

Legislation Text

File #: 220732, **Version:** 0

September 14, 2022

TO THE PRESIDENT AND MEMBERS OF THE COUNCIL OF THE CITY OF PHILADELPHIA:

I am hereby returning as disapproved Bill No. 220446, which was passed by Council at its session on June 23, 2022. Bill No. 220446 would amend Title 14 of The Philadelphia Code, entitled "Zoning and Planning," by revising certain provisions of Section 14-520, entitled "/NDO, Ninth District Overlay District." The bill requires a special exception for consumer goods, food, beverages and groceries, sundries, pharmaceuticals, and convenience sales in various Ninth District commercial corridors.

While my Administration is supportive of the bill's intent to reduce nuisance business activity, this legislation is not the appropriate tool to combat the genuine concerns sought to be addressed. The Philadelphia City Planning Commission (PCPC) reviewed this legislation and recommended that it not be approved. The uses covered by the proposed overlay are common and necessary for sustaining neighborhood quality of life. Requiring prospective business owners to retain the costly services of an attorney and face the delay and uncertainty associated with a special exception hearing will discourage the establishment of new businesses and the expansion of those already in existence. These extra hurdles will pose an undue hardship on individuals and communities who already face significant challenges to creating new business.

Bill No. 210159, which passed in City Council and received my signature on May 11, 2021, revised the definition of drug paraphernalia and enabled the Department of Licenses and Inspections (L&I) to carry out more robust inspection and enforcement actions to target the issue of nuisance businesses. The implementation of that bill has been making an impact. Working in partnership with the Philadelphia Police Department to conduct drug paraphernalia inspections, L&I has issued hundreds of violations in this first year since it became law. A number of businesses have even been ordered to cease operations. These facts are proof that the enforcement efforts by my Administration are providing tangible results and protecting communities from businesses who engage in nuisance behaviors. Therefore, I am confident that continued enforcement of Bill No. 210159 is the way to achieve the laudable goals of this bill while also avoiding the unintended consequence of excluding traditionally disadvantaged individuals from owning or growing a legal business. My Administration places a high priority on driving inclusive economic growth across the city and the enactment of this bill will do the opposite.

For these reasons, I am returning as disapproved Bill No. 220446.

Respectfully,

JAMES F. KENNEY
Mayor