



## “IN THE KNOW:” WELCOME TO YOUR NEW ZONING CODE

This morning, Philadelphia woke up to its first new zoning code in almost fifty years. After four years of planning, and almost \$2 million in spending, City Council unanimously approved a major zoning overhaul in the final session of its four-year term. Once Mayor Nutter signs it – which he is expected to do next week – the new code will go into effect in August 2012.

Zoning codes provide the ground rules for the way property located within the city can be used. They regulate everything from how big your house can be to where businesses can open to what signs buildings can display. In short, everyone who lives, works or visits a city is touched by zoning.

Philadelphia is not alone in updating its zoning code. Many cities around the country – including Chicago, Denver, Pittsburgh and Washington, D.C. – have all recently tackled zoning reform.

The last time Philadelphia wrote a new zoning code was in 1963. Jim Tate was the mayor. Frank Rizzo wasn't even the Police Commissioner yet. In 2007, city voters approved the creation of a Zoning Code Commission to bring the outdated zoning rules into the 21<sup>st</sup> century.

The new zoning code means different things to different people. Developers and architects who want to build here will pay attention to the fine details; others may not be as interested in the nitty-gritty.

This “**IN THE KNOW**” is designed for people who don't want to know the nitty-gritty. We hope this quick overview will help you better understand the impact of this once-in-a-generation change for Philadelphia.

- December 16, 2011

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### **So I hear there's a new zoning code in town.**

That's just about correct. City Council has approved what will become Philadelphia's new zoning code once it's signed by Mayor Nutter. That should happen next week.

### **If I understood zoning law, I'm sure I'd be very excited right now.**

Even some people who understand zoning law very well have concerns about certain provisions – whether they go too far or not far enough. But everyone agrees that the old zoning code was very long, very wordy and very complicated. The goal of changing the zoning code is to make it easy – or at least easier – for everyone to understand.

### **Is it easier to understand?**

It's definitely a major improvement. For starters, the new zoning code is shorter than the old one by 250 pages, although it's still 400 pages long, which means you'll need a few all-nighters to get through it all. Maybe less since it uses lots of pictures.

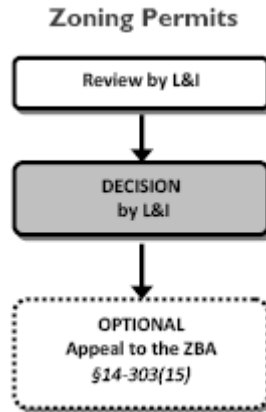


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## Pictures? Can I see one?

Sure. Here you go:



## That looks pretty neat. What exactly does it mean?

If you want to build an addition to your house, you may need to get a zoning permit to do this. This chart shows that zoning permit applications must be filed with the city's Department of Licenses and Inspections for review. If the application is denied, the decision can be appealed to the ZBA or Zoning Board of Adjustment. The §14-303(15) part refers to the section of the new zoning code that outlines this process.

## A picture really says a thousand words. Is all zoning as easy as 1-2-3?

Not exactly, although the new code adds more predictability and consistency to how zoning works. Making it easier to do development here should bring more jobs and new businesses to Philadelphia – rather than driving them away, as the old code has done.

## Other than pictures, what are some other plusses of the new code?

It's more straightforward about what you can do and where you can do it. Let's say you want to know if you can put a roof deck on your house. Under the old zoning code, "roof deck" is not defined anywhere – time to hire a lawyer. Under the new zoning code, there's an entire section dedicated just to roof decks, explaining where they're allowed and how they need to be designed. (By the way, we're not trying to dissuade you from hiring a lawyer. That's your call.)

## Why was it so hard to figure things out under the old zoning code?

The old zoning code was written at a time when the city looked very different. There were many more factories, and not as many condominiums. The old zoning code locked in this bygone era for decades. To get around it, people trying to rehab old buildings or develop vacant land had to get special approval from the ZBA. In some neighborhoods, it was even easier to start a slaughterhouse than to open a computer store because the old zoning code wasn't updated to recognize newer businesses.



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### **As much as I miss the neighborhood slaughterhouse, that does sound like an improvement. Does the new zoning code give the public more of a say in how the city looks?**

It gives community groups a more meaningful say over big projects that could impact their neighborhood – like shopping centers or tall apartment buildings. The old zoning code did not recognize community groups, so they had no official right to be heard at ZBA hearings. The new zoning code requires developers to meet with community groups at the beginning of a project, instead of waiting until the final plans are presented at a ZBA hearing. This is intended to help the neighborhood and developers get on the same page faster and make the entire building process go more smoothly.

### **Now I'm getting excited.**

That's the idea, but you may want to curb your enthusiasm a bit longer. The zoning code is silent on "councilmanic prerogative."

### **Councilmanic prerogative? Didn't Bobby Brown sing that song in the 80s?**

Just like the song's lyrics, "it's my prerogative," City Council has an unwritten practice called "councilmanic prerogative" that gives each of its ten district council members the power to advance, or shelve, any new projects in their district. Just this month, outgoing Eighth District Councilwoman Donna Reed Miller used it to push through a supermarket/condo project in Chestnut Hill, despite strong opposition by lots of people in the community.

### **Is councilmanic prerogative a good thing or a bad thing?**

That depends who you ask. District Council members say they have the best knowledge of the needs of their communities. Opponents say that, without controls, it can stand in the way of development projects that would benefit the city as a whole. But this is a longer discussion for another day.

### **If City Council can do what it wants, what's the point of having a new zoning code?**

It brings the city into a more modern world of development that was not possible under the old zoning code. Even with councilmanic prerogative unaddressed, the new zoning code is an important step forward for the city to re-define how it wants to look in the 21<sup>st</sup> century and make it easier to get there.

### **You said the new zoning code will take effect in August 2012. Why not immediately?**

It's a grace period put in by City Council to allow additional improvements to the zoning code if needed before it's finally implemented. And there's still the issue of re-mapping.

### **Wait, what's re-mapping?**

That's the process of deciding which zoning rules apply to which areas of the city. Until that happens, Philadelphia's zoning reform will still be a work-in-progress.

### **Who does the re-mapping? When will it be completed?**

Re-mapping is done by the City Planning Commission - the agency charged with guiding the orderly growth and development of the city - and needs to be approved by City Council and signed by the mayor. When re-mapping will be completed depends on who you ask. The City Planning Commission has



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announced a five-year timeline; work already started in June 2011. However, some on City Council have said that re-mapping can be accomplished more quickly. Councilman Bill Green, who sat on the Zoning Code Commission, says re-mapping can be completed within two years if more funding were made available.

### **In the meantime, if I want to know how I can use my property under the new zoning code, what can I do?**

The Zoning Code Commission created a map which allows you to look up many of the new zoning categories that will go into effect with the new code. You can find it [here](#).

### **Now I know why the city only tries a new zoning code once every half-century.**

See you in fifty years for the next zoning code.

### **Where can I learn more about the new zoning code?**

You can learn more about it [here](#) and read a copy of it [here](#).

*We hope this “IN THE KNOW” helps you understand more about the new zoning code. If you have any questions, or have thoughts about other topics for our “IN THE KNOW” series, please contact us at [futureofthecity@seventy.org](mailto:futureofthecity@seventy.org).*