

FAQ:

How are zoning permits coordinated for phased development?

Background:

Larger projects frequently require complex phasing of construction and/or zoning approvals. This may generate multiple conditions that are not expressly addressed in the Philadelphia Code or associated regulations.

This FAQ is intended to provide guidance around common questions that arise on phased development projects:

1. What zoning permit conditions must be satisfied for the issuance of a Certificate of Occupancy (CO)?
2. What are the rules around permit expiration?
3. How are cumulative zoning approvals for a single parcel processed?
4. How are temporary, interim uses addressed while the site is under construction?

Note: The Department strongly recommends filing a [preliminary zoning review](#) request to evaluate circumstances that either may not be addressed through policy or warrant deviation from policy for a formal determination prior to the submission of a zoning permit application. Additionally, applicants are encouraged to [schedule a project scoping meeting](#) once you are ready to file to get a dedicated examiner.

Direction:

What zoning permit conditions must be satisfied for the issuance of a Certificate of Occupancy (CO)?

Building construction or the creation of a new use frequently triggers site development requirements, such as parking, landscaping, and stormwater management, under the Zoning Code. Typically, all conditions of a zoning approval must be satisfied before a CO is issued; however, this may be impractical when the zoning approval involves more than one building.

If a zoning approval involves more than one building, required site work must be completed prior to the completion of the last building included under the zoning approval. Other buildings may be issued a CO prior to completion of site work, subject to the following conditions:

- All other requirements for building occupancy, including utility connections, must be satisfied.
- Minimum parking requirements for the occupied building must be satisfied.
- Must satisfy terms of any agreement with the Department of Planning and Development pertaining to on-site landscape and tree planting requirements contained in [Section 14-705\(1\)](#) and [Section 14-803\(5\)](#).
- Must satisfy terms of any agreement with the Philadelphia Water Department pertaining to stormwater management requirements contained in [Section 14-703](#).
- Conditions of a bonus must be complied before issuance of a CO for any building which was granted additional height, floor area, or density through that bonus, unless otherwise established through legal agreement.
- If the full scope of work included on the zoning permit is not completed, a new or amended zoning permit shall be required to reflect conditions. A failure to obtain a new or amended zoning permit may result in enforcement action.
- If there are any conflicts with a Zoning Board of Adjustment (ZBA) variance or special exception, the ZBA decision shall govern.

What are the rules around permit expiration?

[Code Bulletin Z-1901, Expiration Periods Related to Zoning Permits](#), includes the following provisions addressing phased construction:

In order for the zoning permit for a multi-phase construction project to remain active, there must be an active building permit or subsequent building permits must also be issued within three years of the issuance of the zoning permit or ZBA approval.

Building permits for additional phases of construction must be issued by the time the building permit for previous phases closes. Should all building permits expire and more than three years has elapsed since the issuance of the zoning permit or ZBA approval authorizing the work, the zoning permit shall also expire.

A building permit for foundations, building construction, or complete renovation shall constitute the start of work. Permits solely for the partial or entire demolition of a structure or for the partial renovation of an affected site, space, or building shall not constitute the start of work.

How are cumulative zoning approvals for a single parcel processed?

Proposed development on a lot is often submitted through multiple zoning applications. The Department reviews these phased applications in accordance with the following:

- Multiple applications for cumulative development involving multiple buildings or site improvement are permissible.
- Previously approved development must be included on the subsequent zoning applications and applications will be evaluated based on the cumulative development. Previously approved development may only be excluded from certain project-based analyses (i.e. Civic Design Review, Flood Management) if a CO or Certificate of Approval was issued.
- Applications for a property that was the subject of a prior variance or special exception must comply with provisions set forth in [Code Bulletin Z-1401, Impacts of Previous Variances on New Zoning Permit Applications](#).
- If subsequent applications conflict with prior approvals, they will be evaluated in accordance with [Code Bulletin Z-2001, Concurrent Zoning Approvals](#).
- Contextual zoning requirements impacting adjacent properties shall be evaluated in accordance the Department's [Contextual Zoning FAQ](#).
- If a property was subject to a lot line adjustment, deeds need not be recorded to file zoning permits for development under reconfigured lots; however, the zoning approval will be conditioned upon deed recordation and no CO shall be issued until a new deed is recorded in accordance with [Code Bulletin A-1703, Property Rights Issued Related to Permit Process](#).
- Applications must satisfy terms of any agreement with the Department of Planning and Development pertaining to on-site landscape and tree planting requirements contained in [Section 14-705\(1\)](#) and [Section 14-803\(5\)](#).
- Applications must satisfy terms of any agreement with the Philadelphia Water Department pertaining to stormwater management requirements contained in [Section 14-703](#).
- The construction of a single building cannot be phased. Proposed additions or reductions must be addressed through an amended zoning permit or, if proposed work exceeds the limits of an amendment, a new permit for the entire building shall be required.
- Eligible changes may also be submitted through an amended permit application. Review the Department's [Zoning Permit Amendment Information Sheet](#) for more information.

How are temporary, interim uses addressed while the site is under construction?

A zoning/use registration permit is required for most temporary uses and structures. The Department has some discretion in approving temporary uses for special events, as outlined in [Code Bulletin A-1501, Temporary Uses and Structures](#); however, all other uses and structures shall require a zoning permit.

If the temporary condition is limited to a use with no specific site impacts, a use permit can be obtained without further consideration of impacts on the proposed development.

If the temporary condition includes structures, parking or other site impacts, the impacts on proposed development must be evaluated. If there is potential conflict, the zoning permit application will be evaluated in accordance with [Code Bulletin Z-2001, Concurrent Zoning Approvals](#) and careful consideration to sequencing of permit applications is recommended.

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.