**Department of
Licenses and Inspections**
CITY OF PHILADELPHIA

Reference Code(s):
Philadelphia Building Code
Philadelphia Zoning Code

FAQ:
Are Party Wall Breaches Permitted?

Background:

Section 706.1.1 of the Building Code defines a party wall as a fire wall located on a lot line between adjacent buildings and used or adapted for joint service between the two buildings. Breaches in party walls are common in Philadelphia and are usually requested for one of the following reasons:

- Expansion of a space into an adjacent building
- Shared egress between two buildings
- Egress through an adjoining property
- Utility penetrations

The treatment of breaches in the zoning and building codes has changed with time. Historically, limited breaches were permitted under the Zoning Code and most breaches were only permitted by variance under the Building Code.

Zoning

Under the current interpretation and application of the Zoning Code, breaches are not regulated. The use and development are evaluated independently for each parcel.

Building

In accordance with Section 706.1.1 of the current Building Code, a fire wall between adjacent buildings with a shared lot line is required and openings in these walls are prohibited, with the following exceptions:

1. Openings are permitted between an anchor store and a covered mall, which are often separated by a property line and owned by separate entities.

2. A fire wall is not required where a property line divides a building and dedicated access easements are provided.

Exception No. 2 requires that the adjoining buildings be treated as a single building.

Openings (e.g. doors, windows) are otherwise prohibited in a party wall as per Sections 706.1.1 and 706.8 of the Building Code.

Penetrations for utilities (pipes, cables, conduits, or ducts) are permitted if compliant with Section 714 of the Building Code and recorded easements allow for access and maintenance.

Answer:

Zoning

Yes, breaches are permitted. A zoning permit is not required for the breach. Zoning permits are required for development on all involved parcels and each parcel is evaluated independently. This may include the use, construction or extension of a building, parking, and accessory signage.

Breaches that were approved under historic zoning permits are recognized.

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Building

Breaches may be permitted if certain conditions are met, and the building(s) complies with other provisions of the Building Code.

A. Expansion of a space into an adjacent building OR shared egress between two buildings

1. An easement that, at a minimum, allows access to all fire and life safety systems that straddle the property line is required. The easement must be recorded with the Department of Records prior to the issuance of the building permit. Acceptable forms include but are not limited to a declaration of Unity of Use.

2. The buildings on both sides of the property line are treated as a single building. Height, area, use and occupancy classification, and life safety systems are evaluated based upon the entire building.

Example 1:

Building 1 and Building 2 both include a small restaurant and two dwelling units (B/R-3). The owner wishes to breach the wall to create one restaurant on the first-floor level. This is now treated as a single building with a large restaurant (A-2) and four dwelling units (R-2). A CO is required for the change in occupancy classification of the entire building and the building must meet all applicable height/area, egress, accessibility, and fire protection requirements.

Example 2:

Building 1 includes three dwelling units and Building 2 includes two dwelling units. The owner wishes to increase the number of dwellings in Building 2 to four units and breach the wall to utilize the egress stair in Building 1 as a second exit. This is now treated as a single building with seven dwelling units, undergoing a partial change in occupancy classification. A CO is required, and the building must meet all applicable height/area, egress and fire protection requirements.

The Department recognizes a BBS variance for a breach that treats the adjoined buildings as separate buildings. A breach authorized under these conditions may not be expanded unless meeting the requirements for a single building.

B. Egress through an adjoining building

A breach meeting the conditions of Section A is permitted. If the intent is to retain separate buildings, the opening in the party wall shall not be permitted as per Section 706.8.

An applicant seeking a variance to allow an opening must still satisfy code requirements for egress through another building including:

- An exit passageway must comply with the requirements of Section 1024 of the Building Code.

- A horizontal exit must comply with the requirements of Section 1026 of the Building Code.

- The party wall must be maintained as a firewall, including the requirements and limitations for openings set forth in Section 706.8 of the Building Code.

- If both buildings are served by the exit, the exit must accommodate the combined occupant load of both buildings.

- The exit path of one building must not rely on active systems (i.e. fire alarms, power-operated doors) of the other building.

C. Utility penetrations

Yes, penetrations for utilities (pipes, cables, conduits, or ducts) are permitted and must meet the following conditions:

- Penetration must be protected in accordance with Section 714 of the Building Code.

- An easement allowing access and maintenance must be recorded prior to building permit issuance.

Additional Notes:

- If adjoining buildings are treated as a single building, life safety systems and service connections will be evaluated for the entire building.

- If buildings are separated under a subsequent permit, a fire wall compliant with Section 706 is required and separate life safety systems/ service connections must be provided.

- This FAQ does not provide any exceptions relating to exterior wall construction.

- The treatment of a building spanning a property line for licensing purposes is dependent upon the function.

Questions?

Call 311 or (215) 686-8686 (if outside Philadelphia) or submit an online form via http://www.phila.gov/li/get-help.

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.