



## Philadelphia Zoning Code Update Interim Report: Assessment of Existing Code

*prepared for the*  
Zoning Code Commission

March 5, 2009

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# 1. Introduction

## 1.1. Background

The city's present zoning code was adopted in 1962. In the nearly 50 years that have passed, Philadelphia's population, economic base and zoning needs have changed...dramatically. The code too has changed. It has been pushed, pulled and stretched in numerous directions—mostly in a piecemeal fashion, as often happens given the day-to-day realities of administering a big city zoning code. Today's code is a 650-page behemoth that has been amended at least 1,000 times since its adoption. The result is a regulatory patchwork that does not efficiently address the contemporary needs of a modern city.

## 1.2. The Call for Zoning Reform

Many voices have argued for zoning reform in Philadelphia throughout the years, and in recent years the voices have grown louder and more constant. Mayor Nutter has recognized the need for zoning regulations that support rather than hinder the city's economic development policies.

Citizens caught up in bureaucratic procedures for minor improvements such as decks have asked for a more streamlined, user-friendly zoning system. Neighborhood organizations have demanded a system of regulations and procedures that brings greater predictability and stability to their areas. Developers and builders have also pleaded for change, citing the present code and zoning procedures as significant barriers to growth and revitalization of the city.

On September 21, 2006, Council members Frank DiCicco and James Kenney introduced an amendment to the Home Rule Charter to create a Zoning Code Commission to “conduct a comprehensive analysis and make recommendations regarding reforms to the Philadelphia Zoning Code.” The measure received widespread support from community organizations, urban planners, design professionals and the building industry at a public hearing on December 6, 2006.

On February 8, 2007, the Philadelphia City Council unanimously approved the legislation, which paved the way for a ballot issue calling for the creation of a Zoning Code Commission to be presented to voters in the May 2007 primary. Philadelphia voters overwhelmingly approved the charter amendment to create the Zoning Code Commission with 79% of the voters saying "yes" to Ballot Question #6.

The 31-member Zoning Code Commission consists of:

- the City Planning Commission Director, who serves as the Chair;
- the Commissioner of Licenses & Inspections;
- the Chairman of the Zoning Board of Adjustment;

## 1. Introduction | 1.3 The Report

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- Ten community leaders, one appointed by each of the ten District Councilmembers;
- Three Councilmembers appointed by the Council President;
- Five members appointed by the Mayor, and 5 members appointed by the Council President; and
- One representative each from the Greater Philadelphia Chamber of Commerce, Greater Northeast Chamber, African-American Chamber, Hispanic Chamber and Asian-American Chamber.

The Charter amendment establishing the Zoning Code Commission calls for a very ambitious program of work. The Commission must adopt specific recommendations for (1) changes to the text of the city's zoning code and (2) a process to carry out a comprehensive amendment of the zoning map. The original deadline for the Zoning Code Commission to submit their recommendations to City Council (June 30, 2008) was subsequently extended to June 30, 2010 by ordinance.

### 1.3. The Report

This report constitutes a general assessment and critique of the city's existing zoning code. It—in combination with two upcoming reports dealing with urban zoning “best practices” and final recommendations—is intended to help the Zoning Code Commission fulfill its Charter mandate and set the city well on its way to a comprehensive update of Philadelphia's zoning regulations.

The report has been prepared by the city's zoning consultants who have benefitted greatly from the input of Zoning Code Commission members, city staff, code users and the general public. To-date, the Clarion/Duncan<sup>1</sup> consultant team has reviewed existing regulations, plans and policy documents; conducted professional code user interview sessions and (as of February 25, 2009) held public workshops in several councilmanic districts.<sup>2</sup> Since being retained in fall 2008, the team has also met periodically with the Zoning Code Commission to gain an understanding of zoning and development regulations issues now facing the city.

Input from city residents has been, and will continue to be, a vital aspect of the zoning code review and update process. To-date we have heard that code users and city residents want and expect zoning regulations that maintain the character of Philadelphia's cherished neighborhoods. They also want zoning regulations that do not pose unnecessary barriers to development, redevelopment and neighborhood investment. The regulations must be predictable, understandable, and enforceable. They must be written to make the intent and purpose clear to everyone—property owners, developers and residents in general. (See

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<sup>1</sup> The consultant team includes the following firms: Clarion Associates of Colorado LLC; Duncan Associates; Wallace Roberts & Todd, LLC; Claflen Associates; CHPlanning, LTD; Portfolio Associates; Dyett & Bhatia; Hurley-Franks & Associates; and The Vic Group.

<sup>2</sup> Public workshops will be conducted in remaining councilmanic districts in the coming weeks.



Chapters 13, 14 and 15 for summaries of public input received to-date through interviews, surveys and public workshops)

While stressing the openness of this process, it is important to note that (unless otherwise expressly stated) the observations, findings and preliminary recommendations contained in this report are those of the consultant team. By design, the report focuses primarily on the code's shortcomings rather than its virtues. No zoning code is perfect. Zoning regulations, like the policies they are intended to implement, require periodic revision to keep pace with cultural, economic and technological changes. It would be a mistake for readers to interpret that Philadelphia faces an imminent regulatory crisis or that no provisions in the current code are worth saving. Moreover, what we've identified as current code shortcomings should not be viewed as a criticism of the authors of the current code—or of those officials who have administered it over the years. No such judgment is made or implied here. On the other hand, we believe that significant improvements can be made to the code's organization and format, its substantive regulations and its administrative and procedural provisions. Bear in mind: that is true to at least some extent in every city.

Many of the problems identified in this report are not unique to Philadelphia. But there are problems and if not addressed they will likely lead to increased frustration for public officials, citizens, businesses, developers and staff. The commissioning of this project demonstrates the city's awareness of these issues.



## 2. Organization, Format and Usability

The text of the Philadelphia zoning code has been amended nearly 1,000 times since its adoption in 1962. Some sections have been amended and then amended again and again. The zoning code's 656 annotations describing amended text document how some sections have been revised on multiple occasions.

There are a dizzying number of base zoning districts and special zoning districts. Some special zoning districts have been enacted to control or limit just one or two land uses. Some land use restrictions are imposed on the basis of councilmanic district boundaries rather than mapped zoning boundaries. In some special districts, the rules vary based on which side of the street a property is located or how close the property is to a corner.

### Key Observations/Recommendations

- The code's organizational structure needs a complete overhaul.
- Basic regulations governing matters such as parking, signs, and accessory uses should be consolidated into easy-to-use chapters.
- The applicability and effect of special district rules need to be more transparent.
- The number of zoning districts can be greatly reduced—though elimination and consolidation—without significant effect on neighborhood character.
- Many uses, terms, and regulations are dated if not antiquated.
- The code's use classification system should be modernized and streamlined.
- The code needs more tables, graphics and other ease-of-use features.

The city's new regulations *must* be easier to use and understand than their current-day counterparts. Substantive regulations must be made clear, comprehensive and (internally) consistent. Administrative provisions need to be made simpler and more predictable. Nearly everyone agrees. In fact, one of the most common themes from the public input process to-date is how difficult the current code is to use and understand.

### 2.1. General Organization

The existing code is difficult to navigate, due in large part to how the code is organized. For example, a look at the table of contents suggests that parking regulations are located in Chapter 14-1400 entitled "Parking and Loading Facilities." In fact, parking requirements are spread out over dozens of chapters and sections of the code. Frequently the parking requirements are part of individual districts, and they are often modified by numerous special districts and special exceptions.

This general lack of organizational discipline is evident throughout the code. Looking at the table of contents, one would assume that definitions would be located in Section 14-102, "Definitions." However, definitions actually appear in at least 15 other chapters of the zoning code. This is also true of the city's sign regulations. The rules and regulations are not really contained in Chapter 14-1900 ("Signs"), but are spread throughout the document and modified by dozens of special districts.

## 2. Organization, Format and Usability | 2.1 General Organization

At the end of nearly every chapter of the Philadelphia zoning code there is a section entitled “District Rules and Exceptions.” These “exceptions” modify many of the rules and requirements of the subject district. Sometimes they apply only to a specific use or specific properties, which contributes to an overall lack of uniformity among zoning regulations.

The current code does not consolidate rules and regulations into meaningful and helpful chapters. Moreover, as mentioned above, the chapter headings are misleading because the referenced information is not actually found within the chapter.

Chapters need to be organized in a way that helps code users. A user-friendly code would consolidate rules and requirements so that users don’t need to read the entire zoning code. Four examples of how the current code might be reorganized to be more user-friendly include:

- Creation of a chapter addressing accessory uses and structures. Currently accessory use regulations are buried among the myriad regulations that apply in the city’s 55 base zoning districts. Sometimes they are not even included in the ordinance. Important rules for accessory structures in commercial districts, for instance, are described in an administrative rule of the Department of Licenses and Inspections. Consolidating these rules in one chapter of the code would aid applicants for minor permits related to fences, parking garages, decks, and minor home improvements.
- Updating, expanding and consolidating definitions in one chapter of the code. Section 14-1605(2), for example, contains 24 very important definitions of “regulated uses.” These terms are used throughout the zoning code, but only six are included in the general definitions section of the code (Section 14-102). Likewise different sign definitions appear throughout the code and in many special districts but sometimes do not appear in the general definitions section.
- Organizing “exceptions” in one chapter or section so that users don’t have to search numerous sections and subsections for important information. Important exceptions are provided for separately in sections entitled “District Rules and Exceptions” and numerous other exceptions are called out in the special districts. For example, the residential, commercial, and industrial districts all address minor exceptions from the building height limitations—for chimneys, fire escape facilities, television antennas and other minor improvements. Other sections address minor yard encroachments for bay window, chimneys and fire escapes.
- Consolidating applicable parking and landscaping regulations into single, stand-alone chapters. Landscaping and screening requirements appear in the parking code and they also appear in the zoning district regulations for specific land uses or for certain land uses proposed to be located adjacent to residential districts. In addition, many of the city’s special districts address landscaping and screening.

## 2.2. Consistency and Predictability

On first impression, it may seem that the Philadelphia zoning code is a finely grained code written to accommodate the city's unique character and history. But close inspection shows something very different.

The Philadelphia zoning code has been amended so many times with so many special exceptions and so many special districts that it lacks internal consistency. The large number of zoning text amendments and the enormous number of cases heard by the Zoning Board of Adjustment makes it clear that many land use decisions are worked out on a case-by-case basis, which can lead to a lack of consistency.

The rules are too often tailored to one property or one side of the street, and significant rules are modified by “district” exceptions. The lack of a consistent approach to basic issues such as “land use,” “parking,” and “signs” makes it particularly difficult for owners with multiple properties within the city. The existing code offers little for those looking for consistency and predictability or for those hoping that municipal regulations will “level the playing field” for all.

A multitude of district exceptions and special area rules makes it easy to understand why many issues end up at the city's Zoning Board of Adjustment. Because of the absence of consistent regulations, many cases must be sorted out on a project-by-project basis.

## 2.3. “Special” Districts and “Special” Controls

At first glance the chapters of the zoning code appear to be arranged in a fairly logical manner, but because the code has been amended so many times one section may include limitations and restrictions that are relevant and applicable to other sections. For example, to understand some of most relevant restrictions of the C-4 and C-5 districts, you need to read nearly a dozen other special districts or overlay controls. C-4 and C-5 are the most common zoning classifications in the Center City area but retail businesses that operate in multiple locations within Center City would need to be familiar with the C-4 and C-5 regulations and the following special districts:

- Section 14-1607, Special Controls for the Center City Commercial Area;
- Section 14-1607.1, Rittenhouse Row and Chestnut Street Special District;
- Section 14-1608, Chinatown Special District Controls;
- Section 14-1609, Center City Height Controls;
- Section 24-1610, Old City Residential Area Special District Controls;
- Section 14-1611, Benjamin Franklin Parkway Controls;
- Section 14-1612, South Street/HeadHouse Square Special District;
- Section 14-1618, Special Height Controls for Arch Street;
- Section 14-1620, Avenue of the Arts north Special District;

- Section 14-1631, Off-Street Parking Control District;
- Section 1632, Convention Center Expansion Area Special District;
- Section 14-2005, Independence Mall and Independence National Historical Park Sign Limitations;
- Section 14-2006, Rittenhouse Square Special Sign Controls; and
- Section 14.2006.1, Washington Square Special Sign Controls.

Regulations significant to the C-4 and C-5 districts are buried in special districts, special height controls, special floor area bonus rules, special parking control overlays, special sign ordinances, and special exception provisions of the code. This is true of the other Center City zoning classifications including RC-4, R-15 and R-16, along with a number of other districts.

Overall, the organization is not sufficiently intuitive to meet the needs of users who do not know which information is most important or how to find it even if they do. Important information is not always located where experienced code users would expect it to be and cross-references or pointers to important exceptions and variations of rules are in short supply.

## 2.4. Document Layout and Format

The current code is difficult to read. The formatting and numbering system are not clear. The combination of letters, numbers and fractions makes it difficult to understand the organizational hierarchy or the relative importance of subsections and their relationship to other code provisions. Because of the large number of text amendments, some of the amendatory language is unclear or not consistent with other formats in the document.

The new code should use large, distinct type faces for section titles and subtitles. Indented text should be used to provide an indication of organizational hierarchy. Generous white space and clear illustrations and graphics should be used to enhance the document's visual appearance and improve its comprehensibility.

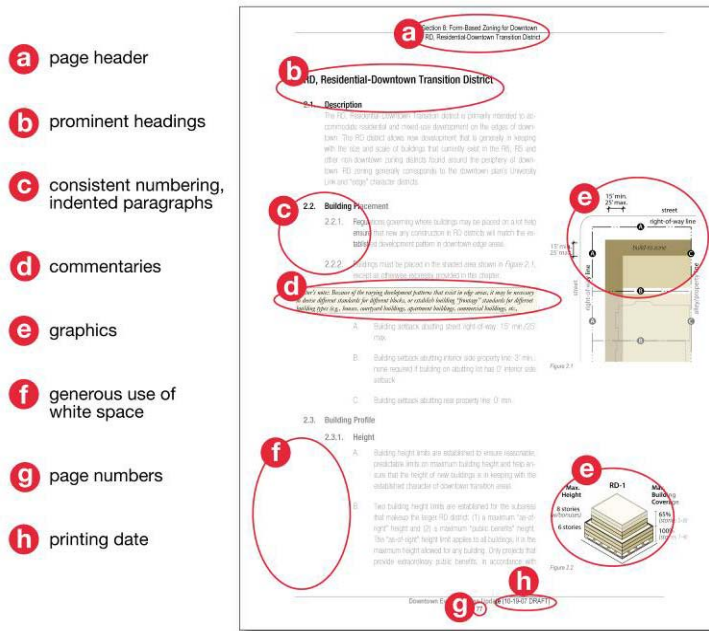
### User Friendly Code Features

- plain English
- tables, charts
- illustrations/graphics
- detailed index and table of contents
- plentiful, accurate cross-references
- document navigation tools (e.g., headers, footers and user's guide)

Many existing standards and requirements could be more clearly presented in tables or charts. This would help eliminate redundancies, as well as the inevitable inconsistencies and internal conflicts that occur when the same standards are presented in multiple sections of a code. Eliminating these redundancies through the use of tables can also reduce the overall bulk of the printed document.

Many of the use lists, parking requirements, off-street loading standards, and sign regulations could be laid out in tables that would save considerable text. The tables that were recently

added to the residential zoning district regulations of Chapter 14-200 are an excellent example of how useful such presentation techniques can be.



*Page layout and formatting techniques can improve the comprehensibility of zoning regulations.*

## 2.5. Number of Zoning Districts

Does Philadelphia really need 55 different zoning district classifications? We believe the answer is “no.” It is also unlikely that the city needs 30 special districts. Many who are well-versed in Philadelphia zoning are hard-pressed to explain why the city has 10 different industrial districts. There simply isn’t that much variation in the city’s industry or its industrial districts, and most cities function quite well with far fewer.

The Philadelphia zoning code could be made more user-friendly by consolidating multiple existing districts into one or more modern classifications. By paying careful attention to what has already been built under existing regulations, the new code should streamline the existing zoning district structure without creating needless nonconforming situations.

The irony of the existing Philadelphia zoning code seems to be that there are too many districts, yet not enough that actually fit existing conditions. Some existing districts could be eliminated or consolidated with seemingly no adverse effect. While some districts are logical candidates for elimination or consolidation, the ill-fitting zoning pattern within some of Philadelphia’s neighborhoods may require new districts or substantial reworking of existing districts.

No matter what the ultimate approach for zoning districts, one message that has been heard is that the districts included in the new code must be clearly described in terms of their intended

character and purpose. Each district will need to be accompanied by a clear description of the district's intended purpose, including identification of the types of development and physical character intended to be promoted by development and redevelopment activities within it. Graphics and illustrations would help a lot.

## 2.6. Language and Terminology

The Philadelphia zoning code is showing its age. Much of the existing terminology is antiquated and much of it not clearly defined. The lack of clarity and antiquated language make the code difficult to understand. A sample of some of the antiquated or unclear language includes:

- allowances in the commercial districts for “*hat cleaning shops*;”
- numerous special controls on “athletic and *drill* halls;
- the special “Trailer Camp District;” and
- special regulations that apply to businesses that “dispense food at retail...through an aperture which opens onto the sidewalk or public arcade space.”

Antiquated terms should be removed or replaced with more modern and flexible terms for actual and expected activities in the 21<sup>st</sup> Century.

The code's use classification system should be modernized. The current zoning districts attempt to list all conceivable business and use types. Instead of simply permitting “retail sales,” for example, the current code lists antique stores, apparel shops, art stores, bike stores, book stores, china shops, confectionary stores, department stores, drug stores, dry good stores, electronics shops, floral shops, gift shops, hobby shops, music stores, office supply stores, sporting good stores, stationary stores, variety stores , wall paper and watch shops. A modern use classification system based on functionally similar groupings of businesses and industries would make the ordinance much more dynamic and accommodating.

Regardless of the type of use classification system used in the new code, all land use types that are to be expressly allowed or prohibited (excluded) need to be defined in the code. Additionally, the code should include criteria to be used in making (administrative) “similar use interpretations” when requests are submitted for approval of uses that do not neatly fit into a defined use category.



## 3. Residential Zoning

The vast majority of the city's land area is zoned residential. Consequently, residential zoning regulations play a very important role in shaping the city's land use and development patterns.

When Philadelphia's first zoning code was adopted in 1933, there were only seven residential zoning classifications. Today there are more than three times that many.

### 3.1. Number of Residential Districts

The city has 25 "R" zoning classifications and an additional six (RC-1, RC-2, RC-3, RC-4, Industrial Transformation and Waterfront Redevelopment) with a strong residential or mixed-use orientation. Thirty-one residential zoning districts is a very high number by any measure. It is unclear why the city needs 10 single-family districts or 15 multi-family districts, particularly since residential development is also allowed in many other RC (residential-commercial) and C (commercial) districts.

As shown in the following table, there are 13 "R" zoning classifications that are applied to one percent or less of the city's residentially zoned land area. If these classifications are so rarely used and so sparsely applied, it is appropriate to ask if they are truly needed. It seems unlikely, for example, that the R18 district, which represents 0.002% of the city's residentially zoned land area, is a truly necessary zoning classification.

Residential District	Acres	Percent of R-Zoned Land
R1	2,172	6.2
R1A	357	1
R2	4,670	13.5
R3	1,087	3.1
R4	2,624	7.6
R5	6,580	19.0
R6	8,60	2.4
R9A	5,239	15.1

#### Key Observations/Recommendations

- The number of residential zoning districts can be greatly reduced—though elimination and consolidation—without significant effect on neighborhood character.
- Some R zoning categories provide a poor fit with the physical characteristics of existing neighborhoods.
- Many residential zoning classifications are seldom used.
- The current ordinance does not allow adequate flexibility in setback and other dimensional standards despite enormous variations among city neighborhoods.
- Existing setback and "court" requirements are overly complicated and difficult to understand; they can and should be simplified.

### 3. Residential Zoning | 3.1 Number of Residential Districts

Residential District	Acres	Percent of R-Zoned Land
R10A	2,617	7.6
R20	21	.06
R5A (2 units)	417	1.2
R7 (2 units)	43	0.13
R8 (2 units)	17	0.05
R9	2,892	8.3
R10	2,769	8.0
R10B (2 units)	9	0.02
R11 (3 or more)	198	0.5
R11A (3 or more)	138	0.4
R12 (3 or more)	763	2.2
R13 (3 or more)	341	0.9
R14 (3 or more)	155	0.45
R15 (3 or more)	168	0.49
R16 (3 or more)	51	0.15
R18 (3 or more)	0.9	0.002
R19 (3 or more)	4.8	0.01



*South Philadelphia*

It also seems that some of the residential zoning classifications were created because of very minor differences in setback, yard, open space or housing type requirements. Some of the minor differences could be addressed by establishing “contextual” rules rather than by the establishment of separate zoning classifications. Fewer zoning districts could govern development in a wide variety of contexts if key parameters like lot area, lot width, and setbacks were simply required to “match” the surrounding context, recognizing that such an approach would need to be tailored to address situations where substantial numbers of lots are vacant.

### 3.2. District Consolidation Opportunities

Numerous opportunities exist for district consolidation and merger. One of the easiest calls is the merger of the R2 and R3 districts since the differences are extremely subtle. They have the same lot width, density, lot coverage, open space and yard requirements. The primary difference is that R3 district allows “twin homes” and a handful of “residential-related uses” (e.g., places of worship, libraries, day cares, and home occupations) that are not allowed in R2.

The R9A and R10A districts both allow houses on small lots, with the only real difference being front setback (yard) requirements. These districts could be consolidated with a requirement for “contextual” front yard setbacks. This approach would require front yard setbacks (of about the same depth) when neighboring lots have front building setback and it would not require front yard setbacks when neighboring properties do not provide front yards.

The R9 and R10 districts are also very similar. Both allow multi-unit residential development and the density, lot area, lot width, open space, side, rear and court yard requirements are all the same. Both districts allow a maximum building height of 35 feet. The only difference between them is that the R9 district requires an 8-foot front yard setback, while R10 district does not.

It also seems that the R11, R11A, R12, and R13 districts might be consolidated. The most significant difference between R11, R11A, and R12 appears to be the required open space ratio. A consolidated district could allow for a sliding scale of open space based on lot coverage. That is, open space requirements would increase or decrease depending on the amount of building coverage on the lot. The R13 district is also very similar, although it appears to allow a higher floor area ratio (FAR). The following table summarizes potential residential district consolidation opportunities identified to-date.

## 3. Residential Zoning | 3.3 R9, R9A, R10, and R10A Districts

Zoning District	Lot Width (ft.)	Lot Area (sq. ft.)	Open Area (% of lot)	Front Yard (ft.)	Side Yard (ft.)	Rear Yard (ft.)	Height (ft.)
R2	50	5,000	70	25	25 total	25	35
R3	50	5,000	70	25	25 total	25	35
R9A	16	1,440	30	8	0	9	35
R10A	16	1,440	30	0	0	9	35
R9	16	1,440	30	8	0	9	35
R10	16	1,440	30	0	0	9	35
R11	50	15,000	NA	% of building height			None
R11A	50	15,000	NA	% of building height			None
R12	50	15,000	NA	% of building height			None
R13	50	15,000	50	% of building height			None

### 3.3. R9, R9A, R10, and R10A Districts

Despite the tremendous proliferation of residential zoning categories, many people share the view that the existing zoning district structure may not accurately reflect existing and desired building patterns within various areas of the city. As a result, the existing zoning classifications force many property owners into costly and time consuming variance procedures to make reasonable use of their property. An example of the degree of difficulty created by the mismatch between current conditions and current requirements is shown in the R9, R9A, R10A, and R10 districts.

The R9, R9A, R10, and R10A zoning districts comprise about 40% of the City's R-zoned land. The R9A and R10A zoning districts allow single-family dwelling units with a minimum lot area of 1,440 square feet. The R9 and R10 districts allow single-family dwellings, duplexes and multi-family units on lots with a minimum lot area of 1,440 square feet. However, there is a significant mismatch between the zoning code requirements and the actual area and dimension of lots that are classified in these districts. The following table below shows the most common lot sizes in these districts and the percentage of lots in these districts that are nonconforming in terms of lot area.

Lot Size Characteristics by Zoning District	R9A	R9	R10A	R10
Most Common (Mode) Lot Area (square feet)	1,306	1,277	689	706
% of Nonconforming Lots (Lots Under 1,440 sq. ft.)	47	60	90	86

The vast majority of properties in these (R9, R9A, R10, R10A) zoning classifications are nonconforming. The existing code allows as-of-right construction on nonconforming lots if

all other applicable code requirements, such as setbacks and open area, are met. On very small lots—such as those reported in the table above—the requirement for compliance with other code requirements means that just about any development or redevelopment would likely require variances from the Zoning Board of Adjustment. A sampling of these districts indicates that many properties lack not only the required lot area, but also the required lot frontage and the minimum open space area. This means that infill development and redevelopment of these properties requires Zoning Board of Adjustment approval, which can be viewed as an unnecessary procedural obstacle for those seeking to invest in city neighborhoods.

Many of the city’s designated “redevelopment areas” are currently zoned R9, R9A, R10, or R10A. The city’s Blight Certification and Redevelopment Area plans for these areas recognize the need to redevelop neighborhoods and to provide incentives for redevelopment. If the city truly wants to redevelop these neighborhoods it needs to tailor the zoning regulations to fit existing conditions. (See also “Ill-Fitting Standards,” Sec. 11.4)

In many cities where there are large numbers of nonconforming lots, the zoning code allows for lot size requirements to be based on the “average” of the lot sizes within a block face. This averaging technique allows flexibility while still maintaining the character and density regulations appropriate for the block.

### 3.4. Setback Requirements

While many lower density R districts impose straight-forward building setback requirements, some residential districts such as R-11, R-12 and R-13, rely on complex setback regulations that are based on building types that were common in the 1890s through the 1920s. The existing rules on “courts” and “legally required windows” are extremely complex, reflecting the city’s past more than its future. Most of the existing court requirements appear to reflect city concerns over the construction of tenement buildings in the early 1900s.

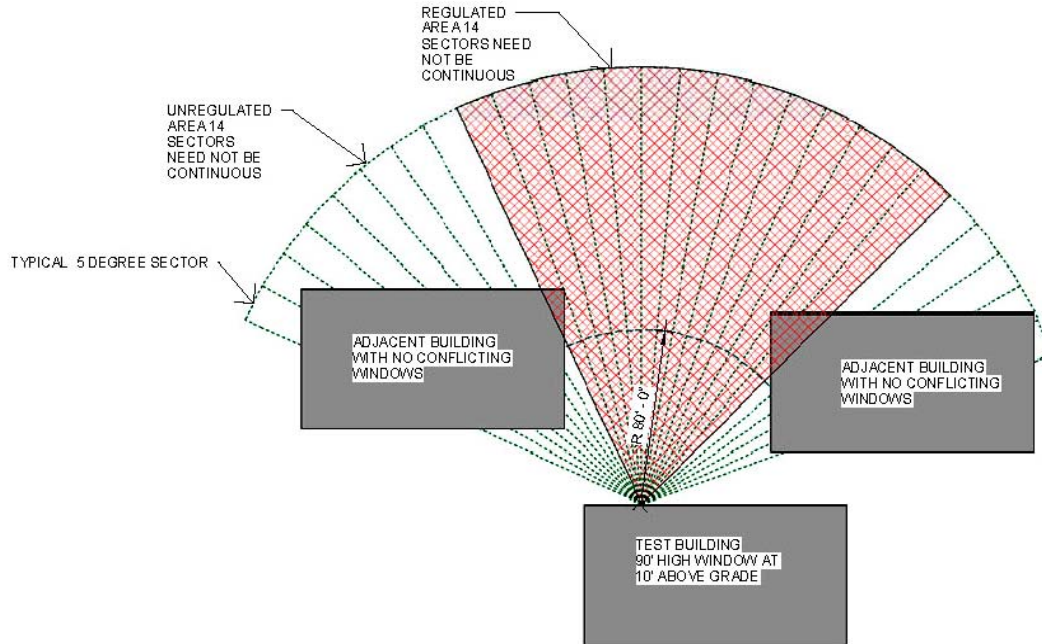
The current code requirements for calculating light planes for legally required windows in multi-story, multi-family buildings need to be eliminated or simplified. The regulations for courts should be more intuitive and should be illustrated. The current code has setback standards for all variations of courts:

- courts with legally required windows;
- courts without legally required windows;
- open courts;
- open courts between wings of the same building; and
- inner courts.

As a result of its complex setback regulations, the zoning code creates uncertainty about whether particular designs will be acceptable. These requirements may also inhibit creativity in the design of new buildings, as many architects repeat the same design simply because that particular plan has received the required approvals.

### 3. Residential Zoning | 3.4 Setback Requirements

The complexity of some of the current setback requirements are highlighted in the following illustration, which shows some of the calculations required for windows on multi-story buildings in R-11, R-12 and R-13 zoning districts.



*Zoning code setback regulations in the R11–R13 districts require applicants to calculate light sectors to ensure that light and air reaches “legally required windows.”* [illustration: Claflen Associates]

Some residential zoning classifications have ten to twelve different side yard requirements, with variations based on the building types, land use, or whether the proposed building is located on a corner or interior lot. In addition, all of the RC districts provide for at least 11 different side yard standards.

Side yard setbacks are further complicated in the higher density residential zoning classifications when these setbacks are based on formulas related to the proposed building height and the location of legally required windows. Many of the computations required for “legally required windows” could only be prepared by an architect or design professional.

The variety in the standards is confusing. In addition it appears that if a building is converted to a duplex or if a building is converted to a nonresidential use then the side yard requirements may change and property owners may be required to secure variances from the Zoning Board of Adjustment.

For all of the above reasons, the side yard requirements should be simplified and some requirements eliminated.



### 3.5. Open Area Requirements

Many of the existing R zoning districts include minimum “open area” requirements. These regulations seem at once counter-intuitive and occasionally counter-productive. The code’s definition of “open area” includes virtually any “space at ground level or any floor level that is “open to the sky.” Paved parking areas and other lot features that many people would not consider open space are, for example, allowed to be counted. In effect, though, this is probably a good thing since the open area requirements seem as if they would be difficult to meet for many buildings, particularly in the higher R districts where at least 50% open area is sometimes required.





## 4. Commercial and Mixed-Use Zoning

Commercial zoning comprises a small proportion of the city’s overall land area, but these districts play a vital role by accommodating and helping to shape the places Philadelphians work, shop, play, learn and live.

As with the city’s residential zoning districts, the number of commercial zoning categories in the code has ballooned since the city first adopted zoning in 1933. At that time, Philadelphia’s zoning code included four commercial districts to accommodate all business, service, and commercial uses. Today there are nine commercial zoning districts not including the dozen of “special” zoning districts that modify the “base” commercial classifications. These special districts appear to focus on maintaining the scale and pedestrian orientation of some areas. Many prohibit building setbacks, the placement of parking in front of buildings, and the construction of curb cuts. Such specialized provisions suggest the need for a more universal approach to protection of the city’s many pedestrian-oriented areas.

### Key Observations/Recommendations

- Zoning districts should be consolidated, where possible.
- Create incentives and deregulation that will promote reuse and redevelopment of commercial properties.
- Integrate protections for pedestrian shopping streets into the city’s “standard” commercial zoning regulations.
- Consolidate, simplify or eliminate the RC districts.

### 4.1. Number of Commercial Zoning Districts

The city’s current commercial zoning categories need to be refocused. As mentioned above, it appears that many of the city’s special districts and controls have been added to the code because the “base” zoning classifications and generally applicable regulations were not producing the types of results desired by the city. Many of the special districts simply limit a handful of the uses otherwise permitted in some of the “C” classifications. It would be easier to restrict some land uses in one of the commercial districts, rather than continuing to create special districts that limit the same handful of “locally undesirable” land uses.

The city should consider whether one or more zoning classifications could allow at least some automobile-oriented uses “as-of-right.” Too many automobile repair and service uses—even parking lots—require review by the Zoning Board of Adjustment.

The city’s commercial zoning districts can probably be reworked to eliminate or consolidate classifications in limited use, such as the Office-Commercial (OC) district.

Commercial Zoning District	Acres	Percent of C-Zoned Land
C1	222	3.5
C2	2,240	35.3

Commercial Zoning District	Acres	Percent of C-Zoned Land
C3	1,504	23.7
C4	398	6.2
C5	280	4.4
C7	447	7.0
NSC	62	1.0
ASC	1,166	18.4
OC	15	0.2

## 4.2. Reuse and Redevelopment

The Philadelphia Planning Commission's report, *Philadelphia Shops Update 2002-2003*, identified over 13 million square feet of vacant retail-oriented floor area throughout the city. This represents a vacancy rate of nearly 23%, up from the findings of a 1995–96 survey that estimated a vacancy rate of approximately 19%.

The high vacancy rate in commercial districts argues for some uses to be deregulated or for some commercial lands to be rezoned to permit other uses. Among the uses that might be candidates for some form of deregulation are:

- parking as a “main” use in some districts (now requires a Zoning Board of Adjustment certificate);
- dry cleaning establishments (now requires Zoning Board of Adjustment certificate in the C2 district);
- most forms of automobile and vehicle repair/service (now requires Zoning Board of Adjustment approval);
- take-out food outlets such as coffee shops, donut shops and sandwich shops (now requires Zoning Board of Adjustment approval); and
- health clubs and workout facilities (now classified as “athletic halls” requiring Zoning Board of Adjustment approval).

## 4.3. Pedestrian Commercial Districts

Many of Philadelphia's current special districts are tailored to protect and maintain the city's pedestrian-oriented shopping areas. Protecting and reinforcing the physical character of the city's commercial areas should be a central feature of the new code. New district regulations should broaden the protections that apply in special districts, but do so through standardized regulations that apply in many base districts and that do not require such a heavy reliance on special district designations.

More than ten of the city's neighborhood special districts and almost all of the special districts in Center City require new buildings to be built out to the street right-of-way and prohibit

parking between the building and the street right-of-way. Some of the neighborhood special districts restrict curb cuts and many of the Center City special districts mandate ground-floor retail and other active street-level uses.

These important design standards should be standardized for the many of the city's pedestrian shopping districts and such standards should be integrated into the new code so that they have broader applicability to new commercial development in many areas of the city.

#### 4.4. Mixed Use-Residential-Commercial Districts

The RC districts were adopted in 2003 as mixed-use (residential–commercial) districts, but they have been used only sparingly to date. That suggests that either that they have not served their intended purpose or that their purpose applies to only a few areas of the city. The following table highlights the limited application of the RC districts, which seems to suggest that some should be considered candidates for elimination or consolidation.

Zoning District	Acres	Percent of R-Zoned Land
RC-1	20	0.06
RC-2	1.6	0.004
RC-3	22	0.06
RC-4	48	0.1

The RC-4 district, which is applied in Center City, appears to have been adopted to accommodate more intensive, higher density development. Its approach to allowing larger buildings in exchange for provision of public amenities is modeled after the one used in the C4 and C5 districts. (See additional discussion of “Additional and Incentive Floor Area” on p. 46) The RC-2, RC-3 and RC-4 districts also allow building additional floor, above the base or basic floor area allowed, typically in exchange for providing greater building setbacks or ground level “open areas.”

The yard, setback, and court area requirements of the RC-3 district vary based on a building's density and height. The district contains three sets of yard, court, and setback requirements based on whether the building accommodates less than three units; three units or more within a building less than five stories; or more than three units within a building that is five stories or more. Having three sets of requirements for front yards, side yards, open courts, inner courts, and setbacks from any legally required windows makes this district difficult to understand and apply. This district should be eliminated, simplified or consolidated with another district.



## 5. Industrial Districts

Philadelphia appears to have an excessive number of industrial classifications. The city's original (1933) zoning code had only two industrial classifications...at a time when the city had more industry and a more diverse manufacturing base. Today, there are ten industrial classifications, including some classifications that are very sparingly applied. Many large cities have only two or three.

### Key Observations/Recommendations

- The city needs to consolidate industrial zoning classifications.
- Permitted use lists should be modernized to allow for a broader range of light industry and "business park" developments.
- In order to promote reuse and redevelopment some land should be rezoned into more flexible non-industrial classifications.

### 5.1. Number of Industrial Districts

Philadelphia has heavy manufacturing, as well as industrial areas with amenities common to business parks. The city has also been successful in attracting high-technology firms. Despite this wide range of industrial activities, the city probably only needs three or so industrial zoning classifications. The ten current industrial districts could be greatly simplified without any adverse impact on existing or future manufacturing. The following table shows the land area classified in the city's industrial zoning districts:

Zoning District	Acres	Percent of Industrial-Zoned Land
L1	?	?
L2	2,595	14.4
L3	548	3.0
L4	380	2.1
L5	42	0.2
G1	118	0.6
G2	8,058	45
LR	5,748	32
PI	281	1.5
FDC	181.9	1.0

### 5.2. District Consolidation Opportunities

The city could accommodate light industrial operations in far fewer than five limited industrial districts. Many of these districts are similar in terms of land use and permitted intensity and differ primarily in setbacks and lot coverage. The L1 district appears extremely restrictive for an urban area because it requires 50-foot setbacks from all property lines and a minimum of 30% open space.

Both the L districts and the G districts appear to offer significant opportunities for consolidation without negative impacts on surrounding areas.

### 5.3. Allowed Uses

The use lists and regulations that apply in the city's industrial districts are antiquated. The code makes some distinctions between "light" and "heavy" manufacturing, but the relationship between those distinction and the uses permitted are often unclear. It is also unclear if some of the current districts would allow for growth industries related to high-technology or biotechnology.

Some of the current out-of-date, undesirable or unnecessary listed uses include the following:

- rope and twine manufacture except if made of jute or sisal;
- the manufacture of saddlery;
- typewriter manufacturing plants;
- wagon repair;
- the manufacture of phonographic records;
- leather tanning, abattoirs, slaughterhouses, and stockyards; and
- manufacture of firearms, guns, howitzers, mortars, guns, and flame throwers.

Many cities have moved towards categorizing industrial uses into "general," "heavy," and "special," with the special category being used for those that use potentially dangerous materials or chemicals or involve dangerous industrial processes.

### 5.4. Reuse and Redevelopment

Twenty to 25% of the city's land area is zoned for industrial use, which probably reflects a time when the industrial base of older U.S. cities was far different than today. In the future, some of this land area should probably be opened up for more economically viable use, after careful consideration of which lands should retain industrial protections. Experience across the U.S. suggests that the mere act of preserving industrial-zoned areas is not a particularly effective way to promote industrial expansion. While it is important to maintain an inventory of different types of industrial lands, Philadelphia's inventory seems more than adequate. There may be a greater risk that future investment will be discouraged by the archaic structure of existing industrial zoning classifications than by lack of "protected" industrial land in the city.

The city's existing industrially zoned land needs to be evaluated in terms of alternative classifications and opportunities for reuse and redevelopment. Philadelphia, like all older urban centers in the U.S., has lost manufacturing jobs in the last 20–25 years. Many of these jobs were replaced by jobs in the service, banking and tourist-related employment sectors. However, these employment shifts have meant that there are many vacant and underused industrial properties scattered throughout the city. While numerous former industrial sites have been redeveloped for beneficial commercial, residential and recreational uses, many vacant or underused industrial parcels remain. Reuse of industrial districts needs to be considered in the broader context of the city's efforts to maintain existing manufacturing and its efforts to plan locations for industrial expansion. In cooperation with the City of Philadelphia, the Philadelphia Industrial Development Corporation has initiated a study of existing industrial land use and zoning. Future efforts to modify or eliminate any of the current industrial zoning or zoning districts should be coordinated with that effort.



*Delaware Generating Station—One of many (former) industrial sites that should be evaluated as reuse/redevelopment candidates.*





## 6. Special Districts

The excessive number of special zoning districts in use in Philadelphia is indicative of an overall code that has lost its relevance and effectiveness. There are a confusing array of special districts for height controls, urban design, land use, floor area bonuses, and sign controls.

Several special districts appear to have been adopted to regulate only one or two land uses. The Frankford Avenue Special District merely regulates employment agencies. The North Central Philadelphia Community Special District was adopted to limit student housing. The Fifth Street Special District takes a belt-and-suspenders approach by prohibiting businesses that sell at wholesale in an area where wholesale sales appears to already be prohibited by underlying zoning. In many cases, the land use issues addressed through special zoning districts could be regulated through use-specific controls without the creation and mapping of new zoning classifications.

Of course, not all special districts are redundant, outdated or use-focused. The watershed protection regulations of 14-1603.2 and 14-1606 are examples of important provisions that seem appropriate for implementation through overlay or special district controls.

### Key Observations/Recommendations

- Special districts make the ordinance confusing and difficult to administer.
- Existence of special controls is not adequately communicated through the existing code's structure.
- There is redundancy among some special districts; many regulate the same or very similar matters.
- The boundaries and descriptions of special districts are not always clear.
- Some special districts have extremely complicated and sometimes restrictive rules that may be difficult to administer and enforce.
- A single master plan or planned development-style zoning district may be able to replace the many master plan districts now in the code.
- Eliminate obsolete or unnecessary districts, such as the Trailer Camp and Public Acquisition districts.

### 6.1. Number of Special Districts

The city relies very heavily on special zoning districts to accomplish its planning goals. Many of the special districts contain the same types of regulations, suggesting that these rules could be consolidated and applied across multiple districts. The following table identifies existing special districts and highlights some of their similarities.

Special District	Types of Special Controls
Queen Village Neighborhood Conservation District	Building setbacks, height regulations, design guidelines Separate demolition control special district

## 6. Special Districts | 6.1 Number of Special Districts

Special District	Types of Special Controls
Rittenhouse Row and Chestnut Street	Uses prohibited on the ground floor: dry cleaning, banks, salons, drug stores, retail sales, grocery stores, appliance sales, optometrists shops (+2,500 sq. ft.), music stores (+2,500 sq. ft.), variety stores, shoe repair, tanning salon, tattoo parlor, fortune tellers
Chinatown	Prohibits: arcades, dance halls, auto repair or service, billiards or bowling, bottling, central heating plants, courtrooms, public parking or garages, auto parts installation, laboratories, outdoor advertising, correctional facilities, bus and trolley terminals Includes special height limits
Old City Residential	Describes 4 distinct areas Includes use regulations similar to the Chinatown district Imposes 65-foot height limit Separate demolition control special district
Benjamin Franklin Parkway	Imposes numerous height limitations: in some cases height limited to the width of the building façade or to a height that does not exceed three times the width of the building façade; in other areas, buildings are limited to 125 feet in height and in others no more than 45 feet
South Street/ Head House Square	Use restrictions similar to Chinatown and the Old City Residential District Some special allowances for large-scale uses
Germantown Avenue	Minimum height of 25 feet Commercial uses limited to 4,000 square feet No setbacks allowed No building may have a total frontage exceeding 30 feet
Cecil B. Moore Avenue	Use restrictions similar to Chinatown, Old City residential District, South Street/Head House Square districts No setbacks allowed
Main Street/ Manayunk and Venice Island	Includes two subareas In the larger subarea the use regulations are similar to those of Chinatown, Old City Residential District, and South Street/Head House Square Includes façade controls, setback limitations, special landscaping and screening requirements, and limits on building widths 35-foot height limit
East Falls	Use restrictions similar to Chinatown, Old City Residential District, South Street/Head House Square, and Cecil B. Moore Avenue districts Minimum building height of 25 feet Special setback requirements, limits on building widths, special off-street parking requirements, limits on curb cuts, and special restrictions on signs
Fifth Street	Prohibits businesses selling at wholesale (it appears wholesale sales is already prohibited by the underlying zoning, thereby suggesting that the special district is unnecessary)

Special District	Types of Special Controls
Arch Street	185.5 foot height limit
Frankford Avenue	Prohibits employment agencies Allows buildings with up to 10,000 square feet of floor space before requiring parking All parking must be accessed off the alley
Avenue of the Arts, North	Use restrictions similar to Chinatown, Old City Residential District, South Street/Head House Square, Cecil B. Moore Avenue, and the East Falls districts Minimum height limits; prohibits front setbacks on Broad Street; establishes low parking requirements and prohibits parking between the building and the street line of Broad Street
Passyunk Avenue	Use restrictions similar to Chinatown, Old City Residential District, South Street/Head House Square, Cecil B. Moore Avenue, East Falls, and the Avenue of the Arts, North districts Special use restrictions on ground floor businesses No setback from Passyunk Avenue Sign controls
North Broad Street	Use restrictions similar to Chinatown, Old City Residential District, South Street/Head House Square, Cecil B. Moore Avenue, East Falls, and the Avenue of the Arts, North and Passyunk districts Minimum height of 25 feet for new buildings No setback from Broad Street Reduced parking requirements and a prohibition on locating parking between building and the street line of Broad Street
Frankford Special District	Use restrictions similar to Chinatown, Old City Residential District, South Street/Head House Square, Cecil B. Moore Avenue, East Falls, and the Avenue of the Arts North, Passyunk and North Broad districts
North Delaware Avenue	Use restrictions on entertainment uses-dancehalls, entertainment uses, nightclubs, private clubs, restaurants, cabarets
Fairmount Avenue	Use restrictions similar to Chinatown, Old City Residential District, South Street/Head House Square, Cecil B. Moore Avenue, East Falls, and the Avenue of the Arts North, Passyunk, and North Broad Street districts No setback is permitted
North Central Philadelphia Community	Prohibits any form of student housing including multi-family dwellings, apartment houses, tenement houses; student housing, fraternity /sorority houses
Girard Avenue	Use restrictions similar to Chinatown, Old City Residential District, South Street/Head House Square, Cecil B. Moore Avenue, East Falls, and the Avenue of the Arts North, Passyunk, North Broad Street and Fairmount Avenue districts Has a limitation on ground-floor uses No setbacks allowed

## 6. Special Districts | 6.2 Common Use Regulations

Special District	Types of Special Controls
Off-Street Parking Control District	No parking required for one and two family homes and parking as a principle use requires a certificate from the Zoning Board of Adjustment
Convention Center Expansion District	Use restrictions similar to Chinatown, Old City Residential District, South Street/Head House Square, Cecil B. Moore Avenue, East Falls, and the Avenue of the Arts North, Passyunk, North Broad Street, Girard Avenue districts Special lot coverage and sign controls
30 <sup>th</sup> and Market Street	Special FAR and bonus allowances for buildings that are LEED certified include green roofs, public open space, historic preservation, and other amenities
Lower and Central Germantown	Prohibits barber and beauty shops; manicure and nail salons; retail sale of beauty products, variety or general merchandise stores, furniture stores
River Road	Prohibits restaurants and multiple dwellings 35 foot height limit

### 6.2. Common Use Regulations

In general, the special district use prohibitions and restrictions should be re-evaluated to determine if such limitations are advancing the city's land use and development goals. Many of the special districts regulate identical or very similar land use types. This suggests a real opportunity for district consolidation. The city could establish one list of restricted uses and apply these restrictions to multiple districts. The list of uses most commonly regulated by the city's special district regulations includes the following:

- athletic and drill halls;
- auto repair shops;
- auto service stations;
- bottling or distribution of liquids for human consumption;
- central heating plants;
- installation of auto, boat, motorcycle or truck parts;
- outdoor amusement parks;
- penal and correctional institutions;
- radio or television transmission towers;
- restaurants serving food through a window or apertures which opens on the sidewalk or public way;
- retail sales of malt beverages;
- sale of live poultry, live fish, or live animals;
- vehicle parts stores;
- trolley stations, bus terminals, or bus barns; and
- water booster or sewer substations.

### 6.3. Boundaries and Descriptions

Many users of the Philadelphia zoning code complain that the boundaries and conditions that apply in special districts are difficult to understand. Despite the city’s admirable efforts to map the special districts, there remains considerable confusion about their boundaries and applicability.

Part of the problem may be the layering effect that occurs when special districts are also overlaid by special sign controls and/or by special off-street parking controls. One or two of the special districts in the Center City area, for example, appear to be subject to three layers of special regulation—special sign controls, special off-street parking controls, and the special land use controls of the Center City Commercial Area overlay.

There is also a need for great care when special district ordinances are tied to other city legislation. For example, many of the special zoning districts are tied to the boundaries of special *service* districts. Any changes to these special service district boundaries need to be coordinated with the zoning maps. Since many of the special districts are tied to the establishment and continuation of special service districts, it is important that the zoning code and special service district legislation be closely coordinated. For example, the zoning code states that the Frankford Special District Controls expire on December 31, 2005 or at the end of the term of the Frankford Special Services District “as such term may be extended by ordinance or amendment.”

### 6.4. Level of Regulation

The special districts contain special rules, exceptions, and procedures that make them exceedingly complex. The following is a sample of the very unique and detailed regulations that apply in specific special districts.

- Accessory speakers or audio devices that cause music or voices to reach the sidewalk are prohibited. (Center City Commercial Area; the South Street/Head House Special District; the Passyunk Avenue Special District and the Fairmount Avenue Special District)
- All cooking and all other exhaust fumes must be properly vented through the roof of a building. (East Falls Special District)
- Pay phones are prohibited in the Passyunk Avenue Special District.
- The Center City Special Controls list “Prohibited Uses,” “Prohibited Uses on the Ground Floor,” “Conditional Uses” (requiring a Zoning Board of Adjustment certificate), “Uses Requiring a Special Use Permit,” and “Prohibited Buildings.”
- For “large-scale uses” in the South Street/HeadHouse Square “accessory eat-in areas for the consumption of food and beverages otherwise available for consumption off premises [are] are not considered a restaurant.”
- The Main Street/Manayunk and Venice Island Special District prohibits any music system for entertainment that can be heard outdoors.



## 6.5. Master Plan Districts

The City has a number of specialized zoning classifications that require a master plan or plan of development before approval by the City Planning Commission and City Council. The City should evaluate where these specialized districts could be consolidated into one “master plan” or “planned development” style district. A single district could be modeled after the city’s current Institutional Development district, which requires an overall plan for development for large-scale institutional developments. A consolidated district requiring a plan of development approved by the Planning Commission and City Council should be considered as a replacement of the following districts:

- Waterfront Redevelopment;
- Industrial Transformation;
- Port Industrial; and
- RC-6.

All of these districts require an overall development plan or master plan. They also require a larger lot area and provide at least some flexibility in terms of lot layout, setbacks and land use.



*Philadelphia Waterfront*

It would also be beneficial for the city to establish some basic rules for large-scale, master planned developments. This approach would allow for the standardization of submission requirements and approval procedures. The current master plan-style districts call for project review by different city agencies and they all have slightly different submission requirements. A consolidated master plan or planned development district could provide standards for review that are consistent with the city's long-range plans for development. It could specify the types of conditions that may be applied to approvals of these planned developments and specify a realistic process for amending a plan of development after its initial adoption.

Other specialized districts like the Trailer Camp district and Pending Public Acquisition district need to be evaluated in terms of whether they continue to serve a beneficial purpose. If these specialized districts are not being used or if they do not promote current city land use and development policies, then they should be eliminated.

## 7. Sustainable Development

Mayor Nutter’s administration, as well as prior policy documents, stress the need for more sustainable development, but the current zoning code is largely silent on the topic. The zoning code is not being used to implement the city’s plans, and opportunities for promoting more forms of sustainable development are being lost. Philadelphia has an opportunity to become a recognized leader in this field.

The new code needs to accommodate solar energy and wind energy technologies, promote energy conservation, reduce carbon dioxide emissions, and provide zoning incentives for green roofs, urban food production, rain gardens, and bioinfiltration/biorentention approaches to stormwater management.

### Key Observations/Recommendations

- The current zoning code does not implement Philadelphia’s policies promoting sustainable development.
- The new code should include provisions addressing accessory energy generation (wind and solar) devices, as well as energy conservation and reducing carbon dioxide emissions.
- The code should accommodate community food production and access to local produce.
- Landscaping and tree protection standards should promote expansion of tree cover, which would contribute to increased absorption of carbon dioxide and reduction of “urban heat island” effect.
- Incentives should be added to encourage green building technologies.

### 7.1. Energy Conservation and Renewable Energy Generation

While energy conservation standards are primarily the realm of building codes, there are several steps Philadelphia can and should take to reduce energy consumption, encourage energy generation from non-fossil fuel sources, and reduce the rate of carbon dioxide emissions into the atmosphere. One key step is to remove barriers (if any) to the installation of ground-mounted and rooftop solar collectors<sup>3</sup> (both photovoltaic and hot water) and small wind-energy generators. Rooftop installations should be permitted to encroach a small amount (say, no more than 18 inches) beyond the maximum building heights in order to avoid the need for individual variances. In light of Philadelphia’s very small residential lot sizes, ground-mounted facilities may need to be limited to rear yard areas on smaller lots.

While the steps above will remove barriers to accessory use of these devices, there may be areas of the city where the use of vacant lots for the installation of larger solar, wind, or geothermal energy devices is appropriate as a primary use of the land. As Philadelphia reviews and revises its commercial, industrial, and mixed-use districts it should permit such devices as permitted or certificated primary uses of the land in at least some districts.

<sup>3</sup> The code’s existing provisions allowing rooftop appurtenances to exceed building height limits may be adequate to accommodate such devices, but it may be worth expressly addressing this in the new code.



Finally, the city should consider requiring higher levels of energy efficiency in larger buildings and developments that require Zoning Board of Adjustment approval. This would be consistent with the policies established in the 30<sup>th</sup> Street Special District. On a broader scale, Philadelphia could require that larger individual buildings that need discretionary approval meet the Leadership in Energy and Environmental Design (LEED) certification standards developed by the U.S. Green Building Council. Larger multi-building developments and residential neighborhoods might be required to meet applicable energy standards in the emerging LEED-ND (Neighborhood Development) system.

## 7.2. Green Roofs, Cool Roofs, and Rainwater

Over the past twenty years, an increasing number of buildings have sprouted green roofs (to absorb rainwater runoff) or cool roofs (to reduce building energy consumption). Other developments have installed ground- or terrace-level raingardens (landscaping specifically designed to detain rainwater runoff) or rainwater harvesting devices such as rain barrels and cisterns. The new zoning code should address those types of building and site features and generally allow them in setback areas wherever they are not inconsistent with the city's stormwater management system. The city could also provide incentives for their use when public approvals are required.



*Green roofs and green streets—coming soon to a neighborhood near you?*

*[Photo simulation: GreenPlan Philadelphia]*

### 7.3. VMT–Vehicle Miles Travelled

Carbon dioxide emissions can also be reduced by decreasing required automobile travel within the city. Zoning can contribute to this goal by encouraging different levels of mixed use in a broader range of zone districts. For example, it may be wise to permit small retail stores to fill daily shopping needs at major corners in higher intensity residential districts provided they comply with maximum size limits. The current C-1 zoning district encourages corner neighborhood store type uses, but it may need to be modified since it currently requires any corner commercial use to meet the setback, lot area, and other requirements of the adjoining residential zoning district. A second method of encouraging mixed-use would be to review commercial districts for the inclusion of more residential uses. A third technique would be to development additional transit-oriented zoning provisions, such as those being explored by NeighborhoodsNow and City Council.

In addition, the zoning code should better address alternate modes of travel. In large-scale developments the code should accommodate transit users, and the city should require bicycle parking in both large and small projects. The current zoning code includes no requirements for bicycle parking, but this is a standard feature of most modern zoning codes. (Note: As of early March 2009, a Bill had been introduced at City Council to add bicycle parking requirements to the city's zoning code)



*Zoning should address all modes of travel*

### 7.4. Tree Cover

While it is important to reduce generation and emission of carbon-dioxide, it is also important that Philadelphia help absorb carbon dioxide from the atmosphere. One way to do that is to require that existing tree cover be protected and expanded over time. In the past, landscaping and transportation have been designed and endorsed primarily for their aesthetic benefits – (green cities look nicer and are more likely to attract investment and new residents). Recent concern with trends in climate change have led to a re-evaluation of those ordinances to place more value on mature trees than smaller replacement trees, and to place more value on trees than shrubs as a landscaping technique. At the same time, Philadelphia's strong need for reinvestment and redevelopment requires that the approach be flexible, and that removal and replacement of tree cover be allowed where necessary. One side benefit of better protection of tree cover is a reduction of the "urban heat island" effect, which can lead to lower air conditioning bills in warmer months. The city's new zoning ordinance should include new requirements for tree planting and urban landscaping features.

## 7.5. Urban Agriculture

Vegetables travel an average of 1,400 miles between the places they are grown and the tables where they are consumed in America, which represents an enormous cost in transportation fuel, preservatives, and packing material to protect the food during its long voyage. To offset these trends, zoning codes are being revised to explicitly permit community gardens and farmers markets (both regular and occasional) in more zoning districts. Many are allowing vacant lands and city-owned properties to be used for urban agriculture on an interim basis, and others are permitting odor-free and rodent-resistant composting in setback areas of residential zones.

## 7.6. Housing Options

Although Philadelphia's housing stock is already very diverse, much of it is old and will need to be rehabilitated, renovated, or replaced over the next few decades. The housing industry has developed many creative forms of housing design and construction, and those new forms of housing should be permitted in at least some zoning districts. As the average size of America's households continues to decline, the population continues to age, and the cost of housing relative to wages continues to increase over time, many Philadelphians may find they are interested in newer, smaller, more livable units and in locations closer to public transit facilities. It is important that the city's zoning code remove unnecessary barriers to those housing forms where not inconsistent with the established neighborhood character.



## 8. Sign Regulations

Philadelphia has dozens and dozens of special ordinances and special restrictions on signs. For businesses that operate out of multiple locations—coffee shops, banks, drug stores, fast food restaurants, gas stations, and grocery stores—it would be impossible to summarize the basic sign rules and regulations. It seems that every commercial district is unique and each district has its own rules and regulations.

Special sign regulations are part of the city's numerous special districts, they are an extensive part of the city neighborhood commercial revitalization efforts, and they are a sensitive issue in many of the city's historic districts. Within the city's neighborhood commercial revitalization legislation portions of the following streets are subject to special sign restrictions:

- 52nd Street (Market to Walnut);
- 66th (Market to Chestnut);
- Point Breeze Avenue (Wharton to Dickenson);
- Columbus Avenue (21st to 23rd);
- Ridge Avenue (21st to 23rd);
- Germantown Avenue (Logan and Walnut Lane);
- Cheltenham Avenue (Baynton to Wissahickson);
- Maplewood Mall (Germantown to Greene St.);
- Ridge Avenue (Hermitage to Monastery);
- Main Street (Manayunk National Historic District);
- Landsdowne Ave. (59th to 63rd);
- Germantown/Lehigh Retail District;
- Broad and Susquehanna Retail District;
- Ogontz Avenue Retail District;

### Key Observations/Recommendations

- The sign chapter should contain all the basic rules and regulations, most of it in table format. Clear purpose statements are needed to protect against First Amendment challenges.
- Sign regulations should be predictable and consistent and allow businesses adequate opportunities for business identification and the advertising of goods and services without specialized review.
- Special district sign regulations need to be more standardized and predictable.
- The ordinance should avoid discretion in the review and approval of signs due to First Amendment concerns.
- A comprehensive overhaul of sign regulations should not be attempted within the context of the zoning code update, although strategic amendments may be advisable.

## 8. Sign Regulations | 7.6 Housing Options

- Lancaster Avenue Retail District;
- 52nd Street Retail District;
- 60th Street Retail District;
- Broad and Olney Retail District;
- Logan Retail District;
- Fifth and Lehigh Retail District;
- Frankford and Allegheny Retail District;
- 22nd and Lehigh Retail District;
- Greater Kensington/Harrowgate Kensington Retail Districts; and
- Broad and Cecil B. Moore Retail district;

There is more uniformity and standardization of the sign regulations in the neighborhood commercial revitalization districts, but even these districts have various subareas where the standards vary. However, this effort to standardize the special sign rules is not carried over to the city's numerous special districts. All of the following special districts include sign controls.

Special District	Types of Sign Standards
Cobbs Creek Parkway and Roosevelt Boulevard	Requires compliance with the rules of the Fairmount Park Commission and approval by the City's Art Commission.
Fairmount Park Area	Requires compliance with the rules of the Fairmount Parks Commission and approval by the City's Art Commission.
Independence Mall and Independence National Historic Park	Limits signs to 10 square feet and limits billboards, roof signs and outdoor advertising within 150 feet of any street bounding the park.
Rittenhouse Square	Bans any sign within 150 feet of the Square.
Washington Square	Requires Art Commission's approval of any sign within 150 feet of Washington Square.
Southwark National Historic District	Bans animated or flashing signs, free-standing signs, portable signs, revolving signs, and roof signs.
Chinatown	Prohibits non-accessory outdoor advertising and billboards
Old City Residential Area	Prohibits non-accessory outdoor advertising and billboards
Benjamin Franklin Parkway Controls	Requires compliance with the rules of the Fairmount Parks Commission and approval by the City's Art Commission.
South Street / HeadHouse Square	Limits signs to flat, wall mounted signs. Limits total sign area to no more than 3 square feet for every 1 foot of street frontage. Special rules for corner lots.
Main Street/Manayunk and Venice Island	Allows flat wall signs. Strictly limits projecting signs. Prohibits signs with flashing or intermittent illumination and prohibits any sign that revolves.
East Falls	Total sign area may not exceed 3 square feet of sign area for every 1 foot of street frontage. Flat wall signs are permitted; projecting signs may not exceed 9 square feet; and free-standing signs may not exceed 6 feet in height.



Special District	Types of Sign Standards
	Prohibits signs with flashing or intermittent illumination and prohibits any sign that revolves. No roof signs are permitted.
Passyunk Avenue	Limits total sign area to no more than 3 square feet for every 1 foot of street frontage. Special rules for corner lots. Permits wall signs; requires Arts Commission's approval of any projecting sign—and such signs may not exceed 9 square feet and the sign face may not be plastic. Prohibits flashing, animated or roof mounted signs.
Frankford	All signs must be flat, wall mounted signs.
Convention Center Expansion Area	For large-scale uses the total sign area is limited to 15 times the building's street frontage and the size, type, number and location of all signs are subject to approval by the Arts Commission.
Vine Street Parkway and Benjamin Franklin Bridge Approach	Allows flat, wall-mounted signs at a ratio of 2 square feet per 1 foot of street frontage. Allows free-standing signs not to exceed a height of 15 feet or a total sign area to exceed 16 square feet. Allows building logos when approved by the Arts Commission. Allows projecting signs in only a small subarea of this district.

## 8.1. Organization

Outside of the special districts and special sign control areas, all sign regulations are specific to the zoning districts. Sign regulations are not consolidated in one chapter but are spread throughout the code. Since the special districts and special sign control areas are so extensive, one cannot possibly read the zoning text and conclusively determine which regulations apply. Any analysis of the applicable regulations must be done in conjunction with a thorough review of the special district and special sign control area maps.

## 8.2. Review Process

Many signs are also subject to review by the Zoning Board of Adjustment or review by the City's Art Commission. In at least six of the special districts or special sign control areas, signs must be referred to the Art Commission for review and approval. In these circumstances, the zoning code contains no criteria or standards to guide the Commission's review and approval. In addition, all of the following signs require approval by either the Art Commission or the Zoning Board of Adjustment or in some circumstances both:

- projecting signs (approval by the Art Commission);
- building logo signs above the bottom of the second floor in the C-4 and C-5 districts (approval by the Art Commission);
- multiple signs to accommodate multiple tenants of a building in the C-7 district (approval by the Zoning Board of Adjustment);
- free-standing or rooftop signs in the Commercial Entertainment District (approval by the Art Commission); and
- revolving signs in any industrial district (approval of a certificate from the Zoning Board of Adjustment).





## 9. Urban Design

There are many urban design standards that apply in Philadelphia’s Center City district and several neighborhood retail districts. There are more than a dozen special districts that apply in the Center City area and the rules and regulations of the C-4 and C-5 districts also create subdistricts within these zoning classifications. It is clear that the city has a wide variety of urban design goals for Center City. Center City is an important area for pedestrians—residents and visitors alike. To protect pedestrian and historic features of Center City the current code applies the following standards within specific blocks or districts:

### Key Observations/Recommendations

- The city should consider creating a Center City zoning classification that consolidates the special rules and special districts that apply throughout Center City.
- The urban design standards of many of the special districts need to be refined and coordinated so that they are working toward implementation of the same objectives.
- The city needs to consider a targeted approach to design review, building on the proposal recently put forth by the Philadelphia City Planning Commission.
- Many of the additional floor area allowances and zoning bonuses are inconsistent, outdated, and unclear; they should be updated.

- build-to standards requiring that new buildings be built out to the street;
- building width standards (maximum building widths along pedestrian shopping streets of the C-4 and C-5 districts are limited to 60 to 100 feet);
- requirement for ground-floor retail uses;
- upper-story setbacks; and
- regulations for public open spaces, plazas, public art, and other public amenities that are provided in exchange for floor area bonuses.

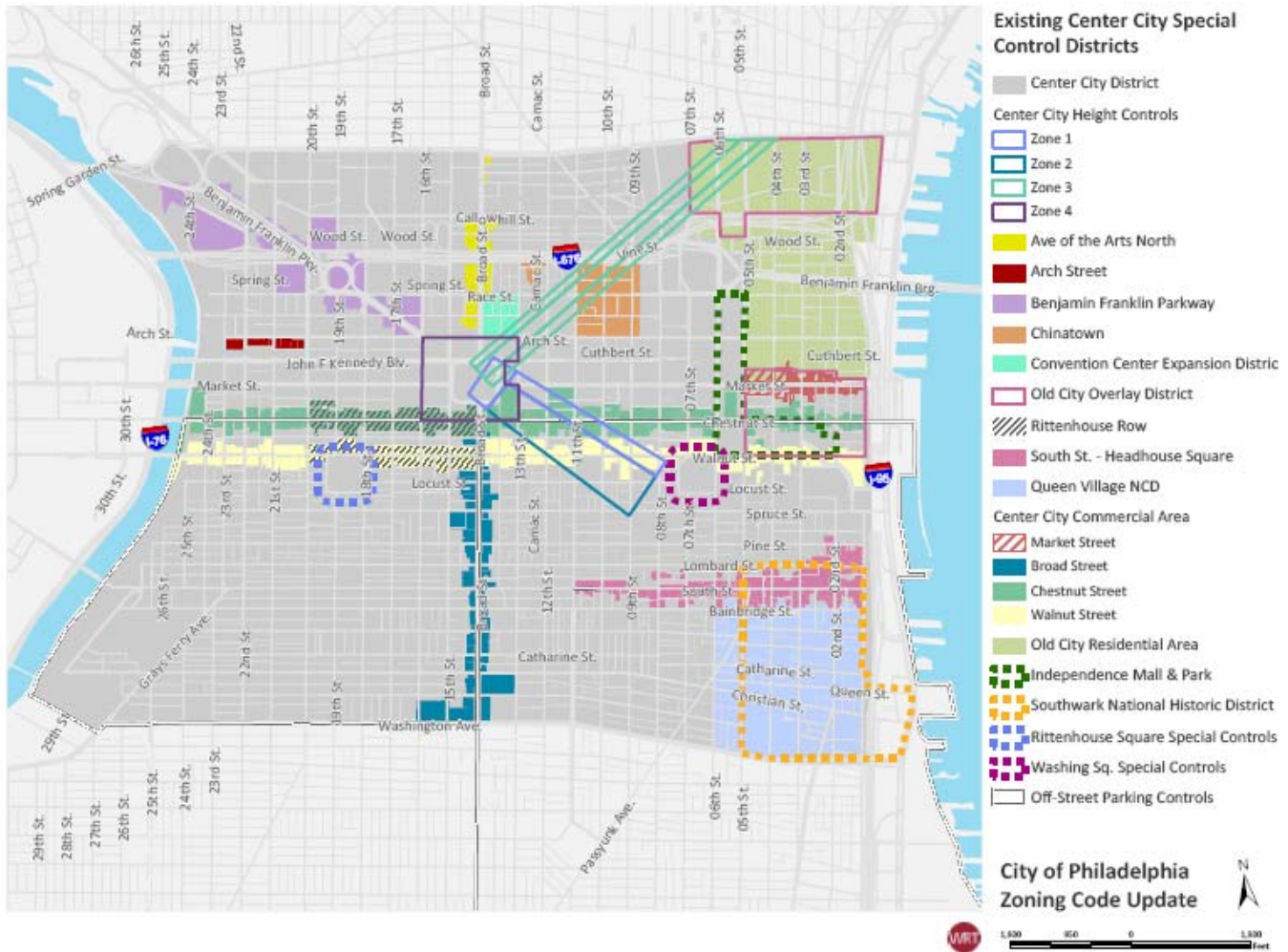
### 9.1. Design Standards within Special Districts

Many of the City’s special districts include urban design standards. Some of the standards are directed to specific uses—parking lots, parking garages, outdoor cafes, and pedestrian improvements. The following table summarizes the design standards that apply:

Special District	Urban Design Controls
Center City	Height limits by street or blocks. Maximum building width limit of 35 feet on Market Street (between Front and 5 <sup>th</sup> ). Planning Commission review of building facades along portions of Chestnut, Walnut, Broad Street, and Market Street.
Old City Residential Area	65 foot height limit and 70 foot building width limit.
Benjamin Franklin Parkway	Special height limits. Requires Art Commission approval of new buildings or the alteration of existing structures.

Special District	Urban Design Controls
South Street/HeadHouse Square	No setback allowed along South Street.
Germantown Avenue	No setback allowed along Germantown Avenue. Maximum building width of 30 feet. No parking permitted between the building and the Germantown Avenue right-of-way in the area located between Chestnut Hill and Cresheim Valley Avenue.
Cecil B. Moore Avenue	No setback allowed along Cecil B. Moore Avenue
Main Street/Manayunk and Venice Island	Requires Planning Commission approval of the facades of new buildings or the alteration of facades of existing structures. No setback permitted along Main Street or Ridge Avenue. The width of new buildings may not exceed 75% of the lot width.
East Falls Special District	No setback allowed along Ridge or Midvale Avenue. Limits building widths to no more than 100 feet along Ridge and Midvale Avenue. Prohibits curb cuts along Kelly Drive and limits the number of curb cuts for any business.
Avenue of the Arts North	No setback allowed along Broad Street. New building must be at least 35 feet in height. For properties abutting Broad Street, parking is not permitted to be located between the building and the street.
Passyunk Avenue	No setback permitted along Passyunk Avenue.
North Broad Street	No setback allowed along Broad Street. For properties abutting Broad Street, parking is not permitted to be located between the building and the street.
Fairmount Avenue	No setback allowed along Fairmount Avenue.
Girard Avenue	No setback allowed along Girard Avenue.
30 Street	Detailed design standards for “green” building improvements and on-site amenities (open spaces, green roofs, and community spaces) for any building making use of floor area bonuses.

The special districts are inconsistent in their treatment of urban design issues. In some cases, the special districts simply require Art Commission or Planning Commission review of the facades of new building. The code does not provide any standards for this review and it unclear how this design review is conducted. Many of the standards for neighborhood retail districts could be consolidated and made more consistent. If the city had a basic set of standards that applied to all neighborhood commercial districts the code would be easier to use and the results more predictable.



Several, sometimes overlapping, special control districts apply in Center City. Most address urban design issues.

## 9.2. Targeted Design Review

The Philadelphia City Planning Commission has proposed a targeted program of design review for large-scale developments. Currently the city has no formal design review process and many projects are subject to design review through informal neighborhood development review or through project reviews conducted by the Zoning Board of Adjustment.

The latest Planning Commission proposal calls for design review of “major projects,” such as those requiring a zoning variance or Council-sponsored code change, as well as those that include over 100,000 square feet of gross floor area or more than 24 dwelling units. In addition, design review would apply to projects that propose to exceed current zoning limits (e.g., density, building height, bulk) by 200% or more. The goal is to target design review to large-sale projects with major impacts.

The proposal calls for establishment of a design review committee. The committee’s review would focus exclusively on design review issues related to the “public realm.” That is, they would evaluate projects in terms of how they contribute to street-level activity, walkability,

## 9. Urban Design | 9.3 Additional and Incentive Floor Area

pedestrian safety, and pedestrian amenities critical to maintaining a safe, lively and interesting street-level experience. The committee's review would not be intended to focus on architectural styles or a building's compositional aspects except when they have a clear impact on the public realm.

Success in any targeted design review will require that the new code incorporate clear and meaningful standards that focus the deliberations of the design review committee. Clear and predictable standards should also help the architects and design professional who are working on buildings to be presented to the city.



*The Planning Commission's current design review proposal focuses on urban design within the public realm rather than architectural issues. Some building design features (or lack thereof), however, do affect the public realm and would be subject to scrutiny under the proposal.*

### 9.3. Additional and Incentive Floor Area

Floor area bonuses are available in several zoning districts. These provisions allow construction of larger buildings in exchange for certain public benefit and amenity features. Some of the zoning "additional floor area" and "incentive floor area" provisions appear quite up-to-date relative to the city policies and desirable urban development practices, while others appear tied to a different time period. The new code should establish a modern and fairly consistent menu of bonusable public benefit features that have applicability in a variety of settings and districts.

Some of the additional floor area criteria that apply in high R and RC districts (e.g., R-14, R-15, R-16, RC-2, and RC-3) appear out of date and inconsistent with the city's broader goals. Many of these encourage buildings to be set back and separated from the street, which contradicts other provisions in the existing code. Criteria in these districts allow additional floor area for provision of one or more of the following:

- frontage on a wide street;
- front setbacks improved as public open space;



- rear setbacks improved as public open space;
- open arcades;
- ground-level open space; or
- ground-floor retail space.

The RC-4, C-4 and C-5 districts employ a different more complex system of “additional” and “incentive” floor area allowances. All allow a maximum building size (gross floor area) equal to some multiple of the area of the lot—five times the lot area, for example, in RC-4 and C-4. Additional floor area equal to some multiple of the subject lot area is allowed for projects that comply with all of the districts’ “additional gross floor area” criteria. In RC-4 and C-4, for instance, additional floor area equal to eight times the lot area is allowed. Projects that meet all additional floor area requirements may then receive “incentive floor area” by choosing to provide one or more features from a menu of bonusable public amenities listed in the code. It is important to note, however, that this rational and objective “base–additional–incentive” floor area approach can be rendered moot if a project requests and receives a variance to exceed otherwise allowed basic floor area limits.



*The Comcast building's public plaza is an example of a public amenity feature encouraged by the RC-4, C-4 and C-5 districts' additional floor area provisions.*

## 9. Urban Design | 9.3 Additional and Incentive Floor Area

To be eligible for additional floor area in RC-4, C-4, and C-5 districts project must provide all of the following:

- public space in the form of outdoor plazas, indoor plazas, public rooms, connector spaces, or indoor gardens;
- public art including on-site cultural programming; and
- ground floor retail space located on specific street frontages.

Projects that meet all “additional floor area” requirements may receive incentive floor area by providing one or more of the following:

- observation rooms or decks;
- through-block pedestrian walkways;
- improvements to publicly owned facilities;
- space devoted to public museums, meeting rooms, or libraries;
- underground parking;
- underground loading or trash storage;
- historic preservation; or
- housing trust fund financial contributions.

Finally, there is another set of floor area bonuses available in the 30<sup>th</sup> Street special district. Probably because it was added to the zoning code only a few years ago, this district’s list of bonusable features appears more up-to-date than those of the other zoning classifications. Unlike the RC-4, C-4 and C-5 districts, there are no additional floor area criteria that serve as a prerequisite to using the special district’s incentive floor area menu. The 30<sup>th</sup> Street special district allows “incentive floor area” for projects that provide one or more of the following:

- LEED certification;
- green roofs;
- ground-floor retail;
- construction of public meeting rooms;
- incorporation of parking for car-sharing programs or facilities that allow recharging batteries of electric vehicles;
- public open space;
- historic preservation; or
- pedestrian lighting improvements.

The new code should modernize the city’s bonus systems, and standardize more of them. Those bonuses inconsistent with city design goals (e.g., large front setbacks) should be re-

evaluated. Those bonuses that support the city's long-range plans (e.g., green building design) should be made more widely available.

The calibration of the bonuses should ensure that the city is getting meaningful public benefits in exchange for added floor area. To the extent feasible, some parts of the bonus system should extend to additional areas where the city is trying to promote added growth and development.





# 10. Parking and Transportation

Philadelphia appears to have a love/hate relationship with parking. In some sections the existing zoning code can be quite restrictive regarding parking, while in other circumstances it appears that the code requires too much parking. For example, in some residential zoning districts the zoning code strictly limits parking and curb cuts when adjoining lots do not have parking. In contrast, the Neighborhood Shopping districts and Area Shopping districts require an abundance of parking, with a minimum ratio of 4 spaces per 1,000 square feet of leasable area—a very high requirement for an urban area. The city also applies fairly high parking requirements for restaurants (1 space for every 4 occupants) and certain entertainment uses (1 space for every 2 occupants) in commercial districts—which may have the effect of discouraging some new businesses.

## Key Observations/Recommendations

- Off-street parking regulations are out-of-date, inflexible, and in some cases require too much parking.
- The new code should include a parking chapter that actually contains all of the parking regulations.
- The existing code does not contain the general parking exceptions common to many codes.
- The code should do more to accommodate shared parking arrangements.
- Parking space design standards should be updated to reflect the realities and the city urban setting.
- The current parking regulations do not do enough to recognize the role of transit and other modes of transportation.

## 10.1. Parking Ratios

The city's existing parking policies need to be updated to provide more standardized parking requirements. For example, in most residential zoning classifications, parking requirements are tied to the number of dwelling units, however, in certain zoning districts and certain special districts the requirements are tied to the number of bedrooms. Within the Waterfront Redevelopment District, for example, one parking space is required for every two bedrooms. Bedroom-based parking requirements are typically difficult to administer and enforce, because of the difficulty in distinguishing between actual bedrooms and study or home office space.

Within a portion of the Main Street/Manayunk and Venice Island Special District, one parking space is required per efficiency dwelling unit and one parking space for each bedroom in larger dwelling units. This is also true in many of the city's commercial districts where some parking standards are tied to a building's floor area, while in other circumstances parking requirements are tied to a building's rated occupancy. The chart below shows how parking requirements vary among industrial zoning classifications.

## 10. Parking and Transportation | 10.1 Parking Ratios

<b>Zoning Classification</b>	<b>Minimum Parking Ratio</b> (for all uses except warehouses)
L-1 District	1 space per 300 square feet
L-2 District	1 space per 700 square feet
L-3 District	1 space per 700 square feet
L-4 District	None
L-5 District	1 space per 2,000 square feet
G-1 District	1 space per 800 square feet
G-2 District	1 space per 1000 square feet
LR District	1 space per 2,400 square feet
Port Industrial District	1 space per 2,400 square feet
Food Distribution Center	1 space per 1000 sq. ft.

**10.1.1. Exceptions and Variations**

Philadelphia handles parking exceptions and variations through the use of special districts as well as variances. Some of these exceptions should be more generally available to properties outside of the special districts.

In updating the code, the zoning regulations should make clear distinctions of parking requirements relative to the city's distinct neighborhoods. Parking requirements can and should take location and other factors into account. If the use is located near a mass transit station, if it is located in Center City, if it involves the reuse of a building in a historic district then formula-based parking exceptions or reductions may be appropriate without individualized review.

Other more general exceptions might apply if the project is aimed at providing affordable housing or housing for persons with disabilities, the elderly, or students. In addition, parking exceptions can be used to encourage employers to actively promote cycling, ride-sharing or the use of transit. These are but a few examples of considerations that should be taken into account in revising off-street parking standards.

**10.1.2. Reuse and Reinvestment**

Philadelphia needs detailed policies on the reuse of older buildings constructed without parking. The city's parking requirements and its nonconforming use policies should not create needless barriers to the reuse of older structures. One simple way of accommodating the reuse of older structures would be to exempt small commercial uses from the requirement to provide off-street parking in the first place. Many zoning codes exempt the first 2,000–4,000 square feet of commercial floor area from parking requirements. This technique recognizes that there is often little or no room to fit parking on small urban lots and that on-street parking will often be sufficient to serve the needs of small businesses. Requiring off-street for very small reuse project often has the result of discouraging new businesses or requiring that other old structures (sometimes homes) be demolished to provide parking. We

believe that the use of these types of size thresholds as a trigger for compliance with parking requirements can be an important incentive to encouraging building rehabilitation and reuse and can have a positive effect on creating the types of mixed-use, pedestrian-oriented development patterns desired within some areas of the city. It should be noted that buildings that were lawfully constructed without parking are not required to provide parking when rehabilitation occurs as long as no additional dwelling units are added. Infill development of fewer than 3 units is also exempt from parking requirements.

### 10.1.3. Shared Parking

One of the best ways to provide adequate off-street parking is to encourage “shared parking,” where two or more users (such as a store, office, restaurant, or place of worship) share the same parking spaces. An office parking lot that operates mainly during the day might be shared with a theater whose hours are mainly evenings and weekends.

Not only does shared parking ensure a more efficient use of land, but by limiting the amount of pavement it can help reduce stormwater runoff, water pollution, and the urban heat island effect that comes from the sun beating down on large expanses of pavement. Parking is also expensive to build and landscape. Shared parking may be particularly important in mixed-use areas of Philadelphia. Encouraging shared parking will allow for more efficient land use and help to create commercial/mixed-use districts that are desirable places to live, work, shop and play.



*This well-designed parking garage in Rittenhouse Square minimizes adverse impacts on pedestrian safety and comfort.*

## 10. Parking and Transportation | 10.2 Parking Area Design

Updated rules for shared and cooperative parking facilities should send clear signals that such arrangements are allowed and in many cases desirable methods of balancing the need for parking with the desire to reduce the urban design impacts of our auto-oriented culture.

### 10.2. Parking Area Design

The existing zoning code establishes a minimum parking stall size of 8.5 feet x 18 feet, which is a fairly generous size for an urban setting. The code does allow 25% of the spaces to be of a smaller size (8 feet x 16 feet) but the code should have more modern standards that fit an urban setting. The code should address options for valet parking, tandem parking, mechanical parking structures, and other options. All of these alternative parking arrangements require more flexible parking design standards.

Standards could vary based on the characteristics of the use (e.g., high turn-over versus low turn-over parking lots) and standards could also vary based on whether spaces are located within a surface (open-air) parking lot or a parking garage.

### 10.3. Relationship to Transit

The current zoning code does not recognize or encourage transit-oriented development. A transit-oriented development (TOD) is a compact, mixed-use activity area centered on a transit station or major transit stop. By design, TODs encourage residents, workers, and shoppers to drive less and ride transit more.

The zoning code should create opportunities for transit-oriented development and revision of the parking regulations should be a key part to these revisions. Reductions in the parking requirements should be authorized for residential, office, and industrial projects within a one or two block radius of the transit. This work should be coordinated with research and design studies now underway by NeighborhoodsNow.



*Surface Parking Lot Parking in Center City*

# 11. Rehab, Reuse and Reinvestment

## 11.1. Regulatory Disincentives

Modern zoning regulations should amount to more than requirements and mandates. Whenever possible, they should make it easy to “do the right thing” by removing unnecessary regulatory obstacles that stand in the way of desirable development practices. Building rehabilitation and reuse is a case in point.

Philadelphia’s zoning code needs to better complement the city’s broader efforts at historic preservation and neighborhood revitalization. Many factors affect the reuse of older buildings, including the real estate market, lending practices, building code requirements, and zoning regulations. The problem with zoning has been that most codes are written with the development of vacant land and new buildings in mind. One of the unintended consequences of this traditional “greenfield” orientation is that regulations can make the rehabilitation of existing buildings more difficult than new development or demolition. A review of Zoning Board of Adjustment dockets strongly suggests that this is happening in Philadelphia. Unfortunately, these types of regulatory disincentives have an equal effect on marvelous old buildings that add a great deal to Philadelphia’s rich urban fabric and on run-of-the-mill buildings that few would miss if they were gone.

The time, effort and money now required to overcome such barriers can affect an owner’s bottom-line—and sometimes provide the tipping point in the owner’s decision to renovate or demolish. Given Philadelphia’s great legacies of architecture, history, and neighborhoods, the new regulations should do all they can to accommodate if not encourage rehabilitation and reuse. If that weren’t reason enough, maintaining existing buildings is often cited as the ultimate green or sustainable development practice.

### Key Observations/Recommendations

- The current code is too inflexible in its treatment of expansions and alterations of nonconforming situations.
- There are many ill-fitting development standards that make many properties nonconforming; revising these standards would help remove unnecessary regulatory and procedural obstacles to redevelopment.
- The current code lacks contextual development standards that would accommodate redevelopment that is in keeping with existing neighborhood conditions redevelopment.

## 11.2. Eliminating Parking Barriers

To achieve these goals the new code’s parking requirements will need to be made flexible enough to address the realities of sites and buildings that were developed long before off-street parking requirements and the age of the automobile. Even after building in such flexibility, new procedures will need to be devised to provide an easier and faster route for parking exceptions for building rehabilitation. Options might include re-assigning decision-making authority for some parking variances.



### 11.3. Nonconforming Uses, Buildings and Lots

Under today's code there are undoubtedly thousands of so-called “nonconforming” buildings in Philadelphia. Originally built in compliance with existing rules, they no longer comply with zoning rules because the rules were changed—or were instituted—after their construction. Their nonconforming status could be related to virtually anything now addressed by current controls, including failure to meet current setback, building height, or density standards.

Many people, unfortunately, confuse nonconforming with illegal. A much better description for these structures might be “previously conforming” buildings, denoting that they did comply at one time. Philadelphia's current code makes it too difficult to carry out routine improvements to nonconforming buildings. In older cities, the majority of existing properties are nonconforming in some regard, and zoning codes should make some allowances to provide for the rehabilitation, modification, and reuse of these properties.

The city needs more detailed and flexible policies on nonconformities. Improving and modifying nonconforming properties should be easier. Not all reuse or rehabilitation plans for nonconforming properties should require review and approval by the Zoning Board of Adjustment. The following provisions of the nonconforming use and structure regulations are examples of those that should be considered for modification.

- Section 14-104 (5) states that a nonconforming (use) when discontinued for a period of three consecutive years or less may be resumed *only as the same nonconforming use and no other*.
- Section 14-104 states that “no structure which contains a gross floor area equal to or greater than that permitted shall be extended so as to increase the floor area.”
- Section 14-104 (10) states that “any new stories erected on such (nonconforming) structure shall be constructed so as to fulfill the yard, court, occupied area, open area and rear yard area regulations, which in such a case shall be applied on the level which such new stories are being erected.”

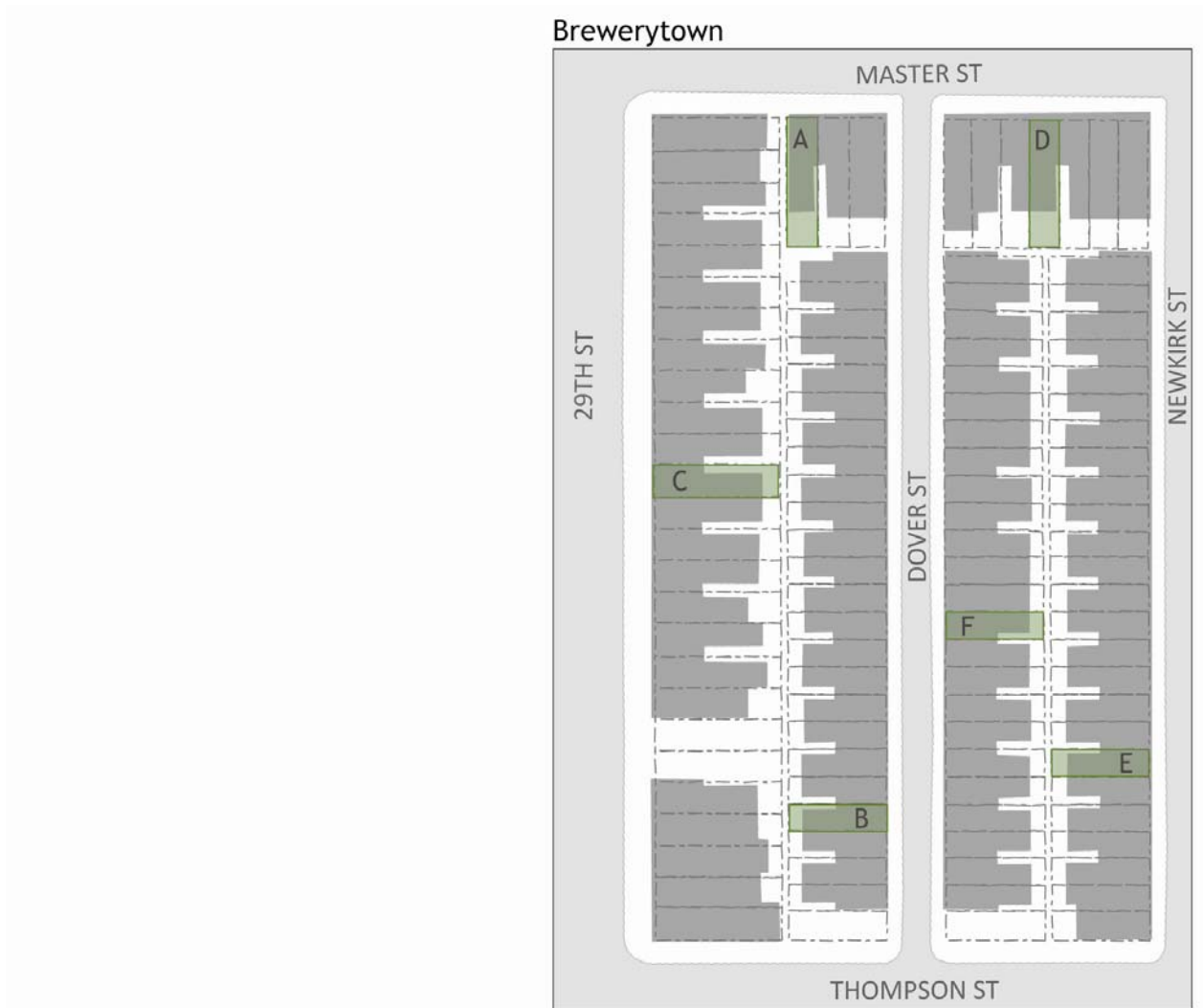
These provisions need to be updated and made consistent with the city's goals for promoting neighborhood redevelopment and rehabilitation and reuse of older buildings.

### 11.4. III-Fitting Standards

In addition to modernizing and using a “lighter touch” on nonconforming situations, the updated code should make adjustments to standards and regulations that have been chronic stumbling blocks for those seeking to make property improvements. By removing unnecessary hurdles—such as those Philadelphians can encounter when attempting to add a rooftop deck or expand an existing residence—the city would be sending positive signals to those wishing to stay in or move back to the city's great neighborhoods.

The following map and table illustrate nonconforming lots in one of the city's designated redevelopment districts. This is a neighborhood where the city is trying to encourage new

development. The city needs zoning provisions that make it simple to combine lots and receive approval of minor front and rear setback adjustments.



	Existing R10 Zoning	A	B	C	D	E	F
Min. Lot Width	16 ft	16 ft	14 ft	16 ft	15 ft	14 ft	14 ft
Min. Lot Area	1440 sf	1046 sf	678 sf	1057 sf	991 sf	699 sf	705 sf
Min. Open Area	30%; 20% (corner)	39%	22%	27%	34%	43%	22%
Front Yard Depth	-	0 ft	0 ft	0 ft	0 ft	0 ft	0 ft
Back Yard Depth	9 ft minimum	17.6	8 ft	9 ft	19 ft	8 ft	7 ft
Min. Back Yard Area	144 sf for 1st family + 100 per add'l family	413 sf	148 sf	248 sf	333 sf	152 sf	156 sf

*Many properties in this redevelopment area will require relief from the Zoning Board of Adjustment because of nonconforming setbacks and open areas.*





## 12. Administration and Procedures

Overuse of case-by-case review of zoning matters is one of the clearest signs that a community's development regulations are not functioning effectively or ensuring the type and quality of development desired. This appears to be the case in Philadelphia.

We are aware of no other U.S. city that relies so heavily on its Zoning Board of Adjustment for zoning administration. As a result, the caseload of Philadelphia's Board is astounding. According to an analysis by the Philadelphia City Planning Commission, the Board heard 12,609 cases between January 2000 and July 2007. During that period, it heard 7,256 cases involving properties with residential zoning classifications and 4,034 cases for commercial properties.

### Key Observations/Recommendations

- The Zoning Board of Adjustment handles an extraordinarily high number and variety of cases.
- The code should make meaningful distinctions between the procedures that apply to major or minor projects.
- Procedures need to be made more transparent and user friendly
- The city's heavy reliance on "use variances" should be reduced.
- Staff should be given greater authority to approve minor changes to plans and/or to authorize minor modifications of standards in well-defined circumstances.
- Greater use of contextual zoning standards would help reduce reliance on variances.

The role of the Philadelphia Zoning Board of Adjustment goes well beyond the original idea of a zoning board. Zoning boards typically function as quasi-judicial decision-making bodies that hear and decide requests for zoning relief when rigid application of rules presents and unreasonable hardship. In Philadelphia, the Zoning Board of Adjustment appears to be used whenever individualized review of a development proposal—large or small—is deemed appropriate.

The Philadelphia City Planning Commission estimates that the Zoning Board of Adjustment reviews approximately 40% of zoning requests that come to the city each year. Requiring that 40% of all development in the city be reviewed and approved by the Zoning Board of Adjustment does not make sense. It adds significant time, cost, and uncertainty to the development process. And in many cases—though certainly not all—it is unnecessary. A city as big, complex and dynamic as Philadelphia should not need (or want) to conduct public hearings and reviews on as many types of projects as it currently does.

To address this situation, we believe that two fundamental changes should be made: (1) conventional zoning district regulations should be updated and made more flexible to accommodate the types of development now "forced" into special review processes; and (2) new regulations and administrative review procedures should be developed to address the types of issues now being addressed through public review processes.

Recommendations for the types of changes that will be necessary have been made throughout this report. There are also no doubt a number of conditions that have been regularly applied to in review processes that should simply be codified in the regulations.

### **12.1. Jurisdiction of the Zoning Board of Adjustment**

In practice, the Zoning Board of Adjustment is responsible for review and approval of the city's smallest and largest projects. On average, the Zoning Board of Adjustment reviews 1,700 new cases per year, including the following:

- appeals of decisions made by the Department of Licenses and Inspections;
- applications for variances from setbacks, yard, open space and other dimensional requirements;
- applications for special use permits;
- applications for approval of uses requiring certificates; and
- application for use variations.

### **12.2. Major vs. Minor Projects**

The current code makes no distinction between major and minor projects. The Zoning Board of Adjustment's agendas are frequently packed with minor setback variations in addition to applications for 30- to 50-story buildings. There are no added submission requirements for large-scale projects that have citywide impacts. Conversely, there is no recognition that some small projects don't need the scrutiny that larger projects should be given.

Large-scale or major development projects should be reviewed based on their impacts and consistency with citywide plans and policies. These projects should not be evaluated simply on the basis of the Zoning Board of Adjustment's standards of hardship and practical difficulty.

Many minor cases currently heard by the Zoning Board of Adjustment should be delegated to staff. Most cities authorize zoning staff to handle minor matters in an effort to expedite permitting and in order to reduce the caseload of the Zoning Board of Adjustment and Planning Commission. Based on a review of cases currently heard by the Zoning Board of Adjustment, the following issues seem likely candidates for delegation to staff:

- review and approval of residential decks;
- review and approval of minor additions and alterations to legal nonconforming properties.



*The city should relax regulations to allow many types of alterations to nonconforming properties without a public hearing*

- review and approval of setback and open space adjustments related to legally established nonconforming lots;
- review and approval of minor (to be defined) variations from the requirements for front yards, lot widths, courts, open areas, and rear yards;
- administrative allowances for some yard encroachments related to HVAC equipment, dish antennas, eaves and gutters, wheel chair ramps/lifts, and solar panels;
- review and approval of parking for an existing structure in an R-9, R-9A, R-10, R-10A where the adjacent dwellings do not contain parking;
- review of certain temporary use permits; and
- review of signs for buildings with multiple tenants.

### 12.3. Opportunities of Caseload Reduction

There are clearly some opportunities within the text of the code to “deregulate” certain uses and thereby reduce the workload of the Zoning Board of Adjustment. Surely there are some zoning districts where the following uses might be acceptable without Board approval:

- parking lots as a principal use;
- take-out restaurants;
- auto repair;

- public recreation facilities (residential districts); and
- schools (residential districts).

In addition, the text of the code could deregulate the use of some nonconforming properties. In older cities like Philadelphia there are thousands of nonconforming properties, and the zoning code should recognize this and make some allowances. Text changes could allow for:

- front yard setback averaging (i.e., matching the general front setback in the area);
- minimum lot size averaging (i.e., matching the general lot size in the area);
- addition to nonconforming properties that do not increase the degree to which a property is nonconforming; and
- contextual zoning that allows minimum open space and variations in building types based on the existing characteristics of the block or neighborhood.

In January 2009, the Zoning Board of Adjustment began use of a “consent calendar” to help streamline the approval process for certificates, floor area or height adjustments of 10% or less than one foot; decks; building additions to accommodate mechanical equipment or ADA-compliant features; and cellular antenna co-location requests. This new “fast track” agenda process is an example of the type of procedural streamlining that should be included and expanded upon in the city’s new zoning code.

## 12.4. Use Variances

The Zoning Board of Adjustment currently handles thousands of use variance cases, far more than most cities (many of which do not permit use variances at all). There are virtually no limitations in the zoning code addressing what can be requested or approved as a use variance. Limits on the availability of use variances and stricter criteria for their approval should be established.

## 12.5. Administrative Authority

System-wide improvements to zoning standards should allow more types of development to move quickly through a staff-administered (appealable) review and approval process. It is very rare to find a city as large as Philadelphia where the Zoning Board of Adjustment is bogged down with cases related to fences, roof-top decks, parking garages, minor residential additions, or minor alterations to nonconforming structures. We believe that there are circumstances where staff could approve minor adjustments within the rules related to accessory structures, temporary uses, minor dimensional variations and other standards without a public hearing and testimony before the Zoning Board of Adjustment.

It is increasingly common for zoning codes to allow a designated official or hearing officer to review and approve specified types of minor deviations from applicable standards. We believe Philadelphia would benefit from including similar types of minor variance or administrative adjustment provisions in the new code. The types of provisions might, for instance, authorize staff to review and approve 10–20% variations in setback requirements, expansions of certain types of nonconforming uses; or reductions in off-street parking requirements.

## 12.6. Context-Sensitive Regulations

Older cities need flexible standards that allow new development to “match” or build in context with the surrounding block or neighborhood without obtaining a variance. Philadelphia has many neighborhoods and districts where substandard setbacks, lot widths, and lot sizes are the norm. If all the front yards along a block are nonconforming why should a new building be setback further? We would recommend exploration of the use of contextual standards for at least the following:

- front yard requirements based on the average front yards of neighboring properties;
- minimum lot width requirements based on the predominant character of the block; and
- minimum lot size requirements based on the predominant character of the block.

Such standards would need to be tuned or calibrated to address situations where substantial numbers of lots are vacant.

## 12.7. Process Transparency and Public Involvement

Proposals to revise zoning code procedures and standards in a way that will result in fewer public hearings may generate concerns about the ability of neighborhood groups and the general public to stay informed about and involved in the zoning approval process. The process streamlining proposals in this report are not intended to short-circuit the public input process or render decision-making less transparent. It is important to remember that any such changes will come about only after significant, meaningful public input on the new standards and procedures to be used.

Even if the zoning code is revised to reduce the number of matters requiring review and approval through the Zoning Board of Adjustment process, the provisions can be written to ensure that neighbors are (1) given notice of proposed development activities; (2) given an opportunity to provide comments to decision-makers and (3) made aware of any opportunities for appeals of administrative decisions. It is also important to keep in mind that new public input opportunities will be created through the proposed design review process, on-going citywide and community planning efforts, the community-based zoning remapping process and other efforts.





# 13. Professional Code User Interviews

## 13.1. Overview

### 13.1.1. Purpose/Goal

The goal of the professional code-user interviews was to understand the issues and concerns of a wide range of people who use the Philadelphia zoning code on a regular basis, and to seek their recommendations for improvements to the current code. This set of interviews is one component of a broader civic engagement process for the zoning code update. Other components include neighborhood-based meetings with community members who frequently use the code; a website, and web survey.

### 13.1.2. Methodology

The sessions focused on three broad ranges of categories- substantive issues, review process/procedures, and formatting/usability of the code. Within each of these categories specific questions were asked of participants.

Initially, the groups were organized by professional category. However, due to limited availability of participants, it was quickly determined that it was preferred to have people participate even if they were grouped with participants of other professions. Of the 21 sessions, approximately five of the sessions resulted in a high degree of mixing of professions, which resulted in some participants dominating the conversation relative to their specialty area.

The number of participants ranged from 1 participant to 13 participants. Groups with less than 7–8 participants typically seemed most productive and had adequate opportunities to provide comments on the questions asked.

The sessions typically lasted 1.5 hours in length. More often than not, the groups were not able to get through the entire list of questions. However, most of the topics were covered over the course of the interview session. For those sessions where participants had to leave early or the session needed to end before all questions were covered, participants were given the opportunity to share any last comments they might have.

### 13.1.3. Summary Overview

Overall, comments on the existing zoning code and review process were relatively consistent from one professional group to the next. Differences between groups tended to emerge when detailed suggestions for code updates were provided. However, many of the recommendations for improving the code and the review process were consistent from one group to the next. Based on the feedback provided, it appears that resolution of the large-scale problems, including modernizing terminology and uses, improving internal references, and improving the predictability and efficiency of the review process were of the highest priority to participants.

## 13.2. Relationship of the Code to City Goals and Policies

### 13.2.1. Overarching City Goals and Visions

In the majority of interview sessions, participants repeatedly noted that they were not familiar with the City's goals and visions. A recurring comment was that if there are City-wide goals and visions, they do not appear to be implemented through the zoning code. One participant noted that it was hard to tell what the planning goals are, but the City is not dense enough to maintain vibrancy.

In general, comments were consistent across professional groups. One exception is that past Philadelphia City Planning Commission (PCPC) director noted that the zoning code of 1962 did in fact implement the Comprehensive Plan of 1960 and, since that time, two large-scale updates to the zoning code have been undertaken by the City.

In summary, recurring comments included the following:

- Most participants are not familiar with the City planning goals. A few participants suggested that the zoning does implement the goals and visions of the City, even if they may no longer be relevant.
- According to some, mapping appears to take the place of comprehensive planning.
- According to some participants, overlays and neighborhood plans appear to take the place of city-wide planning.
- Some participants suggested the City needs to have long-range planning for industrial lands.
- Concern was expressed by several participants that City Council undermines planning with frequent local zoning changes.

### 13.2.2. Neighborhood Plans

Most participants, particularly those representing neighborhoods and community groups, noted that the only planning goals they were familiar with are those of neighborhood plans. Several attorneys and developers were aware that neighborhood plans existed, but noted that they did not typically pay much attention to the details of the neighborhood plans because they tend to be incidental to development applications. Recurring comments included the following:

- Several participants noted that neighborhood plans vary widely in the topics covered, the depth of each topic covered, and the source of funding for plans.
- Neighborhood plans are sometimes inconsistent with each other and the zoning code tends to be a barrier to implementing neighborhood plans.
- In some neighborhoods with an adopted plan, the community does not want the zoning changed to reflect the neighborhood plan because it would be more likely for a development to be approved by-right without a public process.

- One participant suggested that the Center City Plan and the subsequent zoning amendments is one of the few examples where zoning was amended to reflect the local plan.
- In neighborhoods where there is a neighborhood plan, development review still seems to occur site by site.

Several suggestions were made from participants regularly involved with community development to improve the legitimacy and effectiveness of the neighborhood plans, including the following.

- The PCPC should identify those aspects of a neighborhood plan that they find acceptable and not acceptable, provide more guidance on neighborhood plans, and approve the neighborhood plans.
- There needs to be an overall structure and implementation strategy for neighborhood plans so they are consistent regarding the topics they address. It was noted by some participants that there is a template available from PCPC for neighborhood plans. Not all participants seemed aware of the availability of the template.
- It was suggested by some participants that the Zoning Board of Adjustment will not take into consideration neighborhood plans that are not adopted by PCPC.

### 13.3. Evaluation of the Existing Zoning Code

In the evaluation of the existing code, many comments and suggestions tended to cross professional lines with agreement often being reached by nearly all participants. Recurring comments are summarized as follows.

#### 13.3.1. Definitions

Participants from all professional backgrounds agreed that the definitions need to be updated and expanded. Generally speaking, comments emphasized the fact that definitions are outmoded and incomplete. It was noted that L&I and PCPC staff worked together on draft legislation to update the definitions a few years ago, but the proposed changes were never introduced into City Council or adopted.

- According to most participants, definitions for modern uses are lacking and many current terms are not adequately dealt with.
- It was also noted that some definitions are not congruent with the text.
- Some participants suggested that there are many definitions that do work, and that there are more definitions that work than do not work.
- Many definitions are out-of-date – i.e. slaughterhouse and accessory (not specific and does not have criteria).
- Definitions noted as being particularly troublesome by a wide range of participants include: legally required window (needs to be simplified or clarified), take-out, public/live entertainment (overlays try to define this to address local concerns), courtyard, building height, homeless, removal of pre-existing signs, story, rooming

## 13. Professional Code User Interviews | 13.3 Evaluation of the Existing Zoning Code

houses (sororities/fraternities), lack of definition for bed and breakfast, and basement versus cellar.

- Childcare providers suggested that definitions should be consistent with State definitions and that the accessory use definition as it is applied to childcare is particularly troublesome.
- Many participants commented that definitional problems lead to interpretation issues, which results in many variances.
- According to one attorney, some definitions are used as regulations, and that is a mistake.
- Several participants, particularly architects and engineers, suggested that illustrations accompanying definitions would also be helpful.
- According to some attorneys there should be a provision in the code about how to make interpretations. There should also be a place in the code where a user can go when there is not a definition for a specific use.
- It was also suggested by some attorneys that an interpretation of a definition should be challengeable and sent to PCPC for interpretation, since PCPC staff tend to be the ones to write the definitions.
- Some attorneys suggested it would be helpful if definitions were consistent with the building code.

### 13.3.2. Zoning Classifications

Comments relating to the zoning classifications did not typically differ by profession. Recurring comments are summarized as follows.

- Participants in all interview sessions tended to agree that there are too many zoning classifications, particularly residential and industrial districts. Although, one participant from L&I noted that the existing zoning classifications reflect the fact that Philadelphia consists of several unique neighborhoods/communities.
- A few participants noted that while some of the existing classifications might be able to be consolidated, there is potentially need for new mixed-use and TOD districts in some parts of the City.
- A few participants suggested the City should avoid creating new nonconforming situations just to try to reduce the number of zoning districts.
- One attorney suggested that C-1 and C-2 may be able to be consolidated. However, in other sessions participants indicated that there is value in having the two districts. One ZCC member suggested that there may be value for a district that falls between C-1 and C-2 standards.
- There was a suggestion to develop non-Center City business districts that are more appropriate to the character of the outer neighborhoods.

### 13.3.3. Organization/Flipping Back/Connections

Comments relating to the organization of the code also did not typically vary by professional category.

- Nearly all participants agreed that flipping back to previous chapters was not effective and tended to be frustrating for code-users.
- Many participants suggested a table similar to that used for the residential districts for uses and dimensions.
- Frustration was expressed by some, particularly attorneys and developers, that there are no clear connections between sections indicating which other sections are applicable. In particular, it was noted that signage and parking standards are located in multiple locations, but there is nothing in code that alerts a user to this situation.
- An attorney suggested that the industrial designations should have more logical names.

### 13.3.4. Overlays

Based on the conversations and the feedback from the interview sessions, it appears that there are two issues relating to the overlays. All participants expressed frustration about the numerous overlays that are initiated and adopted by City Council, in response to a specific issue in a neighborhood. It was noted on several occasions by participants that the City Council is using overlays to regulate social behavior. In contrast, some neighborhoods have gone through a community engagement process and developed thoughtful standards that apply to a large area of a community. However, beyond those common complaints, comments tended to differ generally by profession and/or by where a participant resided.

- Participants from all professions expressed general frustration relative to the number of overlays, the political relationship of many of them, and how difficult it is to determine which overlays apply to a given property.
- It was noted by many participants, particularly L&I staff, that there are too many overlays to keep track of.
- Participants who tended to be associated with neighborhood groups or nonprofits oriented to community development tended to be very protective of certain overlays because they were the result of significant community effort.
- Those participants who tended to represent the development community expressed general frustration with the overlays. Many acknowledged that the intent behind the overlays is good, but that they are out of control.
- Many participants suggested eliminating the overlays or at least clearly referencing them in the code.
- Several participants suggested that they would like to see the standards of the overlays incorporated into the underlying districts. Neighborhood representatives tended to agree that it may be workable to incorporate the standards of the overlays into the underlying district.

- Some suggestions for alternatives to the current overlays included the idea of contextual zoning through an overlay. As an alternative, base zoning districts could be adopted throughout the City, with one overlay developed for each neighborhood that tailors the zoning to each neighborhood.

#### 13.3.5. Uses

Similar to the previous sections, there was agreement across professional bounds regarding many comments relating to uses.

- Nearly all participants agreed that many uses currently listed in the code are out of date and need to be modernized.
- Some participants, particularly from the development community, stated that there are special standards listed in the beginning of the code that are applicable to uses listed elsewhere in the zoning classifications. According to the participants, there is no clear link between special standards and uses listed in the individual zoning classifications. This disconnect will often catch an applicant off-guard when submitting for a use approval when they are unaware of additional standards.
- Agreement was also often reached when talking about use versus form. The use issue is a very important issue and zoning should not just be about form.
- Two particular uses that were mentioned in nearly all sessions by all professions of code-users were parking and signage. Opinions were not always in agreement as to how these two issues should be addressed, but nearly everyone agreed that the standards relating to these uses needed to be improved, particularly relative to infill development and required off-street parking.
- It was also agreed by many, including developers, architects, and nonprofits that there is a lack of consistency with regard to when off-street parking is required.
- A few proponents of transit-oriented developments, developers, and architects suggested that there should be no parking requirements for new development and the market should decide how much parking should be provided. However, many other participants disagreed with this suggestion.
- Several community representatives suggested that more provisions for car share and mechanized parking should be included.
- Signage was also identified as a major problem. A wide range of participants noted that there is no logic in the review process and that it discourages quality signs. In addition, it was suggested by many neighborhood representatives that because it is so difficult to get approval for signage, many neighborhood businesses struggle to succeed.
- On multiple occasions participants noted that projecting signage is not bad and the approval process for projecting signs should be easier.

While not necessarily unanimous, other issues relating to uses that were brought up on multiple occasions included the following.

- An issue identified by both attorneys and Zoning Code Commission (ZCC) members was the method of determining whether or not a neighborhood is predominantly (75%) commercial or residential is not clear. Is it based on uses or zoning?
- It was suggested by L&I staff, architects, attorneys and planners that uses should be listed by broader categories, rather than trying to predict every use.
- The standards for “home-based business” need to be revisited. The standards are out-dated, and need to be clarified.
- It was suggested by economic development specialists that industrial lands need to be protected from other uses being approved on industrial land through the variance process. In partnership with the Philadelphia Industrial Development Corporation, the City is conducting a city-wide analysis of future industrial land needs.
- An attorney suggested that C-4 and C-5 districts are too complicated. Several other participants, particularly neighborhood representatives, suggested that there is too wide a gap between C-4, with a FAR of 5, and C-5, with a FAR of 13.
- Several architects suggested that the code needs to better reflect the uses that exist in the neighborhoods.
- It was also suggested by architects and developers that it is not easy to develop medium density residential in the City, particularly in the outer neighborhoods.
- An architect suggested that the bonuses in Center City are an all or nothing process, and would like to see something in-between. Some of the bonuses are ridiculous.
- Permit institutional uses in industrial classifications (comment from former PCPC Director)

## 13.4. Suggestions for New Standards

### 13.4.1. Sustainability

When asked if sustainability standards should be written into the zoning code, initial responses from the majority of professional groups tended to be yes, particularly from neighborhood groups, attorneys, planners, and architects. Participants were also asked if sustainability requirements should be mandated or incentivized – the responses were mixed and did not necessarily breakdown by professional category. However, when discussing the implications in more detail, many participants suggested this requires more analysis. Recurring comments included the following.

- It was suggested by many that some basic elements of sustainability should be mandated, but more progressive elements should either be incentivized or not addressed at all in the zoning code.
- Some participants strongly expressed the opinion that the City should not mandate elements like green roofs because it is cost prohibitive.
- Some participants suggested that elements such as green roofs should not be tied to zoning because they could easily be eliminated/replaced if they fail.



- Overall, all groups seemed to agree that the City needs to decide what is meant by sustainability and think through carefully how it might affect development in the City if it is incorporated into the zoning code.
- Many participants suggested that particular attention should be paid to create consistency among departments because several examples were given that illustrated how a requirement by one department may result in noncompliance with the requirements of another department.
- It was also noted by many that many aspects of sustainability are more closely connected to issues dealt with by the Philadelphia Water Department and the Building Code and that the City should be careful to think strategically about where sustainability regulations and incentives belong.

#### 13.4.2. Open Space

There tended to be two main issues relating to open space. The first issue was the need for more community/common open space in high-density, developed neighborhoods. The second issue related to open space requirements on individual properties.

- Some participants noted that there is a need for additional open space in some neighborhoods, but given that most of the City is developed, this is a challenge. One participant noted that much of the remaining open space is left-over right-of-way.
- The most frequently mentioned issue relating to open space was the 30% open space requirement on individual lots, particularly relating to existing nonconforming lots, which represents a lot of properties within the City. Overall, it was agreed by most participants that the definition of open space needs to be improved and that the 30% requirement on older nonconforming residential lots needs to be revisited. No participants suggested that it should be more than 30%.
- Many participants from a wide range of professions suggested that in some instances there should be less open space required, particularly relative to existing nonconforming lots and in existing high density neighborhoods.
- It was noted by many participants that open space requirements are triggered for nearly any structure replacement on existing nonconforming lots, even if the building footprint is not changing. This is a common variance application.
- Many participants from an array of professions expressed concern about the fact that paved area and parking count toward open space. Many participants did not think these types of areas should necessarily be counted toward open space.
- Some participants, particularly architects, suggested that credit should be given for open space not at ground level, such as a roof deck or a roof garden.

#### 13.4.3. Urban Design/Aesthetics

The issue of urban design was a heavily debated discussion topic with the least consensus of all issues. In a very general sense, architects tended to be supportive of urban design as long as it was limited to the public space and was not applied to the buildings. Community

representatives tended to favor design standards that did allow the community to have a voice as to the design and fit of a building into an existing neighborhood. It was noted by many that this is a big issue and is unofficially being regulated by the Zoning Board of Adjustment and local zoning committees. Some local zoning committees also have their own design standards.

- Many participants from a wide range of professions thought there should be some sort of design review, but there was no consensus on whether the standards should be part of the zoning code or developed as separate guidelines.
- While there was not strong consensus about urban design and aesthetics, most participants seemed to agree that if the City is going to address urban design, then the City needs to clearly establish what constitutes urban design and establish clear guidelines. Several participants from the development community suggested there needs to be flexibility.
- Some participants suggested that the guidelines by which local zoning committees are reviewing development applications should be reviewed and, if satisfactory, accepted by the PCPC. It was noted by some that developers tend to respond in a positive manner to design standards because it gives them an idea of what the community is looking for.
- In some of the sessions, participants mentioned that the City is developing a design review board. Responses to this board were mixed, with some planners and developers concerned about another layer of review, while many architects voiced support if it would resolve some issues earlier in the process. Some community representatives and others from a wide range of professions were concerned about the membership of the proposed design review board because they had heard that it will primarily be architects.

#### **13.4.4. Woodland Protection**

An architect stated that there are some neighborhoods within the City that are still heavily wooded and these areas need to be protected against future development removing large quantities of trees from a site.

#### **13.4.5. Mixed-Use**

The majority of participants, particularly architects, developers and planners, noted that it is difficult to accommodate mixed use developments, particularly with medium densities, which the market is demanding. Participants representing developers suggested encouraging mixed use and TOD in the outer neighborhoods, not just the urbanized areas of the City. It was noted by participants from PCPC and L&I, that many of the commercial districts and RC districts permit a mix of uses. However, based on comments from the private sector participants, it appears that the private sector finds the existing zoning not sufficiently supportive of mixed use.

#### **13.4.6. Transit-Oriented Development**

Several participants, particularly architects and planners, suggested that higher densities need to be accommodated at transportation nodes. However, representatives from communities

expressed concern about encouraging generic standards in neighborhoods around rail stations without considering the existing conditions. Many of these areas are already developed and the existing character of the community needs to be respected. Some participants suggested that this may be a type of development that should be considered relative to the greater good of the City as opposed to neighborhood interests.

#### **13.4.7. Compatibility of Uses/Transitions**

Some participants, particularly architects and members of the ZCC, suggested that consideration of contextual zoning for existing neighborhoods with occasional infill may be appropriate. Some participants also suggested establishing transition requirements between incompatible uses and districts that are adjacent to one another.

#### **13.4.8. Riverfront**

Some participants suggested that the riverfront needs to be addressed better.

#### **13.4.9. Other Standards**

The following suggestions were made by some participants throughout the interview process.

- Improve approval criteria for rooming houses, halfway houses, and childcare.
- Figure out a way to deal with illegal structures.
- Many participants suggested that definitions for decks/roof-decks and take-out be written into the code.
- Improve fence standards to reduce the number of variances.

### **13.5. Recommendations for Improving General Usability of Code**

When asked about suggestions for making the code more user-friendly, nearly all participants suggested or supported the following:

- More charts and graphics.
- Less flipping to previous classifications.

The following suggestions were not discussed in every session, but received strong support from a wide range of participants.

- Improve the page numbering.
- On-line maps are useful, but they need to be more accurate relative to the overlays.
- The new code should work better with nonconforming situations. There are a lot of nonconforming properties within the City and it is very difficult to work with these properties.
- Website could have better links between information. Have more “hot spots” or hyperlinks.

- Minimize City Council amendments and insert amendments in more predictable locations.
- Evaluate new standards fully before adopting and consider the costs as part of the evaluation.
- It was suggested by some that if a form-based code would allow more flexibility then that would be helpful.
- Have a handbook available separate from the code.
- Post a list of frequently asked questions on the website with responses.

### 13.6. Review Process

Overall, it was agreed by participants of all professions that the review process is too complex and needs to be improved. While not all participants agreed on all issues, there were many issues that representatives from all professions expressed similar concerns about.

- Representatives from all professional groups tended to agree that there is no consistency in how things are handled and this should be improved.
- Participants from all professions also supported establishing clear steps to guide people through the City review process and the variance process.

Participants representing neighborhoods and civic groups tended to express concern about the following.

- Changes to the zoning code and reduction of variance applications will eliminate community opportunity to provide review and comments.
- On various occasions it was suggested that if changes are being proposed to the zoning code that will reduce neighborhoods' opportunities to be involved, a new public participation process should be implemented before major changes are made to the code.
- Many neighborhoods have a set of design guidelines that are typically disregarded by the zoning board.
- Some participants suggested that they did not support an extension of permit time (increase from 1-2 years to 5 years) because this would allow developers to leave a site in disarray for a longer period of time.

Participants representing the development community tended to express concern about the following.

- Lack of predictability is a problem.
- Several participants supported the as-of-right basis of the code and did not want to see this eliminated by creating a complex public review process for developments that meet the standards of the zoning code.

- There needs to be flexibility built into the process. Minor variations to plans should not open the entire Zoning Board of Adjustment process again.
- Needs to be better communication with developers early in the process.
- The review process is very inefficient and expensive. A sketch plan process would be helpful to know what the issues are up front. Generally, support was expressed for a preliminary development review process.
- Have a commentary for the zoning code similar to the building code.
- Some developers, attorneys and architects suggested that a longer timeframe is needed to begin work on a project once it is started. This was also suggested by some nonprofit representatives who often need to arrange for government financing prior to work commencing. The result of the current requirement is that developers make it appear as if work is occurring. The idea that a permit can be revoked due to inactivity leads to a lot of cynicism.
- A participant noted that neighborhoods try to control design too much.
- Consider establishing time lines for review.

#### **13.6.1. Disconnect between departments**

Most participants from the development community noted that the process is extremely confusing and there is no clear notice when other department reviews are triggered. Specific comments and suggestions that seemed to be expressed at multiple meetings include the following.

- There was general support for implementing a preliminary review process for large projects where the different departments are represented and identify key issues early in the process. However, it was noted that the departments need to be able to support the initial decisions and commitments.
- There needs to be a better relationship between PCPC and L&I; particularly related to zoning.
- It would be helpful to be able to work with different departments concurrently.
- There should be one authority to handle/oversee the development process.
- Needs to be a flow-chart outlining the process.

#### **13.6.2. L&I**

Two areas of concern were prevalent from one session to the next and tended to cross professional bounds. First of all, the biggest issue was that of interpretations. The second issue was the general lack of availability of L&I staff for questions and lack of process clarity. Comments regarding L&I interpretations tended to surface throughout the questions and were applicable from one profession to another. Recurring comments relating to interpretations are outlined as follows.

- Concern was expressed about the lack of consistency relative to code interpretations. In nearly every session it was noted that interpretations from L&I are continually changing and generally inconsistent and new interpretations occur frequently. Participants from the development community suggested that L&I interpretations are getting worse over time and applications are sent to the Zoning Board of Adjustment much quicker than in the past. Examples included front porches (prohibited), backyard area, and roof deck counting as an additional story.
- In nearly all sessions, reference was made to internal memos/binder that is kept by L&I staff that is not normally made available to the public; yet decisions are based on its contents. In response to these comments, L&I staff noted that while, the book of memos is still referenced internally, new interpretations are posted on the website for public review as code bulletins. It was also noted by L&I staff that new amendments to the zoning code are passed by City Council on a frequent basis and staff cannot keep up with all the changes. Several hundred amendments are passed each year pertaining to the zoning code, which often result in changes relating to how certain aspects of the code are interpreted.
- Childcare providers noted that interpretations relative to childcare as an accessory use changes from one applicant to the next and is a real problem.
- Some participants from the legal community suggested there should be a provision about how to make interpretations. It was noted that PA case law has determined that interpretations shall be made in favor of the land-owner; however, L&I does not follow this interpretation and it leads to problems.
- One attorney suggested that L&I be set up similar to the State Liquor Control where a question could be submitted for interpretation and then an official interpretation be issued publicly.

Regarding the process and clarity, the following comments were received at many of the interview sessions.

- Be more available early in the process for questions.
- No clear process in place for getting answers to questions.
- No ability to get a conceptual review. Need to fail to find out how to succeed.

### 13.6.3. Water Department

- Participants from the development community noted that inconsistent reviews by Water Department staff are a problem. Changing the rules during the review is not uncommon.
- According to representatives of the development community, a lot of time is spent designing stormwater systems before an applicant knows whether they will be granted a zoning permit for that site with that design.

#### **13.6.4. Planning Commission**

- Consider bringing in the PCPC more often, particularly relating to interpretations (given that PCPC tends to write the code)
- PCPC needs to play a bigger role relative to review of development early in the process and providing recommendations.
- Suggested that PCPC have more involvement if decisions on some items are shifted to an administrative level.
- Some participants suggested they would like to see the City support the regional planners more.

#### **13.6.5. Zoning Committees/Civic Groups**

- Need to provide feedback in a manner that is consistent from one neighborhood to the next.
- It was suggested that community groups have too much power. Most participants support community involvement in the review process, but there needs to be an appeal process to protect both neighborhoods and applicants; there needs to be a balance.
- It was noted that zoning committees develop their own procedures for reviewing development applications and their decision-making process for making recommendation to the Zoning Board of Adjustment. No consistent criteria exist with variations from one neighborhood to the next, which should be corrected.

#### **13.6.6. Zoning Board of Adjustment**

- Some participants suggested the Zoning Board of Adjustment is trying to regulate for what they think “should” be in the code. It was further suggested that the Zoning Board of Adjustment does not turn to the standards of the code when making decisions.
- A suggestion was made that the City consider another set of standards, not hardship related, that are more in line with what the Zoning Board of Adjustment is actually looking at.
- Criteria should be clear so that anyone can come in and represent themselves relative to the criteria.
- Provisos are a problem, and there is a need to get away from them. If they are going to continue, rules/standards are needed in the code. Several participants noted that enforcement of provisos is a problem because the City does not have adequate staff and it was questioned whether or not many of the provisos were legally enforceable.
- Participants from all professions tended to agree that fewer cases need to be sent to the Zoning Board of Adjustment.
- The review process is not outlined in the code and therefore the Zoning Board of Adjustment does what they think the code should do.



- To improve transparency, the Zoning Board of Adjustment should clearly indicate in their notice of decision what the decision was for. According to some participants, decisions are only written when they are appealed.
- Improve the readability of the handout that outlines the application requirements.

#### **13.6.7. General Recommendations**

The following suggestions were not discussed at every session, but received strong support from a wide range of participants.

- Have handouts for common applications such as decks.
- Require a one-page handout outlining “by-right” uses be given to a purchaser of property at time of agreement of sale.
- Outline the process for reviewing an application. Give neighborhoods a process for reviewing applications other than the variance process.
- Look at how the Historical Commission and Conservation District handle the review process. These could be good examples.
- Several participants suggested that the review process prevents good development.
- Zoning should be zoning, not be intertwined with other department issues and requirements.

#### **13.6.8. Decision-making at different levels**

Participants were asked if they thought decision-making could be shifted to different levels. Opinions tended to be consistent from one professional group to another. Common comments are summarized as follows.

- Participants were typically not supportive of decision-making being shifted to City Council. However, a participant from the architect/planner session suggested that certain projects such as very tall buildings could be decided by City Council.
- Participants from most professions thought that decision-making on some issues could be shifted to an administrative level or to the PCPC. However, several participants added the caveat that there needs to be clear standards by which administrative decisions are to be made and there still needs to be some opportunity for public comment on many applications.
- One participant noted that the best codes allow decisions at lower levels.

#### **13.6.9. Variance Process**

Issues relating to the variance process were raised throughout the interview sessions relative to other issues. However, overall participants tended to agree that too many items are required to go through the variance process and the process is complicated and unpredictable. Additional comments relating to the variance process include the following.

- It was noted by some participants from the development community that when a use variance is granted, it is typically for specific tenants. Therefore, when a tenant changes, the owner must go back through the variance process, which is a problem for developers/owners.
- Several participants noted that once a variance is issued for a property, every application thereafter gets sent back to the Zoning Board of Adjustment even if it complies with all standards of the zoning code.
- Some participants suggested having two separate processes. One for large projects, another for small projects. Others suggested that uses and dimensions need to be considered differently.
- It was suggested by some participants that a developer will build a bad product just to avoid the variance process. But, the majority of the time a variance is needed.
- The current instructions for variances are not user-friendly.

#### **13.6.10. *Protective Qualities of the Code***

Participants were asked if they thought the existing zoning code protected neighborhoods from incompatible development and whether the code protected property owners wanting to develop. Key comments are summarized as follows.

- Several participants commented that the code itself does not protect neighborhoods against incompatible development if it is permitted as-of-right; the complex (uncodified) process protects neighborhoods. This uncodified process is based on the fact that very few applications are able to be approved by-right and must therefore go through the variance process. Once an applicant is required to get a variance they are told to go to the local civic group and the local Councilperson's office for review, which typically opens every aspect of the development to scrutiny by the neighborhood.
- There are no clear review standards by which neighborhood groups review an application, therefore everything is open for review. It was suggested by some that neighborhood groups rarely turn to the zoning code standards when considering a development application.
- Typically a Council person will not sign-off on an application unless the local civic group is not opposed to the application. It is when an application requires any sort of variance, that the application is then opened up to the neighborhood scrutiny, and typically there are no bounds at that point.
- It was suggested on many occasions that the City tries to control social behavior through zoning.
- Some participants suggested the City consider performance standards.

#### **13.6.11. *Politics***

During the interview process, the issue of politics and the impact of the City Council was raised in nearly every session by participants of all professional categories. Key comments included the following.

- Nearly all participants agreed that the biggest challenge for both staff and applicants is keeping up with the continual amendments enacted by City Council resulting in repeatedly adding overlays.
- Some participants from community representatives suggested that a process needs to be instituted where neighborhoods can propose zoning changes to City Council and have them considered, particularly if proposals are consistent with neighborhood plans.
- Some participants suggested that City Council should not have any involvement in zoning. Others thought that City Council involvement should be minimized and local amendment initiatives should come from PCPC and/or the community.
- Some participants suggested that City Council should have training relating to the zoning code. It was noted that there is a program called the Mayor's Institute that provides training for mayors around the country, but there is no equivalent for city council members.



## 14. Web Survey Results

The following provides a summary of the on-line survey results as of February 19, 2009. All findings are preliminary and data cleaning has not been conducted.

### 14.1. Responses

- As of 2pm, 2/19: 1,178
- Language: 1,172 English; 4 Spanish; 2 Chinese
- Familiarity with Zoning Code: 160 Very, 437 Somewhat; 164 Not Very

### 14.2. General Zoning Topics: Priorities

The list of 10 priorities that respondents were asked to rank consists of:

- The size, design, or location of landscaped areas
- The size and design of new buildings
- Types of housing allowed in different parts of the city
- The size, design or location of parking areas
- Encouraging redevelopment of existing buildings and sites
- Protecting existing neighborhoods from development impacts
- Types of commercial, industrial or mixed-use development allowed in different parts of the city
- Involving the public in development decisions
- Providing a clear, fair and efficient zoning approval process
- Promoting sustainable development

Overall, top three priorities are:

- Encouraging redevelopment of existing buildings and sites
- Protecting existing neighborhoods from development impacts
- The size and design of new buildings

Response data did not vary widely by level of familiarity . “Very Familiar” respondents rated “The Size and Design of New Buildings” as slightly more important than respondents who are “Somewhat Familiar” or “Not Very Familiar” with the code.

### 14.3. General Zoning Topics: Satisfaction

- Overall, respondents were generally satisfied with general zoning topics as they pertained to their neighborhood

## 14. Web Survey Results | 14.4 Technical Zoning Topics: Priorities

- Respondents indicated some dissatisfaction with “the size, design or location of parking areas” in their neighborhood
- Overall, respondents were less satisfied with general zoning topics as they pertained to the city as a whole. In particular, respondents were less satisfied with the redevelopment of existing buildings and sites in the city as a whole than they were with redevelopment in their own neighborhood
- Response data did not vary widely by familiarity with the zoning code, though respondents familiar with the code were less satisfied with the size and design of new buildings than were respondents less familiar with the code.

### 14.4. Technical Zoning Topics: Priorities

The list of 7 priorities that respondents were asked to rank consists of:

- Involving the public in development decisions
- Encouraging reinvestment in homes and business properties
- Providing a clear and efficient zoning approval process
- Making the zoning code easy to read and use
- Supporting an overall planning vision for Philadelphia
- Promoting sustainable development
- Ensuring decisions about development are fair and objective

Overall, top three priorities are:

- Supporting an overall planning vision for Philadelphia
- Ensuring decisions about development are fair and objective
- Providing a clear and efficient zoning approval process

Response data did not vary widely by familiarity with the code.

### 14.5. Technical Zoning Topics: Satisfaction

- Overall, respondents were less satisfied with technical topics than they were with general topics
- Most notably, respondents generally strongly disagreed with the statements “The zoning code is user friendly” and “The zoning approval process is clear and efficient.”
- Response data did not vary widely by level of familiarity with the code

# 15. Councilmanic District Workshops

## 15.1. Introduction

This chapter provides a summary of comments received at three councilmanic workshops, in the 1<sup>st</sup>, 7<sup>th</sup> and 8<sup>th</sup> Districts. Additional workshops are being conducted in all districts, and the results will be added to this report and considered as part of the ongoing assessment process.

## 15.2. District 1, Councilmember Frank DiCicco

The District 1 workshop was held on February 5, 2009 at the Independence Visitor Center (620 Chestnut Street). Thirty-five people attended the workshop.

### 15.2.1. Zoning Priorities Summary

Participants were provided a list of zoning topics and identified the three topics that were most important to them, as shown in the following table.

Topic	Participants Selecting Topic as One of Three Top Priorities (%)
Providing a clear, fair and efficient zoning approval process	46
Protecting existing neighborhoods from development impacts	46
Involving the public in development decisions	40
The size and design of new buildings	40

### 15.2.2. Zoning Priorities Detail

Participants discussed the zoning topics they identified as most important. Participants described how they currently experience these topics and how they would like to experience these topics. The results follow:

#### Topic: Providing a clear, fair and efficient zoning approval process

Current Experience	Ideal Experience
<ul style="list-style-type: none"> <li>• Process is inconsistent</li> <li>• Process allows for wide interpretation because code is not specific</li> <li>• Enforcement is lacking</li> <li>• Lay person cannot interpret the code</li> <li>• High percentage of cases require variances</li> <li>• One person can derail the process</li> <li>• Applicant has three opportunities to appear before case is dismissed</li> </ul>	<ul style="list-style-type: none"> <li>• Code would be easy to understand</li> <li>• Fewer variances would be required</li> <li>• Code would be communicated well to developers and general public</li> <li>• Code would include more graphic explanations</li> <li>• Code would be easier to interpret</li> <li>• Public would know of objections to cases before case goes before the ZBA</li> </ul>



**Topic: Providing a clear, fair and efficient zoning approval process**

<b>Current Experience</b>	<b>Ideal Experience</b>
	<ul style="list-style-type: none"> <li>• ZBA would not be needed to rule as often because the code would be more clear</li> <li>• Someone would serve as “Zoning Ombudsman”</li> <li>• Continuances would only be granted if the developer and community groups had met, but still have outstanding issues that require additional meetings to resolve</li> <li>• Residents would have more power than the developer</li> <li>• Decisions would be made available online</li> <li>• Community would have input about who sits on the ZBA</li> </ul>

**Topic: Protecting Existing Neighborhoods from Development Impacts**

<b>Current Experience</b>	<b>Ideal Experience</b>
<ul style="list-style-type: none"> <li>• Almost all variances are granted</li> <li>• The status of a parcel (e.g. vacancy) is hard to prove</li> <li>• Difficult to enforce property maintenance by property owners</li> <li>• It is difficult to determine what changes are appropriate for neighborhoods</li> <li>• Classifications are too broad</li> <li>• Lack of stormwater requirements</li> <li>• Landscaping, lighting and design are all lacking</li> <li>• Liquor licenses are granted at state level, which allows for no community input</li> </ul>	<ul style="list-style-type: none"> <li>• Variances would only be granted to “true hardships”</li> <li>• Residents would have more influence than politicians and developers</li> <li>• Zoning changes would be more difficult to get approved</li> <li>• Area-wide zoning re-mapping would be conducted on a regular basis</li> <li>• Neighborhoods would have more input to balance developer interests</li> <li>• Stormwater regulations would be included</li> </ul>

**Topic: Involving the Public in Development Decisions**

<b>Current Experience</b>	<b>Ideal Experience</b>
<ul style="list-style-type: none"> <li>• Impact of community input at ZBA hearings is unpredictable</li> <li>• It is difficult for community groups to have meaningful participation</li> <li>• Zoning Board requires at least three people from a community to represent community</li> </ul>	<ul style="list-style-type: none"> <li>• The impact of community input in ZBA hearings would be clarified</li> <li>• The public would be more involved in the zoning process</li> <li>• The proportion of owner-to-renter would be weighted towards the owner</li> </ul>

### Topic: Involving the Public in Development Decisions

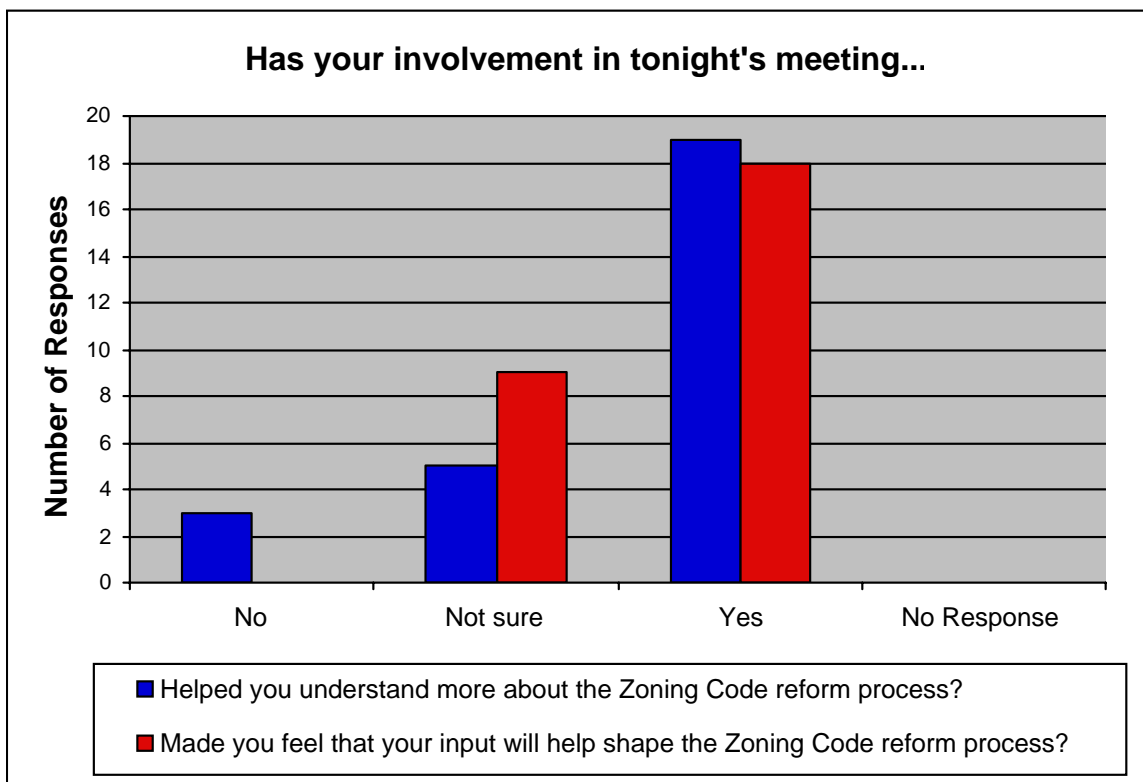
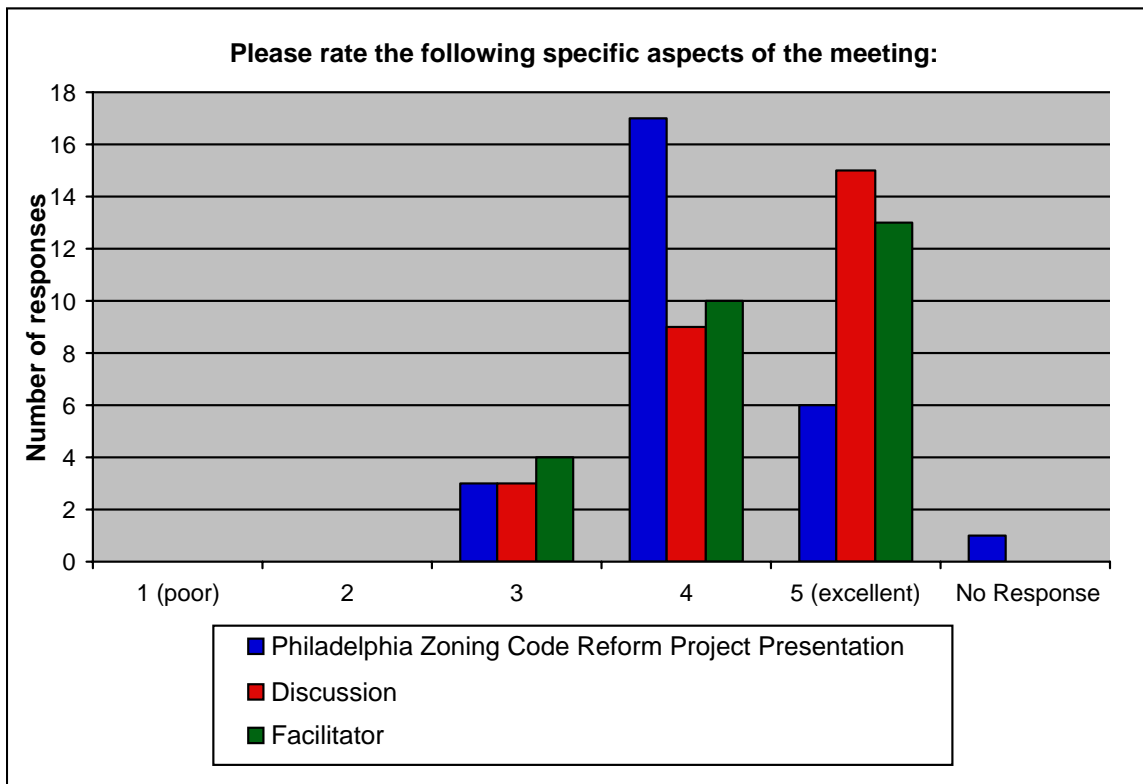
Current Experience	Ideal Experience
<p>interests</p> <ul style="list-style-type: none"> <li>• Civic groups, not ZBA, take on responsibility of notifying residents about proposed changes and developments</li> <li>• Communities without civic groups do not get notified about zoning changes and developments</li> <li>• Owners post orange zoning notices out of public view</li> <li>• Developers subdivide properties into small multi-family units</li> </ul>	<ul style="list-style-type: none"> <li>• The process would be transparent</li> </ul>

### Topic: The Size and Design of New Buildings

Current Experience	Ideal Experience
<ul style="list-style-type: none"> <li>• Incentives promote bad design</li> <li>• No contextual guidelines</li> <li>• No consistency</li> <li>• Variance process is too widely used</li> <li>• Parking regulations are rigid</li> <li>• Considerable use of spot zoning</li> <li>• New and long-time residents have different preferences</li> <li>• Land use classifications are too general</li> <li>• Zoning changes are too radical for surrounding neighborhoods</li> </ul>	<ul style="list-style-type: none"> <li>• More modern incentives would be used to promote development</li> <li>• Form-based elements would be included</li> <li>• Variances would be used on a more limited basis</li> <li>• Process would be more flexible and allow for greater variety</li> <li>• The real estate market would be considered before zoning changes are allowed</li> <li>• Impacts of zoning changes on surrounding neighborhoods would be taken into greater account</li> </ul>

### 15.2.3. Workshop Evaluation Summary

Participants completed an evaluation form to provide feedback on the effectiveness of the workshop. The results are summarized below.



### 15.3. District 7, Councilmember Maria Quinones Sanchez

The District 7 workshop was held on January 14, 2009 at the Community Academy Charter School (1100 East Erie Avenue). Sixty-five people attended the workshop.

#### 15.3.1. Zoning Priorities Summary

Participants were provided a list of zoning topics and identified the three topics that were most important to them, as shown in the following table.

Topic	Participants Selecting Topic as One of Three Top Priorities (%)
Providing a clear, fair and efficient zoning approval process	49
Involving the public in development decisions	42
Protecting existing neighborhoods from development impacts	34

#### 15.3.2. Zoning Priorities Detail

Participants discussed the zoning topics they identified as most important. Participants described how they currently experience these topics and how they would like to experience these topics. The results follow:

##### Topic: Providing a clear, fair and efficient zoning approval process

Current Experience	Ideal Experience
<ul style="list-style-type: none"> <li>• Process is slow</li> <li>• Process is arbitrary</li> <li>• Large developers know and can navigate the process (e.g. they can have people attend meetings)</li> <li>• The process has loopholes that some people can exploit</li> <li>• Excessive jargon</li> <li>• The “greater good” is not considered</li> <li>• Applications are prematurely denied</li> <li>• Some people make alterations that are different from what their variance allows</li> </ul>	<ul style="list-style-type: none"> <li>• Zoning decisions would be apolitical</li> <li>• Zoning applications could be made online</li> <li>• Zoning code would be more accessible to community and civic groups</li> <li>• The zoning process could adjust to the scale of the proposed project</li> <li>• One point of contact throughout the application process</li> <li>• Process would be more transparent</li> <li>• Code would use accessible language and avoid legalese</li> <li>• Sufficient data would support zoning decisions</li> <li>• The process would be more consistent</li> <li>• Process would be faster</li> </ul>

**Topic: Involving the public in development decisions**

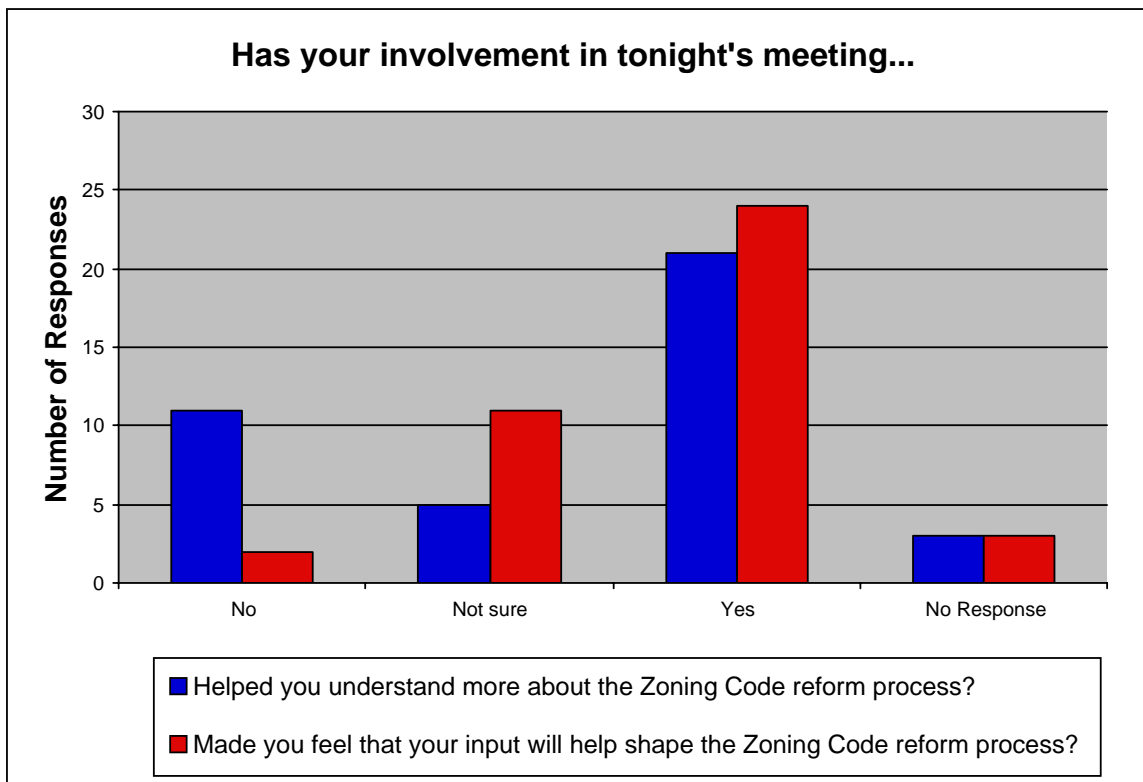
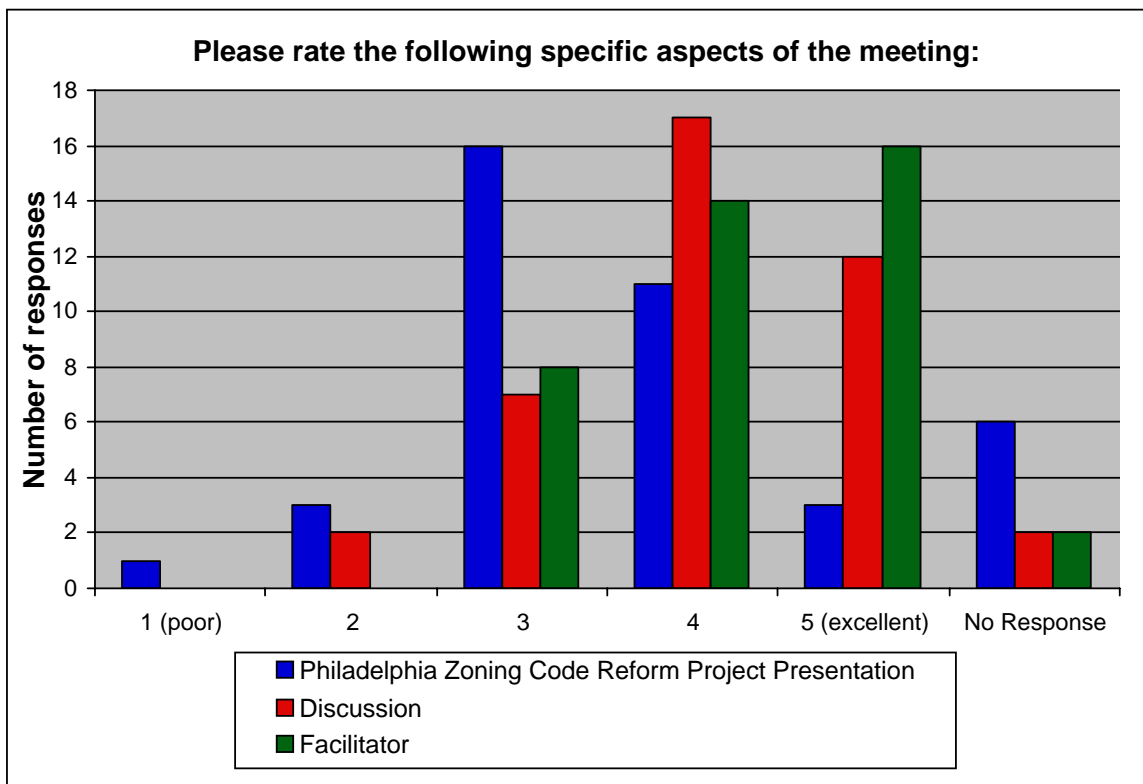
<b>Current Experience</b>	<b>Ideal Experience</b>
<ul style="list-style-type: none"> <li>• ZBA does not want to involve the public</li> <li>• Not enough communication</li> <li>• One objecting person can halt the entire process</li> <li>• Not enough people are informed of potential changes</li> </ul>	<ul style="list-style-type: none"> <li>• Zoning decisions would be apolitical</li> <li>• Public would get more specific information about proposed development</li> <li>• New businesses interested in opening storefronts would meet with community groups during zoning approval process</li> <li>• Consideration of the public good would inform variance decisions</li> <li>• Meeting times would be more accessible</li> <li>• Councilmanic prerogative would not drive the process</li> <li>• ZBA meetings could be held in satellite offices</li> <li>• Indirect/direct impacts of development would be considered in decisions about which stakeholders should be informed</li> </ul>

**Topic: Protecting existing neighborhoods from development impacts**

<b>Current Experience</b>	<b>Ideal Experience</b>
<ul style="list-style-type: none"> <li>• When ownership of a building changes, the use of that building can change as well without public input</li> <li>• Changes in use are made without ZBA approval</li> <li>• Too many continuances</li> <li>• Uses are broadly defined</li> <li>• “Previous use” of a parcel should not be paramount (e.g. many industrial parcels could be more valuable with different uses)</li> </ul>	<ul style="list-style-type: none"> <li>• Changes in uses could be allowed, but with community approval</li> <li>• Development plans could not deviate from what public agreed to during the zoning process</li> </ul>

**15.3.3. Workshop Evaluation Summary**

Participants completed an evaluation form to provide feedback on the effectiveness of the workshop. The results are summarized below.







## 15.4. District 8, Councilmember Donna Reed Miller

The District 8 workshop was held on January 26, 2009 at the First United Methodist Church (6023 Germantown Avenue). Forty-four people attended the workshop.

### 15.4.1. Zoning Priorities Summary

Participants were provided a list of zoning topics and identified the three topics that were most important to them, as shown in the following table.

Topic	Participants Selecting Topic as One of Three Top Priorities (%)
Providing a clear, fair and efficient zoning approval process	45
Involving the public in development decisions	43
Protecting existing neighborhoods from development impacts	41

### 15.4.2. Zoning Priorities Detail

Participants discussed the zoning topics they identified as most important. Participants described how they currently experience these topics and how they would like to experience these topics. The results follow:

#### Topic: Providing a clear, fair and efficient zoning approval process

Current Experience	Ideal Experience
<ul style="list-style-type: none"> <li>• Little opportunity to speak</li> <li>• Not process driven</li> <li>• Disconnect between what is agreed to at hearings and what is enforced</li> <li>• Process is fragmented</li> <li>• Process is unfriendly to small businesses that lack resources to keep up with the various steps</li> <li>• A lot depends on “who you know”</li> <li>• Little information is provided to applicants</li> <li>• Many kinks can stop the process</li> <li>• There is an overlap of different codes (e.g. health, zoning)</li> <li>• Neighborhoods are informed too late in the process</li> </ul>	<ul style="list-style-type: none"> <li>• Notices of applications would be provided in a timely manner</li> <li>• Process would have a clear path identifying where and how all agencies are involved</li> <li>• Decisions would be informed by demographics and data indicating needs for different services</li> <li>• Penalties would be provided when final product is different from what was allowed</li> <li>• “Carve Outs” would be eliminated</li> <li>• Loopholes would be eliminated</li> <li>• Community would be notified through diverse media channels</li> <li>• Hearings would be more frequent</li> <li>• Hearings would be more convenient (e.g. during the evening, in the neighborhoods)</li> <li>• Explicit detail would be published about a</li> </ul>

**Topic: Providing a clear, fair and efficient zoning approval process**

<b>Current Experience</b>	<b>Ideal Experience</b>
	zoning application so all stakeholder would have the same, complete information

**Topic: Involving the public in development decisions**

<b>Current Experience</b>	<b>Ideal Experience</b>
<ul style="list-style-type: none"> <li>• Neighborhoods are divided by zoning decisions (physically when developments change neighborhoods, and socially when there is disagreement about a development)</li> <li>• Code does not reflect community concerns</li> <li>• Developers manipulate the process and keep community in the dark</li> <li>• Spot zoning decisions are made without community notification</li> <li>• Controlled by the few people who are “in the know”</li> <li>• Community groups are too dependent on City Council staff to get information</li> <li>• Attorneys know how to exploit zoning loopholes – community groups do not</li> <li>• Code does not regulate what buildings look like</li> </ul>	<ul style="list-style-type: none"> <li>• All stakeholders would communicate during the application process</li> <li>• Plans would be shared with community groups to allow for their input before final approval is made</li> <li>• There would be greater time between initial public notification and final approval</li> <li>• Design review would be conducted at the community level</li> <li>• There would be greater enforcement once the development is complete to ensure that it complies with what was allowed</li> <li>• The public process would be measurable (e.g. how many people were informed, commented, had questions answered)</li> </ul>

**15.4.3. Workshop Evaluation Summary**

Participants completed an evaluation form to provide feedback on the effectiveness of the workshop. The results are summarized below.

