

Legislation Details (With Text)

File #: 230437 **Version:** 1 **Name:**

Type: Bill **Status:** ENACTED

File created: 5/25/2023 **In control:** Committee on Rules

On agenda: **Final action:** 6/22/2023

Title: Amending Section 14-503 of The Philadelphia Code, entitled “/NCA, Neighborhood Commercial Area Overlay District,” by amending the East Falls Neighborhood Commercial Review Area, and making related changes, all under certain terms and conditions.

Sponsors: Councilmember Jones

Indexes: OVERLAY ZONING DISTRICT

Code sections:

Attachments: 1. Bill No. 23043701, As Amended.pdf, 2. CertifiedCopy23043701

Date	Ver.	Action By	Action	Result	Tally
7/12/2023	1	MAYOR	SIGNED		
6/22/2023	1	CITY COUNCIL			
6/15/2023	1	CITY COUNCIL			
6/15/2023	1	CITY COUNCIL			
6/15/2023	1	CITY COUNCIL			
6/14/2023	0	Committee on Rules	HEARING NOTICES SENT		
6/14/2023	0	Committee on Rules	HEARING HELD		
6/14/2023	0	Committee on Rules	AMENDED		
6/14/2023	1	Committee on Rules	REPORTED FAVORABLY, RULE SUSPENSION REQUESTED		
5/25/2023	0	CITY COUNCIL			

Amending Section 14-503 of The Philadelphia Code, entitled “/NCA, Neighborhood Commercial Area Overlay District,” by amending the East Falls Neighborhood Commercial Review Area, and making related 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:

* * *

TITLE 14. ZONING AND PLANNING

* * *

CHAPTER 14-500. OVERLAY ZONING DISTRICTS

* * *

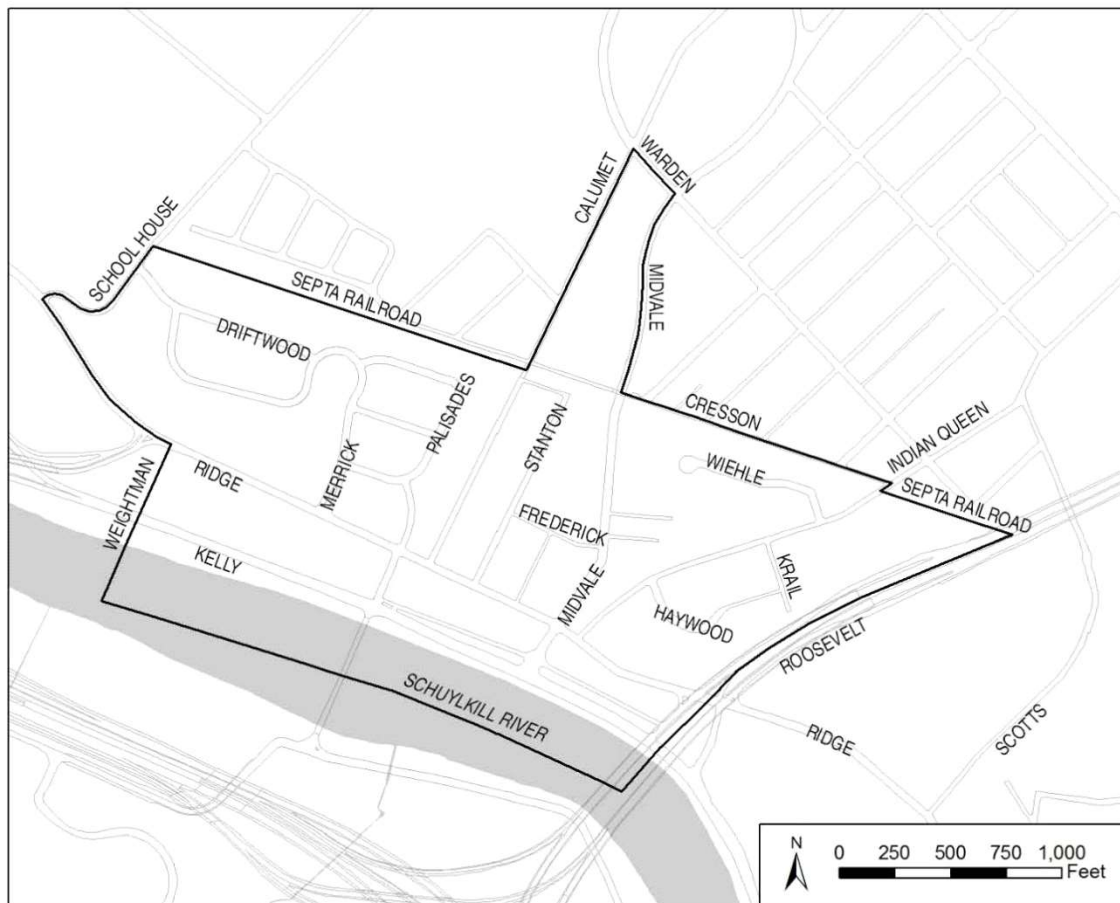
§ 14-503. /NCA, Neighborhood Commercial Area Overlay District.

(2) East Falls.

* * *

(a) Applicability.

The requirements of this East Falls /NCA overlay district apply to all properties zoned CMX-2, CMX-2.5, or CMX-3 within the area bounded by the former Weightman Street, Ridge Avenue, School House Lane, SEPTA Railroad, Calumet Street, Warden Drive, Midvale Avenue, Cresson Street, Indian Queen Lane, SEPTA Railroad, the Roosevelt Boulevard Extension, and the Schuylkill River, as shown on the following map for illustrative purposes only.



□ East Falls (only applies to properties zoned CMX-2, CMX-2.5, or CMX-3)

(b) [Setback from Kelly Drive.

For lots with street frontage on Kelly Drive, buildings shall be set back a minimum of 25 ft. from the street line of Kelly Drive. Such set back area shall include a landscape area along the entire Kelly Drive

frontage that complies with all of the following requirements:

- (.1) The landscape area must be at least 18 ft. wide;
- (.2) Plants installed in the landscape area shall be at least three ft. tall at the time of planting and shall be spaced no more than six ft. apart, measured between the centers of plantings;
- (.3) The type of plant material shall be selected from a list of types, sizes of species of plants, and number of plants that are appropriate to achieve adequate screening and appropriate for the location. This list shall be prepared and maintained by the Commission in conjunction with DPR; and
- (.4) The required screening shall be maintained in a manner to ensure its survival. In the event that any plant dies, it shall be replaced at the required ratio.

(c) Parking.

- (.1) All required parking for non-residential uses must be located either on:
 - (.a) the same lot as the principal use;
 - (.b) on a lot abutting the principal use, regardless of whether parking is a permitted use on the abutting lot; or
 - (.c) on a non-abutting lot that is within 1,000 ft. and upon which parking is a permitted use, provided that a special exception approval is obtained from the Zoning Board pursuant to § 14-303(7) (Special Exception Approval).
- (.2) Off-street parking is not allowed between any building line and the street line on lots fronting Ridge Avenue, Kelly Drive, East River Drive, Calumet Street, or Midvale Avenue.

(d) Curb Cuts.

- (.1) Curb cuts are prohibited on Kelly Drive; and
- (.2) Permitted curb cuts are limited to one curb cut per 100 lineal ft. of lot frontage.

(e) Building Height.

Buildings in the CMX-3 district must have a minimum building height of 25 ft.

(f) Use Regulations.

- (.1) In addition to any uses prohibited by the underlying zoning, the following uses are prohibited:
 - (.a) Nightclubs and Private Clubs.
 - (.b) All uses within the Vehicle and Vehicular Equipment Sales and Services Use Category.

(c) All uses within the Wholesale, Distribution, and Storage Use Category.

(.2) Take-Out Restaurants shall require a special exception in the CMX-3 district.

(.3) Buildings in the CMX-2.5 district with frontage along Midvale Avenue or Ridge Avenue must contain a non-residential use along one hundred percent (100%) of the ground floor frontage within the first 30 ft. of building depth, measured from the front building line, only along the Midvale Avenue and Ridge Avenue frontages.

(.4) Buildings in the CMX-3 district with frontage along Ridge Avenue must contain a non-residential use along at least fifty percent (50%) of the ground floor frontage within the first 30 ft. of building depth, measured from the front building line, only along the Ridge Avenue frontage.

* * *

[(.5) 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 minimum of 480 sq. ft. of lot area is required per dwelling unit, except if the conditions set forth in § 14-702(16)

https://codelibrary.amlegal.com/codes/philadelphia/latest/philadelphia_pa/0-0-0-

(a) (Green Roof; Criteria) are met, then 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.

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

(c) Side Yard Setbacks

(.1) Side yards must be provided, with a minimum width as set forth in Table 14-701-3, on lots that meet all of the following conditions:

(a) The lot is in the CMX-2.5 zoning district;

(b) The lot has frontage on Midvale Avenue between Cresson Street and Conrad Street; and

(c) There is an existing detached building on at least one abutting lot, in which case the side yard must be provided between the structure and that abutting lot or those abutting lots.

(d) Building Height.

Buildings in the CMX-3 district must have a minimum building height of 35 ft or three stories.

(e) Building Width.

On lots with frontage on Ridge Avenue and located within the CMX-3 zoning district, open area may abut no more than 25% of that frontage.

(f) Setback from Kelly Drive.

For lots with street frontage on Kelly Drive, buildings shall be set back a minimum of 25 ft. from the street line of Kelly Drive. Such set back area shall include a landscape area along the entire Kelly Drive frontage that complies with all of the following requirements:

- (1) The landscape area must be at least 18 ft. wide;*
- (2) Plants in the landscape area shall be installed in conformance with § 14-705.(1).(c) ;*
- (3) The required number of plantings shall be consistent with the requirements set forth in § 14-803(5)(e)(.5).(a); and*
- (4) The required landscape will be reviewed for conformance with these standards by the Planning Commission and will require the submission of a landscape and tree preservation plan prepared by a licensed architect, licensed landscape architect, licensed professional civil engineer, or a certified arborist that demonstrates compliance with these provisions.*

(g) Curb Cuts.

- (1) Curb cuts are prohibited on Kelly Drive; and*
- (2) The total number of permitted curb cuts shall not exceed one per 100 lineal ft. of lot frontage.*

(h) Parking.

- (1) All required parking for non-residential uses must be located either on:*
 - (a) the same lot as the principal use;*
 - (b) on a lot abutting the principal use; or*
 - (c) on a non-abutting lot that is within 1,000 ft.*
- (2) Off-street parking is not allowed between any building line and the street line on lots fronting Ridge Avenue, Kelly Drive, Calumet Street, or Midvale Avenue.*
- (3) The provisions of subsection (b) of 14-802(9) (Off-Site Parking) shall not apply.*
- (4) The parking reductions provided in § 14-802(8) <https://codelibrary.amlegal.com/codes/philadelphia/latest/philadelphia_pa/0-0-0-293298> (b) and § 14-802(8) <[---

City of Philadelphia](https://codelibrary.amlegal.com/codes/philadelphia/latest/philadelphia_pa/0-</i></div><div data-bbox=)*

0-0-293298>(e) shall not apply

(i) Signs.

(.1) No sign may be erected or maintained in the East Falls /NCA unless approved by the Art Commission. The Art Commission has 60 days to approve or disapprove the application, after which its approval will be presumed.

(j) Façade Review.

(.1) L&I shall not issue a building permit for the erection of a building or the alteration of facade until the Planning Commission has reviewed the plans of all proposed facades and determined that the proposed facades, in the opinion of the Commission, are in harmony with the commercial area and pedestrian-oriented environment. The Commission shall have 60 days to approve or disapprove the application, after which its approval will be presumed.

SECTION 2. This Ordinance shall become effective immediately.

Explanation:

[Brackets] indicate matter deleted.

Italics indicate new matter added.