Legislation Details (With Text)

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File created:	4/4/2019		**In control:**	Committee on Rules	
On agenda:			**Final action:**	6/20/2019	
Title:	Amending Title 14 of The Philadelphia Code, entitled “Zoning and Planning,” by providing for Adult Care, clarifying Day Care as Child Care, and related changes, under certain terms and conditions.				
Sponsors:	Councilmember Green				
Indexes:	ADULT CARE				
Code sections:	Title 14 - ZONING AND PLANNING				
Attachments:	1. Bill No. 19025301, As Amended.pdf, 2. CertifiedCopy19025301				

Date	Ver.	Action By	Action	Result	Tally
7/24/2019	1	MAYOR	SIGNED		
6/20/2019	1	CITY COUNCIL			
6/13/2019	1	CITY COUNCIL	SUSPEND THE RULES OF THE COUNCIL		
6/13/2019	1	CITY COUNCIL	ORDERED PLACED ON THIS DAY`S FIRST READING CALENDAR		
6/13/2019	1	CITY COUNCIL	READ AND ORDERED PLACED ON NEXT WEEK'S SECOND READING CALENDAR		
6/12/2019	0	Committee on Rules			
6/12/2019	0	Committee on Rules			
6/12/2019	0	Committee on Rules			
6/12/2019	1	Committee on Rules			
4/4/2019	0	CITY COUNCIL			

Amending Title 14 of The Philadelphia Code, entitled “Zoning and Planning,” by providing for Adult Care, clarifying Day Care as Child Care, and related 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 [ ].

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TITLE 14. ZONING AND PLANNING

* * *

Chapter 14-200. DEFINITIONS

* * *

§ 14-203. Definitions.

* * *

(4.1)Adult Care.

See § 14-601(4)(q) (Adult Care).

* * *

(82) [Day] *Child* Care.

See § 14-601(4)(c) [(Day] *(Child* Care).

(83) [Day] *Child* Care Center.

See § 14-601(4)(c)(.3) [(Day] *(Child* Care).

(84) [Day] *Child* Care, Family.

See § 14-601(4)(c)(.1) (Family [Day] *Child* Care).

(85) [Day] *Child* Care, Group.

See § 14-601(4)(c)(.2) (Group [Day] *Child* Care).

* * *

Chapter 14-400. BASE ZONING DISTRICTS

* * *

§ 14-406. SP-STA, Sports Stadium (Special Purpose) District.

* * *

(2) Use Regulations.

* * *

(b) The following accessory uses are permitted in SP-STA districts, except that regulated uses, as set forth in § 14-603(13) (Regulated Uses), shall be prohibited:

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* * *

(.4) [Day] *Child* care;

* * *

(.9) Personal services; [and]

(.10) Visitor [accommodations.] *accommodations; and*

(.11) Adult care.

* * *

§ 14-407. SP-PO, Parks and Open Space (Special Purpose) District.

* * *

(3) Use Regulations.

* * *

(b) The following accessory uses are permitted in the SP-PO districts:

* * *

(.2) [Day] *Child* care *and Adult Care* in recreational buildings; and

* * *

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

* * *

(6) Ridge Avenue.

* * *

(f) Use Regulations.

* * *

(.2) Special Exceptions.

* * *

(.c) Group [day] *child* care.

* * *

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CHAPTER 14-600. USE REGULATIONS

§ 14-601. Use Categories.

* * *

(4) Public, Civic, and Institutional Use Category.

* * *

(c) [Day] *Child* Care.

Uses providing care, protection, and supervision for children [or adults] for a fee on a regular basis away from their primary residence for less than 24 hours per day. Examples include preschools, nursery schools, Head Start programs, *and* latch key [programs, and adult daycare programs] *programs*. The following are not regulated as [day] *child* care uses: (i) care given by guardians, *or* relatives [or Life Partners] of the [children or adults,] *children,* or (ii) care given away from the primary residence of the children [or adults] by babysitters or caregivers for fewer than 10 hours per week. For the purposes of the [day] *child* care use subcategory, the term "relative" shall mean a [spouse,] parent, [child,] stepparent, [stepchild,] grandparent, [grandchild,] brother, sister, half brother, half sister, aunt, [uncle, niece, or nephew.] *or uncle.* The following are [day] *child* care specific use types:

(.1) Family [Day] *Child* Care.

The provision of care within the [day] *child* care provider's primary residence for children who are not relatives of the provider. See also the family [day] *child* care use-specific standards of § 14-603(5) [(Day] *(Child* Care).

(.2) Group [Day] *Child* Care.

The provision of care in a facility that is not the [day] *child* care provider's primary residence for up to [12] *13* children [or up to 12 adults] who are not relatives of the provider. See also the group [day] *child* care use-specific standards of § 14-603(5) [(Day] *(Child* Care).

(.3) [Day] *Child* Care Center.

The provision of care in a facility that is not the [day] *child* care provider's primary residence for [13 or more adults or 13] *14* or more children who are not relatives of the provider. See also the [day] *child* care center use-specific standards of § 14-603(5) [(Day] *(Child* Care).

* * *

(q) Adult Care.

Uses providing care, protection, and supervision for adults for a fee on a regular basis away from their primary residence for less than 24 hours per day. The following are not regulated as adult care uses: (i) care given by guardians, relatives or Life Partners of the adults, or (ii) care given away from the primary residence of the adults by caregivers for fewer than 10 hours per week. For the purposes of the adult care use subcategory, the term "relative" shall mean a spouse, parent, child, stepparent, stepchild, grandparent, grandchild, brother, sister, half brother, half sister, aunt, uncle, niece, or nephew.

§ 14-602. Use Tables.

* * *

(3) Residential Districts.

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Building types are permitted in Residential districts in accordance with Table 14-602-1.A. Principal uses are allowed in Residential districts in accordance with Table 14-602-1. 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).

* * *

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

Previous District Name	**R1**	**R1A**	**R2**	**R3**	**R4**	**R5**	**R6/7**	**R9A/ 10A/ R20**	**RSA**	**R8/9/ 10/10 B/18/ 19**	**R11/1 1A/1 2/13**	**R14**	**R15/ 16**	**RC-6**	**WR D/IT D**	**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**
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																	
Adult Care	*N*	*N*	*N*	*N*	*N*	*N*	*N*	*N*	*Y*	*Y*	*Y*	*Y*	*Y*	*Y*	*Y*	*Y*	
Community Center	N	N	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	Y	N	
{Day} *Child* Care (as noted below)																	
Family {Day} *Child* Care	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	§ 14-603(5)
Group {Day} *Child* Care	N	N	N	N	N	N	N	S[2]	S[2]	S[2]	S[2]	S[2]	S[2]	Y	Y	Y	§ 14-603(5)
{Day} *Child* Care Center	N	N	N	N	N	N	N	N	N	N	N	N	N	Y	Y	Y	§ 14-603(5)
* * *																	

(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).

* * *

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									
Adult Care	*Y*	*Y*	*Y*	*Y*	*Y*	*Y*	*Y*	*Y*	
Community Center	N	Y	S	Y	Y	Y	N	N	

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{Day} *Child* Care (as noted below)									
Family {Day} *Child* Care	Y	Y	Y	Y	Y	Y	N	N	§ 14-603(5)
Group {Day} *Child* Care	Y	Y	Y	Y	Y	Y	Y	Y	§ 14-603(5)
{Day} *Child* Care Center	S	Y	Y	Y	Y	Y	Y	Y	§ 14-603(5)
* * *									

(5) Industrial Districts.

Principal uses are allowed in Industrial districts in accordance with Table 14-602-3. 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).

* * *

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** [3]	**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							
* * *							
Public, Civic, and Institutional Use Category							
Adult Care	*Y*	*Y*	*N*	*N*	*N*	*N*	
{Day} *Child* Care	Y	Y	N	N	N	N	§ 14-603(5)
* * *							

(6) Special Purpose Districts.

Principal uses are allowed in special purpose zoning districts in accordance with Table 14-602-4. 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 14-602-4.

[1] In addition to the regulations of this Zoning Code, uses in the SP-PO district are subject to Pennsylvania law. Uses on City-owned park and open land are also subject to approval by DPR.

[2] {Day} *Child* care uses shall be enclosed within a building and may be located within the terminal complex. {Day} *Child* care services may not be located within buildings containing uses listed in § 14-601(4)(a)(.4) to § 14-601(4)(a)(.17).

* * *

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

Previous District Name	**IDD**	**CED**	**SSD**	**REC-P**	**REC**	**New**	

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District Name	**SP-INS**	**SP-ENT**	**SP-STA**	**SP-PO-P**	**SP-PO-A**	**SP-AIR**	**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							
Airport-Related Facilities	N	N	N	N	N	Y	
Adult Care	*Y*	*N*	*Y*	*N*	*Y*	*N*	
Community Center	Y	N	N	N	Y	N	
{Day} *Child* Care	Y	N	Y	N	N	S[2]	§ 14-603(5)
* * *							

§ 14-603. Use-Specific Standards.

* * *

(5) [Day] *Child* Care.

(a) Family [Day] *Child* Care.

(.1) A family [day] *child* care use must be located in a single-family or two-family residence and is permitted to occupy the same lot as the residence as another principal use. The family [day] *child* care use must be operated by the resident owner of the residence or a resident tenant authorized by the owner.

(.2) Family [day] *child* care uses are limited to providing care to a maximum of six children, or, if approved by special exception, twelve children, except within "Area 3" as defined below family [day] *child* care uses are limited to providing care to a maximum of six children; and within "Area 1" and "Area 2," as defined below and shown on the following two maps for illustrative purposes only, family [day] *child* care uses are limited to providing care to four or fewer children.

(.a) Area 1: Forty-first Ward: All Divisions; Forty-fifth Ward: Divisions 1-6; 12; 15; 20; 23; 25; Fifty-fourth Ward: Divisions 7-22; Fifty-fifth Ward: All Divisions; Fifty-seventh Ward: All Divisions; Sixty-second Ward: Divisions 17; 21-22; 24-26; Sixty-fourth Ward: All Divisions; Sixty-fifth Ward: All Divisions.

(.b) Area 2: Fifty-sixth Ward: All Divisions; Fifty-eighth Ward: All Divisions; Sixty-third Ward: All Divisions; Sixty-sixth Ward: All Divisions.

(.c) Area 3: All lots within the 9th Councilmanic District.

(b) Group [Day] *Child* Care.

(.1) Group [day] *child* cares in RSD districts shall be permitted only if accessory to a principal or accessory building used as an educational facility, hospital, library and cultural exhibit, religious assembly, or recreation building, provided that within "Area 1" and "Area 2," as defined in § 14-603 (5)(a)(.2), above, the building must be publicly-owned or operated.

(.2) For all lots zoned RSA-5, Single-Family Residential, located in "Area 3" as defined in § 14-603(5)(a) (.2)(.c), group [day] *child* care is prohibited.

(c) [Day] *Child* Care Center.

[Day] *Child* care centers in RSD, RSA, RTA, and RM districts shall be permitted only if accessory to a principal or accessory building used as an educational facility, hospital, library and cultural exhibit, religious assembly, or recreation building, provided that within "Area 1" and "Area 2," as defined in § 14-

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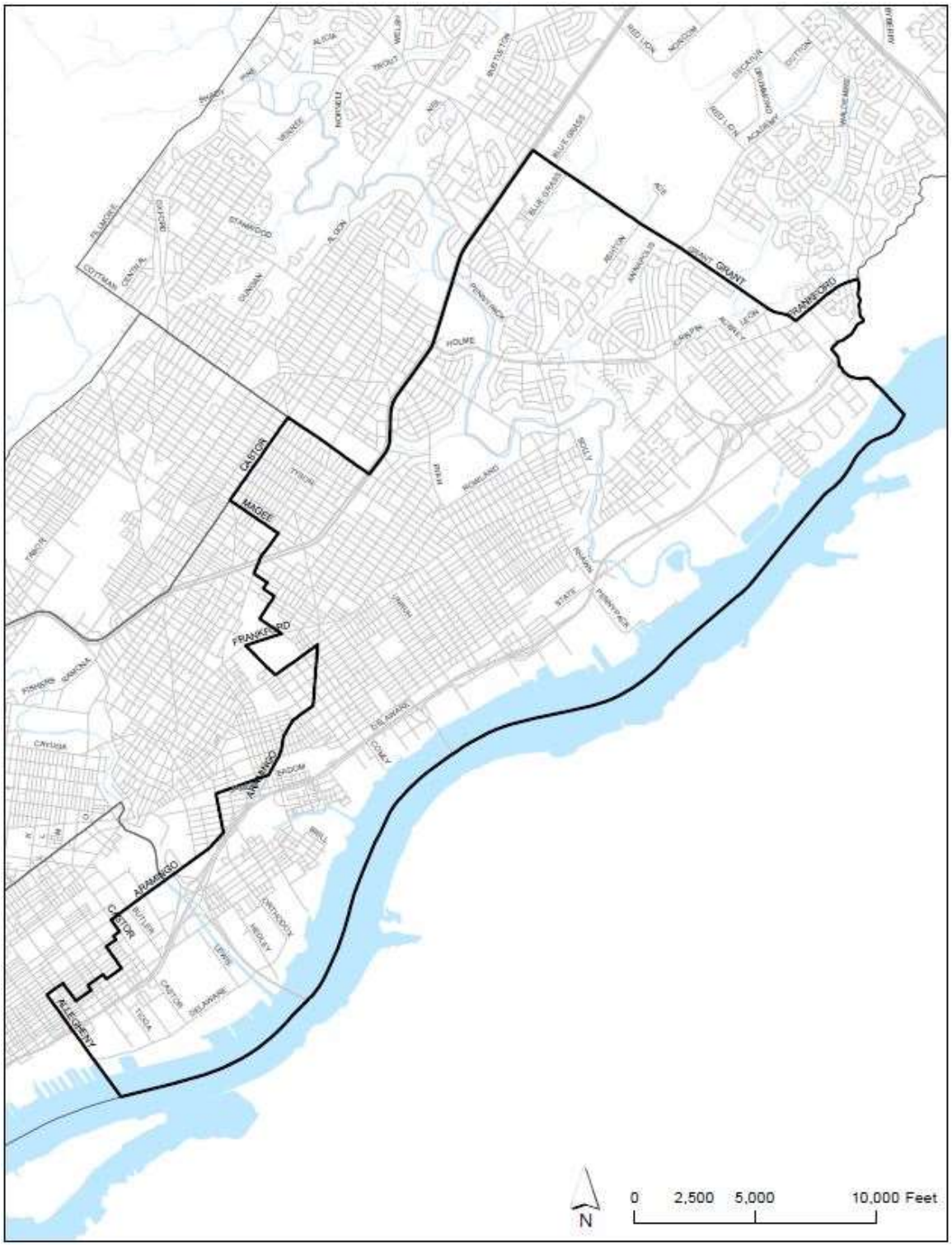
603(5)(a)(.2), above, the building must be publicly-owned or operated.



Family [Day] *Child* Care Area 1 (Applies to all lots)

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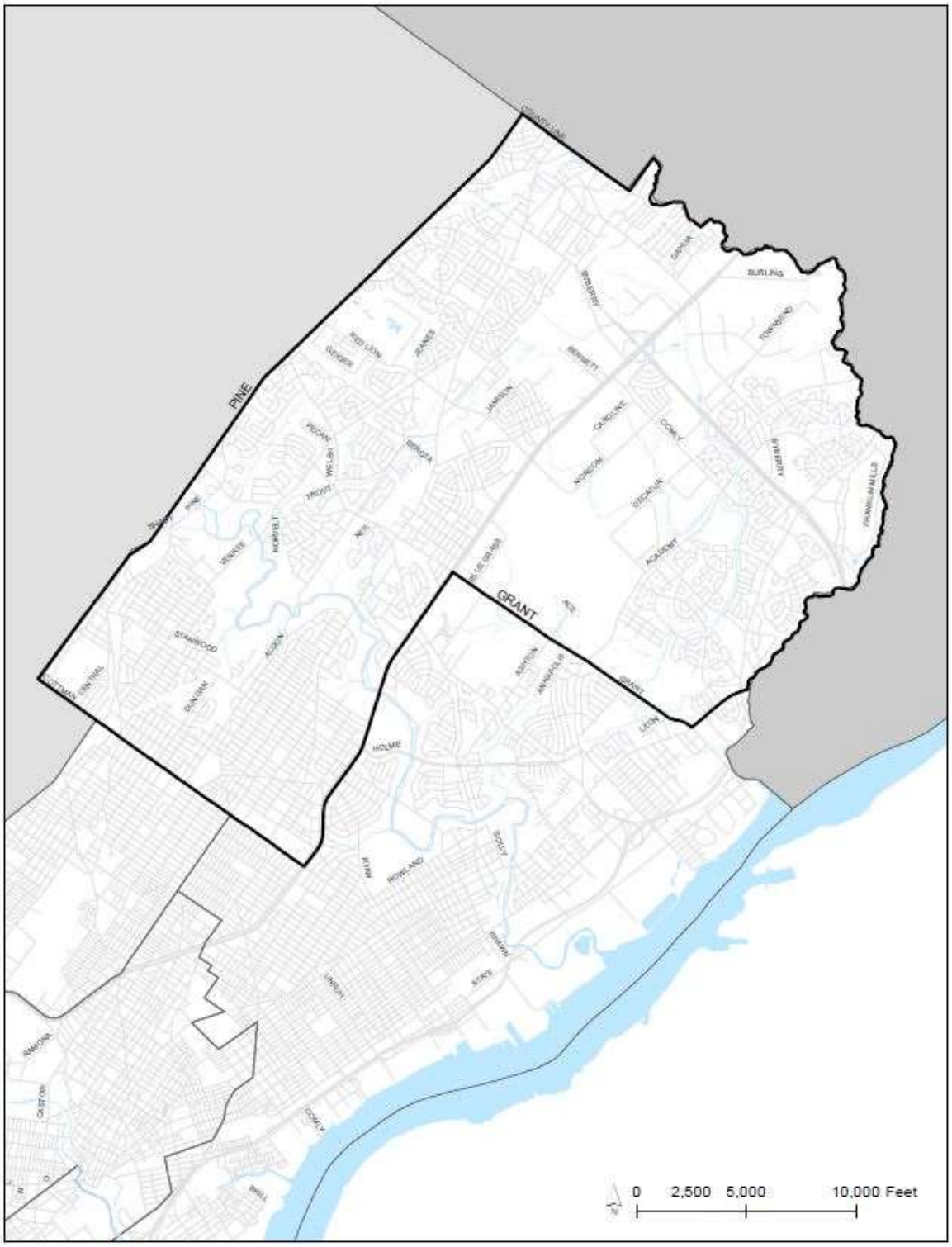

Family [Day] *Child* Care Area 2 (Applies to all lots)

* * *

(20)Medical Marijuana Dispensary.

(a) Regulations and Standards.

(.1) Separation Requirements.

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No medical marijuana dispensary use may be located:

* * *

(.i) Within 500 ft. of any [day] *child* care.

§ 14-604. Accessory Uses and Structures.

* * *

(10) Home Occupations.

* * *

(c) Permitted Uses.

* * *

(.3) Family [day] *child* cares are not regulated as home occupations and are not subject to the regulations of this section. See § 14-603(5) [(Day] *(Child* Care).

* * *

CHAPTER 14-700. DEVELOPMENT STANDARDS

* * *

§ 14-702. Floor Area, Height, and Housing Unit Density Bonuses.

* * *

(13) Retail Space.

(a) Criteria.

(.1) A building height bonus may be earned for constructing ground floor retail space, provided that all portions of each ground floor facade that abuts a sidewalk or public space and that is not occupied by entrances, exits, or waiting areas shall be designed and constructed to permit a finished ceiling height of at least 10.5 ft. in order to allow occupancy by a use in the retail sales, commercial services, [day] *child* care, or library and cultural exhibits use category.

(.2) The applicant must execute and record a restrictive covenant in favor of the City, acting through the Department of Planning and Development, approved as to form by the Law Department, which requires the space for which the bonus shall be granted to be occupied only by a use in the retail sales, commercial services, [day] *child* care, or library and cultural exhibits use category for a term of 15 years, or the life of the building, whichever is less.

* * *

CHAPTER 14-800. PARKING AND LOADING

* * *

§ 14-802. Motor Vehicle Parking Ratios.

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* * *

(3) Required Parking in Commercial Districts.

Table 14-802-2 lists the parking requirements for Commercial districts, except CMX-1, CA-1, and CA-2. The CMX-1 parking requirements are set forth in § 14-802(7)(a) (CMX-1 Parking). The CA-1 and CA-2 parking requirements are set forth in § 14-802(7)(b) (CA-1 and CA-2 Parking).

Table 14-802-2: Required Parking in Commercial Districts (Except CMX-1, CA-1, and CA-2)

	Minimum Required Parking Spaces (spaces per unit/sq. ft. of gross floor area/bed		
	CMX-2/2.5	**CMX-3**	**CMX-4/5**
* * *			
Commercial Services (as noted below)			
Adult Care	*0*	*0*	*0*
Adult-Oriented Service	0	0	0
Animal Services	0	0	0
Assembly and Entertainment	1/10 seats or 1/1,000 sq. ft., whichever is greater	1/10 seats or 1/1,000 sq. ft., whichever is greater	The greater of (a) none for t first 400 seats then 1/10 sea (b) none for the first 10,000 ft. then 1/1,000 sq. ft.
Building Services	0	0	0
Business Support	0	0	0
{Day} *Child* Care	0	0	0
* * *			

SECTION 2. This Ordinance shall become effective immediately.

Explanation:

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

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