

Legislation Text

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Amending Title 14 of The Philadelphia Code, entitled "Zoning and Planning," by amending certain provisions of Chapter 14-500, entitled "Overlay Zoning Districts," by creating the "/TSO, 30th Street Overlay District"; by revising certain provisions of Section 14-702, entitled "Floor Area, Height, and Housing Unit Density Bonuses"; and amending the Philadelphia Zoning Maps by changing the zoning designations of certain areas of land located within an area bounded by Chestnut Street, 30th Street, Walnut Street, and 31st Lower Level Street.

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 14-500. OVERLAY ZONING DISTRICTS

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§ 14-526. /TSO, 30th Street Overlay District.

(1) *Applicability.*

The 30th Street Overlay District shall apply to Residential House Projects on lots within the CMX-5 zoning district located within the area bounded by Chestnut Street, 30th Street, Walnut Street, and 31st Lower Level Street.

(2) *Definition of a Residential Housing Project.*

For the purposes of this §14-526, a Residential Housing Project is any development located within the 30th Street Overlay District where at least 25% of gross floor area will be in residential use, which for purposes of calculating total units shall also include any dwelling units provided to satisfy the requirements of subsections § 14-526(3)(a)(.2) or § 14-526(3)(b) below. Developments with any of the following conditions shall not be deemed to meet the definition of a Residential Housing Project:

- a) Any development in which all dwelling units are developed by an educational institution for the exclusive use and occupancy of such institution's students or other institution-affiliated persons such as resident advisors or house masters;*
- b) Any development in which all dwelling units are constructed fully within an existing structure;*

or

- c) Any development where Personal Care Home is the principal use.*

(3) Use Regulations.

The following standards shall apply to all Residential Housing Projects in addition to those of the base zoning district, as indicated in § 14-602(4):

- (a) At least 20% of all dwelling units (rounded up, if fractional) shall be provided and maintained as affordable, as regulated in § 14-526(6) (Affordability), and must meet the following conditions:
 - (.1) At least 10% of all dwelling units (rounded up, if fractional) shall be provided and maintained as affordable and located on the same site as the majority of other dwelling units included in the Residential Housing Project;*
 - (.2) All dwelling units provided to meet the requirements of this subsection (a) must be located within 1.5 miles of the majority of dwelling units included in the Residential Housing Project*
 - (.3) Dwelling units provided pursuant to this subsection (a) may not be used to satisfy the requirements of subsection (b), below.**
- (b) For each 5,000 sq. ft. of floor area of group living provided, at least one dwelling unit shall be provided and maintained as affordable, as regulated in § 14-526(6) (Affordability), within 1.5 miles of the site where the group living use is provided. Dwelling units provided pursuant to this subsection (b) may not be used to satisfy the requirements of subsection (a), above.*
- (c) Provided, however, subsections (3)(a) and (3)(b), shall not apply if the owner or owners of the Residential Housing Project enters into a binding agreement with the Department of Planning and Development pursuant to which the owner or owners will agree to pay the City a payment in lieu of providing affordable housing in accordance with the following requirements:
 - (.1) The payment shall be calculated as 1% of Hard Construction Costs (as defined in Section 17-108) for construction of the Residential Housing Project, and paid in two installments;*
 - (.2) The first installment payment shall be equal to a good faith estimate by the owner or owners of the Residential Housing Project of 80% of 1% of Hard Construction Costs for the construction of the Residential Housing Project. This first payment shall be paid prior to the issuance of a building permit. At the time of the payment, the owner or owners of the Residential Housing Project shall sign a declaration of the good faith estimate of the Hard Construction Costs for the construction of the Residential Housing Project and provide a construction budget to support the calculation of the good faith estimate of Hard Construction Costs;*
 - (.3) The second installment shall be paid prior to the issuance of a certificate of occupancy for the Residential Housing Project, and shall be equal to the difference between the first**

payment and 1% of the actual Hard Construction Costs incurred for the construction of the Residential Housing Project. At the time of the payment, the owner or owners of the Residential Housing Project shall sign a declaration of the actual Hard Construction Costs incurred for the construction of the Residential Housing Project, provide a construction budget to support the calculation of the actual Hard Construction Costs incurred and deliver a third-party certification, from a professional with expertise in managing construction budgets for similar projects, of the amount of the actual Hard Construction Costs incurred; and

(.4) The Department of Planning and Development shall agree to use such money for the purposes set forth in § 21-1605 (Trust Fund Assets Held in the Non-Recording Fee Sub-Fund) or § 21-1603 (Creation, Distribution and Use of the Trust Fund's Assets).

(d) Further provided, subsections (3)(a) and (3)(b), shall not apply to any development that has received or will receive government financial assistance conditioned upon the provision of 51% or more total units in a Residential Housing Project meeting affordability standards of a government program.

(4) Development Standards.

(a) The maximum floor area ratio, not including any floor area bonuses earned, is 2,000% of lot area.

(b) All other development standards are as indicated elsewhere in the Zoning Code.

(5) Motor Vehicle Parking Ratios.

(a) For household living, parking shall be provided at a rate of one parking space per five dwelling units, rounded to the nearest whole number of spaces.

(b) All other development standards are as indicated elsewhere in the Zoning Code.

(6) Affordability.

Affordable dwelling units required by § 14-526(3) shall be provided and maintained as affordable at the Low Income level of affordability as defined and regulated in § 14-702(7)(a) (Affordability) in the same manner as if a bonus was earned.

(a) The standards of §14-702(7)(b)(.2) through (.5) shall apply in the same manner as if a bonus was earned, except that:

(.1) Off-site development pursuant to subsection of §14-702(7)(b)(.3) shall be permitted without a showing of exceptional circumstances or a substantial public benefit; and

(.2) The Department of Planning and Development may waive the requirements of 14-702(7)(b)(.3) and §14-702(7)(b)(.4) for any dwelling units that are provided pursuant to § 14-526(3)(b).

(b) *Compliance check, remedies, and regulations of § 14-702(7)(d) through (g) shall apply in the same manner as if a bonus was earned.*

(7) Applicability of the Mixed Income Housing Bonus

Bonuses available under the provisions of § 14-702(7) (Mixed Income Housing) may be earned only under the following conditions:

(a) *A development is not a Residential Housing Project under the definition provided in § 14-526 (2); or*

(b) *A Residential Housing Project meets the requirements of § 14-702(7)(b) in addition to, and not including, any dwelling units or payments in-lieu provided pursuant to the requirements of this section § 14-526.*

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CHAPTER 14-700. DEVELOPMENT STANDARDS.

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§ 14-702. Floor Area, Height, and Housing Unit Density Bonuses.

* * *

(7) Mixed Income Housing.

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(g) *Applicability of /TSO, 30th Street Overlay District (/MIN).*

The terms and conditions of this section § 14-702 (Mixed Income Housing) shall not apply to Residential Housing Projects within the /TSO, 30th Street Overlay District, as defined in §14-526(2), except as otherwise provided by section §14-526 (30th Street Overlay District).

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SECTION 2. Pursuant to Section 14-106 of The Philadelphia Code, the Philadelphia Zoning Maps are hereby amended by changing the zoning designations of certain areas of land within an area bounded by Chestnut Street, 30th Street, Walnut Street, and 31st Lower Level Street from the existing zoning designations indicated on Map “A” set forth below to the zoning designations indicated on Map “B” set forth below.

SECTION 3. This Ordinance shall take effect immediately following its enactment.