

City of Philadelphia



(Bill No. 060631)

AN ORDINANCE

Amending Chapter 14-400 of The Philadelphia Code, entitled “Commercial Entertainment District,” by adding requirements for, among other things, transportation and parking management plans, adding provisions for temporary structures, providing for additional permitted uses, providing for long-term maintenance plans, creating additional signage controls and by making technical changes, all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Chapter 14-400 of The Philadelphia Code is hereby amended to read as follows:

CHAPTER 14-400. COMMERCIAL ENTERTAINMENT DISTRICT.

* * *

§14-402. Definitions.

(1) Licensed Gaming Facility. A licensed gaming facility as authorized by the Commonwealth of Pennsylvania, pursuant to [18 Pa. C.S., Ch. 92, entitled “Racetrack and Licensed Gaming] 4 Pa. C.S., Part II, the “*Pennsylvania Race Horse Development and Gaming Act*” (the “Act”).

* * *

§14-403. Procedures for the Establishment of a Commercial Entertainment District.

* * *

(3) Plan Submission Requirements. The owner of any lot within a proposed or adopted Commercial Entertainment District may submit a proposed Plan of Development to the Commission, or, at any time after approval of a Plan of Development, a proposed amendment to a Plan of Development, for the Commission’s review and approval. Said Plan shall be submitted with the following information:

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(i) A transportation management plan that details internal circulation systems, external access points, pedestrian flows, including to and from parking facilities, and estimates of levels of service on sidewalks and internal roads. The plan shall include a traffic and parking study prepared by a licensed traffic engineer, assessing the impacts of new traffic generated by the proposal on roadway and intersection capacity, public transit and other bus operations, and pedestrian and bicycle circulation and safety;

(j) A parking management plan describing the proposed policy on and resources for parking for patrons, employees and managers, and anticipated traffic and parking management resources;

(k) Any recommendations on intersection improvements, new roadway construction, or widening of existing roadways, if required, and any traffic buffers to protect residential areas, including the manner of funding such improvements by the developer;

[(i)](l) Any other information which the Commission may deem necessary, to include sufficient guarantees in the form of restrictive covenants running with the land or letters of intent for any lands to be dedicated for public use.

(4) Council approval of a Plan of Development shall be presumed if Council fails to approve by ordinance, disapprove by ordinance, or table consideration of a proposed Plan by the later of (i) 45 days after submission by the Commission of a proposed Plan to the Council or (ii) the fifth Council meeting after submission by the Commission of a proposed Plan to the Council[; however, this provision shall not apply to any Plan of Development for a Commercial Entertainment District located within the Fourth Councilmanic District]. In the event the owner of a lot within a District submits a proposed Plan to the Commission and the Commission fails to approve, disapprove or table consideration of it within 45 days after submission, the proponent may submit the application directly to the Council and it will be deemed submitted to the Council by the Commission.

§14-404. Procedure for Issuance of Permits in a Commercial Entertainment District.

(1) Prior to the issuance of any zoning permits in a Commercial Entertainment District, the Commission shall review the application and accompanying plans to determine if they are in accord with the approved Plan of Development.

(a) If the Commission determines that the proposed plans are in accord with the approved Plan of Development and is otherwise in accord with the provisions of Chapter 14-400, the Commission shall approve the proposed plans and return them to the Department of Licenses and Inspections for the issuance of zoning permits.

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(b) The Commission may approve an application for temporary facilities and related temporary structures if the Commission determines that the temporary facilities and structures, and the proposed phasing of development, would not undermine the overall intent of the approved Plan of Development.

* * *

§14-405. Use Regulations.

(1) The specific uses permitted in this district shall be the erection, construction, alteration or use of one or more structures or land for:

(a) Exhibition halls, meeting facilities, banquet facilities, *ballrooms, and performance facilities*, except for any use regulated under the provisions of Section 14-1605 of The Philadelphia Code;

(b) Single-family, two-family or multi-family dwellings and hotels;

(c) Licensed gaming facilities *and off-track betting facilities*;

(d) Marinas, boat launches, *and docks*;

(e) Offices;

(f) Parking lots or garages;

(g) Restaurants, nightclubs and other entertainment of guests and patrons except for any use regulated under the provisions of Section 14-1605 of The Philadelphia Code;

(h) Retail sales of goods and the provision of services to the ultimate consumer except for any goods or services regulated under the provisions of Section 14-1605 of The Philadelphia Code;

(i) Theaters;

(j) Health clubs and spas, except for any use regulated under Section 14-1605 of The Philadelphia Code;

[(j)](k) Accessory uses, customarily incidental to the above uses, including amusement arcades and pool halls.

(2) *Nothing in this Chapter shall limit the right of the Pennsylvania Gaming Control Board under the Act to identify the property on which it will permit a Category 2 licensed gaming facility within the City.*

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(3) *Nothing in this Chapter shall be construed to prohibit any use that is exclusively regulated and permitted by the Commonwealth under the Act.*

§14-406. Area Regulations.

(1) District Area and Boundaries. Boundaries shall be so designated to afford a reasonable line of division between the district and adjacent uses consistent to carry out the purposes and scope of this Title as required in §14-101. The *Plan of Development* should also provide for reasonable, compatible spatial relationships between buildings that are situated on the periphery of the district and abutting non- Commercial Entertainment District areas. No limitation on multiple buildings on a lot shall apply in this District.

(2) Gross Floor Area.

(a) For specifically designated areas, the *total* gross floor area of all buildings shall not exceed 400% of the Commercial Entertainment District. Underground parking shall not be included in this calculation.

* * *

(5) Yards. Front, side, or rear yards shall be required in this district as follows and as may be required as part of the approval of a Commercial Entertainment District Plan:

(a) Surface parking areas, and any access to parking, *aisles*, loading or other servicing shall not be permitted within [50]25 feet of any residential *district*;

(b) Waterfront Setback. When located along the Schuylkill or Delaware River, all lots shall provide or allow for an unencumbered set-back from the top of the bank of any river to allow for unrestricted public access to the river's edge. Any land located within this set-back which is dedicated to the City of Philadelphia, the Commonwealth of Pennsylvania or any public entity, shall be included in the determination of conformance to the requirements of Section 14-406. This waterfront setback shall include as follows:

(.1) A public open space which may include privately or publicly owned space at a width of no less than 30 feet; and a publicly or privately owned right-of-way dedicated for pedestrian and bicycle traffic at a width of no less than 20 feet. *The Commission may reduce this setback requirement for all or part of a site if site-specific conditions warrant such reduction, but in no case will the setback at any spot be less than 30 feet total, including the pedestrian and bicycle right-of-way.*

§14-407. Height Regulations.

(1) For specifically designated areas, the maximum height of any building shall not exceed 300 feet or 30 stories.

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§14-408. Off-Street Parking.

(1) Plans for all off-street parking areas must comply with the provisions set forth herein, and the prerequisite approvals contained herein:

* * *

[(b) Traffic Study. Prior to the submission of the Plan of Development to the Commission, the applicant must provide a traffic study prepared by a professional licensed traffic-engineering firm to the Commission and the Streets Department for their consideration. The study must address accommodations for public transit access and usage.]

(2) Off-Street Parking Layout and Access Conditions. Parking provided in this district shall be adequately served by high capacity roads and/or driveways approved by the Department of Streets as being adequate to safely serve the ingress and egress of patrons and guests using the facility, further provided:

* * *

(h) Driveways, Aisles, Walkways, Screening, Landscaping and Lighting.

(.1) Parking facilities shall comply with the following requirements:

* * *

(.c) Screening Along Residential Lot Lines. Where an off-street parking lot, parking garage, driveway or aisle is located between a building and a residential district, or is located so that there is not a building or portion of a building between the parking lot, parking garage, driveway or aisle and a residential district, a planted buffer at least 6 feet wide and 6 feet high shall be installed and maintained between the parking lot, parking garage, driveway or aisle and the residential district in accordance with the following requirements:

* * *

(.iv) The type of plant material shall be selected from a list of types, sizes of species of plants, and numbers of plants that are appropriate for the location of the parking facility[. This] *as such* list [be prepared and] *is* maintained by the Commission, in conjunction with the Fairmount Park Commission;

* * *

(.d) Screening Along Street Frontage. Along the street line of all public streets whether or not a set-back is required, a landscaped area at least 4 feet wide and 2

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feet high, shall be installed along the outward edge of the parking lot in accordance with the following requirements:

* * *

(.iii) The type of plant material shall be selected from a list of types, sizes of species of plants, and numbers of plants that are appropriate to achieve adequate screening and appropriate for the location of the parking facility [This] *as such* list [shall be prepared and] *is* maintained by the Commission, in conjunction with the Fairmount Park Commission;

* * *

(.e) Landscaping. All off-street parking lots shall include landscaped areas in accordance with the following requirements:

* * *

(.iv) The type of plant material shall be selected from a list of types, sizes, species and numbers of plants that are appropriate to the environment in which they are to be installed and appropriate for the location of the parking facility. [The] *as such* list [shall be prepared and] *is* maintained by the Commission, in conjunction with the Fairmount Park Commission;

* * *

(.2) *The Plan of Development shall include a plan that addresses the long-term maintenance of all facilities and improvements required by this subsection 14-408(2)(h).*

§14-409. Off-Street Loading.

(1) Off-street loading spaces shall be provided in accordance with the following table. The number of required spaces for a *Plan of Development, within the Commercial Entertainment District*, shall be determined by calculating the total gross floor area of all buildings in the district.

* * *

(3) *The off-street loading areas must be used for all waste collection. Storage of waste must be fully contained within an enclosed structure, except at times of collection.*

§14-410. Signs.

(1) For uses specified in §14-405(1)(a) through (j), signs shall be permitted in accordance with the following limitations and conditions:

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(a) Each building in the Commercial Entertainment District [signs] shall be permitted to have signs, identifying the name, use or purpose of said building;

* * *

(2) [Signs] *Accessory signs* permitted with Art Commission Approval. In addition to the permitted signs as set forth above, the following signs may also be permitted, provided that the Art Commission has approved such signs:

(a) [A] *One* free-standing accessory [advertising] sign, not exceeding [fifty] *forty (40)* feet in height above the average street level on which it fronts, with no more than two sign faces of one thousand two hundred (1200) square feet each may be erected for each street frontage of the district, provided that more than one sign may be erected along a single street frontage so long as the total number of signs does not exceed the number of signs permitted in the district;

(b) *No more than two* [R]roof signs or signs on top of a marquee *with no more than two sign faces of no more than three hundred (300) square feet each. Such signs shall be building identification and logo signs only. Within 2000 feet of the Delaware River, the top of each such sign shall not extend more than twenty (20) feet above the roof level upon which it sits.*

(c) In addition to the signs allowed above, one additional freestanding sign for each 80,000 square feet of District Area shall be permitted under the following conditions:

(.1) Such sign shall not contain more than two sign faces with a total area of 300 square feet, exclusive of supporting structures, nor exceed in total height 40 from grade level to the top of the sign;

(d) Signs permitted pursuant to the provisions of *this subsection* [paragraph] (2) [above] shall comply with the following requirements:

* * *

§14-411. Design Review Submission Requirements.

* * *

(2) General requirements.

(a) Any building in a Commercial Entertainment District must be designed by a registered architect.

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(b) *Recognizing the intended use of the facility, economic feasibility, and potential conflicts with codes of relevant jurisdiction, the applicant for any building or zoning permit in a Commercial Entertainment District shall employ [Designers must use their best efforts, as determined by the Commission, to attain the highest level of] LEED (Leadership in Energy and Environmental Design) certified designers and shall use reasonable efforts to employ the technologies and strategies recommended by the United States Green Building Council for development of high performance and sustainable buildings and shall register for LEED certification. [accreditation possible.] Applicants shall document actions taken to comply with this requirement and shall submit such documentation to the Planning Commission at the time of any building or zoning permit application.*

(3) Siting, Access and Landscaping.

* * *

(d) Prior to the issuance of any permit for any use in the District, the applicant must submit *to the Commission (i) a landscape plan prepared by a licensed landscape architect; and (ii) a long-term maintenance plan for the proposed landscaping;*

([3]4) Lighting. * * *

([4]5) Public Art. A public art requirement is being imposed as a mechanism to expand and enrich the public environment and to create buildings and public spaces that are designed and executed with diverse and high quality materials, activities, and furnishings. It is intended to allow for the broadest definition of public art and encourage imaginative interpretation of media. In order to comply with this subsection, all of the following conditions must be met:

* * *

(c) Approval Criteria. In order to meet the requirements of this section, the owner of the lot or a designee must have the proposed public art approved by the Art Commission of the City of Philadelphia *and must provide to the Art Commission a long-term maintenance plan for such public art;*

(d) The Art Commission may, upon request, assist in the selection of an artist or artists for the project and/or the selection of an arts coordinator for the project;

(e) Decorative, ornamental or functional elements of the building or public space which are not designed by an artist and created specifically for the site[, nor to have] *and landscaping or other furnishings or elements required elsewhere herein, shall not qualify as part of the public art requirement, unless the Art Commission determines such elements comply with the intent of the public art requirement.*

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Explanation:

[Brackets] indicate matter deleted.
Italics indicate new matter added.

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CERTIFICATION: This is a true and correct copy of the original Bill, Passed by the City Council on November 16, 2006. The Bill was Signed by the Mayor on November 29, 2006.



Patricia Rafferty
Chief Clerk of the City Council