

REPORT FOR [REDACTED]

SUMMARY

[REDACTED] is a residential plot in the Northern Liberties neighborhood of Philadelphia. The plot is zoned CMX-2, or neighborhood commercial mixed-use. The property is subject to the NCA Overlay district areas and the VDO Fifth District Overlay.

There are three RCOs associated with the property: Northern Liberties Neighbors Association, West Girard Progress, and the 5th Ward Republican RCO.

This document is provided on an as-is basis and is not legal advice. For legal advice, please contact an attorney.

PLOT ZONING

The applicable by-right zoning rules for [REDACTED] break down as follows:

Residential Zoning Requirements for [REDACTED]		
Use	Single-Family (Non-Corner)	Two-Family (Non-Corner Lot)
Mixed-Use?	Required	Required
Allowed By-Right?	Y	Y
Special Provision	"buildings must contain a use other than residential and other than parking along one hundred percent (100%) of the ground floor frontage and within the first 30 ft. of building depth, measured from the front building line"	"buildings must contain a use other than residential and other than parking along one hundred percent (100%) of the ground floor frontage and within the first 30 ft. of building depth, measured from the front building line"
Minimum Lot Size	None	None
Maximum Building Footprint	80% of lot	80% of lot
Each Unit Minimum Sq.Ft	480 SqFt	480 SqFt
Minimum Rear Setback	9 Ft or 10% of the lot depth, whichever is greater	9 Ft or 10% of the lot depth, whichever is greater
Minimum Side Setback	5 Ft if provided, otherwise 0 Ft	5 Ft if provided, otherwise 0 Ft
Maximum Building Height	38 Ft	38 Ft
Required Residential Parking Spaces	None	None

Commercial Zoning Requirements for [REDACTED]		
Use	By-Right?	Required Parking Spaces
Business and Professional	Y	0
Sole Practitioner	Y	0
Government	Y	0
Building Supplies and Equipment	Y	0
Consumer Goods (Except Gunshop, Drug Paraphernalia, or Medical Marijuana)	Y	0
Medical Marijuana Dispensary	Y	0
Food, Beverages, and Groceries	Y	0
Pets and Pet Supplies	Y	0
Sundries, Pharmaceuticals, and Convenience Sales	Y	0
Business Support	Y	0
Prepared Food Shop	Special Exception*	0
Sit Down Restaurant	Special Exception*	0
Financial Services (Except Personal Credit Establishment)	Y	0
Funeral and Mortuary Services	Prohibited*	0
Maintenance and Repair of Consumer Goods	Y	0
Personal Services (Except Body Art Service or Fortune Telling)	Y	0
Radio, Television, and Recording Services	Y	0
Commissaries and Catering Services	Y	0
Artist Studio and Artisan Industrial	Y	If Commercial Space < 7500 SqFt then 0 Spaces, If >7500sqft then 1 space for every additional 2000 SqFt Past 7500 SqFt
Research and Development	Y	If Commercial Space < 7500 SqFt then 0 Spaces, If >7500sqft then 1 space for every additional 2000 SqFt Past 7500 SqFt
Community Garden	Y	0
Market or Community-Supported Farm	Y	If Commercial Space < 7500 SqFt then 0 Spaces, If >7500sqft then 1 space for every additional 2000 SqFt Past 7500 SqFt

* would normally be allowed by right, but is overridden by overlay district rules

Of note, the CMX-2 zoning appears to *require* first-floor ground retail due to the special proviso that “buildings must contain a use other than residential and other than parking along one hundred percent (100%) of the ground floor frontage and within the first 30 ft. of building depth, measured from the front building line”.

While under normal circumstances, multi-family dwellings are allowed by the CMX-2 zoning rules, this is overridden by the 5th District Overlay district, which prevents more than two dwellings on a lot that is smaller than 1,440 Sq Ft. Thus, the CMX-2 zoning rules for multi-family development are not included in the graph, though they are identical to the other two rulesets.

The overlay districts rules applied at [REDACTED] modify existing CMX-2 zoning in the following ways:

NCA (Neighborhood Commercial Area) for North Delaware Avenue:

- You can't expand or create a new “Assembly and Entertainment” business
- Food and Drink establishments are not allowed by right for this property and must get a special exemption

5th District Overlay:

- Limits the maximum allowed number of dwelling units to two for any lot that is less than 1,440 Sq Ft in area (including [REDACTED])
- Modifies the rules so that no IZ/BMI or “Green Roof” density bonuses can be granted for this property

Conditional Use & Changed Zoning

You have a few options for attempting to change the allowable uses of your property. There may be an opportunity to gain a variance/adjustment. A variance or adjustment will allow you to formally continue the property's current use even though it is not by the zoning regulations. You will likely need an attorney to advise on this process. I have never been involved in this process but my understanding is that it will look something like this:

- Applying with L&I for the two-unit, no commercial use, and getting the application denied because it does not look like the underlying zoning
- Scheduling an appeal and request for a variance with the ZBA
- Gathering support from local RCOs and/or the councilperson for the district (Darrell Clarke) in which the property is in, to improve the chance of the variance being granted
- Be approved or denied the variance at the ZBA meeting when your property is scheduled

Especially given the fact that the property currently has two occupied units and is non-compliant, ***you should talk to a qualified real estate lawyer to walk you through this process.***

While, theoretically, changing the underlying zoning would also change allowable uses, that would be a very unusual approach and, likely, much more work than simply getting a variance for the same result.

RCO & Council Contact Information:

Councilmember Darrell Clarke:

District Office:

City Hall, Room 484, Philadelphia, PA 19107-3290

(215) 686-3442, (215) 686-3443

darrell.clarke@phila.gov

FAX: (215) 686-1901

Neighborhood Office:

2815 Ridge Ave., Suite B, Philadelphia, PA 19121

215-685-2633 (215) 685-2634

darrell.clarke@phila.gov

FAX: (215) 685-2635

West Girard Progress



Northern Liberties Neighbors Association:



5th Ward Republican RCO:

