



City of Philadelphia

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

**BILL NO. 190313
(As Amended, 6/12/19)**

Introduced April 25, 2019

**Councilmember Johnson, Council President Clarke and Councilmember
Quiñones Sánchez**

**Referred to the
Committee on Rules**

AN ORDINANCE

Amending Title 14 of The Philadelphia Code, entitled “Zoning and Planning,” by amending the definition of, and regulations for, Fresh Food Markets; 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:

TITLE 14. ZONING AND PLANNING

* * *

§ 14-601. Use Categories

* * *

(6) Retail Sales Use Category

* * *

(d) Food, Beverages, and Groceries.

Uses that sell or otherwise provide food or beverages for off-premise consumption, including grocery stores and similar uses that provide incidental and accessory food and beverage service as part of their primary retail sales business. The following are food, beverage, and groceries specific use types:

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(1) Fresh Food Market.

[Either of the following:

(.a) An establishment in which the sale of fresh fruits and vegetables to the general public occupies at least 50% of the display area; or]

[(.b)] An establishment primarily engaged in the sale of grocery products and that provides all of the following:

[(.i)] (.a) at least 5,000 sq. ft. of customer-accessible floor area used for display and sales of a general line of food and nonfood grocery products such as dairy, canned and frozen foods, fresh fruits and vegetables, and fresh and prepared meats, fish, and poultry, intended for home preparation, consumption, and use;

[(.ii)] at least 50% of such customer-accessible sales and display area is used for the sale of a general line of food products intended for home preparation and consumption;

(.iii)] (.b) at least 25% of *retail inventory by volume is in the form* [such customer-accessible sales and display area is used for the sale] of perishable goods, which must include dairy, fresh fruits and vegetables, and frozen foods and that may include fresh meats, poultry, and fish; and

[(.iv)] (.c) at least 750 sq. ft. of such customer-accessible sales and display area is used for the sale of fresh fruits and vegetables.

* * *

§ 14-603. Use-Specific Standards

* * *

(7) Fresh Food Market.

The incentives of this section are applicable to all new fresh food markets.

(a) Requirements.

In order to receive the incentives of this *section*, *the following requirements must be met*: [section the following requirements must be met.

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(.1) A minimum of 1,200 sq ft. of gross floor area must be dedicated to the fresh food market retail use.

(.2) The] (.1) *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.

(.2) *At the time of application, no fresh food market that meets the definition set forth in §14-601(6)(d)(.1) (Fresh Food Market) may be in operation within 1,000 feet of the proposed project. In making the determination as to whether the bonus is available, L&I may rely on an affidavit from the applicant as presumptive evidence, absent evidence to the contrary.*

(b) Exemption from District Floor Area Limits.

In zoning districts with maximum floor area limits for retail uses, fresh food markets may exceed such floor area limits by up to 50% of lot area.

(c) Additional Floor Area.

For zoning districts that are regulated by a maximum floor area ratio in § 14-701 (Dimensional Standards): Buildings containing fresh food markets are allowed [one] *two* additional square [foot] *feet* of floor area for each square foot of fresh food market floor area included within the *building*. [building, up to a maximum of 25,000 sq. ft. of additional floor area.]

(d) Additional Building Height.

For zoning districts that are regulated by height in § 14-701 (Dimensional Standards): Buildings containing fresh food markets may exceed the maximum building height of the subject zoning district by up to 15 ft.

(e) Reduced Parking.

The first 10,000 sq. ft. of floor area in a fresh food market is exempt from minimum off-street parking requirements.

(f) *Additional Unit Density.*

For CMX-1, CMX-2, and CMX-2.5 zoning districts: the number of units allowed is 25% greater than otherwise indicated in §14-602 (Use Tables), applied prior to the inclusion of any other applicable increases in allowable units. This provision does not apply to developments for which the number of units allowed is

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increased as a consequence of meeting the green roof conditions set forth at § 14-602(7).

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SECTION 2. This Ordinance shall take effect immediately.

Explanation:

[Brackets] indicate matter deleted.
Italics indicate new matter added.