

## Mixed-Income Neighborhood Overlay District

The Mixed Income Neighborhood (/MIN) Overlay District requires developers building in certain areas to provide 20% of their units at affordable rents in any new Residential Housing Projects. The units must be affordable to households earning up to 40% to 60% of the Area Median Income (AMI).

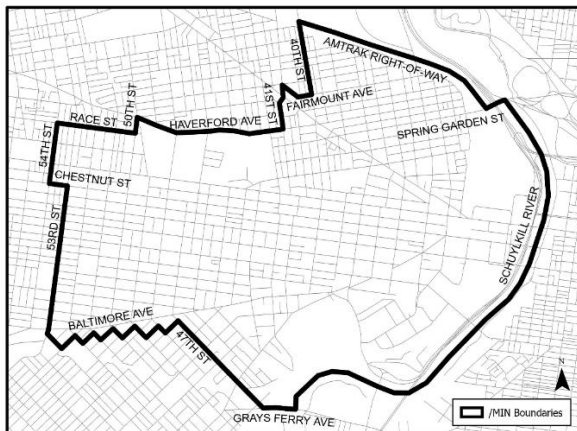
### What is a Residential Housing Project?

A Residential Housing Project is any non-institutional development that involves the construction of 10 or more dwelling units, 20 or more sleeping units and is located within the /MIN Overlay District.

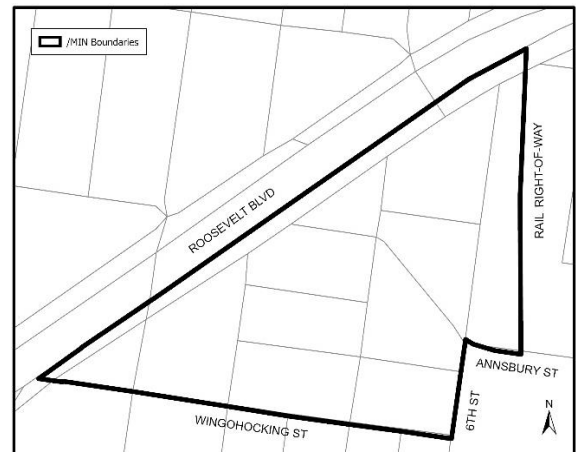
The following is not considered a Residential Housing Project:

- Any development done by an educational institution with exclusive use and occupancy by students or affiliated persons;
- Any development where less than 25% of gross floor area of the development will be a residential use; or
- Any personal care homes.

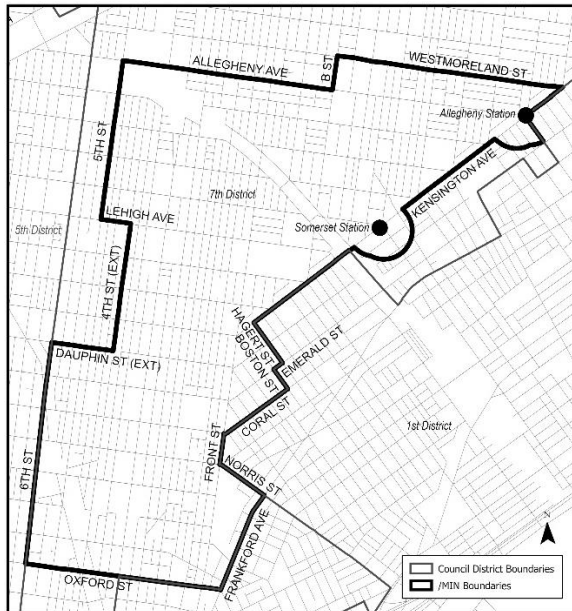
### Where is the Mixed-Income Neighborhood Overlay District?



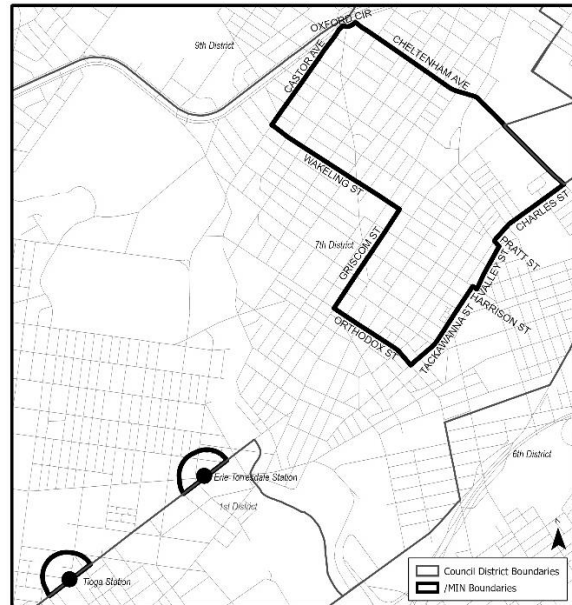
Haverford Ave, 41st St, Olive St, Fairmount Ave, 40th St, Amtrak Rail ROW, Spring Garden St, Schuylkill River, Grays Ferry Ave, 47th St, Warrington Ave, 48th Str, Beaumont Ave, 49th St, Pentridge Ave, 50th St, Willows Ave, 51st St, Hadfield St, 52nd St, Whitby Ave, 53rd St, Chestnut St, 54th St, Race St, 50th St



Roosevelt Blvd, former Conrail ROW, Annsbury St, 6th St, Wingohocking St



Westmoreland St, Kensington Ave, Hagert St, Emerald St, Boston St, Coral St, Front St, Norris St, Frankford Ave, Oxford St, 6th St, Dauphin St, 4th St, Lehigh Ave, 5th St, Allegheny Ave, B St, Portions of Allegheny TOD (Transit Oriented Development) and Somerset TOD in the 7<sup>th</sup> District



Cheltenham Ave, Charles St, Pratt Street, Valley St, Harrison St, Tackawanna St, Orthodox St, Griscom St, Wakeling St, Castor Ave, Oxford Circle, Portions of the Erie-Torresdale TOD, and Tioga TOD in the 7<sup>th</sup> District

### What is Required?

If a development qualifies as a Residential Housing Project (in a single project or a combination of related projects), the developer must restrict 20% of the units as affordable. With permission and a waiver from the Department of Planning and Development (DPD), developers can instead provide only 15% of their units as on-site affordable units and either make a payment into the Housing Trust Fund or provide the balance of the required affordable units off-site, within a half mile of the project. More information about the waiver process can be found in Section 9 of the Planning Commission Regulation, to be adopted in 2022. Rental units must be affordable to households earning up to 40% of AMI; owner-occupied units must be affordable to households earning up to 60% of AMI.

### What is the Cost to Apply?

There is no cost for the review of the acknowledgment form, legal agreements, or the affordable building plan.

### How Do You Apply?

To apply you must submit a Zoning Permit application to the Department of License and Inspections. You must complete the Acknowledgement Form provided by PCPC and upload that form into eCLIPSE with your online permit application.

You may be asked to submit a site plan or change information on your site plan to match your application.



## What are the Use, Development, and Parking Standards in this Overlay District?

In many cases, development projects in this overlay district have different floor area ratio, dwelling unit, height, and/or lot coverage maximums and may have different parking standards than those same zoning districts would have outside of this overlay. If a zoning district is not listed, it follows the same provisions as the base zoning as indicated in §14-600 (Use Regulations), § 14-700 (Development Standards), and §14-800 (Parking and Loading) in the Philadelphia Zoning Code.

Household Living Uses							
	RSD-1/2/3, RSA-1/2/3/4/5	RTA-1	RM-1	CMX-1/2	CMX-2.5	RM-2/3/4, RMX-1/2/3, CMX-3/4/5, IRMX, SP-ENT	CA-1/2, ICMX, I-1/2/3/P, SP-INS/STA/PO-A/PO- P/AIR
<b>Single-Family</b>	Y	Y	Y	Y	Y	Y	N
<b>Two-Family</b>	N	Y	Y	Y	Y	Y	N
<b>Multi-Family</b>	N	N	Y [1]	Y [2]	Y [3]	Y	N

[1] RM-1 district:  
 (.a) Min. 240 sq. ft. of lot area is required per dwelling unit for the first 1,440 sq. ft. of lot area.  
 (.b) Min. 320 sq. ft. of lot area is required per dwelling unit for lot area in excess of 1,440 sq. ft.

[2] CMX-1 and CMX-2 districts: min. 320 sq. ft. of lot area is required per dwelling unit.

[3] CMX-2.5 district:  
 (.a) Min. 240 sq. ft. of lot area is required per dwelling unit for buildings less than or equal to 45 ft. in height.  
 (.b) Min. 180 sq. ft. of lot area is required per dwelling unit for buildings greater than 45 ft. in height.

Maximum Occupied Area						
RM-3	RM-4	CMX-2	CMX-3	RMX-1	RMX-2	IRMX
75%	Intermediate: 85%; Corner: 90%	Intermediate: 85%; Corner: 90%	Intermediate: 85%; Corner: 90%	65%	85%	Intermediate: 75%; Corner: 80%

Maximum Height		
RM-1, CMX1/2	CMX-2.5	IRMX
45 ft.	62 ft.	[1]

[1] In the IRMX zoning district, the following regulations shall apply:  
 (.a) For any lot frontage facing a street 35 ft. or less in width, the first 8 ft. of lot depth shall have a max. building height of 38 ft. and second 8 ft. of lot depth shall have a max. building height of 75 ft.  
 (.b) If an industrial use accounts for a floor area equal to at least 50% of GFA, the property may exceed the max. occupied area set forth in the table or the max. height set forth in the table, the max. height shall be 79 ft., subject to compliance with (.a) above, and subject to a max. occupied area as a percentage of the lot of 50% for intermediate lots and 55% for corner lots for those portions of the building above 67 ft. in height.  
 (.c) No height bonuses may be earned in this zoning district, except for those earned pursuant to § 14-702(7) (Mixed Income Housing), subject to the restrictions of § 14-533(7).



Maximum Floor Area Ratios								
RM-2	RM-3	RM-4	RMX-1	RMX-2	RMX-3, CMX-3 (except within TOD), IRMX	CMX-3 (within TOD)	CMX-4	CMX-5
120	225	525	225 [1]	375 [1]	750	800	750 [1]	1,600 [2] [3]

[1] Max. FAR is for the district area, excluding streets  
 [2] Max. FAR is subject to the provisions of §14-701(5) (CMX-4 and CMX-5 Bulk and Massing Controls).  
 [3] Max. FAR for lots zoned CMX-5 located within the boundaries of the Center City/University City Floor Area Ratio Map (as shown in §14-701(3)(a)[2]) is increased to 2,000% of lot area. Such lots shall not be subject to the provisions of §14-513(5)(a)(.2).

Minimum Required Parking Spaces		
RSD-1/2/3, RSA-1/2/3/4/5, RTA-1, RM-1, CMX-1/2/2.5	RM-2/3/4, RMX-2/3, CMX-3/4/5, IRMX	RMX-1
0 units	2/10 units	2/3 units

### Are You Eligible for the Mixed Income Housing Bonus?

Developers are entitled to earn a Mixed Income Housing Bonus if the developer voluntarily restricts an additional 10% of the units as affordable (bringing the total number of affordable units to 30%). For rental units, the mandatory 20% affordable units would be for households earning up to 40% of AMI, but the additional 10% affordable units would be for households earning up to 50% of AMI for low income units or 60% of AMI for moderate income units (as determined by the developer). For units for sale, the mandatory 20% affordable units would be for households earning up to 60% of AMI, but the additional 10% affordable units would be for households earning up to 70% of AMI for low income units or 80% of AMI for moderate income units (as determined by the developer). For more information on the voluntary program, see our Mixed Income Housing Bonus documentation.

### How Much Do You Pay if You Choose to Only Restrict 15% of the Units?

With the consent of the Department of Planning and Development (consistent with the Planning Commission Regulation), developers may build a smaller number % of affordable units on-site (15% of the total). They would make up the balance of the required 20% by providing approximately 5% of the units as affordable off-site (within a half mile of the project) or by making a payment based on the total gross floor area or dwelling units allowed.

If you make a payment, the fee changes based on the zoning district. Payments are based on the total gross floor area or dwelling units allowed and not how much gross floor area you use or dwelling units you build.



Zoning District	Payment Formula
RM-2, RM-3, RM-4, RMX-1, RMX-2, RMX-3, IRMX, CMX-3, CMX-4, CMX-5	\$9 x Total Gross Floor Area Allowed*
RM-1, CMX-1, CMX-2, CMX-2.5	\$10,900 x Total Dwelling Units Allowed#
Other	\$10,900 x Total Dwelling Units Allowed# Total Sleeping Units divided by 2
* Calculation does not include gross floor area earned from other zoning bonuses. In the Special Flood Hazard Area, height bonus payments are calculated on the lesser total gross floor area used <u>or</u> allowed. Different standards apply for the Optional Special Standards the /CDO overlay.	
# Calculation does not include dwelling units earned from other zoning bonuses.	

## What are the Affordability Standards?

All 20% affordable units must be affordable and must stay affordable for 50 years.

Affordable units must be spread throughout the development. They must be of similar quality in size, design, appearance, and energy efficiency as the market-rate units in the development.

Affordable income, rent, and sales prices are based on the AMI. This is reported by the U.S. Department of Housing and Urban Development for the Philadelphia Metropolitan Statistical Area.

Occupancy income requirements change based on actual household size.

Rents and sales prices are based on a set household size. The set household size is 1 person for efficiencies and studios and 1.5 people per bedroom for all other unit types. The actual household size does not need to match this set rent size.

### Rental Units:

Affordable rents must be affordable to households earning up to 40% of AMI.

Rent limits are set at 30% of monthly household income at the required AMI based on the set household size. The rent limits include utility costs. The owner or property manager must provide an assumption of utility costs by unit type. They must explain how these costs were calculated for each utility. This must be included with annual compliance documentation.

HUD has a utility model and calculator that may help calculate utility costs. You can find more information here: <https://www.huduser.gov/portal/resources/utilallowance.html>.

You can also use the utility schedule developed by the Philadelphia Housing Authority (PHA) for the Housing Choice Voucher program. You can find the current PHA utility schedule here:

<http://www.pha.phila.gov/housing/housing-choice-voucher/utility-allowance.aspx>. It is not required that you utilize either of these tools.

If an affordable rental unit is rented to a household with a Section 8 Housing Choice Voucher, the contract rent may, for such period that the Tenant Voucher is in effect, exceed the maximum rent otherwise permitted by this Section.

Households cannot be occupied by tenants earning greater than 80% of AMI. If tenant exceeds the maximum income, a rental unit is not in compliance until the first expiration of a lease occurring after the tenant's income first exceeded the maximum of AMI. The owner or property manager may raise



rent on the existing household's unit at their discretion (taking into account any applicable laws, rules, or policies regarding rent increases) provided that the owner or their property manager must make the next available unit of comparable size available to a new income-qualified household.

<b>Gross Monthly Rent Limits (including utilities) (2022)</b>						
<b>Unit Size</b> (Set Household Size)	<b>Efficiency/ Studio</b> (1)	<b>1 Bedroom</b> (1.5)	<b>2 Bedroom</b> (3)	<b>3 Bedroom</b> (4.5)	<b>4 Bedroom</b> (6)	<b>5 Bedroom</b> (7.5)
<b>/MIN (40% AMI)</b>	\$738	\$790	\$949	\$1,096	\$1,223	\$1,349

When a new household first occupies an affordable rental, they can earn up to 40% of AMI.

<b>Rental Unit Income Limits at Household's Initial Occupancy (2022)</b>					
<b>Household Size</b>	<b>1 Person</b>	<b>2 Person</b>	<b>3 Person</b>	<b>4 Person</b>	<b>5 Person</b>
<b>/MIN (40% AMI)</b>	\$29,520	\$33,720	\$37,960	\$42,160	\$45,520

A household can continue to occupy the unit until they earn more than 80% of AMI.

<b>Rental Unit Income Limit after Household's Initial Occupancy (2022)</b>					
<b>Household Size</b>	<b>1 Person</b>	<b>2 Person</b>	<b>3 Person</b>	<b>4 Person</b>	<b>5 Person</b>
<b>/MIN (80% AMI)</b>	\$59,040	\$67,440	\$75,920	\$84,320	\$91,040

**Owner-Occupied Units:**

Owner-occupied units must be affordable to households earning up to 60% of AMI.

The sale and resale price for owner-occupied units are set based on:

- A down payment that is no more than 5% of the purchase price;
- A fixed-rate 30-year mortgage, with a rate equal to the average monthly rate published by Freddie Mac; and
- Household costs that do not exceed 30% of income at required AMI based on set household size. Household costs include mortgage principal and interest, property taxes, property insurance, and condominium or homeowner association fees.

Affordable owner-occupied units must perpetually be sold/resold to one or more members of a household with household earnings up to 60% of AMI.

<b>Owner-Occupied Unit Income Limits at Sale (2022)</b>					
<b>Household Size</b>	<b>1 Person</b>	<b>2 Person</b>	<b>3 Person</b>	<b>4 Person</b>	<b>5 Person</b>
<b>/MIN (60% AMI)</b>	\$44,280	\$50,580	\$56,940	\$63,240	\$68,280



## What if You have Questions?

You can contact us at [planning.development@phila.gov](mailto:planning.development@phila.gov).

## Disclaimer

Affordable housing must be provided and payments in lieu must be made in a manner consistent with the Philadelphia Code and City-issued regulations and code bulletins. If this document conflicts with any adopted regulation, ordinance or code, the adopted regulation, ordinance or code will govern.