

# City of Philadelphia



(Bill No. 210482-A)

## AN ORDINANCE

Amending Chapter 14-500 of the Philadelphia Zoning Code, entitled “Overlay Zoning Districts,” by creating a new section, entitled “/HHC, Heliport Hazard Control Overlay District,” and making related changes, 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 14-300. ADMINISTRATION AND PROCEDURES

\* \* \*

§14-303. Common Procedures and Requirements.

\* \* \*

(8) Zoning Variances.

\* \* \*

*(i) Additional Criteria for Height Variances Near Certain Heliports.*

*Where all or part of the property is located in the /HHC, Heliport Hazard Control Overlay district, the Zoning Board shall only approve a variance from those height controls in the /HHC overlay district pursuant to the procedures and standards of § 14-531(5) (Variances).*

\* \* \*

#### CHAPTER 14-500. OVERLAY ZONING DISTRICTS

\* \* \*

§14-531 /HHC, Heliport Hazard Control Overlay District.

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(1) *Purpose.*

*This section is intended to recognize the importance of preventing hazards to aircraft navigation that may result from the height of structures in areas surrounding certain helipads. The regulations create the appropriate zones and applicable boundaries where height restrictions for structures or uses of land will be limited so as not to obstruct the airspace required for aircraft landing or taking off from certain helipads, or would otherwise be hazardous to aviation operations during landing or take-off. The limitations intended to mitigate such obstructions are established in order to protect the safety and general welfare of helicopter operators and passengers, as well as to protect the safety and general welfare of property and occupants of land in the vicinity of a helipad and to continue to foster economic growth for the region.*

(2) *Heliport Areas.*

(a) *Thomas Jefferson University Hospital Heliport Area.*

*The Thomas Jefferson University Hospital Heliport Area shall be associated with Thomas Jefferson University Hospital Heliport (FAA location identifier 9PA8) and shall consist of the area bounded by Sansom Street, 10th Street, Walnut Street, 9th Street, Spruce Street, and 13th Street.*

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**Heliport Hazard Area Map - Thomas Jefferson University Hospital Heliport Area**

■ Heliport Hazard Area (maximum building height in feet)



### (3) Height Restrictions.

*The following standards shall apply to all lots where any portion of the lot is identified as part of a “Heliport Hazard Area” of a Heliport Hazard Area Map. The Commission is authorized to adopt by regulation height restrictions for the Thomas Jefferson University Hospital Heliport Area in a manner consistent with federal aviation law and that will promote air traffic, population and building safety in such Area. The above map is for illustrative purposes only of the Heliport Hazard Area to be established for the Thomas Jefferson University Hospital Heliport Area.*

- (a) *The maximum height of any building or structure within a “Heliport Hazard Area” shall be the height shown on the Heliport Hazard Area Map.*
- (b) *To the extent a property is subject to more than one height maximum set forth in Heliport Hazard Area Map, the smallest maximum to which the property is subject shall apply to the entire property.*

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- (c) *For the purposes of this section, the height of any building or structure within a “Heliport Hazard Area” shall include all rooftop structures, appurtenances, and equipment including, but not limited to, all permitted encroachments to height limits in Table 14-701-6 (Exceptions to Dimensional Standard), except that airplane beacons, obstruction markers, or lights may exceed the maximum height as deemed necessary by the Federal Aviation Administration.*
- (d) *Within a “Heliport Hazard Area,” if the height of a structure is measured on a gable wall of a structure, the height of the structure shall be considered the top of the ridge.*
- (e) *Any deck, roof deck, roof deck access structure, or other outdoor area intended for human occupancy, other than those required to operate and maintain the building or structure, within a “Heliport Hazard Area” shall be located a minimum of 100 ft. below the maximum height shown on the Heliport Hazard Area Map.*

#### (4) *Nonconformities.*

*The following standards shall apply to all lots where any portion of the lot is identified as part of a “Heliport Hazard Area”:*

- (a) *Marking and lighting: Upon notice from L&I, the owner of any nonconforming structure that has an adverse effect on air navigational safety within a “Heliport Hazard Area” as determined by the Federal Aviation Administration or the Pennsylvania Department of Transportation, Bureau of Aviation, as applicable, shall install obstruction markers or lights as deemed necessary by the Federal Aviation Administration or the Pennsylvania Department of Transportation, Bureau of Aviation, as applicable, so that the structures become more visible to pilots. All costs to maintain and operate such markers or lights shall be borne by the owner of the nonconforming structure.*
- (b) *No person shall rebuild, replace, or substantially alter any nonconforming structure or other object if, in doing so, the structure or other object would exceed the maximum height within a “Heliport Hazard Area” or otherwise increase the occupied area above the maximum height shown within a “Heliport Hazard Area.”*

#### (5) *Variances.*

*No variance from the provisions of this § 14-531 shall be issued unless, in addition to satisfying the requirements of § 14-303(8) (Zoning Variances):*

- (a) *The applicant submits with the application for a variance:*

- (.1) *A map or drawing showing the location of the property in relation to the approach and departure flight corridors as approved by the Federal Aviation*

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*Administration or the Pennsylvania Department of Transportation, Bureau of Aviation, as applicable, for the designated helipad, provided the Commission shall provide the applicant with appropriate base maps upon which to locate the property;*

- (.2) Elevation profiles and a site plan, both drawn to scale, including the elevation of the average grade level, and the location and height of all existing and proposed structures, all measured in feet above grade in City Datum;*
  - (.3) Documentation that a completed Federal Aviation Administration Form 7460-1 or the Pennsylvania Department of Transportation Form AV-57, as applicable, has been filed with the Federal Aviation Administration or the Pennsylvania Department of Transportation, Bureau of Aviation, as applicable, along with either a copy of the Form or a printout documenting the relevant information;*
  - (.4) Any determination from the Federal Aviation Administration or the Pennsylvania Department of Transportation, Bureau of Aviation, as applicable, as to the effect of the proposal on the operation of aircraft navigation facilities and the safe, efficient use of navigable airspace, provided that in no instance shall a variance be issued if it would allow for a development in violation of any applicable federal or state aviation regulation;*
  - (.5) A study assessing the impact of the proposal on the operation of helicopter aircraft navigation and the safe, efficient use of airspace by helicopters arriving and departing from the associated heliport completed by an independent third party recognized by peers to possess extensive knowledge of aviation engineering or aviation planning; and*
  - (.6) A notice in writing and copy of the study required by subsection (.5), above, submitted to the owner of the associated heliport at least 30-days prior to the public hearing on the variance request.*
- (b) Prior to issuing any variance, the Zoning Board, through L&I, shall give the Pennsylvania Department of Transportation, Bureau of Aviation, 30-days notice of the Zoning Board's intent to issue the variance, in such form as the Department of Transportation shall require. The Zoning Board may require further documentation from the applicant, if required by the Department of Transportation.*

*(6) Conflicts.*

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*In the event of a conflict between any provision of this § 14-531 and any other provision of this Title, the more restrictive provision shall control.*

SECTION 2. This Ordinance shall become effective immediately.

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CERTIFICATION: This is a true and correct copy of the original Bill, Passed by the City Council on June 24, 2021. The Bill was Signed by the Mayor on July 1, 2021.



Michael A. Decker  
Chief Clerk of the City Council