

EXECUTIVE SUMMARY: ASSESSMENT OF EXISTING CODE

1. Goals of the Zoning Code Reform Effort

The authorizing legislation for the Philadelphia Zoning Code Commission states that:

“Philadelphia’s Zoning Code should be consistent and easy to understand, should help shape future construction and development, and should enhance and improve Philadelphia’s development approval process while encouraging positive development and protecting the character of Philadelphia’s neighborhoods.”

During the first year of the Commission’s work, that general direction has been refined to include the following more detailed topics:

- **Simplify Base Districts.** To simplify the structure of the city’s 55 zoning districts by consolidating similar districts and/or eliminating districts that are used very rarely.
- **Simplify Overlay Districts.** To consolidate some of the city’s 30 overlay districts in order to make their content more understandable.
- **Simplify Approvals.** To reduce the number of decisions that go to the Zoning Board of Adjustment to allow more “by-right” development subject to standards that protect neighborhood character.
- **Protect Neighborhoods.** To protect neighborhood character through increased use of citizen input into community plans, development standards and reduced reliance on Zoning Board of Adjustment reviews.
- **Promote Sustainability.** To incorporate standards that promote sustainability of development in the city.
- **Promote Quality and Design.** To incorporate standards that improve development quality and design.
- **Improve Readability and Reorganization.** To use charts, graphics, and illustrations to make the Code easier to read and to reorganize the material to group similar regulations together.

As the first step in implementing these objectives, the Zoning Code Commission consultants prepared an assessment of the existing Philadelphia zoning code. That document included (1) a consultant’s review of the code, (2) interviews with professionals who use the code in the development or redevelopment process, (3) workshops in each Councilmanic District to obtain input from community residents and organizations, and (4) an on-line web survey available to the public. The key findings in each of these four areas are summarized below.

2. Consultant's Review

Some of the key observations from the Assessment of the Existing Code are listed below. For a full listing of observations, please refer to the Assessment Report.

Organization, Format, and Usability

- The code's organizational structure needs a complete overhaul.
- Basic regulations governing matters such as parking, signs, and accessory uses should be consolidated into easy-to-use chapters.
- Many uses, terms, and regulations are dated if not antiquated.
- The code needs more tables, graphics, and other ease-of-use features.

Residential Zoning

- The number of residential zoning districts can be greatly reduced through elimination and consolidation.
- Some R zoning categories provide a poor fit with the physical characteristics of existing neighborhoods.
- Many residential zoning classifications are seldom used.

Commercial and Mixed Use Zoning

- Zoning districts should be consolidated, where possible.
- Create incentives to encourage reuse and redevelopment of commercial properties.
- Include pedestrian shopping street standards into the city's "standard" commercial zoning regulations.

Industrial Districts

- The city needs to consolidate industrial zoning classifications.
- Permitted use lists should be modernized to allow for a broader range of light industry and "business park" developments.
- Some land should be rezoned into more flexible non-industrial classifications.

Special Districts

- Special districts make the ordinance confusing and difficult to administer.
- Existence of special controls is not adequately communicated through the existing code's structure.
- There is redundancy among some special districts; many regulate the same or very similar matters.
- The boundaries and descriptions of special districts are not always clear.

Sustainable Development

- The new code should include provisions addressing accessory energy generation (wind and solar) devices, as well as energy conservation and reducing carbon dioxide emissions.
- The code should accommodate community food production and access to local produce.
- Landscaping and tree protection standards should promote expansion of tree cover, which would contribute to increased absorption of carbon dioxide and reduction of the "urban heat island" effect.

Sign Regulations

- The sign chapter should contain all the basic rules and regulations, most of it in table format.
- Sign regulations should be predictable and consistent and allow businesses adequate opportunities for business identification and the advertising of goods and services without specialized review.
- Special district sign regulations need to be more standardized and predictable.

Urban Design

- The city should consider creating a Center City zoning classification that consolidates the special rules and special districts that apply throughout Center City.
- The urban design standards of many of the special districts need to be refined and coordinated so that they are working toward implementation of the same objectives.
- The city needs to consider a targeted approach to design review, building on the proposal recently put forth by the Philadelphia City Planning Commission.

Parking and Transportation

- Off-street parking regulations are out-of-date, inflexible, and in some cases require too much parking.
- All of the parking regulations should be contained within a single parking chapter in the new code.
- The code should do more to accommodate shared parking arrangements and to recognize the role of transit and other modes of travel on parking demand.

Rehab, Reuse, and Reinvestment

- The current code is too inflexible on expansions and alterations of nonconforming situations.
- The current code lacks contextual development standards that would accommodate redevelopment that is in keeping with existing neighborhood conditions.

Administration and Procedures

- The Zoning Board of Adjustment handles an extraordinarily high number and variety of cases.
- Procedures need to be made more transparent and user friendly.
- The City's heavy reliance on "use variances" should be reduced.
- Staff should be given greater authority to approve minor changes to plans and/or to authorize minor modifications of standards in well-defined circumstances.

3. Professional Code User Interviews

The consulting team conducted twenty-one meetings, and City staff conducted an additional five meetings with groups of Philadelphia citizens who use the code in the course of their business, including architects, designers, lawyers, developers, and others. Some of the key recommendations from these meetings are listed below. For a full listing of recommendations, please refer to the [Assessment Report](#).

Relationship of Zoning to Planning

- In neighborhoods where there is a neighborhood plan, development review often ignores the plan.
- The ZBA will not take into consideration neighborhood plans that are not adopted by PCPC.

Zoning Classifications

- There are too many zoning classifications, particularly residential and industrial districts.
- While some of the existing classifications might be able to be consolidated, there is potentially need for new mixed-use and Transit Oriented Development (TOD) districts in some parts of the City.

Philadelphia Zoning Code Update

Organization

- Flipping back to previous chapters was not effective and tended to be frustrating for code-users.
- A zoning table similar to that used for the residential districts for uses and dimensions would be helpful.

Overlays

- There was significant frustration with the number of overlays, the political origins of many of them, and how difficult it is to determine which overlays apply to a given property.
- Standards in the overlays should be incorporated into the underlying districts.

Uses

- Many uses currently listed in the code are out of date and need to be modernized.
- Zoning should not just be about form; good use regulations remain important.
- Parking and signage regulations need to be addressed and updated.
- The standards for “home-based business” need to be revisited.

Sustainability

- The City’s approach to sustainability needs to be defined and reflect a balance that takes into account the desire for development and redevelopment in the city.
- Some basic elements of sustainability should be mandated, but more progressive elements should either be incentivized or not addressed at all in the zoning code.

Open Space

- The definition of open space needs to be improved and the thirty percent open space requirement on older nonconforming residential lots needs to be revisited because it is often not achievable.
- Paved areas and parking should not count towards required open space.

Urban Design/Aesthetics

- There should be some sort of design review, but there was no consensus on whether the standards should be part of the zoning code or developed as separate guidelines.
- If the City is going to address urban design, then the City needs to define what it means by urban design and establish clear guidelines. Several participants from the development community suggested that there needs to be flexibility.

Decision-making

- There is no consistency in how things are handled and this should be improved.
- There need to be clear steps to guide people through the City review process and the variance process.
- Fewer cases need to be sent to the Zoning Board of Adjustment (ZBA).
- Criteria should be clear so that anyone can come in and represent themselves relative to the criteria.
- Participants were typically not supportive of decision-making being shifted to City Council.
- Decision-making on some issues could be shifted to an administrative level or to the PCPC.

Protective Qualities of the Code

- The code itself does not protect neighborhoods against incompatible development if it is permitted as-of-right; the complex (uncodified) process protects neighborhoods.

Philadelphia Zoning Code Update

4. Councilmanic District Workshops

A community meeting on the proposed zoning update was held in each of Philadelphia's ten City Councilmanic Districts. Each meeting was organized to present information and options in the same categories used in the on-line survey in order to allow comparison of results from those two sources. Some of the key recommendations from these meetings are listed below; for a full listing of recommendations, please refer to the full Assessment Report.

Participants ranked their priorities among the general zoning topics as shown below:

Tier	Rank	Topic
Top Tier Priorities	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 Priorities	5	Types of commercial, industrial or mixed-use 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 Priorities	9	The size, design, or location of landscaped areas
	10	The size, design, or location of parking areas

Comments in each of these categories included the following:

Providing a Clear, Fair, and Efficient Zoning Approval Process

- Zoning regulations are inconsistently applied to proposed cases, and produce arbitrary results.
- The time required to process an application is too lengthy.
- The code is difficult to interpret because it employs highly technical language and does not include enough visual aides to depict zoning issues.

Involving the Public in Development Decisions

- The public receives insufficient information about zoning cases that may affect them.
- The public is unable to locate enough information about zoning cases online.
- An attorney is often required to represent opinions before the ZBA, which is cost-prohibitive for many.
- Public opinion does little to influence zoning decisions.

Protecting Existing Neighborhoods from Development Impacts

- Zoning regulations do not provide guidelines for how developments can be contextually integrated into a community.
- The effects of development (e.g. parking, traffic, and property value impacts) are not considered in zoning decisions.
- Current regulations are insufficiently enforced.

Other Topics

- Redevelopment and reuse is not encouraged.
- The code should provide for well-defined commercial corridors within neighborhoods that provide uses that serve neighborhood needs.
- The subdivision of existing homes to accommodate more dwelling units occurs too often.
- The code does not sufficiently support important infrastructure systems, such as open space, water, sewer and stormwater.
- The code does not effectively regulate building design.
- The code does not provide for well-designed landscaping.

5. On-Line Web Survey Results

As of March 2009, a total of 1,178 on-line surveys had been completed, and the results of those surveys are summarized below.

General Zoning Topics: Top Three Priorities

- Encouraging redevelopment of existing buildings and sites
- Protecting existing neighborhoods from development impacts
- The size and design of new buildings

General Zoning Topics: Satisfaction

- Respondents were generally satisfied with zoning topics as they pertained to their neighborhood.
- Some were dissatisfied with “the size, design, or location of parking areas” in their neighborhood.
- Respondents were less satisfied with general zoning topics as they pertained to the City as a whole.

Technical Zoning Topics: Top Three Priorities

- Supporting an overall planning vision for Philadelphia.
- Ensuring that decisions about development are fair and objective.
- Providing a clear and efficient zoning approval process.

Technical Zoning Topics: Satisfaction

- Respondents were less satisfied with technical topics than they were with general topics.
- Most notably, respondents generally strongly disagreed with the statements “The zoning code is user friendly” and “The zoning approval process is clear and efficient.”
- Response data did not vary widely by level of familiarity with the code.