



City of Philadelphia

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

BILL NO. 090411

Introduced May 14, 2009

Councilmember Clarke

**Referred to the
Committee on Rules**

AN ORDINANCE

To amend the Philadelphia Zoning Maps by adding certain requirements pursuant to the changing of zoning designations of certain areas of land located within an area bounded by Arch Street, 18th Street, Cuthbert Street, and 19th Street, pursuant to Section 14-305 of the Zoning Code entitled "C-4" Commercial and "C-5" Commercial District, under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Chapter 14-300 of The Philadelphia Code is hereby amended to read as follows:

CHAPTER 14-300. COMMERCIAL DISTRICTS.

* * *

§14-305. "C-4" Commercial and "C-5" Commercial Districts.

* * *

(4) Area Regulations. These regulations are intended to encourage mixed-use development that is sympathetic to and compatible with the existing pattern of development. Their goal is to protect and reinforce the historic scale of certain areas and to ensure the continuity of use and architectural scale in other areas. These regulations recognize that some areas of Center City are more appropriate than other areas for the

City of Philadelphia

BILL NO. 090411 continued

erection of tall, dense buildings and, therefore, encourage such development in some areas while discouraging it in others. These regulations are intended to ensure that new development creates lively, well lit, attractive and useable sidewalks and public spaces and to encourage the creation of unique and exciting new areas of public enjoyment.

* * *

(c) Open Area Above Ground Level. In order to prevent the entire street and adjoining sidewalks and public spaces from being placed in constant shadow, buildings should occupy less of the area of the lot as they become taller. These controls should be established to enhance the utility of public space as well as the public sidewalk by providing for the penetration of sunlight and air. Therefore, development controls which require that the upper floors of buildings occupy no more than thirty percent (30%) to seventy-five percent (75%) of the lot area, are imposed as follows, provided, that when lots are located in areas which are subject to other more restrictive height and bulk controls set forth in other Sections of this Title, the most restrictive regulations shall apply:

* * *

(.2) Buildings in excess of the basic allowable gross floor area, as provided herein, (on lots designated class "C-4" Commercial, exceeding a F.A.R. of five hundred percent (500%) and on lots designated class "C-5" Commercial, exceeding a F.A.R. of one thousand two hundred percent (1,200%) and which are over three hundred feet in height above the average ground level:

* * *

(.e) From seven hundred feet above the average ground level of the lot, buildings, including mechanical space, shall occupy no more than thirty percent (30%) of the lot, or buildings, including mechanical space, over seven hundred feet in height above the average ground level may be constructed so that the average lot coverage of the building above a point sixty-five feet above the average ground level of the lot, shall not exceed forty percent (40%) of the lot, *provided, that in the area bounded by Arch Street, 18th Street, Cuthbert Street, and 19th Street, buildings, including mechanical space, over seven hundred feet in height above the average ground level may be constructed so that the average lot coverage of the building above a point sixty-five feet above the average ground level of the lot shall occupy no more than forty-eight and one-half percent (48.5%) of the lot.*

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City of Philadelphia

BILL NO. 090411 continued

(10) Incentive Floor Area.

* * *

(a) Conditions. In order to obtain incentive floor area all of the following conditions must be met;

* * *

(.2) The lot must have frontage along one of the following streets:

* * *

(.e) The south side of Arch Street between 18th Street and 19th Street.

(.3) Incentive gross floor area may be aggregated by meeting more than one (1) of the following requirements, provided, that the amount of incentive gross floor area permitted on any lot shall not exceed a ratio greater than four hundred percent (400%) of the lot area.

(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:

* * *

SECTION 2. Chapter 14-1600 of The Philadelphia Code is hereby amended to read as follows:

CHAPTER 14-1600. MISCELLANEOUS.

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§14-1611. Benjamin Franklin Parkway Controls.

City of Philadelphia

BILL NO. 090411 continued

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(3) Special Height Control District.

(a) No building within the following boundaries shall exceed one hundred twenty-five (125) feet in height:

(.1) The area bounded by the Schuylkill River, John F. Kennedy Boulevard, North 23rd Street, Arch Street, North 22nd Street, Walden Street, North 21st Street, Cuthbert Street, North 18th Street, Vine Street, Franklin Town Boulevard, North 17th Street, Brandywine Street, North 21st Street, Fairmount Avenue, North 22nd Street, and Aspen Street, following a line extending from the center line of Aspen Street west to the Schuylkill River;

(.a) The area bounded by Arch Street, 18th Street, Cuthbert Street, and 19th Street shall not be subject to the provisions of paragraph 14-1611(3)(a)(.1) above;

* * *

SECTION 3. No zoning permits shall issue with respect to any property rezoned by Section 6 of this Ordinance unless:

(1) The applicant shall have first submitted to the City Planning Commission, and the City Planning Commission shall have approved, a Plan of Development in accordance with this Ordinance, which shall be approved by the Commission only if:

(a) such Plan of Development includes an impact study that evaluates the effect of the proposed development on the surrounding community; and

(b) the Commission, in its discretion, has determined that the Plan of Development provides for development appropriate in scale, density, character and use within the surrounding community;

(c) the Plan of Development is accompanied by an Economic Opportunity Plan that comports with the requirements of Chapter 17-1600, as

City of Philadelphia

BILL NO. 090411 continued

determined by the Mayor's Office of Economic Opportunity, or such other agency assigned by the Mayor to promote the economic development of M/W/DSBEs.

(2) The City Planning Commission certifies that the requested permits are in conformity with the approved Plan of Development.

(3) The Plan of Development is approved by City Council by Resolution.

SECTION 4. Sunset provision.

(1) This Ordinance shall lapse on January 1, 2011, unless, on or before such date, either:

(a) A building permit has been issued pursuant to a Plan of Development approved pursuant to Section 3 hereof; provided, further, that, should such building permit or any zoning permit issued pursuant to an approved Plan of Development expire due to a failure to construct, this Ordinance shall lapse at such time; or

(b) The City Planning Commission has granted an extension of up to one (1) year upon a determination by the Commission that the applicant is making substantial progress toward implementation of the approved Plan of Development.

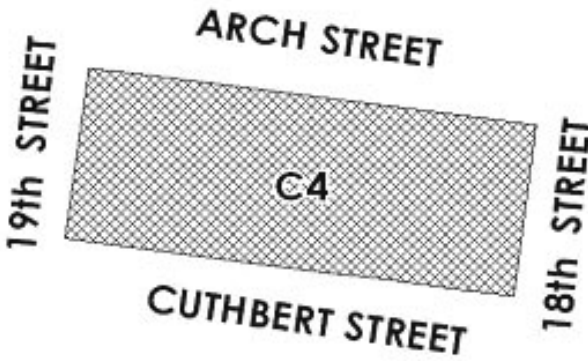
SECTION 5. The provisions of Section 1 of this Ordinance shall not take effect with respect to any parcel re-zoned by this Ordinance until the City Planning Commission certifies to the Department of Licenses and Inspections and the Chief Clerk of Council that the Commission has approved a Plan of Development for such parcel pursuant to Section 3 of this Ordinance.

SECTION 6. Pursuant to Section 14-103 of The Philadelphia Code, The Philadelphia Zoning Maps are hereby amended by changing the zoning designations of certain areas of land within an area bounded by Arch Street, 18th Street, Cuthbert Street, and 19th Street, from the existing zoning designations indicated on Map "A" set forth below to the zoning designations indicated on Map "B" set forth below.


City of Philadelphia

BILL NO. 090411 continued

MAP A EXISTING ZONING



Legend

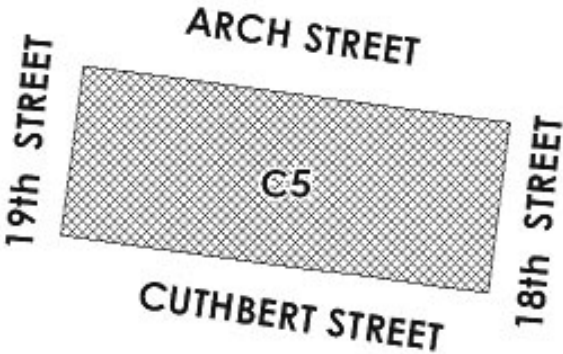
 C4 C4 Commercial




City of Philadelphia

BILL NO. 090411 continued

MAP B PROPOSED ZONING



Legend

 C5 Commercial



City of Philadelphia

BILL NO. 090411 continued

Explanation:

Bold Italics indicate new matter added.