

# Information Sheet

## Unity of Use

### 1. What is Unity of Use?

Unity of Use is a legal principal that allows multiple properties to be reviewed as one zoning lot without formally consolidating the lots with a lot adjustment permit. In Philadelphia, Unity of Use is not specifically described in the Philadelphia Zoning Code; however, some case law supports the concept that contiguous lots, owned by a single owner may be treated as a single lot for zoning purposes only.

Unity of Use is only recognized for the purposes of zoning. Lots joined by Unity of Use are treated as separate lots under the Philadelphia Building Construction and Occupancy Code.

### 2. Under what conditions are multiple parcels eligible for Unity of Use?

The following conditions must be met for parcels to be eligible for Unity of Use:

1. The parcels must be contiguous and within the same block (e.g. not separated by a public street or alley used by other parcels)
2. The parcels must share common ownership (See #4)
3. The Unity of Use proposal must contemplate developing or building on the entire zoning lot as an integrated unit.

### 3. How is Unity of Use established or dissolved?

A zoning permit is required to establish or dissolve Unity of Use. When applying for the zoning permit, all involved parcel addresses shall be included on the application. A draft of the Unity of Use agreement must be submitted with the application. The Unity of Use agreement is required to be recorded prior to the issuance of any associated building permit per the [Property Rights Code Bulletin A-1701-R](#).

### 4. Are the parcels required to be owned by the same entity?

Yes, all parcels involved in the Unity of Use are required to have common ownership (e.g. owner in fee).

### 5. If one or more of the parcels is sold, is the Unity of Use still valid?

If all of the parcels are sold and common ownership is maintained; the Unity of Use agreement is still valid. If at any point, one or more parcels is sold resulting in the parcels included in the Unity of Use having different owners, the Unity of Use is no longer valid and must be dissolved through the issuance of a permit.

### 6. Is Philadelphia City Planning Commission approval required to establish or dissolve Unity of Use?

No, the approval of Philadelphia City Planning Commission is not a condition of approval of Unity of Use.

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### **7. Is a sealed survey required to establish or dissolve Unity of Use?**

No, professional quality site plans are required; however, they are not required to be sealed by a professional surveyor.

### **8. If Unity of Use is only recognized for the purposes of zoning, how are building and trade permits reviewed after a Unity of Use is established?**

For the purposes of reviewing building and trade permits, only the recorded lot lines are recognized. Construction near or across lot lines may generate refusals for fire separation distance, exterior wall openings, fire, plumbing, sewer services, etc.

### **9. After a Unity of Use is established with a permit, what address should be used to apply for permits?**

When Unity of Use is established, the applicant is able to determine which address they would like the unified lots to be known as. This is the address that all zoning permit applications should be filed under.

Since Unity of Use is only recognized for zoning permits, the addresses of the individual lots should be used when filing building or trade permits.

### **10. Can Unity of Use be used to establish air rights?**

No, a parcel is defined as a two-dimensional plane; it cannot be separated vertically.

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#### **Questions?**

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