

Mixed Income Neighborhood Overlay District

The Mixed Income Neighborhood (/MIN) Overlay requires that 20% of residential units in new Residential Housing Projects be reserved for households earning up to 40% Area Median Income (AMI) for rental units and 60% AMI for owner-occupied units.

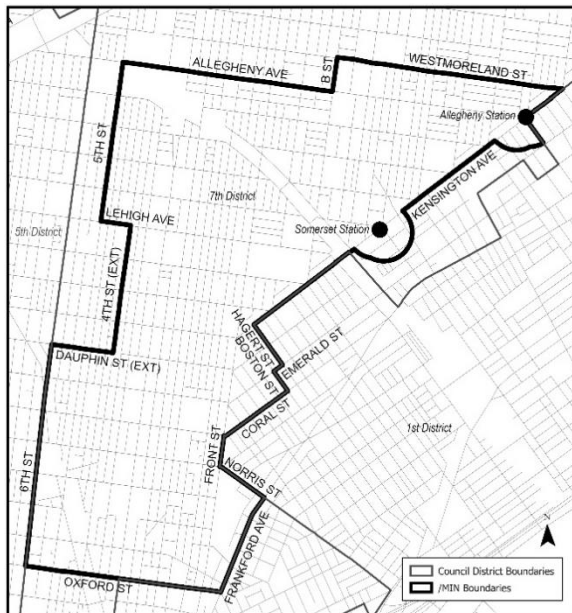
Applicability

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

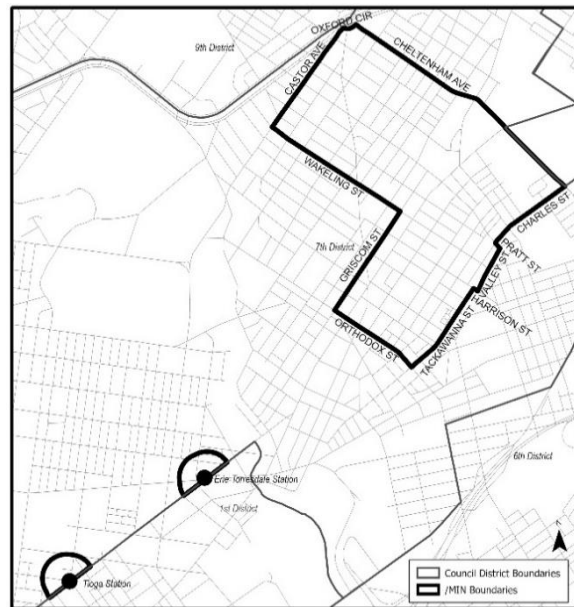
The following is not considered a Residential Housing Project:

- 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 will be a residential use; or
- Any personal care homes.

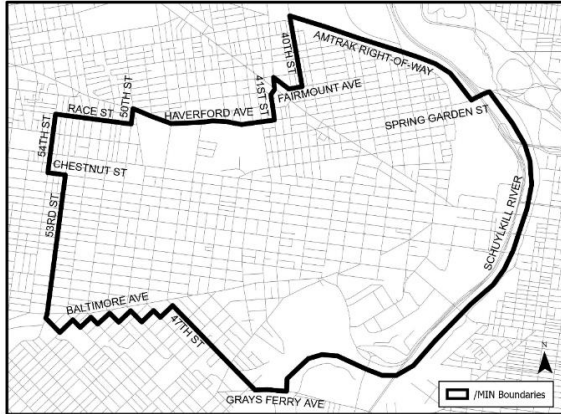
The /MIN Overlay District applies to Residential Housing Projects on lots located in the following areas:



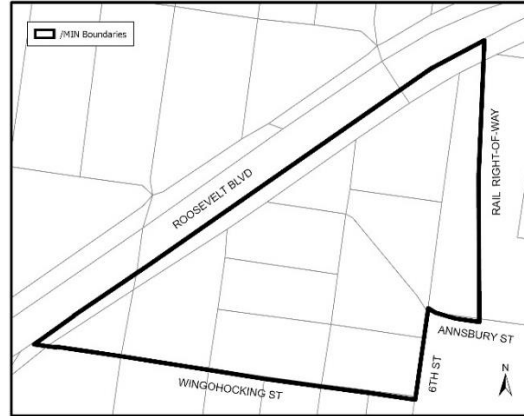
Westmoreland St, Kensington Ave, Hager St, Emerald St, Boston St, Coral St, Front St, Norris St, Frankford Ave, Oxford St, 6th St, Dauphin St, 4th St, Lehigh Ave, 5th St, Allegheny Ave, B St, Portions of Allegheny TOD (Transit Oriented Development) and Somerset TOD in the 7th District



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 7th 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 St, 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, Annshbury St, 6th St, Wingohocking St

How to Apply

To apply, you must submit a completed **Acknowledgement Form** with your zoning permit application. Before issuance of your zoning permit, the Form will need to be certified by DPD. You will also need to meet with the applicable Registered Community Organization to share your **Marketing and Economic Opportunity Plans**.

To get a building permit, you must record a **deed restriction** with a DPD-approved **affordable building plan package**. DPD will later need to **certify tenants/buyers** at lease up / point of sale.

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

Use, Development, and Parking Standards

Residential Housing Projects are subject to the following standards. All other use regulations, development standards, and parking ratios are as indicated elsewhere in the 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
Single-Family	Y	Y	Y	Y	Y	Y	N
Two-Family	N	Y	Y	Y	Y	Y	N
Multi-Family	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 (% of lot)						
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 [2]	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

Eligibility for the Mixed Income Housing Bonus

Developers are entitled to earn a Mixed Income Housing Bonus if an additional 10% of the units are restricted as affordable for households earning up to 50% to 80% AMI. The Mixed Income Housing Bonus and /MIN Overlay District are calculated separately, and affordable unit calculations are rounded up. For more information about this voluntary program, see our Mixed Income Housing Bonus documentation.

Payment-in-Lieu and Offsite Building Options

Under certain conditions, the Department of Planning and Development (DPD) may provide a waiver that allows 5% of the affordable unit requirement to be replaced with either 1) a payment into the Housing Trust Fund or 2) off-site affordable units within a half mile of the project. More information about the waiver process can be found in Section 9 of the Planning Commission Regulation.

Payments vary by zoning district and are based on the total gross floor area or dwelling units allowed, regardless of how much of that allowance is used.

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 or allowed. Different standards apply for the Optional Special Standards the /CDO overlay.
Calculation does not include dwelling units earned from other zoning bonuses.

Affordability Standards

Affordable units must comprise at least 20% of all residential units and remain affordable for 50 years. They must be spread throughout the development and 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 are based on the actual household size, while 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 the set household size.

If the development contains 4 or more affordable units, its sale may be subject to Right to Refusal rules (§ 7-200) consistent with the Philadelphia Code and city-issued regulations and code bulletins.

Rental Units:

Income restricted units must comprise 20% of all residential units and be affordable for households earning up to 40% AMI. The gross rent limit includes estimated utility costs. Estimated utility costs by unit type (the "Utility Allowance") must be provided by the owner or property manager with annual compliance documentation. The utility allowance is subtracted from the gross rent limit to determine the maximum monthly rent that can be charged per unit.

To calculate the utility allowance, DPD recommends 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: www.pha.phila.gov/housing/housing-choice-voucher/monthly-utility-allowance-and-payments/. HUD also has a utility calculator at www.huduser.gov/portal/resources/utilallowance.html. You must provide a justification for all calculations. The utility allowance is subject to DPD approval.

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% AMI. A rental unit is only in compliance until the first expiration of a lease occurring after the tenant's income exceeded 80% AMI.

After the lease expires, 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 next available unit of comparable size is made available to a new income-qualified household.

Gross Monthly Rent Limits (Max Rent + Utility Allowance) (2023)						
Unit Size (Set Household Size)	Efficiency/ Studio (1)	1 Bedroom (1.5)	2 Bedroom (3)	3 Bedroom (4.5)	4 Bedroom (6)	5 Bedroom (7.5)
/MIN (40% AMI)	\$801	\$858	\$1,030	\$1,190	\$1,327	\$1,464

Rental Unit Income Limits at Household's Initial Occupancy (2023)					
Household Size	1 Person	2 Person	3 Person	4 Person	5 Person
/MIN (40% AMI)	\$32,040	\$36,600	\$41,200	\$45,760	\$49,440

Rental Unit Income Limit after Household's Initial Occupancy (2023)					
Household Size	1 Person	2 Person	3 Person	4 Person	5 Person
/MIN (80% AMI)	\$64,080	\$73,200	\$82,400	\$91,520	\$98,880

Owner-Occupied Units:

Owner-occupied units must be affordable for households earning up to 60% AMI. Affordable owner-occupied units must be sold/resold to one or more members of a household with household earnings up to 60% AMI for 50 years. The sale and resale price for owner-occupied units are 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 60% AMI based on set household size. Household costs include mortgage principal and interest, property taxes, property insurance, and condominium or homeowner association fees.

Owner-Occupied Unit Income Limits at Sale (2023)					
Household Size	1 Person	2 Person	3 Person	4 Person	5 Person
/MIN (60% AMI)	\$48,060	\$54,900	\$61,800	\$68,640	\$74,160

For Questions

You can contact us at 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.