



City of Philadelphia

City Council
Chief Clerk's Office
402 City Hall
Philadelphia, PA 19107

BILL NO. 110763-A
(As Amended on Floor 12/8/2011)

Introduced October 27, 2011

Councilmember Miller

**Referred to the
Committee on Rules**

AN ORDINANCE

Amending Title 14 of The Philadelphia Code, entitled "Zoning and Planning," by amending Chapter 14-1600, entitled "Miscellaneous," by amending Section 14-1613 entitled the "Germantown Avenue Special District Controls," by providing certain exceptions and controls for eligible mixed use projects, all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

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

TITLE 14. ZONING AND PLANNING.

* * *

CHAPTER 14-1600. MISCELLANEOUS.

* * *

§ 14-1613. Germantown Avenue Special District Controls.

(1) Legislative Findings. The Council finds that:

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(d) In order to balance the needs of protecting the historical and architectural character of Germantown Avenue and adjacent residential streets, while promoting the economic viability of a critical neighborhood commercial corridor in the City of Philadelphia, special land use and zoning controls are required to allow for mixed use projects along Germantown Avenue of sufficient size and scale to achieve sustainable economic growth while being sympathetic and compatible to the existing historical and architectural fabric under the terms and conditions set forth in this Section 14-1613.

* * *

(8) Mixed Use Building Along Germantown Avenue.

(a) Eligible Lots: To be an Eligible Lot for purposes of the special land use and zoning controls set forth in this Paragraph 8, a lot shall:

(.1) have continuous street frontage of at least 200 feet along Germantown Avenue between the south side of Evergreen Avenue and the north side of Willow Grove Avenue; and

(.2) be at least one and one-half (1.5) acres in area; and

(.3) not be listed, or have any buildings or structures listed, as either contributing or significant in the Chestnut Hill Historic District, as listed on the National Register of Historic Places.

(b) Eligible Mixed Use Buildings: To be an Eligible Mixed Use Building for purposes of the special land use and zoning controls set forth in this Paragraph 8, a building shall contain both:

(.1) a multifamily residential component of at least 10 dwelling units; and

(.2) a commercial component (e.g. office, retail or restaurant use) of at least 4,000 square feet of gross floor area.

(c) Special Controls for Eligible Mixed Use Buildings on Eligible Lots: Notwithstanding any other provisions of this Title to the contrary, the following special controls are applicable for Eligible Mixed Use Buildings on Eligible Lots:

(.1) The Subparagraph 4(b) and Paragraph (6) of this Section 14-1613 shall not be applicable to an Eligible Mixed Use Building located on an Eligible Lot; provided, however, that all other requirements of this Section 14-1613 shall apply;

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(.2) Accessory private parking lots, including parking spaces, aisles, driveways, walkways and required screening, may be located in rear yard areas; and Section 14-1403(5)(a)(.1) (relating to location of parking in rear of building) shall not apply;

(.3) The gross floor area (as defined in Section 14-102(57)) of any building shall not exceed 110% of the area of the lot;

(.4) Subject to Section 14-313(1) of this Title, the maximum permitted height for any point on a building within 180 feet of the building line along Germantown Avenue shall be the lesser of (a) 60 feet; or (b) 45 feet + (D times 1.5), where "D" equals the distance from the point on the building to the building line along Germantown Avenue; provided, however, that no Eligible Mixed Use Building contain more than five (5) stories;

(.5) Section 14-1403(6)(a)(.3) Screening Along Residential Lot Lines shall not apply to a lot line abutting a property with street frontage on Germantown Avenue;

(.6) The sale of food and beverages prepared on premises along with the provision of an accessory eat-in area in a permitted Eligible Mixed Use Building for the consumption of food and beverage otherwise available for purchase for consumption off premises shall not be considered to be a delicatessen or a restaurant of any type, provided that (i) the food and beverages shall be for sale only during the hours that the main use is open for business, and (ii) take-out windows are prohibited; and

(.7) When side yards or courts are used, except inner courts and courts between wings of the same building, they shall have a minimum width of three (3) feet.

[(8)] (9) *Conflicting Regulations.* When the provisions of this Section conflict with other provisions of this Title, the [most restrictive] provisions of *this Section* shall control.

SECTION 2. Severability. If any clause, sentence, paragraph or part of this Ordinance, or the application thereof to any person or circumstance, shall for any reason be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance nor the application of such clause, sentence, paragraph or part to other persons or circumstances but shall be confined in its operation to the clause, sentence, paragraph or part thereof and to the persons or circumstances directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the legislative intent that this

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Ordinance would have been adopted had such provisions not been included or such persons or circumstances been expressly excluded from their coverage.

SECTION 3. This Ordinance shall be effective immediately.

Explanation:

[Brackets] indicate matter deleted.

Italics indicate new matter added.