Zoning Research L&I's Zoning Webinar Series

1.5 Continuing Education Credits



Zoning Research Webinar

- Topics:
 - What is Zoning?
 - How to Read a Zoning Permit
 - Old & New Zoning Codes
 - Zoning Permit Expirations & Extensions
 - Research Tools
 - Inconsistencies and Gaps in Zoning Records
 - Determining the Legal Use and Occupancy
- Use the Q&A feature to ask questions.
- Please keep questions general no address-specific questions.
- The slide deck will be shared and posted on the website.
- A poll must be completed at the end of the presentation to receive CEU's.

Zoning Webinar Series



Slide decks of prior sessions can be found on <u>L&I's website</u>. Future sessions will be advertised on the <u>website</u> and <u>newsletter</u>.

About L&I

What Does L&I Do?

The Department of Licenses and Inspections (L&I) enforces the City of Philadelphia's construction, fire, zoning, business compliance and property maintenance codes through the issuance of licenses and permits and through building and property inspections. Contractors, business and property owners, landlords, and tenants are all served by L&I.



L&I's Mission & Vision



MISSION

The Department of Licenses & Inspections (L&I) enforces the City's codes for the safe and lawful construction and use of buildings.

VISION

To build and sustain a safer Philadelphia, L&I embraces best practices in technology and customer service. We enable the public to access information, secure required approvals, and comply with building safety requirements in a convenient, reliable, and transparent manner. L&I achieves code compliance through collaboration, education, and effective enforcement measures that hold businesses, contractors, and property owners accountable.

VALUES

Our core values: Accessibility, Accountability, Consistency, Integrity, Transparency

What Does L&I Do?

As part of our mission, we:

- Review building plans and applications and issue permits in accordance with the City's construction and zoning codes.
- Inspect construction projects for code compliance.
- Inspect higher-risk properties for compliance with the Fire Code.
- Respond to complaints regarding suspected Property Maintenance Code, Fire Code and Business Compliance violations.
- Inspect, monitor, seal, and demolish vacant and/or dangerous buildings.
- Issue trade and business licenses, including rental property licenses.
- Help landlords and tenants understand their responsibilities.

Transparency

One of L&I's core values is transparency. The resources below can be used by the public to access L&I related information and records.

Atlas	 <u>https://atlas.phila.gov/</u> History of permits, licenses, inspections and appeals at any address Access zoning information at any address (district, overlays and achieve)
L&l's Website	 <u>https://www.phila.gov/li</u> Detailed descriptions of our services, permit status tracker, access to eCLIPSE, newsletters, FAQs, etc.
Open Data	 <u>https://www.opendataphilly.org/</u> Download searchable data sets for permits, licenses, appeals, etc. Data can be sorted by council district, census tract, date, status etc.

What is Zoning?

What is Zoning?

- Zoning ensures that development aligns with the general character of a neighborhood to protect the quality of life.
- Zoning gives residents expectations of how properties can be developed and used in the future.
- For example, the construction of a factory on a residential block would negatively impact residents and would not be permitted.



Zoning Laws

• There are two parts of zoning laws: the text of the zoning code and the zoning maps.



Zoning Laws (cont'd)

- In Philadelphia, the <u>Zoning Code</u> dictates what uses are permitted on a lot, the size of a building that can be constructed, where accessory structures like fences, decks, or solar panels can be located, and how much parking is required based on a given use.
- Changes to both the text of the <u>Zoning Code</u> and Zoning Maps can be made when Philadelphia's City Council members pass legislation that ultimately becomes enacted.

What Does Zoning NOT Control?

- There are a lot of aspects of development and quality of life that are not regulated by the zoning code. These include:
 - Zoning cannot be used to force the closure of a pre-existing, legal use.
 - Construction details are not regulated by zoning, they are regulated by the applicable Building Codes.
 - Zoning does not regulate aesthetic choices related to development.
 - Zoning does not regulate people's behavior this means it doesn't regulate crime, litter, how a property is maintained, or if a space is rented out.

What Requires a Zoning Permit?

- Per <u>A-301</u>.1.5, a zoning permit and/or use registration permit is required for:
 - Construction or demolition of Structures,
 - Change of the exterior dimensions of a structure,
 - Change of the Gross Floor Area (GFA) of a structure,
 - Change in use this includes changes to parking and signage.
- A zoning permit is also required to change property lines.



What is Exempt from Requiring a Zoning Permit?

- There are many exemptions that do not require a zoning permit and/or use registration permit. For a full list of exemptions, refer to <u>A-301</u>.2.5.
- Here are a few of the most common zoning exemptions. A zoning permit and/or use registration permit is not required for:
 - Construction and use of structures totally outside of lot lines
 - Fences at or below the height allowable by the Zoning Code
 - Sheds, playhouses, pergolas and similar structures accessory to one- or two-family dwellings, if the structure is located in the rear yard and is 120 square feet or less.
 - Decks not more than 12 inches high and not over any basement or story below
 - Decks located in the rear yard and accessory to one-family dwellings allowable by the Zoning Code

Type of Zoning Approvals

- By-Right, Granted by Variance or Special Exception & Nonconforming These terms are used to describe how a zoning permit is obtained. Sometimes how the permit was obtained can impact the property owner's rights in the future.
 - **By-Right**: A by-right permit means that the scope of the permit application complies with the zoning code in effect at the time the permit is applied for. A by-right permit can be issued without the support of the community or an appeal to the Zoning Board of Adjustments (ZBA).

Type of Zoning Approvals (cont'd)

- **Granted by Variance or Special Exception:** If a permit is granted by variance or special exception it means that one or more aspects of the application did not comply with the zoning code in effect at the time the permit is applied for. When this happens, L&I issues a refusal or referral and the applicant appeals that decision to the ZBA. Before the hearing occurs, the owner is required to meet with the community.
- Nonconforming: <u>Nonconforming</u> means that one or more aspects of an existing property do not conform with the requirements of the current Zoning Code because it was established either:
 - Before the adoption of zoning in Philadelphia (in 1933), or
 - Before a Zoning Code amendment was passed

Ownership, Tenancy & Zoning

- Zoning approvals 'run with the land'. This means that any parcel- or lot-specific zoning approval are granted to the land, not the property owner or tenant.
- When the ownership of a property or tenant of a space changes, a new zoning permit is <u>not</u> required to document that change.
- Exceptions:
 - Limited Lodging permits must be obtained by a primary resident so if the resident of a dwelling changes a new limited lodging permit is required.
 - Certain Reasonable Accommodation permits are issued based on the owner or tenant of a property and may not carry over to a new owner or tenant.

How to Read a Zoning Permit

Example #1

- If a permit has been approved, you'll see a stamp on the
 "Application for Zoning Permit or Use Registration Permit" page.
- This stamp indicates that the permit was approved and provides the date of approval.
- You can also determine if the permit is issued by variance or special exception by looking at this document.

AND/OR USE REGISTRATION PERMIT	periods are to addition to all others received by the period does not imply that a building result () do specifications do not conform, with de, Rousing Code, Pire Code and all other peri-
Application is hereby mode for the permit or permits required by the Philadelphia Zening Ordinance before commencing the use or the work described berein, and as shown on accompanying plan.	Billertion 65804
LOCATION OF PROPERTY (Street and House Number) FEDERALSTWHARTON STPASSAYUNK AVE. NINTH ST TENTH ST.	2041140 445 3-3 AUE. 3-13-3
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Example #1 (cont'd)

- A permit that was issued by variance will have a Calendar Number listed. Additional provisos imposed by the ZBA will also be listed if applicable on the last page of the application next to the use.
- The approved use will be written at the bottom of the last page of the application.

	1.2 0	APPLICATION DATE	APPLICATION NO.
NOTICE OF REFUSAL OF PERMIT	CITY OF PHILADELPHIA DEPT. OF LICENSES & INSPECTIONS SECOND FLOOR, CITY HALL ANNEX	DATE OF REPUTAL	
LOCATION			
APPLICANT	A009666		
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Example #2

- The approved use will be listed under the "Use Registration" or "Approved Use(s)" sections.
- You can also determine if the permit is issued by variance by looking at this document. A permit issued by variance will have a Calendar Number and date listed. Additional provisos imposed by the ZBA will also be listed if applicable.

Zoning Permit Permit Number 2P-2021-004914			
LOCATION OF WORK		PERMIT POL	0475 15560
8220 BARTRAM AVE, Philadelphia, PA 19153-3623		\$500.00 284 CALINDAR	6/4/2021
		284 CALINDAS	20A DECIDEN DATE
		SPAS.	
FERMIT HOLDER			
CITY OF PHILADELPHIA	260 W BALTIMOR COUNSEL WAWA		ISSOCIATE GENERAL
APPLICANT			
James Duppry DBA: A&E Construction De,	152 Starrett Rid Up	per Darby, PA 1938	21.54
TYPE OF INCOME			
Parking Only			
APPROVED LIBESTS Retail Sales - Food, Beverages, and Grocenies			
	ev The Johanno Board of Acad	ETHENY (254)	

Old & New Zoning Codes

Philadelphia Zoning Codes

- The first zoning code in Philadelphia was enacted in 1933.
- The code has changed drastically since it was first introduced. One of the most significant and recent changes was the adoption of the "New Zoning Code".
- On August 22, 2012, Philadelphia started enforcing what many refer to as the "New Zoning Code"; this was the first comprehensive rewrite of the zoning code in over 50 years.

Old Code Versus New Code

- Under the Old Code, uses were defined with great specificity, and a use was prohibited if it was not expressly permitted under the code. The new code took a different approach by grouping individual uses into general use categories and subcategories. This approach has two main benefits:
 - Changes in use that are within the same use category do not require a new permit. Example: a hair salon and a yoga studio are both categorized as "personal services". If a hair salon opens with a use permit for personal services, that space, in the future, can be converted into a yoga studio without obtaining a new use permit.
 - A use does not have to be explicitly mentioned in the code to be permitted. This is especially useful when it comes to new or trendy businesses (escape rooms, hatchet throwing, cat cafes, eCommerce, etc.)

Zoning Expirations and Extensions

Zoning Permit Expiration

- Per Philadelphia Zoning Code, Section <u>14-303(10)</u>:
 - If construction is required, the construction must begin within three (3) years of the date of permit issuance for a by- right permit or three (3) years of the date of the decision from the Zoning Board of Adjustments (ZBA).

21

28

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- If no construction is required, the use must be established within six (6) months of the date of permit issuance for a by-right permit, or six (6) months of the date of the decision from the Zoning Board of Adjustments (ZBA).
- A **conditional zoning** approval (see Section 14-303(6)(c)) shall be valid for a period of **one year** after the date the conditional zoning approval was granted.

Zoning Permit Expiration (cont'd)

- For more details regarding the expiration of zoning permits, review <u>Code Bulletin Z-1901</u>. This code bulletin further explains the expiration of permits in the following scenarios:
 - Zoning Permits for Construction
 - Zoning Permits Involving Phased Construction
 - Use Permits Without Construction
 - Zoning Permits for Lot Adjustments

Zoning Permit Extensions

- Per Philadelphia Zoning Code, Section <u>14-303(10)(d)</u>, L&I and the ZBA have the authority to extend a Zoning
 Permit or approval. Approvals granted under the same application (variance, special exception, conditional approval, permit) are eligible for a single extension.
- Once an extension is issued, the permit is valid for one (1) year from the original expiration date of the permit or ZBA approval.
- See the department's <u>information sheet</u> on zoning permit extensions for more information.

Research Tools

- <u>Atlas</u> is a website that provides parcel-specific information. Here are some things you can do with Atlas:
 - Get the history of permits, licenses, inspections, and appeals at any address
 - Research real estate information including property values, zoning, and document archives
 - View recent activity around an address, such as 311 service requests
 - Explore historical imagery and maps
- The web address is <u>https://atlas.phila.gov/</u>.

Address Search

You can use the search bar to search for any address in the city. You can also click on parcels shown on the map.





Explore Search Tools

On the left side of the screen, you will see several different tabs. Click through them to explore the information that is available on Atlas.

Property Assessments

The Property Assessments tab will provide the address and owner based on the Office of Property Assessment's (OPA) records. Keep in mind, if the property was recently sold, this information may not be updated.





Deeds

When you click on Deeds you will see parcel details and links to documents, including deeds. Additionally, if you zoom into the map, you will see dimensions added to the parcel.



Licenses & Inspections

• The Licenses & Inspections tab is where you will find most of the information relevant to your search. You will see headings under this tab for the following items:

Permits	 This section shows all permits issued by L&I through eCLIPSE and Hansen. Permits that will not appear in this section include: Permits that are still under review or not yet issued Permits issued before June 2006 Permits issued by another department (e.g. Street Closure Permit) You can click on the link for each permit to see details related to the permit. If you click on a zoning permit, you will see a link for zoning documents where you can view the permit and approved plans.
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Atlas

Zoning Permit Documents	 This section shows three different types of zoning records: Zoning Permits issued in eCLIPSE and associated plans Scanned records of zoning permits issued prior to eCLIPSE Plans of zoning applications that are not issued but are under appeal Records for applications that are seeking variances or special exception approvals from the ZBA will be listed without a date since the permit has not been issued.
Inspections	This section will show all the cases associated with the property. By clicking on a case you can see the specific violations associated with that case and the status of the investigations. Inspections associated with building permits are not listed in this section.
Violations	This section will show the specific violations issued to a property and their statuses.
Business Licenses	This section will show licenses issued to the property and their statuses. By clicking on the licenses you can find more specific information, like the number of units associated with a rental. Licenses that are not tied to addresses (e.g. mobile vending) are not listed in Atlas.

Atlas

Zoning

When you click on Zoning you will see that the zoning map on the right side of the screen. On the left, you will find the parcel's base zoning district, any applicable overlays, any pending legislation that impacts the zoning, ZBA appeals and Registered Community Organizations (RCOs).





Atlas also has very useful mapping and imagery tools.



By clicking the icons in the top right corner, you can see satellite and street images of any property.



You can also change the year to see how a property has changed over time.



There is a measuring tool that can be used to estimate distance and areas.



You can also find historical maps of the property by selecting older years (1962 or earlier).

The legends for the maps can be found at <u>GeoHistory</u>.



eCLIPSE

- eCLIPSE is the system that L&I currently uses to issue permits, licenses, certificates, and violations.
- Permits have been issued through eCLIPSE since March 2020.
- The web address is <u>https://eclipse.phila.gov/</u>.





There are search features of eCLIPSE that are available to the public without even having to log into eCLIPSE.
 These features include searching permit and license information that is available to the public, paying L&I violation fees or fines, and requesting a Certificate of Rental Suitability.

Register If you have not yet created an account, click here to regis	nd Permit Services Enterprise	Welcome to eCLIP	SE. * Forgot Email Address? * Forgot password? Sign In
Search eCLIPSE			
Click <u>here</u> to search eCLIPSE. Click <u>here</u> to request a Certificate of Rental Suitability. Click <u>here</u> to pay L&I violation fees or fines.			

eCLIPSE

- You can search permits issued by address, permit number, contractor, and date.
- You can also pull a daily zoning report that shows all zoning permits issued on a given day. This report can be filtered by RCO and council district.

Search							
All Building Permits							
Daily Zoning Report Search for Permits by Address Search for Permits by Permit Number Search for Permits by Contractor Search for Permits by Date							
All Business Licenses							
Search for Business Licenses by Business Name Search for Business Licenses by Business Location Search for Business Licenses by License Number Search for Rental Licenses							
All Activity Licenses							
Search for Activity Licenses							
All Trade Licenses							
Search for Trade Licenses							

eCLIPSE

Daily Zor	ning Report									
Issued Date: Responsible Community Organization:		Apr 22, 2024	to: Apr 22, 2024							
		(All)								
Permit Number	r Issued Date		Property Address	Owner Name	Council District					
	Work Description									
ZP-2023- 007029	Apr 22, 2024		123-27 S 12TH ST, Philadelphia, PA 19107-4933	MFG-SANSOM OWNER LLC	1					
	 Propose 10 accessory, flatwall signs 2. No changes to building, height or footprint; no change in uses; no proposed site improvements. 3. As per submitted plans prepared by BLTa, dated 5/3/2023 and 5/24/2023 									
ZP-2023- 011288	Apr 22, 2024		906 N AMERICAN ST, Philadelphia, PA 19123-2209	TURCICH BRIAN, MARKOWITZ CARLY	5					
	REMOVE KITCHEN ROOF AND AI	EVATION)								
ZP-2023- 012002	Apr 22, 2024		1700-40 MARKET ST, Philadelphia, PA 19103-4113	CR 1700 PROPERTY OWNER LL	5					
	Removal and Replacement of (2) channel letter signs.								
ZP-2024- 000463	Apr 22, 2024		338 W SPRINGFIELD AVE, Philadelphia, PA 19118-4035	PROCTOR KIMMELL J	8					
	PROPOSED 1-STORY REAR ADDIT BUILDING	TION TO EXIST. 3-STORY SINGLE	E-FAMILY							
ZP-2024- 000762	Apr 22, 2024		1129 E BERKS ST, Philadelphia, PA 19125- 3402	MC GOWEN PATRICK	1					
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OpenDataPhilly

- OpenDataPhilly is a catalog of open data in the Philadelphia region.
- You can search <u>Licenses and Inspections Property History</u> as well as <u>Licenses and Inspections Building and Zoning Permits</u>.
- The permit data set is very large but can be downloaded and filtered/sorted to meet your specific search criteria.
- The web address is <u>https://opendataphilly.org/</u>.



OpenDataPhilly

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89955 PP-2024-				PLUMBING PE						PROFESSI					749 S 10TH			19147-274		2
89715 MP-2024	0 1.35E+08	390852	MECHANI	MECHANICAL	/ FU RESIDENT	ADDITION	I EZ	2024-04-0	ISSUED	PROFESSI			2024-04-19					19147-381		1
89561 EP-2024-		43131	ELECTRIC	ELECTRICAL PI	ERM RESIDENT	ADDITION	INSTALL	N 2024-04-1	ISSUED	PROFESSI	GORMLEY	GORMLEY			1308 REED			19147-491		1
102457 GM-2024				GENERAL PER							LABAR VE	LABAR	2024-04-24					19147-522		1
102185 AP-2024-				ADMINISTRAT				TI 2024-04-0		OWNER				_	1411 S BRC			19147-491		1
115552 PP-2024-				PLUMBING PE									2024-04-2					19147-200		1
108679 CP-2024-				COMMERCIAL				2024-04-2		PROFESSI					757 S FROM			19147-352		1
127673 CP-2024-				COMMERCIAL				2024-04-1					2024-05-00					19147-153		1
125032 PP-2024-	0 1.57E+08	198015	PLUMBIN	PLUMBING PE	RMICOMMER	NEW CON	INSTALL	P 2024-04-1	ISSUED	PROFESSI	JOHN J D	E JOHN J	2024-04-20	8.71E+08	1335 E PAS	SYUNK AV	E	19147-562	2 28.02	1

Establishing the Legal Use and Occupancy

Determining Legal Use

- After a property's permit history is researched, you should be able to use that information to determine if the use of a property is legal.
- Typically, two things are needed for a use to be considered legal:
 - 1. A Zoning/Use Permit
 - 2. A Certificate of Occupancy (CO)



Determining Legal Use

- Review Atlas to determine if the use has a Use Permit and a Certificate of Occupancy (CO).
 - If there is a use permit and an issued CO, the use is legal.
 - If there are no records OR if there is a use permit but no associated CO, the use may not be legal, and additional research is required to establish the legal use.

Additional Dates to Consider

If a Use Permit and a CO cannot be located, the following dates should be considered:

- If a use was established prior to June 30, 1969, it pre-dates the requirement for a CO.
- If a use was established between June 30, 1969 and December 1999, a Use Permit is sufficient to establish the legal use. If there is any indication in the permit records that the use is not legal, those may be considered.
- If a use was established after 1999 and there is no record substantiating the use and occupancy, the use is not legal.

Determining Continuous Use

License History

- A lapse in licensure does not necessarily mean that a use was abandoned.
- Issuance of a vacant license does not necessarily mean that a use was abandoned unless the license was issued over 3 years ago and no new licenses have been obtained.

Violations

• You can review Atlas to determine if violations have been issued for an observed change in occupancy.

No Records of Use

If there are no zoning records available...

- An owner can submit to the department any alternative proof that they have to confirm a use on a lot.
- If no records or exist, the use is considered new.



Zoning Resources

- o <u>Zoning Code</u>
- o Zoning Summary Generator
- Zoning Code Quick Reference Guide
- o <u>Atlas</u>
- o Zoning Permit Web Services
- o <u>Zoning FAQs</u>
- o Zoning Code Bulletins
- <u>L&I's YouTube Page</u>

- <u>Summary of Zoning Permit Fees</u>
- <u>Summary of Filing Fees and Processing Times</u>
- Permit Navigator
- o <u>L&I Plan Requirements</u>
- o <u>Commercial Leasing Notice Guide</u>
- Planning and Development's YouTube Page

Contacting L&I

- L&I's website has multiple resources for contacting the department.
- Hover over "About" then click "Contact Us"
- You can submit questions of schedule appointments



L&I Newsletter

- Stay up to date with L&I related updates by signing up for our newsletter.
- Go to L&I's website and scroll down to "Sign up for our newsletter"

Sign up for our newsletter

L&I's newsletter helps you stay up-to-date about permits, licenses, and more.



Continuing Education Credits

- Poll must be completed to receive CEU's.
- CEU's will be sent via e-mail within a week.

Thank You! Questions?

To build and sustain a safer Philadelphia, L&I embraces best practices in technology and customer service. We enable the public to access information, secure required approvals, and comply with building safety requirements in a convenient, reliable, and transparent manner.

L&I achieves code compliance through collaboration, education, and effective enforcement measures that hold businesses, contractors, and property owners accountable.

