

Legislation Text

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Amending Title 14 of The Philadelphia Code, entitled “Zoning and Planning,” by adding a new Chapter, entitled “Military Conversion Districts,” providing that no use shall be permitted within any such District unless a Master Plan for development of such District has been approved by ordinance and such use conforms with the Master Plan; and by designating the following areas as Military Conversion Districts: the Philadelphia Naval Shipyard, bounded generally by the Schuylkill River, the Delaware River, and the right-of-way of the Baltimore and Ohio - Pennsylvania Railroad; the Capehart Housing Property, bounded generally by Twentieth street, Hartranft street, Pattison avenue, and Penrose avenue; and the Defense Supply Center Philadelphia, bounded generally by Oregon avenue, the Schuylkill Expressway (Interstate 76), Twentieth street, Johnston street, and Nineteenth street; 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

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CHAPTER 14-900. MILITARY CONVERSION DISTRICTS.

§14-901. Findings and Purpose.

(1) Several large tracts of land previously owned by the federal government and used as military installations have recently become available for public and private development.

(2) These large tracts represent some of the few remaining large tracts of land available for development within the City of Philadelphia.

(3) The City now has an opportunity to ensure that development of these large tracts of land proceeds in a more orderly fashion.

(4) Requiring a master plan before any new uses are permitted in these areas will best take advantage of this opportunity.

§14-902. Designated Districts.

(1) The following areas are hereby designated as Military Conversion Districts subject to the controls set forth in this Chapter:

(a) The Philadelphia Naval Shipyard, with boundaries identical to the boundaries set forth in Bill No. 970120 (approved July 11, 1997) for the Philadelphia Naval Business Center Tax Increment Financing District, and including those areas that were later excluded from that District by Bill No. 990114

(approved May 10, 1999).

(b) The Capehart Housing Property, bounded by Twentieth street, Hartranft street, Pattison avenue, and Penrose avenue.

(c) The Defense Supply Center Philadelphia, bounded by Oregon avenue, the Schuylkill Expressway (Interstate 76), Twentieth street, Johnston street, and Nineteenth street.

§14-903. Applicability.

(1) A Military Conversion District shall be an Overlay District to any conventional underlying zoning district.

(2) Within a Military Conversion District, all of the use, yard, area and other requirements of the underlying zoning district shall apply, except that any activity regulated by this Chapter shall also comply with this Chapter. When both the provisions of the underlying zoning district and this Chapter apply, the provision that is most restrictive shall control.

§14-904. New Uses Prohibited Without Master Plan.

(1) Within a Military Conversion District, no use shall be permitted (other than a use lawfully existing on the date that the ordinance designating the Military Conversion District under §14-902 became law) unless a Master Plan has been adopted for the Military Conversion District, and such use is permitted under the Master Plan.

(2) A Master Plan shall be consistent with the underlying zoning of the District, and shall include the following:

(a) Plans for the development of the entire District, and not on a separate lot, parcel, or block basis;

(b) The ownership of all land within the District;

(c) The general dimensions and heights of the proposed structures as well as the use or uses intended for each structure;

(d) The gross floor area of all buildings on the plan;

(e) Any proposed change to the existing confirmed street layout within or surrounding the boundaries of the District;

(f) The total occupied area of the District, expressed in square feet and percentages;

(g) The size and location of all off-street parking areas; the size and location of all driveways leading thereto; and the size and location of all other private drives, ways, or streets intended to be used by automobile traffic;

- (h) *The size and location of all off-street loading facilities; and*
- (i) *The size and location of any signs.*

§14-905. *Procedure for Approval of Master Plan.*

(1) *The proponent of a Master Plan shall submit a copy of a proposed Master Plan to the City Planning Commission and to the Chief Clerk of Council. The City Planning Commission shall refer a copy of the Plan to the Department of Streets.*

(2) *The City Planning Commission shall review the Master Plan with respect to the layout of the entire area, and the Department of Streets shall review the Master Plan with respect to the traffic pattern plan, parking plan, and driveways.*

(3) *The City Planning Commission and the Department of Streets shall forward their recommendations as to approval, disapproval, or modification of the proposed Master Plan in writing to the Chief Clerk of Council.*

(4) *A Master Plan must be approved by Council by ordinance. Council shall not be bound by the recommendations of either the City Planning Commission or the Department of Streets, and Council may approve a Master Plan that differs in any respect from the Master Plan that was submitted to it. Council may approve a Master Plan without receiving the recommendation of the City Planning Commission or the Department of Streets, but unless the Council has received both such recommendations, it shall not enact an ordinance approving a Master Plan until more than forty-five (45) days have elapsed since the proponent of the Master Plan submitted it to the City Planning Commission.*

§14-906. *Variances; Amendments.*

(1) *No variance shall be granted from the requirements of §14-904(1) except where the denial of a variance would effect an unconstitutional taking, nor shall any permit for a proposed use not expressly permitted under the approved Master Plan be granted on the basis that the difference between the proposed use and the express provisions of the Master Plan is de minimis, or on the basis that the proposed use represents only a “minor modification” of the Master Plan, or on any similar basis, unless the approved Master Plan expressly provides for such deviation between the proposed use and the express provisions of the Master Plan.*

(2) *Amendments to a Master Plan may only be made by the approval of a new Master Plan under the procedure set forth in §14-905.*

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Explanation:

Italics indicate new matter added.