

DEPARTMENT OF LICENSES AND INSPECTIONS CODE BULLETIN OF INFORMATION Z-2001		CODE OF GENERAL ORDINANCES OF THE CITY OF PHILADELPHIA <hr/> TITLE 14 ZONING AND PLANNING
SUBJECT OF INTERPRETATION: CONCURRENT ZONING APPROVALS		REFERENCE CODE SECTION(S): 14-303
		ISSUE DATE September 12, 2020
ISSUED BY		EXPIRATION DATE
NAME: Elizabeth Baldwin, P.E.		
TITLE: Chief Code Official		PAGE 1 OF 2

BACKGROUND:

A Zoning Permit provides an approval for construction, lot adjustment, or change in use in accordance with the Philadelphia Zoning Code. The construction or use is not established until construction or occupancy permits are acquired in accordance with Section 14-303 of the Philadelphia Zoning Code and a lot adjustment is not established until deeds are recorded in accordance with Section 14-304(7)(.3)(.c) of the Philadelphia Zoning Code.

An owner may obtain or pursue multiple zoning permits or approvals to develop a parcel with variable, or competing, use of the land. The owner acts upon an approval once a construction or occupancy permit is obtained, a use is established where no occupancy permit is required, or a deed reflecting lot adjustment is recorded. Once a zoning approval is acted upon, the zoning permit shall void all competing zoning permits or approvals.

An owner may pursue competing approvals with the Zoning Board of Adjustment (ZBA) or obtain a by-right Zoning Permit while a competing application is under appeal. The owner may be required to amend the refusal under appeal if the Department or the ZBA determine that an amendment is necessary to clarify the proposal before the ZBA.

This Code Bulletin provides direction on the pursuit of competing zoning permits or approvals.

DIRECTION:

A. Multiple By-Right Applications

An owner is permitted to obtain multiple by-right approvals for the same parcel. The Department shall process zoning permit applications as submitted.

Once a zoning approval is acted upon, the zoning permit shall void all competing permits or approvals.

B. Permit Application Filed while another application is before the ZBA

1. Applications **are** for the entire parcel or the same area of a parcel

An owner is permitted to pursue multiple permits or approvals to develop the same parcel.

The Department shall accept the subsequent application and process the permit approval or denial. If the subsequent application requires a variance or special exception, the zoning examiner shall include a note to the ZBA identifying the concurrent application under appeal.

Once a zoning approval is acted upon, the zoning permit shall void all competing permits or approvals.

2. Applications **are not** for the entire parcel or the same area of a parcel

While an owner is permitted to pursue multiple permits or approvals, impacts on the permit denial before the ZBA must be considered.

The Department shall process the zoning permit approval or denial as noted above.

If it is determined that the subsequent permit approval or denial will impact the appeal before the ZBA, the Department reserves the right to notify the Boards Administrator. The ZBA shall determine if the applicant is required to amend the zoning permit application and obtain a revised denial.

C. Abandoned Approvals

If a use is established through construction or occupancy permits in accordance with Section 14-303, the owner may abandon the approval and revert to a prior approval under the following conditions:

1. A written request to abandon the approval that has been acted upon is submitted to the Department by the owner or the owner's agent.
2. Construction or occupancy permits are obtained within the time limitations set forth under Section 14-303 of the Zoning Code.
3. The re-establishment of a nonconforming use is compliant with the provisions of Section 14-305 of the Zoning Code.

The Department may require a new zoning permit to clearly document current use in the zoning record.

Additional construction or occupancy permits may be required to legally re-establish the use under the Philadelphia Building Construction and Occupancy Code within the time limitations set forth under Section 14-303 of the Zoning Code.