

City of Philadelphia



October 6, 2022

CERTIFICATION: This is to certify that Bill No. 220007 was presented to the Mayor on the twenty second day of September, 2022, and was not returned to Council with his signature at a meeting held October 6, 2022 (being more than ten days after it had been presented to him).

THEREFORE, Pursuant to the provisions of Section 2-202 of the Philadelphia Home Rule Charter, the ordinance becomes effective as if the Mayor had approved it.

A handwritten signature in cursive script that reads "Michael A. Decker".

Michael A. Decker
Chief Clerk of the City Council

(Bill No. 220007)

AN ORDINANCE

Amending Chapter 14-500 of The Philadelphia Code entitled, "Overlay Zoning Districts," by amending a section as proposed to be added by Bill No. 210778, entitled the "AHP, Affordable Housing Preservation Overlay District" to add certain areas, within the area bounded by Haverford Avenue, 38th Street, Walnut Street and 46th Street, to the district and making other changes, all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Reserved

SECTION 2. Chapter 14-500 of The Philadelphia Code, entitled "Overlay Zoning Districts," is hereby amended to read as follows:

CHAPTER 14-500. OVERLAY ZONING DISTRICTS

* * *

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§ 14-534. /AHP, Affordable Housing Preservation Overlay District.

(1) **Applicability.** The Affordable Housing Preservation Overlay District shall apply to [lots located]*all lots*:

(a) *Located in the area bounded by Filbert Street, 39th Street, Ludlow Street and 40th [Street.] Street;*

(b) *With frontage on Market Street, 39th Street, and Filbert Street;*

(c) *Located in the area bounded by Market Street, 44th Street, Ludlow Street and 45th Street;*

(d) *With frontage on Market Street, 45th Street, and Ludlow Street; and*

(e) *Located in the area bounded by Sansom Street, 45th Street, Walnut Street, and 46th Street.*

* * *

(5) **Bonuses**

Eligibility for floor area and dwelling unit density bonuses shall be limited as follows:

(a) *Where otherwise permitted, a lot shall be eligible to earn Mixed Income Housing bonuses, provided that:*

(.1) *It may only do so through the inclusion of affordable units on-site in a quantity that satisfies § 14-702(7)(b)(.1); and*

(.2) *If located within the /MIN, Mixed Income Neighborhoods Overlay District, it is subject to the conditions of § 14-533(8);*

(b) *Where otherwise permitted, a lot shall be eligible to earn floor area bonuses by meeting the conditions of § 14-702(6) (Public Space), § 14-702(8) (Transit Improvements), § 14-702(9) (Underground Accessory Parking), or any combination of these three, provided that these bonuses may only be earned where a Mixed Income Housing bonus is also earned;*

(c) *Where otherwise permitted, a lot shall be eligible to earn floor area bonuses by meeting the conditions of § 14-702(5) (Public Art), § 14-702(10) (Green Building or Site), or both, provided that these bonuses may only be earned where each of the three bonuses listed in (b), above, is also earned; and*

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(d) Where otherwise permitted, a lot shall be eligible to earn a dwelling unit density bonus by meeting the conditions of § 14-702(16) (Green Roof), provided that this bonus may only be earned where a Mixed Income Housing bonus is also earned.

(6) Demolition

(a) Temporary Demolition Moratorium. Until March 13, 2023, no zoning permit shall issue for a complete demolition of any building being used for a residential purpose, whether in whole or in part, that is located on a lot with a Lot Area greater than 19,999 square feet or contiguous lots with a total Lot Area greater than 19,999 square feet, in either case within the /AHP Overlay.

(b) Building Requirements to Prevent Vacant Lots. No zoning or building permit shall be issued for the demolition of a principal building located within the /AHP Overlay District unless a building permit has been issued for the construction, expansion, or alteration of a new or existing principal building on the same lot.

(c) Exceptions. The provisions of subsection (6)(a) and (b) shall not apply if:

(.1) Such demolition is necessary to abate an imminently dangerous condition as determined by the Department of Licenses and Inspections; or

(.2) Such demolition is necessary to abate an unsafe condition impacting the right of way or any adjacent property as determined by the Department of Licenses and Inspections.

(d) Relationship With Other Ordinances. The provisions of this subsection (6) supersede any other limitations or authorizations related to the demolition of any building located within the /AHP Overlay District.

[(4)] (7) Severability.

If any paragraph, subsection, clause, provision, or exception of this Section shall be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Section as a whole or any part thereof. It is the intention of City Council that the remainder of this Section would have been adopted as if such invalid paragraph, subsection, clause, provision, or exception had not been enacted.

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