

Updated: December 9, 2016

Proposed 2016 Zoning Code Changes

This document contains proposed substantive and technical changes to the Philadelphia Zoning Code. Technical changes are those which are changes to drafted mechanics, language, and errors. Substantive changes are those which effect the standards and processes of the code and the zoning districts. These provisions are based on the recommendations of the Zoning Technical Committee, an inter-agency group comprised of the Department of Licenses & Inspections, Philadelphia City Planning Commission, the Development Services Division, and the Law Department, formed to conduct a review of the Zoning Code. This document includes recommended changes to address significant issues in the Zoning Code, advance appropriate planning and development goals, and protect neighborhood character.

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A. General Provisions, Administration, Procedures

A.1. Clarify the Zoning Map & Zoning Code Text Relationship (Technical)

§ 14-106(2) – This is a referral to the Title and Chapter in the Philadelphia Code on Zoning and Planning. The proceeding numbers refer to sections and subsections within “Title 14”.

Issue: The Zoning Code states that “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,” however, there are conflicts between the text of the Code and the graphic representation of the map.

Recommendation: Add language to clarify that the text of the Zoning Code will control if there is a conflict between the zoning map and the Code text. The “official map” of zoning for the City of Philadelphia is the Zoning Code text along with the Zoning Legislation, the “online” zoning map is a representation.

A.2. Add Definition for Councilmember/Councilperson (Technical)

§ 14-203(80.1)

Issue: The term Councilmember and Councilperson are used in the Zoning Code. While generally understood, they are not defined terms.

Recommendation: Add a definition for Councilmember or Councilperson as a member of the Philadelphia City Council.

A.3. Restore Neighborhood Meeting Regulation Provisions (Technical)

§ 14-303(12)

Issue: Previously, PCPC was authorized to issue regulations regarding neighborhood notice and meetings under several sections of § 14-303 (Common Procedures and Practice). A change to the Code inadvertently limited this to §14-303(12) (Neighborhood Notice and Meetings) only by separating code provisions into two sections (11A and 12), even though neighborhood notice and meetings provisions exist outside of this subsection.

Recommendation: Return PCPC ability to issue Departmental regulations for provisions relevant to the neighborhood notice and meetings process under §14-303.

A.4. Update RMX, CMX-2/2.5/3, & ICMX Zoning District Descriptions (Technical)

Table 14-401-1; § 14-401(c)(.5); § 14-402(1)(.c); § 14-403 (1)(c)(.1)

Issue: Several of the general descriptions for base zoning districts do not conform to the actual application of these districts. These discrepancies include:

- (1) The RMX-3, Center City Residential Mixed-Use, district, which is also applied outside of Center City;
- (2) The CMX-2/2.5/CMX-3, Neighborhood/Community Commercial Mixed-Use, districts, which are intended to accommodate commercial and mixed-use development; and
- (3) The ICMX, Industry Commercial Mixed-Use, district, which is used for commercial and low-impact industrial uses more generally, not only as a buffer between residential/commercial and industrial districts.

Recommendation: Update the zoning descriptions to correct the issues noted above to reflect actual, real-world application. A change to the description does not change the actual zoning standards, but provides more accurate information on the intent of the district to Zoning Code users.

B. Development Standards, Dimensional Requirements, and Signs

B.1. Update Lot Depth, Lot Width, and Yard Measurements and Definitions (Technical)

§ 14-202(8); § 14-202(10); § 14-203(370)(c)

Issue: The rules of measurement for lot depth and lot width do not take into account certain lots bounded by multiple streets, as each street frontage is considered a front lot line. These changes will codify L&I's existing interpretation of the Zoning Code.

Recommendation:

- (1) Define through-lots. Through-lots are currently referred to only as "lots bounded by two streets which are opposite each other." Creating a definition for this type of lot will reduce the complexity of Zoning Code.
- (2) Through-lot depth would be measured from front lot line to the opposite front lot line.
- (3) Corner lot width would be measured from the side lot line to the opposite front lot line.
- (4) Lot width for lots bounded by three streets or more streets: would be measured from one front lot line to opposite front lot line along the setback line opposite the rear lot line. If there is not rear lot line, it would be measured along the setback line of the shortest primary frontage (see "Establish a Primary Frontage Designation Process").
- (5) Define through-lot side yards as extending from one front yard to the opposite front yard.

B.2. Clarify Requirements for Lots with Multiple Street Frontages Provisions (Technical)

§ 14-301(3)(c)(.1)(.o); § 14-701(d)

Issue: The Planning Commission is required to grant prerequisite approvals for any zoning permit regarding a property bounded by two streets to determine appropriate yards and setbacks. However, this review could also include zoning permits that do not requiring a setback/yard review making this review unnecessary. In addition, the wording of several sections of the multiple street frontage provisions is unclear to applicants.

Recommendation:

- (1) Clarify the prerequisite approval authority to only apply to certain zoning permits, and add "when necessary to implement the provisions of this Zoning Code" to the existing prerequisite approval language.
- (2) Update the title of the § 14-701(d) from "Multiple Street Frontage Yard Requirements" to "Requirements for Lots with Multiple Street Frontages" to take into account the full scope of the provision.
- (3) Update the language for side yard and rear yard requirements for attached and semi-detached buildings to clarify the existing yard requirements.

B.3. Establish a Primary Frontage Designation Process

§ 14-203(247.1); § 14-301(c)(.1)(.o); § 14-701(1)(d)(.4); § 14-701(2)(b) Note [5](.c); § 14-701(2)(c) Note [5](.c)

Issue: The front lot line is used to determine several requirements of the Code, including: contextual setbacks in the RSA-5, Residential Single-Family Attached, district and RM-1, Residential Multi-Family, district. The Zoning Code defines all street frontages as front lot lines. In many cases this is beneficial to generating high-quality development, but it can cause issues on minor service streets. Developers may be required to build a larger building to meet contextual requirements along the back or side of a building.

Recommendation: Establish a process to designate one or more primary frontages on a property to better regulate contextual setbacks. Under this recommendation, the Planning Commission would determine which street frontages would be subject to these contextual requirements based on (1) the orientation of the primary structure; (2) the orientation of the structures on adjacent lots; (3) the orientation of other structures with frontage on same block face; (4) the street type designation of the bounding street; or (5) any additional criteria stated in the regulations of the Commission for the purposes of clarifying or implementing this determination.

B.4. Update RM-4 Dimensional Requirements

Table 14-701-2

Issue: The RM-4, Residential Multi-Family District allows for mid-size residential structures that are more sizable than those in the RM-1, Residential Multi-Family district, but smaller than those allowed in the RMX-3, Residential Mixed-Use, and CMX-3, Community Commercial Mixed-Use Districts. Overly restrictive lot width, lot area, front setback, and rear yard requirements prevent the RM-4 zoning district from being applied more regularly. These restrictions result in the critical absence of a desirable mid-size housing density option from the Zoning Map.

Recommendation: Retain many RM-4 standards including the 350% of lot area maximum bulk and 20% minimum open area requirement for corner lots. Reduce minimum open area for intermediate lots by 5%, reduce minimum lot width to 20 ft. and reduce minimum lot area to 2,500 ft. Remove the front setback and rear yard requirements to correspond to the standards of RMX-3.

B.5. Correct Drafting Errors in CMX-4 & CMX-5 Bulk & Massing Controls (Technical)

§ 14-702(5)(c)

Issue: In the CMX-4 & CMX-5 Bulk & Massing Controls for Chestnut and Walnut Street, the west side of Broad Street is referred as “wide” rather than “side.”

Recommendation: Correct the drafting errors.

B.6. Update the Exceptions to Dimensional Standards Table (Technical)

Table 14-701-6

Issue: Several inconsistencies exist in the exceptions to dimensional standards table. These include:

(1) Chimneys: The Code provides two conflicting exceptions from yard and setback requirements for chimneys in residential districts. One provision states “balustrades, chimneys, cornices, and vents may project into required front, side, or rear yard or setback areas up to 24 in.” The other provision states “chimneys and pilasters may project into required front, side, or rear yard or setback areas up to 18 in.”

(2) Open Work Fire Escapes: The provision is redundant as to as fire escapes are generally regulated as external stairs. There are concerns about the ability of applicants to misuse this exception.

(3) Roof Decks and Access Structures are exempt from height limits in residential districts but not in other districts. Note that the allowable height of roof decks and associated access structures is governed under the accessory uses.

Recommendation: Amend the Code should be amended to reflect the following: (1) Eliminate the provision for the 18” setback for chimneys and pilasters; (2) Eliminate Open Work Fire Escapes should be removed; and (3) Apply roof deck provisions to all districts.

B.7. Correct Drafting Errors in Floor Area and Height Bonuses (Technical)

§ 14-702(1); § 14-702(6); § 14-702(7)

Issue: In the floor area and height bonuses section of the Code, several provisions only note the availability of floor area bonuses, even though certain height bonuses are also available under these provisions.

Recommendation: Correct the drafting errors to include height bonuses.

B.8. Update the Public Space Bonus

§ 14-702(6)

Issue: The current public open space bonus for increased FAR and/or height contains many prescriptive standards for trees, seating, lighting, and other features but provides little flexibility in design and does not provide adequate review to ensure a well-designed public open space. Applicants and designers have complained about the nature of the current standards, the public and Civic Design Review committee have expressed concerns about the poor design of existing bonus-able public spaces, and L&I expressed difficulties in ensuring applicants meet all the current standards. Moreover, there is no legal agreement in place in order to ensure that public spaces provided to receive a zoning bonus remain in place for the life of the building.

Recommendation:

- (1) Retain existing public open space general standards including open air and natural light requirements, minimum contiguous area, location above ground level, restrictions on vehicular use, access hours, water feature operation, sidewalk connectivity, landscaping, and lighting.
- (2) Establish a design review process under which the public space provided in order to receive a bonus must be approved by the Planning Commission before the building permit is issued.
- (3) Increase the lowest threshold of applicable lot area eligible for the public space bonus from 5%-10% of the lot, to 10%-15%. Increase the second threshold from 11%-20% to 16-20%
- (4) Require the execution of a deed restriction to ensure that the applicable open spaces, public parks, public plazas, and public rooms will be constructed and maintained as such for the life of the building.

B.9. Update the Mixed-Income Housing Bonus (technical)

§ 14-702(7)

Issue: The current mixed income housing bonus contains several ambiguous provisions regarding affordability calculations, occupancy, resale, enforcement, unit quality, and in-lieu of payment calculations.

Recommendation:

Note: Several of these recommendations are adapted from the existing L&I Code bulletin.

- (1) Define “affordable monthly rental” costs as not exceeding 30% of gross monthly income, adjusted for household size. Define maximum for-sale/resale price variables for owner-occupied units.
- (2) Require “affordable” rental units to be occupied by households earning up to 80% of AMI, and affordable owner-occupied units to be sold to, and the primary residence of, at least one member of a household earning up to 100% area median income (AMI).
- (3) Establish that the City shall approve the terms of the restrictive covenant or long-term ground lease governing affordability before the issue of a building permit. Clarify that the restrictive covenant shall include provisions regarding affordability compliance and legal remedies.
- (4) Require the interior (not just the exterior) of units, to be of the same materials, finishes, construction, and energy efficiency as market-rate units.
- (5) Clarify that the “in lieu of” payment is per unit. Clarify what constitutes a “qualifying unit” in determining “in-lieu of” payments. Require the applicant or owner to provide the necessary documentation to the city to calculate the required “in-lieu of” payment.

B.10. Update the Retail Space Bonus Requirements

§ 14-705(13)

Issue: There is no legal agreement mechanism in place to ensure that retail spaces provided in order to receive a zoning bonus remain as such for a defined time period.

Recommendation: Require the execution of a deed restriction to ensure that the applicable retail spaces are maintained as such for 15 years or the life of the building, whichever is less.

B.11. Correct Drafting Issues & Clarify Plan Requirements for Heritage Trees (Technical)

§ 14-705(1)(e)

Issue: It is unclear in the Code how the location, size, and species of existing trees should be noted in an application to determine the applicability of heritage tree provisions. There is also a drafting error in the current text, the text says “may be not be” instead of “may not be.”

Recommendation: Correct the drafting error, and require the location, size, and species of all existing trees in the application’s required landscape and tree plan.

B.12. Revise the Maximum Sign Area Calculation for CA-1 and CA-2 (Technical)

§ 14-705(1)(e)

Issue: Currently, the Code requires wall, projecting, and marquee signs in CA-1 and CA-2, Auto-Oriented Commercial Districts, to be measured cumulatively for the ground floor area. This calculation can be unnecessarily complex for applicants and examiners, who have to recalculate sign area for an entire shopping center every time a sign is added or replaced.

Recommendation: Apply the current maximum sign size calculation to each store frontage separately to reduce calculation complexity while having little impact on the overall maximum sign area.

C. Use Regulations

C.1. Clarify Area Occupied Standards in the Expansion of Non-Conforming Uses (Technical)

§ 14-305(5)(a)(.2)

Issue: The Zoning Code states the cumulative expansion of use that does not conform to the Code since the use became nonconforming “shall not increase the area occupied by the nonconforming use by more than ten percent (10%).” Under the previous Code, this expansion was based on gross floor area, however the term “area occupied” in the current Code could potentially refer to “occupied area,” which relates only to the building’s lot area footprint. Therefore, gross floor area expansions of non-conforming uses could be far greater than 10%.

Recommendation: Amend the Code to state “the cumulative expansion since the use became nonconforming shall not increase the gross floor area occupied by the nonconforming use by more than ten percent (10%).”

C.2. Remove the On-Premise Dry Cleaning Specific Use Type (Technical)

§14-203(203); § 14-601(7)(i)(.1); Table 14-602-2

Issue: On-Premise Dry Cleaning is listed as a specific use type under the Maintenance and Repair of Consumer Goods use subcategory. However, On-Premise Dry Cleaning is not regulated any differently from all other Maintenance and Repair of Consumer Goods uses in any zoning district.

Recommendation: Remove the unused definition for On-Premise Dry Cleaning from the Zoning Code.

C.3. Reorganize RM-1 and CMX-2 Unit Calculations (Technical)

§ 14-602(3)(a) Note [1]; § 14-602(4)(a) Note [2];

Issue: The calculations for the number of units permitted per square foot of lot area are contained in a large block of text that makes it difficult to determine how many units are allowed on a lot.

Recommendation: Clarify the unit calculations by delineating the calculations in list form for CMX-1 and CMX-2, CMX-2.5 will be defined with new calculation. (See C.5)

C.4. Establish a CMX-1 Default Unit Density

§ 14-602(4)(a) Note [1]

Issue: The Commercial Mixed Use district CMX-1 derives the density of residential that is allowed from the most restrictive abutting residential district. However, there is not a default density for when no residential district abuts a CMX-1 district.

Recommendations: Establish a base-line residential density for CMX-1 properties with no abutting residential district. That residential density is proposed to be Single-Family.

C.5. Establish a New CMX-2.5 Unit Calculation

§ 14-602(4)(a) New Note [4]; § 14-602(7)

Issue: The calculations for the number of units permitted per square foot of lot area for the CMX-2.5, Neighborhood Commercial Mixed-Use District is the same as the CMX-2, Neighborhood Commercial Mixed-Use District. However, CMX-2.5 permits buildings up to 17 ft. taller than in CMX-2. This means CMX-2.5 buildings are forced to provide fewer units than their height would allow and create larger, more expensive units.

Recommendation: Create a separate CMX-2.5 unit calculation that would require 360 sq. ft. of lot area per dwelling unit for buildings less than or equal to 45 ft. in height and 270 sq. ft. of lot area is required per dwelling unit for buildings greater than 45 ft. in height. The CMX-2 unit calculation would remain unchanged. With this change, lot area required per unit would be equal to or lower than the amount under the green-roof exception. Therefore, CMX-2.5 would be removed from this provision.

C.6. Allow for Libraries and Cultural Exhibits in Industrial Commercial Mixed Use District

§ 14-602(5)

Issue: “Libraries and Cultural Exhibits” are not allowed in the ICMX, Industrial Commercial Mixed Use District which is meant as a “buffer” district between heavier industrial and residential and commercial districts. This limits the uses allowed in this district where the building typology is well suited to “Libraries and Cultural Exhibits”. The ICMX district allows schools which are a use of similar size and capacity.

Recommendation: Allow the use “Libraries and Cultural Exhibits” in ICMX to allow for re-use of former industrial properties. This will match the currently allowable use of “Educational Facility”.

C.7. Update Fresh Food Market Incentive Requirements

§ 14-603(7)(a)

Issue: The Code provides exemptions from floor area limits, additional floor area, additional building height, and reduced parking for fresh food markets. However, there is no legal agreement mechanism in place to ensure that fresh food market spaces provided to receive one of these incentives remain as such for a defined period of time.

Recommendation: Require the execution of a deed restriction to ensure that the applicable fresh food market spaces are maintained as such for 15 years or the life of the building, whichever is less.

C.8. Establish Privacy Screen Opacity Standards for Decks and Roof Decks (Technical)

§ 14-604(4)(a); § 14-604(4)(d)

Issue: Privacy screens are allowed on decks and roof decks within 18 in. of a side lot line, provided they are no more than 60 in. in height. These privacy screens have no opacity standards, meaning completely opaque 5 ft. walls are allowed on decks in close proximity to the property line.

Recommendation: Apply the existing 50% opacity standard which is used for fences to deck and roof deck privacy screens.

C.9. Restore Balcony Provisions for Lower-Density Districts (Technical)

§ 14-604(14)

Issue: Balconies were recently defined in the Zoning Code to address several issues in higher density residential and mixed-use districts. This change inadvertently restricted the existence of balconies in lower density districts, where balconies were previously regulated under the same yard requirements as decks.

Recommendation: Restore the balcony provision for lower-density districts, by regulating these balconies under similar yard requirements to decks.

D. Parking & Loading

D.1. Correct Commercial District Parking for Wholesale, Distribution, & Storage Uses & Industrial Uses (Technical)

Table 14-802-2

Issue: The Zoning Code's required parking tables provide a minimum number of parking spaces for all uses whether they are permitted or prohibited. The required parking table for the CMX-2/2.5/3/4/5, Commercial Mixed-Use Districts only states a parking requirement for "Moving and Storage Facilities" instead of the entire "Wholesale, Distribution, and Storage" Use Category. This means the parking requirement is indeterminate for the other uses under that category. The same situation is present for all other industrial uses except for "Artist studios and Artisan Manufacturing" and "Research and Development".

Recommendation:

(1) Apply the parking requirement for "Moving and Storage Facilities" to all "Wholesale Distribution and Storage" Uses. The requirement would be 1/1,500 sq. ft. in CMX-2/2.5; 1/2,000 sq. ft. in CMX-3; and 1/3,000 sq. ft. in CMX-4/5.

(2) Apply the same parking requirement as used in the IRMX, Industrial Residential Mixed-Use District for all other industrial uses in these commercial districts. The requirement would be 1/800 sq. ft. The requirements for "Artist Studios and Artisan Manufacturing" and "Research and Development" would be updated as recommended in D.2.

D.2. Update Artisan Manufacturing & Research and Development CMX-2/2.5/3 Parking Requirement

§ Table 14-802-2

Issue: "Artist Studios and Artisan Manufacturing" and "Research & Development" are typically non-nuisance uses that are desirable in commercial mixed-use districts, however, the Zoning Code sets an unnecessarily high parking standard of 1/300 sq. ft. in CMX-2/2.5 and 1/800 sq. ft. in CMX-3, that likely hinder beneficial development. CMX-4/5 and IRMX required parking standards for these uses are set at a more appropriate level of none for the first 7,500 sq. ft. then 1/2,000 sq. ft.

Recommendation: Replace the existing "Artist studios and Artisan Manufacturing" and "Research and Development" parking requirements with the "none for the first 7,500 sq. ft. then 1/2,000 sq. ft." standard of CMX-4/5 and IRMX.

D.3. Amend Parking Space Minimums for Persons with Disabilities Exception for Multi-Family Uses (Technical)

§ 14-802(5)(b)(.2)

Issue: Provisions regarding the number of provided parking spaces for persons with disabilities for multi-family uses in the Zoning Code are less restrictive than the provisions of the Building Code. If parking is provided on-site, this could result in a building permit review issue.

Recommendation: Amend the Zoning Code to match the Building Code requirement.

D.4. Update Off-Site Parking Provisions to include RMX-1 and RMX-2 Master Plan Districts

§ 14-802(9)

Issue: Several zoning districts allow required accessory parking to be off-site on a separate lot, provided the parking meets certain criteria, including being located no more than 1,000 ft. of the building entrance. Off-site parking does not currently apply to the RMX-1/2, Residential Mixed-Use Districts even though these master plan districts can include multiple properties.

Recommendation: Expand the existing off-site parking provisions to include RMX-1/2. RMX-1/2 would need to meet the same location criteria as other districts, except parking must be provided on a lot within the master plan district, and not in another zoning district. Unlike other districts subject to the off-site parking provisions, RMX-1/2 are generally large enough to accommodate parking elsewhere in the same district.

D.5. Remove Private Residence Garages & Carports Date Restriction (Technical)

§ 14-803(1)(b)(.1)(.b)(.ii)

Issue: The residential and commercial parking location standards for private residence garages and carports (3 or less vehicles) includes a date that applies these standards only to garages and carports erected after June 23, 1998. This date is superfluous and adds unnecessary confusion to the Code, as all existing garages and carports would be considered non-conforming under the Code and be permitted to remain as-is.

Recommendation: Remove unnecessary date restriction from this subsection.

D.6. Reorganize RSA-5, RM-1, CMX-2, CMX-2.5, and CMX-3 Parking Regulations (Technical)

Issue: Additional parking location standards for specific zoning districts were added over time to the Zoning Code, creating an unclear and convoluted layout of standards that is confusing to Code users.

Recommendation: Reorganize the additional regulations applicable to specific zoning districts by clearly delineating what standards apply to each district. The CMX-2.5 provisions of § 14-803(1)(b)(.1)(.b)(.iii) would also be moved to this section.

D.7. Update CMX-3 Parking Location Requirements

Issue: Previous amendments to the Zoning Code prohibited the vehicular entryways of private residence parking garages and carports (3 or less vehicles) from fronting on any street in the CMX-3, Community Commercial Mixed-Use district) The existing parking location provisions do not place any requirements on surface parking, even though this could have a similar detrimental impact on the commercial corridor vitality, and pedestrian safety, and building design.

Recommendation:

(1) Prohibit surface parking in CMX-3 for single- and two-family uses unless it can be accessed from a shared driveway, alley, or rear street, similar to the requirements of RSA-5, RM-1 CMX-2, CMX-2.5.

(3) Require a special exception approval for surface parking in CMX-3 between the building line and the street line along primary frontages, but exempt large lots (75K+ sq. ft.), which may require additional street line parking flexibility

D.8. Clarify RMX-3, CMX-4, and CMX-5 Special Exception Requirements for Parking (Technical)

§ 14-803(3)(c)(.4)

Issue: The Zoning Code requires a special exception from the Zoning Board for parking areas in the RMX-3 and CMX-4/5, Center City Mixed-Use Districts. While the provision was intended to apply to surface parking lots and above ground garages, the provision inadvertently also applies to underground parking. Underground parking should be encouraged because it does not have the same form, design, and neighborhood vitality impacts of surface and above ground parking

Recommendation: Clarify that underground parking in RMX-3 and CMX-4/5 is permitted and does not require special exception approval.

D.9. Reorganize Off-Street Loading Ingress and Egress Standards in RMX-3, CMX-4, and CMX-5 (Technical)

§ 14-806(2)(d)

Issue: Several exceptions placed in the ingress and egress standards for loading in the RMX-3, CMX-4, and CMX-5 districts created an unclear and convoluted single subsection that is confusing to Zoning Code users.

Recommendation: Reorganize the subsection into two subsections to clarify the requirements.

D.10. Establish an Off-Street Loading Requirement Adjustment Process

§ 14-806(4)

Issue: Since the enactment of the new Zoning Code, applicants for many mid-size and large developments have expressed concerns about the Code's very stringent off-street loading requirements. In many cases, there are legitimate street or site restrictions that prevent the provision of the required number of loading spaces or limit the dimensions of a loading space. Certain minor adjustments could be permitted by-right, subject to a review of the contextual restrictions of the property.

Recommendation:

Permit certain adjustments to the off street loading requirements of the Zoning Code, subject to the approval of the Streets Department and the Planning Commission. These adjustments would include:

- (1) A reduction of up to two loading spaces. (At least one required space must be provided);
- (2) A reduction in loading space width to 10ft. (Code requirements vary from 10-11 ft.);
- (3) A reduction in loading space length to 30 ft. (Code requirements vary from 30-60 ft.);
- (4) An increase in curb cut width not to exceed an additional 12 ft. (Some districts limit curb cut width to 16-24 ft.)

Any loading issue in excess of these criteria or those not approved by the Streets Department and Planning Commission, would still require a variance from the Zoning Board.

E. Overlay Technical Issues

E.1. Update Center City Overlay's Supplemental Use Table to Reflect Code Changes (Technical)

Council Districts 1, 2, & 5

§ 14-502(5)(a).6

Issue: The dwelling unit calculation for CMX-2.5, Neighborhood Commercial Mixed-Use, would become redundant under the recommendations to "Establish New Unit Calculation for CMX-2.5" in C.5. The restrictions of the base Zoning Code would instead apply to CMX-2.5 properties. Having two redundant instances of the same requirement causes confusion for users.

Recommendation: Remove CMX-2.5 from the table note in this overlay, the dwelling unit calculation for CMX-2 would remain. Remove redundant ground floor CMX-2 commercial requirement.

E.2. Remove the Center City Overlay's Outdated Bulk & Massing Controls Map (Technical)

Council District 1

§ 14-502(9)

Issue: The bulk and massing controls of the Center City Overlay, district have expanded since the enactment of the Zoning Code. The map is incorrect because it only covers a single portion of the area covered by these controls, confusing to Code users.

Recommendation: Remove the bulk and massing control map. The map is for illustrative purposes only. No provisions of the Code would change.

E.3. Correct Drafting in the Central & Ridge Park Roxborough Neighborhood Conservation Overlays (Technical)

Council District 4

§ 14-504(7); § 14-504(8)

Issue: There are several drafting errors in the recently established Central Roxborough & Ridge Park Roxborough /NCOs, Neighborhood Conservation Overlay, districts.

Recommendation: Correct drafting issues in the /NCOs. No provisions of the Code would change.
