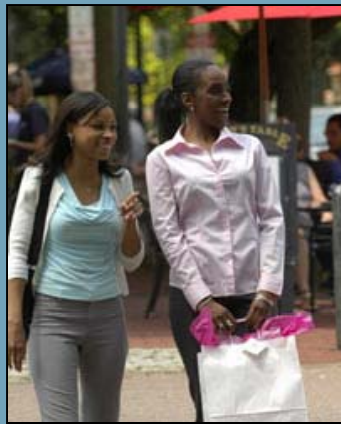


# Philadelphia's New Zoning Code

## Module 1: Administration and Procedures



# \_\_\_\_\_ Key Topics



## 14-105 Relationship to Plan Documents

- Adopted Comprehensive Plan
- Public/quasi-public amendments to Comp Plan
  - These are policy guidance for discretionary decisions
- Other plans may be accepted but are not Comp Plan amendments
- Comment: This distinction needs clarification
- Recommendation: Clarify but maintain distinction

# Key Common Procedures



## 14-203(10) Referrals from L&I to ZBA

- ❑ L&I can send an application to the ZBA if larger than 100,000 sf or larger than 25 du AND adjacent to residential
- ❑ Approval criteria are same as for L&I decision
- ❑ Comment: Confusing to allow a ZBA hearing on a by-right development
- ❑ Recommendation: Drop this section

# Key Common Procedures



## 14-203(6) Public Notice

- ❑ Posted signs for ZBA hearings
- ❑ Mailed notice for NCD district formation
- ❑ Newspaper notice for zoning text or map amendments
- ❑ Historic districts require all three forms
- ❑ Comment: Requires more review, perhaps mailed notice required for variances
- ❑ Recommendation: Review in light of Common Ground report

# Key Common Procedures



## 14-203(7) Public Hearings

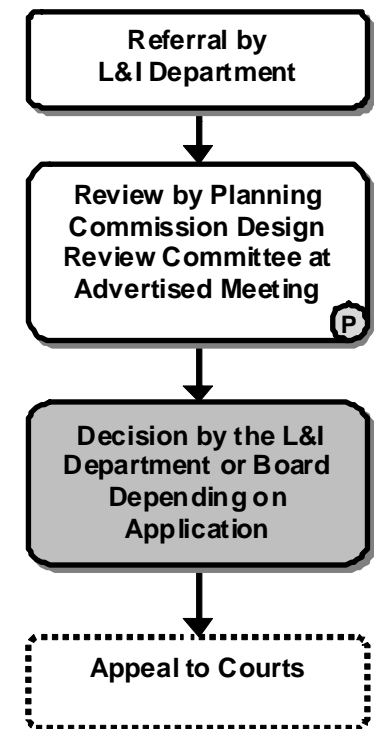
- ❑ Public can testify, even if no standing to appeal
- ❑ Rules of appeal governed by PA court rules
- ❑ Comment: Clarify rights of expeditors, translators, family members to speak and non-lawyers to speak for orgs.
- ❑ Recommendation: Clarify that anyone can speak on behalf of individuals, but that only attorneys can speak for corporations

# Key Common Procedures

## 14-204(6) Design Review

- ❑ Draft includes Planning Commission proposal
- ❑ Likely to change through further discussion
- ❑ Comment: Clarify how size triggers are measured; lower size triggers; clarify when in the process referrals to the DR committee are made; clarify how accepted plans inform design review; give neighborhoods a way to request

### Design Review



**P** Indicates Public Meeting or Hearing Required

# Administration and Procedures Structure



## **14-100 General Provisions**

## **14-200 Administration and Procedures**

- ❑ **14-201 Reviewers and Decision Makers**
- ❑ **14-202 Procedures Summary Table**
- ❑ **14-203 Common Procedures and Requirements**
- ❑ **14-204 Specific Procedures**
- ❑ **14-205 Nonconformities**
- ❑ **14-206 Enforcement**

# 14-100 General Provisions

Describes how the code functions in the City's overall regulatory process

- Purpose
- Citation and Title
- Authority
- Applicability and Jurisdiction
- Relationship to Plan Documents
- Zoning Districts and Official Map
- Determination of District Boundaries
- Relationship to Other Regulations
- Relationship to Private Agreements
- Transition from Prior Regulations
- Severability

# Key Provisions in 14-100



## 14-105 Relationship to Plan Documents

- Adopted Comprehensive Plan
- Public/quasi-public amendments to Comp Plan
  - These are policy guidance for discretionary decisions
- Other plans may be accepted but are not Comp Plan amendments

## 14-109 Relationship to Private Agreements

- City will not enforce private agreements as conditions to zoning approvals

# 14-201 Reviewers and Decision Makers

Identifies which departments, committees, and commissions play a role in the review process

- Purpose
- City Council
- City Planning Commission
- Zoning Board of Adjustment
- Department of Licenses and Inspections
- Design Review Committee
- Historical Commission
- Art Commission
- Streets Department
- Water Department

Level of detail may be reduced

# 14-202 Procedures Summary Table

TABLE 14-202: PROCEDURES SUMMARY TABLE											
R = Review D = Decision A = Appeal Public Meeting or Hearing Required; N = Newspaper Notice S = Sign Notice M = Mail Notice W = Web Notice of Scheduled Meeting	Public Notice Required	Public Meeting Required?	Pre-Application Required?	Review, Decision, and Appeal Authority							
				Historical	L&I	ZBA	DRC	PCPC	Council	Courts	
Type of Application											
Plan Adoption	N, W	Under Discussion	Under Discussion					D			
Zoning Amendment											
Map Amendment	S, W								R	D	A
Text Amendment	N, W								R	D	A
Amendments to Plan of Development											
Minor Amendments	W						R			D	A
Major Amendments	S, W						R			D	A
Conditional Use Approval	S						R	D			A
Regulated Use Approval	S						R	D			A
Design Review	W						R		R		
Subdivision Plat							R			D	A
Designation of Historic District or Structure	S, N, M					D				R	A
Construction in Historic District or Alteration/Demolition of Historic Resource						D				R	A
Zoning Variance	S						R	D			A
Administrative Permits							D	A			

# 14-203 Common Procedures

Procedures  
that have  
applicability  
across many  
or all  
application  
types

- Pre-Application & Neighborhood Meetings
- Authority to File Applications
- Application Materials and Fees
- Complete Applications Required
- Referrals
- Public Notice
- Public Hearings
- General Decision Making Criteria
- Conditions on Approvals
- Referrals from L&I to ZBA
- Inactive Applications
- Protection of Property Rights
- Code Interpretations
- Appeals
- Lapsing of Approvals

# Key Common Procedures



## (1) Pre-Application and Neighborhood Meetings

- Pending outcome of AIA/Penn Project for Civic Engagement

## (2) Authority to File Applications

- Rezones can only be filed by property owner or city

## (3) Application Materials and Fees

- Move application forms and requirements to Administrative Manual
- Fees already in Administrative Code

## (4) Complete Application Required

- New provision – 15 days to respond to missing information

# Key Common Procedures



## (7) Public Hearings

- ❑ Public can testify, even if no standing to appeal
- ❑ Rules of appeal governed by PA court rules

## (8) General Decision-Making Criteria

- ❑ Provides criteria for ZBA where more specific criteria do not exist

## (9) Conditions on Permits and Approvals

- ❑ Conditions must address impacts of the development
- ❑ Private agreements not attached as condition

# Key Common Procedures

## (10) Referrals from L&I to ZBA

- L&I can send an application to the ZBA if larger than 100,000 sf or larger than 25 du AND adjacent to residential
- Approval criteria are same as for L&I decision
  - Does not convert by-right approval to discretionary decision

## (14) Appeals

- Any affected person or entity can appeal L&I decision to ZBA
- Appeals from ZBA to court governed by PA court rules

## (15) Lapsing of Approvals

- L&I and ZBA permits and approvals expire if construction is not begun in 3 years; applicant may seek a 1 year extension
- Issuance of building permit does not extend life of approval or permit if construction or use has not begun

# 14-204 Specific Procedures

Procedures  
for specific  
types of  
approvals

- Comprehensive and Other Plan Adoption
- Zoning Map and Text Amendments
- Amendments to Plans of Development
- Conditional Use Approval
- Regulated Use Approval
- Design Review
- Subdivision Plats
- Designation of Historic Structure or District
- Construction, Alteration, or Demolition in Historic Area
- Zoning Variances
- Administrative Permits

# Key Specific Procedures



## (1) Comprehensive and Other Plan Adoption

- ❑ PCPC adopts plans prepared by City, public, or quasi-public agencies as comp plan/amendments, which guide discretionary decisions
- ❑ PCPC may accept other plans, but they are not comp plan amendments

## (2) Zoning Map and Text Amendment

- ❑ City Council approves – Carryover from existing code

## (3) Amendments to Plans of Development

- ❑ Planning Commission can approve minor amendments
  - Include only permitted/conditional uses and meet dimensional standards
- ❑ City Council approves major amendments

# 14-204 Specific Procedures

## (4) Conditional Use Approval

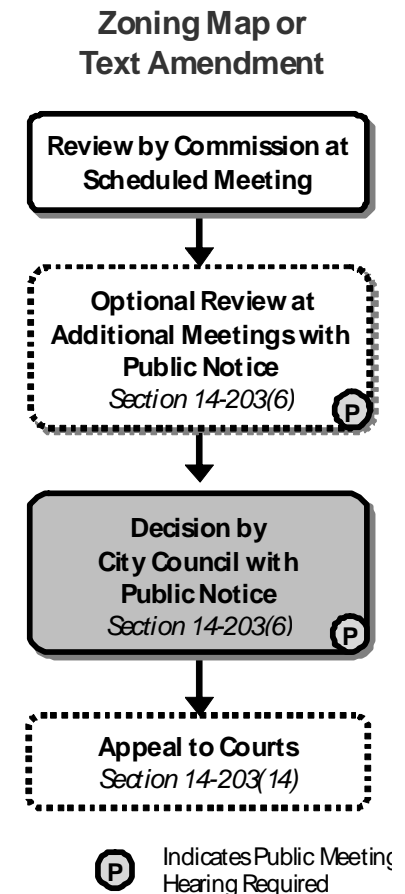
- Certificated uses and special uses merged
- Conditional uses require planning judgment

## (5) Regulated Use Approval

- Carryover from existing code

## (6) Design Review

- Draft includes Planning Commission proposal
- Likely to change through further discussion



# Key Specific Procedures



(7) Subdivision Plats

(8) Design of Historic Structure or District, and

(9) Construction, Alteration, or Demolition in Historic Area

- Carryover from existing code

(10) Variances

- Use variances only used if no other reasonable economic use
- Dimension variances limited to 25%

(11) Administrative Permits

- Single process for all minor permits
- Applies to ZBA properties and non-conforming properties
- Minor adjustments permitted by L&I staff
-

# Key Specific Procedures

## Minor Adjustments by L&I

### Pre-conditions

- ❑ Property must be unusually constrained or adjustment needed for sustainability equipment **AND**
- ❑ Cannot meet code through reasonable design changes

### Limits of Adjustment

- ❑ 1 foot on setbacks
- ❑ 2 feet on height
- ❑ 5% on open space
- ❑ 1 parking space (if code requires more than 3)

# 14-205 Nonconformities

Regulations  
that address  
nonconforming  
uses,  
buildings, lots,  
and signs

- Purpose
- Types of Nonconformities
- Exceptions
- General Requirements
- Nonconforming Uses and Variance Use
- Nonconforming Buildings
- Nonconforming Lots
- Nonconforming Accessory Signs
- Minor Adjustments
- Reconstruction of Destroyed or “Imminently Dangerous” Structures

# 14-205 Nonconformities

- Nonconformities divided into six types
  - Buildings, Uses, Lots, Parking, Accessory Signs, Improvements
- Exceptions defined
  - Lots that are short on parking due to later zoning amendments
- General rules for structures
  - Side walls that do not meet side or court provisions cannot be extended horizontally
  - Side walls that do not meet yard requirements can be extended vertically within zone height limits
  - Rear walls that do not meet yard requirements cannot be extended vertically

# 14-205 Nonconformities



- Structures containing non-conforming uses can be extended no more than 25%, and nonconforming uses can occupy that expanded area.
- Nonconforming uses discontinued less than 3 years can be restarted, or can be replaced with another nonconforming use with no greater adverse impacts on the surrounding area
- Nonconforming structures destroyed by fire, flood, or an act of God can be rebuilt in current envelope.

# 14-206 Enforcement

Methods  
available to  
enforce the  
Zoning Code

- Enforcement
- Requirements for Cease Operations Orders
  - Cannot use a Cease Operations Order unless the activity endangers public health or safety or creates a nuisance
- Penalties
  - No longer in the Zoning Code
  - Cross-reference to Administrative Code

# Administrative Manual and Code



## Administrative Code

- Already exists and covers
  - Application fees
  - Inactive applications
  - Penalties
- Topics not repeated in Zoning Code

## Administrative Manual

- Proposed new document to cover
  - Application forms and requirements
  - Handouts
  - Interpretations

# Questions and Discussion

Module 1: Administration and Procedures

