

Legislation Text

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Amending Title 14 of The Philadelphia Code, entitled “Zoning and Planning,” by adding a new Section 14-1620, entitled “Keystone Opportunity Zone Special District Controls,” prohibiting residential uses in certain deteriorated areas of the City and providing for service on the relevant City departments of certain applications relating to the use of property in such areas; and by making certain conforming changes in Section 14-1802, entitled “Criteria for Granting Variances”; 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 14-1600. MISCELLANEOUS.

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§14-1620. Keystone Opportunity Zone Special District Controls.

(1) Definitions. In this Section, the following definitions shall apply:

(a) “Zone.” The Philadelphia Keystone Opportunity Zone, as more fully defined by Section 19-3201(1), and as generally described below:

- (.1) American Street Corridor Industrial Area*
- (.2) Amtrak Northeast Corridor (Glenwood Avenue, Sedgley Avenue areas)*
- (.3) PIDC Northeast Industrial Parks (East)*
 - (.a) Byberry East Industrial Park*
- (.4) PIDC Northeast Industrial Parks (West)*
 - (.a) Byberry Hospital*
 - (.b) Byberry West Industrial Park (Vacant Parcels)*
 - (.c) Somerton Industrial Park (Vacant Parcels Only)*
 - (.d) Red Lion Industrial Park (Vacant Parcels Only)*

- (.5) *Eastwick Industrial Park (Vacant Parcels Only)*
- (.6) *Lower Delaware River*
- (.7) *Hunting Park*
- (.8) *Upper Delaware River*
- (.9) *Central Delaware River*
- (.10) *Philco Site (C & Tioga Streets)*
- (.11) *West Parkside Industrial Park*
- (.12) *Post Office Market Street: West Philadelphia*

(b) “Expansion Zone.” *The Philadelphia Keystone Opportunity Expansion Zone, as more fully defined by Section 19-3201(2), and as generally described below:*

- (.1) *Northeast Philadelphia Airport Subzone.*
- (.2) *Upper Delaware River Subzone.*
- (.3) *Central Delaware River Subzone.*
- (.4) *Lower Delaware River Subzone.*
- (.5) *Frankford/Torresdale Subzone.*
- (.6) *West Philadelphia Subzone.*
- (.7) *Upper Schuylkill River Subzone.*
- (.8) *Lower Schuylkill River Subzone.*

(2) *The provisions of this Section shall apply in the Zone and the Expansion Zone, and shall remain in effect as follows:*

- (a) *Until December 31, 2010 in the Zone.*
- (b) *Until December 31, 2013 in the Expansion Zone.*

(2) *Notwithstanding any other provision of this Title, all residential uses are prohibited in the Zone and the Expansion Zone in any structure or on any lot not located in a residentially zoned district.*

(3) *Notwithstanding the provisions of Sections 14-1801 and 14-1802 and any other provision of this Code, the Zoning Board of Adjustment shall have no authority to grant variances or exceptions to the*

residential prohibition set forth in §14-1620(2) above, except where the Zoning Board of Adjustment makes an express finding that a court would rule that:

(a) The denial of a variance or special exception would effect an unconstitutional taking; and

(b) The denial of a variance or special exception would constitute an extraordinary hardship. The Zoning Board shall not make a finding of extraordinary hardship unless the Director of Commerce certifies, and the Board concludes, that there exists no economically viable non-residential use for the property; and only after the applicant submits such evidence and conducts such studies as the Board requires, which evidence shall include, at a minimum, the following:

(.1) amount paid for the property, date of purchase, and party from whom purchased, including a description of the relationship, whether business or familial, if any, between the owner and the person from whom the property was purchased;

(.2) assessed value of the land and improvements thereon according to the most recent assessment;

(.3) financial information for the previous two (2) years which shall include, as a minimum, annual gross income from the property, itemized operating and maintenance expenses, real estate taxes, annual debt service, annual cash flow, the amount of depreciation taken for federal income tax purposes, and other federal income tax deductions produced;

(.4) all appraisals obtained by the owner in connection with his purchase or financing of the property, or during his ownership of the property;

(.5) all listings of the property for sale or rent, price asked, and offers received, if any;

(.6) any consideration by the owner as to profitable, adaptive uses for the property.

(4) Permit and variance applications.

(a) Upon receipt of any application for a permit to construct, alter, renovate or demolish any building or land, or for any zoning permit, within the Zone or Expansion Zone, the Department of Licenses and Inspections shall provide notice of the pending permit application, including a copy of the permit application and any site development plan, to the Director of Commerce no less than seven days before the issuance of said permit.

(b) Any person applying to the Zoning Board of Adjustment for a variance or special exception with respect to a property within the Zone or Expansion Zone shall provide a copy of such application via return receipt mail to the Director of Commerce. The Zoning Board of Adjustment shall not proceed with any hearing on the application without proof of receipt of notice by the Director of Commerce.

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CHAPTER 14-1800. ZONING BOARD OF ADJUSTMENT

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§14-1802. Criteria for Granting Variances.

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(7) Where the property in question is situated within a Keystone Opportunity Zone or Keystone Opportunity Expansion Zone, as defined by Section 19-3201, the Zoning Board of Adjustment shall not grant any variance except as provided in Section 14-1620(3).

[(7)] (8) The provisions of paragraphs (2), (3), (4), (5), [and] (6) and (7) shall be in addition to the criteria set forth in paragraph (1).

[(8)] (9) * * *

Explanation:

[Brackets] indicate matter deleted.

Italics indicate new matter added.