



City of Philadelphia

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

RESOLUTION NO. 190395

Introduced May 9, 2019

**Councilmember O'Neill
for
Council President Clarke**

RESOLUTION

Authorizing the creation of a Zoning Code Review Commission as an agency of City Council, to evaluate, and recommend improvements to, Philadelphia's Zoning Code.

WHEREAS, The City's Zoning Code is of fundamental importance to all Philadelphians. It defines the physical backbone of the City by regulating how land may be used; by determining the size, height, and type of buildings; and by stating what activities are permitted within those buildings. It profoundly affects the well-being of all who live and work here, and it shapes the growth of our communities for decades to come; and

WHEREAS, On May 15, 2007, the voters of Philadelphia approved a Resolution of City Council providing for the establishment of a Zoning Code Commission to "conduct a comprehensive analysis of and make recommendations regarding reforms to the Philadelphia Zoning Code"; and

WHEREAS, Council's resolution provided that the Commission's work was to "be guided by the principles that Philadelphia's Zoning Code should be consistent and easy to understand, should help shape future construction and development, and should enhance and improve Philadelphia's development process while encouraging positive development and protecting the character of Philadelphia's neighborhoods"; and

WHEREAS, After four years of work by the Zoning Code Commission, a new Zoning Code was signed into law on December 22, 2011, becoming effective August 22, 2012; and

WHEREAS, In January, 2018, the City's internal "Zoning Technical Committee" prepared a report assessing the first five years of the new Code's existence. The report, entitled "City of Philadelphia: Five Year Review of the Zoning Code," is available at https://www.phila.gov/CityPlanning/projectreviews/PDF/ZoningCode_5Yr_Report_DRAFT.pdf; and

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WHEREAS, The report identified commendable strengths of the Zoning Code as well as elements that remain seriously problematic. For example, one of the most troubling conclusions concerned the Zoning Board of Adjustment's "Variance Approval Rate," with the report noting:

“[T]he rate at which variances are approved in Philadelphia reflects a particular and significant disconnect between planning law, policies, and enforcement.

This leads to far less predictability and quality of, and an unequal distribution of standards for, development in the City. The decisions of the ZBA often dissuade community engagement in planning processes, as members of the public conclude that variances will be approved regardless of their input. Especially with the still-recent adoption of an updated zoning code and a comprehensive rezoning effort underway in the City, it is time for the rate of approvals for zoning variances to fall, such that decisions are rooted in the finding of true legal hardship”; and

WHEREAS, Council has concluded that this critical (and continuing) deficiency, combined with a range of ongoing concerns, necessitates a full and complete assessment of the Zoning Code. Moreover, the Five Year Review only covered through August 2017 and does not consider the many amendments to the Zoning Code that have been adopted since then; now, therefore, be it

RESOLVED, BY THE COUNCIL OF THE CITY OF PHILADELPHIA, That Council hereby authorizes the creation of a Zoning Code Review Commission, consisting of those City Council members and others appointed by the Council President, to act as an agency of City Council, to evaluate, and recommend improvements to, Philadelphia's Zoning Code. In conducting its work, the Commission shall hold public hearings and, through those hearings and other means, seek as wide and diverse a range of input as possible from stakeholders throughout the City.

FURTHER RESOLVED, That the areas of inquiry for the Zoning Code Review Commission shall include, but not be limited to, the following: the extent to which the core character of neighborhoods is enhanced or threatened by Zoning Code provisions; whether Zoning Code provisions inadvertently compound the effects of gentrification on the ability of long-term residents to remain in their homes; the responsiveness of the Zoning Code to the threat of climate change and the need to promote environmentally responsible development; the adequacy of the Code's inclusionary zoning provisions to increase the supply of affordable housing; the suitability of the Code's parking requirements; the effectiveness of Registered Community Organizations in representing community concerns; the predictability and quality of construction and development; the appropriateness of existing height and density requirements, as well as use restrictions, in each zoning district; and the performance of the Zoning Board of Adjustment.

FURTHER RESOLVED, That no later than six months after the adoption of this Resolution, the Commission shall submit a full report to the Council and the Mayor and make its findings and recommendations available to the public.