

City of Philadelphia



(Bill No. 161003-A)

AN ORDINANCE

To amend Title 14 of The Philadelphia Code, entitled “Zoning and Planning,” by revising and clarifying certain provisions and making technical changes, all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Title 14 of The Philadelphia Code is hereby amended to read as follows:

Key:

1. In Tables that contain bracketed table notes, in the table notes, and in provisions that reference table notes, deletions are indicated by { } rather than [].

TITLE 14. ZONING AND PLANNING

* * *

CHAPTER 14-100. GENERAL PROVISIONS

* * *

§ 14-106. Zoning Districts and Official Map.

* * *

(2) Official Zoning Map.

The base and overlay districts authorized by this Zoning Code are shown on a zoning map. The official zoning map shall be the version of those maps that includes the most recent amendment to zoning district boundaries approved by City Council. L&I shall keep the zoning map on file in its office in electronic form and make it available for public inspection during normal business hours. The zoning map shall be the final authority as to the current zoning status of lands, water areas, buildings, and other structures in the City, *provided that if the zoning map conflicts with the text of this Zoning Code, the text shall govern.* The official zoning map is incorporated into and is part of this Zoning Code.

* * *

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CHAPTER 14-200. DEFINITIONS

* * *

§ 14-202. Rules of Measurement.

* * *

(4) Gross Floor Area.

The sum of the gross horizontal areas of all the floors of a building, measured from the exterior faces of the exterior walls or center lines of walls separating two buildings.

* * *

(b) Measurement Excludes.

* * *

(.8) Office, retail sales, commercial service, or public, civic, or institutional space located along the perimeter of a parking garage structure pursuant to §14-502(6)(c)(.2) (Residential Parking Control Area) or [§14-803(4)(b) (Design Standards for Garage Structures [in RMX-3 and Commercial Districts]) §14-803(4)(b)(.3) (Ground Floor Use).

* * *

(8) Lot Depth.

The horizontal distance from the midpoint of the front lot line to the midpoint of the rear lot line of a lot. *In the case of through lots, the horizontal distance from the midpoint of one front lot line to the midpoint of the opposite front lot line of a lot.* In the case of flag lots, the width of the “pole” or portion of the lot only used for access to the remainder of the lot shall be ignored in determining the midpoint of both the front and rear lot lines.

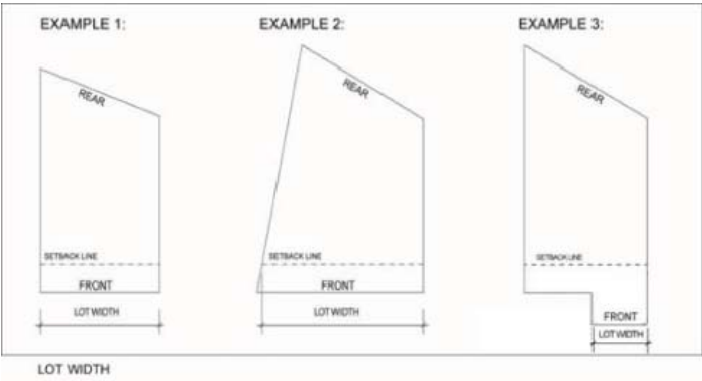
* * *

(10) Lot Width.

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- (a) *In the case of intermediate lots, [The] the width of the lot[,] shall be measured from one side line of the lot to the opposite side line of the lot along the setback line (See § 14-202(17)[,] (Setback Line, Front or Building)).*
- (b) *In the case of lots bounded by two streets that constitute a corner, the width of the lot shall be measured from the side line of the lot to the opposite front line of the lot along the setback line (See § 14-202(17) (Setback Line, Front or Building)).*
- (c) *In the case of lots bounded by three or more streets, the width of the lot shall be measured from one front line of the lot to the opposite front line of the lot along the setback line opposite the rear lot line or, if there is no rear lot line, along the setback line of the shortest frontage. (See § 14-202(17) (Setback Line, Front or Building)).*
- (d) *In the case of flag lots, the width of the lot shall be measured along the front lot line of the “pole” or portion of the lot forward of the front setback line with the least width, generally used for access to the remainder of the lot.*

[

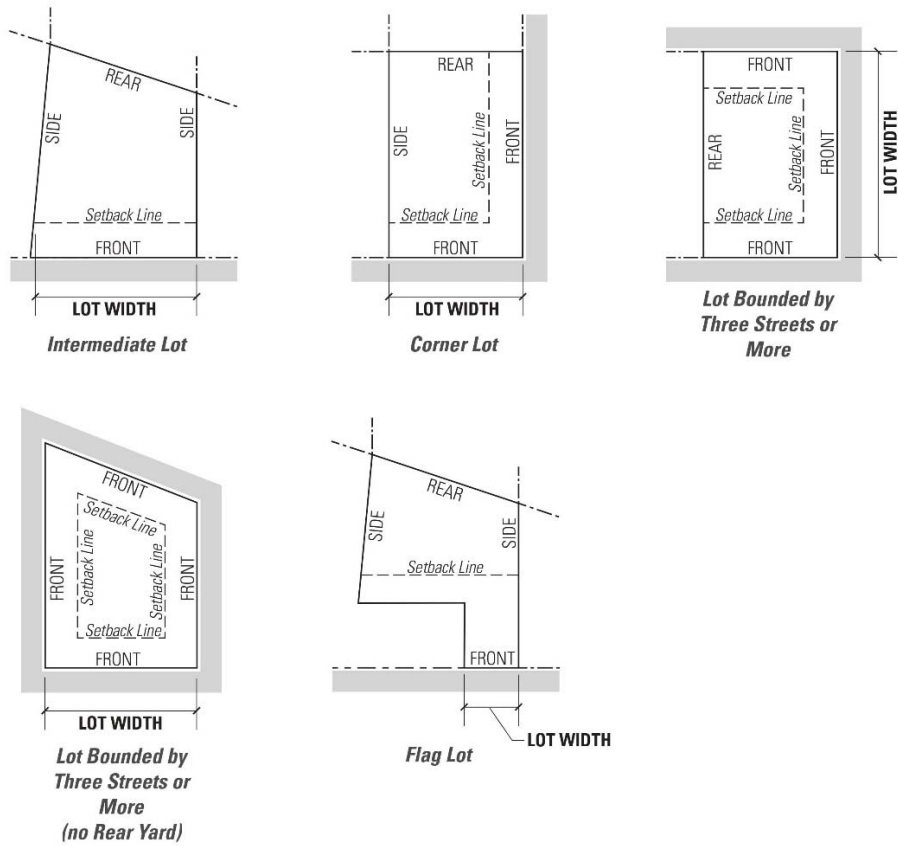


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* * *

(21.1) [3rd]Third Floor Window Sill.

This measurement shall be based on the [3rd]third floor of a building that is fully above grade plane, not measured as including basement, cellar, or other space below grade plane.

* * *

§ 14-203. Definitions.

* * *

(80.1) Councilmember or Councilperson

A member of the Philadelphia City Council.

* * *

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(172.1) *Lot, Through.*

An intermediate lot bounded by two streets which are opposite each other.

* * *

(203) [On-Premise Dry Cleaning.

See § 14-601(7)(i)(.1) (On-Premise Dry Cleaning).] *Reserved.*

* * *

(247.1) *Primary Frontage.*

The principal street frontage of a lot bounded by two or more streets, as designated under § 14-701(1)(d)(.4) (Primary Frontage).

* * *

(370) *Yard.*

An unoccupied area, open and unobstructed from the ground, on the same lot as a building.

* * *

(c) *Side Yard.* A yard between any structure (not including fences) and the side line of the lot, or the nearest side line of a [street,] shared driveway, easement, or alley, extending from the front yard to the rear yard, *or in the case of through lots, extending from one front yard to the opposite front yard.*

* * *

CHAPTER 14-300. ADMINISTRATION AND PROCEDURES

* * *

§ 14-301. Reviewers and Decision Makers.

* * *

(3) City Planning Commission.

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* * *

(c) Review and Prerequisite Approval Authority.

* * *

(.1) The Commission provides prerequisite approvals for:

* * *

(.o) Zoning permits regarding properties bounded by two streets [which constitute a corner] *where the determination of side and rear lot lines is necessary for L&I to approve or deny an application.* See § 14-701(1)(d) (*Requirements for Lots with Multiple Street [Frontage Yard Requirements] Frontages*).

* * *

§ 14-303. Common Procedures and Requirements.

* * *

(12) Neighborhood Notice and Meetings.

(g) Regulations.

The Commission is authorized to promulgate regulations to implement the provisions of this subsection (12) *and other provisions of this §14-303 (Common Procedures and Practice) relevant to the neighborhood notice and meetings process, provided that these regulations do not conflict with any provision of this Zoning Code.*

* * *

§ 14-305. Nonconformities.

* * *

(5) Nonconforming Uses.

(a) Expansion.

* * *

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- (.2) For uses other than those specified in § 14-305(5)(a)(.1) above: A nonconforming use that is located in a conforming building may be expanded within that building, or within any expansion of that building that complies with § 14-701 (Dimensional Standards), provided that the cumulative expansion since the use became nonconforming shall not increase the *floor* area occupied by the nonconforming use by more than [ten percent (10%)] 10%.

* * *

§ 14-306. Enforcement.

(1) Enforcement.

In order to administer and enforce the provisions of this Zoning Code, L&I and the Water Department shall have the power to take any of the following actions, individually or in combination, and in any order. L&I's decision to take one of the listed actions shall not prevent it from taking additional listed actions in the future.

* * *

(e) Cease Operations Order.

(.1) Issuance of a Cease Operations Order.

L&I may issue a cease operations order directing that occupancy, use, and other activities cease immediately, and that the premises be vacated pending compliance with the cease operations order [whenever (1) any occupancy, use, or other activity is being performed in or on any building, structure, or land without one or more required permits or special exceptions, and either (2) the missing permits or special exceptions are required to protect public health or safety, or (3) the continued occupancy, use, or activity without the required permits or special exceptions is creating a public nuisance.] *in accordance with Section A-505 of the Philadelphia Administrative Code.*

[(.2) Requirements for Cease Operations Orders.

When L&I issues a cease operations order:

- (.a) The cease operations order must describe the occupancy, use, or other activity that is not in compliance, how the violation can be corrected, and the conditions under which the occupancy, use, or other activity can be resumed. If L&I observes a condition that creates an immediate risk to public health and safety, the order may be oral in the first instance.

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- (b) L&I may serve the cease operations order on the person required to act or comply and on the owner of the premises. Upon notice of the cease operations order, all occupancy, use, or other activity subject to the cease operations order shall stop immediately and the premises shall be vacated and closed to the public until L&I determines there has been compliance.
- (c) The cease operations order shall be posted at the premises in conspicuous places clearly visible to the public, and shall remain posted on the premises until L&I determines that there has been compliance.
- (d) L&I shall promptly notify the Police of the issuance of each cease operations order. The Police, upon the request of L&I, shall render assistance in the enforcement of any cease operations order and shall have the right to enter the premises and shall have the right to arrest anyone violating any cease operations order.
- (e) L&I may, in addition to issuing a cease operations order, revoke any permits that may previously have been issued related to the occupancy, use, or activity that is the subject of the order. Revoked permits shall not be reinstated, except upon compliance with the terms of the cease operations order and payment of required fees.
- (f) No owner, occupant, or tenant and no person with knowledge of a Cease Operations Order shall:
 - (i) Continue any occupancy, use, or other activity in or about any part of any building, structure, or land after a cease operations order has been issued, except to perform work required to comply with the cease operations order;
 - (ii) Enter any part of any building, structure, or land, on which a cease operations order has been posted, except for the purpose of complying with the cease operations order;
 - (iii) Permit any part of any building, structure, or land, to be occupied by the public until the cease operations order has been lifted by L&I;
 - (iv) Remove, damage or deface any cease operations order; or
 - (v) Resist or interfere with any inspector or other official in the performance of their duties or the enforcement of any provision of this section.]

* * *

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CHAPTER 14-400. BASE ZONING DISTRICTS

§ 14-401. Residential Districts.

(1) General.

(a) Districts.

(.1) List.

The City's residential zoning districts are listed in Table 14-401-1, below. When this Zoning Code refers to "Residential" zoning districts, it is referring to all of these districts as of the effective date of this Zoning Code.

Table 14-401-1: Residential Districts

Map Symbol	District Name	Previously Known As
	* * *	
RMX-3	Residential [(Center City)] Mixed-Use-3	RC-4

* * *

(c) Descriptions.

* * *

(.5) RMX, Residential Mixed-Use Districts.

The RMX, Residential Mixed-Use districts are intended to accommodate residential and mixed-use development. The RMX-1 district is further intended to promote conservation of existing topography, trees, natural waterways, and other natural resources, as well as preservation of historically significant buildings, structures, and property. [The RMX-3 district is intended for application primarily in Center City].

* * *

§ 14-402. Commercial and Commercial Mixed-Use Districts.

* * *

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(1) General.

* * *

(c) Descriptions.

* * *

(.2) CMX-2, Neighborhood Commercial Mixed-Use District-2.

The CMX-2, Neighborhood Commercial Mixed-Use district is primarily intended to accommodate *active commercial and mixed-use development, including* neighborhood-serving retail and service uses. The range of allowed uses is broader than the CMX-1 district.

(.3) CMX-2.5, Neighborhood Commercial Mixed-Use District-2.5.

The CMX-2.5, Neighborhood Commercial Mixed-Use district is primarily intended to accommodate *active commercial and mixed-use development, including* pedestrian-friendly retail and service uses in commercial nodes and along commercial corridors. The range of allowed uses is slightly narrower than the CMX-2 district and the development standards are intended to promote a pedestrian-oriented environment.

(.4) CMX-3, Community Commercial Mixed-Use District.

The CMX-3, Community Commercial Mixed-Use district is primarily intended to accommodate *active commercial and mixed-use development, including* community- and region-serving retail and service uses. The range of allowed uses is broader than the CMX-1 and CMX-2 districts.

* * *

§ 14-403. Industrial and Industrial Mixed-Use Districts.

* * *

(1) General.

* * *

(c) Descriptions.

* * *

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(.2) ICMX, Industrial Commercial Mixed-Use District.

The ICMX, Industrial Commercial Mixed-Use district is primarily intended to accommodate commercial and *low-impact* industrial uses. The district [is intended to] *may* serve as a buffer between Industrial districts and Commercial and Residential Districts

* * *

CHAPTER 14-500. OVERLAY ZONING DISTRICTS

* * *

§ 14-502. /CTR, Center City Overlay District.

* * *

(5) Supplemental Use Controls.

For the purposes of this § 14-502(5) (Supplemental Use Controls), the following supplemental use controls apply to the areas listed in Table 14-502-2 and Table 14-502-3.

* * *

(a) Use Table 14-502-2.

Principal uses are allowed within the Center City Overlay District in accordance with the use regulations of the underlying zoning district, except as provided in Table 14-502-2 (See accompanying Supplemental Use Controls Area Map for illustrative purposes only). Uses classified as accessory uses are not regulated by the use table. Accessory uses are permitted in conjunction with allowed principal uses, provided they comply with all applicable regulations of § 14-603 (Use-Specific Standards) and § 14-604 (Accessory Uses and Structures).

* * *

(.6) Notes for Table 14-502-2.

* * *

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[6] For lots zoned CMX-2 {or CMX-2.5}, except in the area bounded by Walnut Street, 8th Street, Lombard Street, and the Delaware River, there shall be no maximum number of dwelling units and a minimum of 360 sq. ft. of lot area is required per dwelling unit. Whenever the calculation of permitted number of dwelling units results in a fraction of a dwelling unit, then the number of permitted dwelling units shall be rounded down to the nearest whole number.

{[7] In the CMX-2 district, a building must contain a non-residential use, other than parking, along 100% of the ground floor frontage and within the first 30 ft. of building depth, measured from the front building line.}

Table 14-502-2: Supplemental Use Controls in the Center City Overlay District

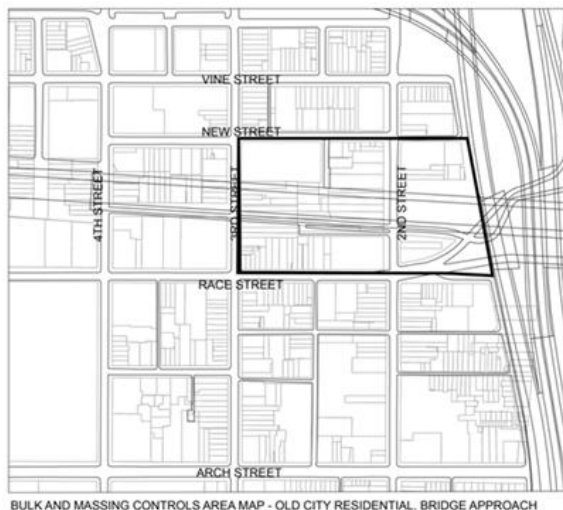
	Center City Commercial District Control Area	Chestnut and Walnut Street Area, East	Chestnut and Walnut Street Area, West	Broad Street Area, South	Broad Street Area, North	Chinatown Area	Old City Residential Area	South Street/Head House Square Area	Use-Specific Standards
N = Not allowed (expressly prohibited) S = Special exception approval required Blank = No overlay-specific regulations apply See § 14-502(5)(a)(.6) (Notes for Table 14-502-2) for information pertaining to bracketed numbers (e.g., "[2]") in table cells.									
* * *									
Residential Use Category									
Household Living	[6]{[7]}								
* * *									

* * *

(9) Bulk and Massing Controls.

The following bulk and massing regulations apply to the areas described in each subsection below[, as shown on the following map for illustrative purposes only].

[



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* * *

§ 14-504. /NCO, Neighborhood Conservation Overlay District.

* * *

(7) Central Roxborough.

* * *

(c) Area and Form Regulations for Residential Structures.

* * *

(.3) Design Standards.

[(.3)](a) The principal building shall have a habitable room on the front of the first floor with at least one window facing the street. *A habitable room shall be defined as in the Property Maintenance Code, Section PM-202.0.*

[(.4)](b) [Open, roofed porches] *Porches* are permitted on all blocks and may be located in the required front setback. Porches shall be required if at least one of the immediately abutting lots contains a porch. Porches shall be a minimum of [five feet] *5 ft.* in depth, as measured from the front wall of the enclosed main structure, out toward the front property line.

[(.5)](c) New utility meters and HVAC equipment located on frontages shall be screened with landscaping, fences, or walls. Any other utility structures and their conduits facing a frontage shall be painted to match the wall or otherwise have their visibility minimized. This provision shall not apply to satellite dishes less than one meter in diameter or window air conditioning units.

[(.6)] The impervious coverage for front yards shall not exceed thirty percent (30%). Open, roofed porches shall be excluded from this calculation.]

[(.7)](d) Flush mounted windows shall be prohibited. Sills must project from the wall a minimum of one inch.

(.4) Impervious Surface Coverage.

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The impervious coverage for front yards shall not exceed 30% of the area of the front yard. Porches shall be excluded from the front yard impervious coverage total.

[(.8)] (.5) Materials.

* * *

[(.9)] (.6) Parking.

* * *

(.b) [Curbcut] *Curb cut* width shall be limited to 12 [feet] *ft.*

* * *

(d) Area and Form Regulations for Commercial Structures.

These regulations shall apply to commercially or residentially zoned properties used for retail sales or an eating and drinking establishment.

* * *

(.2) Street frontage shall have minimum 50% clear glass on the facade between the area 2 [feet] *ft.* and 10 [feet] *ft.* above the sidewalk. This shall apply to the first 10 [feet] *ft.* horizontally from the corner of each facade of a corner property, and to the entirety of the width of a mid-block property.

(.3) Awnings, if provided, shall be a minimum of [three feet] 3 *ft.* in depth, as measured from the front facade of the building to the curb line.

* * *

(8) Ridge Park Roxborough.

(a) Applicability.

The Ridge Park Roxborough /NCO applies to properties in the area generally bounded by Ridge Avenue, Paoli Avenue, Silverwood Street, Parker Avenue (including, for the first 1,357 [feet] *ft.* from Silverwood Street, both sides of Parker Avenue), Smick Street, Fountain Street, Fowler Street, Hermitage Street, Wilde Street, Leverington Street, Silverwood Street, Hermitage Street, Manayunk Avenue (extended), Gates Street, Pechin Street, and Fountain

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Street, except for the parcels with frontage upon Ridge Avenue, as shown on the following map for illustrative purposes only.

(b) Area and Form Regulations for Residential Structures.

* * *

(.3) *Design Standards*

[.3] (.a) Residential buildings shall have a habitable room on the front of the first floor with at least one window facing the street. A habitable room shall be defined as in the Property Maintenance Code, Section PM-202.0.

[(.4)] (.b) [Open, roofed porches] *Porches* are permitted on all blocks and may be located in the required front setback. Porches shall be required if at least one of the immediately abutting lots contains a porch. Porches shall be a minimum of [five feet] *5 ft.* in depth, as measured from the front [wall] *facade* of the enclosed main structure, out toward the front property line.

[(.5)] (.c) New utility meters and HVAC equipment located on frontages shall be screened with landscaping, fences, or walls. Any other utility structures and their conduits facing a frontage shall be painted to match the wall or otherwise have their visibility minimized. This provision shall not apply to satellite dishes less than one meter in diameter or window air conditioning units.

[(.6)] The impervious coverage for front yards shall not exceed thirty percent (30%). Open, roofed porches shall be excluded from this calculation.]

[(.7) Along street frontages:] (.d) Flush mounted windows shall be prohibited *along street frontages*. Sills must project from the wall a minimum of one inch

(.4) *Impervious Surface Coverage.*

The impervious coverage for front yards shall not exceed 30% of the area of the front yard. Porches shall be excluded from the front yard impervious coverage total.

[(.8)] (.5) Materials.

* * *

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[(.9)] (.6) Parking.

* * *

(.b) [Curbcut] *Curb cut* width shall be limited to 12 [feet] *ft.*

* * *

CHAPTER 14-600. USE REGULATIONS

* * *

§ 14-601. Use Categories

* * *

(7) Commercial Services Use Category.

This category includes uses that provide for consumer or business services, for the repair and maintenance of a wide variety of products, and for entertainment. The commercial services subcategories are:

* * *

(i) Maintenance and Repair of Consumer Goods.

Uses that provide maintenance, cleaning, and repair services for consumer goods. Typical uses include dry cleaning shops, tailors, shoe repair, vacuum repair shops, electronics repair shops, and similar establishments. The following are maintenance and repair of consumer goods specific use type.

[(.1) On-Premise Dry Cleaning.

A maintenance and repair of consumer goods use where consumers drop-off and pick-up clothing and household items to be dry cleaned and where the dry cleaning service is conducted on the same site.]

* * *

§ 14-602. Use Tables.

* * *

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(3) Residential Districts.

Building types are permitted in Residential districts in accordance with Table 14-602-1.A. Principal uses are allowed in Residential districts in accordance with Table 14-602-1. Uses classified as accessory uses, such as home occupations, are not regulated by the use table. Accessory uses are permitted in conjunction with allowed principal uses, provided they comply with all applicable regulations of § 14-603 (Use-Specific Standards) and § 14-604 (Accessory Uses and Structures).

(a) Notes for Table 14-602-1.

[1] *In the RM-1 district, the minimum lot area required per dwelling unit is as follows, provided that, whenever the calculation of permitted number of dwelling units results in a fraction of a dwelling unit, then the number of permitted dwelling units shall be rounded down to the nearest whole number:*

(.a) A minimum 360 sq. ft. of lot area is required per dwelling unit for the first 1,440 sq. ft. of lot area.

(.b) A minimum of 480 sq. ft. of lot area is required per dwelling unit for the lot area in excess of 1,440 sq. ft.; provided that, if the green roof conditions set forth at § 14-602(7) are met, a minimum of 360 sq. ft. of lot area is required per dwelling unit. {Whenever the calculation of permitted number of dwelling units results in a fraction of a dwelling unit, then the number of permitted dwelling units shall be rounded down to the nearest whole number.}

* * *

(4) Commercial Districts.

Principal uses are allowed in Commercial districts in accordance with Table 14-602-2. Uses classified as accessory uses, such as home occupations, are not regulated by the use table. Accessory uses are permitted in conjunction with allowed principal uses, provided they comply with all applicable regulations of § 14-603 (Use-Specific Standards) and § 14-604 (Accessory Uses and Structures).

* * *

(a) Notes for Table 14-602-2.

[1] When the proposed use is in an attached or semi-detached building, the household living use regulations of the residential district to which it is

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attached apply. Otherwise, the residential use regulations of the most restrictive adjacent residential district apply. *If there is no adjacent residential district, single-family household living shall be permitted and two-family and multi-family household living shall be prohibited.*

[2] *In the CMX-2 district, the number of permitted dwelling units is as follows, provided that, whenever the calculation of permitted number of dwelling units results in a fraction of a dwelling unit, then the number of permitted dwelling units shall be rounded down to the nearest whole number:*

(.a) A maximum of two dwelling units are permitted for lots less than 1,440 sq. ft. in area.

(.b) A maximum of three dwelling units are permitted for lots that are 1,440 sq. ft. to 1,919 sq. ft. in area { . A }, and a minimum of 480 sq. ft. of lot area is required per dwelling unit for the lot area in excess of 1,919 sq. ft.

(.c) {Notwithstanding the foregoing, in CMX-2 and CMX-2.5 districts, if} *If the green roof conditions set forth at § 14-602(7) are met*{, then the foregoing maxima and minima shall not apply, and} a minimum of 360 sq. ft. of lot area is required per dwelling unit , *and the provisions of subsections (.a) and (.b), above, shall not apply.* {Whenever the calculation of permitted number of dwelling units results in a fraction of a dwelling unit, then the number of permitted dwelling units shall be rounded down to the nearest whole number.}

* * *

[5] Office, retail, and commercial service uses *located on the first floor* [may not be located above the ground floor and] may not occupy more than 2,000 sq. ft. of gross floor area, *nor may any office, retail, or commercial service uses be located on or above the second floor.*

* * *

[8] *In the CMX-2.5 district, the minimum lot area required per dwelling unit is as follows, provided that, whenever the calculation of permitted number of dwelling units results in a fraction of a dwelling unit, then the number of permitted dwelling units shall be rounded down to the nearest whole number.*

(.a) *A minimum of 360 sq. ft. of lot area is required per dwelling unit for buildings less than or equal to 45 ft. in height.*

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(.b) A minimum of 270 sq. ft. of lot area is required per dwelling unit for buildings greater than 45 ft. in height.

Table 14-602-2: Uses Allowed in Commercial Districts.

Previous District Name	C-1	C-2/RC-2	(/NCC)	C-3/RC-3	C-4	C-5	C-7/NSC	ASC	
District Name	CMX-1	CMX-2	CMX-2.5	CMX-3	CMX-4	CMX-5	CA-1	CA-2	Use-Specific Standards
Y = Yes permitted as of right S = Special exception approval required N = Not allowed (expressly prohibited) Uses not listed in this table are prohibited See § 14-602(4)(a) (Notes for Table 14-602-2) for information pertaining to bracketed numbers (e.g., “[2]”) in table cells.									

Residential Use Category									
Household Living (as noted below)									

Multi-Family	[1][2]	Y[2][3]	Y{[2]} [3]/[8]	Y	Y	Y	N	N	
Commercial Services Use Category									

Maintenance and Repair of Consumer Goods (except as noted below)	Y[5]	Y	Y	Y	Y	Y	Y	Y	
{On-Premise Dry Cleaning}	{Y[5]}	{Y}	{Y}	{Y}	{Y}	{Y}	{Y}	{Y}	

* * *

(5) Industrial Districts.

Principal uses are allowed in Industrial districts in accordance with Table 14-602-3. Uses classified as accessory uses, such as home occupations, are not regulated by the use table. Accessory uses are permitted in conjunction with allowed principal uses, provided they comply with all applicable regulations of § 14-603 (Use-Specific Standards) and § 14-604 (Accessory Uses and Structures).

* * *

Table 14-602-3: Uses Allowed in Industrial Districts

Previous District Name	New	L4/L-5	L1/L2/L3	G1/G2	LR	PI	
District Name	IRMX [3]	ICMX	I-1	I-2	I-3	I-P	Use-Specific Standards
Y = Yes permitted as of right S = Special exception approval required N = Not allowed (expressly prohibited) Uses not listed in this table are prohibited See § 14-602(5)(a) (Notes for Table 14-602-3) for information pertaining to bracketed numbers (e.g., “[2]”) in table cells.							

Public, Civic, and Institutional Use Category							

Libraries and Cultural Exhibits	Y	{N}Y	N	N	N	N	

* * *

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(7) Exception to Use Tables for Green Roofs.

The green roof conditions necessary to satisfy the density exceptions for RM-1 {}, and CMX-2 {and CMX-2.5} districts, set forth in Table Note [1] of Table 14-602-1, and Table Note [2] of Table 14-602-2, are as follows:

* * *

§ 14-603. Use-Specific Standards.

* * *

(7) Fresh Food Market.

[(a) Incentives.]

The incentives of this section are applicable to all new fresh food [markets and all expansions of existing fresh food markets, *provided that the incentives of this section shall only be made available if the applicant executes and records a deed restriction in favor of the City, approved as to form by the Law Department, which requires the space for which the incentive shall be granted to be occupied only by a fresh food market use for a term of not less than 15 years.*] markets.

(a) Requirements

In order to receive the incentives of this section the following requirements must be met.

- (.1) *A minimum of 1,200 sq ft of gross floor area must be dedicated to the fresh food market retail use.*
- (.2) *The fresh food market must be located on the ground floor of the structure and accessible through a separate entrance that must be located along the primary street frontage.*

* * *

§ 14-604. Accessory Uses and Structures.

* * *

(4) Decks other than Roof Decks.

All decks, except for decks in CMX-4 and CMX-5 districts, are subject to the following requirements:

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* * *

(a) Fences, Guard Rails, and Privacy Screens.

Fences or guard rails used to enclose decks may not exceed 42 in. in height, except that privacy screens up to 60 in. in height *and no more than 50% opaque* may be installed on the sides of decks that are parallel to side lot lines and located within 18 in. of a side lot line that is not also a street line.

* * *

(5) Roof Decks.

Roof decks are permitted for residential uses in all zoning districts. Roof decks for non-residential uses are prohibited, except in the CMX-3, CMX-4, or CMX-5 district, where special exception approval in accordance with the procedures of § 14-303(7) is required. Roof decks are prohibited on accessory structures. Roof decks are subject to compliance with § 14-604(5)(a) through 14-604(5)(c), below.

* * *

(d) Fences, Guard Rails, and Privacy Screens.

Fences or guard rails used to enclose roof decks may not exceed 42 in. in height, except that *privacy* screens up to 60 in. in height *and no more than 50% opaque* may be installed on the sides of the roof decks that are parallel to side lot lines and located within 18 in. of a side lot line that is not also a street line.

* * *

(14) Balconies.

The following standards apply to balconies:

(a) Balconies are permitted in [the RM-2, RM-3, RM-4, RMX-3, CMX-3, CMX-4, CMX-5,] *all residential districts, commercial mixed-use districts, and the IRMX [districts] district.*

* * *

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- (e) *Balconies are prohibited in the required front, side, and rear yards, except in the RM-2, RM-3, RM-4, RMX-3, CMX-3, CMX-4, CMX-5, and IRMX districts, where balconies may extend into the required yard area.*

* * *

CHAPTER 14-700. DEVELOPMENT STANDARDS

* * *

§ 14-701. Dimensional Standards.

- (1) General Provisions.

* * *

- (d) Requirements for Lots with Multiple Street [Frontage Yard Requirements] *Frontages.*

For a lot fronting on more than one street, each street frontage shall be considered a front. The front yard requirements of the zoning district shall apply to those street frontages and the following side *yard*, [and] rear yard, *and primary frontage* requirements shall apply. *In all circumstances, the requirements for minimum open area and maximum occupied area remain the same.* (See figure below for illustrative purposes only).

* * *

- (.1) Properties Bounded by Two Streets.

When a property is bounded by two streets:

* * *

- (a) [Which] *That* constitute a corner, [the Commission shall determine,] one of the remaining lot lines [to be] *shall be deemed* a side and the other remaining lot line [to be] *shall be deemed* a rear. *Where the determination of side and rear lot lines is necessary for L&I to approve or deny a zoning permit application, the Commission shall determine the side and rear lot lines based on the orientation of the lot, orientation of the primary structure, orientation of the structures on adjacent lots, orientation of structures with frontage on the same blockface, the street type designation of the bounding streets, or any additional criteria stated in the regulations of the Commission for the purposes of clarifying*

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or implementing this determination. The required side yard and rear yard requirements of the zoning district apply thereto, except [for]:

(.i) [Semi-detached buildings, where a] A side yard is not required *for semi-detached buildings* [but the requirements for lot coverage and open space remain the same; and].

(.ii) [Attached buildings, where a] A rear yard and side yard are not required *for attached buildings* [but the requirements for lot coverage and open space remain the same].

(.b) [Which] *That* are opposite each other, the remaining two property lines shall be considered sides and the side yard requirements of the zoning district shall apply to the remaining lot lines. The rear yard requirements of the zoning district shall not apply. [Requirements for lot coverage and open space remain the same.]

(.2) Properties Bounded by Three or More Streets.

When [the] *a* property is bounded by three or more streets, the remaining lot line shall be considered a rear[, to which the]. *The* rear yard requirements of the zoning district shall apply to that lot line, except *a rear yard is not required* for attached buildings or semi-detached buildings[, where a rear yard is not required] but the requirements for lot coverage and open space remain the same]. The side yard requirements of the zoning district shall not apply.

(.3) Properties Completely Surrounded by Streets.

When a property is completely surrounded by streets, only the front yard requirements of the zoning district shall apply. [Requirements for lot coverage and open space remain the same.]

(.4) Primary Frontage

(.a) *When necessary to apply certain provisions of this Zoning Code, properties bounded by two or more streets shall have at least one street frontage designated as a primary frontage by the Commission.*

(.b) *The Commission shall determine which street frontages shall be designated as a primary frontage based on the orientation of the primary structure, the orientation of the structures on adjacent*

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lots, the orientation of other structures with frontage on same block face, the street type designation of the bounding street, or any additional criteria stated in the regulations of the Commission for the purposes of clarifying or implementing this determination.

(.c) The primary frontage designation shall only apply to those provisions of this Zoning Code where specified, otherwise the front yard and front setback requirements of this Zoning Code shall apply.

* * *

(2) Residential District Dimensional Tables.

* * *

(b) Notes for Table 14-701-1.

* * *

[3] In the RSA-5 district, buildings on lots *equal to or less than 45 ft.* in depth are exempt from the minimum open area requirement for the first 12 ft. of building height. Portions of buildings above 12 ft. shall comply with the minimum open area requirement as set forth in Table 14-701-1.

* * *

[5] In the RSA-5 district, front setbacks shall comply with the following:

* * *

(.c) If the property [fronts on] *is bounded by* two or more streets [which constitute a corner], only the *primary frontages as designated in § 14-701(1)(d)(.4) (Primary Frontage)* [frontage opposite the rear lot line] shall be subject to the front setback requirements of (.a) and (.b) above.

* * *

[7] In the RSA-5 district, the minimum rear yard depth for lots *equal to or less than 45 ft.* in depth shall be 5 ft. for the first 12 ft. of building height. Portions of buildings above 12 ft. shall comply with the minimum rear yard depth as set forth in Table 14-701-1.

* * *

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Table 14-701-1: Dimensional Standards for Lower Density Residential Districts

Previous District Name	R1	R1A	R2	R3	R4	R5	R6/7	R9A/10A	R5A
District Name	RSD-1	RSD-2	RSD-3	RSA-1	RSA-2	RSA-3	RSA-4	RSA-5	RTA-1
See § 14-701(2)(b) (Notes for Table 14-701-1) for information pertaining to bracketed numbers (e.g., “[2]”) in table cells.									
<div style="background-color: black; width: 100px; height: 15px; display: inline-block;"></div> Denotes building type not permitted or zoning requirements not applicable.									
Lot Dimensions									
* * *									
Min. Open Area (% of lot)	65	65	70	70	60	50	50	Intermediate: {30} 25; Corner: 20 [3]	50
* * *									

* * *

(c) Notes for Table 14-701-2.

* * *

[6] In the RM-1 district, front setbacks shall comply with the following:

* * *

(c) If the property [fronts on] *is bounded by* two or more streets [which constitute a corner], only the *primary frontages as designated in § 14-701(1)(d)(.4) (Primary Frontages)* [frontage opposite the rear lot line] shall be subject to the front setback requirements of (.a) and (.b) above.

* * *

Table 14-701-2: Dimensional Standards for Higher Density Residential Districts

Previous District Name	R8/9/10/10B/18/19	R11/11A/12/13	R14	R15/R16	RC-6	WRD/ITD	RC-4
District Name	RM-1	RM-2	RM-3	RM-4	RMX-1	RMX-2	RMX-3
See § 14-701(2)(c) (Notes for Table 14-701-2) for information pertaining to bracketed numbers (e.g., “[2]”) in table cells.							
<div style="background-color: black; width: 100px; height: 15px; display: inline-block;"></div> Denotes building type not permitted or zoning requirements not applicable.							
District and Lot Dimensions							
Min. Lot Width (ft.)	16	50	50	{50} 20			
* * *							
Min. Lot Area (sq. ft.)	1,440 [1]	15,000	10,000	{5,000} 2,500			
Min. Open Area (% lot area, except as otherwise provided)	Intermediate: {30} 25; Corner: 20 [2]		50	Intermediate: {30} 25; Corner: 20	[3]	25% of district area [4]	Buildings ≤ 5 stories with 1 or more dwelling units: 10; Others: 0
Front Setback							

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Previous District Name	R8/9/10/10B/ 18/19	R11/11A/ 12/13	R14	R15/R16	RC-6	WRD /ITD	RC-4
District Name	RM-1	RM-2	RM-3	RM-4	RMX-1	RMX-2	RMX-3
See § 14-701(2)(c) (Notes for Table 14-701-2) for information pertaining to bracketed numbers (e.g., “[2]”) in table cells.							
		Denotes building type not permitted or zoning requirements not applicable.					
Minimum (ft.)	[5][6]	[7]	20	{20}			
* * *							

* * *

(5) CMX-4 and CMX-5 Bulk and Massing Controls.

* * *

(c) Option B: Open Area, Building Width, Spacing, Height Controls.

* * *

(.4) Chestnut Street Regulations.

The following standards apply to lots fronting on the south side of Chestnut Street between Front Street and the Schuylkill River:

* * *

(.b) Except within 130 ft. east of the east side of Broad Street or within 130 ft. west of the west [wide] *side* of Broad Street, the maximum building height shall be 50 ft. This height limit may be increased to a maximum height of 320 ft. by increasing the height one foot for each foot the building sets back (i.e. along a 45 degree recession plane) from the street line.

* * *

(.6) Walnut Street Regulations.

The following standards apply to lots fronting on Walnut Street between Front Street and the Schuylkill River:

* * *

(.b) On the north side of Walnut Street, except within 130 ft. east of the east side of Broad Street or within 230 ft. west of the west [wide] *side* of Broad Street, the maximum building height shall be 320 ft.

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(c) On the south side of Walnut Street, except within 130 ft. east of the east side of Broad Street or within 230 ft. west of the west [wide] *side* of Broad Street, the maximum building height shall be 50 ft. This height limit may be increased to a maximum height of 260 ft. by increasing the height one foot for each foot the building sets back (i.e. along a 45 degree recession plane) from the street line

* * *

(6) Exceptions to Dimensional Standards.

The items listed in Table 14-701-6 are exceptions to the dimensional standards otherwise applicable under this § 14-701 (Dimensional Standards). In the case of exceptions to yard, setback, and open space requirements, the areas occupied by the encroachments will not be considered to reduce the amount of open space provided.

Table 14-701-6: Exceptions to Dimensional Standards

Exceptions to Height Limits	
Type of District	Permitted Encroachment
All Districts	Balustrades and parapet walls may extend above the height limits up to 42 in.
Residential Districts	* * *
	A roof deck and associated railings, [and] fencing, <i>and access structures</i> : see § 14-604(5) (Roof Decks).
	[Roof deck access structures (e.g., pilot houses): see § 14-604(5) (Roof Decks).]
* * *	
Exceptions to Yard, Setback, and Open Area Requirements	
Type of District	Permitted Encroachment
Residential Districts	* * *
	[Chimneys and pilasters] <i>Pilasters</i> may project into required front, side, or rear yard or setback areas up to 18 in.
	* * *
Commercial, Industrial, and Special Purpose districts	[Open work fire escapes shall be allowed to encroach into required setback areas.]
	* * *

* * *

§ 14-702. Floor Area and Height Bonuses.

(1) Purpose.

The intent of the floor area bonus *and building height bonus* provisions [is] *are* to encourage certain types of development and the creation of specific amenities in

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the public interest. These floor area *and building height* bonuses shall be available in the areas listed, and in return for the provision of design or amenities listed.

* * *

(6) Public Space.

The public space bonus may be earned by providing (1) open space, public parks, [and/or] *or* public plazas or (2) a public room. Public open space, public parks or public plazas provided to earn a floor area or height bonus shall count towards the required open area. *Public space provided to earn a floor area or height bonus under this subsection shall not be counted toward a public art requirement unless it is designed by an artist and is approved through the public art process in § 14-702(5) (Public Art).*

(a) *Qualifying* Criteria for Open Space, Public Parks, and Public Plazas.

A floor area bonus *or height bonus* may be earned by providing open space, public parks, [and/or] *or* public plazas, provided they meet the following [minimum] *qualifying* standards:

- (.1) The space shall be open to the sky, except for arbors and trellises.
- (.2) The space shall include a minimum of 5,000 sq. ft. of contiguous area[, and may include a through-block pedestrian walkway that satisfies the following criteria:
 - (.a) The applicant's property must contain at least 50,000 sq. ft. of lot area and shall extend (a) between two dedicated public streets or (b) between a dedicated public street and an existing through block pedestrian connection that terminates in a dedicated public alley.
 - (.b) The applicant's property must be located in the area bounded by the south side of Arch Street, the north side of Pine Street, the west side of 8th Street, and the east side of 24th Street.
 - (.c) The walkway shall be at least 20 ft. in width and unobstructed and open to the sky, not including trees, seating, and landscaped areas.
 - (.d) The through block connection shall meet all public access design and engineering requirements for areas required to be accessible to those with physical impairments under the Americans with Disabilities Act and any implementing regulations adopted by the City.

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- (e) The walkway shall be open to the public at least during the hours of 8:00 a.m. to 9:00 p.m., daily.
 - (f) The walkway shall not be more than three ft. above or below the level of the adjacent sidewalk.
 - (g) A minimum of 50% of each building facade that borders the outdoor walkways, up to a height of eight ft. above ground level, shall be improved with an active retail use or with landscaped areas, murals, or architectural details, including but not limited to windows and entrances.
 - (h) Vehicular traffic and loading are prohibited from accessing or being located along walkways].
- (.3) [Walkways shall have pedestrian lighting. The maximum height of the lighting shall be 15 ft. with an illumination level of 2.0 maintained foot-candles. Lighting shall be provided along walkways at 100-foot intervals. Lighting design shall be subject to the requirements of § 14-707 (Outdoor Lighting).] *The space shall meet all public access design and engineering requirements for areas required to be accessible to those with physical impairments under the Americans with Disabilities Act and any implementing regulations adopted by the City.*
- (.4) No more than 50% of the space shall be located more than three ft. above [ground] *the level of the sidewalk adjacent to the lot containing the space.*
- (.5) The space may not be used for parking, loading, or vehicle movements, or for vehicles to access areas used for parking, loading, or other vehicle movements.
- (.6) *The space shall include trees, landscaped areas, walkways, seating, water features, or similar elements. A minimum of 30% of the space shall be landscaped and may incorporate a water feature. All elements shall be appropriately scaled and designed to enhance the space.*
- (.7) Water features shall meet the following criteria:
- * * *
- [(.7)] (.8) [Any space that has more than 3,000 sq. ft. of floor area] *Landscaped areas and trees shall be subject to the requirements of § 14-705 (Landscape and Trees). At least one tree shall be provided for*

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every [per] 1,000 sq. ft. of public space in addition to those required by § 14-705 (Landscape and Trees).

[(.8) One linear foot of seating shall be provided for each 30 sq. ft. of space.]

(.9)[Pedestrian lighting] *Lighting* shall be provided in [each public open space, park or plaza] *the space*. The maximum height of the lighting shall be 15 ft. with an illumination level of 2.0 maintained foot-candles. *At least one light shall be provided for every 500 sq. ft. of public space and lighting shall be provided along walkways at 100 ft. intervals.* Lighting design shall be subject to the requirements of § 14-707 (Outdoor Lighting).

* * *

(b) *Qualifying Criteria for Public Rooms.*

A floor area bonus *or height bonus* may be earned by providing a public room, provided it meets the following minimum standards:

(.1)The space is within a building that allows for year-round, climate controlled use by the public and that has access to the public street, transit concourses [and/or] *or* transit stations either directly or through another connecting area open to the public.

(.2) [The area shall not include any area for a through-block pedestrian walkway.] *The space shall meet all public access design and engineering requirements for areas required to be accessible to those with physical impairments under the Americans with Disabilities Act and any implementing regulations adopted by the City.*

* * *

(.6) The space must include access to a public amenity, such as retail *sales, libraries and cultural exhibits, eating and drinking establishments*, public restrooms, or other attraction. Spaces that simply serve as a lobby for the transit concourse or building tenants do not qualify.

(.7) [One linear foot of seating] *Seating* shall be provided *within the* [for each 30 sq. ft. of] space.

(.8) The space shall be open to the public at least during the hours of 8:00 a.m. to 9:00 p.m. daily.

(c) *Approval Criteria*

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(.1) Planning Commission Review.

(.a) In addition to the qualifying criteria of § 14-702(6)(a) and §14-702(6)(b), L&I shall not issue a building permit until the Commission has reviewed the proposed public open space, public park, public plaza, or public room subject to this bonus and determined that, in the opinion of the Commission:

(.i) The design of the space will beneficially serve the public interest in terms of pedestrian access, overall layout, and provided amenities; and

(.ii) The space includes a suitable amount of lighting, trees, landscaped areas, walkways, seating, water features, or similar elements, as applicable, and that these elements are appropriately located so as to maximize the utility of the space.

(.b) The Commission shall have 30 days upon receipt by the Commission of an application to review all proposed public open space, public parks, public plazas, or public rooms subject to this bonus; after the 30-day review period has passed, the approval of the Commission shall be presumed.

(.2) Restrictive Covenant.

The applicant must execute and record a restrictive covenant in favor of the City, acting through the Department of Planning and Development, approved as to form by the Law Department, which requires all applicable open spaces, public parks, public plazas, and public rooms to be constructed and maintained, consistent with the requirements of this § 14-702(6), for the life of the building.

[(c)] (d) Bonus Floor Area or Building Height.

The additional gross floor area or building height earned by providing public space is:

Amount of Public Space as Percentage of Lot Area	Additional Gross Floor Area, as Percentage of Lot Area		Additional Building Height	
	CMX-4	CMX-5	/CDO	/ECO
[5-10%] 10-15% of lot area	100%	200%	N/A	N/A
[11-20%] 16-20% of lot area	150%	300%	12 ft.	12 ft.

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21-30% of lot area	200%	400%	24 ft.	24 ft.
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* * *

(7) Mixed Income Housing.

(a) Criteria.

A floor area bonus *or height bonus, as applicable*, may be earned by providing affordable housing, provided that it meets the following standards:

* * *

(.3) *Affordable* rental units [housing] shall [have]:

(.a) *Have* total monthly costs (including rent and utility costs) *that do not exceed 30% of gross monthly income for* [are affordable to] households earning up to 80% of the Area Median Income (AMI), *adjusted for household size, as reported by the U.S. Department of Housing and Urban Development (HUD) for the Philadelphia Metropolitan Fair Market Rent Area[.]; and*

(.b) *Be occupied by households earning up to 80% of the Area Median Income (AMI), adjusted by household size, as reported by HUD for the Philadelphia Metropolitan Fair Market Rent Area.*

* * *

(.4) *Affordable* Owner-occupied units shall [have]:

(.a) *Have a maximum sale and resale price, during the term of affordability, calculated on the basis of a down payment of no more than 5% of the purchase price, a fixed rate 30 year mortgage, consistent with the average monthly rate published from time to time by Freddie Mac, and total monthly costs (including mortgage principal and interest, property taxes, property insurance, and condominium or homeowner association fees) that that do not exceed 30% of gross monthly income for* [are affordable to] households earning up to 100% of the AMI, *adjusted for household size, as reported by* [the U.S. Department of Housing and Urban Development] HUD for the Philadelphia Primary Metropolitan Statistical Area[.];

(.b) *Be sold to one or more members of a household earning up to 100% of the AMI, adjusted for household size, as reported by HUD for the*

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*Philadelphia Primary Metropolitan Statistical Area at the time of sale;
and*

(.c) Be the principal residence of at least one person who owns the unit during the period of affordability.

(.5) Affordable units shall be affordable, *as defined in § 14-702(7)(a)(.3) and § 14-702(7)(a)(.4)*, for a term of not less than 15 years with future sales, *affordability, compliance, and certain legal remedies* within such period governed by a restrictive covenant or long-term ground lease approved by the Law Department before the issuance of a building permit.

* * *

(.7) Affordable units shall be comparable to market-rate units in exterior *and interior* building materials and finishes; overall construction quality; and energy efficiency.

(.8) [A developer] *An owner or applicant* may choose to make a payment in lieu of building affordable units. *The City shall select the 10% of the units to be constructed to be considered as qualifying units and calculate the required payment amount. The owner or applicant shall provide the City with any requested documentation necessary to calculate the payment amount.* The in lieu payment will be contributed to the Philadelphia Housing Trust Fund and shall, *per qualifying unit*, be the lesser of:

(a) [the] *The amount that a household at 80% of AMI, adjusted for household size, as reported by HUD for the Philadelphia Primary Metropolitan Statistical Area, could afford to pay for purchase of a qualifying unit; or*

(b)[the] *The average cost of constructing a qualifying unit.*

* * *

(13) Retail Space.

(a) Criteria.

(.1) A building height bonus may be earned for constructing ground floor retail space, provided that all portions of each ground floor facade that abuts a sidewalk or public space and that is not occupied by entrances, exits, or waiting areas shall be designed and constructed to permit a finished ceiling height of at least 10.5 ft. in order to allow occupancy by a use in the retail

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sales, commercial services, day care, or library and cultural exhibits use category.

(.2) *The applicant must execute and record a restrictive covenant in favor of the City, acting through the Department of Planning and Development, approved as to form by the Law Department, which requires the space for which the bonus shall be granted to be occupied only by a use in the retail sales, commercial services, day care, or library and cultural exhibits use category for a term of 15 years, or the life of the building, whichever is less.*

(.3) Retail space provided to satisfy the ground floor use requirements of [§ 14-507(4)(b)] §14-507(4)(c) or 14-519(3) shall not apply towards the retail space bonus.

* * *

§ 14-705. Landscape and Trees.

* * *

(1) On-Site Landscape and Tree Requirements.

* * *

(e) Preservation of Heritage Trees.

The location, DBH, and species of all existing trees shall be included in a landscape and tree plan. Heritage trees may [be] not be removed from any property unless the applicant meets the standards of § 14-705(1)(e)(.1) or obtains a special exception approval in accordance with § 14-705(1)(e)(.2).

* * *

CHAPTER 14-800. PARKING AND LOADING

* * *

§ 14-802. Motor Vehicle Parking Ratios.

* * *

(2) Required Parking in Residential Districts.

Table 14-802-1 lists the parking requirements for Residential districts.

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* * *

(3) Required Parking in Commercial Districts.

Table 14-802-2 lists the parking requirements for Commercial districts, except CMX-1, CA-1, and CA-2. The CMX-1 parking requirements are set forth in § 14-802(7)(a) (CMX-1 Parking). The CA-1 and CA-2 parking requirements are set forth in § 14-802(7)(b) (CA-1 and CA-2 Parking).

Table 14-802-2: Required Parking in Commercial Districts (Except CMX-1, CA-1, and CA-2)

	Minimum Required Parking Spaces (spaces per unit/sq. ft. of gross floor area/beds/seats/room)		
	CMX-2/2.5	CMX-3	CMX-4/5
* * *			
Wholesale, Distribution, and Storage Use Category (as noted below)			
[Moving and Storage Facilities] <i>All Wholesale, Distribution, and Storage Uses</i>	1/1,500 sq. ft.	1/2,000 sq. ft.	1/3,000 sq. ft.
* * *			
Industrial Use Category (as noted below)			
Artist Studios and Artisan Manufacturing	{1/300 sq. ft.} <i>None for the first 7,500 sq. ft. then 1/2,000 sq. ft.</i>	{1/800 sq. ft.} <i>None for the first 7,500 sq. ft. then 1/2,000 sq. ft.</i>	None for the first 7,500 sq. ft. then 1/2,000 sq. ft.
Research and Development	{1/300 sq. ft.} <i>None for the first 7,500 sq. ft. then 1/2,000 sq. ft.</i>	{1/800 sq. ft.} <i>None for the first 7,500 sq. ft. then 1/2,000 sq. ft.</i>	None for the first 7,500 sq. ft. then 1/2,000 sq. ft.
<i>All Other Industrial Uses</i>	<i>1/800 sq. ft.</i>	<i>1/800 sq. ft.</i>	<i>1/800 sq. ft.</i>
* * *			

* * *

(5) Parking for Persons with Disabilities.

* * *

(b) Exceptions.

* * *

(.2) Multi-Family Uses.

[Two percent (2%)] 2% of the parking spaces, but not less than one parking space, provided for multi-family uses that are required by City, state or federal law or regulation to have accessible/adaptable dwelling units shall be accessible. Where 51% or more of parking is provided within or beneath a building, accessible parking spaces shall also be provided within or beneath the building.

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* * *

(9) Off-Site Parking.

Required accessory parking in an *RMX-1*, *RMX-2*, *RMX-3*, *CMX-3*, *CMX-4*, or *CMX-5* zoning district may be provided on a lot separate from the lot on which the principal use is located; provided that the parking complies with all of the following standards.

* * *

(b) Off-site accessory parking must be located in a district where either non-accessory parking is a permitted use or the proposed location has zoning approval for non-accessory parking, *except in the RMX-1 or RMX-2 district where off-site accessory parking must be located within the RMX-1 or RMX-2 district.*

* * *

§ 14-803. Motor Vehicle Parking Standards.

* * *

(1) Accessory Parking Standards.

* * *

(b) Location of Accessory Parking.

* * *

(.1) Residential and Commercial Districts.

(.b) Exceptions.

* * *

(.ii) Private residence garages and carports are permitted in any part of the rear yard provided that:

* * *

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(.bb) Any private residence garage or carport [erected after June 23, 1998] shall maintain a minimum setback of [three] 3 ft. between the garage or carport and any property line; and

(.cc) Any private residence garage or carport [erected after June 23, 1998] shall be set back at least 18 ft. from the edge of the sidewalk (or if there is no sidewalk, then the street) closest to the residence.

[(.iii) In the CMX-2.5 district, accessory parking is not permitted between the building line and the street line.]

* * *

(c) Additional Regulations Applicable to Specific Zoning Districts.

The regulations of this § 14-803(1)(c) apply to the specified zoning districts. Should these regulations conflict with any other standard of this § 14-803, the stricter provision shall apply.

[(c)] (.1) Additional Regulations for RSA-5, RM-1, and CMX-2[, and CMX-2.5] Districts.

In the RSA-5, RM-1, and CMX-2 districts, [Notwithstanding the provisions of this Zoning Code, Accessory] accessory parking for any single-family, two-family or multi-family use in an attached or semi-detached building [in the RSA-5, RM-1, CMX-2, and CMX-2.5 districts] shall be prohibited unless it can be accessed from a shared driveway, alley, or rear street.

(.2) Additional Regulations for the CMX-2.5 District.

In the CMX-2.5 district:

(.a) Accessory parking for any single-family, two-family, or multi-family use in an attached or semi-detached building shall be prohibited unless it can be accessed from a shared driveway, alley, or rear street.

(.b) Accessory parking is not permitted between the building line and the street line.

[(c.1)] (.3) Additional Regulations for the CMX-3 District.

In the CMX-3 district:

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(.a) [Notwithstanding the provisions of this Zoning Code, in the CMX-3 district, the] *The* vehicular entryways of private residence parking garages and carports shall be prohibited from fronting on any [legally opened] street.

(.b) *Accessory surface parking shall be prohibited for any single-family or two-family use unless it can be accessed from a shared driveway or alley.*

(.c) *Accessory surface parking between the building line and the street line shall require special exception approval for lots less than 75,000 sq. ft. in area.*

* * *

[(d)] (.4) Additional Regulations for RMX-3, CMX-4, and CMX-5 Districts.

In the RMX-3, CMX-4, and CMX-5 districts, special exception approval is required for the following:

[(.1)] (.a) Surface accessory parking lots.

[(.2)] (.b) Aboveground accessory parking garages.

[(.3)] (.c) New accessory parking areas, *except for underground parking garages.*

[(.4)] (.d) Additions to existing accessory parking areas, *except for underground parking garages.*

* * *

§ 14-806. Off-Street Loading.

* * *

(2) RMX-3, CMX-4, and CMX-5 Districts.

* * *

(d) Ingress and Egress.

(.1) Each individual loading space or group of loading spaces shall be limited to one two-way curb cut with a maximum width of 24 ft. on the street

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frontage or two one-way curb cuts with a maximum width of 16 ft. on each street frontage (except for lots designated “CMX-5” located within the area bounded by Spruce Street, Juniper Street, Cypress Street, Watts Street, Pine Street and Broad Street); provided that, for curb cuts on the south side of Fairmount Avenue, between Broad Street and Thirteenth Street, on lots designated “CMX-4,” the 24 ft. maximum width shall not apply to a two-way curb cut and a maximum of two two-way curb cuts shall be allowed if the curb cuts are intended to be used for a mixed use development with at least 50,000 gross [square feet] *sq. ft.* of space for retail use.

- (.2) As an exception to [this standard] § 14-806(d)(.1), when the loading spaces or their access drives have direct access to a street of less than 40 ft. wide, there shall not be a limit imposed on the size of the curb cut(s) to that street. Driveways that cross the public sidewalk must be at the same level as the sidewalk. The driveway material must change at the building line to demarcate the transition to the sidewalk. Sidewalks should be visually continuous across driveways to indicate pedestrians have the right-of-way.

* * *

(4) *Adjustments to Loading Requirements.*

- (a) *Subject to the determination of the Commission and the Streets Department that the proposed adjustments would provide an adequate number of off-street loading spaces for the proposed use and are necessary given certain constraints that would preclude the provision of loading as required in this § 14-806 (Off-Street Loading), one or more of the following adjustments may be permitted to the off-street loading requirements of this § 14-806 (Off-Street Loading).*

- (.1) *A reduction in the number of required off-street loading spaces by no more than two loading spaces, except at least one required off-street loading space shall be provided.*
- (.2) *A reduction in the required loading space width for one or more required off-street loading spaces such that each required off-street loading space shall be at least 10 ft. wide.*
- (.3) *A reduction in the required loading space length for one or more required off-street loading spaces such that each required off-street loading space shall be at least 30 ft. long.*

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(.4) An increase in the maximum width of any curb cut otherwise permitted for off-street loading by no more than 12 ft.

(b) The applicant shall provide the Commission and Streets Department with any requested documentation of those constraints that would preclude the provision of loading as required in this § 14-806 (Off-Street Loading) before the approval of any adjustment under § 14-806 (4)(a).

* * *

CHAPTER 14-900. SIGNS

* * *

CA-1			
Permitted Sign Types:			
		Wall, Projecting, and Marquee	Freestanding
Standards	Maximum Number	N/A	1 per lot
	Maximum Area	10 sq. ft. per lin. ft. of [ground floor] <i>store</i> frontage	200 sq. ft. / face, up to 2 faces
	Maximum Height	The lower of the roof line or second floor window sill	40 ft.
* * *			

CA-2			
Permitted Sign Types:			
		Wall, Projecting, and Marquee	Freestanding
Standards	Maximum Number	N/A	1 per 15,000 sq. ft. of lot area
	Maximum Area	10 sq. ft. per lin. ft. of [ground floor] <i>store</i> frontage	150 sq. ft. / face, up to 4 faces
	Maximum Height	The lower of the roof line or second floor window sill	40 ft.
* * *			

* * *

SECTION 2. This Ordinance shall take effect immediately.

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CERTIFICATION: This is a true and correct copy of the original Bill, Passed by the City Council on April 27, 2017. The Bill was Signed by the Mayor on May 8, 2017.



Michael A. Decker
Chief Clerk of the City Council