

Legislation Details (With Text)

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Title:	Amending Title 14 of The Philadelphia Code, entitled "Zoning and Planning," by revising certain provisions, including provisions relating to definitions, civic design review, the Center City Overlay District, the East Falls Neighborhood Commercial Overlay District, use categories and regulations, certain residential district dimensional standards, and parking and loading regulations for certain residential and commercial districts, all under certain terms and conditions.				
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Date	Ver.	Action By	Action	Result	Tally
12/18/2013	1	MAYOR	SIGNED		
12/12/2013	1	CITY COUNCIL	PASSED	Pass	16:0
12/5/2013	1	CITY COUNCIL	ORDERED PLACED ON THIS DAY'S FIRST READING CALENDAR		
12/5/2013	1	CITY COUNCIL	SUSPEND THE RULES OF THE COUNCIL	Pass	
12/5/2013	1	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	AMENDED		
12/3/2013	1	Committee on Rules	REPORTED FAVORABLY, RULE SUSPENSION REQUESTED		
10/31/2013	0	CITY COUNCIL	Introduced and Referred	Pass	

Amending Title 14 of The Philadelphia Code, entitled "Zoning and Planning," by revising certain provisions, including provisions relating to definitions, civic design review, the Center City Overlay District, the East Falls Neighborhood Commercial Overlay District, use categories and regulations, certain residential district dimensional standards, and parking and loading regulations for certain residential and commercial districts, 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 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.

* * *

(9.2) Building Frontage in Calculating Sign Size. *The sign area for each street shall be computed separately. Unless otherwise provided by this Zoning Code, the area of signage allowed for each building frontage shall not be combined and placed on a single frontage to determine the permitted size of signs.*

(9.3) Store Frontage in Calculating Sign Size. *The sign area for each store frontage shall be computed separately. Unless otherwise provided by this Zoning Code, the area of signage allowed for each store frontage shall not be combined and placed on a single frontage to determine the permitted size of signs.*

* * *

(13) Open Area. The total areas of the lot that are not counted as occupied area. Alleys, easements, and shared driveways shall [not] be included as part of open area.

* * *

§ 14-203. Definitions.

For 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.

* * *

70.1 Commissaries and Catering Services. *See § 14-601(7)(o) (Commissaries and Catering Services).*

* * *

188.1 Movie Theater. *See § 14-601(7)(c)(.5) (Movie Theater).*

* * *

CHAPTER 14-300. ADMINISTRATION AND PROCEDURES

* * *

§ 14-303. Common Procedures and Requirements.

* * *

(15) Appeals.

(a) Appeals to Zoning Board of Adjustment.

* * *

- (.9) No special *exception or variance* [exception, variance, or Zoning Board approval] shall be granted unless the person who owns the property for which the application is made has provided documentation satisfactory to the Zoning Board verifying that all of the person's taxes due on the subject property pursuant to Title 19 of The Philadelphia Code are current or are subject to a payment agreement; or produces evidence that denial of the application will result in an unconstitutional taking of the property for which it is sought. The following exceptions shall apply:

* * *

§ 14-304. Specific Procedures.

* * *

(3) Zoning Map and Text Amendments.

* * *

(e) Special Provisions for Master Plan Districts.

* * *

- (.1) **Master Plan Districts Generally.** The procedures of this § 14-304(3)(e)(.1) apply to the master plan districts listed in Table 14-304-1, other than the SP-ENT, Entertainment (Special Purpose) District. See § 14-304(3)(e)(.2) below for procedures relating to the SP-ENT, Entertainment (Special Purpose) District.

- (.a) Before any rezoning of such land into that district and any change to the official zoning map may become [effective:] *effective, City Council shall approve by ordinance a master plan for the development of that land.*

[(.i) The Civic Design Review procedures set forth in § 14-304(5) (Civic Design Review) must be completed; and]

[(.ii) City Council shall approve by ordinance a master plan for the development of land.]

* * *

(5) Civic Design Review.

* * *

(b) Applicability.

(.1) Required Review.

- (.a) The civic design review procedures of this subsection apply to [the rezoning of any land into certain master plan districts as set forth in § 14-304(3)(e)(.1) and] any development that meets the criteria in Table 14-304-2 (Civic Design Review Triggers), except for:

* * *

- (.ii) A building with a primary use in the industrial use category in an Industrial district; [and]
- (.iii) Wireless service [facilities.] *facilities; and*
- (.iv) *Development on a lot located within the SP-INS district that does not front on a legally open confirmed street.*

* * *

Table 14-304-2: Civic Design Review Triggers

Civic Design Review is required in the following [three] <i>two</i> 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</u>	AND regardless whether there is any affected property	AND the application: 1. Includes more than 1 gross floor {area or more than 100 new dwell <i>Includes new construction or an expansion of that creates more than 100 additional dwellin</i>
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 5 gross floor area; 2. Includes <i>new construction</i> existing building that creates more than 50 ad dwelling units; or 3. Includes buildings that a than maximum permitted height of an affecte lot.
{Case 3: The applicant's property is located in an <u>RM, RMX, Commercial, Industrial, or Special Purpose district</u>	{AND the property affects: property in <u>any RSD, RSA, or RTA district</u>	{AND the application: 1. Includes more than gross floor area; 2. Includes more than 25 nev Includes buildings that are more than 20 ft. ta permitted height of an affected RSD-, RSA-,

* * *

CHAPTER 14-500. OVERLAY ZONING DISTRICTS

* * *

§ 14-502. /CTR, Center City Overlay.

* * *

(5) Supplemental Use Controls.

* * *

Table 14-502-2: Supplemental Use Controls in the City Center 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
***	***	***	***	***	***	***	***	***
Commercial Services Use Category								

***	***	***	***	***	***	***	***	***
Eating and Drinking Establishments (except as noted below)		S[4]	S[4]			S[4]		§ 14-603(6)
Take-Out Restaurant	{N}S	{N}S	{N}S	N		S[4]	N	§ 14-603(6)
***	***	***	***	***	***	***	***	***

(6) Parking and Loading Regulations

* * *

(g) Parking Regulations for Certain Commercial Uses. *In the Center City Commercial Area (see Parking and Loading Regulations Area Map 4 for illustrative purposes only), movie theaters shall be exempt from minimum parking requirements.*

* * *

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

* * *

(2) East Falls Neighborhood.

* * *

(c) Parking. *This subsection 14-503(2)(c) ("Parking") shall apply to non-residential uses only.*

* * *

(d) Curb Cuts.

* * *

(.2) Permitted curb cuts are limited to one curb cut per 100 lineal ft. of lot *frontage*. [frontage with a maximum width of 20 ft. for any curb cut.]

* * *

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:

* * *

- (d) Food, Beverages, and Groceries.** Uses that sell or otherwise provide food or beverages for off-premise consumption, including grocery stores and similar uses that provide incidental and accessory food and beverage service as part of their primary retail sales business. The following are food, beverage, and groceries specific use types:

* * *

- (g) Wearing Apparel and Accessories.** Uses that sell or otherwise provide goods to cover, protect, or visually enhance the human form. *This use subcategory shall include establishments that sell jewelry, watches, and other related goods and may provide repair, custom fabrication, and cleaning, provided that such activity is clearly incidental to the principal use of the establishment.*

* * *

- (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:

* * *

- (c) Assembly and Entertainment.** Uses that provide gathering places for participant or spectator recreation, entertainment, or other assembly activities. Assembly and entertainment uses may provide incidental food or beverage service for on- or off-premise consumption. The following are assembly and entertainment specific use types:

* * *

- (.5) Movie Theater.** *An enclosed building where patrons gather to view motion pictures. This specific use type shall not include adult motion picture theaters.*

* * *

- (f) Eating and Drinking Establishments.** Uses that prepare or serve food or beverages for on- or off-premise consumption. Establishments that meet the definition of a use classified in the eating and drinking establishments use subcategory and that also include occasional live entertainment may be classified as eating and drinking establishment uses, provided that any establishment that meets the definition of a nightclub and private club use must be classified and regulated as a nightclub and private club (See § 14-601(7)(c)(3) (Nightclubs and Private Clubs)). The following are eating and drinking establishment specific use types:

* * *

- (o) Commissaries and Catering Services.** *Uses that prepare food only to be sold or served off-site, provided the use does not meet the definition of an industrial use.*

* * *

§ 14-602. Use Tables

* * *

(3) Residential Districts.

* * *

Table 14-602-1: Uses Allowed in Residential Districts

Previous District Name	R1	R1A	R2	R3	R4	R5	R6/7	R9A/ 10A/ 20	R5A	R8/9/ 10/10 B/18/ 19	R11/ 11A/ 12/13	R14	R15/ 16	RC-6	WR D/ ITD	RC-4	
District Name	RSD- 1	RSD- 2	RSD- 3	RSA- 1	RSA- 2	RSA- 3	RSA- 4	RSA- 5	RTA- 1	RM- 1	RM- 2	RM- 3	RM- 4	RMX- 1	RMX- 2	RMX- 3	Use- Specific Standards
***	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***
Commercial Services Use Category																	
***	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***
Visitor Accommodations	N	N	N	N	N	N	N	N	N	N	N	N	S	N	Y[4]	Y[5]	
<i>Commissaries and Catering Services</i>	N	N	N	N	N	N	N	N	N	N	N	N	N	Y[3]	Y[4]	Y[5]	
***	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***

* * *

(4) Commercial Districts.

* * *

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		
tx9072District Name	CMX-1	CMX-2	CMX-2.5	CMX-3	CMX-4	CMX-5	CA-1	CA-2	Use-Specific Standards
***	***	***	***	***	***	***	***	***	***
Commercial Services Use Category									
***	***	***	***	***	***	***	***	***	***
Visitor Accommodations	N	Y	Y	Y	Y	Y	N	Y	
Commissaries and Catering Services	N	Y	Y	Y	Y	Y	Y	Y	
***	***	***	***	***	***	***	***	***	***

* * *

(5) Industrial Districts.

* * *

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

Previous District Name	New	L4/L-5	L1/L2/L3	G1/G2	LR	PI	
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District Name	IRMX	ICMX	I-1	I-2	I-3	I-P	Use-Specific Standards
***	***	***	***	***	***	***	***
Commercial Services Use Category							
***	***	***	***	***	***	***	***
Visitor Accommodations	Y	N	N	N	N	N	
<i>Commissaries and Catering Services</i>	Y	Y	N	N	N	N	
***	***	***	***	***	***	***	***

* * *

(6) Special Purpose Districts.

* * *

Table 14-602-4: Uses Allowed in Special Purpose Districts

Previous District Name	IDD	CED	SSD	REC-P	REC	New	
District Name	SP-INS	SP-ENT	SP-STA	SP-PO-P	SP-PO-A	SP-AIR	Standards
* * *	***	***	***	***	***	***	***
Urban Agriculture Use Category							
Community Garden	Y	Y	Y	{N}Y	{N}Y	Y	§ 14-603(15)
Market or Community-Supported Farm	S	N	N	{N}S	{N}S	Y	§ 14-603(15)

* * *

§ 14-604. Accessory Uses and Structures.

* * *

(1) General.

* * *

- (d) Accessory structures must be constructed in conjunction with or after the principal structure. They may not be constructed before the principal structure. An accessory structure for a residential use shall not exceed *the greater of 200 sq. ft. or 25 percent of the gross floor area of the principal structure and shall not exceed 15 feet in height*, unless otherwise stated by other provisions of the Zoning Code.

* * *

CHAPTER 14-700. USE REGULATIONS**§ 14-701. Dimensional Standards.**

* * *

(2) Residential District Dimensional Tables.

* * *

Table 14-701-1: Dimensional Standards for Lower Density Residential Districts

Previous District Name	R1	R1A	R2	R3	R4	R5	R6/7	R9A/10A	R5A
District Name	RSD-1	RSD-2	RSD-3	RSA-1	RSA-2	RSA-3	RSA-4	RSA-5	RTA-1
***	***	***	***	***	***	***	***	***	***
Rear Yard									
Min. Depth (ft.)	30	30	25	25	20	Single-Family 15; other 20	Single-Family 20; other 25	{The greater of 9 ft. or 20% of the lot depth} 9 [7]	Single-Family 15; Other 20
***	***	***	***	***	***	***	***	***	***

* * *

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
***	***	***	***	***	***	***	***
Rear Yard							
Min. Depth (ft.)	{The greater of 9 ft. or 20% of lot depth} 9 [9]	[7]	20	5 if used			
***	***	***	***	***	***	***	***

* * *

CHAPTER 14-800. PARKING AND LOADING

* * *

§ 14-803. Motor Vehicle Parking Standards.**(1) Accessory Parking Standards.****(a) Permitted Types.** Accessory parking may be provided as follows:

* * *

(.3) Private residence parking garages and carports, provided that:

* * *

[(c) L&I shall not issue a zoning permit for a private residence garage or carport accessed by a street, alley, or shared driveway less than 36 ft. wide unless the Streets Department has determined that there is sufficient maneuver space between the street, alley, or shared driveway and the garage or carport entrance.]

* * *

(c) Additional Regulations for RSA-5, RM-1, CMX-2, and CMX-2.5 Districts. Notwithstanding

the [provision] *provisions* of this Zoning Code, accessory parking *for any single-family, two-family or multi-family use in an attached building* in the RSA-5, RM-1, CMX-2, and CMX-2.5 districts *shall be prohibited unless it can be accessed from a shared driveway, alley, or rear street.* [shall comply with the following:]

[(.1) Except as provided in § 14-803(1)(c)(.2), below, off-street parking in excess of the minimum number of spaces required for any single-family, two-family, or multi-family use in an attached building or on a lot less than 20 ft. wide shall require special exception approval, unless the parking is accessed by a rear street, rear shared driveway, or rear alley.]

[(.2) For single-family uses in the RSA-5 district, off-street parking shall be prohibited, unless one or more of the following criteria are satisfied:]

[(a) The parking is accessed by a rear street, rear shared driveway, or rear alley.]

[(b) All of the immediately abutting lots have off-street parking that is accessed from a street on which the subject property fronts.]

* * *

(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.

* * *

(b) Off-site accessory parking must be located in a district where *either* non-accessory parking is a permitted use *or the proposed location has zoning approval for non-accessory parking.*

* * *

§ 14-806. Off-Street Loading.

All development shall comply with the off-street loading standards in this section. In the case of mixed-use buildings or developments, off-street loading requirements shall [only apply to that portion of the building or development in nonresidential use, and only if required by the standards in this section.] *be calculated by determining the required loading spaces for the cumulative gross floor area occupied by each group of uses listed in each row of Table 14-806-1 or Table 14-806-2, as applicable, and then taking the highest result of these calculations.*

* * *

(1) **General Requirement for All Districts Except RMX-3, CMX-4, and CMX-5.** Every building on a property that is abutting two or more streets shall provide off-street loading spaces in accordance with Table 14-806-1.

Use	Gross Floor Area (Sq. Ft.)	Required Loading Spaces
***	***	***
Commercial Districts except CMX-4 and CMX-5		

Office, Hospital, Public, Civic, and Institutional, [or Visitor Accommodation] <i>Visitor Accommodation, or Residential</i>	100,000 - 150,000	1
	150,001 - 400,000	2
	400,001 - 660,000	3
	660,001 - 970,000	4
	970,001 - 1,300,000	5
	Over 1,300,000	1 additional space per each additional 350,000 sq. ft.
All other permitted uses	20,000 - 40,000	1
	40,001 - 100,000	2
	100,001 - 160,000	3
	160,001 - 240,000	4
	240,001 - 320,000	5
	Over 320,000	1 additional space per each additional 90,000 sq. ft.
***	***	***

* * *

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

Explanation:

[Brackets] indicate matter deleted.

Italics indicate new matter added.