

FAQ:

At what point during the permit and construction process will a building or portion of a building be considered existing for the purposes of contextual zoning requirements?

Background:

There are several provisions in the zoning code where the size and location of your neighbors' properties effect what you are permitted to construct on your lot without seeking a variance; these types of provisions are known as contextual zoning. For the purposes of a zoning review, the department is required to determine at what point during the permit and construction process, a structure will be recognized for the purposes of conducting a zoning review.

One common example of contextual zoning is the requirement for construction above the 2nd story to be setback 8 ft from the extreme front building line if the structure is located between two 2-story structures. Figure 1 depicts a row of existing 2-story structures and a compliant 3rd floor addition proposed at Property 3.

If an application were to be filed for Property 2 after permits were issued for the addition to Property 3 as shown in Figure 3, no setback would be required at Property 2. The department would need to determine where Property 3 was in the permit and construction process and whether the addition on Property 3 could be recognized as "existing" during the permit review of Property 2.

Answer:

For the purposes of conducting a zoning review, a building or portion of a building is considered to be "existing" after a framing inspection has been completed. In the case of a structure that has multiple stories of construction; the structure is considered to be "existing" once a framing inspection on any floor has been completed.

If a permit for construction has been issued but the construction has not begun, that building, or portion of a building, will not be considered "existing" for the purposes of contextual zoning.

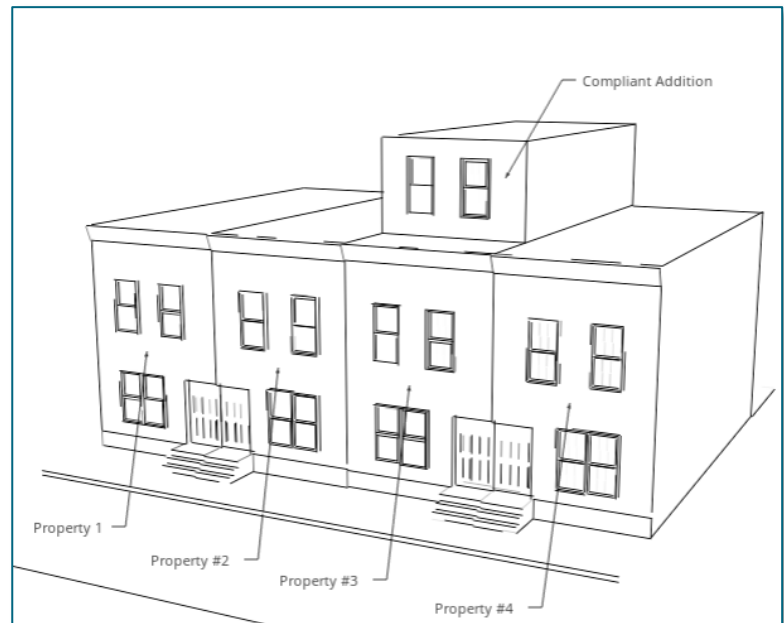


Figure 1

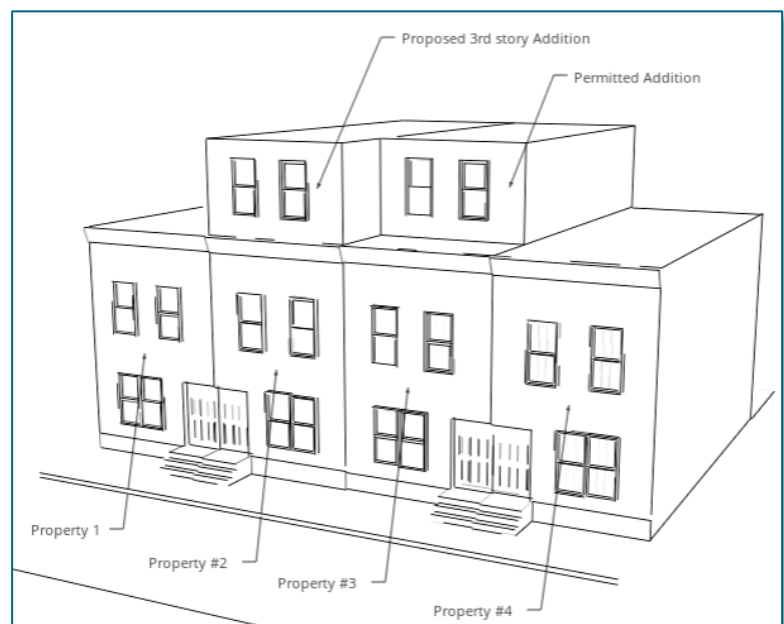


Figure 2

L&I Permit and License Center

1401 John F. Kennedy Blvd., Municipal Services Building, Public Service Concourse
Open 8 a.m. to 3:30 p.m., Monday through Friday. Offices close at noon on the last Wednesday of each month.

Questions?

Call 311 or (215) 686-8686 (if outside Philadelphia) or submit a permit-related question online via <https://form.jotform.com/81494420572154>.

Disclaimer:

This interpretation, policy or code application is intended to provide guidance to staff for consistency of review and is subject to change without notice. Application of this interpretation, policy or code application to specific projects may vary. There may be other ways to comply with the Code. If so, you are not required to use this method. You may want to investigate other options or consult with a professional identifying an equally code compliant solution.

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