



City of Philadelphia

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

BILL NO. 060685

Introduced September 21, 2006

Councilmembers Kenney and DiCicco

**Referred to the
Committee on Rules**

AN ORDINANCE

Amending Title 14 of The Philadelphia Code, entitled "Zoning and Planning," by amending Section 14-102, entitled "Definitions," by amending Section 14-305, entitled "'C-4' Commercial and 'C-5' Commercial Districts," by removing the incentive gross floor area for the installation of observation rooms or decks in these districts; by amending Section 14-312, entitled "Commercial District Rules and Exceptions for All Districts," by requiring the installation of an observation room or deck on certain newly constructed buildings of a certain height; and by making certain technical 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 14-100. GENERAL PROVISIONS.

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§14-102. Definitions.

In Chapters 14-100 through 14-1800 inclusive, the following general definitions shall apply:

* * *

(81) Observation Room/Deck. Space which is designed and intended to be used by the public and which may be within a building or in the open air and which is

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maintained so as to be open and available to the public during the hours the building is open to the public, provided[,such space must be located at or above the highest occupied floor of a building or at or above the thirtieth floor of a building thirty (30) stories or more in height] *that any open air deck shall be adequately screened to prevent injury to visitors and to prevent any object from falling, dropping or being thrown from the deck;*

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§ 14-305. “C-4” Commercial and “C-5” Commercial Districts.

* * *

(10) Incentive Floor Area. It is recognized that certain areas of Center City are more appropriate as the location for high density development. These are areas that are well served by commuter rail, mass transit and wide streets connecting to limited access highways. It is also recognized that very high density buildings place heavy burdens on surrounding public streets and public spaces because of increased pedestrian and vehicular traffic generated by the occupants, customers, service providers and visitors to these buildings as well as by the service, loading and parking needs of such buildings. Such high density buildings can also negatively impact upon the light and air reaching public spaces and sidewalks and the public usage of these spaces. Furthermore, the construction of high density buildings in certain areas may place historically certified properties located on similarly zoned lots in jeopardy of being demolished to make way for higher density development. In order to further provide for expanded public benefits and as a method of ensuring that the impact of such high density buildings is appropriately mitigated beyond the performance standards imposed herein, additional performance standards are needed to ensure that a significant amount of available, useable, accessible and inviting public space that is of exceptional public benefit is provided. Also, as a method of assuring the maintenance of historically certified properties and to establish an alternative method of developing the unused development rights of the lot without demolishing the historic structure, incentive floor area should be granted for the transfer of these development rights to areas appropriate for high density development. These requirements for space of exceptional public benefit or for transfer of development rights from historically certified properties are intended to ensure that very high density buildings properly mitigate any negative impact upon and add to the public's use and enjoyment of Center City. Therefore, incentive floor area shall be granted for lots on which public space and/or amenities which are of exceptional public benefit, as set forth herein, are provided and which are in accordance with the following:

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(b) Exceptional Public Benefit. The following listed spaces when provided on a lot as part of the development of the lot, shall be considered to be of exceptional public benefit when the space complies with all of the requirements imposed upon it, as set forth herein, provided that incentive gross floor area shall be permitted on the lot only at the ratios listed below:

[(.1) Observation Rooms or Decks. Lots on which observation rooms and observation decks are maintained so as to be open and available to the public during the hours the building is open to the public, and which are located at or above the highest occupied floor of a building or at or above the thirtieth floor of a building thirty (30) floors or greater in height, shall receive incentive gross floor area equal to five square feet of floor area for each square foot of observation space greater than two thousand five hundred square feet, but for no more than ten thousand square feet.]

[(.2) (.1) * * *

[(.3) (.2) * * *

[(.4) (.3) * * *

[(.5) (.4) * * *

[(.6) (.5) * * *

[(.7) (.6) * * *

§ 14-312. Commercial District Rules and Exceptions for All Districts.

The following shall apply to all Commercial Districts:

* * *

(3) [Reserved.] *Observation Rooms or Decks. An observation room or deck shall be installed and maintained on all newly constructed buildings which have no residential component and are four hundred (400) feet or more in height (except that all newly constructed hotels that are four hundred (400) feet or more in height shall be required to install an observation room or deck in accordance with the requirements of this subsection). Such observation room or deck shall be located at or above the highest occupied floor of the building and shall be open and available to the public during the hours the building is open to the public. Lots on which such observation rooms or decks are required to be installed shall receive additional gross floor area equal to five (5) square feet of floor area for each square foot of observation space greater than two*

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thousand five hundred (2,500) square feet, but no more than ten thousand (10,000) square feet.

* * *

SECTION 2. This Ordinance shall take effect immediately.

Explanation:

[Brackets] indicate matter deleted.

Italics indicate new matter added.