
MEMORANDUM

To: All Members of City Council

From: Bill Green

Date: September 7, 2011

Subject: Zoning Code Proposal – Recommended Amendments to the Preliminary Report

Dear Council Colleagues:

This memorandum includes recommendations to the ZCC Preliminary Report that I hope can be improved with input from you and the Administration. Thank you in advance for your consideration.

The provisions of the proposed new zoning that promote smart growth without destroying neighborhood character (most of the proposed code) should be adopted and go into effect immediately. We can adopt the new code almost wholesale by indentifying (and requiring mapping only for) potentially noxious uses in all residential districts and some very limitedly mixed use, commercial and industrial zoning designations. This will help protect neighborhoods that are not organized from otherwise adverse unintended consequences of the new code.

Philadelphia is a city of neighborhoods. Each of our neighborhoods has a unique sense of place and a distinctive vibe that makes it special. This memorandum outlines a proposal of 10 recommendations that results in a middle ground between the ZCC Preliminary Report and the Minority Report, protects stable neighborhoods and avoids favoring organized and engaged neighborhoods. The proposal provides a mechanism for all neighborhoods to participate in protecting and preserving the character of the neighborhood in which they reside.

The Preliminary Report adopted by a majority of Zoning Code Commissioners sets forth recommendations for a proposed new zoning code and a zoning map revision plan, including timetables for the comprehensive revision of the City's zoning maps was submitted to City Council May 2011. In addition, Council received a Minority Report adopted by nine members of the Zoning Code Commission. The Minority Report adopted the Preliminary Report in full with one exception - the proposed new zoning code would become effective in each district after a district remapping public process. That recommendation would result in the operation of two

zoning codes for approximately five years if the Planning Commission's timetable is accepted for the prerequisite district remapping to any comprehensive revision of the City's zoning maps.

Three overarching considerations support the compromise between these reports advanced by this Proposal. First, this Proposal responds to market forces driving development by allowing zoning changes that are conducive to commercial and industrial development under the proposed new zoning code to become effective immediately. Secondly, in stable, built-out residential communities, this Proposal provides constituents with meaningful public input regarding the unique character of the neighborhood where constituents reside. Finally, this Proposal would eliminate the concern raised by some of applying and enforcing two different zoning codes in the City. (In fact, the ZCC is proposing to do just that with overlays for two riverfront districts, sections of center city receiving height limitations not applicable elsewhere, and some neighborhoods being treated differently from others).

As one example, Northern Liberties Neighborhood Association (NLNA) already requested and the ZCC supports that we adopt an overlay to prohibit entertainment venues and to allow sit-down restaurants only by special exception in the entire NLNA community. This proposal is not a part of the majority Preliminary Report submitted to City Council May 2011. After the submission to Council, NLNA made a special request to the ZCC's working group that some existing restrictions from the current code carry over into the proposed new zoning code. Old City Civic Association (OCCA) also negotiated special overlay controls for its neighborhood.

I support community input on questions about where drinking establishments and other potentially noxious uses should go in a neighborhood. Why is it fair that we protect only Northern Liberties and Old City from these uses. After all, there is development pressure in these neighborhoods where, under the theory of the new zoning code, most things should be permitted as a matter of right in order to promote investment. To put it another way, Northern Liberties believes allowing these uses into their neighborhood (CMX-2 and CMX-3) will diminish quality of life and property values. This means that in neighborhoods without resources, these uses are not as restrictive as they will be in Northern Liberties or Old City. Specifically, assembly and entertainment will be permitted by special exception in CMX-2, CMX-2.5 elsewhere in the city and permitted as a matter of right in CMX-3 districts citywide. Sit-down restaurants will be automatically permitted in all three districts.

Why an exception for Northern Liberties and not your neighborhood? NLNA spoke up and has lawyers. We can avoid these inequities by making the changes set forth in this Proposal. The rationale for each recommendation guides the subsequent discussion to this Proposal.

PROPOSAL

1. Eliminate methadone clinics from the *Medical, Dental, Health Practitioner* subcategory and separately regulate methadone clinics.
2. Eliminate automatic expansion of nonconforming commercial and industrial uses and structures.
3. Restrict the primary use of Open Space and Recreational districts to recreation only, and permit multiple accessory uses as a matter of right when it is ancillary and incidental to recreation.
4. Specifically map regulated uses in commercial and industrial districts where such uses are determined appropriate through district remapping.
5. Prohibit or permit by special exception all proposed residential uses that are potentially harmful to some residential neighborhoods until such residential use is otherwise accepted by constituents who reside in the neighborhood through district remapping.
6. Prohibit or permit by special exception all proposed commercial uses that are potentially harmful in some neighborhood commercial corridors and residential mixed-use districts until such uses are otherwise accepted through district remapping by constituents who will experience the impacts of permitting such uses.
7. Eliminate the unreasonable burden placed upon protestant neighborhood groups and non-applicant property owners for Special Exceptions by incorporating the burdens of proof determined by *Bray v. Zoning Board of Adjustment*, 410 A.2d 909 (Pa. Commw. 1980).
8. Eliminate mandatory submission requirements and penalties related to private Community Benefits Agreements.
9. Permit Registered Community Organizations (RCOs) to set geographical boundaries that align with its organization formation documents. For geographical areas not represented by an RCO, refer developer applicants to the district councilperson, who will exercise the rights of the RCO or assemble unregistered community members to take action on the proposed project.
10. Allocate resources that will enable the Planning Commission to complete district remapping in two years or less.

DISCUSSION

Methadone Clinics

Under the proposed new zoning code, out-patient methadone clinics are permitted as a matter of right anywhere that dentists, physical therapists, psychiatrists or other professional health offices may be located. For residential districts, the ZCC recommends medical office uses by special exception in RMX-1 and by-right in RMX-2 and RMX-3. Constituents often complain that the harmful impact of methadone clinics can be significantly greater than for other professional health offices. Therefore, methadone out-patient clinics warrant greater scrutiny and increased regulation in residential districts.

In jurisdictions subject to the *Pennsylvania Municipal Planning Code (MPC)*, methadone clinics are prohibited within 500 ft. of schools, daycares, churches, parks, residences, etc. unless council votes in favor of reducing the restrictions on a cases-by-case basis after holding a public hearing that all property owners within 500 ft. received written notice of at least 30 days prior to said hearing. Methadone clinics should be regulated separately from other out-patient health profession offices under the proposed new zoning code in order to ameliorate adverse impacts related to this use. This will provide constituents with a meaningful public input that will contribute positively to the quality of life in neighborhoods.

Expansion of Nonconformity

One fundamental principle to zoning is the eventual elimination of nonconforming uses and structures. A high percentage of ZBA cases relate to variance requests for nonconforming uses or structures. The ZCC has endeavored to reduce the number of variance requests by allowing expansion of nonconformities up to 15 percent. A uniform expansion of nonconformities fails to recognize important variations of impact for nonconformities related to residential uses and structures versus nonconformities related to commercial and industrial uses and structures. For example, the expansion of a nonconforming residential structure, such as the addition of a deck on a home that fails to meet the current dimensions for side yard or lot size is much less impactful than an expansion of commercial or industrial use that is inappropriate at its location.

Consider the recent ruling by the Commonwealth Court that reversed the ZBA's decision in 2008 to allow the owner of Les Gals and Forum Theater at 22nd and Market Street to expand, attached hereto as Appendix A. Under the proposed code, both Les Gals and Forum Theatre could expand its buildings up to 15% or more without providing notice to the public. Although regulated uses may not expand under the proposed code, the automatic expansion of the building in which the use is conducted will create enforcement problems as regulated uses or other nonconforming commercial and industrial uses attempt to conduct such business within the new expanded area.

The expansion of nonconformities proposed by the Preliminary Report cannot be viewed in isolation of other measures of zoning reform. For example, the proposed new zoning code

expands permissible uses in every zoning district. This means that new and different uses will be permitted as a matter of right, effective upon the adoption of the proposed code through automatic conversion without addressing the unique character of neighborhoods or commercial corridors and without input from residents as to whether such uses are wanted or appropriate in their neighborhoods. The Majority Preliminary Report calls for district remapping of the city over five years which would provide significant time for inappropriate uses to be established in transitioning neighborhoods through the automatic conversion. Once established, these uses cannot be eliminated without compensating the owner of a property.

One of many unintended consequences of automatic conversion is that inappropriate uses and structures are permitted to grow larger without public input under the automatic expansion provision. Under the proposed code, all nonconforming uses may expand occupied area by up to 15% as a matter of right except for regulated uses and billboards.¹ Nonconforming structures may expand in height as a matter of right, despite nonconformity in any required setback or side yard standards.²

The current code requires a showing of unnecessary hardship to expand nonconformities. Because expansion of any inappropriate use or structure inherently creates adverse impacts that diminish quality of life, erode the character of neighborhoods and undermine city planning and district remapping, a variance should be mandatory for those nonconformities that will create significant adverse impact on the public. A temporary prohibition on any expansion of commercial and industrial nonconforming uses and structures that enlarges nonconformity is recommended until the public has weighed in to permit such use at its current location through district remapping. This will reduce adverse impact on the public and significantly reduce the quantity of ZBA cases related to nonconformities by allowing a reasonable expansion of residential structures while providing a mechanism for neighborhood input.

Open Space and Recreational Districts

Under the current zoning code, passive and active recreation is the only permissible primary use for land zoned recreational. This now includes Fairmount Park. As an additional protection to safeguard parks, any private operation for private profit located within the recreational district at a distance of 500 ft. or less from any district boundary requires a ZBA certificate³.

¹ See Zoning Code Proposal, May 2011, Nonconforming Uses §14-305 (5) (.2) at p. 3-44.

² See Zoning Code Proposal, May 2011, Nonconforming Structures §14-305 (6) at p. 3-47.

³ Philadelphia Code § 14-703.

Under the proposed new zoning code, primary uses are significantly expanded beyond active and passive recreation and the protection against privatization is eliminated completely⁴. New primary uses include, among others, the following:

- Daycare
- Retail consumer goods
- Office, government
- Non-accessory parking
- Prepared food shop i.e. delis, coffee shops
- Sit-down restaurants
- Utilities and Services, Basic⁵
- Take-out restaurants

The expansion of primary uses as a matter-of-right in parks and open space districts will vastly diminish the quality of our park system. For example under the proposed new zoning code, the city may lease FDR Park land to PPA without council approval for the purpose of constructing and operating non-accessory parking lots to accommodate parking for Philly Live or stadium-related parking. Because non-accessory parking is a permissible primary use for open space and recreational districts under the proposed code, the Parkland Disposition Ordinance⁶ would not be triggered. Consequently, less recreational space would be available to FDR park-goers, and if park-goers drive to FDR Park, they will likely have to pay for access to the parking lot.

Any change in the park system should come through council as was promised to citizens who voted to eliminate the Fairmount Park Commission. It is recommended that the Open Space and Recreational district is restricted to one primary use – recreation with an allowance of multiple accessory uses and structures when it is ancillary and incidental to recreation. This would accommodate important non-recreational activities at our rec centers such as daycare and tutoring without destroying our park system. Non-accessory parking, Sit-down restaurants and other uses that privatize public parks and recreational land or buildings should be prohibited as either primary or accessory uses unless council approves otherwise.

⁴ *Note Zoning Code Proposal, May 2011, Reviewers and Decision Makers §14-301 omits City Council authority over park and recreational land pursuant to Ord. No. 110002 and Res. No. 080784 amending Res. No. 080001. See also Zoning Code Proposal, May 2011, Special Purpose Districts §14-602 (6) (a).*

⁵ Utilities and Services, Basic is defined as “public and quasi-public facilities and services that need to be located in the area where the service is to be provided, such as water and sewer pump stations; electrical transforming substations; wind energy conversion systems; solar collector systems; water conveyance systems; gas regulating stations, stormwater facilities and conveyance systems; telephone switching equipment, emergency communication warning/broadcast facilities, and central heating facilities.

⁶ Philadelphia Code §§ 15-100-105; Ord. No. 110002-A effective July 1, 2011.

Regulated Uses

Under the current code, regulated uses including billiards, arcades, body piercing and adult oriented services generally require a ZBA certificate in commercial, industrial and port districts so long as they are established 1,000 ft. from the next nearest regulated use and setback a minimum of 500 ft. from other protected uses such as places of worship, schools and parks. The current code permits regulated uses as a matter of right in C-6 and LR districts.

The proposed new zoning code, reduces subcategories of regulated uses to adult merchandise, adult services, gun and drug paraphernalia shops primarily and such uses are permitted as a matter of right only in the I-3 district, which also permits heavy industrial uses. When the proposed new zoning code becomes effective 5,748.6 acres will be zoned I-3 through an automatic conversion of LR zoned property for a total of 32.02% of all industrially zoned land. There may be significant adverse consequences to permitting regulated uses by right in a district that represents 8.41% of all zoned land in the City, some of which is located in neighborhoods. See Philadelphia City Planning Commission LR Least Restricted Industrial map attached hereto as Appendix B.

The proposed new zoning code incorporates the same spacing requirements of the current code to avoid the creation of a “red light district;” however, these restrictions fail to promote higher and better use of underutilized or vacant industrial property. It is foreseeable that once regulated uses are established, industrial or commercial entities with the capacity to create jobs and hire residents will be reluctant to locate near retailers of adult merchandise, adult services, gun and drug paraphernalia shops. Therefore, regulated uses should be specifically mapped where appropriate in commercial and industrial districts through district remapping. This would avoid adverse unintended consequences in underutilized industrial-zoned districts where there is space available for businesses to locate and create jobs.

Residential Uses

Philadelphia is comprised of vastly different neighborhoods, each with a unique sense of place for its residents and visitors. Applying new residential uses uniformly to all residential districts fails to address or preserve the unique character of neighborhoods. For example, Bed and Breakfasts are perfectly reasonable uses for residential single detached districts (RSD1-3) in general; however, the appropriateness of this use varies by neighborhood even when the neighborhoods are zoned the same. Residents in the far Northeast are impacted differently by Bed and Breakfasts than constituents who reside in East Falls. The same is true for residents in Roxborough, Tacony, Overbrook, Mount Airy, Mayfair and other neighborhoods.

District remapping takes into account the character of neighborhoods through a public process in which constituents apply such potentially harmful uses like Bed and Breakfasts to their own neighborhood.

Constituents will benefit from an opportunity for meaningful input related to their neighborhoods when potentially noxious uses permitted in residential districts are specifically mapped. This will facilitate the preservation of the unique neighborhood character and avoid adverse unintended consequences to residents. The following residential uses are identified as potentially harmful in some, but not all residential neighborhoods and should be specifically mapped into neighborhoods. Where the Preliminary Report allows such uses in residential districts, the following uses should be temporarily prohibited or permitted as a special exception until the use is opted into neighborhoods after public input through district remapping:

Potentially Harmful Residential Use	Availability of Use Before District Mapping
Bed and Breakfast	Prohibited
Educational Facilities	Prohibited
Group Living	Prohibited
Library and Cultural Exhibits	Prohibited
Methadone Out-Patient Treatment	Prohibited
Recreation – Active	Special Exception
Religious Assembly	Prohibited
Utilities and Services, Basic	Special Exception
Wireless Service-Building or Tower-Mounted	Prohibited

Under the current code, home occupations are prohibited in residential districts. Under the proposed new zoning code, home occupations are encouraged as an accessory use to household living in all residential districts. The Preliminary Report permits infinite home occupations as a matter of right with use specific standards that, among other safeguards require the home occupation owner to reside in the home, that no more than three persons may be present at any one time in connection with the home occupation and that no more than one off-street parking space shall be permitted for the home occupation.⁷ Under the proposed code, adjoining property owners would receive no notice of an expansion of household living for home occupations because the use is treated as a permissible accessory use that is available as a matter of right.

The use-specific standards for home occupations are inadequate to address the myriad of potential problems related to home-based business operations. The increased pedestrian and vehicular traffic for some home occupations will diminish the character and quality of life in

⁷ Zoning Code Proposals, May 2011, Section 14-604 (8), p. 6-45, 46.

some neighborhoods. Even the best professionals occasionally back up, unexpectedly have walk-ins or emergencies, and render service to customers who bring additional people with them. The number of people coming and going and the potential parking problems created by the concentration of customers in some residential neighborhoods cannot be enforced.

It is recommended that home occupations are separated into two separate subcategories (1) home office and (2) home business operation. Home office defined as *business conducted where household living is the primary use and where the recipient of such business is served remotely, such as web designer, editors, writers, floral designers, caterers, etc.* should be allowed as an accessory use to household living as a matter of right. Home business operation defined as *business conducted where household living is the primary use and where such business or professional service is provided in-person to customers or clients, such as doctors, dentists, ministers, hair salon or spa services, etc.* should be prohibited in all, but residential-mixed use districts until the use is opted into residential neighborhoods after public input through district remapping. Reasonably enforceable use specific standards should apply to home business operations.

Home Occupations	Available in Residential Districts Before District Mapping	Available in Residential-Mixed Use Districts Before District Mapping
Home Office	Permitted	Permitted
Home Business Operation*	Prohibited	Special Exception

* Subject to enforceable use specific standards as a condition to permit approval.

Neighborhood Commercial Corridors and Residential Mixed-Use Districts

Under the current zoning code, the unique character of neighborhood commercial corridors is preserved by overlay and special controls districts. Diversity of neighborhood commercial corridors and issues specific to each resulted in numerous overlay and special controls districts with a variety of restrictions on land use that were not easily located in the current code. This created some difficulty in determining how neighborhood commercial property could be used. The proposed new zoning code eliminates numerous overlays and abolishes protections that shape the experience of commercial corridors for neighborhood residents.

For example, in historic Germantown where there is a proliferation of variety dollar stores, residents sought to improve the commercial corridor experience by restricting dollar stores with an overlay district. Despite strong resident objection to the ZCC, the Germantown overlay and its restriction of variety dollar stores⁸ was eliminated along with several other overlay districts in

⁸ Philadelphia Code § 14-1634; Bill No. 050341-AA (January 3, 2008).

the proposed new zoning code. While variety dollar stores are innocuous, the proliferation of them would diminish the character of most neighborhood commercial corridors.

District remapping takes into account the uniqueness of neighborhoods through a public process and would permit constituents to exercise some appropriate control over the proliferation of variety dollar stores, eating and drinking establishments, nightclubs and other uses that can overrun neighborhoods. Constituents will benefit from an opportunity for meaningful input related to their neighborhoods when potentially noxious uses are specifically mapped in neighborhood commercial corridors. This will help enhance the livability of neighborhoods and avoid harmful impact on residents.

The following commercial uses are identified as potentially harmful when proliferated in neighborhood commercial corridors and residential mixed-used districts. Where the Preliminary Report allows such uses, each use should be temporarily prohibited or permitted as a special exception until the use is opted into neighborhoods after public input through district remapping:

Potentially Harmful Uses	Availability of Use Before District Mapping
Assembly and Entertainment	Prohibited
Nightclubs and Private Clubs	Prohibited
Eating and Drinking Establishments – Sit-Down Restaurants	Special Exception
Eating and Drinking Establishments – Take-Out Restaurants	Special Exception
Retail Sales – Variety Dollar Store Sales	Special Exception
Visitor Accommodations	Prohibited

Special Exception

Under the current code the burden of proof for a ZBA Certificate is on the applicant.⁹ The Commonwealth Court considered the question of burdens of proof under the current code in deciding *Bray v. Zoning Board of Adjustment*,¹⁰ and determined that the applicant bears initial burden of proof concerning specific criteria such as traffic congestion, fire and safety, overcrowding, impairment to light and air, burden on public facilities, and the affect on any redevelopment or comprehensive plan. The court further determined that protestants bear the same burden of proof concerning non-specific or general criteria such as adverse affect on the public health, safety or welfare and harmony with the spirit and purpose of the Zoning Code.

⁹ Philadelphia Code § 14-1804 (2).

¹⁰ 410 A.2d 909 (Pa. Commw. 1980).

Under the proposed new zoning code, a Special Exception is the equivalent of the above referenced ZBA Certificate; however, the burden of proof for specific criteria such as traffic congestion, fire and safety, overcrowding, etc. is placed upon opposing parties for the applicant to rebut. This creates an unreasonable and undue burden on neighborhood groups and adjoining property owners that only well-trained and sophisticated groups can accomplish. Requiring volunteer nonprofit neighborhood organizations and other non-applicants to bear the impossible and costly burden of initial objective evidence that shows specific detrimental impact *beyond what might be expected from the proposed use*, among other things may require:

- Traffic studies
- Census data related to population and overcrowding
- Sky Plane evaluations and analysis regarding adequate light and air
- Emissions projections and analysis
- Analysis related to city infrastructure
- Calculation of storm water runoff
- Other expert testimony

Applicants presumably benefit financially from any use permitted by special exception but are not required to satisfy any burden of proof so long as the project satisfies the definition and dimensional standards of the proposed new zoning code. This burden shift flies in the face of established precedent in Philadelphia. Because many uses now permitted by special exception are completely new to residential districts and neighborhood commercial corridors, it is impossible to determine the degree of impact that this dramatic change in burdens of proof will have. It is recommended that we carry forward the standards for burdens of proof on special exceptions applicable to ZBA Certificates and reviewed by the *Bray* Court.

Community Benefits Agreements

The proposed new zoning code establishes mandatory procedures and penalties for Community Benefits Agreements (CBAs) by mandating the submission of these private agreements among private parties to the Zoning Board prior to any decision on a zoning application. There is an open legal question as to the City's exposure to liability by vacating all zoning relief granted based upon any subsequent discovery of a CBA as provided in the proposed code.

The elimination of all provisions for CBAs is recommended. The Zoning Board should establish binding conditions that prevent or minimize adverse effects of a project or deny the application. This will eliminate any confusion about City enforcement of private agreements among private parties, reduce the City's risk of liability, and facilitate greater predictability for conditional zoning permits and its enforcement. CBA's may take place as private agreements between community organizations and developers but the City should not be enforcing them.

Registered Community Organizations

Under the proposed new zoning code, public notice must be provided to Registered Community Organizations (RCOs) when a project is not in full conformity with the zoning code or when the project is especially large. Therefore any failure to receive notice can be detrimental to the character of neighborhoods and the quality of life for constituents. Because L&I informs applicants of the RCOs that must receive public notice and community meetings, the City may be at risk of liability for a failure to properly identify RCOs. Moreover, it is foreseeable that neighborhoods without RCOs will become the location of controversial or sizeable projects having significant impact on the community.

As organized community groups seek to protect their quality of life and neighborhood character, the RCO process provokes a “land-grab” to broaden geographical boundaries. L&I plans to promulgate regulations limiting geography of RCOs to prevent this result, however, such regulations may be preempted by the PA Nonprofit Corporation Law. Therefore, RCO geographical boundaries should be required to align with the boundaries specified in organization formation documents. For areas not represented by an RCO, applicants should be referred to the district councilperson. Council must be authorized to exercise every right granted to RCOs or to organize unregistered community members to take action on the proposed project in order to prevent further disenfranchisement of vulnerable unorganized communities, as well as neighborhoods largely comprised of elderly, immigrant or people without resources to defend themselves.

District Remapping

District Remapping is a crucial step in the zoning-reform process that will determine the impact of the proposed new zoning code at the neighborhood level. According to the Planning Commission, citywide remapping will take five years. Unless we move more quickly, residents will suffer the unintentional consequences of "automatic conversion" - the changes in permissible uses and standards that will occur as soon as the new code becomes law. With sufficient resources, citywide remapping could be accomplished in less than two years instead of five years.

I have recommended publicly that the City use one million of the \$7.5 million municipal-bond bid-rigging settlement windfall to expedite citywide district remapping. If remapping occurs early, constituents will have meaningful input about how their neighborhoods are zoned before any inappropriate development is established and vested. This will facilitate the preservation of neighborhood character, reduce unintended consequences and it would provide clarity and certainty for developers, helping to spur new construction, create jobs, and make the city grow.

CONCLUSION

Tremendous collaborative work has been done on the proposed new zoning code over the past three-plus years with significant strides toward improving an archaic, complex and dysfunctional zoning code. The ZCC actively recruited neighborhood groups and everyday people as partners in zoning reform that removes barriers to development, encourages construction, creates more affordable housing, provides jobs and spurs economic growth, among other laudable benefits. Numerous community meetings were held to engage and focus constituents on guided topics of reform. The predictable result has been public discourse on citywide zoning reform at the 10,000 foot level. Engaged at this level, most constituents have given little, if any, consideration to how drastic some of the proposed changes are for their own neighborhoods.

As previously mentioned, Northern Liberties Neighborhood Association learned recently that its overlay protections had been removed and worried that undesirable nightclubs and sit-down restaurants would proliferate the neighborhood. Many neighborhood groups are still unaware that some use restrictions unique to the character of their neighborhood commercial corridors will be abolished with overlays while other uses such as bed and breakfasts, home occupations, and group homes currently prohibited in residential districts will become by-right uses immediately upon the enactment of proposed new zoning code. Consider the protections afforded by current overlay and special control districts in your district and determine whether such protections are still important to constituent's quality of life or necessary to preserve the character of the neighborhood and whether the above Proposal would help address these issues. For example, perhaps Germantown's overlay restriction on variety dollar stores should remain in place.

In satisfying an important initiative to reduce barriers to development, residential communities are vulnerable to harmful impact by some provisions of the proposed new zoning code. I know you will agree that as councilmembers, we have an important duty to carefully balance all stakeholder interests. I believe that with the recommendations contained herein, zoning reform will drive development, signal that Philadelphia is ready to do business, create jobs and improve our economy while also protecting the interests of residents and preserving the unique character of diverse neighborhoods.

I respectfully request your support for the ten recommended changes to the Preliminary Report submitted in this Proposal. I hope that I can count on your strong support for these recommendations.

In closing, I firmly believe that this Proposal carefully balances the interests of all stakeholders and will ameliorate adverse unintended consequences, protect our neighborhoods, and preserve our park system while moving forward with innumerable improvements to the current zoning code as by proposed by the ZCC.