

Philadelphia's New Zoning Code

Module 1 (Procedures) Issues



Four Key Issues



- 1. Minor Amendments to Plans of Development**
- 2. Lapsing of Permits and Approvals**
- 3. L&I Approval of Applications on Properties Subject to Earlier ZBA Approvals**
- 4. L&I Authority to Approve Minor Adjustments from Standards**

1. Minor Amendments to Plans

- 1. After Council has approved a rezone with a plan of development, should some minor amendments to plans of development be approved by Planning Commission rather than going back to Council?**

Current code: Variety of provisions, but generally requiring that plans of development originally approved by Council need to go back to Council for amendment.

We need a more uniform approach to plans of development throughout the code.

1. Minor Amendments to Plans

Proposed Standards for Planning Commission Approval of Amendments

1. The amendment is consistent with the stated purpose of the district, the stated purpose of existing plan of development, and the sound development needs of the district.
2. The amendment includes only uses listed as a Permitted or Conditional use for that district. If it requests a Conditional Use, the Conditional Use standards are met.
3. The amendment complies with all dimensional requirements for that district.
4. The amendment is consistent with any overlay zones applicable to the land.

2. Lapsing of Approvals

2. How long should development permits and approvals be valid?

Current rule: Must apply for building permit within 1 year of obtaining a zoning permit. 1 year extension possible.

Some cities allow more than 1 year

Some cities require more than a building permit application by the end of that period.

2. Lapsing of Approvals



Possible approach:

- Zoning permits and ZBA approvals valid for 3 years from date of decision. 1 year extension possible.
- Applicants must begin construction or operation (not just building permit) within that period.
- Once construction started (i.e. foundation), permit/approval valid until construction completed.
- Plans of Development approved by Council or Planning Commission do not lapse.

3. Permits on Previous ZBA Properties

3. Should L&I be authorized to approve permits for uses or development permitted in that zone district for properties that are subject to a previous ZBA approval – as long as the permit application is consistent with the prior ZBA decision?

Current practice – if property has a ZBA variance or certificate or special exception, then permit applications for the property go back to ZBA even if they are consistent with the terms of those ZBA decisions.

4. L&I Authority for Minor Adjustments

- 4. Should L&I be authorized to approve permits with minor adjustments from standards without requiring a ZBA hearing?**

Current practice – any departure from code requirements sends the application for a ZBA hearing.

4. L&I Authority for Minor Adjustments

Possible approach

Minor Adjustments only possible if:

1. Applicant's lot is smaller, narrower, less deep, more constrained by topography or environment than at least one of adjacent lots; or
2. Adjustment needed to accommodate equipment or design to promote an aspect of sustainability addressed by the code;

And

3. Applicant cannot comply with standards through reasonable adjustments to design of the building or addition.

4. L&I Authority for Minor Adjustments

Possible approach

Minor Adjustments only include:

- Approving setbacks within 1 foot of the code requirement.
- Height no more than 2 feet taller than code maximum.
- On-site open space is within 5% of code requirement.
- Parking is within 1 space of requirement
 - (not applicable if requirement was 3 spaces or less)

Other Questions

