§14-303. Common Procedures and Requirements.

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(13) Public Notice.

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(c) Sign Notice.

Where § 14-303(13)(a) (Required Notices and Responsibilities) requires notice by sign, the notice shall contain the content listed in § 14-303(13)(b) (Content) and shall meet the following requirements.

* * *

(3) Time of Posting.

* * *

(.b) Continued Hearing.

- (.i) If a public hearing is continued to a date that is [seven] *two* or fewer days from the originally noticed hearing date, the applicant is not required to post notice of the continued hearing.
- (.ii) If a public hearing is continued to a date that is more than [seven] *two* days from the originally noticed hearing date, then the applicant shall post notice of the continued hearing from a date [seven] *two* days after the date of the original hearing until the date of the continued hearing, except that an applicant need not post notice more than 21 days prior to the continued hearing.

* * *

(14) Public Hearings of the Zoning Board of Adjustment.

* * *

- (f) Except as provided in § 14-303(14)(g) below, any person may appear in person or by an attorney, and may be accompanied by a family member or translator. Statements by a person's attorney on his *or her* behalf shall not be considered as testimony, except where agreed upon by the parties.

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§14-304. Specific Procedures.

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(5) Civic Design Review.

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(b) Applicability.

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Table 14-304-2: Civic Design Review Triggers

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Civic Design Review is required in the following two cases:		
Location of Applicant's Property	Property Affected by the Application (as defined by § 14-304(5)(b)(.2) (Affected Properties))	Covered Types of Applications
Case 1: The applicant's property is located in <u>any district, except as provided in § 14-304(5)(b)(.1)(a)(i)</u>	AND regardless whether there is any affected property	AND the application: 1. Includes more than 100,000 sq. ft. of new gross floor area; or 2. Includes new expansion of an existing building that creates more than 100 additional dwelling units.
Case 2: The applicant's property is located in a <u>Commercial, Industrial, or Special Purpose district</u>	AND the property affects: property in <u>any RM or RMX district</u>	AND the application: 1. Includes more than 100,000 sq. ft. of new gross floor area; 2. Includes new expansion of an existing building that creates more than 100 additional dwelling units; or 3. Includes a structure more than 20 ft. taller than maximum permitted height for the affected RM- or RMX-zoned lot.

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Civic Design Review is required in the following two cases:	
Location of Applicant's Property	Covered Types of Applications
Case 1: The applicant's property is located in any district, except as provided in § 14-304(5)(b)(.1).	AND the application includes new construction or a structure that: 1. Creates more than 100,000 sq. ft. of new gross floor area, excluding any floor area within an existing structure; 2. Creates more than 100 additional dwelling units, excluding dwelling units within an existing structure.
Case 2: The applicant's property: 1. Is located in any district except as provided in § 14-304(5)(b)(.1); and 2. Affects property in any Residential district, as defined by § 14-304(5)(b)(.2) (Affected Properties).	AND the application includes new construction or a structure that: 1. Creates more than 50,000 sq. ft. of new gross floor area, excluding any floor area within an existing structure; 2. Creates more than 50 additional dwelling units, excluding dwelling units within an existing structure.

* * *

CHAPTER 14-400. BASE ZONING DISTRICTS

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§14-408. SP-AIR, Airport (Special Purpose) District.

* * *

(6) Signs.

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(e) Animated illumination shall be prohibited, unless approved by the [Director of Aviation] Chief Executive Officer of Philadelphia International Airport for navigational purposes.

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CHAPTER 14-500. OVERLAY ZONING DISTRICTS

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§14-502. /CTR, Center City Overlay.

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Table 14-502-1: /CTR Summary Table

Area	Height Control	Setback / Bulk Controls	Supplemental Controls	Parking & Landscape Controls	Sign Control	Special Review	Bulk and Massing Controls
* * *							
Old City Residential			§ 14-502(5)	§ 14-502(6)(f)			
Central	§ 14-502(3)(h)						
Bridge Approach						{§ 14-502(9)}	§ 14-502(9)(a)
* * *							
South Street West				§ 14-502(6)(h)			§ 14-502(9)(b)
* * *							

(3) Height Regulations.

The following height regulations apply to the areas set forth in each subsection. *To the extent a property is subject to a height maximum set forth in this § 14-502(3) (Height Regulations) and a height maximum set forth elsewhere in this Code, the smaller maximum shall apply.* Except for the City Hall area, the accompanying height control maps are for illustrative purposes only.

* * *

(5) Supplemental Use Controls.

For the purposes of this § 14-502(5) (Supplemental Use Controls), the following supplemental use controls apply to the areas listed in Table 14-502-2 and Table 14-502-3.

(a) Use Table 14-502-2.

Principal uses are allowed within the [City] Center City Overlay District in accordance with the use regulations of the underlying zoning district, except as provided in Table 14-502-2 (See accompanying Supplemental Use Controls Area Map for illustrative purposes only). Uses classified as accessory uses 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).

* * *

Table 14-502-2: Supplemental Use Controls in the {City}Center City Overlay District

	Chestnut and Walnut Street Area, East	Chestnut and Walnut Street Area, West	Broad Street Area, South	Broad Street Area, North	Chinatown Area	Old City Residential Area	South Street/Head House Square Area	Use-Specific Standards
N = Not allowed (expressly prohibited) S = Special exception approval required Blank = No overlay-specific regulations apply See § 14-502(5)(a)(.6) (
* * *								
Retail Sales Use Category								
* * *								
Retail Sales of Consumer Goods, Furniture, Appliances, and Equipment (as noted below)								
Drug Paraphernalia Sales	N	N	N	N		N	N	§ 14-603(13)
Gun Shop	N	N	N	N		N	N	§ 14-603(13)
Commercial Services Use Category								
* * *								
Eating and Drinking Establishments (except as noted below)		S[4]	S[4][5]			S[4]		§ 14-603(6)
Take-Out Restaurant	S	S	S	N		S[4]	{N} S	§ 14-603(6)
* * *								

* * *

(6) Parking and Loading Regulations.

The following parking regulations apply to the areas described in each subsection.

(a) Motor Vehicle Ingress and Egress Restrictions.

* * *

(.6) Accessory parking and loading and trash storage areas or structures in any of the following areas:

- (.a) *South Street within the South Street/Head House Square Area, Central; and*
- (.b) *Broad Street within the Broad Street Area, South, except for lots designated “CMX-5” [within the area bounded by]on the east side of Broad Street, between Spruce Street[, Juniper Street, Cypress Street, Watts Street,] and Pine Street[, and Broad Street.]*

* * *

§14-503. /NCA, Neighborhood Commercial Area Overlay.

* * *

(8) North Delaware Avenue.

(a) Applicability.

The requirements of this North Delaware Avenue /NCA Overlay district apply to *commercially zoned properties within* the area bounded by Spring Garden Street, the Delaware River, Lehigh Avenue, Frankford Avenue, Girard Avenue, and 5th Street, except the district shall exclude the area bounded by Laurel Street, Frankford Avenue, and the east side of I-95, as shown on the following North Delaware Avenue map for illustrative purposes only.

* * *

North Delaware Avenue (applies to [all] *commercially-zoned* lots)

* * *

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

* * *

(3) Planning Commission Review.

(a) No building permit shall be issued to construct a building[, demolish 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.

* * *

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

* * *

(6) Impervious Coverage Regulations.

* * *

(c) Additional Impervious Coverage.

Additional impervious coverage in excess of the coverage permitted by § 14-510(6)(a) (Basic Impervious Coverage), above, [shall] *may* be permitted by the Commission, after review and comment by the Water Department and other appropriate City agencies according to the following criteria:

* * *

§14-511. /AHC, Airport Hazard Control Overlay District.

* * *

(4) Nonconforming Uses.

* * *

(b) No person shall rebuild, replace, or substantially alter any nonconforming structure or other object if, in doing so, the new or altered structure or object would present a greater hazard to air navigation, as determined by the [Director of Commerce] *Chief Executive Officer of Philadelphia International Airport* or his or her designee, than the prior, unaltered structure or object presented at the time of adoption of this § 14-511.

* * *

§14-514. /FNE, Far Northeast Overlay District.

* * *

(2) Regulations.

Commercial vehicle repair and maintenance, commercial vehicle sales and rentals, [gasoline] *vehicle fueling* station, personal vehicle repair and maintenance, personal vehicle sales and rentals, and vehicle paint finishing shop uses are prohibited.

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§14-516. /WST, West Overlay District.

* * *

CHAPTER 14-600. USE REGULATIONS

* * *

§14-601. Use Categories.

* * *

(6) Retail Sales Use Category.

This category includes uses involving the sale, lease, or rental of new or used goods to the ultimate consumer within an enclosed structure, unless otherwise specified. The retail sales subcategories are:

* * *

(c) **Consumer Goods.**

Uses that sell or otherwise provide furniture, appliances, equipment, and similar consumer goods, large and small, functional and decorative, for use, entertainment, comfort, or aesthetics. This use subcategory shall include establishments that sell cigarettes and other lawful smoking tobacco products. The following are consumer goods specific use types:

* * *

(.1) **Drug Paraphernalia Stores.**

Any retail store selling paraphernalia commonly related to the use of any drug or narcotic, [of which] the sale, use or possession of *which drug or narcotic* is subject to the provisions of “The Controlled Substance, Drug, Device and Cosmetic Act,” 1972, April 14, P.L. 233, No. 64, 51 et seq., 35 P.S. §§ 780-101 et seq., including, but not limited to, water pipes, pipe “screens,” hashish pipes, “roach” clips, “coke” spoons, “bongs,” and cigarette rolling paper, except that this term does not include the sale of cigarette rolling paper by a store that also sells loose tobacco or the sale by prescription of implements needed for the use of prescribed drugs or narcotics.

* * *

(8) **Vehicle and Vehicular Equipment Sales and Services Use Category.**

This category includes uses that provide for the sale, rental, maintenance, or repair of new or used vehicles and equipment. The vehicle and vehicular equipment sales and services subcategories are:

* * *

(c) **[Gasoline] Vehicle Fueling Station.**

Uses engaged in retail sales of personal or commercial vehicle fuels.

* * *

§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.

* * *

Table 14-602-2: Uses Allowed in Commercial Districts

Previous District Name	C-1	C-2/ RC-2	(/NCC)	C-3/ RC-3	C-4	C-5	C-7/ NSC	ASC	
District Name	CMX-1	CMX-2	CMX-2.5	CMX-3	CMX-4	CMX-5	CA-1	CA-2	Use-Specific Standards
Y = Yes permitted as of right S = Special exception approval required N = Not allowed (expressly prohibited) Uses not listed in this table are prohibited									
* * *									
Public, Civic, and Institutional Use Category									
* * *									
Utilities and Services, Basic	{Y}S	{Y}S	N	{Y}S	{Y}S	{Y}S	{Y}S	{Y}S	
* * *									
Vehicle and Vehicular Equipment Sales and Services Use Category									
{Gasoline} Vehicle Fueling Station	N	N	N	Y	Y	Y	S	Y	§ 14-603(8)
* * *									

* * *

Table 14-602-3: Uses Allowed in Industrial Districts

Previous District Name	New	L4/L-5	L1/L2/L3	G1/G2	LR	PI	
District Name	IRMX	ICMX	I-1	I-2	I-3	I-P	Use-Specific Standards
Y = Yes permitted as of right S = Special exception approval required N = Not allowed (expressly prohibited) Uses not listed in this table are prohibited							
* * *							
Vehicle and Vehicular Equipment Sales and Services Use Category							
* * *							
{Gasoline} Vehicle Fueling Station	N	Y	Y	Y	Y	N	§ 14-603(8)
* * *							

* * *

§14-603. Use-Specific Standards.

* * *

(8) [Gasoline] Vehicle Fueling Station.

The use-specific standards of this subsection apply to all new service stations and to all additions to existing service stations that result in the addition of two or more [gas]fuel pumps or the addition of more than 1,500 sq. ft. of floor area or paved area.

* * *

(b) The following activities are permitted in association with [gasoline] *vehicle fueling* station uses:

* * *

CHAPTER 14-700. DEVELOPMENT STANDARDS

* * *

§14-701. Dimensional Standards.

* * *

(2) Residential District Dimensional Tables.

* * *

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

* * *

[1] In the RM-1 district, a lot containing at least 1,920 sq. ft. of land may be divided into lots with a minimum lot size of 960 sq. ft., provided that:

(.a) At least 75% of lots adjacent to the lot to be divided are 1,000 sq. ft. or less; *and*

{(.b) Each of the lots created is used for one single-family or one two-family attached home; and}

{(.c)}(.b) Each of the lots created meets the minimum lot width requirement of the zoning district.

* * *

(4) Industrial District Dimensional Table.

* * *

Table 14-701-4: Dimensional Standards for Industrial Districts

Previous District Name	New District	L4/L5	L1/L2/L3	G1/G2	LR	PI
	IRMX	ICMX	I-1 [1]	I-2	I-3	I-P [2]
See § 14-701(4)(a) (Notes for Table 14-701-4) for information pertaining to bracketed numbers (e.g., “[2]”) in table cells.						
		Denotes zoning requirements not applicable				

* * *						
Yards						
* * *						
Min. Rear Yard Depth (ft.)	8 if used [3]	8 if used [3]	50 if abutting a Residential or SP-PO district [3]; otherwise 12	8 if used [3]	8 if used [3]	0 [3]
* * *						

* * *

CHAPTER 14-800. PARKING AND LOADING

* * *

§14-802. Motor Vehicle Parking Ratios

* * *

(5) Parking for Persons with Disabilities.

(a) Required Spaces.

Where off-street parking is provided, accessible parking spaces complying with ICC/ANSI A117.1 shall be provided in compliance with Table 14-802-4. For every [eight] *six* or fraction of [eight] *six* accessible parking spaces required by Table 14-802-4, at least one shall be a van-accessible parking space complying with ICC/ANSI A117.1.

Table 14-802-4: Required Parking for Persons with Disabilities

Total Parking Spaces Provided	Minimum Number of Accessible Spaces
* * *	* * *
{210} 201 to 300	7
* * *	* * *

* * *

(8) Adjustments and Alternatives.

The minimum parking requirements listed in this Chapter 14-800 may be adjusted as follows:

(a) Sharing of Parking Spaces.

Where two land uses listed in separate use categories in § 14-601 (Use Categories) share a parking lot, parking lots, or structure, the total off-[site]street parking required for those uses may be reduced by the factors shown in Table 14-802-6. Total off-street parking required shall be the sum of the two parking requirements for the two uses divided by the

factors in Table 14-802-6. For example, where a development includes both (a) public, civic, and institutional uses and (b) retail sales uses, the amount of parking required is the sum of the parking required for the two uses divided by 1.3.

* * *

(9) Off-Site Parking.

Required accessory parking in a CMX-3, CMX-4, or CMX-5 zoning district[, except required parking for persons with disabilities,] may be provided on a lot separate from the lot on which the principal use is located; provided that the [off-site]parking complies with all of the following standards.

* * *

(e) *If any parking is provided on-site, it shall include required accessory parking for persons with disabilities before providing other parking spaces.*

* * *

§14-803. Motor Vehicle Parking Standards.

* * *

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]
* * *			
Spaces for Buildings where occupancy is age-restricted to those 60 years of age or older	10	{18} Same as for regular spaces	Same as for regular spaces
* * *			

* * *

Table 14-804-1: Required Bicycle Parking

* * *	
Multi-Family Buildings	
Number of Dwelling Units	Minimum Number of Class 1A Bicycle Parking Sp
Fewer than 12 dwelling units	0
12 or more dwelling units	1 per every 3 dwelling units or fraction thereof
12 or more dwelling units, where building occupancy is age-restricted to those 60 years of age or older	1 per every 10 dwelling units or fraction thereof
* * *	

* * *

Table 14-805-1: Stacking Space Requirements

Activity	Minimum Stacking Spaces (per lane)	Measured From:
* * *		
{Gasoline} <i>Vehicle Fueling Stations</i>	2	End of Pump Island

* * *

CHAPTER 14-900. SIGNS

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§14-904. Accessory Sign Controls.

* * *

Table 14-904-1: Accessory Sign Controls for Specific Zoning Districts

* * *

		CMX-4/5	
		Permitted Sign Types:	
		Wall, Projecting, and Marquee	Freestanding
Standards	Maximum Number	N/A	1 per frontage
	Maximum Area	2 sq. ft. per lin. ft. of [s <i>floor</i> frontage; 100 sq. ft.	50 sq. ft. / face; up to 4 faces
	Maximum Height	The lower of the roof lin floor window sill	10 ft.
	Additional Requirements	Notwithstanding § 14-904, projecting signs shall not be more than 24 in. over any pub way	N/A
* * *			

		CA-1	
		Permitted Sign Types:	
		Wall, Projecting, and Marquee	Freestanding
Standards	Maximum Number	N/A	1 per lot

	Maximum Area	10 sq. ft. per lin. ft. of <i>ground floor</i> frontage	200 sq. ft. / face, up to 2 faces
	Maximum Height	The lower of the roof line and second floor window sill	40 ft.
* * *			

* * *

		CA-2	
		Permitted Sign Types:	
		Wall, Projecting, and Marquee	Freestanding
Standards	Maximum Number	N/A	1 per 15,000 sq. ft. of lot area
	Maximum Area	10 sq. ft. per lin. ft. of <i>ground floor</i> frontage	150 sq. ft. / face, up to 4 faces
	Maximum Height	The lower of the roof line and second floor window sill	40 ft.
* * *			

* * *

§14-906. Market Street East Sign Regulations.

* * *

(3) Sign Regulations.

The following regulations shall apply to signs that are subject to this § 14-906 (Market Street East Sign Regulations), provided that the conditions of § 14-906(4) (Criteria for Public Improvements) and § 14-906(5) (Limitations), below, are satisfied. In the event of a conflict between any provision of this § 14-906 and any other provision of this Zoning Code, the provision of this § 14-906 shall control.

(a) The following types of accessory and non-accessory signs shall be permitted:

* * *

[(.6) Temporary freestanding signs;]

[(.7)] (.6) Roof signs, if located on a building on which a roof sign was situated at any time prior to January 1, 1950; and

[(.8)] (.7) Signs with animated illumination, mechanical motion, or digital displays, provided that:

* * *

(e) Non-accessory signs are exempt from the:

* * *

(.5) Height regulations of 14-905(5).

* * *

(4) Criteria for Public Improvements.

The Commission shall approve a public improvement only if it determines that all of the following criteria have been satisfied:

* * *

(c) The public improvement has been completed prior to the application for a zoning permit, or will be completed pursuant to an approved investment schedule prepared in accordance with subsections (.1) through (.3), below. Upon completion of the public improvement, the applicant shall submit to the Commission a Final Certificate of Payment that it is confirmed by a licensed architect indicating that the applicant has completed the minimum required investment.

* * *

(.2) The investment schedule shall indicate that a minimum of 6 million dollars will be invested within [one year] *eighteen months* of issuance of [all necessary] *the sign* permit[s and approvals for construction of the public improvement]; and the total 10 million dollar required investment shall be made within two years *and six months* of issuance of *the sign* [all necessary] permit[s and approvals for construction of the public improvement]. *An applicant may request an extension of that time for a maximum of an additional twelve months, for good cause shown.* The applicant shall submit a Certificate of Payment that is confirmed by a licensed architect annually to the Commission to demonstrate compliance with the investment schedule.

* * *

CHAPTER 14-1000. HISTORIC PRESERVATION

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§14-1003. Historical Commission.

(1) Appointment.

The Mayor shall appoint a Philadelphia Historical Commission consisting of:

(a) The following individuals:

(.1) President of City Council or his *or her* designee;

* * *

(.5) the Chairman of the City Planning Commission or his *or her* designee;

(.6) the Director of Housing or his *or her* designee; and

* * *

§14-1005. Regulation.

(5) Submission Requirements.

* * *

(b) In any instance where there is a claim that a building, structure, site, or object cannot be used for any purpose for which it is or may be reasonably adapted, or where a building permit application for alteration, or demolition is based, in whole or in part, on financial hardship, the owner shall submit, by affidavit, the following information to the Historical Commission:

* * *

(.4) All appraisals obtained by the owner in connection with his *or her* purchase or financing of the property, or during his *or her* ownership of the property;

* * *

SECTION 2. This Ordinance shall become effective immediately.

Explanation:

[Brackets] indicate matter deleted.

Italics indicate new matter added.