

Legislation Text

File #: 180346-A, Version: 2

To amend 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

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CHAPTER 14-200. DEFINITIONS

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§ 14-203. Definitions.

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(154) Impervious Ground Cover.

Any building, pavement, or other material that [impedes] *substantially bars* the natural infiltration of surface water into the soil. [Impervious ground cover includes, but is not limited to, structures, swimming pools, paved and other non-permeable patios, walks, driveways, parking areas, streets, sidewalks, and any other non-permeable ground cover.] *Manufactured materials demonstrated to be pervious shall not be considered impervious ground cover. The Commission may promulgate regulations regarding the types of cover that may be considered impervious, consistent with the intent of this definition.*

* * *

(309.1) Stream.

When used in § 14-510 (/WWO, Wissahickon Watershed Overlay District), any watercourse or a portion of watercourse, which drains an area of 64 or more acres in the lower Wissahickon Watershed, as shown on maps kept and maintained by the Department of Planning and Development.

* * *

(332.1) Swale.

When used in § 14-510 (/WWO, Wissahickon Watershed Overlay District), any area of low land which drains an area of more than 20 acres and less than 64 acres, as shown on maps kept and maintained by the Department of Planning and Development.

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CHAPTER 14-300. ADMINISTRATION AND PROCEDURES

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§14-301. Reviewers and Decision Makers.

(3) City Planning Commission.

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(c) Review and Prerequisite Approval Authority.

(.1) The Commission provides prerequisite approvals for:

* * *

(.k) [Zoning permits for construction and earth-moving activity along watercourses subject to flooding. See § 14-704(4) (Flood Protection).] *Reserved.*

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CHAPTER 14-400. BASE ZONING DISTRICTS

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

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(4) Area and Height Regulations.

(a) Improvements in close proximity to other zoning districts

If any portion of the actual site of a building, structure, activity area, or other improvement is within 200 feet of any portion of a parcel within a zoning district other than SP-PO-A or SP-PO-P, the [The] size, location, and design of [all] that building, structure, activity area, [and] or other improvement must comply with the dimensional regulations of the most restrictive adjacent zoning district within 200 feet that is not separated by a waterway, except fences surrounding athletic fields may be up to 15 ft. in height.

(b) Improvements not in close proximity to other zoning districts

If no portion of the actual site of a building, structure, activity area, or other improvement is within 200 feet of any portion of a parcel within a zoning district other than SP-PO-A or SP-PO-P, there are no dimensional regulations, except that the maximum height shall be 38 feet and fences surrounding athletic fields may be up to 15 ft. in height.

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CHAPTER 14-500. OVERLAY ZONING DISTRICTS

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

* * *

(5) Setbacks from Watercourses.

There shall be no new impervious ground cover constructed or erected within 200 ft. of the bank of a [surface water body] *stream* or within 50 ft. of the center line of a swale within the /WWO overlay district. *Streams and Swales that have been buried in sewer pipe, or in an artificial, concrete and stone channel, shall be excluded.*

* * *

CHAPTER 14-600. USE REGULATIONS

§ 14-601. Use Categories.

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(7) Commercial Services Use Category.

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(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:

(.1) Prepared Food Shop.

An establishment that does not meet the definition of a take-out restaurant (see § 14-601(7)(f) (.2)), that offers seating [or] *and* carry out food and beverage [service or both,] *service*, and that is primarily engaged in the sale of prepared food, non-alcoholic beverages, cold refreshments, or frozen desserts. Prepared food shops include establishments known as sandwich shops, delis, coffee shops, and ice cream shops. A prepared food shop has all of the following characteristics:

- (.a) Includes customer seating on the lot. The number of seats shall *be greater than 3 but shall* not exceed 20 seats; and
- (.b) Does not utilize commercial cooking appliances that have requirements for exhausting air contaminants.

(.2) Take-Out Restaurant.

An eating and drinking establishment that has any one or more of the following characteristics:

- (.a) a drive-through or walk-up window;
- (.b) a service counter where all customers pay for their ordered items before consumption and all food and beverages are served on disposable ware for consumption, except that cafeterias primarily engaged in serving food and beverages for on-premise consumption are considered sit-down restaurants if take-out service is clearly incidental to the principal use;
- (.c) [no interior customer seating;] *fewer than 4 seats*; or
- (.d) no public restrooms.

* * *

(l) Personal Services.

Uses that provide a variety of services associated with grooming, instruction, and the maintenance of fitness, health, and well-being. The following are personal services specific use types:

(.1) Body Art Service.

Provision of any of the following procedures: body piercing, tattooing, [cosmetic tattooing,] branding, or scarification. This definition does not include practices that are considered medical procedures by the Pennsylvania Medical Board.

* * *

(n) Visitor Accommodations.

Uses that provide temporary lodging for fewer than 30 days where rents are charged by the day or by the week or portion thereof and may also provide food or entertainment primarily to visitors and tourists. [The following specific use type is sometimes regulated differently from the visitor accommodations use subcategory:

(.1) Bed and Breakfast.

A residential building which contains 10 or fewer bedrooms used for providing overnight accommodations to the public, and in which breakfast is the only meal served and is included in the charge for the room.]

* * *

§ 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).

* * *

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									
Residential Use Category									
Household Living (as noted below)									
Single-Family	[1]	Y[3]	Y[3]	N	N	N	N	N	
Two-Family	[1]	Y[3]	Y[3]	Y[7]	N	N	N	N	
Multi-Family	[1][2]	Y[2][3]	Y[3][8]	Y	Y	Y	N	N	
* * *									

* * *

(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.

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[5] Eating and Drinking Establishments, including Take-Out Restaurants, are only permitted if they are co-located with, and lesser in lot or building area to, a primary on-site Parks and Open Space, Community Center, or Libraries and Cultural Exhibits use.

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

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§ 14-603. Use-Specific Standards.

* * *

(19) [Bed and Breakfast.

(a) Standards.

Bed and breakfast establishments are subject to the following standards:

- (.1) the establishment must be located in the permitted areas described in subsection (b), below;
- (.2) the establishment must be operated by the owner of the building, who must live on the property;
- (.3) the bed and breakfast may not contain more than four guest rooms in RSD, RSA, and RTA districts or more than ten guest rooms in any RM district;
- (.4) breakfast service must be provided for guests; such breakfast service shall not be provided to persons who are not guests of the bed and breakfast establishment;
- (.5) bed and breakfast establishments may not be leased or offered for use as reception space, party space, meeting space, or other similar events open to nonresident guests; and
- (.6) if the lot abuts an alley or shared driveway with a width of 12 ft. or more, access to guest parking spaces must come from the alley or shared driveway.

(b) Permitted Areas.]

Reserved.

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CHAPTER 14-700. DEVELOPMENT STANDARDS

§ 14-701. Dimensional Standards.

(1) General Provisions.

* * *

(d) Requirements for Lots with Multiple Street Frontages.

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(.1) Properties Bounded by Two Streets.

When a property is bounded by two streets:

(.a) That constitute a corner, one of the remaining lot lines shall be deemed a side and the other remaining lot line shall be deemed a rear. Where the determination of side and rear lot lines is necessary for L&I to approve or deny a zoning permit application, the Commission shall determine the side and rear lot lines based on the orientation of the lot, orientation of the primary structure, orientation of the structures on adjacent lots, orientation of structures with frontage on the same blockface, the street type designation of the bounding streets, or any additional criteria stated in the regulations of the Commission for the purposes of clarifying or implementing this determination. [The required side yard and rear yard requirements of the zoning district apply thereto, except:

(.i) A side yard is not required for semi-detached buildings.

(.ii) A rear yard and side yard are not required for attached buildings.]

* * *

(2) Residential District Dimensional Tables.

* * *

(b) Notes for Table 14-701-1.

* * *

[3] In the RSA-5 district, buildings on lots equal to or less than 45 ft. in depth are exempt from the minimum open area {requirement for the first 12 ft. of building height. Portions of buildings above 12 ft. shall comply with the minimum open area requirement as set forth in Table 14-701-1.} *requirement*.

[4] If abutting lots on both sides of an attached {house} *building* contain only two stories of {habitable space,} *enclosed area*, the stories above the second story of the attached house

shall be set back an additional eight ft. from the minimum setback shown in this table; except this requirement shall not apply to corner lots.

[5] In the RSA-5 district, front setbacks shall comply with the following:

{(.a) The front setback shall be no further from the street than the furthest front facade of the principal building on either of the two immediately abutting lots with street frontage on the same street, and shall be located no closer to the primary street than the closest front facade of the principal building on either of the two immediately abutting lots with street frontage on the same street.

(.b) If both of the immediately abutting lots with street frontage on the same street are vacant, then the setback range shall be based on the building that is: (1) closest to the subject property and (2) on the same blockface. Where there are not a sufficient number of lots that meet these criteria to establish a front setback, the front setback shall be set at the street line.}

(.a) On any given street, the front setback shall be no deeper than the front setback of the principal building on the immediately adjacent lot on such street with the deepest front setback; and shall be no shallower than the front setback of the principal building on the immediately adjacent lot on such street with the shallowest front setback.

(.b) On any given street, if there is no principal building on an immediately adjacent lot, then the front setback shall match the front setback on the closest building to the subject property that is on the same blockface. If there is no such building, the minimum front setback shall be zero.

(.c) If the property is bounded by two or more streets, only the primary frontages as designated in § 14-701(1)(d)(.4) (Primary Frontage) shall be subject to the front setback requirements of (.a) and (.b) above.

* * *

[7] In the RSA-5 district, the minimum rear yard depth for lots equal to or less than 45 ft. in depth shall be {5 ft. for the first 12 ft. of building height. Portions of buildings above 12 ft. shall comply with the minimum rear yard depth as set forth in Table 14-701-1.} 7 ft.

* * *

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

* * *

[2] In the RM-1 district, buildings on lots equal to or less than 45 ft. in depth are exempt from the minimum open area {requirement for the first 12 ft. of building height. Portions of buildings above 12 ft. shall comply with the minimum open area requirement as set forth in Table 14-701-1.} requirement.

* * *

[5] If abutting lots on both sides of an attached {house} building contain only two stories of

{habitable space,} *enclosed area*, stories above the second story of the attached house shall be set back an additional eight ft. from the minimum setback shown in this table; except this requirement shall not apply to corner lots.

[6] In the RM-1 district, front setbacks shall comply with the following:

{(.a) The front setback shall be no further from the street than the furthest front facade of the principal building on either of the two immediately abutting lots with street frontage on the same street, and shall be located no closer to the primary street than the closest front facade of the principal building on either of the two immediately abutting lots with street frontage on the same street.

(.b) If both of the immediately abutting lots with street frontage on the same street are vacant, then the setback range shall be based on the building that is: (1) closest to the subject property and (2) on the same blockface. Where there are not a sufficient number of lots that meet these criteria to establish a front setback, the front setback shall be set at the street line.

(.c) If the property is bounded by two or more streets, only the primary frontages as designated in § 14-701(1)(d)(.4) (Primary Frontages) shall be subject to the front setback requirements of (.a) and (.b) above.}

(.a) On any given street, the front setback shall be no deeper than the front setback of the principal building on the immediately adjacent lot on such street with the deepest front setback; and shall be no shallower than the front setback of the principal building on the immediately adjacent lot on such street with the shallowest front setback.

(.b) On any given street, if there is no principal building on an immediately adjacent lot, then the front setback shall match the front setback on the closest building to the subject property that is on the same blockface. If there is no such building, the minimum front setback shall be zero.

(.c) If the property is bounded by two or more streets, only the primary frontages as designated in § 14-701(1)(d)(.4) (Primary Frontage) shall be subject to the front setback requirements of (.a) and (.b) above.

* * *

[9] In the RM-1 district, the minimum rear yard depth for lots equal to or less than 45 ft. in depth shall be {5 ft. for the first 12 ft. of building height. Portions of buildings above 12 ft. shall comply with the minimum rear yard depth as set forth in Table 14-701-1.} 7 ft.

* * *

(3) Commercial Districts Dimensional Table.

(a) Notes for Table 14-701-3.

[1] {All} Except with respect to front setbacks, as provided in Table Note [3], below, all buildings in any CMX-1 district shall be governed by the dimensional standards of the most restrictive adjacent district; provided, however, that when that building is attached to another building that is in another district, the dimensional standards (other than front setback requirements) of the other district shall apply.

* * *

[3] In the CMX-1 district, front setbacks shall comply with the following:

- (a) On any given street, the front setback shall be no deeper than the front setback of the principal building on the immediately adjacent lot on such street with the deepest front setback; and shall be no shallower than the front setback of the principal building on the immediately adjacent lot on such street with the shallowest front setback.
- (b) On any given street, if there is no principal building on an immediately adjacent lot, then the front setback shall match the front setback on the closest building to the subject property that is on the same blockface. If there is no such building, the minimum front setback shall be zero.
- (c) If the property is bounded by two or more streets, only the primary frontages as designated in § 14-701(1)(d)(.4) (Primary Frontage) shall be subject to the front setback requirements of (.a) and (.b) above.

Table 14-701-3: Dimensional Standards for Commercial Districts

Previous District Name	C1	C2/RC2	Commercial Corridor Overlays	C3/RC3	C4 C5	C7/NSC	ASC
District Name	CMX-1	CMX-2	CMX-2.5	CMX-3	CMX-4/CMX-5	CA-1	CA-2
See § 14-701(3)(a) (Notes for Table 14-701-3) for information pertaining to bracketed numbers (e.g., “[2]”) in table cells.							
		Denotes zoning requirements not applicable					
District and Lot Dimensions							
Min. District Area (sq. ft.)							80,000
Min. Street Frontage as taken from the front lot line (ft.)	[1]					50	100
Min. Lot Area (sq. ft.)	[1]					5,000	15,000
Max. Occupied Area (% of lot)	[1]	Intermediate: 75 Corner: 80	Intermediate: 75 Corner: 80	Intermediate: 75 Corner: 80	Buildings ≤ 5 stories with 1 or more dwelling units: 90; Others: 100	60	100
Yards							
Min. Front Yard Depth (ft.)	[1]/[3]		Must be built to front lot line				
Min. Side Yard Width, Each (ft.)	[1]	5 if used	5 if used	8 if used for buildings containing dwelling units	If used: Buildings ≤ 4 stories with three or fewer dwelling units = 5; Others = 8	5 if used	
Min. Rear Yard Depth (ft.)	[1]	The greater of 9 ft. or 10% of lot depth	The greater of 9 ft. or 10% of lot depth			5 if used	

Height							
Max. Height (ft.)	[1]	38	55			38	38
Min. Cornice Height (ft.)	[1]		25				
Floor Area Ratio							
Max. Floor Area (% of lot area)	[1]			500	CMX-4: 500 CMX-5: 1200 [2] See also § 14-701(5) (CMX-4 and CMX-5 Bulk and Massing Controls)		

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§14-704. Open Space and Natural Resources.

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(4) Flood Protection

* * *

(c) Special Regulations.

The following special regulations are imposed to regulate setbacks, construction, and earth-moving activity along watercourses subject to flooding. These regulations are in addition to the requirements of the Pennsylvania Department of Environmental Protection. [The Commission may authorize such waivers or partial waivers from the terms of this section as will not be contrary to the public interest if the applicant provides to the Commission a National Flood Insurance Program Elevation Certificate prepared by a licensed land surveyor, professional engineer, or architect authorized by law to certify that the proposed development is not within the floodway or the Special Flood Hazard Area.]

* * *

(.3) Within the Special Flood Hazard Area, Approximate Zone A.

* * *

(b) For Approximate Zone A areas, elevation and floodway information from other Federal, State, or other acceptable sources shall be used when available. Where other acceptable information is not available, the base flood elevation [shall be determined by using the elevation of a point on the boundary of the identified Zone A floodplain area which is nearest the construction site.] *may be determined by the Floodplain Administrator using contour interpolation, if applicable.* In lieu of the above, the [Commission] *Floodplain Administrator* may require the applicant to determine the elevation with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the [Commission] *Floodplain Administrator*.

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SECTION 2. This Ordinance shall take effect immediately.

Explanation:

Italics indicate matter added.