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9/13/2022	1	MAYOR	SIGNED		
6/23/2022	1	CITY COUNCIL	READ AND PASSED	Pass	17:0
6/16/2022	1	CITY COUNCIL	SUSPEND THE RULES OF THE COUNCIL		
6/16/2022	1	CITY COUNCIL	READ AND ORDERED PLACED ON NEXT WEEK'S SECOND READING CALENDAR		
6/16/2022	1	CITY COUNCIL	ORDERED PLACED ON THIS DAY`S FIRST READING CALENDAR		
6/15/2022	0	Committee on Rules	HEARING NOTICES SENT		
6/15/2022	0	Committee on Rules	HEARING HELD		
6/15/2022	0	Committee on Rules	AMENDED		
6/15/2022	1	Committee on Rules	REPORTED FAVORABLY, RULE SUSPENSION REQUESTED		
6/13/2022	0	Committee on Rules	Cancellation of Scheduled Public Hearing		
5/12/2022	0	CITY COUNCIL	Introduced and Referred		

Amending Title 14 of The Philadelphia Code, entitled “Zoning and Planning,” by revising and clarifying certain landscaping requirements and provisions and making related 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:

* * *

TITLE 14. ZONING AND PLANNING

* * *

CHAPTER 14-300. ADMINISTRATION AND PROCEDURES

§ 14-301. Reviewers and Decision Makers.

* * *

(3) City Planning Commission.

* * *

(c) Review and Prerequisite Approval Authority.

(.1) The Commission provides prerequisite approvals for:

* * *

(.s) Certain zoning permits regarding on-site landscape and tree requirements, as directed by §14-705 (On-Site Landscape and Tree Requirements) and the regulations of the Commission and of L&I.

* * *

§ 14-305. Nonconformities

* * *

(9) Nonconforming Parking or Site Improvements

Where the [amount] *amount, design,* or location of off-street parking or [amount, location, or design of] site improvements (for example, landscape area) does not meet the requirements of this Zoning Code, the nonconformity may remain and be used notwithstanding those nonconformities. However, all provisions of *Section 14-705 (Landscape and Trees) and* Chapter 14-800 (Parking and Loading) shall apply to *the entire lot for* any development or changes to structures or uses on the lot.

* * *

CHAPTER 14-700. DEVELOPMENT STANDARDS

* * *

§ 14-705. Landscape and Trees.

(1) On-Site Landscape and Tree Requirements.

* * *

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(a) Applicability

The on-site landscape and tree requirements of this § 14-705(1) (On-Site Landscape and Tree Requirements) shall apply to all *site clearing and* development on existing lots greater than 5,000 sq. ft. in area, [except:] *except as stated below.*

(.1) *For development and site clearing associated with development or environmental restoration projects,* § 14-705(1) (On-Site Landscape and Tree Requirements) shall not apply to:

(.a) Lots with a principal [single-family, two-family, parks and open space, or] urban *agricultural* [agriculture] use;

(.b) Portions of lots that are the sites of: environmental restoration projects, such as work to implement stream bed, flood plain, or forest restoration; or wetland or meadow creation; and

(.c) Any development that meets either of the following conditions:

(.i) The applicant demonstrates to the satisfaction of the Department of Planning and Development that fifty-one percent (51%) or more units will meet the definition of "Affordable Housing Property" under subsection 7-202(1); or

(.ii) The development is otherwise subject to a recorded instrument such that average monthly costs for all rental units may not exceed the standards described under § 14-702(7)(a)(.1)(.a).

(.2) *For all other site clearing:*

(.a) § 14-705(1)(d) (Landscape Buffering Between Different Zoning Districts) and § 14-705(1)(e) (Yard Tree Requirements) shall not apply; and

(.b) No provisions of § 14-705(1) (On-Site Landscape and Tree Requirements) shall apply to lots with a principal single-family, two-family, or urban agricultural use.

(.3) [Parking lots and garages. Parking] *Portions of lots in use as parking* lots and [garages] *garages, which* shall comply with the landscape standards of § 14-803(5) (Parking Landscape and Screening).

(b) Landscape and Tree *Preservation* Plan Required.

Zoning permit applications must, if subject to the provisions of this § 14-705(1) (On-Site Landscape and Tree Requirements), include a landscape and tree *preservation* plan prepared by a licensed architect, licensed landscape architect, licensed professional civil engineer, or a certified arborist that demonstrates compliance with [the standards of this § 14-705(1) (On-Site Landscape and Tree Requirements).] *these provisions. L&I shall not issue a zoning permit for an application that is subject to the provisions of this § 14-705(1) (On-Site Landscape and Tree*

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Requirements) unless such landscape and tree preservation plan is submitted, nor shall L&I issue a zoning permit for an application that is subject to § 14-705(1)(d) (Landscape Buffering Between Different Zoning Districts) or § 14-705(1)(e) (Yard Tree Requirements) until the Commission approves the landscape and tree preservation plan as meeting all applicable requirements of this Zoning Code and issues waivers for any requirements it deems impracticable, as authorized below. The Commission is authorized to promulgate regulations that include submission and waiver requirements for landscape and tree preservation plans.

(c) General Standards.

(.1) Plants.

[Herbaceous plants or lawn] *Trees, shrubs, grasses, perennials, and groundcover* installed in the required landscaped area shall be *selected* from the list of appropriate plantings maintained by the [Commission.] *Commission, except for plantings intended to satisfy the requirements of § 14-705(1)(g) and no other provisions of § 14-705(1) (On-Site Landscape and Tree Requirements) or of § 14-803(5) (Parking Landscape and Screening), in which case such plantings may be selected from either the list of appropriate plantings maintained by the Commission or such list maintained by the Department of Parks and Recreation. Whenever the calculation of required number of plants results in a fraction of a number, then the number of plants shall be rounded up to the nearest whole number.*

(.2) Minimum Plant Size.

Unless otherwise provided by the Department of Parks and Recreation by regulation, trees [Trees] installed in the required landscaped area shall have a minimum caliper of 2.0 in. *DBH, except evergreen species, which must be at least 5 feet in height.*

* * *

(.4) Sight Triangle Requirements.

[Shrubs and similar plants] *Plants* that exceed 2.5 ft. in height *at maturity* are prohibited in sight triangles.

(.5) Minimum Plant Spacing.

Trees shall have a minimum spacing of 12 ft. from other trees. Shrubs shall have a minimum spacing of 3 ft. from other trees and shrubs.

(.6) Minimum Soil Volume

Trees and shrubs shall be planted with a minimum volume of soil, dependent on site conditions, landscaping plan, species, and other factors, as specified in the regulations of the Commission.

(.7) Shrub Replacement.

A maximum of 20% of required shrubs may be replaced one-for-one with a tall grass species.

(.8) Waivers

An applicant may request that the Commissioner grant a waiver, such that, in lieu of meeting any of the on-site landscape or tree planting requirements provided in this § 14-705(1), the applicant shall instead meet the following conditions:

(.a) Demonstrate to the satisfaction of the Commission that it would be impracticable to meet such on-site landscape or tree planting requirements due to existing site conditions and constraints, as described in the regulations of the Commission; and

(.b) If the waiver results in a reduction of the number of trees to be planted, enter into a binding agreement with the City, prior to the issuance of a building permit, pursuant to which the applicant has tendered to the City a payment in lieu of meeting certain landscape and tree planting requirements, as provided in §14-705(1)(c)(.9), and the Department of Parks and Recreation has agreed to use such amount of money for the purposes of growing, protecting, and caring for Philadelphia's tree canopy, including to defray any additional administrative costs associated with tree planting and maintenance.

(.9) In-lieu Fee

Any trees that would be required, but for the issuance of a waiver, shall be subject to a mandatory in-lieu fee.

(.a) This in-lieu fee shall be calculated as follows:

(.i) For each tree waived from the requirements of § 14-705(1)(d) (Landscape Buffering Between Different Zoning Districts), § 14-705(1)(e) (Yard Tree Requirements), and § 14-803(5) (Parking Landscape and Screening), one thousand dollars ($1,000); and

(.ii) For each DBH inch of tree waived from the requirements § 14-705(1)(g) (Tree Replacement Requirements), as indicated in the following chart:

Progressive Fee Category (overall density of existing trees on lot)	***Fee***
Up to 75 DBH inches per acre	*$400 per inch*
Greater than 75 and less than 250 DBH inches per acre	*$200 per inch*
Greater than 250 DBH inches per acre	*$50 per inch*

(.b) Additional trees that will be planted on the lot and that are not otherwise required by this § 14-705(1) or § 14-803(5) (Parking Landscape or Screening)

shall be deducted from the calculation derived in subsection 14-705(1)(c)(.9)(.a).

(.c) For lots within the Fairmount Park System, as defined in § 15-201 (Jurisdictional Areas), additional trees planted within one mile of the lot line that are on other lots within the Fairmount Park System or within areas under Department of Parks and Recreation jurisdiction that are not otherwise required by this § 14-705(1) or § 14-803(5) (Parking Landscape or Screening) shall be deducted from the calculation derived in (.a), above.

(.d) Notwithstanding the foregoing, the total in-lieu fee shall not exceed five percent of the appraised value of the property, as shown in the average of two appraisals conducted by independent certified appraisers, when such lot meets each of the following conditions:

(i) Is less than 70 acres in total size;

(ii) Is zoned I-1, I-2, I-3, or I-P;

(iii) Has a principal Industrial or Wholesale, Distribution, and Storage Use; and

(iv) Includes no Residential uses.

(d) Landscape Buffering Between Different [Land Uses] *Zoning Districts*.

Landscape buffers are required when specific types of different [land uses] *zoning districts* abut each other, as listed in § 14-705(1)(d)(.1) (When Buffering Is Required), below. These requirements only apply at the time a lot subject to these requirements is developed, and no existing development shall be required to install buffer landscape because of a change in the zoning district classification of an abutting lot.

(.1) When Buffering Is Required.
A landscape buffer satisfying the requirements of § 14-705(1)(d)(.2) ([Two] Buffering [Options] *Requirements*) shall be provided along *non-primary street frontages and the* side and rear lot [lines] *lines, where a yard is provided,* for the following:

(.a) [Multi-Family Residential, Commercial, or Institutional.

(.i) A multi-family building with more than six units that abuts a lot in an RSD zoning district; and

(.ii) A building with a principal use in the public, civic, and institutional, office, retail sales, commercial services, or vehicle or vehicular equipment sales and service use categories that abuts a lot in a Residential district.]

Side and rear lot lines of a lot in a Residential Multi-Family (RM) or Residential Mixed-Use (RMX) zoning district that abuts a lot in a Residential Single-Family Attached (RSA), Residential Single-Family Detached (RSD), or Residential Two-Family (RTA) zoning district.

(.b) [Industrial.]

Side and rear lot lines of a [A building or lot containing a principal use in the wholesale, distribution, and storage, or industrial use categories] *lot in a Commercial (CA), Commercial Mixed-Use (CMX), Industrial (I, IRMX or ICMX), or Special Purpose (SP) zoning district* that abuts a lot in a Residential *(RM, RMX, RSA, RSD or RTA)* district.

(.c) Side and rear lot lines and non-primary street frontages of a lot that abuts or includes the right-of-way of a railroad or any of the following public highways and their associated access ramps:

(.i) Delaware Expressway;
(.ii) Schuylkill Expressway;
(.iii) Vine Street Expressway;
(.iv) Roosevelt Expressway;
(.v) Roosevelt Boulevard;
(.vi) Woodhaven Road, between the County Line and Evans Street;
(.vii) Vare Avenue;
(.viii) Walt Whitman Bridge Approach;
(.ix) Passyunk Avenue, between Dover Street and 61st Street;
(.x) Frontage Road, between 26th Street and the Schuylkill River;
(.xi) 26th Street, between Passyunk Avenue and Penrose Avenue;
(.xii) Penrose Avenue, between 26th Street and the Schuylkill River;
(.xiii) Betsy Ross Bridge Approach;
(.xiv) Tacony-Palmyra Bridge Approach

(.d) Conflicts with Parking Landscape and Screening.

Where a parking lot, loading space, or drive-through landscape buffer is required in accordance with § 14-803(5)(c) (Perimeter Screening From Abutting Residential Zoning District), the provisions of § 14-705(1)(d) (Landscape Buffering Between Different Zoning Districts) shall not apply to any segments of side or rear lot lines affected by those requirements.

(.2) [Two] Buffering [Options] *Requirements*.

[The applicant shall provide the amounts of buffering shown in Table 14-705-1 using either Option A or Option B.

(.a) Option A - Landscape Buffer.

A landscape buffer area meeting the requirements of Table 14-705-1 shall be provided on the shared border to minimize sound, light, and noise impacts. The buffer area shall consist of natural plant materials such as lawn, herbaceous plants, shrubs, and trees, and shall not contain impervious materials. At least 15 ft. of space must be provided between tree trunks. Shrubs shall have a mature height of at least five ft.

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(.b) Option B - Wall, Berm, Fence, or Vegetative Screen.
An opaque wall, berm, fence, or dense vegetative screen meeting the requirements in Table 14-705-1 shall be provided on the shared border. If a fence or wall is provided, the side facing the Residential district shall be at least as finished in appearance as the side facing the applicant's use. Fencing shall be constructed of wood or ornamental metal; chain-link and barbed wire are prohibited as fencing material.]

[Table 14-705-1: Landscape Buffering Between Different Land Uses

Land Use (Descriptions below are summary only. The provisions of § 14-705(1) <https://codelibrary.amlegal.com/codes/philadelphia/latest/philadelphia_pa/0-0-0-220662>(d)(.1) shall control.)

Option A

Landscape BufferOption B

Opaque Wall, Berm, Fence, or Dense Vegetative Screen		

Multi-Family Residential abutting an RSD district; Commercial or Institutional abutting a Residential district (14-705(1) <https://codelibrary.amlegal.com/codes/philadelphia/latest/philadelphia_pa/0-0-0-220662>(d)(.1)(.a))

Width: 10 ft. min.

Landscape: At least 1 tree and 3 shrubs per 25 ft.**Height:** 5 ft. min./6 ft. max.

(at least 5 ft. at time of planting for a vegetative screen)		

Industrial abutting a Residential district (14-705(1) <https://codelibrary.amlegal.com/codes/philadelphia/latest/philadelphia_pa/0-0-0-220662>(d)(.1)(.b))**Width:** 15 ft. min.

Landscape: At least 1 tree and 4 shrubs per 25 ft.**Height:** 7 ft. min./8 ft. max.

(at least 7 ft. at time of planting for a vegetative screen)		

]

(.a) Minimum Requirements

(.i) The applicant shall provide a minimum 8-foot wide buffer along the entirety of the lot line that abuts a lot in a different zoning district from that of the subject parcel.

(.ii) All such buffers shall include at least one tree and three shrubs per 20 linear feet.

(.iii) Buffers between Industrial and Residential zoning districts shall include a fence, wall, or berm at least eight feet in height.

(.iv) All other landscape buffers required under this section shall include a fence, wall, or berm at least six feet in height.

(.b) Tree Selection.

A minimum of 50% of the required buffer trees shall be of an evergreen tree species.

(.c) Fences, Walls, and Berms.

(.i) Buffer fences, walls, and berms are not required along segments of a lot line that abut a building on the adjacent lot.

(.ii) Buffer fencing shall be constructed of wood or ornamental metal; chain-link and barbed wire are prohibited as a material for any fences used to meet the requirements of this section.

(e) Yard Tree Requirements.

(.1) When Yard Trees are Required.

Trees are required to be planted in the yards of all Residential Multi-Family (RM), Commercial (CA), Commercial Mixed-Use (CMX), Industrial (I, IRMX or ICMX), and Special Purpose (SP) zoning districts. Parking lots, areas of required parking lot landscape as listed in § 14-803(5), areas of required vegetated buffer areas as listed in § 14-705(1)(d), and watercourses are excluded from yard tree requirement calculations.

(.2) The requirements of this § 14-705(1)(e) apply to the entirety of a lot, except as follows:

(.a) Where there is an existing structure and the development would not increase the number of dwelling units or the gross floor area by twenty-five percent (25%) or more; or

(.b) Where structures are destroyed and replaced, as set forth in § 14-305(10) (Reconstruction of Destroyed Structures).

(.3) Trees Required.

Yard trees must be provided at a rate of one tree per 1,600 sq. ft. of open area, not including watercourses and any open area in use as driveway access, parking, or landscape buffers necessary to satisfy the requirements of § 14-705(1)(d).

[(e)] *(f)* Preservation of Heritage Trees

The location, DBH, and species of all existing trees shall be included in a landscape and tree plan. Heritage trees may not be removed from any property unless the applicant meets the standards of [§ 14-705(1)(e)(.1)] *§ 14-705(1)(f)(.1)* or obtains a special exception approval in accordance with § [14-705(1)(e)(.2).] *§ 14-705(1)(f)(.2).*

(.1) A heritage tree may be removed from a property without a special exception approval, provided that the applicant replaces the removed heritage tree in accordance with [§ 14-705(1)(f)] *§ 14-705(1)(g)* (Tree Replacement Requirements); and [either] *one of the following conditions applies*:

(.a) [The lot is at least 15 acres in total area and is located within an I-1 zoning

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district;] *The heritage tree's location meets each of the following conditions:*

(.i) The lot is less than 70 acres in total size; is zoned I-1, I-2, I-3, or I-P; has a principal Industrial or Wholesale, Distribution, and Storage Use; and includes no Residential uses;

(.ii) The tree is at least 75 feet from the nearest street, as measured from the closest point on the tree's trunk at 4.5 feet in height; and

(.iii) The tree is at least 75 feet from the nearest lot that is in a Residential (RSD, RSA, RTA, RM, RMX), Commercial (CA), Commercial Mixed-use (CMX), Special Purpose (SP), or IRMX district, as measured from the closest point on the tree's trunk at 4.5 feet in height.

* * *

(.c) The lot is held by the Philadelphia Authority for Industrial Development subject to City requirements pertaining to the Industrial and Commercial Development Fund.

* * *

(.2) If the standards of [§ 14-705(1)(e)(.1)] *§ 14-705(1)(f)(.1)* are not met, a heritage tree may not be removed from any property unless the applicant obtains a special exception approval. The Zoning Board shall grant a special exception to remove a heritage tree if:

(.a) The applicant replaces the removed heritage tree in accordance with [§ 14-705(1)(f)] *§ 14-705(1)(g)* (Tree Replacement Requirements);

* * *

[(f)] *(g)* Tree Replacement Requirements.

(.1) Except as set forth in [§ 14-705(1)(f)(.2)] *§ 14-705(1)(g)(.2)* or [§ 14-705(1)(f)(.3),] *§ 14-705(1)(g)(.3)* below, all healthy trees on the lot of 2.5 in. DBH or larger that are removed, damaged, or destroyed as a result of development activities shall be replaced on the same lot or an abutting lot in accordance with the following standards:

* * *

(.2) Trees removed under the following conditions are exempt from the replacement requirements of [§ 14-705(1)(f):] *§ 14-705(1)(g):*

(.3) [For any property that meets the conditions of § 14-705(1)(e)(.1)(.a):

(.a) Trees listed on the Department of Parks and Recreation Invasive Species List are not subject to the requirements of section

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(.1), above.

(.b)] Any trees required by and provided pursuant to [§ 14-705(1)(d)(.2)(.a)] *§ 14-705(1)(d)* (Landscape [Buffer] *Buffering Between Different Zoning Districts), § 14-705(1)(e) (Yard Tree Requirements),* or § 14-803(5) (Parking Landscape or Screening), shall be counted towards the total tree replacement requirement of section (.1), above.

(.4) Where total removal of healthy trees equals or exceeds 24 inches DBH, applicants must provide mailed notice of this tree removal to the district councilmember whose district includes the applicant's property and to the Director of the Office of Sustainability.

(a) L&I shall not issue a zoning permit for an application that is subject to this section until proof of mailing, by means of a cancelled Certificate of Mailing obtained from the United States Postal Service, is submitted.

(b) Any application that is reviewed by the Zoning Board of Adjustment, the Civic Design Review committee, or both shall be deemed to have satisfied this requirement, provided that the Director of the Office of Sustainability has been provided written notice as a condition of satisfying the requirements of § 14-303 (12) (Neighborhood Notice and Meetings).

[(g)] *(h)* Credits for Preserving Existing Trees

Applicants who preserve mature, healthy trees as part of a development project may obtain credits toward trees required by this Zoning Code, other than those required under [section (f), above] *§ 14-705(1)(g).* Trees intended to be preserved shall be indicated on the site plan. To obtain credit, the preserved trees must be on the same [lot or an abutting] lot, at least five in. diameter breast height (DBH) and [must be] in healthy condition as determined by a certified arborist. The credit for preserved trees shall be as shown in Table [14-705-2 and may be applied toward the number of trees required on the lot or lots.] *14-705-1.* Any preserved trees for which credit is given, and that are lost to damage or disease within two years after the credit is awarded, shall be replaced by the land owner with trees otherwise required.

Table [14-705-2:] *14-705-1:* Tree Preservation Credits

* * *

CHAPTER 14-800. PARKING AND LOADING

§ 14-801. Purpose, Applicability, and General Standards.

* * *

(2) Applicability.

* * *

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(e) Parking Landscape and Screening

The requirements of Section 14-803(5) (Parking Landscape and Screening) shall apply to the entirety of all principal or accessory use parking lots, loading spaces, and drive-through driveways, as well as all outdoor Personal/Commercial Vehicle Sales and Rentals uses, except for any of the following:

(.a) Those accessory to single-family and two-family uses.

(.b) Where development increases by twenty-five percent (25%) or less the number of dwelling units or the gross floor area on the property.

(.c) Where there is a change of use, but no associated development:

(.1) The property is 50,000 sq. ft. or less in area; or

(.2) The property is greater than 50,000 sq. ft. in area, but the change of use affects less than 75% of existing gross floor area;

(.d) Parking lots that are the subject of a Philadelphia Water Department stormwater retrofit grant project.

(.e) In no case shall newly constructed parking spaces or lots be subject to the exemptions in (.a), (.b), or (.c), above.

* * *

§ 14-803. Motor Vehicle Parking Standards.

* * *

(5) Parking Landscape and Screening.

[All parking lots except those accessory to single-family and two-family uses, shall comply with all applicable requirements of this § 14-803(5) (Parking Landscape and Screening).]

(a) [Parking] Landscape *and Tree Preservation* Plan.
[The Commission shall approve a parking landscape plan that satisfies the technical requirements of the regulations of the Commission, or waive the requirements] *Zoning permit applications must, if subject to the provisions of this § 14-803(5) (Parking Landscape and Screening), include a landscape and tree preservation plan prepared by a licensed architect, licensed landscape architect, licensed professional civil engineer, or a certified arborist that demonstrates compliance with these provisions. L&I shall not issue a zoning permit for an application that is subject to the provisions* of this § 14-803(5) (Parking Landscape and Screening) [if] *until* the Commission [determines that it would be impractical to provide the required landscape, before L&I may issue a zoning permit.] *approves a landscape and tree preservation plan as meeting all applicable requirements of this Zoning Code and issues waivers for any requirements it deems impracticable, as described in the regulations of the Commission.*

(b) General Standards.

All parking landscape and screening required by this § 14-803(5) (Parking Landscape and Screening) shall comply with the general landscape standards set forth in § 14-705(1)(c) (General Standards) and the installation and maintenance requirements set forth in § 14-705(3) (Installation and Maintenance of Landscape and Trees). *If the Commission determines that it would be impracticable to meet any parking landscape or screening requirements provided in this § 14-803(5), it may waive these requirements in part or in their entirety. Such waivers shall only be issued pursuant to the process set forth in § 14-705(1)(c)(.8) (Waivers). Any trees that would be required, but for the issuance of a waiver, shall be subject to a mandatory in-lieu fee, as listed in § 14-705(1)(c)(.9) (In-Lieu Fee).*

(c) Perimeter Screening From Abutting Residential *Zoning* District.

[(.1)] When a parking [lot or surface parking area associated with a parking garage] *lot, loading space, or drive-through* (including [but not limited to] driveways and aisles) abuts a *lot in a* Residential *zoning* district, a continuous [screening] *screen* [wall, berm, fence, or row of plants at least five ft. tall] shall be provided between the [surface] parking lot*, loading space, or drive-through driveway* [or surface parking area] and the [Residential district] *abutting lot for the following:*

(.1) On lots 5,000 sq. ft. in size or greater, the applicant shall provide a minimum 8-foot wide buffer. Such buffer shall consist of at least one tree per 20 linear feet, four shrubs per 20 linear feet, and a minimum 5-foot high opaque fence, wall, or berm.

(.2) On lots less than 5,000 sq. ft. in size, the applicant shall provide a minimum 5-foot high opaque fence, wall, or berm.

(.3) Tree Selection.

A minimum of 50% of the required buffer trees shall be of an evergreen tree species.

(.4) Fences.

Buffer fencing shall be constructed of wood or ornamental metal; chain-link and barbed wire are prohibited as a material for any fences used to meet the requirements of this section.

(d) Perimeter Screening from Public Streets for Parking Lots.

[(.1)] Where [any surface] *there is no structure located between a* parking [lot is located along] *lot, loading space, or drive-through (including driveways and aisles) and* a street frontage, a landscaped area shall be installed [along the entire length of the perimeter of the surface parking lot that is located along a street frontage] *so as* to screen the view of the parking area from the street. [Except as provided in § 14-803(5)(d)(.2) below, the] *The* landscaped area shall be [at least equal to the required setback, but in no case less than five ft. wide.] *constructed along the entire length of the side of the parking lot, loading space, drive-through, driveway, or drive aisle that faces the street frontage except for any vehicle access points and shall be further provided as follows:*

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[(.a) Trees must be provided within the required landscaped area at a rate of at least one tree per 35 ft. of linear frontage. Such trees may be placed at regular or irregular intervals, provided that there is at least 15 ft. of space between tree trunks.

(.b) Shrubs shall be planted at an interval of three shrubs per 25 ft. of linear frontage and must have a mature height of at least two ft.]

(.1) For all parcels:

(.a) Along all street frontages, the applicant shall provide a minimum 5-foot wide buffer. Such buffer shall consist of at least one shade tree per 20 linear feet and four shrubs per 20 linear feet.

(.b) As an alternative to the tree and shrub plantings required by (.a), above, uses in the Personal/Commercial Vehicle Sales and Rentals category may install a decorative masonry wall or ornamental fence that meets the standards of (.4) (Decorative Walls and Ornamental Fences), below.

(.2) For parcels 50,000 sq. ft. in size or greater, along primary frontages, the buffer provided pursuant to (.1) shall be at least 10 feet wide and shall include a minimum 3-foot high fence, wall, or berm and that meets all the conditions of (.1)(.a), above.

(.3) For parcels less than 5,000 sq. ft., the alternative to tree and shrub plantings described in (.1)(.b), above, shall be available for all use categories.

(.4) Decorative Walls and Ornamental Fences.

[(.2)] *(.a)* [Where a five ft. wide perimeter landscape area is not feasible based on existing site or topography constraints, as an alternative to the tree and shrub plantings required by § 14-803 (5)(d)(.1) above, a decorative masonry wall or ornamental fence at least three ft. in height may be installed. The decorative] *Decorative* walls or ornamental fences may be installed on a berm if the combined height of berm and wall or fence is at least three ft. in height.

[(.a)] *(.b)* The decorative masonry wall must be constructed of brick, stone, decorative block wall, or concrete block with stucco finish, but shall not be constructed of uncolored or painted concrete block.

[(.b) The ornamental fence must satisfy the requirements for screening fences in § 14-803(5)(c)(.3) (Perimeter Screening From Abutting Residential Zoning District).]

(.c) Ornamental fences must be alternated with masonry piers at least every 25 feet.

(e) Interior Landscape Requirements for Parking [Lots.] *Lots and Off-Street Loading Areas*.

(.1) [A minimum of ten percent (10%) of the interior surface parking lot in all districts and off-street loading areas in all districts except I-2, I-3, and I-P, calculated as the total of area in all surface parking spaces and surface drive aisles, shall be planted with landscape.]*Interior parking lots and off-street loading areas shall provide an interior*

landscaped area calculated as a minimum of ten percent (10%) of the total area of all parking spaces, loading spaces, driveways that provide access to parking spaces and loading spaces, and drive aisles. Lots less than 5,000 sq. ft. and uses in the Personal/Commercial Vehicle Sales and Rentals category shall be exempt from this requirement. Lots less than 5,000 sq. ft. are required to provide trees according to the provisions of § 14-803(5)(e)(.5)(.b).

[(.2) If the applicant installs a vegetated roof on a primary or accessory structure on the same lot, the amount of interior parking lot landscape may be reduced by one sq. ft. for each one sq. ft. of vegetated roof area installed.]

[(.3)] *(.2)* Perimeter landscape required by § 14-803(5)(d) (Perimeter Screening from Public Streets for Parking Lots) and § 14-803(5)(c) (Perimeter Screening From Abutting Residential *Zoning* District) is not counted towards the minimum interior landscape requirement.

[(.4)] *(.3)* [Internal] *Interior* landscaped areas shall be dispersed on the site to break up the perception of large uninterrupted expanse of pavement. [Landscaped areas shall be a minimum of six ft. wide.] In surface parking lots containing more than 50 parking spaces, interior landscaped areas should be used to break up those spaces into groups of no more than 20 contiguous parking spaces.

(.4) Required interior landscape shall be planted within islands or on the perimeter of a parking lot or loading space.

(.a) Landscape islands shall have a minimum width of 8 feet, minimum area of 100 sq. ft., and a minimum soil volume as specified in the regulations of the Commission. Where an abutting parking space is greater than 250 sq. ft. in size, islands shall have a minimum width of 15 feet, a minimum area of 225 sq. ft., and a minimum soil volume as specified in the regulations of the Commission

(.b) A portion of each landscaped area at the perimeter of a parking lot or loading space shall be located within 10 feet of a parking or loading space or drive aisle, except where the nearest parking or loading space is greater than 250 sq. ft. in size. In such circumstances, a portion of the landscaped area shall be located within 20 feet, no trees shall be planted within 8 feet of that space, and no shrubs shall be planted within 5 feet of that space.

(.5) [One tree shall be planted per 300 sq. ft. of interior landscaped area. A minimum of thirty percent (30%) of the required trees shall include deciduous shade trees from DPR's Recommended Street Tree List.] *Shade trees, shrubs, perennials, and groundcover shall be provided as follows:*

(.a) For lots greater than or equal to 5,000 sq. ft., the applicant shall provide one shade tree per 200 sq. ft., three shrubs per 200 sq. ft., and 15 perennials or ground cover per 200 sq. ft. of interior landscaped area. A maximum of 20% of required shrubs may be replaced one-for-one with a tall grass species.

(.b) For lots less than 5,000 sq. ft., the applicant shall provide one shade tree per

five parking spaces.

* * *

§ 14-805. Drive-Throughs and Vehicle Stacking Areas.

* * *

(1) General Standards.

* * *

(d) Any drive-through [lane located within 30 ft. of a Residential district shall comply with one of the landscape buffer options for Multi-Family Residential, Commercial, or Institutional uses shown in Table 14-705-1 of § 14-705(1)(d)(.2) (Two Buffering Options), regardless of the zoning district in which the drive-through use is located.] *shall provide landscape in accordance with the requirements of § 14-803(5) (Parking Landscape and Screening), not including § 14-803(5)(e) (Interior Landscape Requirements for Parking Lots and Off-Street Loading Areas).*

* * *

SECTION 2. This Ordinance shall become effective immediately, except that

(1) Section 14-705(1)(c)(.8) (Waivers) and Section 14-705(1)(c)(.9) (In-Lieu Fee) shall become effective immediately after the Commissioner of L&I, the Commissioner of Department of Parks and Recreation, and the Executive Director of the Commission each certify to the Chief Clerk of Council that they are prepared to administer the waiver process, including review of applications and collection of fees, but in no event more than 60 days following the effective date of the remainder of the bill; and

(2) For any zoning permit application or amendment that is filed subsequent to the enactment of this ordinance that is substantially similar (in terms of the location, use, and design of the associated proposed development) to a zoning permit application that was filed prior to the enactment of this ordinance and for which the Civic Design Review committee has completed its review, only Section 14-705(1)(c)(.8) (Waivers) and Section 14-705(1)(c)(.9) (In-Lieu Fee) of this ordinance shall apply.

SECTION 3. Title 14 of The Philadelphia Code is hereby amended to read as follows:

* * *

TITLE 14. ZONING AND PLANNING

* * *

CHAPTER 14-500. OVERLAY ZONING DISTRICTS

* * *

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§ 14-529. /VDO, Fifth District Overlay District

* * *

(5) Landscaping

The changes to the Code set forth in Bill No. 220414 (approved ____, 2022) shall not apply to lots located within the /VDO, Fifth District Overlay, which lots shall be subject to the relevant provisions of the Zoning Code as they appeared at the time prior to adoption of that ordinance.

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