



City of Philadelphia

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

**BILL NO. 220446
(As Amended, 6/15/22)**

Introduced May 19, 2022

Councilmember Parker

**Referred to the
Committee on Rules**

AN ORDINANCE

Amending Title 14 of The Philadelphia Code, entitled "Zoning and Planning," by revising certain provisions of Section 14-520, entitled "NDO, Ninth District Overlay District," 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 14-500. OVERLAY ZONING DISTRICTS

* * *

§ 14-520. NDO, Ninth District Overlay District.

(1) Applicability.

[The requirements of this NDO, Ninth District Overlay apply to all residentially or commercially zoned properties in the Ninth Councilmanic District.]

The Ninth District Overlay District applies to lots located within the following subareas set forth below:

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(a) *Ninth District Area.*

All residentially or commercially zoned properties located within District No. 9, as defined in § 20-501 (Boundaries of Districts).

(b) *Commercial Review Areas.*

All commercially-zoned lots in the following areas:

(.1) *North Broad Street Commercial Review Area.*

The area bounded by Broad Street, 66th Avenue, 11th Street, 10th Street, Windrim Avenue, 11th Street,, and Ruscomb Street.

(.2) *Cheltenham/Ogontz Commercial Review Area.*

The area bounded by Cheltenham Avenue, Broad Street, 66th Avenue, and Limekiln Pike.

(.3) *North Fifth Street Commercial Review Area.*

The area bounded by Cheltenham Avenue, 4th Street, 65th Avenue, 3rd Street, Cheltenham Avenue, 4th Street, Somerville Avenue, 6th Street, Champlost Avenue, 5th Street, Spencer Avenue, Fairhill Street, 67th Avenue, and 5th Street.

(.4) *Old York Commercial Review Area.*

The area bounded by Broad Street, Cheltenham Avenue, 12th Street, 70th Avenue, 12th Street, and 66th Avenue.

(.5) *Castor Avenue Commercial Review Area.*

The area bounded by Roosevelt Boulevard, Sanger Street, Loretto Avenue, Cottman Avenue, and Large Street.

(.6) *Rising Sun Avenue Commercial Review Area.*

The area bounded by Roosevelt Boulevard, Front Street, the SEPTA Fox Chase Line, Newtown Avenue, Godfrey Avenue, Hasbrook Avenue, Lardner Street, Oakley Street, Cottman Avenue, Bingham Street, Oxford Avenue, Longshore Avenue, Bingham Street, Godfrey Avenue, Tabor Avenue, Tabor Road, and Bingham Street.

(.7) *Stenton Avenue Commercial Review Area.*

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The area bounded by Stenton Avenue, Gowen Avenue, Mansfield Avenue, Upsal Street, Rodney Street, and Haines Street.

(.8) Vernon Road Commercial Review Area.

The area bounded by Fayette Street, Greenwood Street, Michener Avenue, and Vernon Road.

(.9) Wadsworth Avenue Commercial Review Area.

The area bounded by Michener Avenue, Gowen Avenue, Cheltenham Avenue, and Mount Airy Avenue.

(2) Ninth District Area.

The following standards apply to the Ninth District Area, as defined in subsection (1) (Applicability) above:

[(2)] (a) Legislative Findings.

[(a)] (.1) The buildings within this Overlay are predominantly characterized by a distinctive brick or stone facade.

[(b)] (.2) The Council wishes to preserve the historic character of the District and the buildings therein.

[(c)] (.3) New construction of buildings with visible facades covered by vinyl siding, horizontal aluminum siding, or stucco are inconsistent with the distinctive characteristics of the Overlay.

[(d)] (.4) Preservation of the historic brick and stone facades throughout the Overlay will maintain and enhance property values in the Overlay and the general attractiveness of the community.

[(3)] (b) Area and Form Regulations: Materials.

For new construction, the following materials shall not be used on more than fifty percent (50%) of the facade on any building frontage:

[(a)] (.1) Vinyl siding.

[(b)] (.2) Horizontal aluminum siding.

[(c)] (.3) Stucco.

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[(4)] (c) Minimum Lot Area.

In the RSA-5 district, the minimum lot area shall be 1,440 sq. ft., except that a lot containing at least 1,600 sq. ft. of land may be divided into lots with a minimum lot size of 800 sq. ft., provided that:

[(a)] (.1) At least seventy-five percent (75%) of lots adjacent to the lot to be divided is 1,000 sq. ft. or less;

[(b)] (.2) Each of the lots created is used for one single-family attached home; and

[(c)] (.3) Each of the lots created meets the minimum lot width requirement of the zoning district.

[(5)] (d) Accessory Dwelling Units.

Accessory dwelling units shall not be permitted in the RSA-5 and CMX-1 zoning districts, except within buildings or structures that meet the conditions of § 14-604(11)(d)(1) (Historic Structures).

(3) *Commercial Review Areas.*

The following standards apply to the Commercial Review Areas, as defined in subsection

(1) (Applicability) above:

(a) Principal uses are allowed within the Ninth District Overlay District in accordance with the use regulations of the underlying zoning district, provided that the following uses shall require a Special Exception, except where they are otherwise prohibited:

(.1) Consumer Goods;

(.2) Food, Beverages, and Groceries;

(.3) Sundries, Pharmaceuticals, and Convenience Sales; and

(.4) Drug Paraphernalia Sales.

(b) All uses listed in § 14-520(3)(a) shall only be granted a Special Exception if the Special Exception includes a proviso prohibiting the use from operating between 11:00 p.m. and 5:00 a.m.

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Explanation:

[Brackets] indicate matter deleted.
Italics indicate new matter added.

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