

# Philadelphia's New Zoning Code



Changes to the ZCC's *Preliminary Report*

November 9, 2011





# 40 Council Amendments Addressed by ZCC

	ZCC Recommendation	Relevant Amend. #
✓	Amend parking requirements for Religious Assembly in residential districts to reflect standards in the existing Code.	4
✓	Amend the expansion of nonconformities to 10%.	5
✓	Eliminate Bed & Breakfasts from the zoning code.	8 (also 37)
✓	Provide for RCOs to set their own geographical boundaries and for district council person to serve as RCO for areas where there is no RCO.	9
✓	Amend the burdens of proof for Special Exceptions to reduce the burden on protestants by incorporating the Bray standards.	10
✓	Amend reference to “Accepted Plans”.	11
✓	Amend the qualifications for the standing (not rotating) CDR committee civic association review seat.	12
✓	Require ZBA variance decisions in writing.	15
✓	Require applicants to post permits upon receipt and provide that appeals to the ZBA by protestants must be made within 30 days from the date of permit or constructive notice.	17



# 40 Council Amendments Addressed by ZCC

	ZCC Recommendation	Relevant Amend. #
✓	Provide a temporary moratorium on non-accessory signage in the former Food Distribution District.	18
✓	Require Civic Design Review for any new Master Plan districts.	20
✓	Reincorporate review criteria for dimensional variance standards from the existing Code.	21
✓	Provide that any modification of use variances require ZBA action.	22
✓	Provide Use Permit application instructions regarding required submission materials.	23
✓	Re-incorporate the types of uses and distance requirements for regulated uses under the existing code.	24 (also 37, 38, 39)
✓	Provide minimum spacing and distancing standards from specific uses for certain re-entry facilities.	25
✓	Reincorporate existing code provisions for wireless facilities.	26
✓	Amend the definition for “nightclub.”	27



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## ZCC Recommendation

## Relevant Amend. #

✓	Define “Distributor of malt and brewed beverages” as a use within the Wholesale category.	28
✓	Retain the protections of the East Falls, Lower and Central Germantown Overbrook Farms, and Fairmount Avenue Special Controls Districts.	29-32
✓	Retain the protections of the North Delaware Avenue Area Special Control Districts.	33
✓	Retain the protections of the Old City Residential Area Special Control District. Change eating and drinking establishments to a special exception use.	34
✓	Create an additional overlay to carry over the Roxborough and Fox Chase Environmental Control Districts.	35
✓	Create two Auto-Oriented Commercial Districts, CA-1 and CA-2.	36
✓	Create definitions for family, variance, Master Plan, and streetscape design.	40



# 40 Council Amendments Addressed by ZCC

## ZCC Recommendation

## Relevant Amend. #

- |   |  |   |
|---|--|---|
| ✓ | Create two Parks and Open Space Districts – one for “Passive” and one for “Active” uses. Remap the currently zoned “REC-Passive” district as SP-PO-P and “REC” as SP-PO-A. Carry over existing permitted uses as they are in the current code, except add ability for day care to locate in recreational buildings. Re-visit changes to Parks and Open Space during the next year. | 1 |
| ✓ | Regulate solo practitioners separately from group practice medical offices. Solo practitioners have at most one assistant employee. Keep group practice medical offices as Special Exception in CMX-1, CMX-2, and CMX-2.5.   | 2 |
| ✓ | Remove the community home use type. Groups of 3 unrelated adults would be permitted wherever single-family use is permitted. Other group living arrangements of more than 3 unrelated adults would be permitted as Special Exceptions in RSA, RTA, RM, and RMX districts.  | 3 |
| ✓ | Incorporate the current permitted professional uses and home occupations and add the new types of home occupations proposed by City Council.   | 6 |



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## ZCC Recommendation

## Relevant Amend. #

- |   |  |    |
|---|--|----|
| ✓ | Eliminate all references to Community Benefits Agreements and encourage the ZBA to promulgate regulations requiring their disclosure.  | 7  |
| ✓ | Provide option of current bulk and massing controls or Sky Plane standards. Revisit in a year to determine appropriate single standard to be used going forward.   | 13 |
| ✓ | Add a “good faith standard” that requires the applicant to document his/her effort either by attending the next regularly-scheduled meeting of the RCO, or proposing an alternative meeting date within 30 days.         | 14 |
| ✓ | State that administrative manuals and advisory guides shall not be binding unless promulgated as regulations. Publicly post the ZAM for at least 30 days and publish the public comments prior to issuing the final ZAM. | 16 |
| ✓ | Amend the minimum acreage of SP-INS districts from 3 to 5 acres. Apply a contextual front setback to street frontage on all sides of the SP-INS district, where it is adjacent to a residential district.                | 19 |



# Additional Amendments

## **SIGN OVERLAYS**

Carry over Market Street East Advertising District and I-95 Condemnation Corridor Sign Control overlay districts.

## **ADDITIONAL CONTEXTUAL STANDARDS**

- Regulate the number of units permitted in RM-1, CMX-1, CMX-2, and CMX-2.5 to control density by increasing the lot area required for each unit.
- Adopt a contextual rear yard depth requirement of the greater of 9 ft. or 10% of lot depth.
- Create a contextual rear yard depth and open area standard for RSA-5 and RM-1 to prevent over-development on very deep lots. Allow an exception for lots with depths less than 45 ft.



# Additional Amendments

## **SPECIFIC ZONING RELIEF**

- Carry over specific zoning relief for projects where: 1) the new code does not provide such relief generally, and 2) the project has not yet received zoning permits; and 3) the relief does not sunset prior to anticipated effective date of the new code.
- Projects include:
  - Baker Square
  - The second phase of Avenue North
  - 1200 Chestnut Street
- Where there is no existing sunset provision, add a provision to sunset six months after the effective date of the new code.



# Additional Amendments Requested by Council

## *that will be incorporated in the Final Report*

- **ZAM** – Require L&I to post the ZAM on its website.
- **Posting of Permits** – Require a true copy of the zoning permit to be posted on each street frontage.
- **Appeals** – Clarify that protestants must appeal within 30 days of constructive notice of L&I's decision.
- **Fences in SP-INS districts** – Limit fence heights to 125% of the fence height permitted in the most restrictive adjacent Residential district.
- **Day care in SP-PO districts** – Permit day cares as accessory uses to existing and future recreational buildings.
- **Germantown overlay** – Prohibit barber/beauty shops and nail salons in Residential districts (as either a principal use or home occupation).
- **Re-Entry Facilities** – Revise definition to apply to any facility that provides rehabilitation services and overnight accommodation to 25 or more individuals (including staff). Require spacing from SP-ENT and SP-INS districts.
- **Accepted Plans** – Remove all references
- **Special Exception Criteria** – Eliminate the “high degree of probability” requirement from protestant criteria.
- **RCOs** – Remove the requirement for PCPC to establish by regulation standards for the delineation of well-defined geographic RCO boundaries.