

Entering a New Zone

Philadelphia Zoning Code Revised for the First Time in More Than 50 Years

In May 2007, 80 percent of Philadelphia's voters approved the creation of a 31-member Zoning Code Commission to reform and modernize Philadelphia's Zoning Code. After four years of Commission meetings and dozens of community meetings, City Council Bills No. 110845 and 110835-A, which repealed and replaced Title 14, Zoning and Planning, of The Philadelphia Code, were signed into law on Dec. 22. The new Zoning Code is the first comprehensive reorganization and revision of Philadelphia's zoning and land use regulations in more than 50 years. This new Zoning Code officially became effective on Aug. 22, 2012. While eight months of training workshops were held to help citizens prepare for launch of this new Zoning Code, this article will highlight a few of the more significant changes with this new Code.

The new Zoning Code is organized to make it easier to use and understand by grouping similar content together. There are separate chapters for base districts, overlays districts, use regulations, dimensional standards, parking and sign controls. The new Code utilizes charts rather than narrative descriptions of code requirements and, the Code organization, as well as its table of contents, are designed to facilitate easy navigation even by those unfamiliar with zoning or the zoning process.

The new Zoning Code consolidates the former 60 base zoning classifications into just 34 base districts. The base district chapter includes tables for residential, commercial and industrial base districts and each district has been reclassified and renamed using symbols to identify the use and building type.

For example, the new residential base districts now include more descriptive district designations such as: RSD for Residential Single-Family Detached; RSA for Residential Single-Family



Attached; RTA for Residential Two-Family Attached; RM for Residential Multi-Family; and, RMX for Residential Mixed (residential and commercial) Use.

The commercial base districts now include CMX or Commercial Mixed-Use districts, or CA, Auto-Oriented Commercial Districts. The new Zoning Code creates a new base commercial district, CMX-2.5, to replace numerous neighborhood commercial corridor overlays.

The base industrial districts include a new Industrial Residential Mixed Use district, or IRMX, intended to allow, for the first time, a combination of low-impact industrial uses such as artists and artisan industrial, along with residential and neighborhood-oriented commercial uses. The new ICMX, Industrial Commercial Mixed-Use district, is intended to serve as a buffer between industrial districts and commercial and residential districts.

The new Zoning Code eliminates some and consolidates other overlays. Overlay provisions govern over base district rules whether the effect of the overlay is more or less restrictive. The new Center City overlay district consolidates many separate overlays that applied to Center City. Other overlays now have less impact, such as, for example, the Old City Overlay where no restaurants were

allowed north of Market Street and now, under the new Zoning Code, restaurants are allowed by special exception. The new Zoning Code now awards bonus floor area for a more diverse set of public amenities such as public art, open space, public parks, public plazas, transit improvements and green buildings and extends these bonuses to development outside Center City. The new Zoning Code also includes new controls for landscaping, tree preservation, and building and site design that apply to certain types of development.

One of the most significant changes in the new Code is to the use controls. The new Code is designed to allow more uses "as of right" and reduce use variance requests. The new use tables indicate what is permitted, prohibited or requires special exception approval by the Zoning Board. In the old Code, only the uses specifically defined were allowed. In the new Code, uses are grouped into categories, subcategories and specific use types, a more flexible system, with an aim of identifying the most similar and/or appropriate use category for a proposed use while still regulating the impact of such uses on surrounding properties. Uses are to be classified in the category, subcategory or specific use type that provides the most exact and appropriate "fit." And, if a proposed use "fits" into a permitted general category,

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the use will be allowed.

There are 10 use categories including Residential, Office, Retail Sales and Commercial Services. The use subcategories provide further definition by grouping uses that have similar customers, activities and functions. And, specific use types allow for more narrow regulation within a subcategory. As an example, the “Commercial Services” use category includes as a subcategory “Eating and Drinking Establishments” which includes prepared food shops (sandwich shops, delis, coffee shops and ice cream shops w/no more than 20 seats), take-out restaurants (food counter service with limited or no seating or public restrooms) and sit down restaurants. Within the subcategory “Eating and Drinking Establishments,” take-out restaurants are a “specific use type,” and any use application must be accompanied by a litter clean-up plan that addresses on and off-site litter clean up, the location of trash and recycling containers, a litter clean-up schedule and a map of the off-site clean-up area. The Zoning Board may also require take-out restaurants to print the name and address of the business on all disposable food and beverage containers as part of the regulation of this specific use type.

The dimensional standards were similarly designed to reduce variance requests. Tables for dimensional standards define the height, floor area ratio, setback and other controls for each base district. Some of the noteworthy changes in the new Code are the increase in the residential height limit from 35 feet to 38 feet and the elimination of stories including the three-story maximum in residential areas. The new Code also encourages more “infill” development by eliminating the requirement that 100 feet of rear yard area be provided for each additional unit in multi-family properties and substituting a calculation

based on a percentage of lot size. The new Zoning Code also encourages decks by not counting decks and deck access structures, such as pilot houses, against the 38-foot maximum height limit. The new Code also encourages sustainable wind energy, solar panels, green roofs, rain barrels and composting equipment by excluding such equipment from the new Zoning Code’s dimensional requirements.

Parking controls are explained through tables that show the required number of spaces for each use in each base district. Parking minimums are reduced for multi-family districts and eliminated for common rowhome districts. The new Code also includes regulations governing bicycle parking ratios, the provision of on-lot bicycle parking and public bicycle lanes, paths or routes on streets.

The new Code streamlines, formalizes and manages the city’s civic engagement process by establishing Registered Community Organizations (RCOs). RCOs may be local, covering a specific geographic area, or issue-based, with a concern greater than that of any one geographic area. RCOs must register with the Philadelphia City Planning Commission (PCPC) and renew registration every year. The PCPC will keep a registry of RCOs and list RCOs on the PCPC website. Local RCOs are entitled to receive notice and to meet with the developer of a proposed project in their area of concern. Issue-based RCOs are entitled to notice only. Where there is no registered Local RCO, the district council member is to act as the Local RCO. The new Zoning Code and the Planning Commission regulations provide details governing RCOs, including timelines for scheduled meetings and criteria governing internal operations of Local RCOs.

Applicants requesting approvals from

the Zoning Board must notify the RCO whose boundaries include the proposed development within seven days of submitting a zoning application. This notification is in addition to the Zoning Board’s 21-day posted public hearing notice requirement. The applicant and RCO must meet and submit a written summary of this meeting within 45 days to the Zoning Board before the application can be decided. If there is

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more than one RCO for an area, the RCOs must coordinate to convene a single meeting with the applicant. The new Zoning Code and Planning Commission regulations establish a required format to document RCO meetings and to address what happens if the RCO meeting does not occur within the required time period.

Local RCOs are also entitled to notice of applications for certain large-scale by-right projects subject to a new Civic Design Review (CDR) approval process. Certain projects may “trigger” Civic Design Review such as any project involving more than 100,000 square feet of gross floor area or a commercial project that involves more than 50,000 square feet that affects a residential district. The CDR Committee is a subcommittee of the Planning Commission and its seven-member board is to include architects, design professionals and a rotating designated seat for a member of the RCO where the project is located. The CDR Committee reviews the potential impact of a project on the “public realm” by evaluating such aspects as site and building design, walkability, open space, and access

to transit. Notably, the CDR process is advisory only and an applicant is not required to abide by the CDR’s recommendations or to change a proposal to incorporate CDR recommendations. As currently structured, the CDR submission requirements are extensive and the CDR review process can take as long as 270 days – quite a burden for a process that is only advisory.

What is still left: sign controls and city-wide remapping. The new Zoning Code did not include a rewriting of sign controls. The Planning Commission submitted new sign controls to City Council in the spring.

The new Zoning Code rewrite was not a remapping project. The first phase of this remapping, already completed, involved the conversion of existing zoning classifications into new classifications. The second phase, which is in progress, is to remap the City into 18 districts. The Planning Commission expects the remapping will be completed by 2015.

City Council also has under consideration a new overlay for the Central Delaware Riverfront area, and several “clean up” amendments, 42

pages of proposed amendments that aim to correct typographical, illustrative, and technical errors and/or to change substantive provisions of the new Zoning Code.

Finally, a comprehensive evaluation of the new Zoning Code is to be conducted within one year of implementation. This review will provide yet another opportunity to engage Philadelphians in the zoning process and to decide whether or if this new Zoning Code can or should be improved. ■

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