

Legislation Text

File #: 190382, **Version:** 0

Amending Title 14 of The Philadelphia Code, entitled “Zoning and Planning,” by providing that no variance shall be granted to permit the multi-family use of a property located in certain defined Single Family Preservation Districts, under certain terms and conditions.

WHEREAS, The Zoning Code establishes strict criteria that must be met before the Zoning Board of Adjustment (ZBA) is permitted to grant a variance to allow development forbidden by the Zoning Code; and

WHEREAS, Even though the ZBA does not have the discretion to ignore these strict criteria, it nevertheless continues to grant variances at disturbingly high rates; and

WHEREAS, In particular, the ZBA is granting a steady stream of variances allowing the conversion of single-family properties into multi-family properties, even in neighborhoods reserved by the Zoning Code for single-family homes; and

WHEREAS, This disturbing trend contributes to the rapid gentrification of the affected neighborhoods, thereby jeopardizing the ability of long-term residents to remain in their homes; and

WHEREAS, A February, 2019, request for data concerning zoning variances has gone unanswered despite the fact that the ZBA is required to state in writing its reasons for granting or denying every variance request; and

WHEREAS, Every time the ZBA grants a variance, the Zoning Code is undercut, and the character of a neighborhood is permanently changed; and

WHEREAS, Council now wishes to address these concerns directly by limiting the circumstances under which the ZBA may grant certain variances; and

WHEREAS, The multi-family use of a property, as defined in the Zoning Code, is the use of a lot as a residence for three or more families with each family occupying a single dwelling unit; now, therefore

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 14-100. GENERAL PROVISIONS.

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CHAPTER 14-300. ADMINISTRATION AND PROCEDURES.

§ 14-303. Common Procedures and Requirements.

Procedures that are common to several types of applications for permits, approvals, or variances are provided for in this section.

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(8) Zoning Variances.

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(e) Criteria for Approval.

The Zoning Board shall grant a variance only if it determines that the applicant has demonstrated that the criteria of this § 14-303(8)(e) (Criteria for Approval) have been met and that any applicable criteria in §§ 14-303(8)(f) (Additional Criteria for Floodplain Variances) through [14-303(8)(h) (Additional Criteria for Height Variances Near the Airport)] *14-303(8)(i) (Additional Criteria for Variances in Single Family Housing Preservation Districts)* have been met. Otherwise, the Zoning Board shall deny the variance.

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(i) *Additional Criteria for Variances in Single Family Housing Preservation Districts.*

If all or part of a property is located within a Single Family Preservation District as listed in this subsection, the Zoning Board shall not grant any use variance to authorize a multi-family use of the property. Single Family Preservation Districts are as follows:

(1) Within the Fifth Councilmanic District, all areas zoned RSD-1, RSD-2, RSD-3, RSA-1, RSA-2, RSA-3, RSA-4, RSA-5, and RTA-1.

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Explanation:

[Brackets] indicate matter deleted.

Italics indicate new matter added.