

AMENDMENT NO. 01

§ 14-602 Use Tables.

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(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

- [1] In addition to the regulations of this Zoning Code, uses in the SP-PO district are subject to Pennsylvania law. Uses on City-owned park and open land are also subject to approval by PPR.
- [2] Permitted only if accessory use to sports stadium or similar facility or if shown on an approved master plan.
- ~~[3] Non-accessory parking is allowed only when approved by PPR.~~
- [4] Day care uses shall be enclosed within a building and may be located within the terminal complex. Day care services may not be located within buildings containing uses listed in §14-601(4)(a)(.4) to §14-601(4)(a)(.17).

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

Temporary table row						
Use Category	IDD	CED	SSD	REC	New	
Subcategory Specific Use Type	SP-INS	SP-ENT	SP-STA	SP-PO[1]	SP-AIR	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						
Household Living	N	Y	N	N	N	
Group Living (except as noted below)	Y	N	N	N	N	§14-603(1)
Community Home, Group	N	N	N	N	N	
Community Home, Family	N	N	N	N	N	§14-603(6)
Parks and Open Space						
Natural Resource Preservation	N	N	N	Y	Y	
Passive Recreation	Y	Y	Y	Y	Y	
Active Recreation	Y	Y	Y	Y	Y	
Public, Civic, and Institutional						
Airport-Related Facilities	N	N	N	N	Y	
Day Care	Y	N	[2]	✗ N	S[4]	§14-603(7)
Educational Facilities	Y	N	N	N	N	
Fraternal Organization	Y	N	N	N	N	
Hospital	Y	N	N	N	N	
Libraries and Cultural Exhibits	Y	N	N	✗ N	Y	
Religious Assembly	Y	N	N	N	N	
Safety Services	Y	N	N	N	Y	
Transit Station	Y	N	Y	N	Y	
Utilities and Services, Basic	Y	N	N	✗ N	Y	
Wireless Service Facility (as noted below)						
Freestanding Tower	Y	Y	Y	N	Y	§14-603(16)
Building or Tower-Mounted Antenna	Y	Y	Y	N	Y	§14-603(17)
Office						
Business and Professional	Y	Y	[2]	N	Y	
Medical, Dental, Health Practitioner	Y	Y	[2]	N	Y	
Government	Y	Y	[2]	S	Y	
Retail Sales						
Building Supplies and Equipment	Y	Y	N	N	Y	
Consumer Goods (except as noted below)	Y	Y	[2]	✗ N	Y	
Drug Paraphernalia Sales	N	N	N	N	N	
Gun Shop	N	N	N	N	N	
Food, Beverages, and Groceries (except as noted below)	Y	Y	N	N	Y	
Farmer's Market	Y	Y	N	Y	Y	
Fresh Food Market	Y	Y	N	N	Y	
Pets and Pet Supplies	Y	Y	N	N	Y	
Sundries, Pharmaceuticals, and Convenience Sales	Y	Y	[2]	N	Y	
Wearing Apparel and Accessories	Y	Y	[2]	N	Y	
Commercial Services						
Animal Services (except as noted below)	N	N	N	N	N	
Stables	N	N	N	Y	N	§14-603(14)
Assembly and Entertainment (except as noted below)	Y	Y	Y	Y	Y	
Amusement Arcade	N	Y	N	N	Y	
Pool or Billiards Room	N	Y	N	N	N	
Building Services	Y	N	N	N	Y	
Business Support	Y	N	N	N	Y	
Eating and Drinking Establishments (except as noted below)	Y	Y	[2]	✗ N	Y	§14-603(8)

Temporary table row						
Use Category	IDD	CED	SSD	REC	New	Use –Specific Standards
Subcategory Specific Use Type	SP-INS	SP-ENT	SP-STA	SP-PO[1]	SP-AIR	
Y = Yes permitted as of right S = Special exception approval required N = Not allowed (expressly prohibited) Uses not listed in this table are prohibited.						
Take-Out Restaurant	Y	Y	N	S-N	Y	§14-603(8)
Financial Services (except as noted below)	Y	N	[2]	N	Y	
Personal Credit Establishment	N	N	N	N	N	
Funeral and Mortuary Services	Y	N	N	N	Y	
Marina	N	Y	N	Y	Y	
Maintenance and Repair of Consumer Goods	Y	N	N	N	Y	
Parking, Non-Accessory (as noted below)						
Surface, Open-Air	Y	Y	Y	Y [3] N	Y	§14-603(12)
Multi-Level Structure (garage)	Y	Y	Y	N	Y	
Personal Services	Y	Y	[2]	N	Y	
Radio, Television, and Recording Services	Y	N	N	N	Y	
Visitor Accommodations	Y	Y	[2]	N	Y	
Wholesale, Distribution, and Storage						
Wholesale Sales and Distribution	N	N	N	N	Y	
Industrial						
Artists Studios and Artisan Industrial	N	N	N	N	Y	
Research and Development	N Y	N	N	N	Y	
Urban Agriculture						
Community Garden	Y	Y	Y	Y	Y	
Market or Community-Supported Farm	S	N	N	Y N	Y	

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§14-604 Accessory Uses and Structures.

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(11) SP-PO, Parks and Open Space (Special Purpose) District

The following accessory uses are permitted in SP-PO districts:

- (a) Accessory Parking;**
- (b) Day care;**
- (c) Government offices;**
- (d) Prepared food shops such as delis and coffee shops;**
- (e) Retail sales of consumer goods;**
- (f) Sit-down restaurants;**
- (g) Take-out restaurants; and**
- (h) Utilities and services, basic.**

AMENDMENT NO. 02

§ 14-601(5) **Office Use Category**

This category includes uses in an enclosed building, customarily performed in an office, that focus on providing executive, management, administrative, government, professional, or medical services. The office subcategories are:

* * *

(a) **Medical, Dental, and Health Practitioner**

Office uses related to diagnosis and treatment of human patients' illnesses, injuries, and physical malfunctions that can be performed in an office setting with no overnight care. Surgical, rehabilitation, and other medical centers that do not involve overnight patient stays are included in this subcategory, as are medical and dental laboratories, unless otherwise indicated.

(.1) Solo Practitioner. Office use maintained by a single medical, dental or health professional having no more than one assistant regularly employed therein and not used by any colleagues or associates.

(.2) Group Practitioners. Office maintained by one or more medical, dental or health professionals having more than one assistant regularly employed therein.

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§ 14-602 Use Tables

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(3) **Residential Districts**

Principal uses are allowed in Residential districts in accordance with Table 14-602-1. 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 14-602-1**

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[9] Permitted as of right if located in the dwelling of the solo practitioner; and if incidental to the main purpose of the residence.

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§ 14-604 Accessory Uses and Structures

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(18) Solo Practitioner

The following standards apply to solo practitioner offices located in dwelling units in residential districts:

- (.1) The owner of the solo practice shall reside in the dwelling unit in which the solo practice office is located.**
- (.2) Solo practices must be accessory and secondary to the use of a dwelling unit for residential purposes.**
- (.3) No more than two off-street parking spaces shall be permitted for the solo practice.**
- (.4) Solo practice may not result in changes to the residential character of the residential building in which it is located. No separate building entrance that is visible from the street may be added to the residential building for the sole use of the solo practice.**
- (.5) Solo practices may not adversely affect the residential character of the neighborhood. A solo practice may not, for example, produce noise, vibration, glare, odors, parking/loading demands, traffic, or other effects that unreasonably interfere with any person's enjoyment of their residence.**
- (.6) The solo practice and all related activities must be conducted within a completely enclosed principal or accessory building.**
- (.7) Truck deliveries or pick-ups of supplies or products associated with a home occupation are allowed only between the hours of 8:00 a.m. and 7:00 p.m. Delivery and pick-up via semi-tractor trailer is prohibited.**

AMENDMENT NO. 03

601(2) Residential Use Category

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(b) **Group Living**

Residential occupancy of a building or any portion thereof that is not categorized as a household living use (see §14-601(2)9a)) and that typically provides communal kitchen/dining facilities. Examples of group living uses include, but are not limited to, fraternities, sororities, group homes, and temporary overnight shelters. The following are group living specific use types:

(.1) **Assisted Living**

As defined by the Public Welfare Code 62 P.S. §1001, any premises in which food, shelter, personal care, assistance or supervision, and supplemental health care services are provided for a period exceeding 24 hours for four or more adults who are not relatives of the operator, who require assistance or supervision in such matters as dressing, bathing, diet, financial management, evacuation from the residence in the event of an emergency, or medication prescribed for self-administration.

(.2) ~~Community Home, Family~~

~~A group of up to eight unrelated disabled persons living together as a single housekeeping unit in a dwelling unit and sharing common facilities as considered reasonably appropriate for a family. The eight person limit does not include staff.~~

(.3) **Community Home, Group**

A group of **four or more** ~~than eight~~ unrelated ~~disabled~~ persons living together as a single housekeeping unit with shared common facilities. Staff are not counted as part of the group.

§ 14-602 Use Tables

* * *

(1) **Residential Districts**

Principal uses are allowed in Residential districts in accordance with Table 14-602-1. 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 14-602-1**

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- [2] ~~A community home, family establishment with up to three unrelated disabled persons is permitted. If more than three unrelated disabled persons will reside in a community home, family establishment, a special exception approval is required.~~

AMENDMENT NO. 04

Table 14-802-1: Required Parking in Residential Districts

Use Category Subcategory Specific Use Type	Minimum Required Parking Spaces (spaces per unit/sq. ft. of gross floor area/beds/seats)		
	RSD-1/2/3 RSA-1/2/3 RTA-1 RMX-1	RSA-4/5 RM-1	RM-2/3/4 RMX-2/3
	Residential (as noted below)		
Household Living (as noted below) [2][3]			
Single-Family	1/unit	RSA-4 and RM-1: N/A; RSA-5: [1]	N/A
Two-Family	1/unit	RSA-4 and RM-1: N/A; RSA-5 [1]	1/2 units
Multi-Family	1/unit	N/A	3/10 units
Group Living (as noted below)			
Assisted Living	1/10 permanent beds	1/10 permanent beds	1/10 permanent beds
Community Home, Family	1/3 beds + 1; min. 2	1/3 beds + 1; min. 2	1/8 beds + 1; min. 2
Community Home, Group	1/3 beds + 1; min. 2	1/3 beds + 1; min. 2	1/8 beds + 1; min. 2
Single-Room Residence	1/20 units + 1; min. 2	1/20 units + 1; min. 2	1/20 units + 1; min. 2
Public, Civic, and Institutional (as noted below)			
Religious Assembly	1/10 seats or 1/1,000 sq. ft., whichever is greater	1/10 seats The greater of (a) none for first 100 seats then 1/10 seats or (b) none for first 2,500 sq. ft. then 1/1,000 sq. ft.	1/10 seats The greater of (a) none for the first 200 seats then 1/10 seats or (b) none for first 4,000 sq. ft. then 1/1,000 sq. ft.
Wireless Service Facility	N/A	N/A	2
Commercial Services (as noted below)			
Assembly and Entertainment	1/10 seats or 1/1,000 sq. ft., whichever is greater	The greater of (a) none for first 100 seats then 1/10 seats or (b) none for first 2,500 sq. ft. then 1/1,000 sq. ft.	The greater of (a) none for the first 200 seats then 1/10 seats or (b) none for first 4,000 sq. ft. then 1/1,000 sq. ft.
Urban Agriculture (as noted below)			
Market or Community-Supported Farm	None if lot area is less than 5,000 sq. ft., otherwise 2	None if lot area is less than 5,000 sq. ft., otherwise 2	None if lot area is less than 5,000 sq. ft., otherwise 2

AMENDMENT NO. 05

§14-305 Nonconformities

(5) Nonconforming Uses

(a) Expansion

- (.1) Expansion of nonconforming regulated uses that are listed in §14-603(13) (Regulated Uses), and nonconforming non-accessory signs is prohibited.
- (.2) For uses other than specified in §14-305(5)(a)(.1) above: A nonconforming use that is located in a conforming building may be expanded within that building, or within any expansion of that building that complies with §14-701 (Dimensional Standards), provided that the expansion shall not increase the area occupied by the nonconforming use by more than ~~15%~~ **10%** more area than it occupied when it became nonconforming.

AMENDMENT NO. 06

§14-604 Accessory Uses and Structures

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(8) Home Occupations

(a) General Home occupations, including but not limited to offices of doctors, dentists, lawyers, ministers, architects, licensed psychologists and web designers, are accessory uses to principal uses in the household living use category. The standards of this section are intended to ensure that home occupations will not be a detriment to the character and livability of the surrounding neighborhood. The regulations recognize that many types of work can be done in a home with little or no effect on the surrounding neighborhood.

(.1) Home Office. A business accessory to the primary use in the household living category where business or professional services are provided to customers who do not come onto the premises, including but not limited to, web designers, editors, writers, floral designers and caterers. Home offices are permitted in Residential Districts and in Residential Mixed Use Districts.

(.2) Home Business Operation. A business conducted within a home where household living is the primary use and where business or professional services are provided to customers or clients who may come to the premises, including but not limited to doctors, dentists, ministers, hair salons and spas. Home business operations are prohibited in Residential Districts and are permitted in Residential Mixed Use Districts by special exception.

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AMENDMENT NO. 07

§14-109 Relationship to Private Agreements

~~(1) — General~~

Where the provisions of this Zoning Code impose a greater restriction than that imposed by a private agreement, including but not limited to any easement, covenant, or deed restriction, **or a Community Benefits Agreement**, the provisions of this Zoning Code will control. Where the provisions of a private agreement impose a greater restriction than this Zoning Code, the provisions of the private agreement may be enforced between private parties notwithstanding the provisions of this Zoning Code. The existence of a private agreement shall not excuse any failure to comply with this Zoning Code. The City shall not be responsible for monitoring or enforcing private agreements.

~~(2) — Community Benefits Agreement~~

~~An applicant for relief from the Zoning Board who enters into a Community Benefits Agreement shall file any such agreement with the Zoning Board prior to any decision on the application. Any relief granted to such applicant shall be vacated upon a showing, at any time, that the applicant failed to file a Community Benefits Agreement. The filing of a Community Benefits Agreement by an applicant shall not, in and of itself, constitute an incorporation of that Agreement into the terms of any relief granted by the Zoning Board, unless that Agreement satisfies the requirements set forth in §14-303(9) (Conditions on Approvals).~~

AMENDMENT NO. 08

§ 14-603 Use-Specific Standards

* * *

(2) **Bed and Breakfast**

Bed and breakfast establishments are subject to the following standards in Residential **Mixed Use** districts:

- (a) the establishment must be operated by the owner of the building, who must live on the property;
- (b) **the applicant shall certify registration with the Pennsylvania Tourism and Lodging Association and shall maintain continuous enrollment in the PTLA's biennial Bed and Breakfast Inspection program.**
- (bc) the bed and breakfast may not contain ~~more than four guest rooms in RSD, RSA, and RTA districts or~~ more than eight guest rooms in any RM district;
- (ed) food service must be provided for guests; such food service shall not be provided to persons that are not guests of the bed and breakfast establishment;
- (d) 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
- (ef) if the lot abuts an alley or driveway with a width of 12 ft. or more, access to guest parking spaces must come from the alley or driveway.

AMENDMENT NO. 09

(12) **Neighborhood Notice and Meetings**

(a) **Registered Community Organizations**

Organizations that desire to be recognized as a Registered Community Organization by the Commission shall register annually with the Commission by providing (1) the name of a contact person, (2) the name of a person designated to participate in the Civic Design Review process, (3) the boundaries of its geographical area of concern, (4) whether the organization wishes to be notified of applications in its geographical area of concern electronically or by mail, and (5) such other information as may be required by the regulations of the Commission. ~~An issue-specific interest group whose geographical area of concern is all or substantially all of the city may not apply for registration as a Registered Community Organization, and the listed~~ **The** geographical area of concern of a Registered Community Organization shall meet the geographic area requirements set forth in the **organization's formation documents regulations of the Commission. In the event that an area is not represented by a Registered Community Organization, the District Councilperson for the area shall take the place of such organization for all purposes.**

(b) **Applicability**

The procedures of this §14-303(12) (Neighborhood Notice and Meetings) shall apply to applications that pertain to a property within the boundaries of the Registered Community Organization and that:

- (.1) Require Zoning Board approval of a special exception under §14-303(7) (Special Exception Approval); or
- (.2) Require Zoning Board approval of a zoning variance under §14-303(8), (Zoning Variances); or
- (.3) Meet the requirements for Civic Design Review in §14-304(5) (Civic Design Review).

(c) **Notice to Registered Community Organizations**

- (.1) Within seven days of (a) filing a petition of appeal to the Zoning Board for approval of a special exception or variance or (b) being notified by L&I that an application will require review under the Civic Design Review Process, the applicant must provide notice to each Registered Community Organization whose registered boundaries include the applicant's property **or the District Councilperson where there is no Registered Community Organization for the area** and provide a copy of such notice to the Commission, L&I, and the Zoning Board.

(.2) L&I shall provide the applicant with names and contact information for the Registered Community Organization(s) **or the District Councilperson where there is no Registered Community Organization for the area**, to be contacted and shall require that the applicant provide notice in the preferred form stated in the organization's filing documents (i.e. electronically or by mail).

(.3) The notice **from applicant** shall contain the following content:

(.a) The name and address of the applicant;

(.b) The name and contact information of any other Registered Community Organizations whose registered geographical boundaries include the applicant's property **or the District Councilperson where there is no Registered Community Organization for the area**;

(.c) The location where copies of the application and any related information submitted by the applicant can be obtained;

(.d) A description of the property involved by general vicinity, street address, size, and nearest cross street, and the zoning district in which the property is located;

(.e) A description of the nature, scope, and purpose of the application and the type of permit, approval, or variance being sought;

(.f) The time and place of any required public meeting or hearing regarding the application or a statement that such required public meeting or hearing has not yet been scheduled; and

(.g) Any additional information required by L&I, the Zoning Board, or the Commission for the proposed application.

(d) Neighborhood Meeting and Documentation Requirements

(.1) Within 45 days after the applicant has filed a petition of appeal to the Zoning Board for approval of a special exception or variance or within 45 days after the applicant has been notified by L&I that an application will require review under the Civic Design Review Process, the noticed Registered Community Organization(s) **or the District Councilperson where there is no Registered Community Organization for the area**, and the applicant shall complete the actions required by this §14-303(12)(d) (Neighborhood Meeting and Documentation Requirements). The Zoning Board or Civic Design Review Committee shall not conduct its first meeting on the application until the applicant and the Registered Community Organization(s) **or the District Councilperson where there is no Registered Community Organization for the area** have completed the actions required by this §14-303(12)(d) (Neighborhood Meeting and Documentation Requirements) or 45 days, whichever is less.

- (.a) The noticed Registered Community Organization(s) **or the District Councilperson where there is no Registered Community Organization for the area** shall:
 - i. Convene, organize, and conduct a meeting with the applicant to discuss the proposal. If there is more than one Registered Community Organization whose geographical area of concern includes the project site, those organizations shall coordinate to convene a single meeting with the applicant during such 45-day period; and
 - ii. Provide to the Zoning Board or Civic Design Review Committee, as applicable, written documentation of the meeting or the reason that no meeting was held within the required timeframe.
- (.b) The applicant shall provide to the Zoning Board or Civic Design Review Committee, as applicable, written documentation of the meeting or the reason that no meeting was held within the required 45-day timeframe. If, within the 45-day period, the applicant has made a good faith effort to meet with the Registered Community Organization(s) **or the District Councilperson where there is no Registered Community Organization for the area**, and no meeting has been convened within that period, the applicant will be presumed to have fulfilled the requirements of this §14-303(12)(d) (Neighborhood Meeting and Documentation Requirements).
- (.2) If an application requires both Civic Design Review and Zoning Board approval, the applicant is required to comply with the requirements of this §14-303(12) (Neighborhood Notice and Meetings) only once. A second meeting with the Registered Community Organization(s) **or the District Councilperson where there is no Registered Community Organization for the area**, is not required following Civic Design Review and before action by the Zoning Board.

AMENDMENT NO. 10

§14-303: Common Procedures and Requirements

(7) Special Exception Approval

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(e) Criteria for Review and Action by the Zoning Board

The Zoning Board shall approve or approve with conditions the application for a special exception if it determines that the criteria in §14-303(7)(e)(.1) and §14-303(7)(e)(.2) below have been met, unless the Zoning Board finds that the objectors, if any, satisfy the criteria in ~~§14-303(7)(e)(.2) or~~ §14-303(7)(e)(.3).

(.1) Specific Conditions of Use

The applicant shall have the initial duty of presenting evidence, and the burden of proof, that the application complies with all the criteria and meets all the conditions applicable to the proposed use, including all applicable use-specific standards in §14-603 (Use-Specific Standards).

(.2) ~~General-Specific~~ Detrimental Impacts

The applicant has the initial duty of presenting objective evidence that the proposed use meets the definition for a use permitted by special exception, that all dimensional standards are satisfied and the grant of special exception will not cause specific detrimental impacts. Once the applicant meets such initial duty and burden of proof, the objectors, if any, shall have the duty of presenting objective evidence that the proposed use is substantially likely to cause a detrimental impact exceeding that which normally might be expected from the proposed use on the health, safety, and welfare of the neighborhood. If the objectors meet the duty of presenting such evidence of specific detrimental impacts caused by the proposed use, the burden of proof shifts to the applicant to rebut such evidence. Such detrimental impacts may include:

- (a) Substantially increasing congestion in the public streets or transportation systems;
- (b) Overcrowding the land or creating an undue concentration of population;
- (c) Impairing an adequate supply of light and air to adjacent property;

- (.d) Unduly burdening water, sewer, school, park, or other public facilities;
- (.e) Impairing or permanently injuring the use of adjacent conforming properties;
- (.f) Increasing the danger of fire or otherwise endangering the public health or safety; or
- (.g) Being inconsistent with the Comprehensive Plan of the City.

(.3) General Policy of the Code

Once the applicant meets such initial duty and burden of proof, the objectors, if any, shall have the duty of presenting objective evidence that the proposed use is substantially likely to cause a detrimental impact exceeding that which normally might be expected from the proposed use on the health, safety, and welfare of the neighborhood. The objectors also may present evidence, and have the burden of proof, that the proposed use fails to conform with the purpose, spirit, and intent of this Zoning Code.

AMENDMENT NO. 11

§ 14-105 Relationship to Plan Documents

(1) The Comprehensive Plan

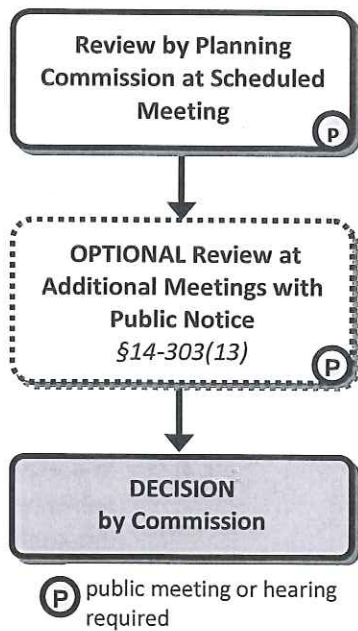
The Comprehensive Plan that is adopted by the Planning Commission (“the Commission”) serves as the statement of goals, recommendations, and policies guiding the development of the physical environment of the City.

(2) Amendments to the Comprehensive Plan and Other Plans

(a) If a plan other than the Comprehensive Plan containing additional recommendations, policies, and standards regarding development within the City is prepared by the City or a public or quasi-public agency and is adopted by the Commission it will be considered an amendment to the Comprehensive Plan and serve as an additional guide for the administration of this Zoning Code as described in §14-101(3) (Adopted Plans Guide Discretionary Decisions). In the case of a direct conflict between the provisions of the Comprehensive Plan and more detailed provisions in an amendment to the Comprehensive Plan adopted after the Comprehensive Plan, the provisions of the later amendment govern.

~~(b) As an alternative to adoption, a plan prepared by an organization other than the City or a public or quasi-public agency may be accepted by the Commission. If a plan is accepted rather than adopted by the Commission, it may serve as a general policy guide where it is not inconsistent with the Comprehensive Plan, additional plans, and other policies adopted by the Commission. If a plan is not formally adopted by the Commission pursuant to §14-304(2) (Comprehensive and Other Plan Adoption), it may serve as a guide for administration of this Zoning Code at the discretion of the Commission or Zoning Board, but those bodies shall not be obligated to make decisions consistent with accepted plans.~~

Comprehensive Plan Adoption



(3) Adopted Plans Guide Discretionary Decisions

Where a Comprehensive Plan or an amendment to the Comprehensive Plan has been adopted pursuant to ~~§14-304(2) (Comprehensive and Other Plan Adoption)~~ the recommendations of that plan shall be considered by the Commission and Zoning Board as a factor in making any decision on a zoning permit application on a topic or area covered by the adopted plan.

* * *

§ 14-304 Specific Procedures

(1) Authority to Prepare and Adopt the Comprehensive Plan

Only the Commission may prepare and adopt a Comprehensive Plan pursuant to the Philadelphia Home Rule Charter. The City or any public or quasi-public agency may submit a proposed

amendment to the Comprehensive Plan for approval pursuant to §14-304(2) (Comprehensive and Other Plan Adoption). ~~Other organizations may submit plans for acceptance by the Commission, but if accepted those plans will not be considered amendments to the Comprehensive Plan (see §14-105 (Relationship to Plan Documents)).~~

(2) Comprehensive and Other Plan Adoption

(a) Applicability

This section applies whenever a Comprehensive Plan or other plan is intended to become the adopted policy of the City and to guide the approval of rezonings, permits, or approvals, including special exception approvals, in the area of the City covered by the plan.

(b) Review and Action by the Commission

- (.1) No plan shall become the adopted policy of the City unless it is first approved by the Commission.
- (.2) The Commission shall review the plan in at least one Commission meeting. The Commission may schedule additional public meetings to review the plan, and notice of those meetings shall be provided by the Commission as set forth for in §14-303(13) (Public Notice).
- (.3) In the case of the Comprehensive Plan or other plan prepared by the City or any public or quasi-public entity, if the Commission determines that the plan will promote the best interests of the City and that it should become the policy of the City, it shall adopt the plan, or adopt it with changes, and the plan shall then be considered an amendment to the Comprehensive Plan. If the Commission determines that the plan will not promote the best interests of the City, or that it should not become the policy of the City, it shall not adopt the plan.
- (.4) ~~In the case of a plan prepared by a group other than the City or a public or quasi-public entity, if the Commission determines that the plan will promote the best interests of the City, the Commission may accept the plan, but the plan will not be considered an amendment to the Comprehensive Plan.~~

(c) Effect of Approval

Only plans adopted by the Commission as amendments to the Comprehensive Plan shall be considered by the Commission or the Zoning Board as a factor in its decision to approve, approve with conditions, or deny a permit, special exception, variance, or other approval. ~~Pursuant to §14-105(2) (Amendments to the Comprehensive Plan and Other Plans), accepted plans may be used at the discretion of the Commission or the Zoning Board, but these bodies are not required to make decisions consistent with accepted plans.~~

AMENDMENT NO. 12

§ 14-304(5) Civic Design Review.

* * *

(a) **Civic Design Review Committee.**

Where this Zoning Code requires review by the Civic Design Review Committee, such review shall be performed by the Commission, which shall function as the Civic Design Review Committee, until such time as the Chair of the Commission certifies to the Council that the Mayor has established a separate Civic Design Review Committee, composed of seven members as follows: two Pennsylvania-licensed architects, one Pennsylvania-licensed landscape architect, one transportation/urban planner, one developer/builder, one person ~~with civic association review experience,~~ **who currently is an active member of the Zoning Committee of a Registered Community Organization**, and one rotating seat for a representative, **who currently is an active member of the Zoning Committee** of a Registered Community Organization, located in the project area. A member of the Commission will be the Chair of the Civic Design Review Committee and will fill one of the designated positions. The Executive Director of the Commission (or appointed designee) will advise the Civic Design Review Committee but will have no vote.

AMENDMENT NO. 13

§ 14-502 /CTR, Center City Overlay

* * *

(4) Bulk and Massing Regulations

The following bulk and massing regulations apply to the areas described in each subsection and shown on the two Bulk and Massing Control Area maps below. **The applicant shall have the option of meeting the requirements of either subsection 14-502(4)(a) (relating to Sky Plane Controls) or subsection 14-502(4)(b) (relating to Open Area Above Ground Level Controls).**

(a) Sky Plane Controls

(.1) Applicability

The sky plane provisions of this section apply to **all** CMX-4 and CMX-5 ~~lots in the Sky Plane Control Area~~, except as noted in §14-502(4)(a)(.2) below (See Bulk and Massing Control Area Map 1 for illustrative purposes only). ~~Notwithstanding §14-501(2) (Interpretation), when the sky plane standards of this §14-101(1)(a) (Sky Plane Controls) conflict with the floor area ratio standards of §14-701 (Development Standards), the stricter standard shall govern.~~

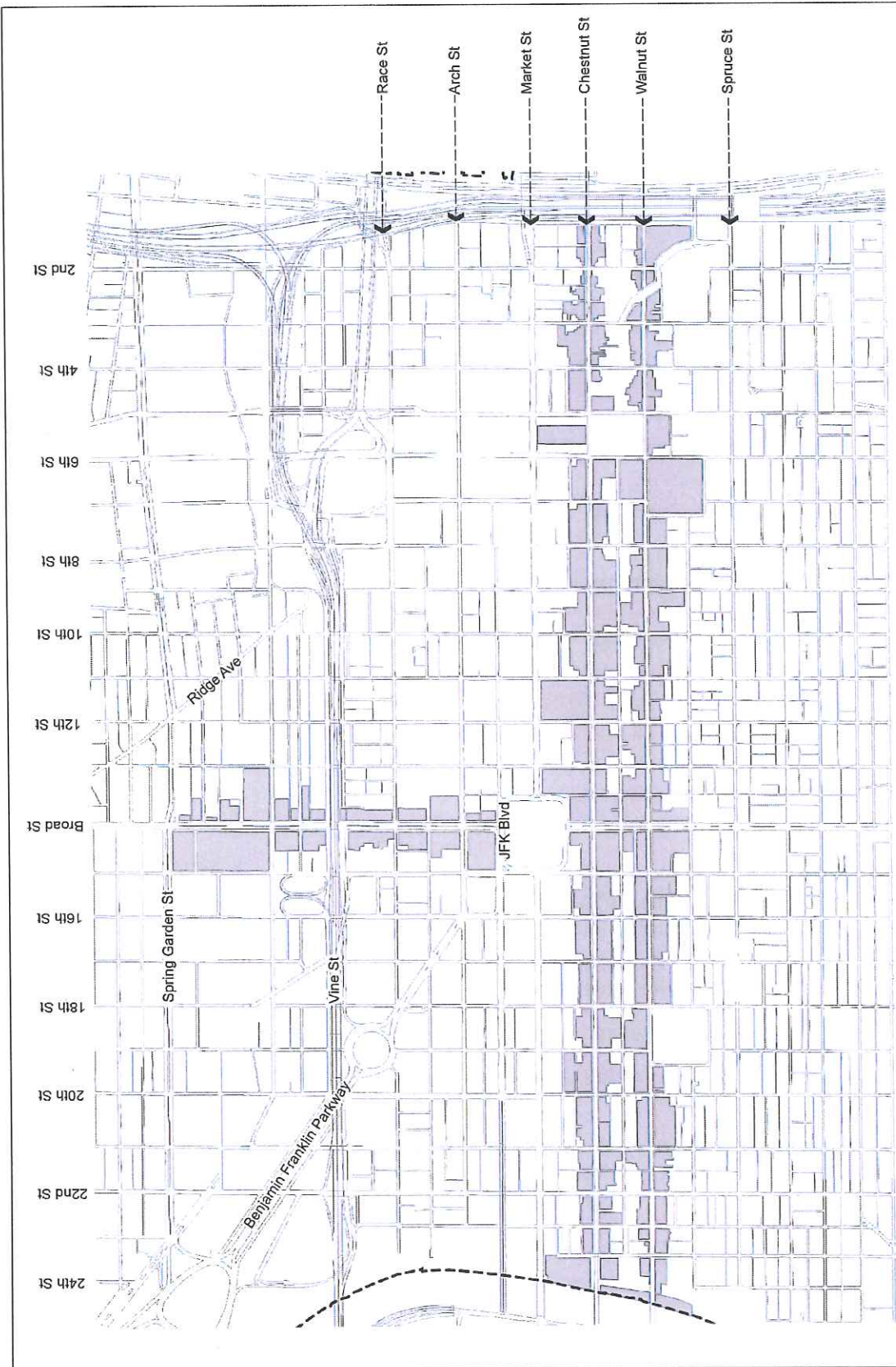
* * *

(b) Chestnut/Walnut/Broad Street Cornice Controls

The main cornice line on any building in any of the following areas may not be less than 25 ft. above the average sidewalk level (See Bulk and Massing Control Area Map 2 for illustrative purposes only).

(.2) Chestnut and Walnut Street Subarea 1.

(.3) Commercially-zoned lots located in Broad Street Subarea 2.



Bulk and Massing Control Area Map 2

- Center City Overlay
- Chestnut/Walnut/Broad Street Corridor Controls (applies to all lots)

(5) **Open Area Above Ground Level Controls.**

In order to prevent the entire street and adjoining sidewalks and public spaces from being placed in constant shadow, buildings should occupy less of the area of the lot as they become taller. These controls should be established to enhance the utility of public space as well as the public sidewalk by providing for the penetration of sunlight and air. Therefore, development controls which require that the upper floors of buildings occupy no more than thirty percent (30%) to seventy-five percent (75%) of the lot area, are imposed as follows, provided, that when lots are located in areas which are subject to other more restrictive height and bulk controls set forth in other Sections of this Title, the most restrictive regulations shall apply:

(.1) **Buildings within the basic allowable gross floor area, as provided herein, and three hundred feet or less in height above the average ground level:**

(.a) For lots designated class "C-4" Commercial, and not exceeding a floor area ratio (F.A.R.) of five hundred percent (500%) and lots designated class "C-5" Commercial, and not exceeding a floor area ratio of one thousand two hundred percent (1,200%), buildings may occupy one hundred percent (100%) of the lot area for the first sixty-five feet of building height above the average ground level and no more than seventy-five percent (75%) of the lot area for portions of the building above the first sixty-five feet of building height.

(.b) Notwithstanding subparagraph (.a), for the area bounded by 15th Street, Arch Street (Benjamin Franklin Parkway), Cherry Street and 16th Street, and for the area bounded by Arch Street, Juniper Street, Cuthbert Street and Broad Street, no set back above grade shall be required for lots designated "C-5" Commercial.

(.2) **Buildings in excess of the basic allowable gross floor area, as provided herein, (on lots designated class "C-4" Commercial, exceeding a F.A.R. of five hundred percent (500%) and on lots designated class "C-5" Commercial, exceeding a F.A.R. of one thousand two hundred percent (1,200%) and which are over three hundred feet in height above the average ground level:**

(.a) From ground level to a point sixty-five feet above the average ground level of the lot, buildings may occupy one hundred percent (100%) of the lot;

(.b) From a point sixty-five feet above the average ground level of the lot, buildings, including mechanical space, shall occupy no more than seventy-five percent (75%) of the lot up to a point three hundred feet in height above the average ground level;

(.c) From three hundred feet above the average ground level of the lot, buildings, including mechanical space, shall occupy no more than

fifty percent (50%) of the lot up to a point five hundred feet in height above the average ground level, or buildings, including mechanical space, over three hundred feet but less than five hundred feet in height above the average ground level may be constructed so that the average lot coverage of the building above a point sixty-five feet above the average ground level of the lot, shall not exceed sixty percent (60%) of the lot;

- (.d) From five hundred feet above the average ground level of the lot, buildings, including mechanical space, shall occupy no more than forty percent (40%) of the lot up to a point seven hundred feet in height above the average ground level, or buildings, including mechanical space, over five hundred feet but less than seven hundred feet in height above the average ground level may be constructed so that the average lot coverage of the building above a point sixty-five feet above the average ground level of the lot, shall not exceed fifty percent (50%) of the lot;
- (.e) From seven hundred feet above the average ground level of the lot, buildings, including mechanical space, shall occupy no more than thirty percent (30%) of the lot, or buildings, including mechanical space, over seven hundred feet in height above the average ground level may be constructed so that the average lot coverage of the building above a point sixty-five feet above the average ground level of the lot, shall not exceed forty percent (40%) of the lot, provided, that in the area bounded by Arch Street, 18th Street, Cuthbert Street, and 19th Street, buildings, including mechanical space, over seven hundred feet in height above the average ground level may be constructed so that the average lot coverage of the building above a point sixty-five feet above the average ground level of the lot shall occupy no more than forty-eight and one-half percent (48.5%) of the lot.

(56) Setback/build-To Regulations

* * *

AMENDMENT NO. 14

14-303(12) Neighborhood Notice and Meetings

* * *

(d) Neighborhood Meeting and Documentation Requirements

(.1) Within 45 days after the applicant has filed a petition of appeal to the Zoning Board for approval of a special exception or variance or within 45 days after the applicant has been notified by L&I that an application will require review under the Civic Design Review Process, the noticed Registered Community Organization(s) and the applicant shall complete the actions required by this §14-101(1)(a) (Neighborhood Meeting and Documentation Requirements). The Zoning Board or Civic Design Review Committee shall not conduct its first meeting on the application until the applicant and the Registered Community Organization(s) have completed the actions required by this §14-101(1)(a) (Neighborhood Meeting and Documentation Requirements) or 45 days, whichever is less.

(a) The noticed Registered Community Organization(s) shall:

- i. Convene, organize, and conduct a meeting with the applicant to discuss the proposal. If there is more than one Registered Community Organization whose geographical area of concern includes the project site, those organizations shall coordinate to convene a single meeting with the applicant during such 45-day period; and
- ii. Provide to the Zoning Board or Civic Design Review Committee, as applicable, written documentation of the meeting or the reason that no meeting was held within the required timeframe.

(b) The applicant shall provide to the Zoning Board or Civic Design Review Committee, as applicable, written documentation of the meeting or the reason that no meeting was held within the required 45-day timeframe. If, within the 45-day period, the applicant has made a good faith effort to meet with the Registered Community Organization(s) and no meeting has been convened within that period, the applicant will be presumed to have fulfilled the requirements of this §14-101(1)(a) (Neighborhood Meeting and Documentation Requirements). **The applicant shall have made a good faith effort to meet with the Registered Community Organization(s) upon demonstration of the following:**

- i **applicant has contacted an officer of such organization(s) on at least two separate occasions, either in person, by telephone or in writing (by first class mail or by e-mail) for the purpose of scheduling a meeting;**
- ii **such contact was made at least 30 days prior to the requested meeting date;**

- iii the applicant proposed at least 2 separate dates and times after 5:00 PM for holding the meeting at a location within the boundaries of the Registered Community Organization; and
- iv despite such efforts, no meeting was scheduled by the Registered Community Organization(s).

* * *

14-303(13) Public Notice

* * *

(c) Sign Notice

* * *

(.4) Reposting

If signs are not posted in accordance with the requirements of §14-101(3)(c)(.3) (Time of Posting), the Zoning Board shall delay action on the matter and require reposting of the sign notices, unless the Zoning Board determines, based on information provided by the applicant, that (a) the required posting began on or before the required date and (b) the applicant made good faith efforts to keep the sign notices posted during the entire period. Any reposting of required sign notices will be treated as a new posting and a reposting fee shall be required in accordance with the fee schedule set forth in Chapter 9 of the Philadelphia Administrative Code. **A photograph showing that the sign notice was posted in accordance with the posting requirements of this Zoning Code and, in the case where a sign was removed or torn, evidence that a new sign notice was obtained from L&I and posted, shall constitute good faith efforts to keep the sign notices posted during the entire period.**

AMENDMENT NO. 15

§ 14-303 (8) Zoning Variances.

* * *

(e) **Criteria for Approval**

The Zoning Board shall grant a variance only if it determines that the applicant has demonstrated that the criteria of this §14-303(8)(e) (Criteria for Approval) have been met and that any applicable criteria in subsections §14-303(8)(g) (Additional Criteria for Floodplain Variances) through §14-303(i) (Additional Criteria for Height Variances Near the Airport) through have been met. Otherwise, the Zoning Board shall deny the variance. The Zoning Board may grant a lesser variance than requested, and may attach such reasonable conditions and safeguards as it may deem necessary to implement this Zoning Code, including without limitation a limitation on the size or duration of the variance. The Zoning Board shall set forth each required finding for each variance that is granted, and shall set forth each finding that is not satisfied for each variance that is denied. Each finding shall be supported by substantial evidence. Reports of other City agencies made as a result of inquiry by the Zoning Board may be considered by the Zoning Board.

(.1) **Use Variances**

The Zoning Board may only grant a variance to allow any use not authorized on the lot by this Zoning Code if it determines that the denial of the variance would result in an unnecessary hardship. To find an unnecessary hardship, the Zoning Board must make all of the following findings where relevant, and to the extent that a specific finding is not relevant, shall so state **in writing**:

* * *

(.2) **Variances to Dimensional Standards**

To grant a dimensional variance, the Zoning Board must make all of the following findings where relevant, and to the extent that a specific finding is not relevant, shall so state **in writing**:

AMENDMENT NO. 16

§ 14-103 Authority

* * *

(4) **Department of Licenses & Inspections**

- (a) The Department of Licenses & Inspections (“L&I”) has the power and duty of administering and enforcing the provisions of this Zoning Code, with the exception of those provisions related to the approval of land subdivisions (See §14-304(7) (Subdivisions and Subdivision Plats)) and any powers specifically granted to another department, agency, board, or commission of the City under this Zoning Code.
- (b) No permit, certificate, license, or document relating to the use of property shall be issued by any other department, agency, board, or commission of the City until L&I shall have certified that the use to be made of the property is in full compliance with the provisions of this Zoning Code.
- (c) L&I shall administer and enforce the requirement that a use registration permit be obtained for every new use commenced on any land or in any structure, except for use as a single-family use or place of worship.
- (d) L&I shall administer and enforce the requirement that a zoning permit shall be obtained for every new structure or alteration or addition to an existing structure that results in a change to gross floor area commenced on any land within the City.
- (e) L&I shall issue a zoning permit or use registration permit for a special exception only after the Zoning Board has approved the application and when all the other applicable provisions of this Zoning Code have been met.
- (f) L&I shall issue building permits and Certificates of Occupancy only after zoning permits and use registration permits required under this Zoning Code have been issued by L&I.
- (g) Upon application, L&I shall issue a certification noting the zoning district classifications of any property and the current zoning status of that property as shown by the official zoning map and records of L&I.
- (h) **L&I is authorized to promulgate such regulations as are necessary and appropriate to implement the provisions of this Zoning Code. Any administrative manual or any other publication prepared as a guide for this Zoning Code shall be considered regulations and shall be adopted in accordance with the provisions of Section 8-407 of the Philadelphia Home Rule Charter.**

* * *

AMENDMENT NO. 17

§ 14-303. Common Procedures and Requirements

* * *

(15) Appeals

(a) Appeals to Zoning Board of Adjustment

* * *

- (.3) Any appeal of an L&I decision shall be filed with the Zoning Board **by an applicant** within 30 days of the date of L&I's decision **and by a protestant, within 30 days of the date when such protestant had actual or constructive notice of the decision of L&I. Such appeal shall be in the form of a ~~through~~** a written notice of appeal stating specifically how L&I's decision is inconsistent with the requirements of this Zoning Code or the basis for the requested variance or other relief.

* * *

AMENDMENT NO. 18

§14-905 Non-Accessory Signs

* * *

(10) Prohibited Areas

Outdoor advertising signs and non-accessory signs shall be prohibited:

* * *

(p) Any property zoned I-2 within the area bounded by the Delaware Expressway, the Schuylkill Expressway and Darien Street (extended).

AMENDMENT NO. 19

§14-404. SP-INS, Institutional (Special Purpose) District

* * *

(3) Area Regulations

(a) District Area and Boundaries

An SP-INS district must contain at least ~~three~~ **five** acres of contiguous land area.

(b) Gross Floor Area

The gross floor area of all buildings may not exceed 400% of the total area of the SP-INS district, exclusive of streets.

(c) Occupied Area

Not more than 70% of the SP-INS district area, exclusive of streets, may be occupied by buildings.

(d) Yards

~~No front, Front, side, or rear yards are~~ **shall be required in this district in accordance with the requirements of the most restrictive adjacent residential district.**

* * *

(8) Fences and Retaining Walls

Fences are permitted in this district. Fences that abut the property line may not exceed by ~~six ft. in height,~~ **more than 20% the fence height of the adjacent district** except that fences surrounding athletic fields may be up to 15 ft. in height. Any portion of a retaining wall that exists above the higher level grade shall comply with the requirements for fences. Where a fence is located on top of a retaining wall, the combined height of the retaining wall that exists above the higher level grade and fence shall not exceed the maximum height permitted for a fence. This paragraph shall not apply to any retaining wall required to meet alternative standards by any provision of The Philadelphia Code, any provision of state or federal law, or any regulations adopted to implement the code or those laws.

AMENDMENT NO. 20

§14-304 (3) Zoning Map and Text Amendments

* * *

(e) Special Provisions for Master Plan Districts

* * *

(1) Master Plan Districts Generally

The creation of any new master plan district shall require Civic Design Review under subsection §14-304(5)(f) (Criteria for Review). The procedures of this subsection (1) apply to the master plan districts listed in Table 14-304-1, other than the SP-ENT, Entertainment (Special Purpose) District. See §14-304(3)(e)(2) below for procedures relating to the SP-ENT, Entertainment (Special Purpose) District.

§14-304 (5) Civic Design Review

* * *

(b) Applicability

(.1) Required Review

- (.a) The civic design review procedures of this subsection apply to any **proposed** development that meets the criteria in Table 14-304-2 (Civic Design Review Triggers) except for:
- (i) development on lots located within the SP-ENT, SP-PO, and SP-STA districts **in accordance with an approved Master Plan;**
 - (ii) A building with a primary use in the industrial use category in an Industrial district; and
 - (iii) Wireless service facilities.
- (.b) L&I shall not issue or deny a Final Zoning Permit (see §14-303(6)(c)(Optional)) for any development that meets the criteria in Table 14-304-2 until review by the Civic Design Review Committee has been completed pursuant to the procedures of this subsection.

* * *

Table 14-304-2: Civic Design Review Triggers Civic Design Review is required in the following three four cases:		
Location of Applicant's Property	Property Affected by the Application (as defined by §14-304(5)(b)(2) (Affected Properties))	Covered Types of Applications
Case 1: The applicant's property is located in any district	AND the property affects: property in any district	AND the application: Includes more than 100,000 sq. ft. of new gross floor area or more than 100 new dwelling units.
Case 2: Case 1 does not apply, but the applicant's property is located in a Commercial, Industrial, or Special Purpose district	AND the property affects: property in any RM or RMX district	AND the application: 1. Includes more than 50,000 sq. ft. of new construction; 2. Includes more than 50 new dwelling units; or 3. Includes buildings that are more than 20 ft. taller than maximum permitted height of an affected RM- or RMX-zoned lot.
Case 3: Cases 1 and 2 do not apply, but the applicant's property is located in an RM, RMX, Commercial, Industrial, or Special Purpose district,	AND the property affects: property in any RSD, RSA, or RTA district	AND the application: 1. Includes more than 25,000 sq. ft. of new construction; 2. Includes more than 25 new dwelling units; or 3. Includes buildings that are more than 20 ft. taller than maximum permitted height of an affected RSD-, RSA-, or RTA-zoned lot.
Case 4: The applicant's property is located within any area for which a Master Plan intends to establish a Special Purpose District. In such a case, the Master Plan shall require Civic Design Review.		

* * *

(f) **Criteria for Review**

Design review shall focus on the impact of building and site design on the public realm, particularly streets, sidewalks, trails, public parks, and open spaces. The Civic Design Review Committee's review is not intended to evaluate the architectural style or compositional aspects of a project outside of their clear impact on the public realm. Criteria for review shall include the following, and any recommendations for changes to the proposal shall be directed toward improving performance in the following areas:

- (.1) Whether the design, including but not limited to, **streetscape** curbside management and vehicular and pedestrian access points, contributes to the walkability of adjacent streets;
- (.2) Whether the ground level **design and uses** of the proposal contributes to street activity on adjacent streets;
- (.3) Whether the design of open spaces within the boundaries of the proposal are appropriate for their intended function and reinforce the importance, safety, and enjoyment of public use of those spaces;
- (.4) Whether the design allows adequate light and air for nearby public streets, sidewalks, trails, parks, ~~and~~ open spaces **and adjacent properties**;
- (.5) Whether the design is consistent with **the goals and objectives of the Comprehensive Plan** and the intended character of streets, sidewalks, trails, parks, and open spaces indicated in any adopted plan, redevelopment plan, ~~and~~ or any **proposed** master plan for the area where the property is located;
- (.6) **Whether the design protects the desirable characteristics of the surrounding neighborhood, and creates appropriate buffers between proposed buildings and residential or other uses on adjacent properties;**
- (.7) **Whether the design incorporates appropriate watershed requirements and storm water controls;**
- (.8) **Whether the design incorporates internal parking requirements so as not to create undue burdens on the surrounding streets; and**
- (-6.9) Any additional criteria stated in the regulations of the Commission for the purposes of clarifying or implementing the criteria in this §14-304(5)(f) (Criteria for Review).