

## Legislation Text

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**File #:** 200160, **Version:** 1

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Amending Section 14-203 of The Philadelphia Code, entitled “Definitions,” by adding a definition for “Site Clearing,” further amending Section 14-704, entitled “Open Space and Natural Resources,” by making technical changes to regulations regarding development on steep slopes, and amending Title 4 Subcode “A” of the Philadelphia Building Code, 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 4. THE PHILADELPHIA BUILDING CODE

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#### CHAPTER 3 PERMITS

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#### SECTION A-301 APPLICATION FOR PERMIT

A-301.1 Permits required: An application shall be submitted to the department for the activities listed in Sections A-301.1.1 through A-301.1.6 and these activities shall not commence without a permit being issued in accordance with Section A-302.0. Where the scope of work includes demolition, moving or removal of a structure greater than one story or greater than 500 square feet, a separate application and permit for such work shall be required. Where the scope of work includes more than one lot, a separate permit shall be required for each lot.

Exception: Permits shall not be required for the construction, alteration and use of those buildings, elements and systems not regulated by this code as detailed in Section A-102.1 of this code, including but not limited to the following:

\* \* \*

A-301.1.1 Building permits: A building permit is required for the following activities:

\* \* \*

8. Site clearing, grubbing or earth disturbance of any land in excess of 5,000 square feet. No building permit shall be issued unless an erosion control plan has been approved for the site pursuant to applicable state and local stormwater-management requirements.

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## TITLE 14. ZONING AND PLANNING

\* \* \*

### CHAPTER 14-200. DEFINITIONS

\* \* \*

#### § 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.

\* \* \*

#### (298.1) *Site Clearing.*

*The cutting or removal of trees, grubbing of roots, or removal or filling of building foundations to create a site that is free of physical obstructions to development. This shall not include tree removal that is conducted to address a life safety issue identified by L&I.*

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### CHAPTER 14-700. DEVELOPMENT STANDARDS

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#### § 14-704. Open Space and Natural Resources.

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#### (2) Steep Slope Protection.

##### (a) Applicability.

(.1) These steep slope protection standards shall apply *to all site clearing and earth moving* in all zoning districts [to slopes of 15% or greater on any lot or portion(s) thereof] located within the "Steep Slope Protection Area", as shown on the City of Philadelphia Steep Slopes Map maintained by the Commission. The steep slopes map shown below is for illustrative purposes *only*. [only and is not to be used for detailed planning of proposed development.] *Such lots must also contain the following:*

*(.a) A disturbance of lot area greater than 1,400 sq. ft. or on which the proposed activity will increase impervious ground cover on the lot by more than 1,400 sq. ft.; and*

*(.b) Slopes of 15% or greater on any lot or portion(s) thereof.*

(.2) When an application for a permit [or approval] under this Zoning Code includes any land that is located within the "Steep Slope Protection Area" of the City of Philadelphia Steep Slopes

Map, *prerequisite approval from the Commission is required per § 14-301(3)(c)(.1)(.j).* [t]The City may require that the applicant submit a topographic [survey] *survey, prepared by a licensed engineer or surveyor,* confirming the locations of slopes of 15% or [greater] *greater, as well as a plan showing the limit of earth moving or site clearing activities.*

(b) Restrictions on Disturbance.

(.1) On those portions of the lot where the slope of the land is [more than] 15% *or greater* [and] *but* less than 25%, site clearing or earth moving activities shall be permitted only in conformance with an earth moving plan described in § 14-704(2)(c) below. [No earth moving plan shall be required if (a) the lot contains no more than one-half acre of gross land area, or (b) the proposed earth moving will affect 500 sq. ft. of land or less and the proposed activity will increase impervious surface on the lot by no more than 500 sq. ft.]

(.2) On those portions of the lot where the slope of land is 25% or greater, no site clearing or earth moving activity is permitted.

(c) Earth Moving Plans.

Where an earth moving plan is required pursuant to § 14-704(2)(b) above, that plan must be prepared by a [licensed] professional [engineer,] *engineer who is licensed in the state of Pennsylvania,* in accordance with regulations approved by the [Commission] *Commission,* and must set forth the measures by which erosion and sedimentation are to be controlled during the earth moving and construction process. Such plans shall be filed with and approved by the Commission before [L&I] *the Department* may issue a zoning permit. A professionally-sealed earth moving plan must be maintained on site for the duration of earth moving and construction, and must be available for inspection by the City during normal business hours.

SECTION 2. This Ordinance shall become effective immediately.

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**Explanation:**

[Brackets] indicate matter deleted.

*Italics* indicate new matter added.