



Philadelphia's New Zoning Code

CONSOLIDATED DRAFT

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14-101 Purpose¹

This Zoning Code is enacted to promote the public health, safety and general welfare of the City. The provisions of this Zoning Code are designed to:

- (1) Ensure consistency with and implement the policies and goals contained within the City's comprehensive plan.
- (2) Provide adequate light, air, privacy and access to property and open space.
- (3) Protect the character and stability of the city's neighborhoods.
- (4) Conserve property value and encourage investment.
- (5) Support the City's sustainability goals to reduce vehicle miles traveled, encourage renewable energy and energy conservation, encourage water conservation, allow urban food production, and promote walking and community health.
- (6) Establish clear and efficient development review and approval procedures that promote predictable and consistent land development.
- (7) Restore and conserve the city's natural and historic resources.
- (8) Promote orderly, compatible and beneficial development patterns that are supported by an adequate, fair, and efficient distribution of public facilities and services.
- (9) Maintain and promote safe pedestrian, bicycle, transit and vehicular circulation.
- (10) Encourage environmentally-responsible development practices.
- (11) Preserve and enhance the public realm, including the streetscape and pedestrian environment.
- (12) Promote and maintain a balanced mix of housing choices.

14-102 Citation and Title²

Title 14 of the Philadelphia Code shall be known as the "Zoning Code."

14-103 Authority

(1) Authority³

This Zoning Code is enacted pursuant to the powers granted and limitations of the Philadelphia Home Rule Charter ("Charter").

¹ This language is new since Module 1, and replaces the purposes in current 14-101(1) *Purpose and Scope*.

² This is a new section.

³ This is a new section.

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(2) Construction of Authority⁴

- (a) Nothing in this Title shall be construed to confer or attempt to confer upon any officer, department, Zoning Board of Adjustment (ZBA), or commission of the city, the power of eminent domain. All actions by any officer, department, ZBA, or commission pursuant to this Title shall be deemed to be in the exercise of the police power.
- (b) The provisions of this Title, as far as they are the same as those of existing statutes or ordinances, shall be construed as a continuation of those statutes or ordinances, and not as new enactments.

(3) Prior Zoning Regulations Superseded⁵

Except as otherwise provided in the Charter, the provisions of this Title constitute the exclusive law with regard to zoning in Philadelphia. Accordingly, the provisions of Title 14 of the Philadelphia City Code as they existed immediately prior to the adoption of this Title on [date of adoption], except as may be authorized by City Council for a fixed transition period following the adoption of this Zoning Code, are superseded.

14-104 Applicability and Jurisdiction⁶

(1) Applicability

Every building, structure, or portion of a building or structure, and the use of all land (except public streets), including every use within a building or structure and accessory uses, in the City of Philadelphia shall conform with the provisions of this Zoning Code.

(2) Compliance Required

No building or structure shall be erected, converted, enlarged, reconstructed, or altered for use, nor shall any land, building, or structure be used or changed, except in accordance with all of the applicable regulations established by this title. No lot of record that did not exist on the effective date of this title shall be created, by subdivision or otherwise, that does not conform to the applicable requirements of this title, unless allowed by 14-110.

(3) Property Owned, Leased or Operated by Public Agencies⁷

Property leased or operated by the Commonwealth of Pennsylvania or the United States, and property owned, leased or operated by the city or any other public or governmental body or agency, shall be subject to the terms of this Zoning Code, as

⁴ Carried over from current 14-1701(1) and (2) *Construction, Repeals, and Supersessions*.

⁵ Carried over from current 14-1701(3) *Construction, Repeals, and Supersessions*, but updated to reference more recent versions of Title 14. Language repealing even earlier zoning codes has been deleted as unnecessary since Module 1.

⁶ Carried over from current 14-101(3) *Purpose and Scope*.

⁷ Carried over from current 14-103(4) *Zoning Maps and Districts*.

follows:

- (a) Where public or governmental uses are specifically listed in this Zoning Code, they shall be subject to the regulations in this Zoning Code;
- (b) Where public or governmental uses are not specifically listed, they shall be permitted only in districts permitting substantially similar private uses;
- (c) Property owned by the Commonwealth of Pennsylvania or the United States shall be exempt from the provisions of this Title only to the extent that the Pennsylvania or United States constitutions prohibit the regulation of those properties by this City.

14-105 Relationship to Plan Documents⁸

(1) The Comprehensive Plan

The adopted comprehensive plan serves as the statement of goals, recommendations, and policies guiding the development of the physical environment of the city. The comprehensive plan shall serve as the basic policy guide for the administration of this Zoning Code as described in 14-105(3).

(2) Amendments to the Comprehensive Plan⁹

- (a) In addition to the comprehensive plan, other plans and manuals contain additional recommendations, policies, and standards regarding development within the city. Those documents include but are not limited to neighborhood plans and citywide plans addressing a specific topic or a specific type of facility or type of service.
- (b) If a plan is prepared by the city or a public or quasi-public agency and is “adopted” by the Planning Commission it shall be treated as an amendment to the comprehensive plan and shall serve as an additional guide for the administration of this Zoning Code as described in 14-105(3). 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.
- (c) As an alternative to adoption, a plan prepared by organization other than the city or a public or quasi-public agency may be “accepted” by the Planning Commission. If a plan is accepted (rather than adopted) by the Planning Commission, it may serve as a general policy guide where it is not inconsistent

⁸ This is a new section.

⁹ This language has been revised since Module 1 consistent with ZCC direction that adopted plans will be considered by City agencies during decision-making, and that accepted plans may be considered at the discretion of the City.

with the comprehensive plan, additional plans, and other policies adopted by the Planning Commission. If a plan is not formally adopted by the Planning Commission pursuant to 14-204(1) it may serve as a guide for administration of this Zoning Code at the discretion of the Planning Commission, Zoning Board of Adjustment (ZBA), or the Department of Licenses and Inspections (L&I), but those bodies shall not be obligated to make decisions consistent with accepted plans.

(3) Adopted Plans Guide Discretionary Decisions

Where a comprehensive plan or comprehensive plan amendment has been adopted pursuant to 14-204(1), the recommendations of that plan shall be used by L&I, the Planning Commission, and the ZBA in making any decision on a zoning permit application on a topic or area covered by the adopted plan, except where the application is for a zoning permit by L&I pursuant to 14-204(9).

14-106 Zoning Districts and Official Map¹⁰

(1) Zoning Districts

The City is hereby divided into the classes of districts described in Chapters Chapter 14-300: *Base Zoning Districts* and Chapter 14-400: *Overlay Zoning Districts*.

(2) Official Zoning Map

The base and overlay districts authorized by this Zoning Code are shown on a zoning map. The official zoning map shall be the version of those maps that includes the most recent amendment to zoning district boundaries approved by Council. The official zoning map shall be maintained by L&I in electronic form and shall be available for public inspection during normal business hours. The zoning map shall be the final authority as to the current zoning status of lands, water areas, buildings, and other structures in the city. The official zoning map is incorporated into and is part of this Zoning Code.

14-107 Determination of Boundaries

(1) Boundaries of Districts¹¹

Where uncertainty exists with respect to the boundaries of the various districts, as shown on any zoning map, the following rules apply:

- (a) The district boundaries are street lines unless otherwise shown; and where the designation on the zoning maps indicates a boundary approximately upon an existing street line, that street line shall be construed to be the boundary;

¹⁰ Carried over from current 14-101(2) *Purpose and Scope* and 14-103(1) *Zoning Maps and Districts*, with revisions to avoid repetitive language.

¹¹ Carried over from current 14-103(2)-(4) *Zoning Maps and Districts*.

- (b) Where the district boundaries are not shown to be street lines, the district boundaries shall be construed to be lot lines; and where the designations on the zoning maps indicates a district boundary approximately upon existing lot lines, those lot lines shall be construed to be the boundary;
- (c) In undivided property, the district boundary lines on the zoning maps shall be determined by measurement according to the scale of the maps;
- (d) No district boundary shown on the zoning maps shall be construed as extending the authority of L&I beyond the low water mark on any navigable stream; and
- (e) Where a street is stricken from the City Plan or where a railroad right-of-way is abandoned, the zoning boundaries of the abutting land shall be extended to the centerline of the vacated street or right-of-way, unless otherwise provided in a plan approved by the Commission with the consent of the affected property owner(s).¹²

(2) Multiple Districts or Provisions

When the boundaries of various districts as shown on the zoning map are established so that a single property has more than one base zoning district designation, the following provisions apply. For purposes of this 14-107(2), L&I shall determine which district or provision is more restrictive.

(a) Splits Involving Residential Districts

- (.1) If the district with the more restrictive requirements is classified as a residential district in Chapter 14-300: and that district covers more than 20% of the parcel, the provisions of that district shall apply to the entire parcel.
- (.2) If the district with the more restrictive requirements or controls is classified as a residential district in Chapter 14-300: and that district covers 20% or less of the parcel, the provisions of that district shall only apply to the part of the parcel where it is mapped.¹³ In this case, if the more restricted portion of the parcel is in a residential zoning district and the less restricted portion of the property is in a commercial/mixed-use, industrial, or special purpose zoning district, the more restricted portion of the property shall not be used to provide street frontage or driveway access to the less restricted portion of the property, or for any other purpose that is not specifically allowed in the more restrictive

¹² The last clause allows the Commission to vary this standard rule with the consent of property owners.

¹³ This provision has been changed to promote reinvestment. The 20% rule now applies to protect adjacent residential district, but where no residential district is involved a 40% rule applies.

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zoning district.¹⁴

(b) Splits Involving Other Districts

If the district with the more restrictive requirements is not classified as a residential district in Chapter 14-300: and that district covers more than 40% of the parcel, the provisions of that district shall apply to the entire parcel. If the district with the more restrictive requirements or controls is not classified as a residential district in Chapter 14-300: and that district covers 40% or less of the parcel, the provisions of that district shall only apply to the part of the parcel where it is mapped.

(3) Boundaries of Mapped Areas¹⁵

This Zoning Code contains maps of specific areas where certain zoning regulations apply. Those maps are included as a general reference for the public, and more exact descriptions of those boundaries can be obtained from the Planning Commission. In the event of questions regarding the exact boundaries, the City may refer to the ordinance or regulation establishing those boundaries.

14-108 Relationship to Other Regulations¹⁶

(1) Conflict

This Title is intended to complement other municipal, state, and federal regulations that affect land use, but is not intended to revoke or repeal any other public law, ordinance, regulation, or permit. Where conditions, standards, or requirements imposed by any provision of this Title are either more restrictive or less restrictive than comparable standards imposed by any other public law, ordinance, or regulation, the provisions that are more restrictive or that impose higher standards or requirements shall govern, except as described in 14-108(2).

(2) Overlay Districts

If the provisions of an overlay district listed in Chapter 14-400: conflict with other provisions of this Zoning Code, the overlay district provisions shall govern regardless of whether they are more restrictive or less restrictive than the conflicting provision.¹⁷

(3) L&I Determination

Where there is a conflict under this section, L&I shall determine which district or provision is more restrictive.

¹⁴ The second sentence comes from L&I Code Bulletin Z-0401 *Application of Split Zoning District Designations* and reflects a Pennsylvania court decision.

¹⁵ This section is new since Module 1.

¹⁶ This is a new section.

¹⁷ This provision is necessary because overlay districts are sometimes used to relax standards as well as to make them stricter than the base zoning.

14-109 Relationship to Private Agreements¹⁸

It is not the intent of this Zoning Code to interfere with, abrogate, or annul any easement, covenant, deed restriction, or other agreement between private parties concerning any property or activity regulated by this Title. Where the provisions of this Zoning Code impose a greater restriction than that imposed by a private 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 Title. The existence of a private agreement shall not excuse any failure to comply with this title. The City shall not be responsible for monitoring or enforcing private agreements.

14-110 Transition from Prior Regulations

(1) Violations Continue

Any violation of the previous zoning regulations will continue to be a violation under this Zoning Code and be subject to 14-206, unless (a) the use, development, construction, or other activity that violated the previous zoning regulations is no longer a violation of this Zoning Code, and (b) the city has not yet issued a notice of violation.

(2) Approved Projects

The following transitional provisions shall apply to projects approved prior to the adoption of this Zoning Code.

- (a) Permits and approvals that are valid on the effective date of this Zoning Code shall remain valid until their expiration date. Projects with valid approvals or permits may be carried out in accordance with the development standards in effect at the time of approval, provided that the permit or approval is valid and has not lapsed;
- (b) No provision of this Zoning Code shall require any change in the plans, construction, or designated use of any structure for which a building permit has been issued prior to the effective date of this Zoning Code;
- (c) Any re-application for an expired permit or approval, including conditional and regulated use approvals, shall meet the standards in effect at the time of re-application.

(3) Applications in Progress

The following provisions shall apply to complete permit applications submitted prior to the adoption of this Zoning Code, but not approved as of that date:

- (a) Applications for permits and other approvals, submitted before the effective date of this Zoning Code that are found to be complete, and that are pending

¹⁸ This is a new section.

approval at the time of enactment of this Zoning Code may, at the applicant's option, be reviewed wholly under the terms of the previous zoning regulations. Where approved, these projects may be carried out in accordance with the code requirements in effect at the time the completed application was submitted. Any re-application for an expired permit shall meet the standards in effect at the time of re-application. At the applicant's option, the application may instead be considered wholly under the terms of this Zoning Code. The applicant may not choose to have some aspects of the application subject to the previous regulations and other aspects subject to this Zoning Code.

- (b) Projects for which no application has been submitted, or for which an application has been submitted but has not been accepted as complete, prior to the effective date of this Zoning Code, shall be subject to all requirements of this Zoning Code, except as may be authorized by City Council for a fixed transition period following the adoption of this Zoning Code.

14-111 Text and Graphics¹⁹

Illustrations, graphics, pictures, and flowcharts are included in this Zoning Code to help illustrate the intent and requirement of the text. In the case of a conflict between the text of this Zoning Code and any illustration, graphic, picture, or flowchart, the text shall govern.

14-112 Severability²⁰

If any Section, subsection, sentence, or phrase of this Zoning Code is held to be invalid or unconstitutional by a Court of competent jurisdiction, for any reason, the remaining portions of this Zoning Code shall not be affected. It is expressly declared that this Zoning Code and each Section, subsection, sentence, and phrase would have been adopted regardless of the fact that one or more other portions of this Zoning Code would be declared invalid or unconstitutional.²¹

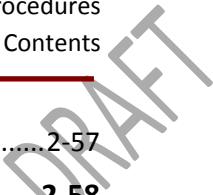
¹⁹ This is a new section.

²⁰ This is a new section.

²¹ This is new section reflecting a standard zoning code provision.

Chapter 14-200:Administration and Procedures

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14-201 Reviewers and Decision Makers

(1) Purpose

This Section identifies the roles and responsibilities of appointed and elected government officials and bodies primarily involved in the administration of this Zoning Code. Additional officials or entities may be involved based on the character of the application and the size or type of development involved. No provision of this section shall add to or detract from a power granted to any boards, commissions, departments, committees, or agencies of the city by a grant of power, duty, or responsibility in another section of The Philadelphia Code.

(2) City Council

The City Council (Council) serves as the legislative body for the City of Philadelphia.

(a) Powers Related to Zoning

The powers of Council related to this Zoning Code include:

- (.1) Review and approve amendments to the text of this Zoning Code, the official zoning map.
- (.2) Review and approve regulations for the subdivision of land included in this Zoning Code.²²
- (.3) Review and approve plans of development at the time any planned development district is adopted or added to the official zoning map. The list of planned development districts is shown in 14-204(2)(e).
- (.4) Review and approve Major Amendments to plans of development in any planned development district as described in 14-204(3)(c).

(3) City Planning Commission

(a) Creation and Administration

The Philadelphia City Planning Commission (Planning Commission), established by the Philadelphia Home Rule Charter Section 3-800, is responsible for guiding the orderly development and redevelopment of the city.

²² From current 14-204(1) *Zoning Map and Text Amendments*. This replaces current language stating that Council will approve SP-ENT districts, Industrial Transformation Districts, RC-6 districts, Waterfront Redevelopment Districts, and Neighborhood Conservation Districts, because those are all amendments to the official zoning map that require Council action anyway.

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(b) Powers and Duties²³

The duties of the Planning Commission related to this Zoning Code include:

- (.1) Prepare and adopt a comprehensive plan for the city and amendments to that comprehensive plan.
- (.2) Prepare and adopt or accept other plans for specific areas, facilities, services, or aspects of development or redevelopment in the city, and amendments to those plans.
- (.3) Review and decide on land subdivisions and plans of streets.
- (.4) Prepare proposed zoning ordinances and maps, and amendments to zoning ordinances and maps, for consideration by Council.
- (.5) Prepare regulations governing the subdivision of land for consideration by Council.
- (.6) Review plans of development at the time any planned development district is proposed for adoption or addition to the official zoning map, and provide recommendations to Council. The list of planned development districts is shown in 14-204(2)(e).
- (.7) Review and decide on Minor Amendments to plans of development in any planned development district as described in 14-204(3)(b).
- (.8) Review and make recommendations on Major Amendments to plans of development in any planned development district, as described in 14-204(3)(c).²⁴
- (.9) Make recommendations to the Council on all bills originating in the Council that affect any adopted plan, any adopted redevelopment plan, any zoning ordinance, or the capital program, or that would authorize the acquisition or sale of City real estate. Unless such recommendations are received by the Council within 35 days from the date any such bill shall have been introduced, the approval of the Planning Commission shall be presumed.²⁵
- (.10) Make recommendations to the ZBA on all applications for variances,

²³ These provisions are carried over from current 4-601. Several recent provisions giving the Planning Commission authority to approve plans, or amendments, or zoning permits, in the ITD, WRD, RC-6, and NC districts, have been consolidated into a requirement giving the Planning Commission authority to review and approve minor plan amendments in planned development districts.

²⁴ This provision reflects a change – the Planning Commission would be authorized to approve minor amendments to plans of development and would make recommendations on major ones.

²⁵ The list has been expanded to include comment on redevelopment plans. The current variety of 30 and 45 day comments periods for various types of applications has been replaced with a single 35 day period.

special exception uses or regulated uses.

- (.11) Establish and maintain an annual registry of Registered Community Organizations.²⁶
- (.12) To impose conditions consistent with 14-203(9) on any approval that the Commission is authorized to grant, and to recommend conditions consistent with 14-203(9) whenever the Commission is authorized to make a recommendation on a matter under this Zoning Code.²⁷

(4) Zoning Board of Adjustment

(a) Creation and Administration

The Zoning Board of Adjustment (ZBA) established by Section 3-911 of the Philadelphia Home Rule Charter is the zoning board of the Department of Licenses and Inspections.

(b) Powers and Duties²⁸

As authorized by Section 5-1006 of the Philadelphia Home Rule Charter, the ZBA has the following responsibilities related to this Zoning Code.

- (.1) Hear and decide appeals in zoning matters where error is alleged in any order, requirement, decision, or determination made by an administrative official in the enforcement of this Zoning Code or related regulation, pursuant to 14-203(13).
- (.2) Hear and decide zoning variances from the terms of this Zoning Code pursuant to 14-204(8).
- (.3) Review and decide applications for special exception uses pursuant to 14-204(4).²⁹
- (.4) Review and decide applications for regulated uses pursuant to 14-204(5).
- (.5) Hear and decide appeals in any matter where it has been given special jurisdiction by any ordinance or Act of Assembly.
- (.6) To impose conditions consistent with 14-203(9) on any approval that the Board is authorized to grant under this Zoning Code.³⁰

²⁶ This language has been added since Module 1.

²⁷ This language has been added since Module 1.

²⁸ Carried over from current 14-1801(1) *Jurisdictions and Powers*, 14-1806 *Decisions of the Zoning Board*, and 14-1808 *Regulations of the Zoning Board*. This list no longer includes temporary uses, which are an administrative approval by the L&I Department.

²⁹ These replace current code provisions listing authority to grant certificates and special use permits, which have been consolidated into the authority to grant special exceptions.

³⁰ This language has been added since Module 1.

- (.7) Adopt regulations, consistent with the provisions of this 14-201(4), in accordance with the terms of the Philadelphia Home Rule Charter.
- (.8) No special exception, variance, or ZBA approval shall be granted unless the person who owns the property for which the application is made has provided documentation satisfactory to the ZBA verifying that all of the person's taxes pursuant to Title 19 of this Code are current or are subject to a payment agreement; or produces evidence that denial of the application will result in an unconstitutional taking of the property for which it is sought. The following exceptions shall apply:³¹
- (.a) If the application is made by a tenant non-owner of the property, the tenant shall provide documentation verifying that all of the tenant's taxes are current or are subject to a payment agreement, and any taxes due on the subject property are not delinquent, and the application may then proceed without further regard to the owner's tax status.
 - (.b) If the application is made by a nonprofit entity, including a for-profit limited partnership whose general partner is owned or controlled by a nonprofit entity, that acquired the subject property from the City or a public agency, and all prior tax liabilities on the property were not cleared as of the acquisition, the applicant only needs to provide documentation verifying that all taxes assessed after its acquisition of the subject property, and all of the applicant's other taxes unrelated to properties so acquired, are current or subject to a payment agreement.
 - (.c) If the application is made by a homeowner who acquired the subject property either directly from the City or a public agency, or from a nonprofit entity that previously acquired the property from the City or a public agency, and all prior tax liabilities on the property were not cleared as of the date of the homeowner's acquisition, the applicant only needs to provide documentation verifying that all taxes assessed after his or her acquisition of the subject property, and all of the applicant's other taxes unrelated to properties acquired in that manner, are current or subject to a payment agreement.
 - (.d) If the applicant attaches a purchase and sale agreement providing that the sale of the subject property to the applicant

³¹ Subsection 8 has been added since Module 1 and incorporates the content of council bill 090852-AA.

is contingent upon approval of the application, together with an authorization for the application by the current owner of the subject property, the ZBA may conditionally approve the application if it otherwise meets the criteria for approval, with a condition that the special exception or variance will be finally approved when L&I is provided with a copy of the Board's decision and documentation verifying that all of the taxes due on the subject property are paid in full.

(5) Department of Licenses and Inspections

(a) Creation and Administration

The Department of Licenses and Inspections (L&I) has been created as an administrative department of the City of Philadelphia.

(b) Powers and Duties³²

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 14-204(7)) and any powers specifically granted to another department, agency, board, or commission of the city under this Zoning Code. 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 Title. The specific powers and duties of L&I include the following.³³

- (.1) Make available to the public the official zoning map showing the current zoning classifications of all land in the city. Access to the map shall be available at the L&I offices and through the city's web site.
- (.2) Administer 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 dwelling or place of worship.
- (.3) Administer 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.³⁴

³² Carried over from current 14-1702: *Duties and Powers of Department of Licenses and Inspections*.

³³ The provisions on access to the zoning map have been updated to reflect that the official map is now in electronic form. The duty to maintain a register of nonconforming uses has been deleted from this list as impractical.

³⁴ This requirement has long been applied but is not explicitly stated in the current zoning code. Since Module 1 the language has been revised to clarify that this applies to changes that increase gross floor area.

- (.4) Issue a zoning permit or use registration permit for a special exception only after the ZBA has approved the application and when all the other applicable provisions of this Title have been met.
- (.5) Issue building permits required under The Philadelphia Code only after zoning permits and use registration permits required under this Title have been issued.
- (.6) To impose conditions consistent with 14-203(9) on any approval that the Board is authorized to grant under this Zoning Code.³⁵
- (.7) Upon application, issue a certification noting that the zoning district classifications of any property and the current zoning status of that property as shown by the official zoning map and other maps and records of L&I.
- (.8) To cause the Board of License and Inspection Review to hear appeals of decisions made by the Art Commission and the Historical Commission.³⁶
- (.9) Adopt and administer regulations necessary to perform its duties under 14-204(10) and 14-204(11).

(6) Board of License and Inspection Review³⁷

(a) Creation and Administration

The Board of License and Inspection Review has been created by Section 5-1005 of the City Charter and shall have those powers conferred by the Charter.

(b) Powers and Duties

The duties and responsibilities of the Board of License and Inspection Review under this Zoning Code include:

- (.1) To hear appeals of decisions of the Historical Commission on applications for construction, alteration, or demolition in a historic area pursuant to Chapter 14-900:.
- (.2) To hear appeals of decisions of the Art Commission.

³⁵ This language has been added since Module 1.

³⁶ This is currently being implemented, but is not specifically stated in the current zoning code.

³⁷ This subsection is new since Module 1 to clarify the role of an existing board.

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(7) Civic Design Review Committee³⁸

(a) Membership

The Civic Design Review Committee members shall include seven volunteer members, recommended by the Planning Commission and appointed by the Mayor, with the following membership: two architects, one landscape architect, one transportation/urban planner, one developer/builder, one person with civic association review experience, and one rotating seat for a representative of a Registered Community Organization located in the project area. A member of the Planning Commission will be the Chair of the Committee and will fill one of the designated positions. The Executive Director of the Planning Commission (or appointed designee) will advise the Committee but will have no vote.

(b) Powers and Duties

The duties and responsibilities of the Civic Design Review Committee under this Zoning Code include:

- (.1) Meet monthly to review those proposals for which civic design review is required under 14-204(6).
- (.2) To offer a single advisory recommendation on each proposal consistent with the civic design review guidelines in the Zoning Code Administrative Manual. The Committee's recommendation may incorporate recommendations from other design entities, such as the Art Commission and Historical Commission.
- (.3) Where the Art Commission has responsibility to review the design of a project, building, structure, or site (see 14-201(9)), the Civic Design Review Committee may exercise its advisory review role.

(8) Historical Commission³⁹

(a) Creation and Administration

The Historical Commission is the City of Philadelphia's historic preservation regulatory agency, and has been created as described in 14-901. The Historical

³⁸ This section has been revised pursuant to direction from the Zoning Code Commission. The name and membership have changed, and the duty of the Committee to make recommendations consistent with established design review guidelines has been clarified. The Zoning Code Administrative Manual will contain criteria for representatives and procedures for selecting the representative. In the case of multiple Registered Community Organizations located in the project area, those organizations shall agree on one representative within 1 week of the CDR meeting date, otherwise the District Councilmember shall appoint the representative. In cases where no organizations are registered, the District Councilmember shall appoint the representative.

³⁹ Carried over from 14-2007(3) *The Historical Commission*, 14-2007(4) *Powers and Duties of the Historical Commission*, 14-2007(6)(g), and Council Bill 080527 (2008). Since Module 1, cross-references have been changed to refer to new chapter 14-900 on historic preservation, the full text of membership and powers and duties has been moved to 14-900, and the text in this section is a summary of those topics.

Commission's members include six officials of the City or their designees and eight Mayoral appointees. In the case of any conflict between the provisions of this 14-201(8) and the provisions of Chapter 14-900:, the latter shall prevail.

(b) Powers and Duties

The duties and responsibilities of the Historical Commission related to this Zoning Code include:

- (.1) Designating as historic those buildings, structures, sites, and objects that the Historical Commission determines are significant to the city, pursuant to the criteria set forth in 14-902.
- (.2) Delineating the boundaries of and designating as historic those districts that the Historical Commission determines are significant to the city, pursuant to the criteria set forth in 14-902.
- (.3) Reviewing and acting on all applications for permits to alter or demolish historic buildings, structures, sites, or objects, or to alter or demolish buildings, structures, sites, or objects located within historic districts, and reviewing and commenting on all applications for permits to construct new buildings, structures, or objects on undeveloped sites within historic districts, pursuant to 14-903.

(9) Art Commission⁴⁰

(a) Creation and Administration

The Art Commission established by Section 3-910 of the Philadelphia Home Rule Charter is composed of one painter, one sculptor, one architect, one landscape architect, one member of the Commission on Parks and Recreation, one experienced business executive, and two members of the faculty or governing body of a school of art or architecture. In the case of any conflict between the provisions of this 14-201(9) and the provisions of Section 3-910, the latter shall govern.

(b) Powers and Duties

The duties and responsibilities of the Art Commission related to this Zoning Code include:

- (.1) Approve the design and proposed location of any building, bridge and its approaches, arch, gate, fence, or other structure or fixture to be paid for, either wholly or in part, from the city treasury or for which the city or any other public authority is to furnish a site, provided that the

⁴⁰ This material is carried over from current Philadelphia code 5-903 *Art Commission*, 14-214(9) *Public Art*, and 14-411(5) *Public Art*. The creation and membership language has been revised since Module 1 for accuracy.

approval conform to the comprehensive plan.⁴¹

- (.2) Approve any structure or fixture, including signs, to be erected by any person upon or to extend over any highway, stream, lake, square, park or other public place within the city.⁴²
- (.3) Approve the erection or alteration of any building or other construction, including open spaces, abutting the Art Commission Permit Area and the Independence Mall and Independence National Historical Park area shown on the maps in 14-402(9).⁴³
- (.4) Approve the construction of all projecting signs.⁴⁴
- (.5) Approve the construction of all signs in the following areas:⁴⁵
 - (.a) The Chestnut/Walnut/S. Broad, North of Race Street, Benjamin Franklin Parkway, Broad Street, and Washington Square areas shown on the map in 14-402(7);
 - (.b) The Passyunk Avenue area shown on the map in 14-403(5)(a); and
 - (.c) The Cobbs Creek, Roosevelt Boulevard, and Fairmount Park areas shown on the maps in 14-805(7).⁴⁶
- (.6) Approve all proposals for public art submitted to meet the requirements of the SP-ENT districts or that part of the CMX-4 district that was zoned RC-4 prior to the adoption of this Zoning Code.

(10) Streets Department

(a) Powers and Duties⁴⁷

The duties and responsibilities of the Streets Department related to this Zoning

⁴¹ The current text says Physical Development Plan. Since Module 1 the phrase “(but excepting a bridge that is part of a road)” has been deleted from this subsection.

⁴² Since Module 1 the phrase “including signs” has been added to this subsection.

⁴³ Carried over from current 14-1611 *Benjamin Franklin Parkway Controls*. Since Module 3, references to other construction and open spaces have been added.

⁴⁴ Since Module 1, the reference to projecting signs has been added and names of the specific review areas have been revised to match the names of those areas used on maps elsewhere in the Zoning Code.

⁴⁵ Revised for accuracy since Module 1.

⁴⁶ These provisions are carried over from current 14-214(15) *Signs*, 14-410 *Signs*, 14-1604.1(5) *Sign Controls*, 14-1607(12) *Sign Controls*, 14-1611 *Benjamin Franklin Parkway Controls*, *Passyunk Avenue Special District Controls*, 14-1632 *Convention Center Expansion Area Special District Controls*, and 14-2001 *Special Controls in Areas Abutting Parkways, Historical Shrines, and Civic Projects*. Names of specific sign review areas have been revised to match the names of those areas used on maps elsewhere in the Zoning Code.

⁴⁷ This list has been updated to reflect actual current duties of the department. Approval of lighting plans in the /M30 district has been deleted from this list since it implies that private plans may be reviewed, and since street lighting plans are already covered in the list.

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Code include:

- (.1) Review and comment to the Planning Commission on traffic and circulation elements of proposed subdivisions of land.
- (.2) Review and comment to the Planning Commission on the adequacy of traffic flow and circulation of proposed zoning permit applications in the SP-ENT districts and the Waterfront Redevelopment area of the RMX-2 district.
- (.3) Prepare amendments to the official City Plan to reflect changes to or vacation of an existing street or the addition of a new street;
- (.4) Review and comment on proposed driveways, loading docks, curb cuts, parking lots and structures, sidewalks, curb bump-outs, lay-by-lanes, street signals, signs, and paving;⁴⁸
- (.5) Review street lighting plans for proposed development and redevelopment, and require installation of additional street lights as necessary;
- (.6) Review and comment on encroachments, projections, and architectural embellishments.⁴⁹
- (.7) Approve parking plans in the SP-ENT district;
- (.8) Approve off-street parking, layout, and access conditions in the SP-STA district; and
- (.9) Assist other departments, boards, and commissions in managing and enhancing the relationship between development and the character and functioning of adjacent streets.⁵⁰

(11) Water Department

(a) Powers and Duties

The duties and responsibilities of the Water Department related to this Zoning Code include:

- (.1) Review and comment on the storm water impacts of all zoning permit applications (a) in the Wissahickon Watershed or (b) outside the Wissahickon Watershed that involve more than 5,000 sq. ft. of earth disturbance. City storm water regulations will generally apply when:

⁴⁸ Reference to parking structures is new since Module 1. Reference to parking garage review in previous RC-4 district was deleted because review of parking structures applies to all districts.

⁴⁹ Added since Module 1.

⁵⁰ This final duty has been added.

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- (.a) The application involves earth disturbance of more than 15,000 sq. ft.; or
 - (.b) The property involves earth disturbance of more than 5,000 sq. ft. in the Darby-Cobbs Creek Watershed; or
 - (.c) The property is located in the Wissahickon Watershed (/WWO) overlay district.⁵¹
- (.2) Review and comment to the Planning Commission on the storm water impacts and mitigation measures of zoning permit applications in the SP-ENT districts and the Waterfront Redevelopment area of the RMX-2 district.
 - (.3) Review and provide comments to the Planning Commission on requests for additional impervious surfaces in the /WWO overlay district.
 - (.4) Approve proposed storm-water runoff control methods in applications for land subdivision.

14-202 Procedures Summary Table

Table 14-202-1 summarizes the roles of the review and decision bodies listed in 14-201 in specific types of Zoning Code applications. In the event of conflict between the provisions of that table and the text of this Zoning Code, the text shall govern.

(1) Using the Table

In Table 14-202-1, the initial “R” indicates that the body has authority to make a recommendation to another body regarding the application, but does not have the power to make a decision on the application. Generally, recommendations are not final decisions subject to appeal under 14-203(13). The initial “D” indicates that the body has authority to make a decision regarding the application. The initial “A” indicates that the body is authorized by either the Philadelphia Home Rule Charter, the Philadelphia Municipal Code, or that laws of Pennsylvania to hear appeals of that type of decision. For all listed bodies other than “courts”, this table is not intended to create or grant legal rights different from those established by other sections of the Philadelphia Municipal Code, but to clarify how existing laws of the City and Commonwealth apply to these types of applications. In the case of the column for “Courts”, this table is not intended to create additional rights to appeal not recognized by the courts of Pennsylvania, or to indicate that the City recognizes a particular right of appeal, but to indicate that there is no body within the City authorized to hear an appeal of that type of decision and that any effort to find relief from the City’s decision will need to be

⁵¹ This is a new provision to reflect current practice.

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sought outside the City government.⁵²

Table 14-202-1: Procedures Summary Table⁵³

Legend R = Recommendation D = Decision A = Appeal N = Newspaper S = Sign W = Web	Code Section	Notice Required 14-203(6)	Neighborhood Meeting Required? 14-203(1)	Review, Decision, and Appeal Authority					
				L&I	Zoning Board of Adjustment	Civic Design Review Committee	Planning Commission	City Council	Courts
Type of Application									
Plan Adoption or Amendment	14-204(1)	N, W	—				D		
Zoning Amendment	14-204(2)								
Map Amendment		N, W,					R	D	A
Text Amendment		N, W					R	D	A
Plan of Development Amendments	14-204(3)								
Minor Amendments		W					D		A
Major Amendments		N, W					R	D	A
Special Exception Approval	14-204(4)	S	✓		D		R		A
Regulated Use Approval	14-204(5)	S	✓		D		R		A
Civic Design Review	14-204(6)	W	✓			R			
Subdivision Plat	14-204(7)						D		A
Zoning Variance	14-204(8)	S	✓		D		R		A
Zoning Permits	14-204(9)			D	A				

14-203 Common Procedures and Requirements⁵⁴

Procedures that are common to several types of applications for permits, approvals, or variances are listed in this section. In addition, more detailed information on some of these topics is available in the Zoning Code Administrative Manual.

⁵² This introductory language is new since Module 1. Since Module 1, the initial “R” has been clarified to mean recommendation rather than review. Several bodies may have authority to review an application in addition to the group authorized to make a recommendation.

⁵³ This table has been revised since Module 1. The references to the Historical Commission and its procedures have been deleted and now appear in 14-900. The column on pre-application meetings with staff has been deleted. The table now clarifies that recommendations on amendments to plans of development are made by the Planning Commission (not L&I). The column on neighborhood meetings now cross-references 14-203(1), which incorporates the April 2010 Zoning Code Commission response to the *Common Grounds* recommendations on community participation. References to mailed notice have been deleted because they only apply to historic preservation cases. Sign notices have been replaced by newspaper notices for zoning map amendments and major amendments to plans of development

⁵⁴ Since Module 1, the section on L&I referrals to ZBA (i.e. “bump-ups”) has been deleted.

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(1) Neighborhood Meetings⁵⁵

(a) Registered Community Organizations

In some cases, the applicant for an approval under this Zoning Code is required to conduct a neighborhood meeting with a Registered Community Organization in the project area before the ZBA hearing or CDR meeting on the application. In order to become a Registered Community Organization, an organization must register annually with the Planning 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 neighborhood or area of concern, and (4) whether the organization wishes to be notified of applications in its area of concern electronically or by mail.

(b) Applications Where Notice is to be Provided

The Registered Community Organizations shall receive notice under 14-203(6)(e) of projects that:

- (.1) Require ZBA approval of a special exception under 14-204(4);
- (.2) Require ZBA approval of a regulated use under 14-204(5);⁵⁶
- (.3) Meet the requirements for Civic Design Review in 14-204(6); or
- (.4) Require ZBA approval of a zoning variance under 14-204(8).

(c) Community Review Meeting

Within 21 days after receiving notice under 14-203(6)(e) that an application under subsection (b) has been filed, the Registered Community Organization(s) shall convene a meeting with the applicant to discuss the proposal. If there is more than one Registered Community Organization whose area of concern includes the project site, those organizations shall coordinate to convene a single meeting with the applicant during that 21 day period. The Registered Community Organization(s) and shall be responsible for organizing and conducting the meeting. Within 30 days after receiving notice under 14-203(6)(e) that an application under subsection (b) is being filed, both the applicant and the Registered Community Organization(s) shall document the meeting in writing and submit the documentation to the ZBA or Civic Design Review Committee, as applicable. The ZBA or Civic Design Review Committee shall not conduct its first meeting on the application until that 30 day period has passed.

⁵⁵ This section incorporates the April 2010 Zoning Code Commission response to the Common Grounds proposal on public participation based on a series of meetings in early 2010.

⁵⁶ This provision has been added since Module 2.

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(2) Authority to File Applications⁵⁷

(a) Comprehensive Plan

Only the Planning Commission may submit a comprehensive plan for approval pursuant to the Philadelphia Home Rule Charter⁵⁸. The City or any public or quasi-public agency may submit a proposed amendment to the comprehensive plan for approval pursuant to 14-204(1). Other organizations may submit plans for acceptance by the Planning Commission, but if accepted those plans will not be considered amendments to the comprehensive plan (see 14-105).

(b) Zoning Text or Map Amendment

- (.1) Any person or entity, including the Planning Commission or a department or agency of the city, may request that the City Council enact an amendment of the text of this Zoning Code pursuant to 14-204(2).⁵⁹
- (.2) An ordinance to amend the official zoning map may be proposed to City Council by (a) the Planning Commission or a department or agency of the city, or (b) the owner of the property proposed for rezoning.

(c) Other Applications

An application for any other approval listed in 14-204 may only be filed by (a) the Planning Commission or a department or agency of the city, or (b) the property owner. Applications for an interpretation of this Zoning Code are subject to the provisions of 14-203(12).

(d) Equitable Owners, Authorized Agents, and Conservators⁶⁰

- (.1) Notwithstanding the provisions of subsections 14-203(2)(b) and 14-203(2)(c) above, whenever the legal owner of real property is authorized to file an application under this Zoning Code, that application may also be filed by:
 - (.a) Any person or entity with written documentation of equitable ownership of that real property.
 - (.b) A conservator of the property pursuant to 68 P.S. 1101-1111 (2008).

⁵⁷ This section is new, and generally addresses an issue not addressed by the current zoning ordinance.

⁵⁸ Since Module 1, this reference has been changed from a statutory reference to the Charter.

⁵⁹ Wording revised since Module 1 for clarity.

⁶⁰ This section has been revised since Module 1 for clarity, to cover equitable ownerships, to cover restrictions on application filing approved by City Council, to clarify when expeditors licenses are required, and to remove the requirement that the authorization from the property owner be in writing.

- (.c) Any person or entity, other than a real estate agent, but including a tenant or licensed contractor, with authorization from the legal owner of the property, or from an equitable owner of the property, or from a conservator of the property pursuant to 68 P.S. 1101-1111 (2008).
- (.2) Any person or entity other than a legal owner of the property, tenant of the property, licensed architect, licensed engineer, or licensed contractor shall be required to obtain an expeditors license from the City before filing an application under this Zoning Code.⁶¹

(3) Application Materials and Fees⁶²

- (a) Each application for a permit or approval under this Zoning Code shall include all application materials and fees required by the City. Lists of required application materials for each type of application listed in 14-204 may be obtained from L&I, from the city's web site or from the Zoning Code Administrative Manual. Additional detailed application requirements may be listed in the Zoning Code Administrative Manual. If requested by the applicant, L&I shall review the list of materials required for a proposed application, and may waive any materials that L&I determines (a) are not required to demonstrate compliance with applicable state or federal law, and (b) are not required to demonstrate compliance with this Zoning Code or related regulations of the city, because of the size, nature, or location of the application.
- (b) Each application for a permit or approval pursuant to this Zoning Code shall require the payment of a fee in the amount shown in the Philadelphia Administrative Code. The schedule of fees may be obtained from L&I or from the City's web site. Fees are calculated to cover the city's costs of reviewing applications, and shall not be refunded if the application is subsequently denied.

(4) Complete Application Required

- (a) Each application filed pursuant to the requirements of this Zoning Code shall be reviewed to confirm that it contains all of the required application materials. No application shall be reviewed for compliance with this Zoning Code until it is complete. If L&I determines that an application does not contain the required application materials it shall notify the applicant of the missing materials within 15 days after L&I's receipt of the application and shall request that the applicant provide the missing materials within 15 days after the applicant's receipt of that

⁶¹ Since Module 2, licensed contractors have been added to this list. Additional provisions on processing by expeditors will be included in the Zoning Code Administrative Manual.

⁶² This is a new provision. Reference to the Zoning Code Administrative Manual is new since Module 1, and wording has been clarified.

notice. If the applicant does not supply the requested materials, the provisions of 14-203(10) shall apply.

- (b) The determination that an application is complete shall not prevent L&I, the ZBA, or the Planning Commission from later requesting additional materials that it deems necessary to evaluate whether the application meets the applicable criteria for approval set forth in 14-204.

(5) Referrals

L&I, the ZBA, or the Planning Commission may refer an application to any other department or agency of the city, state, or federal government if deemed necessary to evaluate the impacts of the application.⁶³

(6) Public Notice⁶⁴

(a) Content⁶⁵

All newspaper or sign notices required by this section shall include the following information unless another provision of this subsection 14-203(6) indicates that different information is required:

- (.1) Indicate the name and address of the applicant;⁶⁶
- (.2) Indicate where copies of the application and any related information submitted by the applicant can be obtained;⁶⁷
- (.3) Describe the property involved by general vicinity, street address, size, and/or nearest cross street, and the zoning district in which the property is located;
- (.4) Describe the nature, scope, and purpose of the application or proposal being advertised and the type of permit, approval, or variance being sought;
- (.5) Indicate the time and place of any required meeting or public hearing regarding the application;
- (.6) Indicate that interested parties may appear at the meeting or public

⁶³ This is a new provision.

⁶⁴ Since Module 1 provisions for notice on historic preservation matters have been moved to new 14-900. Text has been modified to apply to applications before the Planning Commission or City Council as well as ZBA. References to mailed notice have been deleted because they only apply in historic preservation cases. Current text of the Neighborhood Conservation district requires 60 days advance mailed notice as well as individual mailed notice to all property owners following adoption, but those provisions will not apply to future /NCO applications.

⁶⁵ This is a new provision.

⁶⁶ Revised since Module 1 to require that the applicant's name be included (not just the agent).

⁶⁷ The current language for creation of an NCD district reads "a location where interested parties may review the proposed map and proposed design guidelines for the NCD."

hearing and speak on the matter or may file written comments, and the address to which written comments may be sent; and

- (.7) Contain any additional information required by L&I, the ZBA, or the Planning Commission for the type of application being proposed.

(b) Sign Notice⁶⁸

Where 14-202 requires notice by sign, the notice shall contain the content listed in subsection 14-203(6)(a) above, and shall meet the following requirements.

(.1) Provision and Posting of Signs

L&I shall provide each applicant with the required number of signs. In order to provide clear and adequate notice, all posting shall comply with the sign posting requirements of this 14-203(6)(b). The Zoning Code Administrative Manual contains additional information about best practices for sign notices.

(.2) Number and Location of Signs

At least one sign shall be clearly posted by the applicant on each street frontage of the property that is the subject of the application and as close to the sidewalk as possible. On large parcels, or when a property is in the interior of a block or tract of land, additional signs may be required to be posted adjacent to and facing the surrounding properties. Signs shall be posted in plain view, not obstructed by bushes, tree limbs, fences, or gates, and at eye level so that passers-by may read the sign without coming onto the property. Signs may not be posted on moveable gates, doors, or windows, or on trees or utility poles. In the case of an appeal where the appellant does not control the property that is the subject of the appeal, L&I may waive the posting requirement and require alternative notice designed to provide effective notice to all interested parties.

(.3) Time of Posting

Notification signs shall be posted at least 21 days immediately prior to any public hearing, and including the day of the hearing. It shall be the applicant's responsibility to see that each required sign remains posted during the entire period.⁶⁹

⁶⁸ This provision carries over materials from 14-2007 and the regulations of the ZBA. The language in the current 14-1805(7) reads "The ZBA shall fix a reasonable time for the hearing of appeals or other matters within its jurisdiction, give public notice of the public hearing, as well as due notice to the parties of interest, and decide the appeal or other matter within a reasonable time." The reference to the Zoning Code Administrative Manual has been added since Module 1.

⁶⁹ Since Module 1, the required posting time has been increased from 12 to 21 days.

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(.4) **Reposting**

- (.a) If a public hearing is continued to a later date, the property shall be reposted as if it were an original application, but if the date for continuation of the hearing is less than 21 days after the original hearing, then the property need only be posted from a date 7 days after the date of the original hearing until the date of the continued hearing.⁷⁰
- (.b) If signs are not posted in accordance with the preceding requirements, the body conducting the public hearing shall delay action on the matter and require reposting of the signs, unless the applicant satisfies the body that (a) the required posting began on or before the required date, and (b) the applicant made diligent efforts to keep the signs posted during the entire period, and (c) that only circumstances beyond applicant's control prevented a continuous posting, then the ZBA may act on the application. Any reposting of required signs will be treated as a new posting and a new posting fee shall be required.⁷¹

(.5) **Sign Removal**

No person shall alter, deface, remove or affect the visibility of any sign posted pursuant to this 14-203(6) until after a the public hearing has been held or the application has been withdrawn. Each required notice sign shall be removed by the applicant within 5 days after a decision has been made or a permit issued on the matter referenced on the sign or the application has been withdrawn.

(c) **Newspaper Notice⁷²**

Where Table 14-202-1 requires newspaper notice, that notice shall be in a newspaper of general circulation within Philadelphia, shall contain the content listed in subsection 14-203(6)(a) above, and shall be published once at least 15 days before the required public hearing. If a hearing is required the notice shall also comply with all applicable requirements of Pennsylvania Statutes related to notices of public hearings.

(d) **Other Forms of Notice**

No provision of this 14-203(6) shall restrict any department or agency of the City from providing additional notice in a different form, including without limitation

⁷⁰ This is a new provision since Module 1.

⁷¹ Some provisions come from current 14-1805(11).

⁷² This is a new provision.

notice through posting of information on the city's web site, or through links to other web sites, or through electronic mail or mailing lists. Notices pursuant to this subsection (e) shall be provided at the city's option, and shall not substitute for any required notices under subsections (a) through (d) above. All applications for zoning map or text amendments shall be posted on the City's web site. Failure to provide any form of supplemental notice under this subsection (e) shall not be cause to delay, reverse, or appeal any decision of the ZBA or any department or agency of the city.⁷³

(e) Registered Community Organization Notice⁷⁴

- (.1) An applicant that has received a referral or refusal from L&I may not apply to the ZBA for approval of a special exception, regulated use or variance until the applicant has first provided notice to the Registered Community Organization(s) whose area of concern include the applicant's property pursuant to this 14-203(6)(e).
- (.2) An applicant that has been notified by L&I that an application will require review under the Civic Design Review process may not complete the filing of the application until the applicant has first provided notice to the Registered Community Organization(s) whose area of concern include the applicant's property pursuant to this 14-203(6)(e).
- (.3) For applications covered by subsections 14-203(6)(e)(.1) and 14-203(6)(e)(.2) above, the City shall notify the applicant of the name and contact information for the Registered Community Organization(s) to be contacted and shall require that the applicant provided notice in the preferred form stated in the organization's filing documents (i.e. electronically or by mail).
- (.4) At the same time the applicant provides notice to the Registered Community Organization(s), the applicant shall send a copy of the notice to the Planning Commission.
- (.5) L&I shall require that the applicant provide copies of the notice(s) to the Registered Community Organization(s) and Planning Commission to be included in the application materials before finding that the application is complete under 14-203(4).

⁷³ Revised since Module 1 to require that zoning change notices be posted on the City web site.

⁷⁴ This section is new since Module 1 and reflects ZCC response to the *Common Grounds* recommendations on neighborhood notice and participation.

(7) Public Hearings⁷⁵

Whenever this Zoning Code requires that the ZBA conduct a public hearing, the following provisions shall apply.

- (a) Hearings of the ZBA shall be held at the call of the Chairman and at such other times as the ZBA may determine.
- (b) Four members of the ZBA shall constitute a quorum for any public hearing required under this Title.
- (c) The concurring vote of a majority of the ZBA, present and constituting a quorum at a public hearing, shall be required for action by the ZBA.
- (d) All hearings shall be open to the public.
- (e) The burden of demonstrating that an application meets all of the applicable requirements of this Zoning Code shall be on the applicant.⁷⁶
- (f) Any member of the public who attends a public hearing before the ZBA, including but not limited to translators and family members, shall be permitted to offer testimony individually, even if it is ultimately determined the individual or the person on whose behalf they are offering testimony did not have standing to appeal the decision by the ZBA to the Court of Common Pleas.⁷⁷
- (g) Any organization that attends a public hearing before the ZBA shall be allowed to offer testimony on behalf of the organization, even if it is ultimately determined that the organization did not have standing to appeal the decision by the ZBA to the Court of Common Pleas.⁷⁸ However, any corporation, including an incorporated non-profit, that is the applicant in the matter before the ZBA must be represented by an attorney at the public hearing on that matter before the ZBA.
- (h) The ZBA may determine the order of testimony and may establish time limits on testimony in order to allow all interested parties to be heard.
- (i) The ZBA may administer oaths and compel the attendance of witnesses, and

⁷⁵ Carried over from current 14-1805 *Hearings*. The cross-reference to fees has been removed because all references to fees are now covered by a single statement. The cross-reference to “reasonable” notice has been replaced by the public notice provisions in 14-203(6).

⁷⁶ This text is new since Module 1 to clarify current practice.

⁷⁷ Subsection (f) has been modified since Module 1 to clarify ability of translators and family members to testify. Subsections (f) and (g) have been modified to reflect that standing to appeal is a question of fact to be determined at the time of appeal under 53 P.S. 13131.1 and recent court decisions.

⁷⁸ These provisions on public testimony are new, and are intended to reflect requirements of Pennsylvania law and to clarify that limitations on standing to appeal a decision do not require that testimony on the decision be limited to those with standing to appeal. Provisions requiring that corporate applicants be represented by an attorney has been added since Module 2 to reflect requirements of Pennsylvania law.

issue subpoenas for that purpose.

- (j) Attorneys representing applicants or objectors, including but not limited to attorneys representing civic groups, will be permitted to cross-examine, present evidence, and request the issuance of subpoenas.⁷⁹
- (k) The ZBA shall keep minutes of its deliberations showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact, and shall keep records of its hearings, inspections, examinations, and other official actions, all of which shall be immediately filed in the office of the ZBA and shall be a public record.
- (l) Any party may appear in person or by an attorney, and may be accompanied by a family member or translator⁸⁰. For good and proper cause, the right of an attorney to practice before the ZBA may be suspended by the ZBA. Statements by a person's attorney on his behalf may be considered as testimony.
- (m) Any agency of the City shall have the power, in all public hearings before the ZBA, to appear and to present facts and information to assist the ZBA in reaching a decision.
- (n) Hearings on appeals relating to the One Year Rule set forth in 14-204(9)(h) shall be conducted in accordance with the procedures set forth in that section.
- (o) All decisions of the ZBA shall be in writing, shall state the reason(s) for the decision, and notice of the decision shall be mailed to the applicant and his attorney of record and to such other persons or attorneys who have properly entered an appearance in the case. The decision shall be a public record.⁸¹
- (p) The ZBA shall prepare an annual report to be sent to the Federal Emergency Management Agency⁸² of all variances granted during the previous calendar year within areas subject to flooding as provided in 14-606(5) describing the conditions under which the variances were granted.

(8) General Decision-Making Criteria⁸³

Where L&I, the ZBA, or the Planning Commission is required to render a decision or provide a recommendation on an application and this Zoning Code does not provide specific criteria for review and approval of that type of application in 14-204, the application shall be recommended for approval or shall be approved, with or without

⁷⁹ New since Module 1 to clarify current practice.

⁸⁰ References to family members and translators have been added since Module 1.

⁸¹ Subsections (j) and (k) are carried over from current 14-1806 *Decisions of the ZBA* but add a requirement that the Board's written decision specify the reasons for the decision.

⁸² Since Module 1, this reference has been changed from the Federal Insurance Administration.

⁸³ This is a new provision. Some types of applications are also required to be consistent with the adopted plans, and that additional criterion is listed in applicable provisions of 14-304.

conditions, if the application complies with all applicable standards of this Zoning Code and any related regulations adopted by the city.

(9) Conditions on Permits and Approvals⁸⁴

(a) Planning Commission and ZBA

- (.1) The Planning Commission and ZBA are authorized to recommend or impose conditions on approvals that it determines are necessary to:
 - (.a) Bring the application into compliance with the requirements of this Zoning Code or any previously adopted plan of development for the property, or
 - (.b) Prevent or minimize adverse effects upon surrounding areas or upon public facilities and services that are (i) caused by the proposed zoning change, and (ii) consistent with the purposes of this Zoning Code.
- (.2) Where mitigation of the impacts of a proposed plan or development requires an applicant to dedicate land or pay money to a public entity in an amount that is not calculated according to a formula applicable to a broad class of applicants, and the Planning Commission or ZBA has authority to impose those conditions, any condition imposed shall be roughly proportional both in nature and extent to the anticipated impacts of the proposed development, as shown through an individualized determination of impacts. This subsection (d) shall not constitute a grant of authority to either the Planning Commission or ZBA to require the dedication of land or payment of money, but constitutes a limitation on any existing authority to impose such conditions.

(b) L&I

L&I is authorized to impose conditions on permits necessary to bring the application into compliance with the requirements of this Zoning Code.

(c) All Review and Approval Bodies

- (.1) All conditions imposed shall be reasonably related to the anticipated impacts of the proposed use or development and the purposes of this Zoning Code.
- (.2) Any conditions on approvals shall be expressly listed in or attached to the approval document, and violation of any approved condition shall be a violation of this Zoning Code.

⁸⁴ This is a new provision generally reflecting the limits on conditions stated in federal court decisions. The materials in this section have been reorganized since Module 1.

(10) Inactive Applications

If L&I requests additional information regarding any application and the applicant does not respond, or if L&I issues a permit and the applicant does not pick up the permit, the application will be treated as inactive. The definition of inactive applications and specific timeframes and rules regarding their disposition are found in the City of Philadelphia Administrative Code.

(11) Protection of Property Rights⁸⁵

- (a) All review and approval procedures in this Zoning Code shall be conducted, and decisions made, so as to protect the property rights of applicants pursuant to the fifth and fourteenth Amendments to the U.S. Constitution and [comparable provisions] of the Pennsylvania Constitution.
- (b) Without limiting the previous Section, no decision pursuant to this Zoning Code shall have the effect of depriving a property owner of all reasonable economic use of the property, or of denying a property owner of a property right protected by the U.S. of Pennsylvania Constitutions without due process of law.
- (c) If an applicant alleges that the provisions of this section have been violated, that allegation shall be treated as a request for (a) a variance pursuant to 14-204(8), or (b) a code interpretation pursuant to 14-203(12). If it is treated as a request for a variance, the ZBA may grant such relief as it deems appropriate to avoid a denial of constitutionally protected rights, including but not limited to a variance allowing a use that is not otherwise allowed in the zoning district, provided that the use does not constitute a public nuisance. The relief granted by the ZBA need not be the same as that requested by the applicant, provided that it results in the applicant retaining a reasonable economic use of the property. If treated as a request for a code interpretation, the Planning Commission may consider revising and existing code interpretation or adopting a new code interpretation to avoid a denial of constitutionally protected property rights.

(12) Code Interpretations⁸⁶

- (a) Any person may request a written interpretation of the meaning of any provision of this Zoning Code as it applies to a specific property or circumstance, provided that the request does not relate to a pending application for a permit or approval before L&I, the ZBA, or the Planning Commission.
- (b) A request for a written interpretation shall be filed with the Planning

⁸⁵ This new provision paraphrases general due process protections of property rights and clarifies how claims of denial of property rights shall be processed.

⁸⁶ This is a new provision.

Commission and a response to the request shall be provided by the Planning Commission within 30 days.

- (c) The Planning Commission may consult with any department or agency of the City.⁸⁷
- (d) The written interpretation of the Planning Commission shall be posted on the Planning Commission web site within 1 week after its issuance and shall be transmitted to the applicant at the street address or electronic address stated on the application.⁸⁸
- (e) Following the issuance of a written interpretation, the decisions of L&I, the ZBA, and the Planning Commission shall be generally consistent with that interpretation unless and until a replacement or modifying written interpretation is issued by the Planning Commission. However, the issuance of a written interpretation shall not require that L&I, the ZBA, or the Planning Commission to reach a particular decision on any application if the facts of the application or property or the location or character of the proposed use or structure in any application differ from those stated or assumed by the Planning Commission at the time the written interpretation was made.

(13) Appeals

(a) Appeals to Zoning Board of Adjustment⁸⁹

- (.1) A decision made by L&I pursuant to this Zoning Code may be appealed to the ZBA by any applicant, any taxpayer, organization, or entity affected by the decision, or by any department or agency of the city affected by the decision.
- (.2) A recommendation by the Planning Commission or by any agency or department of the city is not a final decision and may not be appealed to the ZBA.
- (.3) Any appeal of an L&I decision shall be filed with the ZBA within 30 days after L&I's decision through a written notice of appeal stating specifically how L&I's decision is inconsistent with the requirements of this Zoning Code.⁹⁰

⁸⁷ Since Module 1, the phrase "including but not limited to L&I or the ZBA, whose interests may be affected by the interpretation, and to avoid inconsistencies between decisions and interpretations of L&I, the ZBA, and the Planning Commission related to this Zoning Code" has been deleted.

⁸⁸ Since Module 1, this has been revised to require posting on the Planning Commission's web site rather than an L&I code bulletin.

⁸⁹ Carried over from current 14-1705 *Appeals to ZBA of Appeals*. Since Module 1 this language has been broadened to include "any applicant".

⁹⁰ The 30 day limit replaces a "reasonable time" limit in the current code to make administration more

- (.4) After the filing of an appeal, L&I shall promptly transmit to the ZBA copies of the application materials, all documents related to L&I's decision, and a statement of the reasons for L&I's decision.
- (.5) Any corporation, including an incorporated non-profit with IRS 501(c)(3) tax exempt status, that appeals an L&I decision to ZBA must be represented by an attorney at the ZBA hearing, as required by Pennsylvania administrative law.⁹¹
- (.6) The ZBA may decide to consider the appeal at a hearing based on written materials such as the information contained in L&I record, and the reasons stated in the appeal form if it believes that additional testimony is not necessary to determine compliance with this Zoning Code, or may allow additional testimony to determine compliance. If additional testimony is accepted, the ZBA may receive testimony from any person pursuant to 14-203(7) regardless of whether that person would have had standing to file the appeal.
- (.7) The ZBA may affirm or reverse, in whole or in part, or may modify the order, requirement, decision, or determination appealed from; and may make decision or order, with or without conditions, necessary to make the decision appealed consistent with the provisions of this Zoning Code. It shall have all the powers of the agency from which the appeal is taken.
- (.8) The ZBA shall make a decision on the appeal within a reasonable time after receiving the appeal.
- (.9) An appeal to the ZBA shall not stay any actions consistent with L&I's decision unless (a) the applicant requests that the ZBA stay those activities because of specific negative impacts on the surrounding area, and (b) the applicant cites specific inconsistencies between the requirements of Zoning Code and L&I's decision making it likely that the applicant's appeal will be successful, and (c) the ZBA grants the applicant's the request for a stay of activities based on those factors.⁹²

(b) Appeals to the Board of License and Inspection Review

A decision by the Art Commission or a decision by the Historical Commission regarding construction, alteration, or demolition in a historic area pursuant to 14-903 may be appealed to the Board of License and Inspection Review.

predictable.

⁹¹ New since Module 1 to reflect state law requirements.

⁹² This is a rewording of current 14-1705(4) for clarity.

(c) Appeals to the Courts⁹³

A decision made by the ZBA or the Planning Commission pursuant to this Zoning Code may be appealed to a Pennsylvania Court of Common Pleas by any aggrieved party pursuant to 53 P.S. 13131.1 and other applicable state law within 30 days of the decision or such other time as the Courts allow.

(14) Lapsing of Approvals

- (a) Except as specifically stated in another section of this Zoning Code, an approval or permit granted under this Zoning Code shall expire if construction or operation pursuant to the permit or approval has not begun within 3 years after the date the permit or approval was granted.⁹⁴
- (b) As an exception to subsection 14-204(1)(a), L&I use registration permits shall be valid for a period of 6 months.
- (c) As an exception to subsection 14-204(1)(a), a stormwater permit shall expire 2 years from the date of issuance unless the activity for which the permit is required is commenced prior to that date. If a permit expires, an applicant may apply for a new permit, and the application will be subject to all provisions as if the original permit had never been issued.⁹⁵
- (d) L&I, the ZBA, or the Planning Commission that granted the original approval may renew or extend the time of a previous approval one time for up to one year if the required findings or criteria for that approval remain valid. No more than one extension may be granted.

14-204 Specific Procedures⁹⁶

(1) Comprehensive and Other Plan Adoption⁹⁷

(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 and regulated use approvals, in the area of the city covered by the plan.

⁹³ Most of the content of current 14-1807 *Appeals to the Court* was deleted to avoid paraphrasing court rules and reduce the likelihood of inconsistency when those rules change over time. References to specific state law added since Module 1.

⁹⁴ The current standard is one year. In 14-217 the ITD district (now merged into the RMX-2 district) is currently subject to a one-year permit lapsing period, but we have deleted that provision to promote procedural uniformity.

⁹⁵ This language was moved into this section from the stormwater standards in Module 3.

⁹⁶ Specific provisions of ZBA's current "Fast Track" procedures will be outlined in the Zoning Code Administrative Manual or ZBA regulations rather than in the Zoning Code.

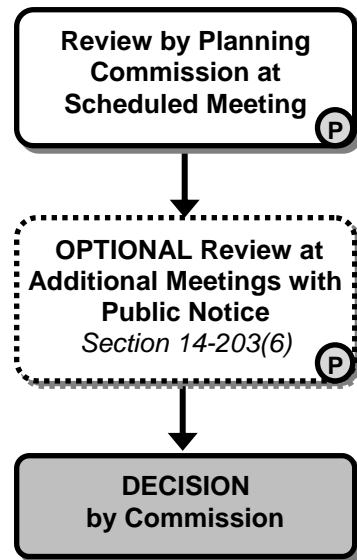
⁹⁷ This is a new section. The current zoning ordinance does not address this issue.

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(b) Review and Action by Planning Commission

- (.1) No plan shall become the adopted policy of the city unless it is first approved by the Planning Commission.
- (.2) The Planning Commission shall review the plan in at least one regularly scheduled Planning Commission meeting. The Planning Commission may schedule additional public meetings to review the plan, and notice of those meetings shall be provided as set forth for in 14-203(6).
- (.3) In the case of a comprehensive plan or other plan prepared by the city or any public or quasi-public entity, if the Planning 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 Planning 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 agency, if the Planning Commission determines that the plan will promote the best interests of the city it may accept the plan, but the plan will not be considered an amendment to the comprehensive plan.

Comprehensive Plan Adoption



(P) Indicates Public Meeting or Hearing Required

(c) Effect of Approval

Only plans that have been adopted by the Planning Commission as amendments to the comprehensive plan shall be used by the Planning Commission, L&I, or the ZBA to support the approval, approval with conditions, or denial of permits or approvals, including special exception and regulated use approvals. Pursuant to 14-105(2), accepted plans may be used at the discretion of the Planning

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Commission, L&I or the ZBA, but these bodies are not required to make decisions consistent with accepted plans.⁹⁸

(d) Amendment

An adopted plan may be amended through the same process used for initial review and decision on the plan.

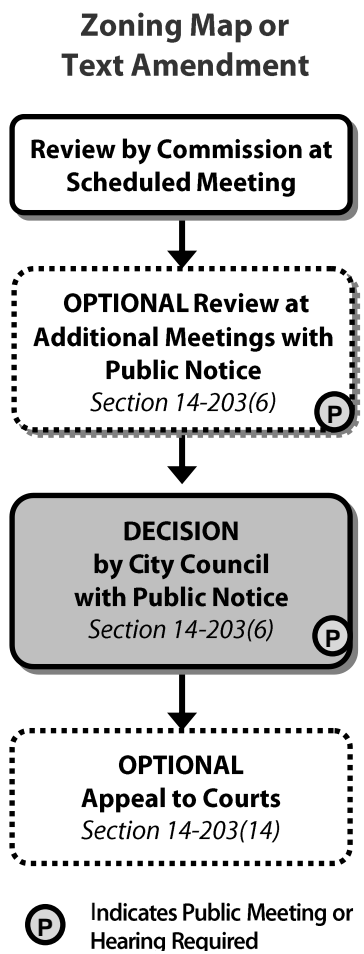
(2) Zoning Map and Text Amendments⁹⁹

(a) Applicability

This Section applies whenever an ordinance for amendment to the text or illustrations of this Zoning Code or for an amendment to the official zoning map related to this Title.

(b) Review by Planning Commission

- (.1) No ordinance amending the text or illustrations of this Zoning Code or amending the official zoning map shall be considered by City Council unless it is first reviewed by the Planning Commission.
- (.2) The Planning Commission shall review the ordinance in at least one regularly scheduled Planning Commission meeting. The Planning Commission may schedule additional public meetings to review the ordinance, and notice of those meetings shall be provided as set forth for in 14-203(6).
- (.3) The Planning Commission shall then forward to City Council a recommendation for approval, approval with changes, or disapproval of the ordinance based on whether it meets the criteria in 14-204(2)(d) or 14-204(2)(e) below.



⁹⁸ Last sentence has been added since Module 1.

⁹⁹ This section integrates materials from current 14-1708 *Enactment of Ordinances*, 14-403 *Procedures for Establishment of a Commercial Entertainment District*, and 14-903 *Creation of an NCD, Amendment*. These are now two procedures for adopting zoning changes – one when the district does not require approval of a more detailed plan for the area covered, and another when it does.

(c) Action by City Council

The City Council shall consider the ordinance in the manner set forth in the Home Rule Charter, except that not less than 15 days notice shall be given for any public hearing. In the case of a zoning code or map amendments initiated by City Council, the Council shall not act until it has referred the proposed ordinance to the Planning Commission for comment and waited at least 30 days following the introduction of the ordinance to receive the Planning Commission's recommendation on the ordinance.¹⁰⁰ In the case of zoning map or text amendments not initiated by Council, Council shall only act after receiving a recommendation from the Planning Commission. City Council may approve, approve with changes, or disapprove the ordinance, and may approve or disapprove an ordinance regardless of the recommendation of the Planning Commission.

(d) Criteria for Review

The Planning Commission shall only recommend that the ordinance be approved or approved with changes if it determines that the ordinance meets the following criteria.

- (.1) The ordinance is consistent with the comprehensive plan;
- (.2) The ordinance is consistent with other plans adopted by the city as amendments to the comprehensive plan for the area affected by the ordinance;
- (.3) The adoption of the ordinance is in the best interest of the city;
- (.4) The impacts of the ordinance on areas surrounding the land affected by the ordinance will be positive, or that any negative impacts are unavoidable or will be mitigated to the extent reasonable.¹⁰¹
- (.5) If the ordinance proposes a new overlay district, the same result cannot be achieved through amendments to an existing base or overlay district or the text of this Zoning Code.

(e) Special Provisions for Certain Districts

(.1) Planned Development Districts

- (.a) The zoning districts listed in Table 14-204-1 require the approval of any rezoning of land into that district be accompanied by a plan for the development or redevelopment of land in the area

¹⁰⁰ The current code varies between a 30 and 45 day waiting period for different types of amendments, but we believe it is clearer to have a single 30 day waiting period.

¹⁰¹ This is a new criterion.

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to be rezoned, and that the plan is approved as part of any change to the official zoning map.

Table 14-204-1: Planned Development Zoning Districts

District
Residential Mixed Use -1 (RMX-1) – [formerly RC-6]
Residential Mixed Use -2 (RMX-2) – [including WRD and ITD]
Institutional Development (SP-INS)
Commercial Entertainment (SP-ENT)
Sports Stadium District (SP-STA)
Neighborhood Conservation Overlay (/NCO)
Delaware River Conservation Overlay (/DRC)

- (.b) Any ordinance proposing the designation of any lands into a planned development district other than (i) the Entertainment-Special Purpose (SP-ENT) district or (ii) Neighborhood Conservation Overlay (/NCO) district, shall be reviewed and approved as described in either 14-204(2)(e)(.1)(.c) or 14-204(2)(e)(.1)(.d) below.
- (.c) The ordinance may be accompanied by a plan of development for the area to be rezoned that meets the requirements of this Zoning Code. In this case, the ordinance and plan of development shall be reviewed concurrently, any recommendation by Planning Commission shall address both the ordinance and plan, any action by City Council shall address both the ordinance and the plan, and the rezoning and plan of development shall become effective immediately upon City Council action.
- (.d) As an alternative to 14-204(2)(e)(.1)(.c), City Council may approve the amendment without approving a plan of development. In this case, the amendment shall not become effective until a plan of development for the property has been submitted, Planning Commission has reviewed that plan and made a recommendation to City Council, and City Council has approved a plan of development pursuant to this Zoning Code.

(.2) **Neighborhood Conservation Overlay Districts**¹⁰²

- (.a) A petition requesting that the Planning Commission initiate the process towards creating an /NCO district shall be filed with the Planning Commission either (1) by a neighborhood association located within the proposed /NCO district, or (2) containing the signatures of at least 30% of all property owners and at least 30% of all owners of owner-occupied housing units located within the proposed /NCO district. The petition shall include a draft map of /NCO district boundaries and draft design guidelines that would apply to the /NCO district.
- (.b) The Planning Commission shall review the petition and shall convene at least one public meeting within the /NCO district's proposed boundaries in order to seek public comment on the proposed /NCO district and design guidelines.
- (.c) City Council shall not enact any ordinance creating an /NCO district if by the date of the Council public hearing, at least 51% of all property owners or 51% of all owners of owner-occupied housing units located within the proposed /NCO district have filed in writing with the Clerk of Council a statement of opposition to creation of the /NCO district. Those written statements may include petitions with multiple signatures opposing the creation of the /NCO district.¹⁰³
- (.d) City Council shall consider the proposed /NCO district ordinance, design guidelines, and map in the same manner as other zoning ordinances, but shall not approve or approve with changes a proposed /NCO district unless it finds that the proposed /NCO district area has a consistent physical character as a result of a concentration of residential buildings of similar character or a continuity established by an overall plan. The City Council decision shall not include any areas within the /NCO district that were not included in the proposed boundaries of the /NCO district as set forth in the map attached to the

¹⁰² These provisions are simplified and significantly changed from those in current 14-903. They require that applicants submit proposed design guidelines rather than obligating the Planning Commission to develop them. In addition, these revised provisions state that Council shall consider /NCO overlay districts in the same manner as other zoning matters, and that the Planning Commission shall transmit its recommendation along with the /NCO proposal, rather than having a separate step to seek Planning Commission and Historical Commission recommendations after transmitting the ordinance. The standard for approving an /NCO remains the same.

¹⁰³ Carried over from current 14-903.

proposed ordinance.

- (.e) The boundaries or design guidelines of an /NCO district may be amended using the same procedures used to create the district.

(.3) **SP-ENT, Entertainment (Special Purpose) District**¹⁰⁴

- (.a) The owner of any lot within a proposed or adopted SP-ENT district may submit to the Planning Commission a proposed plan of development for the Planning Commission's review and recommendation.
- (.b) The Planning Commission shall review the proposed plan of development and shall make a recommendation to City Council based on whether the plan or amendment is (1) consistent with the purposes of the SP-ENT district, (2) otherwise in compliance with the provisions of this Zoning Code applicable to the SP-ENT district, and (3) otherwise appropriate in terms of scale, density, accessibility and design for the neighborhood where it is located. The Planning Commission may recommend approval, approval with changes, or disapproval.
- (.c) Council approval of a plan of development or amendment to a plan of development shall be presumed if City Council fails to approve by ordinance, disapprove by ordinance, or table consideration of a proposed plan by the later of (1) 45 days when Council is in session after submission by the Planning Commission of a proposed plan or amendment to the Council, or (2) the fifth Council meeting after Planning Commission transmits its recommendation to Council. In the event the owner of a lot within a SP-ENT district, submits a proposed plan or amendment to the Planning Commission and the Planning Commission fails to approve, disapprove, or table consideration of it within 45 days after submission, the proponent may submit the application directly to the Council and it will be deemed submitted to the Council by the Planning Commission.

¹⁰⁴ From current 14-403 *Procedures for the Establishment of a Commercial Entertainment District*. Plan submission requirements have been removed for inclusion in the Zoning Code Administrative Manual.

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(3) Amendments to Plans of Development¹⁰⁵

(a) Applicability

This Section applies to the amendment of any plan of development required in a planned development district listed in Table 14-204-1.

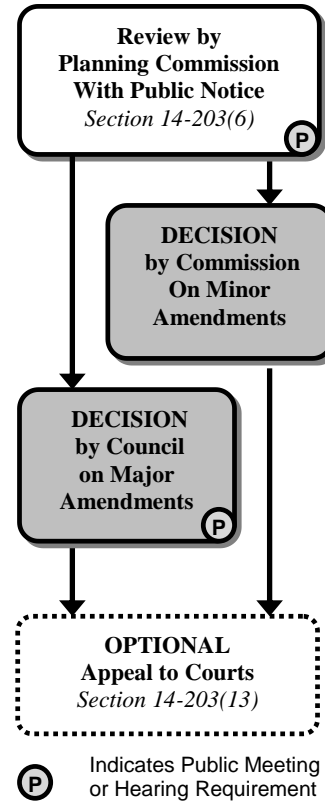
(b) Action by Planning Commission on Minor Amendments

Proposed amendments that comply with the criteria in subsections (d) through (h) below, as applicable, are “Minor Amendments” and amendments that do not comply with those standards are “Major Amendments.” Amendments shall be submitted to the Planning Commission for review, and the Planning Commission shall provide public notice pursuant to 14-203(6) and conduct a public meeting on the proposed amendment. If, after the public meeting, the Planning Commission determines that the proposed amendment is a Minor Amendment, the Planning Commission may approve the amendment, or approve it with modifications. If the Planning Commission determines that the proposed amendment is a Major Amendment, the Planning Commission shall refer the proposed amendment to City Council together with its recommendation based on the stated purposes of the district involved and the public health, safety, and general welfare of the city.

(c) Action by City Council on Major Amendments

The Planning Commission shall forward Major Amendments to City Council, which shall consider the amendment as a proposed new plan of development for the district in the same manner required by the Home Rule Charter. If

Amendments to Plans of Development



¹⁰⁵ This section consolidates and simplifies very detailed provisions for the creation and amendment of plans of development in the current RC-6, IDD, ITD, and WRD district. These provisions allow the Planning Commission to approve minor amendments to plans of development, after a public hearing, if they meet stated criteria, and further provide that if the proposed amendment does not meet the criteria it shall be treated as a major amendment and be forwarded to City Council for action. Since Module 1, references to Council action in this section have been simplified to refer to the Home Rule charter

Council has not acted to approve, approve with changes, or disapprove the amendment within 45 days when Council is in session after referral of the amendment by the Planning Commission, Council will be deemed to have concurred with the recommendation of the Planning Commission.

(d) General Criteria for Planning Commission Approval

The Planning Commission shall approve a proposed amendment as a Minor Amendment to a plan of development only if it determines that the amendment complies with all of the following criteria:

- (.1) The amendment is consistent with the stated purpose of the district, the stated purpose of existing plan of development, the sound development needs of the district, and the requirements of any applicable overlay district.
- (.2) The amendment only includes uses listed in Tables 14-502-1 through 14-502-4 as a permitted or special exception for the district in which the land is located and the amendment complies with all dimensional requirements listed in Chapter 14-600 for the district in which the land is located. If the application includes a special exception listed in Tables 14-502-1 through 14-502-4 it shall not be approved unless the Planning Commission determines that the criteria of 14-204(4)(d) have been met.
- (.3) The amendment complies with all additional criteria listed in 14-204(3)(e) through 14-204(3)(i) applicable to the zoning district where the land is located.

(e) Criteria for Amendment of RMX-1 District Plans¹⁰⁶

The Planning Commission shall approve a proposed amendment as a Minor Amendment to an RMX-1 plan of development only if it determines that the amendment also complies with the following criteria.

- (.1) Any relocation of buildings, driveways, or access roads results in equal or less environmental impact or lessens impacts on any existing historically significant structure, building or natural amenity, and does not reduce any setback of a building, driveway, or access road from any zoning district boundary.

¹⁰⁶ From current 14-215(2)(b), but with significant changes. The revised provisions do not require the plan amendment to go to City Council if the criteria for a minor amendment are met, and do not provide that Council's silence for 45 days will be treated as an approval.

(f) Criteria for Amendment of RMX-2 District Plans¹⁰⁷

- (.1) If the application is for a plan of development or amended plan of development in the approved Waterfront Redevelopment portion of the RMX-2 zoning district, the Planning Commission shall take no action until it first (a) refers the plan to the Streets Department and the Water Department for their recommendation and (b) waits 30 days to receive the recommendations of the two departments. If no response or recommendation is received within that period, the Planning Commission shall assume that neither department has any objection to approval of the plan or plan amendment.
- (.2) The Planning Commission shall approve an amendment to an RMX-2 plan of development only if it determines that the amendment includes only the following types of changes¹⁰⁸:
- (.a) Reductions in the proposed gross floor area, building height, or percentage of commercial space;
 - (.b) Reductions in the number of residential units;
 - (.c) Replacement of one type of dwelling structure with another provided that there is no increase in the total number of units results;
 - (.d) Substitution of one type of permitted commercial use for another;¹⁰⁹
 - (.e) Reductions or increases in the number of proposed parking or loading spaces, provided that no reduction in overall parking or loading ratios results; and/or

¹⁰⁷ Referral requirement is carried over from current 14-216(3)(c). The criteria consolidate the plan amendment procedures and criteria from current 14-216 *Waterfront Redevelopment District*, 14-217(2) *Permitted Areas for the Establishment of [ITD] District*, and 14-217(3) *Procedures for Establishment and Amendment of [ITD] District*, but with changes. These provisions do not require the Planning Commission to consider all building and zoning permits – permit issuance remains with L&I, but any proposed amendment of the plan of development comes to the Planning Commission. The Planning Commission can approve the plan change after a public hearing if it meets stated criteria (taken primarily from the ITD district). If it does not, then it goes to City Council as a major amendment. Provisions for lapsing of development if not undertaken within one year have been deleted, since lapsing is now covered by 14-203(14).

¹⁰⁸ These criteria are carried over from the ITD district, but would now apply to the areas in the WRD as well, and to any future RMX-2 district plans of development. The current language requiring that the amendment not modify any public benefits commitments has been dropped since, pursuant to 14-109, the City does not enforce public benefits agreements.

¹⁰⁹ Text clarifying that the amount of commercial use not be increased was deleted as unnecessary – substitution of a use does not include an expansion of the use.

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(.f) Changes in permitted signage.

(g) Criteria for Amendment of SP-INS District Plans¹¹⁰

The Planning Commission shall approve an amendment to an SP-INS plan of development only if it determines that the amendment only approves:

- (.1) Permitted or special exception uses listed for the SP-INS district in Table 14-502-4; and/or
- (.2) Changes to the types and locations of permitted signage that do not increase the amount or height of permitted signage; and/or
- (.3) Changes to the location or design of required parking, loading, and/or landscaping that do not reduce the total amount of parking, loading, or landscaping shown in the approved development plan; and/or
- (.4) Temporary facilities or structures that are consistent with the overall intent of the adopted plan of development; and/or
- (.5) Additions to buildings or changes in building footprints that do not reduce impervious surface within the district by more than 5% or by more than 5,000 sq. ft., measured collectively from the date of adoption of the district.¹¹¹

(h) Criteria for Amendment of SP-STA District Plans¹¹²

The Planning Commission shall approve an amendment to a SP-STA district plan of development only if it determines that the amendment also complies with the following criteria.

- (.1) The amendment includes only (a) changes to the types and locations of permitted signage, but does not increase the amount or height of permitted signage, and/or (b) changes to the location or design of required parking, loading, and/or landscaping that do not reduce the total amount of parking, loading, or landscaping shown in the approved development plan, and/or temporary facilities or structures that will not undermine the overall intent of the adopted plan of development,

¹¹⁰ These standards are new, because the current code does not allow for Planning Commission approval. They are intended to allow minor amendments to be processed by Planning Commission without City Council action. The right of appeal to City Council remains.

¹¹¹ Subsection (.5) is new.

¹¹² These standards in subsections (h) and (i) are new, because the current code does not allow for Planning Commission approval. They are intended to allow minor amendments to be processed by Planning Commission without City Council action. Because of citywide interest in the sports stadiums and casinos, Planning Commission cannot approve special exception uses in those areas, and those would go to City Council as part of the plan amendment. The right of appeal to City Council remains. As for all other districts, approval of permits that are consistent with adopted plans would not require Planning Commission review or approval.

and/or (c) additions to buildings or changes in building footprints that do not reduce impervious surface within the district by more than 5% or by more than 5,000 sq. ft., measured collectively from the date of adoption of the district.¹¹³

- (.2) Notwithstanding the provisions of 14-204(3)(d) only City Council shall have the power to approve special exception uses listed in a SP-STA district.

(i) Criteria for Amendment of SP-ENT District Plans¹¹⁴

- (.1) If the application is for a plan of development or amended plan of development in the SP-ENT district, the Planning Commission shall take no action until it first (a) refers the plan to the Streets Department and the Water Department for their recommendation and (b) waits 30 days to receive the recommendations of the two departments. Except as noted in subsection (2) below, if no response or recommendation is received within the 30 day period, the Planning Commission shall presume that neither department has any objection to approval of the plan or plan amendment.
- (.2) If the approval of the Streets Department is required before the issuance of a permit relating to off-street parking and the Streets Department does not approve, disapprove, or conditionally approve the proposal within 30 days after submission of the proposed plan or amendment to the Streets Department, the Planning Commission shall presume the Streets Department has approved the plan or amendment.¹¹⁵
- (.3) The Planning Commission shall approve an amendment to a SP-ENT district plan of development only if it determines that the amendment includes only (a) changes to the types and locations of permitted signage, but does not increase the amount or height of permitted signage, and/or (b) changes to the location or design of required parking, loading, and/or landscaping that do not reduce the total amount of parking, loading, or landscaping shown in the approved development plan, and/or temporary facilities or structures that will not undermine the overall intent of the adopted plan of development, and/or (c) additions to buildings or changes in building footprints that do not reduce impervious surface within the district by more than 5% or

¹¹³ Clause (c) is new.

¹¹⁴ Carried over from 14-404(3) and (4).

¹¹⁵ As with review by the Planning Commission, the review period for streets has been reduced from 45 to 30 days.

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by more than 5,000 sq. ft., measured collectively from the date of adoption of the district.¹¹⁶

(.4) Notwithstanding the provisions of 14-204(3)(d) only City Council shall have the power to approve special exception uses listed in a SP-ENT district.

(4) Special Exception Approval¹¹⁷

(a) Applicability

This Section shall apply to all applicants for a special exception that is permitted in the zoning district where the property is located as shown in Tables 14-502-1 through 14-502-4.

(b) Review by L&I

The application shall be filed with L&I, which shall review the application for consistency with the criteria in 14-204(4)(d) and forward the application to the ZBA for consideration.

(c) Hearing and Action by the ZBA

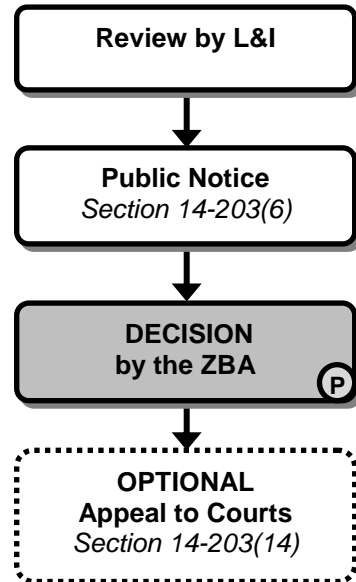
The application shall be reviewed by the ZBA and a public hearing shall be held pursuant to 14-203(7). The applicant shall have the burden of presenting evidence that the criteria in 14-204(4)(d) below have been met. The ZBA may approve, approve with changes, or disapprove the application based on its determination as to whether those criteria have been met.

(d) Criteria for Review and Action by the ZBA¹¹⁸

The ZBA shall approve or approve with conditions, only if it determines that the proposed special exception meets the following conditions:

(.1) The application is consistent with the comprehensive plan for the city, any adopted area redevelopment plan, and any other adopted plans for

Special Exception Approval



(P) Indicates Public Meeting or Hearing Required

¹¹⁶ Clause (c) is new.

¹¹⁷ The categories of certificated uses and special uses have been merged into a single process for ZBA approval. Since Module 1 that process has been renamed from conditional uses to special exceptions.

¹¹⁸ Some of these materials are carried over from current 14-1803 *Criteria for Granting a Special Use Permit*.

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- the area where the property is located; and¹¹⁹
- (.2) Complies with all applicable Use-Specific Standards in 14-503; and¹²⁰
- (.3) Will not substantially increase congestion in the public streets or transportation systems; and
- (.4) Will not overcrowd the land or create an undue concentration of population; and
- (.5) Will not impair an adequate supply of light and air to adjacent property; and
- (.6) Will not unduly burden water, sewer, school, park, or other public facilities; and¹²¹
- (.7) Will not impair or permanently injure the use of adjacent conforming properties; and
- (.8) Will not increase the danger of fire or otherwise endanger the public health or safety.

(5) Regulated Use Approval¹²²

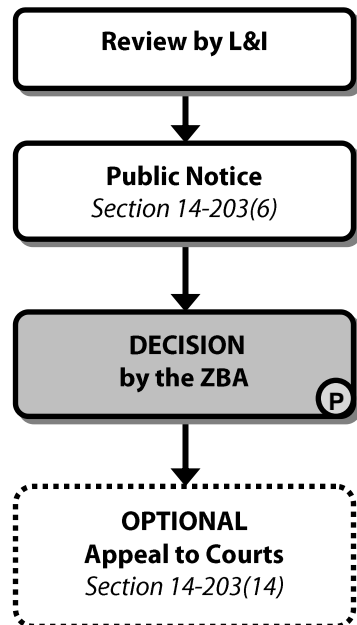
(a) Applicability

This section applies to the review and approval of those uses listed in 14-503(10)(a).

(b) Review and Approval

The procedure for reviewing and approving Regulated Uses is the same as the procedure for special exception approval in 14-204(4), except that the criteria for approval are those shown in subsection 14-204(5)(c) below.

Regulated Use Approval



(P) Indicates Public Meeting or Hearing Required

¹¹⁹ This consolidates criteria referring to plans, adds a references to adopted area plans, and replaces the vaguer “will be in harmony with the spirit of this title.” A criteria citing “general welfare” was deleted since the other criteria are the indicators of that general welfare.

¹²⁰ This is a new criterion, since the list of special use conditions in 14-1803 and the conditions on certificated uses have been consolidated into 14-503.

¹²¹ A repetitive reference to transportation systems was removed here.

¹²² From current 14-1605 *Regulated Uses*. Since Module 1 the Legislative Findings have been deleted, but may be included in the adopting ordinance. Applicability section is new since Module 1.

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(c) Criteria for Review and Action by the ZBA

The ZBA shall approve or approve with conditions, only if it determines that the proposed Regulated Use meets all of the Use-Specific Standards for that use set forth in 14-503.

(6) Civic Design Review¹²³

(a) Applicability

(.1) Required Review¹²⁴

This section applies to any development that meets the criteria in Table 14-204-2.

Table 14-204-2: Civic Design Review Triggers

Civic Design Review is required in the following three cases:	The applicant's property is located in this district:	AND the property abuts one or more of the following: [1]	AND the application:
Case 1:	Any RM, RMX, C, I, or SP district	Any RSD or RSA district	1. Includes more than 25,000 sq. ft. of new construction; or 2. Includes more than 25 new dwelling units; or 3. Includes buildings that are more than 20 ft. taller than the tallest building on an RSD or RSA lot within 400 ft. of the project property.
Case 2: Case 1 does not apply, AND	Any C, I, or SP district	Any RM or RMX district	1. Includes more than 50,000 sq. ft. of new construction; or 2. Includes more than 50 new dwelling units; or 3. Includes buildings that are more than 20 ft. taller than the tallest building on an RM or RMX lot within 400 ft. of the project property.
Case 3: Cases 1 and 2 do not apply AND	Any district	Any district	1. Is not for an industrial building in an industrial district. 2. Includes more than 100,000 sq. ft. of new gross floor area or more than 100 new dwelling units.

Table Note:

[1] For purposes of this Table 14-204-2 only, a property “abuts” the applicant’s property if (a) it shares all or part of a side or rear property line with the applicant’s property, or (b) it is separated from the applicant’s property by only an alley, driveway, railroad line, or creek, or (c) it is located on the blockface located across a street from the front lot line of the applicant’s property and (i) the street separating the two properties is less than 100 ft. wide (measured curb to curb), and (ii) the closest points on the applicant’s property and the subject are less than 200 ft. apart.

(.2) Other Reviews

A project that is required to be reviewed by another department,

¹²³ This is a new procedure. Since Module 1, these provisions have been revised to reflect a new set of design review triggers reviewed by the Zoning Code Commission.

¹²⁴ This section has been modified since Module 1; CDR triggers and the definition of “abutting” have changed.

agency, board, or commission of the city under this Zoning Code may require additional review under 14-204(6)(a)(.1) above to cover additional aspects of project design not included in the earlier review. In general, the review in this 14-204(6) will occur after other required reviews in order to take the content of those reviews into account, and the timelines for review by the Civic Design Review Committee will be extended to begin after the recommendations from other required reviews have been received.¹²⁵

(.3) **Optional Review**

This section may also apply to development proposals that do not meet the criteria in 14-204(6)(a)(.1) if the applicant consents to design review, and both the chair of the Civic Design Review Committee and the Executive Director of the Planning Commission agree that Design Review would be in the best interests of the city.

(b) Determination of Requirement

L&I will determine whether an application will be required to complete Civic Design Review during its preliminary review of application materials, and before the applicant has filed the application. If Civic Design Review is required, the applicant will be required to comply with the neighborhood meeting requirement in 14-203(1) and the related notice requirements in 14-203(6)(e).¹²⁶

(c) Advisory Review

Design review under this section shall be advisory. While the applicant is encouraged to accept the results of design review and incorporate them into the design, failure to incorporate any or all design review recommendations shall not be a factor in review or approval of the project by L&I, the ZBA, the Planning Commission, or City Council. Although the recommendations of the Civic Design Review Committee shall not require further review by the Planning Commission, review by the Planning Commission may be required by other requirements of this Zoning Code.¹²⁷

¹²⁵ The last two sentences are new since Module 1.

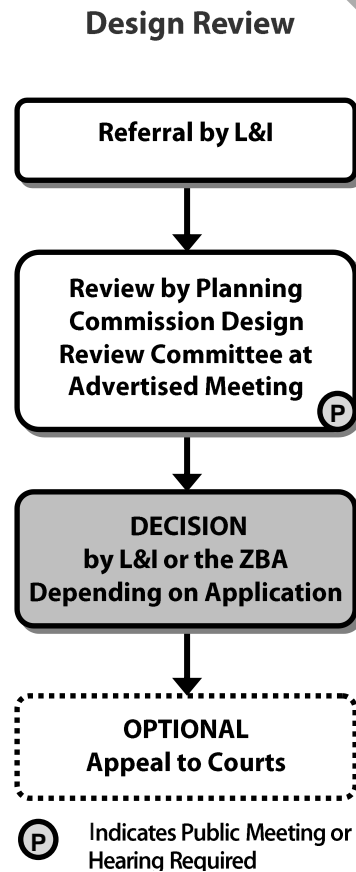
¹²⁶ New section since Module 1.

¹²⁷ The final sentence is new since Module 1.

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(d) Review by Civic Design Review Committee¹²⁸

- (.1) L&I will notify the Planning Commission and the applicant when it concludes that an application for permit qualifies for design review.
- (.2) The Civic Design Review Committee will meet 2 weeks prior to each Planning Commission meeting, and will complete its review of each application or proposal within 75 working days after L&I's notification of qualification. If the Committee does not deliver to the Planning Commission a design review recommendation within the 75 day limit, the project will be assumed to be recommended for approval as designed.
- (.3) The Committee's meetings will be public. Agendas will be posted online and distributed in advance of each meeting.
- (.4) Each proposal will be reviewed up to two times as follows. The first review will be for information only and to offer the Committee members and the public an opportunity to ask questions, offer criticisms, and otherwise learn about the proposal. The Committee may require a proposal to undergo a second review if significant issues remain unresolved after the first Civic Design Review Committee review. The Committee will prepare its recommendation within 15 working days of its last meeting date.
- (.5) In those cases where the Civic Design Review Committee intends to



¹²⁸ Changes since Module 1 include deletion of language requiring notice within 7 days in subsection (.1), extension of the time period from 45 to 75 days in subsection (to accommodate situations when applications are received immediately after a monthly meeting of the CDR committee), clarification that an application may require only one round of review, deletion of references to a third review, and requirement that the findings be documented within 15 days after the review.

make a recommendation, the committee chair will prepare a summary report of the recommendation, present it to the Planning Commission at a regularly scheduled meeting, and post the recommendation on the Planning Commission's website.

- (.6) For proposals that require an adopted Plan of Development subsequent to the recommendation of the Committee, a determination will be made by the Planning Commission as to whether the design as reflected in the Plan of Development requires an additional Committee review or is substantially in conformance with the previous recommendation and may be sent directly to the Planning Commission for final approval.

(e) 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 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 curbside management and vehicular and pedestrian access points, contributes to the walkability of adjacent streets;
- (.2) Whether the ground level of the proposal contributes to street activity on adjacent streets;
- (.3) Whether the design of streets and 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;
- (.5) Whether the design is consistent with the intended character of streets, sidewalks, trails, parks, and open spaces indicated in any adopted plan, redevelopment plan, and/or any plan of development for the area where the property is located.
- (.6) Any additional criteria stated in the Zoning Code Administrative Manual.¹²⁹

¹²⁹ New criteria since Module 1.

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(7) Subdivision Plats

(a) Applicability

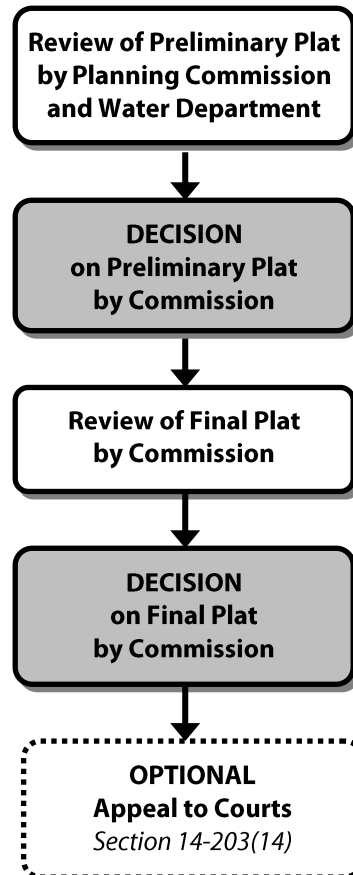
This Section applies to the approval of all subdivision plats, amendments to subdivision plats, and variances to subdivision plats.

(b) Property Data Map¹³⁰

(.1) Every subdivider shall file with the Planning Commission 2 copies of a Property Data Map meeting the requirements in the Zoning Code Administrative Manual prior to preparing the Preliminary Plat.

(.2) Following the filing of the Property Data Map and prior to the preparation of the Preliminary Plat, the Planning Commission shall refer the Property Data Map to the Department of Records to verify its accuracy. If the Department of Records has not responded within 30 days, the Planning Commission may assume that the Property Data Map is accurate. The Planning Commission shall also notify the subdivider of (a) any elements of adopted plans, and (b) any planned or anticipated public works or public land acquisitions that should be taken into consideration in the design of the subdivision.

Subdivision Plat



(c) Preliminary Plat

(.1) The applicant shall submit 25 copies of the Preliminary Plat and supplementary data meeting the requirements of the Zoning Code Administrative Manual to the Planning Commission. The Planning Commission shall forward 2 copies of the Preliminary Plat to the Water

¹³⁰ The following several sections are from current 14-2106 *Filing of Maps and Plats*. Since Module 1 these have been revised for clarification of current practice by Development Planning. References to conditional approval have been deleted.

Department. The Water Department shall approve the proposed method of control of storm water run-off, including that from lots, before the Planning Commission may give approve the Preliminary Plat.

- (.2) The Planning Commission shall act on the application for approval of the Preliminary Plat at its first regularly scheduled meeting held not less than 22 days following the date of filing of the Preliminary Plat. If it approves the Preliminary Plat, the Planning Commission shall express its decision as a conditional approval and shall notify the subdivider and the Department of Streets of that decision. If it disapproves the Preliminary Plat, the Planning Commission shall notify the subdivider in writing of its action and the reasons for the decision within 7 days after the decision.
- (.3) The action of the Planning Commission shall be noted on 3 copies of the Preliminary Plat. One copy shall be forwarded to the Department of Streets, one copy shall be returned to the subdivider, and one copy shall be retained by the Planning Commission.
- (.4) Approval of a Preliminary Plat shall not constitute approval of the Final Plat, but shall be deemed an expression of approval of the layout submitted as a guide to the preparation of the Final Plat.

(d) Criteria for Approval of Preliminary Plat

The Planning Commission shall approve a Preliminary Plat only if it finds that:

- (.1) It complies with all technical requirements for the plat document in the Zoning Code Administrative Manual;¹³¹ and
- (.2) It is consistent with adopted plans, redevelopment plans, and plans of development for the area containing the land to be subdivided; and
- (.3) Each lot or parcel to be created (a) meets the requirements of this Zoning Code applicable to the zoning district and any overlay districts applicable to the land to be subdivided, or (b) meets the requirements of the district(s) included in a proposed rezoning of the property, in which case the Planning Commission's approval shall not become effective until the rezoning has been approved by City Council.¹³²

(e) Final Plat

- (.1) A Final Plat shall be submitted to the Planning Commission within 15 months after approval of the Preliminary Plat; otherwise the Preliminary

¹³¹ The Zoning Code Administrative Manual will include the technical requirements of current 2105(3) and 2105(4).

¹³² This is a new statement of approval criteria, because the current zoning ordinance has none.

Plat shall become null and void unless an extension of time is applied for and granted by the Planning Commission.

- (.2) At the subdivider's option a Final Plat may consist of a portion of the approved Preliminary Plat.
- (.3) The Planning Commission shall act upon the application within 45 days of submission or the subdivision shall be deemed approved.
- (.4) If the Final Plat is approved, the approval of the Planning Commission shall be noted on 5 copies of the Final Plat. One copy shall be sent to the Department of Streets, one copy to L&I , two copies to the subdivider, and the Planning Commission shall retain one copy. Upon the completion of any resurvey, one copy of the portion of the Final Plat covered by said resurvey shall be recorded by the subdivider in the Office for the Recording of Deeds. An approved Final Plat shall be valid for 3 years, but if no recording of any portion of the Final Plat occurs within 3 years the Final Plat shall become null and void.
- (.5) If it disapproves the Final Plat, the Planning Commission shall notify the subdivider in writing of its action and the reasons for the decision within seven days after the decision.
- (.6) When new streets are involved in any land subdivision, the Planning Commission may require, as a condition of its approval, confirmation by the Streets Department Board of Surveyors of the appropriate City Plan changes.

(f) Criteria for Approval of Final Plat

The Planning Commission shall approve a Final Plat shall only if it finds that it:

- (.1) Complies with all the technical requirements of the plat document in the Zoning Code Administrative Manual; and
- (.2) Is in substantial conformity with the approved Preliminary Plat.

(g) Compliance with Technical and Engineering Standards

Following approval of the Final Plat, all improvements such as streets, driveways, water mains, and sewers shall be constructed in accordance with the specifications established by the city departments having jurisdiction over those improvements.¹³³

¹³³ From current 14-2104(14) *Approval of Appropriate L&I Departments*.

(h) Variances of Subdivision Standards¹³⁴

The Planning Commission may authorize such variance from the terms of this section as will not be contrary to the public interest and where, owing to special conditions, a literal enforcement of the provisions of the standards otherwise applicable to the subdivision will result in serious practical difficulty.

(i) Records and Review¹³⁵

(.1) The Planning Commission shall keep a record of its findings, decisions, variances and recommendations relative to all subdivision applications filed with it. All such records shall be public records.

(.2) Any person aggrieved by any administrative decision of any employee of the Planning Commission, with respect to any interpretation or requirement related to subdivisions of land shall have the right to a review by the Planning Commission within 30 days of the mailing or communication of such decision. Any person requesting such review may appear before the Planning Commission in person or by agent or attorney.

(8) Zoning Variances¹³⁶

(a) Applicability

This section applies to all applications for a variance from the terms of this Zoning Code as they affect a specific lot or parcel, but not including (a) applications for variances to the subdivision standards, which are not subject to ZBA review and which are addressed in 14-204(7)(h), and (b) variations from historic area regulations, which are addressed in Chapter 14-900:.

(b) Review by Planning Commission¹³⁷

The Planning Commission shall review each application for a variance shall make a recommendation to the ZBA as to whether the application meets the general criteria for a variance listed in subsection 14-204(8)(d) below, as well as any specific criteria in subsections 14-204(8)(e) through 14-204(8)(h) below applicable to the type of use or facility for which the variance request is made.

(c) Hearing Before the ZBA

¹³⁴ From current 14-2107 *[Subdivision] Variances*. The phrase “provided that the purpose and spirit of this Chapter shall be observed and substantial justice done” was deleted from the end of the sentence as too vague.

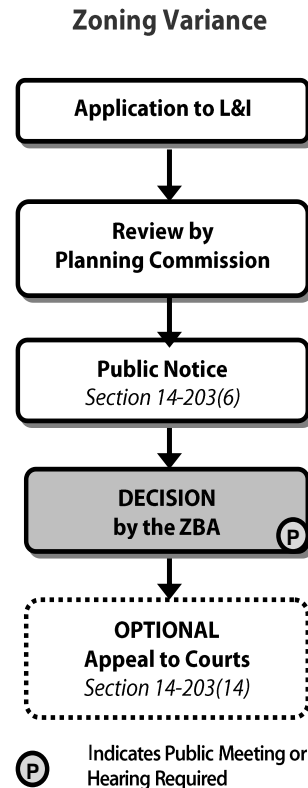
¹³⁵ From current 14-2108 *Records and Review*.

¹³⁶ From current 14-1802 *Criteria for Granting Variances* and 14-1501 *Area Surrounding an Airport: Height Regulations*.

¹³⁷ The text has been changed to reflect current practice, which includes Planning Commission review.

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Following the receipt of an application for a variance relief, public notice shall be provided pursuant to 14-203(6), and a public hearing shall be held pursuant to 14-203(7). The applicant shall have the burden of presenting evidence that all applicable criteria in 14-204(8)(d) through 14-204(8)(i) below have been met. The ZBA shall grant a variance only if it determines that those criteria have been met, and shall otherwise deny the variance. The ZBA may grant a variance other than that requested, or with conditions other than those requested, if it determines that the alternative variance would better respond to the special conditions affecting the property or would permit use or development of the property with less impact on the surrounding area.



(d) General Criteria for Approval¹³⁸

The ZBA shall grant a variance only if it determines that the following criteria have been met and that any applicable criteria in subsections 14-204(8)(e) through 14-204(8)(i) below have been met.

(.1) Use Variances¹³⁹

A variance to allow the use of the property for any use not listed in Tables 14-502-1 through 14-502-4 shall only be granted if the property owner has no reasonable economic use of the property unless the variance is granted and the variance is therefore necessary to avoid unnecessary hardship and an unconstitutional taking of property. Unnecessary hardship may be established by evidence that: (1) the physical features of the property are such that it cannot be used for any permitted purpose in the district in which it is located; or (2) that the property can be conformed for a permitted purpose only at a

¹³⁸ Since Module 1, the section on Additional Criteria for Center City Height Controls from current 14-1802(4) and (5) *Criteria for Granting Variances* has been deleted; the criteria were considered too broad to be effective.

¹³⁹ This is a new criterion to reduce the City’s heavy reliance on use variances. The criteria have been revised since Module 1 to better reflect holdings of the Pennsylvania courts.

prohibitive expense; or (3) that the property has no value for any purpose permitted by this zoning code. Use variances are discouraged.

(.2) **Variances to Dimensional Standards or Conditions**¹⁴⁰

After considering the economic detriment to the applicant if the variance is denied, the financial hardship created by any work necessary to bring the building into strict compliance with the zoning requirements, and the characteristics of the surrounding neighborhood, the Board may grant a dimensional variance if it determines that:

- (.a) That any requested variance to the maximum building height otherwise applicable to the property will not allow any building or structure to exceed that maximum height limit by more than 25%.¹⁴¹
- (.b) That any requested variance to the gross floor area ratio permitted on the property or the maximum amount of nonresidential gross floor area in the proposal will not allow the proposal to exceed the maximum limits otherwise applicable to the property by more than 25%.
- (.c) The variance will not substantially or permanently injure the appropriate use of adjacent conforming property or impair an adequate supply of light and air to adjacent conforming property;
- (.d) The grant of the variance will not substantially increase congestion in the public streets, increase the danger of fire, or otherwise endanger the public health, safety, or general welfare;
- (.e) The grant of the variance will not adversely affect transportation or unduly burden water, sewer, school, park or other public facilities;
- (.f) That the grant of the variance will not adversely and substantially affect the implementation of any adopted plan for

¹⁴⁰ From current 14-1802 *Criteria for Granting Variances*, with changes and consolidations. The current language says that the ZBA will consider these factors in its review of variance requests, but the revised language requires the ZBA to find that these criteria are met. The existing criteria “that the grant of the variance will be in harmony with the spirit and purpose of this Title” was deleted as being too vague. Similarly, the criteria “that the grant of the variance will not overcrowd the land or create an undue concentration of population” was deleted because the negative impacts of additional population are covered by other criteria in the list. The introductory language has been added since Module 1 to better reflect Pennsylvania court decisions.

¹⁴¹ Subsections (.a) and (.b) are new standards to limit the use of variances when a rezoning should be sought.

the area where the property is located or any area redevelopment plan approved by City Council; and

- (.g) The grant of the variance will not create any significant environmental damage, pollution, erosion, or siltation, and will not significantly increase the danger of flooding either during or after construction, and the applicant will take measures to minimize environmental damage during any construction.

(.3) **Nonconforming Uses, Structures, and Lots**¹⁴²

A property containing a legal nonconforming use or structure shall not be required to obtain a variance as a pre-condition to issuance of a zoning or building permit that does not involve the portion or aspect of the property that is nonconforming. For example, a property with a legal nonconforming use shall not be required to obtain a variance prior to obtaining a building permit for a building or addition that would be permitted if the building contains a conforming use. Similarly, a property with a nonconforming structure shall not be required to obtain a variance in order to substitute one permitted or special exception for another if that substitution would be allowed for a conforming structure.

(e) **Additional Criteria for Flood Plain Variances**¹⁴³

Where all or part of the property is located in an area subject to flooding as provided in 14-606(5), the ZBA shall only approve a variance if it determines that the application meets the following criteria in addition to those in 14-204(8)(d).

- (.1) Any requested variance for property located within the Floodway will not result in any increase in flood levels during the Regulatory Flood;
- (.2) Any requested variance for property located within Floodway Fringe will not significantly increase the danger of flooding; and will not endanger the loss of property.
- (.3) Any variance in either the Floodway or Floodway Fringe involves the least modification of flood plain controls necessary to allow the proposed development to proceed.
- (.4) For any property located in the Floodway, no variance shall be granted

¹⁴² This new provision removes some of the need for nonconforming properties to have hearings before the ZBA simply because they are nonconforming, and avoids the need for a separate provision declaring that very old structures and lots shall not be deemed to be nonconforming.

¹⁴³ From current 14-1802(3) *Criteria for Granting Variances*.

that would allow construction or substantial improvement of any structure used for the production or storage of any of the materials listed in 14-606(5)(b)(.1)(.d); or used for any activity requiring the maintenance of a supply in excess of 550 gallons or other comparable volume; or used for any purpose involving the production, storage, or use of any amount of radioactive substance.¹⁴⁴

- (.5) Within the Floodway Fringe or 100 year flood boundary, No variance shall be granted that would allow construction or substantial improvement of any structure used for the production or storage of any of the materials listed in 14-606(5)(b)(.1)(.d); or used for any activity requiring the maintenance of a supply in excess of 550 gallons or other comparable volume; or used for any purpose involving the production, storage, or use of any amount of radioactive substance shall be permitted if it is elevated or flood-proofed to remain completely dry to one and one-half (1 1/2) ft. above the Regulatory Flood Elevation.

(f) Additional Criteria for Outdoor Lighting

The ZBA shall only grant a variance from the standards in 14-609 after that the variance is necessary for protection of public safety or to reduce significant risks of theft or damage, and that the variance will have no significant adverse effect on adjacent properties.¹⁴⁵

(g) Additional Criteria for Maximum Off-Street Parking¹⁴⁶

The ZBA may approve variances to the maximum off-street parking limits in 14-702 if it determines that the following criteria have been met.

- (.1) The proposed development has unique or unusual characteristics such as high sales volume per floor area or low parking turnover that create a parking demand that exceeds the maximum limit, and that typically does not apply to comparable uses, as documented by a parking demand study acceptable to the city; and
- (.2) The demand for parking above the maximum limit cannot be accommodated by on-street parking or shared parking with nearby uses; and
- (.3) The request is the minimum necessary variation from the standards, as documented by the parking demand study; and
- (.4) If located in a C district or the /CTR, /NCA, or TOD area shown in 14-605,

¹⁴⁴ Subsections (.4) and (.5) were previously noted in the flood protection provisions of Module 3.

¹⁴⁵ These variance criteria were moved from the outdoor lighting standards in Module 3.

¹⁴⁶ These variance criteria were moved from the parking standards in Module 3.

the uses in the proposed development and the site design will promote existing or planned levels of transit and pedestrian activity.

- (.5) All spaces provided in excess of the maximum specified in Tables 14-702-2 and 14-702-3 will be surfaced with a pervious surfacing material that meet the design standards of the Philadelphia Stormwater Management Guidance Manual.

(h) Additional Criteria for Wireless Service Towers¹⁴⁷

- (.1) In granting a variance relating to the construction of wireless service towers, the ZBA shall consider all of the following criteria in addition to those in 14-204(8)(d).
- (.2) Evidence of the lack of space on suitable existing towers, buildings or other structures to co-locate the proposed antenna, cells, microcells and the lack of space on existing tower sites to construct a tower for the proposed antenna within the service area;
- (.3) Whether the wireless service provided will be unable to provide wireless services without the tower site;
- (.4) Whether the application represents a request for multiple use of a tower or site, or use on a site contiguous to an existing tower site;
- (.5) Whether the application contains a report that other potential users of the site and tower have been contacted, and they have no current plans, to the best of their ability to determine, that could be fulfilled by joint use;
- (.6) Whether the application shows how the tower or site will be designated or laid out to accommodate future multiple users. Specific design features evaluated shall include but not be limited to height, wind loading, and coaxial cable capacity; and
- (.7) Whether the proposed tower is to be located in an area where it would be unobtrusive and would not substantially detract from aesthetic or neighborhood character or property values, due either to location, shape of the tower (such as an imitation pine tree tower) or to the nature of surrounding uses (such as industrial use), or to lack of visibility caused by natural growth, landscaping or other factors.
- (.8) In addition to those factors listed in subsection 14-204(8)(d) above, for

¹⁴⁷ From current 14-1802(6). The structure of this section is different from other criteria sections because the federal Telecommunications Act constrains the ZBA's ability to deny approvals for wireless facilities in some circumstances.

purposes of wireless service towers only, hardship sufficient for the granting of a variance shall include the effect upon the applicant's ability to provide wireless service.

(i) Additional Criteria for Height Variances Near the Airport¹⁴⁸

Where all or part of the property is located in an the Airport Environs Overlay district, the ZBA shall only approve a variance from those height controls in the /PHL and /PNE overlay districts if it determines that the proposed structure, or use of land will not constitute an airport hazard and the grant of the variance is consistent with purpose of the Airport Environs Overlay district and the requirements of the Federal Aviation Administration. Compliance with the General Criteria in 14-204(8)(d) is not required.

(9) Zoning Permits¹⁴⁹

(a) Applicability

This Section applies to all applications where the decision on a permit is to be made by L&I, rather than ZBA or the Planning Commission, including but not limited to those specific decisions listed in 14-204(9)(b) below. Zoning Permits generally confirm that the application complies with all applicable provisions of this Zoning Code and that Civic Design Review is not required. L&I shall have authority to issue the permits and approvals listed in this subsection 14-204(9):

- (.1) Regardless of whether the lot, structure, or use is currently in conformance with the provisions of this Zoning Code; and
- (.2) Regardless of whether the lot, structure, or use is currently the subject of a variance, permit, certificate, or proviso issued by the ZBA, as long as the issuance of the permit is consistent with the terms of that variance, permit, certificate, or proviso. If the requested permit or approval is not consistent with the terms of a variance, permit, certificate, or proviso approved by the ZBA, the permit shall be referred to the ZBA for action pursuant to 14-204(8).

(b) Types of Zoning Permits

Specific types of zoning permits issued by L&I include but are not limited to the following:¹⁵⁰

- (.a) Zoning permits, which confirm that the proposed structure, site

¹⁴⁸ The City is currently preparing amendments to these controls, and any changes to these criteria approved by Council before adoption of this Zoning Code will be incorporated.

¹⁴⁹ These provisions address the process for zoning review of "by-right" development, some of which are carried over from current 14-1703 *Permits*.

¹⁵⁰ Since Module 1, temporary use permits have been removed from this list, because the City administers them through an administrative process outside the Zoning Code.

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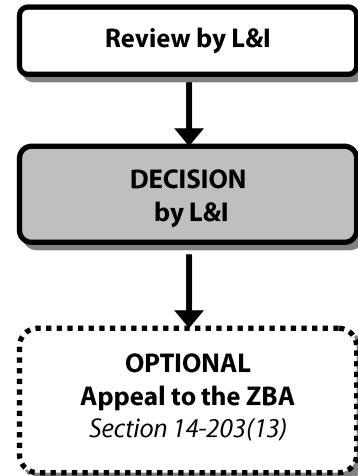
improvements, or construction comply with this Zoning Code.

- (.b) Use registration permits, which confirm that the proposed land use complies with this Zoning Code.
- (.c) Zoning permits for signs.¹⁵¹

(c) Permits¹⁵²

- (.1) No zoning permit shall be issued unless the owner or his authorized agent files those application materials listed in the Zoning Code Administrative Manual; and those materials are approved by L&I as in compliance with the applicable provisions of this Zoning Code.
- (.2) When approved by L&I, the plan described in subsection 14-204(9)(c)(.1) shall be final and conclusive. One copy of that plan, as approved, shall be returned to the applicant stamped as approved by L&I.
- (.3) Zoning permits required for construction and use of a property, or where interior alterations are involved, shall expire 3 years after the date of issuance, unless construction work is begun before that date and is carried on to completion without voluntary interruption. Administrative permits where no construction or interior alterations are involved, including but not limited to use registration permits, shall expire 6 months from the date of issuance unless the approved use has begun.¹⁵³
- (.4) Whenever an application is filed for alterations to an existing structure that does not change the area, height, floor area or bulk of the structure and the existing use is legal and unchanged, the application will be designated as approved by a stamp stating "Permit Not Required."

Zoning Permits



¹⁵¹ These permits are addressed in current 14-1903.

¹⁵² Carried over from current 14-1703 *Permits*. Since Module 1, application requirements have been replaced by a reference to the Administrative Manual as they have been for other types of applications.

¹⁵³ Since Module 1, the period during which these permits is valid has been extended from 3 to 6 months.

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(d) Criteria for Approval

L&I shall approve the application only if it determines that it complies with one of the following criteria.

- (.1) The application complies with all applicable provisions of Zoning Code, as adjusted by 14-204(9)(f), and is consistent with the terms of all variances, permits, certificates, or provisos previously issued by the ZBA for the uses, structures, and property involved in the application; or
- (.2) The application is for (a) “reasonable accommodation” under the federal Fair Housing Act Amendments of 1988 (42 U.S.C.S. 3601 et. seq.) or (b) a site or structure modification required to comply with the Americans with Disabilities Act of 1990 (42 U.S.C.A. 12101 et. seq.), and the permit the least modification of this Zoning Code that will accommodate the proposed structure or facility, and the adjustment complies with the fire code.¹⁵⁴

(e) Additional Review for Certain Logo Signs¹⁵⁵

Upon receipt of a complete application for a building logo sign in the RMX-3 district or an application for building logo sign above the first floor in the CMX-4 district, the Art Commission shall have 45 days to notify the applicant and the Department of Licenses and Inspections, in writing, of its approval, disapproval or tabling for additional information, of the application. If after 45 days the Art Commission has not transmitted notice of its action, Art Commission approval shall be presumed.

(f) Minor Adjustments¹⁵⁶

(.1) Eligibility for Adjustments

The following conditions shall be deemed minor adjustments to the dimensional standards in 14-601 or the parking and loading standards in Chapter 14-700 that may be approved by L&I. These adjustments may only be approved if all of the following conditions are met, and the burden of proof for each condition shall be on the applicant:

¹⁵⁴ Since Module 1, this language on compliance with federal law has been changed to reflect an alternative criteria for approval of a zoning permit, rather than a different type of permit.

¹⁵⁵ This subsection was moved from the sign regulations in Module 3 because it concerns procedures. Material on application materials was not carried over, since that is addressed for all types of applications in 14-203(3).

¹⁵⁶ These new provisions allow L&I to approve applications that almost comply with the dimensional standards for the property in certain cases, because these minor adjustments have only minor affects on surrounding areas and that allowing these to be addressed administratively will reduce backlogs at the ZBA. This section has been revised since Module 1 to remove the installation of sustainability features as a second basis for minor adjustments. Instead, those features are being included in an Exceptions to Dimensional Standards table in 14-601(8). In addition, language has been revised to clarify that the burden of proof on all criteria is on the applicant.

- (.a) The application is for a single structure or parking area on a lot. Adjustments may not be approved for multiple lots or for multiple buildings as part of a multi-lot or multi-building development.
- (.b) The adjustment is needed because the applicant's lot is smaller, narrower, less deep, or more constrained by topography or environmental constraints than at least one of the adjacent lots. The burden shall be on the applicant to show that these conditions apply to the property.
- (.c) The applicant is unable to comply with the dimensional requirements of 14-601 and/or the parking and loading requirements of Chapter 14-700 through reasonable modifications of the design of the proposed building, structure, addition, or parking area.

(.2) **Adjustments Permitted**

L&I may approve applications that comply with 14-204(9)(f)(.1) above and that comply with the dimensional requirements of 14-601 and/or the parking and loading requirements of Chapter 14-700 as adjusted in up to two of the following ways:

- (.a) The front, side, or rear setbacks of a new structure or addition are no more than one (1) foot smaller than the minimum setbacks required by 14-601; and/or
- (.b) The height of a new or modified structure is no more than two (2) ft. taller than the maximum allowed by 14-601; and/or
- (.c) The amount of on-site open space is no more than 5% smaller than the minimum required by 14-601; and/or
- (.d) For properties where Chapter 14-700 requires more than three off-street parking spaces, the site contains one (1) less parking space than is required.

(.3) L&I may not approve applications that require more than 2 of the adjustments listed above.

(g) Action by L&I

L&I shall review each application under this section and shall approve or deny the application pursuant to the criteria in 14-204(9)(d).

(h) The One Year Rule¹⁵⁷

- (.1) L&I shall determine whether a substantially similar application was finally denied within one year prior to the date of the application, or whether an appeal is pending (either before the ZBA or before a court) of the denial of a substantially similar application.
- (.2) If such a determination is made and if the application is not one that L&I may grant as of right, then L&I shall deny the application and note on the application "Denied - One Year Rule."
- (.3) The issuance of a refusal or referral denoted, "Denied - One Year Rule," may be appealed to the ZBA. On such an appeal, the ZBA shall hold a hearing limited to two issues: (i) whether L&I properly applied the One Year Rule; and (ii) whether, because of materially changed circumstances, the application should be considered notwithstanding the One Year Rule. Following a public hearing pursuant to 14-203(7) the ZBA shall make a decision limited to those two issues.
- (.4) If the ZBA's decision is that the application should not be denied on the basis of the One Year Rule, then the ZBA shall consider the appeal on the merits in accordance with its usual procedures, including the holding of an additional hearing in accordance with 14-203(7) for which reposting shall be required in accordance with subsection 14-203(6)(b)(.4) and applicable ZBA regulations, but for which no additional fee shall be imposed.
- (.5) The failure of L&I to deny an application on the basis of the One Year Rule may be raised by any affected party in an appeal from L&I's issuance of a permit, or in an appeal to the ZBA from L&I's refusal to issue a permit for reasons other than application of the One Year Rule.

(10) Designation of Historic Structure or District

See 14-902.

(11) Construction, Alteration, or Demolition in Historic Area

See 14-903.

¹⁵⁷ This provision is carried over from current 14-1703(6). The one year rule has been applied to all administrative approvals, since the zoning and use registration permits referenced in the current code are now in the administrative approval category.

14-205 Nonconformities¹⁵⁸

(1) Purpose¹⁵⁹

This section recognizes that many land uses, buildings, parking areas, lots, accessory signs, and site improvements in the city do not conform with the requirements of this Zoning Code either because (a) they were established before the adoption of zoning, or (b) they were legal when established but have become nonconforming due to later zoning amendments. It is the purpose of this section to accommodate these nonconformities and to allow for the continued existence, use, modification, and expansion of these uses, buildings, parking areas, lots, signs and site improvements subject to conditions designed to avoid or mitigate negative impacts on the surrounding area.

(2) Types of Nonconformities¹⁶⁰

Six different types of nonconformities exist and are subject to the requirements of this 14-205.

- (a) Nonconforming Uses
- (b) Nonconforming Buildings and Structures (not including non-accessory signs)
- (c) Nonconforming Parking
- (d) Nonconforming Site Improvements
- (e) Nonconforming Lots
- (f) Nonconforming Accessory Signs

(3) Exceptions

Notwithstanding the provisions of 14-205(2), the following situations are not nonconformities. Properties in these categories are considered to comply with the Zoning Code.

- (a) If this Zoning Code is or has been amended to increase minimum off-street parking requirements, or to lower the maximum amount of off-street parking that can be provided, no property developed prior to those amendments shall be considered nonconforming simply because it no longer complies with the

¹⁵⁸ From current 14-104 *Nonconforming Structures and Uses*, but with substantial changes. These provisions narrow the definitions of nonconformity to allow more property in the city to be treated as conforming, and have been expanded to cover not only buildings and uses but also lots and site improvements (fences, walls, landscaping, accessory signs, etc.).

¹⁵⁹ This replaces current 14-104(1), which reads “It is the purpose of this section to discourage and eventually eliminate nonconforming uses and structures because they are detrimental to the orderly development of the city.”

¹⁶⁰ This is a new provision. The distinction between nonconforming uses and structures approved by the ZBA reflects current city practice.

revised minimum or maximum parking requirements.¹⁶¹

- (b) A use, building, parking area, site improvement, lot, or accessory sign that would not be permitted by this Zoning Code but that has been authorized through a variance or other action of the ZBA, or that has been authorized by Court order, is not a nonconforming use, building, parking area, site improvement, lot or accessory sign, so long as it complies with the terms of that authorization.¹⁶²

(4) General Requirements¹⁶³

- (a) Nonconforming uses, buildings, parking areas, site improvements, lots, and accessory signs may continue following any amendment to this Zoning Code that creates a condition in which those uses, buildings, parking areas, site improvements, lots or accessory signs have been made nonconforming.
- (b) Any nonconforming use, building or lot may be sold or rented to new owners or occupants.
- (c) The operation, expansion, and replacement of the nonconforming uses, buildings, site improvements, lots, or accessory signs shall be subject to the limitations in this 14-205.
- (d) A nonconformity in a building, parking area, site improvement, lot, or accessory sign that is destroyed or discontinued for more than 3 years through the actions of the owner or occupant of the property may not thereafter be re-created or re-instated by action of any owner or occupant of the property.¹⁶⁴
- (e) The burden of documenting the prior existence of a nonconformity is on the applicant. When applying for any permit or approval related to a nonconforming use, building, parking area, site improvement, or accessory sign, L&I may require the applicant to submit evidence of a prior permit or other documentation showing that the use, building, parking area, site improvement or accessory sign existed before the date on which it became nonconforming.

¹⁶¹ This revises the last clause of current 14-104(2) to address maximum as well as minimum parking requirements.

¹⁶² This carries forward current 14-104(4)(b).

¹⁶³ This replaces current 14-104(1) and (2), but with changes. References to properties nonconforming at the time the 1933 code was adopted have been deleted as unnecessary.

¹⁶⁴ This section restates current 14-104(4)(a); the clause “for more than 3 years” was added since Module 1.

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(5) Nonconforming Uses and Variance Uses¹⁶⁵

(a) Expansion¹⁶⁶

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 14-601, provided that (i) a nonconforming use shall not be expanded to occupy a new or additional floor of a multi-story building that it did not occupy at the time the use became nonconforming, and (ii) the expansion shall not increase the area occupied by the nonconforming use by more than 25% more area than it occupied when it became nonconforming.¹⁶⁷

(b) Replacement

(.1) Uses Discontinued for Three Years or Less – General

Except as provided in subsection 14-205(5)(b)(.2), a nonconforming use or use approved by the ZBA that is currently in operation or has been discontinued for 3 consecutive years or less may be replaced with another nonconforming use the existing/discontinued use and the proposed replacement use are in the same use category as shown in Tables 14-502-1 through 14-502-4. The replacement may be approved by L&I.¹⁶⁸

(.2) Uses Discontinued for Three Years or Less – I-2 and I-3 Districts¹⁶⁹

The use of any land or building zoned "G-2" or the "LR" prior to the adoption of this Zoning Code and for which L&I issued a use registration permit prior to December 15, 1987 shall be subject to the provisions of this 14-205, except that a nonconforming commercial use in an existing building that is discontinued for a period of less than 3 consecutive years may only resume as either (a) the same nonconforming use, or (b)

¹⁶⁵ These provisions now apply to both nonconforming uses and uses approved through variances, because the effect of discontinuance should be the same. Under the current code, nonconforming uses discontinued for 3 years or less can be restarted with the same use, but use variance uses cannot.

¹⁶⁶ The current code limits these expansions to 10%.

¹⁶⁷ Pennsylvania law requires that reasonable expansions be available, and this standard (together with opportunities for variance) should meet that requirement.

¹⁶⁸ This replaces current 14-104(5)(a) by extending the provision to apply to non-discontinued uses and by allowing replacement with another nonconforming use. The current language “may be replaced by the same use and no other” may result in properties remaining vacant in hopes of re-opening a use with more neighborhood impacts when a less-disruptive use of the property is available. In addition, it is sometimes not clear what the “same” use is, since some use definitions are so broad that fairly different activities could claim to be the “same” use. Since the existing and replacement uses are required to come from the same category in the Permitted Use Table, the replacement use will have similar impacts. It also encourages the continued use of existing properties by making this an administrative decision.

¹⁶⁹ Carried over from current 14-508(11) *G-2 District*.

another retail commercial use or service specifically permitted in the CA-1 district.¹⁷⁰ If the resumed use is not the same as the discontinued use but is a use permitted in the CA-1 district, it must meet the following conditions:¹⁷¹

- (.a) The commercial use be limited to that portion of the lot, floor of a building, or portion of a floor of a building for which the use registration permit had been issued prior to December 15, 1987.
- (.b) Any use that is a special exception in the CA-1 district, and that is not a permitted use in the I-2 or I-3 districts, shall require the approval of a special exception pursuant to 14-204(4).
- (.c) Any use-specific standards listed in 0 or dimensional restrictions listed in 14-601 that would have applied to the use if conducted in the CA-1 district shall apply to the use in the I-2 or I-3 districts.¹⁷²

(.3) **Uses Discontinued for Longer Periods**

A nonconforming use or use approved through a use variance that has been discontinued for more than 3 consecutive years shall be considered abandoned and may not be resumed or replaced by another nonconforming use. Any subsequent use of the land or structure must comply with the use requirements of the district in which the land is located.

(.4) **Determination of Discontinued Nonconforming Use**

- (.a) A “discontinued use” is a nonconforming use that is no longer being actively operated on the property and for which there is evidence that the owner no longer intends to use the property for that purpose. Evidence of a discontinued nonconforming use may include but shall not be limited to (1) removal of improvements necessary to that use, (2) modifications to the property that make it unsuitable for that use, (3) lapsing of permits or licenses necessary to operate that use for two or

¹⁷⁰ The reference in the current code is to the ASC district, which is being merged into the CA-1 district.

¹⁷¹ Provisions prohibiting dwellings, hotels, hospitals, sanitarium, eleemosynary and public welfare institutions, open air theater or motion pictures; amusement parks, outdoor entertainment or public assembly, indoor theater or motion pictures, and any other entertainment of guests and patrons have been deleted.

¹⁷² The current language states that “the provisions of Sections 14-312 and 14-313 pertaining to commercial rules and exceptions shall be complied with” but the standards in those sections are now covered by the text of this provision.

more consecutive years, or (4) failure to pay property taxes or taxes related to the nonconforming use.

- (.b) Upon receipt of an application or request for action regarding a permit, L&I shall notify the property owner that a determination of discontinued use is under review and request any evidence that the use has not been discontinued. Evidence that a use has not been abandoned may include but is not limited to (1) improvements made to the property to accommodate that use during a time when the use was not actively operating, (2) efforts to market the property or improvements for that use during the time when the use was not actively operating, or (3) the maintenance of any licenses or permits necessary for the use or business during the time it was not actively operating. L&I's determination shall take into consideration any response received from the property owner, but that response shall not be determinative if other evidence suggests that that use has been discontinued.
- (.c) A successful application for a permitted use or special exception in the district where the land is located shall be conclusive evidence that the prior nonconforming use has been abandoned. However, if the applicant provides evidence that the permitted use or approved special exception was never initiated on the property, and a prior nonconforming use has been discontinued for less than 3 consecutive years, the prior nonconforming use may be continued pursuant to 14-205(5)(b).¹⁷³
- (.d) A writing from the property owner that it has discontinued the use and has no intention of reinstating that use shall be conclusive evidence that the prior nonconforming use has been abandoned.

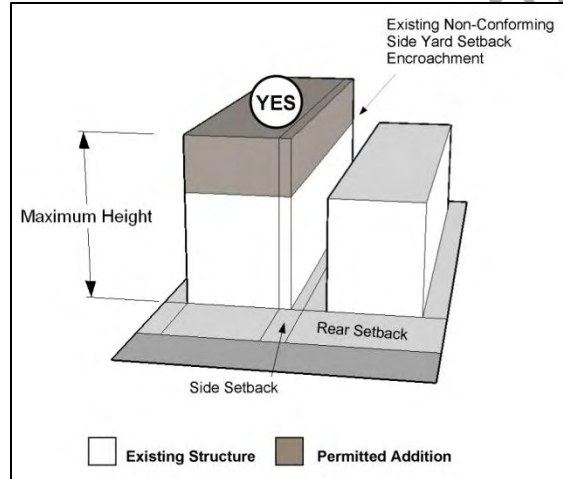
(6) Nonconforming Buildings¹⁷⁴

Nonconforming buildings may be expanded or extended, provided that the extended or expanded area (a) complies with all provisions of 14-601 and 14-602 applicable to the zoning district where the property is located, (b) complies with the provisions of this subsection 6, and (c) does not increase any existing nonconformity.

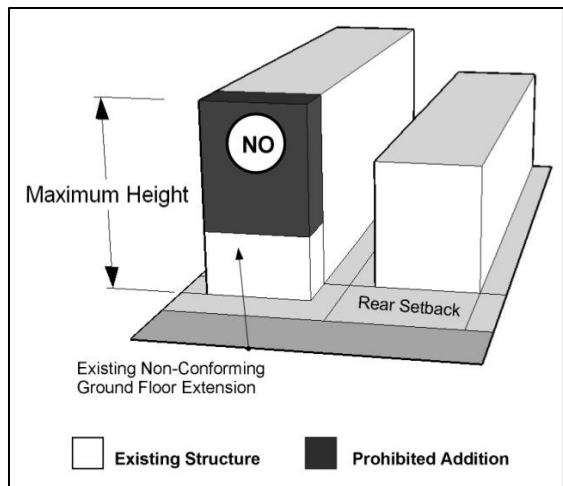
¹⁷³ The second sentence has been added since Module 1 to reflect current practice.

¹⁷⁴ These provisions replace those in current 14-104 (3)(b),(8), and (9), with changes as noted. This is a change from the current code, which limits expansions of nonconforming uses to 10% above the area they occupied when they became nonconforming.

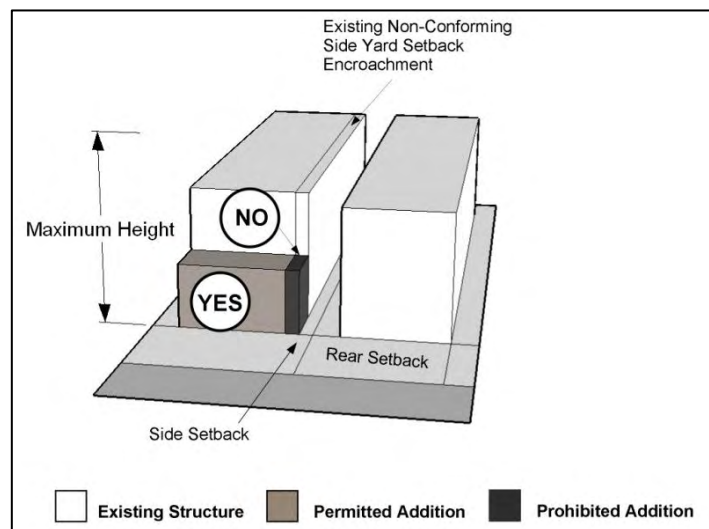
- (a) All expansions of nonconforming structures shall be limited to the lot or parcel of land occupied by the structure at the time it became nonconforming. Any purchase of adjacent lands or merger of adjacent lands into a single lot or parcel shall not permit the expansion of a nonconforming structure in a way that increases any existing non-conformity.¹⁷⁵



- (b) In those zoning districts that limit maximum floor area, any nonconforming building that contains more than the permitted amount of floor area shown in Chapter 14-600 may not be modified so as to create more floor area. Any nonconforming building that contains less than the maximum permitted floor area shown in Chapter 14-600 may expand up to that limit provided that the addition complies with all other requirements in that Chapter.



- (c) Where a building front or side wall does not meet a required setback, side yard requirement, a vertical extension of that wall that complies with the height limit and gross floor area



¹⁷⁵ This provision is carried over from current 14-104(7)(a), which applies to nonconforming structures with nonconforming uses, but now applies to all nonconforming structures.

ratio limit in Tables 14-601-1 through 14-601-3 is not an increase of that specific nonconformity, and is permitted.¹⁷⁶

- (d) Where a building rear wall does not meet a rear yard minimum depth requirement, a vertical extension of that wall is an increase of that specific nonconformity, and is not permitted. Vertical extensions of a rear building wall that does not comply with minimum required rear yard minimum depth or yard areas must meet the requirements in Tables 14-601-1 through 14-601-3.
- (e) Where a building side wall does not meet a required side yard or court provision, a horizontal extension of that wall is an increase of that specific nonconformity, and is not permitted. However, horizontal extension of a rear wall that complies with the setback requirement and maintains the minimum open space requirement is not an increase of that specific nonconformity and is permitted.¹⁷⁷
- (f) Elevator shafts or fire towers that existed at the time a building began to be nonconforming may be extended in height without respect to the height regulations of the district in which such structures are located.
- (g) Repairs to or renovation of a nonconforming building that reduce risks to public health and safety by bringing the building or site improvement into greater compliance with the adopted building code are permitted, regardless of whether they extend the useful life of the building or site improvement.¹⁷⁸
- (h) Where a nonconforming building contains a nonconforming use, the nonconforming use may also be extended within any expansion of the building permitted under this 14-205(6), provided that the expansion complies with the provisions of 14-205(5)(a).

(7) Nonconforming Lots¹⁷⁹

- (a) A lot platted prior to 1933 shall be considered a conforming lot even if does not meet standards for minimum lot width, minimum lot depth, minimum lot size in 14-601.
- (b) If a lot is nonconforming because it does not meet the minimum lot requirements of 14-601, nothing in this Zoning Code shall prohibit (a) the use of

¹⁷⁶ This is a significant change from current 14-104(10) which would have required that vertical extensions of side walls meet requires setbacks.

¹⁷⁷ This is a change from current 14-104(12) *Extensions and Additions to Courts and Side Yard*, which would allow horizontal extensions of side walls that are no longer than the existing wall.

¹⁷⁸ This new provision was suggested by the nonconformities working group.

¹⁷⁹ This is carried over from current 14-104(11), but the clause applying this standard to lots “recorded on or before the effective date of this ordinance” was deleted because other nonconforming lots exist and some will be created by zoning decisions in the future. Subsection (a) has been added since Module 1.

that lot, or (b) the erection, construction, or alteration of structures upon that lot, or (c) in the case of a group of adjacent nonconforming lots, the erection or construction of an equal or lesser number of structures upon such lots, provided that such use, erection, construction, or alteration otherwise complies with the regulations of the district in which that lot is located.

- (c) New subdivisions or re-subdivisions of land pursuant to 14-204(7) after the effective date of this Zoning Code must meet the requirement of 14-601 as well as all other applicable provisions of this Zoning Code.

(8) Nonconforming Accessory Signs¹⁸⁰

- (a) Except for signs specifically prohibited by 14-804, a permit shall be granted for the continued maintenance of any sign lawfully in existence on March 28, 1946, regardless of compliance with any of the other provisions of Chapter 14-800. Any sign lawfully in existence on March 28, 1946, shall not be repaired, altered, or moved in any substantial manner unless it is made to comply with all requirements of Chapter 14-800: and of regulations adopted pursuant to that chapter, except as stated in subsection (b).
- (b) A nonconforming accessory sign may be structurally altered, reconstructed, maintained, or replaced in the same location and position in any way that does not increase the size, height, or degree of illumination of the accessory sign, and does not create a new nonconformity, or increase an existing nonconformity. Without limiting the previous sentence, routine maintenance of the accessory sign face or accessory sign structure and changes to the accessory sign message are permitted as long as no new violation of Zoning Code is created.

(9) Nonconforming Parking or Site Improvements¹⁸¹

Where a conforming lot contains only conforming building and uses, but the amount or location of off-street parking or amount, location, or design of site improvements (for example, landscaping) does not meet the requirements of this Zoning Code, those nonconformities may remain and be used until the property owner (1) redevelops the property with a new primary structure¹⁸², (2) expands the floor area of an existing primary structure by more than 50%, or (3) removes and replaces at least 50% of the floor area of an existing primary structure.

(10) Minor Adjustments

The authority granted to L&I to approve Minor Adjustments in 14-204(9)(f) shall extend to nonconforming lots, uses, buildings, site improvements, or accessory signs, provided that the approval of the Minor Adjustment does not increase any specific nonconformity

¹⁸⁰ Since Module 3, subsection (a) has been moved from 14-800. Subsection (b) is new.

¹⁸¹ These are new provisions.

¹⁸² A primary structure is one that contains the primary use of the property.

applicable to the property. For example, on a property that is nonconforming because one building wall is too close to one lot line, no Minor Adjustment may allow that building wall to be located even closer to that lot line.

(11) Reconstruction of Structures Destroyed or Declared to be Imminently Dangerous¹⁸³

(a) Applicability

Notwithstanding the provisions of 14-205(1) through 14-205(10) above, the provisions of this 14-205(11) shall apply when:

- (.1) Nonconforming buildings are rendered unoccupiable or nonconforming uses, lots, parking, site improvements, or accessory signs are destroyed or rendered unusable by any means other than the direct or indirect action or neglect of the owner; or
- (.2) Nonconforming buildings, lots, parking, site improvements, or accessory signs are declared to be imminently dangerous by the city because their condition makes them unsafe for occupancy or use.

(b) Rights Following Involuntary Destruction or Declaration

Following involuntary destruction or a City declaration of imminent danger, (a) a replacement structure that does not exceed the area, height, or setbacks of the destroyed structure may be constructed, and (b) the nonconforming use that existed prior to the destruction may be re-established, and (c) the property need not provide any more off-street parking spaces or loading areas than the property had before the destruction or declaration of imminent danger. These provisions shall apply only if reconstruction begins within 3 years after the destruction or declaration of imminent danger and is completed without interruption; otherwise the building, use, lot, parking, site improvement, or accessory sign may only be reconstructed in compliance with the Zoning Code for the zoning district where it is located.

(c) Voluntary Destruction or Delay in Reconstruction

Any nonconforming building, use, lot, parking, site improvement, or accessory sign destroyed through the direct or indirect action of the owner may only be reconstructed in compliance with the Zoning Code for the zoning district where it is located.

¹⁸³ The term “condemned” has been replaced with “declared to be imminently dangerous.”

14-206 Enforcement

(1) Enforcement¹⁸⁴

In order to administer and enforce the provisions of this Zoning Code, L&I shall have the power to take any of the following actions, individually or in combination, and in any order. L&I's decision to take one of the listed actions shall not prevent it from taking additional listed actions in the future.

(a) Investigation

The City may conduct investigations and surveys to determine compliance with the provisions of this Zoning Code. In connection with those inspections and surveys, an authorized representative of L&I may enter into and upon and may inspect any land or structure during normal daylight working hours. A refusal by the owner or occupier to permit such entry and inspection after the issuance by L&I of an order for that inspection shall be a violation of this Title. The right of entry and inspection may be enforced by application to, and proper orders from, a Court of proper jurisdiction.

(b) Compliance Order to Property Owner

The City may make orders requiring an owner or occupant to comply with the provisions of this Zoning Code within 30 days of receipt of the violation. Such orders shall be served personally or by registered or certified mail upon the person, firm, or corporation that L&I deems to be violating this Title. If that person, firm, or corporation is not the owner of the land or the structure where the violation is deemed to exist or to have occurred, a copy of the order shall be sent by registered or certified mail to the last registered owner of the land or structure and a copy of the order shall be posted on the premises. The date of mailing shall be deemed the date of service of any order sent by registered or certified mail. If the order is not complied with, a finding of violation shall be made and L&I may begin action to enforce compliance.

(c) Compliance Order to Permit or Certificate Holder

The City may serve a written notice of violation on the holder of a permit or ZBA certificate whenever L&I determines that any person has violated any condition of that permit or certificate. The notice shall state the nature of the violation and shall require the holder of the permit or certificate to comply with all the requirements of the permit or certificate within 30 days of receipt of the notice of violation. If at the expiration of the time afforded for compliance the violation has not been corrected, L&I may revoke the permit or certificate. The notice of violation and revocation of any permit or certificate may be served in accordance with 14-206(1)(b) above.

¹⁸⁴ From current 14-1704 *Enforcement*, and 14-1905 *Administrative Provisions [for Signs]*.

(d) Cease Operations Order

The City may issue a cease operations order directing that occupancy, use, and other activities cease immediately and that the premises be vacated pending compliance with the cease operations order whenever (1) any occupancy, use, or other activity is being performed in or on any building, structure, or land without one or more required permits or certificates, and either (2) the missing permits or certificates are required to protect public health or safety, or (3) the continued occupancy, use, or activity without the required permits or certificates is creating a public nuisance.¹⁸⁵ The provisions of 14-206(2) below shall apply to cease operations orders.

(e) Suspension or Revocation of Permit or Approval¹⁸⁶

A zoning permit or approval under this Zoning Code may be suspended or revoked by the for the reasons listed below. A suspended permit shall be reinstated by L&I when it finds, after inspection, that the conditions or violations that resulted in permit suspension have been corrected. Reasons for suspension or revocation of a permit or approval are:

- (.a) Non-compliance with or failure to implement any provision of the permit or approval (including any plan approved as part of the permit);
- (.b) A violation of any provision of this Zoning Code, or any other applicable law or regulation relating to the activity for which the permit is required;
- (.c) The creation of any condition or the commission of any act during the activity for which the permit is required that constitutes or creates a hazard or nuisance, or that endangers the life or property of others.

(f) Abatement of Signs

- (.1) Whenever any sign is erected or maintained in violation of the provisions of Chapter 14-800: or related regulations issued by L&I, L&I shall serve a written notice requiring the violator to bring the sign into compliance within 30 days of receipt of that notice. If the violation has not been corrected within 30 days and no appeal is pending, L&I may itself or by contract remove the violating sign or, if it may be done with less expense, may bring the sign into compliance. The costs incurred by

¹⁸⁵ This changes the current enforcement provision, which allows the issuance of cease orders regardless of whether the operation endangers public health and safety or creates a nuisance.

¹⁸⁶ This section is new since Module 1, and reflects the extension of stormwater permit revocation provisions to apply to zoning permits and approvals generally.

L&I shall be charged against the sign owner and the Law Department may take any action to collect those costs from the owner authorized by law at the time of the violation. No permit for any similar sign at that place shall be granted until those costs have been paid to the city. Within 15 days after removal of any sign pursuant to these regulations, the owner may reclaim any materials salvaged by L&I after payment of the cost of removal incurred by L&I.

- (.2) Notwithstanding the provisions of 14-206(1)(f)(.1), if any violation of Chapter 14-800: results in an immediate peril to persons or property, L&I may require immediate compliance. If the owner does not immediately comply with the provisions of Chapter 14-800: creating the risk of peril, L&I may without any additional notice, and in addition to any other remedies available in this Zoning Code (a) correct the violation itself, or contract to have the violation corrected by a third party, and recover the costs and allow salvage of materials as described in subsection (2), and/or (b) apply with the approval of the Law Department to any Court of Common Pleas of Philadelphia for relief by injunction or restraining order.

(g) Stormwater Enforcement¹⁸⁷

(.1) Inspections

The applicant shall arrange with the Water Department for scheduling inspections of the stormwater system as deemed necessary by the department, as listed below. The inspector shall either approve the work or notify the applicant in writing in which respects there has been failure to comply with the requirements of the approved permit. Any portion of the work that does not comply shall be corrected within the time frame deemed reasonable by the department.

- (.a) Erosion and Sediment Control Inspections: As necessary during and after construction to ensure effective control of erosion and sedimentation.
- (.b) Bury Inspections: Prior to burial of any underground drainage structure.
- (.c) Final Inspection: When all work including installation of all stormwater system facilities has been completed. A record drawing of the system is required with enough information to

¹⁸⁷ This section contains material from current 14-1603.1(8) and 14-1603.1(9) that previously appeared in the stormwater standards of Module 3.

show that the system is built in accordance with the approved site plan and construction drawing, and shall be certified by a Professional Engineer registered with the Commonwealth of Pennsylvania.

(.2) **Suspension or Revocation of Permit**

A stormwater permit may be suspended or revoked by the Water Department for those reasons listed in 14-206(1)(e).

(h) **Court Proceedings**

Institute any appropriate action or proceedings in a Court of Common Pleas or the Municipal Court of Philadelphia at law or in equity to prevent the unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, occupancy, or use of any building, structure, or land to restrain, correct or abate a violation of this Title 14, to prevent the occupancy of the building, structure, or land where a violation is deemed to have occurred, or to prevent any illegal act, conduct, business or use in or about such premises. The imposition of any penalty under this section shall not prevent L&I from instituting any appropriate action or proceeding to require compliance with the provisions of this ordinance and with administrative orders and determinations made pursuant to this Title.

(2) **Requirements for Cease Operations Orders**

When L&I issues a cease operations order, the following standards shall apply.

- (a) The cease operations order shall describe the occupancy, use, or other activity that is being performed without required permits or certificates, how the violation can be corrected, and the conditions under which occupancy, use, or other activity can be resumed. If L&I observes a condition that creates an immediate risk to public health and safety, the order may be oral in the first instance.
- (b) The cease operations order shall be served on the person required to act or comply and on the owner of the premises. Upon notice of the cease operations order, all occupancy, use, or other activity shall stop immediately and the premises shall be vacated and closed to the public until there has been compliance with the terms of the cease operations order.
- (c) The cease operations order shall be posted at the premises in conspicuous places clearly visible to the public, and shall remain posted on the premises until there has been compliance with its terms.
- (d) L&I shall promptly notify the Police of the issuance of every cease operations order. The Police, upon the request of L&I, shall render assistance in the enforcement of any cease operations order and shall have the right to enter the premises and to arrest anyone violating any cease operations order.

- (e) L&I may, in addition to issuing a cease operations order, revoke any permits that may previously have been issued related to the occupancy, use, or activity that is the subject of the order. Revoked permits shall not be reinstated except upon compliance with the terms of the cease operations order and payment of required fees.
- (f) No person with knowledge of a Cease Operations Order shall:
 - (.1) Continue any occupancy, use, or other activity in or about any part of any building, structure, or land after a cease operations order has been issued, except work required to comply with the cease operations order;
 - (.2) Enter any part of any building, structure, or land, on which a cease operations order has been posted, except for the purpose of complying with the cease operations order;
 - (.3) Permit any part of any building, structure, or land, to be occupied by the public until the cease operations order has been lifted by L&I;
 - (.4) Remove, damage or deface any cease operations order; or
 - (.5) Resist or interfere with any inspector or other official in the performance of their duties or the enforcement of any provision of this section.

(3) Penalties¹⁸⁸

Penalties for violations of this Zoning Code are listed in the Philadelphia Administrative Code.

¹⁸⁸ Although the current code lists penalties in 14-1707 *Penalties*, we have not included that material because the City currently addresses penalties in the Philadelphia Administrative Code and repeating them in the Zoning Code could lead to inconsistencies.

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14-301 R, Residential Districts

(1) General

(a) Districts

(.1) List

The city’s residential zoning districts are listed below. When this zoning code refers to “residential” zoning districts or “R” districts, it is referring to all of these districts.

Table 14-301-1: Residential Districts

Map Symbol	District Name	“Previously Known As”
RSD-1	Residential Single-dwelling Detached-1	R1
RSD-2	Residential Single-dwelling Detached-2	R1A
RSD-3	Residential Single-dwelling Detached-3	R2
RSA-1	Residential Single-dwelling Attached-1	R3
RSA-2	Residential Single-dwelling Attached-2	R4
RSA-3	Residential Single-dwelling Attached-3	R5
RSA-4	Residential Single-dwelling Attached-4	R6
		R7
RSA-5	Residential Single-dwelling Attached-5	R9A
		R10A
RSA-6	Residential Single-dwelling Attached-6	R20
RM-1	Residential Multi-dwelling-1	R5A
		R8
		R9
		R10
		R10B
		R18
		R19
RM-2	Residential Multi-dwelling-2	R11
		R11A
		R12
		R13
RM-3	Residential Multi-dwelling-3	R14
RM-4	Residential Multi-dwelling-4	R15
		R16
RMX-1	Residential Mixed-use-1	RC-6
RMX-2	Residential Mixed-use-2	WRD
		ITD
RMX-3	Residential (Center City) Mixed-use-3	RC-4

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(.2) **Map Symbols**¹⁸⁹

- (.a) The alphanumeric map symbols are intended to provide a general indication of each district’s primary intended character and the building types allowed. “RSD,” for example, is a short-hand reference to a residential district that is primarily intended to accommodate a single detached house on a lot. “RSA” is used to refer to a residential district geared primarily toward single rowhouses on individual lots. The RM residential districts are oriented toward multi-dwelling buildings. The RMX districts are residential mixed-use districts that allow a range of residential uses and some commercial uses.
- (.b) The numeral following the dash in the RSD, RSA, RM and RMX district map symbols is a relative indicator of the density and intensity of development allowed, with a “1” indicating the lowest density/intensity option within the range.

(b) Purposes

Philadelphia’s R zoning districts are primarily intended to create, maintain and promote a variety of housing opportunities for individual households and to maintain and promote the desired physical character of neighborhoods. While the district regulations primarily accommodate residential use types, some nonresidential uses are also allowed. The R district standards provide development flexibility, while at the same time helping to ensure that new development is compatible with the city’s many, diverse neighborhoods. In addition, the regulations offer certainty for property owners, developers and neighbors about the limits of what is allowed.

(c) Descriptions

(.1) **RSD, Residential Single-dwelling Detached Districts**

The RSD, Residential Single-dwelling Detached districts are primarily intended to accommodate detached houses on individual lots. It is intended that RSD zoning be applied in areas where the land-use pattern is characterized predominately by detached houses on individual lots or where such a land use pattern is desired in the future. The Zoning Code includes 3 RSD districts that are differentiated primarily on the basis of minimum lot area requirements.

¹⁸⁹ This proposed district names differ from those proposed in the *Detailed Recommendations* report.

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(.2) **RSA, Residential Single-dwelling Attached Districts**

The RSA, Residential Single-dwelling Attached districts are primarily intended to accommodate detached houses, twin houses and rowhouses on individual lots. The districts are intended to be applied in areas characterized by a mix of housing types. The districts are also intended to provide a density transition between RSD districts and RM districts. The Zoning Code includes 6 RSA districts that are differentiated primarily on the basis of minimum lot area requirements.

(.3) **RM, Residential Multi-dwelling Districts**

The RM, Residential Multi-dwelling districts are primarily intended to accommodate moderate- to high-density, multi-unit residential buildings in areas where such development already exists or where it is desired in the future. The Zoning Code includes 4 RM districts. These districts are differentiated primarily on the basis of allowed density (minimum lot area per unit) and allowed building heights.

(.4) **RMX, Residential Mixed-use Districts**

The RMX, Residential Mixed-use districts are intended to accommodate residential and mixed-use development. The RMX-1 district is further intended to promote conservation of existing topography, trees, natural waterways, and other natural resources as well as preservation of historically significant buildings, structures and property. The RMX-3 district is intended for application primarily¹⁹⁰ in Center City.

(2) Allowed Uses

Principal uses are allowed in R districts in accordance with Table 14-502-1.

(3) Dimensional Standards

See 14-601 for dimensional standards that apply in R districts.

(4) Other District-specific Regulations

(a) RMX Districts

(.1) **Plans of Development**

No rezoning to an RMX-1 or RMX-2 district may become effective and no building permits may be issued until a Plan of Development has been approved in accordance with 14-204(2)(e)(.1). Permits may be issued for buildings and development identified in Industrial Transformation District (ITD) and Waterfront Redevelopment District (WRD) plans of development approved before [the effective date of this

¹⁹⁰ This has been changed from “solely” in Module 2.

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(.2) **Office, Retail and Commercial Service Floor Area Limits**

- (.a) In the RMX-1 district, a cumulative total of up to 50 sq. ft. of office, retail and commercial service floor area is allowed per dwelling unit that is included in the approved Plan of Development. Space occupied by day care and visitor accommodation uses is not counted as part of the total.
- (.b) In the RMX-2 district, a cumulative total of up to 100 sq. ft. of office, retail and commercial service floor area is allowed per dwelling unit that is included in the approved Plan of Development. Space occupied by day care and visitor accommodation uses is not counted as part of the total.
- (.c) In the RMX-3 district, only one retail sales and commercial services use is allowed in a building containing fewer than 25 dwelling units. Such use may be located only on the first floor and may not occupy more than 33% of the gross floor area of the building's first floor. In buildings containing 25 or more dwelling units, allowed retail sales and commercial services uses may not occupy more than 50 sq. ft. of gross floor area for each dwelling unit that exists within the building. Retail sales and commercial services use uses may be located only as follows:

Building Height	Allowed Location of Retail Sales and Commercial Services Uses
1–5 stories	1 st floor
6–14 stories	1 st or 2 nd floor
15+ stories	Any floor

- (.d) In the RMX-3 district, in buildings with a height of 6 stories or more that contain 2 or more dwelling units, allowed office uses may not be located below the second story.

(b) Multiple Principal Buildings

Only one principal building is allowed per lot in R districts except in RM and RMX districts. In RM and RMX districts multiple principal buildings may be placed on a single lot.

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14-302 C, Commercial Mixed-use Districts

(1) General

(a) Districts

(.1) List

The city’s commercial mixed-use zoning districts are listed below. When this zoning code refers to “commercial” zoning districts or “C” districts, it is referring to all of these districts.

Table 14-302-1: Commercial Mixed-use Districts

Map Symbol	District Name ¹⁹¹	“Previously Known As”
CMX-1	Corner Commercial Mixed-use	C-1
CMX-2	Neighborhood Commercial Mixed-use-2	C-2
		RC-1
		RC-2
CMX-2.5 ¹⁹²	Neighborhood Commercial Mixed-use-2.5	Various special district controls
CMX-3	Community Commercial Mixed-use	C-3
		RC-3
CMX-4	Center City Commercial Mixed-use	C-4
CMX-5	Center City Core Commercial Mixed-use	C-5
CA-1	General (auto-oriented) Commercial	C-7
		NSC
		ASC
	Eliminated>>	C-6 ¹⁹³
	Eliminated>>	OC

(.2) Map Symbols

(.a) The alphanumeric map symbols are intended to provide a general, relative indication of the range of uses and activities allowed within the respective districts. “CMX” is used to indicate a mixed-use zoning district, one that is intended to accommodate both nonresidential and residential development.

(.b) The numeral following the dash in the C district map symbols is a relative indicator of the density/intensity or use, with a “1” indicating the lowest density/intensity/use option.

(b) Purposes

Philadelphia’s commercial (C) zoning districts are primarily intended to accommodate and promote neighborhood-, community- and region-serving

¹⁹¹ District names differ from those proposed in the *Detailed Recommendations* report.

¹⁹² The CMX-2.5 district replaces the generally applicable regulations that were formerly part of the /NCA overlay.

¹⁹³ Areas currently zoned C-6 or OC will be remapped to an appropriate district.

commercial and service uses, as well as mixed-use development consisting of commercial/service and residential uses in the same building or on the same site. This type of mixed-use development is encouraged in many areas of the city because it reflects the city's traditional urban, pedestrian-oriented character. Encouraging residential development in mixed-use zoning districts also provides increased housing choice and reduces motorized transportation demands. The C districts are distinguished primarily on the basis of allowed uses and commercial floor area limits.

(c) Descriptions

(.1) CMX-1, Corner Commercial Mixed-use District

The CMX-1, Corner Commercial Mixed-use district is primarily intended to accommodate small-scale, neighborhood-serving retail and service uses in storefront buildings, as well as the types of residential uses allowed in surrounding zoning districts.¹⁹⁴

(.2) CMX-2, Neighborhood Commercial Mixed-use District-2

The CMX-2, Neighborhood Commercial Mixed-use district is primarily intended to accommodate neighborhood-serving retail and service uses. The range of allowed uses is broader and floor area limits are relaxed compared to the CMX-1 district.

(.3) CMX-2.5, Neighborhood Commercial Mixed-use District-2.5¹⁹⁵

The CMX-2.5, Neighborhood Commercial Mixed-use district is primarily intended to accommodate neighborhood-serving retail and service uses in commercial nodes and along commercial corridors. The range of allowed uses is slightly narrower than the CMX-2 district and the development standards are intended to promote a pedestrian-oriented environment.

(.4) CMX-3, Community Commercial Mixed-use District

The CMX-3, Community Commercial Mixed-use district is primarily intended to accommodate community- and region-serving retail and service uses. The range of allowed uses is broader and floor area limits are relaxed compared to the CMX-1 and CMX-2 districts.

(.5) CMX-4, Center City Commercial Mixed-use District

The CMX-4, Center City Commercial Mixed-use district is primarily intended to accommodate mixed-use development, including a broad

¹⁹⁴ Revised to expressly mention the current code provision limiting residential uses to those allowed in abutting districts.

¹⁹⁵ This is a new base districts incorporating the general use limitations found in many or the current neighborhood commercial area special districts.

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range of nonresidential uses, in the center city area.

(.6) **CMX-5, Center City Core Commercial Mixed-use District**

The CMX-5, Center City Core Commercial Mixed-use district is primarily intended to accommodate mixed-use development in the central core area of center city. After [insert Effective Date of Zoning Code], the CMX-5 district is intended to be applied only in the area located within 1,200 ft. of Market East Station, Suburban Station and 30th Street Station or any underground concourse connected to those stations.¹⁹⁶

(.7) **CA-1, General (auto-oriented) Commercial District**

The primary purpose of the CA-1, General (Auto-oriented) Commercial district is to accommodate a very broad range of uses, often in the physical form of shopping centers and other destination-oriented uses in which a large percentage of customers will arrive by automobile.

(2) Allowed Uses

Principal uses are allowed in C districts in accordance with Table 14-502-2.

(3) Dimensional Standards

See 14-601 for dimensional standards that apply in C districts.

(4) Supplemental District-specific Regulations

(a) CMX-1 District

The following supplemental regulations apply in the CMX-1 district.

- (.1) Only those residential uses allowed in the most restrictive abutting (contiguous or separated only by a street, alley, or driveway¹⁹⁷) base zoning district are allowed in the CMX-1 district. This limitation notwithstanding, buildings erected before May 26, 1982 may be converted to duplex dwellings, provided that no portion of the building is or may be used for any commercial purposes.¹⁹⁸
- (.2) Office, retail and commercial service uses may not be located above the ground floor.
- (.3) No office, retail or commercial service use may occupy more than 2,000 sq. ft. of gross floor area.

(b) Multiple Principal Buildings

Multiple principal buildings may be placed on a single lot in all C districts, except

¹⁹⁶ Since Module 2, the last sentence was revised to clarify that this affects future rezonings of land.

¹⁹⁷ Since Module 2, references to separation by alleys have been revised to include driveways throughout the Zoning Code.

¹⁹⁸ This provision was added since Module 2 to restate an existing code provision.

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CMX-1, CMX-2 and CMX-2.5, where multiple principal buildings may be placed on a single lot only if approved as a special exception in accordance with the procedures of 14-204(4)¹⁹⁹.

14-303 I, Industrial and Industrial Mixed-use Districts

(1) General

(a) Districts

(.1) List

The city’s industrial and industrial mixed-use zoning districts are listed below. When this zoning code refers to “industrial” zoning districts or “I” districts, it is referring to all of these districts.

Table 14-303-1: Industrial and Industrial Mixed-use Districts

Map Symbol	District Name	“Previously Known As”
IRMX	Industrial Residential Mixed-use	NA (new district)
ICMX	Industrial Commercial Mixed-use	L-4
		L-5
I-1	Light Industrial	L-1
		L-2
		L-3
I-2	Medium Industrial	G-1
		G-2
I-3	Heavy Industrial	LR
I-P	Port Industrial	Port Industrial
I-TU	Industrial, Transportation and Utilities	NA (new district)
	Eliminated>>	Food Distribution Center ²⁰⁰

(.2) Map Symbols

(.a) The I district map symbols are intended to provide a general, relative indication of the range of uses and activities allowed within the respective districts. “IRMX” is used to indicate a mixed-use zoning district, one that is intended to accommodate industrial and other nonresidential use as well as residential development. “ICMX” is used to indicate a zone district that mixes commercial and industrial.

(.b) The numeral following the dash in the I district map symbols is a relative indicator of the density/intensity or use, with a “1” indicating the lowest intensity/use option.

¹⁹⁹ Allowance for multiple buildings on a single lot in CMX-1 and CMX-2 is new.

²⁰⁰ Existing land in this district will be remapped to an appropriate industrial zoning classification.

(b) Purposes

Philadelphia’s industrial (I) zoning districts are primarily intended to accommodate manufacturing, warehousing, wholesale and industrial uses. The district regulations are intended to:

- (.1) promote the economic viability of manufacturing and industrial uses;
- (.2) encourage employment growth; and
- (.3) limit the encroachment of unplanned residential and other non-industrial development within active industrial areas.

(c) Descriptions²⁰¹

(.1) IRMX, Industrial Residential Mixed-use District

The primary purpose of the IRMX, Industrial Residential Mixed-use district is to accommodate a mix of very low-impact manufacturing uses, including artists and artisan manufacturing, and residential and neighborhood-oriented commercial uses.

(.2) ICMX, Industrial Commercial Mixed-use District

The ICMX, Industrial Commercial Mixed-use district is primarily intended to accommodate service, commercial and manufacturing uses. The district is intended to serve as a buffer between I-zoned areas and C- and R-zoned areas.

(.3) I-1, Light Industrial District

The primary purpose of the I-1, Light Industrial district is to accommodate low-impact employment-generating land uses, such as light manufacturing, assembly, fabrication, offices, research and development, small-scale wholesaling, local distribution, and similar activities that generate few adverse operational impacts (e.g., noise, traffic).

(.4) I-2, Medium Industrial District

The primary purpose of the I-2, Medium Industrial district is to accommodate light industrial uses as well as moderate-impact uses and employment activities such as manufacturing, distribution, processing, industrial parks, and other activities that may generate noise, odor, vibration, after hours activities, or traffic impacts well beyond the subject property lines.

(.5) I-3, Heavy Industrial District

The primary purpose of the I-3, Heavy Industrial district is to

²⁰¹ Some of these districts have been renamed and some descriptions have been expanded since Module 2.

accommodate intensive, high-impact uses, including extractive industries, petroleum processing, storage, terminals, tanks, pipes, and other activities generating high levels of noise, odor, or vibration, and often requiring empty “slack” space within the site.

(.6) **I-P, Port Industrial District**

The primary purpose of the I-P, Port Industrial district is to accommodate marine-related industrial uses such as docks, wharves, piers, transit sheds, and related facilities used in connection with the transfer, storage-in-transit and incidental processing of cargo from or to waterborne craft.

(.7) **I-TU, Industrial, Transportation and Utilities District**

The primary purpose of the I-TU, Industrial, Transportation and Utilities district is to accommodate specialized facilities such as power generation plants, water or wastewater treatment plants, rail yards and similar utility, transportation and industrial-like activities.

(2) Allowed Uses

Principal uses are allowed in I districts in accordance with Table 14-502-3.

(3) Dimensional Standards

See 14-601 for dimensional standards that apply in I districts.

(4) Other District-specific Regulations

(a) Multiple Principal Buildings

Multiple principal buildings may be placed on a single lot in all I districts.

14-304 SP-INS, Institutional (Special Purpose) District

(1) Purpose

The SP-INS, Institutional (special purpose) district is intended to encourage the development of institutional uses, commercially-related facilities to service the institutional complex and area, and certain other nonresidential uses in accordance with an approved Plan of Development, subject to certain limitations on the type of use and certain requirements for total area, gross floor area, percentage of land coverage, setbacks, off-street parking, off-street loading spaces, and signs.

(2) Use Regulations

Uses are allowed in SP-INS districts in accordance with Table 14-502-4.²⁰²

²⁰² Individual use types were converted to broader categories and subcategories, which may result in new uses being allowed.

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(3) Area Regulations²⁰³

(a) District Area and Boundaries

An SP-INS district must contain at least 3 acres of contiguous property. The Plan of Development must also provide for reasonable, compatible spatial relationships between buildings that are situated on the periphery of the district and abutting non-SP-INS district areas.

(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, side, or rear yards are required in this district.

(4) Height Regulations

There are no height regulations in this overlay district except as height may be limited by the other applicable provisions of this Zoning Code.

(5) Off-Street Parking

(a) One off-street parking space must be provided for each 4,000 sq. ft. of cumulative gross floor area of the building.

(b) In SP-INS districts with a total contiguous land area of less than 40 acres, required off-street parking areas must be located within 1,000 ft. of the building or buildings that they are proposed to serve. In SP-INS districts with a total contiguous land area of 40 acres or more, required off-street parking areas must be located within 2,000 ft. of the building or buildings that they are proposed to serve.²⁰⁴

(c) Open air parking is subject to the regulations of 14-702(13).

(6) Off-Street Loading

Off-street loading must be provided in accordance with 14-705, for the cumulative gross floor area of all buildings established after March 1, 1978.

(7) Signs

Signs are permitted in accordance with the following limitations and conditions:

²⁰³ Area regulations may be moved to development standards as part of Module 3.

²⁰⁴ Existing code requires parking within 1,000 ft. Since Module 2 this provision has been revised to include two standards—one for larger institutions and one for smaller facilities.

- (a) No freestanding signs are permitted for uses in the office, retail or commercial services categories. Wall signs for such uses are subject to the sign regulations that apply in the CMX-2 district.
- (b) Uses other than those in the office, retail and commercial services categories are allowed to have accessory signs, including freestanding signs. Such signs are not subject to area limitations²⁰⁵.
- (c) For all permitted uses:
 - (.1) Permitted signs may be illuminated by interior lighting or lighting directed toward the signs that does not create glare upon adjacent district. Flashing signs, animated signs and signs with intermittent illumination are prohibited.
 - (.2) Signs that revolve are prohibited.
 - (.3) Any revolving device that causes intermittent flashes of light to be projected is prohibited.
 - (.4) Signs may be attached flat against the wall of the building or marquee, but may not project above the roof or wall coping, nor extend beyond the building or marquee walls²⁰⁶.

(8) Plan of Development

No rezoning to an SP-INS district may become effective and no building permits may be issued in an SP-INS district until a Plan of Development has been approved in accordance with 14-204(2)(e)(.1).²⁰⁷

(9) Ornamental Towers and Belfries and Areas Below Ground

- (a) Monuments, belfries, cupolas, minarets, pinnacles, gables, spires, or ornamental towers not for human occupancy will not be considered part of the “gross floor area” or building height;
- (b) Towers of mechanical or structural necessity will not be considered part of the “gross floor area” as used in the regulations for this district, except where the area of such towers exceeds an area equal to 20% of the ground floor level of the building of which they are a part, in which case they will be considered a part of the “gross floor area” of the building in the same manner as any other part;

²⁰⁵ Since Module 2, paragraphs (a) and (b) have been revised to apply the CMX-2 district sign area controls to office and commercial signs and to remove area limitations for public, civic and institutional signs.

²⁰⁶ The words “or marquee” were added in the last clause since Module 2.

²⁰⁷ The application submittal requirements for Plans of Development have been removed (to be addressed in Zoning Code Administrative Manual) as well as provisions governing amendments to plans of development (which are covered in 14-204(3)).

- (c) Any floor area in any building, below ground level, not used for residential purposes will not be considered a part of the “gross floor area” as used in the regulations for this district;
- (d) Any floor area in any building, above or below ground level, used exclusively for off-street parking of automobiles, will not be considered as part of the “gross floor area” as used in the regulations for this district.

(10) Fences and Retaining Walls

Fences are permitted in this district. Fences may not exceed 6 ft. in height except that fences surrounding athletic fields may be up to 15 ft. in height. Retaining walls are considered as fences and regulated as such under this paragraph if they extend vertically above ground level at the highest point of the wall.²⁰⁸

14-305 SP-ENT, Entertainment (Special Purpose) District²⁰⁹

(1) Purpose

The SP-ENT, Entertainment (special purpose) district is intended to encourage the orderly development of major entertainment facilities and certain other uses in accordance with an approved Plan of Development. The Plan of Development must be approved and may be amended as necessary and is subject to restrictions on the type of use and certain other development controls.

(2) Use Regulations

- (a) Uses are allowed in SP-ENT districts in accordance with Table 14-502-4. Regulated uses (See 14-503(10)) are not allowed unless otherwise expressly stated.
- (b) These regulations are not intended to limit the authority of the Pennsylvania Gaming Control Board under the Act to identify the property on which it will permit a Category 2 licensed gaming facility within the city.
- (c) These regulations should not be construed to prohibit any use that is exclusively regulated and permitted by the Commonwealth under the Act.

(3) Area Regulations

(a) District Area and Boundaries

Boundaries should be so designated to afford a reasonable line of division between the district and adjacent uses consistent to carry out the purposes and

²⁰⁸ Removed deck and patio regulations since they don't appear to have particular relevance to institutional district and general deck and patio rules seem adequate. Fence and retaining wall measurement provisions will be addressed in module 3.

²⁰⁹ Since Module 1, provisions on creation of the district have been deleted, since those are covered in 14-204(2)(e)(.3).

scope of this Zoning Code. The Plan of Development should also provide for reasonable, compatible spatial relationships between buildings that are situated on the periphery of the district and abutting non-SP-ENT district areas. No limitation on multiple buildings on a lot apply in this district.

(b) Gross Floor Area

For specifically designated areas, the total gross floor area of all buildings may not exceed 400% of the SP-ENT district. Underground parking will not be included in this calculation.

(c) Open Area

For sites that consist of 4 acres or more, at least 30% of the site must be open. For sites of less than 4 acres, at least 10% must be open. At least 50% of this open area must be constructed of a permeable surface. The total open area calculation may not include open-air parking lots.

(d) Open Area Above Ground Level

Up to 30% of the required open area may be located above the ground level.

(e) Yards

Front, side, or rear yards will be required in this district as follows and as may be required as part of the approval of an SP-ENT district plan:

(.1) Parking location

Surface parking areas, and any access to parking, aisles, loading or other servicing will not be permitted within 25 ft. of any residential district.

(.2) Waterfront Setback

When located along the Schuylkill or Delaware River, all lots must provide or allow for an unencumbered setback from the top of the bank of any river to allow for unrestricted public access to the river's edge. Any land located within this setback that is dedicated to the City of Philadelphia, the Commonwealth of Pennsylvania or any public entity, will be included in the determination of conformance with the area regulations of the SP-ENT district. This waterfront setback must include open space that is accessible to the public either privately or publicly owned, at a width of at least 30 ft.; and must include a publicly or privately owned right-of-way dedicated for pedestrian and bicycle traffic at a width of at least 20 ft.

(.3) Setback Reduction

The Planning Commission may reduce this setback requirement for all or part of a site if site-specific conditions warrant such reduction, but in no case will the setback at any spot be less than 30 ft. total, including the pedestrian and bicycle right-of-way.

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(4) Height Regulations

For specifically designated areas, the maximum height of any building may not exceed 300 ft. or 30 stories.

(5) Off-Street Parking

Plans for all off-street parking areas must comply with the provisions of this section and with any prerequisite approvals of this Zoning Code. Within any SP-ENT district, off-street parking spaces must be provided the following uses as listed below:

(a) Licensed Gaming Facilities

- (.1) For specifically designated areas, 4 parking spaces for every 6 slot machine or gaming positions provided for patrons and guests;
- (.2) For other specifically designated areas, one parking space for every slot machine or gaming position provided for patrons and guests.

(b) Hotels

For specifically designated areas, 1 parking space for every 2 units.

(6) Parking Design

(a) Layout and Access Conditions

Parking provided in this district must be adequately served by high-capacity roads or driveways approved by the Streets Department as being adequate to safely serve the ingress and egress of patrons and guests using the facility, further provided:

- (.1) Up to 10% of all parking spaces in an SP-ENT district may be provided in parking lots. This includes required handicapped spaces, bus parking, limousine parking, cabstands, loading spaces and delivery spaces;
- (.2) All entrances to parking areas or facilities must be provided with adequate vehicle reservoir spaces approved by the Streets Department;

(b) Surface Parking Areas

Where parking spaces are in an open-air area, the area must:²¹⁰

- (.1) Be situated on ground that does not contain any grades in excess of 10%, namely, changes of grade of 1 foot for each 10 ft.;
- (.2) Be paved with a hard top surface of cement concrete, bituminous concrete, or pervious pavers, including all accessways or driveways from the street;

²¹⁰ Parking dimension and compact parking space provisions were not carried over, since the citywide standards in 14-702 should apply in SP-ENT district.

- (.3) In cases where more than 3 motor vehicles are to be parked, comply with the applicable provisions of Chapter 9-601 of the Philadelphia Code that regulates garages, parking lots, sales lots, and showrooms;
- (.4) Be provided with adequate lighting facilities for use at night, which lights must be focused so as to prevent glare on surrounding lots; and
- (.5) Contain permanent, substantial barriers around the area, constructed of metal or masonry. If constructed of masonry, the wall must be at least 2 ft. above the ground, and if constructed of metal or masonry posts, the posts must be at least 4 in. but no more than 6 in. in diameter, placed no more than 5 ft. apart, nor less than 30 in. above the ground and connected by metal pipes, rods, fencing or chains.

(c) Walkways²¹¹

Where an off-street parking lot containing more than 25 spaces or a portion of an off-street parking lot that contains over 25 spaces is located between a building and a public street, a pedestrian walkway at least 5 ft. in width must be provided in accordance with the following requirements:

- (.1) The walkway must be located within or along the edge of the parking lot;
- (.2) The walkway must connect the street and the building;
- (.3) One such walkway must be provided for each 300 ft. of street frontage; and
- (.4) Where a walkway crosses a driveway or aisle, the driveway or aisle must be clearly marked and signed so as to indicate the location of the walkway and to require vehicles to stop for individuals using the walkway.

(d) Screening Abutting Residential Districts

Where an off-street parking lot, parking garage, driveway or aisle is located between a building and a residential district, or is located so that there is not a building or portion of a building between the parking lot, parking garage, driveway or aisle and a residential district, a planted buffer at least 6 ft. wide and 6 ft. high must be installed and maintained between the parking lot, parking garage, driveway or aisle and the residential district in accordance with the following requirements:

- (.1) The planted buffer must be installed along the entire edge of the abutting residential lot line;

²¹¹ Driveway and parking aisle standards were deleted; citywide standards in 14-702 will apply.

- (.2) Where an off-street parking lot, parking garage, driveway or aisle is located between a building and a residential district along 2 or more lot lines, a planted buffer must be installed along the entire edge of both abutting residential lot lines;
- (.3) The planted buffer may be located within the required side and rear yards; and
- (.4) The required screening must be maintained in a manner to ensure its survival. In the event that any landscaping dies, it must be replaced at the required ratio.

(e) Screening Along Street Frontage

Along all public streets, whether or not a setback is required, a landscaped area must be installed along the outer edge of the parking lot in accordance with the following requirements:

- (.1) A landscaped area at least 4 ft. wide and 2 ft. high must be installed along the entire street frontage of all streets, except where walkways and driveways connect to the public street; and
- (.2) The landscaped area may be located within any required setback.

(f) Landscaping Within Parking Lots

Within all off-street parking lots additional area must be provided for the installation and maintenance of landscaping. The total landscaping must be at least 10% of the area of the parking lot, including all spaces, aisles and driveways, but excluding all walkways and screening required by this Zoning Code.

(g) Landscape Materials

All required landscaping must meet the following requirements:

- (.1) The planting material must be installed at a size and number to ensure adequate screening from the time the material is installed;
- (.2) The type of plant material must be selected from a list of types, sizes, species and numbers of plants that are appropriate to the environment in which they are to be installed and appropriate for the location of the parking facility as such list is maintained by the Planning Commission; and
- (.3) The required landscaping may be located anywhere within or along the parking lot; provided it must be maintained in a manner to insure its survival. In the event that any landscaping dies, it must be replaced at the required ratio.

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(h) Lighting

All parking lots must include lighting in accordance with the following requirements:

- (.1) The lighting must illuminate the entire parking lot and walkways with an overall minimum average level of illumination of at least 2 horizontal foot-candles;
- (.2) The illumination must be maintained throughout the hours of darkness;
- (.3) The illumination must be directed to the surface of the parking lot in a manner that will prevent glare upon the surrounding areas.

(i) Maintenance

The Plan of Development must include a plan that addresses the long-term maintenance of all facilities and improvements required by the SP-ENT district regulations.

(7) Off-Street Loading

Off-street loading must be provided in accordance with 14-705.

(8) Signs

Signs are permitted in accordance with the following limitations and conditions:

- (a) Each building in the SP-ENT district will be permitted to have signs, identifying the name, use or purpose of said building;
- (b) Lots facing one street line will be permitted a total sign area of 5 sq. ft. for each lineal foot of street line;
- (c) Lots facing more than one street line will be permitted a total sign area as follows:
 - (.1) For a shorter street line frontage a sign area of 2 sq. ft. for each lineal foot of street line;
 - (.2) For a longer street line frontage a sign area of 5 sq. ft. for each lineal foot of street line. The total sign area on the longer street line frontage must be greater than the equivalent sign area permitted upon the shorter street line frontage;
 - (.3) Where a lot has 2 or more short or 2 or more long street line frontages, the provisions of 14-305(8)(c)(.1) and 14-305(8)(c)(.2) will apply to each street frontages;
 - (.a) The total sign area permitted in sub-paragraphs 14-305(8)(b) and 14-305(8)(c) may be cumulated;
 - (.b) Freestanding signs may not exceed 40 ft. in height, measured from the average level of ground of the lot to the top of said

structure;

- (.c) Signs may be animated or illuminated. Illumination must be focused upon the sign itself so as to prevent glare upon the surrounding area;
 - (.d) Signs with flashing or intermittent illumination may not be erected within 150 ft. of any residential district, and they may not be oriented to face any R district within 300 ft. of the sign;
 - (.e) Any revolving device that causes intermittent flashes of light to be projected will be prohibited;
 - (.f) Non-accessory or outdoor advertising signs are not permitted.
- (.4) In addition to the permitted signs as set forth above, the following signs may also be permitted, provided the Art Commission has approved them:
- (d) One free-standing accessory sign, up to 40 ft. in height above the average street level on which it fronts, with no more than 2 sign faces of 1,200 sq. ft. each may be erected for each street frontage of the district. More than one sign may be erected along a single street frontage as long as the total number of signs does not exceed the number of signs permitted in the district;
 - (e) Up to 2 roof signs, with a maximum of 2 sign faces of 300 sq. ft. or less in area are permitted. Such signs must be building identification and logo signs only. Within 2,000 ft. of the Delaware River, the top of each such sign may not extend more than 20 ft. above the roof level upon which it sits;
 - (f) One additional freestanding sign is permitted for each 80,000 sq. ft. of District Area provided such sign does not contain more than 2 sign faces with a total area of 300 sq. ft., exclusive of supporting structures, nor exceed 40 ft. in total height from grade level to the top of the sign.
 - (g) Signs permitted pursuant to the provisions of this subsection must comply with the following requirements:
 - (.1) The applicant must provide the Art Commission with a copy of its application for a Zoning Permit, and all information that the Art Commission may deem necessary to carry out the review of the proposed sign, including but not limited to, architectural renderings or elevations;
 - (.2) Upon receipt of a complete application and all other pertinent information for the erection of a sign, the Art Commission or other city-designated commission will review the sign application at its next scheduled meeting, after which the designated review body will have 45

days to notify the applicant and the Planning Commission in writing, of its approval, disapproval, or tabling for additional information. If after 45 days the Art Commission has not transmitted notice of its action, its approval of the proposed sign will be presumed.²¹²

(9) Design Review in SP-ENT District

The significant physical scale and extraordinary activity level of the uses permitted in this district create major impacts on the areas in which they are located. To ensure that these facilities are constructed in the most appropriate manner, design, scale, and density, the following requirements are imposed.

(a) Procedure

- (.1) No permitted use may be constructed or opened for occupancy unless the Planning Commission certifies, based on a review of the architectural plans, that the proposed design is in compliance with the SP-ENT district regulations.
- (.2) The Planning Commission must act to accept or reject the submission within 30 days or the submission will be considered approved. No construction drawings will be reviewed for purposes of building permits until the Plan of Development has received final approval.

(b) Building Design

- (.1) All buildings in an SP-ENT district must be designed by a registered architect.
- (.2) Recognizing the intended use of the facility, economic feasibility, and potential conflicts with codes of relevant jurisdiction, the applicant for any building or zoning permit in an SP-ENT district must use reasonable efforts to employ the technologies and strategies that promote energy efficiency and environmental sustainability, as recommended by city-recognized organizations (e.g., the United States Green Building Council) that promote sustainable building and development practices. Applicants must document actions taken to comply with this requirement and must submit such documentation to the Planning Commission at the time of any building or zoning permit application.²¹³

(c) Siting, Access and Landscaping

- (.1) If a permitted use faces a public street, a significant pedestrian entrance

²¹² There have been minor revisions to this section since Module 2; adding “or other city-designated commission” and clarifying the review process.

²¹³ Removed LEED certification requirements in lieu of more generalized language promoting sustainable building and development practices throughout the Code.

must be on and front that street.

- (.2) A permitted use developed on a waterfront site must provide dedicated public access to the waterfront, open to and connected from a public street. Public access will be provided along the site's waterfront length at a width of at least 12 ft.
- (.3) A permitted use must provide for adequate public transit access to the site.²¹⁴

(d) Lighting

A lighting plan prepared by a qualified lighting engineer or designer must be submitted. No use will be approved unless it provides appropriate lighting levels throughout the site to support pedestrian safety.

(10) Public Art

Each application for a zoning permit must include public art meeting the requirements of this section, which is intended to allow for the broadest definition of public art and encourage imaginative interpretation of media.

(a) On-site Public Art

Public art may include, but will not be limited to the following, separately or in combination:

- (.1) Sculpture;
- (.2) Murals or paintings;
- (.3) Earthworks, waterworks, fiber works, functional elements, furnishings, neon, glass mosaics, photography, prints, calligraphy, in any combination of forms of media including sound, film, holographic and video systems; hybrids of any media and new genres; and
- (.4) Lighting in any combination or form.

(b) Location

Public art must be located within the building, upon the building, or within public spaces on the site. Public art may be provided within the public sidewalk, if authorization, by ordinance, is obtained.

(c) Approval Criteria

The proposed public art must be approved by the Art Commission and must include a long-term maintenance plan for the public art. The Art Commission may, upon request, assist in the selection of an artist or artists for the project or

²¹⁴ Landscape and maintenance plan submittal requirements were removed because they will be included in the Zoning Code Administrative Manual.

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the selection of an arts coordinator for the project.

(d) Elements Not Qualified as Public Art

- (.1) Decorative, ornamental or functional elements of the building or public space that are not designed by an artist and created specifically for the site and landscaping or other furnishings or elements required by this Zoning Code, may not be counted toward meeting public art requirements, unless the Art Commission determines such elements comply with the intent of the public art requirement.
- (.2) Items, functions, and events that are basically commercial in nature, such as commercial art galleries or exhibits of items for sale will not satisfy requirements of this section of the code.

(e) Cost

Public art as required in this section must be provided at an individual or combined minimum cost in accordance with the following:

- (.1) For development on a lot, with construction costs of \$20 million or less, an amount equal to 1% of the construction costs;
- (.2) For development on a lot, with construction costs of up to \$40 million, 1% of the first \$20 million of construction costs and 0.5% of the construction costs in excess of \$20 million but less than \$40 million; and
- (.3) For construction costs greater than \$40 million, 1% for the first \$20 million of construction costs, 0.5% of the amount of construction costs in excess of \$20 million but less than \$40 million and 0.25% of any construction costs in excess of \$40 million.

(f) Exceptions

Public Art will not be required under this section for interior alterations in existing structures if the alterations apply directly to retail establishments or eating and drinking establishments not accessory to a licensed gaming facility.²¹⁵

14-306 SP-STA, Sports Stadium (Special Purpose) District

(1) Purpose

The purpose of the SP-STA is to accommodate large scale specialized sporting facilities, associated large capacity automobile parking areas, and related uses and facilities while promoting high quality design of those facilities and mitigating any related adverse

²¹⁵ Administrative regulations from current 14-412 have not been carried over because they will be included in the Zoning Code Administrative Manual.

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impacts on surrounding areas of the city.²¹⁶

(2) Use Regulations

Uses are allowed in SP-STA districts in accordance with Table 14-502-4.

(3) Area Regulations

All buildings, structures and parking facilities within the district must comply with the following setback requirements:

- (a) No building may be erected within 300 ft. of any residential district;
- (b) No building may be erected within 200 ft. of any lot line fronting on a street that is opposite to a residential district that is also a street line when there is a residential classification on the opposite side of the street, provided that this will apply only to the opposite sides of the same block;
- (c) That security buildings or ticket booths of no more than 14 ft. in height and 150 ft. in area may be erected with a minimum setback of 25 ft. from the lot line; and
- (d) Surface parking areas must be at least 150 ft. from any residential district.

(4) Height Regulations

No building on the lot, except as provided below, may exceed 35 ft. in height measured at the mean ground level surrounding the building. This height restriction will not apply to the following:

- (a) Grandstands, stadia, commercial recreation buildings, judges stands;
- (b) Chimneys, stacks, tanks, tank towers, flagpoles, aerials, beacons, lighting poles, camera towers;
- (c) Parking garages or facilities; or
- (d) Hotels, motels or office buildings, up to a maximum of 150 ft. in height measured at the mean ground level surrounding the building.

(5) Off-Street Parking

Off-street parking spaces for automobiles must be provided in accordance with the following schedule and requirements within the SP-STA district on any lot abutting the district or on a lot on the opposite side of any street bounding the district:

- (a) Stadia or buildings used for other commercial recreation and exhibition facilities where patrons or guests are customarily seated as spectators: 1) space for every 10 seats;
- (b) Commercial recreation and exhibition facilities where patrons or guests are not

²¹⁶ This purpose statement has been added since Module 2.

customarily seated as spectators or participants: 1 space for every 200 sq. ft. of floor space or ground area used for commercial recreation, exhibition and related accessory and support facilities but not including parking facilities;

- (c) Commercial office space or retail or service commercial space: 1 space for every 1,000 sq. ft. of net leasable floor area;
- (d) Housing accommodations exclusively for employees and hotels or motels: 1 space for every 2 living units.

(6) Off-street Parking, Layout, and Access Conditions

The district or any lot in the district must be adequately served by high capacity roads or driveways approved by the Streets Department as being adequate to safely serve the ingress and egress of patrons and guests using the facility, further provided:

- (a) All entrances to parking areas or facilities must be provided with adequate vehicle reservoir spaces, approved by the Streets Department;
- (b) All proposed plans for off-street parking lots must be approved by the Streets Department; and
- (c) The Streets Department will have 45 days to approve or disapprove all plans and take all actions required by this section. This time will begin at the time complete plans are submitted to the department. After 45 days the approval of the Streets Department will be presumed.²¹⁷

(7) Lighting

All stadium and grandstand lighting must be oriented to prevent glare on surrounding residential areas.

(8) Landscaping

Where the district or a lot within the district abuts a residential district, a landscaped buffer must be provided along the entire length of the common lot line, the plan for which must be approved by the Planning Commission.

(9) Signs

- (a) A freestanding sign or sign of up to 35 ft. in height and no more than 2 sign faces of 250 sq. ft. each in area will be permitted for each building in the district;
- (b) A freestanding sign or up to 35 ft. in height above the average street level on which it fronts, with up to 2 sign faces of 1,200 sq. ft. each may be erected for each street frontage of the district. More than one sign may be erected along a single street frontage as long as the total number of signs does not exceed the

²¹⁷ Master parking plan provisions have not been carried over because they will be covered in the Zoning Code Administrative Manual.

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number of signs permitted in the district;

- (c) Free-standing traffic directional signs will be permitted;
- (d) Wall signs will be permitted for each building provided the sign does not exceed 2 sq. ft. for each linear foot of building width along a street frontage.
- (e) In the case of multiple street frontages, this sign area must be computed and based on only one street frontage.

14-307 SP-PO, Parks and Open Space (Special Purpose) District²¹⁸

(1) Purpose

The SP-PO Parks and Open Space (special purpose) district is intended to help preserve and protect lands set aside for park and open space use. Such areas and facilities provide many benefits to city residents and visitors. They provide cultural and recreation opportunities; preserve natural and scenic areas; protect sensitive natural resource areas; and offer refuge from the built, urban environment. The SP-PO district is intended to be applied to public parks and open space lands under the jurisdiction of city, state or federal government agencies. The district may be applied to privately owned lands only with the private property owner's consent.

(2) Parks and Open Space Types

Although there is only one Parks and Open Space zoning district, lands classified within the SP-PO district may be programmed by the Department of Parks and Recreation for different purposes and functions, including open space and natural resource preservation, passive parks and active parkland.

(3) Use Regulations

Uses are allowed in SP-PO districts in accordance with Table 14-502-4.

(4) Area and Height Regulations

- (a) The size, location and design of all buildings, structures, activity areas and other improvements must be expressly approved by the governing body with jurisdiction over the park or open space area or shown on an approved park master plan.
- (b) Buildings must be set back from side property lines and rear property lines at least 6 in. for each 1 foot of building height.
- (c) No front setback is required, except within 50 ft. of an abutting R-zoned lot with frontage on the same street. The required front setback in those cases must be equal the front yard requirement that applies to the abutting R-zoned lot.

²¹⁸ Content carried over from current 14-700 with changes as noted.

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(5) Lighting

All lighting must be located, designed and operated to minimize light spillover and glare onto R-zoned properties.

14-308 SP-AIR, Airport (Special Purpose) District

(1) Purpose

The SP-AIR, Airport Special Purpose district regulations are intended to recognize the unique character of airports and the impact they have on the surrounding community. To best serve the public health and welfare, the SP-AIR district supports the development of airport uses and a customary and complementary mix of uses, while minimizing adverse impacts on surrounding areas.

(2) Use Regulations

- (a) Uses are allowed in SP-AIR districts in accordance with 14-502(6).²¹⁹
- (b) Multiple uses and structures may be permitted on a single tax parcel in the SP-AIR district.

(3) Area Regulations

(a) District Area and Boundaries

Boundaries shall be so designated to afford a reasonable line of division between the district and adjacent uses consistent to carry out the purposes of this Title in 14-101.

(b) Gross Floor Area

The gross floor area of all buildings shall not exceed 500% of the total area of the lot.

(c) Occupied Area

Not more than 70% of the lot area may be occupied by buildings.

(d) Setbacks

(.1) Front

No front setback is required;

(.2) Side Setbacks

No side setbacks are required. When side yards are provided, they must have the following minimum widths:

- (.a) Buildings up to 4 stories in height: 6 ft.

²¹⁹ Individual uses have been converted to broader categories and subcategories, which may result in new uses being allowed.

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(.b) Buildings over 4 stories in height: 8 ft.

(.3) **Rear**

No rear setback is required.

(4) Height Regulations

There are no height restrictions in the SP-AIR district, except as height may be limited by the other provisions of this Zoning Code.

(5) Parking and Loading

- (a) Off-street parking spaces must be provided in association with new buildings as required by the Division of Aviation. Proposed off-street parking areas must comply with all applicable regulations of Chapter 14-700:.
- (b) Off-street loading spaces must be provided in accordance with the regulations of 14-705.

(6) Signs

- (a) Signs accessory to uses on the premises and outdoor advertising signs may be installed and changes to existing signs may be made only with the prior written approval of the Director of Aviation.
- (b) Signs may be attached to a building or marquee, or be freestanding, but may not project above the roof or wall coping.
- (c) Outdoor advertising signs are subject to the regulations of 14-806.
- (d) Allowed signs may be illuminated by interior lighting or lighting directed toward the signs, provided that they do not create glare upon adjacent districts or cause intermittent flashes of light to be projected.
- (e) Revolving signs require special exception approval in accordance with 14-204(4).

(7) Fences

- (a) Fences may not exceed 30 ft. in height in the SP-AIR district.
- (b) Fences within 10 ft. of the property line shall be no more than 50% opaque.

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14-401 General²²⁰

(1) Establishment

- (a) Overlay district regulations may be established or amended only in accordance with the Zoning Code text amendment procedures of 14-204(2).
- (b) Overlay zoning district boundaries may be established, amended or removed only in accordance with the zoning map amendment procedures of 14-204(2).
- (c) Overlay districts zoning designations will be identified on the zoning map by appending a forward slash (/) and the overlay district map designation to the base zoning district designation. CMX-5 zoned land classified in the Center City Overlay, for example, would be labeled “CMX-5/CTR.”

(2) Interpretation

Overlay zoning district regulations apply in combination with underlying (base) zoning district regulations and all other applicable regulations of this Zoning Code. When overlay district standards conflict with standards that would otherwise apply under this Zoning Code, the regulations of the overlay zoning district govern. Otherwise, all applicable regulations of this zoning code apply in overlay districts. When two or more overlay zoning district provisions conflict, the stricter provision shall govern.²²¹

14-402 /CTR, Center City Overlay²²²

(1) Purpose

The /CTR, Center City Overlay district is established in order to preserve and encourage the revitalization of the Center City area.

(2) Applicability

The standards and regulations of this section apply to all lands within the boundaries of the /CTR Overlay district as shown on the maps in this 14-402.

(3) Height Regulations

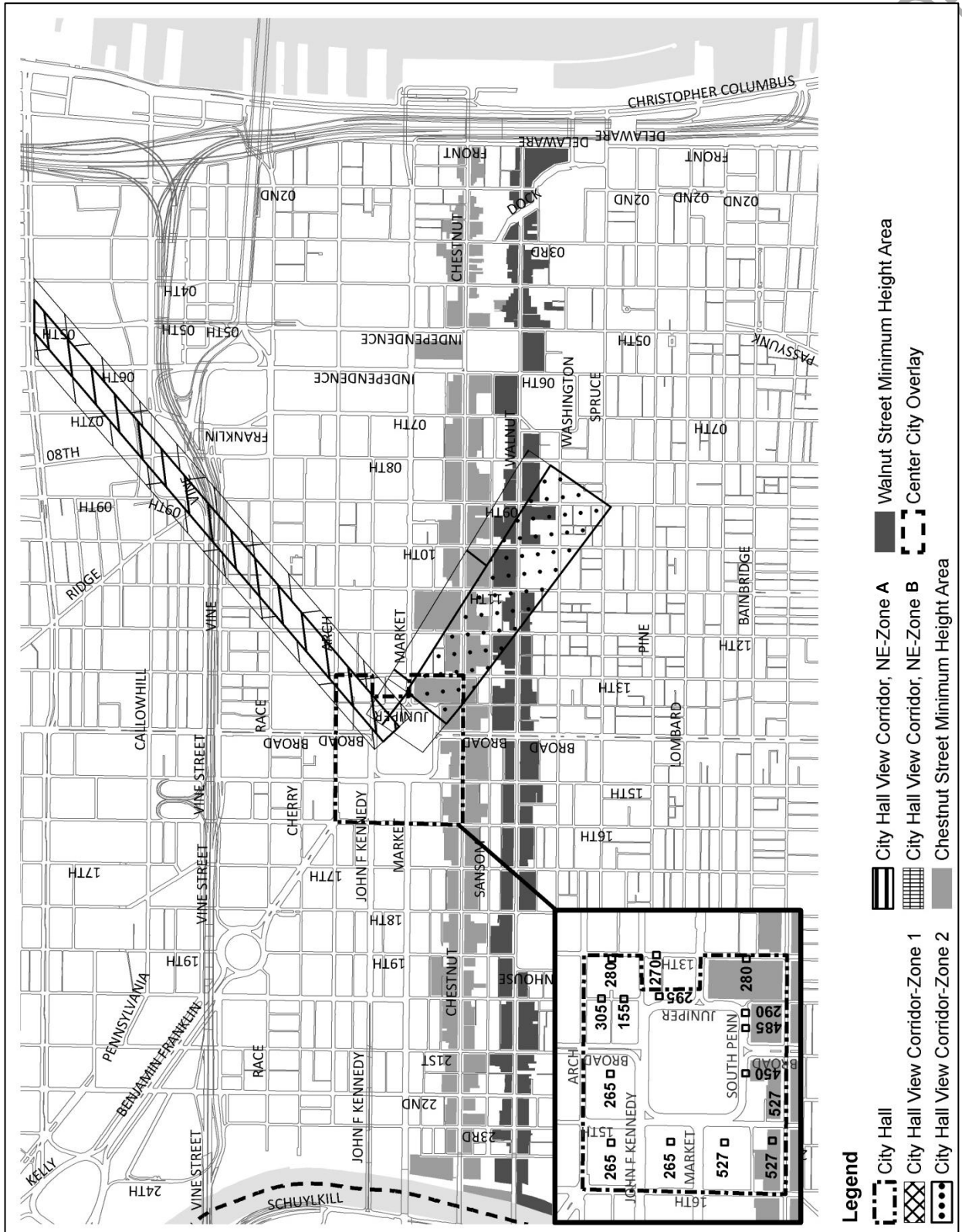
The following height regulations apply to the areas described in each subsection and shown on the 3 Height Control Area maps below.

²²⁰ Since Module 2, the River Road (/RRO) overlay has been deleted because its controls are now covered by the RMX-1 district and the natural resource protection controls in 14-606. The North Delaware Avenue (/NDA) overlay has been deleted because those controls are now included in new definitions and standards for Eating and Drinking Establishments and Assembly and Entertainment use groups. The Market/30th Avenue (/M30) overlay has been deleted because the controls in that district are now included in 14-600.

²²¹ The last sentence has been added since Module 2.

²²² This section has been revised and reorganized since Module 2 to incorporate existing material from Module 3. Maps have been revised to allow for black-and-white copying. The northern boundary of the Center City Overlay is being extended from Spring Garden Street to Girard Avenue.

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(a) City Hall

The maximum height within the City Hall area identified on Figure 14-402(3), Height Control Areas.

(b) City Hall View Corridor

The maximum height (measured from 0 ft. City Datum) within the City Hall View Corridor must be determined by the following formulas, where “d” is the distance in ft. from any point of the building to the point on the Art Museum steps designated as N240740, E2719920 on the Pennsylvania State Plane Coordinates South Zone Map.

(.1) Zone 1: $(d \times 0.05705) + 90$ ft.

(.2) Zone 2: $(d \times 0.02586) + 90$ ft.

(c) City Hall View Corridor, Northeast

The maximum height (measured from 0 ft. City Datum) within the City Hall View Corridor, Northeast is as follows:

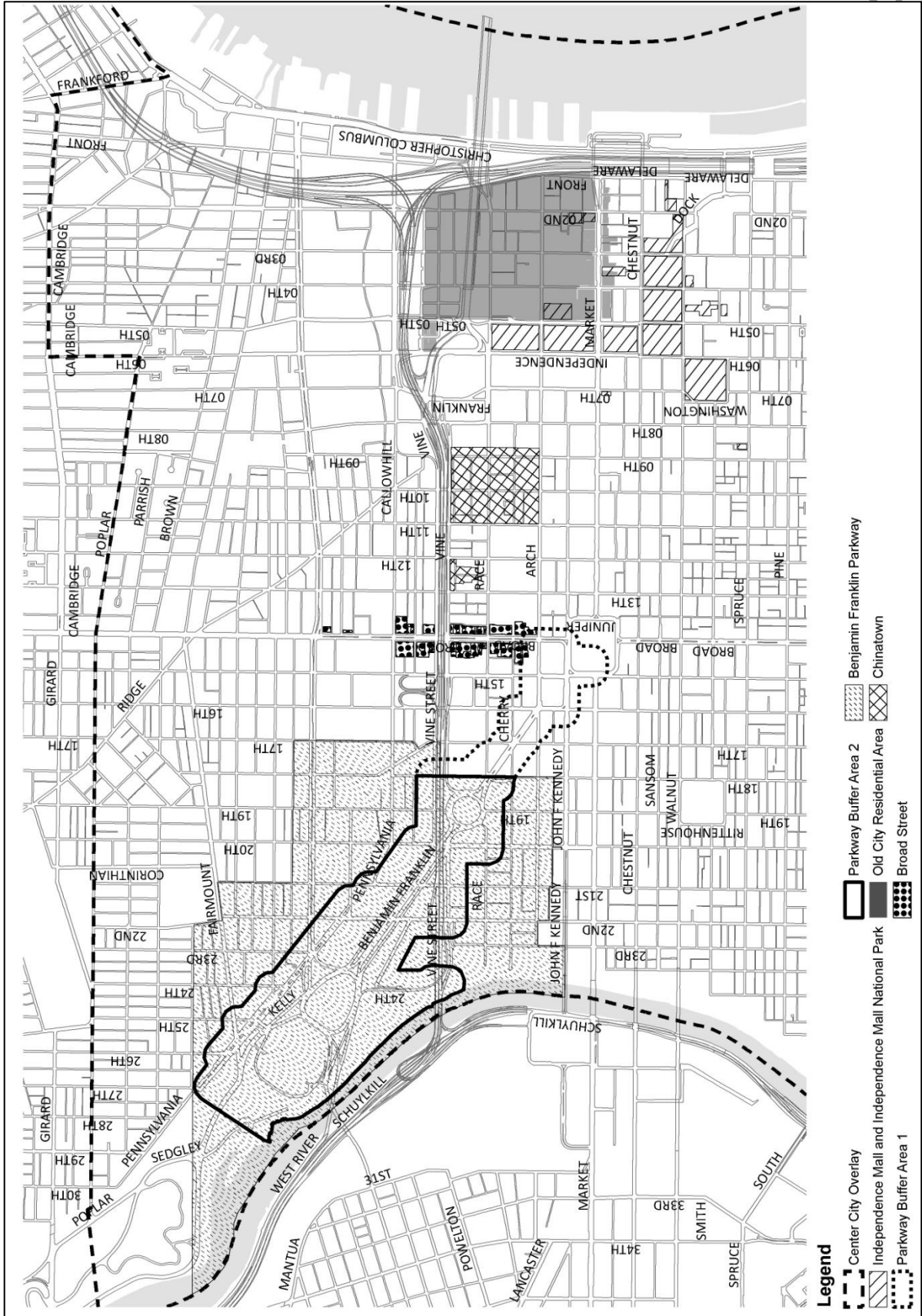
(.1) Northeast View Corridor A: 330 ft.

(.2) Northeast View Corridor B: The maximum height allowable increases from 330 ft. along a 45 degree recession plane from the outer edge of Northeast View Corridor A to the outer edge of Northeast View Corridor B, such that the maximum height at the outer edge of Northeast View Corridor B is 490 ft.

(d) Chestnut and Walnut Street Minimum Height Area

The main cornice line on any building abutting Chestnut Street or Walnut Street between Front Street and the Schuylkill River may not be less than 35 ft. above the average sidewalk level.

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(a) Independence Mall and Independence National Historical Park

- (.1) No building or portion of the exterior of a building adjoining or abutting any street immediately bounding the Independence Mall and Independence National Historical Park shall be constructed, reconstructed, erected, altered, or repaired if the proposed construction, reconstruction, erection, alteration, or repair will exceed 45 ft. in height, measured from the street grade to any cornice line within 25 ft. of the established building line. Any chimney, penthouse, or other structure, whether attached to a building by its own weight or otherwise, shall be considered to be part of that building, and shall not within 25 ft. of the established building line exceed in height above the cornice line of the building the amount of its setback from the established building line
- (.2) The building height limitations of this subsection shall not apply to any building adjoining or abutting any street immediately bounding the following portions of Independence National Historical Park:
 - (.a) Old Christ Church;
 - (.b) Franklin Court; or
 - (.c) South of Walnut Street, between Fourth and Fifth Streets, except for any building fronting on Walnut Street.

(b) Parkway Buffer Area 1²²³

- (.1) **Main Cornice Line**

The maximum height of the main cornice line from the street level may not exceed the width of the building facade fronting on the Parkway Drive or facing the Parkway or Square. In no case may the height of main cornice line exceed following:

 - (.a) Properties with frontage on Parkway Drive or the Square: 80 ft.
 - (.b) Properties within 200 ft. of the outside boundary line of the Parkway, but without frontage on Parkway Drive: 125 ft.
- (.2) **Above the Cornice Line**

No other portion of the building, except pediment or attic wall, may exceed the height of the cornice unless the portion or portions above the cornice recede from the plane of each building wall face at least as

²²³ Parkway Buffer Area 1 overlaps Benjamin Franklin Parkway. In current 14-1611, heights within the Benjamin Franklin Parkway are limited to between 160 and 200 ft. (14-1611(2)). However, since the Benjamin Franklin Parkway Area Special Height Control District (14-1611(3)) has a more restrictive limit of 125 ft., 125 is used.

far as said portion or portions extend above the cornice line. No portion of a building may exceed 125 ft. in height.

(.3) **Religious Assembly**

Buildings used for religious assembly (e.g., churches and temples) fronting on or facing toward the Parkway are exempt from the height limitations of this subsection.

(c) **Parkway Buffer Area 2**

(.1) **Main Cornice Line**

The maximum height of the main cornice line is 3 times the width of the building facade fronting on or visible from any point within the boundaries of the Parkway. In no case may the height of main cornice line exceed following:

(.a) Between Broad and 17th Streets: 230 ft.

(.b) Between 17th and 18th Streets: 200 ft.

(.2) **Above the Cornice Line**

No other portion of the building, except pediment or attic wall, may exceed the height of the cornice unless the portion or portions above the cornice recede from the plane of each building wall face at least as far as said portion or portions extend above the cornice line. In no case may any portion or portions of a building exceed the following.

(.a) Between Broad and 17th Streets: 268 ft.

(.b) Between 17th and 18th Streets: 245 ft.

(.3) **Religious Assembly**

Buildings used for religious assembly (e.g., churches and temples) fronting on or facing toward the Parkway are exempt from the height limitations of this subsection.

(d) **Old City Residential**

The maximum height within the Old City Residential Area is 65 ft. about the average ground level at the base of the structure.²²⁴

(e) **Broad Street**²²⁵

The main cornice line of any newly erected building on any commercially zoned property along Broad Street between John F Kennedy Boulevard and Spring

²²⁴ The prohibition on “projections above parapet. . .” has been removed since Module 2.

²²⁵ Arch Street and Spring Garden Street height limits were eliminated since Module 2.

Garden Street may not be less than 35 ft.²²⁶ above the average sidewalk level.

(f) Benjamin Franklin Parkway Area

The maximum height within the Benjamin Franklin Parkway Area is 125 ft. This 125-foot height limit does not apply to monuments, belfries, cupolas, minarets, pinnacles, gables, spires, or ornamental towers not intended for human occupancy provided that such features do not exceed a maximum height of 209 ft.²²⁷

(g) Chinatown

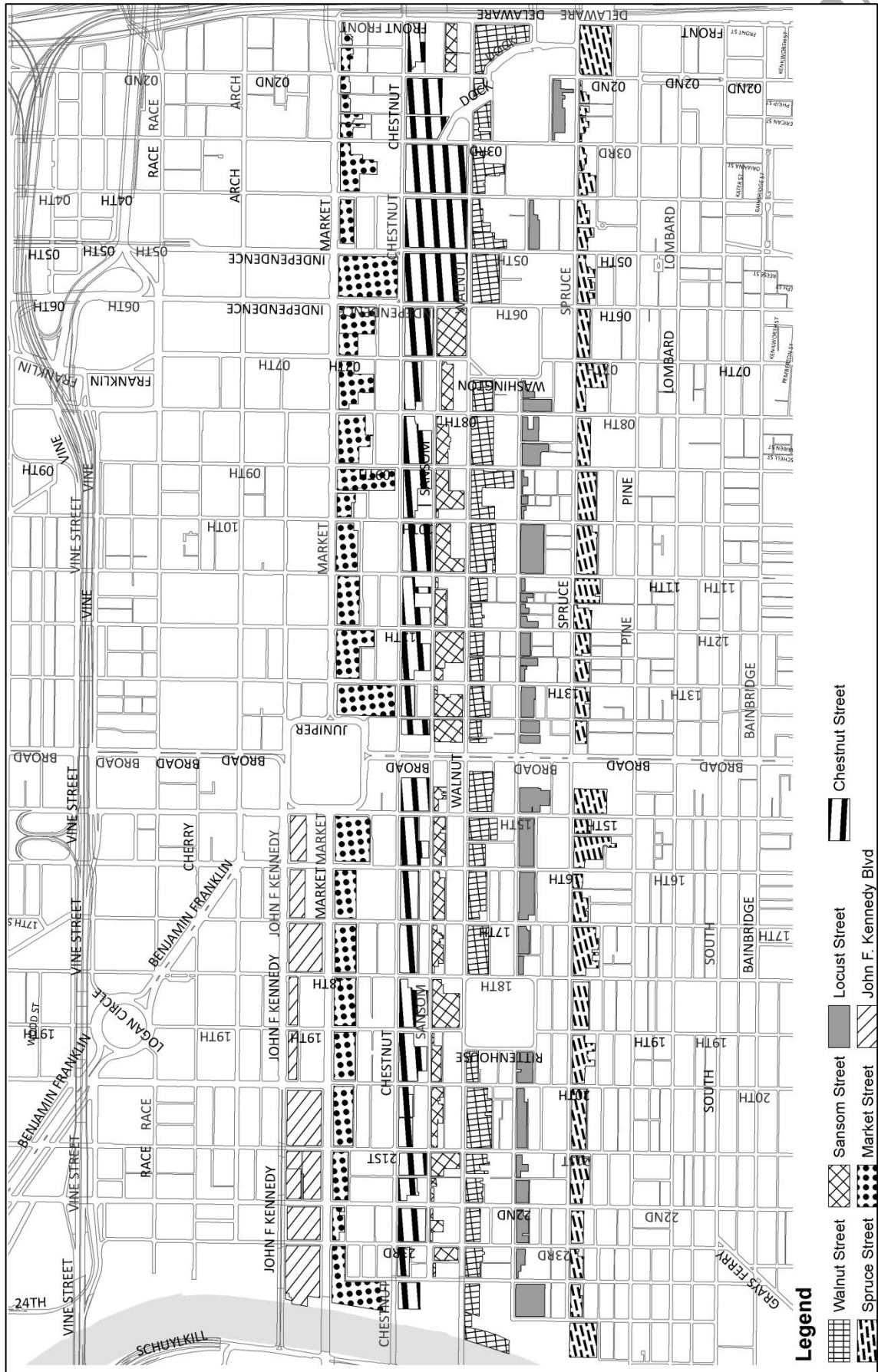
The maximum height within the following areas is 65 ft.²²⁸. Additions to existing buildings that do not increase the gross floor area of the building by more than 100% may be built to a height (in both ft. and stories) not to exceed the existing building:

- (.1) South of Vine Street, west of 10th Street, north of Appletree Street, and east of 11th Street.
- (.2) South of Vine Street, west of 9th Street, north of Arch Street, and east of 10th Street except properties that front on Arch Street.

²²⁶ Changed from 25 ft. to 35 since Module 2.

²²⁷ The last sentence has been added since Module 2.

²²⁸ Changed from “60 ft. or 6 stories” to “65 ft.,” since Module 2.



(h) John F. Kennedy Boulevard

For lots fronting on and on the south side of John F. Kennedy Boulevard between Fifteenth Street and the Schuylkill River the following regulations shall apply. The minimum height of any building shall be 35 ft. above the average sidewalk level at the street line. There shall not be a maximum height limit, except that for lots with a second frontage along a numbered street, the maximum height for the first 15 ft. of building depth, measured back from the setback line of the numbered street, shall be 65 ft.

(i) Market Street

For lots fronting on and on the south side of Market Street between Front Street and the Schuylkill River the following regulations shall apply. The minimum height of any building shall be 35 ft. above the average sidewalk level at the street line. There shall not be a maximum height limit, except that for lots with a second frontage along numbered streets and Juniper Street, the maximum height for the first 15 ft. of building depth, measured back from the setback line of the numbered street or Juniper Street, shall be 65 ft.

(j) Chestnut Street

For lots fronting on and on the south side of Chestnut Street between Front Street and the Schuylkill River, except within 130 ft. of the east side of Broad Street or within 130 ft. of the west side of Broad Street, the following regulations shall apply. Along the north street line of Chestnut Street, there is no maximum height for buildings and structures. Along the south street line of Chestnut Street the maximum height of any structure, building, or building appurtenance listed in 14-601(8) (except flagpoles) shall be 320 ft. above the average sidewalk level, but all portions of the structure taller than 50 ft. above the sidewalk level shall comply with the sky plane bulk controls in 14-402(5)(a).²²⁹

(k) Sansom Street²³⁰

For lots fronting on and on the south side of Sansom Street between Front Street and the Schuylkill River, except within 130 ft. of the east side of Broad Street or within 130 ft. of the west side of Broad Street, the following regulations shall apply. The minimum height of any building or structure shall be 35 ft. above the average sidewalk level at the street line. Along the north street line of Sansom Street, the maximum height of any building or structure shall be

²²⁹ Since Module 2, minimum height language applicable to Chestnut Street has been deleted because it is covered in 14-402(3)(d). In addition, the 45% recession plane has been replaced by the new sky plane bulk controls in 14-402(5)(a).

²³⁰ A minimum height requirement of 35 ft. has been added to match those on other streets in this section since Module 3.

320 ft. above the average sidewalk level of Sansom Street subject to the height limits for structures, buildings, and building appurtenances listed in 14-601(8) (except flagpoles) built on the south side of Chestnut Street as set forth in 14-402(3)(j). Along the south street line of Sansom Street, the maximum height of any building or structure shall be 320 ft. above the average sidewalk level of Sansom Street.

(l) Walnut Street

For lots fronting on and on the south side of Walnut Street between Front Street and the Schuylkill River, except within 100 ft. of the east side of Broad Street or within 230 ft. of the west side of Broad Street, the following regulations shall apply. Along the north street line of Walnut Street, the maximum height of any building or structure shall be 320 ft. above the average sidewalk level of Walnut Street subject to the height limits for structures, buildings, and building appurtenances listed in 14-601(8) (except flagpoles) built on the south side of Chestnut Street as set forth in 14-402(3)(j). Along the south street line of Walnut Street the maximum height of any structure, building, or building appurtenance listed in 14-601(8) (except flagpoles), shall be shall be 260 ft. above the average sidewalk level, but all portions of the structure taller than 50 ft. above the sidewalk level shall comply with the sky plane bulk controls in 14-402(5)(a).²³¹

(m) Locust Street

For lots fronting on and on the south side of Locust Street between Front Street and the Schuylkill River, except within 100 ft. of the east side of Broad Street or within 230 ft. of the west side of Broad Street, the following regulations shall apply. The minimum height of any building or structure shall be 35 ft. above the average sidewalk level at the street line. Along the north street line of Locust Street, the maximum height of any building or structure shall be 260 ft. above the average sidewalk level of Locust Street subject to the height limits for structures, buildings, and building appurtenances listed in 14-601(8) (except flagpoles) built on the south side of Walnut Street as set forth in 14-402(3)(l). Along the south street line of Locust Street the maximum height of any structure, building, or building appurtenance listed in 14-601(8) (except flagpoles), shall be 260 ft. above the average sidewalk level, but all portions of the structure taller than 50 ft. above the sidewalk level shall comply with the sky plane bulk controls in 14-402(5)(a).²³²

²³¹ Since Module 2, minimum height language applicable to Walnut Street has been deleted because it is covered in 14-402(3)(d). In addition, the 45% recession plane has been replaced by the new sky plane bulk controls in 14-402(5)(a).

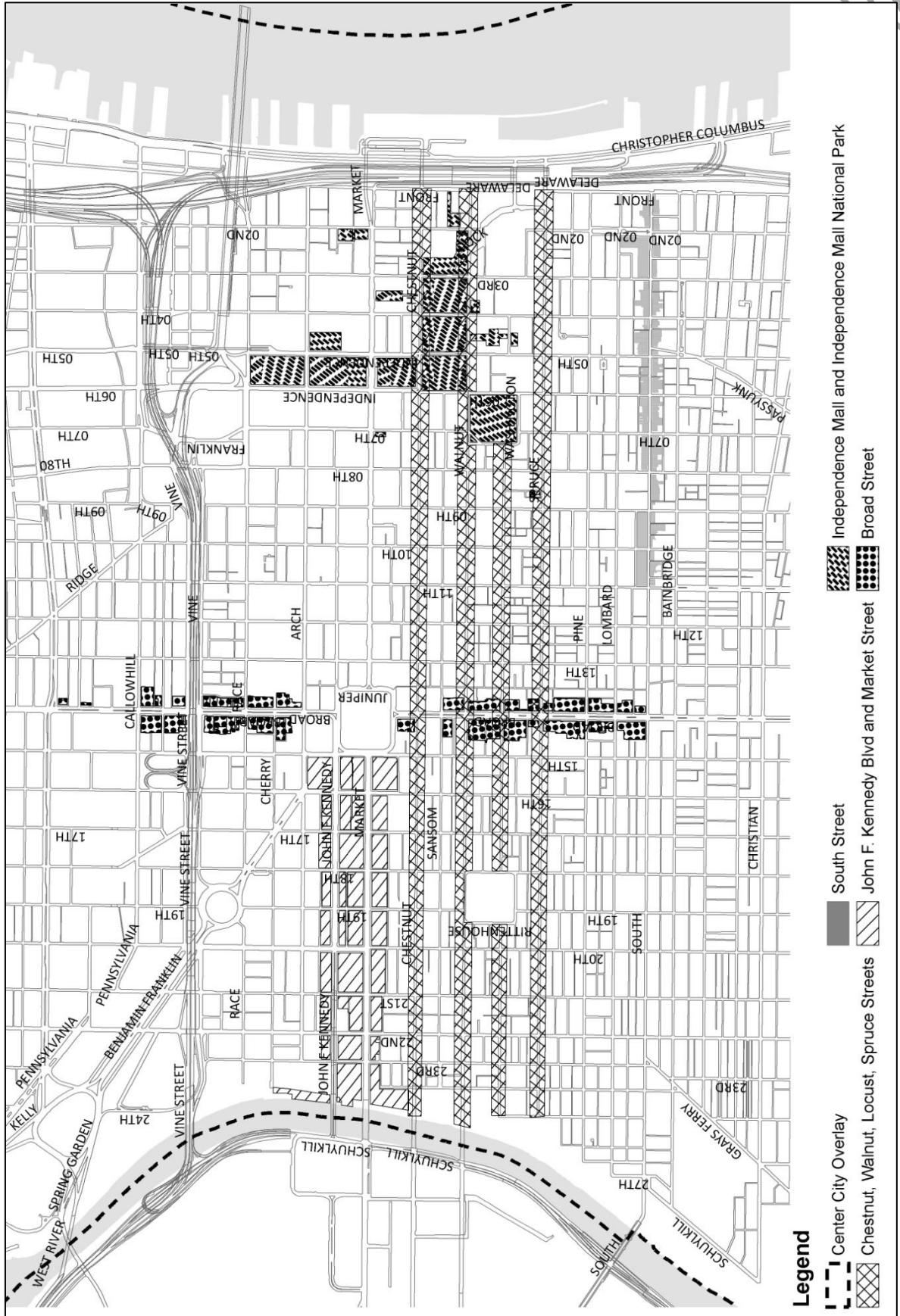
²³² Since Module 2, the 45% recession plane has been replaced by the new sky plane bulk controls in 14-402(5)(a).

(n) Spruce Street

For lots fronting on and on the south side of Spruce Street between Front Street and the Schuylkill River, except within 100 ft. of the east side of Broad Street or within 230 ft. of the west side of Broad Street, the following regulations shall apply. The minimum height of any building or structure shall be 35 ft. above the average sidewalk level at the street line. Along the north street line of Spruce Street, the maximum height of any building or structure shall be 260 ft. above the average sidewalk level of Spruce Street subject to the height limits for structures, buildings, and building appurtenances listed in 14-601(8) (except flagpoles) built on the south side of Locust Street as set forth in 14-402(3)(m). Along the south street line of Spruce Street there shall not be a maximum height limit.

(4) Setback/Build-to Regulations

The following setback/build-to regulations apply to the areas described in each subsection and shown on the Setback/Build-to Regulation map below.



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(a) Chestnut, Walnut, Locust, Spruce Streets

Buildings or portions of buildings fronting on Chestnut, Walnut, Locust, and/or Spruce streets between Front Street and the Schuylkill River shall have no setback from the street line except for those portions of the building or its public space subject to the requirements for openings and entranceways in 14-601(7)(c).

(b) South Street

Buildings may not be set back from the street line of South Street between Front Street and 11th Street, except the north side of South Street between 8th and 9th Streets.

(c) John F. Kennedy Boulevard and Market Street

For lots fronting on or south of the south side of John F. Kennedy Boulevard or Market Street between 15th Street and the Schuylkill River, the following regulations shall apply:

(.1) Setback

No setbacks are required for buildings fronting on John F. Kennedy Boulevard or Market Street. For lots with frontage on numbered streets and that are between John F. Kennedy Boulevard and Market Street, the minimum building setback line shall be 5 ft.

(.2) Building Spacing

Buildings 65 ft. or taller within the first 90 ft. south of the south side of John F. Kennedy Boulevard or Market Street between 15th Street and 24th Street inclusive shall comply with the following standards. The minimum distance between buildings, from a point 65 ft. or greater above the average ground level, shall be 75 ft., except that along any property line that is not a street line and that is parallel to any numbered street, the minimum distance between the building, from a point 65 ft. or greater above the average ground level, and the property line shall be 37.5 ft.

(d) Independence Mall and Independence National Historical Park

No building or portion of the exterior of a building adjoining or abutting any street immediately bounding the Independence Mall and Independence National Historical Park shall be constructed, reconstructed, erected, altered, or repaired if the proposed construction, reconstruction, erection, alteration, or repair will extend beyond any building line now established or established in the future.

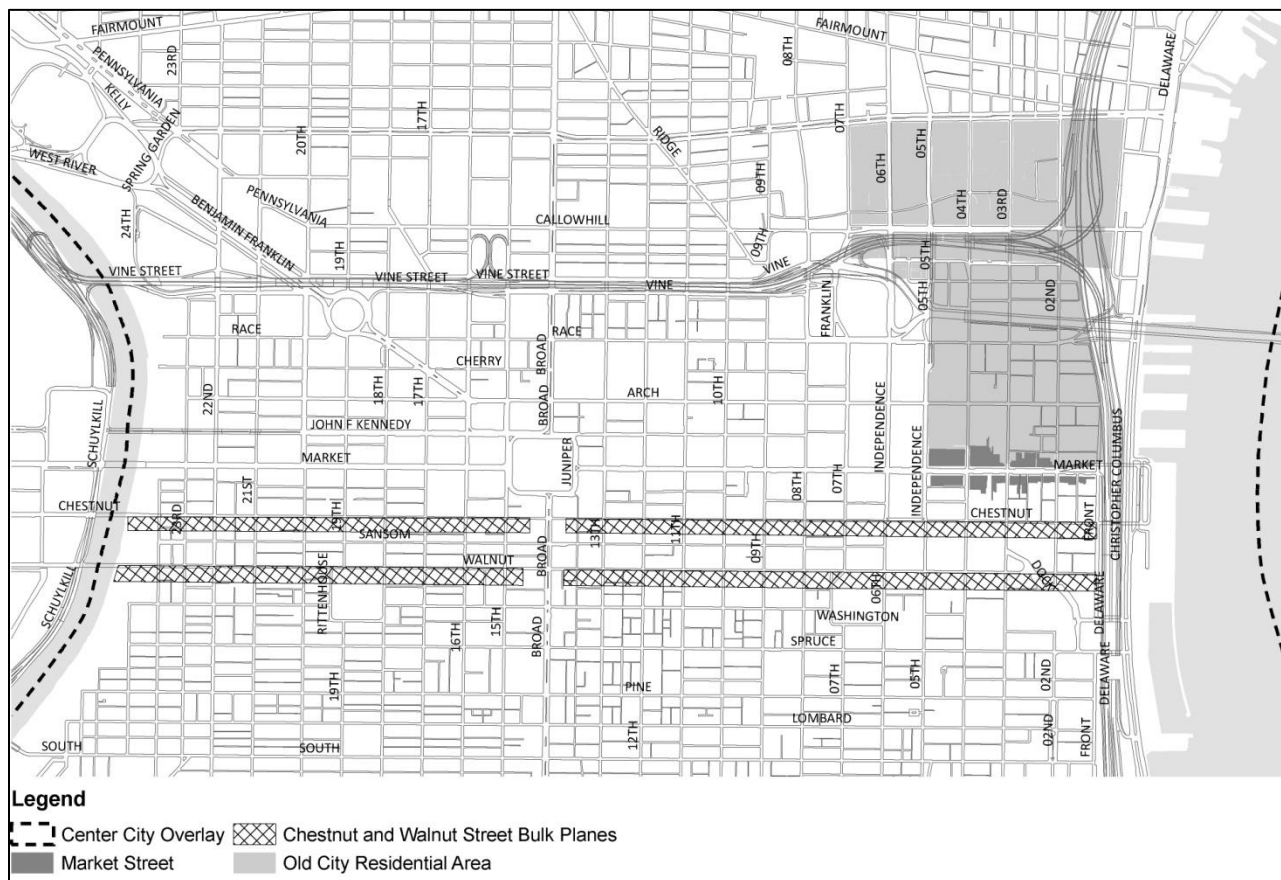
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(e) Broad Street

Buildings on C-zoned properties may not be set back from the street line of Broad Street between South Street²³³ and Spring Garden Street.

(5) Bulk and Massing Regulations

The following bulk and massing regulations apply to the areas described in each subsection and shown on the bulk and massing control map below.



(a) Chestnut and Walnut Street Bulk Planes²³⁴

(.1) Applicability

Within the areas listed below, the main cornice line may not exceed 50 ft. in height unless it complies with the provisions of 14-402(5)(a)(.2)

²³³ Southern boundary changed from John F. Kennedy Boulevard to South Street since Module 2.

²³⁴ This section contains provision that appeared in the “height” section of /CTR in Module 2. Maximum heights were not carried over, because they are addressed in 14-402(3). The term “recession plane” is no longer used. These controls will be extended to the South side of Locust Street, with a maximum height of 260 ft., to carry out the intent of current code 14-214(7)(f)(.2)(.b). In addition, it may be extended to other areas of the Center City.

below.

- (.a) Within 250 ft. south of the south side of Chestnut Street between Front Street and a point 130 ft. east of Broad Street.
- (.b) Within 250 ft. south of the south side of Chestnut Street between a point 130 ft. west of Broad Street and the Schuylkill River.
- (.c) Within 250 ft. south of the south side of Walnut Street between Front Street and 8th Street.
- (.d) Within 250 ft. south of the south side of Walnut Street between 9th Street and a point 100 ft. east of Broad Street.
- (.e) Within 250 ft. south of the south side of Walnut Street between a point 220 ft. west of Broad Street and the Schuylkill River.

(.2) **Sky Plane Bulk Controls**²³⁵

- (.a) Buildings may occupy 100% of the lot area below a height of 75 ft.
- (.b) Any portion of a building above 75 ft. above sidewalk level is subject to form controls that limit its massing and bulk in relation to its context so that a minimum of sky brightness is retained throughout the densest parts of Center City. This is referred to as “sky plane”.
- (.c) Sky plane is calculated by using two computer generated images showing the proposed building in the context of the entire length of the lot facing Chestnut or Walnut Street, together with an equal length of street frontage immediately across the street, looking straight up from:
 - (i) the midpoint of the applicant’ lot frontage along Chestnut or Walnut Street, and
 - (ii) the centerline of Chestnut or Walnut Street at a point and at a point opposite the midpoint of the applicant’s lot frontage.

²³⁵ This provision is new since Module 2. Instead of a 45 degree plane, the new sky plane approach allows more flexibility in building design as long as the increased bulk does not restrict exposure to the sky when viewed from specific points near the building at ground level. While the current provisions of 14-214 applicable to Walnut, Chestnut, and Locust Streets apply the 45 degree plane from a point 50 ft. above sidewalk level, the sky plane approach applies above 75 ft., which allows added design flexibility and building mass on lower floors of the building. Detailed information about submission requirements and calculations will be contained in the Zoning Code Administrative Manual.

- (.d) The resulting view is illustrated on a flat surface that shows the ratio of building mass to open sky as viewed by a person on the street
- (.e) The proposed building must achieve a minimum sky plane ration of TBD, calculated as shown in the Zoning Code Administrative Manual.
- (.f) Detailed information on materials to be submitted to demonstrate compliance with sky plane ratios, including a signed statement from a licensed architect confirming compliance are set forth in the Zoning Code Administrative Manual.

(b) Market Street Building Width

The width of any building fronting on Market Street between Front Street and 5th Street may not exceed 35 ft., measured at the widest point of the building on a line parallel with the street. Existing buildings may not be extended in width or combined with any other building or lot so that the total combined width exceeds 35 ft.

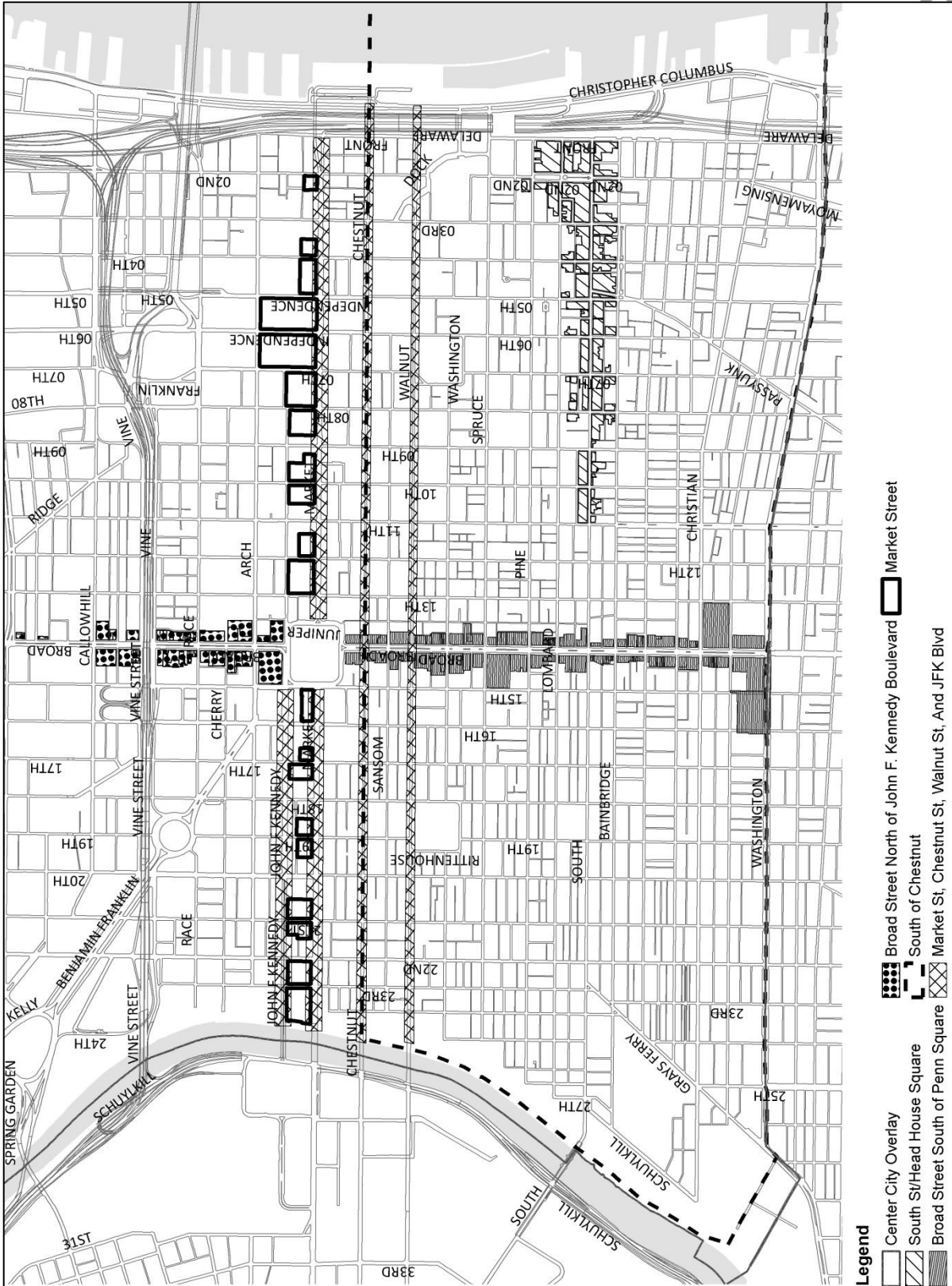
(c) Old City Residential Area Building Width

The total width of a building within the Old City Residential Area may not exceed 70 ft. measured at the widest point of the building on a line parallel with the street. (See Figure 14-402(5), Building Width Control Areas)

(6) Parking Regulations²³⁶

The following parking regulations apply to the areas described in each subsection and shown on the parking control map below.

²³⁶ Since Module 2, special lower parking requirements for multi-dwelling buildings with 25 or more units carried over from current 14-1402(2)(a) have been deleted, since changes to 14-700 include parking requirements lower than those area-specific controls.



- (a) South Street/Head House Square²³⁷**
Accessory curb cuts for vehicular ingress and egress along South Street are prohibited.
- (b) Broad Street, South of Penn Square**
Accessory parking with vehicular ingress and egress from Broad Street is prohibited between South Penn Square and Washington Avenue.²³⁸
- (c) Broad Street, North of John F Kennedy Boulevard**
Parking on all commercially zoned properties along Broad Street between John F Kennedy Boulevard and Spring Garden Street must be located either on the same lot or on a lot (where public parking is a permitted use) within 1,000 ft.²³⁹
- (d) Market Street**
All parking garages located on the north side of Market Street with frontage on a southbound street must provide ingress to the parking garage from the southbound street.
- (e) South of Chestnut²⁴⁰**
Off-street parking is not required and may not be provided for any one-family or two-family dwelling located South of Chestnut Street, except for parking accessed by a common driveway easement that serves 3 or more abutting properties. Common parking areas may be located on one or more of the properties for which parking is provided, or on a property that is separated from those properties by an alley, driveway, or similar kinds of passageways.
- (f) Market Street, Chestnut Street, Walnut Street and JFK Boulevard**
The ground floor of any parking garage with frontage on Market Street, Chestnut Street, Walnut Street or JFK Boulevard must be occupied by an office, retail sales, commercial services, or public/civic/institutional uses. This requirement applies only along these designated street frontages and does not apply to areas occupied by entrances, exits, or waiting areas.

(7) Sign Regulations

The following sign regulations apply to the areas described in each subsection and shown on Sign Control Areas maps 1 and 2 below.

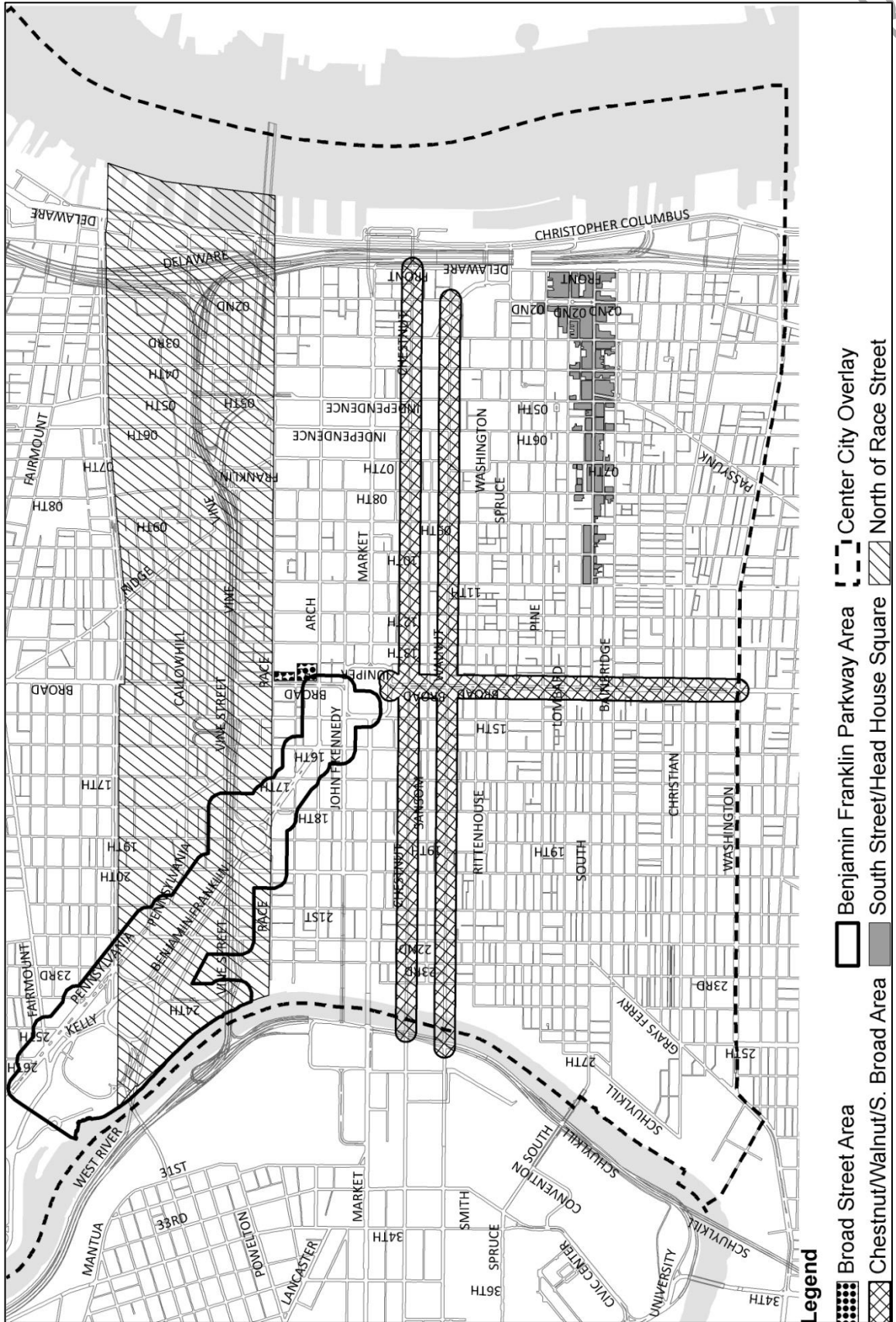
²³⁷ Since Module 2 accessory parking controls providing that accessory parking on the same lot may exceed 25% of the area of the main use if they are located in a parking garage have been deleted.

²³⁸ The text eliminates a vehicle access exception between Spruce and Pine Streets, which is no longer necessary in light of Kimmel Center development.

²³⁹ The text eliminates (1) ZBA special use permit requirement for off-site/remote parking, and (2) the prohibition on parking between building line and street, since it is redundant with “build-to” requirements.

²⁴⁰ This text has been revised for clarity since Module 2, the requirement for special exception approval and the related listing of required findings were deleted.

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(a) Broad Street Area²⁴¹

(.1) Review

No person may erect or maintain any sign within this area unless approved by the Art Commission, after consultation with the Planning Commission. The Art Commission has 60 days to take action, after which its approval will be presumed.

(.2) Regulations

Buildings on lots with frontage on the east side of Broad Street between Race Street and Arch Street occupying 50% or more of the total area of the block and having 50% or more of the street frontage are, notwithstanding any other provisions of this Zoning Code, permitted to erect a system of accessory signs, including building logo signs, directional signs, freestanding signs, and temporary signs, not to exceed a combined total of 15 sq. ft. of sign area for each lineal foot of frontage along a public street line.

(b) Chestnut/Walnut/S. Broad Area

(.1) Art Commission Approval

No sign may be erected or maintained that is visible or intended to be visible from Chestnut, Walnut, Broad, or Market Streets unless approved by the Art Commission, after consultation with the Planning Commission. The Art Commission has 60 days to take action, after which its approval will be presumed.

(.2) Prohibited Signs

(.a) Non-accessory or outdoor advertising signs are prohibited.

(.b) Flashing signs, intermittent or flashing light sources, revolving signs, animated signs, roof signs (excluding signs identifying the name or address of a building), and projecting signs are prohibited²⁴² except on properties fronting Market Street between Front Street and 5th Street.

(c) Benjamin Franklin Parkway Area

(.1) Review

No person may erect or maintain any sign within 200 ft. of any boundary line of the Benjamin Franklin Parkway between Broad Street

²⁴¹ This section has been reorganized and text modified to match the style and format of other sign control provisions.

²⁴² The ban on projecting signs has been eliminated from South Street/Head House Square since Module 2.

and Fairmount Park that is visible from any point within the boundaries of the Parkway unless the sign complies with all applicable requirements of this Zoning Code and the regulations of the Department of Parks and Recreation (formerly the Department of Recreation and the Fairmount Park Commission), has been approved by the Art Commission, and has been permitted by the Department of Licenses and Inspections.

(.2) **Repair and Maintenance**

Any sign lawfully in existence on January 1, 1992 may not be repaired, altered or moved in any substantial manner unless it be made to comply with all the requirements of this section. A permit may be granted for the continued maintenance of any sign lawfully in existence on December 1, 1951 without compliance being required with any of the other provisions of this section.

(d) **South Street/Head House Square Area**

Non-accessory or outdoor advertising signs are prohibited in the South Street/Head House Square Area. Allowed signs are limited to wall signs and accessory to the use on the premises.

(.1) **Total Sign Area**

Lots facing one street line are permitted a total sign area of 3 sq. ft. for each lineal foot of street line. Lots facing more than one street line are permitted a total sign area as follows:

- (.a) For the shorter street line frontage, a maximum sign area of 3 sq. ft. for each lineal foot of street line;
- (.b) For the longer street line frontage, a maximum sign area of 2 sq. ft. for each lineal foot of street line or the equivalent sign area permitted upon the shorter street line frontage, whichever is greater;
- (.c) Where a lot has 2 or more short and/or 2 or more long street line frontages, the provisions of 14-402(7)(d)(.1)(.a) and 14-402(7)(d)(.1)(.b) apply to each of the street frontages;
- (.d) The total of the sign areas permitted in paragraphs 14-402(7)(d)(.1)(.a) and 14-402(7)(d)(.1)(.b) may be combined.

(e) **North of Race Street**

The following sign regulations apply to all properties north of Race Street.

(.1) **Review**

No person may erect or maintain any sign within unless approved by the Art Commission, after consultation with the Planning Commission. The

Art Commission has 60 days to take action, after which its approval will be presumed.²⁴³

(.2) **Allowable Signs**

Allowable signs are limited to the following:

(.a) Wall Signs

Accessory and non-commercial flat wall signs are permitted at a ratio of 2 sq. ft. of sign area per lineal foot of street frontage. The top of such flat wall signs may not extend above the bottom of the second floor of the building on which it is located.

(.b) Freestanding Signs

Accessory and non-commercial signs that are freestanding structures on the ground are permitted at a height not to exceed 15 ft., measured from the average level of the ground to the top of said structure. Freestanding signs are permitted a maximum of 2 sign facings and a maximum of 16 sq. ft. for each sign facing.

(.c) Building Logo Signs

Building logo signs and non-commercial signs that are located above the bottom of the second floor may be permitted upon approval by the Art Commission. The Art Commission has a maximum of 60 days to take action, after which its approval will be presumed. The approval of the Art Commission must take into account the impact of the proposed signage on the skyline and view corridors of Center City and the visual aesthetics of the area. Any sign contrary to the goals and objectives of this Zoning Code must be disapproved.

(.d) Projecting Signs

Within the area bounded by 9th Street, Winter Street, 11th Street and Race Street projecting accessory and projecting non-commercial signs are permitted at a ratio of 2 sq. ft. of sign area per lineal foot of street frontage. Such signs are in addition to the signs permitted in paragraphs 14-402(7)(e)(.2)(.a) through 14-402(7)(e)(.2)(.c) and are subject to Art Commission approval as required by law.

(.e) Highway Directional Signs

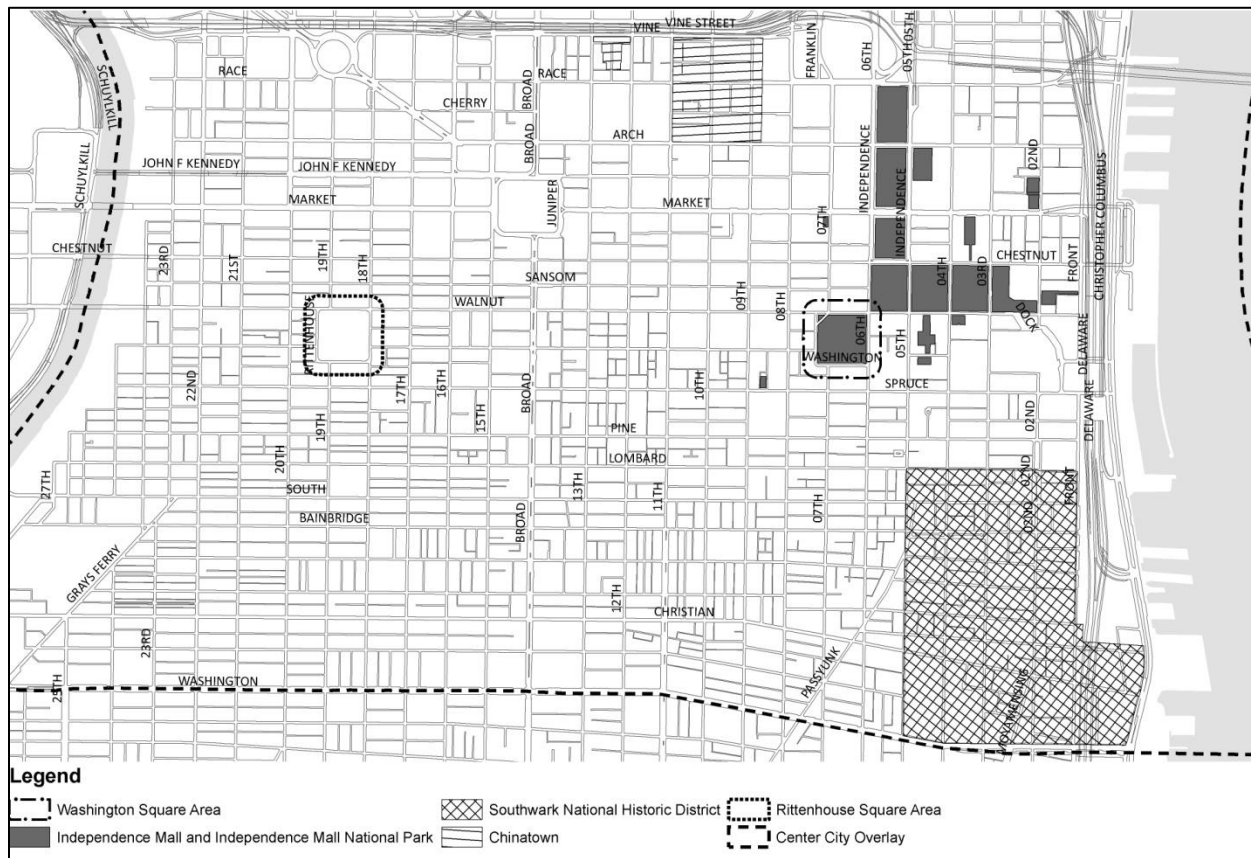
Highway directional signs are permitted, provided that such signs contain no commercial message and do not exceed 20 sq. ft. in area or 10 ft. in height.²⁴⁴

²⁴³ This provision has been added since Module 2 for consistency with 14-201(9).

²⁴⁴ These signs were permitted in Module 2, but standards for the signs have been added.

(f) Temporary Signs

Temporary non-commercial signs and temporary signs providing notice to the public that a property is for sale or for rent are permitted so long as such signs do not exceed a total gross area of 25 sq. ft.²⁴⁵



(f) Washington Square Area²⁴⁶

No sign may be erected or maintained within 150 ft. of Washington Square (if the sign is visible or intended to be visible from Washington Square) unless approved by the Art Commission, after consultation with the Planning Commission. The Art Commission has 60 days to take action, after which its approval will be presumed. This provision does not apply to signs lawfully and permanently in place before January 1, 1992.

²⁴⁵ Provisions governing removal of prohibited signs have been removed because time for removal is long past. Current penalty provisions have been removed because they are redundant with code's general penalty provisions.

²⁴⁶ Moved (and simplified) from the sign regulations in Module 3.

(g) Independence Mall and Independence Mall National Park²⁴⁷

- (.1) No sign or other advertising structure or device person may be erected or maintained on or extending over any street immediately bounding Independence Mall and Independence National Historical Park. This provision does not apply to any sign placed on the front of any building giving in words and/or numerals the name and brief description of the nature of the business or businesses transacted in the building, provided that:
- (.a) the sign does not exceed 10 sq. ft. in area and does not project more than 12 in. from the face of the building, or
 - (.b) is expressly authorized by the Commission as not being inconsistent with the harmony, style and architectural/historical character of the area.
- (.2) No billboard, roof sign, or other advertising structure or device may be erected or maintained elsewhere within 150 ft. of any street bounding Independence Mall and Independence National Historical Park and that is visible from any point within those boundary lines unless L&I determines that the proposed sign:
- (.a) complies with all other applicable requirements of this Zoning Code, and
 - (.b) has been approved by the Commission as complying with the intent this subsection of insuring the preservation of the historical character of and spirit of this national shrine and a style in harmony with its buildings.

(h) Southwark National Historic District²⁴⁸

No animated, flashing freestanding, portable revolving or roof signs may be erected or maintained within the Southwark National Historic District.

(i) Chinatown Area²⁴⁹

Non-accessory and outdoor advertising signs and billboards are prohibited in the area bounded by Race Street, the westerly edge of the Center City Commuter Connection Tunnel east of 9th Street, Arch Street, and 11th Street.

²⁴⁷ These provisions have been moved from 14-609 in Module 3.

²⁴⁸ These provisions have been moved from 14-609 of Module 3.

²⁴⁹ Portions of the Chinatown area overlap with the area north of Race Street. The controls for the area north of Race Street are more restrictive, so the Chinatown controls for that area are not included.

(j) Rittenhouse Square²⁵⁰

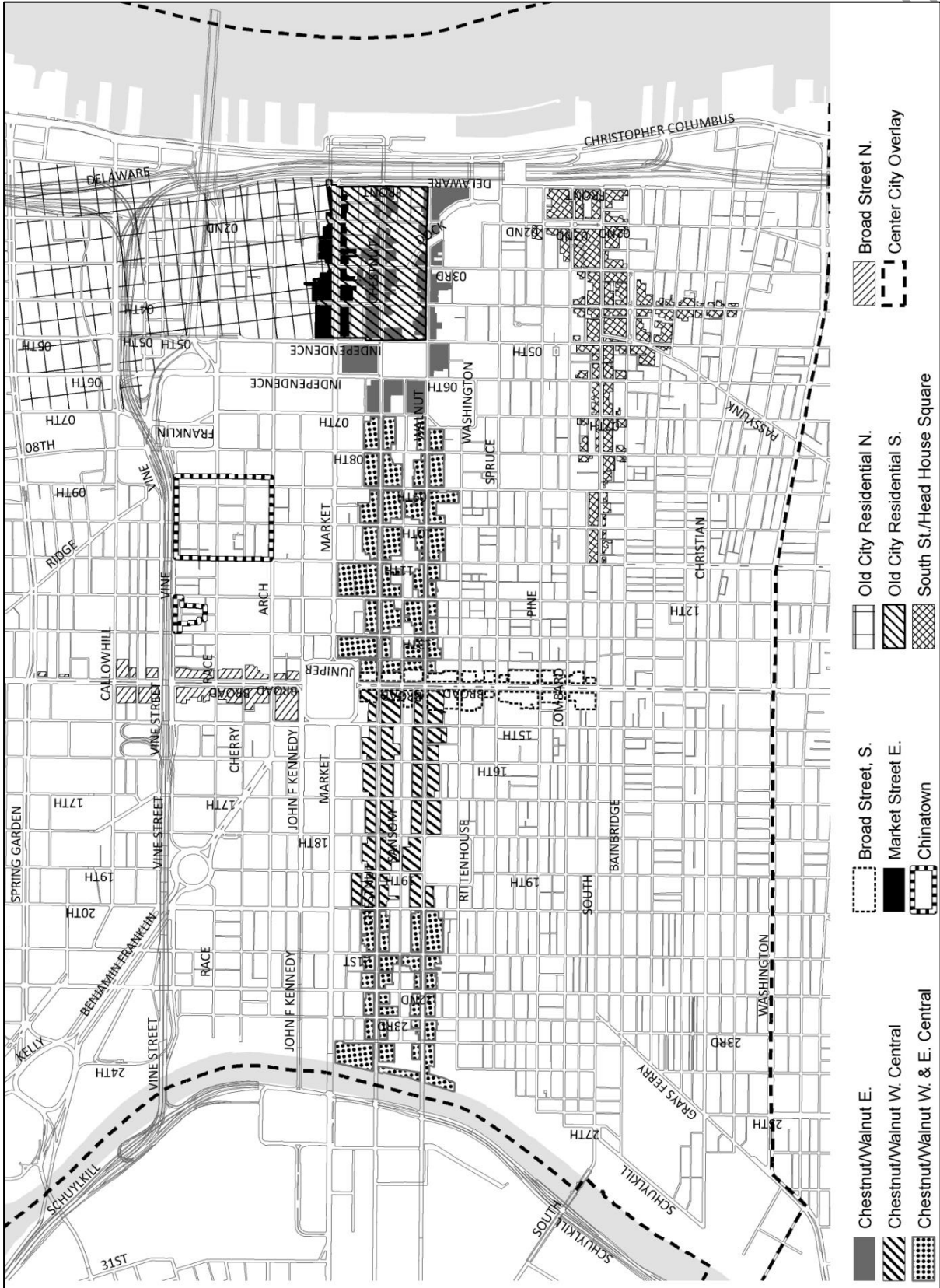
No signs may be erected or maintained within 150 ft. of Rittenhouse Square if such signs are visible from or intended to be visible from Rittenhouse Square. This prohibition does not apply to signs in place before 1950.

(8) Supplemental Use Regulations

The following supplemental use regulations described in the subsections below apply to the areas shown on the map supplemental use regulation map below.²⁵¹

²⁵⁰ Carried over from current 14-2006, and moved from Module 3.

²⁵¹ /CTR maps are a work in progress. Refinements and revisions will occur as reviews proceed.



(a) Use Table²⁵²

Principal uses are allowed within the City Center Overlay District in accordance with the use regulations of the underlying zoning district, except as provided in Table 14-402-1. See 14-504 for regulations governing accessory uses, such as home occupations.

(.1) Use Classification System

For the purpose of this zoning code, uses are classified into use categories and subcategories. These are described and defined in 14-501. Use categories and subcategories are identified in the first column of the use tables.

(.2) Special Exceptions

Uses identified with an “S” in *Table 14-402-1* may be allowed if reviewed and approved in accordance with the special exception procedures in 14-204(4). Special exception uses are subject to compliance with any use standards identified in the final column of the use table and all other applicable standards of this zoning code.

(.3) Prohibited Uses

Uses identified with an “N” are expressly prohibited. Use categories and subcategories that are not listed in the use tables are also prohibited.

(.4) Use Standards

The “use standards” column of the use table identifies use-specific standards that apply to some uses. Unless otherwise expressly stated, compliance with such standards is required regardless of whether the use is permitted as-of-right or requires special exception approval. Numbers in brackets [#] also refer to use-specific standards that apply to some uses. These standards are listed as table notes immediately following the table.

(.5) No Overlay-specific Regulations

When a use is not identified as requiring special exception approval or as expressly prohibited or subject to use-specific standards (i.e., a blank cell), no overlay specific regulations apply and the use is subject only to the use regulations of the underlying zoning district.

²⁵² Since Module 2, area 11(demolition controls) has been deleted from the map and from Table 14-402-1. The Area 11 controls were added in anticipation of convention area expansion, which is not almost complete.

Table 14-402-1: Supplemental Use Regulations in the City Center Overlay District²⁵³

Use Category	Chestnut/Walnut E.	Chestnut/Walnut W. Central	Chestnut/Walnut W. & E. Central	Broad St. S.	Market St. E	Chinatown	Old City Residential N.	Old City Residential S.	South St./ Head House Sq.	Broad St. N.	Standards
N = Not allowed (expressly prohibited) S = Special exception approval required Blank = No overlay-specific regulations apply											
Public, Civic and Institutional											
Utilities and Services, Basic		S[1]		[1]	[1]						
Retail Sales											
Adult-oriented Merchandise	N	N	N	N	N					N	
Consumer Goods, Furniture, Appliances, and Equipment (except as noted below)											
Drug Paraphernalia Sales	N	N	N	N	N					N	14-503(10)
Gun Shop	N	N	N	N	N					N	14-503(10)
Food, Beverages, and Groceries										[6]	14-503(7)
Commercial Services											
Adult-oriented Service (except as noted below)	N	N	N	N	N					N	14-503(10)
Assembly and Entertainment (except as noted below)					N	N	N	N	N		
Eating and Drinking Establishments	[3]	S[3]	[3]	[3]	[3]		N	N	[3]	[3]	
Financial Services (except as noted below)		[2]	[2]								
Personal Credit Establishment	N	N	N	N	N					N	14-503(10)
Parking	[4]	[4]	[4]	[4]	[4]	[4]	[4]				
Personal Services (except as noted below)										N	
Body Art Service	N	N	N	N	N		N	N	N	N	
Fortune Telling Service	N	N	N	N	N		N	N	N	N	
Vehicle and Vehicular Equipment Sales and Services											
All Uses	N	N	N	N	N	N	N		N	[5]	
Wholesale, Distribution, Storage											
All Uses	N	N	N	N	N	N	N			N	

Table Notes:

- [1] Water booster or sewer booster substations, electric transforming or gas regulating substations are allowed in Area 1a subject to special exception approval and prohibited in Area 2 and Area 3.
- [2] Permitted on the ground floor, provided it is an active use; otherwise prohibited.
- [3] Drive-in, walk-up, and take-out service is prohibited except take-out restaurants on Market Street that have at least 20 seats for indoor dining. Restaurants located on the north side of Market Street within Area 3 only allowed if approved as a special exception use.
- [4] Open air parking lots and parking as the sole or main use of a property are prohibited.
- [5] All Vehicle and Vehicular Equipment Sales and Services uses are prohibited except automobile sales lot as part of a franchise new car facility.
- [6] Retail sale of packaged beverages as a main use and the retail sale of malt beverages for takeout as an accessory use is prohibited.

²⁵³ This table has been revised since Module 2 as described in ZCC Change Memo 3.

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(b) Prohibited Buildings

Kiosks are prohibited in Chestnut/Walnut E., Chestnut/Walnut W. Central, Chestnut/Walnut W. & E. Central, Broad St. S. and Market St. E.

(c) Outdoor Sales and Storage

Outdoor sales or storage, including outdoor use of coin operated machines that dispense food or drink are prohibited in Chestnut/Walnut E., Chestnut/Walnut W. Central, Chestnut/Walnut W. & E. Central, Broad St. S. and Market St. E and South St/Head house Sq.

(d) Accessory Speakers²⁵⁴

Any accessory speaker or audio device that causes music or voices to reach the sidewalk area, public arcade, or public entranceway to a building, that is adjunct to any permitted retail use, used to advertise merchandise sold, and/or used to call public attention to the uses of the premises is prohibited.

(e) Public Restrooms²⁵⁵

All new primary buildings constructed after [Insert Effective Date of Zoning Code] that (i) contain more than 100,000 sq. ft. of gross floor area and (ii) are located on lots adjacent to the 30th Street Station, Suburban Station, or Market East Station or underground concourses serving those stations, shall construct public restrooms meeting the following standards.

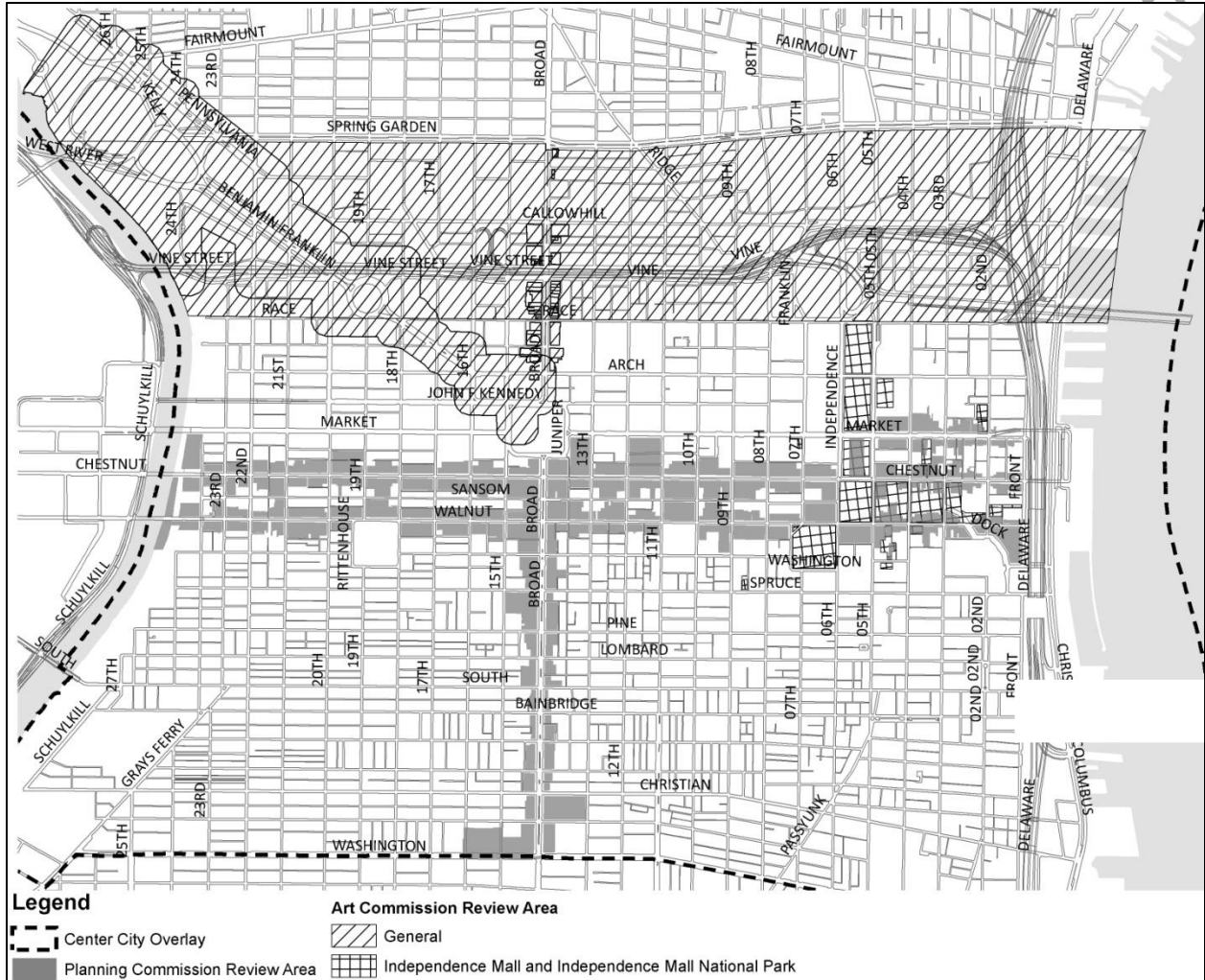
- (.1) The restrooms shall be open to the public during the hours that the building is open to the public.
- (.2) The restrooms shall be located on the first floor.
- (.3) Signage shall be provided so that the restrooms are readily located by pedestrians on an abutting street or public open space.
- (.4) The restrooms shall be maintained by the owner of the building.

(9) Special Review Areas

The following special review requirements apply to the areas described in each subsection and shown on the Special Review Areas map below.

²⁵⁴ Since Module 2, sidewalk café provisions have been deleted because they are handled through an administrative process, and nonconformity regulations have been eliminated because they are addressed in 14-205.

²⁵⁵ This has been changed from a bonus item to a requirement of large buildings adjacent to major transit stations since Module 2.



(a) Planning Commission Review Area

No building may be erected nor any facade altered on any building or land in the Planning Commission Review Area until plans of the facade have been approved by the Planning Commission. The Planning Commission has 60 days to take action, after which its approval will be presumed.

(b) Art Commission Review Area

(.1) General

No building may be erected or altered and no permit for such erection or alteration be issued in the Art Commission Review Area until the Art Commission has reviewed the application. The Art Commission has a maximum of 60 days to review and take action, after which its approval will be presumed.

(.2) Independence Mall and Independence National Historic District

In the Independence Mall and Independence National Historic District review area, no permit shall be issued where the proposed building

would, in the opinion of the Art Commission, be contrary to the intent of insuring the preservation of the historical character of and conformity to the style and spirit of this national shrine insofar as appearance, color, and materials and the architectural style and design of the exterior of the proposed building.²⁵⁶

14-403 /NCA, Neighborhood Commercial Area Overlay²⁵⁷

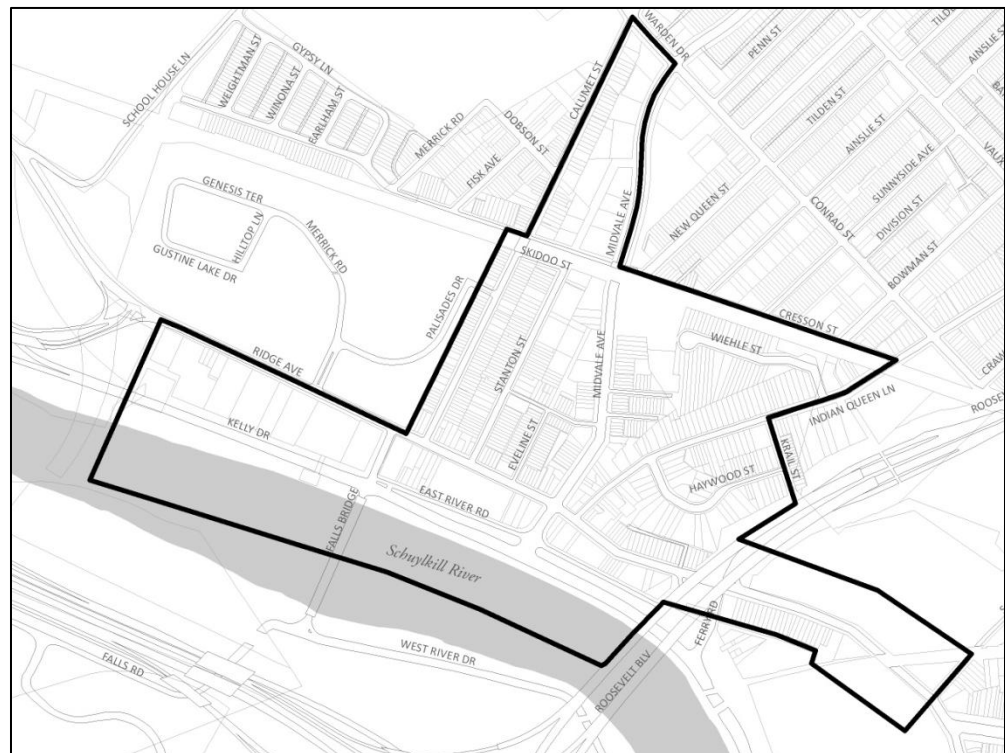
(1) Purpose

/NCA, Neighborhood Commercial Area Overlay districts are intended to preserve the integrity of neighborhood-serving commercial area and to promote and help guide appropriate commercial development.

(2) East Falls Neighborhood

(a) Boundaries

The East Falls /NCA overlay district applies to all C-zoned properties within the area shown on the following map.



²⁵⁶ This provision has been moved into the /CTR overlay since Module 2.

²⁵⁷ Previously called “/NCC.” Since Module 2, generally applicable /NCA overlay regulations have been converted to a CMX-2.5 base zoning district. Only those /NCA subdistricts with unique controls remain in this /NCA section. The North Broad Street area has been deleted because their controls are now included in the new CMX-2.5 base district, to which they will be mapped.

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(b) Regulations²⁵⁸

The following requirements apply in the East Falls /NCA Overlay district:

(.1) Parking

(.a) There must be provided on the same lot, at the time of the erection of any new building or structure, or for the extension of any building or structure, off-street parking spaces in accordance with the following requirements:

- i. The number of required parking spaces for any eating and drinking establishment must be determined by the legal occupancy of the use (as calculated in accordance with Building Code occupancy requirements) at the minimum rate of one space for every 4 persons.
- ii. For uses other than eating and drinking establishments, the number of parking spaces must be provided in accordance with the following schedule:

Building's Gross Floor Area	Spaces required per 1,000 sq. ft. of gross floor area
Up to 2,999 sq. ft.	0
3,000 sq. ft. and over	4

(.b) All required parking must be located either on the same lot or on a lot that is within 1,000 ft. and upon which non-accessory parking is a permitted use. Off-street parking is not allowed between any building line and the street line on lots fronting Ridge Avenue or Midvale Avenue.

(.2) Curb Cuts

- (.a) Curb cuts are prohibited on Kelly Drive;
- (.b) Permitted curb cuts are limited to 1 curb cut per 100 lineal ft. of lot frontage with a maximum width of 20 ft. for any curb cut.

(.3) Building Width

The maximum width of any newly erected building or existing building to which an addition is added that increases the building's frontage

²⁵⁸ Building setback provisions are now covered in the CMX-2.5 base district, to which these areas will be mapped. General setback landscaping requirements have been deleted since the general landscaping standards in 14-607 are now similar.

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along Ridge Avenue and/or Midvale Avenue after January 23, 2001, must comply with the following building width requirements:

- (.a) Buildings or portions of buildings with frontage on Ridge Avenue and/or Midvale Avenue must be constructed so that the total frontage of the building along Ridge Avenue and/or Midvale Avenue and the width of the building at its widest point measured on a line parallel with Ridge Avenue and/or Midvale Avenue does not exceed 100 ft. Buildings with frontage on both Ridge Avenue and Midvale Avenue must be constructed so that the total frontage of the building along each street and the width of the building at its widest point measured on a line parallel with Ridge Avenue and Midvale Avenue does not exceed 100 ft.

(3) Germantown Avenue

(a) Boundaries

The Germantown Avenue /NCA overlay district applies to all C-zoned properties (except for properties zoned “CMX-1” Commercial) with frontage on Germantown Avenue between Chestnut Hill Avenue and Cresheim Valley Road, as shown on the following map.



(b) Regulations

The following regulations apply in the Germantown Avenue /NCA district.

(.1) Height

Buildings in the Germantown Avenue /NCA Overlay district may not exceed 35 ft. in height, except that buildings on corner lots with

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frontage on 2 or more streets may be up 45 ft. in height.²⁵⁹

(.2) **Limitations on Floor Area Used For Commercial Purposes**

- (.a) The maximum amount of net leasable floor area used for commercial purposes in buildings erected after December 28, 1995, may not exceed 4,000 sq. ft.
- (.b) Buildings existing before December 28, 1995, that contain 4,000 sq. ft. or more of net leasable floor area used for commercial purposes may continue to be used, maintained, reconstructed or extended as nonconforming structures and/or nonconforming uses as permitted in 14-205.
- (.c) Existing buildings that contain more than 4,000 sq. ft. of floor area are limited in the amount of net leasable floor area used for commercial purposes to the total amount of floor area of the building existing on December 28, 1995.
- (.d) Buildings existing before December 28, 1995, that contain less than 4,000 sq. ft. of net leasable floor area used for commercial purposes are limited in the amount of net leasable floor area used for commercial purposes to 4,000 sq. ft.
- (.e) Nothing in this section is intended to supersede the requirements of Chapter 14-900:.

(.3) **Building Width**

The maximum width of any newly erected building or existing building to which an addition is added that increases the building's frontage along Germantown Avenue after December 28, 1995, must comply with the following building width requirements:

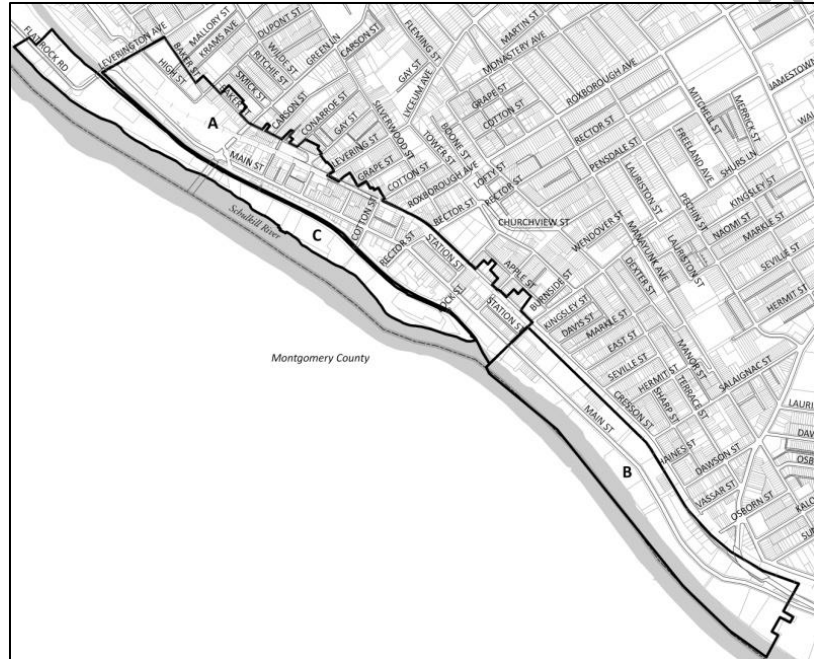
- (.a) Buildings or portions of buildings with frontage on Germantown Avenue must be constructed so that the total frontage of the building along Germantown Avenue and the width of the building at its widest point measured on a line parallel with Germantown Avenue does not exceed 30 ft.

(4) Main Street/Manayunk and Venice Island

(a) Boundaries

The Main Street/Manayunk and Venice Island /NCA district applies to the three subareas shown on the following map:

²⁵⁹ New height controls have been added for Germantown Ave. since Module 2.



(b) Regulations

The following regulations apply in the Main Street/Manayunk and Venice Island /NCA district.

(.1) Height

The following standards apply in Subareas A and B:

- (.a) The maximum height of a building may not exceed 35 ft. above the average ground level at the base of the structure, but in no case over 3 stories.
- (.b) This 35 ft. height limit is applicable to parking garages but the 3-story restriction is not applicable to parking garages.
- (.c) Additions to existing buildings that do not increase the gross floor area of the building by more than 10% may be built to a height (in both ft. and stories) not to exceed the existing building.

(.2) Setbacks and Landscaping

- (.a) Any newly erected building on Main Street or Ridge Avenue within Subarea B, must abut (be built up to) the front property line so as to have no (zero) building setback, but when a retaining wall already exists, a setback for the purpose of

preserving such a wall is allowed²⁶⁰.

- (.b) The following setback requirements apply within Subarea C:
- i. All structures less than 25 ft. in height above the actual ground level at the base of the structure must set back from the Conrail right-of-way a distance equal to the height of the structure but in no case less than 10 ft.;
 - ii. All structures 25 ft. or more in height above the actual ground level at the base of the structure must set back from the Manayunk canal no less than 25 ft. and from the Conrail right-of-way no less than 10 ft.;
 - iii. All open air parking, loading or driveways must set back from the Conrail right-of-way no less than 10 ft.
- (.c) All lots must provide an unencumbered setback a minimum average width of 8 ft. but in no case less than 5 ft. in width from the top of the bank of the Schuylkill River to allow for unrestricted public access to the river's edge.
- (.d) Within the required setback from the top of the bank of the Schuylkill River, all newly erected buildings must provide a public access trail for the entire river frontage of the lot. This trail must be constructed in accordance with standards adopted pursuant to this Ordinance by the Planning Commission. Upon completion of construction, the trail must be dedicated to the city, which will be responsible for its ownership and maintenance as a public pedestrian right-of-way.

(.3) **Parking in Subareas A and B**²⁶¹

Parking for Eating and Drinking Establishments located in Subareas A and B shall meet the following standards notwithstanding any other parking requirements applicable to those uses in the C districts.

- (.a) The number of required parking spaces for any Eating and Drinking Establishment shall be determined by the legal occupancy (pursuant to the Philadelphia Building Construction and Occupancy Code) of the use as follows:

²⁶⁰ Requirements for Planning Commission approval of retaining wall setbacks have been removed.

²⁶¹ The requirement for a special exception permit has been deleted. These currently apply to dance halls and nightclubs. The special parking standards for restaurants or nightclubs in hotels have been deleted. Instead the different parking ratios for each use in 14-702 will apply to the nightclub area and the hotel area of the building. Special parking requirements related to the completed US Riverview movie theater have been deleted. Since Module 2, these provisions have been moved from 14-700.

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Use	Spaces Required
Restaurant	1 space per 4 occupants
Other Eating and Drinking	1 space per 2 occupants

(.b) All required parking shall be located either on the same lot as the Eating or Drinking Establishment or on an abutting lot, or on a non-abutting lot (where parking is a permitted primary use or an approved special exception of land) within 1,000 ft. of the Eating or Drinking Establishment.

(.c) Any required parking that is located on a lot other than the same lot as the Eating or Drinking Establishment or on an abutting lot shall also be located within the geographic boundaries set forth in these two Subareas.

(.4) **Parking in Subarea C**

The following parking requirements apply in Subarea C:

(.a) For every dwelling unit created after December 30, 1999, there must be provided one off-street parking space in accordance with the following schedule:

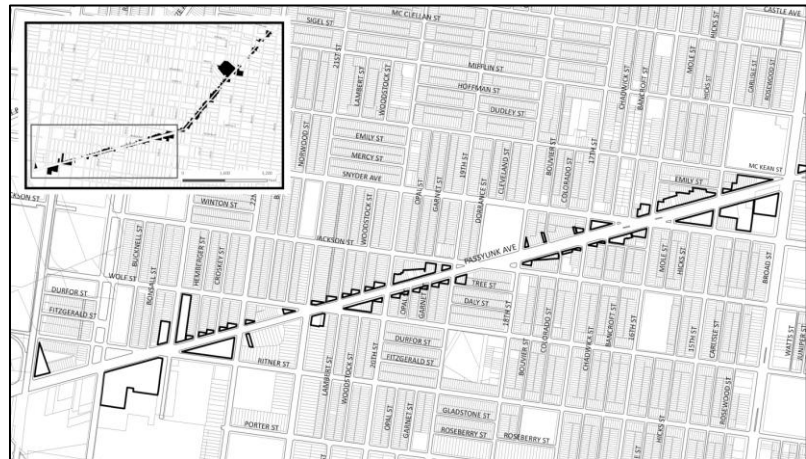
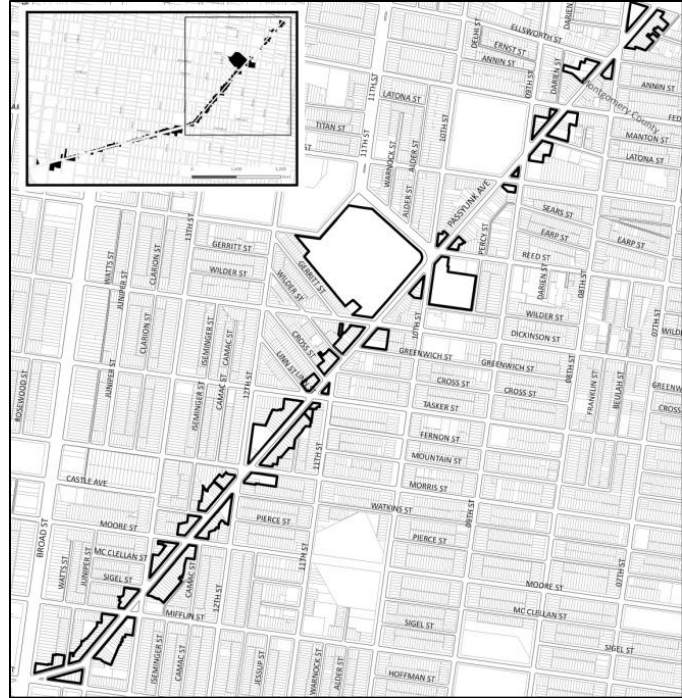
Unit	Spaces Required
Efficiency and 1-bedroom Units	1 space per unit
Additional Bedrooms	1 space per bedroom

(.b) Notwithstanding any other provisions of this Zoning Code, this off-street parking requirement applies to all new and existing buildings regardless of the date of construction of the building.

(5) Passyunk Avenue

(a) Boundaries

The Passyunk Avenue /NCA Overlay district applies to all parcels within the boundaries shown on the following maps.



(b) Regulations

The following regulations apply within the Passyunk/NCA Overlay district.

(.1) Signs

No sign shall be erected or maintained without the approval of the Art Commission.

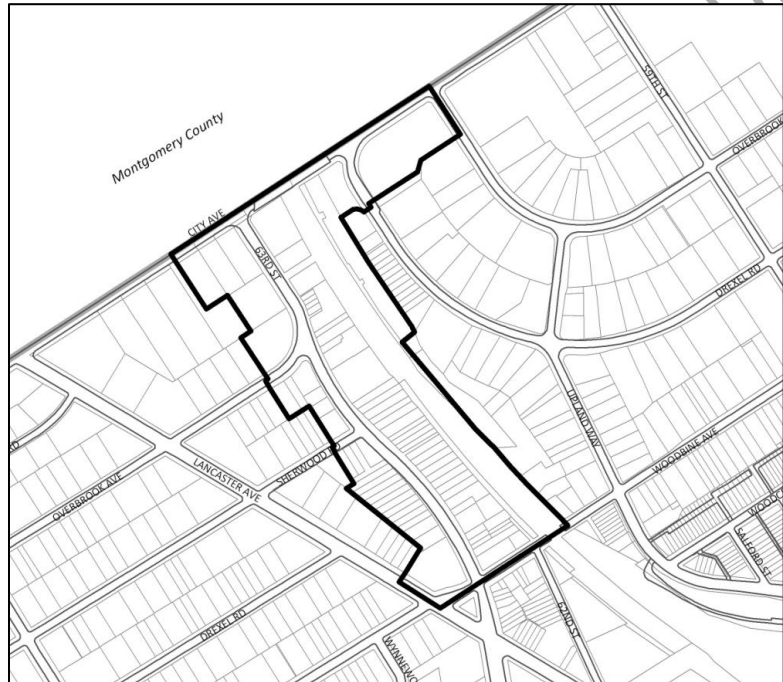
(6) Overbrook Farms²⁶²

(a) Boundaries

The Overbrook Farms /NCA Overlay district applies to all parcels within the

²⁶² This new overlay district was approved by Bill No. 090071, approved December 1, 2009. This section includes those controls that are not included in the CMX-2.5 district, which will be the base district for this area.

boundaries shown on the following map.



(b) Regulations

The following regulations apply within the Overbrook Farms /NCA Overlay district.

(.1) Additional Permitted Uses

On RSA-3-zoned parcels with frontage on 63rd Street, office uses are permitted in addition to uses allowed by the underlying zoning.

(.2) Design Standards

(.a) The Overbrook Farms design standards of this subsection apply to all properties within Overbrook Farms /NCA Overlay district except for those properties fronting on City Avenue between Drexel Road and Overbrook Avenue.

(.b) Original materials, including storefronts, windows, walls, cornices, bays, and roofs of buildings, shall be repaired or replaced with matching materials or details.

(.c) The design of new buildings shall be consistent with the character defining features of the Overbrook Farms National Historic District, in terms of massing, vertical and horizontal articulation, proportion of window openings to wall area, and building materials.

(.3) **Review and Approval**

No building shall be erected, no building permit shall be issued, and no facade shall be altered on any building unless a certificate of compliance is first issued by the Planning Commission. The Planning Commission shall issue a certificate of compliance if, based on a review of such plans and materials as the Commission shall require, the proposed alterations are in conformance with the Design Standards of 14-403(6)(b)(.2). The Planning Commission shall have 60 days to approve or refuse a certificate of compliance, after which its approval shall be presumed. The issuance or denial of a certificate of compliance shall be appealable to the Board of License and Inspection Review in the same manner as the issuance or denial of a building permit.

(.4) **Property Maintenance Requirements**

No property owner shall allow any exposed architectural elements or appurtenances to exhibit any “substantial conditions” of deterioration, including peeling paint, rotting wood, rusted metal, accumulated grime, or bent, broken or distorted surfaces. “Substantial conditions” shall be considered 20% or more of the surface area.

(.5) **Signs**

Signs shall be permitted in the Overbrook Farms /NCA Overlay district only on properties containing the additional permitted uses identified in 14-403(6)(b)(.1) and only subject to the following regulations:

- (.a) Non-accessory outdoor advertising signs are prohibited;
- (.b) Signs shall not be erected nor project above the roof line or wall coping;
- (.c) Signs shall be permitted at a ratio of one square foot, per lineal foot of street frontage. For corner buildings with one side on 63rd Street, building frontage for calculation of sign area is that facing 63rd Street only;
- (.d) Only the following types of signs shall be permitted. A total of only 3 signs shall be permitted for each property, from the following:
 - i. One flat wall sign per street front. The top of such sign shall extend no higher than the bottom of the window sill, or bottom of projecting bay located at the second story of the building, or 14 ft. above the street line, whichever is lowest. No sign shall obscure or extend across a glazed transom or other window opening. In no case shall any sign exceed 40 sq. ft. in area. The copy of such signs shall not be

- less than 6 in. in height;
- ii. One projecting sign, provided that it is limited to a maximum surface area of 12 sq. ft. per face, and the top of such sign shall extend no higher than the bottom of the window sill or projected bay located on the second story of the building facade, or fourteen ft. above the sidewalk, whichever is lowest. The bottom of the sign shall be no lower than 8 ft. above the sidewalk. The copy of such sign shall not be less than 6 in. in height;
 - iii. One storefront window sign provided that it is limited to a maximum area of 10% of the window area. Such sign shall be limited to individual letters or numerals on the window glass itself. Poster signs are prohibited;
 - iv. Awning sign: One awning sign per street front, as an alternative to a flat wall sign. The bottom of any awning or canopy shall be at least 8 ft. above grade or sidewalk. The sign copy shall be limited to the front plane of the canopy. The top of the awning or canopy may not extend above the sill line of the second floor windows, or 14 ft. above grade. Backlit awnings are not permitted;
- (.e) Signs may be externally illuminated; provided the illumination shall be focused upon the sign itself, so as to prevent glare upon surrounding areas;
 - (.f) Box type internally illuminated signs (except for backlit “halo” signs, neon tubing and individual letters affixed to the building or windows of the building) shall be prohibited;
 - (.g) All signs, including support hardware, shall be removed at the end of their useful life;
 - (.h) Sign lettering and other graphic information shall be neatly and evenly formed, surfaces shall be true and properly prepared and finished and joints shall be neatly formed;
 - (.i) Lawful non-conforming signs shall not be repaired, altered or moved in any substantial manner, and shall be removed at the termination of their useful life.

14-404 /NCO, Neighborhood Conservation Overlay District²⁶³

(1) Purposes

The /NCO, Neighborhood Conservation Overlay district is intended to:

- (a) Promote the public welfare of the city by encouraging conservation and preservation through the revitalization of the physical environment of that is unique to a specific neighborhood;
- (b) Provide a reasonable degree of control over the alteration and improvement of the exterior facades of existing buildings and the design of new construction to preserve the aesthetic fabric of these areas;
- (c) Enhance the city's attractiveness as a place to live, work and enjoy its cultural, social and historical opportunities and also to foster a renewed feeling of pride in one's neighborhood;
- (d) Complement the goals of the Planning Commission and the Historical Commission as they all seek to develop, revitalize, preserve, and conserve the many diverse and historic neighborhoods of the city; and
- (e) Promote building improvements and to maximize the economic, social, and educational value of neighborhood transformation.

(2) Design Guidelines

The design guidelines adopted as part of each /NCO district may²⁶⁴ address the following:

- (a) Alterations to architectural features of existing buildings that are visible from a public street;
- (b) The new construction or expansion of a building; and
- (c) Construction of a new building or use of a vacant property after substantial demolition of an existing building on a property.

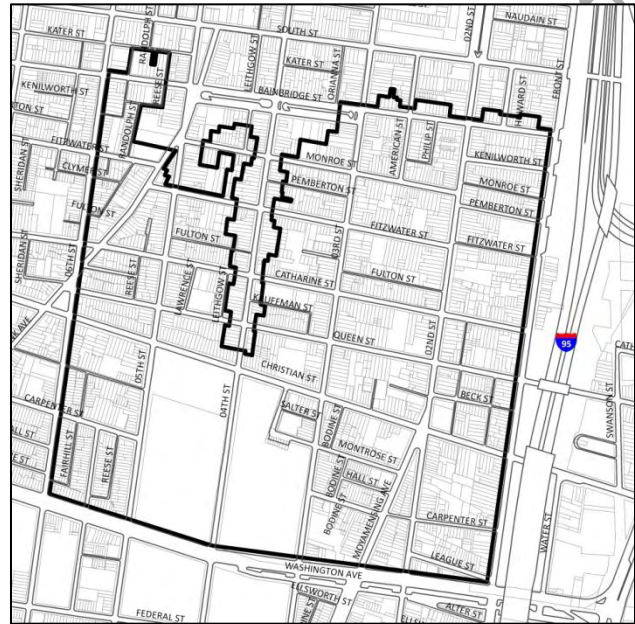
(3) /NCO-1, Queen Village Neighborhood Conservation Overlay District

(a) District Boundaries

The /NCO-1, Queen Village Neighborhood Conservation Overlay district contains the area shown on the following map.

²⁶³ Carried over from current code with changes as noted. Procedures to create an /NCO district, as well as administrative and enforcement provisions, are now found in 14-200.

²⁶⁴ The current draft says that they must address these factors, but this revised language makes the overlay more flexible for future use. Certificates of compliance are no longer required for new /NCO districts, but remain a requirement in the approved Queen Village NCO district.



(b) Area Regulations for Residential Structures

These regulations will apply to R-zoned properties, regardless of use, and to properties that are permitted by the department for exclusive residential use.

(.1) Building Setback Line

Buildings with legal street frontage must have no front setback with the exception of buildings with a street frontage of 20 ft. or more on a single street. Buildings on corner lots may have front setbacks from all street frontages only if a fence wall is constructed upon the property line where the setback is used, and the space between the fence wall and the building contains at least one tree as approved in the Planning Commission plantings list.

(.2) Height Regulations

On streets with a width of 21 ft. or less, including the cartway and legal sidewalks, new construction may not exceed 22 ft. in height to a cornice line, before either:

- (.a) Recessing on a plane, a minimum of 45 degrees, to the maximum height allowable in the underlying zoning district or any applicable zoning overlay; or
- (.b) Stepping back from the front property line 8 ft. to a vertical wall that may extend to the maximum height allowable in the underlying zoning district or any applicable zoning overlay.

(c) Design Guidelines for Residential Structures

These regulations will apply to R-zoned properties, regardless of use, and to

properties that are permitted by the Department for exclusive residential use.

(.1) **Requirements for Both New Construction and Alterations**²⁶⁵

- (.a) Where street frontage of a new building exceeds 20 ft. on a single street or where an existing building is extended to exceed 20 ft. on a single street, the façade facing that street must be broken up by offset planes, roofline variations or other architectural features including, but not limited to, bay windows or setbacks.
- (.b) Residential buildings must have a habitable room on the front of the first floor. A habitable room will be defined in the Property Maintenance Code, Section PM-202.0.
- (.c) New utility meters must be hidden from view from the street frontage.

(.2) **Windows**

Windows along the street front of first floor habitable rooms must:

- (.a) Have a maximum height of 4 ft. 6 in. from the bottom windowsill to the sidewalk;
- (.b) The overall window height must be at least 4 ft. from sill to head; and
- (.c) The minimum aggregate width of the window, in lineal ft., must be at least 33% of the total lineal frontage of the first floor.

(.3) **Parking**

- (.a) Front garages will only be permitted where there is a habitable room on the first floor and the window requirements for that habitable room are met.
- (.b) Open-air parking spaces may not be visible from the street frontage.
- (.c) New curb cuts may not exceed 10 ft. in width for a single space, 20 ft. for a double space.
- (.d) For new construction of 2 or more units within a row, parking spaces or garages must be placed directly adjacent to one another, except where the Planning Commission determines it

²⁶⁵ A current requirement that “new doors must be placed at least one foot above the sidewalk” was deleted, since it has raised concerns about visitability of residential units and ease of access to commercial development.

impracticable.

- (.e) Parking lots visible from the street must have a requirement of 10% of their total area to be landscaped with plants to come from the approved Planning Commission list.

(.4) **Roof Decks**

Roof decks must be setback at least 8 ft. from the front property line, or, a parapet at least 42 in. high may be used to enclose the front of the deck.

(.5) **Materials**

- (.a) Vinyl, stucco or cement board siding may not be used on the front façade of a building, with the exception of garage doors, main doors and fenestration.
- (.b) Projecting bay windows that face a street may not be constructed of stucco.
- (.c) Parking lots visible from the street may not be constructed of asphalt or slab concrete paving materials.
- (.d) Rear walls of buildings must be faced with masonry materials, including stucco, but if the rear of a structure is visible from a street, the material used must be consistent with the front façade of the building.
- (.e) Railings for roof decks may be up to 50% opaque and may not be constructed of unfinished wood.
- (.f) Fences may not be constructed of unfinished wood or chain link fencing materials.
- (.g) A light illuminating the sidewalk must be installed adjacent to the front door of all newly constructed front facades. The illumination must be controlled via a timer.

(.6) **Commercial and Industrial Structures in R districts**

These regulations will apply to properties zoned commercial or industrial, other than properties permitted by the department for exclusive residential use.

(.7) **Building Setback Line**

Buildings with legal street frontage may not have front setbacks.

(d) Design Guidelines for C-zoned and I-zoned Structures

These regulations will apply to C- or I-zoned properties other than properties permitted by the Department for exclusive residential use. They apply to new

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construction and alterations.

(.1) **Parking and Loading**

New off-street parking and loading areas must be hidden from the main street frontage.

(.2) **Materials**

The materials used in the construction of a new structure or façade must be of similar material to that used on the nearest residential structures fronting on the same street as the property under review.

(e) **Certificates of Compliance Required²⁶⁶**

(.1) Within the /NCO-1 overlay district a certificate of compliance is required in the following circumstances:

(.a) to alter the exterior of a building if the alteration will be visible from a public street;

(.b) to demolish a building, or

(.c) to construct a building.

(.2) This certificate of compliance is required in addition to all other permits and approvals required by law, including, but not limited to, building permits and zoning and use registration permits required under 14-200.

(.3) The Planning Commission will issue a certificate of compliance if it finds the application in compliance with the design guidelines adopted for the /NCO district. It may attach conditions that are reasonably required to meet the purposes of this Zoning Code. In making its determination, the Planning Commission may consult with the Historical Commission.

(.4) If the Planning Commission does not issue a certificate of compliance or a written denial of an application for 30 days after it receives an application with all required information, the Planning Commission will be deemed to have issued the certificate of compliance without conditions.

14-405 /NCP, North Central Philadelphia Overlay District

(1) **Purposes**

The /NCP, North Central Philadelphia Overlay district is established to help:

(a) preserve and protect the area from the conversion of houses into multi-dwelling

²⁶⁶ The certificate of compliance requirement now applies to only /NCO-1 (Queen Village). An /NCO overlay can be approved without the need for a certificate of compliance process.

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buildings that have the potential to destabilize the area;

- (b) sustain and promote single-family residential uses;
- (c) prevent declining property values;
- (d) discourage nonresidential parking as a main use; and
- (e) foster the preservation and development of this section of the city in accordance with its special character.

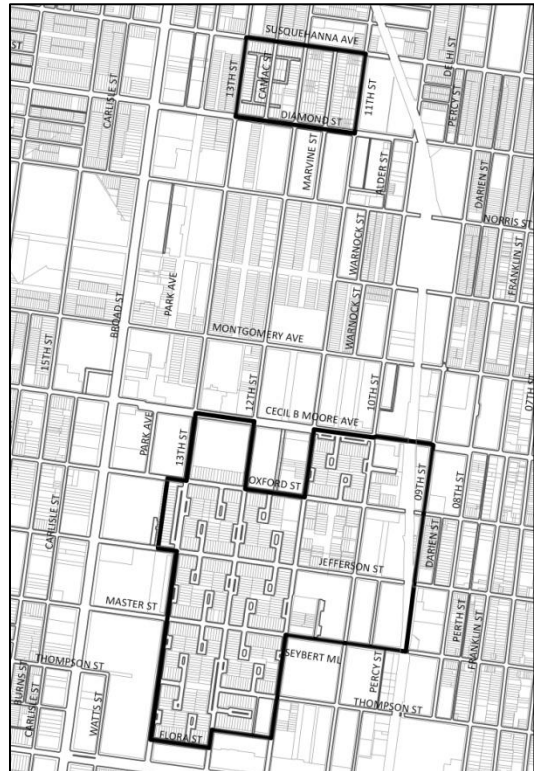
(2) District Boundaries

The /NCP district regulations apply to all R-zoned properties within areas shown on the map to the right.

(3) Use Regulations

The following uses are prohibited in the /NCP district:

- (a) Multi-dwelling buildings;
- (b) Rooming houses;
- (c) Boarding houses;
- (d) Student housing not owner-occupied; and
- (e) Fraternity and sorority houses.



14-406 /DRC, Delaware River Conservation Overlay District

(1) Purposes

The purpose of the /DRC, Delaware River Conservation Overlay district is to further enhance the quality of life in Philadelphia by promoting and protecting a system of parks and trails along the North Delaware River called the “Delaware River Greenway.”

(a) Boundaries

- (.1) The boundaries of the district are the south side of Allegheny Avenue on the south; the Philadelphia/Bucks County line on the north; the western Bulkhead Line of the Delaware River as amended by the Secretary of War on September 10, 1940 on the east; and a line 50 ft. west of the eastern boundary on the west, as shown on the following maps.



(.2) If, due to erosion, accretion or human activity, the top of the west bank of the Delaware River has substantially moved away from the western Bulkhead Line, then the most westerly line along the top of the west bank is the eastern boundary of this district. Any discrepancies between the physical top of the bank and Bulkhead Line along the west bank of the Delaware River will be surveyed by the District Surveyor and the Board of Surveyors of the Streets Department will keep the survey on file and available for public inspection.

(2) Use Regulations

(a) Permitted Uses

In addition to any uses permitted by a property's underlying zoning, the following uses and accessory structures are permitted in the district:

(.1) Recreational trails, which must conform to any design regulations adopted by the Planning Commission.

- (.2) Parks or open space for recreational purposes.
- (.3) Outdoor furniture and fixtures typically appurtenant to recreational trails, parks, and outdoor public recreation space, including but not limited to benches, fencing, guide rails, lighting and informational signs.

(b) Uses Requiring Planning Commission Approval

The following additional uses may be allowed in the /DRC district only if the Planning Commission determines that they are compatible with the open space uses listed above and they are included in an approved Plan of Development:

- (.1) Dock or port related activities, including docking or wharfing of ships for transfer of goods and related commercial trade activities;
- (.2) Private marina and boat storage in areas designated by the city for launching watercraft into the Delaware River;
- (.3) Pipelines and conveyors that transfer material from shipping on the Delaware River across the west Bulkhead Line of the river to a point inland, over or under the recreation path, park, or other open space, and that allow sufficient clearance for safe recreational use, maintenance, and repair thereof; and
- (.4) City-owned facilities of any type.

(c) Prohibited Uses

The following uses are prohibited within the /DRC Overlay district:

- (.1) Freestanding accessory advertising signs.
- (.2) Non-accessory advertising signs.
- (.3) Any new structures, other than as expressly identified in this section.

(3) Zoning Permit Procedures

Before a zoning permit may be issued for any development in the district, the Planning Commission must review the application and accompanying plans. If the Planning Commission determines that all proposed uses in the application are permitted as of right by this section and the application otherwise is in compliance with this section, the Planning Commission must approve the application and forward it to the Department of Licenses and Inspections for any further zoning review or issuance of the permit.²⁶⁷

²⁶⁷ Removed provision authorizing ZBA to hear appeals since the administration and procedures provisions of Chapter 2 already address such authority.

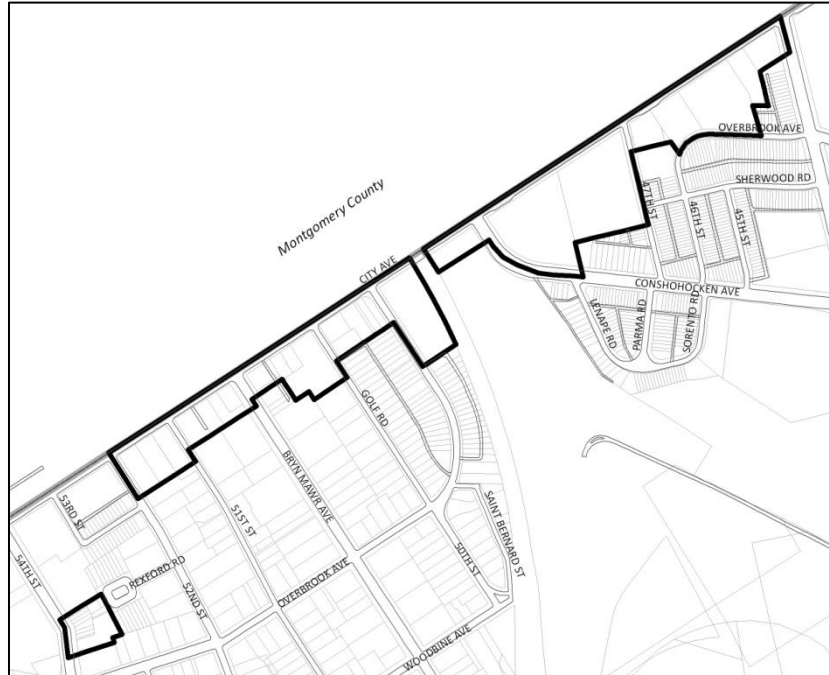
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14-407 /CAO, City Avenue Overlay District²⁶⁸

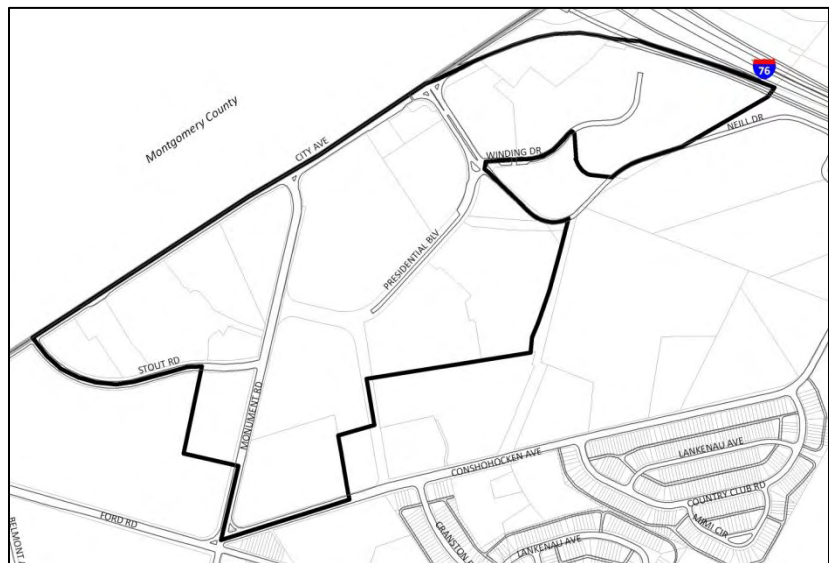
(1) Boundaries

The City Avenue Overlay district applies to all parcels within the boundaries shown on the following two maps.

(a) Village Center Area

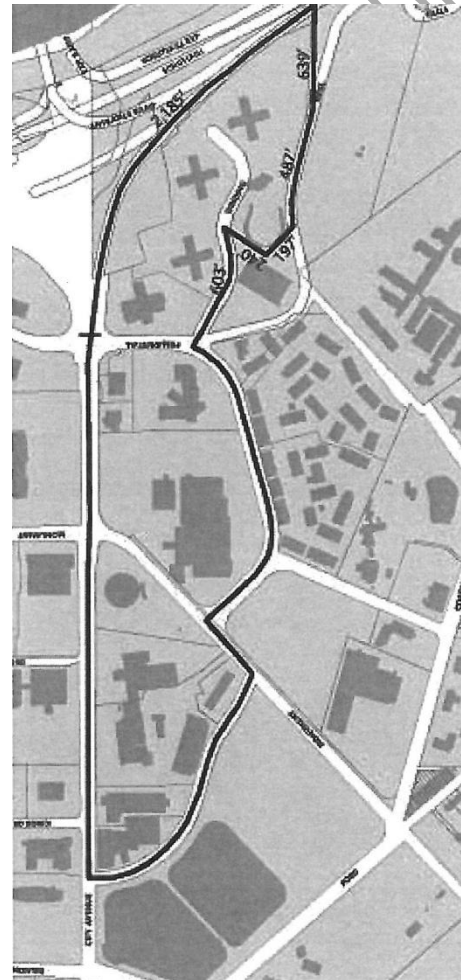


(b) Regional Center Area



²⁶⁸ This new overlay district was approved by Bill No. 090071, approved December 1, 2009. This section includes those controls that are not included in the CMX-2.5 district, which will be the base district for this area.

(c) **Maximum Height Map**



(2) **Regulations**

(a) **Occupied Area**

The occupied area shall be limited to 80% of the lot area.

(b) **Front Setback**

The following front setback requirements apply:

- (.1) The front setback line shall be situated parallel to the street frontage lot line, within the depth of the lot.
- (.2) In the Regional Center, buildings fronting City Avenue shall be located a minimum of 25 ft. and a maximum of 40 ft. from the street curb edge. Buildings fronting other streets shall be located a minimum of 20 ft. and a maximum of 30 ft. from the street curb edge.
- (.3) In the Village Center, buildings shall be located a minimum of 20 ft. and a maximum of 30 ft. from the street curb edge.
- (.4) The primary pedestrian access point shall be located on street frontage.

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- (.5) Parking lots, driveways, loading zones, and other auto-related areas are prohibited at or in front of the setback line.
- (.6) Unless otherwise required by this section, fencing, hedges, and other continuous barriers are prohibited between the curblines and the front setback line.
- (.7) In the Regional Center, the location of the face of the building may be extended up to 20 ft. further from the street curb if the additional area is used as a public gathering space or for outdoor dining.

(c) Side Yard Setbacks

- (.1) There is no required minimum side yard setback. However, if a new or expanded structure is not built-up to the side lot line, the new or expanded portion of the building must be setback a minimum of 10 ft. from the side lot line.
- (.2) The maximum side yard setback is 25 ft.
- (.3) For a corner lot immediately contiguous to a residential use in a residential district, the side yard on the residential street shall be at least equal in depth to the side yard (or rear yard as applicable) requirement in such residential district.

(d) Rear Yard Setbacks

- (.1) Except as provided in 14-407(2)(d)(.2), for a building used for commercial purposes located on a lot that backs up to a commercially zoned lot, a rear yard is not required.
- (.2) Residential buildings shall have a minimum rear yard depth of 15 ft. except where residential uses are located over parking or commercial uses, in which case the residential portion of the building shall be setback a minimum 15 ft. from the rear lot line.
- (.3) For a building located on a lot that backs up to a residentially zoned lot, a rear yard setback of 15 ft. is required. The lot must also comply with the minimum buffer requirements set forth in 14-407(2)(i) as applicable.

(e) Lot Width

- (.1) There is no minimum lot width.
- (.2) Where new development is proposed on any existing lot wider than 600 ft., the developer is encouraged to provide a public access vehicular and pedestrian way through the lot such that lot frontage between two streets (including the public access way) does not exceed 600 ft.

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(f) Impervious Cover

- (.1) Regional Center: Impervious cover is limited to 80% of the lot area.
- (.2) Village Center: Impervious cover is limited to 85% of the lot area.

(g) Building Height

- (.1) The minimum height of any building shall be 2 stories or 25 ft. above grade.
- (.2) Except as provided in 14-407(2)(g)(.2)(d) the maximum height of any building in the Regional Center shall be as follows:
 - (.a) The maximum height of any building not within the area identified on the Maximum Height Map shall be 120 ft. as measured from the average grade of the parcel.
 - (.b) The maximum height of any building within the area identified on the Maximum Height Map shall be 300 ft. as measured from the average grade of the parcel.
 - (.c) The maximum height of any building in the Village Center shall be 65 ft., as measured from the average grade of the parcel, except as provided in 14-407(2)(g)(.2)(d).
 - (.d) A penthouse for elevators, stairways or mechanical equipment shall not be included in measuring the height of a building containing both commercial and either residential or hotel uses if the enclosed area occupies less than 50% of the floor area of the story below and is set back a minimum of 20 ft. from the exterior walls of the building.

(h) Building Bulk and Spacing

- (.1) For buildings 65 ft. or less, there are no building bulk or spacing requirements, except as limited by other provisions of this section.
- (.2) For buildings over 65 ft. and up to 120 ft. in height, the maximum building diagonal dimension shall be 320 ft. Minimum spacing between buildings shall be 60 ft.
- (.3) For buildings from 120 ft. to 200 ft. in height, the maximum building diagonal dimension shall be 250 ft. Minimum spacing between the building and another building between 65 ft. and 120 ft. high shall be 65 ft. Minimum spacing between the building and another building between 120 ft. and 200 ft. high shall be 200 ft.
- (.4) For buildings from 200 ft. up to 300 ft. in height, the maximum building dimension in any direction shall be 200 ft. The maximum building

diagonal dimension shall be 210 ft. Minimum spacing between the building and another building between 200 ft. and 300 ft. high shall be 300 ft. Minimum spacing between the building and another building between 120 ft. and 200 ft. high shall be 200 ft. Minimum spacing between the building and another building between 65 ft. and 120 ft. shall be 100 ft.

- (.5) For an "L"-shaped building, the diagonal dimension shall be measured between the two points of the "L" furthest from one another.
- (.6) Minimum spacing between buildings requirements shall not apply to college or university uses or SP-INS districts.

(i) Buffer Area

- (.1) Where a development abuts a residential use in a residential zoning district (regardless whether a street separates the development from the residential use), there shall be a buffer area along the district boundary line within the City Avenue Overlay district.
 - (.a) In the Regional Center, the depth of this buffer shall be at least 20 ft. Where the district boundary line is the center of a street or at a street line, there shall be a 20-foot wide planted landscape area along the setback line in the City Avenue /NCA Overlay district between the building and street lot line.
 - (.b) In the Village Center the depth of the buffer shall be at least 10 ft.
- (.2) The buffer area shall be planted with street trees and shrubs.
- (.3) There may not be more than one combined vehicular entrance and vehicular exit through the buffer area to any street, except for corner lots which may have one combined entrance and exit on each street.

(j) Required Amount of Parking

- (.1) Parking for new and redeveloped structures within the City Avenue Overlay district shall be calculated by using the values noted below. In the event of a conflict between the provisions of this subsection and 14-700, the provision of this subsection shall control.

Land Use	Required Parking
Theater	Max. 1/5 seats
Hotel	Min. 1 /2 rooms; Max. 1 /1 room
Residential	1/unit
All Permitted Uses	Max. 4/1,000 sq. ft. of net leasable area

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(k) On-site Parking Standards

- (.1) At-grade, above- or below-ground parking and loading facilities shall be permitted as an accessory use.
- (.2) Surface parking lots and exterior loading areas shall be placed between the structure and a rear lot line, but not located in the buffer zone. On a corner lot, if the Planning Commission determines that it would be impractical to place surface parking or exterior loading behind the buildings, the Commission may authorize placement elsewhere, but not on City Avenue.
- (.3) Off-street surface parking and loading shall not extend more than 60 ft. in width along any street frontage.
- (.4) Only one curb cut/driveway is permitted on each street frontage of each lot. Maximum curb cut/driveway width is 22 ft. Where a lot has frontage on two streets, principal access shall not be from City Avenue.

(l) Drive-Thru Windows

- (.1) In the Regional Center, drive-thru windows for commercial uses shall be prohibited.
- (.2) In the Village Center, drive-thru windows for commercial uses shall be prohibited, except where the drive-thru is located at the rear of the building, and ingress/egress to the lot is limited to one curb cut.

(m) Off-Site Parking

Off-site parking as an accessory use is permitted in the City Avenue Overlay district subject to the regulations set forth below.

- (.1) When land uses on adjacent lots within the District create shared parking areas with circulation paths and access points that are under common ownership or controlled by a reciprocal easement agreement, the collective parking requirements for development on those properties may comply with the required parking values listed in 14-407(2)(j). Documentation confirming the ownership and/or management arrangement shall be submitted to L&I at the time of zoning application. The agreement must demonstrate a long-term commitment for the use of the off-site shared parking, such as a legal easement included in the deed or lease, with a minimum length of 30 years.
- (.2) Required parking may be provided off-site, provided:
 - (.a) Off-site parking must be within 1,000 ft. of the development using a sidewalk or other public pedestrian way continually

accessible to the public, measured from lot line to lot line;

- (.b) Both the development and the parking facility comply with the design standards within this section;
- (.c) An easement agreement or other documentation that the private parking facility owner agrees to make the spaces available to the proposed off-site development shall be submitted to L&I with the zoning application. The off-site parking spaces may not be designated as required parking for some other use. The agreement must demonstrate a long-term commitment for the use of the off-site shared parking, such as a legal easement included in the deed or lease, with a minimum length of 30 years; and
- (.d) The off-site parking must be otherwise permitted by this Code on the lot where it is located.

(n) Car Share Parking

Car share parking spaces shall be provided for all new developments containing over 100 residential units or 100,000 sq. ft. of commercial space at the rate of at least 1 space per 100 units or 1 space per 100,000 sq. ft. of commercial space. Such space may be included in the total parking requirements under 14-407(2)(h). For every car share space provided for a residential or hotel use, the total required parking under 14-407(2)(h) may be reduced by 4 spaces, up to 40% of the total required spaces.

(o) Bicycle Parking

Convenient bicycle facilities shall be provided as follows:

- (.1) For residential uses, there shall be 1 bicycle space or bicycle locker for every 3 dwelling units or portion thereof;
- (.2) For commercial uses, there shall be 1 bicycle space or bicycle locker for every 20 automobile parking spaces or fraction of that amount.

(p) Loading

- (.1) Areas used for loading or trash collection purposes shall either be located indoors or shall be located no closer than 50 feet from any residential zoning district and shall not be located in the buffer zone; or
- (.2) Loading and trash collection areas shall be screened from public view.

(q) Floor Area Ratio²⁶⁹

Regional Center and Village Center. The maximum floor area in the City Avenue Overlay district shall be 350% of lot area, subject to available density bonuses under 14-602. Maximum floor area with density bonuses shall be 450%.The gross floor area of above ground parking structures is included in FAR.

(r) Development Design Standards

- (.1) No building shall be erected, nor any facade altered unless the site layouts and landscaping plans of the building and facades have been reviewed and approved by the Planning Commission for conformance with the development design standards set forth in 14-407(2)(s) through 14-407(2)(x). The Planning Commission may grant exceptions from a strict interpretation of the design standards, where the Commission finds that the proposed design meets the overall design principles and overall design intent of the standards through alternative means. The Planning Commission shall have 60 days to take action, after which its approval shall be presumed. The Planning Commission shall not issue any approval under this subsection unless the Art Commissioner has first issued any approvals required under applicable law.
- (.2) All new, expanded and rehabilitated buildings (where such expansion or rehabilitation is equal to or exceeds 50% of the existing area of the building) shall comply with the design standards.

(s) Site Planning Design Standards

- (.1) Building Access
 - (.a) Buildings shall be designed with windows, pedestrian entrances and signage facing the street and sidewalk.
 - (.b) Primary building entrances shall be clearly defined and located on the main street frontage or at the intersection of two streets.
 - (.c) If a single lot is redeveloped, any new vehicular access point should, where feasible, be located on a side lot line. Shared use of the driveway with adjacent lots is encouraged.

²⁶⁹ The bill adopting the City Avenue district states that: “Council anticipates addressing the issue of Floor Area Ratio comprehensively in the upcoming rewrite of The Zoning Code, pursuant to Section 4-1300 of the Home Rule Charter. As an interim measure, Council imposes the following Floor Area Ratio requirements for properties zoned R-12, R-14, R-15 or C-3.” We have included the interim FARs in this. We did not incorporate the various bonus provisions identified in the bill in favor of the revised bonus provisions in 14-602.

- (.d) Driveways, parking areas and traffic circulation patterns shall be designed as shared facilities whenever feasible. The design of these elements shall create a unified site plan between the lots. The goal is to gain parking efficiencies, reduce the number of access points crossing pedestrian pathways and improve internal vehicular circulation patterns and external access into the site.
 - (.e) When one or more lot(s) is redeveloped such that 200 ft. or more of new building facade is constructed along the primary front facade, a pedestrian accessway shall be provided through the building between the street frontage and any parking facilities behind the building.
- (.2) Public Walkways
- Public walkways may be both within the street right-of-way and within the lot line. Public walkways shall be provided between the curb and building setback line along both public and private streets. Provision of space for outdoor seating for food and drink establishments and pedestrian-oriented accessory uses, such as sales display for flowers, and food or drink stands, is encouraged; provided the minimum unobstructed walkway set forth below is maintained. Public walkways shall:
- (.a) Have a minimum unobstructed width of 10 ft. not including a minimum 4 ft. planting/street furniture zone to be maintained on street frontage;
 - (.b) Contribute to a linked network of sidewalks connecting transit stops, commercial centers, institutional facilities and residential uses, including open space areas, and parking;
 - (.c) Extend on both sides of public and private vehicular cartways;
 - (.d) Include adequate space for installation of protected transit waiting areas by the City at transit stops on public sidewalks.

(t) Building Design Standards²⁷⁰

All development and redevelopment shall comply with the standards in 14-603, as applicable.

²⁷⁰ The bill adopting the City Avenue district includes building design standards with the provision that: “Council anticipates addressing the issue of Building Design Standards comprehensively in the upcoming rewrite of The Zoning Code, pursuant to Section 4-1300 of the Home Rule Charter.” We have eliminated the interim design standards from this draft in favor of 14-603, Form and Design.

(u) Parking Design Standards²⁷¹

All development and redevelopment shall comply with the standards for parking garages and surface parking in 14-702(13), and the standards for parking lot landscaping in 14-607(4), as applicable.

(v) Signs

The following signage standards shall apply to non-residential uses:

- (.1) The total area of all flush mounted and awning signage for each building tenant shall not exceed 2 sq. ft. for each foot of lineal building frontage. In all cases, individual signs are limited in square footage, as described in the following guidelines. For corner buildings, building frontage for calculation of sign area is that facing the principal street front. Any lot with a lot width of less than 25 ft. at the street line may use the lot width at the building line for calculating the maximum signage permitted under this section.
- (.2) The following signs are not permitted:
 - (.a) Backlit or internally illuminated awnings;
 - (.b) Translucent internally illuminated sign faces with a backlit background;
 - (.c) Non-Accessory outdoor advertising signs.
 - (.d) Flush-mounted Signage. The following standards shall apply to letters, numerals or logos mounted parallel to the building's facade mounted as individual letters or contained in a signed panel:
 - (i) Number of signs: One per tenant per street front. For a corner property, one sign is permitted for each street front;
 - (ii) Mounting height: 20 ft. maximum, provided it is below the sill line of the second floor windows or the lowest point of the roof, whichever is less. All signs must be located below the cornice line, or in the case of a flat roof, below the roof parapet.
 - (iii) Depth of sign: Wall signs must not project more than 12 in. from the building wall.
 - (iv) Maximum total area of signs: 30 sq. ft. for ground floor retail establishment.

²⁷¹ We have included references to strengthened citywide standards for parking design and landscaping because of their similarity to those included in the bill adopting this district.

(.3) Projecting Signage

- (.a) Projecting signs shall have a maximum sign area of 20 sq. ft. for ground floor retail establishment and 12 sq. ft. for all other signs;
- (.b) Number of signs: 1 per ground floor establishment, plus 1 for any public building entrance not serving a ground floor establishment;
- (.c) Mounting height: 20-foot maximum provided it is below the sill line of the second floor windows or the lowest point of the roof, whichever is less, and does not have less than 8 ft. of vertical clearance above grade or sidewalk;
- (.d) Maximum projection: 5 ft.

(.4) Banner Signage

These standards apply to fabric or rigid material mounted with use of poles, typically oriented perpendicular to structure facade.

- (.a) Area of banner: Less than or equal to 25 sq. ft.
- (.b) Banners shall be spaced no closer than 20 ft. apart, and centered within architectural elements.
- (.c) Projection: Banners shall not project more than 3 ft. into the public right-of-way.
- (.d) Mounting height: Bottom of banners shall be mounted at least 14 ft. above grade or sidewalk to avoid intrusion into Projecting Sign or Awning Zone, and not to extend beyond the third story of the structure.
- (.e) Only one banner sign is permitted per property.

(.5) Freestanding Signs

- (.a) Freestanding signs shall only be permitted for existing nonconforming buildings setback from street line such that the building facade is not readily visible from passing traffic. Freestanding signs existing as of (the adoption date) may be replaced.
- (.b) The replacement sign must be a monument sign with a maximum height of 8 ft. unless it can be demonstrated that a higher sign is required to avoid a site obstruction that would create an unsafe condition.
- (.c) Area of sign may not exceed 50 sq. ft.

(.6) Canopies

These standards apply to awnings and canopies are roof-like structures, above storefront windows or entries, sometimes containing a mark or signature of a tenant.

- (.a) Length: Awnings and canopies shall not exceed 20 ft. in horizontal length and be centered within architectural elements, such as doors or columns.
- (.b) Projection: Awnings and canopies shall not project more than 3 to 6 ft. into the public right-of-way. All awnings and canopies must be a minimum of 3 ft. from the curb line.
- (.c) Mounting Height: The bottom of awnings and canopies shall be at least 8 ft. above grade or sidewalk.
- (.d) Illumination: Natural lighting only; backlit awnings are not permitted.
- (.e) Design. On multi-tenant facades, awning heights, projections and style of awning shall be similar. Logo or tenant mark shall be limited to the valance of an awning, or the front plane of the canopy.

(.7) Wall Plaques

These standards apply to small, pedestrian-oriented informative signs that may convey information such as hours of operation or take the form of directories, menu cases, or convey historical building information:

- (.a) Area of Sign: Up to 6 sq. ft. in area, not projecting more than 3 in. from a building wall;
- (.b) Number of Signs: 2 per usable entry;
- (.c) Mounting Height: 5 ft. on center above grade or sidewalk;
- (.d) Illumination. Natural lighting only is permitted, except for halo lit or backlit letters.

(.8) Permanent Storefront Window Graphics

These standards apply to permanent window graphics with the tenant's mark or hours of operation. The following standards shall apply:

- (.a) Area. Window signs shall not obscure the interior view of a retail establishment, and shall be no greater than 10% of the available window space.

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(w) Street Trees

- (.1) Street trees shall be planted by the developer along all public and private streets within the City Avenue Overlay district in compliance with any requirements of the Department of Parks and Recreation. In locations where healthy and mature trees exist that comply with the street tree requirements, additional plantings are not required.
- (.2) Street trees shall be at least 2½ in. in diameter, measured at chest height, when planted and shall be located in compliance with any location restrictions of the Department of Parks and Recreation, and shall be of a species included in any Recommended Street Tree Planting List of the Department of Parks and Recreation.
- (.3) Mature street trees shall be limbed up from the sidewalk to 6 feet to enhance pedestrian safety.
- (.4) Trees located under utility lines shall not be of a species that is expected to grow into the utility lines, pursuant to any guidelines of the Department of Parks and Recreation.

(x) Utilities

For all new developments, electric, cable, and telephone service connections from the main utility line shall be installed underground, from the nearest existing utility pole.

14-408 /WWO, Wissahickon Watershed Overlay District²⁷²

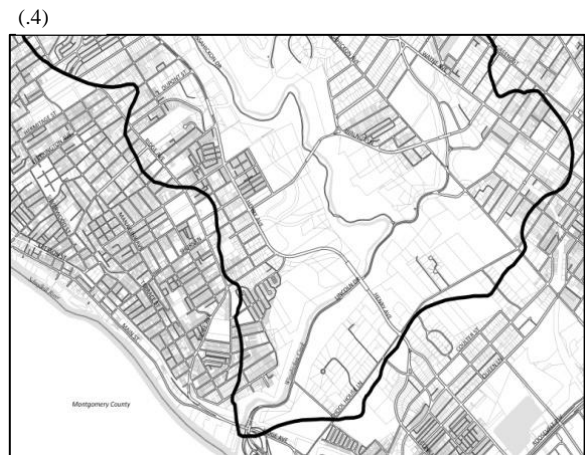
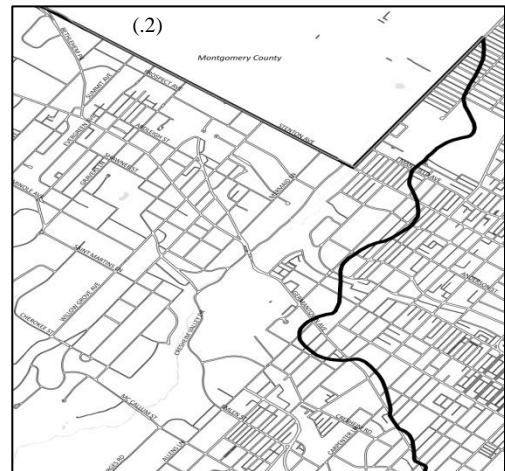
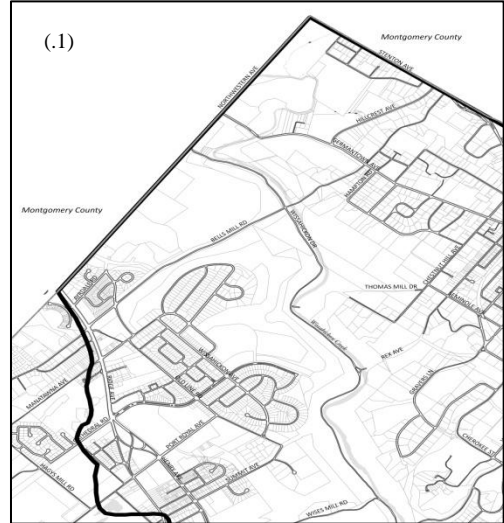
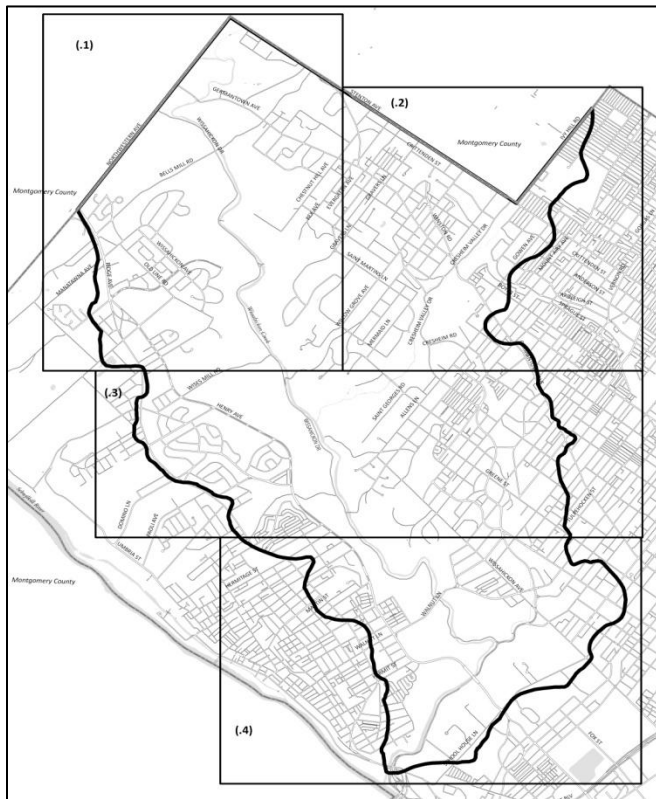
(1) Purpose

Development within the Wissahickon Watershed has led to increased flooding of the Wissahickon Creek and its tributaries, and has increased the hazards of erosion, siltation, and channel enlargement within the Wissahickon Watershed. To prevent such adverse conditions and the degradation of the environment, it is necessary to impose environmental regulations to protect the health, safety and general welfare, to improve water quality and to achieve environmentally sound land development within the Wissahickon Watershed.

(2) District Boundaries

²⁷² Carried over from 14-1603.2. Steep slope and stream setback provisions have been deleted because they are now addressed in 14-606.

These special environmental regulations will apply within the boundaries of the /WWO, Wissahickon Watershed Overlay district, encompassing the area generally bounded by Ridge Avenue, Schoolhouse Lane, Germantown Avenue, Mount Airy Avenue, and the Montgomery County Line, as shown on the following maps.



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(3) Applicability

The /WWO district regulations apply during and after construction and to all construction site clearing and earth moving within the Wissahickon Watershed and will promote a regional approach to the protection of the Wissahickon Watershed.

(4) Impervious Coverage Regulations²⁷³

(a) Basic Impervious Coverage

No building, paving, street or other impervious ground cover may be constructed or placed on any property within the watershed in excess of the requirements of the following categories as designated on the map in 14-408(4)(c):

Category	Limit of impervious ground coverage
1	20%
2	27%
3	35%
4	45%
5	No limit , see 14-408(4)(d)

(c) Impervious Surface Map²⁷⁴

The impervious coverage restrictions of this section apply in the areas shown on the following map. Where a parcel crosses category lines, each portion of the parcel will be governed by the regulations applicable to that portion.

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(d) Category 5 Requirements

There is no percentage limitation of impervious ground coverage on land deemed to be developed or otherwise disturbed from its natural state, provided that parcels larger than one-half acre may be further developed only as follows:

- (.1) The increased surface water runoff leaving the site must not adversely affect adjacent property.
- (.2) The method of handling runoff on the site must be in accord with sound engineering practices and must not significantly accelerate on-site erosion.
- (.3) Such development must not significantly diminish the infiltration capacity of the site.

²⁷³ Existing riparian setback and steep slope regulations have been removed from the /WWO district. Those topics are now addressed citywide in 14-606.

²⁷⁴ This map will be carried over from 14-1603.2 and is being checked for accuracy.

(e) Additional Impervious Coverage

Additional impervious coverage will be permitted by the City Planning Commission, after review and comments by the Water Department and other appropriate city agencies according to the standards and regulations adopted by the Commission and the Water Department. Such standards and regulations will assure that:

- (.1) Stormwater leaving the property must be substantially similar in effect to that under the basic impervious coverage limitation.
- (.2) Countermeasures will not require excessive or significant maintenance.
- (.3) Design of countermeasures must take account of stormwater runoff that enters the property from adjacent land.
- (.4) The method of handling runoff on the site must be in accord with sound engineering practices and must not significantly accelerate on-site erosion.
- (.5) Such development must not significantly diminish the infiltration capacity of the site.

(f) Aggregate of Impervious Coverage

Coverage may be aggregated to any section of a subdivision provided that an equal amount is withdrawn from remaining sections and provided further that such aggregation will not cause any significant additional erosion or channel enlargement to any portion of a surface water body greater than that allowed prior to aggregation. Any such aggregation provisions must be included within the approved plan of subdivision.

(5) Earth Moving Plans

- (a) No earth moving activity will be permitted within the watershed unless done in accordance with approved earth moving plans. These plans must be prepared in accordance with regulations approved by the Planning Commission and must set forth the measures by which erosion and sedimentation are controlled. Such plans must be filed with and approved by the Planning Commission except as follows:
 - (.1) Where the site is designated as being within Category 5 on the map cited in 14-408(4)(c); and
 - (.2) Where the site is one-half acre or less in area; and
 - (.3) Where the earth moving or additional impervious coverage will be less than 500 sq. ft.
- (b) An earth moving plan prepared in accordance with Commission regulations must be maintained on site for the duration of earth moving and construction,

and must be available for inspection as deemed necessary by the Planning Commission.

- (c) Where the Planning Commission finds earth moving plans are not in accordance with its regulations, it may require the filing and approval of revised plans.

(6) Certification and Enforcement

No building permit will be issued unless the Planning Commission has certified to the Department of Licenses and Inspections that the proposed development conforms to the requirements of this section. The Planning Commission must take action of approval or disapproval within 45 days after all required documents are received.

(7) Regional or Intergovernmental Cooperation

The Planning Commission will be empowered to work with federal, state and other local governmental agencies in implementing a regional approach to preserving the Watershed.

(8) Interdepartmental Cooperation

The Planning Commission will seek advice where appropriate from the Water Department and other governmental agencies.

14-409 /PNE, Philadelphia Northeast Airport Overlay District²⁷⁵

(1) Purpose

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(2) District Boundaries

The /PNE district boundaries are designated by the zoning regulations adopted by the Joint Airport Zoning Board pursuant to the Act of April 17, 1945, P.L. 237.

(3) Height Regulations

No part of any structure or tree may be at an elevation greater than any of the following assumed surfaces:

(a) Horizontal Surfaces

A horizontal circular plane 215 ft. above mean sea level and having a radius of 5,000 ft. measured from the intersection of said plane with a vertical line extending through the zoning reference point.

(b) Approach Surfaces

Sloping trapezoidal planes beginning at each approach surface base line beyond the end of each runway and extending upward and outward for a horizontal

²⁷⁵ Map is not yet available; forthcoming. Airport hazard overlay provisions may be added to this section.

distance measured along the extended runway center line of 50,000 ft. in the case of Runway 6-24, and 40,000 ft. in the case of Runway 15-33, such approach surfaces having a slope measured in a vertical plane passing through the extended runway center line of 50:1 in the case of Runway 6-24 and 40:1 in the case of Runway 15-33. Each approach surface widens uniformly to a width of 16,000 ft. at its outer edge in the case of Runway 6-24, and 8,500 ft. in the case of Runway 15-33.

(c) Transitional Surfaces

Sloping parallelogrammatic planes beginning at the lateral edges of each approach surface and extending upward and outward at a slope of 7:1 measured in a vertical plane perpendicular to the extended runway center line and extending for a horizontal distance of 5,000 ft. measured perpendicular to the extended runway center line.

(d) Lateral Surfaces

Sloping planes symmetrically located on each side of each runway, beginning at each lateral surface base line and extending upward and outward for a horizontal distance of 1,200 ft. measured perpendicular to the runway center line and having a slope of 7:1 measured in a vertical plane perpendicular to the runway center line.

(e) Structure and Tree Height Limits

No part of any structure or tree may be at an elevation greater than 300 ft. above mean sea level within 10,000 ft. of the zoning reference point, this maximum height sloping upward and outward radially beyond the said 10,000 ft. for an additional four and one-third statute miles in the ratio of 100 ft. for each additional statute mile of distance, except that any structure or tree may be at greater elevation up to but not in excess of 100 ft. above the ground level existing on October 1, 1962.²⁷⁶

(4) Setback Regulations

A building setback line of a minimum of 250 ft. must be maintained along the south side of Comly Road between Decatur Road and Norcum Road.

(5) Compliance with State Statutes

No permit for the buildings, structures or trees may be granted if the proposed building, structure or tree will be in violation of any applicable state statute.

²⁷⁶ The special exceptions language was removed. The special exceptions and variance provisions of 14-204 will control.

14-410 /PHL, Philadelphia International Airport Overlay District²⁷⁷

RESERVED

14-411 /ANC, Airport Noise Compatibility Overlay District²⁷⁸

RESERVED

²⁷⁷ Space reserved for a hazard surface overlay that would address FAA regulations pertaining to imaginary surfaces to protect airspace above and surrounding both Philadelphia International Airport (PHL) and Northeast Philadelphia Airport (PNE) from man-made structures that may protrude into airspace

²⁷⁸ Space reserved for a proposed land use compatibility overlay to ensure that sensitive land uses within PHL and PNE noise contours are controlled and exposure to noise levels higher than 65 decibels are limited under land use development parameters.

Chapter 14-500: Use Regulations

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14-501 Use Categories

(1) General

This section contains a description of the use categorization system used to classify principal uses in this Zoning Code.

(a) Use Categories

This Zoning Code classifies principal land uses into 10 major groupings (described in 14-501(2) through 14-501(11)), which are referred to as use categories:

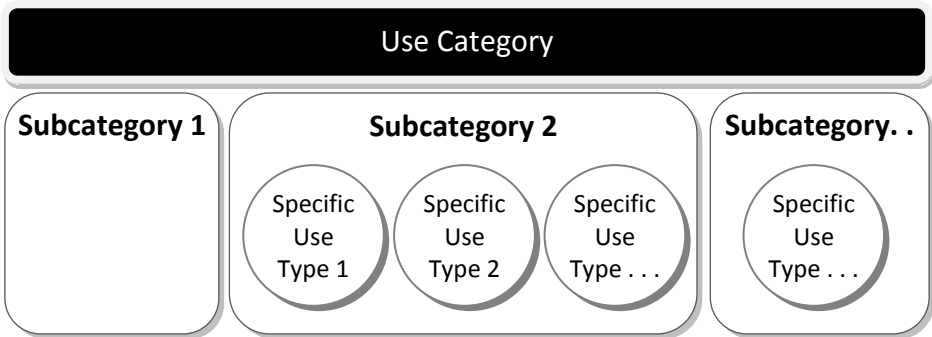
- (.1) Residential
- (.2) Parks and Open Space
- (.3) Public, Civic and Institutional
- (.4) Office
- (.5) Retail Sales
- (.6) Commercial Services
- (.7) Vehicle and Vehicular Equipment Sales and Services
- (.8) Wholesale, Distribution, Storage
- (.9) Industrial
- (.10) Urban Agricultural

(b) Use Subcategories

Each use category is further divided into more specific “subcategories.” Use subcategories classify principal land uses and activities based on common functional, product, or physical characteristics, such as the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered and site conditions.

(c) Specific Uses

Some use subcategories are further broken down to identify specific use, business or activity types that are regulated differently than the subcategory as a whole.



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(d) Use Tables

A series of use tables are used to identify allowed land uses in R, C, I and SP zoning districts. See 14-502(3), 14-502(4), 14-502(5), and 14-502(6), respectively. The structure of the use tables reflects the hierarchical nature of the use categorization described in this section. See 14-502(2) for an explanation of the use table structure.

Sample Use Table

Use Category Subcategory ²⁷⁹	District	District	District	District	District	District	Standards
Specific Use Type	District	District	District	District	District	District	
Y = Yes, use is permitted as of right S = Special exception approval required N = Not allowed (use expressly prohibited) Uses not listed are also prohibited Bracketed numbers refer to notes immediately following the table							
Use Category							
Use Subcategory							
Specific Use Type	Y[1]	Y[1]	Y	Y	Y	Y	Standards column contains cross-reference to any applicable regulation that applies to use in all districts
Specific Use Type	N	N	N	Y	Y	Y	
Specific Use Type	N	N	N	N	Y	Y	

Table Notes:

[1] Table notes contain regulations that apply to use in specific circumstances.

(e) Determination of Use Categories and Subcategories

- (.1) The Department of Licenses and Inspections is authorized to classify uses on the basis of the use category and subcategory descriptions of this section (14-501).
- (.2) When a use cannot be readily classified into a use category/subcategory or appears to fit into multiple categories/subcategories, the Department of Licenses and Inspections is authorized to determine the most similar, and thus most appropriate, use category/subcategory based on the following considerations:
 - (.a) the actual or projected characteristics of the principal use or activity in relationship to the use category and subcategory descriptions provided in this section;
 - (.b) the relative amount of site area or floor space and equipment devoted to the activity;
 - (.c) relative amounts of sales from each activity;
 - (.d) the customer type for each activity;

²⁷⁹ In order to promote more consistency among districts/uses and deregulate relative innocuous use types, the R district use table contains several changes. Changes also result from the switch from detailed use types to use categories and subcategories. Only some of the changes are specifically identified.

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- (.e) the relative number of employees in each activity;
 - (.f) hours of operation;
 - (.g) building and site arrangement;
 - (.h) vehicles used with the activity;
 - (.i) the relative number of vehicle trips generated by the use;
 - (.j) signs;
 - (.k) how the use advertises itself; and
 - (.l) whether the activity is likely to be found independent of the other activities on the site.
- (.3) If L&I is unable to determine the appropriate use category for a proposed use, L&I is authorized to deny the permit request. This decision may be appealed to the ZBA in accordance with 14-203(13).²⁸⁰

(2) Residential Use Category

This category includes uses that provide living accommodations for one or more persons. The residential subcategories are:

(a) Household Living

Residential occupancy of a dwelling unit by a household. When dwelling units are rented, tenancy is arranged on a month-to-month or longer basis. Uses where tenancy may be arranged for a shorter period are not considered residential; they are considered a form of lodging. The following are household living use (building) types.²⁸¹

(.1) Detached House

A principal residential building containing one dwelling unit located on a single lot with private yards on all sides.

(.2) Caretaker Quarters

A single dwelling unit that is accessory to an allowed industrial use in an I zoning district and that is occupied by an individual who is responsible for maintenance or security in association with the principal industrial use of the property.

(.3) Duplex

A principal residential building containing 2 dwelling units, both of which occupy the same lot. The dwelling units are attached and may be

²⁸⁰ This provision has been added since Module 2.

²⁸¹ Building type definitions have been added and revised as listed in ZCC Change Memo #3.

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located on separate floors or side-by-side.

(.4) **Multi-dwelling Building**

A principal residential building, other than a rowhouse, containing 3 or more dwelling units that share common walls or common floors/ceilings.

(.5) **Rowhouse**

Any dwelling unit with a common or abutting walls along shared lot lines between attached rowhouse units or with at least one exterior wall abutting along the side property line (regardless of what occupies the abutting lot). Each rowhouse dwelling unit has its own entrance and is located on its own lot.²⁸²

(.6) **Twin House**

A principal residential building containing 2 dwelling units, each with its own entrance and each located on its own lot, with a common or abutting wall along the shared lot line between the 2 units.²⁸³

(b) **Group Living**

Residential occupancy of a dwelling by other than a “household,” typically providing communal kitchen/dining facilities. Examples of group living uses include but are not limited to fraternities, sororities, nursing homes, group homes, temporary overnight shelters and the following specific use types:

(.1) **Assisted Living**²⁸⁴

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 4 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, Group**

A group of more than 8²⁸⁵ unrelated disabled persons living together as a single housekeeping unit with shared common facilities. Rotating staff

²⁸² Since Module 2, this has been revised to clarify that it only needs to include 2 dwelling units, not “multiple dwelling units.”

²⁸³ Since Module 2, this has been revised to clarify that this is two attached structures, rather than a single structure with two units.

²⁸⁴ Definition added since Module 2 to reflect PA 2007 SB 704.

²⁸⁵ Eight-person limit has been included to help pass scrutiny under ADA and the federal Fair Housing Amendments Act.

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are not counted as part of the group.

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

A group of not more than 8 unrelated disabled persons living together as a single housekeeping unit in a dwelling unit and sharing common facilities as considered reasonably appropriate for a household related by blood, marriage or adoption. The 8-person limit does not include rotating staff.

(.4) **Single-Room Residence**

A building containing rooms rented as living quarters without private bathrooms. Examples include dormitories and rooming houses.

(3) Parks and Open Space Use Category

This category includes uses that may occur on land that has been identified for public parks and recreation uses or to be left in a generally natural state. The parks and open space subcategories are:

(a) Natural Resources Preservation

Undeveloped land left in a natural state for specific use as visual open space or environmental mitigation.

(b) Passive Recreation

Recreational facilities associated with pastimes that are incidental to natural open space. These facilities require minor land development, require minimal maintenance, do not attract large groups of people, and have little impact on natural open space.

(c) Active Recreation

Public park facilities that require major land development, building or facility construction, require a moderate- to high-level of maintenance and can accommodate large groups people.

(4) Public, Civic and Institutional Use Category

This category includes public, quasi-public and private uses that provide unique services that are of benefit to the public as a whole.

(a) Airport-related Facilities²⁸⁶

Any of the following:

(.1) Air terminals;

(.2) Airport administration buildings, including airline offices, and related uses;

²⁸⁶ New use definitions are from a proposed airport (special purpose) district provided by PCPC staff (July 2010).

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- (.3) Fixed base operators;
- (.4) Air hangars;
- (.5) General aviation operations;
- (.6) Airport maintenance, rescue and firefighting buildings, public safety uses including security and immigration processing;
- (.7) Airport operational facilities including but not limited to air traffic control towers, communication facilities, weather service offices and equipment and instrument landing systems and other related navigational equipment;
- (.8) Air Cargo and related ground transportation facilities;
- (.9) Flight schools, flying clubs and other schools or training facilities relating to aviation or air-related transportation;
- (.10) Fuel and fuel waste containment storage systems and pumps;
- (.11) Aircraft related sales, manufacturing, assembly testing, and repair of aircraft, aircraft parts, avionics, instruments, or other aircraft equipment;
- (.12) Runways;
- (.13) Taxiways;
- (.14) Glycol and related aircraft deicing fluid storage and processing systems;
- (.15) Emergency (outpatient) medical facilities;
- (.16) Ground transportation facilities commonly associated with airports, such as rail, car rental facilities, taxi cabs, buses and limousines, including associated maintenance, fueling, storage and administration; and
- (.17) Other uses determined to be airport-related by the Division of Aviation.

(b) Cemetery

Land used for burial of dead bodies or cremated remains.

(c) Detention and Correctional Facilities

Public or private facilities for the judicially required detention or incarceration of people. Inmates and detainees are under continuous supervision by peace officers, except when on an approved leave.

(d) Educational Facilities

- (.1) Public and private schools at the primary, elementary, junior high, or high school level that provide state-mandated basic education.

- (.2) Colleges and other institutions of higher learning that offer courses of general or specialized study leading to a degree. They are certified by the state or by a recognized accrediting agency.

(e) Fraternal Organization

The use of a building or lot by a not-for-profit organization that restricts access to its facility to bona fide, annual dues-paying members and their occasional guests. Banquet rooms and the preparation and serving of food and beverages are uses and activities in association with fraternal organizations.

(f) Hospital

Uses providing medical or surgical care to patients and offering inpatient (overnight) care.

(g) Library/Cultural Exhibit

Museum-like preservation and exhibition of objects in one or more of the arts and sciences, gallery exhibition of works of art, or library collection of books, manuscripts, etc., for study and reading.

(h) Religious Assembly

Religious services involving public assembly such as customarily occur in synagogues, temples, mosques, churches and other facilities used for religious worship.

(i) Safety Services

Establishments that provide fire, police or life protection, together with the incidental storage and maintenance of necessary vehicles.

(j) Transit Station

Stations, off-street passenger waiting areas and loading/unloading areas for local and regional transit service. Street-side boarding locations, such as bus and trolley stops are not regulated as transit station uses.

(k) Utilities and Services, Basic

Public and quasi-public facilities and services that need to be located in the area where the service is to be provided, such as water and sewer pump stations; electrical transforming substations; water conveyance systems; gas regulating stations, stormwater facilities and conveyance systems; telephone switching equipment, emergency communication warning/broadcast facilities, and central heating facilities.

(l) Utilities and Services, Major

Infrastructure services that have substantial land use impacts on surrounding areas. Typical uses include but are not limited to water and wastewater treatment facilities, major water storage facilities and electric generation plants.

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(m) Wireless Service Facility

Towers, antennas, equipment, equipment buildings and other facilities used in the provision of wireless communication services. There are two types of wireless service facilities, as follows:²⁸⁷

(.1) Freestanding Towers

A structure intended to support equipment that is used to transmit and/or receive telecommunications signals including monopoles, guyed and lattice construction steel structures.

(.2) Building or Tower-mounted Antennas

The physical device that is attached to a freestanding tower, building or other structure, through which electromagnetic, wireless telecommunications signals authorized by the Federal Communications Commission are transmitted or received. Antennas not exceeding 15 ft. in any direction and related equipment are not considered wireless service facilities.

(5) Office Use Category

This category includes uses in an enclosed building that focus on business, government, professional, or medical services. The offices subcategories are:

(a) Business and Professional

Uses related to earning a livelihood through a commercial or mercantile endeavor or through the practice of a vocation requiring specialized training or education.

(b) Medical, Dental, and Health Practitioner

Uses related to diagnosis and treatment of patients' human illnesses 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.

(c) Government

Uses related to the administration of local, state, or federal government services or functions.

(6) Retail Sales Use Category

This category includes uses involving the sale, lease or rental of new or used goods to the general public. The retail sales subcategories are:

²⁸⁷ This provision has been added since Module 2.

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(a) Adult-oriented Merchandise

Any retail sales use or establishment having any of the following characteristics:

- (.1) a substantial portion of its stock-in-trade, books, magazines, and other periodicals that are distinguished or characterized by their emphasis on matter depicting, describing or related to “specified sexual activities,” or “specified anatomical areas,” or an establishment with a segment or section devoted to the sale or display of such material;
- (.2) a substantial or significant portion of its stock-in-trade: books, magazines or periodicals characteristic of an adult bookstore; videos or other visual production materials characteristic of an adult video store; and/or any devices, commonly known as sex toys, designed or marketed as useful primarily for the stimulation of human genital organs; or
- (.3) a substantial or significant portion of its stock-in-trade, videos, CD-ROMS and other visual production materials that are distinguished or characterized by their emphasis on matter depicting, describing or related to “specified sexual activities” or “specified anatomical areas.”

(b) Building Supplies and Equipment

Uses that provide goods to repair, maintain, or visually enhance a structure or premises.

(c) Consumer Goods

Uses that provide furniture, appliances, equipment and similar consumer goods, large and small, functional and decorative, for use, entertainment, comfort or aesthetics. The following specific consumer goods use types are sometimes regulated differently than the consumer goods use subcategory:

(.1) Drug Paraphernalia Stores

Any retail store selling paraphernalia commonly related to the use of any drug or narcotic of which the sale, use or possession of is subject to the provisions of “The Controlled Substance, Drug, Device and Cosmetic Act,” 1972, April 14, P.L. 233, No. 64, 51 et seq., 35 P.S. Section 780-101 et seq., including, but not limited to, water pipes, pipe “screens,” hashish pipes, “roach” clips, “coke” spoons, “bongs,” and cigarette rolling paper, except that this term does not include the sale of cigarette rolling paper by a store that also sells loose tobacco or the sale by prescription of implements needed for the use of prescribed drugs or narcotics.

(.2) Gun Shop

Any retail sales business primarily engaged in selling, leasing, purchasing

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or lending firearms or ammunition.²⁸⁸

(d) Food, Beverages, and Groceries

Uses that sell or otherwise provide food or beverages for off-premise consumption, including grocery stores and similar use that provide incidental and accessory food and beverage service as part of their primary retail sales business.

(.1) Fresh Food Market

Either of the following

- (.a) An establishment in which the sale of fresh fruits and vegetables to the general public occupies at least 65% of the gross floor area²⁸⁹; or
- (.b) An establishment primarily engaged in the sale of grocery products and that provides:
 - i. at least 5,000 sq. ft. of customer-accessible floor area used for display and sales of a general line of food and nonfood grocery products such as dairy, canned and frozen foods, fresh fruits and vegetables, and fresh and prepared meats, fish, and poultry, intended for home preparation, consumption and use;
 - ii. at least 50% of such customer-accessible sales and display area is used for the sale of a general line of food products intended for home preparation and consumption;
 - iii. at least 25% of such customer-accessible sales and display area is used for the sale of perishable goods, which must include dairy, fresh fruits and vegetables, and frozen foods and that may include fresh meats, poultry, and fish; and
 - iv. at least 750 sq. ft. of such customer-accessible sales and display area is used for the sale of fresh fruits and vegetables.

(.2) Farmer's Market

A designated area where farmers sell food crops and non-food crops (e.g., flowers) directly to consumers.

²⁸⁸ Definition revised since Module 2 to distinguish from general purpose sporting goods stores whose primary business is not gun sales.

²⁸⁹ The alternative criterion in subsection (a) has been added since Module 2.

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(e) Pets and Pet Supplies

Uses that provide household pets, pet supplies and pet grooming services.

(f) Sundries, Pharmaceuticals, and Convenience Sales

Uses that provide goods for personal grooming and for the day-today maintenance of personal health and well-being.

(g) Wearing Apparel and Accessories

Uses that provide goods to cover, protect, or visually enhance the human form.

(7) Commercial Services Use Category

This category includes uses that provide for consumer or business services, for the repair and maintenance of a wide variety of products, and for entertainment. The commercial services subcategories are:

(a) Adult-oriented Service

Any of the following:

(.1) Adult Cabaret

An adult club, eating and drinking establishment, theater, hall or similar place that may or may not serve alcoholic beverages and features topless dancers, go-go dancers, exotic dancers, strippers, male or female impersonators or similar entertainers exhibiting specified anatomical areas or performing specified sexual activities, or dancing, performing or acting in a lewd, sexually erotic, exciting, or stimulating manner for patrons or viewers who tip, pay or give any monetary consideration directly or indirectly to such featured dancers or entertainers for such featured entertainment.

(.2) Adult Modeling or Photography Studio

An establishment having a substantial or significant portion of its business distinguished or characterized by its emphasis on the photographing of males and/or females exhibiting specified anatomical areas or performing specified sexual activities. Such an establishment may feature employees or contractors who, as part of their employment, customarily expose specified anatomical areas to patrons.

(.3) Adult Motion Picture Theater

An enclosed building used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons.

(.4) Adult Spa or Health Club

A spa or health club having a substantial or significant portion of its

business distinguished or characterized by its emphasis on males and/or females exhibiting specified anatomical areas or performing specified sexual activities. Such an establishment may feature employees or contractors who, as part of their employment, customarily expose specified anatomical areas to patrons.

(.5) **Massage Shop**²⁹⁰

An establishment having a source of income or compensation derived from the practice of any method of pressure on or friction against, or stroking, kneading, rubbing, tapping, pounding, vibrating or stimulation of, external parts of the human body with the hands or with the aid of any mechanical, electric apparatus or appliances with or without such supplementary aids as rubbing alcohol, liniments, antiseptics, oils, powders, creams, lotion, ointment or other similar preparations commonly used in the practice of massage, under such circumstances that it is reasonably expected that the person to whom the treatment is provided or some third person on his or her behalf will pay money or give any other consideration or gratuity. The term “massage shop” does not include any establishment operated by a medical practitioner, professional physical therapist, or massage therapist licensed by the state.

(b) Animal Services

Any of the following:

- (.1) sales and grooming of dogs, cats and similar small animals, including pet stores, dog bathing and clipping salons and pet grooming shops;
- (.2) animal shelters and kennel services for dogs, cats and small animals, including boarding kennels, pet resorts/hotels, dog training centers and animal rescue shelters;
- (.3) animal hospitals or veterinary services;
- (.4) boarding facilities for horses and similar animals; and
- (.5) household pet crematory services.²⁹¹

(c) Assembly and Entertainment

Uses that provide gathering places for participant or spectator recreation, entertainment, or other assembly activities. The following specific use types are sometimes regulated differently than other uses in the assembly and

²⁹⁰ New definition.

²⁹¹ Add crematory since Module 2.

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entertainment use subcategory:²⁹²

(.1) **Amusement Arcades**

An establishment that offers to patrons 4 or more mechanical or electrical devices or games such as pinball machines, ping pong, darts, shooting galleries or similar devices or games, excluding juke boxes and amusement devices in the establishments regulated by the Liquor Control Board of the Commonwealth and vending machines for the dispensing of goods.

(.2) **Pool or Billiards Room**

An establishment that provides 2 or more tables for the playing of pool and billiards.

(.3) **Special Assembly Occupancy²⁹³**

Nightclubs, discotheques, cabarets, taverns, bars, restaurants, private clubs, banquet halls and similar places of assembly and entertainment without primarily fixed seating where 50 or more people congregate at such establishment primarily for entertainment purposes at one or more times during the course of any year. In addition, uses that might otherwise be classified as sit-down restaurants must be classified as special assembly occupancy uses if the use has any one or more of the following characteristics:

- (.a) the stage or area to be occupied by live entertainers exceeds 150 sq. ft. in area; or
- (.b) the area to be used for dancing or entertainment-related assembly exceeds 1,000 sq. ft. in area.

(d) **Building Services**

Uses that provide maintenance and repair services for all structural and mechanical elements of structures, as well as the exterior spaces of a premises. Typical uses include janitorial, landscape maintenance, exterminator, plumbing, electrical, HVAC, window cleaning and similar services.

(e) **Business Support**

Uses that provide personnel services, printing, copying, and photographic services, or communication services to businesses or consumers. Typical uses include employment agencies, copy and print shops, telephone answering services and photo developing labs.

²⁹² Since Module 2 reference to physical fitness was deleted to avoid overlap with Personal Services category. Reference to “large numbers of people” was also deleted.

²⁹³ This new use type has been added since Module 2. Definition is based partly on City Code 9-703.

(f) Day Care

Principal or accessory uses²⁹⁴ providing care, protection and supervision for children or adults for a fee, on a regular basis away from their primary residence for less than 24 hours per day. Examples include preschools, nursery schools, head start programs, latch key programs, and adult daycare programs. Care given by parents, guardians, or relatives of the children or adults, or care given by babysitters or caregivers for fewer than 10 hours per week is not regulated as a day care use. Day care providers must comply with all applicable licensing and/or registration requirements of the Commonwealth of Pennsylvania and the City of Philadelphia. The following specific use types are included in the day care use subcategory:

(.1) Family Day Care

A day care providing care to up to 6 children who not related to the day care provider. For purposes of the “family day care” definition, related children include the provider’s children, grandchildren, step children and foster children.

(.2) Group Day Care

A day care providing care for up to 12 adults or for 7 to 12 children who not related to the day care provider. For purposes of the “group day care” definition, related children include the provider’s children, grandchildren, step children, foster children, brothers, sisters, half brothers, half sisters, aunts, uncles, nieces and nephews.

(.3) Day Care Center

A day care providing care to 13 or more adults or 13 or more children who not related to the day care provider.

(g) Eating and Drinking Establishments²⁹⁵

Uses that prepare or serve food or beverages for on- or off- premise consumption. The following specific use types (among other uses) are included in the eating and drinking establishment subcategory:

(.1) Nightclubs and Private Clubs (with PLCB license for alcohol sales)²⁹⁶

An establishment that is primarily engaged in serving beer, wine or alcoholic beverages for consumption on the premises and in which the

²⁹⁴ Clarification that day care may be principal or accessory uses is new and is intended to overcome past interpretation/practice that accessory day cares are not allowed in some districts.

²⁹⁵ These new categories were developed by the working group on this topic to address gaps and ambiguities in current use definitions.

²⁹⁶ New definition since Module 2.

serving of prepared food, live entertainment and dancing are permitted.

(.2) **Prepared Food Shop**

An establishment that offers seating or carry out food and beverage service or both, 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. Prepared food shops do not include establishments that have any one or more of the following characteristics:

- (.a) kitchen hood exhaust or capture and containment system;
- (.b) grease interceptor; or
- (.c) includes customer seating for more than 48 persons.²⁹⁷

(.3) **Sit-down Restaurant**

An establishment that does not meet the definition of a take-out restaurant or prepared food shop and primarily engaged in cooking food on the premises and selling it to customers primarily for on-premise consumption. Carry out service must be clearly incidental to the principal use of providing prepared foods for on-premise consumption. Establishments that meet the definition of a sit-down restaurant and also include live entertainment may also be classified as sit-down restaurants, provided that any establishment that meets the definition of special assembly occupancy must be classified as a special assembly occupancy use (see 14-501(7)(c)(.3)).²⁹⁸

(.4) **Take-out Restaurant**

An 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;
- (.c) no interior customer seating; or

²⁹⁷ Standards have been revised based on recommendations from the working group on this topic.

²⁹⁸ Special assembly occupancy language is new since Module 2, and wording now includes “primarily engaged in” clause like other Eating and Drinking definitions.

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(.d) no public restrooms.²⁹⁹

(h) Financial Services

Uses related to the exchange, lending, borrowing, and safe-keeping of money. The following specific use type is sometimes regulated differently than the financial services use subcategory:

(.1) Personal Credit Establishment

Any one or more of the following:

(.a) Check Cashing Establishment

An establishment that is not a bank or financial institution subject to federal and state regulation that charges either a flat fee or a fee based on a percentage of the face value of a check to be cashed or processed by such establishment and provides such services to the public.

(.b) Pawnshop

An establishment that is engaged to any extent in any of the following business or activities:

- i. the lending of money on the deposit or pledge of personal property, other than chosen in action, securities or written evidence of indebtedness;
- ii. the purchase of personal property either from an individual, another pawn business or any other business with an expressed or implied agreement or understanding to sell it back at a sub-subsequent time at a stipulated price or negotiated price;
- iii. the purchase of personal property either from an individual or another pawn business with an expressed intent of offering the property for resale; or
- iv. the lending of money upon personal property, goods, wares or merchandise pledge, stored or deposited as collateral security.

(.c) Payday Lender

Any person or entity that is substantially in the business of negotiating, arranging, aiding or assisting a consumer in procuring payday loans.

²⁹⁹ Standards have been revised based on recommendations from the working group on this topic.

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(i) Funeral and Mortuary Services

Uses that provide services related to the death of a human, including funeral homes, mortuaries, crematoriums and similar uses.

(j) Maintenance and Repair

Uses that provide maintenance, cleaning and repair services for consumer goods. Typical uses include dry cleaning shops, tailors, shoe repair, vacuum repair shops, electronics repair shops and similar establishments.

(k) Marina

Facilities that provide moorage, launching, storage, supplies and a variety of services for recreational and commercial watercraft. Marinas are differentiated from docks/moorages by their larger scale, the provision of significant landside services and/or the use of a solid breakwater.

(l) Parking, Non-Accessory

Parking that is not provided to comply with minimum off-street parking requirements and that is not provided exclusively to serve occupants of or visitors to a particular use, but rather is available to the public at-large. A facility that provides both accessory parking and non-accessory parking is classified as non-accessory parking.

(m) Personal Services

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

(.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, which may not be performed in a body art services establishment.

(.2) Fortune Telling Service

An establishment engaged in or that professes to foretell future or past events or that is engaged in the practice of palmistry (the art or practice of reading a person's character or future from the lines on the palms of hands).

(n) Radio, Television and Recording Services

Uses that provide for audio or video production, recording, or broadcasting.

(o) Visitor Accommodations

Uses that provide lodging, or a combination of lodging, food, and entertainment, primarily to visitors and tourists. Examples include the following specific use types:

(.1) Bed and Breakfast

A residential building in which the owner offers overnight accommodations and meal service to guests for compensation.

(.2) Hotel/Motel

An establishment, other than a Bed and Breakfast, in which short-term lodging is offered for compensation and that may or may not include the service of one or more meals to guests. Typical uses include hotels and motels.

(8) Vehicle and Vehicular Equipment Sales and Services Use Category

This category includes uses that provide for the sale, rental, maintenance, or repair of new or used vehicles and equipment. The vehicle and vehicular equipment sales and services subcategories are:

(a) Commercial Vehicle Repair and Maintenance

Uses that repair and maintain the mechanical components or the bodies of large trucks, mass transit vehicles, large construction or agricultural equipment, aircraft, or commercial boats.

(b) Commercial Vehicle Sales and Rentals

Uses that provide for the sale or rental of large trucks, mass transit vehicles, large construction or agricultural equipment, aircraft, or commercial boats.

(c) Personal Vehicle Repair and Maintenance

Uses that repair the mechanical components or the bodies of autos, small trucks or vans, motorcycles, motor homes, or recreational vehicles including recreational boats or that wash, clean, or otherwise protect the exterior and interior surfaces of these vehicles.

(d) Personal Vehicle Sales and Rentals

Uses that provide for the sale or rental of new or used autos, small trucks or vans, trailers, motorcycles, motor homes, or recreational vehicles including recreational boats. Typical examples include automobile dealers, auto malls, car rental agencies and moving equipment rental establishments (e.g., U-haul).

(e) Vehicle Equipment and Supplies Sales and Rentals

Uses related to the sale, lease, or rental of new or used parts, tools, or supplies for the purpose of repairing or maintaining vehicles, including distribution of products from the same premises that sells, leases, or rents vehicles.

(9) Wholesale, Distribution, Storage Use Category

This category includes uses that provide and distribute goods in large quantities, especially to retail sales establishments. Long-term and short-term storage of commercial goods and personal items is included. The wholesale, distribution, storage subcategories are:

(a) Equipment and Materials Storage Yards

Uses related to outdoor storage of large equipment or products or large quantities of materials.

(b) Moving and Storage Facilities

Uses engaged in the moving of household or office furniture, appliances, and equipment from one location to another, including the temporary storage of those same items. Typical uses include moving companies and self-service and mini-storage warehouses.

(c) Warehouse

Uses engaged in long-term and short-term storage of goods in bulk as well as storage by individuals in separate storage compartments.

(d) Wholesale Distribution

Uses engaged in the bulk storage and distribution of goods. Wholesale showrooms are also included.

(10) Industrial Use Category

This category includes uses that produce goods from extracted and raw materials or from recyclable or previously prepared materials, including the design, storage, and handling of these products and the materials from which they are produced. The industrial subcategories are:

(a) Artisan Manufacturing

Uses that produce consumer goods by hand manufacturing, involving the use of hand tools and small-scale, light mechanical equipment in a completely enclosed building with no outdoor operations, storage or regular commercial truck parking/loading.

(b) Limited Manufacturing

Uses that process, fabricate, assemble, treat, or package finished parts or products without the use of explosive or petroleum materials. This subcategory does not include the assembly of large equipment and machinery.

(c) General Manufacturing

Uses that process or treat materials for the fabrication of large base-sector products. Assembly of large equipment and machines is included in this subcategory as well as manufacturing uses that typically produce odors, dust,

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noise, vibration or other external impacts that are detectable beyond the property lines of the subject property.

(d) Intensive Manufacturing

Industrial uses that regularly use hazardous chemicals or procedures or produce hazardous byproducts, including the following: manufacturing of acetylene, cement, lime, gypsum or plaster-of-Paris, chlorine, corrosive acid or fertilizer, insecticides, disinfectants, poisons, explosives, paint, lacquer, varnish, petroleum products, coal products, plastic and synthetic resins and radioactive materials. This subcategory also includes smelting, animal slaughtering, and oil refining.

(e) Junk/Salvage Yard

An open area where waste or scrap materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including but not limited to scrap iron and other metals, paper, rags, rubber tires and bottles. A junk or salvage yard includes an auto wrecking yard.

(f) Marine-related Industrial

Uses such as docks, wharves, piers and related facilities, used in connection with the transfer, storage-in-transit and incidental processing of cargo from or to waterborne craft.

(g) Mining/Quarrying

The extraction of mineral or aggregate resources from the ground for off-site use. Examples include quarrying or dredging for sand, gravel or other aggregate materials; and mining.

(h) Research and Development

Uses engaged in scientific research and testing leading to the development of new products and processes.

(i) Trucking and Transportation Terminals

Uses engaged in the dispatching and long-term or short-term storage of large vehicles. Minor repair and maintenance of vehicles stored on the premises is also included.

(11) Urban Agricultural Use Category

This category includes uses such as gardens, farms and orchards that involve the raising and harvesting of food and non-food crops and the raising of animals. The urban agriculture subcategories are:

(a) Animal Husbandry

Uses that involve the feeding, housing, and care of farm animals for private or commercial purposes, subject to applicable Philadelphia Code regulations on

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farm animals (Code sections 10-101(8) and 10-112).

(b) Community Garden

An area managed and maintained by a group of individuals to grow and harvest food crops or non-food crops (e.g., flowers) for personal or group consumption or for sale or donation. A community garden area may be divided into separate garden plots or orchard areas for cultivation by one or more individuals or may be farmed collectively by members of the group. A community garden may include common areas (e.g., hand tool storage sheds) maintained and used by the group. Community gardens may be principal or accessory uses and may be located on a roof or within a building.³⁰⁰

(c) Market or Community-Supported Farm

An area managed and maintained by an individual or group of individuals to grow and harvest food crops or non-food crops (e.g., flowers) for personal or group consumption or for sale or donation. Market farms may be principal or accessory uses and may be located on a roof or within a building.

(d) Horticulture Nurseries and Greenhouses

A principal use involving propagation and growth of plants in containers or in the ground for wholesale sales and distribution.

14-502 Use Tables

(1) General

This section contains a series of tables identifying the uses allowed in R, C, I and SP zoning districts. See 14-502(3), 14-502(4), 14-502(5), and 14-502(6), respectively.

(2) Understanding the Use Tables

(a) Use Classification System

For the purpose of this Zoning Code, uses are classified into use categories and subcategories. These are described and defined in 14-501. Use categories and subcategories are identified in the first column of the use tables. In some cases, specific use types are listed in addition to the use subcategories.

(b) Permitted Uses

Uses identified with a “Y” in the use tables are permitted as-of-right in the subject zoning district, subject to compliance with any use standards identified in the final column of the use tables and all other applicable standards of this Zoning Code.

³⁰⁰ Added “on a roof or in a building” since Module 2.

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(c) Special Exceptions

Uses identified with an “S” in the use tables may be allowed if reviewed and approved in accordance with the special exception procedures in 14-204(4). Special exception uses are subject to compliance with any use standards identified in the final column of the use tables and all other applicable standards of this zoning code.

(d) Prohibited Uses

Uses identified with an “N” are expressly prohibited. Use categories and subcategories that are not listed in the use tables are also prohibited.

(e) Use Standards

The “use standards” column of use tables identifies use-specific standards that apply to some uses. Unless otherwise expressly stated, compliance with such standards is required regardless of whether the use is permitted as-of-right or requires special exception approval. Additional use regulations and standards may also be imposed through overlay zoning districts (See Chapter 14-400: Overlay Zoning Districts).

(3) Residential Districts

Uses are allowed in R zoning districts in accordance with Table 14-502-1. See 14-504 for regulations governing accessory uses, such as home occupations.

Table 14-502-1: Uses Allowed in R Districts³⁰¹

temporary table row																	
	R1	R1A	R2	R3	R4	R5	R6/7	R9A/10A	R20	R5A/8/9/10/10B/18/19	R11/11A/12/13	R14	R15/16	RC-6	WRD/ITD	RC-4	
Use Category																	
Subcategory ³⁰²	RSD-1	RSD-2	RSD-3	RSA-1	RSA-2	RSA-3	RSA-4	RSA-5	RSA-6	RM-1	RM-2 ³⁰³	RM-3	RM-4	RMX-1	RMX-2	RMX-3	Standards
Specific Use Type																	
Y = Yes, use is permitted as of right S = Special exception approval required N = Not allowed (use expressly prohibited) Uses not listed are also prohibited Bracketed numbers refer to notes immediately following the table																	
Residential																	

³⁰¹ The allowance of so-called “residential related uses” in R10B (new RM-1) and R15 (new RM-4) is a change, as is the allowance of “nonresidential uses” in R10B (new RM-1). Changes to this table have been made since Module 2 in accordance with the recommendation in ZCC Change Memo #3.

³⁰² In order to promote more consistency among districts/uses and deregulate relative innocuous use types, the R district use table contains several changes. Changes also result from the switch from detailed use types to use categories and subcategories. Only some of the changes are specifically identified.

³⁰³ Many uses in this district were previously regulated differently than in other similar R districts.



temporary table row																	
	R1	R1A	R2	R3	R4	R5	R6/7	R9A/10A	R20	R5A/8/9/10/10B/18/19	R11/11A/12/13	R14	R15/16	RC-6	WRD/ITD	RC-4	
Use Category	RSD-1	RSD-2	RSD-3	RSA-1	RSA-2	RSA-3	RSA-4	RSA-5	RSA-6	RM-1	RM-2 ³⁰³	RM-3	RM-4	RMX-1	RMX-2	RMX-3	
Subcategory ³⁰² Specific Use Type																	Standards
Y = Yes, use is permitted as of right S = Special exception approval required N = Not allowed (use expressly prohibited) Uses not listed are also prohibited Bracketed numbers refer to notes immediately following the table																	
Household Living (as noted below)																	
Detached House	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
Twin House	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
Rowhouse	N	N	N	N	N	N	Y[1]	Y	Y	Y[2]	Y	N	Y	Y	Y	Y	
Duplex	N	N	N	N	N	S	S	S	N	Y	Y	Y	Y	Y	Y	Y	
Multi-dwelling Building	N	N	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	Y	Y	
Group Living ³⁰⁴ (except as noted below)																	
Assisted Living	N	N	N	S	S	S	S	S	S	Y	Y	Y	Y	Y	Y	Y	14-503(1)
Community Home, Group	N	N	N	S	S	S	S	S	Y	Y	Y	Y	Y	Y	Y	Y	
Community Home, Family	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
Single-room Residence	N	N	N	N	N	N	N	N	N	S	S	S	S	S	S	S	
Parks and Open Space																	
Natural Resource Preservation	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
Passive Recreation	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
Active Recreation	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
Public, Civic and Institutional																	
Educational Facilities	S	S	S	S	S	S	S	S	S	Y	Y	Y	Y	Y	Y	Y	
Fraternal Organization	N	N	N	S	S	S	S	S	S	S	S	S	S	S	S	S	
Hospital	N	N	N	S	S	S	S	S	S	S	S	S	S	S	S	S	
Library/Cultural Exhibit	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
Religious Assembly ³⁰⁵	S	S	S	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
Safety Services	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
Transit Station	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
Utilities and Services, Basic	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
Wireless Service Facility (as noted below)																	
Freestanding Tower	N	N	S	S	S	S	S	S	S	S	S	S	S	S	S	S	14-503(13)
Building or Tower-mounted Antenna	[5]	[5]	[5]	[5]	[5]	[5]	[5]	[5]	Y	Y	Y	Y	Y	Y	Y	Y	14-503(14)
Office																	
Business and Professional	N	N	N	N	N	N	N	N	N	N	N	N	N	Y	Y	Y	14-301(4)(a)
Medical, Dental, Health Practitioner ³⁰⁶	N	N	N	N	N	N	N	N	N	N	N	N	N	Y	Y	S	14-301(4)(a)

³⁰⁴ All new, including specific use types such as “community homes.” Use types and regulations may be revised based on input from supportive housing and other groups.

³⁰⁵ Allowance of religious assembly uses (as a special exception) in existing R1 and R2 districts is new.

³⁰⁶ Added as S in RMX-1 and P in RMX-2



temporary table row	R1	R1A	R2	R3	R4	R5	R6/7	R9A/10A	R20	R5A/8/9/10/10B/18/19	R11/11A/12/13	R14	R15/16	RC-6	WRD/ITD	RC-4	
Use Category	RSD-1	RSD-2	RSD-3	RSA-1	RSA-2	RSA-3	RSA-4	RSA-5	RSA-6	RM-1	RM-2 ³⁰³	RM-3	RM-4	RMX-1	RMX-2	RMX-3	Standards
Subcategory ³⁰² Specific Use Type																	
Y = Yes, use is permitted as of right S = Special exception approval required N = Not allowed (use expressly prohibited) Uses not listed are also prohibited Bracketed numbers refer to notes immediately following the table																	
Retail Sales																	14-503(11)(a)
Consumer Goods	N	N	N	N	N	N	N	N	N	N	N	N	N	Y	Y	Y	14-301(4)(a)
Food, Beverages and Groceries (except as noted below)	N	N	N	N	N	N	N	N	N	N	N	N	N	Y	Y	Y	14-301(4)(a)
Farmer's Market ³⁰⁷	N	N	N	N	N	N	N	N	N	N	N	N	N	Y	Y	Y	
Fresh Food Market ³⁰⁸	N	N	N	N	N	N	N	N	N	N	N	N	S	Y	Y	Y	14-503(7)
Sundries, Pharmaceuticals, Convenience Sales	N	N	N	N	N	N	N	N	N	N	N	N	N	Y	Y	Y	14-301(4)(a)
Wearing Apparel and Accessories	N	N	N	N	N	N	N	N	N	N	N	N	N	Y	Y	Y	14-301(4)(a)
Commercial Services																	
Business Support ³⁰⁹	N	N	N	N	N	N	N	N	N	N	N	N	N	Y	Y	Y	14-301(4)(a)
Day Care (as noted below)																	
Family (1–6) ³¹⁰	[3]	[3]	[3]	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	14-503(5)
Group (7–12)	[3]	[3]	[3]	[3]	[3]	[3]	[3]	[3]	[3]	[3]	[3]	[3]	[3]	Y	Y	Y	
Center (13+)	[3]	[3]	[3]	[3]	[3]	[3]	[3]	[3]	[3]	[3]	[3]	[3]	[3]	Y	Y	Y	
Eating and Drinking Establishment	N	N	N	N	N	N	N	N	N	N	N	N	N	Y	Y	Y	14-301(4)(a) 14-503(6)
Personal Services	N	N	N	N	N	N	N	N	N	N	N	N	N	Y	Y	Y	14-301(4)(a)
Visitor Accommodations (as noted below)																	
Hotel	N	N	N	N	N	N	N	N	N	N	N	N	S	N	Y	Y	
Bed and Breakfast ³¹¹	S	S	S	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	14-503(2)
Urban Agriculture																	
Community Garden	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	14-503(12)
Market or Community-Supported Farm ³¹²	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	14-503(12)

³⁰⁷ Added as Y in RMX districts

³⁰⁸ New incentivized use to respond to food desert issue.

³⁰⁹ Added as Y in RMX-1 and RMX-2

³¹⁰ Separate size standards for some areas not carried forward.

³¹¹ New use type.

³¹² Formerly "Agriculture or Horticulture". Market Farms and CSA farms have been added as new Y use in many R districts



temporary table row

Use Category	R1	R1A	R2	R3	R4	R5	R6/7	R9A/10A	R20	R5A/8/9/10/10B/18/19	R11/11A/12/13	R14	R15/16	RC-6	WRD/ITD	RC-4	Standards
Subcategory ³⁰² Specific Use Type	RSD-1	RSD-2	RSD-3	RSA-1	RSA-2	RSA-3	RSA-4	RSA-5	RSA-6	RM-1	RM-2 ³⁰³	RM-3	RM-4	RMX-1	RMX-2	RMX-3	

Y = Yes, use is permitted as of right | S = Special exception approval required | N = Not allowed (use expressly prohibited)
 Uses not listed are also prohibited | Bracketed numbers refer to notes immediately following the table

Table Notes:

- [1] After March 1, 2003 no building permits may be issued for construction of an rowhouse building in the RSA-4 district containing more than 4 attached units. All other rowhouse buildings in the RSA-4 district may contain a maximum of 10 attached units.
- [2] In the RM-1 district rowhouse buildings containing up to 10 attached units are permitted as of right. Rowhouse buildings containing more than 10 attached units require special exception approval in accordance with the procedures of 14-204(4).
- [3] Permitted as of right only if located in educational facility, hospital, library/cultural exhibit, religious assembly, or park and recreation building; otherwise prohibited.
- [4] Allowed office, retail and commercial service use in the RMX-3 district are subject to 14-302(5)(b)).
- [5] Permitted as of right if co-located on existing tower; otherwise special exception approval required.

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(4) Commercial Mixed-use Districts³¹³

Principal uses are allowed in C zoning districts in accordance with Table 14-502-2. See 14-504 for regulations governing accessory uses.

Table 14-502-2: Uses Allowed in C Districts³¹⁴

Temporary table row								
	C-1	C-2/RC-2	(/NCC)	C-3/RC-3	C-4	C-5	C-7/NSC/ASC ³¹⁵	
Use Category	CMX-1	CMX-2	CMX-2.5	CMX-3	CMX-4	CMX-5	CA-1	Standards
Subcategory								
Specific Use Type								
Y = Yes, use is permitted as of right S = Special exception approval required N = Not allowed (use expressly prohibited) Uses not listed are also prohibited Bracketed numbers refer to notes immediately following the table								
Residential								
Household Living (as noted below)								
Detached House	Y[1]	Y	Y[3]	Y	Y	Y	N	
Twin House	Y[1]	Y	Y[3]	Y	Y	Y	N	
Rowhouse	Y[1]	Y[6]	Y[3]	Y	Y	Y	N	
Duplex	Y[1][2]	Y	Y[3]	Y	Y	Y	N	
Multi-dwelling Building	Y[1]	Y	Y[3]	Y	Y	Y	N	
Group Living (except as noted below)								
Assisted Living	N	S	Y[3]	Y	Y	Y	N	14-503(1)
Community Home, Group	N	Y	Y[3]	Y	Y	Y	N	
Community Home, Family	Y	Y	Y[3]	Y	Y	Y	N	
Single-room Residence	N	S	S[3]	Y	Y	Y	N	
Parks and Open Space								
Natural Resource Preservation	Y	Y	Y	Y	Y	Y	Y	
Passive Recreation	Y	Y	Y	Y	Y	Y	Y	
Active Recreation	S	S	S	Y	Y	Y	Y	
Public, Civic and Institutional								
Detention and Correctional Facilities	N	S	N	S	S	S	S	14-503(10)
Educational Facilities	N	Y	Y	Y	Y	Y	Y	
Fraternal Organization	N	Y	S	Y	Y	Y	Y	
Hospital	N	Y	Y	Y	Y	Y	Y	
Library/Cultural Exhibit ³¹⁶	Y	Y	Y	Y	Y	Y	Y	
Religious Assembly	Y	Y	Y	Y	Y	Y	Y	

³¹³ Since Module 2, a column has been added for the new CMX-2.5 base district, reflecting the uses and use restrictions in many of the current neighborhood commercial area special districts.

³¹⁴ In order to promote more consistency among districts/uses and deregulate relative innocuous use types, the C district use table contains several changes. Changes also result from the switch to use categories and subcategories. Only some of the changes are specifically identified. Changes have been made since Module 2 per ZCC Change Memo #3.

³¹⁵ Proposed district consolidation results in some previously prohibited uses being allowed in the “new” district.

³¹⁶ This use was previously permitted only in C-7, NSC, ASC.

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Temporary table row								
	C-1	C-2/RC-2	(/NCC)	C-3/RC-3	C-4	C-5	C-7/NSC/ASC ³¹⁵	
Use Category								
Subcategory	CMX-1	CMX-2	CMX-2.5	CMX-3	CMX-4	CMX-5	CA-1	Standards
Specific Use Type								
Safety Services³¹⁷	Y	Y	Y	Y	Y	Y	Y	
Transit Station	Y	Y	Y	Y	Y	Y	Y	
Utilities and Services, Basic³¹⁸ (except as noted below)	Y	Y	Y	Y	Y	Y	Y	
Electric (transforming) Substation	Y	Y	N	Y	Y	Y	Y	
Gas (regulating) Substation	Y	Y	N	Y	Y	Y	Y	
Telephone Exchange Building	Y	Y	N	Y	Y	Y	Y	
Sewer Substation	Y	Y	N	Y	Y	Y	Y	
Water Boosting Substation	Y	Y	N	Y	Y	Y	Y	
Wireless Service Facility (as noted below)								
Freestanding Tower	S	S	S	Y	Y	Y	Y	14-503(13)
Building or Tower-mounted Antenna	Y	Y	Y	Y	Y	Y	Y	14-503(14)
Office								
Business and Professional³¹⁹	Y	Y	Y	Y	Y	Y	Y	
Medical, Dental, Health Practitioner	Y	Y	Y	Y	Y	Y	Y	
Government³²⁰	Y	Y	Y	Y	Y	Y	Y	
Retail Sales								14-503(11)(a)
Adult-oriented Merchandise	N	N	N	S	S	S	S	14-503(10)
Building Supplies and Equipment³²¹	Y	Y	Y	Y	Y	Y	Y	14-503(3)
Consumer Goods (except as noted below)	Y	Y	Y	Y	Y	Y	Y	
Drug Paraphernalia Sales	N	S	N	S	S	S	S	14-503(10)
Gun Shop	N	S	N	S	S	S	S	14-503(10)
Food, Beverages and Groceries³²² (except as noted below)	Y	Y	Y	Y	Y	Y	Y	
Farmer's Market	Y	Y	Y	Y	Y	Y	Y	
Fresh Food Market	Y	Y	Y	Y	Y	Y	Y	14-503(7)
Package Liquor/Malt Beverage Sales	Y	Y	N[4]	Y	Y	Y	Y	
Pets and Pet Supplies	Y	Y	Y	Y	Y	Y	Y	
Sundries, Pharmaceuticals and Convenience Sales	Y	Y	Y	Y	Y	Y	Y	
Wearing Apparel and Accessories	Y	Y	Y	Y	Y	Y	Y	
Commercial Services								
Adult-oriented Service	N	N	N	S	S	S	S	14-503(10)
Assembly and Entertainment (except as noted below)	N	S	S	Y	Y	Y	Y	
Amusement Arcade	N	S	S	S	S	S	S	
Pool or Billiards Room	N	S	S	S	S	S	S	

³¹⁷ This use was previously permitted only in C-7.
³¹⁸ This use is not currently permitted in C-1 or ASC.
³¹⁹ This use may not currently be allowed in all of these districts.
³²⁰ This use may not currently be allowed in all of these districts.
³²¹ This new (broader) use category may mean that new uses are allowed.
³²² This new (broader) use category may mean that new uses are allowed.

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Temporary table row								
	C-1	C-2/RC-2	(/NCC)	C-3/RC-3	C-4	C-5	C-7/NSC/ASC ³¹⁵	
Use Category	CMX-1	CMX-2	CMX-2.5	CMX-3	CMX-4	CMX-5	CA-1	Standards
Subcategory								
Specific Use Type								
Building Services	N	N	N	Y	Y	Y	Y	
Business Support	Y	Y	Y	Y	Y	Y	Y	
Day Care	[5]	Y	Y	Y	Y	Y	Y	
Eating and Drinking Establishments (as noted below)								
Nightclubs and Private Clubs (with PLCB license for alcohol sales)	N	Y	N	Y	Y	Y	Y	14-503(6)
Prepared Food Shop	S	Y	Y	Y	Y	Y	Y	14-503(6)
Sit Down Restaurant	N	Y	Y	Y	Y	Y	Y	14-503(6)
Take-out Restaurant	N	S	N	Y	Y	Y	Y	14-503(6)
Financial Services (except as noted below)	Y	Y	Y	Y	Y	Y	Y	
Personal Credit Establishment	N	S	N	S	S	S	S	14-503(10)
Funeral and Mortuary Services ³²³	S	Y	Y	Y	Y	Y	Y	
Maintenance and Repair (except as noted below)	Y	Y	Y	Y	Y	Y	Y	
On-premise Dry Cleaning	Y	Y	N	Y	Y	Y	Y	
Parking, Non-Accessory ³²⁴ (as noted below)								
Surface, open-air	N	S	S	S	N	N	Y	14-503(9)
Multi-level structure (garage)	N	Y	Y	Y	S	S	Y	14-503(9)
Personal Services (except as noted below)	Y	Y	Y	Y	Y	Y	Y	
Body Art Service	N	S	S	S	S	S	S	
Radio, Television and Recording Services	N	Y	Y	Y	Y	Y	Y	
Visitor Accommodations ³²⁵	N	Y	Y	Y	Y	Y	Y	14-503(2)
Vehicle and Vehicular Equipment Sales and Services								
Commercial Vehicle Repair and Maintenance ³²⁶	N	N	N	N	N	N	S	
Commercial Vehicle Sales and Rental	N	N	N	N	N	N	Y	
Personal Vehicle Repair and Maintenance	N	Y	N	Y	Y	Y	Y	
Personal Vehicle Sales and Rental ³²⁷	N	Y	N	Y	Y	Y	Y	
Vehicle Equipment and Supplies Sales and Rental ³²⁸	N	Y	N	Y	Y	Y	Y	
Wholesale, Distribution and Storage								
Moving and Storage Facilities ³²⁹	N	Y	Y	Y	Y	Y	Y	
Industrial								
Artisan Manufacturing ³³⁰	N	Y	Y	Y	Y	Y	Y	
Research and Development	N	Y	N	Y	Y	Y	Y	

³²³ Added to CMX-2 and CMX-3

³²⁴ This use is permitted in more districts than in the current code.

³²⁵ This use is permitted in more districts than in the current code.

³²⁶ Added as S use in CA-1.

³²⁷ Added as S use in CA-1.

³²⁸ Added as S use in CA-1.

³²⁹ Added as new Y use in CA-1.

³³⁰ New very low-intensity manufacturing use added to several C districts.

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Temporary table row								
Use Category	C-1	C-2/RC-2	(/NCC)	C-3/RC-3	C-4	C-5	C-7/NSC/ASC ³¹⁵	Standards
Subcategory	CMX-1	CMX-2	CMX-2.5	CMX-3	CMX-4	CMX-5	CA-1	
Specific Use Type								
Urban Agriculture								
Community Garden	Y	Y	Y	Y	Y	Y	Y	14-503(12)
Market or Community-Supported Farm ³³¹	Y	Y	Y	Y	N	N	Y	14-503(12)

Table Notes:

- [1] Only those residential building types allowed in the most restrictive abutting district are permitted. See also 14-302(4)(a).
- [2] Existing buildings erected before May 26, 1982 may be converted to a duplex, but the converted building may not be used for any commercial use or activity. See also 14-302(4)(a).
- [3] Residential uses are prohibited on the ground floor of buildings within the CMX-2.5 district.
- [4] Use prohibition does not apply to Pennsylvania Liquor Control Board-run establishments.
- [5] Permitted as of right only if located in educational facility, hospital, library/cultural exhibit, religious assembly building or park and recreation building; otherwise prohibited. Common ownership of day care (accessory use) and principal use is not required.
- [6] Rowhouse dwellings must contain a commercial use.³³²

³³¹ Formerly “Agriculture or Horticulture”.

³³² Added since Module 2.

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(5) Industrial Districts

Principal uses are allowed in I zoning districts in accordance with Table 14-502-3. See 14-504 for regulations governing accessory uses.

Table 14-502-3: Uses Allowed in I Districts³³³

Temporary table row								
Use Category Subcategory Specific Use Type	New	L4/L-5	L1/L2/L3	G1/G2	LR	PI	New	Standards
	IRMX	ICMX	I-1	I-2	I-3	I-P	I-TU	
Y = Yes, use is permitted as of right S = Special exception approval required N = Not allowed (use expressly prohibited) Uses not listed are also prohibited Bracketed numbers refer to notes immediately following the table								
Residential								
Household Living (as noted below)								
Multi-dwelling Building	Y	N	N	N	N	N	N	
Caretaker Quarters	Y	Y	Y	Y	Y	Y	Y	
Group Living								
	Y	N	N	N	N	N	N	
Parks and Open Space								
Natural Resource Preservation	Y	Y	Y	Y	Y	Y	Y	
Passive Recreation	Y	Y	Y	Y	Y	Y	Y	
Active Recreation	Y	Y	N	N	N	N	N	
Public, Civic and Institutional								
Detention and Correctional Facilities ³³⁴	N	S	S	S	Y	S	S	14-503(10)
Educational Facilities	N	N	N	N	N	N	N	
Fraternal Organization	Y	Y	N	N	N	N	N	
Hospital	N	N	N	N	N	N	N	
Library/Cultural Exhibit	Y	N	N	N	N	N	N	
Religious Assembly ³³⁵	Y	Y	Y	N	N	N	N	
Safety Services ³³⁶	Y	Y	Y	Y	Y	Y	Y	
Transit Station	Y	Y	Y	Y	Y	Y	Y	
Utilities and Services, Basic	Y	Y	Y	Y	Y	Y	Y	
Utilities and Services, Major (except as noted below)	N	N	N	Y	Y	Y	Y	
Sanitary and Construction Debris Landfills	N	N	N	S	Y	N	N	
Wireless Service Facility	Y	Y	Y	Y	Y	Y	Y	14-503(13) 14-503(14)
Office								
Business and Professional								
	Y	Y	N	N	N	N	N	

³³³ In order to promote more consistency among districts/uses and deregulate relative innocuous use types, the I district use table contains several changes. Changes also result from the switch to use categories and subcategories. Only some of the changes are specifically identified. Changes have been made since Module 2 per ZCC Change Memo #3.

³³⁴ This use is now allowed in more districts.

³³⁵ Added in several I districts because of the need to allow religious assembly in districts where secular assembly is allowed.

³³⁶ "Safety services", "transit station", "utilities and services, major", and "government" are now allowed in more districts.

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Temporary table row								
Use Category	New	L4/L-5	L1/L2/L3	G1/G2	LR	PI	New	Standards
Subcategory	IRMX	ICMX	I-1	I-2	I-3	I-P	I-TU	
Specific Use Type								
Medical, Dental, Health Practitioner	Y	Y	N	N	N	N	N	
Government³³⁷	Y	Y	Y	N	N	N	Y	
Retail Sales								14-503(11)(a)
Adult-oriented Merchandise	N	S	S	S	Y	S	N	14-503(10)
Building Supplies and Equipment	Y	Y	Y	Y	Y	Y	Y	
Consumer Goods (except as noted below)	Y	Y	N	N	N	N	N	
Drug Paraphernalia Sales	N	N	N	N	Y	N	N	14-503(10)
Gun Shop	N	S	S	S	Y	S	N	14-503(10)
Food, Beverages and Groceries (except as noted below)	Y	Y	N	N	N	N	N	
Fresh Food Market	Y	Y	Y	Y	N	N	N	14-503(7)
Pets and Pet Supplies	N	Y	N	N	N	N	N	
Sundries, Pharmaceuticals and Convenience Sales	Y	Y	N	N	N	N	N	
Wearing Apparel and Accessories	Y	Y	N	N	N	N	N	
Commercial Services								
Adult-oriented Service	N	N	N	N	Y	N	N	14-503(10)
Animal Services	Y	Y	Y	Y	Y	N	N	
Assembly and Entertainment (except as noted below)	S	Y	Y	N	N	N	N	
Amusement Arcade	S	S	S	S	Y	S	N	
Pool or Billiards Room	S	S	S	S	Y	S	N	
Building Services³³⁸	Y	Y	Y	Y	Y	N	N	
Business Support	Y	Y	Y	Y	Y	N	N	
Day Care	Y	Y	N	N	N	N	N	
Eating and Drinking Establishments	Y	Y	N	N	N	N	N	14-503(6)
Financial Services (except as noted below)	Y	Y	Y	Y	Y	Y	Y	
Personal Credit Establishment	N	S	S	S	Y	S	N	14-503(10)
Funeral and Mortuary Services	Y	Y	N	N	N	N	N	
Maintenance and Repair	Y	Y	Y	Y	Y	Y	Y	
Parking, Non-Accessory	N	S	Y	Y	Y	Y	N	14-503(9)
Personal Services (except as noted below)	Y	Y	N	N	N	N	N	
Body Art Service	Y	Y	Y	Y	Y	Y	N	
Radio, Television and Recording Services	Y	Y	Y	Y	Y	N	N	
Visitor Accommodations	Y	N	N	N	N	N	N	
Vehicle and Vehicular Equipment Sales and Services								
Commercial Vehicle Repair and Maintenance³³⁹	N	Y	Y	Y	Y	Y	N	
Commercial Vehicle Sales and Rental	Y	Y	Y	Y	Y	Y	N	
Personal Vehicle Repair and Maintenance	N	Y	Y	Y	Y	N	N	
Personal Vehicle Sales and Rental	N	Y	N	N	Y	N	N	

³³⁷ This use may not currently be allowed in all of these districts.

³³⁸ "Building services", "business support", "parking, non-accessory" are now allowed in more districts.

³³⁹ "Commercial vehicle repair and maintenance", "commercial vehicle sales and rental", "personal vehicle repair and maintenance", and "personal vehicle sales and rental" are now allowed in more districts.

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Temporary table row								
Use Category	New	L4/L-5	L1/L2/L3	G1/G2	LR	PI	New	Standards
Subcategory Specific Use Type	IRMX	ICMX	I-1	I-2	I-3	I-P	I-TU	
Vehicle Equipment and Supplies Sales and Rental	N	Y	N	N	N	N	N	
Wholesale, Distribution and Storage								
Equipment and Materials Storage Yards	N	Y	N	Y	Y	Y	N	
Moving and Storage Facilities ³⁴⁰	N	Y	Y	Y	Y	Y	N	
Warehouse	Y	Y	Y	Y	Y	Y	N	
Wholesale Distribution	N	Y	Y	Y	Y	Y	N	
Industrial								
Artisan Manufacturing ³⁴¹	Y	Y	Y	Y	Y	N	N	
Limited Manufacturing	S	Y	Y	Y	Y	N	N	
General Manufacturing	N	N	N	Y	Y	N	N	
Intensive Manufacturing	N	N	N	N	Y	N	N	
Junk/Salvage Yard	N	N	N	S	Y	N	N	14-503(8)
Marine-related Industrial	N	N	N	N	N	Y	N	
Mining/Quarrying	N	N	N	N	Y	N	N	
Research and Development	Y	Y	Y	Y	Y	N	N	
Trucking and Transportation Terminals	N	N	Y	Y	Y	Y	Y	
Urban Agriculture								
Community Garden	Y	Y	Y	Y	Y	N	Y	14-503(12)
Market or Community-Supported Farm ³⁴²	Y	Y	Y	Y	Y	N	Y	14-503(12)
Animal Husbandry ³⁴³	N	Y	Y	Y	Y	N	N	
Horticulture Nurseries and Greenhouses	Y	Y	Y	Y	Y	N	Y	

³⁴⁰ This use is now allowed in more districts.

³⁴¹ New use since Module 2.

³⁴² Formerly “Agriculture or Horticulture”.

³⁴³ “Animal husbandry” and “horticultural nurseries and greenhouses” are now allowed in more districts.

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(6) Special Purpose Districts³⁴⁴

Principal uses are allowed in SP (special purpose) zoning districts in accordance with Table 14-502-4. See 14-504 for regulations governing accessory uses.

Table 14-502-4: Uses Allowed in Special Purpose Districts

Use Category	SP-INS	SP-ENT	SP-STA	SP-PO	SP-AIR	Standards
Subcategory						
Specific Use Type						
Y = Yes, use is permitted as of right S = Special exception approval required N = Not allowed (use expressly prohibited) Uses not listed are also prohibited Bracketed numbers refer to notes immediately following the table						
Residential						
Household Living (as noted below)						
Detached House	N	Y	N	N	N	
Duplex	N	Y	N	N	N	
Multi-dwelling Building	N	Y	N	N	N	
Group Living (as noted below)						
Assisted Living	Y	N	N	N	N	14-503(1)
Dormitories ³⁴⁵	Y	N	N	N	N	
Fraternities and Sororities	Y	N	N	N	N	
Parks and Open Space						
Natural Resource Preservation	Y	Y	Y	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	
Educational Facilities	Y	N	N	N	N	
Fraternal Organization	Y	N	N	N	N	
Hospital	Y	N	N	N	N	
Library/Cultural Exhibit	Y	N	N	Y	Y	
Religious Assembly	Y	N	N	N	N	
Safety Services	Y	N	N	N	Y	
Transit Station	Y	N	N	N	Y	
Utilities and Services, Basic	Y	N	N	Y	Y	
Wireless Service Facility (as noted below)						
Freestanding Tower	Y	N	N	N	S	14-503(13)
Building or Tower-mounted Antenna	Y	N	N	N	Y	14-503(14)
Office						
Business and Professional	[1]	Y	[2]	N	Y	
Medical, Dental, Health Practitioner	[1]	Y	[2]	N	Y	
Government³⁴⁶	[1]	Y	[2]	Y	Y	
Retail Sales						14-503(11)(a)
Building Supplies and Equipment	[1]	Y	N	N	Y	

³⁴⁴ These uses have been organized into a table since Module 2. Significant additions have been made to the SP-PO district uses, because the list in the current code did not accurately reflect the variety of activities undertaken by the Parks and Recreation Department and its lessees and permittees.

³⁴⁵ Added dorms, fraternities and sororities since Module 2.

³⁴⁶ This use may not currently be allowed in each of these districts.

Use Category	SP-INS	SP-ENT	SP-STA	SP-PO	SP-AIR	Standards
Subcategory						
Specific Use Type						
Consumer Goods ³⁴⁷ (except as noted below)	[1]	Y	[2]	Y	Y	
Drug Paraphernalia Sales	N	N	N	N	N	
Gun Shop	N	N	N	N	N	
Food, Beverages and Groceries ³⁴⁸ (except as noted below)	[1]	Y	N	N	Y	
Farmer's Market	[1]	Y	N	Y	Y	
Fresh Food Market	[1]	Y	N	N	Y	
Pets and Pet Supplies	[1]	Y	N	N	Y	
Sundries, Pharmaceuticals and Convenience Sales	[1]	Y	[2]	Y	Y	
Wearing Apparel and Accessories	[1]	Y	[2]	Y	Y	
Commercial Services						
Assembly and Entertainment (except as noted below)	[1]	Y	Y	Y	Y	
Amusement Arcade	N	Y	N	N	N	
Gaming and Off-track Betting Facilities	N	Y	N	N	N	
Pool or Billiards Room	N	Y	N	N	N	
Building Services	[1]	N	N	N	N	
Business Support	[1]	N	N	N	Y	
Day Care	[1]	N	[2]	Y	Y	
Eating and Drinking Establishments (except as noted below)	[1]	Y	[2]	Y	Y	14-503(6)
Take-out Restaurant	N	Y	N	S	Y	14-503(6)
Financial Services (except as noted below)	[1]	N	[2]	N	Y	
Personal Credit Establishment	N	N	N	N	N	
Funeral and Mortuary Services	[1]	N	N	N	Y	
Marina	N	Y	N	Y	S	
Maintenance and Repair	[1]	N	N	N	Y	
Parking, Non-Accessory (as noted below)						
Surface, open-air	[1]	Y	Y	Y ³⁴⁹	Y	14-503(9)
Multi-level structure (garage)	[1]	Y	Y	N	Y	
Personal Services	[1]	Y	[2]	N	Y	
Radio, Television and Recording Services	[1]	N	N	N	Y	
Visitor Accommodations ³⁵⁰	[1]	Y	[2]	N	Y	
Wholesale, Distribution and Storage						
Wholesale Distribution	N	N	N	N	Y	
Industrial						
Artisan Manufacturing	N	N	N	N	Y	
Research and Development	N	N	N	N	Y	
Urban Agriculture						
Community Garden	Y	Y	Y	Y	Y	
Market or Community-Supported Farm	N	N	N	Y	Y	

Table Notes:

³⁴⁷ This new (broader) use category may mean that new uses are allowed.

³⁴⁸ This new (broader) use category may mean that new uses are allowed.

³⁴⁹ Since Module 2 this has been changed from N to Y to accommodate parking for lessees of park buildings and facilities. The use standard clarifies that the non-accessory must be for a use approved by the Department of Parks and Recreation

³⁵⁰ This use may not currently be allowed in each of these districts.

Use Category		SP-INS	SP-ENT	SP-STA	SP-PO	SP-AIR	Standards
Subcategory							
Specific Use Type							
[1]	Permitted as of right in SP-INS districts with an area of 5 acres or more; otherwise special exception approval required.						
[2]	Permitted only if accessory use to sports stadium or similar facility or if shown on an approved plan of development						

14-503 Use-specific Standards

(1) Assisted Living

Assisted living facilities are subject to PA 2007 SB 704.³⁵¹

(2) Bed and Breakfast

Bed and breakfast establishments are subject to the following standards in R zoning districts:

- (a) the establishment must be operated by the owner of the dwelling unit, who must live on the property;
- (b) the bed and breakfast may not contain more than 4 guest rooms in RSD districts or more than 8 guest rooms in any RSA or RM district;
- (c) food service may be provided for resident guests only;
- (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
- (e) if the parcel 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.

(3) Building Supplies and Equipment³⁵²

Outdoor storage of supplies, equipment, or inventory is allowed in C districts provided that:

- (a) outdoor storage areas are not be located in any required front setback area and
- (b) outdoor storage areas are screened from view from all public street and from any abutting properties in residential use through the use of opaque materials at least as tall as the materials being screened. Chain link fencing with inserts may not be used for required screening of these areas.

³⁵¹ Added since Module 2.

³⁵² These provisions have been revised since Module 2 to remove minimum lot size restrictions for outdoor storage.

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(4) Cemeteries

No cemetery or place for burial may be erected, kept, maintained, or established within the city unless:

- (a) It was established and in use for such purpose on May 25, 1866; or
- (b) It was specifically authorized by prior ordinance.

(5) Day Care³⁵³

(a) Family Day Care

When family day care uses are located in a residential dwelling unit, the dwelling unit must be operated by the owner or authorized tenant (with owner's permission).

(6) Eating and Drinking Establishments³⁵⁴

(a) Take-out Restaurants

- (.1) In acting on special exception applications for take-out restaurants, the Zoning Board of Adjustment must, in addition to the normally required special exception procedures of 14-204(4), find that the proposed location of the carry-out restaurant will not result in adverse impacts upon the vicinity after giving consideration to a litter clean-up plan³⁵⁵, the hours of operation, and the site plan.
- (.2) In acting to approve special exception applications for take-out restaurants, the Zoning Board of Adjustment is expressly authorized to require that the premises be posted with signs stating that the consumption of foods or beverages outside the principal building on the premises is prohibited. The ZBA is also authorized to require that the name and address of the establishment be printed on all disposable food and beverage containers.

(b) Parking Lots Accessory to Dance Halls, Nightclubs and Restaurants

For parking lots accessory to dance halls, nightclubs and restaurants, but not located on the same lot as the principal use, the applicant must present evidence that they own or have leasehold interest for a period of at least 7 years for the off-site lot where the required off-street parking is to be

³⁵³ Added new family day care standards since Module 2. Separate size standards for some areas not carried forward.

³⁵⁴ New provisions recommended by the working group on this topic. Since Module 2, special restrictions on parking for restaurants on market street between Front and Fifth Streets have been deleted, since this section of Market Street falls within two /CTR overlay areas that prohibit restaurants on Market St.

³⁵⁵ Litter plan and other submittal requirements for drive-in and drive-through restaurants will be addressed in the Zoning Code Administrative Manual.

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provided.³⁵⁶ See also 14-702(12).

(7) Fresh Food Market

(a) Incentives

The incentives of this section are applicable to all new fresh food markets and all expansions of existing fresh food markets.

(b) Exemption from District Floor Area Limits

In zoning districts with maximum floor area limits for retail uses, fresh food markets may exceed such floor area limits by up to 50%.

(c) Additional Floor Area

Buildings containing fresh food markets are allowed one additional square foot of floor area for each square foot of fresh food market floor area included within the building, up to a maximum of 25,000 sq. ft. of additional floor area. Buildings in which additional floor area is to be provided for a fresh food market may exceed the maximum building height of the subject zoning district if the Department of Licensing and Inspections determines that such additional building height is necessary to accommodate the additional floor area allowance granted under this section.

(d) Reduced Parking

The first 10,000 sq. ft. of floor area in a fresh food market is exempt from minimum off-street parking requirements.

(8) Junk/Salvage Yards

(a) The minimum required lot size for junk/salvage yards is 2 acres.

(b) Junk/salvage yards may not be located within 150 ft. of any R district.

(c) If the junk/salvage yard is located in any district other than the I-3, I-P, or I-TU districts, a masonry wall, not less than 8 ft. in height and not more than 12 ft. in height, shall be constructed and maintained in good condition around all property boundaries abutting a zoning district other than I-3, I-P, or I-TU.

(d) All buildings, screening, and junk/salvage materials must be set back at least 20 ft. from any public street, and that setback area shall be landscaped in accordance with 14-607(3).

(e) All activities and stored materials must be confined to the walled-in area. There may be no stacking of material above the height of the masonry wall, but moveable equipment used in the conduct of junk/salvage activities may exceed that height.

³⁵⁶ Standard comes from current 14-1803. It was inadvertently omitted from Module 2.

- (f) Open burning is prohibited.
- (g) No outdoor industrial processes involving the use of equipment for cutting, shredding, compressing, or packaging may be conducted within 300 ft. of an R zoning district.
- (h) All roads, driveways, parking lots, and loading and unloading areas within any junkyard must be paved or surfaced with a material to prevent wind-born dust from being carried outside the walled area.
- (i) All fluids must be drained from junk/salvage motor vehicles or motor vehicle parts within 7 days after those vehicles or parts are brought onto the site, and those fluids must be disposed of in compliance with all applicable laws.

(9) Parking, Non-accessory

The following regulations apply to all non-accessory parking uses that require special exception approval.

- (a) The applicant must submit a (pedestrian and vehicular) traffic impact study that has been prepared by a professional engineer, specializing in transportation, that demonstrates that the proposed parking facility:
 - (.1) will not materially degrade the level of service at any signalized intersection within 400 ft. of the lot during any 15-minute period between the hours of 7:30 a.m. and 9:30 a.m. and 4:00 p.m. and 6:00 p.m. to an unacceptable level of congestion as determined by professional traffic engineering standards; or
 - (.2) if the proposed parking facility will degrade the existing level of service to an unacceptable level, an abatement and/or mitigation plan demonstrating how any degradation in service will be mitigated has been approved by the Streets Department.
- (b) The applicant must submit a plan and/or evidence prepared by an architect or engineer indicating that the sight lines for the driver of any vehicles exiting the parking facility are such that a proper sight triangle across both sides of the sidewalk will exist so that the driver of any vehicle will be able to see pedestrians on the sidewalk adjacent to the driveway, before any part of the vehicle exits the lot.
- (c) The applicant must submit evidence that any off-site public or private actions that are necessary to support any conclusion reached or any representation made on any plan, study, or report prepared pursuant to the requirements of this section have been completed.
- (d) In the SP-PO district, non-accessory parking is only permitted for uses approved by the Department of Parks and Recreation through leases of department

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facilities or otherwise.³⁵⁷

(10) Regulated Uses³⁵⁸

(a) Designation of Regulated Uses³⁵⁹

The following uses are designated as regulated uses:

- (.1) Adult-oriented merchandise (a subcategory of the Retail Sales category);
- (.2) Adult-oriented service (a subcategory of the Commercial Services use category);
- (.3) Drug paraphernalia stores (a subcategory of the Retail Sales category > Consumer Goods);
- (.4) Gun shops (a specific use in the Retail Sales category; subset of “consumer goods et. al.,” subcategory);
- (.5) Detention and correctional facilities (a subcategory of the Public, Civic and Institutional category); and
- (.6) Personal credit establishments (a specific use in the Commercial Services; subset of Financial Services subcategory).

(b) Regulations and Standards³⁶⁰

(.1) Separation Requirements

No regulated use may be located:

- (.a) Within a zoning district where such use is not expressly allowed³⁶¹;
- (.b) Within 1,000 ft. of any other existing regulated use, as measured from the nearest lot lines of the lots occupied by regulated uses;
- (.c) Within 500 ft. of any R zoning district, as measured from the nearest lot line of lot occupied by a regulated use to the nearest R district boundary;

³⁵⁷ This provision was added since Module 2.

³⁵⁸ Since Module 2, the Legislative Findings have been deleted, but they may be included in the adopting ordinance.

³⁵⁹ The following uses have been removed from the list of regulated uses: amusement arcades, body art services, pool and billiard rooms and sewage overflow tanks.

³⁶⁰ Existing regulations governing “signs and visible messages” have been deleted.

³⁶¹ This new provision is intended to clarify, for example, that zoning districts in which retail sales are allowed do not allow drug paraphernalia stores unless such stores are specifically listed as an allowed use.

- (.d) Within 1,000 ft. of any SP-ENT zoning district, as measured from the nearest lot line of lot occupied by a regulated use to the nearest SP-ENT district boundary; or
- (.e) Within 500 ft. of the nearest lot line of a lot containing any protected use, as measured from the nearest lot line of the lot occupied by the regulated use.³⁶²

(.2) **Discontinuance of Operations**³⁶³

If a regulated use ceases or discontinues operation for a continuous period of 90 days or more, the regulated use may not resume, or be replaced by any other regulated use unless it complies with the regulated use requirements of this section.

(11) Retail Sales

(a) Tobacco Product Sales³⁶⁴

Sales of tobacco products are subject to the following restrictions and standards, whether such sales are a principal or accessory use:

- (.1) No tobacco product sales may occur within 500 ft. of any public, private, charter, or parochial school (grades K-12), measured as the closest distance from lot line to lot line; and
- (.2) This 500 foot separation requirement does not apply to retail sales uses with more than 20,000 sq. ft. of floor area, provided that the sales area devoted to tobacco sales does not exceed 25% of the total sales area or 25% of gross sales receipts from the sale or exchange of tobacco products.

(12) Urban Agriculture³⁶⁵

(a) General

All urban agriculture uses are subject to the following standards:

- (.1) Sales may occur only on the same lot as the urban agriculture use or in locations where retail sales are an allowed use.
- (.2) The site must be designed and maintained so that water and fertilizer

³⁶² Removed provision prohibiting regulated uses in 6th and 10th councilmanic districts.

³⁶³ This discontinuance standard currently only applies to a small handful of regulated uses, which appears inadvertent; the updated provision would apply to all regulated uses.

³⁶⁴ This is a new standard since Module 2.

³⁶⁵ These standards have been revised since Module 2. Sales from the property are now allowed, walkway requirements have been removed, special fence height and lighting regulations have been removed, storage regulations now distinguish between different types of materials, restrictions on nighttime use are now limited to power equipment, language on animal enclosures has been added.

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will not drain onto adjacent property.

(b) Community Gardens, Market/Community-supported Farms

The following standards apply to community gardens, and market and community-supported farms:

- (.1) A permanent fence must be provided around the perimeter of all market and community-supported farms. Fences must comply with the regulations of 14-608.
- (.2) Refuse and compost bins must be rodent-resistant and located as far as practicable from abutting residential uses. Refuse must be removed from the site at least once a week.
- (.3) Storage areas for tools and equipment must be enclosed and located as far as practicable from abutting residential uses.
- (.4) No outdoor work activity that involves power equipment or generators may occur between sunset and sunrise.
- (.5) Where Chapter 10-112 permits the keeping of animals, they must be fenced or enclosed as far as practicable from abutting residential uses. Animal husbandry is subject to applicable Philadelphia Code regulations on farm animals (Code sections 10-101(8) and 10-112).

(13) Wireless Service Facilities (Freestanding Towers)

Freestanding towers are subject to the following regulations.

(a) Distance from Residential Dwelling Units³⁶⁶

- (.1) Towers in all R and CMX-1 districts must be setback at least 500 ft. from any lot occupied by a residential dwelling unit.
- (.2) Towers in all C districts other than CMX-1 and in all I districts must be set back at least 250 ft. from any lot occupied by a residential dwelling unit.

(b) Minimum Lot Size

New towers may be erected only on lots with a minimum area of 2,000 sq. ft.

(c) Setback and Height Requirements

Buildings and structures associated with a newly erected tower (excluding antennas and antenna towers or support structures) must comply with the setback and height requirements of the zoning district in which they are located.

³⁶⁶ Revised to require that towers in I (Industrial) districts comply with same standards as towers in C (commercial) districts.

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(d) Screening

- (.1) A continuous evergreen screen must be provided around all newly erected towers. The screen may consist of a hedge or a row of evergreen trees. The evergreen screen must be a minimum of 6 ft. in width with a minimum height of 6 ft. at time of planting, with a minimum 15-foot height at maturity.
- (.2) All structures, buildings and equipment accessory to antennas placed on an existing structure that is not located within the existing structure must be screened with materials compatible with the existing structures, buildings or equipment at the time of planting.
- (.3) The vegetative species to be used for required screening must be selected from a list of trees recommended by the Planning Commission. If the Planning Commission determines that existing structures, buildings, vegetation, topography, or other natural features achieves the same level of screening as required above and informs the Department of Licenses and Inspections in writing of this finding, the requirements of this paragraph may be modified or waived.

(e) Height Limit³⁶⁷

- (.1) In R and CMX-1 districts with a maximum height limit of 35 ft., ground- or building-mounted towers may not exceed 60 ft. in height above the average ground level at the base of the tower or building.
- (.2) In all other districts, ground- or building-mounted towers may not exceed 60 ft. or the maximum building height allowed in the subject zoning district, whichever is greater.³⁶⁸

(f) Fencing

Unless located on an existing building, towers must be completely enclosed by a 6-foot tall chain link or similar fence. The entire fence must be located behind the required landscape screen and the required setback.

(g) Guy Wires

All guy wires and guyed towers must be clearly marked so as to be visible at all times.³⁶⁹

³⁶⁷ Eliminated “fall zone” requirement.

³⁶⁸ Revised; now says maximum height of district applies.

³⁶⁹ Removed 10-foot setback requirement due to concerns that guy wires are sometimes need to cross property lines.

(h) Lighting

All lighting, other than required by the FAA, must be shielded and oriented away from abutting properties.

(i) Special Exception Decision-making Criteria

In all locations in which freestanding towers require special exception approval, the applicant must:

- (.1) submit a definition of the area of service needed for coverage or capacity;
- (.2) submit information showing that the proposed facility would provide the needed coverage or capacity;
- (.3) submit a map showing all alternate sites from which the needed coverage could also be provided, indicating the zoning for all such sites;
- (.4) show why alternate sites that would not require special exception approval have not been proposed;
- (.5) demonstrate that existing facilities cannot accommodate the proposed antennas within the service area and that an existing public, community or institutional facility cannot accommodate the proposed antennas within the service area;
- (.6) demonstrate that they cannot co-locate the antenna within the service area;
- (.7) demonstrate, by presenting technological evidence, that the tower must be located at the proposed site in order to satisfy the needs of the applicant's wireless grid system;
- (.8) allow other wireless service providers using similar technology to co-locate on the tower;
- (.9) demonstrate how the site will be designed to accommodate future multiple users; and
- (.10) demonstrate that the proposed tower will preserve the preexisting character of the surrounding buildings and land use as much as possible. All components of the proposed tower must be integrated through location and design to be compatible with the existing characteristics of the site to the extent practical. Existing on-site vegetation must be preserved or improved, and the disturbance of the existing topography must be minimized, unless such disturbance would result in less visual

impact on the surrounding area.³⁷⁰

(14) Wireless Service Facilities (Building or Tower-mounted Antenna)

Building- or tower-mounted antennas and supporting electrical and mechanical equipment are subject to the following requirements:

- (a) They must be painted or screened in a way to match the colors or simulate the materials of the building or tower on which they are mounted.
- (b) They may not be artificially illuminated, unless required by the FAA. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding uses.
- (c) They must comply with the height restrictions otherwise applicable to the building or tower on which they are mounted.
- (d) They may not have signs attached to them unless required by the FAA, FCC, or other applicable authority.
- (e) Building-mounted antennas must be flush-mounted to the structure and may not extend above the wall to which it is attached.
- (f) Modification of any tower to accommodate an additional antenna may not cause the height of the tower to be increased more than 10 ft. beyond the tower height originally approved.

14-504 Accessory Uses and Structures³⁷¹

(1) General

- (a) Unless otherwise expressly stated in this Zoning Code, accessory uses and structures are permitted in conjunction with allowed principal uses and structures. Limitations on the number of principal buildings permitted per lot are not to be construed as applying to accessory buildings and structures.
- (b) Unless otherwise expressly stated, accessory uses and structures are subject to the same regulations that apply to principal uses and structures.
- (c) Accessory uses and structures must:
 - (.1) be subordinate to the principal use and principal structure in terms of area and function;
 - (.2) contribute to the comfort, convenience or necessity of occupants of the

³⁷⁰ Deleted separate notice requirement for wireless facilities because the practice has not been consistently observed.

³⁷¹ Most of these standards are new, as the current ordinance contains almost no material on this topic, but the lack of standards has led to confusion and additional ZBA review cases.

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principal structure or principal use served; and

- (.3) be customarily found in association with the principal use or principal structure.
- (d) Accessory structures must be constructed in conjunction with or after the principal structure. They may not be constructed before the principal structure.
- (e) Accessory uses and structures must be located on the same lot as the principal use and structure, except as otherwise expressly stated.

(2) Private Dwelling Garages

Private dwelling garages shall comply with the location and design standards in 14-702(13).³⁷²

(3) Decks and Patios

All decks and patios are subject to the following requirements:

(a) Fences, Guard Rails and Privacy Screens

Fences or guard rails used to enclose decks and patios may not exceed 42 in. in height, except that privacy screens up to 60 in. in height may be installed on the sides of decks that are parallel to side lot lines and located within 18 in. of an interior side lot line.

(b) Front Yard

Decks and patios are prohibited in required front yards.³⁷³

(c) Side Yard

Decks and patios are prohibited in required side yards.

(d) Rear Yard

Decks and patios are permitted between the rear wall of the building and the rear property line and will not be considered occupied area, provided the following conditions are met:

(.1) Roof, Walls, Stairs

Decks may not be enclosed by walls or a roof above the usable surface of the deck, nor may they be enclosed by walls below the usable surface of the decks. Decks and similar attached structures with covers or walls are considered part of the principal building and must comply with all yard and other requirements that apply to the principal building. Stairs from the ground level to the deck are permitted except in the case of

³⁷² Since Module 2 these standards have been moved to 14-702(13) in order to consolidate parking and garage standards.

³⁷³ Revised at request of staff. Formerly prohibited decks/patios forward of front building line.

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attached dwellings, where steps from the ground to the deck are prohibited.³⁷⁴

(.2) **Access to Garage**

Patios and decks may not be constructed or located to prevent vehicular access to any existing garage whether or not the garage is providing required off street parking.

(.3) **Minimum Distance from Driveway and Rear Lot Line**

Patios and decks must be constructed so that they are no closer at any point than 3 ft. from the edge of any driveway and from rear lot lines serving 2 or more lots.

(.4) **Minimum Distance from Lot Lines**

Patios and decks must be constructed so that all vertical support elements are located a minimum distance of 18 in. from all lot lines.³⁷⁵

(e) **Roof Decks³⁷⁶**

Roof decks in R districts are subject to the following requirements:

(.1) **Setbacks**

Roof decks must be set back at least 8 ft. from the front and rear building lines. In cases where the top story is already set back at least 8 ft. from the building line, the roof deck does not require an additional setback.

(.2) **Height**

A roof deck and associated railings and fencing is considered a permitted appurtenance and is not subject to the building height limitations of the subject zoning district, provided that no part extends more than 48 in. above a plane that is midway between the lowest and the highest points of the roof surface supporting the rooftop deck.

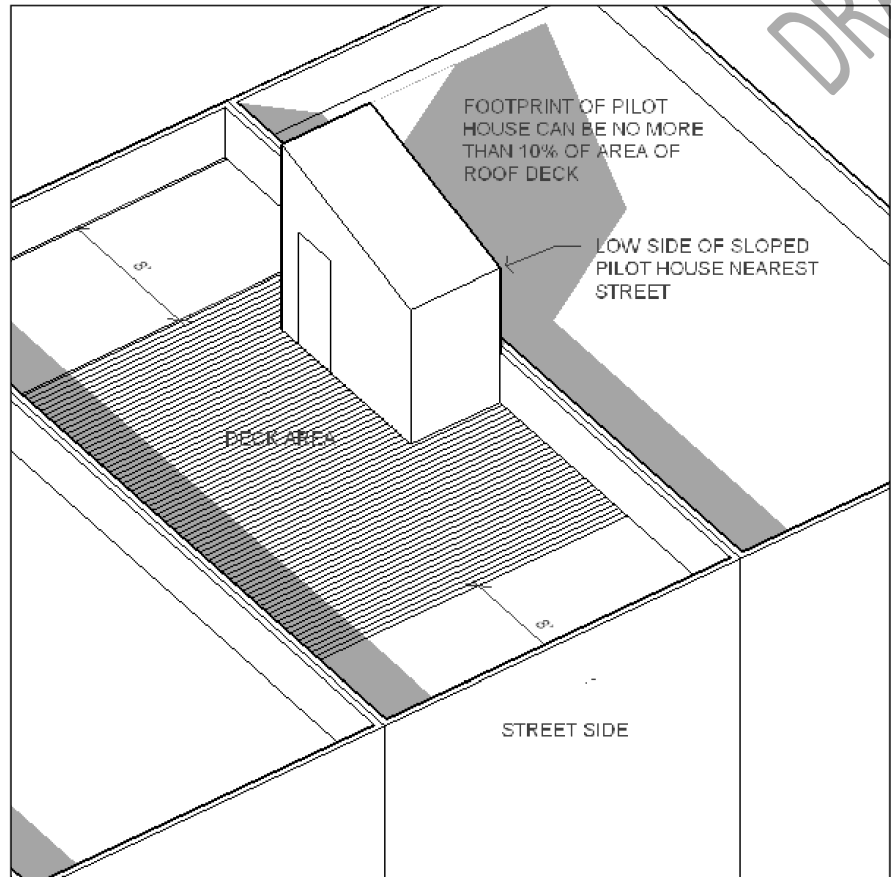
(.3) **Access Structures**

Roof deck access structures, such as pilot houses, may not exceed 10 ft. in height and may cover an area no larger than 48 sq. ft. Roof deck access structures must be designed and located so that the low side of a sloping roof faces the street. Roof deck access structures meeting these requirements are considered building appurtenances and may extend above maximum building height limits in accordance with 14-601(8).

³⁷⁴ Revised to allow steps from ground to deck; text revised since Module 2.

³⁷⁵ Removed prohibition on commercial decks/patios. Also removed prohibition on storage (on or under decks).

³⁷⁶ New section.



(4) Small Wind Energy Conversion Systems³⁷⁷

Roof- and building-mounted small wind energy conversion systems are permitted accessory structures within all zoning districts subject to compliance with the following regulations:

- (a) Turbines must be set back at least 20 ft. from the front building line and, on corner lots, at least 15 ft. from the street side building line.
- (b) Turbines and associated equipment are limited to a height of no more than 15 ft. above the roof or top of the parapet, whichever is greater.
- (c) Small wind energy conversion systems must comply with all noise limitations of the Philadelphia Code.
- (d) Small wind energy conversion systems must be safely and securely attached to the rooftop in compliance with the building code. Building permits are required.

³⁷⁷ New provisions to address device that convert wind energy into usable thermal, mechanical, or electrical energy, including windmills and wind turbines and supporting equipment such as generators, alternators, inverters, and batteries. Systems with a power-related capacity of no more than 100 kW (primarily intended for on-site consumption) are classified as “small” systems, which is what this section addresses.

- (e) When storage batteries are included as part of the wind energy conversion system, they must be placed in a secure container or enclosure meeting the requirements of the building code.
- (f) If a wind energy conversion system ceases to perform its originally intended function for more than 12 consecutive months, the property owner must remove the system within 90 days after the end of the 12-month period.

(5) Solar Collectors³⁷⁸

- (a) Roof- and building-mounted solar collectors are permitted accessory structures in all zoning districts, subject to compliance with all applicable regulations of this section.
- (b) Ground-mounted and freestanding solar collectors are permitted as accessory structures in all zoning districts, subject to compliance with all applicable regulations of this section.
 - (.1) Ground-mounted and freestanding solar collectors must comply with all applicable setback and yard requirements of the district in which it is located.
 - (.2) The height of ground-mounted and freestanding solar collectors and any mounts may not exceed 20 ft. when oriented at maximum tilt.
 - (.3) The total surface area of all ground-mounted and freestanding solar collectors on the lot may not exceed 1,000 sq. ft.
 - (.4) The ground-mounted and freestanding solar collectors may be located only in side or rear yards.
- (c) When solar storage batteries are included as part of the solar collector system, they must be placed in a secure container or enclosure meeting the requirements of the building code.
- (d) If a solar collector ceases to perform its originally intended function for more than 12 consecutive months, the property owner must remove the collector, mount and associated equipment and facilities within 90 days after the end of the 12-month period.
- (e) Building permits are required for all solar collector installations.

(6) Tobacco Product Sales

See 14-503(11)(a).

³⁷⁸ New provisions to address solar photovoltaic cells, panels, or arrays, or solar hot air or water collector devices that rely on solar radiation as an energy source for the generation of electricity or transfer of stored heat.

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(7) Satellite Dish Antennas

(a) General

- (.1) Satellite dish antennas up to one meter in diameter are permitted as accessory uses in all zoning districts.
- (.2) Satellite dish antennas over one meter in diameter, up to 3 meters in diameter, are permitted as accessory uses in all C, I, SP-INS, SP-ENT and SP-STA zoning districts.
- (.3) Any satellite dish antenna not expressly permitted by 14-504(7)(a)(.1) or 14-504(7)(a)(.2) requires special exception approval in accordance with the procedures of 14-204(4).

(b) Location³⁷⁹

- (.1) Where an alternative location is available for placement of a satellite dish or antenna, with no material reduction in signal reception and at no significant additional cost to the owner or tenant (including but not limited to a roof, rear yard or facade, or side yard or facade), no property owner shall place, install or maintain, or allow to be placed, installed or maintained, a satellite dish or antenna between the facade of a building and the street.
- (.2) No property owner shall place, install or maintain, or allow to be placed, installed or maintained, a satellite dish or antenna between the façade of a building and the street unless he or she has obtained a written statement, on a form to be provided by L&I, signed by the provider or installer of the satellite dish or antenna and by the owner or tenant who ordered the device, certifying that, based on actual testing conducted at the site, the satellite dish or antenna cannot be placed in a location other than between the façade of the building and the street without a material reduction in signal reception or significant additional cost.
- (.3) Any property owner who presently maintains a satellite dish or antenna between the façade of a building and the street shall promptly obtain the written certification described in [current 14-231(9)(c)]³⁸⁰ from the satellite dish provider, if the owner or tenant of the building at which the satellite dish or antenna is installed intends to continue to maintain the device at that location.

³⁷⁹ This section is new since Module 3 and incorporates the content of Bill No. 100200 currently pending before Council.

³⁸⁰ This incorrect citation was in the bill as passed, and will be corrected.

- (.4) The property owner or tenant shall keep the certification required by [current 14-231(9)(c) or (d)] at the residence at which the satellite dish or antenna is maintained, and shall produce it upon request by an inspector from L&I.
- (.5) The property owner shall remove any satellite dish or antenna located between the facade of the building and the street when it is no longer in service.
- (.6) For purposes of the foregoing subsections 14-504(7)(b)(.1) through 14-504(7)(b)(.5), a satellite dish or antenna shall include:
- (.a) A "dish" antenna that is one meter or less in diameter and is designed to receive direct broadcast satellite service, including direct-to home satellite service, or to receive or transmit fixed wireless signals via satellite.
 - (.b) An antenna that is one meter or less in diameter or diagonal measurement and is designed to receive video programming services via broadband radio service (wireless cable) or to receive or transmit fixed wireless signals other than via satellite.

(8) Home Occupations³⁸¹

(a) General

Home occupations are accessory uses to principal uses in the household living use category. The regulations 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.

(b) Applicability

All home occupations are subject to the regulations of this section.

(c) Exemptions

Family day cares and bed and breakfasts are not regulated as home occupations and are not subject to the regulations of this section. Such uses are classified in the commercial services use category, as day care services and visitor accommodations, respectively.

(d) Regulations

A dwelling unit may be used for one or more home occupations subject to compliance with all of the following minimum requirements:

³⁸¹ Contains several substantive revisions.

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- (.1) The owner of the home occupation must reside in the dwelling unit in which the home occupation is located.
 - (.2) Home occupations must be accessory and secondary to the use of a dwelling unit for residential purposes.
 - (.3) Home occupations 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 home occupation.
 - (.4) Home occupations may not adversely affect the residential character of the neighborhood. Home occupations 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.
 - (.5) The home occupation and all related activities must be conducted within a completely enclosed (principal or accessory) building.
 - (.6) In addition to the resident owner, up to 3 nonresident persons, including employees, associates and customers, may be present on the property at any time. This 3-person nonresident maximum per property applies regardless of the number of home occupations being conducted on the property.
 - (.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.
 - (.8) The following uses are expressly prohibited as home occupations:
 - (.a) regulated uses (See 14-503(10));
 - (.b) any type of repair or assembly of vehicles or equipment with internal combustion engines (such as autos, motorcycles, scooters, snowmobiles, outboard marine engines, lawn mowers, chain saws, and other small engines) or of large appliances (such as washing machines, dryers, and refrigerators) or any other work related to motor vehicles and their parts;
 - (.c) dispatch centers or other businesses where employees come to the site and are dispatched to other locations;
 - (.d) construction businesses or landscaping businesses that include on-site storage of goods and materials to be utilized in the operation of the business;
 - (.e) vehicle, equipment or supply rental businesses;

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- (.f) tow truck services;
- (.g) material or equipment storage businesses;
- (.h) eating or drinking places;
- (.i) funeral and mortuary services;
- (.j) animal hospitals; and
- (.k) animal grooming or boarding.

(9) Accessory Dwelling Units³⁸²

(a) Purpose

- (.1) Accessory dwelling units help advance city policies by:
 - (.a) accommodating new housing units while preserving the character of existing neighborhoods;
 - (.b) allowing efficient use of the city’s existing housing stock and infrastructure;
 - (.c) providing housing options and choices that respond to varying income levels, changing household sizes and lifestyle needs;
 - (.d) providing a means for residents—particularly seniors, single parents, and empty-nesters—to remain in their homes and neighborhoods, and obtain extra income, security, companionship and assistance; and
 - (.e) accommodating a broader range of accessible and more affordable housing.
- (.2) The accessory dwelling unit regulations of this section are intended to help promote the benefits of accessory dwelling units, while also preserving neighborhood character and promoting predictability and certainty for established neighborhoods.

(b) General

Accessory dwelling units are subject to all applicable regulations of the zoning district in which they are located, except as otherwise expressly stated in this section.

³⁸² New provisions.

(c) Where Allowed³⁸³

Accessory dwelling units are allowed only on lots occupied by single detached houses and twin houses. Accessory dwelling units are allowed within the interior of the principal building or within detached accessory buildings, such as detached garages.

(d) Owner Occupancy

The principal dwelling unit or the accessory dwelling unit must be occupied by the owner of the subject lot. Before final occupancy of the accessory dwelling unit, the property owner must record an affidavit and deed restriction, stating that the property owner will reside on the property, in either the principal or accessory dwelling unit. Once recorded, the deed restriction (requiring owner occupancy) may not be removed or modified without ZBA approval.

(e) Number

No more than one accessory dwelling unit is allowed per lot.

(f) Density (Minimum Lot Area per Unit)

No additional land area is required for the accessory dwelling unit beyond the minimum lot size required for a detached house in the subject zoning district.

(g) Location of Entrances

Only one entrance to a detached house containing an accessory dwelling unit may be located on the front façade that faces a street, unless the house contained an additional street-facing entrance before the accessory dwelling unit was created.

(h) Size

The floor area of an accessory dwelling unit may not exceed 800 sq. ft.³⁸⁴

(10) Trash and Recycling Storage Areas³⁸⁵

The following standards apply to accessory trash and recycling storage areas in all C districts:

- (a) The total area of trash and recycling storage areas may not exceed 25% of the gross floor area in the principal structure.
- (b) The maximum height regulations of the subject zoning district apply to accessory trash and recycling storage areas.

³⁸³ Since Module 2, the prohibition on ADUs in accessory buildings has been removed, and ADUs are now allowed on lots with twin houses.

³⁸⁴ Since Module 2, maximum floor area has been increased from 650 sq. ft. to 800 sq. ft. and the requirement for off-street parking has been deleted.

³⁸⁵ These provisions have been added since Module 2.

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Chapter 14-600: Development Standards³⁸⁶

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³⁸⁶ The subsections of Chapter 14-600 have been reorganized for flow. The section on sustainability has been deleted for clarity and will be instead covered in the purposes section of the code.

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14-601 Dimensional Standards

All primary and accessory structures must comply with the dimensional standards in this section. These general standards may be further limited or modified by other applicable sections of this Zoning Code. General rules for measurement are in 14-1002.

(1) General Provisions

(a) Dimensional Tables

Basic dimensional standards for R, C, and I districts are listed in Tables 14-601-1 through 14-601-4. Dimensional standards for special purpose districts are included in 14-304 through 14-308.

(b) Special Standards for Specific Areas

Additional standards for specific areas are listed in 14-601(5) through 14-601(7). In case of a conflict between the dimensions listed in Tables 14-601-1 through 14-601-4 and the provisions of 14-601(5) through 14-601(8), the latter shall govern.

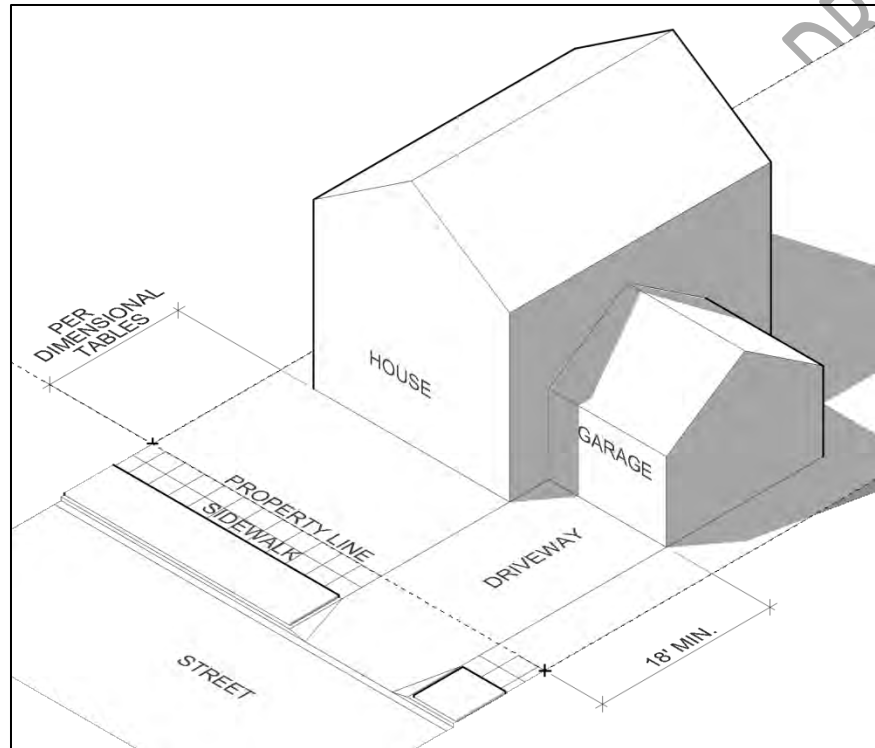
(c) Setbacks for Zone Blocks with More than One Zone

Where any block frontage on one side of a street is divided into two or more districts, no structure shall be erected nearer to the street line than is permitted under the regulations for that district that covers the largest percentage of the street frontage on that block face provided, however, that when residential districts are included the setback shall be the highest required of the applicable residential districts.

(d) Driveways³⁸⁷

In all zone districts, where front driveways for residential structures are permitted, the minimum length of the front driveway shall be 18 ft., measured from the front façade of the primary residential structure to the edge of the sidewalk (or if there is no sidewalk, then the street) closest to the residential structure.

³⁸⁷ This provision is new since Module 3 to address problems of parked cars encroaching over sidewalk areas.



(e) Limitations on Areas of Use³⁸⁸

Where a use is limited to a certain defined area, floor area, gross floor area, or a percentage of those areas, the limitation shall apply to the total of all uses on the property of the type so limited.

(f) Using the Dimensional Tables

All primary and accessory structures are subject to the dimensional standards set forth in the following tables. A cell with a dash in it “—” indicates that the measurement is not applicable to the development and/or district, as identified in the table. A number in brackets “[2]” indicates that a table note, located at the end of the table, is applicable to that cell.³⁸⁹ A cross-reference to another section in this chapter or Zoning Code applicable to a specific district is indicated by the word “see” and/or a specific section number.

³⁸⁸ Content from current 14-108.

³⁸⁹ The blank cells are not defined because all cells will have a measurement, reference, or dash by the end of the drafting review process.

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(2) Residential Dimensional Tables³⁹⁰

Table 14-601-1: Dimensional Standards for Lower Density Residential Districts

temporary row		R1	R1A	R2	R3	R4	R5	R6/7	R9A/10A	R20	
Dimensional Standard		RSD-1	RSD-2	RSD-3	RSA-1	RSA-2	RSA-3	RSA-4 [11]	RSA-5 [11]	RSA-6 [11]	
Lot Dimensions	Min. Lot Width (ft)	75	65	50	50	35	25	18; 30 end of group [1] ³⁹¹	15 ³⁹² [1]	12 [1]	
	Min. Lot Area (sq ft)	10,000	7,800	5,000	5,000	3,150	2,250	1,620; 2,700 end of group	1,440 [10]	Gross floor area/FAR	
	Max. Gross Floor Area (% of lot)	-	-	-	-	-	-	-	-	1 story: 80; 2 story: 133; 3 story: 177	
	Min. Open Area (% of lot)	65	65	70	70	60	50	50	30, 20 on corner lot,	25% of the total gross floor area permitted, See 14-601(5)	
Setbacks	Front	Front (ft)³⁹³	35	35	25	25	15	8 [9]	15[2][9]	8 [2] [3][9]	-, See 14-601(5) [2]
	Side	SF Detached (ft) [3]	2/15 each	2/10 each	2/25 total, each not <10	2/25 total, each not <10	2/8 each	2/8 each	2/8 each	2/5 each	2/5 each, See 14-601(5)
		SF Detached Corner Lot (ft) [4]	15	10	7	7	6	8	6	5	5, See 14-601(5)
		SF Twin House (ft) [4]	-	-	-	25	16	8	8	5	5, 14-601(5)
		Rowhouse (ft) [6]	-	-	-	-	-	-	0; 5 if used [7] ³⁹⁴	0, 5 if used [7]	- [7]
		Duplex Detached (ft) [4]	-	-	-	-	-	-	2/8 each	2/5 each	-

³⁹⁰ As a general approach to the combination of dimensional standards in the R districts, we have: 1) carried forward the dimensions from districts that have not changed, 2) combined dimensional standards in new districts in a manner designed to reflect the location of the district and type of structures within the district while minimizing the creation of nonconforming uses, and 3) eliminated outmoded measurement techniques such as courts and legally required windows in favor of the design standards in Section 14-607. The provisions on Open Space for the RSA-5 (currently R10-B) district were deleted as outdated. Language distinguishing between “required open space” and “other open space” has been deleted to simplify open space measurement. Special waterfront setbacks for the ITD and WRT districts were not carried over because the city needs a standard approach to waterfront setbacks and that discussion will take place as part of the Central Delaware Master plan effort. Regulations on occupied area, open space, building height, and yards from the current ITD and WRD districts have not been carried over because those are applicable to the specific approvals for those areas and not generally applicable to future RMX-2 approvals.

³⁹¹ This table note is new since Module 3.

³⁹² This figure has been changed from 16 ft. in Module 3.

³⁹³ This table note is new since Module 3.

³⁹⁴ This standard has been changed since Module 3 to allow the use of side yards for the construction of attached units.

temporary row		R1	R1A	R2	R3	R4	R5	R6/7	R9A/10A	R20	
	Duplex Detached Corner Lot (ft) [4]	-	-	-	-	-	-	6	5	-	
	Duplex Semi-detached (ft) [4]	-	-	-	-	-	-	8	5	-	
	Duplex Attached (ft) [4]	-	-	-	-	-	-	0; 5 if used [7] ³⁹⁵	0; 5 if used [7]	- [7]	
	Multiple Dwelling, Detached (ft) [5]	-	-	-	-	-	-	-	-	-	
	Multiple Dwelling, Detached Corner Lot (ft) [5]	-	-	-	-	-	-	-	-	-	
	Multiple Dwelling, Semi-detached (ft) [5]	-	-	-	-	-	-	-	-	-	
	Attached Dwelling End of Group (ft)[6]	-	-	-	-	-	-	-	-	5, See 14-601(5)	
Setbacks	Side	Building Other than Dwelling (ft) [4]	-	-	2/15 each	2/15 each	2/10 each	2/8 each	2/8 each	2/8 each	5, See 14-601(5)
		Building Other than Dwelling, Corner Lot (ft)	-	-	15	15	10	8	6	8	5, See 14-601(5)
	Rear	Min. Depth (ft)	30	30	25	25	20	SF 15, other 20	SF 20, other 25	9	5, See 14-601(5)
		Min. Area (sq ft)	-	-	-	-	-	-	-	144	-
Height	Limit Dwelling [8]	35	35	35	35	35	35	35	35	35	
	Limit Non-dwelling [8]	35	35	35	35	35	35	35	35	35	
	Max. No. Stories – Dwelling [8]	3	3	3	3	3	3	3	3	3	

Table Notes:

- [1] Single-lot infill projects on non-conforming parcels are exempt from the minimum lot width requirement.
- [2] The front setback shall be no further than the furthest front façade of the principal building on either of the two abutting lots in the same base zone district, and shall be located no closer to the primary street than the closest front façade of the principal building on either of the two abutting lots in the same base zone district. If both of the immediately abutting lots are vacant, the setback range shall be determined by a review of up to five lots on either side of the subject property on the same side of the street.³⁹⁶
- [3] May be reduced to 0 ft. if the structure is adjacent on both sides to structures with 0 ft. setbacks.³⁹⁷
- [4] Number of required yards /required setback (ft). “Each” identifies that each yard must meet the required minimum size. Where each yard size is not identified, table identifies total required yard.
- [5] Multiple Dwellings and Buildings Other than Dwellings. Any lot upon which a multiple dwelling or building other than a dwelling is erected after the effective date of this ordinance shall have a street frontage not less

³⁹⁵ This standard has been changed since Module 3 to allow the use of side yards in the construction of attached homes.

³⁹⁶ The contextual front setback standard is new since Module 3.

³⁹⁷ Now applies to both R9A and R10A lands.

<i>temporary row</i>	R1	R1A	R2	R3	R4	R5	R6/7	R9A/10A	R20
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than two-thirds of the width of the lot at its widest point.

- [6] Attached dwellings are permitted in groups of not more than 10.
- [7] No side setback is required when constructing against an existing party wall.³⁹⁸
- [8] 14-605 allows additional height and stories in some TOD areas.³⁹⁹
- [9] After the Effective Date of this Zoning Code, if abutting properties on both sides of a rowhouse contain only 2 stories of habitable space, the third story of a 3 story rowhouse shall be set back an additional 8 ft. from the minimum setback shown in this table.⁴⁰⁰
- [10] If (a) two lots meet the minimum width requirement and (b) the two lots share all or part of a rear lot line, and (c) the 2 streets on which they front are too close to allow one or both of the lots to meet the minimum lot area requirements, then the minimum area of the lots shall be reduced to the actual area of the lots, provided that the shared rear lot line (i) coincides with the rear lot line of an adjacent lot as extended to the subject properties or (ii) differs from the rear lot line of an adjacent lot by no more than 10 ft. measured along the shared side lot line.⁴⁰¹
- [11] In the RSA-4, RSA-5, and RSA-6 districts construction of a dwelling intended to be a rowhouse shall not be required to provide a side setback regardless of whether the adjacent lot is vacant or developed.⁴⁰²

³⁹⁸ This table note is new since Module 3.

³⁹⁹ This cross-reference to TOD standards has been added since Module 3.

⁴⁰⁰ This table note is new since Module 3.

⁴⁰¹ This provision is new since Module 3.

⁴⁰² This provision is new since Module 3.

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Table 14-601-2: Dimensional Standards for Higher Density Residential Districts

<i>temporary row</i>		R5A/8/9/10/ 10B/18/19	R11/11A/ 12/13	R14	R15/R16	RC-6	WRD/ITD	RC-4	
Dimensional Standard		RM-1	RM-2	RM-3	RM-4	RMX-1	RMX-2	RMX-3	
Lot Dimensions	Min. Lot Width (ft)	16	50 [1]	50	50	0, 50 street frontage	–	See 14-601(7)	
	Min. Lot Area (sq ft)	1,440	15,000	10,000	5,000	2 acres	1 acre	–	
	Max. Gross Floor Area (% of lot)	–	70	150	350	150 excluding streets	250	500	
	Min. Open Area (% lot)	30; 20 on corner lot	–	50	30; 20 on corner lots	[2]	25[6]	Dwellings ≤ 5 stories; 10; Others see 14-601(7)	
Setbacks [1]	Front								
	Front (ft)	8 [3]	See 14-601(6)	20 ⁴⁰³	20 ⁴⁰⁴	–	[7]	See 14-601(7)	
	Side	SF Detached (ft) [1]	5	See 14-601(6)	2/8 each	2/5 each	–	[7]	See 14-601(7)
		SF Detached Corner Lot (ft) [1]	5		6	5	–	[7]	
		Twin House (ft) [1]	5		2/8 each	5	–	[7]	
		Rowhouse (ft) [5]	0; 5 if used		8	6	–	[7]	
		Duplex Detached (ft) [1]	2/5 each		2/8 each	2/5 each	–	[7]	
		Duplex Detached Corner Lot (ft) [1]	5		8	5	–	[7]	
		Duplex Semi- detached (ft) [1]	5		10	5	–	[7]	
		Duplex Attached (ft) [1]	0; 5 if used		10	6	–	[7]	
Multiple Dwelling, Detached (ft) [4]	2/8 each	16	2/5 each	–	[7]				
Side	Multiple Dwelling, Detached Corner Lot (ft) [4]	8		5	5	–	[7]		
	Multiple Dwelling, Semi-detached (ft) [4]	12		5	5	–	[7]		
	Attached Dwelling End of Group (ft)[5]	Min. avg. 12, not < 8 at any point		0; 5 if used	0; 5 if used	–	[7]		

⁴⁰³ The cross-references to a section that included a measurement based on legally required windows have been removed since Module 3.

⁴⁰⁴ The cross-references to a section that included measurement based on legally required windows have been removed since Module 3.

<i>temporary row</i>		R5A/8/9/10/ 10B/18/19	R11/11A/ 12/13	R14	R15/R16	RC-6	WRD/ITD	RC-4
	Building Other than Dwelling (ft) [1]	2/12 each		2/8 each	0; 5 if used	–	[7]	
	Building Other than Dwelling, Corner Lot (ft)	12		2/8 each	0; 5 if used	–	[7]	
Rear	Min. Depth (ft)	SF and duplex: 20; others: 30	See 14-601(6)	20	0; 5 if used	–	[7]	See 14-601(7)
	Min. Area (sq ft)	144 ⁴⁰⁵		–	–	–	[7]	
Height	Dwelling and Non-Dwelling	35 [8]	No limit	No limit	No limit	No limit	No limit	See 14-601(7)
	Max. No. Stories - Dwelling	3 [8]						No limit

Table Notes:

- [1] Number of required yards /required setback (ft). “Each” identifies that each yard must meet the required minimum size. Where each yard size is not identified, table identifies total required yard.
- [2] The open area shall consist of at least 50% of the development plan area that is unoccupied by buildings, structures, or parking. For land containing historically significant structures, buildings, or amenities, open area shall consist of at least 25% of the development plan area that is unoccupied by either buildings, structures, or parking.⁴⁰⁶
- [3] Single Family and Duplex Dwellings. Any lot upon which a single family or duplex dwelling is erected after the effective date of this ordinance shall have a street frontage not less than two-thirds of the minimum lot width required for the district.
- [4] Multiple Dwellings and Buildings Other than Dwellings. Any lot upon which a multiple dwelling or building other than a dwelling is erected after the effective date of this ordinance shall have a street frontage not less than two-thirds of the width of the lot at its widest point.
- [5] Attached dwellings are permitted in groups of not more than 10.
- [6] Open air parking may not be included in the open area measurement in the RMX-2 district.
- [7] Yard setbacks are not required in an RMX-2 district except as required as part of the approval of an RMX-2 plan of development.
- [8] 14-605 allows additional height and stories in some TOD areas.⁴⁰⁷

⁴⁰⁵ The requirement for 100 sq. ft. of rear yard area for additional units has been removed since Module 3.

⁴⁰⁶ This requirement has been revised for clarity and the standards have been changed slightly. The text originally read: “The open area shall consist of at least 75 percent of the development plan area which is unoccupied by buildings or structures and shall consist of at least 50 percent of the development plan area that is unoccupied by either buildings, structures, or parking. For land containing historically significant structures, buildings or amenities, open area shall consist of at least 50 percent of the development plan area which is unoccupied by either buildings or structures and shall consist of at least 25 percent of the development plan area which is unoccupied by either buildings, structures or parking.”

⁴⁰⁷ The cross-references to TOD standards in notes [8] and [9] have been added since Module 3.

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(3) Commercial Mixed Use District Dimensional Table

Table 14-601-3 Dimensional Standards for Commercial Mixed Use Districts

temporary row	C1	C2/RC2/Commercial Corridor Overlays		C3/RC3						C4/C5	C7/NSC/ASC
Dimensional Standard	CMX-1	CMX-2/ CMX-2.5 ⁴⁰⁸		CMX-3						CMX-4/ CMX-5	CA-1 [3]
Use	-	--		Structure includes 1 or more residential units	Structure does not include residential	Additions to existing bldgs. and newly erected bldgs. that include 1 or more residential units				See 14-601(7)	-
Lot Types		Intermediate	Corner	Intermediate	Corner	Intermediate	Corner	Intermediate	Corner		-
Lot Dimensions	Maximum Occupied Area (% of lot)	75	80	75	80	90	95	75	80	Dwellings ≤ 5 stories: 90; Others 100	-
	Minimum Open Area [1] (% of lot)	[4] 25 [2]	20 [2]	25 [2]	20 [2]	10 [2]	5 [2]	25	20	Dwellings ≤ 5 stories: 10; Others see 14-601(7)	-
Setbacks	Front (ft)	CMX-2 = none required; CMX-2.5 = Must be built to front property line ⁴⁰⁹						-		See 14-601(7)	-
	Side (ft)	None; where side yards are used, min. width 5 ft.		-		-		None; where side yards are used, min. width 8 ft.			-
	Rear (ft)	9 ft. w/ min. area of 344 sq. ft. ⁴¹⁰						-			-
Max. Height (ft)	[4]	CMX-2=35 ft./ max 3 stories CMX-2.5=55 ft. /max 4 stories ⁴¹¹		-		-		-		CMX-4=600; CMS-5=1200 ⁴¹²	35 ft./ max. 3 stories [2]

⁴⁰⁸ CMX-2.5 provisions are new since Modules 2 and 3, since many provisions formerly contained in /NCA commercial corridor overlays are now in this new base district.

⁴⁰⁹ Special setback/build-to provisions East Falls and Manayunk are in 14-403 (/NCA overlay district).

⁴¹⁰ The requirement of 100 sq. ft. of rear yard area for additional units has been removed since Module 3.

⁴¹¹ Existing height maximums are provided for Main Street/Manayunk Venice Island and Fairmount Avenue only (55 ft.). Manayunk further splits the district boundaries (described in the boundaries section above) providing a 35 ft. max in some areas. Four other of the existing districts further require that the cornice line be at least 25 ft. above the sidewalk. The 55 ft. maximum and 25 ft. minimum cornice height standard has now been applied to all CMX-2.5 (formerly commercial corridor).

⁴¹² Maximum floor area in CMX-4 has been raised from 550% of lot area in the current code. Since Module 2,

<i>temporary row</i>	C1	C2/RC2/Commercial Corridor Overlays	C3/RC3	C4/C5	C7/NSC/ASC
Min. Height (ft)		CMX-2 = none required; CMX-2.5 min. cornice height = 25 ft above average sidewalk level	--		--
Max. Floor Area Ratio (FAR)		--	550% [5] ⁴¹³		--

Table Notes:

- [1] Required open areas may not be used for permanent storage purposes, but may be used for temporary storage for up to 30 days in each calendar year. Use of required open spaces for storage for more than 30 days in any calendar year shall require approval of the ZBA through the special exception process in 14-204(4).⁴¹⁴
- [2] Open area is to be measured by adding the dimensions of any front, side, or rear yard provided. When that measurement does not equal the required open area, additional yard setback shall be provided to meet the requirement.
- [3] 5,000 sq. ft. min lot area, with 50 ft. min. street frontage.
- [4] All buildings in any CMX-1 district shall be governed by the area regulations of the most restrictive bounding district, whether contiguous to or across the street; provided, however, that when that building is attached to another building that is in another district, the area regulations of that district shall apply.
- [5] 14-605 allows increased base FAR for some TOD areas.

(4) Industrial District Dimensional Table

Table 14-601-4: Dimensional Standards for Industrial Districts

<i>Temporary row</i>	New district	L4/L5	L1/L2/L3	G1/G2	LR	PI	New district
Dimensional Standard	IRMX ⁴¹⁵	ICMX	I-1 [1]	I-2	I-3	I-P [2]	ITU
Max. Occupied Area (% of lot)	100	--	75	--	--	--	--
Max. Open Area (% of lot)	--	--	25	--	--	--	--
Setbacks [3] Front (ft.)	--	--	20; new structures 50 if abutting residential or SP-PO district	--	--	--	--

maximum floor areas have been moved from 14-601(7) into this table.

⁴¹³ This standard was changed from “buildings with 3 or more units: 450%; hotels and buildings with fewer than 3 units: 550%” based on the recommendation of the Work Plan Committee. Since Module 3, the maximum FAR for CMX-3 areas subject to the TOD standards has been increased by 600% -- the base FAR for CMX-4 districts.

⁴¹⁴ Carried over from 14-313 but revised to delete need for ZBA approval of first 30 days.

⁴¹⁵ These standards are new since Module 3 and are based on the current I-4 district.

Temporary row	New district	L4/L5	L1/L2/L3	G1/G2	LR	PI	New district
Side (ft.)	None required; 8 ft. if used	None required; 8 ft. if used	2 yards at 12 ft each; 50 ft. for any yard abutting residential or SP-PO district	None required; 6 if used	None required; if used, 6 ft. for buildings 4 or fewer stories, 8 ft. for buildings more than 4 stories tall	–	–
Rear (ft.)	None required; 8 ft. if used	None required; 8 ft. if used	12 ft; 50 ft. if abutting residential or SP-PO district	None required; 8 if used	8 ft.	–	–
Max. Height (ft.)	60	60	–	–	–	–	–
Max. Floor Area Ratio (FAR)(%)	500	500	225	500	500	–	–
Max. Bulk (cubic ft.) [4]	–	–	20x gross floor area	20x gross floor area	20x gross floor area	–	–

Table Notes:

- [1] A building located on a corner lot facing one of the streets on that corner shall have one yard identified as a front yard and one yard identified as a side yard for setback measurement purposes.
- [2] Where any space is left open between structures, and between structures and lot lines other than street lines, the open space shall have a minimum dimension of 12 ft.
- [3] Where any industrial district abuts a residential district, side yards and/or rear yards shall be provided in the industrial district on the sides abutting those districts. The minimum requirements for those yards shall be either those for the industrial district, or those for the residential district on the abutting side, whichever is larger.
- [4] Total bulk of a building or structure.

(5) RSA-6 Additional Standards

(a) Required Open Area

The required open area shall consist of those yards defined in 14-601(5)(b) below and, in the aggregate, shall include at least 25% of the total gross floor area permitted on the lot. Parking areas, including access roads and driveways, shall not be included as part of the required open area of the lot.

(b) Yards That Count Towards Required Open Area

(.1) Front Yards

Front yards shall not be required in the RSA-6 district. If provided, they must be a minimum of 8 ft. in depth to be considered as part of the required open area.

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(.2) **Side Yards**⁴¹⁶

Only side yards at least 9 ft. in width shall be counted towards required open space.

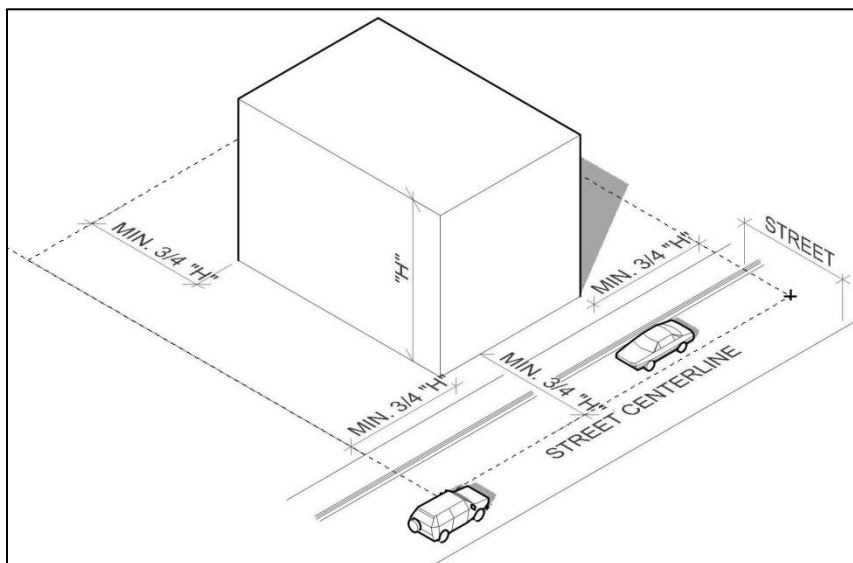
(.3) **Rear Yards**

Only rear yards at least 9 ft. in width shall be counted towards required open space.

(6) **RM-2 Additional Regulations**⁴¹⁷

(a) **Setbacks**

- (.1) For lot lines other than street lines, the minimum setback for structures from each lot line shall be equal to $3/4$ of the height of the structure.
- (.2) For lot lines that are street lines, the minimum setback for structures measured from the centerline of that street shall be equal to $3/4$ of the height of the structure.



⁴¹⁶ Standards for courts have been deleted in favor of the new design standards in Section 14-607.

⁴¹⁷ Existing 14-207. References to a smaller requirement in the R-13 district (" $1/2$ in R-13") have been eliminated to make this standard uniformly applicable in the RM-2 district. The "mean ground level" language has also been dropped, because height will be measured according to the rules of measurement in Chapter 14-900.

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(b) Spacing of Structures⁴¹⁸

The required minimum spacing shall be as follows:

- (.1) Between parallel structures (front-to-front, rear-to-rear, or front-to-rear), 50 ft. for structures of 5 stories or less.
- (.2) Between obliquely aligned structures (front-to-front, rear-to-rear, or front-to-rear), the minimum distance required in subsection 14-601(6)(b)(.1) above for structures of 5 stories or less may be decreased by as much as 10 ft. at one end if increased by a similar or greater distance at the other end. (See drawing below).

⁴¹⁸ Existing 14-207. The following requirements have been eliminated in favor of the new design standards:

(2) *Spacing of Structures*. The required minimum spacing shall be as follows:

(f) Spacing between all parts of structures of 6 stories or more shall be determined by the following requirements:

(.1) The measurements in this section shall be made from the center of the proposed window sill of each of the lowest legally required windows in a structure which faces upon the wall of another structure on the same lot.

(.2) Using the center of said window sill as the centerpoint of an arc, there shall be projected from each window, on a horizontal plane perpendicular to the side of the structure, an arc extending 70 degrees on either side of the centerline of the window, where "centerline of the window" is defined as a line drawn from the center of said sill perpendicular to the side of the structure.

(.3) Said arc, projected as set forth in the above sub-paragraph, shall be divided into 28 sectors of 5 degrees for each sector.

(.4) The "Unregulated Area." In any combination of 14 of the 5 degree sectors, the walls of another structure on the same lot may be of any height or any distance from said window, subject only to the provisions of sub-paragraphs (c) and (e) above. This shall be known as the "unregulated area."

(.5) The "Regulated Area." In any combination of 14 of the 5 degree sectors, the distance from the wall containing the legally required window to any other wall shall be:

(.a) equal to the height of said other wall, minus

(.b) the height of said legally required window above average ground level.

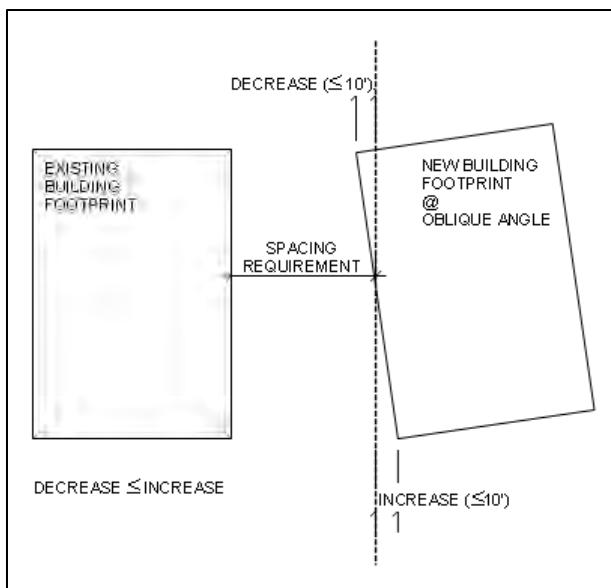
(g) Spacing between structures of 5 stories or less and 6 stories or more shall be determined by computing the distance required for each type of structure (as herein set forth), and using the maximum requirement applicable.

(3) Courts. The minimum width of courts between wings of the same structure shall be determined by the following requirements:

(a) For buildings of 3 stories or less and not in excess of 35 ft. high, the minimum width shall be not less than the length or depth of such court.

(b) For buildings over 3 stories or over 35 ft. in height, the minimum width shall be not less than the length or depth of such court plus one-third of that portion of the height of the building over 3 stories or 35 ft."

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- (.3) Between the end walls of structures where those walls contain no legally required windows, 20 ft. at any point. Where legally required windows occur in one or both end walls of structures, and those walls face each other, this distance shall be 30 ft. for one-story and two-story structures, 35 ft. for three-story structures, 40 ft. for four-story structures, and 45 ft. for five-story structures.
- (.4) Between the end walls of a structure and the front or rear walls of another structure, or between the side walls of separate structures, 30 ft. at any point for one-story and two-story structures, 35 ft. for three-story structures, 40 ft. for four-story structures, and 45 ft. for five-story structures.
- (.5) Between corners of adjacent structures that do not face each other or overlap, 20 ft. at any point.⁴¹⁹

(7) RMX-3, CMX-4, and CMX-5 Additional Standards⁴²⁰

The standards in this 14-601(7) shall apply unless another section of this Zoning Code

⁴¹⁹ The RM-3 and RM-4 Additional Standards that were carried over from current 14-208 have been removed since Module 3 and replaced with specific standards in Table 14-601-2.

⁴²⁰ Existing 14-214 and 14-305(4)-(8). These standards now apply to both current R-15 and R-16 lands, though R-16 currently uses the slightly different bonus provisions in 14-1303. Current 14-214(9), *Additional Gross Floor Area Regulations*, and 14-214(10), *Incentive Floor Area* have been moved to 14-602. We did not carry over the introductory intent language of 14-214(4), 14-214(4)(c), 14-214(5), 14-214(5)(e), 14-214(6), 14-305(4), 14-305(4)(c), 14-305(5), or 14-305(6). Provisions on building width controls in the RMX-3, CMX-4 and CMX-5 districts and the special building width controls applicable to John F. Kennedy and Market Streets were not carried over, but the /CTR building width standards and the building articulation standards in 14-603 apply. Since Module 3, maximum FARs have been moved into the Dimensional Tables 14-601-2 and 14-601-3.

provides a more restrictive standard, in which case the more restrictive standard shall apply.

(a) Open Area Above Ground Level⁴²¹

- (.1) From ground level to a point 65 ft. above the average ground level of the lot, buildings may occupy 100% of the lot.
- (.2) From a point 65 ft. above the average ground level of the lot, buildings, including mechanical space, shall occupy no more than 75% of the lot up to a point 300 ft. in height above the average ground level.
- (.3) From 300 ft. above the average ground level of the lot, buildings, including mechanical space, shall occupy no more than 50% of the lot up to a point 500 ft. in height above the average ground level. As an alternative, buildings, including mechanical space, over 300 ft. but less than 500 ft. in height above the average ground level may be constructed so that the average lot coverage of the building above a point 65 ft. above the average ground level of the lot shall not exceed 60% of the lot.
- (.4) From 500 ft. above the average ground level of the lot, buildings, including mechanical space, shall occupy no more than 40% of the lot up to a point 700 ft. in height above the average ground level. As an alternative, buildings, including mechanical space, over 500 ft. but less than 700 ft. in height above the average ground level may be constructed so that the average lot coverage of the building above a point 65 ft. above the average ground level of the lot shall not exceed 50% of the lot.
- (.5) From 700 hundred ft. above the average ground level of the lot, buildings, including mechanical space, shall occupy no more than 30% of the lot. As an alternative, buildings, including mechanical space, over 700 ft. in height above the average ground level may be constructed so that the average lot coverage of the building above a point 65 ft. above the average ground level of the lot shall not exceed 40% of the lot, except as set forth in 14-601(7)(a)(.6) below.
- (.6) For properties in the CMX-4 or CMX-5 districts in the area bounded by Arch Street, 18th Street, Cuthbert Street, and 19th Street, buildings, including mechanical space, over 700 ft. in height above the average

⁴²¹ From current 14-305(4)(c)(2). We changed from “and” to “and/or” because otherwise buildings that do not exceed the base FAR but exceed 300 ft. in height are excluded, as well as those that exceed the base FAR but do not exceed 300 ft in height. To avoid possible inconsistency with other form controls, a general limit that buildings taller than 300 ft. not occupy more than 75% of the lot has been deleted.

ground level may be constructed so that the average lot coverage of the building above a point 65 ft. above the average ground level of the lot shall occupy no more than 48.5% of the lot.

(b) Building Setbacks in General

The following setbacks shall apply in the RMX-3 district.⁴²²

- (.1) For buildings of 4 stories or less with 3 or fewer residential units, any side yards provided shall have a minimum width of 5 ft.
- (.2) For buildings of 4 stories or less with more than 3 residential units, any side yards shall have a minimum width of 8 ft.
- (.3) For buildings of 5 stories or greater with more than 3 residential units, when side yards are provided they shall have a minimum width of 8 ft.⁴²³

(c) Openings and Entrances

- (.1) Entrance Arcades. Entry arcades that do not comply with the setback requirements in 14-402(4)(a) may be incorporated into a building facade, provided that the entrance arcade shall not exceed 33% of the total facade height above sidewalk level, or 40 ft. above sidewalk level, whichever is less. In addition, entry arcades shall not exceed 30 ft. in width, measured on a line parallel to the street it abuts. All entrance arcades shall provide public access to building entrances, retail space and/or other public space and shall abut active space, for no less than 80% of the perimeter walls creating the entrance arcade. For purposes of this 14-601(7)(c), “active space” shall include the following uses, either individually or in any combination.⁴²⁴
 - (.a) Retail Sales and Eating and Drinking Establishments;
 - (.b) Office, Hotel, and/or Assembly or Entertainment lobbies;
 - (.c) Library/Cultural Exhibit galleries and exhibition space;
 - (.d) Religious Assembly;
 - (.e) Through block connections; and
 - (.f) Entrances to Transit Stations and/or concourses.

⁴²² This section was revised to eliminate references to legally required windows and types of setbacks that have been replaced by form and design requirements.

⁴²³ This text was revised to include buildings of 3 or fewer units (not “less than 3 units”).

⁴²⁴ This list has been revised to reflect new use names. “Enclosed public space, enclosed gardens, public rooms” were deleted because they are already covered by other items in the list.

- (.2) Windows, Doors and Architectural Recesses. Windows, doors and architectural recesses that do not comply with the setback requirements in 14-402(4)(a) may be incorporated into a building facade, provided that (i) no individual or group of windows, doors or recesses shall exceed 30% of the width of the street frontage of the façade in which they occur, measured on a line parallel to the street it abuts, and (ii) the combination of all windows, doors and architectural recesses shall not exceed 50% of the width of the street façade in which they occur, measured on a line parallel to the street it abuts,.
- (.3) Openings and Entrances to Public Space. Openings and entrances to public space that do not comply with the setback requirements in 14-402(4)(a) above may be incorporated into a building facade, provided that no individual or combinations of openings or entrances exceed 30% of the width of the street frontage in which they occur, measured on a line parallel with the street it abuts.

(8) Exceptions to Dimensional Standards

The items listed in Table 14-601-5 are exceptions to the dimensional standards otherwise applicable under this 14-601. In the case of exceptions to yard, setback, and open space requirements, the areas occupied by the encroachments will not be considered to reduce the amount of open space provided.⁴²⁵

Table 14-601-5: Exceptions to Dimensional Standards

Type of Exception	Type of District	Encroachment permitted
Exception to Height Limits	All	Balustrades and parapet-walls may extend above the height limits up to 42 in. ⁴²⁶
	R districts ⁴²⁷	Monuments, belfries, cupolas, minarets, pinnacles, gables, spires, chimneys, radio or television antennas, fire walls or ornamental towers not for human occupancy.
		Towers of mechanical or structural necessity where the cross-section area of the tower at no point exceeds 20% of the gross floor area of the ground floor of the building.
		Solar energy collectors that do not extend more than 30 in. above the height limit. ⁴²⁸
		Vegetated roof structures that do not extend more than 30 in. above the height limit.

⁴²⁵ These exceptions have been organized into a table since Module 3.

⁴²⁶ Existing 14-106, but modified since Module 3 to reduce limit from 5 ft. to 42 in.

⁴²⁷ Existing 14-231(2) and (3). These exceptions now apply to the RMX-3 district as well, and chimneys, antennas and fire walls have been added as exceptions. The exceptions (to the exceptions) currently applicable in RMX- 3 have been deleted.

⁴²⁸ Height limit exceptions for solar energy collectors, wind energy systems, and vegetated roofs are new for all districts.

Type of Exception	Type of District	Encroachment permitted	
		Accessory Wind energy facilities accessory to any structure in the RM-3, RM-4, and RMX districts, but not including those accessory to a duplex residential structure. ⁴²⁹ A roof deck and associated railings and fencing, provided that it does not extend more than 48 in. above a plane that is midway between the lowest and the highest points of the roof surface supporting the deck. See also 14-504(3). ⁴³⁰ Roof deck access structures (e.g., pilot houses), provided they do not exceed 48 sq. ft. in area and comply with the provisions of 14-504(3). ⁴³¹	
	C, I, and SP districts, when attached to primary building ⁴³²	Chimneys.	
		Fire escape towers.	
		Penthouses or roof structures for the housing of elevators, stairways, tanks, ventilating fans, heating and cooling towers, or similar equipment required to operate and maintain the building.	
		Fire walls.	
		Radio and television aerials.	
		Flagpoles.	
		Airplane beacons.	
		Solar energy collectors that do not extend more than 5 ft. above the height limit.	
		Wind energy systems ⁴³³	
		Vegetated roofs that do not extend more than 5 ft. above the height limit.	
	Exceptions to Yard, Setback, and Open Space Requirements ⁴³⁴	R districts	Fences are permitted in required front yard areas, but any fence located within a required front setback area shall be no more than 4 ft. tall and no more than 50% opaque. Fence posts and gate posts that are included as architectural features are permitted up to 6 ft. in height. This standard shall also apply to any side of a corner lot facing a street. ⁴³⁵
			Fences are permitted in the rear yard area and in any portion of the side yard area behind the front wall of the primary structure, but may not be more than 6 ft. tall. This standard shall also apply to any side of a corner lot that does not face a street.
Retaining walls are subject to the restrictions on fence heights to the extent that those walls protrude above the actual ground level at the highest point of the wall, but shall not apply to any retaining wall required by the provisions of any section of the Philadelphia Code or related regulations.			
Entranceway covers, canopies, and awnings may project into front or rear yard or setback areas up to 5 ft., and may project into side yard or setback areas up to 3 ft. ⁴³⁶			
Balustrades, chimneys, cornices, and pents may project into front, side, or rear yard or setback areas up to 24 in.			

⁴²⁹ RM-2 has been removed from this list since Module 3.

⁴³⁰ New provision.

⁴³¹ New provision.

⁴³² Current 14-313(1) and 14-511, but extended to include SP districts since Module 3.

⁴³³ Since Module 3 a restriction to 10 ft. above the maximum height limit has been deleted.

⁴³⁴ The current code does not include side setback encroachments for commercial and industrial districts, so these provisions are new as they apply to those districts. Clarification regarding open space was added. References to “rustications” have been deleted.

⁴³⁵ Fence and retaining wall provisions are from current 14-231(4).

⁴³⁶ The last four lines of this table are carried over from current 14-231(9).

Type of Exception	Type of District	Encroachment permitted
		<p>Chimneys and pilasters may project into front, side, or rear yard or setback areas up to 18 in.</p> <p>Moldings and belt courses may project into front, side, or rear yard or setback areas up to 12 in.</p> <p>Ground mounted solar energy collectors and ground mounted wind energy structures shall be allowed to encroach into side yards in R districts that are at least 8 ft. wide, and into rear yards in R districts, but not within 2 ft. of any side or rear lot line.⁴³⁷</p> <p>Geothermal energy equipment, rainwater harvesting barrels, and odorless composting equipment shall be allowed to encroach into side yards in R districts that are at least 5 ft. wide, and into rear yards in R districts, but not within 2 ft. of any side or rear lot line.</p>
	C, I, and SP Districts	<p>Open work fire escapes shall be allowed to encroach into setback areas.⁴³⁸</p> <p>Ground mounted solar energy collectors, ground mounted wind energy structures, geothermal energy equipment, rainwater harvesting barrels, and odorless composting equipment shall be allowed to encroach into side and rear yard areas in the C, I and SP districts, but not within 2 ft. of any side or rear lot line.</p>

⁴³⁷ Materials on solar, wind, and geothermal energy, rainwater harvesting, and composting are new. These have been modified since Module 3 to clarify the districts in which they apply.

⁴³⁸ Current 14-231(3).

14-602 Floor Area Bonuses⁴³⁹

(1) Purpose

The intent of the floor area bonus provisions is to encourage certain types of development and/or the creation of specific amenities in the public interest. These floor area bonuses shall be available in the areas listed, and in return for the provision of design or amenities listed, without the need for additional discretionary review or approval. If any project earning a bonus under the provisions of this section is subject to the civic design review process in 14-204(6), the design review process shall not result in a reduction of any bonuses earned pursuant to this section, although the configuration and use of that floor area in the project may be considered if those factors affect the design review criteria referenced in 14-204(6).

(2) Eligibility⁴⁴⁰

In order to be eligible for any floor area bonuses pursuant to this section.

- (a) The property must be located in the CMX-3, CMX-4, or CMX-5 districts, and property located in those districts shall only be eligible for the bonuses indicated for that district in Table 14-602-1.
- (b) If the property is located in the CMX-4 or CMX-5 districts, the property must have presence on 2 streets at least 50 ft. wide or 3 streets at least 20 ft. wide.
- (c) If the property is located in the CMX-3 district, it must be located in an area where the Transit Oriented Development (TOD) regulations of 14-605 apply.
- (d) Projects may use more than one bonus option unless specifically stated otherwise in this section.

(3) Floor Area Bonus Options Summary Table

The following table summarizes the floor area bonus options in this section.

⁴³⁹ Bonuses are now applicable only CMX-3, CMX-4, and CMX-5 districts. Existing bonuses from current 14-208(3) applicable to RM-3 (current R14), RM-4 (current R15, R16) and CMX-3 (current RC-3) have been deleted as outdated. This section is based on existing 14-214 (RC-4) and 14-305 (C-4 and C-5). These footnotes references are based on 14-305. We have refined and combined the Additional Gross Floor Area Regulations with the Incentive Floor Area standards to create a single system of floor area bonuses, with no intermediate bonuses or alternative dimensions. Proposed standards that are new to Philadelphia are based on similar provisions from Chicago, New York, Seattle, Portland, Pittsburgh, and Austin. These bonuses are non-discretionary – i.e., if an applicant provides or agrees to provide the required amenity the bonus associated with that amenity is available without going through an additional review process. Provisions on transfer of development rights for historic properties from 14-305(10)(c) and (11) have not been carried over after discussions with the Historical Commission. Existing purpose statements were t carried forward. CMX-3 bonuses have been added since Module 1.

⁴⁴⁰ This is a new provision that clarifies which structures will be eligible for floor area bonus. This section replaces current 14-305(10)(a) (Conditions) and builds on 14-305(9)(a) (Minimum Street Frontage).

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Table 14-602-1: Floor Area Bonus Summary

Category	Availability		Floor Area Bonus ⁴⁴¹
	CMX-4 and CMX-5	CMX-3	
Public Art (Section 14-602(5))	✓		1% FAR for a 1% hard cost investment, capped at 3%
Public Open Space (Section 14-602(6))	✓		1% floor area bonus per 1% of lot area devoted to public open space, up to a maximum of 15% bonus.
Mixed Income Housing (Section 14-602(7))	✓	✓	2 bonus residential units for each 1 affordable residential unit
Through-Block Pedestrian Walkways (Section 14-602(8))	✓		5.0 sq. ft. gross floor area bonus for each 1 sq. ft. gross floor area walkway
Transit Improvements (Section 14-602(9))	✓		20% x base FAR for site
Underground Accessory Parking and Loading (Section 14-602(10))	✓		0.75 sq. ft. gross floor area bonus for each 1 sq. ft. gross floor area of accessory parking for residential uses 0.25 sq. ft. gross floor area bonus for each 1 sq. ft. gross floor area of accessory parking for non-residential uses
Green Building (Section 14-602(11)) ⁴⁴²	✓	✓	33% FAR bonus for Platinum Level LEED building 13% FAR bonus for Gold Level LEED building

(4) Maximum Floor Area Bonus Amounts⁴⁴³

- (a) If the property is located in the CMX-3 district, the bonuses in this 14-602 and the increased density permitted for TOD areas in 14-605 shall not be used, in any combination, to increase permitted density to more than 715% the area of the lot.⁴⁴⁴
- (b) If the property is located in the CMX-4 district, the bonuses in this 14-602 shall not be used, in any combination, to increase the permitted density to more than 1,200% of the area of the lot.
- (c) If the property is located in the CMX-5 district, and no portion of the lot is located within 1,200 ft. of Market East Station, Suburban Station, or 30th Street Station, or any underground concourse connected to those stations, the bonuses in this 14-602 shall not be used, in any combination, to increase the

⁴⁴¹ These proposed bonuses have been revised since Module 3 as noted. A bonus for LEED Gold buildings has been added. Bonus revisions have been based on economic modeling where possible. The bonus for public restrooms has been replaced by a use-specific standard applicable to buildings with over 100,000 sf gross floor area on lots above or adjacent to the concourses for the Suburban, Market East, or 30th Street Stations.

⁴⁴² This bonus replaces a bonus for LEED Platinum buildings in Module 1.

⁴⁴³ This section is new since Module 1.

⁴⁴⁴ This provision allows the extra density allowed for CMX-3 properties in the TOD areas in 14-601 plus the bonuses in 14-602 to increase the total density to no more than 30% above the maximum CMX-3 density for non-TOD areas.

permitted density to more than TBD% of the area of the lot.

- (d) If the property is located in the CMX-5 district, and any portion of the lot is located within 1,200 ft. of Market East Station, Suburban Station, or 30th Street Station, or any underground concourse connected to those stations, there is no limit to bonuses floor area pursuant to this 14-602.
- (e) All bonus floor area earned pursuant to this section must be used so that the property (a) complies with all dimensional standards applicable to the property (other than maximum gross floor area or floor area ratio) in 14-601, including without limit the maximum height for the property established in that section, and (b) complies with all other provisions of this Zoning Code, unless a specific exception(s) to one or more of those requirements is listed in this Zoning Code.

(5) Public Art⁴⁴⁵

The bonus for public art is a mechanism to expand and enrich the public’s experience and enjoyment of buildings and public space and to create buildings and public space that is designed and executed with diverse and high quality materials, activities, and furnishings. In order to comply with this subsection, all of the following conditions must be met:

(a) Qualifying Items

The items or programs provided to earn this bonus must meet the definition of “On-site Public Art” or “On-site Cultural Programming” in Chapter 14-1000:.

(b) Commercial Activity Does Not Qualify⁴⁴⁶

Items, functions, and events for which an admission, viewing, or participation fee is charged, or that are primarily designed to advertise or promote a commercial good or service, such as theatrical productions, movies, commercial art galleries, exhibits of items for sale, etc. shall not satisfy requirements of this section of the Zoning Code.

(c) Location

Public art shall be located within the required public space, upon the building, or within public spaces created to meet the requirements this section. Public art may be provided within the public sidewalk if authorization from the City is obtained.

(d) Approval Criteria

- (.1) In order to meet the requirements of this section, the applicant must have the proposed artist(s), and all public art and/or proposal for

⁴⁴⁵ Current 14-305(9)(g) has been carried forward with some edits for clarity. Since Module 3 requirements that the applicant first earn this bonus before becoming eligible for other bonuses has been removed.

⁴⁴⁶ Language has been revised to more clearly define commercially-oriented activities.

cultural programming approved either by the Art Commission of the City of Philadelphia, pursuant to its standard review and approval procedures, or through an Art Selection Committee established pursuant to the Zoning Code Administrative Manual.

- (.2) The Art Selection Committee or the Art Commission (depending on the manner of review and approval chosen by the applicant), shall have the final approval of the artist and all public art submitted to meet the requirements of this 14-602(5)(d).
- (.3) The Art Selection Committee or the Art Commission (depending on the manner of review and approval chosen by the applicant) may, upon request of the applicant, assist in the selection of an artist or artists for the project and/or the selection of an arts coordinator for the project.
- (.4) It is not the intention of these requirements to allow decorative, ornamental or functional elements of the building or public space that are not designed by an artist and created specifically for the site, nor to have landscaping or other furnishings or elements required by this Zoning Code, to qualify as part of the public art requirement. However, final determination as to what items, works, materials, media, infrastructure, support services, etc., qualify as public art or as part of the cost of public art, shall rest with the Art Selection Committee or the Art Commission (depending on the manner of review and approval chosen by the owner of the lot or their designee).

(e) Cost⁴⁴⁷

Public art as required in this section shall be provided at an amount equal to 1% of hard construction costs.

(f) Agreement and Financial Security

In order to expedite the development review and approval process, an applicant for a floor area bonus pursuant to this 14-602(5) may sign an agreement with the city committing to provide, install, and endow public art as required by this 14-602(5) and posting financial security at least equal to the cost of the required public art pursuant to 14-602(5)(e) above. After signing an agreement in a form acceptable to the City and posting financial security in a form acceptable to the City, the applicant shall be deemed to have satisfied the requirements of this 14-602(5) subject to all other requirements of this 14-602.

⁴⁴⁷ This section has been revised for simplification. The current standards vary between 0.25 and 1 percent of costs depending on the size of the project.

(g) Establishment of Endowments⁴⁴⁸

The method of establishment of an endowment of a trust or other legally binding mechanism to permanently fund cultural programming to meet the requirements of this section shall be approved by the Art Commission.

(h) Bonus Floor Area

1% FAR bonus for each 1% of hard construction costs invested in public art, up to a maximum of 3% of hard construction costs.

(6) Public Open Space⁴⁴⁹

(a) Criteria

A floor area bonus may be earned by providing open space, public parks, and/or public plazas, provided they meet the following minimum standards:

- (.1) The space shall be open to the sky, except for arbors and trellises, and shall not include any area for which a through-block pedestrian walkway bonus has been awarded.
- (.2) The space shall be a minimum of 2,500 sq. ft. of contiguous area.
- (.3) No more than 50% of the space shall be located more than 3 ft. above ground level.
- (.4) The space may not be used for parking, loading, or vehicle movements, or for vehicles to access areas used for parking, loading, or other vehicle movements.
- (.5) A minimum of 30% of the space shall either be landscaped or incorporate a water feature. Water features shall meet the following criteria:⁴⁵⁰
 - (.a) The feature shall be located in a public space.
 - (.b) The feature may consist of fountains, water walls, water channels, water sculptures, pools, or ponds.
 - (.c) The water feature shall be appropriately scaled and designed to enhance the space.
 - (.d) The water feature shall be in operation from at least April 1 through October 30 each year, and must operate between the hours of 8:00 a.m. to 9:00 p.m.

⁴⁴⁸ Text revised to clarify that the Art Commission will review and approve endowments.

⁴⁴⁹ This section is derived from current 14-305(9)(b) but has been edited to conform to city comments and to add provision addressing how much of the space may be above ground level and to prohibit use of the space to access parking facilities.

⁴⁵⁰ These criteria reflect similar standards in Chicago and Portland.

- (.e) The water feature shall not be counted toward a public art requirement unless it is designed by an artist and is approved through the public art process in 14-602(5).⁴⁵¹
- (.6) Spaces that are more than 3,000 sq. ft. shall have at least one tree per 1,000 sq. ft. in addition to those required by 14-607.⁴⁵²
- (.7) One linear foot of seating shall be provided for each 30 sq. ft. of space.
- (.8) Pedestrian lighting shall be provided. The maximum height of the lighting shall be 15 ft. with an illumination level of 2.0 maintained foot candles.⁴⁵³ One light shall be provided for every 500 ft. of public space. Lighting design shall be subject to the requirements of 14-609.
- (.9) The space shall be connected to a sidewalk, but may not disrupt the continuity of an existing street wall.
- (.10) The space shall be open to the public at least during the hours of 8:00 a.m. to 9:00 p.m. daily.
- (.11) The space shall be located so as to receive natural light during the day. North facing spaces, defined as spaces with the majority of street frontage located on the north and a structure on the south, are not eligible for floor area bonus consideration.

(b) Bonus Floor Area⁴⁵⁴

1% floor area bonus per 1% of lot area devoted to public open space and meeting the requirements of 14-602(6)(a), up to a maximum of 15% bonus.

(7) Mixed Income Housing⁴⁵⁵

(a) Criteria

A floor area bonus may be earned by providing affordable housing, provided that it meets the following standards:

⁴⁵¹ This section has been revised since Module 3 to allow water features to achieve a public art bonus in some circumstances.

⁴⁵² This standard has been changed to 1 tree per 1,000 ft. (which Chicago uses) rather than just 1 tree regardless of the size of the area.

⁴⁵³ The current lighting standard in 14-305 for plazas, exterior connector space, and gardens is 2.0 foot candles. Chicago uses 2.5 foot candles, the State of Maryland recommends 2.0 foot candles, and New York City has a standard of not less than 2 foot candles. We have added the standard for maximum height.

⁴⁵⁴ These bonus amounts have been revised based on percentage of lot area devoted to public open space, rather than square footage, in order to allow smaller lots to earn the bonus.

⁴⁵⁵ This is a new option for floor area bonus. It is intended to encourage the production of mixed income housing, but is not related to any approved bill requiring the construction of affordable housing. Council action to approve this Zoning Code shall not be considered the Council action required to implement the provisions of any bill requiring (rather than encouraging) affordable or mixed income housing construction.

- (.1) Rental housing shall have total monthly costs (including rent and utility costs) that are affordable to households earning up to 60% of the median income reported by the U.S. Department of Housing and Urban Development for the Philadelphia Metropolitan Fair Market Rent Area.
- (.2) Owner-occupied units shall have total monthly costs (including mortgage principal, interest, property taxes, and property insurance) that are affordable to households earning up to 80% of the median income reported for the Philadelphia Primary Metropolitan Statistical Area.
- (.3) Affordable units shall be affordable for a term of not less than 30 years, with future sales governed by a restrictive covenant or long-term ground lease.
- (.4) Affordable units shall be constructed and available at the same time as market-rate units and reasonably dispersed throughout the development.
- (.5) Affordable units shall have the same ratio of unit types (e.g., efficiency, one-bedroom) as market-rate units.
- (.6) Affordable units should be constructed on-site unless the applicant provides a letter of approval from the Office of Housing and Community Development stating that an off-site location owned by or under the control of the applicant is acceptable.
- (.7) A developer may choose to make a payment in lieu of building affordable units. The in lieu payment will be contributed to the Philadelphia Housing Trust Fund and shall be calculated and updated periodically in an amount not to exceed the average cost of constructing a qualifying unit in the CMX-4 or CMX-5 districts.⁴⁵⁶
- (.8) This bonus is not available to developers of subsidized housing where 51% or more of the dwelling units will be affordable as defined by subsections 14-602(7)(a)(.1) or 14-602(7)(a)(.2) above.

(b) Bonus Floor Area⁴⁵⁷

2 bonus residential units for each affordable unit of comparable size and type. For example, construction of an affordable 1-bedroom affordable unit of 1,000 sq. ft. gross floor area earns 2 bonus 1-bedroom units with up to 1,000 sq. ft. of gross floor area each. Bonus units need not be of the same type (rental vs.

⁴⁵⁶ Wording has been revised since Module 3 to clarify that this should be a fixed fee rather than requiring a separate analysis of costs of construction at the time an application for the bonus is made.

⁴⁵⁷ These bonus amounts are still being tested for economic viability.

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ownership) as the affordable unit.

(8) Through Block Pedestrian Walkways⁴⁵⁸

(a) Criteria

A floor area bonus may be earned by providing through block pedestrian walkways or corridors that connect two parallel public, platted streets, or that connect from one public platted street to an existing through block connection that terminates at an alley, provided that it meets the following standards.

- (.1) The walkway shall be at least 20 ft. in width and unobstructed and open to the sky, not including trees, seating, and landscaping.
- (.2) The walkway shall be open to the public at least during the hours of 8:00 a.m. to 9:00 p.m., daily.
- (.3) The walkway shall not be more than 3 ft. above or below the level of the adjacent sidewalk.
- (.4) A minimum of 50% of each building elevation that borders the outdoor walkways, up to a height of 8 ft. above ground level, shall be improved with landscaping, murals, or architectural details. Windows, entrances, and active retail uses are strongly encouraged along walkways.
- (.5) Vehicular traffic or loading are prohibited from accessing or being located along walkways.
- (.6) Walkways shall have pedestrian lighting. The maximum height of the lighting shall be 15 ft. with an illumination level of 2.0 maintained foot candles.⁴⁵⁹ Lighting shall be provided along walkways at 100-foot intervals. Lighting design shall be subject to the requirements of 14-609.

(b) Bonus Floor Area⁴⁶⁰

5 sq. ft. of gross floor area bonus for each 1 sq. ft. of gross floor area of through block pedestrian walkway. The amount of floor area bonus for any through block pedestrian walkway or corridor shall not exceed 50,000 sq. ft.

⁴⁵⁸ Current 14-305(10)(b)(2), edited and updated.

⁴⁵⁹ The current lighting standard in 14-305 for plazas, exterior connector space, and gardens is 2.0 foot candles. Chicago uses 2.5 foot candles, the State of Maryland recommends 2.0 foot candles, and New York City has a standard of not less than 2 foot candles. We have added the standard for maximum height.

⁴⁶⁰ This existing level of bonus is being tested for economic viability.

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(9) Transit Improvements⁴⁶¹

(a) Criteria

A floor area bonus may be earned by connecting to, constructing or extending a rail, subway, or trolley transit station or concourse within Center City, provided that the project meets the following standards:

- (.1) The applicant shall submit a letter from the Southeastern Pennsylvania Transportation Authority (SEPTA) confirming that SEPTA is aware of the proposed construction or extension and approves the location, size, and scope of the project.
- (.2) Qualifying improvements may include new access easements or improvements to connecting passageways, mezzanines, or concourse areas.
- (.3) The improvements shall be designed and developed as an integral part of the total development project.
- (.4) The improvements shall be engineered and completed to accommodate peak hour travel in all directions.

(b) Bonus Floor Area

The maximum bonus for transit/concourse station extension shall be 20% of base FAR for the applicant's property located on or adjacent to the site where the transit station or concourse construction or extension will occur.

(10) Underground Accessory Parking and Loading⁴⁶²

(a) Criteria

A floor area bonus may be earned by providing underground accessory parking, regardless of whether that accessory parking is required by Chapter 14-700. The intent of this section is not to expand the supply of parking in the CMX-4 or CMX-5 districts, but to encourage parking permitted by this Zoning Code to be constructed underground rather than at surface level or above ground. The bonus is available if the project meets the following standards:

- (.1) At least 75% of the accessory parking constructed shall be for the use of residents or occupants of the project, and no more than 25% of the

⁴⁶¹ This is a new option that was added to encourage transit station improvements as a method of achieving floor area bonus, and was derived from similar standards in Seattle, Chicago, and Pittsburgh. This bonus could not be subject to economic testing because of wide variations in the costs of earning the bonus for varying site conditions.

⁴⁶² This is a new option that was added based on our discussions with the city. Language stating that "underground accessory parking and related structures such as stairs, lobbies, and mechanical spaces are not calculated in the structure's FAR" has been moved to 14-1002.

spaces shall be rented on a daily, weekly, monthly, long-term, or any other term as commercial parking spaces to any non-resident or non-occupant of the premises. This shall not prohibit the building owner from billing building residents and occupants for parking spaces separately than for rent or other expenses.

- (.2) All of the accessory parking constructed shall be located below grade.
- (.3) Accessory parking constructed to earn the bonus may be located off-site as permitted in Chapter 14-700:.
- (.4) None of the bonus space gained from underground parking or loading may be used to construct additional parking.

(b) Bonus Floor Area⁴⁶³

- (.1) Three-quarters of one sq. ft. (0.75) of gross floor area for each 1 sq. ft. of gross floor area of qualifying accessory parking for residential uses.
- (.2) One-quarter of one sq. ft. (0.25) of gross floor area for each 1 sq. ft. of gross floor area of qualifying accessory parking for non-residential uses.

(11) Green Building⁴⁶⁴

(a) Criteria

- (.1) The applicant has submitted documentation sealed by a LEED-AP professional confirming that the building has been designed for certification at the LEED Platinum or Gold levels, and that preliminary review of building design and elements confirm that it will earn enough points to be certified at that level.
- (.2) The applicant has signed an agreement with the City confirming that it will complete the LEED certification and commissioning process at the Platinum or Gold level, and that if the building fails to be commissioned at the level for which the bonus has been awarded, the applicant will either:
 - (.a) Make improvements to the building design, equipment, or operation until commissioning at that level, or
 - (.b) Be in violation of this Zoning Code and subject to those penalties provided in 14-206.

⁴⁶³ These bonus amounts have been revised since Module 3 based on economic testing.

⁴⁶⁴ This is a new bonus. The text replaces a proposed bonus for LEED Platinum buildings only in Module 3.

(b) Bonus Floor Area⁴⁶⁵

- (.1) 33% of the sum of the base FAR applicable to the site pursuant to 14-601 if the applicant is applying for certification at the LEED Platinum level.
- (.2) 13% of the base FAR applicable to the site pursuant to if the applicant is applying for certification at the LEED Gold level.

14-603 Form and Design⁴⁶⁶

In addition to complying with all other applicable requirements of this Zoning Code, including without limitation the requirements of 14-604 (Connectivity and Circulation), 14-605 (Transit-oriented Development), 14-606 (Open Space and Natural Resources), 14-607 (Landscaping and Trees), 14-608 (Fencing and Walls), 14-609 (Outdoor Lighting), 14-610 (Subdivision), Chapter 14-700: (Parking and Loading), and Chapter 14-800: (Signs) all new development and redevelopment after [Insert EFFECTIVE DATE of Zoning Code] shall comply with the following standards, as applicable.

(1) General Purpose

The general purpose of this section is to:

- (a) To allow full development of properties consistent with the dimensional standards established in 14-601 and the Floor Area Bonuses established in 14-602, while establishing baseline requirements for building and site features that will create stable residential neighborhoods, commercial mixed use and industrial areas.
- (b) To ameliorate conflict between existing, new or redeveloped structures and the existing character of surrounding areas that could undermine neighborhood stability.
- (c) To encourage effective development of street frontages and other public elements that enable new projects to add value to existing communities.

⁴⁶⁵ These bonus amounts have been revised since Module 3 based on economic testing.

⁴⁶⁶ This is a new section of the Zoning Code that consolidates building form and building design standards from several sections of the current code and supplements them with baseline standards for different forms of development. In addition, it cross-references other sections of the Zoning Code that address site design and adds selected site design standards. The standards in this section have been kept simple in order to avoid the need for individualized design review (which is reserved for significant projects under 14-204(6)). The intent is for these standards to serve as a baseline for building quality through objective standards that can be checked and enforced by L&I through an over-the-counter process. This section does not include standards related to the location, or design of parking lots or garages (which are in 14-704) or site landscaping and screening (which are in 14-606), or lighting (which are in 14-608). This section also does not include design guidelines (“should” statements) because the city has a variety of design guidance documents that already contain those standards. The section is limited to regulations that the City intends to enforce through its development procedures. The text has been revised since Module 3 to include more intent statements for specific types of controls.

- (d) To assure that new developments connect to and make effective use of the public investment in transportation facilities at and near the project location.
- (e) To encourage creative and sustainable design responses to contemporary opportunities.
- (f) To improve the overall design quality of the city through the use of objective standards that can be administered by L&I without the need for individualized design review of projects except in those cases covered by 14-204(6).
- (g) To enhance the public realm.

(2) Applicability

- (a) The standards of this section are applicable to all development except:
 - (.1) Detached houses, twin houses, and duplexes;
 - (.2) Structures in which the primary use is “Park and open space,” “Utilities and services, basic,” “Utilities and services, major,” “Wireless service facility,” “Parking, non-accessory,” and “Urban agriculture” use categories, as described in Chapter 14-500; and⁴⁶⁷
- (b) If the civic design review process in 14-204(6) recommends a design that is inconsistent with these requirements, and the applicant chooses to comply with the recommendation of the civic design review process on that topic, an inconsistent requirement of this section shall not apply.
- (c) In the case of any conflict between the design standards in this 14-603 and design standards applicable to a particular project because of its location in an overlay district listed in Chapter 14-400: or because of a use-specific standard in 14-503, the provisions of the overlay district or use-specific standard shall govern.
- (d) The standards in this 14-603 are supplemented by more detailed design guidance in the Zoning Code Administrative Manual, which also contains submission requirements to confirm that the standards of this 14-603 have been met.⁴⁶⁸

(3) Rowhouse Design Standards⁴⁶⁹

- (a) The intent of these standards is to avoid development or redevelopment of rowhouses in ways that present blank wall surfaces to the street, that do not

⁴⁶⁷ Wireless service facility design is already addressed through the use-specific standards in 14-504(8). Design of non-accessory parking is addressed in Chapter 14-700.

⁴⁶⁸ This reference to the Zoning Code Administrative Manual has been added since Module 3.

⁴⁶⁹ These new standards are derived from the Queen Village /NCO standards in current 14-908(4). The intent statement is new since Module 3.

allow residents to view activity on the street from the ground floor, or that construct new front driveways and curb cuts that discourage walking in the neighborhood and reduce on-street parking.

- (b) Each group of 10 or more rowhouses developed as part of a single development or redevelopment project in any zoning district shall comply with the following standards.
 - (.1) Rowhouses must have a habitable room with a street-facing window on the front of the first floor. A habitable room will be defined in the Property Maintenance Code, Section PM-202.0.⁴⁷⁰
 - (.2) If the lot is served by an alley or driveway with a minimum width of 12 ft., then no new curb cut for a front driveway or parking area connecting to the public street shall be permitted.
 - (.3) For lots not served by alleys or driveways with a minimum width of 12 ft., new curb cuts may not exceed 10 ft. in width for a single space or 20 ft. for a double space serving two adjacent units.
 - (.4) New utility meters must be hidden from view from the street frontage.

(4) Multi-dwelling Building Design Standards⁴⁷¹

The intent of these standards is to avoid development or redevelopment of multi-dwelling buildings that do not orient to or are not accessible from public streets and areas, to emphasize building entry points, to create facades that contribute to street activity and investment in surrounding properties, to avoid building massing that overshadows adjacent development, to promote safe circulation to and around the buildings, and to reduce visibility of utilities and equipment related to the buildings.

(a) Site Design⁴⁷²

- (.1) Multi-dwelling site design shall conform to all applicable requirements of this Zoning Code, including without limitation the requirements of 14-604 (Connectivity and Circulation); 14-605 (Transit-oriented Development); 14-606 (Open Spaces and Natural Resources); 14-607 (Landscaping and Trees), 14-608 (Fencing and Walls); 14-609 (Outdoor Lighting); 14-702(13) (Parking Lot and Structure Design Standards); 14-703 (Bicycle Parking); and 14-705 (Off-street Loading). In the case of a conflict between the requirements of any other provision of this Zoning Code and the requirements of this 14-603, the more specific provisions

⁴⁷⁰ The requirement for a street-facing window is new since Module 3.

⁴⁷¹ New standards that replace existing building spacing/window requirements from current 14-207(2)(f). The intent statement is new since Module 3.

⁴⁷² This section is new since Module 3.

shall govern, as determined by L&I.

- (.2) When the lot abuts city parks, open space, or other public facilities, the site design shall provide access for the multi-dwelling residents to the adjacent park, open space, or public facility if permitted by the public entity responsible for that area or facility.
- (.3) Each principal building shall have at least 1 entry door facing and visible from an adjacent public street. When more than one multi-residential building is located on a single lot or parcel, the building closest to each public street frontage shall have at least 1 entry door facing and visible from that street frontage.
- (.4) All multi-dwelling buildings shall have continuous internal sidewalks connecting to each entrance and to adjacent public sidewalks or the exterior boundary of the property at a public street.
- (.5) Landscaping shall be located and designed so that clear sight lines are provided to and between common open spaces, circulation paths and access points into a building.
- (.6) Utility equipment, transformers, ground mounted chillers or cooling towers, and trash loading facilities shall be screened from view by residents and from adjacent public streets and public open space areas. Screening may include permitted fences, lattice structures, and landscape plantings.
- (.7) A site plan that meets LEED-ND (neighborhood development) requirements will be acceptable in lieu of these requirements, but must meet all building requirements and criteria stated in this Zoning Code for either site or building that are not addressed by LEED-ND.

(b) Building Design

Each multi-dwelling building containing 10 or more units in any zoning district shall comply with the following standards:⁴⁷³

- (.1) If a single building fronts on 2 streets, and the grades of the streets at the midpoint of those 2 street frontage lot lines differ by more than 8 ft., the building shall be designed with a primary pedestrian entrance from each of those 2 streets.⁴⁷⁴
- (.2) All sides of a building open to a public street or publicly accessible area on adjacent property shall be architecturally finished with the same

⁴⁷³ Since Module 3, this section has been revised to delete requirement that a certain number of mandatory design elements must be included, and requirements for window placement have been deleted.

⁴⁷⁴ The requirement for 2 primary entrances if the building faces 2 streets has been added since Module 3.

materials and detailing (e.g., tiles, moldings, cornices, wainscoting, etc.) as the primary façade of the structure. Blank walls devoid of architectural details or other variation are prohibited.

- (.3) Utility equipment, transformers, ground mounted chillers or cooling towers, and trash loading facilities shall be screened from view by residents and from adjacent public streets and public open space areas. Screening may include permitted fences, lattice structures, and landscape plantings.
- (.4) Except in the CMX-4 and CMX-5 districts, no portion of any multi-dwelling building that is adjacent to and within 50 ft. of any residential or residential/mixed use building on an adjacent lot shall exceed the height of the residential or residential/mixed use building by more than 20 ft.⁴⁷⁵

(c) Mixed Use Residential Development

The nonresidential portion of a building containing both residential and nonresidential uses shall comply with 14-603(5).

(5) Commercial, Mixed Use, and Institutional Design Standards

(a) Intent⁴⁷⁶

The intent of these standards is to avoid development or redevelopment of commercial, mixed use, or institutional buildings that do not orient to or not accessible from public streets and areas, to emphasize building entry points, to create facades that contribute to street activity and investment in surrounding properties, to avoid building massing that overshadows adjacent development, to promote safe circulation to and around the building for bicycles and pedestrians, and to reduce visibility of utilities and building support areas.

(b) Applicability and Exceptions

(.1) Applicability

This subsection is applicable to any building or development in any zoning district in which 51% or more of the gross floor area is in the “public, civic, or institutional,” “office,” “retail sales,” or “commercial services” use categories.

(.2) Exceptions

This section shall not apply to: (a) buildings or developments located on lots smaller than 10,000 sq. ft., or (b) buildings or multi-building

⁴⁷⁵ Where the new building is more than 20 ft. taller than an adjacent residential building, the design review process in 14-206(6) will generally apply.⁴⁷⁶ This intent statement is new since Module 3.

⁴⁷⁶ This intent statement is new since Module 3.

developments containing less than 10,000 sq. ft. in total gross floor area. If a building or development containing less than 10,000 sq. ft. of gross floor area is later expanded so that it contains 10,000 sq. ft. of gross floor area or more, it shall be subject to these requirements.

(c) Site Design⁴⁷⁷

(.1) General Standards

Commercial, mixed use, and institutional site design shall conform to all applicable requirements of this Zoning Code, including without limitation the requirements of 14-604 (Connectivity and Circulation); 14-605 (Transit-oriented Development); 14-606 (Open Spaces and Natural Resources); 14-607 (Landscaping and Trees), 14-608 (Fencing and Walls); 14-609 (Outdoor Lighting); 14-702(13) (Parking Lot and Structure Design Standards); 14-703 (Bicycle Parking); and 14-705 (Off-street Loading). In the case of a conflict between the requirements of any other provision of this Zoning Code and the requirements of this 14-603, the more specific provisions shall govern, as determined by L&I.

(.2) Access

When the lot abuts parks and open space or public, civic, and institutional uses, the site design shall provide access for the multi-dwelling residents to the adjacent facility if appropriate and permitted by the public entity responsible for that area or facility.

(.3) Entries

Each principal building shall have at least 1 entry door facing and visible from an adjacent public street.

(.4) Building Line

Building line continuity at the street shall be maintained. New residential or commercial uses shall be located in a continuous streetscape with existing residential and commercial uses to the maximum extent feasible.

(.5) Screening

Ground-mounted utility equipment, transformers, ground mounted chillers or cooling towers, and loading docks including trash loading facilities shall be located in areas that are not visible from adjacent public streets or nearby residential uses, or shall be screened from view. Screening shall be opaque and may include configuration of buildings, permitted fences, lattice structures, topographical changes, and/or

⁴⁷⁷ This section is new since Module 3.

landscape plantings. Rooftop mounted equipment shall be screened from view from adjacent public streets, public spaces, or nearby residential uses through the use of parapet walls, roof design configuration, or equipment screens at least as tall as the equipment being screened.

(d) Building Design⁴⁷⁸

(.1) Pedestrian Entrances for Buildings with Double Frontages

If a single building fronts on 2 streets, and the grades of the streets at the midpoint of those 2 street frontage lot lines differ by more than 8 ft., the building shall be designed with a primary pedestrian entrance from each of those 2 streets.⁴⁷⁹

(.2) Façade Articulation⁴⁸⁰

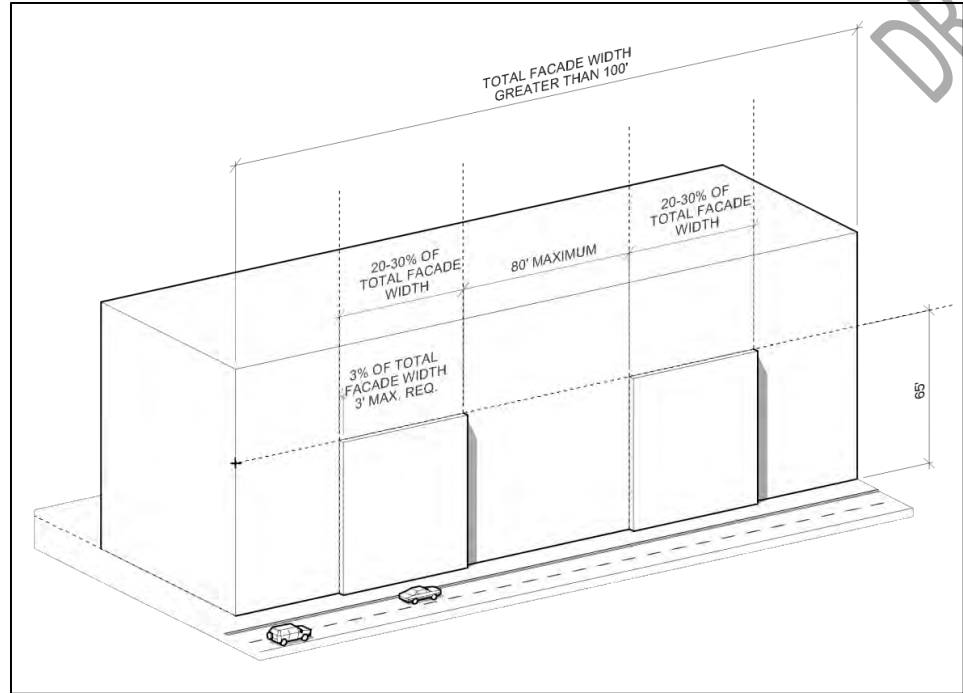
Between the average ground level and a height of 65 ft., no façade wall shall extend more than 80 horizontal ft. without articulation. Articulation may be in the form of projections, recesses, bays, angular changes in direction, changes in material, and/or vertical setbacks, overhangs, or offsets. Each facade greater than 100 horizontal ft. in length shall incorporate wall plane articulation having a depth of at least 3% of the length of the facade (up to a maximum of 3 ft.) and extending between 20% and 30% of the length of the facade.

⁴⁷⁸ These standards have been revised since Module 3. Institutional uses have been exempted from transparency requirements, and requirements for larger buildings to have a base/middle/top design have been deleted.

⁴⁷⁹ The requirement for 2 primary entrances if the building faces 2 streets has been added since Module 3.

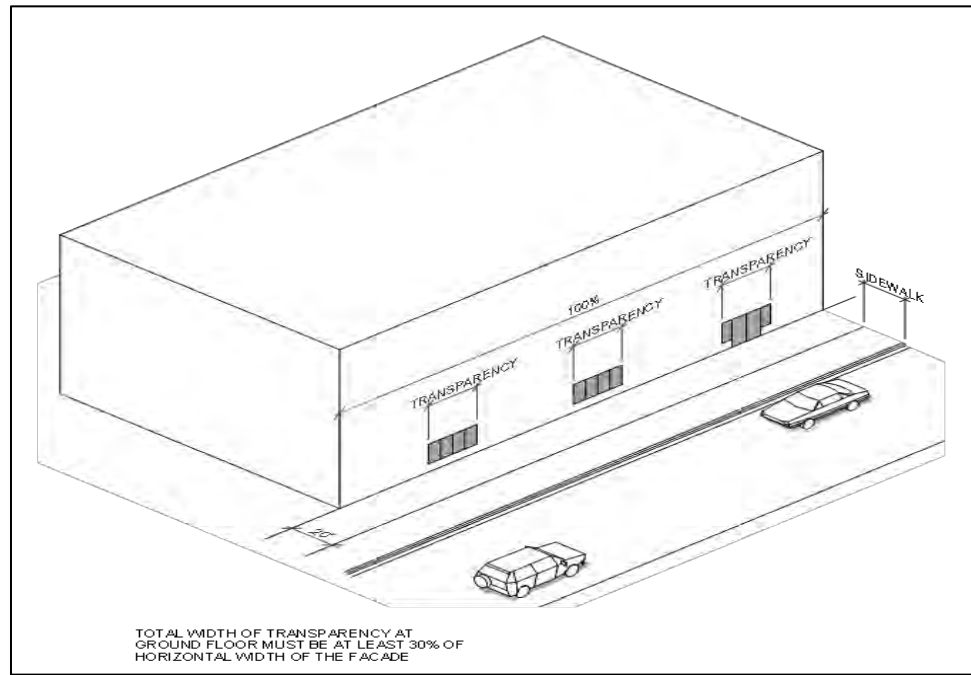
⁴⁸⁰ Text has been revised and clarified, change of materials has been added as a way to achieve façade articulation, and the depth of required articulation has been capped at 3 percent since Module 3.

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(.3) **Transparency**

Any ground floor façade located within 20 ft. of a sidewalk, except for façade containing a primary use in the “public, civic, and institutional” use category, shall be designed so that at least 30% of the horizontal width of the façade along that street frontage is occupied by windows, doors, or other transparent materials.



(.4) **Upper Floor Residential**

For buildings with upper floor (second story or higher) residential uses, the residential portions of the buildings shall comply with 14-603(4).

(.5) **Similar Design Quality**

All sides of a building open to or from a public street or publicly accessible area on adjacent property shall be architecturally finished with the same materials and detailing (e.g., tiles, moldings, cornices, wainscoting, etc.) as the primary façade of the structure. Blank walls void of architectural details or other variation are prohibited.

(.6) **Height Transition**

Except in the CMX-4 and CMX-5 districts, no portion of any principal building that is adjacent to and within 50 ft. of any residential or residential/mixed use building on an adjacent lot shall exceed the height of the residential or residential/mixed use building by more than 20 ft.⁴⁸¹

(.7) **Party Walls⁴⁸²**

- (.a) A party wall of a building shall support the design of all walls of a building that can be seen by the public.
- (.b) The total height of the exposed portion of a party wall may be a maximum of 20 ft. without any required façade articulation.
- (.c) Each exposed party wall must have at least 15% of its total surface consisting of window openings, contingent on the requirements of building and fire codes.
- (.d) Articulation of the remainder of any party wall must include architectural embellishment that visually establishes the location of floor levels in the building, principally by implied fenestration, to give the building scale. This may be accomplished by, but is not limited to: (i) blind windows, (ii) sill and lintel of blind windows, (iii) material color or texture change at window location, (iv) architectural screens, lattices or baffles at window location, or (v) articulated structural spandrels or belt courses.

(e) Walkways

Unless constructed without a setback from the public street, each primary

⁴⁸¹ Where the new building is more than 20 ft. taller than an adjacent residential building, the design review process in 14-206(6) will generally apply.

⁴⁸² This section is new since Module 3.

building shall have a walkway leading from the primary building entrance to any public sidewalk along the street frontage that the building faces. If the building has a second frontage facing a public street with at grade public transit service, the building shall also have a walkway leading from that second entrance to any sidewalk along the street frontage with public transit service.

(6) Additional Standards for Large Retail Buildings

In addition to meeting the standards in subsection 14-603(5) above, single-story retail buildings containing 65,000 sq. ft. or more of gross floor area, in which one user or tenant occupies more than 75% of the gross floor area, shall meet the following additional standards:⁴⁸³

(a) Site Design⁴⁸⁴

Buildings shall be placed to facilitate public transportation access and service and linkage to adjacent retail while buffering any nearby residential uses. Buildings shall not be placed in the middle of the site surrounded by parking. Service and loading areas shall be located so as not to be visible from adjacent residential uses if practicable, or shall be screened pursuant to 14-603(5)(c)(.5).

(b) Building Design

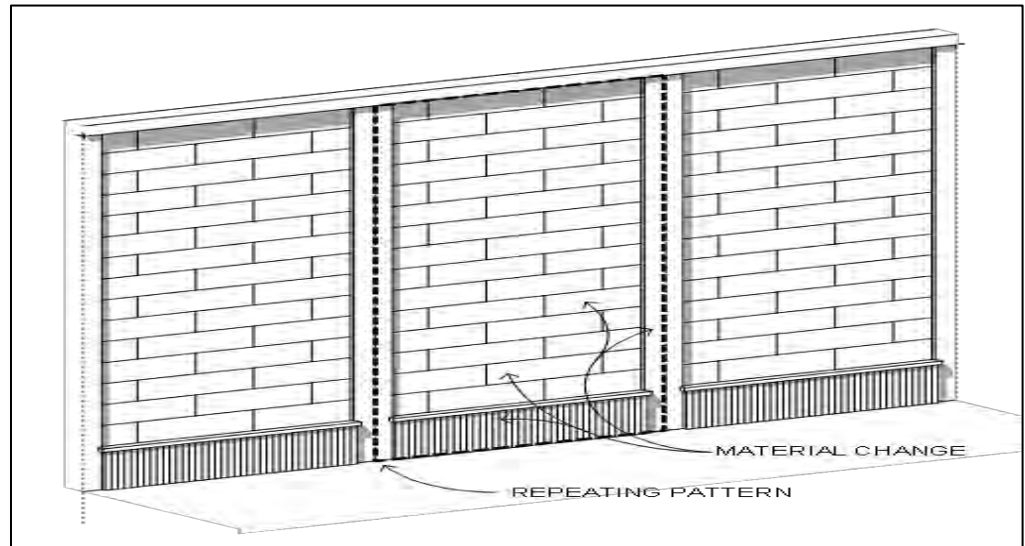
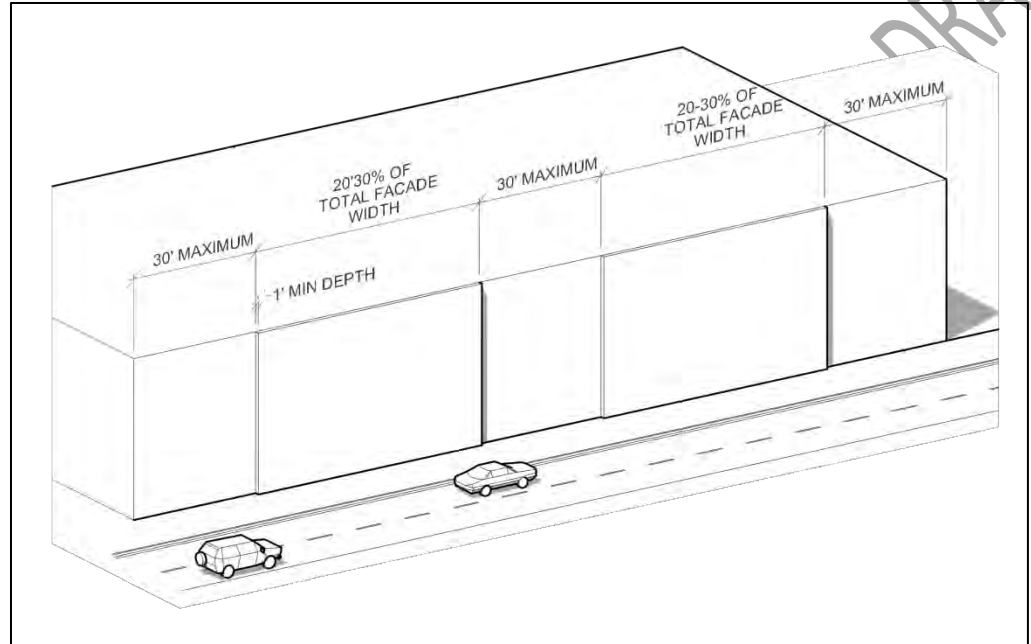
(.1) Façade Articulation and Design

Each principal building façade facing a public street shall incorporate wall plane projections, recesses, or offsets at least 1 ft. deep, and extending horizontally between 20% and 30% of the length of the façade. At least one of those wall plane projections or recesses shall repeat horizontally at an interval of no more than 30 ft. on center. In addition, each building façade must have a repeating pattern that includes at least 2 instances of color change, texture change, or material change.⁴⁸⁵

⁴⁸³ Since Module 3, the requirement that parking areas meet the City's guidelines has been deleted because Chapter 14-700 now reflects those requirements.

⁴⁸⁴ This section is new since Module 3.

⁴⁸⁵ Language has been revised and clarified and offsets have been added to this standard since Module 3.



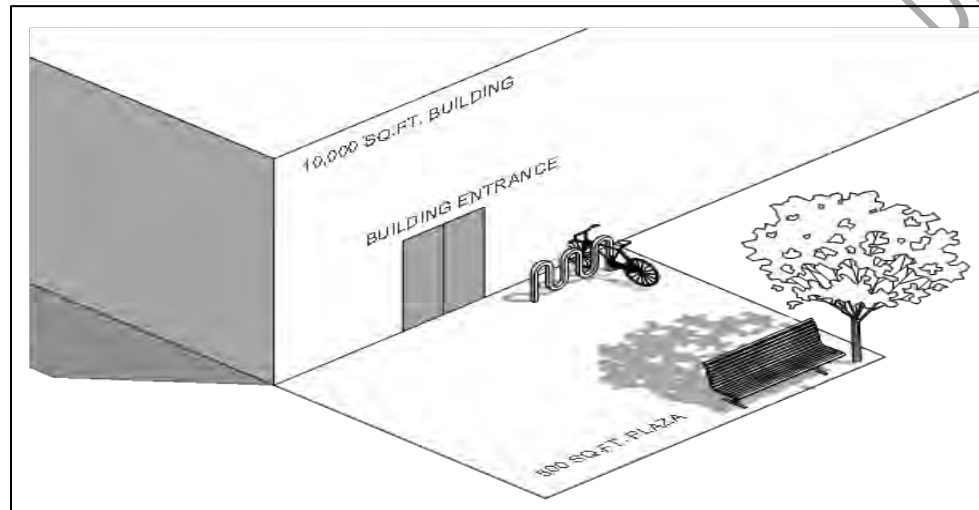
(.2) **Pedestrian Oriented Design Features**

Ground-floor façades that face public streets shall have arcades, display windows, entry areas, awnings, or other similar features along no less than 60% of their horizontal length.

(.3) **Pedestrian Plazas**

For every 10,000 sq. ft. of building area, there shall be 500 sq. ft. of paved hard surface pedestrian plaza in proximity to at least one of the building entrances where bicycle parking is provided. The pedestrian plaza(s) shall have a minimum of 1 bench and 1 tree per 500 sq. ft. of

pedestrian plaza.



(7) Industrial Design Standards

(a) Intent

The intent of these standards is to avoid development or redevelopment of industrial buildings without visible entryways, to create facades that contribute to investment in surrounding properties, and to promote safe circulation to and around the building for bicycles.

(b) Applicability

The standards of this section 14-603(7) are applicable only to the IRMX, ICMX, and I-1 districts. Within these districts, each principal building with a gross-floor area of less than 100,000 sq. ft. must comply with the following standards.

(c) Site Design⁴⁸⁶

(.1) General Standards

Commercial, mixed use, and institutional site design shall conform to all applicable requirements of this Zoning Code, including without limitation the requirements of 14-604 (Connectivity and Circulation); 14-605 (Transit-oriented Development); 14-606 (Open Spaces and Natural Resources); 14-607 (Landscaping and Trees), 14-608 (Fencing and Walls); 14-609 (Outdoor Lighting); 14-702(13) (Parking Lot and Structure Design Standards); 14-703 (Bicycle Parking); and 14-705 (Off-street Loading). In the case of a conflict between the requirements of any other provision of this Zoning Code and the requirements of this 14-603,

⁴⁸⁶ This section is new since Module 3.

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the more specific provisions shall govern, as determined by L&I.

(.2) **Walkway**

If the primary building entrance faces a street with a sidewalk and does not abut the sidewalk, a walkway at least 5 ft. wide shall be installed between the primary building entrance and the public sidewalk.

(d) Building Design

(.1) **Entryway**

Each principal building must have a clearly defined main entrance for occupants and/or patrons.

(.2) **Height Transition**

Except where adjacent to other Industrial districts, no portion of any primary building that is adjacent to and within 50 ft. of any residential, residential/mixed use, commercial, mixed use, or institutional building on an adjacent lot shall exceed the permitted height of that building by more than 20 ft.

(8) Multi-Building Project Design Standards⁴⁸⁷

When a zoning permit application includes more than one primary building on a single lot or parcel, or on more than one contiguous lot or parcel that is being developed as a single development, the following standards apply in addition to all applicable standards in 14-603(1) through 14-603(7) above. In the event one or more standards in this 14-603(8) is inconsistent with one or more standards in 14-603(1) through 14-603(7) the standards in this 14-603(8) shall apply.

(a) Principal Buildings

The standards in 14-603(1) through 14-603(7) shall apply to each building that would be considered a primary building if it were the only building on the parcel.

(b) Building Setbacks

If the buildings are being developed on contiguous platted lots or parcels, required front, side, and rear setbacks in 14-601 and landscaping buffer provisions in 14-607 shall be applied to the exterior boundaries of the property as a whole, and not to each individual platted lot or parcel.

(c) Building Orientation

All buildings shall orient towards (i.e. have a primary façade of the building facing) one of the following:

- (.1) A main pedestrian or vehicle access corridor within the development; or

⁴⁸⁷ This section is new since Module 3.

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- (.2) Public spaces or on-site amenities; or
- (.3) The corner of a perimeter or internal street intersection or entrance to the development; or
- (.4) The same street or public space as any buildings on adjacent parcels.

(d) Surface Parking Area or Garage Location

Notwithstanding the provisions of 14-702(13)(g), where the multi-building development includes more than 2 acres of contiguous land, surface parking areas and garages shall be located on the interior of the lot and not between (i) primary buildings and (ii) adjacent streets or the boundaries of the development site.

(9) Parking Garage Design Standards

Design standards for parking garages are in 14-702(13)(h).

14-604 Connectivity and Circulation⁴⁸⁸

(1) Intent

The connectivity and circulation standards of section are intended to ensure that new development and redevelopment creates safe and convenient opportunities for the public to travel to and from the development site by walking, bicycling, public transit, and the automobile. An additional intent is to reduce congestion of a few large streets by allowing multiple routes for the public and development residents and occupants to connect into the city's minor street, sidewalk, and trail system.

(2) Applicability

- (a) The standards of this section apply to all development and redevelopment except for (a) a detached house, twin house, duplex, or rowhouse, or (b) a development whose primary use is in the "Wholesale, Distribution, Storage" or "Industrial" use category.
- (b) If the provisions of an applicable overlay zoning district in Chapter 14-400: or the provisions of a use-specific standard in 14-503 apply to the development or redevelopment, and those standards are inconsistent with the connectivity and circulation standards of this 14-604, the provisions of Chapter 14-400: and 14-503 shall apply.
- (c) The Commission shall be responsible for reviewing compliance with the provisions of this section.

⁴⁸⁸ New section.

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(3) General Standards

(a) Americans with Disabilities Act

All “places of public accommodation,” as defined in the federal Americans with Disabilities Act (42 U.S.C.S. 12101 et. seq.)(“ADA”) shall comply with the requirements of that act concerning on-site circulation and access.

(b) Safe Routes to School

Where the city or another entity is implementing a program in support of, or funded by, the federal Safe Routes to School program, and that program includes a sidewalk, walkway, or trail adjacent to the boundaries of a development or redevelopment involving residential uses, the project shall be designed to allow project residents to access the designated school route in a convenient and relatively direct manner.

(c) Street Grid

To the maximum extent feasible, the development or redevelopment shall connect with the existing street grid.

(d) Multi-building Projects

Projects containing multi-dwelling buildings, or uses in the “Public, Civic, or Institutional,” “Office,” “Retail Sales,” or “Commercial Services” use categories containing more than one principal building on a single lot, parcel, or tract shall include an unobstructed walkway or pathway providing access between the principal buildings, and between each principal building and at least one vehicle parking area, in compliance with the ADA, for persons with disabilities. The walkway or pathway shall be at least 3 ft. wide.

(e) Bicycle and Pedestrian Routes

Where the Commission’s *Philadelphia Pedestrian and Bicycle Plan* show a bicycle or pedestrian path or trail adjacent to the application site, the site design shall provide connections to those paths or trails. Any requests by the city for designation or dedication of land for bicycle or pedestrian paths or trails within a proposed development shall comply with the provisions of Section 14-203(9).

(f) Sidewalks

Unless the Department of Streets waives the requirement based on public safety or site/topography constraints:

- (.1) Each proposed public or private street within an R, C, or SP district other than the SP-PO and SP-PHL districts shall include a sidewalk at least 5 ft. wide on both sides of the street.
- (.2) Each proposed public or private street within an I district, SP-PO or SP-PHL districts shall include a sidewalk at least 5 ft. wide on one side of the street.

(g) Curb Cuts and Driveways

All limits on the number and width of curb cuts and driveways listed in other sections of this Zoning Code, including without limitation 14-608(2) (Sight Triangles), 14-702(13)(h) (Design Standards for Detached Garages), and 14-705(2)(c) (Off-Street Loading Ingress and Egress), shall apply.

14-605 Transit-oriented Development (TOD)⁴⁸⁹

(1) Purpose

The Transit-oriented Development (TOD) standards of this 14-605 are intended to encourage compact urban growth patterns, opportunities for increased transportation mode choice, reduced reliance on the automobile, and a safe and pleasant pedestrian environment. The regulations help ensure an attractive streetscape, a functional mix of complementary uses and provision of amenities that support the use of transit, bicycles, and pedestrian facilities.

(2) Applicability

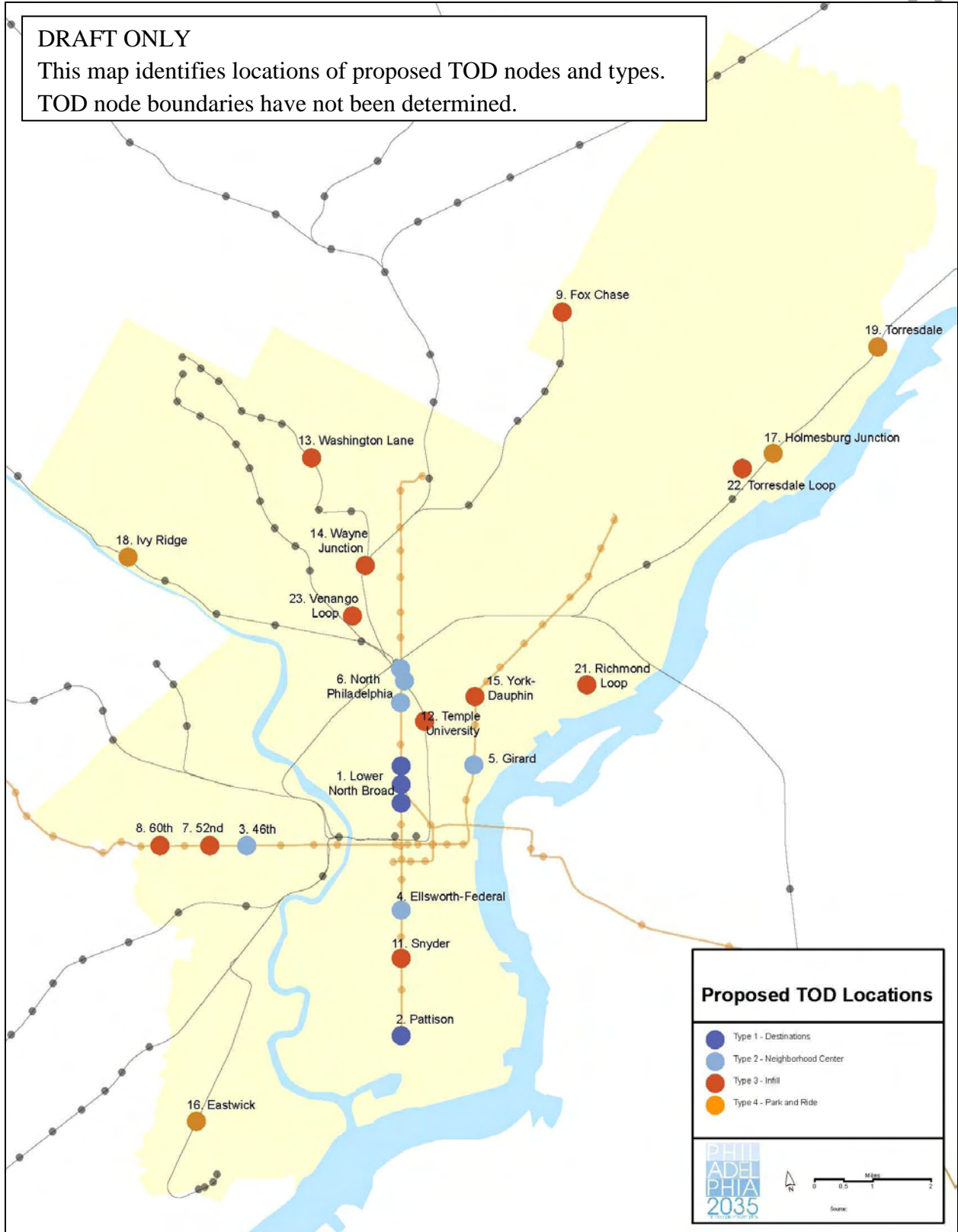
Except as otherwise expressly stated, the TOD standards of this section apply to all of the following within the boundaries of the designated transit-oriented development area:

- (a) New buildings and development on vacant land;
- (b) New buildings and development on redevelopment sites, such as conversion of a parking lot to a building or demolition of a building and construction of a new building; and
- (c) An expansion of 30% or more of the gross floor area of an existing building or the addition of 5 or more parking spaces.

(3) Transit Nodes

There are four different types of TOD nodes. The locations of each node are shown on the map below.

⁴⁸⁹ This section has been revised significantly since Module 3 to reflect a new typology of TOD areas developed by the Planning Commission. These provisions were originally included with the overlay zoning districts, but have been relocated to the development standards section. The provisions have been edited throughout to reflect the change from zoning district standards to development standards. The map of nodes has been added.



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(4) TOD Boundaries and Elements

For each of the TOD nodes shown on the map in 14-605(3), the Planning Commission shall designate and map:

- (a) The boundaries of the areas subject to the standards of this 14-605; and
- (b) One TOD Primary Street and one or more TOD Secondary Streets, as defined in Chapter 14-1000.

(5) Type 1: Destination TOD Node

(a) Intent

Type 1 TOD nodes are intended to be characterized by high- and mid-rise residential office and institutional development with ground floor commercial and no off street parking requirements, high employment, and high rail transit ridership. Locations currently have vacant or underutilized parcels appropriate for redevelopment with high- or mid-density.

(b) Regulations

Notwithstanding the provisions of Chapter 14-600: the following provisions shall apply after [Insert Effective Date of Zoning Code].

- (.1) Properties zoned CMX-3 shall have a maximum floor area of 600% of the lot area, and additional bonuses for mixed income housing and/or green building may be earned pursuant to 14-602.⁴⁹⁰
- (.2) Buildings on C- and I-zoned properties may occupy up to 100% of the lot area.
- (.3) Properties in an R district where Tables 14-601-1 or 14-601-2 allow a maximum height of 35 ft. are subject to a maximum height limit of 45 ft.
- (.4) Properties with frontage on a TOD Primary Street in a CMX-1, CMX-2 or CA-1 district are subject to a maximum height limit of 55 ft.
- (.5) Buildings located on lots with frontage on a TOD Primary Street are subject to a minimum street level floor-to-floor height of 15 ft.
- (.6) New buildings must be built to the street line (with no building setback) at ground level, along at least 80% of the street frontage, excluding curb cuts.
- (.7) When a new building is constructed, minimum parking requirements otherwise applicable under Chapter 14-700: are reduced by 50%. No off-street parking is required for new buildings that (1) have a gross

⁴⁹⁰ The Zoning Code Commission is considering whether a higher maximum floor area should apply to CMX-3 zoned land in Destination TOD Nodes.

floor area of 10,000 sq. ft. or less or, (2) are located on a lot of 10,000 sq. ft. or less, or (3) that would otherwise be required to provide fewer than 5 parking spaces.

- (.8) Each off-street loading space shall be located within a totally enclosed structure within the building it serves, or in the case of multiple buildings, within an enclosed structure with direct access to each building the loading space serves.
- (.9) All development and redevelopment shall comply with those standards in 14-605(9).

(6) Type 2: Neighborhood Center TOD Node

(a) Intent

Type 2 TOD nodes are intended to be characterized by medium density development, multifamily residential development or mixed use development with ground floor commercial uses and low off-street parking requirements, high rail transit ridership and intermodal connections, and enhanced pedestrian and transit amenities such as transit shelters and wider sidewalks with bump outs to facilitate pedestrian crossings at intersections. Locations currently have large vacant or underutilized parcels and/or high vacancy rates.

(b) Regulations

Notwithstanding the provisions of Chapter 14-600: the following provisions shall apply after [Insert Effective Date of Zoning Code].

- (.1) Properties zoned CMX-3 shall have a maximum floor area of 600% of the lot area, and additional bonuses for mixed income housing and/or green building may be earned pursuant to 14-602.
- (.2) Buildings on C- and I-zoned properties may occupy up to 100% of the lot area.
- (.3) Properties in an R district where Tables 14-601-1 or 14-601-2 allow a maximum height of 35 ft. are subject to a maximum height limit of 45 ft.
- (.4) Properties with frontage on a TOD Primary Street in a CMX-1, CMX-2 or CA-1 district are subject to a maximum height limit of 55 ft.
- (.5) Buildings located on lots with frontage on a TOD Primary Street are subject to a minimum street level floor-to-floor height of 15 ft.
- (.6) New buildings must be built to the street line (with no building setback) at ground level, along at least 80% of the street frontage, excluding curb cuts.
- (.7) When a new building is constructed, minimum parking requirements otherwise applicable under Chapter 14-700: are reduced by 50%. No

off-street parking is required for new buildings that (1) have a gross floor area of 10,000 sq. ft. or less or, (2) are located on a lot of 10,000 sq. ft. or less, or (3) that would otherwise be required to provide fewer than 5 parking spaces.

- (.8) Each off-street loading space shall be located within a totally enclosed structure within the building it serves, or in the case of multiple buildings, within an enclosed structure with direct access to each building the loading space serves.
- (.9) All development and redevelopment shall comply with those standards in 14-605(9).

(7) Type 3: Infill TOD Node

(a) Intent

Type 3 TOD nodes are intended to be characterized by walkable, transit-oriented development at densities lower than Type 2 nodes with enhanced pedestrian and transit amenities such as transit shelters and wider sidewalks with bump outs to facilitate pedestrian crossings at intersections. Locations are in stable areas near current commercial corridors with a limited number of vacant, underused, or auto-oriented parcels.

(b) Regulations

Notwithstanding the provisions of Chapter 14-600: the following provisions shall apply after [Insert Effective Date of Zoning Code].

- (.1) Properties with frontage on a designated Primary TOD Street in a CMX-1, CMX-2 or CA-1 district are subject to a maximum height limit of 55 ft.
- (.2) Properties in an R district where Tables 14-601-1 or 14-601-2 allow a maximum height of 35 ft. are subject to a maximum height limit of 45 ft.
- (.3) New buildings must be built to the street line (with no building setback) at ground level, along at least 80% of the street frontage, excluding curb cuts.
- (.4) All development and redevelopment shall comply with those standards in 14-605(9).

(8) Type 4: Park & Ride TOD Node

(a) Intent

Type 4 TOD nodes are intended to be characterized by additional structured parking (by right) or high-quality landscaped and buffered surface parking areas to encourage transit ridership, as well as limited convenience and personal service retail uses to accommodate commuter shopping needs.

(b) Regulations

Notwithstanding the provisions of Chapter 14-600: the following provisions shall apply after [Insert Effective Date of Zoning Code].

- (.1) All new parking garages shall have a lobby area to accommodate purchase of transit tickets and capable of accommodating transit supportive convenience retail uses.
- (.2) All development and redevelopment shall comply with those standards in 14-605(9).

(9) Development Standards Applicable to TOD Nodes

The following standards apply in all TOD Nodes:

- (a) The main building entry of any building abutting a TOD Primary Street must face and be located along a the TOD Primary Street.
- (b) For facades facing a TOD Primary Street, windows are required for a minimum of 65% of the ground floor façade area. Reflective, heavy tinted or black glass windows are prohibited.
- (c) There must be a relatively direct and unobstructed path at least 10 ft. wide from each TOD Primary Street and each TOD Secondary Street to an entrance of the transit station.
- (d) In all TOD nodes, no additional parking is required for any existing building or use that is converted to a new use.
- (e) Parking garage facades and surface parking lots and curb cuts and driveways for ingress or egress to parking garages or surface parking lots are prohibited on lots with frontage on TOD Primary Streets;
- (f) For lots with frontage on a TOD Primary Street, all accessory surface parking lots must be located behind the building.
- (g) Non-accessory parking garages or surface parking lots must have frontage on a TOD Secondary Street.
- (h) Accessory and non-accessory parking garages on lots with frontage on TOD Secondary Streets must have active ground floor uses as listed in 14-605(10)(b).

(10) Use Regulations

Notwithstanding the provisions of Tables 14-501-1 through 14-501-4, after [insert Effective Date of Zoning Code] all new development and redevelopment in all TOD nodes shall comply with the use regulations in this 14-605(10).

(a) Permitted Uses

In all TOD nodes, the following uses are permitted in designated TOD areas in addition to the uses permitted by Tables 14-502-1 through 14-502-4:

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- (.1) Rowhouses, duplexes and multi-dwelling buildings;⁴⁹¹
- (.2) Retail sales;
- (.3) Offices;
- (.4) Accessory off-street parking on lots that do not have frontage on a designated commercial street;
- (.5) Non-accessory parking garages.⁴⁹²

(b) Active Ground-floor Uses

In all designated TOD nodes, only the following uses, if allowed under the base zoning district, are permitted on the ground floor of any building with frontage on a designated Primary TOD Street:

- (.1) Retail sales;
- (.2) Commercial services;
- (.3) Eating and drinking establishments;
- (.4) Hotel and/or live theater and cinema lobbies;
- (.5) Libraries, museums, galleries and exhibition space;
- (.6) Post offices;
- (.7) Enclosed public space, enclosed gardens, public rooms, through-block connections; and
- (.8) Entrances to public transit stations or transit concourses.

(c) Prohibited Uses and Development

Notwithstanding Tables 14-502-1 through 14-502-4, in all TOD nodes, the following uses are prohibited regardless of the subject property's zoning:

- (.1) Commercial vehicle repair and maintenance;
- (.2) Commercial vehicle sales and rental;
- (.3) Personal vehicle repair and maintenance;
- (.4) Personal vehicle sales and rental;
- (.5) Vending machines, vendor stands and/or retail kiosks as the principal use of a lot or as a use accessory to a parking lot;
- (.6) Dispensing (walk-up) windows that open onto a designated commercial street; and

⁴⁹¹ Since Module 2, detached houses have been deleted from this list.

⁴⁹² This use has been added since Module 2.

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- (.7) Drive-through and drive-in facilities.

14-606 Open Space and Natural Resources⁴⁹³

(1) Intent

The open space and natural resource standards of this section are intended to promote safe, stable, and compatible development throughout the City of Philadelphia that avoids adverse impacts and degradation of the environment through open space preservation, protection of steep slopes, erosion control, and water quality protection.

(2) Open Space Requirement⁴⁹⁴

Unless an approved Plan of Development or an overlay district in Chapter 14-400 requires a different type or amount of open space, the following provisions shall apply.

(a) Applicability

- (.1) The open space provisions of this section shall apply to lots and parcels greater than 10,000 sq. ft. in area in any zoning district, unless expressly stated otherwise, when the following occur:
- (.a) A new primary structure for “multi-dwelling,” “public, civic, institutional,” “office,” “retail sales,” “commercial services,” “vehicle or vehicular equipment sales and service,” “wholesale, distribution, storage,” or “industrial” use, or any mix of those uses, is constructed; or
 - (.b) The gross floor area in an existing primary structure(s) in “multi-dwelling,” “public, civic, institutional,” “office,” “retail sales,” “commercial services,” “vehicle or vehicular equipment sales and service,” “wholesale, distribution, storage,” or “industrial” use, or any mix of those uses, is increased by more than 25%; or
 - (.c) An existing primary structure for “multi-dwelling,” “public, civic, institutional,” “office,” “retail sales,” “commercial services,” “vehicle or vehicular equipment sales and service,” “wholesale, distribution, storage,” or “industrial” use, or any mix of those uses, is relocated to another location on the same lot or parcel, or to another lot or parcel.
- (.2) All properties located within the /CTR Overlay district and designated transit-oriented development areas are exempt from the open space provisions of this section.

⁴⁹³ New section incorporating current materials related to floodplains and the Wissahickon Watershed controls.

⁴⁹⁴ New provision. Since Module 3, the standards have been revised to clarify that these open space areas need not be open to the public and that they may be located above ground floor level in the CMX-4 and -5 districts.

- (.3) Single-family and two-family dwellings are exempt from the open space provisions of this section unless a subdivision of 10 or more lots is proposed.

(b) General Standards

- (.1) When 14-606(2)(a) applies, a minimum of 10% of the lot or parcel area shall be designated for common open space. Required open space areas are not required to be open to the public.
- (.2) The required open space shall be located and designed so that a close visual and physical relationship between the open space and the development is created. Except in CMX-4 and CMX-5 districts, open space areas shall be contiguous, shall serve as a focal point of the development, and be configured so that connections can be made to existing or future adjacent open spaces and other community facilities.
- (.3) In the CMX-4 and CMX-5 districts, required open space areas may be located at ground level or above ground floor level on terraces, patios, or balconies.
- (.4) Portions of the required open space may be developed to encourage both passive and active recreational opportunities, except that each square foot of area covered with impervious paving materials for facilities such as plazas, courtyards, trails, paths, court games, swimming pools, and playgrounds shall only count as one-half square foot for purposes of meeting minimum open space requirements. Each square foot of any recreation surface or facility using pervious paving materials that meet the design standards of the Philadelphia Stormwater Management Guidance Manual shall count as 1 square foot for purposes of meeting minimum open space requirements.
- (.5) Required preservation areas, including steep slopes protected by 14-606(3), stormwater management areas described in 14-606(4), and stream buffers required by 14-606(6) may be counted toward the minimum open space requirement.
- (.6) The following shall not be counted toward the minimum open space requirement:
- (.a) Land covered by structures (except in CMX-4 and CMX-5 districts).
 - (.b) Required setback areas.
 - (.c) Driveways, parking areas, and required interior parking lot landscape islands.

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- (.d) Designated outdoor storage areas.
- (.7) Landscaping within required open space shall meet the standards of 14-607.
- (.8) All land that is included in the 10% required open space designation shall be maintained as permanent open space and restricted from future development subject to deed restrictions duly recorded in the office of the Philadelphia Department of Records.

(c) Ownership and Maintenance of Open Space

- (.1) Each application for activities listed in 14-606(2)(a) shall describe the plan for ownership and maintenance of common open space. The following methods of ownership may be used, either individually or in combination:
 - (.a) Deed-restricted private ownership.
 - (.b) Common ownership by a homeowners association.
 - (.c) Dedication to a City agency or another public or quasi-public entity approved by the city, if the agency or entity deems that dedication is appropriate and will support its strategic objectives.
- (.2) The property owner(s) or homeowners association(s) shall bear the cost and responsibility of maintaining required open space. If the required open space is not properly maintained, the city may assume responsibility for maintenance and charge the property owner(s) or association(s) a fee that covers maintenance costs, administrative costs and penalties, and may collect that fee through any means permitted by Pennsylvania law.

(3) Steep Slope Protection⁴⁹⁵

(a) Applicability

- (.1) These steep slope protection standards shall apply to all undeveloped lands containing natural slopes of 15% or greater that are adjacent to the Delaware and Schuylkill Rivers, the Poquessing Creek, the Byberry Creek, Walton Run, the Pennypack Creek, Wooden Bridge Run, the Tacony-Frankford Creek, the Wissahickon Creek, the Darby Creek, Cobbs Creek or Indian Creek.

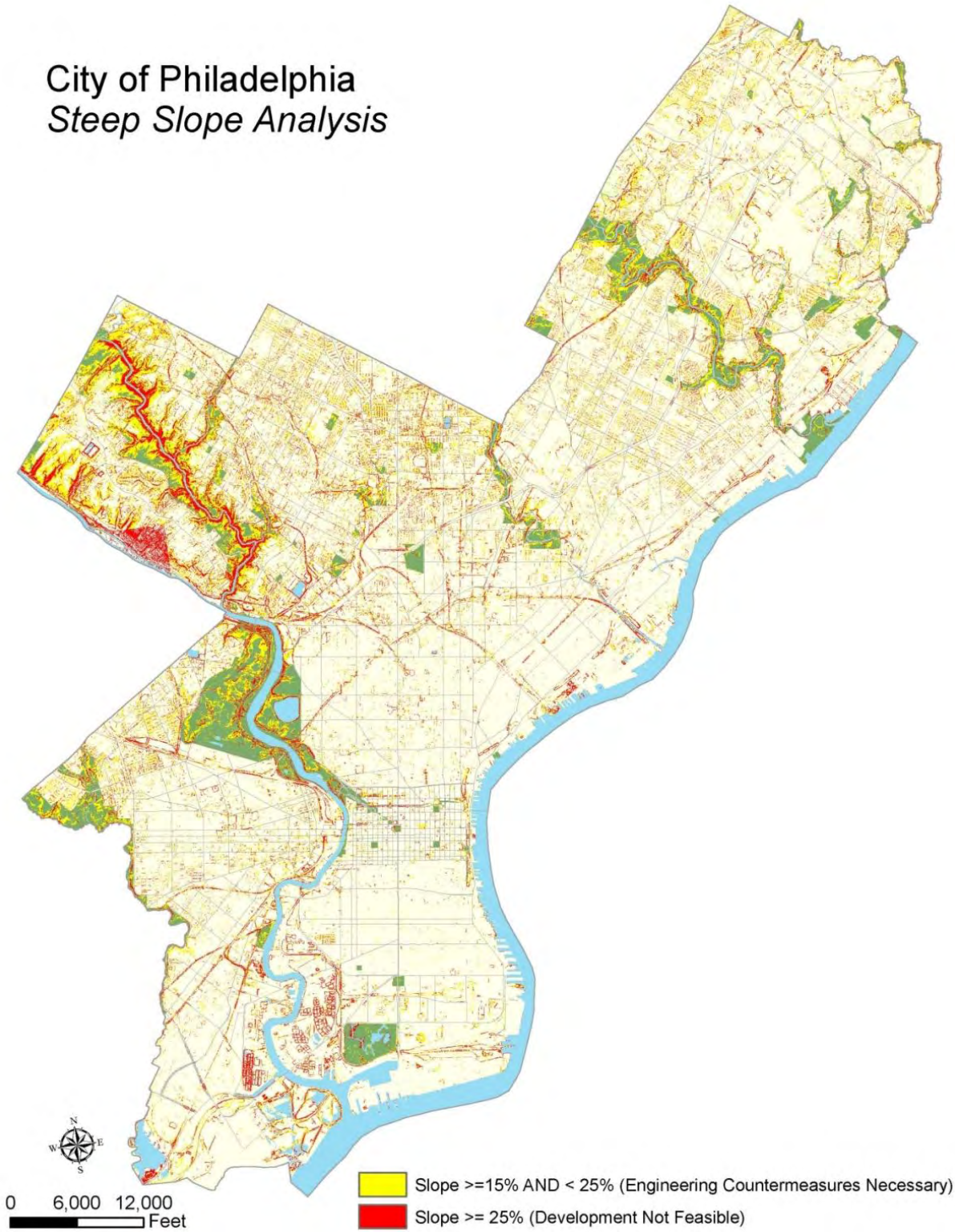
⁴⁹⁵ Derived from the Wissahickon Watershed controls in current 14-1603.2. The list of specific waterways has been added.

- (.2) The steep slope standards do not apply to lots and parcels that have been developed with primary or accessory buildings or used for active commercial service or industrial uses without the construction of buildings prior to the effective date of this Zoning Code.
- (.3) The City of Philadelphia Steep Slopes Analysis map that is maintained by the Planning Commission, indicates the general locations of lands in the city with slopes or 15% or greater. The map shown below is a general guide to these areas, but is not to be used for detailed planning of proposed development or redevelopment.⁴⁹⁶ When an application for a permit or approval under this Zoning Code includes any land that is or appears to be designated as steep slopes in these figures, the city may require that the applicant submit a topographic survey confirming the locations of slopes of 15% or greater.

⁴⁹⁶ Qualifications regarding the map have been added since Module 3. A revised map is being prepared that will identify natural (not manmade) steep slope area.

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City of Philadelphia Steep Slope Analysis



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(b) Restrictions on Disturbance

- (.1) On those portions of the development lot or parcel where the natural slope of the land is more than 15% and less than 25%, site clearing or earth moving activities shall be permitted only in conformance with an earth moving plan described in 14-606(3)(c) and only after the city's approval of that earth moving plan through pursuant to 14-204(9). No earth moving plan shall be required if (a) the lot or parcel 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 or parcel by no more than 500 sq. ft.
- (.2) On those portions of the development lot or parcel where the natural 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 subsection 14-606(3)(b) above, that plan must be prepared by a professional engineer⁴⁹⁷ in accordance with regulations approved by the Commission and must set forth the measures by which erosion and sedimentation are to be controlled during the earth moving and construction process. 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.

(4) Stormwater Management⁴⁹⁸

(a) Applicability and Exceptions

- (.1) These standards apply to the following activities, as more specifically determined by Chapter 6 of the Water Department Regulations:
 - (.a) Clearing and/or drainage of land in excess of 15,000 sq. ft.;
 - (.b) Altering the shoreline or banks of any surface water body;
 - (.c) Increasing the impervious area of any tract lot or parcel of land by more than 15,000 sq. ft.;
 - (.d) Removal of earth or moving of earth on a parcel that would

⁴⁹⁷ Many communities require earth moving/land disturbance plans to be prepared by a professional engineer. This has been added as a new requirement.

⁴⁹⁸ Carried over from current 14-1603.1 with clarification that substantive standards are now those of the Water Department. The Zoning Code does not contain separate substantive standards. The design standards and practices in current 14-1603.1(6)(c) were not carried over because of the likelihood of inconsistency between those standards and Water Department requirements. The legislative findings were also not carried over.

disrupt a surface area in excess of 15,000 sq. ft.; or

(.e) Altering any ditches, terraces, berms, swales or other stormwater management facility.

(.2) No permit shall be required for development activities on individual lots that are part of a larger subdivision that has a stormwater management system previously approved by appropriate regulatory agencies, provided that the construction conforms to all of the requirements of the approved system.

(.3) In addition, any development or redevelopment located in the /WWO overlay district described in 14-408 must comply with the stormwater management provisions of that overlay district.

(b) Permit Required

(.1) No person shall perform any of the activities listed in 14-606(4)(a) unless a zoning permit meeting the requirements of this section has been issued pursuant to 14-204(9).

(.2) No zoning permit shall be issued unless the Water Department confirms that the proposed activity and related stormwater management plan complies with all requirements of Chapter 6 of the Water Department Regulations.

(.3) The proposed stormwater management plan will be deemed to comply if the Water Department fails to review the plan within 45 days after it receives a copy of a complete application as defined in 14-203(4).⁴⁹⁹

(c) Stormwater Management Plan⁵⁰⁰

A stormwater management plan submitted with a permit application shall comply with all provisions of applicable law, including, but not limited to, 25 Pa. Code Chapter 102 and Federal Clean Water Act requirements for construction activities, and with all requirements of Chapter 6 of the Water Department Regulations. The Plan shall meet requirements of the Philadelphia Stormwater Management Guidance Manual.

⁴⁹⁹ This provision is being reviewed for accuracy.

⁵⁰⁰ The plan objectives and criteria for plan approval were not carried over from 14-1603.1(7) because that decision is now made by the Water Department pursuant to their own administrative requirements.

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(5) Flood Protection⁵⁰¹

(a) Applicability

These special restrictions and regulations shall apply to the 100 year flood plain along the Delaware and Schuylkill Rivers, the Poquessing Creek, the Byberry Creek, Walton Run, the Pennypack Creek, Wooden Bridge Run, the Tacony-Frankford Creek, the Wissahickon Creek, the Darby Creek, Cobbs Creek and Indian Creek, more fully defined in the Flood Insurance Study by the United States Department of Housing and Urban Development, Federal Insurance Administration dated December, 1978, amended and approved by the Federal Insurance Administrator. The maps shall be filed with L&I and the Commission, and shall be available for public inspection upon request.

(b) Special Regulations

The following special regulations are imposed to regulate setbacks in the flood plain, 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.

(.1) Within the Floodway

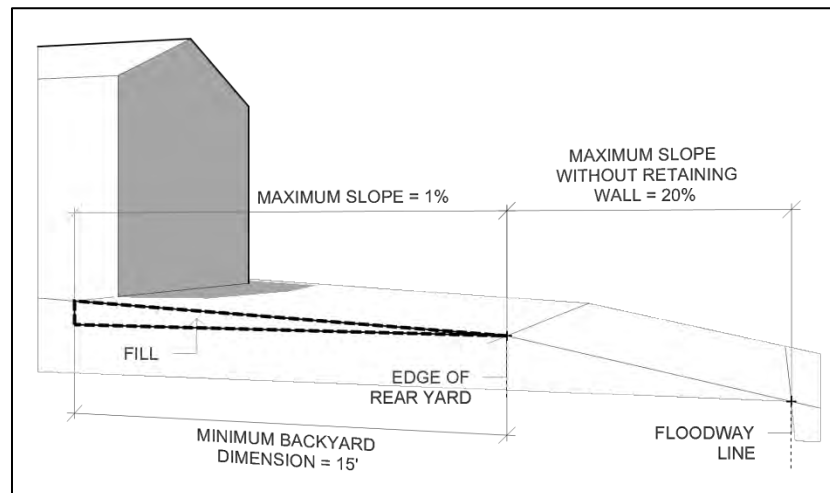
- (.a) No encroachment (including fill, new construction, or any development) is permitted except that public utilities, trails, roadways and bridges are permitted as long as they cause no increase in the 100 Year Flood level.
- (.b) Public utilities shall be prohibited from placing mobile homes and/or offices within the floodway.
- (.c) Construction or substantial improvement of any structure used for the production or storage of any of the materials listed in subsection 14-606(5)(b)(.1)(.d) below; or used for any activity requiring the maintenance of a supply in excess of 550 gallons or other comparable volume; or used for any purpose involving the production, storage, or use of any amount of radioactive substance shall be prohibited.
- (.d) Listed materials include: acetone; ammonia; benzene; calcium carbide; carbon disulfide; celluloid; chlorine; hydrochloric acid; hydrocyanic acid; magnesium; nitric acid and oxides of nitrogen;

⁵⁰¹ Carried over from current 14-1606 with changes as noted. Legislative finding language was not carried over but will appear in the adopting ordinance. A 1979 provision reading as follows was not carried over because any activity subject to that clause has been completed: "These restrictions and controls shall not be applicable to construction, development or substantial improvement for which State or federal approvals have been granted prior to the adoption of this section."⁵⁰¹

petroleum products (gasoline, fuel oil, and the like); phosphorus; potassium; sodium; sulphur and sulphur products; pesticides (including insecticides, fungicides, and rodenticides); radioactive substances insofar as such substances are not otherwise subject to regulation.

(.2) **Within the Floodway Fringe**

- (.a) The development and/or use of land shall be permitted in accordance with all applicable provisions of this Zoning Code.
- (.b) Construction of dwellings is permitted if the lowest floor elevation (including basements and cellars) is 1 ft. above the Regulatory Flood Elevation.
- (.c) Construction of nonresidential structures is permitted if the structure is floodproofed to 1 ft. above the Regulatory Flood Elevation.



- (.d) If fill is used to raise the elevation of the site for residential construction, the fill area shall extend out laterally at a maximum slope of 1% for the minimum required rear yard dimension but in no case less than 15 ft. beyond the proposed structure. The grade from the edge of the rear yard to the floodway line shall not exceed 20% unless a retaining wall is constructed.⁵⁰²
- (.e) Construction or substantial improvement of any structure used for the production or storage of any of the materials listed in

⁵⁰² In subsections (.d) and (.e) language prohibiting the ZBA from granting variances that would allow these to happen has been moved to 14-204(8).

14-606(5)(b)(1)(d); or used for any activity requiring the maintenance of a supply in excess of 550 gallons or other comparable volume; or used for any purpose involving the production, storage, or use of any amount of radioactive substance shall be permitted if it is elevated or floodproofed to remain completely dry to one and one-half (1 1/2) ft. above the Regulatory Flood Elevation.

(.3) Within the Approximate 100 Year Flood Boundary

- (.a) Within the Approximate 100 year flood boundary as defined by the Flood Boundary and Floodway Map, development shall be permitted on the same conditions applicable to the Flood Fringe in 14-606(5)(b)(2) above, except as noted in this subsection 14-606(5)(b)(3).
- (.b) The Commission shall determine the regulatory flood elevation in accordance with standard hydrologic and hydraulic engineering methods.
- (.c) New structures or any additions to existing structures containing the following primary uses are prohibited unless a special exception pursuant to 14-204(4) is first obtained. The prohibited primary uses are: Hospital; Medical, Dental, or Health Practitioner; Group Living uses housing elderly or disabled persons or persons with limited mobility; Day Care; Detention or Correctional Facilities; or Mobile Home.⁵⁰³
- (.d) No special exception permit for a use listed in subsection 14-606(5)(b)(3)(c) above may be issued unless (i) the application complies with the provisions of Act 166 of 1978, known as the "Pennsylvania Flood Plain Management Act," and the regulations adopted pursuant to that Act pertaining to the issuance of special permits, and (ii) the Department of Community and Economic Development has approved the application.

(6) Stream Buffers⁵⁰⁴

Unless an overlay district in Chapter 14-400: requires a greater setback or buffer, the following provisions shall apply.

⁵⁰³ The current code lists the following uses, but those have been replaced by their new use category and type names from Chapter 14-500 medical and surgical hospitals and medical centers, and sanitarium, rest, old age, nursing or convalescent homes, and nurseries; penal and correctional institutions; mobile homes.

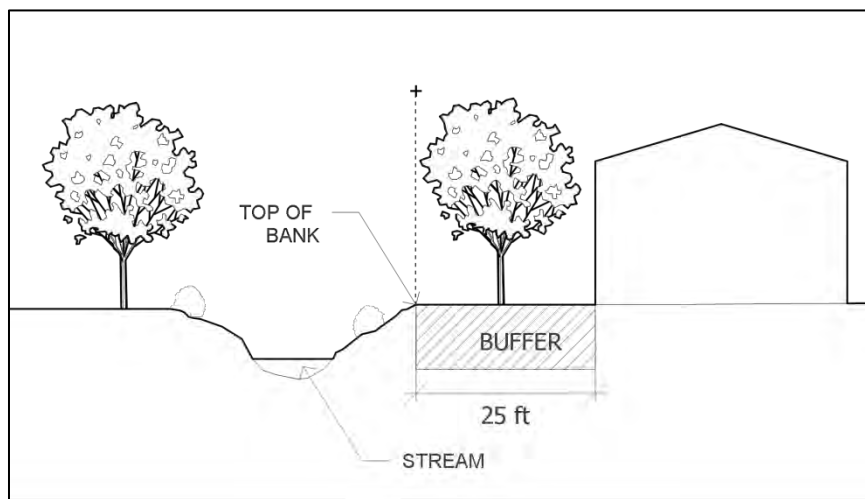
⁵⁰⁴ New provision tied to the watercourses identified in current 14-1606.

(a) Applicability

The stream buffer requirement shall apply to all lands immediately adjacent to a perennial or intermittent water course, including the Delaware and Schuylkill Rivers, the Poquessing Creek, the Byberry Creek, Walton Run, the Pennypack Creek, Wooden Bridge Run, the Tacony-Frankford Creek, the Wissahickon Creek, the Darby Creek, Cobbs Creek and Indian Creek.

(b) General Standards

- (.1) All development or redevelopment on a lot or parcel with frontage along any of the water courses listed in subsection (a) shall provide a stream buffer at least 25 ft. wide measured perpendicular to and horizontally from the top-of-bank.



- (.2) The following activities and uses are prohibited within the stream buffer:
- (.a) Permanent or temporary structures.
 - (.b) Clearing of all existing vegetation, except for non-native or invasive species.
 - (.c) Outdoor storage of materials.
 - (.d) Roads and driveways.
 - (.e) Parking lots.
 - (.f) Any other impervious paving materials.
- (.3) Portions of the lot or parcel within the stream buffer area may be counted towards any required open space on the lot or parcel.
- (.4) Landscaping within the stream buffer may count toward the minimum landscaping requirements required by 14-607. Any new landscaping within the stream buffer shall use the plantings included on the

recommended native and non-invasive planting list in the Philadelphia Stormwater Management Guidance Manual.

14-607 Landscaping and Trees⁵⁰⁵

(1) Applicability

- (a) Single-family and two-family dwellings shall be exempt from the landscaping provisions unless a subdivision of 5 or more lots is proposed, in which case, the street tree requirements of 14-607(3) shall apply.
- (b) The requirements of 14-607(2) (General Landscaping Standards), 14-607(3) (Street Trees), 14-607(5) (Landscape Buffering Between Different Land Uses), 14-607(6) (Alternative Landscaping), 14-607(8) (Tree Replacement Requirements), and 14-607(9) (Installation and Maintenance for Landscaping and Trees) shall apply to lots and parcels greater than 5,000 sq. ft. in area in any zoning district, unless expressly stated otherwise, when the following occur:
 - (.1) A new primary structure for “multi-dwelling,” “public, civic, institutional,” “retail sales,” “office,” “commercial services,” “vehicle or vehicular equipment sales and service,” “wholesale, distribution, storage,” or “industrial” use, or any mix of those uses, is constructed; or
 - (.2) The gross floor area in an existing primary structure(s) in multi-dwelling, “public, civic, institutional,” “office,” “retail sales,” “commercial services,” “vehicle or vehicular equipment sales and service,” “wholesale, distribution, storage,” or “industrial” use, or any mix of those uses, is increased by more than 25%; or
 - (.3) An existing primary structure for “multi-dwelling,” “public, civic, institutional,” “retail sales,” “office,” “commercial services,” “vehicle or vehicular equipment sales and service,” “wholesale, distribution, storage,” or “industrial” use, or any mix of those uses, is relocated to another location on the same lot or parcel, or to another lot or parcel.
- (c) The requirements of 14-607(2) (General Landscaping Standards), 14-607(4) (Parking Lot Landscaping), 14-607(6) (Alternative Landscaping), 14-607(8) (Tree Replacement Requirements), and 14-607(9) (Installation and Maintenance for Landscaping and Trees) shall apply in all zoning districts, and to all uses except detached houses, twin houses, duplexes, and rowhouses, that provide surface off-street parking lots with 10 or more parking spaces.
- (d) The requirements of 14-607(7) (Tree Preservation) shall apply in any zoning

⁵⁰⁵ New section.

districts when the conditions stated in that section apply, and to all lots and parcels regardless of the primary use of the property, except detached houses, twin houses, duplexes, and rowhouses.

(2) General Landscaping Standards

(a) Landscape Plan Required

A landscaping plan shall be submitted as a part of all zoning permit applications for those activities listed in 14-607(1).

(b) Plant Materials

(.1) Where street trees are required, all trees shall be from the City of Philadelphia's Recommended Street Tree List maintained by the Parks and Recreation Department.

(.2) If turf or lawn areas are installed at the property owners option in areas not required to be landscaped by this section 14-607, turf and lawn vegetation shall be from a list a of low-water species maintained by the Parks and Recreation Department.

(c) Existing Vegetation

Existing vegetation shall be protected during construction and incorporated into the landscape plan wherever possible.

(d) Installation of Trees

Installation of any required street trees shall be made under the supervision of the Parks and Recreation Department.

(e) Vegetation Grouping

Landscaping shall incorporate large irregular groupings of the same species of shrub, avoiding rigid or repeated specimen planting except for street frontage trees, and shall introduce multiple varieties within each area required to be landscaped. Except for plantings used for screening, no one species of tree or shrub may make up more than 50% of the total amount of landscape plantings.

(f) Minimum Plant Size

Where included as part of the required landscaping, deciduous trees shall have a minimum caliper of 2.0 in., coniferous trees shall have a minimum height of 5 ft. at time of planting, and shrubs shall have a minimum one gallon container size.⁵⁰⁶

⁵⁰⁶ These size standards replace language in current 14-214(13)(c) (RC-4), 14-305(13)(c)(.1) (C-4 and C-5), and 14-3059(13)(c)(.6) (C-4 and C-5 temporary lots) requiring that landscaping "at time of installation is planted so that the evergreens provide a continuous screen from the sidewalk."

(g) Plant Material Spacing

Except as required by the buffer zone provisions of 14-607(5), trees and shrubs shall not be placed closer than 4 ft. to any fence line or property line. Lawn plant material, such as grasses and decorative flowers, are permitted within 4 ft. of the fence line or property line. Spacing of street trees shall meet the requirements of 14-607(3).

(h) Irrigation

All irrigation systems for development shall be designed, installed, and operated to minimize run-off and over-spray of irrigation water onto roadways, sidewalks, and adjacent properties, and shall be installed with rain sensors to turn the system off during rainy conditions.

(3) Street Trees⁵⁰⁷

- (a) Street tree planting is required for each situation listed in 14-607(1) . Existing street trees in healthy condition shall meet the requirements of this section.
- (b) New street tree planting shall comply with the following standards:
 - (.1) Tree plantings shall be spaced at a minimum interval of 1 tree per 35 ft. of linear frontage.
 - (.2) To the extent possible, trees shall be planted in alignment with street trees on the same block or adjacent lots.
- (c) L&I shall not grant a building permit to an applicant unless a site plan has been approved by the Department of Parks and Recreation and applicable tree escrow funds have been received.⁵⁰⁸
 - (.1) The certified check shall equal the cost, as determined by the Department of Parks and Recreation, of purchasing and planting the required street trees.
 - (.2) The applicant may plant the required street trees or request that the Department of Parks and Recreation manage the tree installment.
 - (.3) If a certified check exceeds the amount of the accepted bid, the Department of Parks and Recreation shall refund the difference, without interest. If a certified check is less than the accepted bid, the applicant must provide an additional or a replacement certified check so

⁵⁰⁷ In the current ordinance this provision is only applicable to subdivisions, which are rare. Most cities with street tree planting requirements apply them to development and redevelopment on existing lots as well as subdivisions. The requirement for tree grates when trees are planted in sidewalk openings has been removed at the request of the Department of Parks and Recreation.

⁵⁰⁸ Revised language suggested by the Department of Parks and Recreation.

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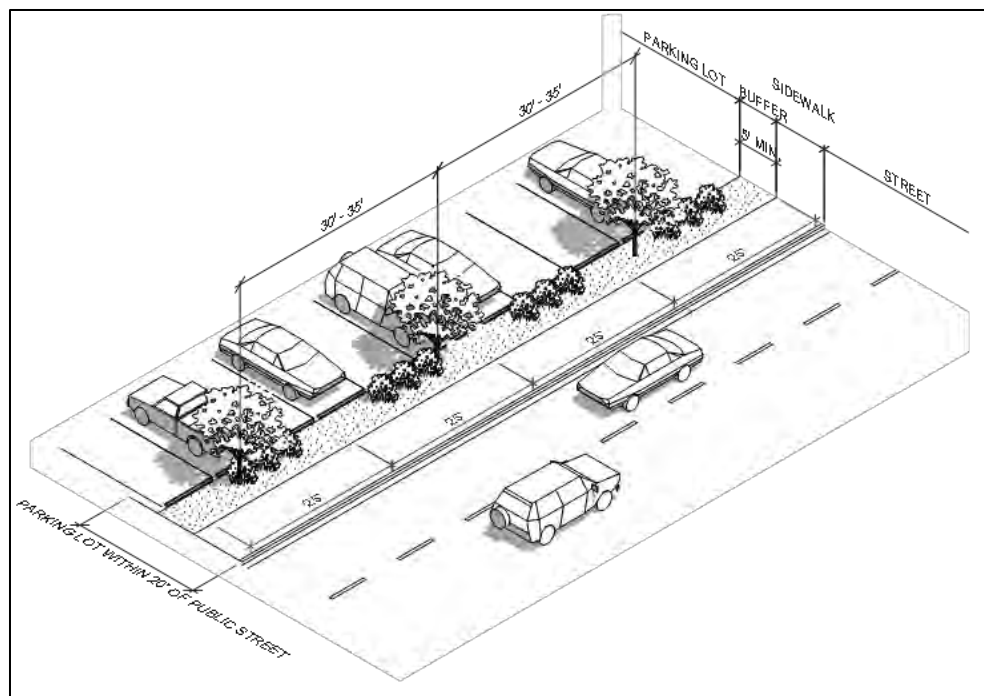
that funds deposited equal the accepted bid.

(4) Parking Lot Landscaping

Landscaping for accessory and primary use surface parking lots shall be provided for all situations listed in 14-607(1). Parking lot landscaping shall comply with the following standards:

(a) Perimeter Screening from Public Streets

- (.1) Where any surface parking area is located within 20 ft. of any public street, landscaping shall be installed along the entire length of the perimeter of the lot that is within 20 ft. of the public street to screen the view of the parking area from each adjacent street. The minimum width of the landscape area shall be 5 ft.
- (.a) Trees shall be planted at a minimum interval of 1 tree per 35 ft. of linear frontage. In no event shall street trees be planted closer than 30 ft. to each other.



- (.b) Shrubs shall be planted at an interval of 3 shrubs per 25 ft. of linear frontage.
- (.2) Where a perimeter landscape area is less than 5 ft. wide based on existing site constraints, as an alternative to the tree and shrub plantings required by subsections (.2) and (.3), a decorative masonry wall or ornamental fence at least 3 ft. in height may be installed. The decorative wall or ornamental fence may be installed on a berm if the combined height of berm and wall or fence is at least 3 ft. in height. The

wall may be constructed of brick, stone, CMU with stucco finish, but shall not be constructed of uncolored or painted CMU.

- (.3) The City may require some or all of the perimeter screening described in this subsection 14-607(4)(a) as a condition of approving any temporary parking lot for a period of 1 year or more.

(b) Perimeter Screening From Abutting Residential Zone or Use

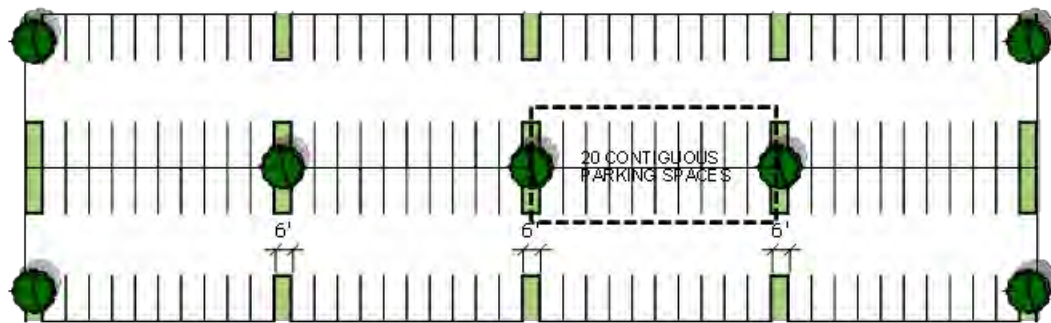
- (.1) When a parking lot directly abuts an R district or a lot with a current residential use (regardless of whether there is an intervening street, alley, driveway or railway right-of-way), a continuous screening wall, berm, fence, or row of planting at least 5 ft. tall shall be provided between the parking lot and the R zone or residential use.
- (.2) The screening material shall be designed to provide 75% opacity on a year-round basis beginning one year after planting along the full required height and length of the screening buffer.
- (.3) Screening fences shall be constructed of ornamental metal or wood. The side of the fence presenting a more finished appearance, or the side without bracing supports, shall face towards the R district or residential use. Chain link fencing is not permitted.
- (.4) The City may require some or all of the perimeter screening described in this subsection 14-607(4)(b) as a condition of approving any temporary parking lot for a period of 1 year or more.

(c) Interior Landscaping Requirements

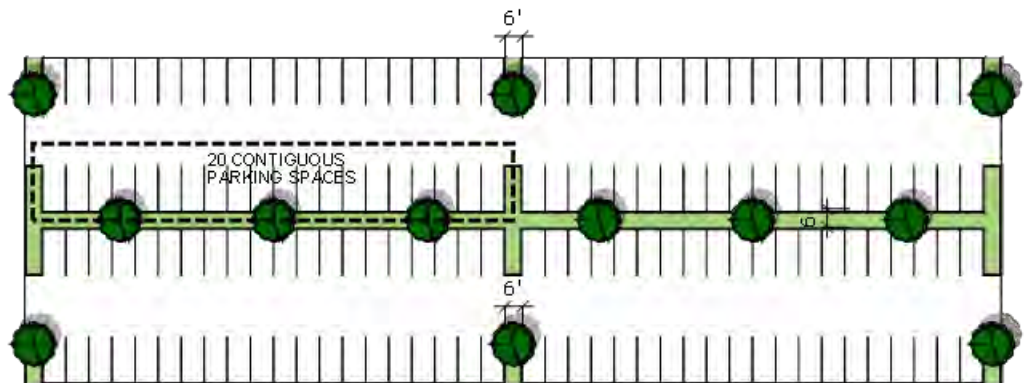
- (.1) A minimum of 10% of the interior parking lot area in all districts and off-street loading areas in all districts except I-2, I-3, I-P, and I-TU, calculated as the total of area in all parking spaces and drive aisles, shall be landscaped in accordance with 14-607(2).
- (.2) If the applicant installs a vegetated roof on a primary or accessory structure on the same lot or parcel, the amount of interior parking lot landscaping may be reduced by 1 sq. ft. for each 1 sq. ft. of vegetated roof area installed.⁵⁰⁹
- (.3) Perimeter landscaping required by 14-607(4)(a) and 14-607(4)(b) shall not be included in the minimum interior landscaping requirement.

⁵⁰⁹ This provision as a tradeoff for parking lot landscaping was included because it does not make sense to allow green roofs to reduce street or perimeter buffers (they serve very different purposes). Green roofs can, however, provide heat island benefits comparable to parking lot interior landscaping, and the visual impact of reduced interior landscaping may be less than if street or perimeter landscaping were reduced.

- (.4) Internal landscape areas shall be dispersed on the site to break up the perception of large uninterrupted expanse of pavement. Landscape areas shall be a minimum of 6 ft. wide. In surface parking lots containing more than 50 parking spaces, interior landscape areas should be used to break up those spaces into groups of no more than 20 contiguous parking spaces.



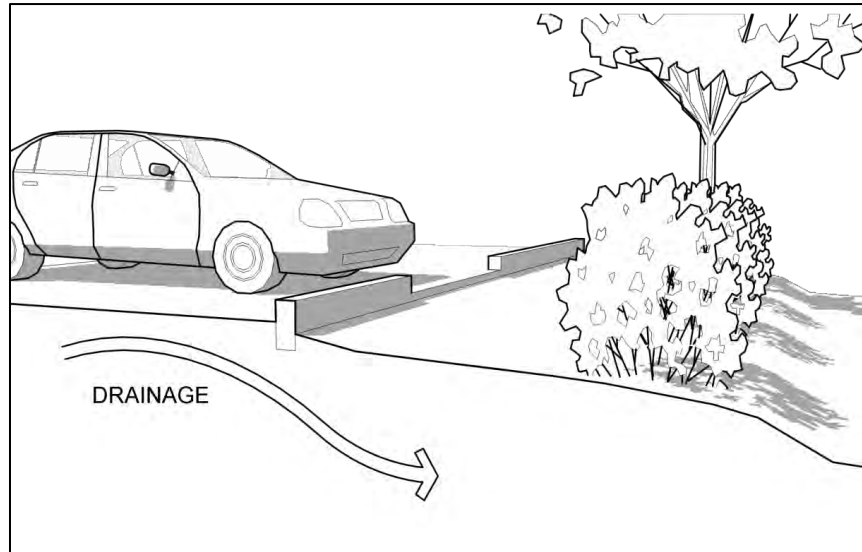
EXAMPLE 1:
2,100 SQ.FT. OF INTERIOR LANDSCAPED AREA
7 TREES REQUIRED



EXAMPLE 2
3,600 SQ.FT. OF INTERIOR LANDSCAPED AREA
12 TREES REQUIRED

- (.5) One tree shall be planted per 300 sq. ft. of interior landscape area. A minimum of 30% of the required trees shall include deciduous shade trees from the Recommended Street Tree List to increase shade and reduce urban “heat island” effect.
- (.6) Required perimeter and interior landscape areas shall be designed to maximize effective stormwater management. Edges of landscaped areas are not required to be curbed if a bioretention system is designed in accordance with the recommended design procedures outlined in the Philadelphia Stormwater Management Guidance Manual. If a

bioretention system is not integrated in surface parking areas, required perimeter and interior landscape areas shall be curbed for protection of the landscape materials, but planted areas shall be installed at a lower grade than the parking lot pavement, and curbing shall have openings allowing drainage from the pavement to enter and percolate through the landscaped areas.



(5) Landscape Buffering Between Different Land Uses

In addition to landscaping required by 14-607(3) and 14-607(4), buffer areas are required to be provided and landscaped when specific types of differing land uses occur adjacent to each other. In any case where landscaping required by this 14-607(5) overlaps areas required to be landscaped by any other portion of this section, only those provisions requiring the greater amount of planting shall apply. These requirements only apply at the time a lot or parcel subject to these requirements is developed or redeveloped, and no existing development shall be required to install buffer landscaping because of the development, redevelopment, or change in use of an adjacent lot or parcel.

(a) When Buffering Is Required

Buffering is required when new development or redevelopment is located adjacent to the following types of land uses or districts.

(.1) Multiple-Family Residential Abutting Single-Family Residential

Where a multi-dwelling building or project with more than 6 units abuts a lot or parcel in an RSD or RSA zoning district, or a lot or parcel in another zoning district that is developed with a detached house, twin house, duplex, or rowhouse in residential use, a landscape buffer shall be provided using either Option A or B below. The single family use is referred to as the “buffered use” in this context.

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(.2) **Commercial or Institutional Abutting Residential**

Where a building or project with a primary use in the “public, institutional, civic,” “office,” “retail sales,” “commercial service,” or “vehicle or vehicular equipment sales and service” use categories abuts a lot or parcel in an R district in residential use, or a lot in another zoning district that is developed with a residential structure and in residential use, a landscape buffer shall be provided using either Option A or B below. The residential use is referred to as the “buffered use” in this context.

(.3) **Industrial Abutting Residential**

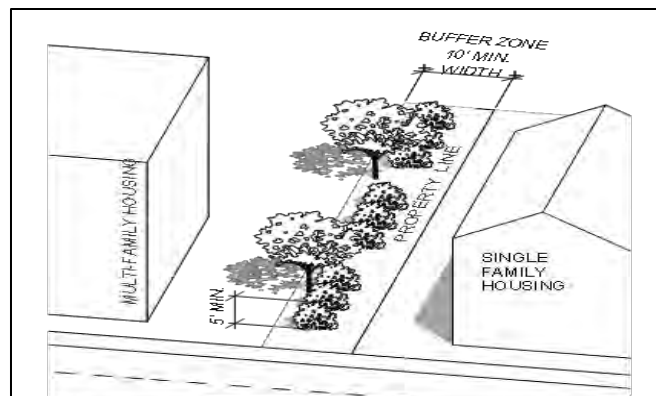
Where a building or project containing a primary use in the “wholesale, distribution, storage,” or “industrial” use categories abuts a lot in an R zoning district, or a lot in another zoning district that is developed with a residential structure and in residential use, a landscape buffer shall be provided using either Option A or B below. The residential use is referred to as the “buffered use” in this context.

(b) **Two Buffering Options**

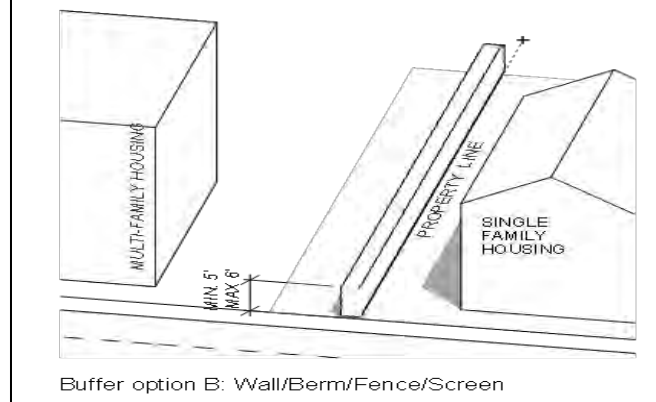
When new development or redevelopment satisfies one of the conditions in subsection 14-607(5)(a) above, the applicant shall provide side and rear lot line buffering, as applicable. Buffering shall be in the form of either Option A or Option B below.

(.1) **Option A – Landscape Buffer**

A landscape buffer area meeting the requirements of Table 14-607-1 below shall be provided on



Buffer option A: Landscape Buffer



Buffer option B: Wall/Berm/Fence/Screen

the shared border. The buffer area shall consist of natural landscape materials such as lawn, ground cover, shrubs, and trees, and shall not contain impervious materials. Spacing of landscaping shall be designed to minimize sound, light, and noise impacts on the buffered use. Shrubs shall have a mature height of at least 5 ft.

(.2) Option B – Wall, Berm, Fence, or Vegetative Screen

An opaque wall, berm, fence, or dense vegetative screen meeting the requirements in Table 14-607-1 shall be provided on the shared border. If a fence or wall is provided, the side facing the buffered use shall be at least as finished in appearance as the side facing the applicant’s use. Fencing shall be constructed of wood or ornamental metal. Chain link fencing shall not be permitted. No fence may be constructed, erected and/or maintained that contains barbed wire, metal spikes, razor ribbon, or other dangerous materials.

(c) Amount of Buffering Required

The applicant shall provide the amounts of buffering shown in Table 14-607-1 below.

Table 14-607-1: Landscaping Buffering Between Different Land Uses

Land Use	Option A Landscape Buffer [1]	Option B Opaque Wall, Berm, Fence, or Dense Vegetative Screen [3]
Multi-Family Residential abutting Single-Family Residential (14-606(5)(a))	Width: 10 ft. min. Landscaping: 1 tree per 35 ft. & 3 shrubs per 25 ft. min. [2]	Height: 5 ft. min./6 ft. max. (at least 5 ft. at time of planting for a vegetative screen)
Commercial/Institutional abutting Residential (14-606(5)(b))	Width: 10 ft. min. Landscaping: 1 tree per 35 ft. & 3 shrubs per 25 ft. min. [2]	Height: 5 ft. min./6 ft. max. (at least 5 ft. at time of planting for a vegetative screen)
Industrial abutting Residential (14-606(5)(c))	Width: 15 ft. min. Landscaping: 1 tree & 4 shrubs per 25 ft. min.	Height: 7 ft. min./8 ft. max. (at least 7 ft. at time of planting for a vegetative screen)

Table Notes:

- [1] The buffer area shall consist of natural landscape materials such as lawn, ground cover, shrubs, and trees, and shall not contain impervious materials. Trees and shrubs shall be provided on the lot line with spacing designed to minimize sound, light, and noise impacts on residential uses.
- [2] Shrubs shall have a mature height of at least 5 ft.
- [3] If a fence or wall is provided, the side facing the R district or residential use shall be at least as finished in appearance as the side facing the wholesale, distribution, storage, or industrial use. Fencing shall be constructed of wood or ornamental metal. Chain link fencing is not permitted. No fence may be constructed, erected and/or maintained that contains barbed wire, metal spikes, razor ribbon, or other dangerous materials.

(6) Alternative Landscaping

As an alternative to the landscaping required by 14-607(3), 14-607(4), and 14-607(5),

the applicant may propose alternative types and forms of landscaping for approval by the city. The proposal shall be reviewed by the Planning Commission and Department of Parks and Recreation.

(7) Tree Preservation

For those activities listed in 14-607(1), existing tree cover shall be maintained to the maximum extent possible to protect the city’s air and water quality and aesthetic value, while recognizing the need to remove some trees for development, safety, view preservation, and other purposes.

(a) Credits for Preserving Existing Trees

Applicants who preserve mature, healthy trees as part of a development project may obtain credits toward the required landscaping. Trees intended to be preserved shall be indicated on the landscaping plan and shall be protected during construction through use of a fence around an area sufficient to protect the health of the tree. To obtain credit, the preserved trees shall be of at least 5 in. diameter breast height (DBH) and shall be in healthy condition. The credit for preserved trees shall be as shown in Table 14-607-2. Any preserved trees for which credit is given, and that are lost to damage or disease within two years after the credit is awarded, shall be replaced by the land owner with trees otherwise required.

Table 14-607-2: Tree Preservation Credits

Caliper of Preserved Tree (in.)	Numbers of Trees Credited
Over 12 in. DBH	3
Over 8 in. to 12 in. DBH	2
5 in. to 8 in. DBH	1

(b) Preservation of Heritage Trees

Heritage trees may be not be removed from any property unless the applicant obtains a variance as described in 14-204(8). A variance to remove a heritage tree shall be granted if the ZBA confirms that (a) the Department of Parks and Recreation has determined that the tree is dead, dying, diseased, or a threat to public health or safety, or (b) the Streets Department has determined that the tree interferes with the provision of public services or constitutes a hazard to traffic, bicyclists, or pedestrians, or (c) the applicant has demonstrated that the proposed development or redevelopment cannot be practically redesigned to protect the heritage tree. A variance for removal of a heritage tree may be subject to a condition that the removed tree be replaced in accordance with 14-607(8) below.

(8) Tree Replacement Requirements

(a) Requirement

All healthy trees of 2.5 in. DBH or larger that are removed, damaged, or

destroyed as a result of development or redevelopment activities shall be replaced in accordance with the following standards:

- (.1) All trees proposed for removal and all proposed replacement trees shall be indicated on the landscape plan.
- (.2) For every 1 tree removed, damaged or destroyed, 2 trees of equal caliper and species quality shall be planted. Replacement trees shall not be less than 2.5 in. DBH.
- (.3) If a heritage tree is removed, the combined diameter of replacement trees at the time of installation must total at least 50% of total diameter DBH of the heritage tree removed.

(b) Exemptions

Trees removed under the following conditions are exempt from the replacement requirements of this subsection:

- (.1) The tree is dead, damaged, or diseased, as determined by the Department of Parks and Recreation.
- (.2) The tree is an undesirable species in its present location, as determined by the Department of Parks and Recreation.
- (.3) The tree poses potential danger to life or property, as determined by the Department of Parks and Recreation.

(9) Installation and Maintenance of Landscaping and Trees

- (a) All landscaping required to be installed or replaced by this section shall be installed or replaced within 2 years of the issuance of a building permit for the project, or before the issuance of a certificate of occupancy for the primary building on the lot or parcel, whichever is later.
- (b) If the applicant is unable to complete the installation or replacement of required landscaping within the time stated in 14-607(9)(a), the applicant may apply for a one-time extension of 6 months, and the city may grant the extension if it determines that the application documents good cause why the landscaping could not be installed as required by 14-607(9)(a). The City may require the applicant to post financial security to ensure the installation of required landscaping as a condition of any extension of time under this 14-607(9)(b).
- (c) The applicant or owner of each property subject to the requirements of this section is required to maintain all required landscaping and to replace any tree that dies or is required to be removed due to damage or disease.
- (d) Failure to install, replace, or maintain landscaping as required by this section is a violation of this Zoning Code. In case of any violation involving failure of the applicant to install street trees pursuant to 14-607(3), the applicant's deposit

check shall be retained by the Department of Parks and Recreation and the proceeds of that check shall be used to pay the costs of planting the required trees.

14-608 Fencing and Walls

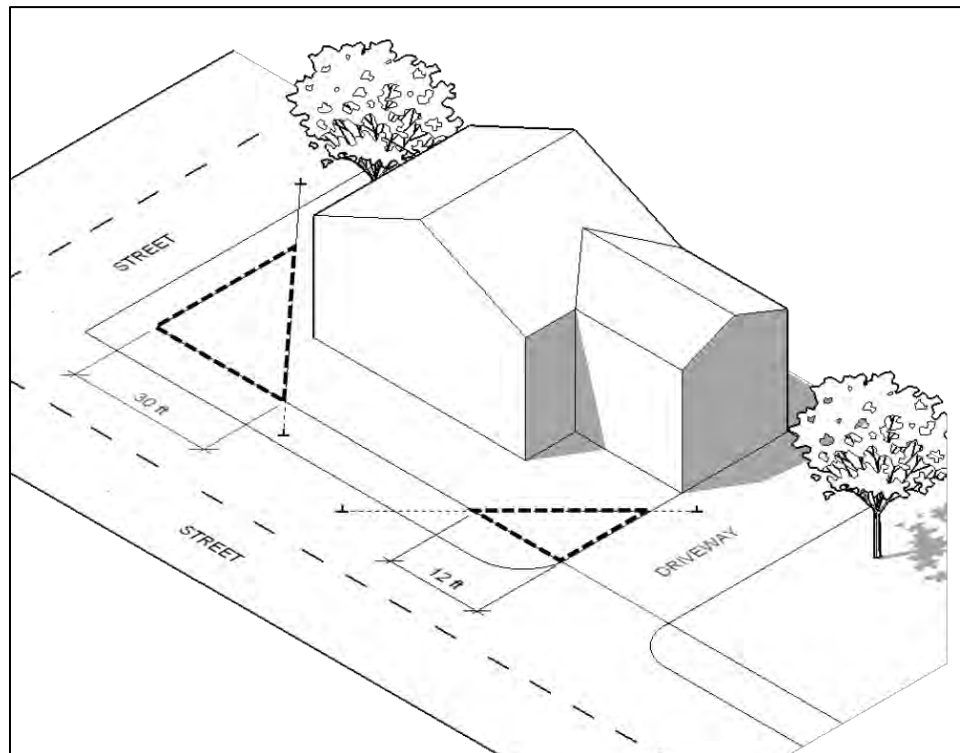
(1) Applicability

The fence and wall regulations of this section shall apply in all zoning districts, and to all land uses, unless specifically exempted by another provision of this Zoning Code, or unless inconsistent with a more specific requirement in another provision of this Zoning Code. In addition, all development shall comply with any specific fencing or wall regulations contained in any overlay district standards in Chapter 14-400: or any use-specific standard in 14-503.

(2) Sight Triangles

No fence or wall shall be constructed or installed within any sight triangle. A sight triangle is:

- (a) A triangle formed by the intersection of 1 alley or driveway with a minimum width of 12 ft. and 1 street, measured 12 ft. from the intersection along the edges of the street right-of-way and the alley or driveway; or
- (b) A triangle formed by the intersection of 2 streets, measured 30 ft. from the intersection along the edges of the 2 streets.



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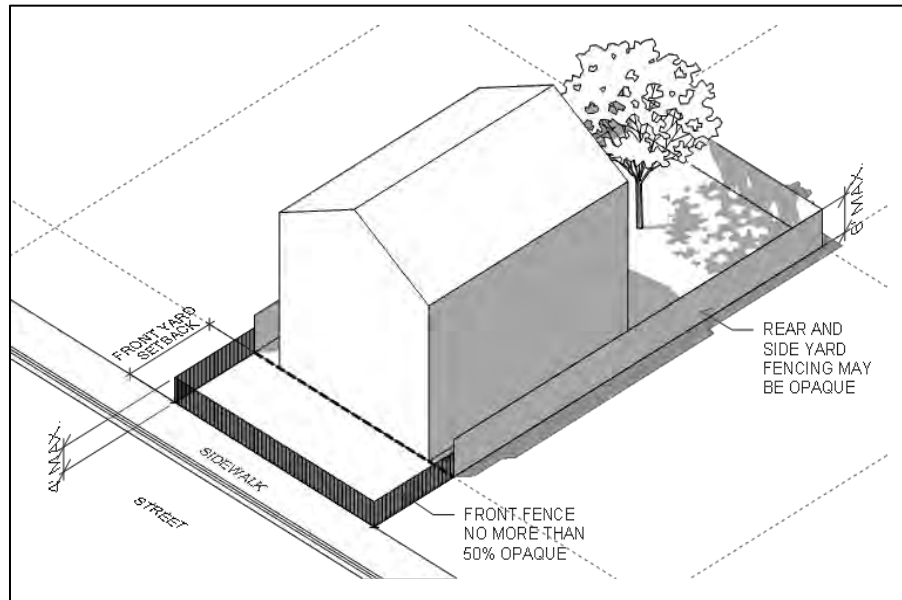
(3) Residential District Standards⁵¹⁰

Fences shall be permitted in residential districts pursuant to this Chapter 14-608.

(a) Intermediate Lots

(.1) Front

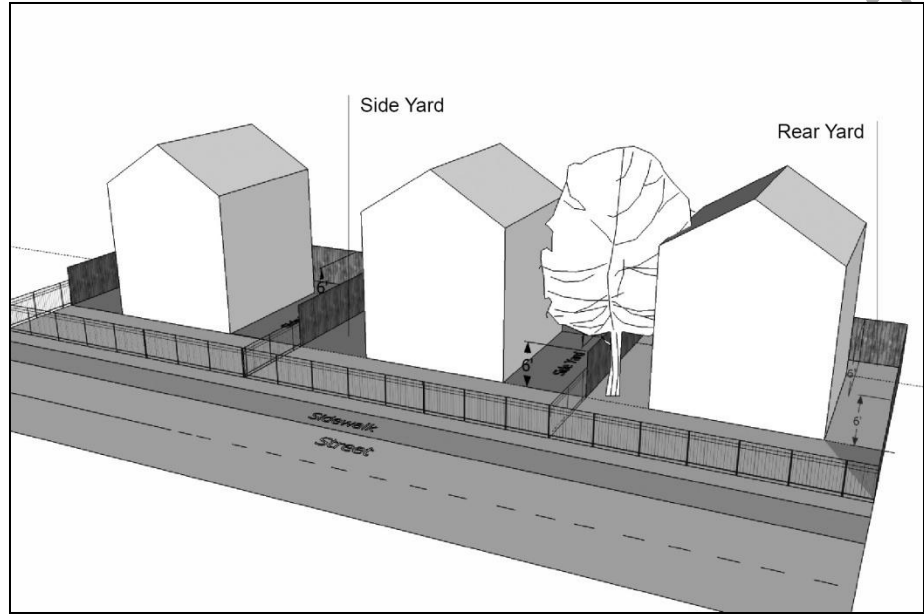
Any fence located nearer to the lot line than the required building setback or actual distance of the building from the lot line (whichever is greater), shall be no more than 4 ft. in height and no more than 50% opaque.



(.2) Side and Rear

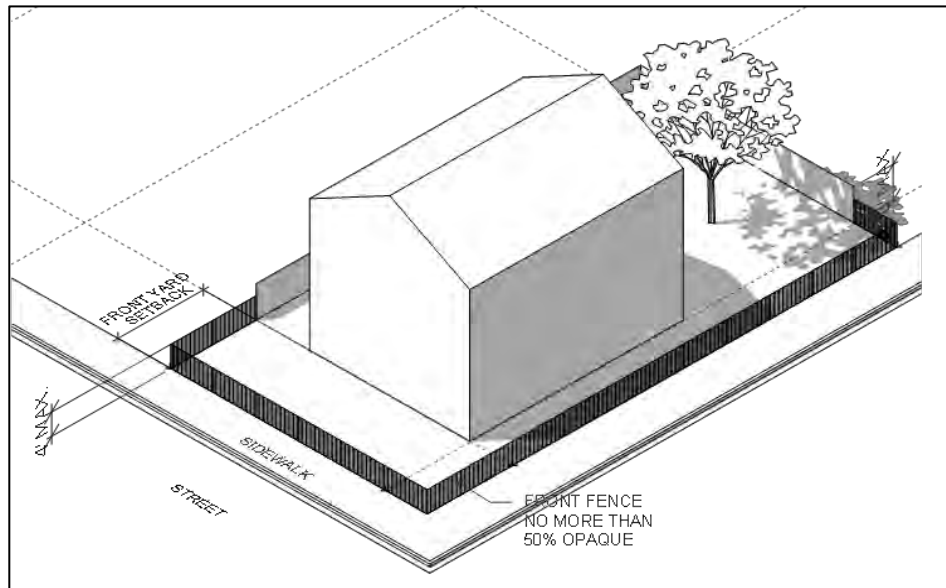
Fences in the rear or at the side that are located further from the front lot line than the required building setback or the actual distance to the building from the front lot line may be no more than 6 ft. in height.

⁵¹⁰ Carried over from current 14-231 (Residential District Rules and Exceptions (4) Fences).



(b) Corner Lots

Fences on any side of a corner lot building facing a street shall comply with the front setback for an intermediate lot in that zoning district. Fences on any side of a corner lot building not facing a street shall comply with the side and rear setbacks of a non-corner lot in that zoning district.⁵¹¹



⁵¹¹ Reworded for clarity.

(c) Architectural Fence Features

Fence posts and gate posts that are integrated as architectural features in the fence design are permitted up to 6.5 ft. in height for side and rear fences and up to 4.5 ft. for front fences, but all portions of the fence other than fence posts and gate posts shall comply with the maximum heights stated in 14-608(3)(a) and 14-608(3)(b) above.

(d) Retaining Walls⁵¹²

Any portion of a retaining wall that exists above the ground level 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 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, or any provision of state or federal law, or any regulations adopted to implement the code or those laws.

(e) Fences Around Decks and Patios⁵¹³

Standards for fences around decks and patios are in 14-504(3).

(4) Commercial/Mixed Use District Standards

(a) Fences for Decks and Patios in all Commercial Districts except CMX-4 and CMX-5⁵¹⁴

Standards for fences around decks and patios for all C districts except CMX-4 and CMX-5 are found in 14-504(3). Fences in CMX-4 and 5 are exempt from those standards.

(b) Walls and Fences for Surface Parking⁵¹⁵

Walls and fences for surface parking areas are governed by the parking lot landscaping provisions of 14-607(4).⁵¹⁶

⁵¹² Revised to provide that height limits apply to retaining wall/fence combinations.

⁵¹³ Carried over from current 14-231 (Residential District Rules and Exceptions (7) Decks and Patios).

⁵¹⁴ Carried over from current 14-313 (Commercial District Rules and Exceptions).

⁵¹⁵ This replaces the language in current 14-305. "C-4" Commercial and "C-5" Commercial Districts, which reads: "Where a surface parking lot abuts the sidewalk, except for points of ingress and egress, it must be screened for its entire frontage with either a brick wall with a minimum height of 42 in. or a planted area with a minimum depth of 6 ft. including an evergreen hedge with a minimum height of 42 in. This provision also applies to temporary public parking lots approved for a period of time between 1 and 2 years, except that an opaque fence may be substituted for the brick wall." The requirement for buffering the view of surface parking areas from the street applies more broadly than just the CMX-4 and 5 districts.

⁵¹⁶ An exemption from parking lot screening for temporary parking lots approved for 1 year or less has been deleted because temporary uses are being addressed through an administrative procedure outside the Zoning Code.

14-609 Outdoor Lighting⁵¹⁷

(1) Intent

The outdoor lighting standards of this section are intended to protect residential uses from excessive night time light and glare and to protect motorists from glare along public rights-of-way, to reduce consumption of electricity for lighting purposes, and to assure that exterior lights be shielded through the use of full cut-off fixtures so that they do not cast direct light beyond the property line next to residential areas and public rights-of-way.

(2) Applicability

The outdoor lighting standards of this section apply to all exterior site and parking lot lighting installed on private lots or parcels after the effective date of this Zoning Code except:

- (a) Outdoor lighting for a detached house, twin house, duplex, or rowhouse
- (b) Outdoor lighting used exclusively for public recreational activities, sporting events at stadiums and ball fields, concerts, plays or other outdoor events that are open to the public.
- (c) Outdoor lighting used for emergency equipment and work conducted in the interest of law enforcement or for public health, safety, or welfare.
- (d) Outdoor lighting used for a temporary event lasting less than 14 days.
- (e) Seasonal outdoor lighting used less than 60 days per calendar year.
- (f) Any lighting plan for which the ZBA has approved a variance pursuant to 14-204(8).

(3) General Standards

(a) Prohibited Lighting

- (.1) Strobe lights that are visible from another property may only be installed by the Philadelphia Regional Port Authority or the Philadelphia International Airport
- (.2) Rotating lights may not be installed in any location where they are visible from any public street or any public street.
- (.3) Awnings used for building accents over doors, windows, or similar features shall not be internally illuminated (i.e., from underneath or

⁵¹⁷ New standards. These standards have been drafted so that applicants are not required to submit additional plans or go through additional review to confirm that they comply with these standards (which would probably not be worth the staff costs) but failure to comply is still a violation of the code that can be enforced on a complaint basis.

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behind the awning).

(b) Shielding

All light sources shall be shielded to prevent glare and spillover beyond the property line. All light sources shall be designed, located, and installed so that the light source is not visible from any R district.

(c) Efficiency

All exterior lighting fixtures shall (1) produce at least 80 lumens per watt of energy consumed, as documented by manufacturer's specifications or the results of an independent testing laboratory, and (2) comply with the following maximum power allowances:

- (.1) For parking lots, driveways, and site roads: 0.08 watt per sq. ft.;
- (.2) For plazas, sidewalks, walkways, and bicycle trails: 0.09 watt per sq. ft.; and
- (.3) For building entrance areas (up to 3 ft. either side of the door and up to 18 ft. perpendicular to the door): 0.55 watt per sq. ft.

(4) Parking Area Lighting

- (a) Light fixtures shall be located to provide a relatively uniform level of lighting and to avoid extreme contrasts between levels of lighting, except as necessary to prevent glare onto adjacent properties.
- (b) Within any RSD or RSA district, the maximum permitted height of light poles or wall mounted lights is 20 ft.
- (c) Within any RM or RMX district, the maximum permitted height of light poles or wall mounted lights is 20 ft.
- (d) Within any C or SP district, the maximum permitted height of light poles or wall mounted lights is 25 ft. within 50 ft. of any R district or any lot or parcel in residential use, and 35 ft. in all other areas.
- (e) Within any I district, the maximum permitted height of light poles or wall mounted lights is 25 ft. within 50 ft. of any R district or any lot or parcel in residential use, and 50 ft. in all other areas.

(5) Canopy Lighting

- (a) All canopy lighting shall use recessed luminaire fixtures and must be designed and located so as to prevent glare onto adjacent properties.
- (b) No light source in a canopy structure may extend downward further than the lowest edge of the canopy ceiling.
- (c) Highly reflective material shall not be installed on the underside of the canopy.

- (d) As an alternative (or supplement) to recessed lighting, indirect lighting may be used where light is beamed upward and then reflected down from the underside of the canopy. When this method is used, light fixtures must be shielded so that direct light is focused exclusively on the underside of the canopy and is not visible from any residential use adjacent to the subject property or from any public right-of-way.

(6) Service Area Lighting

- (a) Service area lighting fixtures shall be designed and located so that the light source cannot be seen from adjacent streets or areas with residential uses.
- (b) Wall mounted light fixtures shall use cutoff devices to contain direct lighting to the service area and must have a concealed light source.

14-610 Subdivision Standards⁵¹⁸

(1) Intent⁵¹⁹

The subdivision standards of this are intended to achieve orderly urban development through land subdivision, to promote and develop the utilization of land to assure the best possible urban environment, to cause land subdivision to be in accordance with the adopted plans of the city, and to promote the health, safety, and general welfare of the community.

(2) Applicability⁵²⁰

- (a) This 14-610 shall apply to the division or redivision of lands into lots for sale, lease, development, or redevelopment, as well as the combination of previously platted lots into fewer or differently configured lots for sale, lease, development, or redevelopment.
- (b) No subdivision, resubdivision, reconfiguration, or combination of any lot(s), tract(s), or parcel(s) of land shall be completed, and no street, driveway, sanitary sewer, stormwater sewer, water main, or public service or other facilities required to provide services to those subdivided, resubdivided, reconfigured, or combined lands shall be constructed, maintained, opened, or dedicated for public use, or for the common use of occupants of buildings on those lands, until the applicant has completed a subdivision pursuant to 14-

⁵¹⁸ Carried over from current 14-2100, with changes as noted. This section is being evaluated by the Planning Commission for potential improvements. Provisions in current 14-2104(13) for tree planting were not carried over, since those requirements now apply to all development – not just subdivisions – and are found in 14-607. Procedural provisions were moved to 14-204.

⁵¹⁹ Carried over from current 14-2101. Reference to the City Physical Development Plan was changed to include all adopted plans.

⁵²⁰ Carried over from current 14-2103, with wording revised to clarify scope.

204(7).

- (c) No subdivider shall sell any lot in a subdivision, or erect any building upon land in a subdivision, unless and until a subdivision has been completed pursuant to 14-204(7).
- (d) The terms and provisions of this 14-610 shall not apply to the sale or conveyance of land in excess of 5 acres for purposes other than land subdivision and the immediate improvement of the land for resale, provided the seller furnishes to the Commission a plot plan of the lots of land so sold or conveyed and the Commission approves that plot plan based upon a finding that the plot plan is not contrary to the public interest and the purpose of this section.⁵²¹

(3) Subdivision General Design Standards⁵²²

The principles, standards, and requirements set forth in this section shall be applied by the Planning Commission in its review of proposed subdivision. These principles and standards are the minimum required and whenever the principles, standards, or requirements of any other applicable provision of the Zoning Code or of any special ordinance are higher or more restrictive, the latter shall control.

(a) Suitability of Land Use

Land shall be suited to the purposes for which it is to be subdivided and all plans shall be in reasonable conformity with the applicable sections of the Physical Development Plan of the city and its amendments.

(b) Consistency With Base and Overlay District Standards

- (.1) Each lot, tract, or parcel included in the proposed subdivision shall comply with all applicable requirements of the base zoning district in Chapter 14-300: and any overlay zoning district in Chapter 14-400: within which the property is located, and those standards for minimum lot size and dimensional requirements listed in 14-601.⁵²³
- (.2) Notwithstanding subsection 14-610(3)(b)(.1), where 2 or more contiguous twin house or rowhouse dwellings constructed before the effective date of this Zoning Code are located on a single lot, the lot may be subdivided so that each individual dwelling unit is located on its own lot, regardless of whether the resulting lots comply with the standards

⁵²¹ Exceptions for subdivisions where all streets were approved prior to April 17, 1951, and for “land subdivision plans that pertain to land abutting one or more legally opened streets shown on the Physical Development Plan of the City, provided the smallest dimension of that land does not exceed 300 ft. and the entire tract does not contain more than 15 acres” have been deleted.

⁵²² Carried over from current 14-2104.

⁵²³ This new standard codifies general practice.

for minimum lot size and dimensional requirements listed in 14-601.⁵²⁴

- (.3) Notwithstanding subsection 14-610(3)(b)(.1) where a single lot has frontage on two streets that are approximately parallel to each other (i.e. a through lot), the lot may be subdivided into two lots, one with frontage on each of the two streets, regardless of whether the resulting lots comply with the standards for minimum lot size and dimensional requirements listed in 14-601. The lot shall be split (a) so that their shared rear lot line is the extension of the rear lot line of one of the adjacent lots, or, (b) if there is no rear lot line of an adjacent lot that can be extended, then so that the sizes of the two resulting lots differ by less than 10%.⁵²⁵

(c) Visitability

In any subdivision containing 50 or more detached houses, twin houses, duplexes, or rowhouses, at least 10% of the those types of houses shall be visitable dwelling units, as defined in Chapter 14-1000:.

(d) Community Facilities

If a subdivider reserves an area for community facilities, that area shall be adequate for building sites for those facilities, landscaping, and off-street parking as is appropriate to the use proposed.

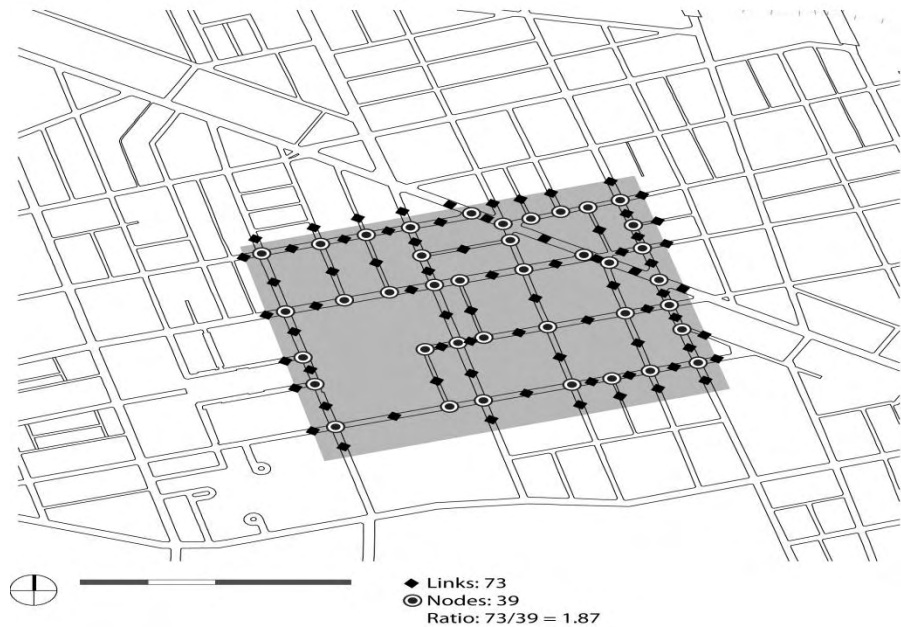
(e) Larger Developments

- (.1) Where development or redevelopment covered by 14-610(2)(a) is located on one or more lots, parcels, or tracts with a gross land area of more 3 acres, it shall comply with following standards.
- (.2) To the maximum extent feasible, it shall connect with the existing street grid.
- (.3) Each street frontage of the project site shall include at least 1 street stub or connection to the external street system every 1,500 ft.
- (.4) Whenever cul-de-sac streets are created, one 8 ft. wide pedestrian access/public utility easement shall be provided, between the cul-de-sac head or street turnaround and the sidewalk system of the closest adjacent street or pedestrian sidewalk or pathway located within 300 ft. of the end of the cul-de-sac, unless the Streets Department determines that public access in that location is not practicable due to site or topography constraints.

⁵²⁴ This provision is new since Module 3.

⁵²⁵ This provision is new since Module 3.

- (.5) Each project shall provide internal junctions and external connections to achieve a connectivity index calculation of at least 1.65. A connectivity index is calculated by dividing the number of “links” in the proposed development by the number of “nodes” in the same development. Nodes are defined as street intersections and cul-de-sac heads within the development. Links are stretches of road that connect nodes. Every road segment that connects a node in the development to the external street network and each street stub-out is counted as a link. Temporary dead-end streets internal to a development, private streets in any gated sections, and alleys and driveways are not counted as links.



- (.6) The Streets Department may reduce the required connectivity index, the requirements for external street connections, or the requirement for cul-de-sac access easements if it determines that compliance with the provisions of this subsection is impracticable due to site or topography constraints.

(4) Subdivision Block and Lot Standards⁵²⁶

- (a) The length, width, and shape of blocks shall be designed with due regard for topography and drainage, the requirements of the base and overlay zones in which the property is located, suitable building sites for the land use contemplated, and safe and convenient vehicular, pedestrian, and bicycle circulation.⁵²⁷

⁵²⁶ Consolidated from current 14-2104(9) and (10).

⁵²⁷ The criteria “elimination of excessive street area” has been deleted, because that standard has been used to

- (b) All blocks shall be provided with a minimum 3 ft. wide planting strip adjacent to any public right-of-way.⁵²⁸
- (c) Residential blocks shall be of sufficient depth to accommodate two tiers of lots, except where reverse frontage lots are required.
- (d) Interior walks may be required where necessary to facilitate circulation or provide access to community facilities.
- (e) Side lot lines shall be substantially at right angles or radial to street lines.
- (f) Reverse frontage lots shall be avoided except where essential to provide separation from traffic arteries or to provide protection for abutting properties or to overcome certain conditions of topography or orientation.
- (g) Depth and width of parcels laid out or reserved for nonresidential use shall be adequate for the use proposed and shall be of sufficient size to provide for off-street loading, unloading, and parking.
- (h) Where off-lot sewerage is provided, no lot shall have a smaller area, nor a lesser width than as required in the zoning district for that lot. These widths and depths shall be exclusive of the right-of-way of any driveway.
- (i) Where no off-lot sewerage and/or water facilities are available, the allowable lot size shall be determined by the Planning Commission. In fixing the allowable lot size, the Planning Commission shall give consideration to the topography of the site, the location of existing and proposed buildings on the lot and existing buildings on adjacent lots, the location of existing sewerage and water facilities on adjacent property, the water table, the geology and characteristics of the soil, the type and size of proposed sewerage and water facilities, and the estimated use of those facilities.

(5) Subdivision Street Standards⁵²⁹

- (a) Streets shall be logically related to the topography so as to produce reasonable grades and suitable building sites and to reduce soil erosion and runoff into waterways.⁵³⁰
- (b) Proposed streets shall conform to the requirements of all adopted plans for the area and the requirements of this Zoning Code.⁵³¹

decrease connectivity and through street connections in other communities. The reference to bicycles has been added.

⁵²⁸ This is a new standard recommended by the Streets Department.

⁵²⁹ Consolidated from current 14-2104(3) through (8).

⁵³⁰ Carried over from current 14-2401(3). Reference to soil erosion and runoff have been added.

⁵³¹ Reference to consistency with all adopted plans added.

- (c) Streets shall be constructed in accordance with the standards and requirements of the Department of Streets.
- (d) Streets in R districts shall be laid out to discourage through traffic to the degree consistent with the continuation of existing or proposed major streets or highways and the connectivity and circulation standards in 14-604.⁵³²
- (e) If lots resulting from original subdivision are large enough to permit re-subdivision, or if a portion of the tract is not subdivided, adequate street rights-of-way to permit further subdivision shall be designated on the submitted preliminary plat.
- (f) Where a subdivision abuts or contains an existing or proposed major street or highway, the Commission may require marginal access streets, driveways, reverse frontage lots or such additional treatment as will reduce the number of intersections with that street or highway, separate local and through traffic, and provide protection for abutting properties.
- (g) Dead end streets shall be prohibited, except as short stubs to permit future street extension into adjoining tracts, or when designed as cul-de-sacs.
- (h) Cul-de-sac streets shall not exceed 500 ft. in length and shall have at the closed end a turn-around containing a right-of-way having an outside radius of not less than 50 ft., which shall be paved to a radius of not less than 40 ft.
- (i) Street Widths
 - (.1) Minimum street right-of-way and cartway widths shall conform to the Physical Development Plan of the city or, if not shown on that plan, shall conform to the following:
 - (.a) A primary residential street shall have a cartway 64 ft. wide included in right-of-way 88 ft. wide.
 - (.b) A secondary residential street shall have a cartway 34 ft. wide included in right-of-way 54 ft. wide.
 - (.c) A tertiary residential street shall have a cartway 26 ft. wide included in right-of-way 50 ft. wide.
 - (.d) A marginal access street shall have a cartway 26 ft. wide, included in a right-of-way that shall vary with conditions but in no case shall be less than 36 ft. wide.
 - (.2) Additional right-of-way and cartway requirements may be established by the Commission in order to lessen congestion in the streets, to

⁵³² Reference to compliance with connectivity standards added.

secure safety from fire, panic, and other dangers, to facilitate the adequate provision for transportation and other public requirements and to promote the general welfare.

- (.3) Short extensions of existing streets with narrower right-of-way or cartway widths may be permitted at the discretion of the Commission.

(j) Street Alignment

- (.1) Whenever street lines are deflected more than 5 degrees, connection shall be made by horizontal curves.
- (.2) To ensure adequate sight distance, center line radii for horizontal curves shall be not less than 150 ft. on primary residential streets and 100 ft. on secondary and tertiary residential streets.
- (.3) A tangent of at least 50 ft. shall be required between reverse curves.

(k) Street Grades

- (.1) Centerline grades shall, wherever possible, be not less than 0.75%.
- (.2) Centerline grades shall not exceed 10% on primary residential streets and 12% on tertiary residential streets
- (.3) Vertical curves shall be used at changes of grades exceeding 3% and shall be designed in relation to the extent of the grade change and to provide the sight distances of at least 200 ft. on primary residential streets, 150 ft. on secondary residential streets, and 100 ft. on tertiary residential streets.
- (.4) Where the grade of any street at the approach to an intersection exceeds 4%, sufficient leveling areas having a maximum grade of 4% shall be provided for a distance of 25 ft. measured from the nearest right-of-way line of the intersecting street.

(l) Street Intersections

- (.1) Streets shall be laid out to intersect as nearly as possible at right angles. No street shall intersect another at an angle of less than 75 degrees.
- (.2) Intersections with major streets or major highways should be reduced to a minimum.
- (.3) Streets entering opposite sides of another street shall be laid out either directly opposite one another or with a minimum offset of 125 ft. between their center lines.
- (.4) Curb radii shall be provided at street intersections varying according to the types of streets intersecting and the angle at which they intersect, but none shall be less than 15 ft.

(6) Subdivision Driveways and Easements⁵³³

- (a) Where permitted, driveways serving residential properties on two sides must have a minimum paved width of 15 ft. In cases where driveways serve properties on one side only, the Commission may permit a paving of narrower width, but not less than 12 ft. wide.
- (b) Driveways may be required in nonresidential subdivisions, except where other adequate provision is made for off-street loading and parking consistent with the use proposed. Where required, driveways shall have a minimum paved width of 18 ft.
- (c) Dead end driveways shall be avoided if possible, but if unavoidable they shall be terminated with a paved turning area having a minimum depth of 35 ft. and a minimum width of 10 ft.
- (d) Driveway intersections and sharp changes in alignment shall be avoided. Where necessary, corners shall be rounded or cut back sufficiently to permit safe vehicular circulation.
- (e) Easements shall be provided as necessary for public utilities and shall have a minimum width of 10 ft. Easements shall be located on or be adjacent to rear or side lot lines.
- (f) Where a subdivision is traversed by a watercourse, a drainage easement or right-of-way conforming substantially to the line of the watercourse and of a width adequate to preserve natural drainage shall be provided. Each drainage easement or right-of-way shall not be less than 25 ft. in width.
- (g) Where a subdivision adjoins a park, watercourse, or other land use different from that on the proposed lots, the Commission may require a setback from that park, watercourse, or other land use for the protection of or separation of those land uses. Each setback shall be not less than 10 ft. nor more than 50 ft.

⁵³³ Carried over from current 14-2104(11).

Chapter 14-700: Parking and Loading

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14-701 Purpose, Applicability, and General Standards

(1) Purpose⁵³⁴

This section establishes off-street parking requirements as a necessary part of the development and use of land, to ensure the safe and adequate flow of traffic in the public street system, and to ensure that parking areas are designed to perform in a safe, efficient manner. It is also the intent of this section to manage the adverse visual, environmental, and economic impacts of parking areas. Specific purposes include to:

- (a) Ensure that off-street parking, loading, and access demands will be met without adversely affecting nearby land uses and neighborhoods;
- (b) Provide for vehicle and pedestrian circulation and safety in parking areas, and create a safe and more pedestrian-friendly environment;
- (c) Encourage the efficient use of land by avoiding excessive amounts of land being devoted to parking and thus unavailable for other productive uses;
- (d) Improve the visual appearance of public street corridors by encouraging buildings and other attractive site features to become more prominent relative to parking areas;
- (e) Provide for better pedestrian movement and encourage alternative modes of transportation by reducing the expanses of parking that must be traversed between destinations;
- (f) Support a balanced transportation system that is consistent with cleaner air and water, greater transportation choices, and efficient infill and redevelopment; and
- (g) Allow flexibility in addressing vehicle parking, loading, and access issues, including providing alternatives to standard required surface parking.

(2) Applicability

The standards of this Chapter 14-700: shall apply to all development and redevelopment except for specific exceptions described below.

(a) New Construction and Additions⁵³⁵

The provisions of this Chapter 14-700: apply to structures that are newly-erected, expanded, or the use intensified after November 25, 1994, except for the following:⁵³⁶

⁵³⁴ This is a new provision.

⁵³⁵ Carried over from current 14-1401(1).

⁵³⁶ This is a change from current regulations, which would apply to all additions regardless of whether they added residential units or gross floor area.

- (.1) All subsequent additions or alterations to structures existed on November 25, 1994 that increase the number of dwelling units in the structure or increase the gross floor area of the structure but 25% or more;⁵³⁷
- (.2) Structures that are demolished, destroyed or condemned, as set forth in 14-205(11); and
- (.3) Parking required for extensions or additions for nonresidential uses in residential districts and for uses in industrial districts shall be computed for the floor area of the extended or added portion only.⁵³⁸

(b) Change of Use⁵³⁹

The parking and loading requirements of this section shall be provided for any change of use that would result in a requirement for more parking and loading spaces than the existing use, except for the following:

- (.1) An existing building in any C district or I district that is altered or converted to contain a dance hall, night club or restaurant in the areas of the city specified in 14-403(4)(b)(.3) shall be subject to the requirements of that section.⁵⁴⁰

(c) Exceptions⁵⁴¹

(.1) More Specific Standards Elsewhere in the Zoning Code⁵⁴²

When an individual zoning district or the rules and exceptions for the various zoning districts in Chapter 14-300: or overlay zoning districts in Chapter 14-400: contain parking and/or loading requirements that are different than the requirements of this section, the requirements in the individual district shall take precedent over this section.

(.2) Rehabilitation of Residential Development Legally Constructed Without Parking⁵⁴³

If a residential structure was legally constructed without parking, it may be rehabilitated without adding parking provided that no additional residential units are added to the development.

⁵³⁷ The effective date of this provision has been inserted.

⁵³⁸ Carried over from current 14-507(8) and 14-1402(7).

⁵³⁹ This is a new provision.

⁵⁴⁰ Carried over from current 14-1404(1)(b).

⁵⁴¹ Since Module 3, a clause exempting SP district parking from some of the provisions of 14-702 has been deleted.

⁵⁴² Carried over from current 14-1401(1)(d) and 14-1401(2).

⁵⁴³ This is a new provision.

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(.3) **Residential Infill Development**⁵⁴⁴

Residential infill development with 4 or less units is not required to provide off-street parking.

(3) Existing Parking Shall Not be Reduced⁵⁴⁵

It shall be considered a violation of this Zoning Code to reduce the number of existing off-street parking spaces below the minimum number of spaces required by the provisions of this Zoning Code, unless otherwise expressly stated.

(4) Location

Except as otherwise expressly provided in this Zoning Code, required off-street parking, loading, and vehicle stacking spaces shall be located on the same lot as the principal use.

(5) Use of Required Parking Areas for Parking Only

Required accessory off-street parking spaces in any district shall not be used for open storage, sale, or rental of goods, or storage of inoperable vehicles, unless otherwise permitted in this Code.

(6) Other Code Provisions Applicable

All off-street parking, off-street loading, and vehicle stacking areas required or regulated by this section shall comply with all other applicable provisions of this Zoning Code, including without limitation the provisions of 14-603 (Form and Design), 14-607 (Landscaping and Trees), 14-608 (Fencing and Walls), and 14-609 (Outdoor Lighting).

(7) Rules of Parking Measurement

- (a) Whenever the calculations of required or permitted off-street parking spaces pursuant to this Chapter 14-700: result in a fraction of a parking space, and the fraction is equal to or greater than 0.5 (one-half), then number of required or permitted space shall be rounded up to the next whole number. If the calculation results in a fraction less than 0.5 (one-half), the fractional portion of the requirement shall be ignored.
- (b) The following types of parking spaces shall count towards the satisfaction of minimum off-street parking requirements, but shall not count against the maximum parking requirement.
 - (.1) Accessible parking;
 - (.2) Vanpool and carpool parking;
 - (.3) Carshare pods; and
 - (.4) Parking structures, underground parking, and parking within, above, or

⁵⁴⁴ We have made the current R9, R9A, R10, R10A standard generally applicable to infill development.

⁵⁴⁵ This is a new provision.

beneath the building(s) it serves.

- (c) Fleet vehicle parking shall not count against either the minimum or maximum requirements.

14-702 Motor Vehicle Parking⁵⁴⁶

Unless otherwise expressly stated in this Zoning Code, off-street parking spaces shall be provided in accordance with Table 14-702-1, Table 14-702-2, or Table 14-702-3, as applicable. Where alternative off-street parking requirements for specific uses or districts are provided in other chapters of this Zoning Code, those standards shall govern. Categories in the tables correspond to those in Tables 14-502-1 through 14-501-4. Where a specific use is not listed here, the general parking requirement for the use category shall be applicable. Tables 14-702-2 and 14-702-3 also establish upper limits on the number of parking spaces allowed in order to promote efficient use of land, enhance urban form, provide for better pedestrian movement, encourage alternative modes of transportation, and to protect air and water quality. The maximum ratios allow a percent of parking that is greater than the minimum amount of parking needed to accommodate the majority of auto trips to a site based on typical peak parking demand. Exceptions and flexibility procedures are provided where a required limit on the number of parking spaces is problematic for a certain use.

⁵⁴⁶ Carried over from current 14-1402, 1403, and 1404, with revisions as noted. Maximum parking limits are new, and may also be applied to structured parking. Since Module 3, criteria for variances from maximum parking limits have been moved to 14-204(8).

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(1) Required Parking in R-Districts

Table 14-702-1: Minimum Required Parking in R Districts⁵⁴⁷

Note: Residential infill development with 4 or less units is not required to provide parking.

Note: Residential lots less than 20 ft. wide are not required to provide parking.⁵⁴⁸

Note: Special regulations may apply to specific areas under 14-702(10).

Use Category Subcategory Specific Use Type	Required Parking by Zoning District (spaces/unit or spaces/sq. ft. gross floor area)			Alternative Standard or Additional Requirements
	RSD-1/2/3 RSA-1/2 RMX-1	RSA-3/4/5/6 RM-1 ⁵⁴⁹	RM-2/3/4 RMX-2/3	
Residential				
Household Living (as noted below)				
Detached House	1/unit ⁵⁵⁰ [1]	No requirement	No requirement ⁵⁵¹	RSA-5 [3]; RSA-6[4]; RMX-2
Twin House	1/unit [1]	No requirement	No requirement	RSA-5 [3]; RSA-6[4]; RMX-2
Duplex	1/unit ⁵⁵² [1]	No requirement	0.5/unit [2]	RSA-5 [3]; RMX-2
Rowhouse	1/unit [1]	No requirement	0.5/unit [2]	RSA-5 [3]; RSA-6[4]; RMX-2
Multi-dwelling Building	1/unit [1]	No requirement	0.3/unit [2] ⁵⁵³	
Group Living (as noted below)				
Assisted Living	1/10 permanent beds ⁵⁵⁴			
Community Home, Group	0.33/bed + 1; min. 2	0.33/bed + 1; min. 2	0.125/bed + 1; min. 2	
Community Home, Family	0.33/bed + 1; min.2	0.33/bed + 1; min. 2	0.125/bed + 1; min.2	
Single-room Residence	1/20 units + 1; min. 2	1/20 units + 1; min. 2	1/20 units + 1; min. 2	
Nonresidential Uses in Residential Districts (except as noted below)	1/1,000 sq. ft. ⁵⁵⁵	None for first 2,500 sq. ft., then 1/1,000 sq. ft.	None for first 4,000 sq. ft., then 1/1,000 sq. ft.	

⁵⁴⁷ Shaded cells indicate new standards.

⁵⁴⁸ This exemption is new since Module 1.

⁵⁴⁹ This category has been changed from RSA 3/4/5, RM 1/ 2, RMX-2 and the parking requirements for Household Living uses have been eliminated since Module 3 to better reflect parking requirements based on lot size.

⁵⁵⁰ Carried over from current 14-1402(1)(a) and (2).

⁵⁵¹ The standards for detached, semi-detached, duplex, and rowhouses are new provisions to lower off-street parking requirements in high density residential districts from the current 1 space/unit standard.

⁵⁵² Carried over from current 14-1402(1)(a).

⁵⁵³ Since Module 1 this has been reduced from .5 to .3/du.

⁵⁵⁴ Carried over from current 14-1402(7)(b).

⁵⁵⁵ Low density standard is from current 14-1402(7)(c).

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Use Category Subcategory	Required Parking by Zoning District (spaces/unit or spaces/sq. ft. gross floor area)			Alternative Standard or Additional
Auditoriums, theaters, sports facilities, religious assembly, and other places of assembly open to the public	1/10 seats or seating spaces ^[5] ⁵⁵⁶	None for the first 100 seats or seating spaces then 1/10 seats or seating spaces ^[5]	None for the first 200 seats or seating spaces then 1/10 seats or seating spaces ^[5]	

Table Notes:

- [1] Must be provided on the same lot and have adequate access to a street or driveway connecting to a street.⁵⁵⁷
- [2] This standard shall not be rounded unless the final parking calculation results in the requirement of 0.5 of a space, in which case that 0.5 shall be rounded-up to the next nearest whole number.⁵⁵⁸
- [3] For existing one-family and duplex dwellings in the RSA-5 district, if the adjacent dwellings do not contain parking on the lots, off-street parking may not be provided.⁵⁵⁹ If 4 or fewer new dwelling units are proposed adjacent to or within a row of existing attached dwellings and (a) the dwellings adjacent to the infill lots do not contain parking on the lots and (b) the proposed dwellings do not have access to a rear street or driveway, off-street parking may not be provided.⁵⁶⁰
- [4] Accessory parking areas shall be located within 200 ft. of the dwelling units they serve. If parking is provided on another lot: (a) that lot must be deeded with the lot for which parking is accessory; (b) that lot must also be zoned RM-5; and (c) off-site parking areas designated for specified units may not be deleted as accessory parking and the land use changed, unless replacement of an identical number of parking spaces is provided in accordance with the provisions of this Zoning Code.⁵⁶¹
- [5] Where seating is not provided, 1/1,000 sq. ft.

⁵⁵⁶ Low density standard is from current 14-1402(7)(a).

⁵⁵⁷ Carried over from current 14-1402(1)(b).

⁵⁵⁸ The requirement for ZBA approval for off street parking in current 14-1402(1)(a) has been eliminated since Module 3. The rounding instruction in table note 2 is new since Module 3.

⁵⁵⁹ Carried over from current 14-1402(1)(c), but modified since Module 3 to remove the option for ZBA approval. This provision currently applies to the R9 and R10 districts, but not to the majority of districts included in the new RM-1 districts, so it does not apply to RM-1.

⁵⁶⁰ Carried over from current 14-1402(1)(a), but modified since Module 3 to remove the option for ZBA approval.

⁵⁶¹ Carried over from current 14-210(3).

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(2) Required Parking in C Districts

Table 14-702-2: Required Parking in C Districts⁵⁶²

Note: CA-1 parking requirements are located in Table 14-702-5.

Note: Residential infill development with 4 or less units is not required to provide parking.

Note: Special regulations may apply to specific areas under 14-702(10).

Use Category Subcategory Specific Use Type	Minimum Required Parking (spaces/unit or spaces/gross floor area)			Maximum Number of Surface Spaces as % of minimum required or max ratio where parking is not required [2]	
	CMX-1[1]/2/2.5	CMX-3	CMX-4/5 ⁵⁶³	<40 spaces required by this table	≥ 40 spaces required by this table
Residential					
Household Living (as noted below)	0.3/unit ⁵⁶⁴			–	–
Multi-dwelling Building				–	–
Caretaker Quarters	1/unit	–	–	–	–
Group Living	Requirements for RMX-3 district apply			–	–
Parks and Open Space					
Natural Resource Preservation	–			–	–
Passive Recreation	0.5/1,000 sq. ft.			–	–
Active Recreation	Sports playfields shall have minimum of 20 spaces per field.			–	–
Public, Civic and Institutional					
Detention and Correctional Facilities	0.25/unit	0.25/unit	–	125	110
Educational Facilities	1/1,000 sq. ft.			125	110
Fraternal Organization	1/300 sq. ft.	1/500 sq. ft.	1/1,000 sq. ft.	125	110
Hospital	1/ 4 beds capacity			125	110
Library/Cultural Exhibit	1/1000 sq. ft.	None for the first 4,000 sq. ft., then 1/1,000 sq. ft.	None for the first 10,000 sq. ft., then 1/1,000 sq. ft.	125	110

⁵⁶² Since Module 3 we have replaced maximum parking percentages with stated maximums, since in many cases the required minimum is 0, so a percentage of the minimum would not be effective.

⁵⁶³ Parking requirements for C-4/C-5 multifamily and commercial uses have been eliminated since Module 3.

⁵⁶⁴ Carried over from current 14.1403(1)(a). This section reads: “Parking spaces for any newly-erected dwellings in Commercial Districts or any newly erected nonresidential uses permitted in certain Residential Districts, which are erected in Commercial Districts after the effective date of this ordinance shall be in accordance with the requirements of § 14-1402.” The reference to “nonresidential uses permitted in certain Residential Districts, which are erected in Commercial Districts” has been deleted and established parking requirements for nonresidential uses in Table 702.

Use Category Subcategory Specific Use Type	Minimum Required Parking (spaces/unit or spaces/gross floor area)			Maximum Number of Surface Spaces as % of minimum required or max ratio where parking is not required [2]	
	CMX-1[1]/2/2.5	CMX-3	CMX-4/5 ⁵⁶³	<40 spaces required by this table	≥ 40 spaces required by this table
Religious Assembly	1/10 seats or seating spaces[3] ⁵⁶⁵	None for the first 200 seats or seating spaces then 1/10 seats or seating spaces[3]	None for the first 400 seats or seating spaces then 1/10 seats or seating spaces[3]	125	110
Safety Services	1/1,000 sq. ft.			125	110
Transit Station	-			-	-
Utilities and Services, Basic	0.5/1,000 sq. ft.			-	-
Utilities and Services, Major	0.5/1,000 sq. ft.			125	110
Wireless Service Facility	0.5/1,000 sq. ft.			-	-
Office					
Business and Professional	-- ⁵⁶⁶			1.25/400 sq. ft.	1/400 sq. ft.
Medical, Dental, Health Practitioner					
Government					
Retail Sales					
Adult-oriented Merchandise	-			5/1,000 sq. ft.	4/1,000 sq. ft.
Building Supplies and Equipment	-			5/1,000 sq. ft.	4/1,000 sq. ft.
Consumer Goods	-			5/1,000 sq. ft.	4/1,000 sq. ft.
Food, Beverages and Groceries	-			5/1,000 sq. ft.	4/1,000 sq. ft.
Pets and Pet Supplies	-			5/1,000 sq. ft.	4/1,000 sq. ft.
Sundries, Pharmaceuticals and Convenience Sales	-			5/1,000 sq. ft.	4/1,000 sq. ft.
Wearing Apparel and Accessories	-			5/1,000 sq. ft.	4/1,000 sq. ft.
Commercial Services⁵⁶⁷					
Adult-oriented Service	--			1.25/200 sq. ft.	1/200 sq. ft.
Animal Services	--			1.25/200 sq. ft.	1/200 sq. ft.
Assembly and Entertainment (except as noted below)	1/10 seats or seating spaces[3]	None for the first 200 seats or seating spaces then 1/10 seats or seating spaces[3]	None for the first 400 seats or seating spaces then 1/10 seats or seating spaces[3]	125	110
Building Services	--			3/1,000 sq. ft.	2.5/1,000 sq. ft.
Business Support	--			3/1,000 sq. ft.	2.5/1,000 sq. ft.
Day Care	--			1.25/400 sq. ft.	1/400 sq. ft.

⁵⁶⁵ Carried over from current 14-216(8) and 14-217(8).

⁵⁶⁶ Since Module 1 the minimum parking required for office uses in CMX-1, -2, and -3 has been removed and a maximum ratio established for any parking provided.

⁵⁶⁷ Since Module 1, all minimum parking requirements for the commercial service uses in CMX-1, -2, and -3 have been deleted except for assembly and entertainment, which have been set to match the standards for religious assembly. A maximum ratio has been established for any parking provided.

Use Category Subcategory Specific Use Type	Minimum Required Parking (spaces/unit or spaces/gross floor area)			Maximum Number of Surface Spaces as % of minimum required or max ratio where parking is not required [2]	
	CMX-1[1]/2/2.5	CMX-3	CMX-4/5 ⁵⁶³	<40 spaces required by this table	≥ 40 spaces required by this table
Eating and Drinking Establishments		--		1.25/250 sq. ft.	1/250 sq. ft.
Financial Services		--		1.25/400 sq. ft.	1/400 sq. ft.
Funeral and Mortuary Services		--		1.25/250 sq. ft.	1/250 sq. ft.
Maintenance and Repair		--		3/1,000 sq. ft.	2.5/1,000 sq. ft.
Parking, Non-Accessory		--		--	--
Personal Services		--		1.25/250 sq. ft.	1/250 sq. ft.
Radio, Television and Recording Services		--		3/1,000 sq. ft.	2.5/1,000 sq. ft.
Visitor Accommodations		--		1.0/room	0.75/room
Vehicle and Vehicular Equipment Sales and Services					
Commercial Vehicle Repair and Maintenance		2 per repair bay or 300 sq. ft. of repair space, whichever is greater	--	2.5/ repair bay or 300 sq. ft. of repair space, whichever is greater	2.2/repair bay or 300 sq. ft. of repair space, whichever is greater
Commercial Vehicle Sales and Rental		0.5/1,000 sq. ft.	--	0.6/1,000 sq. ft.	0.55/1,000 sq. ft.
Personal Vehicle Repair and Maintenance		2 per repair bay or 300 sq. ft. of repair space, whichever is greater	--	2.5/ repair bay or 300 sq. ft. of repair space, whichever is greater	2.2/repair bay or 300 sq. ft. of repair space, whichever is greater
Personal Vehicle Sales and Rental		0.5/1,000 sq. ft.	--	0.6/1,000 sq. ft.	0.55/1,000 sq. ft.
Vehicle Equipment and Supplies Sales and Rental		0.5/1,000 sq. ft.	--	0.6/1,000 sq. ft.	0.55/1,000 sq. ft.
Wholesale, Distribution and Storage					
Moving and Storage Facilities	1/1,500 sq. ft.	1/2,000 sq. ft.	1/3,000 sq. ft.	125	110
Industrial					
Artisan Manufacturing	1/300 ⁵⁶⁸	1/800 sq. ft.	None for the first 7,500 ft. then 1/2,000 sq. ft.	125	110
Research and Development	1/300	1/800 sq. ft.	None for the first 7,500 ft. then 1/2,000 sq. ft.	125	110
Urban Agriculture					
Community Garden		--		--	--
Market and Community-supported Farm	2	2	2	--	--

⁵⁶⁸ Carried over from current 14-503(8).

Use Category Subcategory Specific Use Type	Minimum Required Parking (spaces/unit or spaces/gross floor area)			Maximum Number of Surface Spaces as % of minimum required or max ratio where parking is not required [2]	
	CMX-1[1]/2/2.5	CMX-3	CMX-4/5 ⁵⁶³	<40 spaces required by this table	≥ 40 spaces required by this table

Table Notes:

- [1] See 14-702(11)(e) for limitations on CMX-1 parking adjacent to residential districts.
- [2] All uses covered by general standards in RMX-3, CMX-4, and CMX-5 districts, except restaurants, bar/tavern, and brew pub establishments have a maximum allowed parking percentage of 125%, regardless of the number of spaces required.
- [3] Where seating is not provided, 1/1,000 sq. ft.

(3) Required Parking in I Districts

Table 14-702-3: Required Parking in I Districts [1]

Use Category Subcategory Specific Use Type	Minimum Required Parking (spaces/unit or spaces/gross floor area)		Maximum Number of Surface Spaces as % of minimum required	
	IRMX ICMX I-1	I-2/3 I-P	<40 spaces required by this table	≥ 40 spaces required by this table
Residential				
Household Living (as noted below)	0.5/unit ⁵⁶⁹		–	–
Multi-dwelling Building			–	–
Caretaker Quarters	1/unit	–	–	–
Group Living	See Requirements for RMX-3 district apply		–	–
Parks and Open Space				
Natural Resource Preservation	–		–	–
Passive Recreation	0.5/1,000 sq. ft.		–	–
Active Recreation	Sports playfields shall have minimum of 20 spaces per field.		–	–
Public, Civic and Institutional				
Detention and Correctional Facilities	0.25/unit	0.25/unit	125	110
Educational Facilities	1/1,000 sq. ft.		125	110
Fraternal Organization	1/300 sq. ft.	1/500 sq. ft.	125	110
Hospital	1/ 4 beds capacity		125	110

⁵⁶⁹ Carried over from current 14.1403(1)(a). This section reads: “Parking spaces for any newly-erected dwellings in Commercial Districts or any newly erected nonresidential uses permitted in certain Residential Districts, which are erected in Commercial Districts after the effective date of this ordinance shall be in accordance with the requirements of § 14-1402.” We have eliminated the reference to “nonresidential uses permitted in certain Residential Districts, which are erected in Commercial Districts,” and established parking requirements for nonresidential uses in Table 702.

Use Category	Minimum Required Parking (spaces/unit or spaces/gross floor area)		Maximum Number of Surface Spaces as % of minimum required	
Library/Cultural Exhibit	1/1000 sq. ft.	None for the first 4,000 sq. ft., then 1/1,000 sq. ft.	125	110
Religious Assembly	None for the first 200 seats or seating spaces then 1/10 seats or seating spaces[1] ⁵⁷⁰	None for the first 400 seats or seating spaces then 1/10 seats or seating spaces[1]	125	110
Safety Services	1/1,000 sq. ft.		125	110
Transit Station	-		-	-
Utilities and Services, Basic	0.5/1,000 sq. ft.		-	-
Utilities and Services, Major	0.5/1,000 sq. ft.		125	110
Wireless Service Facility	0.5/1,000 sq. ft.		-	-
Office				
Business and Professional	1/1,000 sq. ft.		125	110
Medical, Dental, Health Practitioner				
Government				
Retail Sales				
Adult-oriented Merchandise	1/1,000 sq. ft.		125	110
Building Supplies and Equipment	1.5/1,000 sq. ft.	1.5/1,000 sq. ft.	125	110
Consumer Goods	1/1,000 sq. ft.	None for first 2,500 sq. ft., then 1/1,000 sq. ft.	125	110
Food, Beverages and Groceries	1/1,000 sq. ft.	None for first 2,500 sq. ft., then 1/1,000 sq. ft.	125	110
Pets and Pet Supplies	1/1,000 sq. ft.	None for first 2,500 sq. ft., then 1/1,000 sq. ft.	125	110
Sundries, Pharmaceuticals and Convenience Sales	1/1,000 sq. ft.	None for first 2,500 sq. ft., then 1/1,000 sq. ft.	125	110
Wearing Apparel and Accessories	1/1,000 sq. ft.	None for first 2,500 sq. ft., then 1/1,000 sq. ft.	125	110
Commercial Services				
Adult-oriented Service	1/1,000 sq. ft.		125	110
Animal Services	1/1,000 sq. ft.		125	110
Assembly and Entertainment (except as noted below)	1/10 seats or seating spaces; [1] ⁵⁷¹	None for the first 200 seats or seating spaces then 1/10 seats or seating spaces[1]	125	110
Building Services	1/1,000 sq. ft.		125	110
Business Support	1/1,000 sq. ft.		125	110
Day Care	1/1,000 sq. ft.		125	110
Eating and Drinking Establishments	5/1,000 sq. ft.	2.5/1,000 sq. ft.	Restaurant, bar/tavern, and brew pub establishments: 150% of required parking	
Financial Services	1/1,000 sq. ft.		125	110

⁵⁷⁰ Carried over from current 14-216(8) and 14-217(8).

⁵⁷¹ Carried over from current 14-216(8), 14-217(8), and 14-1402(7)(a).

Use Category	Minimum Required Parking (spaces/unit or spaces/gross floor area)		Maximum Number of Surface Spaces as % of minimum required	
Funeral and Mortuary Services	1/1,000 sq. ft.		125	110
Maintenance and Repair	1/1,000 sq. ft.		125	110
Parking, Non-Accessory	-		125	110
Personal Services	1/1,000 sq. ft.	None for first 2,500 sq. ft., then 1/1,000 sq. ft.	125	110
Radio, Television and Recording Services	1/1,000 sq. ft.		125	110
Visitor Accommodations	1/3 rooms		125	110
Vehicle and Vehicular Equipment Sales and Services				
Commercial Vehicle Repair and Maintenance	2 per repair bay or 300 sq. ft. of repair space, whichever is greater		125	110
Commercial Vehicle Sales and Rental	0.5/1,000 sq. ft.		125	110
Personal Vehicle Repair and Maintenance	2 per repair bay or 300 sq. ft. of repair space, whichever is greater		125	110
Personal Vehicle Sales and Rental	0.5/1,000 sq. ft.		125	110
Vehicle Equipment and Supplies Sales and Rental	0.5/1,000 sq. ft.		125	110
Wholesale, Distribution and Storage				
Equipment and Materials Storage Yards	1/1,500 sq. ft. ⁵⁷² ;	1/2,000 sq. ft.	125	110
Moving and Storage Facilities	1/1,500 sq. ft.	1/2,000 sq. ft.	125	110
Warehouse	1/1,500 sq. ft.	1/2,000 sq. ft.	125	110
Wholesale Distribution	1/1,500 sq. ft.	1/2,000 sq. ft.	125	110
Industrial				
Artisan Manufacturing	1/300 ⁵⁷³	1/800 sq. ft.	125	110
Limited Manufacturing	1/300	1/800 sq. ft.	125	110
General Manufacturing	1/300	1/800 sq. ft.	125	110
Intensive Manufacturing	1/300	1/800 sq. ft.	125	110
Junk/Salvage Yard	1/300	1/800 sq. ft.	125	110
Marine-related Industrial	1/300	1/800 sq. ft.	125	110
Mining/Quarrying	1/300	1/800 sq. ft.	125	110
Research and Development	1/300	1/800 sq. ft.	125	110
Trucking and Transportation Terminals	1/300	1/800 sq. ft.	125	110
Urban Agriculture				
Community Garden	-			
Market or Community-supported Farm	2	2		
Animal Husbandry	-		-	-
Horticulture Nurseries and Greenhouses	1/ 4,000 sq. ft.	None for the first 2,000 sq. ft. then 1/4,000 sq. ft.		

⁵⁷² Carried over from current 14-503(8).

⁵⁷³ Carried over from current 14-503(8).

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Use Category	Minimum Required Parking (spaces/unit or spaces/gross floor area)	Maximum Number of Surface Spaces as % of minimum required
Subcategory		

Table Notes:

[1] Where seating is not provided, 1/1,000 sq. ft.

(4) SP District Parking Regulations

The parking regulations of this chapter apply to uses and development in SP zoning districts unless otherwise expressly stated in this chapter or the SP district regulations of 14-304 through 14-308. Applicable parking requirements for uses in SP districts are specified in the SP district regulations of 14-304 through 14-308.⁵⁷⁴

(5) Overlay District Parking Regulations

The parking regulations of this chapter apply to uses and development in overlay zoning districts unless otherwise expressly stated in this chapter or in the overlay district regulations of Chapter 14-400:.

(6) Surfacing of Spaces Beyond Minimum Required

If the applicant provides more than 20 spaces beyond the minimum off-street parking required by 14-702(1) through 14-702(5), as applicable, all spaces beyond the minimum required shall be surfaced with pervious paving materials that meet the design standards of the Philadelphia Stormwater Management Guidance Manual in order to reduce stormwater from those additional surface parking spaces.⁵⁷⁵

(7) Parking for Persons with Disabilities⁵⁷⁶

(a) Required Spaces

Where off-street parking is provided, accessible parking spaces complying with CABO/ANSI A117.1 shall be provided in compliance with Table 14-702-4. For every 8 or fraction of 8 accessible parking spaces, at least one shall be a van-accessible parking space complying with CABO/ANSI A117.1.

Table 14-702-4: Required Parking for Persons with Disabilities

Total Parking Spaces Provided	Minimum Number of Accessible Spaces
1 to 5	1 must be provided, but need not be reserved for disabled
6 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6

⁵⁷⁴ Note that we have allowed the SP districts to use the shared space and proximity to transit adjustments, which could result in them having to provide less parking than is shown in 14-300, but it gives them the right incentives to reduce parking and it would be difficult to exclude major traffic generators from these provisions.

⁵⁷⁵ These are new provisions. A trigger of 20 spaces above the minimum is used because it does not make sense for builders to shift paving materials for only a handful of spaces.

⁵⁷⁶ Carried over from current 14-1401(3).

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Total Parking Spaces Provided	Minimum Number of Accessible Spaces
210 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2% of total
more than 1,000	20 plus one for each 100 over 1,000

(b) Exceptions

(.1) One and Two-family Dwellings

One- and two-family dwellings are exempt from this requirement.

(.2) Multiple Dwellings

2% of parking spaces provided for multiple dwellings that are required to have accessible/adaptable dwelling units shall be accessible. Where parking is provided within or beneath a building, accessible parking spaces shall also be provided within or beneath the building.

(.3) Medical Facilities

10% of parking spaces provided for medical outpatient facilities shall be accessible. 20% of parking spaces provided for medical facilities that specialize in treatment or services for persons with mobility impairments shall be accessible.

(c) Location

Accessible parking spaces shall be located on the shortest accessible route of travel from adjacent parking to an accessible building entrance. In parking facilities that do not serve a particular building, accessible parking spaces shall be located on the shortest route to an accessible pedestrian entrance to the parking facility. Where buildings have multiple accessible entrances with adjacent parking, accessible parking spaces shall be dispersed and located near the accessible entrances. In multilevel parking structures, van-accessible parking spaces shall be permitted on one level.

(d) Signs

Designated accessible spaces shall be provided with vertical signage. The sign shall conform to the "Manual on Uniform Traffic Control Devices" as published by the U.S. Government Printing Office. Accessible parking spaces shall also be equipped with the "Reserved Parking Penalties Sign" in accordance with the Pennsylvania Traffic Engineering provisions for Sign R7-8B as required by PA Act 174-1993.

(8) Preferential Parking⁵⁷⁷

Buildings or projects with a primary use in the “public, institutional, civic,” “office,” “retail sales,” “commercial service,” or “vehicle or vehicular equipment sales and service” use categories with 30 or more parking spaces shall designate at least 5% of the parking spaces for carpool, vanpool parking, and hybrid/alternative fuel vehicles. These preferential parking spaces shall be located closer to the primary building or employee entrance than other employee parking with the exception of handicap parking.

(9) Regulation of Parking Space Use⁵⁷⁸

The providers of required off-street parking spaces and the city may reasonably control the users of those spaces by means that may include, but are not limited to, restricting all parking to the users of the facility, parking lot attendants control gates, tow-away areas, areas for exclusive use by employees, tenants or staff, areas restricted for use by customers or visitors, and imposing reasonable time limitations on users other than tenants, employees, or staff. Direct charges may be made to users who exceed maximum time limits. The City may review all methods of control and may disapprove of any restriction that adversely affects the purpose of this Chapter 14-700. The City may enforce any approved restrictions through any of the code enforcement provisions in 14-206.

(10) Standards Applicable to Specific Areas⁵⁷⁹

The following additional parking standards are applicable to specific areas of the city. Each off-street parking space in these areas shall comply with all of the applicable provisions of this chapter unless inconsistent with the provisions of this subsection.⁵⁸⁰

(a) RMX-1 and RMX-2 Parking⁵⁸¹

Off-street parking areas shall be located within 1,000 ft. from the building or buildings that they serve and may be located outside of the area of the development plan.

⁵⁷⁷ This is a new provision.

⁵⁷⁸ This is a new provision intended to encourage the use of forms of transit that consume less fuel or alternative fuels.

⁵⁷⁹ Throughout these provisions, the terms “floor area” “gross floor area” and “in the building” are used inconsistently in the current code. We have used “gross floor area” for all because it is easiest to measure. Since Module 2 the special provisions for eating and drinking establishments in the Manayunk area have been moved to the /NCA Manayunk district and similar regulations applicable to “Area C” along Lancaster Street have been deleted as no longer necessary.

⁵⁸⁰ The second sentence is a standard that currently applies to some special area regulations, but has now been made generally applicable.

⁵⁸¹ Carried over from current 14-215(5). Since Module 3 this has been extended as a general standard for RMX-2 and the previous specific parking provisions for RMX-2 have been deleted since they relate to the specific ITD and WRD district developments. They will be considered as part of the plans of development for those two developments.

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(b) CMX-1 Parking⁵⁸²

All buildings in any CMX-1 district shall comply with the parking requirements of the most restrictive bounding residential district located contiguous to or across the street from the building; provided, however, that when the building in question is attached to another building in a bounding residential district, the regulations of the that residential district shall apply.

(c) CA-1 Parking⁵⁸³

At the time of the erection of any building or structure, or for the extension of any building or structure, or for the subdivision of this district into 2 or more parcels, off-street parking spaces shall be provided on the same lot for all new buildings or structures, for all extensions or additions, for all subdivisions as well as for all existing buildings regardless of when they were erected, and regardless of the zoning classification, if any, that applied when they were erected, in accordance with the following standards:

- (.1) The number of parking spaces shall be provided in accordance with the following schedule:

Table 14-702-5: CA-1 Required Parking

General Rule	
Net Leasable Area of Building	Spaces per 1,000 sq. ft. of net leasable area
1 - 400,000 sq. ft.	4
400,001 - 600,000 sq. ft.	4.5
600,001 sq. ft. and over	5

Exception 1
 For any building that contained two or more stories on January 1, 1992, the net leasable area of all floors above the first floor shall require one-half of the parking listed in this table.

Exception 2
 Entertainment and Assembly Uses and Religious Assembly Uses that are constructed or expanded after January 1, 1992, shall provide 1 parking space for every 4 permanent seats. In the case of a building expansion, this ratio shall be met by the existing Entertainment, Assembly, or Religious Assembly space as well as the addition.⁵⁸⁴

- (.2) Where a CA-1 district is located within the same block frontage as an R district, all parking spaces and aisles shall be located behind the minimum setback required by the most restrictive R district on the same block.
- (.3) If it is impractical or infeasible to provide all required parking on the same lot, the ZBA may grant a special exception permit for all or part of the required parking area to be provided on another lot not more than

⁵⁸² Carried over from current 14-302(4).

⁵⁸³ Carried over from current 14-306(7) and 14-308(6).

⁵⁸⁴ This provision currently applies to indoor theaters, movie theaters and/or auditoriums.

550 ft. from the nearest lot line of the property it serves, provided that the off-site parking spaces are under direct ownership or control of the owner(s) of the building(s) served by that parking.⁵⁸⁵

(d) ICMX Parking⁵⁸⁶

With every building erected or extended in this district, after 1980 there shall be provided 1 off-street parking space for each 2,000 sq. ft. of gross floor area within the building. Parking required for extensions or additions to existing buildings shall be computed for the gross floor area of the extended or added portion only.

(e) I-2 Parking⁵⁸⁷

With every building erected or extended in this district after 1980 there shall be provided 1 off-street parking space for each 1,000 sq. ft. of gross floor area; provided, that for warehouses and other buildings and structures used primarily for storage, 1 off-street parking space shall be provided for every 3,000 sq. ft. of gross floor area. Parking required for extensions or additions shall be computed for the gross floor area of the extended or added portion only.

(f) I-3 and I-P Parking⁵⁸⁸

With every building erected in this district after December 31, 1980 there shall be provided 1 off-street parking space for each 2,400 sq. ft. of in the building provided, that for warehouses and other buildings and structures used primarily for storage, one off-street parking space shall be provided for every 3,700 sq. ft. of the gross floor area of the building.

(g) Delaware River Waterfront⁵⁸⁹

Parking for Eating and Drinking Establishments located in the mapped area below shall meet the following standards notwithstanding any other parking requirements applicable to those uses in the C districts.

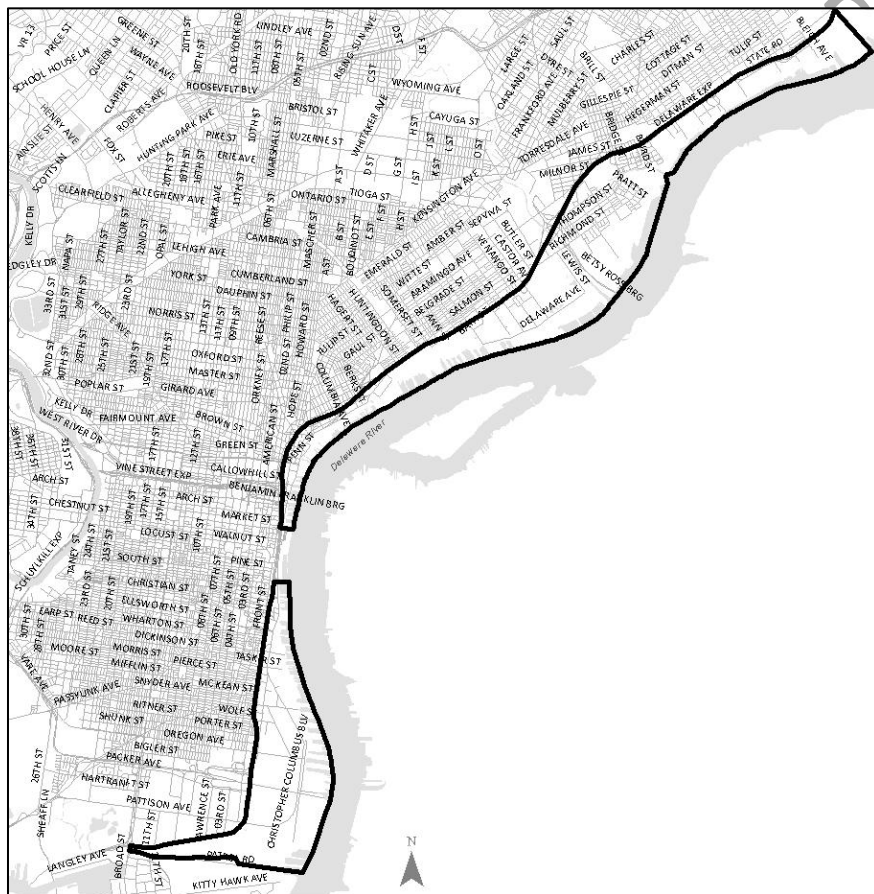
⁵⁸⁵ This provision applies the off-site parking provisions currently applicable to C-7 (550 ft.) rather than the “same block or across the street” provisions applicable to ASC and NSC.

⁵⁸⁶ Carried over from current 14-506.1 (L-5).

⁵⁸⁷ Carried over from current 14-507(7)(G-1), and using the 1/1000 G-2 parking ratio rather than the 1/800 G-1 parking ratio, and using the lower G-2 storage building ratio of 1/3000.

⁵⁸⁸ Carried over from current 14-509(8) and 14-510(5). These provisions were enacted in 1980, so the effective date has been clarified as the last day of that year.

⁵⁸⁹ The requirement for a special exception permit has been deleted.



(1) **Required Parking Spaces**⁵⁹⁰

The number of required parking spaces for any Eating and Drinking Establishment shall be determined by the legal occupancy (pursuant to the Philadelphia Building Construction and Occupancy Code) of the use as follows:

- (a) Restaurant: 1 space per 4 occupants; and
- (b) Other Eating and Drinking Establishments: 1 space per 2 occupants.⁵⁹¹

(2) **Location of Parking**

All required parking shall be provided as follows:⁵⁹²

- (a) All required parking shall be located either on the same lot as the Eating or Drinking Establishment or on an abutting lot, or on

⁵⁹⁰ The special parking standards for restaurants or nightclubs in hotels have been deleted. Instead the different parking ratios for each use in 14-702 will apply to the nightclub area and the hotel area of the building.

⁵⁹¹ These currently apply to dance halls and nightclubs.

⁵⁹² Special parking requirements related to the completed US Riverview movie theater have been deleted.

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a non-abutting lot (where parking is a permitted primary use or an approved special exception of land) within 1,000 ft. of the Eating or Drinking Establishment.

- (.b) Any required parking that is located on a lot other than the same lot as the Eating or Drinking Establishment or on an abutting lot shall also be located within the geographic boundaries set forth in these two sections.

(11) Adjustments and Alternatives⁵⁹³

The minimum parking requirements listed in 14-702(1) through 14-702(5) above shall be adjusted as follows:

(a) Sharing of Parking Spaces⁵⁹⁴

Where two land uses listed in separate use categories in Tables 14-502-1 through 14-502-4⁵⁹⁵ share a parking lot, parking lots, or structure, the total off-site parking required for those uses may be reduced by the factors shown in Table 14-702-6. Total off-street parking required shall be the sum of the two parking requirements for the two uses divided by the factors in Table 14-702-6. For example, where a development includes both (a) public, civic, and institutional uses and (b) retail sales uses, the amount of parking required is the sum of the parking required for the two uses independently divided by 1.2.

Table 14-702-6: Shared Parking Reduction Factors

Add the two parking requirements and divide by these factors

Property Use (as shown in Tables 14-502.1 and 14-502.2)	Multi-dwelling Building or Group Living	Public, Civic, or Institutional	Eating & Drinking, Assembly & Entertainment, or Visitor Accommodation	Retail Sales	Office or Commercial Services
Multi-dwelling Building or Group Living	-	-	-	-	-
Public, Civic, or Institutional	1.1	-	-	-	-
Eating & Drinking, Assembly & Entertainment, or Visitor Accommodation	1.1	1.2	-	-	-

⁵⁹³ Since Module 3, Transportation Demand Management option has been removed from this section to simplify administration of the zoning code.

⁵⁹⁴ This is a new provision.

⁵⁹⁵ Modified since Module 3 to apply to all zoning districts.

Property Use (as shown in Tables 14-502.1 and 14-502.2)	Multi-dwelling Building or Group Living	Public, Civic, or Institutional	Eating & Drinking, Assembly & Entertainment, or Visitor Accommodation	Retail Sales	Office or Commercial Services
Retail Sales	1.2	1.3	1.3	-	-
Office or Commercial Services	1.3	1.5	1.7	1.2	-

(b) Auto-Share Space⁵⁹⁶

The required minimum number of off-street parking spaces may be reduced by 4 spaces for each automobile parking space reserved for auto-share spaces, up to a maximum of a 40% reduction in the required minimum number of parking spaces in any one surface parking lot or parking garage. The calculation of maximum surface parking spaces shall not be affected by this reduction.

(c) Reduced Need Populations

- (.1) The required minimum number of off-street parking spaces may be reduced by 33% for any Group Living use in which occupancy of at least 80% of the units is restricted for use by those 60 years of age or older.⁵⁹⁷
- (.2) The required minimum number of off-street parking spaces may be reduced by 50% for any Group Living use in which occupancy of more than 80% of the units is restricted for use by those meeting the definition of “handicapped” individuals under the federal Fair Housing Act Amendments or under applicable Pennsylvania law.

(d) Proximity to Transit⁵⁹⁸

In addition to the parking adjustments permitted in 14-702(11)(a) through 14-702(11)(c) a reduction for proximity to identified transit nodes outside the Center City areas is available under 14-605 above.

(e) Reduction of Required Automobile Parking Spaces

For every 5 Class 1 bicycle parking spaces that are provided on a lot, the number of required off-street automobile parking spaces (excluding handicapped parking spaces) may be reduced by 1 space, up to a maximum reduction of 10%

⁵⁹⁶ This is a new provision.

⁵⁹⁷ The age limit was lowered from 62 to 60. Since Module 2 this reduction was increased from 20% to 33%.

⁵⁹⁸ This is a new provision. Since Module 3, the 20% reduction for parcels in the /CTR area has been deleted because the minimum parking required by Tables 14-702-1, 14-702-2, and 14-703-3 has been reduced. In addition the TOD reduction has been replaced by a larger reduction in 14-605. The reduction for proximity to bus transit has been deleted because of reductions in required parking in Tables 14-702-1, 14-702-2, and 14-703-3 as well as the TOD reduction in 14-605.

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of the required automobile parking spaces.

(12) Off-Site Parking⁵⁹⁹

Required parking spaces for condominiums, multi-dwelling, and nonresidential uses may be provided on a lot or parcel separate from the lot or parcel on which the principal use is located if the off-site parking complies with all of the following standards. Required parking spaces for persons with disabilities may not be located off-site.

(a) Location

No off-site parking space may (a) be located more than 600 ft. from an entrance to the primary use that the parking serves, as measured along the shortest legal pedestrian route, and (b) may not be separated from the primary use that the parking serves by a surface railroad track, stream, river, street with a right-of way wider than 100 ft., railroad or street overpass, or other physical barrier discouraging pedestrian connection to the primary use, unless approved by the ZBA pursuant to the variance procedure in 14-204(8).

(b) Zoning Classification

Off-site parking areas serving property in a C, I, or SP district may not be located in an R zoning district.

(c) Agreement for Off-Site Parking

In the event that an off-site parking area is not under the same ownership as the principal use served, a written agreement between the record owners shall be required. The agreement shall guarantee the use of the off-site parking area for a period of at least 10 years. An attested copy of the agreement between the owners of record shall be submitted to the L&I for recording in a form established by the Law Department. The agreement shall be recorded by the applicant before issuance of a building permit or certificate of occupancy for any use to be served by the off-site parking area. An off-site parking agreement may be terminated only if all required off-street parking spaces will be provided in accordance with the requirements of this Chapter 14-700. No use shall be continued if the parking covered by the agreement is removed unless substitute parking facilities are provided.

⁵⁹⁹ This is a new provision.

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(13) Lot and Structure Design Standards⁶⁰⁰

(a) Parking Space and Drive Aisle Dimensions⁶⁰¹

All required off-street parking spaces shall comply with the dimensional standards shown in Table 14-702-7 based on the angle of parking and/or parking space type.

Table 14-702-7: Dimensional Standards for Parking Spaces and Aisles

Parking Angle/Type	Stall Width (Ft.) [1]	Stall Depth (Ft.) [2]	Minimum and Maximum Aisle Width (Ft.)
Regular Space - Parallel	8.5	20	24 ft. for two way traffic [3]
Regular Space - 45 degrees	8.5	18	15 ft. [3] [4]
Regular Space - 60 degrees	8.5	18	20 ft. [3]
Regular Space - 90 degrees	8.5	18	24 ft. for two way traffic [3]
Compact Parking Spaces [5]	8	16	Same as for regular spaces
Handicapped and Senior Citizens Parking Spaces ⁶⁰² [6]	10	18	24 ft. for two way traffic [3]

Table Notes:

- [1] As measured by a line perpendicular to the stall line at a point on the outside end of the stall, except when the stall is on the inside edge of a curve, in which case the point of measurement shall be on the inside end of the stall.
- [2] As measured from required curb on the inside edge of the stall.
- [3] Where one-way traffic is proposed, the aisle width may be reduced to 12 ft.
- [4] Except where needed as a fire lane in which case a 20-ft. minimum is required.
- [5] Limited 25% of all parking spaces in lots with more than 25 spaces. All compact spaces must be clearly identified.⁶⁰³
- [6] Limited to senior citizen structures that are built, designed, and age-restricted to those 60 years of age and older.⁶⁰⁴

(b) Reservoir Space

All surface parking lots and garages shall provide the number of off-street reservoir spaces required by Table 14-702-8 between the street line and valet pick-up point or the ticket issuing mechanisms or booths. If the parking lot or garage has 2 or more points of ingress, the total number of reservoir spaces required at all points of ingress together shall be at least the number required by Table 14-702-8, and there shall be at least 1 reservoir space at each point of ingress:

⁶⁰⁰ Provisions from current 14-1402 regarding “types of parking required” were not carried over as redundant of other provisions.

⁶⁰¹ This table is new but incorporates a number of current standards. A standard in current 14-1404(4) that all parking spaces in industrial districts be at least 9 ft. by 18 ft. was deleted.

⁶⁰² Carried over from current 14-1402(4).

⁶⁰³ Carried over from current 14-1402(4) and 14-1403(2).

⁶⁰⁴ The age limit has been lowered from 62 to 60.

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Table 14-702-8: Required Reservoir Space

Number of Parking Spaces Provided	Off-street Reservoir Space Required (7 ft. by 15 ft.)
1 to 20	1
21 to 50	2
51 to 100	3
101 to 200	5
Over 200 spaces	5 plus 1 additional for every 10 spaces over 200

(c) Mechanical Parking⁶⁰⁵

- (.1) A mechanical access parking garage is a form of parking garage. An accessory mechanical access parking garage shall be permitted wherever an accessory parking garage is permitted. A non-accessory mechanical access parking garage shall be permitted wherever a non-accessory parking garage is permitted.
- (.2) Automated Valet-type garages are exempt from any aisle, driveway width and parking space size requirements, but must provide required reservoir spaces.
- (.3) Self Park-type garages are exempt from parking space size requirements, but must meet any aisle and driveway width requirements.
- (.4) Tandem Parking-type garages are exempt from parking space size requirements, but shall meet any aisle and driveway width requirements.⁶⁰⁶

(d) Landscaping and Screening

All parking lots and parking garage structures shall comply with all applicable requirements of 14-607(4).

(e) Location Requirements for Surface Parking Areas⁶⁰⁷

- (.1) **R District Residential Uses (Except Conversions in RM-1 District).**
 Surface parking spaces for detached houses, twin houses, duplexes, and multi-dwelling buildings shall not be located in required front, side, or rear yards. Parking a vehicle on a legal driveway is permitted regardless

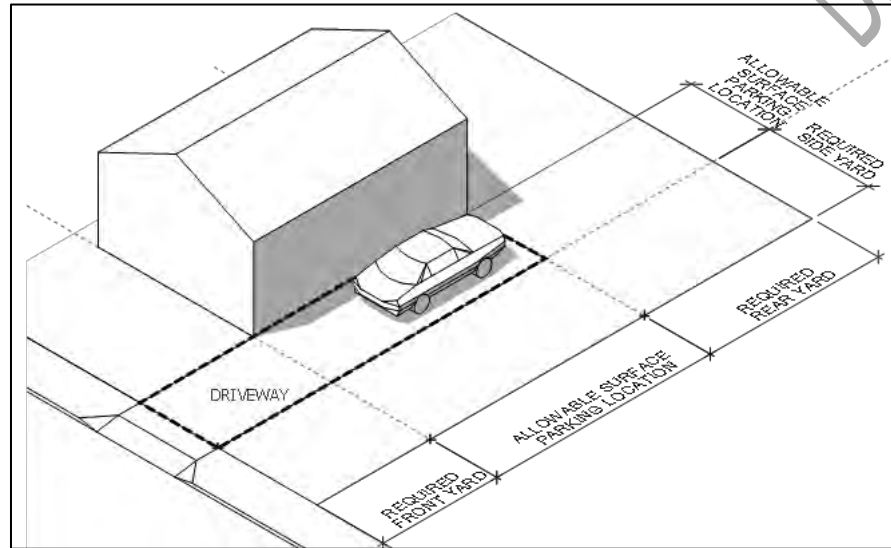
⁶⁰⁵ This section was included from Council Bill No. 080575.

⁶⁰⁶ The sentence “In calculating the number of parking spaces, each lift shall only count as one space, regardless of the number of cars that the lift can hold” was dropped tandem-parking spaces generally do not use lifts, because it defeats the purpose of mechanical parking (space savings), and because it would make it difficult to enforce maximum parking space limits.

⁶⁰⁷ Carried over from current 14-203(1)(e), 14-1402(3), 14-1402(6), 14-1403(4), 14-1404(6). The term “open-air parking” has been replaced with “surface parking” throughout the Zoning Code.

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of whether the driveway is located in a setback.⁶⁰⁸



(.2) **Conversions in RM-1 Districts**

Surface parking areas may be located in any part of a side or rear yard, and need not be any required distance from any structure. Parking in a detached garage structure shall be governed by the provisions of subsection (.1) above.

(.3) **R District Rowhouses⁶⁰⁹**

(.a) Parking may be permitted in the rear yard of an attached home where the lot is served by an alley or driveway with a minimum width of 12 ft. The rear of the parking space shall be set back from the rear street line by at least 10 ft.

(.b) After the effective date of this Zoning Code, new front curb cuts and driveways shall not be permitted if the City allows on-street parking on the side of the street where the curb cut would be located.

(.4) **Nonresidential Uses Permitted in Residential Districts⁶¹⁰**

The following restrictions apply to parking for nonresidential uses permitted in R districts.

(.a) To the rear of the building, surface parking areas shall be

⁶⁰⁸ The last sentence of this provision is new since Module 3.

⁶⁰⁹ These provisions are new since Module 3.

⁶¹⁰ This standard currently applies to a list of specific nonresidential uses, but those uses have now been consolidated into broader categories, so the standard has been made generally applicable to nonresidential uses except those in the Industrial Use category.

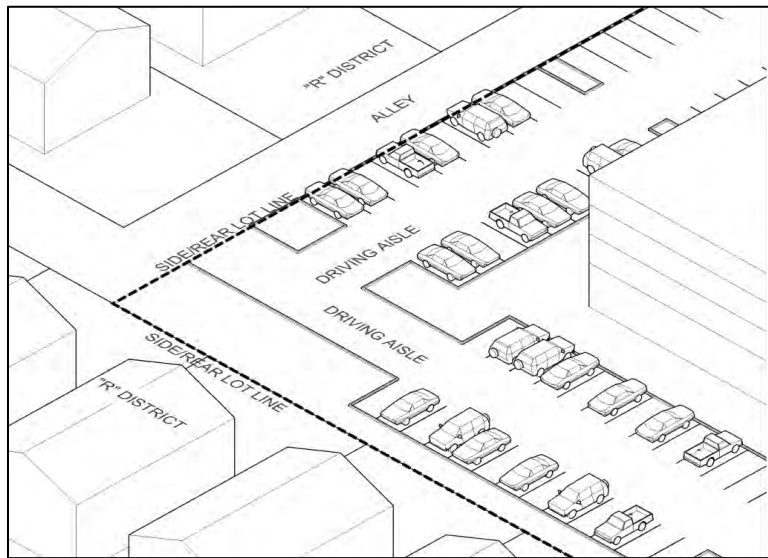
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located between the building and the required rear yard;

- (.b) To the side of the building, surface parking areas shall be located between the building and the required side yard; and
- (.c) In front of the building, off-street parking shall not be located between the street line and the front wall of the building.⁶¹¹

(.5) **C Districts**

- (.a) Where a building with a primary use in the “public/civic/institutional,” “office,” “retail sales,” or “commercial services” use categories is located on a lot or parcel whose side or rear lot line is adjacent to an R district with occupied residential structures, or is separated from an R district with occupied residential structures by only an alley or driveway, no more than one driving aisle with parking spaces on both sides of the aisle may be located between the primary structure and any lot line boundary with the R district.



- (.b) In the CMX-2.5 district off-street parking is not permitted between the building line and the street line.⁶¹²

(.6) **I Districts⁶¹³**

Surface parking lots or parking structures in any I district may be located

⁶¹¹ Subsection (c) replaces a standard reading “In the front of the building, surface parking areas shall be located behind the required building setback line.”

⁶¹² This provision is new since Module 3 because most provisions related to commercial corridor overlays have been moved into the new CMX-2.5 base district.

⁶¹³ Carried over from current 14-1404(5). This has been expanded to apply to the new ICMX district.

anywhere upon the lot provided that in the IRMX, ICMX and I-1 districts any parking located between the front of the building and a street shall be located behind the required building setback line established in Table 14-601-4.

(f) Location Requirements for Parking Garages

(.1) Detached House, Twin House, Duplex, or Rowhouse

A one-story accessory private dwelling garage or carport is permitted in any part of a rear yard provided that:

- (.a) The permitted occupied area of the lot is not exceeded;
- (.b) Any newly erected private dwelling garage shall maintain a minimum setback of 3 ft. between the garage and any property line;⁶¹⁴
- (.c) Any newly erected private dwelling garage shall not exceed a maximum height of 10 ft. (measured at the highest point of the garage) for garages with flat roofs or shed roofs and 15 ft. (measured at the highest point of the garage) for garages with gable, hip or gambrel roofs; and
- (.d) Any newly erected garage shall be set back at least 18 ft. from the edge of the sidewalk (or if there is no sidewalk, then the street) closest to the dwelling.

(.2) Multi-dwelling Buildings and Nonresidential Uses Permitted in Residential Districts

A detached garage structure is permitted provided it is located:

- (.a) To the rear of the building, the garage shall be located behind the minimum depth and area required for the rear yard;
- (.b) To the side of the building, the garage shall be located between the building and the required minimum side yard; and
- (.c) No detached parking garage shall be located between the street line and the front wall of any building.⁶¹⁵

(g) Design Requirements for Surface Parking Lots

Where required parking spaces are provided in surface parking lots for any use other than accessory parking for a detached house; twin house; duplex;

⁶¹⁴ We have eliminated: "After the effective date of the Ordinance that enacted this subsection," in (.b) and (.c).

⁶¹⁵ This replaces a standard reading "In front of the building, the garage shall be located behind the required building setback line."

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rowhouse; wholesale, distribution, or storage; or industrial use as described in 14-501.

(.1) **Grades**

All surface parking spaces shall be situated on ground that does not contain any grades in excess of 10%.

(.2) **Materials⁶¹⁶**

All surface parking lots shall be covered with a hard top surface of cement concrete, bituminous concrete, asphalt, or pervious pavement, including all accessways and/or driveways from the street.

(.3) **Certificate of Approval**

Shall comply with the applicable provisions of Section 9-601 of the Philadelphia Code, shall obtain a Certificate of Approval issued by the Department of Streets, and shall submit that certificate as part of any zoning application.

(.4) **Screening**

All surface parking lots shall be screened according to 14-607(4).

(.5) **Walkways⁶¹⁷**

Where a parking area accessory to multi-dwelling buildings, permitted nonresidential uses in residential districts, or buildings containing “public, civic, institutional,” “office,” “retail sales,” “commercial services,” or “vehicle and vehicular equipment sales and services” is provided, and that parking area contains more than 25 spaces and is located between a building and a public street, pedestrian walkways at least 5 ft. wide shall be provided and shall comply with the following standards:

- (.a) Each walkway shall be located within or along the edge of the parking lot and shall connect the street and the building.
- (.b) One pedestrian walkway meeting these standards shall be provided for each 300 ft. of street frontage; and
- (.c) Where a walkway crosses a driveway or aisle, the driveway

⁶¹⁶ This section has been revised since Module 3 to combine the repetitive requirements of sections (.2) and (.3).

⁶¹⁷ Carried over from current 14-1402(9) and 14-1403(6) and expanded to cover most surface parking lots except industrial and low density residential land uses. Landscaping, screening, and lighting have been moved to those respective sections of this draft. The following language was deleted as unnecessary: “An additional area of the surface parking lot or parking garage equal to not less than 25 percent of the total area of the lot or garage shall be provided for access driveways and aisles. This requirement shall not apply in connection with a mechanical-access parking garage, as defined in Section 406.3.2 of The Philadelphia Building Code.”

and/or aisle shall be clearly marked and signed so as to indicate the location of the walkway and to require vehicles to stop for individuals using the walkway.

(.6) **Vehicle Access Points**⁶¹⁸

Along any street frontage, a surface parking lot shall have no more than one curb cut for both ingress and egress, the maximum width of which shall not exceed 24 ft., or 2 one-way curb cuts the maximum width of which shall not exceed 12 ft., providing that the curb cuts shall not occupy more than 50% of the street frontage.⁶¹⁹

(h) **Design Standards for Detached Garage Structures in RMX-3 and C Districts**⁶²⁰

Parking in detached garage structures in the RMX-3 district or any C district shall meet the following standards.

(.1) **Vehicle Access Points**

(.a) Along any street frontage, a surface parking lot shall have no more than one curb cut for both ingress and egress, the maximum width of which shall not exceed 24 ft., or 2 one-way curb cuts the maximum width of which shall not exceed 12 ft., provided that the curb cuts shall not occupy more than 50% of the street frontage.⁶²¹

(.b) At every point where a driveway, whether for ingress or egress, crosses a public sidewalk, the area of the sidewalk between the building line and the curb line, equal wide to the driveway(s) shall be of a different, color, texture or paving material, in accordance with the standards of the Department of Streets, so as to indicate and warn pedestrians of the existence of the driveway.

⁶¹⁸ The combined driveway width has been reduced from 30 ft., and the one-way width from 16 ft. pursuant to recommendations in the Planning Commission's Pedestrian and Bicycle Plan.

⁶¹⁹ Standard from current 14-214(13) now applied to most parking lots except industrial and low density residential uses.

⁶²⁰ Carried over from current 14-214(13) and expanded to cover CMX-5. Provisions in 14-214(13) and 14-305(13)(C-4) related to inclusion of parking garage areas in calculation of FAR have been moved to 14-1002. Language on individualized design review of garages in current 14-305(13)(b) has been deleted in favor of the objective design standards in this section.

⁶²¹ Standard from 14-214(13) now applied to all RMX-3 and C district garages. The combined driveway width has been reduced from 30 ft., and the one-way width from 16 ft. pursuant to recommendations in the Planning Commission's Pedestrian and Bicycle Plan.

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(.2) **Facades**⁶²²

All above ground portions of accessory or non-accessory parking garages or portions of structures occupied by automobile parking shall meet the following standards:

- (.a) Façade openings that face any public street or publicly accessible open space shall be vertically and horizontally aligned and all floors fronting on those facades shall be level (not inclined).
- (.b) At least 30% of each façade facing a public street or publicly accessible open space shall be occupied by doors (on the ground floor), windows, screens, grills, louvers, openings, or other non-opaque façade elements that resemble those features.
- (.c) The remainder of each façade facing a public street or publicly accessible open space shall be designed to conceal the view of all parked cars and internal light sources when viewed from the public street or publicly accessible open space.

(.3) **Ground Floor Retail Use**

- (.a) In RMX-3 and C districts any portion of the ground floor façade that abuts a sidewalk or a public space and that is not occupied by entrances, exits, or waiting areas shall be designed and constructed with a ceiling height of at least 8 ft. in order to allow occupancy of those areas occupied by an “office,” “retail sales,” “commercial services,” or “public/ civic/institutional” uses.⁶²³
- (.b) “Office,” “retail sales,” “commercial services,” or “public/civic/ institutional uses” are allowed as accessory uses in parking garages that are subject to the provisions of this 14-702(13)(h).

(i) **Design Standards for Private Dwelling Garages**⁶²⁴

- (.1) Private dwelling garages may not exceed a maximum depth of 25 ft. and a maximum width of 35 ft.

⁶²² New standards.

⁶²³ Carried over from 14-214(13)(b)(2) and modified to apply to a defined area in Center City. New 14-1002 clarifies that required ground floor non-parking areas are not counted towards the gross floor area of the project.

⁶²⁴ These provisions have been moved from 14-504 (Accessory Structures) since Module 2 in order to consolidate provisions related to parking and garages in this chapter.

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- (.2) A detached one-story private dwelling garage that does not exceed 15 ft. in height may be located in any part of a required rear yard, subject to compliance with maximum building coverage requirements.
- (.3) After June 23, 1998, all newly erected (detached) private dwelling garages must maintain a minimum 3-foot setback from all property lines.
- (.4) After June 23, 1998, all newly erected (detached) private dwelling garages with flat or shed roofs are subject to a maximum height limit of 10 ft. Garages with gable, hip or gambrel roofs are subject to a maximum height of 15 ft. In both cases, height is measured in accordance with the building height measurement provisions of 14-1002(6).⁶²⁵

14-703 Bicycle Parking⁶²⁶

(1) Required Bicycle Parking Spaces

Bicycle parking spaces shall be provided in accordance with Table 14-703-1:

Table 14-703-1: Required Bicycle Parking

All uses except single and multiple family dwellings, public parking lots, and low-occupancy facilities	
Gross Floor Area	Required Minimum Number of Bicycle Parking Spaces
0-7,500 sq. ft.	0
7,501 – 20,000 sq. ft.	2
Over 20,000 sq. ft.	1 per every 10,000 sq. ft. or fraction thereof
Multi-dwelling Building	Minimum Number of Class 1A Bicycle Parking Spaces
Less than 12 dwelling units	0
12 or more dwelling units	1 per every 3 dwelling units or fraction thereof
Low-Occupancy Facilities	
Number of Employees	Minimum Number of Bicycle Parking Spaces
0-5	0
6-20	2
21-80	4
Over 80	1 per every 20 employees or fraction thereof
Public Parking Lots	
Number of Automobile Spaces	Minimum Number of Bicycle Parking Spaces
4-20	2
21-40	4
41 or more	1 per every 10 spaces or fraction thereof

⁶²⁵ Revised since Module 2 to allow height measurement to mid-point on pitched roof garages.

⁶²⁶ Incorporated from Bill No. 90190.

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(2) Location of Bicycle Parking Spaces

- (a) All required bicycle parking shall be located on an accessible route as defined by the Philadelphia Building Code.
- (b) Bicycle racks may be placed in the public right-of-way to achieve the required number of spaces under this subsection, provided that the building owner enters into a maintenance agreement with the Department of Streets and a permit for the installation is obtained from the Department of Streets prior to the issuance of any required zoning permit.
- (c) All required bicycle parking spaces outside a building shall be located within a 50 ft. radius of the primary building entrance except in the following circumstances:
 - (.1) When bicycle parking spaces are to be located on the premises outside a building, L&I may modify or waive this requirement if it would cause a conflict with any other code or regulation, but all required spaces shall be located as close to the primary building entrance as site conditions allow.
 - (.2) When bicycle parking spaces are to be located in the public right-of-way, the Department of Streets may modify or waive this requirement if it would result in excessive sidewalk clutter, impede pedestrian circulation, or cause a conflict with any other code or regulation, but all required spaces shall have convenient access to building entrances that are typically open to intended users.
 - (.3) Bicycle parking spaces located in attended parking facilities shall be located adjacent to the attendant booth or in an area under constant surveillance.
 - (.4) When bicycle parking is required, bicycle access routes shall be provided between any public bicycle lanes, paths, or routes on adjacent streets and the on-site bicycle parking areas.⁶²⁷

(3) Security

- (a) Rack elements, or the part of the bike rack that supports one bicycle, shall comply with standards established by L&I and the Department of Streets and shall support the bicycle frame at two locations, prevent the wheel of the bicycle from tipping over, and enable the frame and one or both wheels to be secured with a user-supplied locking device.

⁶²⁷ Subsection (.4) has been added since Module 3.

- (b) Bicycle storage facilities shall be provided with tamper-proof locks. When multiple bicycles are stored together, provisions shall be made for locking individual bicycles.

14-704 Drive-Throughs and Vehicle Stacking Areas⁶²⁸

The following standards shall apply to businesses that contain a drive-through establishment, regardless if the drive-through is part of another use (e.g., restaurant or financial institution) or if it is a stand-alone use (e.g., automatic teller machine).

(1) General Standards

- (a) Audible electronic devices such as loudspeakers, automobile service order devices, and similar instruments shall not be located within 50 ft. of any residential property line and shall be subject to Section 8.28.020 K of the Philadelphia Code.
- (b) No service shall be rendered, deliveries made, or sales conducted within the required front yard or corner side yard. Customers served in vehicles shall be parked to the sides and/or rear of the principal building.
- (c) All drive-through areas, including but not limited to menu boards, stacking lanes, trash receptacles, loudspeakers, drive up windows, and other objects associated with the drive-through area shall be located in the side or rear yard of a property to the maximum extent feasible, and shall not cross, interfere with, or impede any public right-of-way.
- (d) Any drive-through lane located within 30 ft. of an R district shall be buffered from that district through the use of one of the landscape buffer options for commercial/residential boundaries shown in 14-607(5)(a)(.2) regardless of the zoning district in which the drive-through use is located.

(2) Design of Stacking Lanes

Stacking lanes shall be provided for any use having a drive-through establishment and shall comply with the following standards:

- (.1) Drive-through stacking lanes shall have a minimum width of 10 ft.
- (.2) When stacking lanes are separated from other stacking lanes, bypass lanes, or from other site areas, the separation shall be by means of a raised concrete median, concrete curb, or landscaping.
- (.3) Stacking lanes shall be set back 20 ft. from property line.

⁶²⁸ This is a new provision.

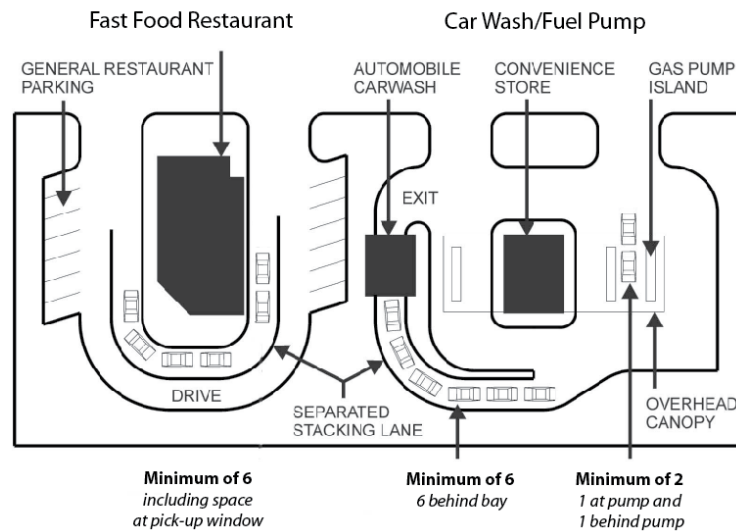
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(b) Stacking Space and Lane Requirements

The number of required stacking spaces shall be as provided for in the following Table 14-704-1.

Table 14-704-1 Stacking Space Requirements

Activity	Minimum Stacking Spaces (per lane)	Measured From:
Financial Services or Automated Teller Machine (ATM)	3	Window or ATM
Eating and Drinking Establishments	5	Order Board
Personal Vehicle Repair and Maintenance – full service car wash	6	Outside of Washing Bay
Personal Vehicle Repair and Maintenance – self service car wash	2	Outside of Washing Bay
Personal Vehicle Repair and Maintenance – motor vehicle fuel sales	2	Pump Island



14-705 Off-Street Loading⁶²⁹

All development shall comply with the off-street loading standards in this section unless excluded by the provisions of this section. In the case of mixed use buildings or developments, off-street loading requirements shall only apply to that portion of the building or development in nonresidential use, and only if required by the standards in this section.⁶³⁰

(1) General Requirement for All Districts⁶³¹

Every building erected after January 1, 1992 on a property that is abutting 2 or more

⁶²⁹ This material was carried over from current 14-1405(1) and 14-216(9). We have reorganized the multiple tables in that section and consolidated repetitive table notes into a single section. Material currently applicable in the WRD district is now generally applicable to RMX-2.

⁶³⁰ The second sentence is carried over from the current RC-2 and RC-3 standards in current 14-212(5) and 14-213(4) and made applicable to all mixed use development.

⁶³¹ Carried over from current 14-1405(1). The term “hospital or institutional” use was replaced by the use category “public, civic, or institutional use.” The multiple tables in this section have been combined into a single table.

streets, and that is arranged, intended, or designed to be used (a) for “office,” “public, civic, or institutional,” or “visitor accommodation” uses in an R district other than RMX-3, or (b) for any “retail sales,” “commercial service,” or “vehicle and vehicular equipment sales and service” use in a C district other than CMX-4 or CMX-5, and (c) that has an aggregate gross floor meeting the requirements of Table 14-705-1 arranged, intended or designed for any of those listed uses, shall provide off-street loading spaces in accordance with Table 14-705-1.

Table 14-705-1: Off-Street Loading

District	Gross Floor Area (Sq. Ft.)	Required Loading Spaces
R districts except RMX-3	100,000 - 150,000	1
	150,001 - 400,000	2
	400,001 - 660,000	3
	660,001 - 970,000	4
	970,001 - 1,300,000	5 [1]
RMX-3, CMX-4, and CMX-5 districts	None, See Section 14-705(2)	
C districts except CMX-4 and CMX-5	20,000 - 40,000	1
	40,001 - 100,000	2
	100,001 - 160,000	3
	160,001 - 240,000	4
	240,001 - 320,000	5 [2]
I districts	10,000 - 20,000	1
	20,001 - 40,000	2
	40,001 - 60,000	3
	60,001 - 80,000	4
	80,001 - 100,000	5[3]

Table Notes:

[1] For each additional 350,000 sq. ft. over 1,300,000, one additional space.

[2] For each additional 90,000 sq. ft. over 320,000, one additional space.

[3] For each additional 50,000 sq. ft. over 100,000, one additional space.

(2) RMX-3, CMX-4 and CMX-5 Districts⁶³²

Off-street loading is permitted but not required. If provided, spaces shall be in accordance with the following requirements:

(a) Minimum Dimensions

Loading spaces shall be designed to meet the dimensions in Table 14-705-2.

Table 14-705-2: RMX-3, CMX-4, CMX-5 Required Loading Space Dimensions

Required Loading Space	Dimensions
1	10 ft. wide, 40 ft. long, 14 ft. high
2	11 ft. wide, 60 ft. long, 14 ft. high
3	10 ft. wide, 30 ft. long, 14 ft. high

⁶³² Carried over from current 14-214(14) and 14-305(14)(C-4).

Required Loading Space	Dimensions
4	10 ft. wide, 40 ft. long, 14 ft. high
5	11 ft. wide, 60 ft. long, 14 ft. high
Each additional	10 ft. wide, 30 ft. long, 14 ft. high

(b) Enclosed Structure Required

Every off-street loading space shall be located within a totally enclosed structure and shall be located either (1) within the building it serves, or (2) in the case of multiple buildings, within an enclosed structure with direct access to each building the loading spaces serve.

(c) Ingress and Egress⁶³³

Each individual loading space or group of loading spaces shall be limited to 1 two-way curb cut with a maximum width of 24 ft. on the street frontage or 2 one-way curb cuts with a maximum width of 16 ft. on each street frontage, unless the restriction in subsection (d) below applies. As an exception to this standard, when the loading spaces or their access drives have direct access to a street of less than 40 ft. wide, there shall not be a limit imposed on the size of the curb cut(s) to that street. In addition, at every point where a driveway crosses a public sidewalk, the area of the sidewalk between the building line and the curb line, equally wide to the driveway(s) shall be of a different color, texture or paving material as required by the standards of the Department of Streets, so as to warn pedestrians of the existence of the driveway.

(d) Restrictions on Location

- (.1) Loading and trash storage areas that have vehicular ingress and/or egress on Chestnut Street or Walnut Street between Front Street and the Schuylkill River, on Locust Street between Front Street and Juniper Street or between Fifteenth Street and the Schuylkill River, on Spruce Street east of Broad Street, or on the Benjamin Franklin Parkway are prohibited.⁶³⁴
- (.2) Loading and trash storage areas that are located on Broad Street between Pine Street and Spring Garden Street or on Market Street between Front Street and the Schuylkill River and that have vehicular ingress and/or egress on Broad Street or Market Street, are prohibited unless a special exception permit is obtained pursuant to Section 14-204(4).⁶³⁵

⁶³³ The combined driveway width has been reduced from 30 ft., and the one-way width from 20 ft. pursuant to recommendations in the Planning Commission’s Pedestrian and Bicycle Plan.

⁶³⁴ Carried over from current 14-214(2)(a)(4)(e) and 14-305(2)(b)(3)(d).

⁶³⁵ Carried over from current 14-214(3)(b) and 14-305(3)(e).

(e) Common Loading

Two or more buildings may share a common loading area provided that the loading area is located within a commonly accessible structure and that the total number of loading spaces provided is calculated on the basis of the sum of the loading spaces required for each building that the common spaces are intended to serve. All parties that will share the loading area shall enter into a mutually binding agreement running with the land that is satisfactory to the Law Department and that indicates the rights of common usage and obligations of each party.⁶³⁶

(3) General Design and Access Standards⁶³⁷

Unless a different standard is applicable pursuant to subsections (a) through (f) above, the following standards apply to all required off-street loading spaces.

- (a) Where off-street loading spaces do not adjoin the street, convenient access at least 12 ft. wide to each space shall be provided.
- (b) Access driveways across sidewalks abutting public streets shall be subject to the approval of the Department of Streets.
- (c) Each required off-street loading space shall be at least 11 ft. wide, 60 ft. long, and have at least 14 ft. of unobstructed height unless otherwise stated in another provision of this Zoning Code for a specific location.⁶³⁸
- (d) No required off-street loading space may be located in a required front setback or rear or side yard area.⁶³⁹

⁶³⁶ Carried over from current 14-305(14)(a)(4).

⁶³⁷ Carried over from current 14-1405(5-7) and made generally applicable to all required loading areas.

⁶³⁸ The current text says that “the first of which” loading spaces shall have these dimensions, which leaves open the question of what dimensions apply to the rest of the required spaces. We have expanded from table 14-705-4 to address the additional spaces.

⁶³⁹ Carried over from the current definition of a loading space in 14-102(67).

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⁶⁴⁰ Unless otherwise noted, provisions are carried over from Chapter 14-800 of the current code. Unlike most other development standards, sign regulations have not been substantively changed. Existing material has been reworded for clarity and organized in tables in a common sign code format. Provisions for enforcement, abatement, and penalties are moved to 14-200. Sign regulations for Neighborhood Commercial Revitalization Areas currently appearing in 14-2008 have been removed as the City considers whether these controls, which were adopted almost 30 years ago, remain relevant and necessary. Special sign controls for specific areas found in current 14-2003, 14-2004, 14-2006, and 14-2006.1 have been incorporated into this Chapter.

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14-801 Intent

It is the intent of this Chapter 14-800: is to designate the location, size, type, and features of both commercial and non-commercial signs within the city but not to engage in any form of content-based regulation of sign messages prohibited by the federal or state constitution, statutes, or court decisions. If any portion of this section is determined to include any form of impermissible content-based regulation, that provision shall be severed from the remainder of this Chapter 14-800 and shall be revised to reflect the least possible change that avoids impermissible content-based regulation, and the remainder of this Chapter shall remain in effect. It is the specific intent of the city that any unintentional impermissible content-based regulations not result in the invalidation of this Chapter. A non-commercial message may be substituted for a commercial message on any sign permitted by this Chapter.⁶⁴¹

14-802 Applicability

(1) Applicable to All Signs

The provisions of this Chapter 14-800 apply to all accessory and non-accessory signs in the city.

(2) Specific Sign Controls

In addition, specific sign controls in overlay districts listed in Chapter 14-400: and sign controls applicable to specific uses pursuant to 0 apply. In the case of any inconsistency between the sign controls in different sections of this Zoning Code, the strictest provisions shall apply, except that where an overlay district contains separate sign regulations those regulations shall apply.

14-803 When a Permit is Required

(1) Permit Required

Unless exempted by 14-803(2) below, no person shall erect or maintain any sign unless that person has obtained a permit from L&I pursuant to 14-204(9). Any person owning, operating, or maintaining any building or structure shall comply with the requirements of this chapter and shall insure the compliance of all tenants with these requirements by lease or otherwise.⁶⁴² No permit to erect or maintain any sign shall be granted unless that sign:

- (a) Complies with the requirements of this chapter and the regulations issued under it;
- (b) Complies with all other applicable provisions of this Zoning Code;

⁶⁴¹ This is a new provision to simplify compliance with recent court decisions based on content-based sign regulations.

⁶⁴² This provision was originally applicable to only sign size requirements, but has been moved here to apply more generally so that all building owners are responsible for their tenant's compliance with this Chapter.

- (c) Complies with all applicable regulations of the Art Commission; and
- (d) Complies with all applicable regulations of the Department of Parks and Recreation.⁶⁴³

(2) Actions for Which No Permit is Needed⁶⁴⁴

The following actions related to signs may be performed without obtaining a permit from the city, but the resulting sign must conform to the provisions of this Zoning Code, and failure to conform is a violation of this Zoning Code.

- (a) Display of advertising matter displayed on vehicles, pedestrians, or newsstands;
- (b) The placement of Information required by law to be placed on structures;
- (c) Posting of a notice that a property is for sale or for rent; and
- (d) Changing sign content related to permitted, conditional, or ZBA approved uses on the same property where the sign is located.

14-804 Prohibited Signs

The following on-premises signs are prohibited within the districts or areas listed in Table 14-804-1. In addition, the overlay district provisions of Chapter 14-300: or the overlay zoning district provisions of Chapter 14-400: or an approved Plan of Development for the property may prohibit additional types of signs.

Table 14-804-1: Prohibited Signs by District or Area

Prohibited Sign Type	District or Area Name	Previously Known As ⁶⁴⁵
Revolving or Flashing Signs ⁶⁴⁶	RMX-1, RMX-3	RC-6, RC-4
	RMX-2 (if prohibited in approved Plan of Development)	WRD, ITD
	CMX-1 through CMX-5	C-1, C-2, RC-2, C-3, RC-3, C-4, C-5, CA-1, NSC, ASC ⁶⁴⁷
	IRMX	New
	ICMX, I-1, I-2, I-3, I-P	L-1, L-2, L-3, L-4, L-5, G-1, G-2, LR, I-P
	SP-INS	IDD
	SP-ENT	CED
Portable signs	RMX-3	RC-4

⁶⁴³ “Fairmount Park Commission” has been replaced by the “Department of Parks and Recreation” throughout.

⁶⁴⁴ Carried over from current 14-1901 (a definition of signs that excludes these types of signs). Current 14-1901 excludes “notice to the public that a property is for sale or for rent, except as provided in current 14-1902(4)” in the definition of a sign. The prohibition on for sale or for rent signs on Market, Chestnut, Walnut, Locust, Spruce, and Pine Streets, between the Schuylkill and Delaware Rivers has been deleted.

⁶⁴⁵ This column will be deleted before the code is adopted.

⁶⁴⁶ IRMX provisions have been added, since it is a new zone district. Note that the current code does not prohibit revolving signs, flashing signs, revolving/flashing signs, portable signs, or freestanding signs in the RSD, RSA, or RM districts (formerly districts R1 through R-20).

⁶⁴⁷ Revolving signs prohibited only in C-2 District (not RC-2) and in C-3 District (not RC-3).

Prohibited Sign Type	District or Area Name	Previously Known As ⁶⁴⁵
	CMX-4, CMX-5	C-4, C-5
Roof signs	RMX-3	RC-4
	CMX-4, CMX-5	C-4, C-5
Freestanding Signs	RMX-2	WRD, ITD

14-805 Accessory Sign Controls⁶⁴⁸

No accessory sign shall be erected or maintained anywhere in the city except in conformity with the applicable provisions of this 14-805 and all applicable sections of this Zoning Code. Any sign that does not conform to those requirements is declared a public nuisance. Signs that are not accessory to a permitted use, special exception, or ZBA-approved use on the same property are governed by 14-806. Permitted and special exception uses of property are governed by Chapters 14-300 through 14-500 of this Zoning Code, and no reference to a particular type of use in this Chapter shall be construed to imply that the use is allowed under different circumstances than those stated in Chapters 14-300 through 14-500.

(1) General Controls

All accessory signs shall comply with the following controls unless a different or more specific control is stated in subsections (2) through (6) below.

(a) Specifically Prohibited Areas⁶⁴⁹

No person shall erect or maintain any sign extending beyond the building line:

- (.1) On City Hall, or any street immediately bounding City Hall, and on either side of Broad Street from Arch Street to Chestnut Street;
- (.2) On any street immediately bounding Logan Square; and
- (.3) On any tree guard, tree guard support, or any utility pole on any street.

(b) Maximum Projection over Sidewalks⁶⁵⁰

No sign shall project:

- (.1) More than 6 in. over any sidewalk when the lowest part of the sign is less than 7 ft. above the sidewalk; or
- (.2) More than 2 ft. over any sidewalk when the lowest part of the sign is

⁶⁴⁸ Current 14-1902 provides standards for “Signs Extending Beyond the Building Line,” while 14-1903 addresses “Signs Within the Building Line” but both sets of standards seem to apply to all signs regardless of their relationship to the building line. They have therefore been made to be more generally applicable to on premises signs. Several clauses include language stating how sign height will be measured, but those rules of measurement are being moved to 14-1000. Special projection rules for Market Street and Chestnut Street have been superseded by stricter controls in other sections of the existing sign regulations, so they have not been carried over.

⁶⁴⁹ Carried over from current 14-1902(2).

⁶⁵⁰ Carried over from current 14-1902(5).

between 7 ft. and 10 ft. above the sidewalk; or

- (.3) More than two-thirds the width of any sidewalk, or no more than 10 ft. over any sidewalk, whichever is less, when the lowest part of the sign is more than 10 ft. above the sidewalk.

(c) Germantown Avenue

On either side of Germantown Avenue from the 4100 block of Germantown Avenue to Northwestern Avenue, no sign shall project more than 12 in. This requirement shall not apply to signs that were existing as of 1974.

(d) Maximum Area

(.1) Projecting Signs

Subject to the provisions of subsection (.2) below no projecting sign shall be erected or maintained that contains a total gross area of more than 800 sq. ft. No projecting sign that swings or swivels shall be shall be erected or maintained that contains a total gross area of more than 50 sq. ft. or more than 25 sq. ft. on each of two faces.

(.2) Wall Signs

The total area fronting on any one street of any single building or structure in which any wall sign(s) may be erected or maintained shall not exceed 800 sq. ft., except that if the building or structure has a frontage on any one street in excess of 50 ft. and/or exceeds 50 ft. in height, the total area may exceed 800 sq. ft. by 17 sq. ft. for each ft. of frontage in excess of 50 ft. and/or each ft. of height in excess of 50 ft.

(e) Sign Lighting⁶⁵¹

Unless otherwise noted in subsections (2) through (6) below, signs may be illuminated, provided that the illumination shall be focused upon the sign itself so as to prevent glare upon the surrounding area.

(f) Electronic Message Signs⁶⁵²

Where outdoor advertising signs are permitted, digital billboards are permitted if all of the following conditions are met:

- (.1) Each message is displayed for an interval of no less than 5 minutes;
- (.2) The digital billboard is not to be located within 500 ft. of an entrance or exit ramp to any major highway as defined in Section 14-2102 of the Philadelphia Code;
- (.3) The digital billboard shall not move or appear to move;

⁶⁵¹ This requirement is provided in a number of the districts and has been made a general standard.

⁶⁵² New provision from PCPC.

- (.4) The digital billboard shall not fluctuate in light color or intensity or use intermittent, strobe or moving light to create the illusion of movement;
- (.5) The digital billboard is not to be located within 200 ft. of any intersection of the street or highway on which it is intended to advertise to; and
- (.6) The digital billboard must have a luminance level appropriate to the ambient environment in keeping with the standards set forth by the Illuminating Engineering Society of North America (IESNA);

(g) Temporary Signs

In the C, I, and SP zoning districts, no temporary sign shall be erected or maintained that contains a total gross area of more than 150 sq. ft. or more than 75 sq. ft. on each of two faces side.

(2) Signs in R Districts

Signage for each district shall comply with the standards in Table 14-805-1.

Table 14-805-1: R District Sign Standards

All signs are subject to regulations for specific sign types in subsection (1) above

Sign Type	Maximum Number	Size & Conditions
RSD, RSA, and RM (formerly R-1 through R-20)⁶⁵³		
All Permanent Signs	N/A	Except as noted in the following sentence, any sign for a use in a nonresidential building shall not exceed a sign area of 15 sq. ft. upon each street line frontage of the lot. In the RSD-1, RSD-2, RSD-3, RM-1, RM-2, and RM-4 districts, any sign for a use in a residential building shall not exceed an area of more than 150 sq. in. on a face, and shall not have more than two faces, upon each street-line frontage of the lot. ⁶⁵⁴
	N/A	No sign shall extend above the roof line or wall coping, and no sign shall be placed in any part of the required yards, except as noted for temporary signs.
	N/A	No sign shall be illuminated by flashing, animated, or intermittent illumination
Temporary Signs	N/A	Temporary signs advertising the sale or rent of the real estate upon which they are located are permitted anywhere on a lot, parcel, or development for a period of up to one year; provided, that the total area of the sign or any combination of signs upon any lot, parcel, or development shall not exceed 12 sq. ft. for each 50 linear ft. of street frontage, or 300 sq. ft., whichever is smaller.
RMX-1 (formerly RC-6)		
Wall Signs	N/A	Signs may be attached flat against the wall of the building or marquee, or upon the roof of a marquee and may project above the roof or wall coping, but may not extend beyond the building walls. ⁶⁵⁵

⁶⁵³ Because of use and district consolidations, these standards apply to most of the uses permitted in of the R districts, but they have been extended to all uses in residential areas not governed by more specific standards.

⁶⁵⁴ The current code allows for some residential districts to have institutional signs up to 15 sq. ft. (current 14-203(1)(g)) and in other residential districts these signs are not allowed (current 14-203(3)(a)(2) &(b)(3). Because of district consolidation this smaller sign requirement now applies to land currently zoned R5A, R8, R9, R10, R16, and R-19.

⁶⁵⁵ Signs on marquee surfaces that are other than parallel to the building face are currently considered projecting

Sign Type	Maximum Number	Size & Conditions
All Permitted Signs for Non-Commercial Uses ⁶⁵⁶	1	Each building shall be permitted to have a sign. Signs shall not exceed 10 sq. ft. in area; this limitation shall not apply to traffic or directional signs.
All Permitted Signs for Commercial Uses ⁶⁵⁷	N/A	The total area of signs permitted shall not exceed one sq. ft. for each lineal ft. of store front width.
RMX-2 (formerly ITD and WRD)⁶⁵⁸		
Wall Signs	N/A	Signs may be attached flat against the wall of the building or marquee, but may not project above the roof or wall coping, nor extend beyond the building walls
Illuminated Signs	N/A	Shall not be illuminated by flashing, animated or intermittent illuminations. ⁶⁵⁹
Institutional and Limited Commercial Uses⁶⁶⁰		
Accessory Signs	N/A	Total sign area shall not exceed two sq. ft. for each lineal ft. of building width. This limitation shall not apply to traffic or directional signs.
Monument Sign (for each additional building)	1	Not to exceed 48 sq. ft. on each face limited to the name and address of the building.
Monument Sign (for each development or community)	1	Not to exceed 48 sq. ft. on each face limited to the name and address of the development or community.
Temporary Signs ⁶⁶¹	N/A	Signs, including freestanding signs, advertising the sale or rental of real estate within the district under the following conditions: Total sign area for all temporary signs shall not exceed 2 sq. ft. for each lineal ft. of street frontage within the district; No individual sign shall exceed a total of 150 sq. ft per sign face, nor have more than two faces; and Temporary signage permitted under this paragraph shall not be included in the maximums permitted for other types of signs in this district.
RMX-3 (formerly RC-4)		
Commercial Uses and Hotels		
Wall Signs, Projecting Signs, Freestanding Signs	N/A	Permitted at a ratio of 2 sq. ft. of sign area per lineal ft. of street frontage, provided that no single sign shall exceed 100 sq. ft. in sign area. No sign shall extend above the bottom of the second floor of the building on which it is located Other exceptions or limitations in this table apply.
Projections	N/A	Signs shall not extend more than 12 in. beyond the property line.
Freestanding Signs	N/A	Maximum height of signs shall not exceed 10 ft. and shall be limited to directional signs and/or building logo signs.
Building Logo Signs	N/A	Signs that are located above the bottom of the second floor shall be permitted upon approval by the Art Commission.
Temporary Signs	N/A	For sale or for rent signs shall be permitted so long as those signs do not exceed a total sign area of 25 sq. ft.

signs and are subject to projecting sign controls.

⁶⁵⁶ Carried over from current 14-215(3)(a) through (d)(3).

⁶⁵⁷ Carried over from current 14-215(3)(e).

⁶⁵⁸ The current WRD and ITD districts have different standards, and the WRD standards are being carried forward.

⁶⁵⁹ Revised to refer to adjacent lots rather than adjacent districts.

⁶⁶⁰ Carried over from current 14-216(2)(b) through (l).

⁶⁶¹ Carried over from current ITD standards.

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(3) Signs in C Districts

Signage for each district shall comply with the standards in Table 14-805-2.

Table 14-805-2: C District Sign Standards

Sign Type	Maximum Number	Size & Conditions
CMX-1 (formerly C-1)		
Wall Signs	1	Only one sign shall be permitted on each building, and it shall not exceed one sq. ft. for each linear ft. of building facing any and only one street, shall be constructed facing only on that street designated for that computation, and must be attached flat against the wall of the building.
CMX-2 (formerly C-2 and RC-2)⁶⁶² and CMX-2.5⁶⁶³		
For Commercial Uses		
Accessory Signs	N/A	Lots facing one street line shall be permitted a total sign area of 6 sq. ft. for each lineal ft. of street line. Lots facing more than one street line shall be permitted a total sign area as follows: For the shorter street line frontage there shall be permitted a sign area of 6 sq. ft. for each lineal ft. of street line; For the longer street line frontage there shall be permitted a sign area of 4 sq. ft. for each lineal ft. of street line; but in no case shall the total sign area permitted on the longer street line frontage be less than the equivalent sign area permitted upon the shorter street line frontage; Where a lot has two or more short and/or two or more long street line frontages, the provisions of subsections 1 and 2 shall apply to each of those street frontages; and The total of the sign areas permitted in subsections 1 and 2 may be cumulated but is restricted to use on one street frontage.
Freestanding Signs	N/A	Signs shall not exceed 20 ft. in height.
Flashing Signs	N/A	Signs with flashing or intermittent illumination shall not be erected within 150 ft. of any R district, nor facing any R district within 300 ft. of the sign.
CMX-3 (formerly C-3 and RC-3)⁶⁶⁴		
All Accessory Signs	N/A	1. Except as noted in subsection 3 below, lots facing one street line shall be permitted a total sign area of 10 sq. ft. for each lineal ft. of street line 2. Except as noted in subsections 3 and 4 below, lots facing more than one street line shall be permitted a total sign area as follows: a. For a shorter street line frontage there shall be permitted a sign area of 10 sq. ft. for each lineal ft. of street line; b. For a longer street line frontage there shall be permitted a sign area of 5 sq. ft. for each lineal ft. of street line; but in no case shall the total sign area on the longer street line frontage be less than the equivalent sign area permitted upon the shorter street line frontage; and c. Where a lot has two or more short and/or two or more long street line frontages, the provisions of subsections a and b shall apply to each street frontage. 3. Where a building is more than 3 stories high, 10% additional sign area shall be permitted

⁶⁶² These standards are carried over from current C-2 (not RC-2) standards.

⁶⁶³ Since Module 2, the CMX-2 sign regulations have been applied to the new CMX-2.5 district.

⁶⁶⁴ These standards are carried over from current C-3 (not RC-3) standards.

Sign Type	Maximum Number	Size & Conditions
		for each story over 3, to be calculated using the total sign area permitted by subparagraph 1 or 2, as applicable, as the base for the 10% calculation in each case. 4. The total of the sign areas permitted in subparagraphs 2 and 3 may be cumulated but is restricted to use on one street frontage.
Freestanding Signs	N/A	Signs shall not exceed 20 ft. in height.
Signs with flashing or intermittent illumination	N/A	Shall not be erected within 150 ft. of any R district, nor facing any R district within 300 ft. of the sign.
CMX-4 and CMX-5 (formerly C-4 and C-5)		
First Floor accessory signs ⁶⁶⁵	N/A	Accessory signs shall be permitted at a ratio of 2 sq. ft. of sign area per 1 lineal ft. of street frontage, provided that (1) no single sign shall exceed an area of 100 sq. ft., and (2) no sign shall extend above the bottom of the second floor of the building on which it is located subject to any exceptions or limitations imposed below.
Projections	N/A	Signs shall not extend more than 12 in. beyond the property line.
Building Logo Signs and Freestanding Directional Signs	N/A	Signs shall not exceed 10 ft in height.
Building Logo Signs that are Above the First Floor	N/A	Building logo signs located above the bottom of the second floor shall be permitted upon approval by the Art Commission.
Temporary Signs ⁶⁶⁶	N/A	For sale or for rent signs shall be permitted so long as they do not exceed a total sign area of 25 sq. ft.
CA-1 (formerly C-7, ASC, and NSC)		
Wall Sign or Roof Sign ⁶⁶⁷	1 sign per building	Sign shall not exceed 2 sq. ft. for each linear ft. of building facing only one street and shall be constructed facing only on that street designated for that computation. In the case of multiple users in one building, the locations and numbers of signs totaling not more than the allowable sign area as above set forth may be authorized. A Roof sign may be located upon the roof of a marquee, and may project above the roof or wall coping, but may not extend beyond the building walls.
Freestanding Signs ⁶⁶⁸	1	In addition to the signs allowed above, one freestanding sign shall be permitted under the following conditions: 1. The sign is located upon the lot where permitted uses, special exceptions or ZBA approved uses ⁶⁶⁹ are in existence; 2. The uses upon the lot exceed a sales-floor area of 15,000 sq. ft.; and 3. The sign shall not contain more than two sign faces with a total area of 200 sq. ft.,

⁶⁶⁵ In the C-4/C-5 districts, signs that are located below the bottom of the second floor are referred to as on the first floor and are regulated differently than the signs higher up.

⁶⁶⁶ Temporary Signs are regulated in a general section.

⁶⁶⁷ The standards for C-7, NSC, and ASC were combined in this section with new controls. C-7's standard of 2 sq. ft. per 1 lineal ft. of building was used over NSC/ASC's 5 sq. ft. for 1 lineal ft. In the case of multiple signs for multiple users C-7 requirements for a certificate issued from the Zoning Board of Adjustment has been dropped.

⁶⁶⁸ Carried over from ASC standards.

⁶⁶⁹ This language has been revised to clarify that it also applies to approved special exceptions and ZBA approved uses.

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Sign Type	Maximum Number	Size & Conditions
		exclusive of supporting structures, nor exceed a total height 40 ft. from grade level to the top of the sign.

(4) Signs in I Districts

Signage for each district shall comply with the standards in Table 14-805-3.

Table 14-805-3: Signs in I Districts

Sign Type	Maximum Number	Size & Conditions
ICMX (formerly L-4 and L-5)		
All Accessory Signs	N/A	<ol style="list-style-type: none"> 1. Signs shall not be erected nor extend above the roof line or wall coping. 2. Lots facing one street line shall be permitted a sign area of 3 sq. ft. for each lineal ft. of street line. 3. Lots facing more than one street line shall be permitted the following sign area upon each street line. <ol style="list-style-type: none"> a. The shorter street line frontage shall be permitted a sign area of 3 sq. ft. for each lineal ft. of street line. b. The longer street line frontage shall be permitted a sign area of 2 sq. ft. for each lineal ft. of street line; but the total sign area on the longer street line frontage shall not be less than the equivalent sign area permitted upon the shorter street line frontage. c. Where a lot has two or more short and/or long street line frontages, the provisions of subsections a and b shall apply to each of those street frontages. 4. The sign areas permitted in subsection 3 may be cumulated and located on any street frontage; provided, that the total sign area permitted for the lot is not exceeded.
Freestanding Signs	N/A	Signs shall not exceed 20 ft. in height, measured from the average level of the ground of the lot to the top of that structure.
I-1 (formerly L-1, L-2, and L-3)		
All Accessory Signs	N/A	<ol style="list-style-type: none"> 1. Total sign area shall not exceed 100 sq. ft. upon any street-line frontage. 2. Signs shall not be erected at or upon the ground, nor extend above the roof line or wall coping. 3. Signs shall not face an abutting lot line of an R district, nor face or abut any driveway or access road serving an R district to the side or rear.
Illuminated Signs	N/A	Illumination shall be focused upon the sign itself so as to prevent glare upon the surrounding area. Signs with flashing or intermittent illumination shall not be erected across the street from or within 150 ft. of any R district, nor facing any R District within 300 ft. of the sign.
Revolving Signs	N/A	Require approval from the Zoning Board of Adjustment.
I-2 (formerly G-1 and G-2), I-3 (formerly LR), I-P (new district), and ITU⁶⁷⁰		
All Accessory Signs	N/A	<ol style="list-style-type: none"> 1. Signs facing one street line or utility right-of-way line shall be permitted an area of 15 sq. ft. for each lineal ft. of street line or utility right-of-way line, subject to subsection 3 below. 2 Signs facing more than one street line or utility right-of-way line shall be permitted the following maximum sign areas: <ol style="list-style-type: none"> a. The shorter street line or utility right-of-way line frontage shall be permitted a sign area of 15 sq. ft. for each lineal ft. of street line or utility right-of-way line. b. The longer street line or utility right-of-way line frontage shall be permitted a sign area of 5 sq. ft. for each lineal ft. of street line or utility right-of-way line; further provided, that the

⁶⁷⁰ The application of these standards to the ITU district is new since Module 3.

Sign Type	Maximum Number	Size & Conditions
		<p>total sign area on the longer street line or utility right-of-way line frontage shall not be less than the equivalent sign area permitted upon the shorter street line or utility right-of-way frontage.</p> <p>c. Where a sign faces two or more shorter and/or longer street line frontages or utility right-of-way line frontage, the provisions of subsections a and b shall apply to each of the street or utility right-of-way frontages.</p> <p>3. For subsections 1 and 2 above, the maximum sign area permitted may be applied for each sign facing.</p> <p>4. The maximum sign area permitted for signs along each street or utility right-of-way frontage shall be as follows:</p> <p>a. Subject to provisions of (8)(a) or (8)(b) above and provided frontage is a minimum of 60 ft. wide, the maximum sign area permitted for signs along each street or utility right-of-way frontage shall be 1,500 sq. ft. of sign area for each sign facing; and the sign area total on all facings shall not exceed 3,000 sq. ft.</p> <p>b. Where a street or utility right-of-way frontage is smaller than 60 ft. wide, the maximum sign area shall be 1,000 sq. ft. for each sign facing and the sign area total on all facings shall not exceed 2,000 sq. ft.</p>
Illuminated Signs	N/A	<p>Illumination shall be focused upon the sign itself, so as to prevent glare upon the surrounding areas.</p> <p>Signs with flashing or intermittent illumination shall neither be erected within 100 ft. of any R district, nor face any R district within 200 ft. of the sign.</p>
Revolving Signs	N/A	Requires a special exception approval from the Zoning Board of Adjustment.

(5) Signs in SP Districts

The sign regulations of this chapter apply in SP zoning districts unless otherwise expressly stated in this chapter or the SP district regulations of Chapter 14-300. Sign regulations specific to the SP districts are specified in the applicable SP district regulations of Chapter 14-300.

(6) Signs in Overlay Districts

Sign regulations in each overlay district shall be those applicable in the base zoning district where the land is located, as modified by any sign regulations in overlay district regulations of Chapter 14-400. In the case of a conflict between the sign regulations applicable to a lot or parcel in this chapter and those applicable to the same lot or parcel in Chapter 14-400, the regulations in Chapter 14-400 shall govern.

(7) Signs Requiring Special Review and Approval⁶⁷¹

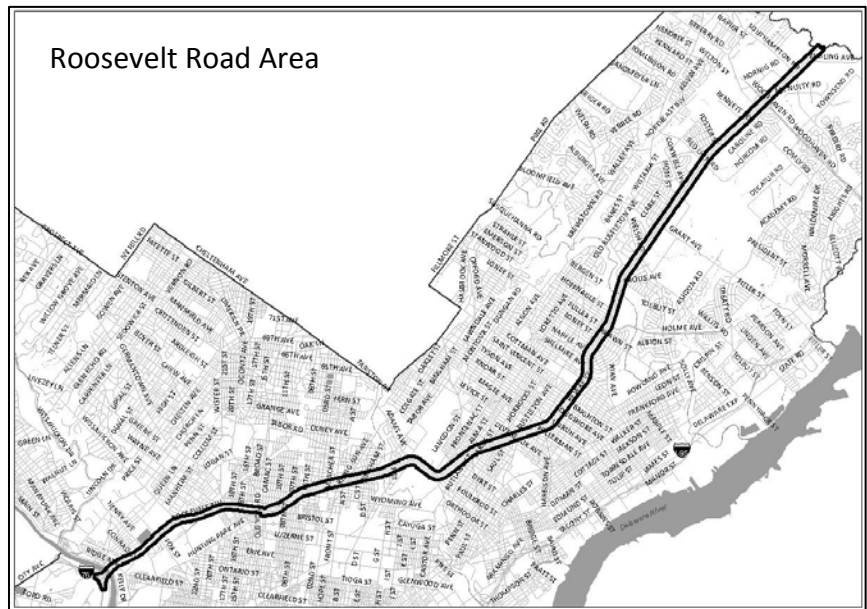
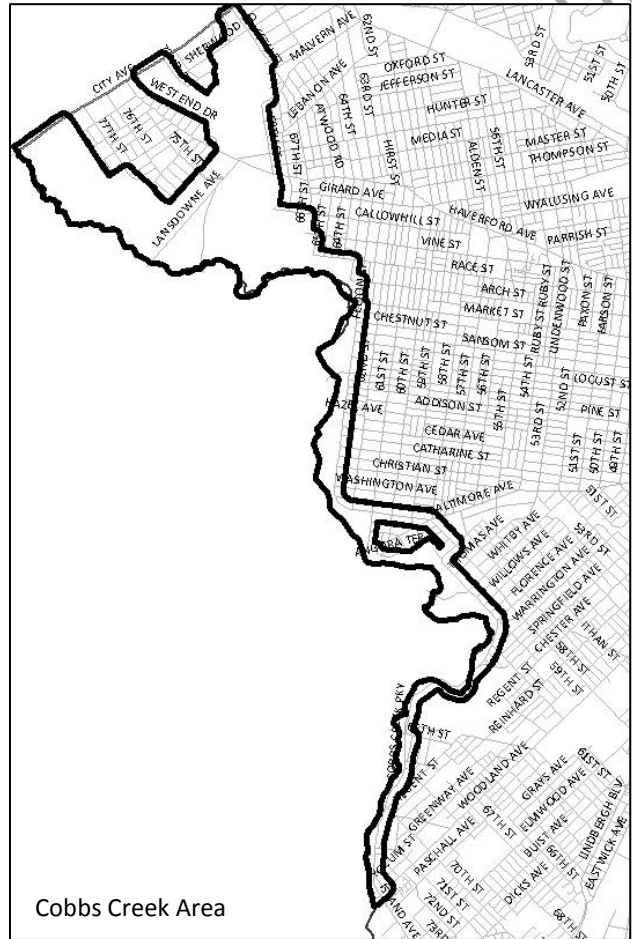
(a) Special Sign Control Areas

(.1) Cobbs Creek Parkway and Roosevelt Boulevard Area

This area includes all land within 200 ft. of any boundary line of Roosevelt Boulevard or of Cobbs Park or Parkway, as those boundary

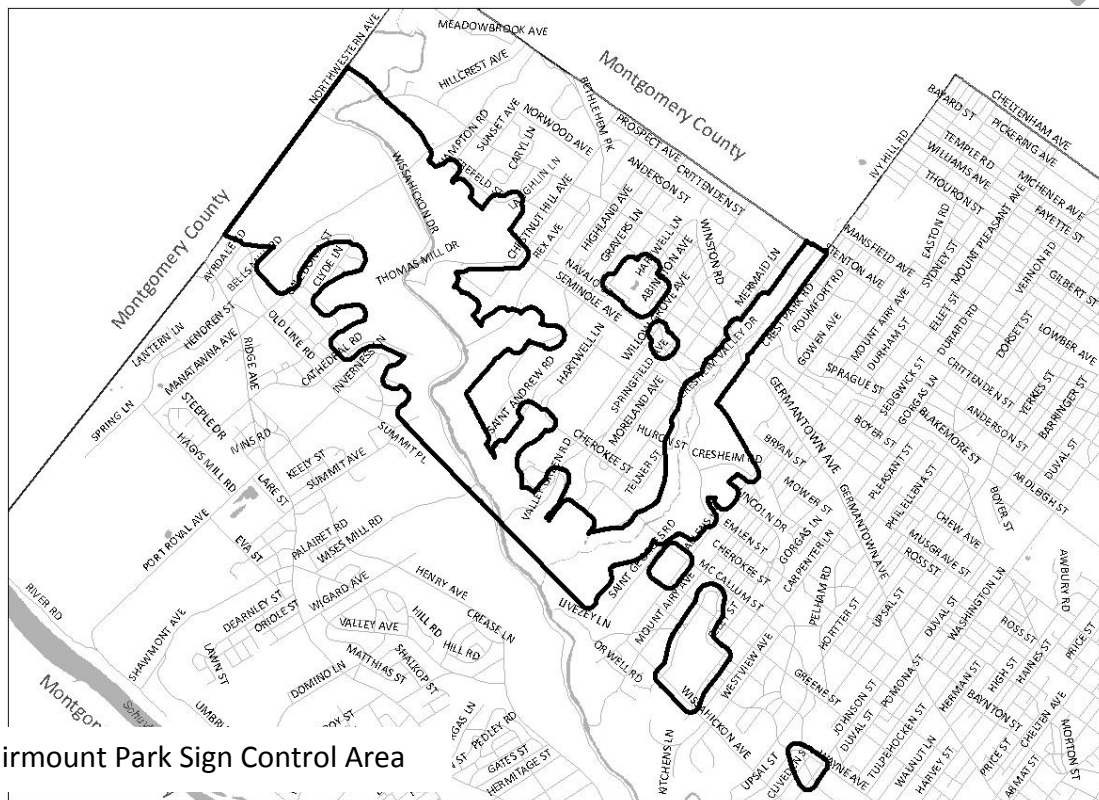
⁶⁷¹ Consolidated from special sign controls in current 14-2003, 14-2004, 14-2006, and 14-2006.1.

lines are determined by the Street Department.



(.2) Fairmount Park Area

This area includes all lands designated on the following map.



Fairmount Park Sign Control Area

(b) Special Sign Review

- (.1) No person shall erect or maintain any sign within any of the special sign review areas listed in subsection (a) that is visible from any point within the boundaries of any of that respective special sign area unless he has first obtained a permit to do so from L&I.
- (.2) In the case of the Cobbs Creek and Roosevelt Boulevard Area and the Fairmount Park Area:
 - (.a) L&I shall only issue a permit for the sign if it determines that (1) the sign complies with all applicable provisions of this Zoning Code, and (2) the sign complies with the regulations of the Parks and Recreation Department, and (3) the sign has been approved by the Art Commission.
 - (.b) A permit shall be granted for the continued maintenance of any sign lawfully in existence within the boundaries of the Cobbs

Creek/Roosevelt Boulevard Area or the Fairmount Park area on December 31, 1969⁶⁷² without requiring compliance with any of the other provisions of this subsection. However, any such sign shall not be repaired, altered, or moved in any substantial manner unless it is made to comply with all the requirements of this subsection.

14-806 Outdoor Non-Accessory Signs and Billboards⁶⁷³

(1) Scope

These controls apply to all areas of the city with special restrictions regulating size, height, illumination, distances from residences, spacing, prohibition and conditions for obtaining permits. These controls shall supplement all provisions of this Chapter 14-800:.

(2) Spacing Requirements

In all areas of the city, outdoor advertising signs and non-accessory signs shall not be permitted within 500 ft. of any other outdoor advertising sign. This spacing requirement shall not apply to on-premise or accessory signs, non-commercial signs, and highway directional signs.

(3) Distances from R District Property

No sign support structure or sign face shall be erected within 300 ft. of any residentially-zoned property.

(4) Area Regulations

The maximum sign area of any outdoor advertising sign is:

- (a) For frontages along a street or right-of-way that is less than 60 ft. wide, 1,000 sq. ft. per sign support structure.
- (b) For frontages along a street or right-of-way that are 60 ft. wide or more, 1,500 sq. ft. per sign support structure.

(5) Height Regulations

- (a) The bottom edge of any outdoor advertising sign shall not be located more than 25 ft. above the road surface from which the advertising message is visible and the sign shall not extend more than 20 ft. in height above its bottom edge.
- (b) When an outdoor advertising sign is to be erected in a location within 150 ft. of

⁶⁷² Current 14-2004 and -2004 were last amended in 1969, so the effective date has been set at the last day of that year.

⁶⁷³ Entire section carried over from current 14-1604 unless otherwise noted. Provisions regarding enforcement, penalties, and severability were not carried over because they are addressed in 14-100 and 14-200. Legislative findings were not carried over, but may be restated in the adopting ordinance.

two or more street, road, highway or bridge surfaces, the maximum height of an outdoor advertising sign shall be measured from the surface with the lowest grade elevation.

- (c) Where other provisions of the Philadelphia Code are more restrictive than this Chapter 14-800: in terms of height regulations, the more restrictive height regulations shall apply for outdoor advertising and non-accessory signs whether the signs are freestanding or roof signs.

(6) Sign Face Regulations

No more than two sign faces or advertising messages shall be permitted on any one lot, and no more than one sign support structure shall be permitted on any lot.

(7) Illuminated, Flashing, and Revolving Signs

- (a) Signs may be illuminated, but the illumination shall be focused upon the sign itself, so as to prevent glare upon the surrounding areas.
- (b) Flashing signs, signs with intermittent illumination, or signs with mechanically or electronically changing messages shall not be erected within 500 ft. of any R district, nor face any R district within 1,000 ft. of the sign.
- (c) Signs that revolve shall require approval from ZBA through the special exception process in 14-204(4).

(8) Digital Billboards ⁶⁷⁴

Where outdoor advertising signs are permitted, digital billboards are permitted if all of the following conditions are met:

- (a) Each message is displayed for an interval of no less than 5 minutes;
- (b) The digital billboard is not to be located within 500 ft. of an entrance or exit ramp to any major highway as defined in Section 14-2102 of the Philadelphia Code;
- (c) The digital billboard shall not move or appear to move;
- (d) The digital billboard shall not fluctuate in light color or intensity or use intermittent, strobe or moving light to create the illusion of movement;
- (e) The digital billboard is not to be located within 200 ft. of any intersection of the street or highway on which it is intended to advertise to; and
- (f) The digital billboard must have a luminance level appropriate to the ambient environment in keeping with the standards set forth by the Illuminating Engineering Society of North America (IESNA);

⁶⁷⁴ New provision from text provided by PCPC.

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(9) Permitted Areas⁶⁷⁵

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

- (a) Within the I-2, Medium Industrial District;
- (b) Within the I-3, Heavy Industrial District; and
- (c) Within the I-P, Port Industrial District.

(10) Prohibited Areas

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

- (a) Within 660 ft. of all the bridges over the Schuylkill River from the Girard Point Bridge northwestwardly to the Belmont Avenue Bridge;
- (b) Within 660 ft. of all ingress and/or egress ramps of the Delaware expressway (I-95), from the Bucks County Line to the Delaware County Line, and the Schuylkill expressway (I-76), between the Montgomery County Line and the Walt Whitman Bridge;
- (c) Within 660 ft. of Benjamin Franklin Parkway as defined by Streets Department;
- (d) Between Twenty-third Street and the Schuylkill River from the south side of Race Street to Chestnut Street;
- (e) Between Twenty-fourth Street and the Schuylkill River from Chestnut Street to South Street;
- (f) East of Sixth Street from South Street to the south side of Race Street;
- (g) Between Sixth Street and Delaware Avenue from South Street to Washington Avenue;
- (h) Within 660 ft. of the outward edge of the right-of-way lines as defined by the Department of Streets, of the Delaware expressway between Washington Avenue and Oregon Avenue;
- (i) Within 660 ft. of all the bridges over the Delaware River from the Walt Whitman Bridge to the Tacony-Palmyra Bridge;
- (j) Within 660 ft. of the outward edge of the right-of-way lines as defined by the Department of Streets, of Woodhaven Road;
- (k) Within 660 ft. of the outward edge of the right-of-way lines as defined by the Department of Streets, of the Roosevelt Boulevard;
- (l) Within any area of the city designated as a local or national Historic District;
- (m) Within 660 ft. of the outward edge of any park under the jurisdiction of the

⁶⁷⁵ Added to the code to clarify which districts permit non-accessory signs.

Parks and Recreation Department, the Commonwealth of Pennsylvania, or the National Park Service;

- (n) Within 660 ft. of any park, playground, recreation center, play lot or other recreational facility under the jurisdiction of the Department of Recreation; and
- (o) Within 660 ft. of any public or private pre-school, elementary, middle or high school.

(11) Permits

- (a) Sign permits shall be processed through the Zoning Permit process in Section 14-204(11).⁶⁷⁶
- (b) For each outdoor advertising and non-accessory sign erected in conformance with these provisions, an existing sign or signs encompassing equal or greater sign area shall be removed.
- (c) The application to erect an outdoor advertising or non-accessory sign must specify the size and the location of the sign(s) to be removed. Sufficient proof of the physical existence of the sign(s) to be removed shall be supplied to the Department of Licenses and Inspections (L&I). Required proof may be in the form of permits and/or photographs of the existing sign(s).
- (d) The application to erect an outdoor advertising or non-accessory sign must also be accompanied by a written authorization from the owner of the property where the sign(s) to be removed are located authorizing the applicant to remove those sign(s) and acknowledging that the right to maintain an outdoor advertising or non-accessory sign is being forfeited through the filing of the application and the issuance of the permit for the erection of the new sign.
- (e) No permit for the erection of an outdoor advertising or non-accessory sign shall be issued prior to actual removal of the sign(s) required to be removed as provided in subsections (a), (b), and (c) above.
- (f) No permit for the erection of an outdoor advertising or non-accessory sign shall be issued if there is any outstanding violation, for which all legal appeals have been exhausted, of the Philadelphia Code or regulations adopted pursuant to the Code, relating to the premises upon which the outdoor advertising sign or non-accessory sign is to be erected or maintained.
- (g) No permit for the erection of an outdoor advertising or non-accessory sign shall be issued if the owner of the premises upon which the outdoor advertising sign or non-accessory sign is to be erected or maintained is delinquent in the payment of any City or School District taxes, charges, fees, rents or claims,

⁶⁷⁶ This is a new cross-reference.

unless the owner has entered into an agreement to pay any the delinquency and is abiding by the terms of the agreement.

(12) Signs and Their Supporting Structures

- (a) The supporting structures for outdoor advertising and non-accessory signs shall conform to the definition of a structure as set forth in Chapter 14-1000:, shall be considered as structures and shall conform to all the requirements regarding structures contained in this Chapter 14-800:. However, Tables 14-502-1 through 14-502-4 shall not apply to outdoor advertising signs and their structures and therefore these types of signs may not be extended or reconstructed pursuant to reconstruction provisions otherwise applicable to R districts.
- (b) Outdoor advertising and non-accessory signs shall be considered as the main use of a property and as a main structure and not as an accessory or ancillary use.

(13) Nuisance, Unlawful and Prohibited Signs

- (a) Nothing in this section is intended to prohibit L&I from removing a sign at any time without compensation that has been determined to be a public nuisance or unlawfully in existence under any other provision of the Philadelphia Code.
- (b) A prohibited sign shall be maintained in good condition, but it shall not be structurally altered so as to enlarge or extend the area or height of the sign. However, a prohibited sign shall not be reconstructed if for any reason it becomes necessary to replace the entire sign, including the sign face, the frame and any supporting mechanism, but excluding the foundation.

Chapter 14-900: Historic Preservation

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14-901 Creation, Powers and Duties

(1) Creation

The Mayor has appointed a Philadelphia Historical Commission consisting of the President of City Council or his designee, the Director of Commerce, Commissioner of Public Property, the Commissioner of Licenses and Inspections, the Chairman of the City Planning Commission or the Chairman's designee, the Director of Housing or his designee, and eight other persons learned in the historic traditions of the city and interested in the preservation of the historic character of the city. At least one member represents and is knowledgeable about each of the following fields: (1) an architect experienced in the field of historic preservation; (2) an historian; (3) an architectural historian; (4) a real estate developer; (5) a representative of a Community Development Corporation; and (6) a representative of a community organization.

(2) Powers and Duties

The powers and duties of the Philadelphia Historical Commission shall be as follows:

- (a) Designate as historic those buildings, structures, sites, and objects that the Historical Commission determines are significant to the city, pursuant to 14-902.
- (b) Designate as historic those public interior portions of buildings that the Historical Commission determines are significant to the city, pursuant to 14-902.
- (c) Delineate the boundaries of and designating as historic those districts that the Historical Commission determines are significant to the city, pursuant to 14-902.
- (d) Prepare and maintain or cause to be prepared and maintained a comprehensive inventory of historic buildings, structures, sites, objects, and districts, and making that inventory available for public inspection in the offices of the Historical Commission, L&I, and the Department of Records.⁶⁷⁷
- (e) Review and act on all applications for permits to alter or demolish historic buildings, structures, sites, or objects, or to alter or demolish buildings, structures, sites, or objects located within historic districts, pursuant to 14-903.
- (f) Review and comment on all applications for permits to construct buildings, structures, or objects within historic districts.
- (g) Make recommendations to the Mayor and Council concerning the use of grants, gifts and budgetary appropriations to promote the preservation of buildings, structures, site, objects or districts of historic importance to the city;
- (h) Make recommendations to the Mayor and Council that the city purchase any building, structure, site or object of historic significance where private

⁶⁷⁷ Carried over from current 14-2007(6)(g).

preservation is not feasible, or that the city acquire facade easements, development rights, or any other property interest that would promote historic preservation;

- (i) Increase public awareness of the value of architectural, cultural and historic preservation;
- (j) Adopt rules of procedure and regulations and establishing any committees deemed necessary for the conduct of its business;
- (k) Keep minutes and records of all proceedings, including records of public meetings during which proposed historic designations are considered.

14-902 Designation of Historic Structure or District⁶⁷⁸

(1) Declaration of Public Policy and Purposes

It is hereby declared as a matter of public policy that the preservation and protection of buildings, structures, sites, objects and districts of historic, architectural, cultural, archaeological, educational and aesthetic merit are public necessities and are in the interests of the health, prosperity and welfare of the people of Philadelphia. The purposes of this section are to:

- (a) Preserve buildings, structures, sites and objects that are important to the education, culture, traditions and economic values of the city;
- (b) Establish historic districts to assure that the character of such districts is retained and enhanced;
- (c) Encourage the restoration and rehabilitation of buildings, structures, sites and objects that are designated as historic or that are located within and contribute to the character of districts designated as historic without displacing elderly, long-term, and other residents living within those districts;
- (d) Afford the City, interested persons, historical societies and organizations the opportunity to acquire or to arrange for the preservation of historic buildings, structures, sites and objects that are designated individually or that contribute to the character of historic districts;
- (e) Strengthen the economy of the city by enhancing the city's attractiveness to tourists and by stabilizing and improving property values; and

⁶⁷⁸ Carried over from current 14-2007 (*Historic Buildings, Structures, Sites, Objects, and Districts*). References to Southwark area controls have been deleted, and are now covered in the /CTR overlay district. Current 14-2007(2) (*Definitions*) have been moved to 14-1003 (*Definitions*); and 14-2007(3) and (4) describing the Historical Commission and its powers and duties have been moved to 14-201(8). This text has been changed by replacing the Module a and 3 text with the text from current 14-2007.

- (f) Foster civic pride in the architectural, historical, cultural and educational accomplishments of Philadelphia.

(2) Criteria for Designation⁶⁷⁹

A building, complex of buildings, structure, site, object, or district may be designated for preservation if it:

- (a) Has significant character, interest, or value as part of the development, heritage, or cultural characteristics of the city, commonwealth, or nation or is associated with the life of a person significant in the past; or
- (b) Is associated with an event of importance to the history of the city, Commonwealth or Nation; or
- (c) Reflects the environment in an era characterized by a distinctive architectural style; or
- (d) Embodies distinguishing characteristics of an architectural style or engineering specimen; or
- (e) Is the work of a designer, architect, landscape architect or designer, or engineer whose work has significantly influenced the historical, architectural, economic, social, or cultural development of the city, commonwealth, or nation; or
- (f) Contains elements of design, detail, materials or craftsmanship that represent a significant innovation; or
- (g) Is part of or related to a square, park or other distinctive area that should be preserved according to an historic, cultural or architectural motif; or
- (h) Owing to its unique location or singular physical characteristic, represents an established and familiar visual feature of the neighborhood, community, or city; or
- (i) Has yielded, or may be likely to yield, information important in pre-history or history; or
- (j) Exemplifies the cultural, political, economic, social, or historical heritage of the community.

⁶⁷⁹ Current 14-2007(5).

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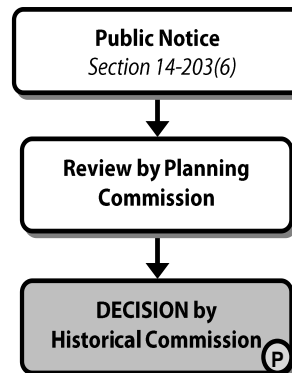
(3) Public Notice and Meeting⁶⁸⁰

(a) At least 30 days before holding a public meeting to consider the proposed designation of a building, structure, site or object as historic, the Historical Commission shall send notice to the owner of the property proposed for designation. Such notice shall indicate the date, time and place of the public meeting at which the Historical Commission will consider the proposed designation. Notice shall be sent to the registered owner's last known address as the same appears in the real estate tax records of the Department of Revenue and sent to "Owner" at the street address of the property in question.

(b) At least 60 days before holding a public meeting to consider the proposed designation of a district as historic, the Historical Commission shall send written notice of the proposed designation to the owners of each building, structure, site or object within the proposed district. The notice shall indicate the date, time and place of the public meeting at which the Historical Commission will consider the proposed designation. Notice shall be sent to the registered owner's last known address as it appears in the real estate tax records of the Department of Revenue and sent to "Owner" at the street address of the property in question. The Historical Commission shall publish notice of the proposed designation of a district as historic in a newspaper having general circulation within the city at least 60 days before the Historical Commission holds a public meeting to consider the proposed designation. The Historical Commission shall post notice of the proposed designation at locations within the proposed district at least 60 days before the public meeting to consider the proposed designation.

(c) Any interested party may present testimony or documentary evidence regarding the proposed designation of a building, structure, site, object, or district at the public meeting of the Historical Commission.

Designation of Historic Structure or District



(P) Indicates Public Meeting or Hearing Required

⁶⁸⁰ Current 14-2007(6).

- (d) During the 60 days prior to a Historical Commission hearing on designation of a particular historic district, the Planning Commission shall review and comment on creation of the district and transmit its comments to the Historical Commission to assist the Historical Commission in making its determination.
- (e) The Historical Commission shall send written notice of the designation as historic of a building, structure, site, object, or district to the owners of each separately designated building, structure, site, or object and to the owners of each building, structure, site, or object within a district designated historic, which shall include reason for the designation. Notice shall be sent to the registered owner's last known address as the same appears in the real estate tax records of the Department of Revenue and sent to the "Owner" at the street and address of the property in question. The Historical Commission shall send written notice of historic designation to any person appearing at the public hearing who requests notification.
- (f) Any designation of a building, structure, site, object, or district as historic may be amended or rescinded in the same manner as is specified for designation.
- (g) The Historical Commission shall compile a register of buildings, structures, sites, objects and districts designated as historic by the Historical Commission that shall be available for public inspection in the offices of the Historical Commission, L&I, and the Department of Records.

14-903 Permits⁶⁸¹

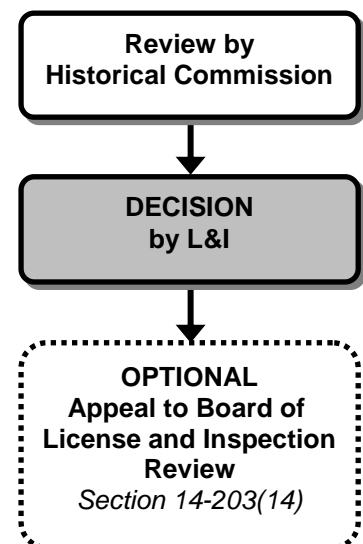
(1) Permit Required

Unless a permit is first obtained from L&I, no person shall alter or demolish an historic building, structure, site, or object, or alter, demolish, or construct any building, structure, site, or object within an historic district.

(2) Notice

When a person applies for a permit to demolish an historic building, structure, site, or object or a building, structure, site, or object located within an historic district, L&I shall post, within 7 days, notice indicating that the owner has applied for a permit to demolish the property; that the property is historic or is located within an historic district; that the application has been forwarded

Historic Permits



⁶⁸¹ Current 14-2007(7).

to the Historical Commission for review. The notice shall be posted on each street frontage of the premises with which the notice is concerned and shall be clearly visible to the public. Posting of a notice shall not be required in the event of an emergency that requires immediate action to protect the health or safety of the public. No person shall remove the notice unless the permit is denied or the owner notifies L&I that he or she will not demolish the property.

(3) Historical Commission Review

- (a) Before L&I may issue a permit to alter or demolish an historic building, structure, site, or object, or to alter, demolish or construct a building, structure, site, or object within an historic district, the permit application shall be forwarded to the Historical Commission for its review.
- (b) The Historical Commission's scope of review of applications for permits for construction, as defined herein, shall be limited to a 45-day period of comment.

(4) Submission Requirements

- (a) At the time that a permit application is filed with L&I for alteration, demolition or construction subject to the Historical Commission's review, the applicant shall submit to the Historical Commission the plans and specifications of the proposed work, including the plans and specifications for any construction proposed after demolition and such other information as the Historical Commission may reasonably require to exercise its duties and responsibilities under this Section.
- (b) In any instance where there is a claim that a building, structure, site or object cannot be used for any purpose for which it is or may be reasonably adapted, or where a permit application for alteration, or demolition is based, in whole or in part, on financial hardship, the owner shall submit, by affidavit, the following information to the Historical Commission:
 - (.1) Amount paid for the property, date of purchase, and party from whom purchased, including a description of the relationship, whether business or familial, if any, between the owner and the person from whom the property was purchased;
 - (.2) Assessed value of the land and improvements thereon according to the most recent assessment;
 - (.3) Financial information for the previous 2 years that shall include, as a minimum, annual gross income from the property, itemized operating and maintenance expenses, real estate taxes, annual debt service, annual cash flow, the amount of depreciation taken for federal income tax purposes, and other federal income tax deductions produced;

- (.4) All appraisals obtained by the owner in connection with his purchase or financing of the property, or during his ownership of the property;
- (.5) All listings of the property for sale or rent, price asked, and offers received, if any;
- (.6) Any consideration by the owner as to profitable, adaptive uses for the property;
- (.7) The Historical Commission may further require the owner to conduct, at the owner's expense, evaluations or studies, as are reasonably necessary in the opinion of the Historical Commission, to determine whether the building, structure, site or object has or may have alternate uses consistent with preservation.

(5) Historical Commission Determination

(a) Determination of Objection

Within 60 days after receipt by the Historical Commission of a permit application, the Historical Commission shall determine whether or not it has any objection to the proposed alteration or demolition.

- (.1) Where the Historical Commission has no objection, L&I shall grant the permit subject to the requirements of any applicable provisions of this Code and regulations and subject to any conditions of the Historical Commission pursuant to 14-903(5)(c).
- (.2) Where the Historical Commission has an objection, L&I shall deny the permit.
- (.3) Where the Historical Commission acts to postpone the proposed alteration or demolition pursuant to 14-903(5)(b), L&I shall defer action on the permit application pending a final determination by the Historical Commission approving or disapproving the application. Before taking any action, the Historical Commission shall afford the owner an opportunity to appear before the Historical Commission to offer any evidence the owner desires to present concerning the proposed alteration or demolition. The Historical Commission shall inform the owner in writing of the reasons for its action.

(b) Postponing Alteration or Demolition

Where the Historical Commission has determined that the purpose of this section may best be achieved by postponing the alteration or demolition of any building, structure, site or object subject to its review, the Historical Commission may, by resolution, defer action on a permit application for a designated period not to exceed 6 months from the date of the resolution. During the time that action on a permit application is deferred, the Historical Commission shall

consult with the owner, civic groups, public and private agencies, and interested parties to ascertain what may be done by the City or others to preserve the building, structure, site, or object that is the subject of the permit application. When appropriate, the Historical Commission shall make recommendations to the Mayor and City Council.

(c) Conditions on Approval

The Historical Commission may require that a permit for the alteration or demolition of any building, structure, site, or object subject to its review be issued subject to such conditions as may reasonably advance the purposes of this section. L&I shall incorporate all such requirements of the Historical Commission into the permit at the time of issuance. In cases where the Historical Commission, pursuant to 14-903(5)(a), agrees to the demolition of an historic building, structure, site, or object, or of a building, structure, site, or object located within an historic district that contributes, in the Historical Commission's opinion, to the character of the district, the Historical Commission may require that the historic building, structure, site, or object be recorded, at the owner's expense, according to the documentation standards of the Historic American Buildings Survey and the Historic American Engineering Record (HABS/HAER) for deposit with the Historical Commission.

(d) Required Findings

No permit shall be issued for the demolition of an historic building, structure, site, or object, or of a building, structure, site, or object located within an historic district that contributes, in the Historical Commission's opinion, to the character of the district, unless the Historical Commission finds that issuance of the permit is necessary in the public interest, or unless the Historical Commission finds that the building, structure, site, or object cannot be used for any purpose for which it is or may be reasonably adapted. In order to show that building, structure, site, or object cannot be used for any purpose for which it is or may be reasonably adapted, the owner must demonstrate that the sale of the property is impracticable, that commercial rental cannot provide a reasonable rate of return, and that other potential uses of the property are foreclosed.

(e) Review Criteria

In making its determination as to the appropriateness of proposed alterations, demolition, or construction, the Historical Commission shall consider the following:

- (.1) The purposes of this section;
- (.2) The historical, architectural, or aesthetic significance of the building, structure, site, or object;

- (.3) The effect of the proposed work on the building, structure, site, or object and its appurtenances;
- (.4) The compatibility of the proposed work with the character of the historic district or with the character of its site, including the effect of the proposed work on the neighboring structures, the surroundings, and the streetscape; and
- (.5) The design of the proposed work.
- (.6) In addition to the above, the Historical Commission may be guided in evaluating proposals for alteration or construction by the Secretary of the Interior's "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" or similar criteria.
- (.7) In specific cases as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of this section would result in unnecessary hardship so that the spirit of this section shall be observed and substantial justice done, subject to such terms and conditions as the Historical Commission may decide, the Historical Commission shall by a majority vote grant an exemption from the requirements of this section.

(f) Demolition Permit

L&I shall not issue any permit for the demolition, alteration, or construction of any building, structure, site, or object that is being considered by the Historical Commission for designation as historic or that is located within a district being considered by the Historical Commission for designation as historic where the permit application is filed on or after the date that notices of proposed designation have been mailed, except that L&I may issue a permit if the Historical Commission has approved the application or has not taken final action on designation and more than 90 days have elapsed from the date the permit application was filed with the Historical Commission. Where the Historical Commission takes final action on designation within the time allotted herein, any permit application on file with L&I shall be deemed to have been filed after the date of the Historical Commission's action for purposes of this section.

14-904 Performance of Work and Maintenance⁶⁸²

(1) Inspection

- (a) L&I shall, upon the request of the Historical Commission, examine the buildings, structures, sites, and objects designated as historic by the Historical Commission and report to the Historical Commission on their physical condition.
- (b) All work performed pursuant to the issuance of a permit for the alteration or demolition of a building, structure, site, or object subject to the Historical Commission's review shall conform to the requirements of such permit. It shall be the duty of L&I to inspect from time to time any work performed pursuant to such permit in order to ensure compliance. In the event that work is not being performed in accordance with the permit requirements, L&I shall issue a stop work order and all work shall cease until the work is brought into conformity with the requirements of the permit.

(2) Maintenance Required

- (a) The exterior of every historic building, structure and object and of every building, structure and object located within an historic district shall be kept in good repair as shall the interior portions of such buildings, structures and objects, neglect of which may cause or tend to cause the exterior to deteriorate, decay, become damaged or otherwise fall into a state of disrepair.
- (b) The provisions of this Chapter 14-900: shall not be construed to prevent the ordinary maintenance or repair of any building, structure, site or object where such work does not require a permit by law and where the purpose and effect of such work is to correct any deterioration or decay of, or damage to, a building, structure, site or object and to restore the same to its condition prior to the occurrence of such deterioration, decay, or damage.

14-905 Historic Resource Compliance Order

In the case of a violation of this Chapter 14-900:, L&I may issue orders directing compliance with the requirements of that Chapter. An order shall be served upon the owners or person determined by L&I to be violating the requirements of this section. If the person served is not the owner of the property where the violation is deemed to exist or to have occurred, a copy of the order shall be sent to the last known address of the registered owner and a copy shall be posted on the property. Where the owner's address is unknown, a copy of the order shall be posted on the property.⁶⁸³

⁶⁸² Current 14-2007(8)

⁶⁸³ Since Module 3 this material has been moved from 14-206.

14-906 Penalties

In addition to those penalties listed in the Philadelphia Administrative Code, any person who alters or demolishes a building, structure, site or object in violation of the provisions of this Chapter 14-900: or in violation of any conditions or requirements specified in a permit issued by the Historical Commission shall be required to restore the building, structure, site or object involved to its appearance prior to the violation. Such restoration shall be in addition to and not in lieu of any penalty or remedy available under this Zoning Code or any other applicable law.⁶⁸⁴

⁶⁸⁴ This provision is carried over from current 14-2007 but did not appear in Module1. Provisions for a \$300 fine were not carried over because money fines are listed in the Philadelphia Administrative Code.

Chapter 14-1000: Definitions

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14-1001 Rules of Construction

In the interpretation of this Zoning Code the rules and definitions of this 14-1001 shall be observed and applied, except when the context clearly indicates otherwise.

- (a) Words used or defined in one tense or form shall include other tenses and derivative forms.
- (b) Words in the singular number shall include the plural number, and words in the plural number shall include the singular number.
- (c) The masculine gender shall include the feminine and the feminine gender shall include the masculine.
- (d) The word “shall” is mandatory.
- (e) The word “may” or “should” are permissive.
- (f) The words “Municipal Code” means the Municipal Code of the City of Philadelphia, Pennsylvania.
- (g) The word “person” includes individuals, firms, corporations, associations, and any other similar entities.
- (h) The word “city” means the City of Philadelphia, Pennsylvania.
- (i) The words “City Council” mean the City Council of Philadelphia, Pennsylvania.
- (j) The word “state” means the Commonwealth of Pennsylvania.
- (k) In case of any difference of meaning or implication between the text of this Zoning Code and any caption or illustration, the text shall control.
- (l) The terms “standards” and “guidelines” have different meanings, as follows. Standards mandate the specific course of planning and design action that the applicant must incorporate in its project application. Compliance with standards is mandatory. Statements of standards are indicated by use of the word “shall” in the rule or directive. A failure to meet a mandatory standard may be used as a basis for the city’s denial of a project application. In comparison, “guidelines” use by the words “may” or “should.” Guidelines are voluntary and not mandatory, but compliance is strongly encouraged to fulfill the intent of the section. A failure to meet a voluntary guideline cannot be used by the city as a basis for a project denial.

14-1002 Rules of Measurement⁶⁸⁵

In the application of this Zoning Code the rules of measurement of this 14-1002 shall be observed and applied, except when the context clearly indicates otherwise.⁶⁸⁶

(1) Diameter Breast Height

The standard measure of a tree's diameter at 4.5 ft. above ground level.⁶⁸⁷

(2) Elevation, Airport

The highest point of an airport's usable landing area measured in ft. above mean sea level (MSL).

(3) Elevation, Primary Surface

As used in the context of airport-related regulations, the elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

(4) Front Yard

A yard, the width of which is measured from one side line of the lot to the opposite side line of the lot, located between the street line and the front of any building or structure (not including fences).⁶⁸⁸ See "Yard"

(5) Gross Floor Area

The sum of the gross horizontal areas of all the floors of a building, measured from the exterior faces of the exterior walls or center lines of walls separating 2 buildings. See 14-1002 for rules of measurement and exceptions.

(a) Measurement Includes

- (.1) Porches (whether enclosed or unenclosed).
- (.2) Elevator shafts and stairwells on each floor.
- (.3) Attic space (whether finished or unfinished).
- (.4) Interior balconies.
- (.5) Mezzanines.
- (.6) Basements.
- (.7) Penthouses.

⁶⁸⁵ These provisions have been collected from rules and exceptions scattered throughout the current code. While they could be included in the list of definitions in 14-903, they are relatively detailed and would make the definitions section more complex than it needs to be. Airport-related definitions have been added per the new SP-Air district text provided by PCPC.

⁶⁸⁶ Introductory sentence is new since Module 3.

⁶⁸⁷ Moved from landscaping and trees text since Module 3.

⁶⁸⁸ From Code Bulletin of Information Z-0503.

- (.8) Mechanical equipment areas with a structural headroom of 7.5 ft. or more.
- (.9) Accessory off-street surface parking areas in the RMX-3, CMX-4, or CMX-5 districts.
- (.10) All levels of an accessory or primary use parking garage located at or above the average ground level (except as excluded in subsection (b) below). When the lot is located within a 100 year flood plain any point located one foot above the regulatory flood level shall be considered to be at the average ground level of the lot. When a lot is located over an active railway right-of-way, any point located 4 ft. above the minimum clearance that is required to be maintained above the railway right-of-way and within a distance of 110 ft. from the outward edges of the right-of-way, shall be considered to be at the average ground level of the lot.

(b) Measurement Excludes⁶⁸⁹

- (.1) Terraces, overhangs, uncovered steps, cellars, enclosed public space (e.g., atriums, winter gardens), attics, basement bulkheads, penthouses for elevators or mechanical equipment, and other spaces with structural headroom of less than 7.5 ft.
- (.2) Accessory off-street surface parking areas (except in RMX-3, CMX-4, and CMX-5 districts) or loading spaces.
- (.3) Underground accessory parking and related structures such as stairs, lobbies, and mechanical spaces.⁶⁹⁰
- (.4) In all R districts: Monuments, belfries, cupolas, minarets, pinnacles, church gables, spires, or ornamental towers not for human occupancy shall be excluded from the measurement of gross floor area in residential districts.
- (.5) In all R districts: Towers of mechanical or structural necessity shall be excluded from the measurement of gross floor area in residential districts, except where the area of those towers exceed 20% of the ground floor level of the building of which they are a part.
- (.6) Office, retail sales, commercial service, or public, civic, or institutional space located along the perimeter of a parking garage structure

⁶⁸⁹ Subsections (.4) and (.5) are from current 14-218(2) edited for clarity. An exception reading “the gross floor area of all levels of a parking garage located at or above the average ground level shall not be included as part of the permitted gross floor area calculations in the shaded areas shown on the following 3 maps” was deleted.

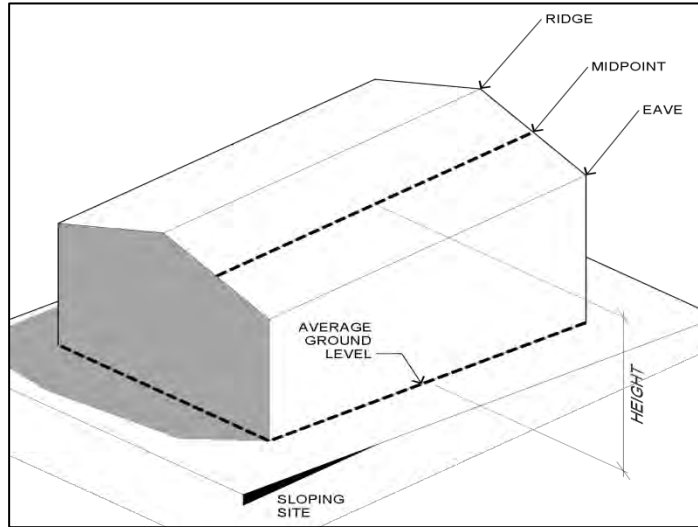
⁶⁹⁰ This was carried over from bonus provision footnotes since Module 3.

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pursuant to 14-402(6)(e) or 14-702(13)(h).(3).

(6) Height of a Building or Structure

The vertical distance from the average ground level at the base of the structure to the top of the structure, provided, that if height is measured on a gable wall of a building, the top of the building shall be considered to be the midpoint height between the eaves and the ridge.



(7) Height, airport related

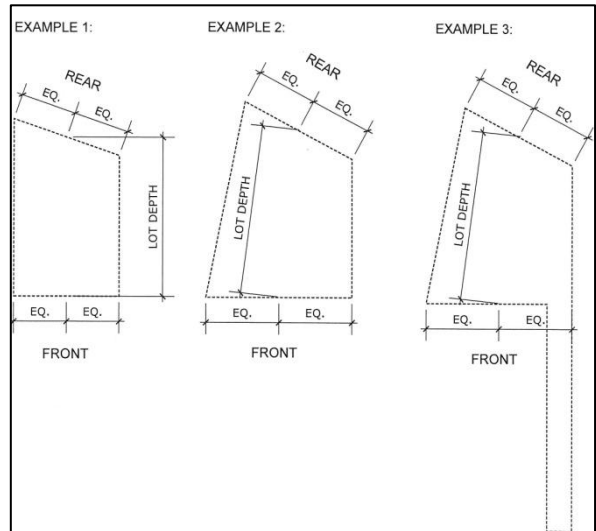
For the purpose of determining the height limits in the context of airport-related regulations, the datum shall be mean sea level elevation, unless otherwise specified.

(8) Lot Area

The total area of the horizontal plane of a lot width at ground level.⁶⁹¹

(9) Lot Depth⁶⁹²

The horizontal distance from the midpoint of the front lot line to the midpoint of the rear lot line of a lot. In the case of flag lots the width of the “pole” or portion of the lot only used for access to the remainder of the lot shall be ignored in determining the midpoint of both the front and rear lot lines.



(10) Lot Frontage

The width of a lot measured along

⁶⁹¹ New definition.

⁶⁹² New definition.

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the front lot line of the lot.⁶⁹³

(11) Lot Width

The width of the lot, measured at the rear of the required front yard, along a line parallel to the front lot line.⁶⁹⁴

(12) Net Leasable Area

The total of all gross floor area of a building within interior walls, excluding areas devoted to the following service areas, including: rubbish rooms and custodians closets, space used for vestibules, stairways, escalators, and elevators; areas used for electrical, telephone, computer, or mechanical equipment; loading docks and receiving areas; non-occupied areas devoted to building structure, support, or aesthetics; mall and concourse areas not occupied by retail kiosks and/or vendor stands; public seating areas (not including restaurant and café seating); public walkways, and other areas devoted to public uses within the mall or concourse; public rest rooms.

(13) Occupied Area

The total of the areas of all buildings on the lot. The area of each building is the area of a horizontal section of such building on any floor at or above ground level taken at its greatest outside dimensions, including all structures, except fences.⁶⁹⁵

(14) Public Plaza or Open Space⁶⁹⁶

Public plaza and open spaces are defined in 14-1003 and are measured as follows for purposes of calculating ground level open spaces eligible for bonus floor area:

(a) Measurement Includes:

- (.1) Portions of the open spaces occupied by benches, planting boxes, fine arts, and other ornamental devices and structures that conform to all other sections of this Zoning Code relating to access to public space.
- (.2) In C districts, any areas occupied by devices for the display and sale of goods or merchandise that is accessory to the public space of a building and complies with other regulations set forth in this Zoning Code.
- (.3) All areas for all means of pedestrian and handicapped access to public spaces or open spaces.
- (.4) All areas for seating, landscaping, and fine arts required in order to qualify for additional gross floor area.

⁶⁹³ New definition.

⁶⁹⁴ New definition.

⁶⁹⁵ New definition.

⁶⁹⁶ From current 14-111 modified for clarity.

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(b) Measurement Excludes

- (.1) In R districts, any areas occupied by devices or structures used for the advertising or display of goods or merchandise, or portions of ground level upon which a commercial use is conducted.

(15) Rear Yard

A yard located between the extreme rear line of any building or structure and the extreme rear line of the lot, or the nearest side line of a street, driveway, or alley. The depth of the rear yard is measured from the rear most portion of the building to the rear lot line.⁶⁹⁷

(16) Seating Space

A seating space in a place of public assembly shall be considered as a fixed permanent seat. In the case of bleachers, benches or the flat tops of walls, seating shall be 18 in. wide and 16 in. deep. Seating 30 in. or more in depth shall count double when access is provided to both sides. In the case of open floor area used for temporary seating purposes, seating area is calculated as one seat per 9 sq. ft. of open floor area.

(17) Side Yard

A yard, the width of which is measured between any building or structure (not including fences) and the side line of the lot, or to the nearest side line of a street, driveway, or alley extending from the front yard to the rear yard.⁶⁹⁸

(18) Sign Area

The part of a sign that is measured for purposes of conformance to the various sign dimension provisions as set forth in Chapter 14-800. The area of a sign shall include any lettering, copy, and/or illustrations and any background created so as to distinguish the sign and/or the message contained therein from the building or structure upon which the sign is located, provided that, the sign area of a free-standing sign shall include all elements of the sign structure, except any supporting columns, uprights, or braces.

14-1003 Definitions⁶⁹⁹

For purposes of this Zoning Code, the following definitions shall apply:

⁶⁹⁷ From Code Bulletin of Information Z-0503 with the second sentence added. This replaces the current Title 14 definition that reads “Open space in the rear yard of a building which is required for each family in certain districts, measured from the rear most portion of the building to the rear lot line. “

⁶⁹⁸ From Code Bulletin of information Z-0503.

⁶⁹⁹ These definitions have been collected from throughout the current code. Definitions that are no longer used in the draft Zoning Code, including definitions of uses that no longer appear in Chapter 14-500 of the Zoning Code, have been deleted. In the final draft, material in longer sentences will be reorganized as bullets, additional cross-references between definitions may be added, and some definitions and sub-definitions may be grouped for clarity.

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Accessory Use

A use, including all necessary public utility facilities, subordinate to and on the same lot as the main use on a lot and customarily incidental to the main use, excluding signs.

Active Space

A space that provides for public activity at the ground floor or concourse of a building, provided that where it abuts a public sidewalk or public space, it is open and accessible or visually accessible to the public; further provided, that the following uses shall qualify as active space: enclosed public space, enclosed gardens, public rooms, and through block connections; entrances to public transit stations and/or the public transit concourse; libraries, museums, galleries and exhibition space; office, hotel and/or theater lobbies; places of worship; retail sales areas and restaurants.

Additional Gross Floor Area

See "Gross Floor Area."

Adult Book Store⁷⁰⁰

An establishment having 33% or more of its stock-in-trade, books, magazines, and other periodicals that are distinguished or characterized by their emphasis on matter depicting, describing or related to "specified sexual activities," or "specified anatomical areas," or an establishment with a segment or section devoted to the sale or display of these types of material.

Adult Cabaret

An adult club, restaurant, theater, hall, or similar place that features topless dancers, go-go dancers, exotic dancers, strippers, male or female impersonators, or similar entertainers exhibiting specified anatomical areas or performing specified sexual activities.

Adult Entertainment Store

An establishment having 33% or more of its stock-in-trade: books, magazines or periodicals characteristic of an adult bookstore, as defined in this section; videos or other visual production materials characteristic of an adult video store, as defined in this section; and/or any devices, commonly known as sex toys, designed or marketed as useful primarily for the stimulation of human genital organs.

Adult Modeling or Photography Studio

An establishment having 33% or more of its business distinguished or characterized by its emphasis on the photographing of males and/or females exhibiting "specified anatomical areas" or "performing specified sexual activities." The establishment may feature employees or contractors who, as part of their employment, customarily expose specified anatomical areas to patrons.

⁷⁰⁰ The phrase "substantial or significant" portion has been replaced by 33% or more in the definitions of "adult books store," "adult entertainment store," "adult modeling or photography studio," and "adult spa or health club."

Adult Motion Picture Theater⁷⁰¹

An enclosed building with a capacity of fifty or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" for observation by patrons in that building.

Adult Spa or Health Club

A spa or health club having 33% or more of its business distinguished or characterized by its emphasis on males and/or females exhibiting "specified anatomical areas" or "performing specified sexual activities." The establishment may feature employees or contractors who, as part of their employment, customarily expose specified anatomical areas to patrons.

Adult Video Store

An establishment having 33% or more of its floor area and/or 33% of its stock-in-trade, videos and other visual production materials that are distinguished or characterized by their emphasis on matter depicting, describing or related to "specified sexual activities" or "specified anatomical areas."

Aircraft⁷⁰²

Any device, except an unpowered hang-glider or parachute, used for manned ascent into flight or through the air, whether intended for commercial, private, or military use.

Airport

Any area of land or water within the City of Philadelphia that is used, or intended to be used, for aviation operations serving the general public, including landing and take-off of aircraft, airport-related facilities, air navigation facilities or aviation rights-of-way. Unless otherwise expressly stated, an airport does not include facilities designated as heliports or private airports.

Airport Hazard

Any man-made structure, natural object or use of land that obstructs the airspace required for aircraft navigation during landing or take-off operations at an airport, or is otherwise hazardous to the landing or taking-off of an aircraft.

Airport Hazard Area

Any area of land or water upon which an airport hazard might be established if not prevented as provided in this Section.

Airport Zoning Planning Agency

Within the City of Philadelphia, the Philadelphia City Planning Commission is the designated Airport Zoning Planning Agency. Requirements and responsibilities as outlined in PA Act 164 of 1984, Subchapter B, Section 5914(b), relating to an Airport Zoning Planning Agency apply to the Philadelphia City Planning Commission.

⁷⁰¹ The definition for adult mini-motion picture theater was deleted because it is no longer listed as a specific use.

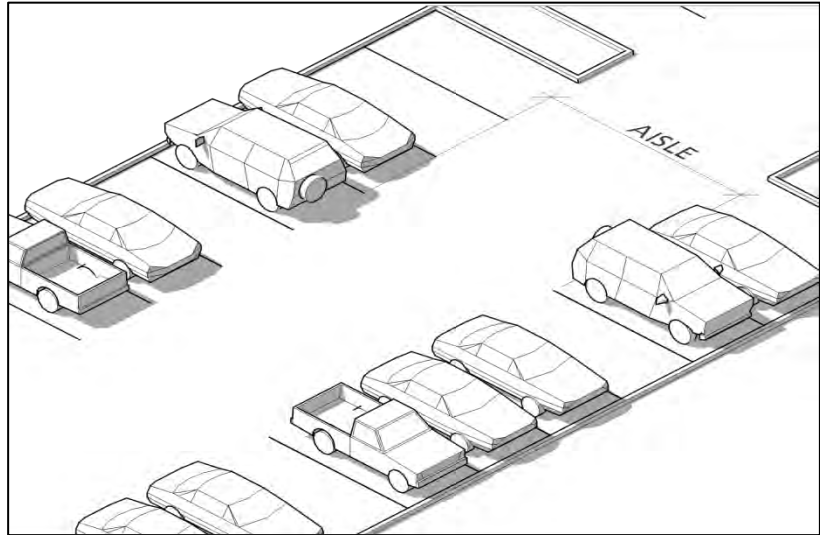
⁷⁰² All airport-related definitions have been added per the new SP-AIR district text provided by PCPC.

Airspace

The space over and above land or water used for the right of passage for aviation navigation at a sufficient height and without interference to the enjoyment and use of the land and water beneath without actual damage to the land or water, or property on the water or land.

Aisle

As used in the context of surface parking areas or parking structures, any area of a parking lot immediately abutting a parking space that is used to provide vehicular ingress and egress between a parking space and a driveway, provided, aisles shall not be located in any setback area or rear yard required by this Code.



Alley

A common right-of-way shared by 3 or more abutting landowners, which shall not be included as part of the required rear yard or open space of any of the abutting lots and that shall not be obstructed by any of the abutting landowners without the concurrence of all those with deeded rights to the alley.

Alteration⁷⁰³

A change in the appearance of a building, structure or site, or any other change for which a permit is required under The Philadelphia Code, including demolition.

Amusement Arcade

An establishment that offers to patrons 4 or more mechanical or electrical amusement devices or games such as pinball machines, ping-pong, darts, shooting galleries, or similar devices or games (but excluding juke boxes) in the establishments regulated by the Liquor Control Board of the Commonwealth of Pennsylvania, and vending machines for the dispensing of goods.

Antenna

Equipment including antennas, auxiliary structures, and cables that transmit and receive

⁷⁰³ New from the NCD definitions section of the existing code

radio or other wireless telecommunications signals but not including commercial radio or television broadcasting; provided however that each antenna itself, that portion of the facility propagating and receiving signals, shall not exceed 15 ft.

Approach Surfaces

Sloping trapezoidal planes beginning at each approach surface base line beyond the end of each runway and extending upward and outward for a horizontal distance measured along the extended runway center line of 50,000 ft. in the case of Runway 6-24, and 40,000 ft. in the case of Runway 15-33, such approach surfaces having a slope measured in a vertical plane passing through the extended runway center line of 50:1 in the case of Runway 6-24 and 40:1 in the case of Runway 15-33. Each approach surface widens uniformly to a width of 16,000 ft. at its outer edge in the case of Runway 6-24, and 8,500 ft. in the case of Runway 15-33.

Approach Surface Base Line

A horizontal straight line at runway and elevation 200 ft. outward from the end of each runway measured along the extended runway center line, which approach surface base line is in a horizontal plane and that is perpendicular to that extended center line and extending 500 ft. therefrom in each direction in the case of Runway 6-24 and 250 ft. in the case of Runway 15-33.

Arbor⁷⁰⁴

A shaded structure often covered with shrubs, vines, or branches.

Arcade

An unobstructed covered passageway located at the ground level of a lot and located either within a building or under a building (when a building is cantilevered so as to create a covered passage) and serving to connect public spaces and/or public sidewalks, provided that both sides of the arcade abut active space, public space, or public sidewalks.

Architectural Features⁷⁰⁵

Features contributing to the general arrangement of the exterior of a structure, including but not limited to, the surface texture, building materials, roof shape, eaves, awnings, arcades, pilasters, cornices, wall offsets, and other building articulations .

Architectural Recesses

Portions of a building wall at street level that are set back from the street line so as to create articulation of the building wall and/or to provide space for windows or doors, provided those recesses are not part of the required public space or open space required by this Code.

Area of a Building

See "Occupied Area."

⁷⁰⁴ New definition.

⁷⁰⁵ New definition for a term used throughout the current code but not defined.

Artist⁷⁰⁶

A practitioner in the visual arts generally recognized by critics and peers as a professional possessing serious intent and ability who is not a member of a project consultant's team or employed by a member of that team.

Automotive Sales Lot

Any outdoor area or space where more than 3 motor vehicles for sale to the public may be parked, stored, or displayed.

Auto-share space

A parking space reserved for vehicles owned by an organization that provides public access to a fleet of automobiles on an hourly basis, or in smaller intervals, and maintains those automobiles, which must be located at unstaffed, self-service locations (other than any incidental garage valet service) and generally available for pick-up by members 24 hours per day.

Awning⁷⁰⁷

A temporary or permanent non-loadbearing projection from a building designed to provide shade or protection from elements, having a pitched surface that may or may not be used for any other purpose.

Balcony⁷⁰⁸

A platform projecting from the wall of a building and surrounded by a balustrade or railing or parapet

Balustrade⁷⁰⁹

A row of balusters or small posts topped by a rail, serving as an open parapet, as along the edge of a balcony, terrace, bridge, staircase, or the eaves of a building.

Bank of a Surface Water Body

The land that contains a surface water body at its highest flow

Basement

A story or portion of a story partly, but less than 50% below the average level of the ground surrounding the structure to be counted as a story in computing the number of stories of a structure.

Basic Gross Floor Area

See "Gross Floor Area, Basic"

Bay window

A window structure that projects from the wall of a building and is at least 24 in. above the finished floor surface.

⁷⁰⁶ New definition since Module 3.

⁷⁰⁷ New definition.

⁷⁰⁸ New definition.

⁷⁰⁹ Definition revised for clarity.

Best Management Practice⁷¹⁰

A practice or combination of practices that are the most effective, practical means of achieving a stated goal or policy of the City of Philadelphia or the State of Pennsylvania.

Bicycle Parking Space

A space provided for locking a single bicycle to a rack element or for the storage of a single bicycle in a bicycle storage facility that complies with standards established by L&I and the Department of Streets. Bicycle parking spaces are classified as follows:

Bicycle Parking Space, Class 1

Bicycle parking spaces that are protected against both theft and inclement weather. Class 1A includes bicycle spaces located in bicycle storage facilities, and Class 1B includes bicycle racks located under a permanent overhead building structure.

Bicycle Parking Space, Class 2

Class 2. Bicycle parking spaces that are protected against theft but are not protected against inclement weather.

Bicycle Storage Facility

A shed, storage room or locker designed to hold one or more bicycles that complies with the standards established by the L&I and the Department of Streets.

Block

An area of land bounded by streets that are confirmed on the City Plan and legally open.

Block Face

The edge of a block of platted lots facing a publicly dedicated street or facing private street and that is located between two intervening side streets intersecting the street in front of the lot.⁷¹¹

Block Frontage

The distance along any street line between the nearest streets intersecting it.

Board

The City of Philadelphia Zoning Board of Adjustment, unless the context clearly indicates a different board.

Body Piercing Shop

An establishment that is engaged in any extent in providing body piercing to customers. Body piercing is the process of breaching the skin or mucous membrane for the purpose of insertion of any object, including but not limited to, jewelry for cosmetic purposes. The term does not include ear piercing or nail piercing.

Building

A structure having a roof.

⁷¹⁰ New definition adapted from BMP definition in Water Quality section.

⁷¹¹ New definition.

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Building, Attached⁷¹²

A building with two or more party walls or one party wall in the case of a building at the end of a group of attached buildings.

Building, Detached

A building with no party wall or walls and that has a rear yard, a setback, and two side yards on intermediate lots, or one side yard, a rear yard, and two setbacks (when required by this Code) on corner lots.

Building, Semi-detached

One of two buildings with a party wall common to both.

Building Setback Line

The rear line of the minimum required front yard, as designated for each district in this Code.

Bus Terminal

Any premises for the transient housing or parking of motor driven buses, and the loading and unloading of passengers.

Canopy⁷¹³

A detachable, roof-like cover, supported from the ground or deck, floor, or walls of a structure, for protection from the sun or weather.

Carport⁷¹⁴

A building, structure, or part of a building or structure for the parking, storage, housing, or keeping of passenger vehicles by the owner or tenant of the premises, as an accessory use to a permitted use as a dwelling that (a) does not exceed a maximum depth of 25 ft. and a maximum width of 35 ft. and (b) does not include a wall between the ground and the roof on at least one side that is not a vehicle entryway.

Cartway

The portion of a street for vehicular use.

Cellar

A story or portion of a story, 50% or more below the average level of the ground surrounding the structure, not to be counted as a story in computing the number of stories in a structure.

Cell

An area of coverage that is a separate link in wireless communications.

Cellular service

A wireless telephone or telecommunications service.

⁷¹² Deleted “Building Classes” definition and instead made each building class its own definition.

⁷¹³ New definition.

⁷¹⁴ New definition since Module 3.

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Cell Site

A facility that transmits and receives wireless telecommunications signals.

Chimney

Vertical structure attached to a building that contains flues for drawing off smoke from furnaces and fireplaces.

City Datum

The City datum is the city equivalent based on NGDB elevation.

City-Related Agency

Any authority, government agency, or quasi-public corporation that: receives appropriations from the city, has entered into continuing contractual or cooperative relationships with the city, including any agreement whereby the city funds an agency’s debt service, or operates under legal authority granted to it by City ordinance.

Clearing

The removal of vegetation from the land, other than the mowing of grass.

Commission

The City Planning Commission, unless the context clearly refers to another named commission.

Completely Enclosed Building

A building having walls on all sides and a roof so that the space within the building is enclosed in all directions. Where there are pipes, tanks and other apparatus that are themselves complete enclosures, a use carried on within those enclosures shall be considered to be within a completely enclosed building.

Connector Space

Public space within a lot that may be open or enclosed and that is designed and/or intended to be used by the public to pass from or through the lot to a public sidewalk, a public transit concourse, a transit station, other public space within the lot, the public space of another lot, entrances to the building, or entrances to the retail spaces on a lot, or other public space as defined in this Code.

Conservators

A person or persons appointed to be legally responsible for the management of property pursuant to Pennsylvania Act 135 of 2008.

Construction

The erection of a new building or structure.⁷¹⁵

Contributing Building, Structure, Site, or Object

A building, structure, site or object within a district that reflects the historical or architectural character of the district as defined in the Historical Commission’s designation.

⁷¹⁵ New from the NCD definitions section of the existing code.

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Cornice

A horizontal decorative projection located at the top of a building.

Cultural Programming⁷¹⁶

Programs that are permanently established by the endowment of a trust or other legally binding mechanism of permanent funding (i.e., lasting the life of the building). Eligible components for on-site cultural programs shall include: performing arts, literary arts, media arts, education, and/or special events.

Curb Level

The level of the curb in front of a building as established on the confirmed City Plan.

Dance Hall

A use engaged in entertainment that may include live entertainment, a disc jockey, or a self-contained sound system providing music, with or without amplified sound, that provides for dancing by guests and patrons and that may or may not include the retail sale of food and/or beverages.

Day Care

The provision of care to individuals under the age of 18 or to adults for periods less than 24 consecutive hours, but not including schools, provided that the day care conforms to all applicable licensing and/or registration requirements of the Commonwealth of Pennsylvania and the City of Philadelphia.

Deck/Patio

An open structure at least 12 in. above the ground that is located in the front yard, rear yard, or side yard of a property.

Demolition or Demolish

The razing or destruction, whether entirely or in significant part, of a building, structure, site, or object. Demolition includes the removal of a building, structure, site, or object from its site of the removal or destruction of the façade or surface.

Department

The Department of Licenses and Inspections, unless the context clearly indicates a different department.

Design⁷¹⁷

Exterior features including mass, height, appearance, and the texture, color, nature, and composition of materials.

Designated Access Street⁷¹⁸

The streets that intersect the designated primary street within the transit-oriented development node.

⁷¹⁶ Term used throughout the existing code associated with public art requirements.

⁷¹⁷ Definition from the NCD section of the current code.

⁷¹⁸ This definition and the following two were moved from the draft /TOD overlay district text in Module 2.

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Designated Primary Street

The primary public street of a commercial character that passes through the transit-oriented development node and is served by a fixed rail, elevated, or subway public transit route.

Designated Transit Station

A fixed rail, elevated or subway public transit station that is located along the Designated Primary Street.

Detention or Correctional Facility⁷¹⁹

An institution operated by the City of Philadelphia, the Commonwealth of Pennsylvania, or the federal government, or a private party under contract with the City of Philadelphia, the Commonwealth of Pennsylvania, or the federal government for the confinement of offenders sentenced by a court and still under the jurisdiction of a court.

Developed Land

Land having more than one dwelling unit per acre or having a structure or structures with an area in excess of 5,000 sq. ft. per acre.

Disabled

“Handicapped” as defined in accordance with the Fair Housing Act Amendments of 1988, 42 U.S.C.S. 3602(h).

Discharge

To dispose, deposit, spill, pour, inject, dump, leak, or place by any means, or any material that is disposed, deposited, spilled, poured, injected, dumped, leached or placed by any means.

District⁷²⁰

One of the base or overlay zoning districts identified in Chapter 14-300: and depicted on the Official Zoning Map.

Dog Kennel

See "Stables, Public or Dog Kennels."

Drive Through Window

An opening in the wall of a building or structure designed and intended to be used to provide for sales to and/or service to patrons who remain in their vehicles.

Driveway⁷²¹

An unobstructed paved or unpaved right-of-way strip providing access to a vehicle parking, loading, or maneuvering facility.

Driveway, Shared⁷²²

A common right-of-way shared by 3 or more abutting landowners, building owners, or

⁷¹⁹ This definition is used for “Penal and Correctional Institution, Private” in the current code.

⁷²⁰ New definition to remove reference to the 1933 map as amended.

⁷²¹ New definition.

⁷²² This current definition of “driveway” refers to a shared driveway.

condominium owners that provides vehicular access to one or more lots or buildings and that shall not be included as part of the required rear yard or open space of any of the abutting lots and that shall not be obstructed by any of the abutting lots and that shall not be obstructed by any of the abutting landowners without the concurrence of all those with legal rights to the driveway.

Driveway, Parking Lot

Any area of a parking lot connecting an aisle to a public street that does not provide direct ingress and egress to any parking space.

Drug Paraphernalia Stores

Any retail store selling paraphernalia commonly related to the use of any drug or narcotic of which the sale, use, or possession of is subject to the provisions of "The Controlled Substance, Drug, Device and Cosmetic Act," 1972, April 14, P.L. 233, No. 64, 51 et seq., 35 P.S. Section 780-101 et seq., including, but not limited to, water pipes, pipe "screens," hashish pipes, "roach" clips, "coke" spoons, "bongs," and cigarette rolling paper, except that this shall not be deemed to include the sale of cigarette rolling paper by a store that also sells loose tobacco or the sale by prescription of implements needed for the use of prescribed drugs or narcotics.

Dwelling

A building, any portion of which is used or intended to be used for living or sleeping by human occupants. (See also the "Household Living" use subcategory description in 14-501(2)(a))

Earth Moving Activity

Any construction or other activity that disturbs the surface of land including but not limited to excavations, embankments, land development, subdivision development, and the moving, depositing, or storing of soil, rock, or earth;

Easement

A right granted for the purpose of limited public or quasi-public access across private land.⁷²³

Enclosed Building

See "Completely Enclosed Building."

Enclosed Public Space

Public space that is designed and intended to be used by the public and that may be totally enclosed by walls and a roof that are partially made of glass or other transparent material so as to allow for year-round climate controlled usage of the space and that has no floor area above its roof.

⁷²³ Revised by replacing the word "use" with "access".

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Entranceway⁷²⁴

A portion of a lot or parcel in front of and leading to a pedestrian door to a building.

Entranceway Cover

An open cantilevered or column-supported protective cover over an area leading to a pedestrian doorway.

Entry Arcade

An arcade that provides public access to building entrances, retail space, and/or public space.

Erosion

The wearing or washing away of soil by the action of wind or water.

Exceptional Public Benefit

Space and/or improvements that are provided for the use and benefit of the public, and for which incentive gross floor area is permitted in certain districts.

Family

A person living independently or a group of persons living as a single household unit using housekeeping facilities in common, but not to include more than 3 persons unrelated by blood, marriage or adoption.

Farmer's Market

An area, which may or may not be in a completely enclosed building, where on designated days and times, growers and producers of horticultural and agricultural products may sell those products and/or other incidental items directly to the public.

Fence

An unroofed barrier forming a partially enclosed structure used to limit ingress or egress to a lot or portion of a lot, including retaining walls, and that is constructed of wood, metal, or masonry materials that are designed and intended to be used primarily for the construction of fences.

Fire Escape⁷²⁵

Any of the series of emergency doors, ladders, or stairs used to evacuate a building if a fire breaks out; the entire escape route viewed as a whole.

Flood⁷²⁶

A temporary inundation of normally dry land areas.

Flood, One-Hundred-Year

A flood that on the average, is likely to occur once every one hundred years (i.e., that has a 1% chance of occurring each year, although the flood may occur in any year).

⁷²⁴ New definition.

⁷²⁵ New definition.

⁷²⁶ All "flood" related definitions from current 14-1606 Flood Plain Controls.

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Flood, Regulatory

The flood that has been selected to serve as the basis upon which the flood plain management provisions of this Code has been prepared.

Floodway

The designated area of a flood plain required to carry and discharge floodwaters of a given magnitude.

Floodway Fringe

That portion of the flood plain outside the floodway.

Floor

A story of a building. See Story.

Floor Area Ratio

A ratio determined by dividing the gross floor area of all buildings on a lot by the area of that lot.

Front Yard

See 14-1002.

Gable⁷²⁷

A side wall that comes to a point at its intersection with the ridge of two sloping roof planes set at the same length and angle.

Garage

A building or other structure or part of a building or structure used primarily for the housing, parking, or storage of motor vehicles.

Garage, Private Dwelling⁷²⁸

A building, structure, or part of a building or structure for the parking, storage, housing, or keeping of passenger vehicles by the owner or tenant of the premises, as an accessory use to a permitted use as a dwelling that (a) does not exceed a maximum depth of 25 ft. and a maximum width of 35 ft. and (b) includes a roof and walls on three sides and a vehicle entryway on the fourth side.

Garage, Private

A building, structure, or part of a building or structure in which more than 3 motor vehicles may be parked, stored, housed, or kept and that are not used for transient public parking, but that are for the private use of the owners, tenants, customers, or visitors of a premises, excluding Private Dwelling Garages.

Garage, Public

A building, structure, or part of a building or structure in which more than 3 motor vehicles may be parked, stored, housed, or kept for transient public parking.

⁷²⁷ New definition.

⁷²⁸ Revised since Module 3 to distinguish from a carport.

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Green Roof

A roof that supports living vegetation and includes a synthetic, high quality waterproof membrane, drainage layer, soil layer, and light weight medium plants.

Ground Floor

The first floor of a building at the average ground level at the front of the building. In the case of buildings with two street frontages, the ground floor level may be an average of ground level of the two street frontages. Within the flood plains of the Schuylkill River and Delaware River, the ground floor shall be defined as the first floor of the building measured one ft. above the 100 year flood elevation.

Gross Floor Area

See 14-1002.

Gross Floor Area, Additional

Gross floor area that is in addition to the basic gross floor area and that is permitted when developments conform to the requirements of various districts.

Gross Floor Area, Basic

The amount of gross floor area permitted and specified in various districts.

Gross Floor Area, Incentive

Gross floor area that is in addition to the basic gross floor area and additional gross floor area and that is permitted when developments conform to the requirements of various districts.

Gross Floor Area, Unused

The amount of gross floor area remaining after the total gross floor area of all buildings and structures existing on the lot is deducted from the permitted gross floor area of the lot.

Ground Level of a Building⁷²⁹

The story of a building or structure closest to the average grade of the public street that it faces along the frontage of the building, but not including any story located more than 3 ft. above or more than 3 ft. below the average grade of that street. When a lot is above or abuts a public transit concourse or station, "at ground level" shall include all areas that are at the station or concourse level that are connected to the sidewalk by stairs and/or ramps adequate for convenient public access.

Group Dwellings

One or more structures intended for single-family, two-family, or multi-family occupancy on a lot. A structure for group dwellings shall be defined as any space enclosed within continuous exterior walls.

Gun Shop

Any retail store selling, leasing, purchasing, or lending firearms or ammunition.

⁷²⁹ From current 14-110 and 111 modified for clarity.

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Height of a Building or Structure

See 14-1002.

Heritage Tree

Any tree that has a diameter of 24 in. or more, measured 4.5 ft. above natural grade, of a species listed on the Department of Parks and Recreation Heritage Tree Species List.⁷³⁰

Historic Building

A building or complex of buildings and site that is designated pursuant to 14-902 or the prior zoning ordinance or listed under Section 14-2007 of the prior zoning ordinance or listed by the commission under the prior historic buildings ordinance approved December 7, 1955.

Historic District, Object, Site, or Structure

A district, object, site, or structure that is designated by the Historical Commission pursuant to 14-902 or listed under Section 14-2007 of the prior zoning code.

Historically Certified Property⁷³¹

Those properties certified as historic pursuant to the requirements of 14-902 or pursuant to the requirements of Section 14-2007 of the prior zoning code.

Horizontal Surfaces

A horizontal circular plane 215 ft. above mean sea level and having a radius of 5,000 ft. measured from the intersection of that plane with a vertical line extending through the zoning reference point.

Hospital/Medical Center

An institution specializing in giving clinical, temporary, and emergency services of a medical or surgical nature to human patients, and licensed by State law to provide facilities and services in surgery, obstetrics, and general medical practice. These institutions include allied and adjunct medical facilities such as medical schools, nursing schools, student residences, laboratories, research facilities, out-patient treatment, and medical offices that may be in the same building or separate buildings, provided, this does not include non-accessory, non-adjacent, or independently operated medical office buildings, group medical practices, or laboratories.

Hotel/Motel⁷³²

An establishment providing temporary housing of guests where rents are charged by the day and having on-site parking spaces or off-site valet parking spaces and that may have accessory commercial facilities for the use of its guests. Hotels shall include apartment hotels, motels, motor courts, and motor inns.

Impervious Ground Cover

Any building, pavement, or other material that impedes the natural infiltration of surface

⁷³⁰ This definition has been revised since Module 3 to cover only certain species of trees.

⁷³¹ This definition added as it is used throughout the existing code

⁷³² Revised – the current definition only covers facilities with 10 or more units.

water into the soil. Impervious ground cover includes but is not limited to structures, swimming pools, and paved non-permeable patios, walks, driveways, parking areas, streets, sidewalks, and any other non-permeable ground cover.

Interior Walk

A right-of-way for pedestrian use extending from a street into a block or across a block to another street.

Kiosk

A structure that does not have a foundation, that contains less than 150 sq. ft. of area, and that is designed and intended to be used primarily for retail sale, display, and accessory advertising of food or merchandise.

Lateral Edge

As used in the context of airport-related regulations, the two edges of any approach surface extending outward from the approach surface base line.

Lateral Surfaces

As used in the context of airport area controls, sloping planes symmetrically located on each side of each runway, beginning at each lateral surface base line and extending upward and outward for a horizontal distance of 1,200 ft. measured perpendicular to the runway center line and having a slope of 7:1 measured in a vertical plane perpendicular to the runway center line.

Lateral Surface Base Line

As used in the context of airport area controls, a line on each side of a runway parallel with the center line of the runway connecting the end of one approach surface base line with the end of the approach surface base line at the other end of the runway.

Leadership in Energy and Environmental Design (LEED)

Certification through the Leadership in Energy and Environmental Design process, which is based upon a variety of categories, such as site sustainability, energy, materials, and indoor quality. This certification divides buildings into 4 categories: Basic Certification, Silver, Gold and Platinum.

Legally Required Windows

Windows required in certain rooms of dwellings, according to the provisions of Title 7 28 of The Philadelphia Code.

Loading Space, Off-Street

Required off-street spaces within a lot for the parking of a vehicle while loading or unloading merchandise or materials.⁷³³

Lot

A parcel of land consisting of a horizontal plane bounded by vertical planes that comprise its

⁷³³ The dimensional and locational criteria in this definition have been moved to the off-street loading text in 14-705(4)(g).

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front, side, and rear lot lines and that is intended or designed to be used, developed, or built upon as a unit.

Lot Area

See 14-1002.

Lot, Corner

Any lot bounded on two or more adjoining sides by streets.

Lot, Intermediate

Any lot other than a corner lot.

Lot, Reverse Frontage

A lot extending between and having frontage on a major street or highway and a residential street, with vehicular access solely from the residential street.

Lot Frontage

See 14-1002.

Lot Depth

See 14-1002.

Lot Width

See 14-1002.

Lot Line

A boundary line of a lot delineating one lot from another or from a street or any public or private means of vehicular and/or pedestrian traffic.

Low Occupancy Facility

As used in the context of bicycle parking requirements, a building with no customer contact and less than one employee per every 10,000 sq. ft. of gross floor area.

Lower Street Level

The lowest level in which a building has direct access to a street.

Mean Sea Level

United States Coast and Geodetic Survey zero datum plane.

Mechanical Access Parking Garage⁷³⁴

A private or public garage, whether open or enclosed at grade, above grade or below grade that employs parking machines, lifts, elevators or other mechanical devices for vehicles moving from and to the street level, including the following:

- (.1.) Automated Valet. Mechanical parking lifts where the car is driven on to a pallet and the pallet moves the car to a parking slot where the driver is not in the car and cannot access the space.
- (.2.) Self Park. Mechanical parking lifts where the parking space is accessed and operated directly by the driver and no cars are removed from another space for access.

⁷³⁴ New definition from adopted Council bill 080575, replacing the definition of mechanical parking in Module 3.

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(.3.) Tandem Parking. A parking space that is used by two or more cars, where a car must be removed for ingress and egress of another car.

Medical Center

See "Hospital/Medical Center."

Methadone Treatment Program⁷³⁵

An outpatient program for opiate addicts that use a synthetic opiate medication, which may include methadone or a similar substance, administered orally to prevent or reduce opiate withdrawal symptoms and reduce desire for opiates.

Mezzanine⁷³⁶

An intermediate level between floor and ceiling occupying a partial area of the floor space.

Mobile Home or Modular Home

A building intended to be used as a dwelling that may be constructed somewhere other than the lot on which it is placed or that is comprised of parts that are constructed elsewhere and assembled on a lot.

Moldings and Belt Courses

Horizontal ornamental projections that may be placed anywhere on a building.

Motel

See "Hotel/Motel."

Motor Trailer

Any vehicle used or so constructed so as to permit its being used as a dwelling or sleeping place for one or more persons, and so designed that it is or may be mounted on wheels and used as a conveyance propelled or drawn by its own or other motive power.

Night Club

An establishment where 50 or more people congregate, which may or may not serve food to patrons, has a disc jockey and/or live entertainment, and has one or more temporary or permanent area(s) set aside as a dance floor for the purpose of dancing by the patrons of the establishment.

Nonprecision Instrument Runway

A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in nonprecision instrument approach procedure has been approved, or planned, and for which no precision approach facilities are planned, or indicated on an FAA planning document or military service military airport planning document. (from Federal Aviation Regulation Part 77, Objects Affecting Navigable Airspace (Subpart A, Section 77.2))

⁷³⁵ Added per Change Memo #3.

⁷³⁶ New definition.

Object

As used in the context of preserving historic resources, a material thing of functional, aesthetic, cultural, historic, or scientific value that may be, by nature or design, movable yet related to a specific setting or environment⁷³⁷.

Objects of Natural Growth

Trees or any other type of plant or vegetative matter.

Observation Room/Deck

Space that is designed and intended to be used by the public and that may be within a building or in the open air and that is maintained so as to be open and available to the public during the hours the building is open to the public. This space must be located at or above the highest occupied floor of a building or at or above the 30th floor of a building 30 stories or more in height.

Obstruction

As used in the context of airport-related regulations, any structure, natural growth or other object, including a mobile object, which exceeds a limiting height set forth in airport-related regulations.

Occupied Area

See 14-1002.

On-site Cultural Programming⁷³⁸

On-site cultural programming consists of cultural programs that are permanently established by the endowment of a trust or other legally binding mechanism of permanent funding (i.e., lasting the life of the building). Eligible components for on-site cultural programs shall include:

- (.1.) Performing Arts: theater, dance and music;
- (.2.) Literary Arts: poetry readings and storytelling;
- (.3.) Media Arts: film and video screening and installations;
- (.4.) Education: lectures and presentations about the arts;
- (.5.) Special Events: festivals and celebrations; and
- (.6.) Visual Arts

On-site Public Art⁷³⁹

Art that is permanent (i.e., lasting the life of the building), original, and created specifically for the site, with public access, by an artist. It may include, but shall not be limited to the following separately or in combination:

- (.1.) Sculpture that is free-standing, wall supported or suspended, kinetic, electronic, etc., in

⁷³⁷ Definition from 14-2007.

⁷³⁸ Definitions of on-site cultural programming and on-site public art are from current public art floor area bonus language. Since Module 3, cultural programming definition has been expanded to include visual arts.

⁷³⁹ Since Module 3, this definition has been revised to include requirement for public access and creation by an artist, and (.5.) and (.6.) have been added as qualifying forms of public art.

- any material;
- (.2.) Murals or paintings in any material or variety of materials, with or without collage or additional non-traditional materials, markings and means;
 - (.3.) Earthworks, waterworks, fiberworks, functional elements, furnishings, neon, glass mosaics, photography, prints, calligraphy, in any combination of forms of media including sound, film, holographic and video systems; hybrids of any media and new genres;
 - (.4.) Lighting in any combinations of forms;
 - (.5.) Water features; and
 - (.6.) Environments, installations, infrastructure, and public spaces.

One Year Rule

The rule established by this subsection requiring the Department to deny certain applications for zoning or use registration permits that are substantially similar to certain previously denied applications.

Open Area⁷⁴⁰

Areas of the lot that are not designed for use as the building site, parking, or loading areas, unless otherwise specified in this Zoning Code, that are designed for private use associated with the structure on the lot.

Open Space⁷⁴¹

Open space maintained for the use and enjoyment of the general public.

Openings and Entranceways

An unobstructed space in a wall or fence, located at street level, that is designed and intended to allow access to or through a building and/or public space by the tenants of the building and/or the general public.

Open Storage

Storage in the open air, within a fenced area, or within a structure without a roof.

Outer Edge

As used in the context of airport-related regulations, the edge of any approach surface farthest from the end of any runway.

Parapet⁷⁴²

That portion of a wall that extends above the roof line.

Parcel⁷⁴³

An area, tract, or plot of land of any size, described by a metes and bounds description or

⁷⁴⁰ Revised. The former language read “Area or space at the ground level, transit concourse level, or any floor level that is open to the sky.”

⁷⁴¹ Revised. The former language read “Area or space at ground floor level or below ground floor level that is open to the sky.”

⁷⁴² New definition.

⁷⁴³ New definition.

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other means, which may or may not be subdivided or improved.

Parking, Off-street⁷⁴⁴

An area or structure for the parking of motor vehicles, which may contain both individual vehicle parking spaces and aisles permitting access from the street to those spaces, and including but not limited to those parking areas required by Chapter 14-700:.

Parking Lot

Any outdoor area or space for the parking of motor vehicles, including spaces, aisles, and driveways, provided, spaces shall not be located in any setback area or rear yard required by this Code.

Parking Lot, Private

A parking lot where more than 3 motor vehicles may be parked or kept without any charge.

Parking Lot, Public

A parking lot where more than 3 motor vehicles may be parked or kept for a charge, fee, or other consideration.

Party Wall

A wall used in common, as part of two or more buildings on separate lots.

Patio

See "Deck/Patio."

Payday Loans

Short-term cash advances of \$3,000 or less that are secured or facilitated by a consumer's personal check that is held for future deposit or by electronic access to the consumer's bank account. The term includes any form of such lending, notwithstanding the presence of some other element introduced to disguise the true nature of the transaction, such as the sale or provision of a good, service, or commodity incidental to the advance of funds and notwithstanding the fact that the transaction is conducted in person, by mail, Internet, or telephone, or through any other means. The term shall not include loans made by the customer's employer or an agent of that employer, a Licensed Gaming Facility, or by a federally or Commonwealth-chartered bank, thrift, or credit union.

Pent, Roof⁷⁴⁵

A small eaves-like projection from the façade of a house between the first and second floors; has a single straight slope; may provide very limited shelter for a window or door directly below, but is usually merely decorative.

Performance Space

Space within a lot or building that is open and available to the public and that is designed and intended to be used for live presentations of performing arts and/or public presentations, speeches, debates, or discussions.

⁷⁴⁴ New definition.

⁷⁴⁵ Revised for clarity.

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Personal Communications System or PCS

Wireless telecommunications service providers that include voice, data, and video that occupy approximately the two Gigahertz spectrum.

Physical Development Plan of the City or City Plan

A comprehensive plan for the city showing its present and planned physical development drawn pursuant to § 4-600 of the Charter.

Pilaster

A rectangular, non-bearing decorative column attached to a building.

Plat, Final

A complete and exact subdivision plan, prepared in form for official recording, to define property lines, proposed streets, and other improvements.

Plat, Preliminary

A tentative subdivision layout, showing approximate proposed street and lot layout as a basis for consideration prior to preparation of a Final Plat.

Plaza

Space that is designed and intended to be used by the public and that is open to the sky and directly accessible to the public street and/or public transit concourse. A public plaza is one that is open for use by the public during normal business hours, regardless of whether it is publicly or privately owned.⁷⁴⁶

Plot Plan

A plan prepared primarily for title purposes that shows the location, dimensions, and bearings of parcels of ground, and that may also include dimensions of structures and distances between structures and lot lines.

Pool or Billiards Room

An establishment that provides two or more tables for the playing of pool and/or billiards.

Porch⁷⁴⁷

A covered but unenclosed projection from the main wall of a building that may or may not use columns or other ground supports for structural purposes.

Precision Instrument Runway

A runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS), or a Precision Approach Radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated by an FAA approved airport layout plan; a military service approved military airport layout plan; any other FAA planning document, or military service military airport planning document. (from Federal Aviation Regulation Part 77, Objects Affecting Navigable Airspace (Subpart A, Section 77.2))

⁷⁴⁶ The second sentence is new.

⁷⁴⁷ New definition.

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Premises

A lot or parcel including all buildings and structures erected on that lot or parcel⁷⁴⁸.

Prepared Food

Food that is assembled, but not cooked, on the premises of a prepared food shop. “Prepared food” includes such food items as sandwiches, wraps, and sushi, ice cream, yogurt and smoothies.

Primary Surface

As used in the context of airport-related regulations, a surface longitudinally centered on a runway that extends 200 ft. beyond each end of the runway and runs the entire length of the runway along its sides. The width of the primary surface is set forth in 14-308, 14-409, 14-411, and/or 14-411.

Principal Building

A building in which the primary use of the lot on which the building is located is conducted.

Principal Use

The main use and primary purpose of a lot or structure as distinguished from an accessory use.

Property Data Map

A map showing all existing and planned conditions affecting the property to be subdivided that is required prior to the submission of an application for subdivision approval.

Protected Use

Churches, monasteries, chapels, synagogues, convents, rectories, religious article and religious apparel stores, residential dwelling units, hotels, convention/civic centers, schools, up to and including the 12th grade, and their adjunct recreation areas/play fields. public playgrounds, public swimming pools, public parks and public libraries.

Public Access⁷⁴⁹

A means of physical approach available to the general public.

Public Meeting Space

Space within a lot or building that is open and available to the public and that is designed and intended to be used for public meetings, presentations, speeches, debates, and/or discussions.

Public Room

Public space that is totally within a building, but that allows for year-round, climate controlled use by the public and that has direct access to the public street, transit concourses, and/or transit stations.

Public Space

Space within a lot or building that is open and available to the public and that is designed

⁷⁴⁸ Revised to include parcels as well as lots.

⁷⁴⁹ New definition.

and intended to be used by the general public. The space may consist of open space, enclosed public space, public rooms, gardens, and/or connector public space.

Public Transit Concourse

The network of interconnected spaces below the street level that provide ingress and egress to public transit and/or railway stations from street level and/or buildings.

Rear Yard

See 14-1002.

Registered Community Organization

A community organization that has registered with the City pursuant and maintained its registration in active status pursuant to rules established by the Planning Commission.⁷⁵⁰

Regulatory Flood Elevation

The 100 year flood elevation, as defined by the most recent Flood Insurance Study in use by the city⁷⁵¹.

Residential Building

The term “residential building” includes all of the following:

- (.1) Rowhouse
- (.2) Detached House
- (.3) Multi-dwelling Building
- (.4) Twin House
- (.5) Two-unit Building
- (.6) Mixed-use Building

Restaurant

A use engaged in the preparation and retail sale of food and beverages, including the sale of alcoholic beverages, on non-disposable ware for consumption by patrons on premises, with a minimum of 30 seats, and that does not provide live entertainment.

Restaurant (Take-out)

A use engaged in the preparation and retail sale of food and beverages that serves food and/or beverages in disposable packaging and/or containers for consumption by patrons on or off the premises, including but not limited to delicatessens and/or a restaurant with 29 or less seats.

Retaining Wall

A structure designed to resist the lateral displacement of soil or other materials in order to protect property and/or prevent erosion.⁷⁵²

Right-of-way

Land reserved for use as a street, interior walk, or for other public purpose.

⁷⁵⁰ New definition since Module 1.

⁷⁵¹ Revised to refer to the most recent study.

⁷⁵² New definition.

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Roof Deck⁷⁵³

A structural platform located above the finished roof material of a building, accessed from below the roof, and designed to function as an outdoor patio or observation platform.

Runway Center Line

The long axis of the runway surface.

Runway End Elevation

Elevation at the intersection of the runway center line and the end of the runway.

Screening

A physical barrier constructed or a vegetated barrier planted to reduce or prevent the view of specific equipment or areas or a site or portions of a building.⁷⁵⁴

Sediment

Solid material, whether mineral or organic, that is in suspension, is being transported, or has moved from its site of origin by air, water, or gravity.

Sell-Through Window

An opening in the wall of a building or structure designed and intended to be used to provide for sales to and/or service to patrons who remain outside of the building or structure.

Separate Buildings

Where any building is subdivided into separate units, floors, or portions of floors that are not interconnected and served by a common entranceway to other units, floors, or portions of floors, each subdivision of the structure shall be considered a separate building. Each separate building may have additional entranceways serving the ground floor or portions of the ground floor.

Setback

The distance required between the street line and the building setback line. A setback line is a line parallel to the street line and not less distant from the street line than the minimum distance required for building setbacks in each district in which setbacks are required.

Sewage Overflow Tank

A tank for collection and storage of dilute sewage for a short period of time prior to release of the sewage to the treatment plant, but not including any tank used for collection and storage of sewage only from an individual property.

Side Yard

See 14-1002.

Sign⁷⁵⁵

A name, identification, description, emblem, device or structure that is affixed to, or printed

⁷⁵³ New definition.

⁷⁵⁴ New definition.

⁷⁵⁵ Revised to match the language in the recent PCPC digital billboard regulations.

on, or represented directly or indirectly upon a building, structure, or parcel of land; that is illuminated or non-illuminated; visible or intended to be visible from any public place; and that directs attention to a person, place, product, institution, business, organization, activity or service. Signs shall also include any permanently installed or situated merchandise, including any banner, pennant, placard or temporary sign, with the exception of window displays and national flags.

Sign, Animated or Flashing

A sign with action or motion, flashing color changes, or upon which illumination is not maintained at a constant stationary intensity and/or color, not including wind activated elements such as flags and banners nor a sign giving time and/or temperature.

Sign, Accessory or On-Premise

A sign containing copy that directs attention to information, identification or advertisements strictly incidental to a lawful use of the premises on which the sign is located. This includes signs or devices indicating the business transacted, services rendered, goods sold or produced on the premises, and name or emblem of the person, firm, institution, organization or activity occupying the premises.

Sign, Awning⁷⁵⁶

An accessory sign attached to or integrated into awning or canopy, but excluding a sign not exceeding 1 sq. ft. in size attached to or integrated into the underside of the awning or canopy identifying the manufacturer of the awning or canopy.

Sign, Building Logo

An accessory sign containing copy limited to an identification of the building on which the sign is located, including corporate logos, building names, company names, or addresses.

Sign, Commercial

A sign containing copy limited to a lawful message that relates primarily to the economic interests of the publisher or its audience or directs attention to a business, industry, profession or commodity, product, or service offered for sale.

Sign, Digital Billboard⁷⁵⁷

Any non-accessory sign that utilize animation, or electronic display technology that illuminates, flashes, changes, rotates or scrolls, except for signs required by government agencies for public welfare and safety.

Sign, Directional

A sign containing copy limited to a lawful message that primarily directs pedestrian and/or vehicular traffic to a point of destination.

Sign, Free-Standing

Any sign that is supported by a structure of one or more columns, uprights, or braces

⁷⁵⁶ New definition since Module 3.

⁷⁵⁷ New definition.

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erected in or upon the ground.

Sign, Highway Directional

An official highway directional sign or other official sign authorized by a city, state, or federal agency.

Sign, Non-Accessory

See "Sign, Outdoor Advertising or Non-Accessory"

Sign, Non-Commercial

A sign containing copy limited to a lawful message that does not relate primarily to the economic interests of the publisher or its audience or direct attention to a business, industry, profession or commodity, product, or service offered for sale.

Sign, On-Premise

See "Sign, Accessory ."

Sign, Outdoor Advertising or Non-Accessory

A sign that directs attention to a business, industry, profession, commodity, service, organization, activity, institution, product, or entertainment neither sold, located nor offered upon the property where the sign is situated.

Sign, Portable

A sign that is not permanently affixed to a building, structure, column, upright, or brace, and that is intended to be and is capable of being moved from one location to another, including signs that are trailers or are affixed thereto, but not including signs affixed to operative and currently registered motor vehicles.

Sign, Projecting

A sign that extends more than 12 in. from the building or structure wall and that uses a building or structure wall as its main source of support and whose copy is other than parallel to the building facing.

Sign, Public Service

A sign that gives public service information such as time, date, temperature, weather, or similar information.

Sign, Real Estate

A sign that is intended to advertise community or civic projects, construction projects, real estate for sale, rent, or lease, or special events.

Sign, Revolving

A sign, any portion of which rotates.

Sign, Roof

A sign erected upon or above a roof or parapet wall of a building and that is supported by that building.

Sign, Temporary⁷⁵⁸

Any sign, banner, pennant, or advertising display intended to be displayed for a limited period of time. Easily removed signs attached to windows are considered temporary signs.

Sign, Wall

A sign that is in any manner fixed to, printed or painted on any exterior wall of a building or structure and that projects no more than 12 in. from the building or structure wall and that does not extend above the parapet eaves or building facade; provided, the copy area of such signs remains parallel to the building facing on which it is located; and further provided, that signs erected upon and not extending more than 3 ft. above the roof or top of a marquee, canopy or architectural projection shall be considered a wall sign.⁷⁵⁹

Sign Area

See 14-1002.

Sight Distance

The maximum distance of unobstructed vision (in a horizontal or vertical plane) along a street from a vehicle located at any given point on the street.

Slope

The ratio of horizontal to vertical distance.

Specified anatomical areas

Includes less than completely and opaquely covered: Human genitals, pubic region, buttocks; female breasts below a point immediately above the top of the areola, and human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified sexual activities

Includes human genitals in a state of sexual stimulation or arousal, acts of human masturbation, sexual intercourse or sodomy, fondling or other erotic touching of human genitals, pubic region, buttocks or female breasts.

Stable, Private

A building for housing domestic animals when not conducted as a business.

Stables, Public or Dog Kennels

Any place or premises where dogs or other animals are sequestered during or for the primary purpose of boarding, training or breeding.

Standard Industrial Classification Manual

A manual prepared by the Executive Office of the President, Bureau of the Budget, Technical Committee on Industrial Classification, Office of Statistical Standards 1957, and all subsequent revisions of that manual.

Statement of Intent to Develop or Condemn

A statement verified by a responsible official of a public agency attesting to the intention of

⁷⁵⁸ Revised to avoid repetition with text of wall sign definition.

⁷⁵⁹ New definition.

the agency to acquire, by condemnation or otherwise, a specifically identified area of the city for purposes of development, improvement, or other public purpose, subject to the availability of funds currently being sought by the agency or other contingencies set forth in the statement, and setting forth the agency's plan for development of the area.

Stormwater Management System

The designed features and facilities of a property that collect, convey, channel, hold, inhibit, or divert the movement of stormwater to insure the proper treatment and storage of these waters.

Stormwater Runoff

The flow of water that results from, and that occurs during and immediately following, a rainfall, snow, or other form of precipitation.

Story⁷⁶⁰

A story above grade plane, as defined in the International Building Code.

Street

A strip of land, including the entire right-of-way, confirmed upon the City Plan, intended for use as a means of vehicular and/or pedestrian traffic, but not including limited access highways.

Street, Cul-de-sac

A minor street having but one vehicular access to another street and terminated by a paved vehicular turn-around.

Street, Major

A street that carries traffic, generally local, to or from the system of major highways or that serves as main circulation for a large area.

Street, Major Highway

A street used primarily for traffic not local in destination.

Street, Primary Residential

A street that serves the prime function of collecting or distributing residential traffic within a neighborhood or area.

Street, Secondary Residential

A street that is used primarily for residential access.

Street, Tertiary Residential

A street that provides access to homes on lots in excess of 20,000 sq. ft., having 100 ft. frontage at the building line, and having no house or garage located within 50 ft. of that right-of-way, or one that serves not more than 6 lots or parcels.

⁷⁶⁰ This replaces the current definition, which reads “A complete horizontal dimension of a building, comprising the area between two adjacent levels or between an adjacent level and the roof” in order to promote consistency between planning and building codes. One result is that some attic areas will not be counted as a story.

Street, Marginal Access

A minor street, parallel and adjacent to a major street or major highway, providing access to abutting properties and controlling the location of intersections with that major street or highway.

Street Frontage⁷⁶¹

The edge of a lot or parcel that is directly adjacent to any publicly dedicated street, or if there is no publicly dedicated street then the private street or easement from which the lot or tract gets its primary vehicular access.

Street Line

The outward edge of a street confirmed on the City Plan.

Structural Elements

The components of a building that are necessary to the stability of the building.

Structure

Any type or form of construction above the ground.

Studio

An enclosed space used by anyone engaged in artistic employment or instruction in painting, sculpture, photography, music, dancing, dramatics, literature, or the like.

Subdivider

The owner, equitable owner, or authorized agent of the owner, or equitable owner of a property subdivided.

Subdivision

A division of any part, parcel, or area of land by the owner or his agent, into 2 or more lots or parcels for the purpose of conveyance, transfer, improvement, or sale with or without appurtenant roads, streets, lanes, driveways, and ways dedicated or intended to be dedicated to public use, or the use of purchasers or owners of lots fronting on them. A subdivision includes division of a parcel of land having frontage on an existing improved street into 3 or more lots, one or more of which have frontage on the existing street. The term subdivision includes re-subdivision and, as appropriate, shall refer to the process of subdividing land or to the land so subdivided.⁷⁶²

Substantial Improvement

Any repair, reconstruction or addition to a structure that equals or exceeds 50 % of the market value of the structure before improvement or repair commences.

⁷⁶¹ New definition.

⁷⁶² Revised to apply to divisions that create 2 or more (rather than 3 or more lots). The current code also includes a definition reading “Any development of a parcel of land that involves installation of streets and driveways whether or not dedicated and whether or not the parcel is divided for the purpose of immediate conveyance, transfer, or sale.”

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Tattoo

An indelible mark, figure or decorative design introduced by insertions of dyes or pigments into or under the subcutaneous portion of the skin or by the production of scars upon the body of a live human being.

Tattoo Parlor

An establishment that is engaged in any extent in providing tattoos to customers.

Telephone Exchange Building

A building used exclusively for the transmission and exchange of telephone message, but the term shall not include wireless service towers.

Terrace⁷⁶³

An open, often paved area adjacent to a house serving as an outdoor living space; a patio.

Through-Block Pedestrian Walkway

A walkway or corridor that is designed and intended to be used by the public, that provides public access through a building's public space, that is bounded on both sides by active space or public space, and that connects two parallel streets confirmed on the City Plan at 50 ft. or more wide.

Tobacco Products⁷⁶⁴

Any products containing tobacco prepared so as to be suitable for smoking or chewing, including but not limited to cigarettes, cigars, loose tobacco, chewing tobacco, and snuff.

Transfer of Development Rights

The severing of rights to complete specific amounts or types of development from one lot or tract and the transfer of those rights with or without compensation to another lot or tract where they can be used to support an amount or type of development not otherwise permitted by this Code.⁷⁶⁵

Transitional Surfaces

As used in the context of airport area controls, sloping parallelogrammatic planes beginning at the lateral edges of each approach surface and extending upward and outward at a slope of 7:1 measured in a vertical plane perpendicular to the extended runway center line and extending for a horizontal distance of 5,000 ft. measured perpendicular to the extended runway center line.

Transit-oriented Development Area

An area designated as a transit-oriented development (TOD) pursuant to 14-605.⁷⁶⁶

Transit-oriented Development (TOD) Primary Street.

A street designated as a TOD Primary Street pursuant to 14-605.

⁷⁶³ New definition.

⁷⁶⁴ New definition.

⁷⁶⁵ New definition.

⁷⁶⁶ All TOD related definitions are new.

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Transit-oriented Development (TOD) Secondary Street.

A street designated as a TOD Secondary Street pursuant to 14-605.

Transit Station, Designated

A fixed rail, elevated or subway public transit station that is located along a TOD Primary Street within a TOD node identified in 14-605.

Trash Storage

An enclosure or container for the temporary storage of permitted waste, rubbish, and debris generated on site until those items can be transferred off site for recycling, reprocessing, or disposal.⁷⁶⁷

Tree⁷⁶⁸

Any woody perennial plant having one well-defined main stem or trunk that, when mature, is not less than 6 in. in diameter at a breast height.

Trellis⁷⁶⁹

An architectural structure, usually made from interwoven pieces of wood, bamboo, or metal that is often made to support climbing plants.

Upper Street Level

The highest level in which a building has direct access to a street.

Use, Special Exception

A use that is permitted in a specific zoning district only if approved by the ZBA pursuant to this Code, but that is required to comply with all use-specific standards for that use unless those use-specific standards are modified by the ZBA.⁷⁷⁰

Use, Permitted

A use that is permitted by right in a specific zoning district, but that must still comply with all use-specific standards for that use.

Unused Gross Floor Area

See "Gross Floor Area."

Vendor Stand

Any cart, table, equipment, or apparatus that is not a structure, that is designed and intended so as to not be a permanent fixture on a lot, and that is used for the retail sale, display, and accessory advertising of merchandise or food.

Visitable Dwelling Unit⁷⁷¹

A visitable dwelling units is one that contains (a) a step-free or accessible ground floor entrance on an accessible route that complies with ANSI A117.1 - 1998 section 4.8, and that

⁷⁶⁷ New definition.

⁷⁶⁸ Revised for clarity.

⁷⁶⁹ New definition.

⁷⁷⁰ Special exception and permitted use definitions are new.

⁷⁷¹ New definition.

has a maximum slope not to exceed 1:12, and (b) all ground floor building entrance and ground floor interior doors, except those serving pantries and closets, with a minimum net clear opening of 32 in. when opened 90 degrees, and (c) all ground floor interior doors equipped with levered hardware, and (d) All ground floor interior hallways with a minimum width of not less than 36 in., with ramped or beveled changes at door thresholds, and (e) at least one ground floor bathroom with toilet and sink designed and constructed so those using wheelchairs or walkers can enter and close the door behind them.

Walkway

A clearly defined path for pedestrian movement between buildings, structures, destinations, and or other walkways on or adjacent to a site.

Walls with Legally Required Windows

For the purpose of determining the permitted locations of walls with "legally required windows," the requirements set forth in this Zoning Code shall apply only to that portion of the wall in which the legally required windows are situated and the wall above such windows. The requirements do not apply to walls below a legally required window, and such walls are not required to meet the provisions applicable to walls containing one or more legally required windows.⁷⁷²

Wholesale Business

The sale of goods, merchandise, or commodities to retailers and others for resale.

Wireless Service Facilities

Towers, antennas, equipment, equipment buildings, and other facilities used in the provision of wireless services, but not to include antennas to be placed on existing structures.

Wireless Services

Any PCS, cellular service, paging service, or any other wireless telecommunications service, provided, however, that this definition shall not include satellite dishes or other service exempted from regulation under the Act.

Wireless Service Towers

Towers, monopoles, or poles used for the provision of wireless services.

Yard

An unoccupied area on the same lot with a building, open and unobstructed from the ground or any floor level to the sky.

Zoning Reference Point

As used in the context of airport area controls, the point of intersection of the center line of Runway 6-24 with the center line of Runway 15-33. All runways referred to in this section are references to runways and their dimensions and locations shown on Zoning Plan A for North Philadelphia Airport dated August 14, 1957. Whenever the term "runway" or

⁷⁷² Carried over from current 14-110.

"runways" is used without identification, the reference is to Runways 6-24 and 15-33, as shown on that Zoning Plan. No part of any structure or tree shall be at an elevation greater than any of the following assumed surfaces.