

City of Philadelphia



(Bill No. 020050)

AN ORDINANCE

Amending Title 14 of The Philadelphia Code, relating to “Zoning and Planning,” by amending Chapter 14-1600, entitled “Miscellaneous,” by amending Section 14-1610, entitled “Old City Residential Area Special District Controls,” by amending permitted uses and zoning controls, under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Chapter 14-1600 of The Philadelphia Code, relating to “Miscellaneous,” is hereby amended to read as follows:

TITLE 14. ZONING AND PLANNING.

* * *

CHAPTER 14-1600. MISCELLANEOUS.

* * *

§14-1610. Old City Residential Area Special District Controls.

(1) Legislative Findings. The Council finds that:

* * *

(b) Public expenditures have included appropriations for restoration of historic sites, improvement of vehicular access, street and sidewalk improvements, *reconstruction of Market street from Front street to Fifth street, interstate right-of-way* landscaping and sound barriers to enhance and protect Old City;

(c) Private investment within and immediately adjacent to Old City includes the restoration, adaptive reuse, and reconstruction of numerous historic structures, representing upwards of [\$250,000,000] *\$500,000,000* of investment and creating more than 2,000 new housing units, the new construction within the Independence Mall Urban Renewal Area, the rehabilitation of historic churches and private development of City-owned piers at Penn’s Landing;

(d) The large amount of public and private investment in the areas adjacent to Old City, namely, *redevelopment* within the Independence Mall Urban Renewal Area, Market

City of Philadelphia

BILL NO. 020050 continued

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Street East Urban Renewal Area, Vine Street [Parkway] *Expressway*, Interstate 95 access ramps, and Penn's Landing may pose a threat to the retention of the unique historic character, cultural significance and residential viability of Old City;

* * *

(f) Old City is a neighborhood consisting of a [fragile and unique balance of residences and compatible small scale commercial and retail development surrounded by intense industrial, institutional and highway development and as such a community, which is home to upwards of 3,500 Philadelphians and place of employment to hundreds more, it should be preserved and protected from negative influences from surrounding development activity] *unique collection of 18th and 19th century structures, the great majority of which do not exceed 5 stories in height. The area is considered one of the greatest intact collections of 19th century cast iron facade buildings in the United States. The district is now and has been for over 100 years essentially fully developed, thus there are few vacant development sites. Pressure to develop these few vacant parcels with higher density projects for greater economic return will intensify. This will ultimately lead to construction of buildings of a height, bulk and density that will overshadow existing historic 3 to 5 story structures. Such higher density development may be incompatible with sensitive historic areas such as Elfreth's Alley, the Betsy Ross House and Christ Church;*

(g) *Higher density development may over burden local streets with additional vehicular traffic and strain utility and City provided services. Structures in excess of 5 stories may block out light and air to the predominantly lower historic buildings nearby, now occupied by predominantly by residential uses. They may also block historic views of important historic sites and groups of restored facades typical of the district. This will serve to lower the quality of life for existing homeowners and tenants and may negatively affect the property values of previously converted residential structures;*

[(g)] (h) Therefore, special land use and zoning controls providing for limitation on the *height of new construction or additions to existing buildings as well as on the size and location of certain specific entertainment and commercial uses, [as recommend in the 1988 "Plan for Center City" (page 160, Section 2 "Living With Diversity," para. 3)]* are required to protect the historic, residential, cultural and economic vitality of this section of the City.

(2) [Purpose of the District. This special district is established in order to preserve and encourage the revitalization of the residential portion of that section of the City known as Old City. It is recognized that this section of the City is unique as a historic and cultural nucleus supported by predominantly residential and compatible small-scale commercial activities and has developed into a vital, mixed-use district containing many various uses within blocks and many various uses within buildings. As this pattern contributes to the distinctive atmosphere of Old City, Council recognizes the need to

City of Philadelphia

BILL NO. 020050 continued

Certified Copy

establish special land use and zoning controls to protect the investment in, and foster the preservation and development of this section of the City in accordance with its special character.]

[(3)] District Boundaries. For the purposes of this section, the Old City Residential Area Special District regulations shall apply to all the properties within the area bounded as follows and depicted on Map “A”:

(a) On the north, the south street line of Wood street; on the east, the west street line of the Delaware Expressway; on the south, the north property line of all properties fronting on the north side of Market street; and, on the west, the east street line of Fifth street.

[(4)] Permitted Uses. Within the Old City Residential Area Special District (Map “A”) and notwithstanding any other Chapter of this Title, properties may be used only in accordance with the following regulations:

(a) The lawfully permitted uses in the Special District, subject to all of the use prohibitions set forth below.]

[(5)] (3) Prohibited Uses. Within the Old City Residential Area Special District (Map “A”) and notwithstanding any other Chapter of this Title, the following uses shall be prohibited:

- (a) Amusement arcades;
- (b) Athletic and drill hall, dance hall, and other entertainment of guests and patrons as a main use;
- (c) Automobile repair shops, automobile service station for the retail sale of automobile fuels, lubricants and accessories, retail sale and installation of automobile parts, tires or audio equipment, car wash, automobile and truck sale lots;
- (d) Billiards, pool and bowling;
- (e) Bottling and/or distribution of liquids for human consumption;
- (f) Central heating plant;
- (g) Courtroom and courthouse building;
- (h) Garages as a main use and public parking lots;
- (i) Installations of auto, boat, motorcycle or truck parts;

City of Philadelphia

BILL NO. 020050 continued

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- (j) Laboratories (analytical, chemical and research) and assay offices;
 - (k) Penal and correctional institutions;
 - (l) Restaurants and nightclubs;
 - (m) Theaters with live stage performances and motion picture auditoriums;
 - (n) Trolley and bus terminals and car and bus barns.
 - (o) Fortune teller establishments;
 - (p) Tattoo and body piercing establishments;
 - (q) *Palm readers, Tarot Card readers and other related types of so-called psychic personal services;*
 - (r) *Take out restaurant;*
- (4) *Height Regulations.*
- (a) *Within the Old City Residential Area Special District, the maximum height of a building or an addition to an existing building shall be 65 feet above the average ground level at the base of the structure, provided, that this height restriction shall also be applicable to:*
- (.1) *Any rooftop parapet wall, mechanical or elevator penthouse, any mechanical or building support equipment;*
 - (.2) *Cable service equipment of any type including antennae;*
 - (.3) *Non-accessory outdoor advertising signs.*
- (5) *Maximum Building Width.*
- (a) *The maximum width of any newly erected building or existing building to which an addition is added which increases the building's street frontage after the effective date of this Section shall comply with the following building width requirements:*

City of Philadelphia

BILL NO. 020050 continued

Certified Copy

(.1) Buildings or portions of buildings shall be constructed so that the total width of the building at its widest point measured on a line parallel with the street does not exceed 70 feet.

SECTION 2. This Ordinance shall take effect immediately.

Explanation:

[Brackets] indicate matter deleted.

Italics indicate new matter added.

City of Philadelphia

BILL NO. 020050 continued

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CERTIFICATION: This is a true and correct copy of the original Bill, Passed by the City Council on March 21, 2002. The Bill was Signed by the Mayor on April 3, 2002.



Marie B. Hauser
Chief Clerk of the City Council