

RESOLUTION

Setting forth recommendations to the Zoning Code Commission for amendments to the Zoning Code Commission Preliminary Report May 2011.

WHEREAS, In May 2007, Philadelphia voters approved an amendment to the City of Philadelphia Home Rule Charter to create a Zoning Code Commission (“Commission”) to propose reforms to modernize Philadelphia’s zoning code; and

WHEREAS, Under Home Rule Charter Section 4-1300(a)(1), the Commission was required to, among other things, “conduct a comprehensive analysis of and make recommendations regarding reforms to the Philadelphia Zoning Code”; and

WHEREAS, Section 4-1300(b) of the Home Rule Charter requires that by a date certain, “the Commission shall by a vote of two-thirds of all members of the Commission adopt a written preliminary report containing specific recommendations solely related to proposed changes to the Philadelphia Zoning Code, including drafts of all legislation required to implement the Preliminary Report May 2011 (the Preliminary Report), and recommendations, including a timetable and specific milestones, on how to proceed with a comprehensive revision of the City’s zoning maps (Zoning Map Revision Plan)”; and

WHEREAS, On May 11, 2011 the Commission adopted a written Preliminary Report by a vote of 22 of its members and a Minority Report by a vote of 9 Commission members and submitted to Council drafts of all legislation required to implement the Preliminary Report May 2011 (the Preliminary Report), and recommendations, including a timetable and specific milestones, on how to proceed with a comprehensive revision of the City’s zoning maps (Zoning Map Revision Plan); and

WHEREAS, Home Rule Charter Section 4-1300(d) states that “Within forty-five (45) days after the Commission issues its report, Council shall convene public hearings in Council Chambers to review the Commission Preliminary Report May 2011”; and

WHEREAS, Resolution No. 110459 (adopted June 2, 2011) authorized Council’s Committee of the Whole “to hold public hearings to review the Preliminary Report May 2011 of the Zoning Code Commission;” and

WHEREAS, In accordance with Home Rule Charter Section 14-1300(d) and Resolution No. 110459, the Committee of the Whole held hearings on the following dates: June 15, 2011, September 14, 2011 and September 27, 2011; and

WHEREAS, The Committee of the Whole closed such hearings on September 27, 2011; and

WHEREAS, Pursuant to Home Rule Charter Section 14-1300(d), “[w]ithin thirty (30) days of the close of said hearings, Council may enact a resolution setting forth recommendations

to the Commission concerning the Preliminary Report May 2011, which the Chief Clerk of Council shall transmit to the Commission”; and

WHEREAS, In accordance with Home Rule Charter Section 14-1300(d), Council make recommendations set forth in the Appendix, attached hereto, to the Commission for amendments to the Zoning Code Commission Preliminary Report May 2011; now, therefore, be it

RESOLVED, BY THE COUNCIL OF THE CITY OF PHILADELPHIA,
That City Council hereby makes the recommendations set forth in the Appendix, attached hereto to the Zoning Code Commission for amendments to the Zoning Code Commission Preliminary Report May 2011.

FURTHER RESOLVED THAT The Chief Clerk is hereby directed to transmit a copy of this Resolution and attached Appendix to the Zoning Code Commission.

APPENDIX

In accordance with Home Rule Charter Section 4-1300(d) City Council hereby makes to the Zoning Code Commission recommendations for amendments to the Zoning Code Commission Preliminary Report May 2011 as summarized below and fully sets forth the recommendations as attachments to this appendix. Where any Council recommendation for changes to the Preliminary Report require amendments to any tables, charts, definitions, or other sections and provisions of the Preliminary Report May 2011, amendments should be made to conform to such recommendations.

Amendment No.	Summary of Changes
01	Amending the primary use to recreation solely and allowing certain accessory uses in the SP-PO, Parks and Open Space (Special Purpose) District.
02	Regulating single medical professional office separately from group practice medical offices to incorporate use-specific standards for solo practices that prevent adverse impacts in residential districts.
03	Re-incorporating the current Code definition of “Family” to include 3 unrelated persons and amending the definition of Group Homes to include 4 or more unrelated persons.
04	Amending parking requirements for Religious Assembly in residential districts to reflect standards in the existing Code.
05	Amending the expansion of nonconformities to 10%.
06	Creating two categories of Home Occupations: (1) Home Office - professional services provided to customers who do not come onto premises; and (2) Home-Based Business – professional services provided to customers who come onto premises.
07	Eliminating mandatory submission requirements and penalties for non-submission of Community Benefits Agreements.
08	Amending Bed and Breakfasts use-specific standards and restricting the use from certain residential districts.
09	Providing for Registered Community Organization (RCO) to set its own geographical boundaries and providing for district council person to serve as RCO for areas where there is no RCO.
10	Amending the burdens of proof for Special Exceptions to reduce the burden on protestants by incorporating the <i>Bray</i> standards.
11	Amending reference to “Accepted Plans.”
12	Amending the qualifications for RCO rotating seat on Civic Design Review (CDR).
13	Eliminating mandatory Sky Plane provision and providing for the option for use of either Sky Plane controls or Bulk and Massing regulations under the existing Code.
14	Providing minimum Good Faith standards by applicant for RCO meetings and public posting of notices.

Amendment No.	Summary of Changes
15	Requiring ZBA variance decisions in writing.
16	Requiring L&I to promulgate regulations for any manual or guide that interprets this Zoning Code.
17	Providing that appeals to the ZBA by protestants must be made within 30 days from the date of constructive notice.
18	Providing a temporary moratorium on Non-accessory Signage in the boundaries at Delaware Expressway, the Schuylkill Expressway and Darien Street (formerly known as the Food Distribution District).
19	Amending the minimum acreage of SP-INS districts (formerly known as IDD) from 3 to 5 acres and requiring contextual fence height with the abutting residential districts.
20	Requiring Civic Design Review for any new Master Plan districts.
21	Reincorporating review criteria for dimensional variance standards from the existing Code.
22	Providing that any modification of use variances require ZBA action.
23	Providing for Use Permit application instructions and procedures.
24	Amending Regulated Uses to re-incorporate the types of uses and distance requirements for regulated uses under the existing Code.
25	Providing minimum spacing and distancing standards from specific uses for certain Re-Entry Facilities.
26	Reincorporating existing Code provisions for Wireless Facilities.
27	Amending the definition for “Nightclub.”
28	Defining Beverage Distributors as a use within the Wholesale Category.
29	Retaining the protections of the East Falls Special Control district and adjusting height limits.
30	Retaining the protections of the Lower and Central Germantown Special Control district.
31	Retaining the protections of the Overbrook Farms Special Control district.
32	Retain the protections of the Fairmount Special Controls district.
33	Retain the protections of the North Delaware Avenue Area Special Control district.
34	Retain the protections of the Old City Residential Area Special Control district.
35	Creating an additional overlay district entitled <i>Environmental Conservation Overlay District</i> and including the boundaries for the Roxborough Environmental Control District and Fox Chase Environmental Control District.
36	<p>Creating two Auto-Oriented Commercial districts:</p> <ul style="list-style-type: none"> • C-1 which limits uses to those permitted in C-7 of the current Code; and • C-2 which includes uses for the Area Shopping Center (ASC) district under the current Code.

Amendment No.	Summary of Changes
37	Amending the Residential Districts Table as it relates to the following: <ul style="list-style-type: none"> • Community Home, Family • Daycare • Medical, Dental Health Practitioner offices • Drug Paraphernalia Store • Gun Shop • Bed and Breakfasts
38	Amending the Commercial Districts Table as it relates to the following: <ul style="list-style-type: none"> • Community Home, Family • Daycare Center • Medical, Dental Health Practitioner offices • Drug Paraphernalia Store • Gun Shop • Body Art Service
39	Amending the Industrial Districts Table as it relates to Medical, Dental Health Practitioner offices.
40	Amending the Definitions Chapter to include the following definitions: <ul style="list-style-type: none"> • Family • Master Plan • Streetscape Design • Variance

In the following attachments, ~~strikethrough~~ indicates matter deleted.

Italic indicate new matter added.