

DEPARTMENT OF LICENSES AND INSPECTIONS <b>CODE BULLETIN OF INFORMATION</b> <b>No. Z-0401</b>		CODE OF GENERAL ORDINANCES OF THE CITY OF PHILADELPHIA  TITLE 14 — Zoning Code
SUBJECT OF BULLETIN:  <b>APPLICATION OF SPLIT ZONING DISTRICT DESIGNATIONS</b>		REFERENCE CODE SECTION(S):  14-103(3)
ISSUED BY		ISSUE DATE
NAME: David J. Perri, P.E.	SIGNATURE:	December 7, 2004
TITLE: Chief Code Official		PAGE 1 OF 2

## BACKGROUND

Section 14-103(3) requires that when the boundaries of various districts as shown on the zoning map are established so that a single property has more than one zoning district designation, the most restrictive district, requirement, or control shall apply; provided, when a zoning designation on a split-zoned property covers twenty percent or less of the area of the parcel, this designation shall not apply in terms of use control or zoning control on the entire lot, but shall control only that portion of the lot so zoned.

Split zoning is traditionally found along commercial strips. Typically, it occurs when an otherwise commercially zoned parcel contains a residentially zoned portion in the rear. The residentially zoned portion of the commercial parcel abuts adjacent residential properties and is usually landlocked (no street frontage).

Section 103(3) allows the commercial property owner to take advantage of open area in the residential portion of the parcel to satisfy minimum lot size, maximum lot coverage and other such dimensional and area controls required for commercial zoning. In addition, the smaller residential portion is required to meet the zoning requirements of a residential district. In this specific illustration, the intent of Section 103(3) is to preserve the residential character of the adjacent properties by providing a “residential” buffer, as the actual use of the small residentially zoned portion of the commercial parcel for dwelling units is impractical.

The primary application of 14-103(3) is that the use of the smaller portion shall not negatively impact the adjoining, similarly zoned properties. The historical precedent is for the primary use to have its street frontage on the portion of the parcel that contains the primary use. Establishing street frontage, driveways, storage, etc. of the less restrictive zoning classification on the more restrictive portion of the parcel changes the character of the more restrictively zoned block and has a negative impact. This is counter to good zoning and planning practice and shall be avoided.

The counter argument is that elements such as street frontage and driveways are permitted in multiple zoning districts, therefore it does not matter which zoning classification they serve. This is a specious argument, because clearly a driveway that is intended to serve a single dwelling unit is of a different character than a driveway that serves a commercial use or multiple dwellings.

**ISSUE**

A problem arises when a literal interpretation is made of the code language of 14-103(3) without considering the intent of the code and good planning practice. In theory, a literal interpretation of 14-103(3) would allow the demolition of a dwelling unit in the middle of a residential block for driveways and delivery access to a commercial business located behind the residential parcels. Clearly this is inconsistent with the intent of the code because the character of the residentially zoned (more restrictive) block is compromised. It is inconceivable that 14-103(3) was promulgated to degrade or negatively impact the more restrictively zoned adjacent parcels.

**DIRECTION**

When a property is split zoned, the portion of the property that is 20% or less shall not be used for street frontage, driveway access to a less restrictively zoned property, or any other purpose that is not specially allowed in the more restrictive district.