

Background:

This ordinance consists of a number of proposed amendments to the new zoning code, the majority of which are technical and non-substantive in nature. Since the new zoning code was enacted in December 2011, the Law Department, Department of Licenses and Inspections, and Planning Commission have each conducted a detailed review of the provisions to ensure clarity and consistency. In addition, as members of the development and design communities and neighborhood-based organizations have begun to review the new zoning code in anticipation of its effective date on August 22nd, we have received additional comments from these stakeholders on similar issues of clarity and consistency.

The ordinance also includes a set of amendments with respect to flood protection that are necessary to ensure that the City is in compliance with the requirements of the Department of Homeland Security, Federal Emergency Management Agency (FEMA).

The vast majority of the edits correct typographical or grammatical errors, or are designed to provide greater clarity without changing the substantive provisions of the code. Listed below are items that will have a substantive impact:

Changes:

- 14-203 Definitions: Amendments with regard to flood protection terms to be in compliance with FEMA
- 14-303(5) Code Interpretations: Restricting the ability to seek a Code Interpretation from L&I to the equitable owner of the property or a City agency
- 14-303 (7) Special Exception Approval: Clarifying that similar to the requirements for variances, the ZBA shall set forth each specific finding in writing
- 14-303 (15) Appeals to the Zoning Board of Adjustment: Clarifying that a recommendation by the Commission or by another City agency is not a final decision and may not be appealed. A pre-requisite approval may not be appealed, but the issuance or refusal of the permit may be appealed, citing an alleged error in the pre-requisite review
- 14-304(5) Civic Design review: 1) Establishing the introduction of the ordinance to create a Master Plan district as the “trigger” for providing neighborhood notice, and 2) providing for the Commission to notify L&I if it determines that the Civic Design Review application is incomplete, allowing L&I to issue a refusal and the applicant to appeal to the ZBA
- 14-305 Nonconformities: Clarifying that: 1) the standards for nonconforming signs includes both accessory and non-accessory signs, and 2) if a non-accessory sign is no longer compliant with spacing requirements due to rezoning of land or establishment of a new use, it is considered a legal sign, not a nonconforming sign.
- 14:506 North Central Philadelphia Overlay District: Adding a new area within the overlay district, in accordance with Ordinance # 110681
- 14-508 Delaware River Conservation Overlay District: Removing the use regulations specific to the Delaware overlay district, as they have been incorporated into standards now applicable to the entire Delaware and Schuylkill River waterfronts (see 14-704)
- 14-601 and 14-603: Including a definition and use-specific standards for “bed and breakfasts” although they are not currently permitted in any district, so that Council has the ability to determine that this is a permissible use in a particular geographic area
- 14-602: Placing permitted building types (i.e., detached, semi-detached, attached) on the use charts to clarify that a use variance, and not a dimensional variance, would be required to allow a building type in a district where it is not permitted
- 14-603 Use-Specific Standards: Restricting family day care use to single-family and two-family residences, due to fire code requirements

- 14-701 Dimensional Tables: In the attached-home districts with contextual setback requirements, changing the default front setback to “0” rather than 8 feet, as that is the norm in most areas.
- 14-704(4) Flood Protection: Amending the flood plain standards to be in compliance with FEMA requirements
- 14-704(5) Stream Buffers: 1) Clarifying the purpose of Stream Buffers to “restore the City’s water resources, including drinking water sources; maintain the base flow of streams; reduce erosion and sedimentation; control stormwater runoff; stabilize stream banks; and restore riparian habitats;” and 2) creating a new section to permit additional uses within the 50-foot buffer on the Delaware and Schuylkill River for dock or port related activities, marinas, and industrial uses.
- 14-708 Subdivision Standards: With respect to the visitability requirement, restricting the Commission’s responsibility to determining that 10 % of the housings are not precluded from having an accessible ground floor entrance; and making the other visitability requirements a condition to obtain a building permit.
- 14-801(5) Rules of Parking Measurement: Excluding accessory parking spaces required for residential uses within mixed-use developments from counting against the maximum parking requirement
- 14-803 Motor Vehicle Parking Standards: Changing the minimum depth of certain parking spaces from 22 ft to 18 ft.