

Philadelphia's New Zoning Code



Changes to the
Draft Preliminary Report
April 13, 2011





Significant Changes

14-200 Definitions

❖ 14-203 Definitions

- Cleaned up definitions of story, basement and cellar; cellar does not count as a story and a basement is a story that is less than 50% below ground.
- Revised definition of attached, semi-detached, and detached housing to reference walls at or on property lines (not “party walls”).



Significant Changes

14-300 Administration and Procedures

- ❖ **14-301 Review and Decision-Makers**
 - Replace paraphrased text referencing other laws with “incorporated by reference”.

- ❖ **14-302 Procedures Summary Table**
 - State information on types of notice required in text of 14-303(8) (Public Notice).



Significant Changes

14-300 Administration and Procedures

❖ 14-303 & 304 General and Specific Procedures

- Re-organize: Move zoning permits, special exceptions, and variance provisions from “specific” into “general”.
- Revise flowcharts for special exceptions, variances, and CDR processes to include Registered Community Organization meetings.



Significant Changes

14-300 Administration and Procedures

- ❖ **14-303(I) Registered Community Organizations**
 - Move criteria for Registered Community Organization to regulations.
 - Replace ZBA / CDR 45 day waiting period with requirement that ZBA / CDR cannot convene hearings until the applicant and RCO's have convened and documented their meeting, or 45 days, whichever is less.
 - Insert mistakenly omitted provision that if an application requires both CDR and ZBA approval, only one neighborhood meeting is required.



Significant Changes

14-300 Administration and Procedures

- ❖ **14-303(4) Application Materials and Forms**
 - Deleted provision that L&I can waive application material requirements deemed unnecessary.
 - Added text to confirm that L&I will post on the city's website application materials that L&I requires for review of an application for compliance with the zoning code.

- ❖ **14-303(6) Complete Application Required**
 - Section removed. No longer necessary given recent refinements to the neighborhood meeting timeline.



Significant Changes

14-300 Administration and Procedures

❖ 14-303(8) Notice

- Revised newspaper notice provisions to reference Home Rule Charter requirements.
- Deleted text preventing L&I from determining that an application is complete unless a copy of the notice to the RCO and Planning Commission are included – because need for RCO / CDR notice may not be known at the time application is filed.



Significant Changes

14-300 Administration and Procedures

❖ 14-303(9) Hearings

- Revise quorum language to match recent legal changes (3).
- Removed language on variance burden of proof that is already covered in variance section.
- Deleted right of ZBA to suspend attorney's right to practice because jurisdiction is with the courts.
- Clarified that ZBA power to issue subpoenas includes right to require production of documents related to the request.



Significant Changes

14-300 Administration and Procedures

❖ **14-304(3) Amendments to Master Plans**

- Deleted requirement for Water Dept. to sign off before Planning Commission in SP-ENT, because that applies to zoning permits but not plan amendments.

❖ **14-304(4) Special Exception**

- Revised text to say ZBA “shall consider” comprehensive plan to be parallel with standards for other decisions.
- Revising language on “initial burden” and “subsequent burden of proof” to match current law.



Significant Changes

14-300 Administration and Procedures

❖ 14-304(8) Variances

- For dimensional variances:
 - Revise language to require “minimum variance necessary” rather than 25% limit.
 - Clarify that multiple factors may be considered by ZBA in considering need for variance, to match current law.
- For expansions of uses approved by variance – revise language to apply variance criteria rather than 25% limit.



Significant Changes

14-300 Administration and Procedures

- ❖ **14-304(9) Zoning Permits**
 - Clarify that applications for zoning permits in master plan districts must be approved by the Planning Commission before L&I may issue the permit.

- ❖ **14-305(1) Non-conformities**
 - Revised purpose statement to reference “regulation” of non-conformities (not “accommodation”)



Significant Changes

14-300 Administration and Procedures

- ❖ **14-305(5) Expansion of Non-conforming uses**
 - Upper limit of expansion reduced from 25% to 15% (compared to 10% today)

- ❖ **15-305(5) Determination of Discontinuance**
 - Revised text to confirm that L&I's determination is that owner or lessee no longer intends to use the property for the non-conforming use.
 - L&I will make a notice of the discontinuance in the property files.

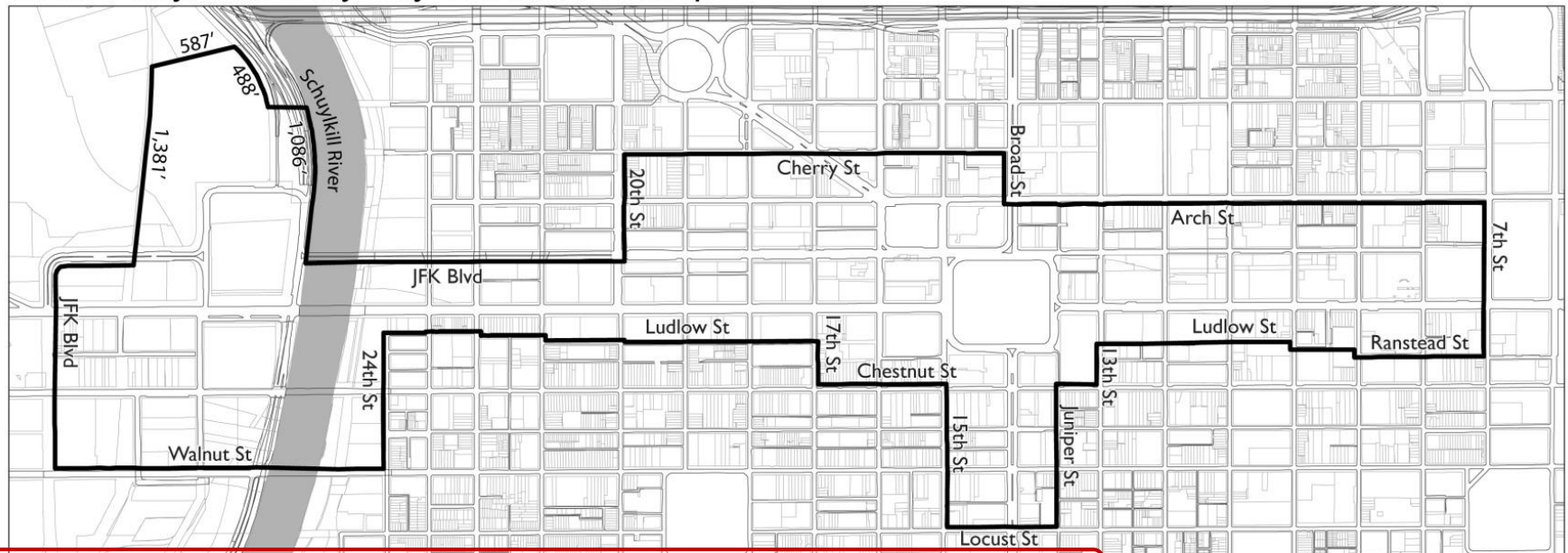
Significant Changes

14-500 Overlay Districts

❖ 14-502 Overlay Districts

- Legends of maps will now indicate where a control area only affects certain types of property.

Center City/University City Transit Area Map



□ Maximum Permitted Floor Area Ratio is 1600% of Lot Area (ONLY APPLIES TO LOTS ZONED CMX-5)



Significant Changes

14-500 Overlay Districts

- ❖ **14-502 CTR Overlay District**
 - Removed tower spacing requirements on JFK Blvd and Market Street.

- ❖ **14-503 NCA – new Ridge Avenue overlay**
 - Added floor area, sign, and transparency standards to new subsection of NCA (remaining provisions are in CMX-2.5)



Significant Changes

14-500 Overlay Districts

- ❖ **14-504 NCO – Neighborhood Conservation**
 - Revise text to clarify that NCO overlays address design – not permitted uses.

- ❖ **14-508 City Avenue Overlay**
 - Add provisions requiring that façades of parking structures facing City Avenue be “wrapped” with other uses.



Significant Changes

14-600 Use Regulations

❖ **14-601 Use Definitions**

- Animal Services – stables separated out as a separate use category
- Wholesale, Distribution and Storage – clarified distinctions between included uses. Beer distributors cannot be separated out because of state laws governing alcoholic beverage uses and sales.



Significant Changes

14-600 Use Regulations

❖ 14-602 Use Tables

- Funeral and Mortuary Services now “N” in CMX-2.5
- On-premises Dry Cleaning now “N” in CMX-I and “S” in CMX-2.5
- Wireless Antennas now “Y” in RMX-I if co-located on existing structure and “S” if a new structure.
- Uses in RM-I and Commercial Districts still under evaluation based on public comments.



Significant Changes

14-700 Development Standards

- ❖ **14-703 Form and Design**
 - Change of materials and colors removed as options for varying facades.
 - Refining methods for measuring “surface features” based on linear distances.

14-800 Parking

- ❖ **14-703 Form and Design**
 - Removed “openings” as a permitted way to meet the 30% façade requirement for parking garages.

Questions

