

City of Philadelphia



Council of the City of Philadelphia
Office of the Chief Clerk
Room 402, City Hall
Philadelphia

(Resolution No. 060716-AA)

RESOLUTION

Proposing an amendment to the Philadelphia Home Rule Charter to provide for the creation, appointment, powers and duties of a Zoning Code Commission, and providing for the submission of the amendment to the electors of Philadelphia.

WHEREAS, Under Section 6 of the First Class City Home Rule Act (53 P.S. §13106), an amendment to the Philadelphia Home Rule Charter may be proposed by a resolution of the Council of the City of Philadelphia adopted with the concurrence of two-thirds of its elected members; now therefore

RESOLVED, BY THE COUNCIL OF THE CITY OF PHILADELPHIA,
That the following amendment to the Philadelphia Home Rule Charter is hereby proposed and shall be submitted to the electors of the City on an election date designated by ordinance:

ARTICLE III – EXECUTIVE AND ADMINISTRATIVE BRANCH –

ORGANIZATION

CHAPTER 1

OFFICERS, DEPARTMENTS, BOARDS, COMMISSIONS AND OTHER AGENCIES

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Section 3-100. Executive and Administrative Officers, Departments, Boards, Commissions and Agencies Designated. The executive and administrative work of the City shall be performed by:

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(e) The following independent boards and commissions, which, except for the Board of Trustees of the Free Library of Philadelphia, are hereby created:

City Planning Commission;

Commission on Human Relations;

Board of Trustees of the Free Library of Philadelphia;

Board of Pensions and Retirement;

Civil Service Commission;

Philadelphia Tax Reform Commission and its Advisory Committee;

Board of Ethics[.]; *and*

Zoning Code Commission.

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CHAPTER 8 INDEPENDENT BOARDS AND COMMISSIONS

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SECTION 3-807. Zoning Code Commission. The Zoning Code Commission shall be composed of thirty-one members, selected as follows:

(a) *Executive Director City Planning Commission, who shall Chair the Commission;*

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- (b) *Commissioner of Licenses and Inspections*
- (c) *Chairman of the Zoning Board of Adjustment*
- (d) *Three Councilmembers appointed by the Council President, not all whom shall be from the same political party;*
- (e) *A representative (each with an alternate designated for the duration of the initiative) from each of: Greater Philadelphia, Greater Northeast, Philadelphia African-American, Philadelphia Asian-American, and Philadelphia Hispanic Chambers of Commerce;*
- (f) *Five members appointed by the Mayor, one of whom shall be an attorney with zoning experience, one of whom shall be a leader in a registered building trade association, one of whom shall be an urban planner, one of whom shall be an architect and one of whom shall be a real estate developer;*
- (g) *Five members appointed by the Council President, one of whom shall be an attorney with zoning experience, one of whom shall be a leader in a registered building trade association, one of whom shall be an urban planner, one of whom shall be an architect and one of whom shall be a real estate developer;*
- (h) *One member appointed by each individual district council person from among recognized leaders in the community;*
- (i) *All appointments to the Commission shall be made within sixty days after the Commission is first created.*

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(j) *Vacancies on the Commission shall be filled within 30 days by the appointing authority who originally appointed the member whose seat has become vacant.*

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ARTICLE IV EXECUTIVE AND ADMINISTRATIVE BRANCH POWERS AND DUTIES

The Mayor, The City Representative and
Departments, Boards and Commissions under the Mayor

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CHAPTER 12 ZONING CODE COMMISSION

SECTION 4-1200. Powers and Duties.

(a) *Within sixty days after its creation, the Zoning Code Commission shall convene its first meeting. Thereafter the Commission shall meet at least monthly, or no less than 10 times per year, at such times and at such places as determined by the Commission. All meetings shall be open to the public and such meetings shall be publicized through a notice that will specify whether there will be an opportunity for the public to comment.*

(1) *The Commission shall conduct a comprehensive analysis of and make recommendations regarding reforms to the Philadelphia Zoning Code. The Commission shall analyze the Zoning Code to determine each section's intent, its impact on residential, commercial and industrial development, the costs associated with the Zoning Board of Adjustment including its current caseload*

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and whether the Code may be consolidated or simplified to make it more consistent and easy to understand and to reduce the number of appeals to the Zoning Board of Adjustment while still maintaining community input and neighborhood controls. The Commission shall also compare the Zoning Code to the zoning code in jurisdictions that have experienced growth in residents and businesses, using accepted models of analysis. The Commission's work shall be guided by the principles that Philadelphia's Zoning Code should be consistent and easy to understand, should help shape future construction and development, and should enhance and improve Philadelphia's development approval process while encouraging positive development and protecting the character of Philadelphia's neighborhoods.

(2) The Commission shall, subject to the availability of appropriations, appoint and fix the compensation of an executive director and such other staff as may be required for the proper conduct of its work (provided that the appointment of an executive director shall require a vote of two-thirds of all the members of the Commission), and it shall invite the participation of any staff of the Mayor or the Council and any member or staff of the City Planning Commission, as well as utilize any available resources, studies or reports of any such office. The Commission may also, subject to the availability of appropriations, retain as consultants any organization or individual with regionally or nationally recognized expertise in city planning or zoning.

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(3) *All departments, boards, commissions and other City agencies shall cooperate fully with the Commission in the performance of its duties and responsibilities and shall provide any and all documents, data, analyses or other information related to construction, development and zoning requested by the Commission, except documents the nondisclosure of which is legally privileged or which have been prepared for or by the Law Department for use in actions or proceedings to which the City is or may be a party, and provided that the Commission shall maintain the confidentiality of any documents, data, analyses or other related information upon the written request by any City agency that the material being provided to the Commission be treated as confidential. The Commission shall hold at least two public hearings in the Council chambers to receive testimony from the public concerning zoning code reform. These hearings shall be in addition to those hearings required for the consideration of any legislation the Commission submits to Council.*

(b) *On or before June 30, 2008, unless Council by a resolution adopted by a two-thirds vote of all the members of the Council approves an extension, 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, (“Zoning Code Proposals”), including drafts of all legislation required to implement the Zoning Code Proposals; 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”). The*

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Commission shall provide copies of its report to each of the Commission's appointing authorities and to each member of Council and to the Clerk of Council, and the Commission shall see to it that copies are provided to all public libraries in the City and that a copy is posted on the City's official Internet site. The Commission shall also publish and distribute with its preliminary report any minority report adopted by more than six members of the Commission.

(c) After issuing its report, the Commission shall thereafter be reconvened only as directed by a resolution of the Council adopted by a two-thirds vote of all the members of the Council, provided that no such resolution reconvening the Commission shall be adopted until at least five years have elapsed since the date the Commission adopted its last report. Within sixty days after adoption of such a resolution, new members of the Commission shall be selected in accordance with the selection process set forth in Section 3-807, provided that any former member of the Commission may be reappointed as a member of the Commission.

(d) Within forty-five (45) days after the Commission issues its report, Council shall convene public hearings in Council Chambers to review the Commission's Zoning Code Proposals. Within thirty (30) days of the close of said hearings, Council may enact a resolution setting forth recommendations to the Commission concerning the Zoning Code Proposals, which the Chief Clerk of Council shall transmit to the Commission. The Commission shall review and may incorporate such recommendations into a final report. The Commission shall issue its final report within thirty (30) days of receiving Council's

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recommendations, or, if Council does not enact a resolution setting forth its recommendations within thirty (30) days after the close of the required public hearings, the Commission shall issue its final report no later than sixty (60) days after the close of such hearings. Council shall either enact into law, reject or table the Commission's Zoning Code Proposals contained within the final report in their entirety by the later of (i) sixty (60) days after the Commission issues its final report or (ii) the fifth Council meeting after the Commission issues its final report.

(e) Within one hundred eighty days after the Commission issues its report, the City Planning Commission shall adopt or reject the Commission's Zoning Map Revision Plan in its entirety. If the City Planning Commission rejects the Commission's Zoning Map Revision Plan, the City Planning Commission shall simultaneously adopt an Alternate Zoning Map Revision Plan, including a timetable and specific milestones. The City Planning Commission shall thereafter proceed pursuant to said adopted plan or alternate plan, provided that the City Planning Commission may from time to time adopt amendments to said plan, as appropriate.

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Explanation:

Italics indicate new matter added.

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CERTIFICATION: This is a true and correct copy of the original Resolution, Adopted by the Council of the City of Philadelphia on the eighth of February, 2007.

Anna C. Verna
PRESIDENT OF THE COUNCIL

Patricia Rafferty
CHIEF CLERK OF THE COUNCIL

Introduced by: Councilmembers DiCicco and Kenney

Sponsored by: Councilmembers DiCicco and Kenney