

# City of Philadelphia



(Bill No. 200628)

## AN ORDINANCE

Amending Title 14 of The Philadelphia Code, entitled “Zoning and Planning,” by revising and clarifying certain provisions and making technical changes, 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:

**Key:** In Tables and Table Notes, deletions shall be denoted by {squiggly brackets}, and not by [square brackets].

### TITLE 14. ZONING AND PLANNING

\* \* \*

#### CHAPTER 14-500. OVERLAY ZONING DISTRICTS

\* \* \*

#### **§ 14-507. /CDO, Central Delaware Riverfront Overlay District.**

\* \* \*

(7) Off-Street Parking.

\* \* \*

(b) Non-accessory and accessory aboveground structured parking shall be permitted by right, provided that an architectural or landscaped screening device is applied to each facade that faces a public street, park, or trail and is approved by the Commission for appropriateness with the surrounding neighborhood character. [Required accessory parking in an aboveground structure that meets the requirements of this subsection (b), shall be excluded from the calculation of gross floor area; any parking provided in addition to the required accessory parking shall count towards the calculation of gross floor area.]

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(c) *Required accessory parking in an aboveground structure that meets the requirements of subsection (b) above, shall be excluded from the calculation of gross floor area; any parking provided in addition to the required accessory parking shall count towards the calculation of gross floor area.*

\* \* \*

## (10) Civic Design Review

### (a) Applicability.

For any development that fronts on Delaware Avenue, Christopher Columbus Boulevard, the Delaware River, or a river access street, as set forth in § 14-507(3), above, and is subject to civic design review under [§ 14-305(4)(b),] § 14-304(5)(b), the Civic Design Review Committee shall consider, in addition to the criteria set forth at § 14-304(5)(f), the criteria set forth at § 14-507(10)(b).

\* \* \*

## (12) Optional Special Standards, Review, and Exemptions

\* \* \*

### (b) Criteria.

A development shall meet all the criteria of this subsection (b) in order to be eligible for the exemptions provided for in subsection (d).

\* \* \*

### (.7) Amenities.

\* \* \*

(.d) The development shall meet the requirements of § 14-702(7) (Mixed-Income Housing) necessary to earn a floor area or height bonus at either the Moderate Income or Low Income level of affordability. [For developments where at least 50% of gross floor area will be in residential use, this requirement may be met through the inclusion of affordable housing or through a payment in lieu of providing affordable housing, as described in that subsection. Notwithstanding the provisions of § 14-702(7)(b), this bonus is available to developments where less than 50% of gross floor area will be in residential use, provided this requirement may only be

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met through a payment in lieu of providing affordable housing as per the requirements of §14-702(7)(b)(.6).]

\* \* \*

(d) Exemptions from Other Zoning Restrictions.

A project that satisfies the requirements of subsections (b) and (c), above, shall be entitled to the following exemptions:

\* \* \*

*(.3) Any accessory parking provided in an aboveground structure that does not exceed the parking requirements of §14-802(3) (Required Parking in Commercial Districts) that would otherwise apply, shall be excluded from the calculation of gross floor area; any parking in addition to the accessory parking that would otherwise be required shall count towards the calculation of gross floor area.*

\* \* \*

## CHAPTER 14-700. DEVELOPMENT STANDARDS

\* \* \*

### § 14-702. Floor Area, Height, and [Housing] *Dwelling* Unit Density Bonuses

(1) Purpose

The intent of the floor area [bonus and] *bonus*, building height [bonus] *bonus*, and *dwelling unit bonus* provisions are to encourage certain types of development and the creation of specific amenities in the public interest. These floor [area and] *area*, building [height] *height*, and *dwelling unit* bonuses shall be available in the areas listed, and in return for the provision of design or amenities listed.

(2) Eligibility for Floor Area Bonuses

\* \* \*

(e) Property located in the /CDO overlay district or the /ECO overlay district shall be eligible for floor area bonuses, provided that any bonus category used to earn additional floor area shall not be the same as any bonus category used to earn additional *height*. [height; and provided further that, in the /ECO overlay district, the subject property is a minimum of three acres.]

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\* \* \*

(7) Mixed Income Housing.

(a) Affordability.

A floor area, height, or [housing] *dwelling* unit density bonus, as applicable, may be earned by providing affordable housing at the levels of affordability set out in this § 14-702(7)(a). For the purposes of § 14-702(7), a household shall consist of every person who lives or intends to live in the unit, regardless of age, dependency status, or relationship. The imputed household size for determining unit affordability and occupancy requirements of § 14-702(7) shall be equal to 1.5 people per each bedroom in the unit, except for studios and efficiencies, for which the imputed household size is 1 person.

\* \* \*

(b) Criteria.

A floor area, height, or [housing] *dwelling* unit density bonus, as applicable, may be earned for developments where at least 50% of the gross floor area will be in residential use (i) by providing affordable housing, provided that the project meets the standards set forth in subparagraphs (.1) through (.5), below; or (ii) if the owner of the property enters into a payment-in-lieu agreement that meets the standards set forth in subparagraph (.6), below. For developments where less than 50% of gross floor area will be in residential use, these bonuses may be earned, as applicable, if the owner of the property enters into a payment-in-lieu agreement that meets the standards set forth in subparagraph (.6), below. This bonus provided for in this subsection (7) (“Mixed Income Housing”) is not available for developments of subsidized housing where 51% or more of the dwelling units will be affordable under any of the definitions set forth in subsection (a) (“Affordability”), above.

(.1) At least 10% of dwelling units (rounded up, if fractional) [constructed using base floor area ratio] shall be provided and maintained as affordable, as defined in § 14-702(7)(a)(.1) or § 14-702(7)(a)(.2), above.

\* \* \*

(.6) The applicable bonus shall be available to a property if the owner enters into a binding agreement with the Department of Planning and Development pursuant to which the owner has tendered to the City, prior to the issuance of a building permit, a payment in lieu of providing

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affordable housing; and the Department of Planning and Development has agreed, for any development where at least 50% of the gross floor area will be in residential use, to use such money for the purposes set forth in § 21-1605 ("Trust Fund Assets Held in the Non-Recording Fee Sub-Fund"), and, for any development where less than 50% of the gross floor area will be in residential use, for the purposes set forth in § 21-1603 ("Creation, Distribution and Use of the Trust Fund's Assets"). The payment shall be calculated as follows:

(.a) For properties located in an RM-2, RM-3, RM-4, RMX-1, RMX-2, RMX-3, IRMX, CMX-3, CMX-4, or CMX-5 zoning [district:] *district earning a floor area bonus*: by multiplying the maximum additional gross floor area that would be earned through this bonus, measured in square feet, by twenty-five dollars (\$25), if the owner is seeking the moderate-income bonus, and by thirty dollars (\$30), if the owner is seeking the low-income bonus.

(.b) *For properties located in the /CDO, Central Delaware River Overlay District or the /ECO, East Callowhill Overlay District earning a height bonus*:

(.i) *For each building, if the owner is seeking the moderate-income bonus, the gross floor area (measured in sq. ft.) of the median story (by gross floor area), multiplied by the additional height that would be earned through the bonus (measured in ft.), multiplied by two dollars (\$2); for each building, if the owner is seeking the low-income bonus, the gross floor area (measured in sq. ft.) of the median story (by gross floor area), multiplied by the additional height that would be earned through the bonus, multiplied by two dollars and fifty cents (\$2.50).*

(.ii) *Any addition or expansion that would increase the gross floor area of the median story (by gross floor area) subsequent to the receipt of payment shall require a recalculation based on the new gross floor area of the median story; if the recalculated payment is greater than the sum of the payments already tendered, the owner shall make an additional payment prior to the issuance of a building permit in the amount of the recalculated payment less the sum of the payments already tendered.*

(.iii) *For the purposes of this subsection § 14-702(7)(b)(.6)(.b), if there is an even number of stories, the median story shall be calculated by taking the mean of the*

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*two stories that are closest to the middle (by gross floor area).*

[(b)](c) For properties located in an RM-1, CMX-1, CMX-2, or CMX-2.5 zoning district, the greater of the following:

\* \* \*

(14) Stormwater Management.

\* \* \*

(b) *Criteria for Managing Street Drainage* within the /ECO Overlay District or the /CDO Overlay District.

Within the /ECO overlay district or /CDO overlay district, a height bonus may be earned by managing the street drainage through the installation and maintenance of one or more stormwater management systems on the property, provided *that* [that, in the /CDO overlay district,] the stormwater management system maximizes the management of adjacent street drainage and manages at least 5,000 square feet of impervious street drainage area in excess of applicable stormwater management [requirements and that, in the /ECO overlay district, the Water Department confirms that the stormwater management system meets the applicable stormwater management requirements of this § 14-702(14) and all other applicable stormwater management] *requirements*.

\* \* \*

(e) *Criteria for All Stormwater Management Bonuses*.

In addition to the above criteria, all open space and stormwater management systems provided to earn a stormwater management bonus shall meet the following standards:

\* \* \*

(.2) [If the property is in the /CDO overlay district, the] *The* applicant shall execute and record a deed restriction against the property, approved as to form by the Law Department, which requires the stormwater management systems to be constructed and maintained, at a minimum, in accordance with the Water Department's stormwater management requirements for the life of the building; and which allows the City to inspect for, or demand proof of, continued compliance with those requirements.

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## § 14-704. Open Space and Natural Resources.

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### (5) Waterfront Setbacks

\* \* \*

#### (b) General Standards.

\* \* \*

(.2) The following activities and uses are prohibited within the waterfront setback:

\* \* \*

(.c) Streets and driveways except [that, within the /CDO overlay district,] *that* driveways that are necessary to access any permanent or temporary structure permitted under subsection (.a) above are permitted;

\* \* \*

SECTION 2. This Ordinance shall take effect immediately.

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CERTIFICATION: This is a true and correct copy of the original Bill, Passed by the City Council on March 18, 2021. The Bill was Signed by the Mayor on March 29, 2021.



Michael A. Decker  
Chief Clerk of the City Council