City of Philadelphia

City Council
Chief Clerk's Office
402 City Hall
Philadelphia, PA 19107

BILL NO. 120774

Introduced October 4, 2012

Councilmember Greenlee

Referred to the Committee on Rules

AN ORDINANCE

Amending Title 14 of The Philadelphia Code, entitled "Zoning and Planning," by revising and clarifying certain provisions and making technical changes; and amending various other Titles to make conforming changes; all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Titles 4, 7, 9, 10, 11, 17 and 19 of The Philadelphia Code are amended to read as follows:

TITLE 4. THE PHILADELPHIA BUILDING CONSTRUCTION AND OCCUPANCY CODE

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SUBCODE "A" (THE PHILADELPHIA ADMINISTRATIVE CODE)

CHAPTER 1
GENERAL

* * *

SECTION A-102 APPLICABILITY

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A-102.10 Historic buildings. The Building Construction and Occupancy Code shall be fully applicable to buildings designated as historic pursuant to [Section 14-2007] *Chapter*

14-1000 or listed in the National Register of Historic Places; provided, however, that variances shall be available pursuant to Section A-802.

* * *

CHAPTER 3
PERMITS

* * *

SECTION A-301 APPLICATION FOR PERMIT

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A-301.2 Permits not required: Permits shall not be required for the activities listed in Sections A-301.2.1 through A-301.2.5 and the regulations promulgated pursuant thereto. Exemptions from permit requirements of this code or the technical codes shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of The Philadelphia Code.

A-301.2.1 Building permits: A building permit shall not be required for the following activities. This subsection does not exempt any activity from any other applicable permit requirements under The Philadelphia Code, including [Section 14-2007] *Chapter 14-1000* relating to historic designations.

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SECTION A-303 DEMOLITION AND RELOCATION OF STRUCTURES

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A-303.2 Posting and Notice: Prior to the demolition of a structure by the owner thereof, or demolition required by the Department of Licenses and Inspections, the department shall post a notice on the structure to be demolished and distribute an informational bulletin indicating that the City or owner intends to demolish said structure. The department shall distribute the informational bulletin to the front doors of the following properties:

* * *

Exceptions:

* * *

2. When the structure has been posted as required by Section [14-2007(7)(b)] *14-1005(3)* of The Philadelphia Code.

* * *

CHAPTER 8
APPEALS AND VARIANCES

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SECTION A-802 TECHNICAL BOARDS

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A-802.2 Variances: Variances from the technical codes shall be granted subject to the provisions of Sections A- 802.2.2.1 through A-802.2.2.4, shall be in writing and shall be available for public inspection in the department.

A-802.2.1 Board of Building Standards: The commissioner of the Department is authorized to grant an extension of time or a variance from the requirements of the Building, Electrical, Energy Conservation, Existing Building, Fuel Gas, Mechanical, Performance, Plumbing, Property Maintenance and Residential Codes upon the written recommendation of a majority of the Board of Building Standards, as established by provisions of the Philadelphia Home Rule Charter.

A-802.2.1.1 Board recommendation: Recommendation for an extension of time or a variance from a technical code by the Board of Building Standards shall be made upon written petition by, or on behalf of, the owner where there is a finding that:

* * *

5. In the case of buildings designated as historic pursuant to [Section 14-2007] *Chapter 14-1000* of The Philadelphia Code or listed in the National Register of Historic Places, where strict compliance with a provision of this Title would interfere with the historic character of the property, the variance does not constitute a material life safety hazard; and

* * *

A-802.2.1.3 Determination of substantial improvement in areas prone to flooding: When the code official provides a finding to the Board of Building Standards regarding a residential building or structure regulated by the Philadelphia Residential Code as required in Section A-302.1.2, the Board of Building Standards shall determine whether the value of the proposed work constitutes a substantial improvement. A substantial improvement means any repair, reconstruction, rehabilitation, addition, or improvement of a building or structure, the cost of which equals or exceeds 50 percent of the market value of the building or structure before the improvement or repair is started. If the building or structure has sustained substantial damage, all repairs are considered substantial improvement regardless of the actual repair work performed. The term does not include:

* * *

2. Any alteration of an historic building or structure provided that the alteration will not preclude the continued designation as an historic building or structure. For the purpose of this exclusion, an historic building is:

* * *

2.3 Designated as historic under [Section 14-2007] *Chapter 14-1000* of The Philadelphia Code.

* * *

A-802.2.3 Board of Safety and Fire Prevention: The Fire Commissioner is authorized to grant an extension of time or a variance from the requirements of the Fire Code upon the written recommendation of a majority of the Board of Safety and Fire Prevention.

A-802.2.3.1 Board recommendation: Recommendation for an extension of time or a variance from the Fire Code by the Board of Safety and Fire Prevention shall be made upon written petition by, or on behalf of, the owner where there is a finding that:

* * *

4. In the case of buildings designated as historic pursuant to [Section 14-2007] *Chapter 14-1000* of The Philadelphia Code or listed in the National Register of Historic Places, where strict compliance with a provision of this Title would interfere with the historic character of the property, the variance does not constitute a material life safety hazard; and

* * *

CHAPTER 9
FEES

* * *

SECTION A-907 ZONING FEES.

A-907.1 General: The fees to be paid under the requirements of Title 14 (relating to Zoning) shall be as set forth in this Section; except that no permit fees shall be required of any person applying for a use registration permit for a family day care as defined in Title 14.

* * *

A-907.1.3 Administrative services fees: The fees for the review or approval of documents by the Department that are required pursuant to local or state law shall be as follows:

* * *

[4. For a Code Interpretation Letter . . . . .$1,000.00]

* * *

SUBCODE "PM" (THE PHILADELPHIA PROPERTY MAINTENANCE CODE)

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CHAPTER 3
GENERAL PROPERTY AND STRUCTURAL MAINTENANCE

SECTION PM-301.0 GENERAL

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PM-301.2 Responsibility: The owner of the premises shall maintain the structures and exterior property in compliance with these requirements, except as otherwise provided. All premises, whether occupied or vacant, shall be maintained in such repair and in such safe and sanitary condition that no physical damage shall be caused to any adjoining premises. Every occupant of a dwelling unit or rooming unit shall keep all supplied

facilities, including plumbing fixtures and cooking equipment, in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in their proper use and operation.

PM-301.2.1 Historic structures: The owner of every historic structure shall maintain such structure in accordance with Section [14-2007(8)(c)] *14-1006(3)* of The Philadelphia Code and regulations pursuant thereto.

* * *

CHAPTER 7
SPECIAL CONTROLS IN DESIGNATED AREAS

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SECTION PM-703.0 DESIGNATED AREAS

PM-703.1 Area descriptions: The designated areas shall consist of those areas described in Sections PM-703.1.1 and PM-703.1.3.

* * *

PM-703.1.3 Specified neighborhood commercial areas: Specified neighborhood commercial areas shall consist of any neighborhood commercial *area* [area, other than a neighborhood commercial revitalization area designated pursuant to Section 14-2009 of The Philadelphia Code,] designated by Council pursuant to Section PM-704.3.2.

* * *

TITLE 7. HOUSING CODE

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CHAPTER 7-100. INCLUSIONARY AFFORDABLE HOUSING

* * *

§ 7-105. Application and Affordable Housing Plan.

(1) Application. For all developments covered by this Chapter, the applicant shall file with the Planning Commission an application for approval of the development on a form provided and required by the Planning Commission. The application shall require and the applicant shall provide, among other things, general information about the nature and scope of the development and such other documents and information as the Planning Commission may require to evaluate the proposed development under the provisions of this Chapter. The applicant shall also comply with any other applicable requirements of the Planning Commission under [Chapter 14-2100.] *Section 14-708.*

* * *

TITLE 9. REGULATION OF BUSINESSES, TRADES AND PROFESSIONS

* * *

CHAPTER 9-200. COMMERCIAL ACTIVITIES ON STREETS

* * *

§ 9-212. Newsstands.

* * *

(6) Maintenance of Newsstands.

* * *

(b) Commercial advertising is permitted on newsstands, subject to the general restrictions on the size, placement and mode of advertising set forth in subsection (5), except that the advertisement of tobacco products, alcoholic beverages and *adult* cabarets, as that term is defined in Code Section [14-102] *14-601(7)(a)(.1),* is not permitted.

* * *

CHAPTER 9-400. CARRIERS

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§ 9-410. Pedicabs.

* * *

(6) Prohibitions. No Pedicab licensee or driver shall:

* * *

(f) Display any commercial advertising materials on the Pedicab for tobacco products, alcoholic beverages or *adult* cabarets (as that term is defined in Code Section [14-102] *14-601(7)(a)(.1)*).

* * *

CHAPTER 9-600. SERVICE AND OTHER BUSINESSES

§ 9-601. Garages, Parking Lots, Sales Lots and Sales Showrooms.

* * *

(2) Public Garages.

* * *

(c) Each licensee shall maintain at each entrance to a public garage a permanently affixed sign which shall show the name and address of the licensee, the schedule of rates charged for parking or storing vehicles, the accepted methods of payment, the hours during which the garage is open, and the Commercial Activity License number of the business.

* * *

(.3) The sign shall comply with the requirements of Chapter [14-1900.] *14-900.*

* * *

§ 9-604. Refuse Collection.

* * *

(2) Dispose of Refuse. No person shall dispose of any refuse upon or in any site within the City unless such site is certified or authorized as a dump or landfill under [Section 14-1601 hereof] *Title 14* or any successor provisions thereto.

* * *

§ 9-608. Real Estate Signs.

(1) Prohibited Conduct. No person who has erected or placed a "for sale", "for rent" or a sign indicating a property is to be auctioned or any other sign of similar import upon any premises containing a single or multi-family dwelling, shall permit the sign or signs to remain upon the premises for more than seven (7) days after any agreement of sale or an agreement of lease has been executed for the premises. Any sign which is not removed as required by this Section is hereby declared to be a public nuisance. The use of "for sale" and "for rent" sign or signs indicating a property is to be auctioned shall be subject to the requirements of Chapter [14-1900.] *14-900.*

* * *

§ 9-617. Fences Around Transportation Installations.

(1) Definitions. In this Section the following definitions shall apply:

* * *

(b) Residential area. Any district within the City which is zoned residential pursuant to [Chapter 14-200] *Section 14-401* of this Code.

* * *

§ 9-624. Adult Bookstores.

* * *

(3) Adult bookstores located in the following areas shall not be open for business between the hours of 10:00 p.m. and 8:00 a.m.:

* * *

(b) Adult bookstores located in or within 1,000 feet of the [residentially related used] *protected uses* set forth in § [14-1605(4)(b)(.1) through (.3);] *14-203(249);*

* * *

TITLE 10. REGULATION OF INDIVIDUAL CONDUCT AND ACTIVITY

* * *

CHAPTER 10-300. MINORS

* * *

§ 10-306. Enforcement and Penalties.

* * *

(7) Any owner/operator of an establishment regulated under the provisions of § [14-1605] *14-603(13)* of The Philadelphia Code and any agent or employee of said owner/operator who shall violate the provisions of § 10-305 shall also be subject to immediate revocation of their commercial activity license as provided for in § 19-2602 of The Philadelphia Code.

* * *

CHAPTER 10-700. REFUSE AND LITTERING

* * *

§ 10-722. Use of Dumpsters.

* * *

(2) License and Medallion Requirement; Prohibited Locations.

* * *

(d) No license shall be issued for a dumpster at any of the following locations:

(i) In any public right-of-way within [an Area Shopping Center] *a CA-2* District as defined in § [14-309.] *14-402.*

* * *

CHAPTER 10-1100A. DEVELOPMENT IN DEFINED FLOOD PLAIN AREAS

* * *

§ 10-1102A. Control and Care during Development.

(1) No development shall take place within the One-Hundred Year Flood Plain unless a permit is obtained from the Department of Licenses and Inspections in accordance with Section [14-1606] *14-704(4)* of The Philadelphia Code.

* * *

TITLE 11. STREETS

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CHAPTER 11-100. GENERAL PROVISIONS

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§ 11-104. Curb Cuts.

* * *

(2) Prohibited curb cuts. No person shall construct or establish, within sixty-five (65) feet of any residential property, a curb cut for the purpose of vehicular or delivery truck access from a City Street to any lot zoned ["Area Shopping Center District"] *CA-2* under Section [14-309,] *14-402,* where such lot measures six hundred twenty-five thousand (625,000) square feet or more in area, unless:

* * *

CHAPTER 11-400. CITY PLAN

* * *

§ 11-407. Width of Streets: Restrictions.

(1) Minimum street width shall conform to the provisions of § [14-2104(5).] *14-708(5)(i).*

(2) A street which does not conform to [§ 14-2104(5)] *14-708(5)(i)* may be accepted and placed upon the City Plan if it was physically or legally opened or built upon:

* * *

TITLE 17. CONTRACTS AND PROCUREMENT

* * *

CHAPTER 17-1600. ECONOMIC OPPORTUNITY PLANS

§ 17-1601. Definitions.

(1) Covered Project or Contract. Any of the following, so long as the total value of such contract, development project or financial assistance is reasonably anticipated to exceed $250,000 (notwithstanding any other dollar or percentage minimums set forth in any incorporated definition):

* * *

(e) A development project or contract that requires an action of the Zoning Board of Adjustment pursuant to section [14-1801(1)(b) through (1)(e),] *14-303(7) or (8)*, other than a project or contract for the development exclusively of one single family home.

* * *

TITLE 19. FINANCE, TAXES AND COLLECTIONS

* * *

CHAPTER 19-3800. NEW BUSINESSES

§ 19-3801. New Businesses.

* * *

(2) Notwithstanding any provision to the contrary, but subject to the conditions set forth in subsection (3), with respect to the first two years that a business qualifies as a New Business:

* * *

(c) The fees required by Section [14-1706] *A-907* (relating to zoning and planning) shall be waived for the New Business, provided that all other requirements of that Section shall remain in effect.

* * *

SECTION 2. Title 14 of The Philadelphia Code is amended to read as follows:

Key:
1. Where an illustration has a horizontal line striking through the center and is then followed by a new illustration, the horizontal line denotes deletion of the illustration and the immediately following illustration is a replacement therefor.
2. In Tables that contain bracketed table notes, and in the table notes, deletions are indicated by { } rather than [ ].

TITLE 14. ZONING AND PLANNING

CHAPTER 14-100. GENERAL PROVISIONS.

* * *

§14-101. Purpose.

This Zoning Code is the first comprehensive revision to Philadelphia's zoning laws in nearly 50 years. The earlier code, dating from 1963, was updated in [1988] *1991* when the zoning rules governing Center City were significantly reformulated. However, most modifications to the Zoning Code have occurred in small increments or through a myriad of individual ordinances and overlays, resulting in a very complicated document that was increasingly unable to meet the demands of an evolving city. In 2007, the voters of the City decided to create a Zoning Code Commission and charged this 31-member body with the task of writing a new Zoning Code. The result is this Zoning Code. It is enacted to guide the land use and development of the City and in so doing, promote the public health, safety, and general welfare of its citizens and visitors. The provisions of the Zoning Code are designed to achieve the following goals. With these goals in mind, the members of the Zoning Code Commission intend for this to be a living document that will propel the City of Philadelphia to a higher quality of life.

* * *

§14-102. Citation and Title.

Title 14 of The Philadelphia Code [is] *shall be* known as the "Zoning Code."

* * *

§14-104. Applicability and Jurisdiction.

* * *

(2) Compliance Required. No building or structure may be erected, converted, enlarged, reconstructed, or altered for use, nor may any land, building, or structure be used or [changed;] *changed*, except in accordance with all of the applicable regulations established by this Zoning Code, unless otherwise expressly stated, [and] *and, except for single-family* residential *uses*, without first obtaining a use registration or zoning permit from L&I in accordance with the procedures set forth in §14-303(6) (Zoning Permits). No lot of record that did not exist on the effective date of this Zoning

Code shall be created, by subdivision or otherwise, that does not conform to the applicable requirements of this Zoning Code, unless allowed by §14-110 (Transition from Prior Regulations).

(3) Property Owned, Leased, or Operated by Public Agencies. Property owned, leased, or operated by the Commonwealth of [Pennsylvania or] *Pennsylvania*, the United States, [and property owned, leased, or operated by] the City or any other public or governmental body or agency, shall be subject to the terms of this Zoning Code, as follows:

* * *

§14-107. Determination of Boundaries.

* * *

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

* * *

(c) Splits Involving Any District. The more restricted portion of the property may not be used for or to serve any purpose that is not allowed in the more restrictive zoning [district, including street frontage or driveway access to the less restricted portion of the property] *district*.

* * *

CHAPTER 14-200. DEFINITIONS.

§14-201. Rules of Interpretation.

In the interpretation of this Zoning Code the rules and definitions of this §14-201 (Rules of Interpretation) shall be observed and applied.

* * *

(7) The term "guideline" is used for actions that are strongly encouraged to fulfill the intent of subject provision. Guidelines are indicated by use of the terms "may" or "should." Failure to meet a [voluntary] guideline cannot be used as a basis for the City's denial of a project application.

* * *

(15) The term "days" shall refer to calendar days, unless otherwise stated by other provisions of the Zoning Code.

§14-202. Rules of Measurement.

In the application of this Zoning Code the rules of measurement of this §14-202 (Rules of Measurement) shall be observed and applied.

* * *

(3.1) Façade Articulation Area. *The area of a façade articulation feature shall be measured by determining a minimum imaginary rectangle parallel to the building façade that completely encloses the feature.*

* * *

(4) Gross Floor Area. The sum of the gross horizontal areas of all the floors of a building, measured from the exterior faces of the exterior walls or center lines of walls separating two buildings.

(a) Measurement Includes.

* * *

[(.9) Accessory off-street surface parking areas in the RMX-3, CMX-4, or CMX-5 districts.]

[(.10)]*(.9)* All levels of an accessory or principal use parking garage located at or above the average ground level.

(b) Measurement Excludes.

* * *

(.5) Accessory off-street surface parking areas [(except in RMX-3, CMX-4, and CMX-5 districts)] or loading spaces.

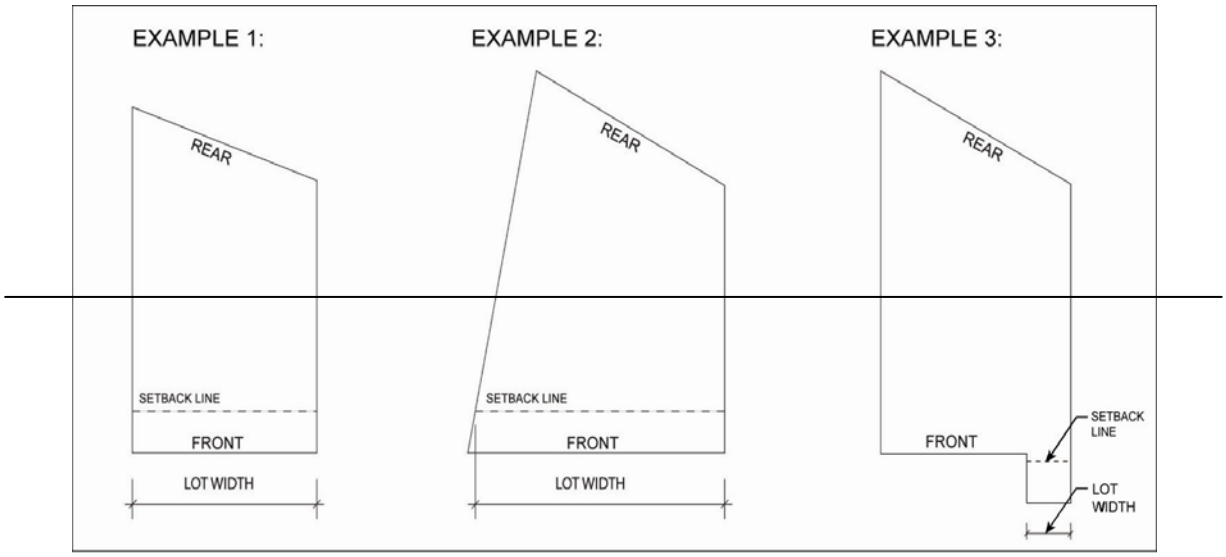
* * *

(.10) In RMX-3, CMX-4, and CMX-5 districts, floor area used for retail sales, eating and drinking establishments, or financial services (except for personal credit establishments), provided that the floor area exclusion shall not exceed 25% of the total gross floor area of the [building.] *building, calculated without taking account of this exclusion.*

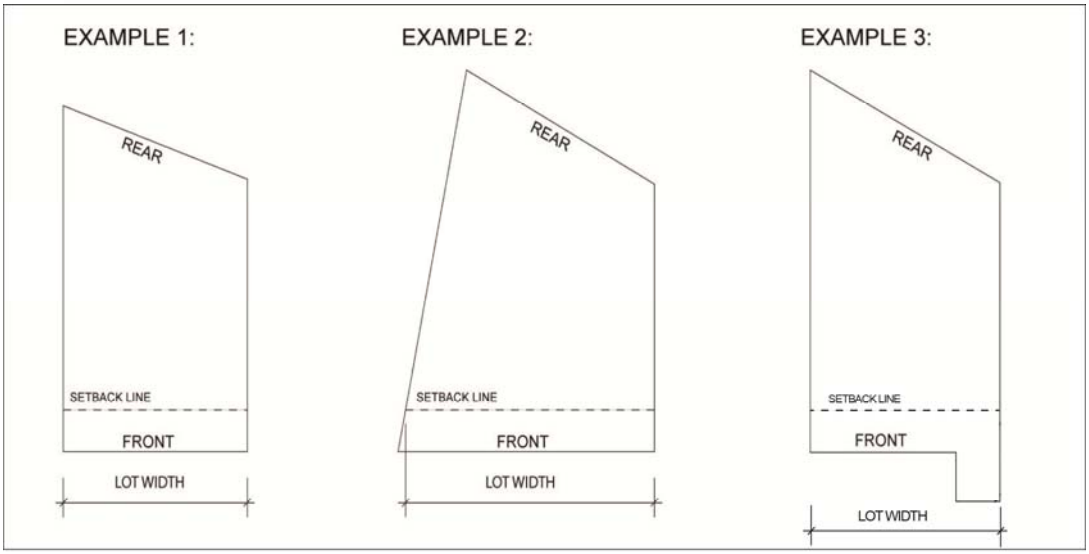
(.11) Exterior balconies.

* * *

(10) Lot Width. The width of the lot, measured from one side line of the lot to the opposite side line of the lot along the setback line (See §14-202(17), (Setback Line, Front or Building)). *In the case of flag lots, the "pole" or portion of the lot forward of the front setback line with the least width, generally used for access to the remainder of the lot, shall be ignored.*



LOT WIDTH



LOT WIDTH

* * *

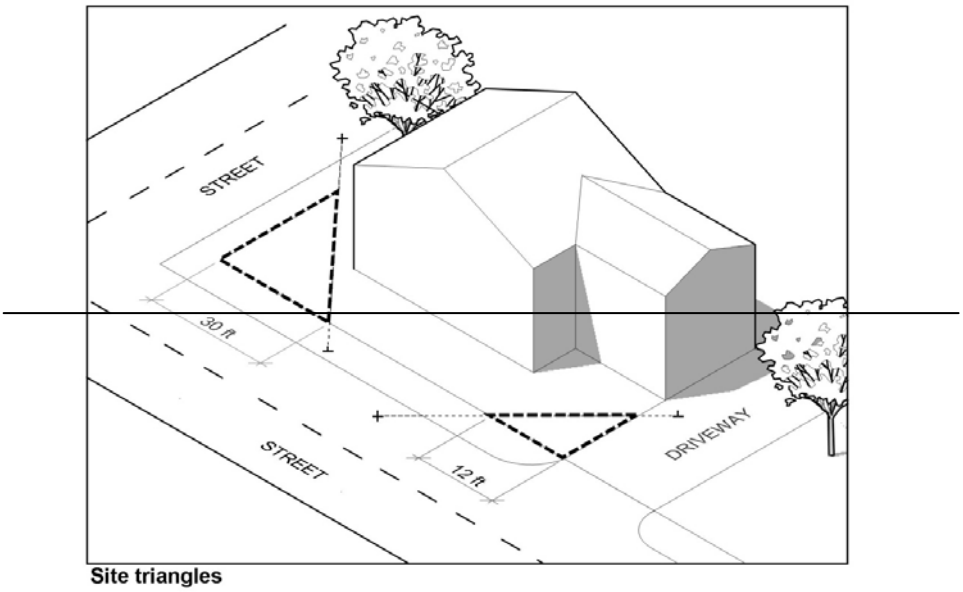
(13) Open Area. The total areas of the lot that are not counted as occupied [area, except alleys,] *area. Alleys,* easements, and shared driveways shall not be included as part of [required] open area.

* * *

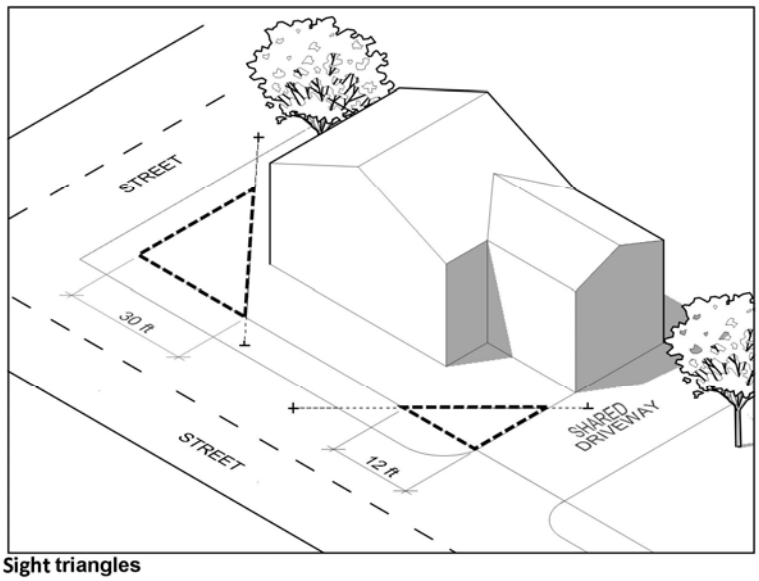
(18) Sight Triangle. Sight triangles include:

(a) A triangle formed by the intersection of one alley or *shared* driveway with a minimum width of 12 ft. and one street, measured 12 ft. from the intersection along the edges of the street right-of-way and the alley or *shared* driveway; or

(b) A triangle formed by the intersection of two streets, measured 30 ft. from the intersection along the edges of the two streets.



Site triangles



Sight triangles

* * *

(21) Story. A horizontal level of a structure that is more than 50% above grade [plane, as defined in the International Building Code] *plane*.

(22) Yard, Front (Depth of). The depth of the front yard is measured from the extreme front of the building to the closest point of the [front] *frontmost* lot line. *In the case of flag lots, the "pole" or*

portion of the lot forward of the front setback line with the least width, generally used for access to the remainder of the lot, shall be ignored. See also § 14-203(370) (Yard).

(23) Yard, Front (Width of). The width of the front yard is measured *along the shortest possible line extending* from one side line of the lot to the opposite side line of the lot, located between the street line and the front of any structure (not including fences). *In the case of flag lots, the "pole" or portion of the lot forward of the front setback line with the least width, generally used for access to the remainder of the lot, shall be ignored.* See also §14-203(370) (Yard).

* * *

(25) Yard, Rear (Depth of). The depth of a rear yard is measured from the [rear most] *rearmost* portion of the structure to the *closest point of the* rear lot line or to the nearest line of a street, shared driveway, or alley. See also §14-203(370) (Yard).

(26) Yard, Side (Width of). The width of a side yard is measured *from the sidemost portion of the* [between any building or] structure (not including fences) [and] *to* the *nearest* side line of the lot, or to the nearest line of a street, shared driveway, *easement***,** or *alley.* [alley extending from the front most point of the building to the rear most point of the building.] See also §14-203(370) (Yard).

* * *

§14-203. Definitions.

For purposes of this Zoning Code, the following definitions shall apply; words, phrases, and terms not defined herein, but defined in Title 4 (The Philadelphia Building Construction and Occupancy Code), shall be construed as defined in Title 4.

* * *

(15) Alter or Alteration.

(a) As used in Chapter 14-1000 (Historic Preservation): a change in the appearance of a building, structure, site, or object which is not otherwise covered by the definition of demolition, or any other change for which a permit is required under The Philadelphia Code [of General Ordinances]. "Alteration" includes the reroofing, cleaning, or pointing of a building, structure, or object.

* * *

(27) Artist. *As used in §14-702 (Floor Area Bonuses):* A practitioner in the visual arts or performing arts generally recognized by critics and peers as a professional possessing serious intent and ability, who is not a member of a project consultant's team or employed by a member of that team.

* * *

(34) Basement. A story, a portion of which is below grade *plane.* [plane, as defined in the International Building Code.]

* * *

(35.1) Bed and Breakfast. *See §14-601(7)(n)(.1) (Bed and Breakfast).*

* * *

(38) Block. The smallest possible area of land bounded by three or more legally open streets*, or two or more legally open streets in the case of a curved street,* that are confirmed on the City Plan.

* * *

(57) Cellar. A horizontal level of a structure that is 50% or more below grade *plane.* [plane as defined by the International Building Code.]

* * *

(97.1) Dock. *A structure extending from dry land or a pier over a waterway providing access to watercraft.*

* * *

(114) Existing Structure. [As used in] *For the purposes of* § 14-704(4) (Flood Protection): A structure for which the ''start of construction'' commenced before the effective date of the Flood Insurance Rate Map (FIRM) of the U.S. Department of Homeland Security Federal Emergency Management Agency (FEMA); or before January 1, 1975, for FIRMs effective before that date.

* * *

(138.1) Grade Plane. Grade plane as defined in Title 4 (The Philadelphia Building Construction and Occupancy Code.

* * *

(147) Historic Building. A building or complex of buildings and site, or the public interior portion of a building, which is designated pursuant to §14-1004 (Designation of a Historic Structure or District) or listed by the Historical Commission under §14-2007 of the prior [zoning ordinance] *Zoning Code* or the prior historic buildings ordinance approved December 7, 1955.

(148) Historic District, Object, Site, or Structure. A district, object, site, or structure, or a public interior portion of a structure, that is designated by the Historical Commission pursuant to §14-1004 (Designation of a Historic Structure or District) or designated under §14-2007 of the prior [zoning code.] *Zoning Code.*

* * *

(170) Lot Adjustment. *A subdivision that results in the* [The] creation of new lots that all have street frontage on an existing legally open street shown on the City Plan; or the relocation of existing lot lines, including the combination of existing lots into fewer or differently configured lots.

* * *

(183.1) Master Plan, Minor Amendment. *Proposed amendments to master plans which comply with the criteria set forth in §14-304(4)(d) (Criteria for Commission approval) shall be considered Minor Amendments.*

* * *

(328) Subdivision. A division of any part, lot, or area of land by the owner or his agent into [three] *two* or more lots***,*** *or changes in existing lot lines*, for the purpose of conveyance, transfer, improvement, or sale with or without appurtenant roads, streets, lanes, driveways, and ways dedicated or intended to be dedicated to public use, or the use of purchasers or owners of lots fronting on them. The term subdivision includes re-subdivision and, as appropriate, shall refer to the process of subdividing land or to the land so subdivided.

* * *

(337) [Transit-Oriented Development (TOD) Area. An area designated as a transit-oriented development (TOD).] ***Reserved.***

* * *

(370) Yard. An unoccupied area, open and unobstructed from the ground, on the same lot as a building.

* * *

(b) Rear Yard. A yard located between the extreme rear line of any [building or] structure (not including fences) and the closer of: 1) the extreme rear line of the lot, or 2) the nearest side line of a street, shared driveway, *easement*, or alley.

(c) Side Yard. A yard between any structure (not including fences) and the side line of the lot, or the nearest side line of a street, shared driveway, *easement*, or alley, extending from the front yard to the rear yard. *In the case of a building located on a corner lot, the width of the side yard located along the intersecting street shall conform to the required front setback.*

* * *

CHAPTER 14-300. ADMINISTRATION AND PROCEDURES.

* * *

§14-301. Reviewers and Decision Makers.

(1) Purpose. This section summarizes the roles and responsibilities of appointed and elected government officials and bodies primarily involved in the administration of this Zoning Code. Additional officials or agencies may be involved based on the character of the application or the size or type of development involved. No provision of this section adds to or detracts from a power, duty, or responsibility granted to any board, commission, department, committee, or agency of the City by a grant of power, duty, or responsibility in another section of the Philadelphia Home Rule Charter or The Philadelphia Code. In the case of any conflict between the provisions of this §14-301 (Reviewers and Decision Makers) and other provisions of the Philadelphia Home Rule Charter or The Philadelphia Code, including this Zoning Code, [the latter] *the provisions of the Philadelphia Home Rule Charter or The Philadelphia Code* shall govern.

* * *

(3) City Planning Commission.

* * *

(c) Review and Prerequisite Approval Authority.

(.1) The Commission provides prerequisite approvals for:

* * *

(.b) Building permits and certificates of occupancy for new uses and changes of use in the SP-ENT, Entertainment (Special Purpose) District *with regards to site, building, and lighting design*. See §14-405(9)(a) (Review Procedure).

* * *

(.f) Zoning permits regarding certain uses *along the Delaware or Schuylkill Rivers* [in the /DRC, Delaware River Conservation Overlay district]. See [§14-508(2)(b) (Uses Requiring Planning Commission Approval)] *§14-704(5)(c) (Special Controls for the Delaware and Schuylkill Rivers)*.

* * *

(.n) Zoning permits regarding [illuminated, flashing, or revolving] signs in the Market Street East Advertising District. See §14-906 (Market Street East Advertising District).

* * *

(9) Streets Department.

* * *

(b) Prerequisite Approval Authority.

The Streets Department provides prerequisite approvals for:

* * *

(.4) [Zoning] *Building* permits regarding parking garages in RMX-3, CMX-4 and CMX-5 districts. See §14-803(4)(b)(.4) (Parking Garages in RMX-3, CMX-4, and CMX-5 Districts).

* * *

§14-302. Procedures Summary Table.

* * *

Table 14-302-1: Procedures Summary Table

Type of Application	Code Section	*Public* Notice Required §14-303(13) **N** = Newspaper **S** = Sign	Neighborhood Notice and Meeting Required? §14-303(12)	Recommendation, Decision, and Appeal Authority **R** = Recommendation **P** = Prerequisite approval **D** = Decision **A** = Appeal

		W = Web	**Y =** Yes	L&I	Zoning Board	Civic Design Review Committee	Commission	Council
* * *	* * *	* * *	* * *	* * *	* * *	* * *	* * *	* * *

* * *

§14-303. Common Procedures and Requirements.

Procedures that are common to several types of applications for permits, approvals, or variances are provided for in this section.

(1) Authority to File Applications.

* * *

(b) Other Applications. An application for any other approval listed in §14-304 (Specific Procedures) may only be filed by (a) a department or agency of the City or (b) the property owner, except as provided in §14-303(1)(c) (Equitable Owners, Authorized Agents, and Conservators). [Applications for an interpretation of this Zoning Code are subject to the provisions of §14-303(5) (Code Interpretations).]

* * *

(5) [Code Interpretations] ***Reserved***

[(a) Any person may request a written interpretation of the meaning of any provision of this Zoning Code as it applies to a specific property or circumstance, provided that the request does not relate to a pending application for a permit or approval before L&I, the Zoning Board, or the Commission.

(b) A request for a written interpretation shall be made in writing and be filed with L&I, and a response to the request shall be provided by L&I within 60 days, except that the 60 day response time shall not apply to any interpretation requiring an ordinance under subsection (5)(c) of this Section.

(c) L&I may consult with the Commission, the Law Department, or any other department or agency of the City, as necessary, before it issues the written interpretation, provided that any written interpretation of the Zoning Code, prepared by L&I, upon request or otherwise, to resolve an ambiguity in the Zoning Code shall not be binding unless it is approved by ordinance.

(d) The written interpretation of L&I shall be posted on L&I's web site within one week after its issuance or approval by ordinance, whichever is applicable, and shall be transmitted in the case of a request for interpretation, to the applicant at the street address or electronic address stated on the application.

(e) Following the issuance of a written interpretation, the decisions of L&I shall be generally consistent with that interpretation unless and until a replacement or modifying written interpretation is issued by L&I, provided that any modification of a written interpretation that was approved by ordinance shall likewise require approval by ordinance. However, the issuance of a written interpretation shall not require that L&I reach a particular decision on any application if the facts of the application, property, location, or character of the proposed use or structure in any application differ from those stated or assumed by L&I at the time the written interpretation was made.]

(6) Zoning Permits.

* * *

(b) Types of Zoning Permits. Specific types of zoning permits issued by L&I include but are not limited to the following:

(.1) Zoning permits, which permit the proposed structure, site improvement, *or construction.* [construction, or sign.]

(.2) Use registration permits, which permit the proposed land [use.] *use, including signs.*

* * *

(f) Posting of Permits. [Upon within] *Within* five (5) business days *of* receipt of any permit under this Zoning Code, including any conditional zoning permit, the permit holder shall post a true copy of the permit on the subject property, along each street frontage (unless impractical) in a place and manner conspicuous to the public, for no less than thirty (30) days. If the City has listed the street address [and] *or* an email address for one or more Registered Community Organizations, as defined in §14-303(12)(a) (Registered Community Organizations), on a City website page that lists all Registered Community Organizations, then a holder of a conditional zoning permit shall provide written notice to any Registered Community Organization whose registered boundaries include the subject property. Notice [may] *shall* be sent via hand delivery or certified mail to the street address, or via email to the email address, of any such Registered Community Organization listed on such City website page within fifteen (15) days of receipt of the conditional zoning permit. A written notice containing the address of the subject property and a copy of the conditional zoning permit shall meet the notice obligation required hereby.

* * *

(7) Special Exception Approval.

* * *

(e) Criteria for Review and Action by the Zoning Board. The Zoning Board must approve, or approve with conditions, the application for a special exception if it determines that the criteria in §14-303(7)(e)(.1) and §14-303(7)(e)(.2) below have been met, unless the Zoning Board finds that the objectors, if any, satisfied the criteria in §14-303(7)(e)(.3). *The Zoning Board shall, in writing, set forth each required finding for each special exception that is granted, set forth each finding that is not satisfied for each special exception that is denied, and to the extent that a specific finding is not relevant to the decision, shall so state.*

* * *

(12) Neighborhood Notice and Meetings

* * *

(c) Notice to Registered Community Organizations

(.1) Within seven days of (a) filing an appeal to the Zoning Board for approval of a special exception or variance or (b) being notified by L&I that an application will require review under the Civic Design Review Process, the applicant must provide notice to each Registered Community Organization whose registered boundaries include the applicant's property and provide a copy of such notice to the Commission, L&I, *the district council member whose district includes the subject property*, and, for a special exception or variance, to the Zoning Board. Where there is no Local Registered Community Organization whose boundaries include the applicant's property, the [applicant shall provide notice to the district council member whose district includes the applicant's property, and such] district council member shall serve as the local Registered Community Organization for all purposes with respect to the application or appeal.

* * *

(13) Public Notice.

(a) Required Notices and Responsibilities.

* * *

(.2) The Commission shall provide web notice that satisfies the requirements of §14-303(13)(e) (Web Notice) for *any public meeting of the Commission on a zoning ordinance*, any Minor Amendment to a Master Plan or Civic Design Review meeting.

* * *

(c) Sign Notice. Where §14-303(13)(a) (Required Notices and Responsibilities) requires notice by sign, the notice shall contain the content listed in §14-303(13)(b) (Content) and shall meet the following requirements.

(.3) Time of Posting.

* * *

(.b) Continued Hearing.

* * *

(.ii) If a public hearing is continued to a date that is more than seven days from the originally noticed hearing date, then the applicant shall post notice of the continued hearing from a date seven days after the date of the original hearing until the date of the continued [hearing.] *hearing, except that an applicant need not post notice more than 21 days prior to the continued hearing.*

* * *

(.5) Sign Removal. No person shall alter, deface, remove, or affect the visibility of any sign posted pursuant to this §14-303(13) (Public Notice), until after the public hearing has been held

or the application has been withdrawn. Each required notice [sign] shall be removed by the applicant [within] *no later than* five days after a [decision has been made or a permit issued] *hearing has been held* on the matter referenced on the sign or the application has been withdrawn.

* * *

(d) Newspaper Notice. [Except with respect to ordinances of Council, where §14-303(13)(a) (Required Notices and Responsibilities) requires newspaper notice, that notice shall be in a newspaper of general circulation within Philadelphia, shall contain the content listed in §14-303(13)(b) (Content), and shall be published once at least 15 days before the required public hearing.] With respect to ordinances of Council, not less than 15 days' notice shall be given of public hearings, and such notice, in all other respects, shall comply with the provisions of §2-201(5) of the Philadelphia Home Rule Charter, or any ordinances adopted pursuant thereto. [In either case, if] *The provisions of subsection (b) (Content) shall not apply. If* a hearing is required, the notice shall also comply with all applicable requirements of Pennsylvania Statutes relating to notices of public hearings.

* * *

(e) Web Notice. Where § 14-303(13)(a) (Required Notices and Responsibilities) requires web notice, that notice shall be posted on or linked to the City's official *website.* [website at least 15 days before the required public hearing or meeting and shall contain the content listed in § 14-303(13)(b) (Content).]

* * *

(14) Public Hearings of the Zoning Board of Adjustment. All Zoning Board hearings are subject to the following provisions:

* * *

(l) Hearings on appeals relating to the One Year Rule set forth in §14-303(6)(g) (The One Year Rule) shall be conducted in accordance with the procedures set forth in that [section.] *subsection.*

* * *

(15) Appeals.

(a) Appeals to Zoning Board of Adjustment.

(.1) Any *final* order, requirement, decision, or determination made by L&I pursuant to this Zoning Code may be appealed to the Zoning Board by any person or organization affected by the decision or by any department or agency of the City.

(.2) A recommendation by the Commission or by any agency or department of the City is not a final decision and may not be appealed. *A pre-requisite approval by a commission, department, or agency of the City prior to the issuance of a zoning or building permit by L&I may not be appealed; however the issuance or refusal of the zoning or building permit may be appealed and the error cited in the appeal may include alleged errors by a commission, department, or agency in the completion of its pre-requisite review of the permit application.*

* * *

§14-304. Specific Procedures.

* * *

(2) Comprehensive and Other Plan Adoption.

* * *

(b) Review and Action by the Commission.

(.1) No plan shall become the adopted policy of the City unless it is [first] approved by the Commission.

* * *

(3) Zoning Map and Text Amendments.

* * *

(b) Review by the Commission.

* * *

(.3) The Commission shall [then] forward to City Council, through the Mayor's office, a recommendation for approval, approval with changes, or disapproval of the ordinance based on whether it meets the criteria in §14-304(3)(d) (Criteria for Review) or §14-304(3)(e) (Special Provisions for Master Plan Districts).

* * *

(f) Special Provisions for Neighborhood Conservation Overlay Districts.

* * *

(.2) *The Commission shall establish, by regulation, the criteria for accepting a petition to create an /NCO district. Upon review and acceptance of a petition, the* [The] Commission [shall review the petition and] shall convene at least one public meeting within the /NCO district's proposed boundaries in order to seek public comment on the proposed /NCO district and design guidelines.

* * *

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

* * *

(4) Amendments to Master Plans.

* * *

(b) Action by the Commission on Minor Amendments. [Proposed amendments that comply with the criteria in §14-304(4)(d) (Criteria for Commission Approval) below, as applicable, are "Minor Amendments" and amendments that do not comply with those standards are "Major Amendments." Amendments shall be submitted to the Commission for review, and the Commission

shall provide public notice pursuant to §14-303(13) (Public Notice) and conduct a public meeting on the proposed amendment.] Any minor amendment *shall be* submitted *to the Commission* for approval *and* must contain the information required by the regulations of the Commission. [If, after the public meeting, the Commission determines that the proposed amendment is a Minor Amendment, the] *The* Commission may [approve the amendment, or] *approve,* approve [it] with modifications*, or deny the Minor Amendment*. [If the Commission determines that the proposed amendment is a Major Amendment, the Commission shall refer the proposed amendment to City Council together with its recommendation based on the stated purposes of the district involved and the public health, safety, and general welfare of the City.]

* * *

(d) Criteria for Commission Approval. The Commission shall approve a proposed amendment as a Minor Amendment to a Master Plan only if it determines that the amendment complies with all of the following criteria:

* * *

(.4) The amendment only approves:

* * *

(.c) Additions to buildings or changes in building footprints that do not increase impervious surface within the district by more than 5% or by more than 5,000 sq. ft., measured collectively from the date of the latest amendment to the Master [Plan.] *Plan; or*

(.d) Additions to buildings that do not increase the gross floor area by more than 5,000 sq. ft, measured collectively from the date of the latest amendment approved by Council to the Master Plan.

(5) Civic Design Review.

* * *

(b) Applicability.

(.1) Required Review.

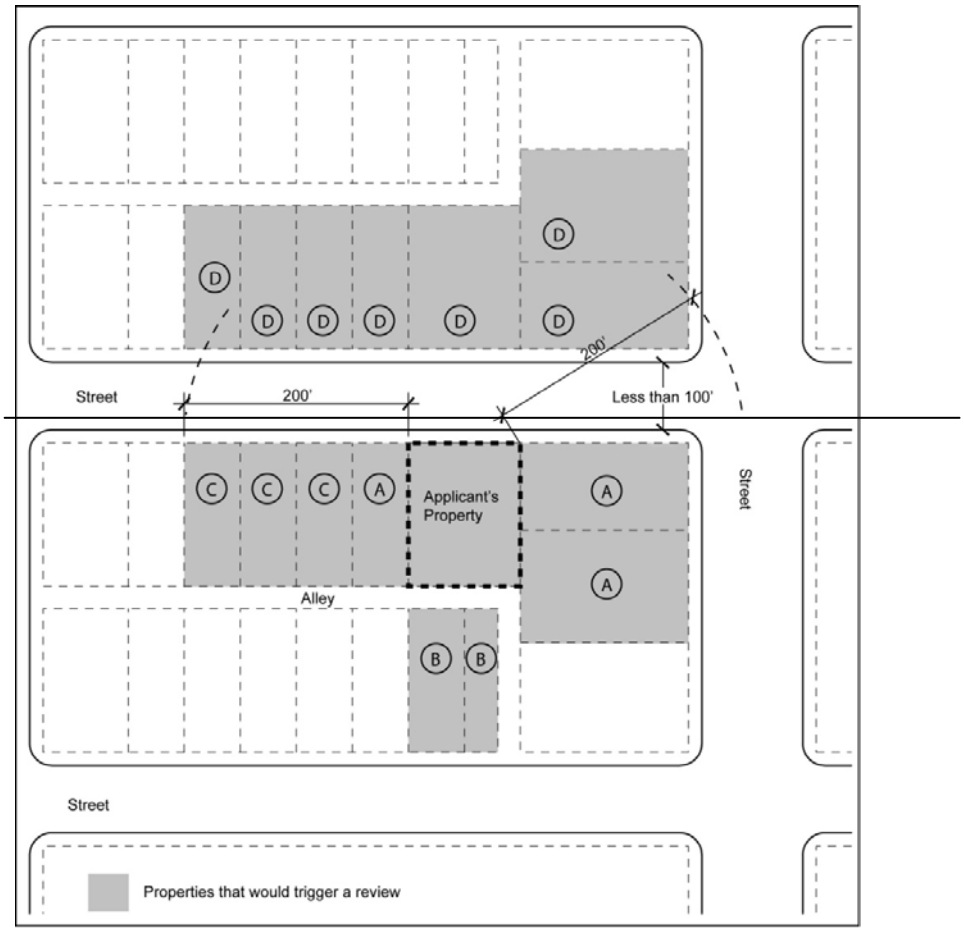
(.a) The civic design review procedures of this subsection apply to *the rezoning of any land into certain master plan districts as set forth in §14-304(3)(e)(.1) and* any development that meets the criteria in Table 14-304-2 (Civic Design Review Triggers), except for:

* * *

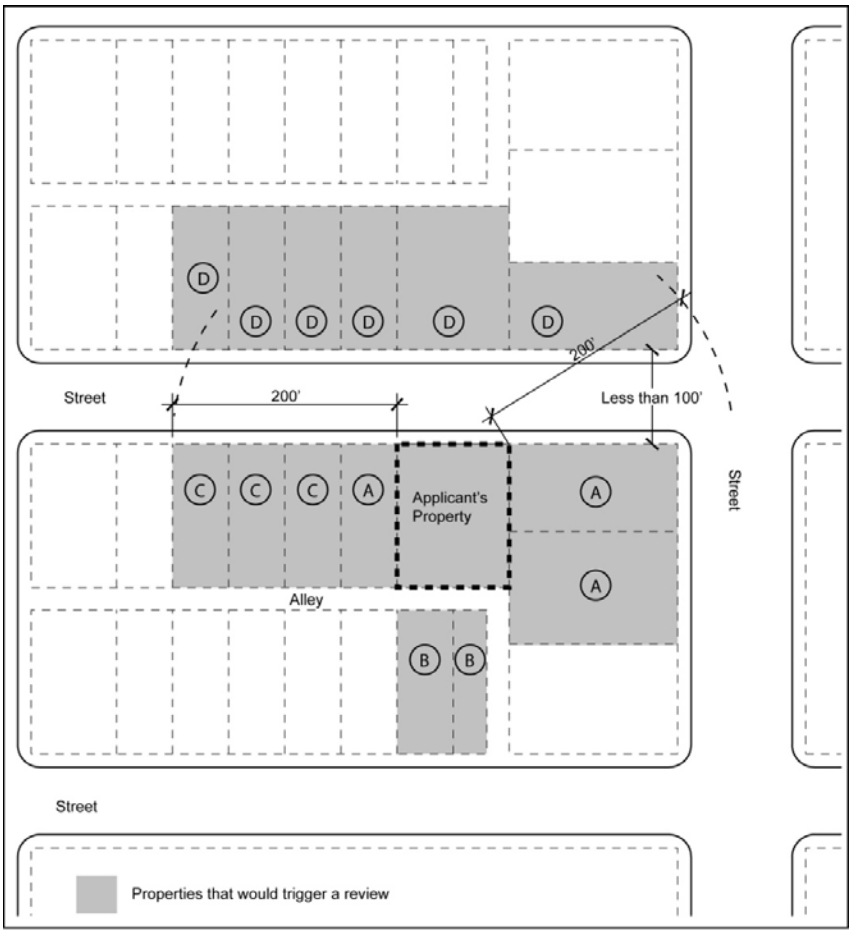
Table 14-304-2: Civic Design Review Triggers

Civic Design Review is required in the following three cases:		
Location of Applicant's Property	**Property Affected by the Application** (as defined by §14-304(5)(b)(.2) (Affected Properties))	**Covered Types of Applications**

Civic Design Review is required in the following three cases:		
Location of Applicant's Property	**Property Affected by the Application** (as defined by §14-304(5)(b)(.2) (Affected Properties))	**Covered Types of Applications**
Case 1: The applicant's property is located in <u>any district,</u> *<u>except as provided in §14-304(5)(b)(.1)(.a)(.i)</u>*	**AND** regardless whether there is any affected property	**AND** the application: [1.]Includes more than 100,000 sq. ft. of new gross floor area or more than 100 new dwelling [units; or] *units.* [2. Proposes a rezoning of land from any other district into a Master Plan District as set forth in Table 14-304-1.]
* * *	* * *	* * *



Civic Design Review Triggers



Civic Design Review Triggers

* * *

(c) [Determination of Requirement.] ***Neighborhood Notice and Meetings Required.***

(.1) Upon introduction of an ordinance to rezone any land into certain master plan districts as set forth in §14-304(3)(e)(.1), the person or entity that requested the rezoning of land shall comply with the neighborhood notice and meeting requirement in §14-303(12) (Neighborhood Notice and Meetings).

(.2) L&I will determine whether [the application] *a zoning permit application meets the criteria of Table 14-304-2 and* is required to complete Civic Design Review. If Civic Design Review is required, the applicant is required to comply with the neighborhood notice and meeting requirement in §14-303(12) (Neighborhood Notice and Meetings).

(d) Advisory Review. Design review under this section shall be advisory. The applicant is encouraged to accept the results of design review and incorporate them into the design. Neither *L&I,* the Zoning Board nor the Commission is required to abide by the recommendations of the Civic Design Review Committee, but *the Zoning Board and the Commission* [they] may consider those recommendations in any *discretionary* review of any application that may come before them.

* * *

(7) Subdivisions and Subdivision Plats.

(a) Applicability. The procedures of this subsection apply to *any* subdivision (as defined in §14-203(328) (Subdivision))**,** *except for a lot adjustment* [where one or more proposed lots do not have street frontage on an existing legally open, physically improved street shown on the City Plan].

* * *

§14-305. Nonconformities.

* * *

(2) Types of Nonconformities. Six different types of nonconformities exist and are subject to the requirements of this §14-305 (Nonconformities).

(a) Nonconforming Uses [(including non-accessory signs)]

* * *

(f) Nonconforming [Accessory] Signs

(5) Nonconforming Uses.

* * *

(a) Expansion.

(.1) Expansion of nonconforming regulated uses that are listed in §14-603(13) (Regulated Uses) [and nonconforming non-accessory signs] is prohibited.

(.2) For uses other than those specified in §14-305(5)(a)(.1) above: A nonconforming use that is located in a conforming building may be expanded within that building, or within any expansion of that building that complies with §14-701 (Dimensional Standards), provided that the *cumulative* expansion *since the use became nonconforming* shall not increase the area occupied by the nonconforming use by more than [10% more area than it occupied when it became nonconforming.] *ten percent (10%).*

* * *

(b) Replacement.

(.1) Abandoned Uses.

* * *

(.b) A successful zoning application for a permitted use or use approved by special exception in the district where the land is located shall not constitute abandonment of the nonconforming use until the permitted use or use approved by special exception is initiated on the property. [If the applicant does not initiate the permitted use or use approved by special exception and a prior nonconforming use has been discontinued for less than three consecutive years, the prior nonconforming use may be continued pursuant to §14-305(5)(b) (Replacement).]

* * *

(.3) Determination of Discontinued Nonconforming Use.

(.a) A "discontinued use" is a nonconforming use that is no longer being actively operated on the property [and] *or* for which there is evidence that the owner or lessee no longer intends to use the property for that purpose. Evidence of a discontinued nonconforming use may include, but shall not be limited [to,] *to:* (1) removal of improvements necessary to that use, (2) modifications to the property that make it unsuitable for that use, (3) lapsing of permits or licenses necessary to operate that use, or (4) failure to pay property taxes or taxes related to the nonconforming use. L&I shall record such discontinuation of use in the file of the subject property.

* * *

(6) Nonconforming Structures. Nonconforming structures may be expanded or extended, provided that the expanded or extended area (a) complies with all provisions of §14-701 (Dimensional Standards) and §14-702 (Floor Area Bonuses) applicable to the zoning district where the property is located, (b) complies with the provisions of this §14-305(6) (Nonconforming Structures), and (c) does not increase any existing nonconformity.

(a) All expansions or extensions of nonconforming structures shall be limited to the lot occupied by the structure at the time it became nonconforming. [Any purchase of adjacent lands or merger of adjacent lands into a single lot shall not permit the expansion or extension of a nonconforming structure in a way that increases any existing nonconformity.]

* * *

(e) Where a side wall does not meet a required side yard requirement: 1) a horizontal extension of that wall into a *front yard or* side yard is an increase of that specific nonconformity, and is not permitted, and 2) a horizontal extension of a side wall into a rear yard is permitted, provided the extension complies with applicable rear setback and open space requirements. (See figure "Horizontal Extension of a Nonconforming Side Wall.")

* * *

(g) Repairs to or renovation of a nonconforming structure or site improvement that [bring] *brings* the structure or site improvement into greater compliance with the building code [are] *is* permitted.

* * *

(8) Nonconforming [Accessory] Signs.

(a) Except for [accessory] signs specifically prohibited by [§14-904 (Accessory Sign Controls)] *this Zoning Code*, a permit shall be granted for the continued maintenance of any [accessory] sign lawfully in existence on March 28, 1946, regardless of compliance with any of the other provisions of [Chapter 14-900 (Signs)] *this Zoning Code*.

(b) A nonconforming [accessory] sign may be maintained in the same location and position in any way that (1) does not increase the size, height, or degree of illumination of the [accessory] sign, (2) does not create a new nonconformity, and (3) does not increase an existing nonconformity.

Without limiting the previous sentence, [routine] *customary* maintenance of the [accessory] sign face or [accessory] sign structure and changes to the [accessory] sign message are permitted as long as no new violation of this Zoning Code is created.

* * *

(9) Nonconforming Parking or Site Improvements. Where [a conforming lot contains only conforming building and uses, but] the amount or location of off-street parking or amount, location, or design of site improvements (for example, landscape area) does not meet the requirements of this Zoning Code, [those nonconformities] *the nonconformity* may remain and be used notwithstanding those nonconformities. However, all provisions of Chapter 14-800 (Parking and Loading) shall apply to any development or changes to structures or uses on the lot.

* * *

CHAPTER 14-400. BASE ZONING DISTRICTS.

* * *

§14-403. [I,]Industrial and Industrial Mixed-Use Districts.

* * *

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

* * *

(4) Height and Massing Regulations.

* * *

(b) If an SP-INS-zoned lot is adjacent to a lot in a Residential district, the maximum permitted building height for a portion of a building in the SP-INS district located [with] *within* 50 ft. of that [boundary] *residential lot line* shall be 20 ft. [taller] *greater* than the maximum permitted building height in the most restrictive [adjacent Residential district.] *Residential district adjacent to that portion of the lot.*

* * *

(10) Regulations Applicable to Germantown Avenue. The following additional regulations are applicable to SP-INS-zoned lots located adjacent to an RSD-1 zoning district and with street frontage on Germantown Avenue between Northwestern Avenue and Bells Mills Road. When the regulations of this §14-404(10) (Regulations Applicable to Germantown Avenue) conflict with any other subsection of §14-404 (SP-INS, Institutional (Special Purpose) District) *or §14-510 (Wissahickon Watershed Overlay District)*, the requirements of this §14-404(10) (Regulations Applicable to Germantown Avenue) shall control.

* * *

§14-405. SP-ENT, Entertainment (Special Purpose) District.

* * *

(4) Height Regulations. The [maximum] height of any building shall not exceed 300 ft. or 30 stories.

* * *

§14-407. SP-PO, Parks and Open Space (Special Purpose) District.

* * *

(4) Area and Height Regulations. The size, location, and design of all buildings, structures, activity areas, and other improvements must comply with the dimensional regulations of the most restrictive [abutting] *adjacent* zoning district that is not separated by a waterway, except fences surrounding athletic fields may be up to 15 ft. in height.

* * *

§14-408. SP-AIR, Airport (Special Purpose) District.

* * *

(4) Height Regulations. There are no height restrictions in the SP-AIR district, except as height may be limited by the other provisions of this Zoning [Code.] *Code, including §14-511 (Airport Hazard Control Overlay District).*

* * *

CHAPTER 14-500. OVERLAY ZONING DISTRICTS.

* * *

§14-502. /CTR, Center City Overlay.

* * *

(2) Applicability.

* * *

(b) Area Boundaries. The standards and regulations of this section apply to the areas within the /CTR Overlay district set forth as follows:

* * *

(.6) City Hall View Corridor, Northeast. City Hall View Corridor, Northeast is the area not more than 260 ft. on either side of the line bearing north 59 degrees 51 minutes 20 seconds east, beginning at City Hall Tower, and within the area bounded by the south side of Spring Garden street to the north and the west side of 4th street to the east.

* * *

(.b) Northeast 2: The portion of the City Hall View Corridor, Northeast that is [greater] *more* than 100 ft. from the line bearing north 59 degrees 51 minutes 20 seconds east as measured through the center line of City Hall [Tower, but no more than 260 ft. from said line.] *Tower.*

* * *

(.15) Market Street Area. The Market Street Area consists of lots fronting on Market Street between Front Street and the Schuylkill River and is further subdelineated as follows:

* * *

(.b) West: The portion of the Market Street Area [on Market Street] between 15th Street and the Schuylkill River.

* * *

(.16) Minimum Building Height Area. The Minimum Building Height Area consists of lots on the south side of any of the following streets:

* * *

(.d) Locust Street between Front Street and the Schuylkill River, except within 100 ft. east of the east side *of* Broad Street or within 230 ft. west of the west side of Broad Street.

* * *

(3) Height Regulations. The following height regulations apply to the areas set forth in each subsection. Except for the City Hall area, the accompanying height control maps are for illustrative purposes only.

* * *

(c) City Hall View Corridor Southeast. (See Height Control Area Map 1.C.) The maximum height (measured from zero ft. City Datum) within the City Hall View Corridor Southeast area shall be determined by the following formulas, where "d" is the horizontal distance in feet from the [closest point of the building to the] point on the Philadelphia Museum of Art steps designated as N240740, E2719920 on the Pennsylvania State Plane Coordinates South Zone Map, to the point of the building closest to such point on the steps.

* * *

(e) Parkway Buffer Area, Northwest. This §14-502(3)(e) applies to the Northwest Parkway Buffer Area (See Height Control Area Map 2 for illustrative purposes only).

* * *

(.2) Main Cornice Line. The maximum height of the main cornice line [from the sidewalk level] may not exceed the width of the building facade fronting on the Parkway Drive or facing the Benjamin Franklin Parkway or Logan Square. In no case may the height of the main cornice line exceed the following:

(.a) Properties with street frontage on Parkway Drive or Logan Square: 80 ft.

(.b) Properties [within 200 ft. of the outside boundary line of the Benjamin Franklin Parkway] between 20th Street and Fairmount Park, but without frontage on Parkway Drive: [A height above the street level equal to the width of the subject building's Parkway-facing façade or 160 ft., whichever is less.] *160 ft.*

* * *

(.3) Above the Cornice Line. No portion of the building, except pediment or attic wall, may exceed the height of the cornice, unless the portion above the cornice recedes from the plane of each building wall face at least as far as said portion extends above the cornice line. In no case may the height of any portion of a building exceed the following:

(.a) Properties between Fairmount Park and the Crescent: 100 ft.

(.b) Properties between the Crescent and 18th Street: 160 ft.

(.c) Properties [within 200 ft. of the boundary line of the Benjamin Franklin Parkway] between 20th Street and Fairmount Park: 180 ft.

* * *

(f) Parkway Buffer Area, Southeast. This §14-502(3)(f) applies to the Southeast Parkway Buffer Area (See Height Control Area Map 2 for illustrative purposes only).

* * *

(.3) Above the Cornice Line. No portion of the building, except pediment or attic wall, may exceed the height of the cornice, unless the portion above the cornice recedes from the plane of each building wall face at least as far as said portion extends above the cornice line. In no case may *the height of* any portion of a building exceed the [following.] *following:*

* * *

(g) Independence Hall Area. This §14-502(3)(g) applies to the Independence Hall Area (See Height Control Area Map 3 for illustrative purposes only).

* * *

(.2) No building or portion of the exterior of a building in the Independence Hall Area shall be constructed, reconstructed, erected, or altered if the proposed construction, reconstruction, erection, or alteration will exceed 45 ft. in height, measured [from the sidewalk level] to any cornice line within 25 ft. of the established building line. Any chimney, penthouse, or other structure, whether attached to a building by its own weight or otherwise, shall be considered to be part of that building, and, within 25 ft. of the established building line, shall not exceed in height above the cornice line of the building the amount of its setback from the established building line.

* * *

(i) Chinatown Area, North. The maximum height within the North Chinatown Area shall be 65 ft. Additions to buildings in existence on August 8, 1989 that do not increase the gross floor area of the building by more than 100% may be built to a height not to exceed the *height of the* existing building. (See Height Control Area Map 3 for illustrative purposes [only).] *only.)*

(j) Minimum Building Height [Areas.] *Area.*

* * *

(5) Supplemental Use Controls. For the purposes of this §14-502(5) (Supplemental Use Controls), the following supplemental use controls apply to the areas listed in Table 14-502-2 and Table 14-502-3.

(a) Use Table 14-502-2. Principal uses are allowed within the City Center Overlay District in accordance with the use regulations of the underlying zoning district, except as provided in Table 14-502-2 (See accompanying Supplemental Use Controls Area Map for illustrative purposes only). Uses classified as accessory uses are not regulated by the use table. Accessory uses are permitted in conjunction with allowed principal uses, provided they comply with all applicable regulations of § 14-603 (Use-Specific Standards) and § 14-604 (Accessory Uses and Structures).

* * *

(.6) Notes for Table 14-502-2.

* * *

[2] Permitted on the ground floor, provided it is {an active use} *staffed*; otherwise prohibited.

* * *

Table 14-502-2: Supplemental Use Controls in the City Center Overlay District

	Chestnut and Walnut Street Area, East	Chestnut and Walnut Street Area, West	Broad Street Area, South	Broad Street Area, North	Chinatown Area	Old City Residential Area	South Street/ Head House Square Area	Use-Specific Standards
N = Not allowed (expressly prohibited) | **S** = Special exception approval required | **Blank** = No overlay-specific regulations apply See §14-502(5)(a)(.6) (Notes for Table 14-502-2) for information pertaining to bracketed numbers (e.g., "[2]") in table cells.								
* * *	* * *	* * *	* * *	* * *	* * *	* * *	* * *	* * *
Commercial Services Use Category								
* * *	* * *	* * *	* * *	* * *	* * *	* * *	* * *	* * *
Assembly and Entertainment					N	N	N	§14-603(13)*; §14-603(18)*
* * *	* * *	* * *	* * *	* * *	* * *	* * *	* * *	* * *

* * *

(6) Parking and Loading Regulations.

* * *

(b) Broad Street Area, Mid-North. (See Parking and Loading Regulations Area Map 2.) *Required parking for* [Parking on] all commercially-zoned properties in the Mid-North Broad Street Area must be located either on the same lot or on a lot (where non-accessory parking is a permitted use) within 1,000 ft.

* * *

§14-503. /NCA, Neighborhood Commercial Area Overlay.

* * *

(4) Main Street/Manayunk and Venice Island.

* * *

(b) Height. The following standards apply in Subareas A and B:

(.1) The [maximum] height of a building may not exceed 38 ft.

* * *

(d) Parking in Subareas A and B. Parking for eating and drinking establishments and nightclubs and private clubs in Commercial districts located in Subareas A and B shall meet the following standards notwithstanding any other parking requirements set forth in this Zoning Code.

* * *

(.2) All required parking shall be located either on:

(.a) the same lot as the eating and drinking establishment or nightclub and private club;

(.b) [on] an abutting lot that is located within [the geographic boundaries of] Subarea A or Subarea B, regardless of whether parking is a permitted use on the abutting lot; or

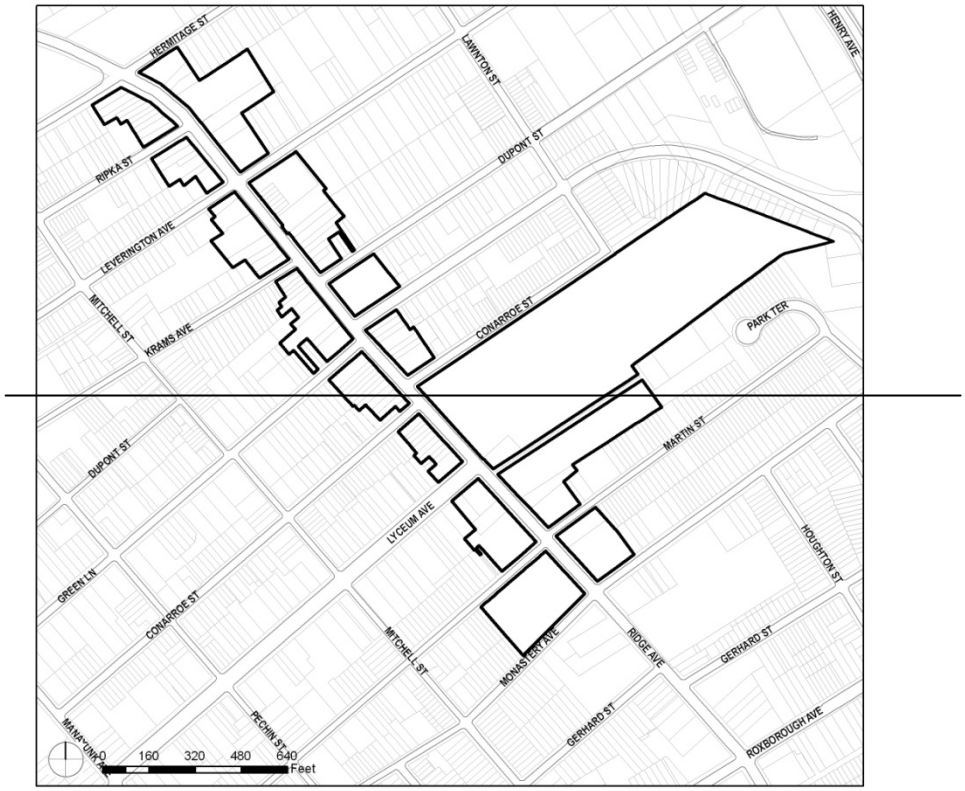
(.c) [on] a non-abutting lot (where parking is a permitted principal use) that is within 1,000 ft. of the eating and drinking establishment or nightclub and private club and located within [the geographic boundaries of] Subarea A or Subarea B, provided that a special exception approval is obtained from the Zoning Board pursuant to §14-303(7) (Special Exception Approval).

* * *

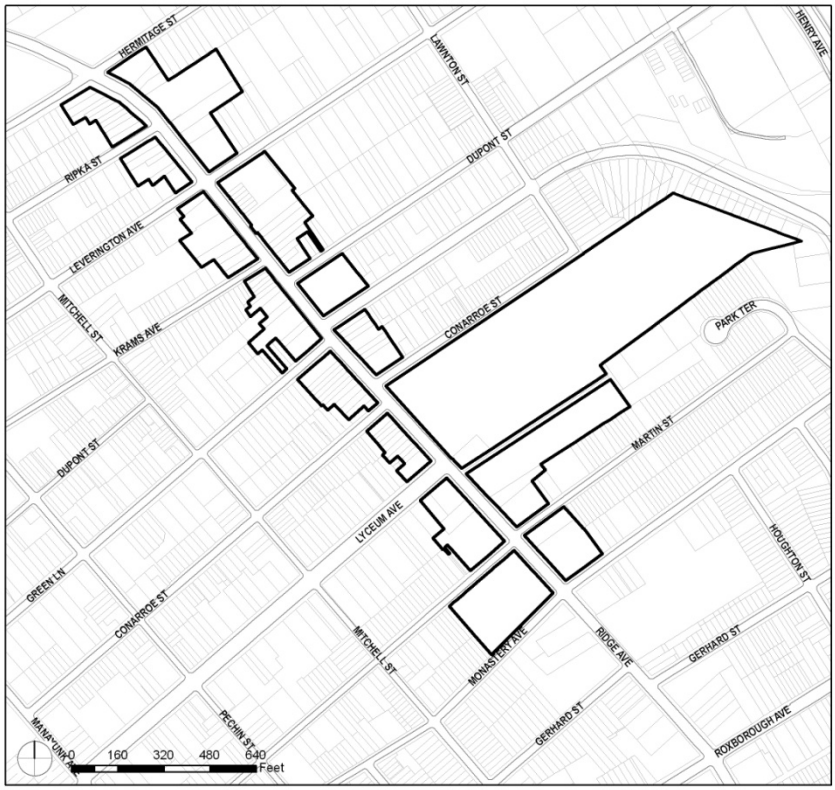
(6) Ridge Avenue.

(a) Applicability. The requirements of this Ridge Avenue /NCA district apply to lots zoned CMX-2 *or CMX-2.5* with frontage on Ridge Avenue between Hermitage Street and Monastery Avenue, as shown on the following map for illustrative purposes only.

BILL NO. 120774 continued



Ridge Avenue (Only applies to lots zoned CMX-2)



Ridge Avenue (Only applies to lots zoned CMX-2 or CMX-2.5)

* * *

(7) Lower and Central Germantown.

* * *

(b) Prohibited Uses.

* * *

(.2) The following uses shall be prohibited as a principal use in any Residential district and as [a] *an accessory* home occupation in any zoning district:

* * *

§14-506. /NCP, North Central Philadelphia Overlay District.

(1) Subarea A.

* * *

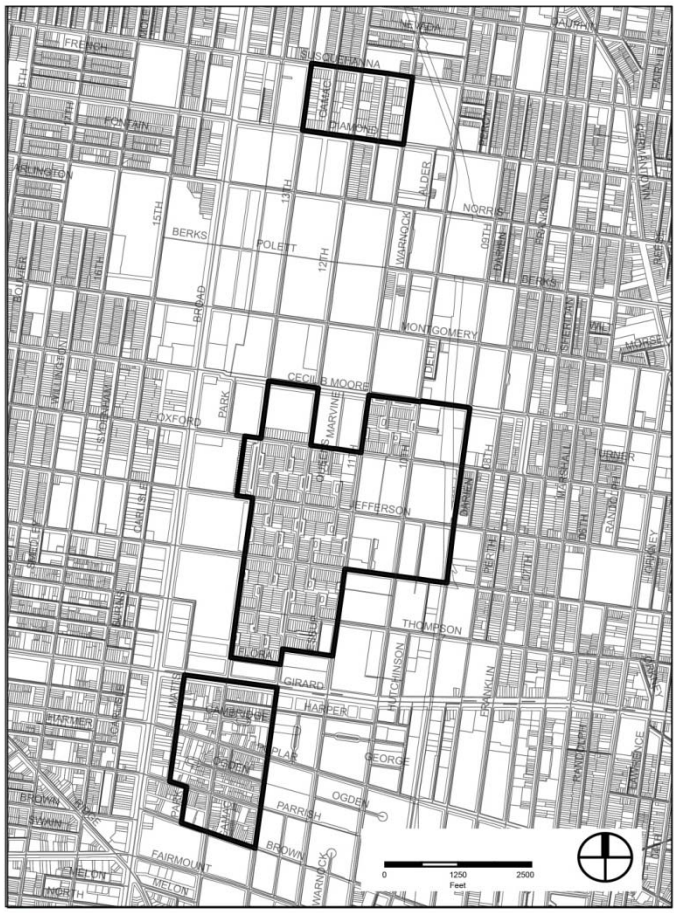
(b) District Boundaries. The Subarea A /NCP district regulations apply to all residentially-zoned properties within the following areas, as shown on the following map for illustrative purposes only:

* * *

(.3) The area bounded by [the east side of] 13th Street, [the south side of] Susquehanna Avenue, [the west side of] 11th Street, and [the north side of] Diamond Street.

(.4) The area bounded by Girard Avenue, Watts Street, Parish Street, Park Street, Brown Street and 12th Street.

/NCP Overlay, Subarea A (only applies to residentially-zoned lots)



/NCP Overlay, Subarea A (only applies to residentially-zoned lots)

* * *

(c) Use Regulations. The following uses are prohibited in the *Subarea A* /NCP district:

* * *

§14-509. /CAO, City Avenue Overlay District.

* * *

(3) Regulations.

* * *

(e) Lot Width.

* * *

(.2) Where [new] development is proposed on any existing lot wider than 600 ft., the developer is encouraged to provide a public access vehicular and pedestrian way through the lot such that the lot frontage between [two streets (including the public access way)] *each street and the public access way* does not exceed 600 ft.

* * *

(n) Auto-Share Parking Spaces. Auto-share parking spaces shall be provided for all [new] developments containing over 100 residential units or 100,000 sq. ft. of commercial space at the rate of at least one auto-share space per 100 units or one auto-share space per 100,000 sq. ft. of commercial space. Such auto-share space may be counted toward meeting total parking requirements under §14-509(3)(j) (Required Amount of Parking). For every auto-share space provided for a residential or hotel use, the total required parking under §14-509(3)(j) (Required Amount of Parking) may be reduced by four spaces, up to 40% of the total required spaces.

* * *

(r) Development Design Standards. No building permit shall be issued unless the site layouts and landscape plans have been reviewed and approved by the Commission for conformance with the development design standards set forth in this §14-509(3)(r) (Development Design Standards). The Commission may grant [exceptions] *exemptions* from a strict interpretation of the design standards, where the Commission finds that conformance with the design standards is impractical. The Commission shall have 60 days to approve or disapprove the application, after which its approval shall be presumed. The Commission shall not issue any approval under this subsection unless the Art Commission has first issued any approvals required under applicable law.

* * *

§14-513. /TOD, Transit-Oriented Development Overlay District.

* * *

(2) Applicability. The TOD standards of this section shall apply to new construction and expansions of more than 30% of gross floor area on lots located within the */TOD districts* [transit nodes] listed in §14-513(3) (Designation), as summarized in Table 14-513-1, below. In the event of conflict between the provisions of Table 14-513-1 and the text of this Zoning Code, the text shall govern.

* * *

(5) TOD Form and Design Standards.

* * *

(b) Parking. The following standards apply in all */TOD districts* [TOD Nodes]:

* * *

CHAPTER 14-600. USE REGULATIONS.

* * *

§14-601. Use Categories.

* * *

(4) Public, Civic, and Institutional Use Category. This category includes public, quasi-public, and private uses that provide unique services that are of benefit to the public as a whole. The public, civic, and institutional subcategories are:

* * *

(c) Day Care. Uses providing care, protection, and supervision for children or adults for a fee on a regular basis away from their primary residence for less than 24 hours per day. Examples include preschools, nursery schools, Head Start programs, latch key programs, and adult daycare programs. The following are not regulated as day care uses: (i) care given by guardians or relatives of the children or adults, or (ii) care given away from the primary residence of the children or adults by babysitters or caregivers for fewer than 10 hours per week. For the purposes of the day care use subcategory, the term "relative" shall mean a spouse, parent, child, stepparent, stepchild, grandparent, grandchild, brother, sister, half brother, half sister, aunt, uncle, niece, or nephew. The following are day care specific use types:

* * *

(.2) Group Day Care. The provision of care in a facility that is not the day care provider's primary residence for up to 12 children or *up to* 12 adults who are not relatives of the provider. See also the group day care use-specific standards of §14-603(5) (Day Care).

* * *

(7) Commercial Services Use Category. This category includes uses that provide for consumer or business services, for the repair and maintenance of a wide variety of products, and for entertainment. The commercial services subcategories are:

* * *

(n) Visitor Accommodations. Uses that provide temporary lodging for [less] *fewer* than 30 days where rents are charged by the day or by the week or portion thereof and may also provide food or entertainment primarily to visitors and tourists. *The following specific use type is sometimes regulated differently from the visitor accommodations use subcategory:*

(.1) Bed and Breakfast. *A residential building which contains 10 or fewer bedrooms used for providing overnight accommodations to the public, and in which breakfast is the only meal served and is included in the charge for the room.*

§14-602. Use Tables.

* * *

(3) Residential Districts. *Building types are permitted in Residential districts in accordance with Table 14-602-1.A.* Principal uses are allowed in Residential districts in accordance with Table 14-602-1. Uses classified as accessory uses, such as home occupations, are not regulated by the use table. Accessory uses are permitted in conjunction with allowed principal uses, provided they comply with all applicable regulations of §14-603 (Use-Specific Standards) and §14-604 (Accessory Uses and Structures).

(a) Notes for Table 14-602-1.

* * *

Table 14-602-1.A: Building Types Allowed in Residential Districts

Previous District Name	***R1***	***R1A***	***R2***	***R3***	***R4***	***R5***	***R6/7***	***R9A/10A/R20***	***R5A***	***R8/9/10/10B/18/19***	***R11/11A/12/13***	***R14***	***R15/16***	***RC-6***	***WRD/ITD***	***RC-4***
District Name	***RSD-1***	***RSD-2***	***RSD-3***	***RSA-1***	***RSA-2***	***RSA-3***	***RSA-4***	***RSA-5***	***RTA-1***	***RM-1***	***RM-2***	***RM-3***	***RM-4***	***RMX-1***	***RMX-2***	***RMX-3***
Y = Yes permitted as of right | S = Special exception approval required																
N = Not allowed (expressly prohibited)																
Detached	*Y*	*Y*	*Y*	*Y*	*Y*	*Y*	*Y*	*Y*	*Y*	*Y*	*Y*	*Y*	*Y*	*Y*	*Y*	*Y*
Semi-Detached	*N*	*N*	*N*	*Y*	*Y*	*Y*	*Y*	*Y*	*Y*	*Y*	*Y*	*Y*	*Y*	*Y*	*Y*	*Y*
Attached	*N*	*N*	*N*	*N*	*N*	*N*	*Y (See also §14-701(2)(b), Note [1])*	*Y*	*N*	*Y*	*Y*	*N*	*Y*	*Y*	*Y*	*Y*

Table 14-602-1: Uses Allowed in Residential Districts

Previous District Name	**R1**	**R1A**	**R2**	**R3**	**R4**	**R5**	**R6/7**	**R9A/10A/R20**	**R5A**	**R8/9/10/10B/18/19**	**R11/11A/12/13**	**R14**	**R15/16**	**RC-6**	**WRD/ITD**	**RC-4**	
District Name	**RSD-1**	**RSD-2**	**RSD-3**	**RSA-1**	**RSA-2**	**RSA-3**	**RSA-4**	**RSA-5**	**RTA-1**	**RM-1**	**RM-2**	**RM-3**	**RM-4**	**RMX-1**	**RMX-2**	**RMX-3**	**Use-Specific Standards**
Y = Yes permitted as of right | **S** = Special exception approval required																	
N = Not allowed (expressly prohibited) | Uses not listed in this table are prohibited																	
See §14-602(3)(a) (Notes for Table 14-602-1) for information pertaining to bracketed numbers (e.g., "[2]") in table cells.																	
* * *																	
Public, Civic, and Institutional Use Category																	
Day Care (as noted below)																	
* * *																	
Group Day Care	N	N	N	S*[2]*	S*[2]*	S*[2]*	S*[2]*	S*[2]*	S*[2]*	S*[2]*	S*[2]*	S*[2]*	S*[2]*	Y	Y	Y	§14-603(5)
Day Care Center	N	N	N	N	N	N	N	N	N	N	N	N	N	Y	Y	Y	§14-603(5)
Educational Facilities	N	N	N	S*[2]*	S*[2]*	S*[2]*	S*[2]*	S*[2]*	S*[2]*	S*[2]*	S*[2]*	S*[2]*	S*[2]*	S	S	S	
Fraternal Organization	N	N	N	S*[2]*	S*[2]*	S*[2]*	S*[2]*	S*[2]*	S*[2]*	S*[2]*	S*[2]*	S*[2]*	S*[2]*	S	S	S	
Hospital	N	N	N	S*[2]*	S*[2]*	S*[2]*	S*[2]*	S*[2]*	S*[2]*	S*[2]*	S*[2]*	S*[2]*	S*[2]*	S	S	S	
Libraries and Cultural Exhibits	N	N	N	S*[2]*	S*[2]*	S*[2]*	S*[2]*	S*[2]*	S*[2]*	S*[2]*	S*[2]*	S*[2]*	S*[2]*	S	S	S	
Religious Assembly	N	N	N	Y[2]	Y[2]	Y[2]	Y[2]	Y[2]	Y[2]	Y[2]	Y[2]	Y[2]	Y[2]	Y{[2]}	Y{[2]}	Y{[2]}	
Safety Services	N	N	N	Y*[2]*	Y*[2]*	Y*[2]*	Y*[2]*	Y*[2]*	Y*[2]*	Y*[2]*	Y*[2]*	Y*[2]*	Y*[2]*	Y	Y	Y	

Transit Station	N	N	N	Y*[2]*	Y*[2]*	Y*[2]*	Y*[2]*	Y*[2]*	Y*[2]*	Y*[2]*	Y*[2]*	Y*[2]*	Y*[2]*	Y	Y	Y	
Utilities and Services, Basic	N	N	N	S*[2]*	S*[2]*	S*[2]*	S*[2]*	S*[2]*	S*[2]*	S*[2]*	S*[2]*	S*[2]*	S*[2]*	S	S	S	
					*		*		*								
Retail Sales Use Category																	
					*		*		*								
Food, Beverages, and Groceries {(except as noted below)}	N	N	N	N	N	N	N	N	N	N	N	N	N	Y[3]	Y[4]	Y[5]	*§14-603(7)*
{Fresh Food Market}	{N}	{N}	{N}	{N}	{N}	{N}	{N}	{N}	{N}	{N}	{N}	{N}	{S}	{Y[3]}	{Y[4]}	{Y[5]}	{§14-603(7)}
Commercial Services Use Category																	
					*		*		*								
Visitor Accommodations	N	N	N	N	N	N	N	N	N	N	N	N	{S}*N*	N	Y[4]	Y[5]	
					*		*		*								

* * *

(4) Commercial Districts. Principal uses are allowed in Commercial districts in accordance with Table 14-602-2. Uses classified as accessory uses, such as home occupations, are not regulated by the use table. Accessory uses are permitted in conjunction with allowed principal uses, provided they comply with all applicable regulations of §14-603 (Use-Specific Standards) and §14-604 (Accessory Uses and Structures).

(a) Notes for Table 14-602-2

* * *

[3] In order to promote active uses at the street level, an attached building in the CMX-2 district *may not be used solely for residential purposes.*{that is occupied by a household living use must also contain an office, retail sales, retail sales, or commercial services use along the ground floor frontage of the building.}

* * *

(5) Industrial Districts. Principal uses are allowed in Industrial districts in accordance with Table 14-602-3. Uses classified as accessory uses, such as home occupations, are not regulated by the use table. Accessory uses are permitted in conjunction with allowed principal uses, provided they comply with all applicable regulations of §14-603 (Use-Specific Standards) and §14-604 (Accessory Uses and Structures).

* * *

Table 14-602-3: Uses Allowed in Industrial Districts

Previous District Name	New	L4/L-5	L1/L2/L3	G1/G2	LR	PI	

District Name	IRMX	ICMX	I-1	I-2	I-3	I-P	Use-Specific Standards
Y = Yes permitted as of right | **S** = Special exception approval required **N** = Not allowed (expressly prohibited) | Uses not listed in this table are prohibited See §14-602(5)(a) (Notes for Table 14-602-3) for information pertaining to bracketed numbers (e.g., "[2]") in table cells.							
* * *							
Wholesale, Distribution, and Storage Use Category							
* * *							
Wholesale Sales and Distribution *(except as noted below)*	N	Y	Y	Y	Y	Y	
* * *							

(6) Special Purpose Districts. Principal uses are allowed in special purpose zoning districts in accordance with Table 14-602-4. Uses classified as accessory uses, such as home occupations, are not regulated by the use table. Accessory uses are permitted in conjunction with allowed principal uses, provided they comply with all applicable regulations of § 14-603 (Use-Specific Standards) and § 14-604 (Accessory Uses and Structures).

* * *

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

Previous District Name	IDD	CED	SSD	REC-P	REC	New	
District Name	SP-INS	SP-ENT	SP-STA	SP-PO-P	SP-PO-A	SP-AIR	Standards
Y = Yes permitted as of right | **S** = Special exception approval required **N** = Not allowed (expressly prohibited) | Uses not listed in this table are prohibited See §14-602(6)(a) (Notes for Table 14-602-4) for information pertaining to bracketed numbers (e.g., "[2]") in table cells.							
Retail Sales Use Category							
* * *							
Food, Beverages, and Groceries {(except as noted below)}	Y	Y	N	N	N	Y	§14-603(7)
* * *							

§14-603. Use-Specific Standards.

* * *

(5) Day Care.

(a) Family Day Care

(.1) A family day care use must be located in a [residential dwelling unit] *single-family or two-family residence* and is permitted to occupy the same lot as the [residential dwelling unit] *residence* as another principal use. The family day care use must be operated by the resident owner of

the [dwelling unit] *residence* or a *resident* tenant authorized by the owner. [The operator (either the owner or authorized tenant) must reside in the dwelling unit.]

* * *

(b) Group Day Care. Group day cares in RSD districts shall be permitted only if accessory to a principal or accessory building used as an educational facility, hospital, library and cultural exhibit, religious assembly, or recreation building, provided that within "Area 1" and [Area 2,"]*"Area 2,"* as defined in §14-603(5)(a)(.2), above, the building must be publicly-owned or operated.

(c) Day Care Center. Day care centers in RSD, RSA, RTA, and RM districts shall be permitted only if accessory to a principal or accessory building used as an educational facility, hospital, library and cultural exhibit, religious assembly, or recreation building, provided that within [Area 2,"]*"Area 2,"* as defined in §14-603(5)(a)(.2), above, the building must be publicly-owned or operated.

* * *

(17) Wireless Service Facilities (Building or Tower-Mounted Antenna). Building- or tower-mounted antennas and supporting electrical and mechanical equipment are subject to the following requirements:

* * *

[(d) They must comply with the height restrictions otherwise applicable to the building or tower on which they are mounted.]

[(e)]*(d)* They may not have signs attached to them unless required by the FAA, FCC, or other applicable authority.

[(f)]*(e)* Building-mounted antennas must be *mounted to the roof and shall not exceed 15 ft. in height.* [flush-mounted to the structure and may not extend above the wall to which they are attached.]

[(g)]*(f)* Modification of any tower to accommodate an additional antenna may not cause the height of the tower to be increased more than 10 ft. beyond the tower height originally approved.

* * *

(19) Bed and Breakfast.

(a) Standards. *Bed and breakfast establishments are subject to the following standards:*

(.1) the establishment must be located in the permitted areas described in subsection (b), below.

(.2) the establishment must be operated by the owner of the building, who must live on the property;

(.3)the bed and breakfast may not contain more than four guest rooms in RSD, RSA, and RTA districts or more than ten guest rooms in any RM district;

(.4) breakfast service must be provided for guests; such breakfast service shall not be provided to persons who are not guests of the bed and breakfast establishment;

(.5) bed and breakfast establishments may not be leased or offered for use as reception space, party space, meeting space, or other similar events open to nonresident guests; and

(.6) if the lot abuts an alley or shared driveway with a width of 12 ft. or more, access to guest parking spaces must come from the alley or shared driveway.

(b) Permitted Areas. *Reserved.*

* * *

§14-604. Accessory Uses and Structures.

(1) General.

* * *

(d) Accessory structures must be constructed in conjunction with or after the principal structure. They may not be constructed before the principal structure. *An accessory structure for a residential use shall not exceed 15 feet in height, unless otherwise stated by other provisions of the Zoning Code.*

* * *

(3) Accessory Parking. See §14-803(1) (Accessory Parking [Standards] *Standards).*

* * *

(5) Roof Decks. *Roof decks are permitted for residential uses in all zoning districts. Roof decks for non-residential uses in the CMX-2 or CMX-2.5 district require special exception approval in accordance with the procedures of § 14-303(7).* Roof decks [in Residential, CMX-1, CMX-2, or CMX-2.5 districts] are subject to compliance with §§ 14-604(5)(a) through 14-604(5)(c), below. [Roof decks for non-residential uses in the CMX-2 or CMX-2.5 district require special exception approval in accordance with the procedures of § 14-303(7).]

* * *

CHAPTER 14-700. DEVELOPMENT STANDARDS.

* * *

§14-701. Dimensional Standards.

* * *

(2) Residential District Dimensional Tables.

* * *

(b) Notes for Table 14-701-1.

* * *

[5] The front setback shall be no further from the street than the furthest front façade of the principal building on either of the two immediately abutting lots, and shall be located no closer to

the primary street than the closest front façade of the principal building on either of the two *immediately* abutting lots. If both of the immediately abutting lots are vacant, then the setback range shall be based on the building that is: (1) closest to the subject property and (2) on the same blockface. Where there are not a sufficient number of lots that meet these criteria to establish a front setback, the front setback shall be set at *the street line* {8 ft}.

* * *

Table 14-701-1: Dimensional Standards for Lower Density Residential Districts

Previous District Name	**R1**	**R1A**	**R2**	**R3**	**R4**	**R5**	**R6/7**	**R9A/10A**	**R5A**
District Name	**RSD-1**	**RSD-2**	**RSD-3**	**RSA-1**	**RSA-2**	**RSA-3**	**RSA-4**	**RSA-5**	**RTA-1**
See §14-701(2)(b) (Notes for Table 14-701-1) for information pertaining to bracketed numbers (e.g., "[2]") in table cells.									
Denotes building type not permitted or zoning requirements not applicable.									
{Building Type}									
{Detached}	{Y}	{Y}	{Y}	{Y}	{Y}	{Y}	{Y}	{Y}	{Y}
{Semi-Detached}	{N}	{N}	{N}	{Y}	{Y}	{Y}	{Y}	{Y}	{Y}
{Attached}	{N}	{N}	{N}	{N}	{N}	{N}	{Y [1]}	{Y}	{N}
{Multiple Buildings on a Lot}	{N}	{N}	{N}	{N}	{N}	{N}	{N}	{N}	{N}
* * *									
Front Setback									
Minimum (ft)	35	35	25	25	15	8 {[4]}	{[4][5]} *15*	[4][5]	8 {[4]}
Minimum Side Yard Width *[6], Permitted* Residential *Uses as set forth in §14-602* {[6]}									
Detached, Intermediate Lot (ft.)	2/15 each	2/10 each	2/10{,} each, 25 total	2/10 each, 25 total	2/8 each	2/8 each	2/8 each	2/5 each	2/8 each
* * *									
Minimum Side Yard Width *[6], Permitted* Nonresidential *Uses as set forth in §14-602* {[6]}									
***Detached,* Intermediate Lot** (ft.)			2/15 each	2/15 each	2/10 each	2/8 each	2/8 each	2/8 each	2/8 each
***Detached,* Corner Lot** (ft.)			15	15	10	8	6	8	8
* * *									

* * *

(c) Notes for Table 14-701-2.

* * *

[6] The front setback shall be no further from the street than the furthest front façade of the principal building on either of the two immediately abutting lots, and shall be located no closer to the primary street than the closest front façade of the principal building on either of the two *immediately* abutting lots. If both of the immediately abutting lots are vacant, then the setback range shall be based on the building that is: (1) closest to the subject property and (2) on the same blockface.

Where there are not a sufficient number of lots that meet these criteria to establish a front setback, the front setback shall be set at *the street line* {8 ft}.

* * *

Table 14-701-2: Dimensional Standards for Higher Density Residential Districts

Previous District Name	**R8/9/10/ 10B/18/19**	**R11/11A/ 12/13**	**R14**	**R15/R16**	**RC-6**	**WRD /ITD**	**RC-4**
District Name	**RM-1**	**RM-2**	**RM-3**	**RM-4**	**RMX-1**	**RMX-2**	**RMX-3**
{See §14-701(2)(b) (Notes for Table 14-701-1)} *See §14-701(2)(c) (Notes for Table 14-701-2)* for information pertaining to bracketed numbers (e.g., "[2]") in table cells. Denotes building type not permitted or zoning requirements not applicable.							
{Building Type}							
{Detached}	{Y}	{Y}	{Y}	{Y}	{Y}	{Y}	{Y}
{Semi-Detached}	{Y}	{Y}	{Y}	{Y}	{Y}	{Y}	{Y}
{Attached}	{Y}	{Y}	{N}	{Y}	{Y}	{Y}	{Y}
{Multiple Buildings on a Lot}	{N}	{Y}	{Y}	{Y}	{Y}	{Y}	{Y}
* * *							
Minimum Side Yard Width [8], *Permitted* Residential *Uses as set forth in §14-602*							
* * *							
Minimum Side Yard Width [8], *Permitted* Nonresidential *Uses as set forth in §14-602*							
***Detached,* Intermediate Lot** (ft.)	2/12 each	[7]	2/8 each	5 {if used}			If used: Buildings ≤ 4 stories with three or fewer dwelling units=5; Others = 8
***Detached,* Corner Lot** (ft.) [1]	12	[7]	2/8 each	5 {if used}			
***Semi-Detached** (ft.)*							
* * *							
Height							
Maximum (ft.)	38 *[5]*						
* * *							

* * *

(3) Commercial Districts Dimensional Table.

(a) Notes for Table 14-701-3.

* * *

Table 14-701-3 Dimensional Standards for Commercial Districts

Previous District Name	**C1**	**C2/RC2**	**Commercial Corridor Overlays**	**C3/*RC3***	**C4 C5**	**C7/NSC**	**ASC**
District Name	**CMX-1**	**CMX-2**	**CMX-2.5**	**CMX-3**	**CMX-4/ CMX-5**	**CA-1**	**CA-2**
See §14-701(3)(a) (Notes for Table 14-701-3) for information pertaining to bracketed numbers (e.g., "[2]") in table cells. Denotes zoning requirements not applicable							
* * *							

* * *

(6) Exceptions to Dimensional Standards. The items listed in Table 14-701-6 are exceptions to the dimensional standards otherwise applicable under this § 14-701 (Dimensional Standards). In the case of exceptions to yard, setback, and open space requirements, the areas occupied by the encroachments will not be considered to reduce the amount of open space provided.

Table 14-701-6: Exceptions to Dimensional Standards

Exceptions to Height Limits	
Type of District	**Permitted Encroachment**
* * *	* * *
Commercial, Industrial, and Special Purpose districts, when attached to principal building	* * *
	Radio,*wireless*, and television aerials.
	* * *

* * *

§14-702. Floor Area Bonuses.

* * *

(3) Floor Area Bonus Options Summary Table. The following table summarizes the floor area bonus options in this section. In the event of conflict between the provisions of Table 14-702-1 and the text of this Zoning Code, the text shall govern.

Table 14-702-1: Floor Area Bonus Summary

	Additional Gross Floor Area, as Percent of Lot Area (See §14-701(2) (Residential District Dimensional Tables) and §14-701(3) (Commercial Districts Dimensional Table for the maximum allowed base floor area ratios for each district.)			
Bonus Category	**RMX-3**	**CMX-3 in */TOD Districts* [TOD Nodes]**	**CMX-4**	**CMX-5**

* * *

* * *

(4) Maximum Floor Area Bonus Amounts.

* * *

(b) If the property is located in the CMX-3 district, the bonuses in this §14-702 may be used in combination to earn additional floor area ratio up to [300%] *250%* of the lot area.

* * *

(7) Mixed Income Housing.

* * *

(b) Bonus Floor Area. The additional gross floor area earned by providing mixed-income housing is:

Additional Gross Floor Area, as Percentage of Lot Area		
CMX-3 in */TOD Districts* [TOD Nodes]	**CMX-4**	**CMX-5**

* * *

* * *

(10) Green Building.

* * *

(b) Bonus Floor Area. The additional gross floor area earned for LEED is:

	Additional Gross Floor Area, as Percentage of Lot Area		
Level of LEED Certification	**CMX-3 within a */TOD District* [TOD Node]**	**CMX-4**	**CMX-5**

* * *

* * *

§14-703. Form and Design.

* * *

(2) Applicability.

(a) The standards of this section shall apply to all [new] development, except for the following:

* * *

(5) Multi-Family Residential, Commercial, and Institutional. The intent of these standards is to promote development of buildings that enhance their surroundings through facades that contribute to street activity, the safe circulation of pedestrians and bicycles to and around buildings, and reduced visibility of utilities and equipment related to buildings.

* * *

(b) Building Design.

(.1) Façade Articulation. Façade articulation is required for each building frontage that is greater than 100 ft. wide and that faces a public street 40 ft. or wider. The intent is to ensure that public streets will not be fronted by featureless, monolithic walls. Between the average ground level and a height of 25 ft., a minimum of 30% of the wall area must include one or more of the following features listed in subsections (.a) through (.c). [For purposes of this §14-703(5)(b)(.1), the area of a

façade articulation feature shall be the surface area of the wall occupied by the feature. Where that area is not a rectangle, triangle, square, or circle, the area shall be that of the smallest square or rectangle that could enclose the irregular shape.]

* * *

§14-708. Subdivision Standards.

* * *

(3) Subdivision General Design Standards. The principles, standards, and requirements set forth in this § 14-708 (Subdivision Standards) shall be applied by the Commission in its review of proposed subdivision. These principles and standards are the minimum required and whenever they conflict with any other applicable provision of this Zoning Code, the more restrictive provision shall govern.

* * *

(b) Visitability. In any subdivision containing 50 or more detached, semi-detached or attached houses, at least 10% of the houses shall be visitable dwelling units, as defined in Chapter 14-200 (Definitions).

(.1) Before the Commission may approve a Preliminary Plat, the Commission shall determine that the proposed subdivision will not preclude 10% of the houses from containing a step-free or accessible ground floor entrance on an accessible route that complies with ANSI A117.1 - 1998 section 4.8 and that has a maximum slope not to exceed 1:12.

(.2) Before L&I may issue a building permit, L&I shall verify that at least 10% of the houses in the subdivision are visitable dwelling units.

* * *

CHAPTER 14-800. PARKING AND LOADING.

§ 14-801. Purpose, Applicability, and General Standards.

* * *

(5) Rules of Parking Measurement.

* * *

(c) The following types of parking spaces shall count towards the satisfaction of minimum off-street parking requirements[.]*:*

(.1) Accessible parking;

(.2) Vanpool and carpool parking;

(.3) Auto-share parking space; [and]

(.4) Underground parking, and parking within, above, or beneath the building(s) it serves; *and*

(.5) Accessory parking spaces required for residential uses within mixed-use developments.

* * *

§14-802. Motor Vehicle Parking Ratios.

* * *

(8) Adjustments and Alternatives. The minimum parking requirements listed in this Chapter 14-800 may be adjusted as follows:

* * *

(d) Proximity to Transit. In addition to the parking adjustments permitted in [§14-802(8)(a) (Sharing of Parking Spaces) through §14-802(8)(c) (Reduced Need Populations)] *subsections (a) through (c),* above, a reduction *in the required minimum number of off-street parking spaces* [for properties within Transit-Oriented Development (TOD) nodes] is available under §14-513 (/TOD, Transit-Oriented Development Overlay District).

* * *

(9) Off-Site Parking. *Required accessory parking in a CMX-3, CMX-4, or CMX-5 zoning district, except required parking for persons with disabilities, may be provided on a lot separate from the lot on which the principal use is located; provided that the off-site parking complies with all of the following standards.*

(a) Off-site accessory parking must be within 1,000 ft. of an entrance to the principal use that the parking serves, as measured along the shortest legal pedestrian route.

(b) Off-site accessory parking must be located in a district where non-accessory parking is a permitted use.

(c) Off-site parking shall only serve occupants of or visitors to the principal use.

(d) In the event that the off-site parking is not under the same ownership as the principal use served, a written agreement between the record owners shall be submitted to L&I with the zoning permit application.

* * *

§14-803. Motor Vehicle Parking Standards.

* * *

(1) Accessory Parking Standards.

(a) Permitted Types. Accessory parking may be provided as follows:

* * *

(.3) Private residence parking garages and carports, provided that:

* * *

(.c) L&I shall not issue a zoning permit for a private residence garage or carport accessed by a street, alley, or shared driveway less than 36 ft. wide unless the Streets Department has determined that there is sufficient maneuver space between the street, alley, or shared driveway and the garage or carport entrance.

* * *

(c) Additional Regulations for RSA-5, RM-1, CMX-2, and CMX-2.5 Districts. Notwithstanding the provision of this Zoning Code, accessory parking in the RSA-5, RM-1, CMX-2, and CMX-2.5 districts shall comply with the following:

* * *

(.2) For single-family uses in the RSA-5 district, off-street parking shall be prohibited, unless one or more of the following criteria are satisfied:

* * *

(.b) All of the immediately abutting lots have off-street parking that is accessed from a street on which the *subject property* [lot] fronts.

* * *

(2) Parking Space, Drive Aisle, and Reservoir Space Standards. The standards of this section apply to all accessory and non-accessory parking areas, regardless of whether such parking is provided to meet minimum off- street parking requirements.

(b) Parking Space and Drive Aisle Dimensions. *Off-street parking spaces shall comply with the dimensional standards shown in Table 14-803-1 based on the angle of parking and/or parking space type.*

[(.1) For single-family and two-family uses, the minimum dimensions of each parking space shall be 8.5 ft. by 22 ft.

(.2) For all other uses, off-street parking spaces shall comply with the dimensional standards shown in Table 14-803-1 based on the angle of parking and/or parking space type.]

Table 14-803-1: Dimensional Standards for Parking Spaces and Aisles

Parking Angle/Type	Min. Stall Width (Ft.) [1]	Min. Stall Depth (Ft.) [2]	Minimum Aisle Width (Ft.)
Regular Space – Parallel	8.5	*20 for end spaces,* 22 *for interior spaces*	10 ft. for one way traffic *20* {24} ft. for two way traffic
	*	* *	
Regular Space - 90 degrees	8.5	18	{10 ft. for one way traffic} 24 ft. {for two way traffic}
	*	* *	

Parking Angle/Type	Min. Stall Width (Ft.) [1]	Min. Stall Depth (Ft.) [2]	Minimum Aisle Width (Ft.)
Spaces for Buildings where occupancy is age-restricted to those 60 years of age or older	10	18	{10 ft. for one way traffic 24 ft. for two way traffic} *Same as for regular spaces*

* * *

* * *

(c) Reservoir Space. All surface parking lots and garages in RMX-3, CMX-3, CMX-4, and CMX-5 districts shall provide the number of off-street reservoir spaces required by Table 14-803-2 between the street line and valet pick-up point, or the ticket issuing mechanisms or booths. If the parking lot or garage has two or more points of ingress, the total number of reservoir spaces required at all points of ingress together shall be at least the number required by Table 14-803-2, and there shall be at least one reservoir space at each point of ingress:

Table 14-803-2: Required Reservoir Space

Number of Parking Spaces Provided	Off-Street Reservoir Space Required (7 ft. by 15 ft.)
[1 to 20]	[1]
[21] *1* to 50	2

* * *

* * *

§14-806. Off-Street Loading.

All development shall comply with the off-street loading standards in this section. In the case of mixed-use buildings or developments, off-street loading requirements shall only apply to that portion of the building or development in nonresidential use, and only if required by the standards in this section.

(1) General Requirement for All Districts except RMX-3, CMX-4, and CMX-5. Every building on a property that is abutting two or more streets shall provide off-street loading spaces in accordance with Table 14-806-1.

Table 14-806-1: Off-Street Loading

Use	Gross Floor Area (Sq. Ft.)	Required Loading Spaces
Commercial Districts except CMX-4 and CMX-5		
* * *	* * *	* * *
All other permitted uses [except Residential]	20,000 - 40,000	1
	40,001 - 100,000	2
	100,001 - 160,000	3
	160,001 - 240,000	4
	240,001 - 320,000	5
	Over 320,000	1 additional space per each additional 90,000 sq. ft.

SECTION 3. Effective date. This Ordinance shall become effective immediately.