



City of Philadelphia

City Council
Chief Clerk's Office
402 City Hall
Philadelphia, PA 19107

Legislation Text

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September 13, 2023

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

I am hereby returning as disapproved, Bill Number 230448, introduced into City Council on May 25, 2023, by Councilmember O'Neill. Bill No. 230448 amends Chapter 14-500 of The Philadelphia Code, entitled "Overlay Zoning Districts," by amending Section 14-514, entitled /FNE, Far Northeast Overlay District, Section 14-515, entitled /NE, Northeast Overlay District, and Section 14-524, entitled /FDO, Fourth District Overlay District by creating regulations for Medical Marijuana.

This bill will replace Bill No. 230132, which would have prohibited recreational marijuana citywide. Instead, recreational marijuana would be defined and prohibited in two Council Districts, within two existing zoning overlays. The Zoning Code asks the Philadelphia City Planning Commission to review all overlays by asking whether the goals of the overlay can be accomplished through changes to the base zoning, and the Commission believes that these changes should not apply to specific overlays. Additionally, the Pennsylvania General Assembly has not created a definition of recreational marijuana and may have a potential for future conflict within the definitions. For example, there are concerns that should the Pennsylvania General Assembly ever legalize recreational marijuana, they may specify land use regulations, which could cause preemption issues.

The Philadelphia City Planning Commission considered Bill No. 230448 at its meeting on June 8, 2023 and recommended that the bill not be approved.

For these reasons, I am returning as disapproved Bill Number 230448.

Respectfully,
JAMES F. KENNEY
Mayor