

# City of Philadelphia



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

(Resolution No. 060639)

## RESOLUTION

Authorizing City Council to retain outside counsel to commence legal proceedings on behalf of the City of Philadelphia if the Commonwealth of Pennsylvania enacts legislation that would pre-empt any and all of the City's zoning control as it relates to gaming facilities.

**WHEREAS**, The Commonwealth of Pennsylvania enacted Act 71 of 2004, which provided that two gaming licenses will be awarded in the City of Philadelphia. When the General Assembly first passed this legislation, it included provisions that would preempt all local zoning controls with respect to gaming facilities. The Pennsylvania Supreme Court struck down these provisions because they failed to provide adequate standards and guidelines for the Gaming Control Board's decisions with respect to the location of gaming facilities; and

**WHEREAS**, Philadelphia City Council enacted Bill Number 051028 that creates a new chapter in The Philadelphia Code entitled "Commercial Entertainment District." This new zoning classification places responsible and appropriate guidelines on casino developers that should protect the neighborhoods most impacted by gaming yet still allow the licensees to develop their product for a high profit; and,

**WHEREAS**, City Council members, the Administration and neighborhood organizations have begun to discuss the proposed gaming developments and their potential impact on their communities. While everyone involved is concerned about the advent of gaming, most recognize that gaming is coming. Elected officials and communities merely want to insure that residents and businesses are protected to the best of their ability; and

**WHEREAS**, House Speaker John Perzel commented in local papers that he would be concerned if Philadelphia should retain local zoning control and stated that Philadelphia's "culture of corruption" prevented the City from acting responsibly; and

**WHEREAS**, Representative Gannon, with the support of Speaker Perzel, Representative Keller, Representative Taylor and other members of the Philadelphia delegation, introduced and adopted an amendment to Senate Bill 861 that would strip Philadelphia of

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its zoning control. Under the amendment, Philadelphia is the only municipality in the State to face these restrictions; and

**WHEREAS,** While City Council and the Administration have made a good faith effort to protect the City's residents by lobbying the Assembly, enacting appropriate legislation, meeting with residents and developers, and preparing public safety personnel, no member of the General Assembly has responded appropriately or assisted the City or its residents in this matter; and,

**WHEREAS,** This body believes that, if local zoning controls are retained in other municipalities throughout the Commonwealth, then Philadelphia should also retain this right. Philadelphians should not be treated as second class citizens; now therefore be it

**RESOLVED, BY THE COUNCIL OF THE CITY OF PHILADELPHIA,** City Council is authorized to retain outside counsel to commence legal proceedings on behalf of the City of Philadelphia if the Commonwealth of Pennsylvania enacts legislation that would pre-empt any and all of the City's zoning control as it relates to gaming facilities.

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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 fourteenth of September, 2006.

Anna C. Verna  
PRESIDENT OF THE COUNCIL

Patricia Rafferty  
CHIEF CLERK OF THE COUNCIL

Introduced by: Councilmembers Kenney and DiCicco

Sponsored by: Councilmembers Kenney, DiCicco, Goode, Krajewski, O'Neill, Blackwell, Ramos and Reynolds Brown