



## Philadelphia's New Zoning Code Detailed Recommendations

prepared by

Clarion Associates, LLC

Duncan Associates

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in association with

Wallace Roberts & Todd, LLC

Clafien Associates

Dyett & Bhatia

Portfolio Associates

CHPlanning, Ltd.

Hurley-Frank Associates



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# Introduction

The City of Philadelphia needs a functional, transparent, understandable, and efficient zoning ordinance. One that can simultaneously encourage reinvestment in the city while protecting the neighborhoods that make Philadelphia unique. One that can produce predictable results based on objective standards and can reduce the need for individual hearings on so many different types of decisions. One that is more understandable for both citizens and investors to use on a daily basis.

This document sets forth a road map of how the New Zoning Code could be crafted to fix what is wrong with the current zoning system and to meet the development, conservation, reinvestment, and sustainability challenges of the 21<sup>st</sup> century. It calls for a radical simplification of Philadelphia's zoning ordinance structure, an ambitious consolidation of zoning districts, the graphic presentation of zones and development standards in charts and tables that are understandable to citizens, modernization and simplification of permitted uses in each district, and significant streamlining of many zoning decisions. If these recommendations are followed, Philadelphia will be better able to achieve its planning goals, grow its economy, and improve the quality of its neighborhoods.

## 1. The Zoning Code Update Process

In May 2007, Philadelphia voters overwhelmingly approved a charter amendment to create a Zoning Code Commission (ZCC) and begin an ambitious effort to reform the City's antiquated zoning ordinance. The ZCC was duly appointed, and in June 2008 selected a consulting team led by Clarion Associates and Duncan Associates to assist Philadelphia in its effort. The initial consulting contract was for a program of consulting services that included:

- An extensive program of public outreach and engagement with neighborhood zoning code users, professional code users, and the public;
- Continuous engagement with the ZCC to discuss and balance the City's and stakeholders' multiple goals for zoning code reform;
- An Assessment of the Existing Code;
- A Best Practices Report; and
- Detailed Recommendations for the New Zoning Code

The Assessment of Philadelphia's existing zoning regulations was delivered and discussed by the ZCC in March 2009, the Best Practices Report was presented and discussed in June 2009, and these Detailed Recommendations are being provided to the ZCC in September 2009. Following ZCC review, there will be a second round of public outreach and comment in the fall of 2009 and comments received will be documented for the ZCC by November 2009. Following ZCC approval of the Detailed Recommendations, the consultant team will move directly into the substantive redrafting of the Philadelphia Zoning Code.

Public comment from ten Councilmanic districts meetings in early 2009 revealed the following key citizen priorities for the New Zoning Code.

Tier	Rank	Topic
Top Tier	1	Providing a clear, fair and efficient zoning approval process
	2	Involving the public in development decisions
	3	Protecting existing neighborhoods from development impacts
	4	Encouraging redevelopment of existing buildings and sites
Middle Tier	5	Types of development allowed in different parts of the city
	6	Types of housing allowed in different parts of the city
	7	Promoting sustainable development
	8	The size and design of new buildings
Bottom Tier	9	The size, design, or location of landscaped areas
	10	The size, design or location of parking areas

In addition, we interviewed over 125 professional zoning code users and found their comments to be largely consistent with these priorities although provided much more detail regarding what specific changes were needed.

## 2. Structure of This Report

This report is organized as an annotated outline of the proposed New Zoning Code that is intended to serve as both an overall approach for the ZCC to review and approve, and when this is complete, a roadmap for the code update drafting process. The Detailed Recommendations report incorporates the findings of the Interim Assessment and the Best Practices Report to provide guidance for the drafting of the New Zoning Code.

The annotated outline consolidates and rearranges material in the existing ordinance into a set of six new chapters that group provisions according to their common function rather than within specific districts or distributed throughout the code, and provides necessary standards where they do not currently exist. For example, instead of parking provisions located in both a stand-alone section and also within each of the various zoning district sections, all parking provisions will be consolidated into a new section in the proposed chapter on Development Standards. This will greatly increase the usability of the document and reduce the potential for conflicting language and redundancies. The specific number and organization of chapters will be a topic for further discussion with the Zoning Code Commission. Although we have followed the current numbering system, we may suggest an alternative numbering system during the code drafting stage.

## 3. Key Changes

Major changes in the New Zoning Code are listed below, and are grouped according to the Zoning Code Commission's broad goals for this effort:

- **Goal: Simplify Base Districts**
  - Base districts are reduced from 55 to 32

- **Goal: Simplify Overlay Districts**
  - Overlay Districts reduced from 33 to 11
  - 14 Center City overlay districts consolidated into one
  - 10 Neighborhood commercial corridors overlay districts consolidated into one
- **Goal: Simplify Approvals**
  - Streamlined administration through more administrative decision-making and reforms of the variance process
  - Codification of current “fast track” process
- **Goal: Protect Neighborhoods**
  - New development standards for landscaping and natural areas
  - New form-design standards for residential areas near commercial strips and development
  - Transit-oriented Development (TOD) Overlay districts tailor size and scale to surrounding neighborhoods
- **Goal: Promote Sustainability**
  - New standards address reducing vehicle miles travelled and encouraging renewable energy, energy conservation, water conservation, urban food production, and promoting walking and community health
- **Goal: Promote Quality and Design**
  - New standards address connectivity, commercial corridor design, TOD design, parking lot and structure appearance, and transit-oriented development design
- **Goal: Improve Readability and Reorganization**
  - Much simpler structure for the code – chapters reduced from 21 to six
  - All information on permitted, certificated, special, and regulated uses, as well as any objective standards governing the development or operation of each use, will be consolidated into four use tables
  - Fewer, broader, use definitions for most commercial, industrial, and institutional uses
  - All information on required lot size, setbacks and build-tos, maximum building height, and open space requirements consolidated into four dimensional tables
  - All off-street parking space requirements consolidated into one table

## 4. Proposed Zoning Code Organization

The following pages of this report contain an annotated outline of the New Zoning Code. Each section indicates whether current code language will be carried over or changed, and if so, how. General commentary is included to explain the rationale behind certain sections.



Introduction

4. Proposed Zoning Code Organization

It is possible that this structure will be modified following ZCC review and as the Clarion/Duncan team proceeds with detailed drafting— particularly if it becomes clear that some sections need significantly more or less detail than anticipated.

The table below provides a comparison of Philadelphia’s existing ordinance structure to the proposed ordinance structure for the New Zoning Code. A more detailed explanation of where specific provisions within the current ordinances will be located in the New Zoning Code is provided below in individual sections of this annotated outline.

Current Philadelphia Zoning Code		New Philadelphia Zoning Code	
14-100	General Provisions	14-100	General Provisions
14-200	Residential Districts	14-200	Administration and Procedures
14-300	Commercial Districts	14-300	Zone Districts
14-400	Commercial Entertainment District	14-400	Use Regulations
14-500	Industrial Districts	14-500	Development Standards
14-600	Food Distribution Center District	14-600	Definitions
14-700	Recreational Districts		Appendices
14-800	Trailer Camp District		Index
14-900	Neighborhood Conservation Districts		
14-1000	Sports Stadium District		
14-1100	Institutional Development District		
14-1200	Pending Public Acquisition District		
14-1300	Additional Gross Floor Area		
14-1400	Parking and Loading Facilities		
14-1500	Areas Surrounding Airports		
14-1600	Miscellaneous		
14-1700	Administration and Enforcement		
14-1800	Zoning Board of Adjustment		
14-1900	Signs		
14-2000	Special Controls in Areas Abutting Parkways, Historical Shrines, and Civic Projects		
14-2100	Land Subdivision		



## 5. Page Layout

In addition to a simpler and more logical structure, we recommend that the New Zoning Code use a revised page structure that will convey significantly more information and will be easier for readers to use. A sample of the revised page structure is shown below.

**a** page header

**b** prominent headings

**c** consistent numbering, indented paragraphs

**d** commentaries

**e** graphics

**f** generous use of white space

**g** page numbers

**h** printing date

**a** Section 6. Form Based Zoning for Downtown RD, Residential Downtown Transition District

**b** RD, Residential-Downtown Transition District

**c** 2.1 Description

The RD, Residential-Downtown Transition District is generally intended to accommodate residential and mixed-use developments on the edges of downtown. The RD District allows new development that is generally in keeping with the size and scale of buildings that currently exist in the RD, RD and other residential zoning districts found around the periphery of downtown. RD zoning generally corresponds to the downtown plans University City and "city" district districts.

**c** 2.2. Building Placement

2.2.1. Regulations governing where buildings may be placed on a lot help assure that new any construction in RD districts will match the established development pattern in downtown edge areas.

2.2.2. Buildings must be placed in the setback area shown in Figure 2.1 except as otherwise expressly indicated in the design.

**d** *City's note: Because of the varying development patterns that exist in edge areas, it may be necessary to use different standards for different blocks, or establish building "footprint" standards for different building types (e.g., houses, courtyard buildings, apartment buildings, commercial buildings, etc.).*

**e** Figure 2.1

Figure 2.1 shows a diagram of a building setback. The building is set back from the street by 15 feet. The setback is measured from the right-of-way line. The building is 15 feet wide. The setback is 15 feet. The building is 15 feet wide. The setback is 15 feet.

**f** 2.3. Building Profile

2.3.1. Height

**f** A. Building height limits are established to ensure historic preservation and to maintain building height and help assure that the height of new buildings is in keeping with the established character of downtown transition areas.

**f** B. Two building height limits are established for the district that maintain the large RD district: (1) a maximum "top-of-night" height and (2) a maximum "basic form" height. The "top-of-night" height limit applies to all buildings in the maximum height allowed for any building. Only projects that provide noteworthy public benefits, in accordance with

**e** Figure 2.2

Figure 2.2 shows a diagram of a building profile. The building is 8 stories high. The building is 65% covered. The building is 100% covered. The building is 100% covered.

**g** Downtown RD Form Based Zoning (11-19-07 DRAFT)

## 6. Annotated Outline

The following sections of this report contain a detailed outline of what content will appear in each of the six major chapters of the New Zoning Code. In most cases this will include a mix of existing language from the current code that is carried over plus new material to be drafted by the consulting team with review from the Zoning Code Commission, most of which will address themes raised in our Assessment of the existing code in March 2009 or our Best Practices Report in June 2009. Within each section and subsection we indicate what significant changes are recommended.

# Chapter 14-100: General Provisions

## Section 14-101: Purpose

This section will carry over and integrate the existing short general purpose statement in sections 14-101 and the few short purpose statements in other sections of the code (e.g., § 14-401 *Commercial Entertainment District Statement of Purpose*; § 14-601 *Food Distribution Center District Statement of Purpose*). Purpose statements are an important way to

connect planning policy to regulatory interpretation and application, so we will enhance this section to reflect the City's adopted plans, the larger objectives endorsed by the ZCC and will provide individual purpose statements throughout the New Zoning Code as appropriate.

### Key Changes

- All general provisions regarding authority, interpretation, and relationship to other regulations in one place.
- New section clarifying the role of adopted plans in zoning administration.
- Transitional provisions explain to the public how the city will manage the transition from the old zoning code to the new code.

## Section 14-102: Citation and Title

This section will provide appropriate citation and title language.

## Section 14-103: Authority

The current ordinance lacks a reference to existing charter or statutory authority. This section will incorporate and add references to the applicable authority language.

## Section 14-104: Applicability and Jurisdiction

This section will incorporate the terms of existing section 14-101(3) stating that all buildings, use of land, and uses must be undertaken in conformity with the zoning ordinance, and add any necessary exceptions or restrictions.

## Section 14-105: Relationship to Plan Documents

This new section will include language that connects the zoning code to the various plan documents adopted by the City. One major goal of this reform effort is to link the zoning code more closely to the planning goals of the City and to clarify that the code is to be interpreted in light of adopted comprehensive, neighborhood, and sector plans. We will work with the ZCC to identify the degree of conformity required between the plan policies and specific regulations and will include plan objectives in purpose statements where appropriate in the New Zoning Code.

## **Section 14-106: Official Zoning Map**

This section will carry over portions of current section 14-103 and will identify the role and keeper of the official zoning map and clarify that references to the zoning map refer to the latest version of the map approved by City Council.

## **Section 14-107: Interpretation of District Boundaries**

This section will carry over the those portions of current Section 14-103 regarding the interpretation of district boundaries and provide additional instructions for making interpretations of zone district boundaries if there are problems with interpreting the official zoning map. It will also incorporate the provisions of Licenses and Inspection guidance clarified that where natural creeks split properties they can be used to define the edges of zone district boundaries (similarly to roads and railroads) and guidance on the application of split zoning district designations.

## **Section 14-108: Relationship to Other Regulations; Conflicting Provisions**

This new section will clarify how the zoning code works with other regulations associated with affected properties and land uses, including those found in state and federal law. It will also provide that when the requirements of the zoning code come into conflict with other City regulations, the more restrictive regulations shall apply, except in the case of overlay districts, where the provisions of the overlay district will apply.

## **Section 14-109: Relationship to Third-Party Private Agreements**

This new section will address how conflicts between the zoning code and private covenants and agreements will be handled, and will clarify that the City is not responsible for enforcing third-party agreements such as deed restrictions and private covenants.

## **Section 14-110: Interpretation**

Although the Department of Licenses and Inspections applies the zoning code on a daily basis – and that work inherently involves interpretations of which code provisions apply to specific circumstances, the City needs a more formal interpretation process. This section will clarify that the PCPC shall be authorized to issue written interpretations the provisions of the New Zoning Code upon request. In addition, this section will provide that all routine code interpretations used by Licenses and Inspections staff or issued by the PCPC are to be posted on the City’s web site and available to the public.

## Section 14-111: Transitional Regulations

This section will clarify how project applications that are in the pipeline when the New Zoning Code takes effect will be treated, and will clarify the status of properties with recent approvals, or outstanding violations at the time the New Zoning Code is adopted. We recommend that this new section allow for applications to be processed under the rules in place at the time a complete application is submitted, so applications that are complete at the time the New Zoning Code is adopted could be constructed under the prior rules (unless the applicant prefers the new rules). Development approvals under the current zoning ordinance would need to move forward within a defined number of years, however, or the New Zoning Ordinance would apply. This section will also include language stating that violations that have received zoning enforcement citations prior to the enactment of the New Zoning Code shall remain violations after the effective date of the ordinance unless the New Zoning Code permit the structure or use that was previously a violation.

### How Do Zone District Adjustments Work?

#### New Districts

When new districts are created, the text of the new district regulations is adopted as part of the New Zoning Code. Even though the district(s) may have been designed with certain areas in mind, those areas are not mapped as part of the New Zoning Code adoption process. Instead, separate mapping ordinances are prepared by the city after the New Zoning Code is adopted so that the merits of applying the new districts to specific areas can be discussed individually. Uses and structures already constructed and in use under the former zone districts may continue.

#### Consolidated Districts

When two or more existing zone districts are merged, the regulations that would apply to the new districts are included in the New Zoning Code. Once adopted, the new zone district provisions apply to all land that was in any of the consolidated districts. Generally, the city publishes a map that shows both the old and new names of the districts (i.e., "CMU-2, formerly C-1 and C-2") to aid in public understanding. After one or two years, a revised map is issued and references to the old zoning districts are removed. Uses and structures already constructed and in use under the former districts may continue.

## Section 14-112: Severability

This new section will provide a severability clause stating that if any section of the New Zoning Code is held invalid that it will not invalidate any other sections of the code.

# Chapter 14-200: Administration and Procedures

This chapter will consolidate requirements related to decision-making bodies, development review and approval procedures, enforcement, and non-conformities. During Task 1 of the New Zoning Code effort, the top priority expressed by Philadelphia citizens was “Providing a clear, fair, and efficient zoning approval process”. It is telling that when residents were asked to prioritize all of the important ways in which the existing zoning ordinance could be improved, they ranked the “broken-ness” of the current process as one of the most fundamental problems.

Unfortunately, creating a clear, fair, and efficient zoning approval process turns out to be more difficult than it sounds, because it involves complex balancing of interests in a wide variety of situations. To illustrate, the other three “top tier” priorities expressed by Philadelphia citizens were: “Involving the public in development decisions,” “Protecting existing neighborhoods from development impacts,” and “Encouraging redevelopment of existing buildings and sites”. Clearly, it will be very difficult to design a system that achieves all of these goals at the same time. Some solutions that improve efficiency would reduce public involvement, while others that would protect neighborhoods would discourage redevelopment of existing buildings and sites.

In the face of this challenge, the Zoning Code Commission has been able to identify some key principles to guide the New Zoning Code. Most importantly, the City needs to simplify the development approval process, reduce the number of decisions that go to the Zoning Board of Adjustment, strengthen standards to protect neighborhoods, and then allow more “by-right” development subject to those strong standards. In short, Philadelphia needs to move away from over-reliance on individual public hearings on even minor matters and to move towards a more objective and predictable “rule of law” approach to zoning.

Our recommendations to accomplish this goal are based on the following guiding principles.

- Significantly reduce the number of cases that need to be heard by the Zoning Board of Adjustment;
- Make all application review procedures more transparent and user-friendly;

## Key Changes

- All decision-makers, approval procedures, decision criteria, and procedural requirements consolidated in one chapter.
- Review bodies, decision makers, and appeal bodies for each type of approval summarized in one table.
- Notice requirements refined and summarized in one table.
- Variance procedures narrowed and criteria strengthened.
- More decisions made at staff level based on more objective standards.

- Revise and strengthen the criteria for variances; limit the authority to grant variances in contexts where they have been overused in the past, and eliminate the use of “use variances” except when necessary to avoid an unconstitutional taking of property;
- Give staff more authority to approve minor changes to plans and/or to authorize minor modifications of standards in well-defined circumstances; and
- Ensure that the use-specific standards in Section 14-302 and the development standards in Chapter 14-400 are clear, objective, and enforceable, so that the public has confidence that staff decisions will in fact be predictable and will protect neighborhood character.

This Chapter will carry over much of the material currently found in current Chapters 14-1700 *Administration and Enforcement* and 14-1800 *Zoning Board of Adjustment*, but with those significant changes discussed below.

## Section 14-201: Reviewers and Decision Makers

The purpose of this section is to consolidate and clarify the roles of different groups and individuals in reviewing and approving proposed development. Where local or state laws impose ethics requirements on one or more of these groups, they will be included or cross-referenced.

### (1) City Council

This section will carry over existing materials related to the role of the City Council in zoning matters and will clarify its role in zoning map amendments and zoning regulation amendments.

### (2) City Planning Commission

This section will carry over existing materials on the roles and responsibilities of the PCPC as a decision-making board and the role of its staff in the development review process.

### (3) Zoning Board of Adjustment

This section will carry over much of the existing material about the roles and responsibilities of the ZBA contained in current Chapter 14-1800 of the zoning ordinance. More specifically, the provisions of Sections 14-1801 *Jurisdiction and Powers*, 14-1805 *Hearings*, 14-1806 *Decisions of the Board*, and 14-1808 *Regulations of the Board*, will be carried over. However, these provisions will be revised to reflect recent changes in those responsibilities through the informal “fast track” (consent calendar) process. Changes to simplify and shorten the current list of certificated or special uses will be reflected in this section. The provisions of current ordinance Sections 14-1802 *Criteria for Granting Variances*, 14-1803



*Criteria for Granting a Special Use Permit*, and 14-1804 *Criteria for Granting Zoning Board of Adjustment Certificates* will not appear in this section, but will instead appear in the sections on those specific types of approvals in Section 14-504 below.

#### **(4) Department of Licenses and Inspections**

This section will carry over existing materials from current Sections 14-1702 *Duties and Powers of Department of Licenses and Inspection* and 14-1703 *Permits*, but will reflect any changes in responsibility that occur as the workload of the Zoning Board of Adjustment is reduced. If new types of decisions are to be made by Licenses and Inspections to expedite the development approval process, those responsibilities will be clearly linked to objective development standards in order to produce more predictable decisions.

#### **(5) Design Review Committee**

If the design review proposal currently under discussion by the Planning Commission is adopted, a description of the Design Review Committee described in that proposal will be included here. This section will also distinguish the design review duties of this committee from the design review functions of the Art Commission, the Redevelopment Authority Advisory Board of Design, and the Architecture Committee of the Historical Commission. As an alternative, this section could be expanded to include descriptions of each of those entities.

#### **(6) Historical Commission**

This section will carry over existing materials describing the membership and roles and responsibilities of the Historical Commission and describe its relationship to the zoning review and approval process.

#### **(7) Arts Commission**

This section will describe the current roles and responsibilities of the Arts Commission in the development review process – i.e., what types of decisions do they review and what types of decisions do they make. Current materials will be carried over or a cross-reference inserted.

#### **(8) Streets Department**

This section will describe the current roles and responsibilities of the Philadelphia Streets Department in the development review process. Current materials will be carried over or a cross-reference inserted.



**(9) Water Department**

This section will describe the current roles and responsibilities of the Philadelphia Water Department in the development review process. Current materials will be carried over or a cross-reference inserted.

**Section 14-202: Procedures Summary Table**

The New Zoning Code will then include a table listing each type of development application, which body reviews the application, who makes the decision, and who hears the appeal (if any). Application types will be grouped together – for example, all decisions on which the ZBA makes the decision will appear in one section of the table – which will make it easier to amend the table in the future if new procedures are added or existing ones deleted. As a large, mature city, Philadelphia has a large number of different land use applications; listing them individually can make this a fairly long table, but doing so will make the zoning system much more transparent and understandable to the public – it will be able to find exactly the type of application you need to file and see how it will be handled. A sample portion of a summary procedures chart from another community is shown below

Sample										
Portion of a Summary Procedures Table from Another Community										
R=Review	D=Decision	A=Appeal		H=Public Hearing						
Procedure/ Applicable Section of Code	Mandatory Preapplication Conference?	Review and Decision-Making Body					Notices			Lapse of Approval
		Staff	Planning Comm.	ZBA	HO	City Council	Pub	Mail	Post	
Code Amendments (Text) / §3.5	NO	R	R / H			D / H	✓			
Rezoning (Map) / §3.6	YES	R	R / H			D / H	✓	✓	✓	2 & 3 years for concept plan
<b>Planned Unit Developments / §3.7</b>										
Optional Sketch Plan	YES	R	R			R			✓	n/a
Optional Outline Development Plan & Rezoning	YES	R	R / H			D / H	✓	✓	✓	10 years

As shown above, this table can also be used to summarize what types of notice are required for different types of approvals. In those cases where approvals will lapse or expire, it can also summarize that information.

The remaining sections of this Chapter 14-500 will be organized to first cover general administrative topics that apply to many types of procedures. Following that there will be a description of each type of application, grouped according to who is the decision-making body.

## **Section 14-203: Common Procedures and Requirements**

This new section will include steps that are common to all procedures. For example, it will include provisions relating to the following topics.

### **(1) Pre-Applications and Neighborhood Meetings**

This section will clarify what types of applications require a pre-application conference or a neighborhood meeting prior to filing an application. Generally, this includes applications for large areas of land, large or unique buildings and facilities, and multi-building complexes. Where neighborhood meetings are required, the applicant is generally responsible for convening, publicizing, conduct, recording attendance, and documenting the results of the meeting. City staff may attend but are not required to attend the meeting. We recommend that the City not impose a formal structure on these meetings are conducted, but should require the applicant to file an affidavit documenting the meeting as part of the application process. Although adding a neighborhood meeting requirement may appear to be a step that slows down development approvals, many cities find that it speeds them up, because neighborhood fears can be allayed or design changes to avoid neighborhood impacts can be made before the applicant has spent significant money on site planning, engineering, or design.

### **(2) Authority to File Applications**

This section will clarify who has authority to file various types of zoning applications. Generally, this includes the property owner and the City, but in some cases it may include a tenant or occupant of the property.

### **(3) Role of Adopted Plans**

This section will clarify the role of adopted comprehensive plans, neighborhood plans, or topical plans (such as sustainability plans) in the application review and approval process. Often this requires consideration of those plans and a finding that the application is

consistent with those plans. One exception is variances, where state law often requires decisions based on hardship, and because adopted plans generally address broad themes and issues that cannot easily be applied to individual site-specific adjustments.

#### **(4) Application Materials**

This section will clarify where applicants can find detailed application requirements for specific types of applications. Increasingly, and especially in large cities, these materials are not listed in the zoning ordinance itself, because they are lengthy and not of interest to most readers of the ordinance. In addition, they should be able to change as technology changes (for example, as electronic drawings of site plans becomes the norm) and it is cumbersome to amend the zoning ordinance each time that happens. One alternative is to insert a cross-reference to a web site or web page from which those requirements can be viewed and both the requirements and forms can be downloaded. We recommend that application materials distinguish between major and minor developments, based on objective thresholds, and that the Licenses and Inspection staff be authorized to waive application requirements that are not relevant to a specific application.

#### **(5) Fees**

This section will carry over material from current Section 14-1704 *Schedule of Fees*. We recommend that the listing of each individual fee in the zoning ordinance be replaced by a cross-reference to the most recent fee schedule adopted by City Council and information on how readers can access that information in paper form or on the web, for the reasons discussed above.

#### **(6) Complete Application Required**

One common source of inefficiency and delay in zoning administration is the filing of incomplete applications and attempts to review incomplete applications. This section will clarify that no application will be processed until it is complete. In addition, it will require the City to promptly notify applicants of any missing information and establish a timeframe by which that information must be submitted.

#### **(7) Public Notice Requirements**

Public notice is an important topic to the citizens of Philadelphia, and our Assessment report reflected numerous complaints that current public notice requirements are not effective in reaching intended recipients or notifying nearby areas of the nature and extent of pending applications. This section will consolidate and update existing public notice provisions to provide more effective and efficient notice in those cases where notice is required. More specifically, it will carry over information from current section 14-1801 related to when the ZBA must give notice, section 14-1805(7) concerning notice for ZBA hearings, and section

14-2007 concerning public notice for historic designations. In general, though, these existing sections raise more questions than they answer, so we will expand this section to include information on:

- What types of applications and actions require public notice;
- What type of notice is required (published, posted, mailed, or in some cases e-mailed);
- What information notices must contain;
- How far in advance of the action notice must be given;
- How long posted notices must remain in place; and
- Whose responsibility it is to give notice and ensure that posted notices remain in place.

While the above steps should significantly increase the helpfulness, timeliness, and efficiency of public notice in Philadelphia, not all zoning decisions do or should require notice at all. Because of its over-reliance on the ZBA hearing process, some Philadelphians have come to expect advance public notice about virtually all zoning permits and approvals, and few large cities can afford to operate that way. Big cities change constantly, and in many cities minor zoning applications (for example, for a fence or a building permit that meets the code standards) are handled administratively with no notice at all.

As an example, some cities provide no notice – either before or after the decision – for fence or sign permits that meet the requirements of the code. Some cities do not require advance notice of an administrative use approval or administrative variance, but do require mailed notice after the decision in order to allow neighbors to appeal if they think there has been a misrepresentation or mistake. In contrast, many cities require advance notice to neighbors and/or citizen groups for variances or special uses that are subject to a hearing, but do not require post-decision notice. While this section will define a more effective notice process for larger and more significant applications, it may remove some minor approvals from the notice requirements altogether. In addition, some of Philadelphia’s current notice requirements are unusual (for example, it is not common for cities to require distribution of flyers or letters of no objection from civic organizations as conditions for moving an application forward), and should be reviewed. We will discuss with the Zoning Code Commission what types of decisions require advance or post-decision notice, as well as the types of notice required, in light of experience in other large, complex cities.

Based on discussions with the Zoning Code Commission, we may also add provisions requiring public notice prior to some administrative decisions. The notice would identify the applicant, property, and the subject of the application, as well as the decision criteria and conditions that would automatically apply to any approval. The public would be given an opportunity to comment on the application, but the notice would clearly state that only comments addressing whether the application complies with those criteria and conditions will be considered. Staff would then consider comments received in determining whether the application complies with the required conditions.

### **(8) General Decision-Making Criteria**

This section will clarify what general criteria are to guide decision-making on zoning matters when other sections of the New Zoning Code do not state more specific criteria for specific types of approvals, or to supplement those more specific standards. For administrative approvals, these generally include consistency with all adopted regulations (and sometimes adopted plans). For higher level decisions they generally include consistency with adopted plans and regulations as well as consideration of specific types of impacts on surrounding areas.

### **(9) Limits on Conditions**

This new section will clearly identify what types of conditions can be attached to approvals – namely, those that will address or mitigate an impact of the proposed development. In addition, it will codify the requirement of recent U.S. Supreme Court decisions clarifying that conditions involving the dedication of land, requirements for public access, or payment of money need to be based on an individualized determination of the impacts of the proposed development. Although many cities follow these principles anyway, codifying them can help reduce requests for inappropriate conditions and reduce the “culture of negotiation” that slows down reinvestment in older cities.

### **(10) Call-ups and Bump-ups**

This section will clarify when a higher body can “call-up” a decision by a lower body for review and possible changes even if an appeal has not been filed. For example, it will clarify when the Zoning Board of Adjustment can call up a decision of the Department of Licenses and Inspections for review, as well as criteria to guide those decisions and a time limit (often two weeks) during which the call-up must occur. While the two-week period does insert a potential delay into review processes (because applicants who move ahead during that period do so at their own risks), call-ups generally occur only on controversial decisions, and the vast majority of decisions will not face a realistic risk of call-ups. More importantly, the availability of a call-up generally makes higher level decision-making bodies (like the ZBA) more comfortable that some decisions can be delegated to staff.

In addition, this section will clarify when a lower-level decision maker (for example, Licenses and Inspections) can “bump-up” a decision to a higher level body (like the ZBA) because of its size, complexity, controversy, or the need for a public hearing on some aspect of the application that cannot be governed by objective development standards. Generally, the decision as to whether to bump a decision up is made by the City department processing the application, but neighbors and citizen groups can influence that decision by pointing out the impacts of the proposed decision and/or the history of the applicant in complying or not complying with zoning requirements. Again, the ability of an administrative decision maker to bump-up decisions to a more public forum generally makes the higher level body (and citizens) more comfortable with delegations of some decision-making to the staff level.

### **(11) Inactive Applications**

Another common source of inefficiency and unpredictability in urban zoning administration is caused by inactive applications; cases where an applicant has failed to provide the information required to make an application complete, or failed to respond to requests for additional information during the hearing process, or failed to appear at hearings where appearance is required. This section will clarify when applications can be treated as inactive and can be returned to the applicant (generally after a 30 or 60 day notice and an opportunity to re-activate the application). Not only does this relieve the City of administrative duties for projects that have been abandoned, but it reduces the risk that an applicant will try to reactivate an old application years down the road when development standards and community expectations have changed. These provisions would apply prospectively – i.e., they would not apply to applications already in process at the time the New Zoning Code is adopted.

### **(12) Protection of Property Rights**

This section will clarify the intent of the City not to make zoning decisions or attach conditions to approvals that would violate the due process protections against takings of private property embodied in the U.S. and Pennsylvania constitutions. More importantly, it will clarify what steps an applicant can take if he or she believes that an unconstitutional taking of property has taken place through a zoning decision. This section will clarify that “use variances” (i.e., variances that allow a use in a zone where it is not permitted by the zoning code) are to be used only when denial of the use variance would or might result in an unconstitutional taking of property. In addition, cities are providing administrative procedures to address these types of potential claims, so that the City may review the facts and (if it wishes) grant relief in order to avoid the unconstitutional impact of the decision and related litigation. Based on discussions with the Zoning Code Commission and Law Department, this type of administrative procedure may be added to the code.

### **(13) Appeals**

This section will carry over material from current section 14-1705 *Appeals to Zoning Board of Adjustment* and 14-1807 *Appeals to the Courts*. It will also clarify what types of decisions are final, and therefore appealable, as opposed to recommendations or procedural decisions that are generally not appealable.

By consolidating these common requirements, the New Zoning Code can be shorter and clearer, and the chances of making a mistake in future amendments can be reduced.

## Section 14-204: Specific Procedures

### (1) Zoning Map and Text Amendments

This section will carry over material from current ordinance section 14-1708 *Procedure for Enactment of Ordinances*, which states that the City Council procedure for enacting zoning ordinances is the same as for other ordinances, except that 15 days notice is required. The section will be expanded, however, to describe the process for review by PCPC staff and by PCPC before they get to City Council. In addition, the section will contain criteria to guide the review by staff, PCPC, and City Council, which usually include consistency with adopted comprehensive and neighborhood plans, and evaluation of potential impacts on affected or surrounding areas. In addition, this section will carry over the specialized provisions of current sections and 14-903 *Creation of an NCD, Amendment*, and 14-403 *Procedures for the Establishment of a Commercial Entertainment District*.

### (2) Special Use Permits

This section will clarify the procedure for obtaining a Special Use Permit from the Zoning Board of Adjustment, namely, an application to Licenses and Inspections, followed by staff review and a hearing before the ZBA. It will also clarify that those Special Use Permits should only be required when the use or activity in question requires the application of planning judgment based on the location, size, and character of the use and the surrounding neighborhood. Provisions of current Section 14-1803 *Criteria for Granting a Special Use Permit* will be carried over.

### (3) Certificated Uses

The heavy use of certificated uses is somewhat unique to Philadelphia and contributes significantly to both backlogs at the Zoning Board of Adjustment, politicization of minor land use decisions, and unpredictability in approvals, denials, and conditions. In theory, certificated uses are those for which the ordinance has objective standards and criteria, and uses that meet those criteria should be approved. In that case, the decisions could be made administrative and subject to appeal. To promote both efficiency and predictability in the land use process, we recommend that only land use decisions truly requiring planning judgment go to the ZBA. Conversely, we recommend that all uses whose impacts on surrounding neighborhoods can be mitigated by objective development standards (for example, lower heights near lower buildings, or effective buffering and screening, or restrictions on hours of operations) be removed from the list of certificated uses and made subject to those conditions.

See the Chapter 14-300 *Use Regulations* above, for a discussion of potential changes to certificate, regulated, and special uses.



#### **(4) Regulated Uses**

This section will carry over the materials in current section 14-1605 Regulated Uses, which addresses regulation of adult uses. Definitions in subsection 14-1605 will be moved to Chapter 14-600 with all other definitions.

#### **(5) Required Plan Approvals**

Several of the existing Philadelphia zoning districts are “planned development” districts – i.e., they require the approval of a plan of development for the site before building permits can be issued. For example, the current RC-6 district, Waterfront Redevelopment District, Industrial Transformation District, Commercial Entertainment District, and Institutional Development District require the approval of development plans as a precondition of development, and then require that development be consistent with those plans. This section will consolidate those development plan review and approval procedures in one place and, if possible, consolidate them to remove unnecessary differences in those procedures (though differences in development criteria and standards will remain different in each district).

#### **(6) Commercial Entertainment Permits**

This section will carry forward the provisions of section 14-404 *Procedure for Issuance of Permits in a Commercial Entertainment District*. Unlike other review and approval procedures, this one requires review by the PCPC (rather than ZBA) prior to issuance of permits by Licenses and Inspections.

#### **(7) Design Review**

This section will include any provisions regarding design review endorsed by the Planning Commission during the course of the New Zoning Code project. The current proposal aims to formalize the often ad hoc design reviews that have taken place for larger and more complex development applications in recent years. Under that proposal, a seven-member design review committee appointed by the Mayor would review residential, commercial, or industrial projects that require a variance or a City Council approved zoning change and that contain more than 100,000 square feet of gross floor area or more than 25 residential units. Smaller projects in these categories would be reviewed if they exceed density, height, or setback limits by 200% or more. The committee’s report would be advisory.

Design review would focus on the project’s impacts on the public realm, would be open to the public and advertised, and would be completed within 45 days. Failure to act within 45 days would constitute approval. Where the zone district requires a plan of development, the PCPC director would determine whether the submitted design complies with the approved plan of development or whether additional review by the committee is necessary.

### (8) Subdivision and Subdivision Variances

This section would carry over the procedures for subdivision approval in current code sections 14-2106 *Filing of Maps and Plats* and 14-2104(14) *Approval of Appropriate Departments*. Because subdivisions are approved by the Planning Commission (not ZBA) and variances to subdivisions are also approved by PCPC, this section will also include the provisions of current section 14-2107 *Variances*. Both subdivision approvals and subdivision variances occur rarely relative to zoning decisions and variances, and it will be clearer to readers if these are grouped together rather than creating a separate subdivision variance section that some readers might confuse with the more detailed provisions on zoning variances.

### (9) Zoning Variances

This section would carry over the provisions of current section 14-1802 *Criteria for Granting Variances*. In addition, it would incorporate the provisions of current Section 14-1501 concerning special exceptions for heights around airports, since the goal (i.e., a variance of a physical development standard) and the process are essentially the same. This section would clarify the procedure for processing variance requests – namely, review and recommendation by staff, followed by a public hearing before the Zoning Board of Adjustment. However, Philadelphia’s variance process does not just need consolidation and clarification, it needs reform.

Our Assessment noted that Philadelphia receives and processes many more variance requests than most large cities, and this contributes to backlogs at the Board and unpredictability of zoning decisions and development patterns. In order to address these issues, the variance process needs to be changed in five important ways.

- **Dramatically Reduce Use Variances.** Use variances need to be limited to cases where they are necessary to avoid an unconstitutional taking of property. In all other cases where an applicant is requesting a use that is not allowed in the district, a zoning map amendment would be required. In effect, it appears that Philadelphia has been utilizing the use variance process in cases where it should be using a special use permit process. Instead of issuing use variances, the types of uses that might be appropriate in each district should be listed in the use table as special uses available after a public hearing that is not based on a legal definition of hardship but on planning criteria and neighborhood impacts.
- **Limit Height and Intensity Variances.** Philadelphia’s current system of floor area incentives and bonuses has been undermined by the ability of applicants to obtain variances that get them the same result without the need to provide offsetting public amenities. The ability of the ZBA to grant height and density variances should be limited (for example, to 10 or 20% of existing standards) in order to reinforce the need to provide public benefits or obtain a rezoning if a proposed building is significantly larger than the zoning district otherwise allows.

- **Don't require variances for all non-conforming properties.** In Philadelphia, it seems that almost any change to a non-conforming property (i.e., one that does not currently meet the requirements of the zone district) requires a variance. Because many older lots, structures, and uses are non-conforming (as they are in many older cities) this forces variance hearings on a wide variety of applications that do not create significant impacts on neighbors. For example, a house that is non-conforming because of an inadequate north side setback might require a variance hearing to extend the house to the south, even if the extension would not violate the south side setback. The non-conforming status of a property should not cause a hearing where the proposed construction does not violate a development standard.
- **Define "hardship" more narrowly.** Finally, because of the wide variety of decisions that fall under the title of "variances" under the current code, the original requirement that variances require a showing of legal hardship has been weakened. The definition of what constitutes a hardship (and justifies a variance) needs to be clarified and strengthened. Generally, hardship means a condition caused by an unusual site condition or surrounding conditions not generally applicable in the area, and that was not caused by the applicant, and the variance is limited to the least variation that will allow development in light of those constraints.
- **Don't require a variance hearing for minor deviations.** In a city as large and complex as Philadelphia, it does not make sense to conduct full variance hearings when the requested variance involves only a small deviation from the district development standard. Doing so dramatically expands the workload of the ZBA and turns that body into a judge of what are often neighbor-to-neighbor issues on matters that have very little impact on the quality or livability of the city. It is therefore not surprising that the City's "fast track" consent calendar already tries to avoid hearings on variances that adjust FARs by 10 percent or less or development standards by less than one foot. If necessary, staff's authority to approve minor deviations could be limited to certain types of development or certain zone districts (for example, deviations from setback standards of less than one foot in residential zone districts, but up to 10% or five feet in commercial districts). Those types of minor adjustments should be removed from the variance process and made matters of administrative approval subject to appeal.

## (10) Administrative Approvals

This section would carefully define what types of decisions can be made by the staff of the Department of Licenses and Inspections and the Planning Commission (subject to appeal, call-up, and bump-up as discussed above). As noted above, those responsibilities would be expanded to include minor deviations from development standards on some types of development, decision-making on many of the current "fast track" items, and approval of some currently certificated uses whose impacts can be addressed through objective development standards that can be confirmed by staff through over-the-counter reviews. Other possibilities for administrative review subject to conditions include:

- Review and approval of minor additions and alterations to legal non-conforming properties;
- Review and approval of setback and open space adjustments related to legally established non-conforming lots;
- Administrative allowances for some yard encroachments related to HVAC equipment, dish antennas, eaves and gutters, wheel chair ramps/lifts, and solar panels;
- Review and approval of parking for an existing structure in the (current R-9, R-9A, R-10, or R-10A) zones where the adjacent dwellings do not contain parking; and
- Review of signs for buildings with multiple tenants.

In addition, although current section 14-1801(3) makes temporary use certificates subject to ZBA hearings, most cities handle those as administrative approvals subject to objective conditions (for example, limits on location, size, length of operation, and parking and drainage controls if appropriate). This section will therefore treat temporary uses as administrative approvals subject to appeal.

### Section 14-205: Non-Conforming Structures, Uses, and Lots

Like many other large, mature cities, Philadelphia has a very large number of non-conforming structures, uses, and lots. This has occurred because many parts of the city were laid out and developed long before zoning was adopted and efforts to make the current zoning districts “fit” those historical patterns have been imperfect at best. In addition, the continual amendments to the zoning ordinance since have often created new non-conformities – in fact, almost any rule change will have the unintended effect of making some properties that met the old standards out of step with the new standards. Our Assessment included the following example of the scale of this issue in Philadelphia:

Lot Size Characteristics by Zoning District	R9A	R9	R10A	R10
Most Common (Mode) Lot Area (square feet)	1,306	1,277	689	706
% of Non-conforming Lots (Lots Under 1,440 sq. ft.)	47	60	90	86

When a city has these high levels of non-conformity, standard approaches to the issue do not work, and the City government needs to rethink its regulations from the perspective that non-conformities are the norm rather than the exception. This will require significant changes to the current regulations.

This section will carry over the provisions of current section 14-104 *Non-Conforming Structures and Uses*, but with significant changes to address these issues. We recommend the following changes:

- The purpose statement should be changed from “It is the purpose of this section to discourage and eventually eliminate non-conforming uses and structures because they are detrimental to the orderly development of the city” to “It is the purpose of this section to discourage non-conforming uses and structures, to eventually eliminate those non-conforming uses and structures that are threats to public health and safety, and to allow for the continued existence, use, and modification of other non-conforming uses and structures provided that those changes do not create adverse impacts on surrounding areas.”
- Subsection 5 *Discontinued Use* should be amended to replace the restriction that a non-conforming use discontinued for three years or less can be resumed as the same non-conforming use, and no other, with a standard allowing the resumption of a non-conforming use with equal or lower impacts on the neighborhood, and setting forth the criteria for Licenses and Inspections to use in making that determination.
- Subsection 7 *Extension of Structures Containing Non-conformity Uses* should be amended to remove the language limiting increases in floor area to 10%, since the remainder of the text makes it clear that any additions would still have to comply with all zoning standards.
- Subsection 10 *Required Yards, Courts, Occupied and Open Areas Where New Stories are added to Non-conforming Structures* should be amended to distinguish between non-conformities involving side and rear yards. It should delete the requirement that new stories must comply with current side yard and side court requirements even when lower stories do not, and should permit the vertical extension of existing side walls for new stories where the zone district height limit would allow the additional story. However, the text should clarify that non-conforming building extensions into required rear yards cannot be extended vertically unless the addition complies with rear yard regulations.
- New language should be added clarifying that staff authority to approve minor deviations from development standards also applies to non-conforming lots and structures, provided that the minor adjustment requested does not increase the non-conformity (for example, a wall that is too close to the property line could not receive a minor adjustment to locate even closer to that property line).

## Section 14-206: Enforcement

This section will carry over the materials in current sections 14-1704 *Enforcement* and 14-1707 *Penalties*, as well as material from sections 14-907 *Enforcement and Penalties* (in Neighborhood Conservation Districts) and 14-2109 *Penalties* (for subdivisions).

During public outreach for the New Zoning Code project, we received many public comments that the City is not consistently enforcing the current zoning code and that residents are skeptical that new or additional rules would be enforced in a consistent and predictable manner. Many residents of other large cities might have made the same comments, because enforcement of complex code provisions is difficult. While zoning and enforcement staff often disagree with those comments, no one disagrees that the more complex the zoning code becomes, the harder it is to enforce. As rules multiply, the number of ways in which property owners can run afoul of them multiplies, and the time required to unravel whether a violation has occurred also increases. In addition, there is a limit to how many resources a large city should invest in enforcement staffing, training, and support, and continuing pressure on municipal budgets makes it unlikely that the City will significantly expand enforcement staffing and support in the near future.

In order to simplify zoning enforcement and strengthen credibility that the code will be enforced, the New Zoning Code will include only those restrictions that the City actually intends to enforce. In short, we do not recommend the addition of significant new enforcement tools, but instead recommend streamlining, clarification, and simplification of existing zoning standards to (1) clarify what is and is not a violation of the zoning code, (2) eliminate regulations that create common minor violations that are regularly granted variances or treated as low priorities for enforcement, and (3) allow City staff to focus on larger violations with greater community impacts.

# Chapter 14-300: Zone Districts

This chapter will identify three categories of base zone districts: residential, mixed use/commercial, and industrial/special districts. The “Special districts” in the current zoning code will be re-titled as “Overlay districts”, because they supplement rather than replace basic zoning controls. Overlay districts will be grouped under a separate, fourth category of zoning districts. This chapter will be relatively simple and consist mainly of purpose statements for each district, as well as any district-specific regulations that apply only in that district. It will not include information on the uses permitted in each district, because that information will appear in Chapter 14-300 *Use Regulations*. Similarly, it will not include information on heights, setbacks, and dimensional standards in each district because that information will appear in Chapter 14-400 *Development Standards*.

### Key Changes

- All zone districts grouped into residential, commercial/mixed use, industrial/special purpose, and overlay zones.
- Base districts reduced from 55 to 32.
- Overlay districts reduced from 33 to 11.
- New consolidated Center City Overlay district.
- Each zone organized to include a purpose statement and district-specific standards (if any).

Each base zone district will follow this format (sample is from another community):

**14-301.1 R-X Residential**

**A. Purpose**

The R-X district is intended for relatively low density single family residential with detached units in a neighborhood setting.

**B. District Specific Regulations**

Up to four single family lots may share a single access driveway, provided that each of the lots meets R-X district requirements for minimum size and width, and at least one of the lots has frontage on a dedicated public street.

The proposed New Zoning Code structure consolidates all types of zone districts into this one chapter. One alternative would be to have separate chapters for residential, commercial/mixed-use, industrial, special purpose, and overlay districts, which would add four more chapters to the structure and would be similar to the structure of the current code. We will discuss this alternative with the Zoning Code Commission.

In addition, some of the existing (and proposed) zoning districts require the approval of a development plan either as a condition of zoning approval or before the property owner can obtain building permits. These “planned development” districts include the proposed Residential Mixed-Use District,



Neighborhood Conservation Overlay, Transit-oriented Development Overlay, and Neighborhood Commercial Corridor Overlay. We will discuss with the Zoning Code Commission whether this “planned development” status needs to be reflected in the zone district titles in some way.<sup>1</sup>

## Section 14-301: Residential Districts

### Overview

These sections will carry over much of the information in 14-200, but with significant changes to simplify the menu of zone districts and address issues raised in our Assessment of the existing code. Philadelphia currently has 25 “R” zoning classifications and an additional seven with a strong residential or mixed-use orientation. Thirty-two residential zoning districts is a very high number by any measure. It is unclear why the City needs 10 single family districts or 15 multi-family districts, particularly since residential development is also allowed in many other RC (residential-commercial) and C (commercial) districts. In the New Zoning Code, each district will have its own section containing a stronger and clearer purpose statement to distinguish its intended use from other districts.

There are several opportunities for consolidation and merger of residential zone districts based on the following considerations:

- Combine districts with similarities in lot size and dimensional requirements;
- Remove districts that were created to address impacts of individual uses where those uses or impacts can be handled through use specific regulations or an administrative procedure;
- Remove districts that have not been applied anywhere or to only a small fraction of the city; and
- Combine districts where minor differences can be addressed by requiring development to match the existing pattern established by neighboring properties.

For example, we recommend the merger of the R2 and R3 districts. The differences between the two districts are extremely subtle. They have the same lot width, density, lot coverage, open space and yard requirements. The primary difference is that R3 district allows “twin homes” and a handful of “residential-related uses” (e.g., places of worship,

<sup>1</sup> We have also received suggestions that the New Zoning Code include a provision that all new development under single ownership and over a defined size (e.g., more than 5 or 10 acres) be required to produce and obtain approval for a development plan prior to obtaining building permits. We will discuss this suggestion with the Zoning Code Commission to determine whether there should be such a requirement, and if so how to avoid overlaps with the proposed design review process, and whether the requirement could be handled through application material requirements rather than becoming a code requirement.

libraries, day cares, and home occupations) that are not allowed in R2. These different uses can be addressed through an administrative or special use approval process for those uses.

Similarly, the R9A and R10A districts both allow houses on small lots, with the only real difference being front setback (yard) requirements. These districts could be consolidated with a requirement for “contextual” front yard setbacks. When neighboring lots have front building setbacks, this approach would require front yard setbacks to fall within 1 or 2 feet of those on neighboring lots; it would not require front yard setbacks when neighboring properties do not provide front yards. In some cases, the range of contextual standards might be measured in percentages – for example, requiring that rear yards or lot coverage fall within 10% of those on neighboring properties.

The construction of duplex or multi-family homes in predominantly single family neighborhoods has been a source of considerable controversy in some area and has provoked many rezonings into exclusively single family districts. If any single family districts are merged with districts that allow duplex or multi-family construction (for example R5 and R5A, or R10 and R10B), future duplex or multi-family construction will be listed as a special review use. Pre-existing duplex or multi-family structures will be deemed to have those permits and will be issued permits on request.

The residential district consolidations that we recommend are summarized in the table below.<sup>2</sup>

Residential Districts -- Preliminary Consolidation				
Existing District			New District	
Current Code	Current District	Lot Size (sq. ft.)	New District	Comments
14-201	R-1	10,000	R-1	Use R-1A smaller lot size of 7,800 but require new development to match size of surrounding developed lots. As an alternative, preserve the R-1 district in order to protect suburban character in distinct areas of the city.
14-201	R-1A	7,800		
14-201	R-2	5,000	R-2	Make semi-detached dwelling a conditional use: review R-3 non-residential uses for appropriateness.
14-201	R-3	5,000		
14-201	R-4	3,150	R-3	No changes.
14-201	R-5	2,250	R-4	Make future duplex/two family housing a special review use.
14-201	R-5A	2,250		

<sup>2</sup> This organization above retains the general ordering hierarchy of the current code (lower numbered districts are consolidated into low numbered districts, and higher numbers into higher numbers). However, we could reorder this so that all single family districts appear at the start of the list districts that allow two family structures next.

Residential Districts -- Preliminary Consolidation				
Existing District			New District	
Current Code	Current District	Lot Size (sq. ft.)	New District	Comments
14-201	R-6	1,620/2,700	R-5	Only 0.13 acres have been zoned R-7 and 0.05 acres zoned R-8. Fold all of these into R-6 standards and add contextual language to address potential non-conformities.
14-201	R-7	1,620/2,700		
14-201	R-8	1,440		
14-201	R-9	1,440	R-6	Address R-10 zero front yard setback; all other standards are the same.
14-201	R-10	1,440		
14-201	R-9A	1,440	R-7	Address R-10A zero front yard setback; all other standards are the same. Make future duplexes a special review use.
14-201	R-10A	1,440		
14-206	R-10B (2 unit)	1,440		
14-207	R-11 (3 or more units)	15,000	R-8	Create a sliding scale for gross floor area and simplify courtyard setback requirements.
14-207	R-11A	15,000		
14-207	R-12 (3 or more units)	15,000		
14-207	R-13 (3 or more units)	15,000		
14-208	R-14 (3 or more units)	10,000	R-9	Simplify courtyard setback requirements.
14-208	R-15 (3 or more units)	5,000	R-10	Simplify courtyard setback requirements. An alternative is to keep these separate because of differences in permitted uses.
14-208	R-16 (3 or more units)	Undefined		
14-209	R-18 (3 or more units)	Determined by unit type	R-11	Only 0.002 acres has been zoned R-18 and 0.01 acres zoned R-19. Merge these districts and use R-19 standards. Further consolidation with new R-9 and R10 may be possible after courtyard standards are simplified.
14-209	R-19 (3 or more units)	Determined by unit type		
14-210	R-20	GFA / FAR	R-12	Maintain this district for use along narrow streets.
14-900	NCD	n/a	NC-O	Treat this as an overlay district; see discussion of 14-305(3)

A brief summary of each proposed residential district is shown in the sections that follow.

**14-301(1) R-1 Residential (replaces R-1 and R-1A)**

Purpose: Low density, single family residential with detached units. As an alternative, preserve the R-1 district in order to protect suburban character in distinct areas of the city.

District Specific Regulations: R-1A had smaller lot sizes so these regulations will require that new development in areas with smaller lots conform to those lot sizes.

**14-301(2) R-2 Residential (replaces R-2 and R-3)**

Purpose: Low-medium density, single family residential with detached units.

District Specific Regulations: R-3 allowed semi-detached, residential related, and non-residential uses – review these to determine if district specific dimensional standards for adjacent uses are necessary or whether an administrative or special use process will be needed for those uses.

**14-301(3) R-3 Residential (previously R-4)**

Purpose: Medium density single family residential with detached and semi-detached units.

District Specific Regulations: None -- Current R-4 regulations will be carried forward.

**14-301(4) R-4 Residential (previously R-5 and R-5A)**

Purpose: Medium density single family and two family residential with detached and semi-detached units.

District Specific Regulations: R-5A allowed duplex dwellings; review to determine if district specific dimensional context standards could be used to allow these where they already exist, or whether an certificated or special review use process will be needed for those uses.

**14-301(5) R-5 Residential (previously R-6, R-7, and R-8)**

Purpose: Medium density single family and two family residential with detached, semi-detached, and attached units.

District Specific Regulations: Base this district on R-6 standards; create adjoining use/context standards for R-8 lots, which are smaller. Determine size limit for attached housing where R-6 has a limit of 4 units and R-7 had a limit of 10 units and avoid non-conforming status for 10-units if they do not become the standard.

**14-301(6) R-6 Residential (previously R-9 and R-10)**

Purpose: Medium-high density single family, two family, and multi-family residential with detached, semi-detached, and attached units.

District Specific Regulations: R-10 had zero front yard setbacks; require that new development in areas conform to setbacks or allow setback averaging where zero setbacks only apply to some lots. Review the standards in this district and the following R-7 district to ensure that they adequately reflect the current character break between R-10A and R-10B neighborhoods.

**14-301(7) R-7 Residential (previously R-9A, R-10A, & R-10B)**

Purpose: Medium-high density single family with detached, semi-detached, and attached units.

District Specific Regulations: R-10A and B have zero front yard setbacks; require that new development in areas conform to setback or allow setback averaging where zero setbacks only apply to some lots. R-10B has different minimum open percentage of lot that should be carried into context regulations.

**14-301(8) R-8 Multi-family Residential (previously R-11, R- 11A, R-12, & R-13)**

Purpose: High density two family and multi-family residential with detached, semi-detached, attached, and multiple units. The purpose statements for the new R-8, R-9, and R-10 districts will need to be refined to better reflect the differences between these districts.

District Specific Regulations: Major difference among these districts is maximum floor area as a percentage of the lot, which ranges from 30 to 150%. Determine if we can create a sliding scale of open space based on location of lot and floor area of surrounding uses or consider changing from gross floor area to other standards (height, setback, lot coverage) to create compatibility with neighborhood.

**14-301(9) R-9 Multi-family Residential (previously R-14)**

Purpose: High density two family and multi-family residential with detached, semi-detached, attached, and multiple units.

District Specific Regulations: Carry forward R-14 regulations but update the provisions in 14-208 that grant additional floor area for additional setback and move those provisions to the dimensional tables in Chapter 14-500.

**14-301(10) R-10 Multi-family Residential (previously R-15 and R-16)**

Purpose: High density single family, two family, and multi-family residential with detached, semi-detached, attached, and multiple units. An alternative is to keep these two

districts separate because of the issues of allowing non-residential uses in former R-16 areas.

District Specific Regulations: R-15 did not permit residential related uses; determine the impact of allowing those uses and whether they require district specific regulations. R-16 permits hotels; consider drafting location standards that would only allow these in areas with current R-16 zoning. R-16 also permits multiple buildings on a lot; determine if we can create contextual standards for these types of development and/or limit the multiple building provisions to areas that already have multiple buildings; update the provisions in 14-208 that grant additional floor area for additional setback and include them in the dimensional tables in Chapter 14-500. Consider the same type of sliding scale open space requirements as discussed above for R-8.

#### **14-301(11) R-11 Multi-family Residential (previously R-18 and R-19)**

Purpose: Very high density single family, two family, and multi-family residential with detached, semi-detached, attached, and multiple units.

District Specific Regulations: Determine if any of the dimensional information in 14-209 belongs in this section.

#### **14-301(12) R-12 Multi-family Residential (previously R-20)**

Purpose: Varying density single family residential with detached, semi-detached, attached, and multiple units. This district has been used in neighborhoods with non-conforming narrow lots to make them conforming.

District Specific Regulations: Determine if any of the dimensional information in 14-210 belongs in this section. If this district is to function as the city's residential planned development district (i.e. one in which dimensional standards can be negotiated to allow for innovative and land efficient designs in return for public amenities), we will need to add criteria and standards to guide the approval process.

#### **Additional Changes**

In addition, conversion of the existing residential district regulations to this new structure will require the following changes

- Current Section 14-203 contains a list of residential related uses and nonresidential uses that are permitted in some districts with conditions; this should be moved to the Residential Use Table.
- Current Section 14-204 contains the footnotes and abbreviations for the Residential Use Chart in 14-205, some of these provisions need to be included in the district specific regulations.

- Current Section 14-207 contains measurement instructions for setbacks above ground level, and Section 14-208 contains a similar provision as well as standards for spacing of structures. The New Zoning Code will clarify whether these are generally applicable or if they are district specific regulations.
- Current Section 14-208 addresses courtyards. We have recommended simplifying the measurement for courts and courtyards ahead in Chapters 14-400 and 14-600 of this report. If possible, we will include the simplified open space measurement in the Dimensional Tables.
- Current Section 14-209 includes dimensional regulations for R-18 and R-19 that will be reflected in the dimensional tables. This section also includes courts, same comment as above.
- Current Section 14-210 includes dimensional regulations for R-20 that will be reflected in the dimensional tables.

## Section 14-302: Commercial and Mixed Use Districts

### Overview

As with the city’s residential zoning districts, the number of commercial zoning categories in the code has ballooned since the City first adopted zoning in 1933. At that time, Philadelphia’s zoning code included four commercial districts to accommodate all business, service, and commercial uses. Today there are nine commercial zoning districts not including the dozen of special zoning districts that modify the base commercial classifications.

In addition, the current ordinance contains four “RC” residential districts that permit a mix of residential and commercial. Each district allows more intensive commercial uses than the previous, and each has its own set of specific regulations. Since their adoption in 2003, however, only 94 acres in the city have been rezoned to an RC district, which amounts to 0.224 percent of the acreage in the city.

Still, the recent creation of the RC-districts reflects an important zoning reality – the old hard line between higher density residential districts and commercial zone districts is rapidly eroding. The past decade has seen an explosion of mixed use districts that allow careful blending of some residential uses, and it is likely that Philadelphia will find increasing use for mixed use districts. In addition, allowing more mixed use development in Philadelphia will reduce the need for auto trips within the city – which reduces congestion and related carbon dioxide emissions. We therefore recommend grouping these districts together under the title “commercial and mixed use” rather than separating them.

We recommend that several of the mixed-use and commercial districts be consolidated based on the following criteria:



- Combine districts that serve substantially the same function;
- Combine districts where differences are sufficiently minor that consolidation could be accommodated through improved development standards (parking, lighting, setbacks, etc.);
- Remove districts that are rarely or never used if that can be done without creating significant new non-conforming uses or structures; and
- Determine if a new district is necessary to address demand that is not currently met.

More specifically, we propose consolidating the RC districts into similar commercial districts (most of which allow residential uses already), and then further condensing some the existing commercial districts with similar character. In a number of situations, we think that Philadelphia could use contextual development standards to address the issues that caused the creation of separate districts.

A summary of our proposed changes is shown in the table below.

Commercial and Mixed Use District -- Preliminary Consolidations			
Existing District		New District	
14-211	RC-1	--	Eliminate this district – not used
14-215	RC-6	RMU-1	Residential preservation district with limited mixed uses. Development plan required before building permits are issued.
14-216	Waterfront Redevelopment (WRD)	RMU-2	New residential mixed use district, but not focused on preservation. Approval of this zone district would require the applicant to submit a development plan. The current WRD and ITD districts would become the first two development plans approved under this category. <sup>3</sup>
14-217	Industrial Transformation (ITD)		
14-302	C-1 Commercial <sup>4</sup>	CMU-1	Maintain this zone but consider broadening the list of permitted uses to better fulfill its neighborhood shopping function. It is currently little used because of the very limited list of uses.
14-303	C-2 Commercial	CMU-2	Combine RC-2 into C-2; review commercial uses carefully to refine certificated uses or requirements for special review and additional development standards for transitions with adjacent areas.
14-212	RC-2		
14-304	C-3 Commercial	CMU-3	Maintain C-3 and incorporate any RC-3 provisions that are useful.
14-213	RC-3		
14-305	C-4 Commercial, City Center	CMU-4	Maintain C-4 and review RC-4 provisions to determine what remains in district and what belongs in general development standards.
14-214	RC-4		

<sup>3</sup> Consultants and staff are discussing the creation of a general planned development district, and if one is created it might replace RMU-2, with ITD becoming the first approved district within that umbrella zone.

<sup>4</sup> Consultants and staff are discussing the possible consolidation of current C-1 with C-2 and RC-2 if an effective way to control restaurants and their impacts can be integrated into that broader district.

Commercial and Mixed Use District -- Preliminary Consolidations			
Existing District		New District	
14-305	C-5 Commercial, City Center	CMU-5	Maintain this district but rename it to reflect mixed use character.
14-306.1	C-6 Commercial	--	Eliminate this district -- not used.
14-306.2	C-7 Commercial	CMU-6	Combine these districts; establish base site development standards for a range of sizes of retail centers; incorporate any relevant office provisions from OC district. The purpose statement should clarify that this zone is intended to be used for existing auto-oriented commercial areas.
14-308	Neighborhood Shopping Center (NSC)		
14-309	Area Shopping Center (ASC)		
14-307	Office Commercial (OC)	--	Eliminate this unused district.
		IMU-1	Create a new Industrial-Residential Mixed Use district pursuant to preliminary recommendations for an Industrial-Residential Mixed Use district in the City/Philadelphia Industrial Development Corporation joint study.
14-506	L-4 Limited Industrial	IMU-2	Combine these districts into a new Industrial-Commercial Mixed Use district pursuant to preliminary recommendations of the City/Philadelphia Industrial Development Corporation joint study. Limit availability for retail uses so that district does not become retail-oriented.
14-506.1	L-5 Limited Industrial		

A brief summary of each proposed residential district is shown in the sections that follow.

**14-302(1) RMU-1 Residential Preservation (previously RC-6)**

**Purpose:** Mixed use planned development focused on preservation of trees, waterways, natural amenities, and historically significant buildings, structures, and property.

**District Specific Regulations:** Development plan required to be approved by Planning Commission prior to receiving building permits. Most regulations will be negotiated, but should be subject to standards requiring that the development reinforce the urban context and form of surrounding areas. Low-density residential mixed use zones are sometimes used as a vehicle to put suburban-style development in urban neighborhoods, and the development standards in the RMU-1 and RMU-2 districts should prohibit that. Modern traditional neighborhood development tools can be used to develop those standards.

**14-302(2) RMU-2 Residential Planned Mixed Use (new district)**

**Purpose:** Residentially-oriented planned mixed use development for new, redevelopment, and infill projects. This would be an umbrella designation under which individual residential mixed use development plans could be approved.

District Specific Regulations: Development plan required to be approved by Planning Commission prior to receiving building permits. Establish project size and location requirements; most regulations will be negotiated.

**A. WRD Waterfront Redevelopment (carryover)**

Purpose: Redevelopment of large parcels formerly used for industrial, utility, or port related land into mixed use development.

District Specific Regulations: Maintain minimum area requirement. Development plan approval required before building permits issued; most regulations are negotiated. Move existing regulations into general sections for uses and development standards. The standards in this district are incomplete and subjective, and should be reviewed for clarity and enforceability.

**B. ITD Industrial Transformation (carryover)**

Purpose: Encourage redevelopment and revitalization of large parcels located in underutilized areas including excess former industrial sites and residential neighborhoods with high rates of abandonment into planned mixed use community. Re-categorize this as the first site specific approval under the RMU-2 umbrella.

District Specific Regulations: Maintain minimum area requirement; planned development, most regulations will be negotiated; move existing regulations into general sections for uses and development standards.

**14-302(3) CMU-1 Commercial Mixed Use (previously C-1)**

Purpose: Neighborhood-serving small-scale retail in areas adjacent to or mixed with residential development.

District Specific Regulations: Carryover from C-1

**14-302(4) CMU-2 Commercial Mixed Use (previously C-2 and RC-2)**

Purpose: Neighborhood-serving medium-scale retail in areas adjacent to or mixed with residential development.

District Specific Regulations: Carryover from C-2 and RC. Update the provisions in 14-212 that grant additional floor area for additional setback and move those provisions to the dimensional tables in 14-500 Development Standards.

**14-302(5) CMU-3 Commercial Mixed Use (previously C-3 and RC-3)**

Purpose: General retail district that permits residential uses.

District Specific Regulations: Carry-forward C-3 standards, RC-3 regulations are primarily focused on courts, which will be revised as discussed in 14-205.

#### **14-302(6) CMU-4 Commercial Mixed Use (previously C-4 and RC-4)**

Purpose: Center City commercial and mixed use.

District Specific Regulations: Carry-forward C-4 general standards. Move parking, dimensions, and other development standards to those chapters. Separate area-specific regulations into Center City Overlay district. Review RC-4 standards for overlap or conflict and determine if any stay in district specific regulations.

#### **14-302(7) CMU-5 Commercial Mixed Use (previously C-5)**

Purpose: Center City commercial and mixed use.

District Specific Regulations: Carry-forward C-5 general standards; move parking, dimensions, and other development standards to those chapters; separate area-specific regulations into the Center City Overlay district.

#### **14-302(8) CMU-6 Commercial Mixed Use (previously NSC, ASC, & C-7)**

Purpose: Planned retail/shopping center district.

District Specific Regulations: Both NSC and ASC contain parking requirements tied to net leasable area that either belong in the general parking standards or in district specific regulations; ASC has a minimum area of 80,000 square feet and minimum frontage of 200 square feet that may belong in the district specific regulations.

#### **14-302(9) IMU-1 Industrial Mixed Use -1 (new)<sup>5</sup>**

Purpose: Mixed use residential, commercial, and small industrial, including: artisanal, creative, workshop, small manufacturing, and small scale fabrication. This zone was recommended in the Philadelphia Industrial Development Corporation preliminary report as the “Industrial Residential Mixed Use (IRMU)” district – but the name has been changed to match the naming system for other districts.

District Specific Regulations: Incorporate residential and commercial dimensional and use standards and cross-reference them here.

<sup>5</sup> Consultant and staff will continue to discuss with PIDC whether this district would have broad enough applicability in the city to support its creation.

### 14-302(10) IMU-2 Industrial Mixed Use-2 (formerly L-4 and L-5)<sup>6</sup>

**Purpose:** Accommodates a mix of light industrial (e.g., wholesale, local fabrication and repair, construction supply) and heavy commercial uses. Permitted commercial uses would be limited, and would not include primarily retail uses, in order to retain a predominantly industrial character. This zone was recommended in the PIDC preliminary report as the “Industrial-Commercial Mixed Used (ICMU)” district – but the name has been changed to match the naming system for other districts. Because the concept of the ICMU district overlaps those of the current L-4 and L-5 districts, they have been combined.

**District Specific Regulations:** Incorporate commercial dimensional and use standards and cross-reference them here.

### Additional Changes

In addition, this reorganization and consolidation of the commercial districts will require the following changes:

- Almost all districts include specific use regulations that will be moved to new Chapter 14-300 *Use Regulations*, some of which may be district specific.
- Current Section 14-302 contains adjacency regulations (area, height, and parking) for the former C-1 district. These will be moved into the dimensional table, parking requirements, or district specific regulations. This zone also includes gross floor area requirements for accessory uses that should be moved to new Section 14-304, *Accessory Uses*.
- Current Section 14-303 contains current C-2 regulations for uses, area, height, and signs, all of which will be moved to Chapters 14-300 and 14-400.
- Current Section 4-213 *RC-3 District* regulations are focused on courts and can be updated in the dimensional tables.
- Current Section 14-214 *RC-4 District* contains street-specific yard and building regulations that should be mapped in the Center City Overlay district. It also contains active space, public space and trees/landscaping, public art, through block pedestrian walkway, and incentive gross floor area regulations that should be moved to the new Development Standards chapter, as well as a TDR for historic preservation section that should be discussed. This section also includes detailed parking requirements that may be appropriate for Section 14-506 *Parking and Loading*.
- Current Section 14-307 *C-7 District* contains use and area regulations that should be moved to the new Development Standards chapter.

<sup>6</sup>Because the Philadelphia Industrial Development Corporation/City joint study preliminary recommendation for ICMU district did not include residential uses, and all other mixed use districts do allow residential uses, we may want to group this with the industrial districts instead after more discussion.

- To create incentives for industrial re-use in the IMU-1 and IMU-2 districts (to ensure that non-industrial uses do not become “invasive”), these districts may include flexible setback and dimensional standards for industrial use as well as penalty provisions that discourage the removal of industrial uses for commercial or residential reuse.

## Section 14-303: Industrial Districts

### Overview

Philadelphia has a very wide variety of industrial uses varying from heavy industrial to high technology to port-related activities and business parks. To meet all of these needs, the City has created the ten current industrial districts. As with the residential and commercial districts, we believe these could be simplified without any adverse impact on existing or future industrial use.

The Philadelphia Industrial Development Corporation (PIDC), in concert with the City of Philadelphia, has recently worked with consultants ERA, ICIC, and Interface Studios, to recommend changes to the City’s approach to industrial land supply and modern industrial users. One preliminary recommendation of that joint Industrial Land Use Policy Study is that the City should consolidate the current industrial zoning districts into the following six districts:

- Industrial Residential Mixed Use
- Industrial Commercial Mixed Use
- Light Industrial
- General Industrial
- Heavy Industrial
- Utilities and Transport

Although PIDC is still refining its thinking about this structure, we believe it provides a good starting point for restructuring these districts. Because of their character, we have grouped the recommended Industrial Commercial Mixed Use and Industrial Residential Mixed Use districts in the previous section 14-202 *Commercial and Mixed Use Districts* and addressed overlaps between these two concepts and some of the City’s existing lighter industrial districts. This leaves the remaining four recommended districts (i.e., those designed to accommodate only industrial uses, and not mixed uses) to be discussed in the context in this section.

We believe that these preliminary recommendations can be integrated into the New Zoning Code, and that the existing menu of industrial districts could be consolidated, based on the following principles:

- Combine or remove districts that are only used in a small area of the city;
- Combine districts where differences are sufficiently minor that consolidation could be accommodated through improved development standards (parking, lighting, setbacks, etc.); and
- Create new districts where there is no comparable existing district, or integrate them with similar existing districts.

A summary of our recommendations is provided in the table below.

<b>Industrial Districts -- Preliminary Consolidation</b>			
<b>Existing Industrial District</b>		<b>New District</b>	
14-503	L-1 Limited Industrial	I-L	Merge these three existing light-industrial-only district into a new Industrial-Light district consistent with PIDC/City joint study recommendations.
14-504	L-2 Limited Industrial		
14-505	L-2 Limited Industrial		
14-507	G-1 General Industrial	I-M	Combine these districts into new Industrial-Medium district.
14-508	G-2 Industrial		
14-509	LR Least Restricted Industrial	I-H	Rename district Industrial-Heavy.
14-510	Port Industrial	I-P	Carry over this district.
14-600	Food Distribution Center	--	Eliminate this district, the original purpose for its creation no longer exists.
		I-TU	Create new Industrial-Transportation and Utilities district

A brief summary of each proposed residential district is shown in the sections that follow. In the case of industrial districts, the purpose statements reflect preliminary recommendations of PIDC.

**14-303(1) I-L Industrial - Light (previously L-1)**

**Purpose:** A restricted industrial district with low range FARs, accommodating activities such as light manufacturing, assembly, fabrication, offices, research and development, small scale wholesaling, local distribution, workshops, multi-user buildings, and other medium-footprint activities that may generate only localized noise or traffic impacts that require some buffering.

**District Specific Regulations:** Carryover from L-1 with changes to reflect the intent of the PIDC preliminary recommendations.

**14-303(2) I-M Industrial - Medium (previously G-1 and G-2)**

**Purpose:** A generally permissive industrial district with medium range FARs accommodating activities such as manufacturing, distribution, processing, industrial parks,



large footprint activities, and activities that may generate noise, odor, vibration, after hours activities, or traffic impacts that require significant buffering.

District Specific Regulations: Carryover from G-1 and G-2 with changes to reflect the intent of the PIDC preliminary recommendations.

#### **14-303(3) I-H Industrial - Heavy (previously LR)**

Purpose: The most permissive industrial district with low FAR, accommodating activities such as 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.

District Specific Regulations: Carryover from LR with changes to reflect the intent of the PIDC preliminary recommendations.

#### **14-303(4) I-P Industrial – Port (carryover)**

Purpose: An industrial district to accommodate activities such as docks, wharves, piers or transit sheds, and related facilities used in connection with the transfer, storage-in-transit and incidental processing of cargo from or to waterborne craft.

District Specific Regulations: Carryover or current use, area, signage, and parking regulations.

#### **14-303(5) I-TU Industrial - Transportation and Utilities (new)<sup>7</sup>**

Purpose: An industrial district to accommodate specialized facilities such as power generation plants, water or wastewater treatment, and rail yards that may generate noise, odor, or high levels of transportation activity.

District Specific Regulations: Minimal, probably addressing off-site impacts.

#### **Additional Changes**

- In order to allow flexibility in site use for industrial users, the Industrial-General and Industrial-Heavy districts will have baseline development standards that the City may allow the applicant to change through the approval of a development plan.

<sup>7</sup> Consultant and staff are discussing whether the current Port Industrial district and the proposed Airport Operations District could be merged with the proposed I-TU (Industrial – Transportation and Utilities) district and may recommend they be combined into an Industrial, Port, Transportation, and Utilities district.

- Current Sections 14-504 *L-2 District* and 14-505 *L-3 District* use lists should be given close consideration based on the PIDC preliminary report when moved to the Use Tables in Chapter 14-300.

## Section 14-304: Special Purpose Districts

### Overview

In addition to residential, commercial, mixed use, and industrial zone districts, the City has developed several special purpose districts aimed at a specific type of facility or development. Examples include the Institutional Development District (for universities and large institutions), Commercial Entertainment District (for casinos), Sports Stadium District (for large, unique sports facilities), and Recreation (for parks). We believe that these districts should be grouped together in this section so the public can better understand that they differ from more general business or mixed use zoning districts. We realize that the use of the term “special purpose” district may create confusion with the City’s current use of the term “special” districts, but it is important to use names that more accurately reflect the nature of the district. The term “special purpose” now refers to base zoning districts intended to serve a specific type of facility, and what were formerly called “special” districts are now called “overlay” districts to better reflect the fact that they supplement but do not replace base zoning controls.

A summary of our recommendations is provided in the table below.

Special Purpose Districts-- Preliminary Consolidation			
Existing Special Purpose District		New District	
14-1100	Institutional Development District (IDD)	ID	Carry over this district.
14-400	Commercial Entertainment (CED)	CE	Carry over this district.
14-1000	Sports Stadium (SSD)	SS	Carry over this district.
14-700	Recreational District (REC)	OS	Carry over these districts, with sub-designations to reflect the active, passive, or restricted access character of the area.
		AO	New Airport Operations District.
14-800	Trailer Camp District	--	Eliminate this district.
14-1200	Pending Public Acquisition District	--	Eliminate this district.

**14-304(1) ID Institutional Development (carryover)**

Purpose: Development of institutional uses, commercially related facilities to service the institutional complex and area, and certain other nonresidential uses.

District Specific Regulations: Development plan approval required before building permits issued; most standards are negotiated.

**14-304(2) CE Commercial Entertainment (carryover)**

Purpose: Encourage the orderly development of major entertainment facilities.

District Specific Regulations: Planned district, most regulations will be negotiated.

**14-304(3) SS Sports Stadium (carryover)**

Purpose: Provide for the development of fields, buildings, and stadia for major sports events, commercial recreation, and exhibitions.

District Specific Regulations: Development plan approval is required before building permits are issued; most regulations will be negotiated.

**14-304(4) OS Open Space (formerly REC)**

Purpose: A district designed to accommodate parks, open spaces, nature preserves, playgrounds, playing fields, and other venues for non-commercial outdoor recreation.

District Specific Regulations: Differing standards for passive and active areas will be carried over and would be supplemented with a new designation for stormwater or habitat areas indicating passive use with restricted access (i.e., land that is open but not a park). OS-1 indicates a passive/restricted use area, OS-2 indicates a passive park, and OS-3 indicates an active park.<sup>8</sup>

**14-304(5) AO Airport Operations District (new)<sup>9</sup>**

Purpose: A mixed use districts to accommodate the wide variety and unique mix of activities that take place at major airports. As an alternative, this range of activities could be covered by one of the industrial mixed use zoning districts.

<sup>8</sup> Consultant and staff will consider whether these designations should be able to be changed through some process other than a formal rezoning.

<sup>9</sup> As an alternative to creating this new district, we will consider including airport-related uses in the Industrial-Transportation and Utilities district.

District Specific Regulations: Minimal, to allow flexibility in airport operation.

### Additional Changes

- Current Section 14-1100 *Institutional Development District* has a use list and requires City Council approval for additional commercial uses. These should be moved to the Use Tables in Chapter 14-300 and given appropriate standards for administrative or Zoning Board of Adjustment approval if possible.
- Current Section 14-400 *Commercial Entertainment District* has extensive off-street parking requirements related to large venues that should be moved to Section 14-506, *Parking and Loading*, but may function as a separate section. A similar situation applies to screening standards. This section also contains design review submission requirements that should be compared to the proposed design review procedures and commercial design provisions and integrated if possible.
- Current Section 14-1000 *Sports Stadium District* also contains specific parking requirements that should be compared to Commercial Entertainment.
- Current Section 14-700 *Recreation Districts* needs additional provisions to specify appropriate development of private property within these districts.

## Section 14-305: Overlay Districts<sup>10</sup>

### Overview

All large cities face create special zoning controls to address unique facilities and neighborhood character issues. This might involve an important gateway or entryway where additional design requirements are necessary, a redevelopment area where the City wants to apply regulatory incentives to encourage specific development, or commercial nodes where the City wants to expand the uses permitted and provide additional controls over surface parking.

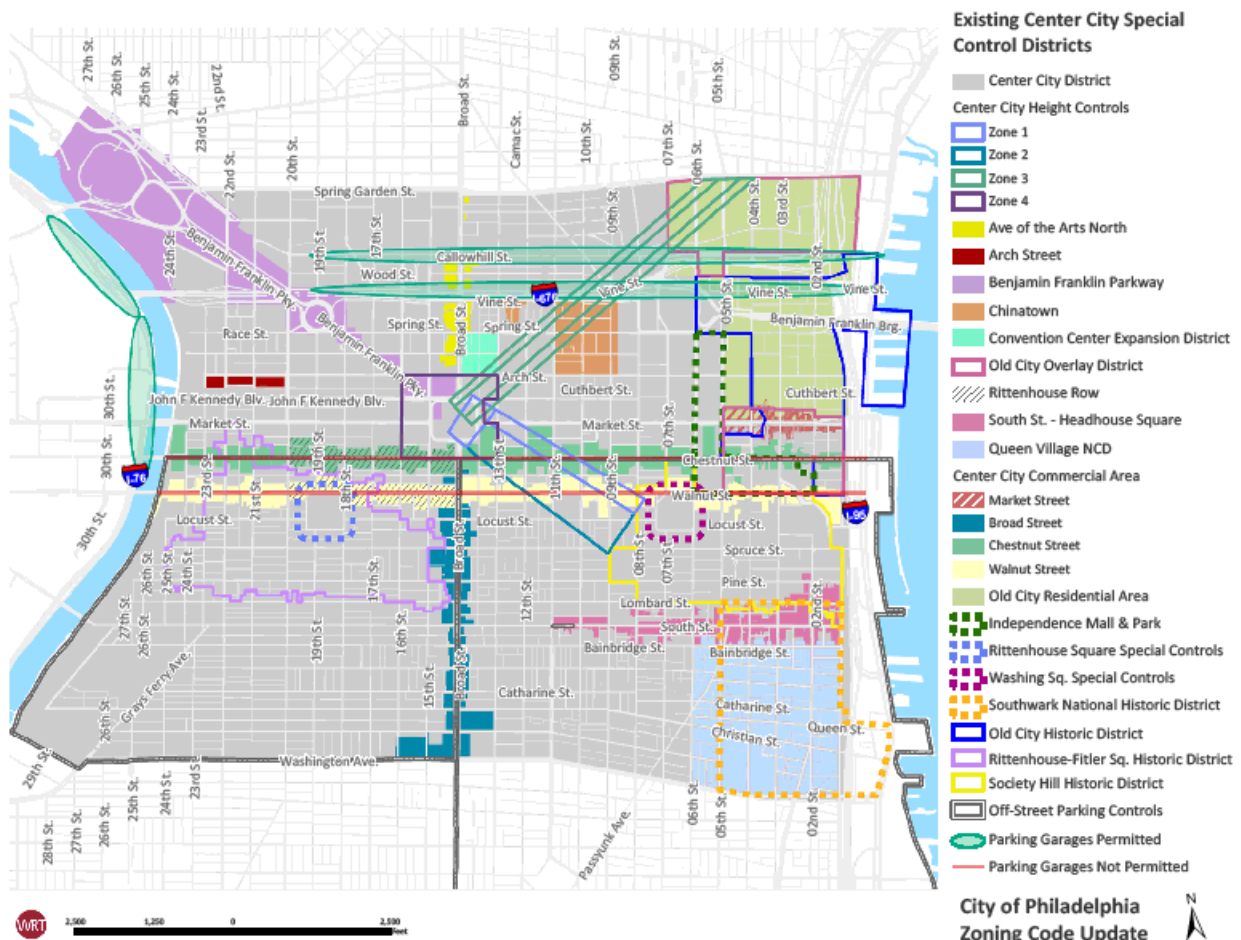
In most cases, these controls supplement rather than replace basic zoning applied to the property. For example, they do not address all parking issues (like the dimensions of parking spaces or pavement surfaces), just the ones that are varied in a specific area (like how many spaces are required or where they can be located). Since these controls “overlay” the basic zoning controls – i.e., they must be read together with those controls – cities generally refer to them as overlay (rather than “special”) districts. Designating them in this way puts the public and investors on notice that the base zoning controls also apply, and avoids

<sup>10</sup> We have started the process of referring to the special districts as overlay districts. This reflects the actual function of the special districts and creates a category that includes other overlay districts, such as the new Center City district.

unpleasant surprises down the road. We recommend that Philadelphia start referring to all of its supplemental zoning control districts as overlay rather than special districts.

Over the years, Philadelphia has created 33 different overlay districts, many of them addressing very similar issues and some of them overlapping the same geographic area. There are multiple special districts for height controls, urban design, land use, floor area bonuses, and sign controls – many of which can and should be regulated elsewhere in the zoning code. We do not believe that Philadelphia needs that many overlay districts to achieve its planning, development, neighborhood protection, and quality of life goals. We recommend consolidation of those districts where possible and elimination of some districts that only address a single issue (such as parking, or signs) that could be addressed elsewhere in the New Zoning Code.

The first step in simplifying Philadelphia’s complex morass of overlay controls is to address those districts that only apply in Center City. A surprising number of the existing districts focus on this important but relatively small area of the city. Consolidation of those districts will go a long way towards simplifying the entire overlay control structure. In our Assessment, we summarized special districts adopted for the Center City on the following map.



### Existing Overlay Districts

Philadelphia’s existing overlay districts are summarized in the following table.

Overlay District Overview		
Overlay Districts		Types of Special Controls
Affecting Center City		
14-1607	<b>Special Controls for Center City Commercial</b>	District containing: <ul style="list-style-type: none"> <li>• Specific use regulations and ground floor use restrictions for discrete frontage areas;</li> <li>• Conditional use and special use regulations</li> <li>• Bulk, height, and building width controls</li> <li>• Discontinuance of non-conforming use controls</li> </ul>
14-1607.1	<b>Rittenhouse Row and Chestnut Street</b>	Uses prohibited on the ground floor: dry cleaning, banks, salons, drug stores, retail sales, grocery stores, appliance sales, optometrists shops (+2,500 sq. ft.), music stores (+2,500 sq. ft.), variety stores, shoe repair, tanning salon, tattoo parlor, fortune tellers <ul style="list-style-type: none"> <li>• Specific use regulations</li> <li>• Locational use requirements (ground floor, major street frontages)</li> </ul>
14-1608	<b>Chinatown</b>	Prohibits: arcades, dance halls, auto repair or service, billiards or bowling, bottling, central heating plants, courtrooms, public parking or garages, auto parts installation, laboratories, outdoor advertising, correctional facilities, bus and trolley terminals <p>Includes:</p> <ul style="list-style-type: none"> <li>• Special height limits</li> <li>• Specific use regulations</li> <li>• Contextual height requirements</li> </ul>
14-1609	<b>Center City Height Controls</b>	Height controls based on four defined areas of Center City (not all of Center City)
14-1610	<b>Old City Residential</b>	Describes 4 distinct areas Includes use regulations similar to the Chinatown district Imposes 65-foot height limit <ul style="list-style-type: none"> <li>• Specific use regulations</li> <li>• Contextual height and bulk requirements</li> </ul>
14-1611	<b>Benjamin Franklin Parkway</b>	Imposes numerous height limitations: in some cases height limited to the width of the building façade or to a height that does not exceed three times the width of the building façade; in other areas, buildings are limited to 125 feet in height and in others no more than 45 feet <ul style="list-style-type: none"> <li>• Contextual design and height standards</li> </ul>
14-1612	<b>South Street/ Head House Square</b>	Use restrictions similar to Chinatown and the Old City Residential District Some special allowances for large-scale uses <ul style="list-style-type: none"> <li>• Specific use regulations</li> <li>• Development standards for large-scale uses</li> </ul>
14-1618	<b>Arch Street</b>	185.5 foot height limit
14-1626	<b>Demolition Moratorium in Old City</b>	Demolition controls within a defined area of Center City

Overlay District Overview		
Overlay Districts		Types of Special Controls
14-1632	<b>Convention Center Expansion</b>	Use restrictions similar to Chinatown, Old City Residential District, South Street/Head House Square, Cecil B. Moore Avenue, East Falls, and the Avenue of the Arts North, Passyunk, North Broad Street, Girard Avenue districts Special lot coverage and sign controls <ul style="list-style-type: none"> <li>• Specific use regulations</li> <li>• Development standards for large-scale uses</li> </ul>
14-908 and 14-1628	<b>Queen Village Neighborhood Conservation</b>	This is the first approved neighborhood conservation district, and addresses building setbacks, height regulations, design guidelines.
<b>Affecting Center City and also Other Areas</b>		
14-1604.1	<b>Special Sign Controls</b>	Sign controls applicable to Vine Street Parkway and Benjamin Franklin Bridge approach
14-1620	<b>Avenue of the Arts, North</b>	Use restrictions similar to Chinatown, Old City Residential, South Street/Head House Square, Cecil B. Moore Avenue, and East Falls. Minimum height limits; prohibits front setbacks on Broad Street; establishes low parking requirements and prohibits parking between the building and the street line of Broad Street <ul style="list-style-type: none"> <li>• Specific use regulations</li> <li>• Updated parking standards</li> <li>• Contextual height and bulk requirements</li> </ul>
<b>14-1631</b>	<b>Off-Street Parking Control</b>	No parking required for one and two family homes and parking as a principle use requires a certificate from the Zoning Board of Adjustment
<b>Affecting Other Areas of the City</b>		
14-1603(2)	<b>Environmental Controls for Wissahickon Watershed</b>	Special stormwater management controls for a defined area.
14-1613	<b>Germantown Avenue</b>	Minimum height of 25 feet Commercial uses limited to 4,000 square feet No setbacks allowed No building may have a total frontage exceeding 30 feet <ul style="list-style-type: none"> <li>• Contextual height and bulk requirements</li> </ul>
14-1614	<b>Cecil B. Moore Avenue</b>	Use restrictions similar to Chinatown, Old City residential District, South Street/Head House Square districts No setbacks allowed <ul style="list-style-type: none"> <li>• Specific use regulations</li> <li>• Locational use requirements (ground floor, major street frontages)</li> </ul>
14-1615	<b>Main Street/Manayunk and Venice Island</b>	Includes two subareas In the larger subarea the use regulations are similar to those of Chinatown, Old City Residential District, and South Street/Head House Square Includes façade controls, setback limitations, special landscaping and screening requirements, and limits on building widths <ul style="list-style-type: none"> <li>• 35-foot height limit</li> <li>• Specific use regulations</li> <li>• Setbacks from Conrail line, Manayunk Canal, Schuylkill River</li> <li>• Landscaping and screening regulations</li> </ul>



Overlay District Overview		
Overlay Districts		Types of Special Controls
14-1616	<b>East Falls</b>	Use restrictions similar to Chinatown, Old City Residential District, South Street/Head House Square, and Cecil B. Moore Avenue districts Minimum building height of 25 feet Special setback requirements, limits on building widths, special off-street parking requirements, limits on curb cuts, and special restrictions on signs <ul style="list-style-type: none"> <li>• Specific use regulations</li> <li>• Contextual height and bulk requirements</li> </ul>
14-1617	<b>Fifth Street</b>	Prohibits businesses selling at wholesale (it appears wholesale sales is already prohibited by the underlying zoning, thereby suggesting that the special district is unnecessary)
14-1619	<b>Frankford Avenue</b>	Prohibits employment agencies Allows buildings with up to 10,000 square feet of floor space before requiring parking All parking must be accessed off the alley <ul style="list-style-type: none"> <li>• Specific use regulations</li> <li>• Updated parking standards</li> </ul>
14-1621	<b>Passyunk Avenue</b>	Use restrictions similar to Chinatown, Old City Residential District, South Street/Head House Square, Cecil B. Moore Avenue, East Falls, and the Avenue of the Arts, North districts Special use restrictions on ground floor businesses No setback from Passyunk Avenue Sign controls <ul style="list-style-type: none"> <li>• Specific use regulations</li> <li>• Locational use requirements (ground floor, major street frontages)</li> </ul>
14-1622	<b>North Broad Street</b>	Use restrictions similar to Chinatown, Old City Residential District, South Street/Head House Square, Cecil B Moore Avenue, East Falls, and the Avenue of the Arts, North and Passyunk districts Minimum height of 25 feet for new buildings No setback from Broad Street Reduced parking requirements and a prohibition on locating parking between building and the street line of Broad Street <ul style="list-style-type: none"> <li>• Specific use regulations</li> <li>• Updated parking standards</li> <li>• Contextual height and bulk requirements</li> </ul>
14-1623	<b>Frankford Special District</b>	Use restrictions similar to Chinatown, Old City Residential District, South Street/Head House Square, Cecil B. Moore Avenue, East Falls, and the Avenue of the Arts North, Passyunk and North Broad districts <ul style="list-style-type: none"> <li>• Specific use regulations</li> <li>• Locational use requirements (ground floor, major street frontages)</li> </ul>
14-1624	<b>North Delaware Avenue</b>	Use restrictions on entertainment uses-dancehalls, entertainment uses, nightclubs, private clubs, restaurants, cabarets <ul style="list-style-type: none"> <li>• Specific use regulations</li> </ul>
14-1625	<b>Fairmount Avenue</b>	Use restrictions similar to Chinatown, Old City Residential District, South Street/Head House Square, Cecil B. Moore Avenue, East Falls, and the Avenue of the Arts North, Passyunk, and North Broad Street districts No setback is permitted <ul style="list-style-type: none"> <li>• Specific use regulations</li> <li>• Contextual height and setback requirements</li> </ul>

Overlay District Overview		
Overlay Districts		Types of Special Controls
14-1629	<b>North Central Philadelphia Community</b>	Prohibits student housing including multi-family dwellings, apartment houses, tenement houses; student housing, fraternity /sorority houses <ul style="list-style-type: none"> <li>• Specific use regulations</li> </ul>
14-1630	<b>Girard Avenue</b>	Use restrictions similar to Chinatown, Old City Residential District, South Street/Head House Square, Cecil B. Moore Avenue, East Falls, and the Avenue of the Arts North, Passyunk, North Broad Street and Fairmount Avenue districts Has a limitation on ground-floor uses No setbacks allowed <ul style="list-style-type: none"> <li>• Specific use regulations</li> <li>• Locational use requirements (ground floor, major street frontages)</li> <li>• Contextual setback requirement</li> </ul>
14-1633	<b>30<sup>th</sup> and Market Street</b>	Special FAR and bonus allowances for buildings that are LEED certified include green roofs, public open space, historic preservation, and other amenities <ul style="list-style-type: none"> <li>• Design regulations</li> </ul>
14-1634	<b>Lower and Central Germantown</b>	Prohibits barber and beauty shops; manicure and nail salons; retail sale of beauty products, variety or general merchandise stores, furniture stores <ul style="list-style-type: none"> <li>• Specific use regulations</li> </ul>
14-1635	<b>River Road</b>	Prohibits restaurants and multiple dwellings 35 foot height limit <ul style="list-style-type: none"> <li>• Specific use regulations</li> <li>• Contextual height requirements</li> </ul>
14-1636	<b>North Delaware River Conservation</b>	Newly adopted district including: <ul style="list-style-type: none"> <li>• Specific use regulations</li> <li>• Development plan approval required before building permits issued</li> </ul>

To summarize, 12 of the existing overlay controls affect only lands within Center City, another three affect Center City but also extend outward to affect other lands, and 18 overlay districts affect land outside Center City. In addition, of those 18 districts outside Center City, 10 address issues of neighborhood commercial corridor issues and could be consolidated.

Although the various Center City controls vary significantly in topic and coverage, we recommend consolidating them into a single Center City Overlay District because this the single most effective way to simplify the entire overlay district structure. However, within this group, the Queen Village controls are part of a different zoning scheme – the Neighborhood Conservation District. Since it is likely that additional neighborhood conservation overlays may be adopted in the future, we recommend that this not be consolidated into the Center City Overlay district.

We are aware that many of the existing overlay districts were developed at the request of local civic organizations that care deeply about the health and character of their neighborhoods. In some cases, it may be possible to continue protections (or extend them to larger areas) through other zoning tools. Refinements (or elimination) of overlay districts

will require good communication to ensure that the any revised or substitute zoning tools function at least as well as these existing tools.

### **14-305(1) Center City Overlay District**

Most of the existing Center City controls address one of five zoning issues:

- Height controls;
- Setback (or build-to) controls;
- Parking controls
- Sign controls
- Permitted use Controls<sup>11</sup>

The predominance of these issues, and our preliminary recommendations for consolidation, are shown in the table below.

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<sup>11</sup> Although only two of the current overlay districts affecting Center City now contain building width controls, it is likely that there may be more use of this tool in the future, so consultants and staff will be considering whether to add a sixth substantive subsection to this district addressing that issue.

Center City Overlay Districts -- Potential Consolidations							
Existing Overlay District	Issues Addressed						New District
	Height	Setback / Build-to	Parking	Signs	Permitted Uses	Other Issues	
Center City Commercial Area	•			•	•	<ul style="list-style-type: none"> <li>Prohibited kiosks</li> <li>Façade controls</li> <li>Building width</li> <li>Non-conformities</li> </ul>	CC-O Center City Overlay
Off-Street Parking Control (14-1631)			•				
Center City Height Controls (14-1609)	•						
Rittenhouse Row and Chestnut Street (14-1607.1)	•						
Chinatown (14-1608)	•	•			•		
Old City Residential (14-1610)	•				•	• Building width	
Benjamin Franklin Parkway (14-1611)	•			•		• Art Commission review	
Arch Street (14-1618)	•						
Convention Center Expansion (14-1632)			•		•	• Building Area	
Central Delaware Riverfront (14-1636)		•		•	•	• Development plan required	
South Street/ Head House Square (14-1612)		•		•	•	• Special Services District	
Avenue of the Arts North (14-1620)	•	•	•		•	• Extends outside Center City	
Special Sign Controls (14-1604(1))				•		• Extends outside Center City	
Off-Street Parking (14-1631)			•			• Extends outside Center City	
Queen Village Neighborhood Conservation District (14-908)							NCD – Queen Village (carryover)

In order to consolidate and address these five zoning issues – and accommodate additional controls unique to one or more of the current overlay districts – we recommend that the Center City Overlay district have the following structure.

**A. Purpose Statement**

This section will summarize the goals of the consolidated districts.

**B. Applicability**

This section will cross-reference a map of the boundaries of Center City.

**C. Height Control Areas**

Implemented through:

- A map showing which areas of Center City are subject to special height controls (including the four zone controls in current section 14-1609); and
- Text (or a map legend) listing the specific controls that apply to each mapped area, which will differ from area to area, as well as any exceptions that may apply.<sup>12</sup>

**D. Setback/Build-to Control Areas**

Implemented through:

- A map showing which areas of Center City are subject to special setback and build-to controls; and
- Text (or a map legend) listing the specific controls that apply to each mapped area and any exceptions that may apply, such as for plazas or recessed parking entries.

**E. Parking Control Areas**

Implemented through:

- A map showing which areas of Center City are subject to special parking controls; and
- Text (or a map legend) cross-referencing those special parking controls, which will appear in the Section 14-506 *Parking and Loading* of the New Zoning Code. In our experience, it is important to consolidate parking controls in one section of the code and cross-reference it elsewhere, rather than splitting up parking provisions. This will be even more important in light of Philadelphia’s desire for an integrated approach to parking, transit, and walkability.

**F. Sign Control Areas**

Implemented through:

- A map showing which areas of Center City are subject to special sign controls; and
- Text (or a map legend) cross-referencing those special sign controls, which will appear in the Section 14-511 *Signs* of the New Zoning Code. In our experience, it is important to consolidate signage controls in one section of the code and cross-reference it elsewhere, rather than splitting up signage provisions.

<sup>12</sup>Consultant will discuss with the Zoning Code Commission whether the existing height controls should be supplemented with additional standards addressing the size, shape, or separation of towers with in a development in order to minimize shadow impacts on adjacent areas.

### G. Special Permitted Use Control Areas

Implemented through:

- A map showing which areas of Center City are subject to special permitted use controls; and
- Text (or a map legend) cross-referencing those special permitted controls, which will appear in the Chapter 14-300 *Use Regulations* of the New Zoning Code. In our experience, it is important to consolidate permitted use controls in one section of the code and cross-reference it elsewhere, rather than splitting them up. Because existing ground floor use restrictions have created many non-conforming uses in some areas, these should be re-evaluated, or a strategy to avoid discouraging re-investment in those areas should be considered.

### H. Other Controls

Since some of the current Center City regulations address topics other than those five listed above, this section would summarize those controls and the areas to which they apply (using maps wherever possible).

#### **14-305(2) Neighborhood Commercial Corridors Overlay District**

Many of the existing special districts covering land outside of Center City have been drafted for a very similar purpose – to protect or rejuvenate an existing commercial corridor through additional design and/or use controls. Those ten districts and their general zoning tools are summarized in the table on the following page.

We recommend that the New Zoning Code consolidate these ten overlay districts into a general Neighborhood Commercial Corridors Overlay District that maintains the same substantive controls but avoids repetition of similar or identical language in each district. Since some of the existing special districts contain design or use controls unique to those districts, the overlay might have a separate subsection identifying controls that only apply to one or a few of the geographic areas. In other cases, overlay regulations may be made more generally applicable to some of the base commercial/mixed use districts, or to specific uses, or may be incorporated into changes in the New Zoning Code sections on parking or permitted uses. If the same level of control can be achieved on commercial corridors through one of these alternative means (i.e., the same result can be achieved without an overlay district), then we may recommend that some overlay districts or controls be retired.

Neighborhood Commercial Corridor Overlay District -- Potential Consolidations								
Existing Overlay District	Issues Addressed						New District	
	Height	Setback/ Build-to	Building Width	Parking	Signs	Permitted Uses		
Main Street/Manayunk/ Venice Island	•	•	•	•	•	•	<ul style="list-style-type: none"> <li>• Façade controls,</li> <li>• Screening</li> </ul>	NCC-O Neighborhood Commercial Corridor Overlay
East Falls	•	•	•	•	•	•	<ul style="list-style-type: none"> <li>• Curb cut controls</li> </ul>	
Germantown Avenue	•	•	•	•			<ul style="list-style-type: none"> <li>• Net leasable floor area limits</li> </ul>	
Lower and Central Germantown						•		
Cecil B. Moore Avenue		•				•		
Fifth Street						•		
North Broad Street	•	•		•		•		
Frankford					•	•		
Frankford Avenue				•		•		
Fairmount Avenue	•	•				•		
Girard Avenue		•				•		
Passyunk Avenue		•			•	•		

As in the case of the Center City Overlay District, this chapter would be organized with separate subsections addressing key topics such as height controls, setback/build-to controls, and building width controls. Regulations addressing parking, signage, and permitted use restrictions would be addressed through cross-references to special regulations applicable to this overlay but located in the parking and signage sections of Chapter 14-500 *Development Standards* or to the permitted use regulations in Chapter 14-400 *Use Regulations*.

### Other Overlay Districts

The remaining overlay districts will be more difficult to consolidate, simply because they are spread geographically throughout Northwest, North, Northeast, and South Philadelphia and do not address similar development issues. We anticipate continued discussion with the Zoning Code Commission on the need for these remaining overlay districts as the permitted use regulations of Chapter 14-300 and the development standards of Chapter 14-400 are drafted and we see where those controls can satisfy the original intent of these overlay districts.

In addition, we recommend adding one overlay district to the current menu – a Transit-oriented Development (TOD) overlay that could be used to regulate detailed planning and



layout in different areas of the city. We suggest grouping it with the “other overlay districts” simply because it should be available throughout the city, wherever transit nodes require special zoning treatment. Although it might also be used in the Center City area, there are portions of Center City that already have many characteristics of TOD areas, and where applying additional TOD controls would not be efficient or useful. The text of the district would make clear that it is available for use within Center City when those transit-friendly characteristics are not present. As we stated in the Best Practices Report

“[a]t its core, TOD is a set of zoning and investment tools designed to require densities that will promote transit ridership, designs that makes it easy to find and use transit, and tools to protect adjacent neighborhoods from the impacts of larger and more intense development at transit nodes.”

Because the scale and character of TOD areas can vary greatly, we will discuss with the Zoning Code Commission whether the overlay district approach is the appropriate tool to use in this case.

Finally, we recommend converting the regulations in current Chapter 14-1500 *Area Surrounding Airports* as a new overlay district, since airport height, safety, and noise regulations typically supplement underlying zoning restrictions and function as an overlay district.

#### **14-305(3) NC-O Neighborhood Conservation Overlay (carryover)**

**Purpose:** An umbrella designation under which specific neighborhoods can adopt regulations to protect defined character through appropriate design. This will become the preferred way of adopting supplementary regulations for residential or mixed use neighborhoods, rather than continuing to proliferate general overlay zones.

**District Specific Regulations:** Carryover provisions of current Chapter 14-900 (except definitions, enforcement, and penalties, which would be consolidated in general sections of the code on those topics). Move general design standards to Section 14-507 *Form and Design*, and establish provisions for creation of neighborhood specific standards.

##### **A. Queen Village**

Queen Village is the first neighborhood conservation district approved under the NCD umbrella designation. This section would carry over the adopted regulations from current Section 14-908.

#### **14-305(4) River Road Overlay (carryover)**

**Purpose Statement:** Carryover

**Regulations:** Height, permitted uses, and master plan amendment requirement.

**14-305(5) North Delaware Avenue Overlay (carryover)**

Purpose Statement: Carryover  
Regulations: Permitted use controls.

**4-305(6) North Central Philadelphia Community Overlay (carryover)**

Purpose Statement: Carryover  
Regulations: Permitted use controls.

**14-305(7) North Delaware River Conservation Overlay (carryover)**

Purpose Statement: Carryover  
Regulations: Specific use regulations and development plan requirement.

**14-305(8) 30<sup>th</sup> and Market Street Overlay (carryover)**

Purpose Statement: Carryover  
Regulations: Setback/build-to, building area controls, parking garage controls, loading and trash controls, sign controls, and incentives for LEED certification.

**14-305(9) Airport Environs Overlay (current regulations)**

Purpose Statement: Carryover  
Regulations: Carryover from existing Chapter 14-1500 *Area Surrounding Airports*.

**14-305(10) Wissahickon Watershed Overlay (carryover)**

Purpose Statement: Carryover  
Regulations: Environmental regulations

**14-305(11) Transit-Oriented Development Overlay (new)**

Purpose Statement: To require transit-friendly development design and uses near important transit nodes and centers in order to increase transit ridership and reduce carbon dioxide pollution.

Regulations: Regulations regarding building height and density, setback/build-to controls, transit supportive uses, the assumed pedestrian walking radius, pedestrian and bicycle access, parking and access to parking structures, and transitioning/buffering surrounding neighborhoods from transit and commuting noise and activities. These

standards would draw on information in a forthcoming report on transit-oriented development by NeighborhoodsNow with the assistance of Farr Associates. The district will specify what elements and standards apply to all TOD overlay areas, but would include a plan requirement for a “public realm strategy” specifying that each TOD must be designed in order to reflect the scale of the transit corridor or node (large central transfer points require different treatment than lower-intensity commuting points in residential areas). The plan would also be required to address how public improvements, parking management, and pedestrian access will reinforce TOD standards for new development. The plan requirement would include individually tailoring the size and shape of the overlay to avoid historic areas, industrial areas, and environmentally sensitive areas or as necessary to protect surrounding neighborhood character. Bonuses and incentives might be offered to encourage investments in pedestrian infrastructure and amenities.

# Chapter 14-400: Use Regulations

This important chapter of the New Zoning Code will consolidate all information about permitted, special, regulated, certificated, and prohibited uses from throughout the current code. The list of uses will be modernized to add new uses, delete obsolete ones, and consolidate the current fine grained descriptions into broader categories to promote investment and simplify administration. Finally, all “use-specific standards” – i.e., limitations on how or where or when specific uses can occur, as well as any required mitigation for their impacts – will be consolidated in this chapter.

## Key Changes

- All permitted, certificated, special, and regulated uses consolidated into four use tables – one for each group of zone districts.
- All use-specific standards consolidated in one place and cross-referenced to the uses they affect.
- Certificated uses changed to by-right subject to objective standards where possible.
- Accessory uses and structures listed and clarified to reduce needs for variances or interpretations on decks, porches, etc.
- New temporary uses section.

## Section 14-401: Use Table

The first section of the Use Regulations chapter will include new use tables identifying all of the principal uses and how they are permitted (e.g., by-right, certificated, regulated, or special use), in each of the zone districts. We anticipate creating a residential use table, commercial/mixed use table, and an industrial use table, and a special purpose use table. The current zoning code already has a residential use table, but it needs to be updated and revised based on the revised list of uses and the consolidation of residential zone districts discussed above.

Land uses and activities will be organized into general “use categories” and specific “use types” 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. For example, one use category is generally “residential uses”, and that category generally contains two use types: “household living”, and “group living”. This classification provides a systematic basis for assigning present and future land uses into appropriate zoning districts. Below is a sample portion of a use table from another community.

<b>SAMPLE</b>				
Portion of a Use Table from Another Community				
<b>Uses</b> P = Permitted Use C = Certificated Use S = Special Permit	Zone Districts			<b>Additional Regulations</b> Refer to Section:
	B-1	B-2	B-3	
<b>Commercial Uses</b>				
Automotive body repair			P	
Automotive fuel sales	S	C	P	17.05(2)(C)-2
Automotive sales/rental			P	
Automotive service	S	P	P	17.05(2)(C)-3
Contractor bulk sales			P	
Department stores				17.05(2)(C)-5

Creating use tables will allow zoning code users to see what uses are permitted within a single zone district as well as evaluate what districts allow certain uses. In addition, they can see at a glance whether additional use-specific standard apply to that use, and if so where to locate them quickly. Generally, use-specific standards apply regardless of whether the use is allowed by-right or as a certificated or special use – everyone must comply with those standards unless a variance is obtained.

If created today, Philadelphia’s use tables would contain abbreviations of “P” for permitted by right, “S” for special review, “R for regulated, and “C” for certificated as well as blank or black shaded cells to show uses that are not permitted. As discussed in more detail below, we believe that system can be simplified. Many cities use a three-way system of “P” for permitted – some of which may be subject to use-specific conditions applied administratively through a counter check, “S” for special uses that require a public hearing and the application of a planning judgment to uses that may or may not be appropriate in a given location, and blank cells for uses that are prohibited. This helps enforce the discipline that if uses can be subject to objective conditions that mitigate their impacts there is no need for a public hearing, while those that cannot be reliably addressed through objective conditions do get a hearing. Other cities use a four-way breakdown of “P” for permitted uses not subject to any use-specific standards, “L” for limited if there are use-specific standards for the activity, “S” for special review uses requiring a hearing, and a blank cell for prohibited uses.

As we prepare the use list, we will work with the ZCC and staff to evaluate each use as it is currently permitted and restricted. Generally, we will follow the principles below in suggesting changes to the use tables.

## 1. Remove Old Uses

Identify and update antiquated, undesirable, or unnecessary uses. For example, the current zoning ordinance identifies the following uses that should probably be deleted or consolidated into broader categories:

- Rope and twine manufacture except if made of jute or sisal;
- The manufacture of saddlery;
- Typewriter manufacturing plants;
- Wagon repair;
- The manufacture of phonographic records;
- Leather tanning, abattoirs, slaughterhouses, and stockyards; and
- Manufacture of firearms, guns, howitzers, mortars, guns, and flame throwers.

Conversely, we understand that the phrase “dispense food through an aperture” is a practice that is alive and well in Philadelphia, and the New Zoning Code should continue to address that use through appropriate conditions.

## 2. Add New Uses

There are often new uses that the City would like to accommodate, but that are not clearly allowed under the current code. In recent years those sometimes include solar, wind, and geothermal power generating facilities, recycling collection and treatment centers, continuum of care facilities for the elderly, and a variety of innovative housing products that did not exist 20 years ago.

## 3. Resolve Use Issues Arising From Zone District Consolidation

Review existing use lists for each of the districts to determine what should be carried forward and identify any use issues that may occur when existing districts are consolidated. Where one district allows a use and the other district to be consolidated does not, decide whether to allow it, or impose new conditions, or require administrative or ZBA review, or prohibit it.

## 4. Remove Unnecessary Restrictions

Review the prohibited, certificated, and special uses in each district to determine the purpose of the restriction, whether the use could be permitted if appropriate conditions are applied (as identified in the far right column of the sample use table), or whether the prohibition should remain. This is important for promoting reinvestment and economic growth, because cities often add restrictions over time and then fail to remove them when the reasons behind them no longer apply.

As we review and evaluate uses, we will make recommendations about moving uses out of the ZBA review processes and into administrative (staff) review supported by appropriate use standards. As we noted in our Assessment, Philadelphia seems to have developed a practice of requiring public hearings on uses and applications that do not receive that level of public scrutiny in other cities. Instead, several of those

uses are allowed by right subject to objective conditions that are automatically attached to the approval without the need for individual review. The City's desire to simplify this process is reflected in the current "fast track" (consent calendar) process adopted by the Zoning Board of Adjustment, which recommended dispensing with hearings for every certificated use for which there is no opposition. In some case, the problem arises because the current code is "too strict" – it requires public hearings on uses that would fit in all but single family residential districts. In other cases the code is "too weak", it opens up the possibility for a use variance to allow uses in residential areas that other cities would simply prohibit.

Among the uses that should be included in this review and considered for different treatment are the following:

- Take-out food outlets such as coffee shops, donut shops and sandwich shops (different approaches for walk-up and drive-through uses may be needed to address compatibility with surrounding areas);
- Health clubs and workout facilities;
- Dry cleaning establishments (now requires Zoning Board of Adjustment certificate in the C2 district);
- Co-location of cell sites on existing towers (already "fast tracked" by ZBA) and requirements for "stealth" (i.e., less visible) facilities;
- Home occupations (most cities are moving towards allowing minor/non-impact home occupations by right, and only requiring review of major activities with impacts);
- Farmers markets and grocery stores (some cities allow them by right in areas of the city not adequately served with fresh food stores or vendors);
- Urban agriculture (allow more broadly as a primary use of land, but address potential soil contamination issues);
- Art galleries, museums, and libraries;
- Bus shelters;
- Car washes; and
- Indoor swimming pools.

## 5. Address Difficult Use Issues

In the course of our work on the Assessment and Best Practices Report, it has become clear that there are significant disagreements within Philadelphia about how to handles some use issues. The list of uses that may require additional discussion includes.

- Parking as a "main" use now requires approval by the ZBA in most districts. Most cities now distinguish between surface lots and structured parking garages



and allow each as a use by right in some more intense districts, subject to design and buffering standards. Separate approaches may be needed for Center City and the remainder of the city.

- Most forms of automobile and vehicle repair/service now requires ZBA approval in most districts. Again most large cities allow these by right in some medium and high density districts subject to standards addressing appearance, landscaping, outdoor storage, car parking areas, noise, glare, and sometimes hours of operation.
- Child care is defined narrowly, and many forms of child care are restricted from low intensity residential districts and limited in the C-2 district in Philadelphia. Most cities are moving to allow a wider variety of these uses in more residential, commercial, mixed use, and even light industrial zone districts, by right but subject to objective conditions to protect surrounding properties from any adverse impact. Careful treatment of child care is a good way to help reduce vehicle miles travelled, since a significant number of car trips (or extensions of car trips) occur because of the need to pick up or drop off children from these facilities. In general, child care provisions tend to be uniform within a given zone district, and the variations between council districts in Philadelphia is unusual. We will check to ensure that the size cutoffs and titles of child care uses are aligned with state and local licensing terms and size limits if possible.
- Because of the aging of our national population, the City should also consider expanding this treatment to adult care facilities.

## 6. Group Uses for Flexibility

Group the remaining uses into broader categories, particularly in commercial and mixed use areas, so that investors and business interests can respond to market changes quickly and efficiently as long as the impacts of the new use are similar or less intensive than the prior use. Major areas for consolidation of the use lists include personal services, business services, retail sales and services, and industrial activities.

## Section 14-402: Use Specific Standards

All use-specific standards in the New Zoning Code will be consolidated into this section, and every use-specific standard will be cross-referenced in the use tables. This method puts every permitted use and every required use-specific standard in one place so users can be confident that there are no “hidden” standards somewhere else in the zoning code that are triggered by the specific use they are proposing. The introduction to this section will note, however, that many other general development standards (e.g., setbacks, parking, landscaping, etc.) generally apply to all development, and so these additional code sections should be consulted to determine all applicable requirements for development. Additionally, we will create, update, and supplement standards based on feedback from the

ZCC, staff, and public and the City’s desire to better minimize negative impacts from certain uses.

This will be the section where we address many of the use-related issues that the special districts currently regulate. A number of uses and activities are identified for special treatment or limits in many of the overlay special districts, including:

- Accessory dining areas and food take out facilities;
- Athletic and drill halls;
- Auto repair shops;
- Auto service stations;
- Bottling or distribution of liquids for human consumption;
- Central heating plants;
- Installation of auto, boat, motorcycle or truck parts;
- Music systems that can be heard outdoors;
- Outdoor amusement parks;
- Payphones;
- Radio or television transmission towers;
- Regulated uses;
- Restaurants serving food through a window or aperture that opens on the sidewalk or public way;
- Sale of live poultry, live fish, or live animals;
- Trolley stations, bus terminals, or bus barns;
- Vehicle parts store;
- Venting of exhaust fumes; and
- Water booster or sewer substations.

The fact that so many neighborhoods feel that regulations on these uses are needed suggest that perhaps some of those conditions should apply to the use wherever it exists in the city. For example, many cities apply screening, buffering, storage, and operating conditions on auto repair shops or service stations throughout the city. In other cases, it may be appropriate to remove some of the listed from residential zone districts altogether, while allowing them subject to conditions in mixed use and industrial districts.

Finally, the use-specific standards will address “vertical zoning” issues by identifying those uses that are allowed (or prohibited) on the first floor in certain districts, or that are allowed (or prohibited) on upper floors of some districts. These types of common-sense limits can go far to creating common expectations about future development patterns in an area, as well as avoiding negative impacts from unexpected placement of key uses on upper or ground floors.

Where the City wants to not only allow but require a mix of uses in a particular zone (i.e., mandatory mixed use), that will be addressed in the purpose statements and district-specific standards in Chapter 14-200 *Zone Districts*.

## Section 14-403: Accessory Uses and Structures

Accessory uses and structures are those that are incidental and secondary to the primary use of the property, and generally also smaller in scale than the primary use or structure. By way of example, garages and sheds are accessory structures to single family homes, while gardening is an accessory use to living in a single family home. This new section will include all of the accessory use and accessory structure regulations that are currently buried among other materials in the City's 55 base zoning districts, or the 33 overlay districts, or in other locations such as administrative rules of the Department of Licenses and Inspections. While some cities separate provisions for accessory structures from those for accessory uses, the two are sometimes so intertwined that it is difficult to separate the issues and awkward for citizens to look in two different places to find the rules that apply to the use and construction of a shed or a deck. We therefore prefer to keep them together in this section.

While accessory uses may seem less important than primary uses, they are very important to neighborhood life, and it is worth taking time make these regulations both clear and reasonable. A review of ZBA records in Philadelphia highlights the high number of hearings and conditions involved in dealing with supposedly "minor" structures and uses like roof decks, back yard decks, outdoor stairs and fire escapes, rooftop pilot houses, garages and carports, fences, and storage and trash structures. In fact, the Department of Licenses and Inspections puts issues related to rooftop decks and pilot houses providing access to those decks near the top of their list of topics the current code handles poorly. In general, larger cities try to avoid having public hearings on these matters, because they tend to become personal among neighbors, and it is not a good use of City resources to "referee" those matters. Instead, the trend is to be very clear about what accessory structures and uses are allowed and then handle them administratively, subject to appeal.

In consolidating these regulations, we will incorporate the substance of the "Code Bulletins" and other guidance/interpretation documents provided to us by the Department of Licenses and Inspections and currently used in their administration of the code. As similar guidance documents are produced in the future, we recommend that they be made available to the public through the City's web site. We will also address treatment of building or site features required by the Americans with Disabilities Act that may need to encroach into setback areas on private property.

One special type of accessory use and structure is Accessory Dwelling Units (ADUs, and they will be addressed within this section. ADUs are small (generally less than 800 sq. ft.) dwelling units that are sometimes allowed to be located in converted garages, or over existing garages, or within the four walls of an existing single or two family dwelling. As household size continues its decades-long decline throughout the U.S., interest in ADUs has grown as a tool to provide smaller dwelling units for those households, and to allow aging parents or returning children to live with their families without actually sharing kitchens, bathrooms, or entrances. In densely populated cities, citizens across a wide range of residential districts are often wary of the impacts that additional density on traffic and

parking, and many cities that accept ADUs limit them to lots or properties above a certain size to avoid those impacts. We will discuss with the ZCC how Philadelphia would like to address ADUs, and include the results in this section of the New Zoning Code.

### **Section 13-404: Temporary Uses**

Most large cities accommodate temporary events on a routine basis – charity car washes, parking lot bake sales, festivals, fairs, circuses and special events, Christmas tree or seasonal vegetable sales, sometimes even auto races. While many of these contribute to the vitality of a great city, and most citizens are reasonable about how often they impose impacts from special events on their neighbors, there are exceptions. The same event that would be fine with adequate parking can be a nuisance when parking is not provided. The same festival that entertains the neighborhood when it happens once a year would become a burden if it happened every two months. For those reasons, most cities impose time and frequency limits on different types of temporary uses, and sometimes also require parking, bathrooms, or other facilities if large numbers of people will be present. This new section will consolidate all of Philadelphia’s existing regulations regarding temporary and seasonal uses in one place. It will also incorporate guidance and interpretations from the Department of Licenses and Inspections regarding temporary structures.

# Chapter 14-500: Development Standards

This new chapter will consolidate the City’s existing development standards, refine those that have proven difficult to apply or enforce, and add new development standards in key areas identified in the Assessment and Best Practices Report. “Development standards” is a broad term that incorporates almost everything other than the permitted use of the land and structures – all those topics that address the size, quality, and functioning of new development and redevelopment. That includes dimensional standards (maximum height, minimum setbacks, lot coverage, etc.), mobility and connectivity, landscaping and trees, buffering and screening, building design and form standards, parking, and signs. Most standards will be applicable primarily to individual lots, with some concepts such as connectivity and perimeter landscaping applying to larger aspects of project design.

## Key Changes

- All development standards – i.e., regulations on how land and buildings are developed – consolidated in one chapter.
- All dimensional standards (i.e., lot size, setback/build-to requirements, and heights) consolidated into five tables – one for each group of zone districts.
- New standards on sustainability, circulation and mobility, landscaping, natural areas, and lighting.
- Form and design standards expanded to address residential/commercial boundaries and commercial corridors.
- More objective and enforceable standards to support administrative decision-making.
- Sign provisions consolidated into one section based on a permitted sign table.

This chapter will incorporate some standards from special districts that can be made more broadly applicable, standards that are commonly applied through the development review process, and standards and interpretations recommended by the various departments involved in the development review process. Recognizing that Philadelphia is a multi-dimensional city, the development standards will be focused on local character and context and will provide flexibility to meet the needs of the City, applicable neighborhoods, and the development community.

Our recommended code structure groups all development standards in this one chapter, which results in a fairly long chapter. One alternative would be to pull out one or a few heavily used chapters – such as signs or parking -- to stand on their own.

## Section 14-501: Dimensional Standards

### Background

This section will consolidate all existing Philadelphia zoning standards addressing minimum lot size, maximum development density or intensity (FARs) minimum setbacks, build-to lines, maximum heights, lot coverage, and the like. The residential standard chart in Section

## Chapter 14-500: Development Standards

## Section 14-501: Dimensional Standards

14-205 of the existing ordinance identifies the following dimensional measurements for most residential lots:

- Minimum lot width (feet)
- Minimum lot area (square feet)
- Minimum open area % of lot
- Setback lines – front yard, side yard, rear yard
- Building height limit – dwelling and non-dwelling
- Maximum number of stories

Commercial and industrial districts include the following area regulations:

- Occupied area % of lot
- Open area % of lot
- Open area above ground level
- Floor area ratio
- Building setback, front yards, and rear yards
- Yards and courts
- Setback and maximum building width

Within some Philadelphia zoning districts, these basic regulations are also supplemented with more specific regulations that apply in certain districts or along specific streets. For example, in the C-4 district, buildings with frontages along Broad Street have additional requirements for entrance arcades and active spaces. In addition, each of the three major use types have a series of dimensional exceptions that address a myriad of related issues. For example, Section 14-231 *Residential District Rules and Exceptions*, subsection (4) *Fences* addresses the height of fences on different locations of different lots. Importantly, the existing information will be refined in light of the proposed zoning district consolidations, and many decisions will need to be made as to which district regulations apply.

Confusing matters further are the special districts that may further modify the regulations of an underlying district, and in some districts, the current code contains “regulations within regulations” that provide additional information or refinements to basic standards. For example, in the C-1 district the area regulations build on the restrictions of other districts: “all buildings in any C-1 district shall be governed by the area regulations of the most restrictive bounding district, whether contiguous or across the street; provided, however, that when said building is attached to another building which is in another District, the area regulations of that District shall apply.” The goal of this type of regulation is to provide an appropriate transition between residential and commercial districts but it is possible to make this information easier to find and more accessible to code users.

**Section 14-501(1) Dimensional Tables**

It is important to make the dimensional regulations easier to find and understand, and to do that we propose reorganizing most of this information into a series of tables that allow comparisons across similar zone districts. We will refine the residential district dimensional table in current Section 14-205 and organize the commercial/mixed use, industrial, special purpose, and overlay district information in a similar manner. Within each of these tables, we will identify the various exceptions to the extent possible; where the exception is more complex we will provide a cross-reference to the section where the exception is explained. In addition, this section will cross-reference Section 14-602 *Rules of Measurement* for those code users who are interested in knowing exactly how compliance with each requirement is measured.

A sample portion of a dimensional table from another community looks like this:

SAMPLE									
Portion of a Dimensional Table from Another Community									
Zone	Use	Lot Dimensions			Setbacks			Maximum Lot Coverage	Max. Height(ft)
		Min. Lot Area (sq ft)	Minimum Lot Width (ft)	Min. Width of Street Frontage (ft)	Front (ft)	Side (ft)	Rear (ft)		
RR	Principal Building	#	#	#	#	#	#	#	#
	Accessory Building				#	#	#		#

As we create the dimensional tables, we will update both outdated measurements, and outdated approaches to dimensional regulations. In some cases, for example, build-to requirements that bring buildings up to the street may be more appropriate than setbacks that push them back from the street. In addition, several of the current overlay districts regulate maximum building width, and that is often a key factor in protecting intended urban form and scale. We may want to consider generalizing some building width controls within some of the base districts (which could help simplify the overlay districts).

Similarly, some of the specific building height and form controls in the overlay districts may be discussed for broader applicability in the dimensional table. One potential addition to the existing form standards are standards addressing the size, shape, and spacing of towers within a development in order to address shadows on nearby areas, while still allowing property owners to use their permitted gross floor area (or bonus floor area).

In particular, we recommend eliminating some of the existing courtyard setbacks. These regulations are overly complex, they date back to the regulation of light for tenement buildings, and their interaction with other open space requirements is unclear. Because of



these courtyard setback regulations, the zoning code creates uncertainty about whether particular designs will be acceptable. These requirements may also inhibit creativity in the design of new buildings, as many architects repeat the same design simply because that particular plan has received the required approvals. We recommend replacing the complex courtyard regulations with more straightforward interior side yard setbacks and regulate open space as a percentage of lot size. These standards should also address the issues that arise on corner lots where building use, building orientation, and side yard orientation differ.

This issue is particularly difficult because, while everyone seems to like open space, there is a limit to how much can be accommodated and made functional on individual lots within a dense urban fabric like that in Philadelphia. Poorly considered or mis-calibrated open space requirements can create tension with Philadelphia's established urban form and can even discourage the kind of sustainable development that the City wants to encourage. In older cities like Philadelphia, neighborhood protection can often be increased and variance requests reduced by using "contextual" dimensional standards. We will discuss with the Zoning Code Commission which of these would be appropriate to include. Contextual dimensional standards focus on having lots and buildings that fit in with the buildings around them, rather than complying with firm numerical standards that may or may not reflect the built character of the area. These tools can include requirements that development and redevelopment match the lot size, lot coverage, building setbacks, and/or building heights on the block face where the property is located, or on nearby lots (within a defined range of flexibility). In some cases, they require different regulations for neighborhoods and blocks with and without alleys.

One organizational challenge that arises in consolidating dimensional requirements is how to handle overlay districts. In general, our approach is to include all base zoning district regulations in the dimensional tables – but to remind readers in the table headers that the regulations might be changed by overlay district regulations. The various overlay districts discussed above for Chapter 24-300 *Zone Districts* would contain only the exceptions to those rules. For example, the dimensional tables in this Chapter 14-400 would contain all the dimensional regulations for the former C-4 and C-5 (now CMU-4 and CMU-5) districts, but the table header would remind readers that overlay regulations in Chapter 14-200 might apply. Readers with property in Center City would then review Chapter 14-201(1) *Center City Overlay District* and find (1) a map that shows what areas of Center City are subject to special height or setback/build-to requirements and (2) text telling them what those special standards are.

To the extent possible, the dimensional tables will include the exceptions to dimensional requirements contained in the following sections of the current code:

- 14-231 Residential District Rules and Exceptions;
- 14-312 Commercial District Rules and Exceptions for All Districts;
- 14-313 Commercial District Rules and Exceptions; and
- 14-511 Industrial District Rules and Exceptions.

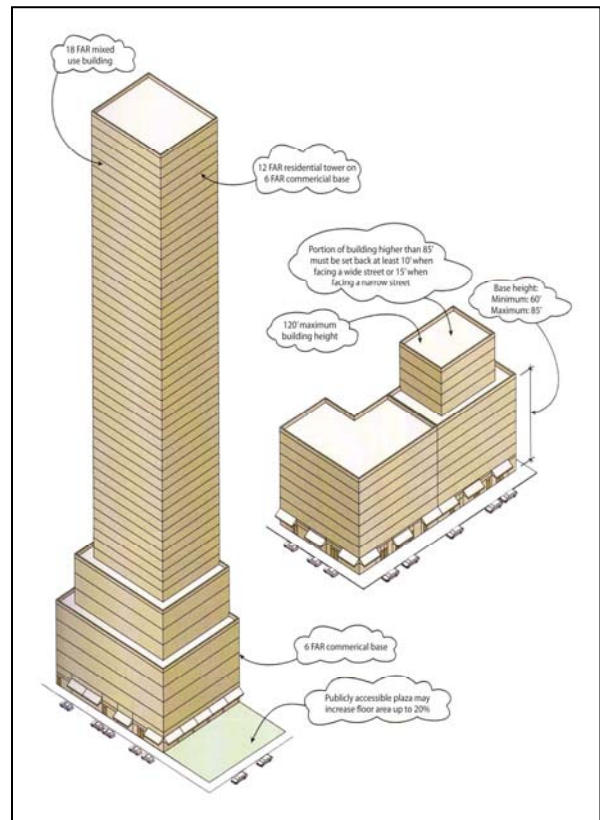
Where the exceptions are citywide (not restricted to certain districts) or too extensive or do not lend themselves to a table format, we will include them in a Section 14-401(3) *Exceptions to Dimensional Standards* below.

### Section 14-501(2): Floor Area Bonuses<sup>13</sup>

Since 1992, Chapter 14-300 of the City’s current dimensional regulation system has offered floor area bonuses in several zoning districts. These provisions allow construction of larger buildings in exchange for certain public benefit and amenity features. Some of the zoning “additional floor area” and “incentive floor area” provisions appear quite up-to date relative to the City policies and desirable urban development practices, while others appear grounded in an earlier period of planning theory.

A recent survey and summary of floor area bonuses by Zoning Code Commission staff found that in the C-4 and C-5 districts the incentive bonus provisions have not been used effectively. Many other buildings were eligible for this incentive, and the fact that so few used it is strong evidence that the incentives are out of touch with building economics.

A second example of obsolete floor area bonuses comes from the residential districts. Our Assessment documented how some of the additional floor area criteria that apply in high R and RC districts (e.g., R-14, R-15, R-16, RC-2, and RC-3) appear out of date and inconsistent with the City’s broader goals. Many of these encourage buildings to be set back and separated from the street, which contradicts other provisions in the existing code. Criteria in these districts allow additional floor area for provision of one or more of the following:



New York City FAR bonuses  
Dyett & Bhatia ZCC presentation May 2009

<sup>13</sup> While this section addresses floor area bonuses, we will also discuss with the Zoning Code Commission whether what we want to incentivize and whether we can provide incentives beyond additional FAR.

## Chapter 14-500: Development Standards

## Section 14-501: Dimensional Standards

- Frontage on a wide street;
- Front setbacks improved as public open space;
- Rear setbacks improved as public open space;
- Open arcades;
- Ground-level open space; or
- Ground-floor retail space.

Some of these bonuses are inconsistent with City design goals (e.g., large front setbacks) and should be re-evaluated. Those bonuses that support the City's long-range plans (green building design) should be made more widely available. The same type of review should be performed for current section 14-1300 *Additional Gross Floor Areas*, which applies to the current R-15, R-16, and C-3 districts. Refinement of the list of available floor area bonus will require continued discussions with the Zoning Code Commission throughout this process.

There is also another important force undermining the floor area bonus system in Philadelphia. Instead of using the code provisions to obtain additional floor area, it has become common practice is to obtain additional floor area through a variance. Because the variance approach is less time intensive and does not require the provision of any public benefits as required for the floor area incentive, it is apparently the more attractive approach for the development community. Making the FAR bonus provisions relevant again will therefore require the following key changes:

- Eliminate floor area bonuses that are obsolete or inconsistent with Philadelphia's current planning and design goals;
- Re-calibrate the remaining bonuses to ensure that they reflect the economic reality of building development in different areas of the city – any bonus for a facility that costs more to construct than it earns in revenue to the developer will not be used;
- Determine whether new incentives are necessary to reflect new priorities – for example, to promote more sustainable or efficient development or to concentrate development where transit or traffic capacity is available;
- Make all of the surviving bonuses objective and available by right if the required amenities or facilities are provided; avoid the temptation to make bonuses subjective or dependent on a potentially politicized review; and
- Limit the availability of variances as an option to gain additional floor area (see the discussion of Section 14-204(9) above).

The new code will establish a modern and fairly consistent menu of bonus-able public benefit features that have applicability in a variety of settings and districts. In some cases, these may incorporate a sliding scale of bonuses. That would allow developers of small or constrained lots who can incorporate smaller public amenities can still achieve a proportionate bonus; those who can provide more or larger amenities can receive larger

bonuses. We will work with the staff and ZCC to create an appropriate menu for Philadelphia.

### **Section 14-501(3): Exceptions to Dimensional Standards**

This subsection of the New Zoning Code will summarize all of the routine exceptions to height, setback, lot coverage, bulk, and other dimensional standards. Every city has some items that are allowed to encroach into setbacks (for example, chimneys, bay windows, sometimes roof eaves) and that list will probably expand in the future to cover new items like rain barrels, solar collectors, and/or odor-free composting equipment). Many cities also exempt these items from calculations of maximum lot coverage. Similarly, cities routinely exempt some building features from maximum height calculations. Religious assembly steeples, towers, and minarets are sometimes exempted, as are building utility equipment and roof access stair enclosures. In the future this list may expand to cover solar panels, roof gardens, and/or wind energy generators below a certain height). We should also address whether gas, water, and electric meters should be covered in this list. While permitting them as encroachment in side or rear setbacks (but not front setbacks) is one way to make them less visually intrusive from the street, many cities have decided not to address them in order to increase flexibility for service providers. This section will also incorporate interpretations and guidance from the Department of Licenses and Inspections regarding exceptions to dimensional standards, as appropriate.

### **Section 14-502: Connectivity and Circulation**

This section of the New Zoning code will consolidate and strengthen existing regulations regarding the need for auto, bicycle, and pedestrian circulation within developments and between adjacent developments. In the past, that often occurred naturally as builders developed within the traditional lot and block patterns of mature cities – the existing street fabric made circulation almost an afterthought. However, as large “superblock” projects, gated communities, cul-de-sac developments, and alternative layouts have proliferated, connectivity has declined, and sometimes regulations are necessary to ensure that new developments and redevelopments allow reasonable circulation systems for all forms of mobility. Along commercial corridors these issues are particularly complex, as cities try to balance the needs for neighborhood residents to have walking and bicycling access to nearby commercial areas while avoiding commercial through traffic in the neighborhoods behind these corridors. Add to this the need to ensure that walking and bicycling are safe from both traffic and from opportunities for crime, and the need for careful regulation becomes clear.

This will become increasingly important as our population ages and fewer households are able to drive automobiles in city traffic safely. It will also be important as the City re-emphasizes the importance of transit as an alternative to auto vehicle trips and their related carbon dioxide emissions. Although connectivity and mobility used to rank low on site

planning priorities, they have been rising rapidly as cities realize that (1) past subdivision and development practices have actually reduced connectivity and mobility, and (2) no city is likely to succeed at reducing vehicle miles travelled unless it makes it easier and safer to use walking, bicycling, and transit as alternatives. In addition, Philadelphia has worked hard to implement controls on curb cuts and driveways to encourage walkability, and those controls will be carried over to section 14-507 *Form and Design*.

Basic connectivity and mobility standards often include (1) basic standards (such as limits on block or cul-de-sac length) applicable to all development, (2) higher standards applicable to larger residential subdivisions (often requiring through-connectivity, bike paths, and sidewalks providing “safe routes to school”) and, (3) different standards applicable to larger commercial and institutional developments (often requiring pedestrian and bicycle amenities or mid-block connections). These standards would be applicable to both new subdivisions and to redevelopment of existing platted lots. One popular tool is to require the use of a “connectivity index” for larger residential developments. Connectivity indexes count the number of street segments and intersections in redevelopment areas, and require a minimum ratio of intersections to street segments in order to encourage through mobility.

### **Section 14-503: Open Space and Natural Resources**

Philadelphia’s current zoning code does not focus on natural resource protection in any single section or within most zone districts, with the notable exception of the Wissahickon Watershed environmental overlay controls. There are some limited references to resource protection in some of the special districts, but no overall approach to incorporating resource protection into overall development considerations. However, as part of Mayor Nutter’s emphasis on promoting sustainability throughout the city, and as cities increasingly understand the relationships between the built and natural environment, these types of regulations deserve their own section of the New Zoning Code.

This new section of the zoning code will focus not on required open space for individual house lots (those are addressed by maximum lot coverage ratios or other measures in Section 14-401 *Dimensional Standards*) but on open space provision and natural resource protection in large new development and redevelopment areas where there is flexibility to design around sensitive areas and resources. Possible topics to be addressed include:

- Minimum open space requirements for multi-building residential, mixed use, commercial, and industrial redevelopment (which will require coordination with the Water Department to ensure consistency with new storm water regulations);
- Steep slope regulations to reduce runoff into creeks and waterways; and
- Stream and river setbacks to protect both water quality and habitat areas.

This is a very complex area of regulation, and one that large American cities have often handled poorly. It is important that these regulations not result in driving development

density downward or forcing development outward (perpetuating sprawl) but instead focus on allowing and encouraging urban density development -- particularly in locations that reinforce transit use and efficiency – in patterns that have fewer environmental consequences. It is also very important that the City not try to apply these regulations to redevelopment of new structures on already platted lots, since that may make many lots undevelopable or drive up costs for the types of renewal and reinvestment that Philadelphia would like to encourage.

## Section 14-504: Landscaping and Trees

Compared to many cities its size, Philadelphia has relatively few regulations requiring landscaping or tree protection, and many of those appear in the current “special” districts rather than as base regulations applicable to entire zone districts or types of development. This section will consolidate all of the existing landscaping regulations into single chapter and determine what additional provisions will be necessary. We recommend that basic controls on these topics be strengthened in order to improve the appearance of new development and redevelopment and to increase the city’s tree cover. Increasing tree cover helps reduce “heat island effects”, which reduces power demand for air conditioning, and also increases absorption of carbon dioxide emitted by cars, buildings, and power plants. Development of these standards will draw on information contained in *Greenworks Philadelphia*.

Importantly, large mature trees absorb much more carbon dioxide than a number of smaller trees – even if the combined diameter of their trunks equals that of the larger tree. For that reason (as well as community character and buffering effectiveness) many cities are now rethinking their landscaping regulations to require or encourage the protection of large old trees. To avoid discouraging needed reinvestment, this new generation of regulations sometimes allows the removal of large mature trees but requires significant mitigation through replacement tree planting either on or off site. Generally, this requires that the applicant map existing larger trees on the site as part of the application materials, identify those that would be removed, and identify where on the site (or elsewhere) trees to mitigate that impact would be planted.

This proposed new section will contain minimum landscaping provisions for new multi-family, commercial, institutional, industrial, and mixed use development. Each of these sections will include regulations for on-site landscaping and buffering between different uses or structures designed for different intensities. We discussed this topic in our Best Practices section on transitions between residential and commercial areas. Often, the inclusion of basic buffering and neighborhood protection standards can significantly reduce neighborhood opposition to proposed development, shorten the approval process, and reduce the level of controversy. Standard requirements (with some degree of administrative flexibility to address site constraints) avoid the need to re-negotiate the same issues each time a new commercial or institutional facility is proposed. This section will also



clearly state that required plantings be maintained as approved and replaced upon disease or death.

This is another area where care needs to be taken to craft solutions that work given the historic lot sizes and development patterns of the city. Cities are not suburbs, and efforts to import suburban landscaping standards or to make cities look like suburbs have almost always failed and/or seriously discouraged reinvestment and redevelopment. Many city lots are too small to accommodate landscaped berms and buffers that are standard in post-war suburbs, and good urban zoning codes think through and allow alternatives that provide similar buffering in more constrained contexts. The landscaping and screening standards will provide a menu of options that allow choices for property owners and create a sliding scale of requirements based on the location of the site within the city. For example, landscaping and screening in urban areas may rely more on structures such as wrought-iron fencing with smaller perimeter plantings, while landscaping and screening in more suburban areas may include berms, shrubs, and trees.

This section will also integrate landscaping provisions for parking lots, because those areas often overlap with requirements for street frontage or property boundary landscaping. While some cities separate those standards into the parking chapter, we believe that results in less integrated landscaping design and encourages property owners to think of parking as a discrete activity that does not have to be integrated into site design. The goal of these regulations will be to minimize the visual impact of parking to both pedestrians and surrounding uses. This is particularly important along commercial corridors and along residential/commercial boundaries, as discussed in our Best Practices Report.

This section will also consider whether the City's landscaping goals could be better addressed through the use of a "Green Area Ratio" such as that implemented in Seattle's lower density commercial districts (and is now being considered by Washington DC).<sup>14</sup> Instead of achieving landscaping goals through requiring building setbacks and then requiring that those areas be landscaped, Seattle requires a minimum amount of green area on site and allows that requirement to be satisfied through green roofs and terraces as well as by street level landscaping. The advantage of this approach is that it allows more creativity in site design and may encourage better use of building rooftops in ways that will help cool and green the city. One disadvantage is that it may result in less landscaping at street level, where it has the greatest impact on neighbors and passers-by. Finally, this section will include appropriate recommendations from the Pennsylvania Environmental Council's report *Building Green: Overcoming Barriers in Philadelphia*.

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<sup>14</sup> More information on Seattle's Green Area Factor ordinance is available at <http://www.seattle.gov/dpd/Permits/GreenFactor/Overview/>



## Section 14-505: Sustainability

This section will consolidate cross-references to those sections of the New Zoning Code incorporating requirements or incentives for more sustainable development. While it would be possible to state all of those recommendations here rather than in other sections of the code, that would separate regulations on similar topics and require readers to look in two places for the same type of information. We suspect that many readers would not think to look in this section for those types of regulations, and will be more likely to find them in the sections discussed below. The section would have a subsection addressing each of the five key sustainability subareas discussed in the Best Practices Report and will draw on information and recommendations presented in *GreenWorks Philadelphia*. In each case, basic sustainability requirements would be included in the sections cross-referenced below, while any incentives (as opposed to requirements) for exceptionally sustainable development would be included in Section 14-501(2) *Floor Area Bonuses*.

### Section 14-505(1) Reduce Vehicle Miles Travelled

Discussion of this goal and cross-references to:

- Mixed use districts in Chapter 14-300;
- Mixed use availability in the use tables in Section 14-401;
- Connectivity and mobility requirements in Section 14-502; and
- Off-street parking standards and limits in Section 14-506.

### Section 14-505(2) Encourage Renewable Energy and Energy Conservation

Discussion of this goal and cross-references to:

- Inclusion of solar/wind/geothermal primary uses in use tables in Section 14-401;
- Inclusion of solar/wind/geothermal accessory uses in use tables in Section 14-401;
- Allowing accessory facilities on roofs and in setback areas in Section 14-501(3); and
- Floor area incentives for these uses (if applicable) in Section 14-501(2).

### Section 14-405(3) Encourage Water Conservation

- Allowing water conservation devices on rooftops, in setback areas, or underground in Section 14-501(3); and
- Requirements that landscaping and site design comply with Water Department retention standards in Section 14-504.

### Section 14-505(4) Allow Urban Food Production

Discussion of this goal and cross-references to:

- Broader inclusion of urban agriculture and farmer’s markets in the use tables in Section 14-401; and
- Allowing grocery stores in “food deserts” in the use tables in Section 14-401.

### Section 14-505(5) Promote Walking and Community Health

Discussion of this goal and cross-references to:

- Connectivity and mobility standards in Section 14-502; and
- Controls on curb cuts and driveways in Sections 14-506 *Parking and Loading* and 14-507 *Form and Design*.

## Section 14-506: Parking and Loading

This chapter will integrate all of the scattered off-street parking and loading provisions currently found in current zoning Chapter 14-400 *Parking and Loading Facilities* and elsewhere throughout the zoning ordinance. In addition, existing controls on curb cuts and front parking will be carried over to this section or to Section 14-507 *Form and Design*, as applicable. These standards will be significantly modified to address the five key issues identified in our Assessment and Best Practice documents, namely:

- Off-street parking regulations are out-of-date, inflexible, and in a few cases require too much parking;
- The code will accommodate more types of shared parking arrangements;
- Not enough recognition of the role of transit and other modes of transportation;
- Current code missing the general parking exceptions common to many codes; and
- Parking lot and structure design standards will be updated to better address their impacts on surrounding areas as well as walkability and pedestrian activity.

The contents of this key chapter will be divided into seven subsections:

### Section 14-506(1) Purpose

This section will clearly state the City’s approach to off-street parking in different contexts, including its goals of requiring adequate off-street parking to avoid traffic congestion and commercial parking in neighborhoods, limiting the provision of excessive parking, using parking regulations to reinforce transit efficiency and effectiveness, encouraging shared

parking, and mitigating the adverse visual impacts of parking lots and structures on surrounding areas.

### Section 14-506(2) Off-Street Auto and Bicycle Parking Required

This section will consolidate all regulations regarding the amount of auto and bicycle parking required. This section will begin by stating – up front – what types of new development, redevelopment, and expansions to existing development are exempt from these requirements. Existing exemptions will be carried over, and additional exemptions mentioned in the Assessment and Best Practices Report will be discussed for inclusion. Parking exemptions are particularly important to encourage reinvestment in existing platted areas of the city, and many large cities are expanding the types of lots and development that do not require off-street parking. Current bicycle parking requirements would be carried over into this section.

Requirements for non-exempt development will be summarized in a table, and a sample of portion of a parking table from another community is shown in the table below.

<b>SAMPLE</b>				
<b>Portion of an Off-Street Parking Table from Another Community</b> (“du” = dwelling unit; “sf” = square feet; “gfa” = gross floor area)				
Use Category	Use Type	Minimum Spaces Required	See Stacking Subsection XXXXXX	See Loading Subsection XXXXX
<b>RESIDENTIAL USES</b>				
Household Living	Dwelling, single family detached	##		
	Dwelling, single family attached	##		
	Dwelling, multiple-family	##		
	All other Household Living uses	##		

Based on information presented in our Best Practices Report, as well as discussion of that report by the Zoning Code Commission and feedback received from City departments, possible changes to this section include:

- Lowering required off-street parking in medium and high density residential areas;
- Lowering required off-street parking where transit is readily available or a transit demand management (TDM) program is in place;
- Imposing a maximum parking limit at some percentage above the minimum requirement (usually 120 to 125% of the minimum);
- Allowing off-site parking in some situations;

- Clarification of when additional parking is required following alteration of or additions to an existing structure; and
- Incorporation of interpretations from the Department of Licenses and Inspections regarding required parking.

### **Section 14-506(3): Adjustments and Alternatives**

This section would consolidate all the ways in which the minimum parking requirements could be adjusted to reflect unique characteristics of the neighborhood or the site. Adjustments may include:

- Reduced parking requirements for shared parking based on hours of operation – for example, a reduction of 20% when one adjacent use will be using the parking during daytime hours and the other will be active at night;
- Reduced parking requirements when a single building or development contains a mix of uses that will reduce parking demands;
- Reduced parking for residential facilities for the elderly or disabled;
- Reduced parking for affordable and workforce housing developments;
- Reduced parking requirements when the site is located near a major transit line or node with peak hour capacity; and
- A reduction of more than one required parking spaces for each space reserved for use of a “shared car”.

### **Section 14-506(4): Overlay District Requirements**

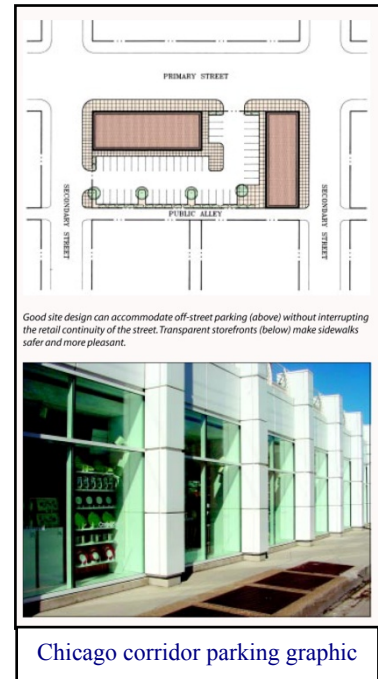
This section would consolidate (in different subsections) all special parking requirements for overlay zones. As stated above, we believe these belong in this chapter so they can be coordinated with the adjustments in Section 14-506(3) above (if appropriate) and the Lot and Structure Design Standards in Section 14-506(5) below.

### **Section 14-506(5): Lot and Structure Design Standards**

The Design Standards section will include design requirements relevant to parking, such as parking space and aisle dimensions for surface parking lots and structured parking lots, drive aisle requirements, and measurements for the various types of angled parking. Current controls on driveway location, curb cuts, and access will be carried over into this section. If the City’s forthcoming pedestrian and bicycle plan recommends additional controls in these areas, we will discuss with the Zoning Code Commission whether controls to implement those recommendations should be integrated in this section. We will also discuss with the Zoning Code Commission the increased use of smaller spaces and how to address the need to recharge plug-in electric vehicles in parking structures.

Beyond these “technical” issues of ensuring that cars can actually reach and park in required spaces, however, there seems to be a consensus that Philadelphia’s parking design standards are not producing attractive parking for the city. This section will therefore also address the location of parking in relationship to structures and street frontage. As we discussed in the Best Practices Report, the trend is to move away from parking in the front of commercial structures to parking on the side or in the rear (or in the center of the block, as shown in the illustration to the right). This is because front-door parking is unattractive and often discourages pedestrian activity in the front of the building. This is particularly important to improve the character of commercial strips and to provide good transitions between commercial areas and adjacent residential neighborhoods. As we stated in the Best Practices Report:

*“In response to this dilemma, some cities and some Philadelphia area neighborhoods (including Chestnut Hill and Manayunk) have adopted requirements that some or all of the on-site parking must be placed behind or beside the main structure. These types of regulations need to be carefully tailored to the character and potential of the commercial area in question, however, because one size does not fit all. In some cases the auto-oriented front-parking character is so universal and/or pass-by traffic volumes are so high that rear parking requirements would result in new “sore thumb” buildings near the street blocking views of their neighbors while not significantly increasing pedestrian activity.”*



We will draft provisions that look for a balance between “all front” and “all rear” parking that take advantage of the urban structure of Philadelphia and may provide increased opportunities for shared parking. We will also explore limiting the availability of surface or structured parking in areas where roadways or intersections are at capacity or there is excessive peak-hour or general congestion.

The Lot and Structure Design Standards section will incorporate existing City preferences for pervious pavement when parking exceeds minimum requirements. For example, we will explore the suggestion that all surface parking areas above the required minimums use pervious pavers to reduce storm water runoff. Additional design requirements, such as landscaping and screening, will be cross-referenced to the general landscaping section.

We also recommend the inclusion of design standards to address the form, appearance, and street presence of parking structures above a certain size. While the use of structured parking often allows parking to be hidden behind more pedestrian active uses, the scale of those parking garages should not dominate the streetscape, and entry/exit points should minimize disruption with pedestrian activity. While the Best Practices Report discussed a

requirement for “wrapping” larger structures with pedestrian active uses, we will have to carefully consider where that is required or encouraged.

#### **Section 14-506(6): Drive-Thru and Vehicle Stacking Requirements**

This section will address issues related to drive-thru uses (including pharmacies, retail, fast food, and banks). It will include vehicle stacking requirements addressing the location of drive through spaces, minimum and maximum stacking distances, location of drive-thru windows, and reference to buffering requirements when the drive-thru is located adjacent to development of a different scale or character. In addition, it will address adequate vehicle stacking distances for car washes and other uses where inadequate stacking spaces can lead to blocking or congestion on public streets leading to the facility.

#### **Section 14-506(7): Off-Street Loading Areas**

This section will carry over the provisions of current code section 14-1405 regarding off-street loading requirements. In addition, it will allow for shared loading facilities in some circumstances, and will include design standards to minimize impacts on the streetscape and any adjacent residential neighborhoods.

### **Section 14-507: Form and Design**

Increasingly, cities across the country are looking beyond dimensional regulations (setbacks and maximum heights) to a more comprehensive approach that addresses the overall design and form of some types of development and some types of buildings. Most noticeably, cities have moved away from the 1960s approach of pushing buildings back from the street to requirements that buildings face and come-up to the streets in certain areas. Design and form regulation try to ensure that new development and redevelopment “fits-in” with its surroundings – particularly when those surroundings are of a different scale or character. They often go further to address the shape and perceived mass of larger sites and buildings, particularly when they are adjacent to areas platted and developed with smaller buildings and lots.

Philadelphia’s current regulations approach these and similar issues through a scattershot of requirements in various districts. For example, more than ten of the City’s current neighborhood “special” districts and almost all of the special districts in Center City require new buildings to be built out to the street right-of-way and prohibit parking between the building and the street right-of-way. Some of the neighborhood special districts restrict curb cuts and many of the Center City special districts mandate ground-floor retail and other active street-level uses. These important design standards will be standardized for many of the City’s pedestrian shopping districts and will be integrated into the New Zoning Code so that they have broader applicability to new commercial development in many areas of the

city. As noted above, Philadelphia has worked hard to adopt control on driveways, curb cuts, and vehicle access points in some districts; those regulations will be carried over into either this section or Section 14-506 *Parking and Loading*, as applicable.

As a threshold question, we will clarify with the Zoning Code Commission whether it wants the design standards that will guide the proposed design review process to be contained in the New Zoning Code or in another advisory document outside the code. The answer to that question will affect the content of all of the form and design standards that follow.

### Section 14-508(1): Form Controls

Experience with mature cities shows that form and design regulations should be drafted to help promote reinvestment and to avoid unnecessarily driving up redevelopment costs. In theory, better design regulations should result in a more beautiful city that attracts additional investors; but in practice overly prescriptive or aggressive controls can result in no redevelopment at all. In the Best Practices Report, we identified three areas where form regulations will be useful and functional in Philadelphia, and where we believe they can be tailored to encourage rather than discourage reinvestment in the city. Those areas include:

- Boundaries between residential and nonresidential areas;
- Commercial corridors; and
- Transit-oriented development nodes.

This section of the New Zoning Code will include standards addressing site layout and the scale of development along residential/commercial boundaries. Controls for commercial corridors will be contained either in this section or in Section 14-305(2) *Neighborhood Commercial Corridor Overlay District*. Form controls for TODs will be addressed in Section 14-305(11) *Transit-oriented Development Overlay District*.

By addressing these situations through development regulations that automatically apply when certain types of development or “edge conditions” exist, we can significantly reduce the pressure to create a new base overlay district every time a residential neighborhood feels threatened by nearby commercial development, or every time a commercial corridor needs to be upgraded. For example, a requirement that all commercial buildings within 100 or 200 feet of a residential zone taper down building heights can remove residential fears about what may happen as the commercial area redevelops.

Standards for residential/commercial boundaries will address the tapering down of building heights near neighborhoods, additional buffering along those edges, location of parking lots and vehicle access points to minimize impacts on the neighborhood, and the provision of pedestrian walkways from residential to adjacent commercial areas where appropriate.

Standards for commercial corridors will address location of buildings and parking areas relative to the street (taking into account the prevailing character of the area and the volume of traffic on the street), consolidation of vehicle access points where possible, enhancement of pedestrian access along the street and from the street to individual



businesses, and minimizing conflicts between vehicles, bicycles, and pedestrians using the same commercial street to access businesses.

### **Section 14-508(2): Residential Design Standards**

This section of the code will consolidate all design standards related to residential development in Philadelphia, and will incorporate information from the existing *Neighborhood Design Guidelines* and from the *Planning Standards for Neighborhood Transformation*. It will also include cross-references reminding the reader that additional standards may be applicable in various overlay districts. In order to avoid conflicts with other regulations, however, this section will not include regulations related to the structure or engineering of the residences themselves – which belong in the building code.

In light of the aging of America’s – and Philadelphia’s – population, we will discuss with the Zoning Code Commission the possible inclusion of universal design or visitability standards, both of which aim to promote the construction of single family housing units that are accessible to persons with disabilities or limited mobility (single family detached and attached units are not addressed by the Americans with Disabilities Act). In addition, we will discuss with the Zoning Code Commission whether this section should include requirements or incentives for LEED certification of larger developments. In addition, an increasing number of cities include design standards addressing the façade appearance of multi-family housing developments, and we will discuss with the Zoning Code Commission whether those should be included in the New Zoning Code, or in an advisory guideline document, or neither.

### **Section 14-508(3): Commercial and Mixed Use Design Standards**

This section would consolidate all development regulations applicable to commercial and mixed use development outside of the overlay districts, but would include a cross-reference reminding code users that those overlay districts may impose additional requirements. This is an area, however, where thoughtful citywide regulations might allow some of the existing overlay districts to be retired (because their “special” regulations were now addressed citywide) and the pressure to create new special districts could be reduced. Many of the standards for neighborhood retail districts, for example, could be consolidated and made more consistent. With a basic set of standards that apply to all neighborhood commercial districts, the code will be easier to use and the results more predictable.

It is likely that this section will include information from the existing *Design Guidelines for Commercial Façade Improvements*. In addition, it may address the shaping of taller buildings to reduce “slab” shadows on residential areas while allowing property owners to achieve their available gross floor area. In addition, this section will likely include screening of mechanical equipment and telecommunications antennas on top of low-and mid-rise buildings that are visible to surrounding residential and mixed use areas.

Where appropriate, existing design standards in overlay districts may be incorporated into this section and made generally applicable across the city or in specific districts. Overlay districts like the Center City overlay can then focus only on those design standards that differ from those applicable to commercial or mixed use buildings in general.

#### **Section 14-508(4): Industrial Design Standards**

This section will consolidate any existing industrial design standards in the current zoning ordinance. Any proposed revisions to those standards will be discussed with the Philadelphia Industrial Development Corporation in light of its recent studies on industrial land markets and needs in the city.

### **Section 14-509: Fencing and Walls**

This section will incorporate and integrate all existing regulations regarding fences and walls. Unlike earlier sections of Chapter 14-400, fences and walls are often altered after the original development or redevelopment of a property, and these regulations need to be reviewed with the expectation that they should be handled on an administrative basis without ZBA or other discretionary review wherever possible.

### **Section 14-510: Exterior Lighting**

This section will propose new standards for multi-family, commercial, mixed use, and industrial lighting within the city. Generally, the proposed lighting standards will require downcast and shielded lighting that does not light up the sky and does not spill onto adjacent properties. Because even downcast lights create glare if mounted too high, these standards will also address maximum pole and wall heights for different types of development (i.e., multi-family vs. industrial). Limits on general floodlighting of entire facades (as opposed to accent features) and limits on light intensity will also be included to minimize impacts from large or highly visible developments, such as gas stations and shopping malls, especially near residential districts and to discourage the use of general high intensity lighting as an indirect advertising device. We will draw on recent studies that demonstrate enhanced safety through better lighting practices and will shape the regulations accordingly. We will also discuss with the Zoning Code Commission the advisability of following the approach of some recent model lighting codes, which vary lighting requirements based on the nature, scale, and intensity of the area and its surroundings, or from evolving LEED standards for lighting efficiency.<sup>15</sup>

<sup>15</sup> We received some suggestions to integrate Dark Sky Association lighting standards, but generally believe these are poorly matched to the needs of large, densely developed cities where many economic activities continue during the night. We believe that good general lighting standards that lower maximum pole heights and require

## Section 14-511: Signs

This section will consolidate all of the existing sign regulations in Philadelphia, including those related to the various overlay districts. Outside of the special districts and special sign control areas, all sign regulations are now organized by zoning district. Sign regulations are not consolidated in one chapter but are spread throughout the code. Since the special districts and special sign control areas are so extensive, one cannot possibly read the zoning text and conclusively determine which regulations apply. Any analysis of the applicable regulations must be done in conjunction with a thorough review of the special district and special sign control area maps.

As mentioned before, we believe it is best to include all sign regulations in one chapter so that any special controls can be read in conjunction with general standards applicable to the whole city. This reduces confusion as to whether the City's general sign provisions (for example, on how to measure sign area, or what types of sign lighting are permitted) apply to overlay district areas.

We will not be suggesting substantive changes to Philadelphia's sign regulations as part of the New Zoning Code, but will be happy to integrate any changes provided by the City during this process. The current sign chapter would be significantly re-organized, however, to match modern practices, and potential enforcement issues would be highlighted for City staff and the Zoning Code Commission. Definitions would be moved to Chapter 14-600 *Definitions*, administrative provisions would be moved to Chapter 14-500 *Procedures and Administration*. Many of the remaining provisions would be reorganized based on whether an administrative permit or ZBA review is required and would be consolidated into a table based on the type of sign in question and the zone district in which it is located. This subsection will be organized as follows:

### Section 14-511(1): Signs Subject to this Regulation

This section would clarify any types of signs that are not subject to regulation through the zoning code. For example, some cities exempt signs posted by the City for public safety, traffic control, or identification of public or tourist sites. Other cities exempt some types of minor signs simply because they do not want to administer or enforce regulations on smaller signs – such as identification or traffic direction signs within a multi-building private development parcel.

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efficient, full cut-off fixtures indirectly achieve darker skies without suggesting that the city aspires to have the same dark skies found in suburban and rural areas.

**Section 14-511(2): Signs for Which No Permit is Needed**

This section would identify those types of signs that are not subject to zoning control. Generally, these are smaller and less intrusive signs such as real estate “for sale” signs, political/election signs, and neighborhood special event signs. In addition to regulating size and number (and sometimes prohibiting lighting) these regulations often prohibit placement of signs on or overhanging public property. Although property owners are not required to obtain a permit for these smaller signs, they can still be cited for a zoning violation if they post more signs, or bigger signs, or signs in places that are not permitted by these regulations.

**Section 14-511(3): Accessory Sign Controls**

This section would consolidate in a single table many of the existing regulations on permitted types, numbers, sizes, and locations of accessory signs – i.e., signs related to the development or business on the property, not billboards advertising something else -- that are currently scattered and repeated throughout Philadelphia’s base zone districts. Often this table is organized so that each column addresses one of the major types of signs – wall signs, ground signs, window signs, and high rise building identification signs, while each row addresses the zone districts in which that regulation is applicable. Code users can then find the row that corresponds to their zone district and find all relevant regulations for each type of permitted accessory sign.

**Section 14-511(4): Outdoor Non-Accessory Signs and Billboards**

This section of the New Zoning Code will include any regulations on “outdoor non-accessory signs” signs. While accessory signs are located on the same property as the business they advertise, primary use signs (e.g., billboards) generally do not advertise a business on the same property.

**Section 14-512: Subdivision Standards**

This section will carry over those subdivision standards from Chapter 14-2100 of the current code.

# Chapter 14-600: Definitions

This chapter will contain three distinct sections, as presented below, and will be based substantially on the definitions found in the current Philadelphia Zoning Code. While we will carry forward most of the existing definitions in the ordinances, we will revise and add to them as necessary to delete obsolete terms, clarify vague language, add undefined terms, and ensure that the definitions do not contain substantive or procedural requirements. We will also verify that key definitions conform to federal and Pennsylvania constitutional requirements.

## Key Changes

- All definitions consolidated into one chapter.
- Rules of grammar and text construction defined to support more predictable administrative decision-making.
- Rules of construction for key parameters – building heights, setbacks, build-tos, and open space – defined to support more predictable administrative decision making.

## Section 14-601: Rules of Construction

This new proposed section will specify the general rules of construction for important terms or concepts, such as a hierarchy of precedence (e.g., text controls over illustration), the meaning of common regulatory words (e.g., “may,” “should,” and “shall”), the ability to delegate (e.g., references to a specific City official shall include the official or the official’s designee), and how time periods are calculated (i.e., whether time limits mean calendar days or business days). We will incorporate existing provisions where applicable.

## Section 14-602: Rules of Measurement

This new proposed section will include text and appropriate illustrations to establish rules of measurement under the New Zoning Code. Rules of measurement will be provided for each type of measurement listed in the dimensional standards table. These will include, at a minimum: lot area, lot frontage, lot depth, lot lines (front, side, and rear), setbacks, and structure height. Illustrations will be provided showing how to make certain measurements, such as setbacks and height of roof access enclosures. We will work with staff throughout the drafting process to develop a list of measurements to be illustrated.

This section will integrate information from the following current code sections and guidance documents and will supplement that information as necessary to clarify meanings and remove inconsistencies.

- Current Section 14-106 *Measurements and Extensions*;
- Current Section 14-107 *Set Backs for Mixed Use Areas*;
- Current Section 14-108 *Limitations on Areas of Use*;
- Current Section 14-110 *Walls With Legally Required Windows*; and

- Portions of current Section 14-111 *Determination of "Ground Level" in Computations of Additional Gross Floor Area.*
- L&I interpretations on when “green roofs” will not be counted against building height or floor area;

Finally, this section will integrate information from Code Bulletins that have been issued by the Department of Licenses and Inspections to address measurement issues, including guidance on Setbacks and Height Limitations in RC-4, C-4, and C-5 Districts.

## Section 14-603: Definitions

This section will carry over and consolidate the numerous definitions scattered throughout the current zoning ordinance. A partial list of current code sections with definitions includes:

- Section 14-102: General definitions
- Section 14-402: Definitions in Commercial Entertainment District
- Section 14-703(6): Definition of One Year Rule in Recreation Districts
- Section 14-902: Definitions in Neighborhood Conservation District
- Section 14-1302: Definitions in Additional Floor Area
- Section 14-1501(1): Definitions in Area Surrounding Airport
- Section 14-1603.1(2): Definitions in stormwater regulations
- Section 14-1605(2): Definitions in Regulated Uses
- Section 14-1606(3): Definitions in Flood Plains Controls
- Section 14-1901: Definitions in Signs
- Section 14-2007(2): Definitions in Historic Buildings
- Section 14-2102: Definitions in Subdivisions

This section will integrate information from Licenses and Inspection’s Code Bulletins addressing definition issues, including guidance on interpreting front, side, and rear yards on irregularly shaped lots. Definitions will be coordinated with those in the building code where that is possible without losing the intended meaning of term.

Finally, this section will also include new definitions for key uses and terms that are currently not defined, including definitions of all land uses used in the permitted use table. As discussed above, many definitions for industrial activities, commercial services, personal services, business services, and retail uses are out of date and unnecessarily rigid. In addition, definitions of child care uses are narrow and do not meet the needs of this key support use. Many definitions of sustainable uses and accessory uses and equipment are missing and need to be defined in order to encourage them and regulate their impacts.

## Conclusion

We believe that the recommendations in this document will carry out the mandate for dramatic improvements in zoning expressed by Philadelphia voters in March of 2007. These recommendations will produce a functional, transparent, understandable, and efficient zoning ordinance that simultaneously encourages reinvestment and protects the neighborhoods that make Philadelphia unique. They will also produce a New Zoning Code that produces predictable results based on objective standards, reduces the need for individual hearings on so many different types of decisions, and makes it easier for neighborhood residents and investors to conduct their lives and businesses in Philadelphia. Finally, these recommendations will produce zoning that is more understandable for both citizens and investors to use on a daily basis.

The next step is to go back to the Zoning Code Commission, neighborhood zoning code users, professional code users, and key stakeholders to confirm that this is the right direction. We expect that this consultation process will result in numerous changes, refinements, and improvements that will better tailor these recommendations to the needs of the City. But we also believe that this document provides a strong foundation for the next round of public involvement, and that the final version of these recommendations will provide the detailed guidance that Philadelphia needs to move ahead with drafting of the New Zoning Code.