



City of Philadelphia

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

BILL NO. 080130

Introduced February 7, 2008

Councilmember Greenlee

**Referred to the
Committee on Rules**

AN ORDINANCE

Amending Title 14 of The Philadelphia Code, entitled "Zoning and Planning," by amending Chapter 14-300, entitled "Commercial Districts," by adopting a new Section, entitled "Transit-Oriented Development District," to promote mixed use higher density development in certain areas in order to encourage the use of public transit and less reliance on automobiles, 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 14-300. COMMERCIAL DISTRICTS.

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§14-310. Transit-Oriented Development District.

(1) Purpose.

This District is intended to promote orderly development that supports the use of public transit and less reliance on automobiles by creating a new zoning classification, known as the Transit-Oriented Development District, that encourages mixed-use, higher-density development near key public rail, elevated and subway transit stations. This District is also intended to enhance and revitalize existing commercial corridors located close to such transit stations, by providing for amenities that encourage pedestrian traffic

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such as “build to lines,” public open space, and buildings with well-designed street frontage, thereby creating an attractive area to live, work and shop. A Transit-Oriented Development District shall be established only by ordinance.

(2) Definitions.

(a) Designated Commercial Street. The primary public street of a commercial character that passes through the Transit-Oriented Development District and is served by a fixed rail, elevated, or subway public transit route.

(b) Designated Transit Station. A fixed rail, elevated or subway public transit station that is located along the Designated Commercial Street.

(c) Designated Access Streets. The streets that intersect the Designated Commercial Street within the Transit-Oriented Development District.

(3) Procedures for the Establishment of a Transit Oriented Development District.

The establishment of a Transit-Oriented Development District shall be by ordinance of Council. Such ordinance shall include, but not be limited to, the following elements:

(a) The boundaries of the District;

(b) The Designated Commercial Street;

(c) The Designated Transit Station or Stations; and

(d) The Designated Access Streets.

(4) Applicability.

(a) The provisions of this Section shall apply to property located in an area designated, by ordinance, as a Transit-Oriented Development District.

(5) Use Regulations.

(a) Permitted Uses. The uses permitted in this District shall be the erection, construction, alteration, or use of buildings and/or land for:

(.1) Attached single-family, two family and/or multiple family dwellings;

(.2) Retail sales;

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(.3) Professional offices;

(.4) Residential related uses, non-residential related uses and other permitted uses, as set forth under Section 14-203;

(.5) Accessory off-street parking, provided that there shall be no frontage on a Designated Commercial Street;

(b) Prohibited Uses. The following uses shall be prohibited:

(.1) Automobile sales lot, automobile rental or leasing lot, automobile repair or service station;

(.2) Retail or wholesale sales of automotive parts and/or the installation of automotive parts, including audio equipment, in motor vehicles;

(.3) Car wash and cleaning services;

(.4) Non-accessory or outdoor advertising signs;

(.5) Accessory automobile service station for the dispensing of automobile fuels, lubricants, fluids and/or accessories;

(.6) Public parking lot as a principal use;

(.7) Private parking lot as a principal use;

(.8) Restaurants, serving patrons who remain in their vehicles;

(.9) Vending machines, vendor stands and/or retail kiosks as the principal use of a lot or as a use accessory to a parking lot;

(.10) Any regulated use under §14-1605;

(.11) Fortune telling establishments;

(.12) Employment agencies;

(.13) Establishments where the primary services offered are related to nail care, such as manicures or pedicures, “nail salons;”

(.14) Take-out only restaurants, establishments engaged in the preparation and retail sale of food solely for consumption off premises;

(.15) Retail sale of variety store merchandise such as “dollar stores;”

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(.16) Retail sale of used appliances;

(.17) Nightclubs;

(.18) Laundromats.

(6) Area Regulations.

(a) Occupied Area. Buildings may occupy up to 100% of the lot area;

(b) Open Area. Open area shall not be required.

(7) Building Heights.

(a) Except as provided in subsections (b) and (c), the maximum height of any building shall be forty-five (45) feet.

(b) Except as provided in subsection (c), the maximum height of any building, with frontage on the Designated Commercial Street, shall be fifty-five (55) feet.

(c) The maximum height of any building located within this District and within 650 feet of a Designated Transit Station shall be seventy-five (75) feet.

(d) The minimum floor to floor height of any floor located at street level of any building with frontage on the Designated Commercial Street, shall be fifteen (15) feet.

(8) Building Setback Line. Newly erected buildings shall be built to the street line, at ground level, except that any building located adjacent to an elevated transit route is permitted a maximum setback of 25 feet. Parking shall not be permitted in any such setback area.

(9) Building entries: The main building entry of any building abutting the Designated Commercial Street must be located along the Designated Commercial Street. This entry may be recessed up to 10 feet in addition to any permitted setback. Building recesses shall not exceed the height of the street level floor of the building.

(10) Windows. For facades facing the Designated Commercial Street, windows shall be required for a minimum of 70 percent of the façade area on the ground floor, and a minimum of 30 percent on the upper floors. On corner properties, the regulations shall apply to all building street frontages.

(11) Active Space Requirements. The ground floor uses of any building with frontage on the Designated Commercial Street shall be active uses.

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(a) *Active Uses.* The following uses, either individually or in combination, shall qualify as active uses in meeting the requirements for such space:

(.1) *Retail sales areas for merchandise, services, and restaurants;*

(.2) *Professional offices;*

(.3) *Hotel and/or theater lobbies;*

(.4) *Libraries, museums, galleries and exhibition space;*

(.5) *Places of worship;*

(.6) *Post Offices, police and fire stations, and public health centers;*

(.7) *Enclosed public space, enclosed gardens, public rooms, through block connections; and,*

(.8) *Entrances to public transit stations and/or the public transit concourse.*

(12) *Allowable Floor Area:* Buildings in this District shall have a minimum Floor Area Ratio (FAR) of 200% and a maximum FAR of 300%, except for properties located within 650 feet of a Designated Transit Station which shall have a maximum FAR of 400%.

(a) *Additional Gross Floor Area Incentives.* An additional FAR of 100% may be added to the FAR permitted in subsection 12 for buildings that achieve a LEED (Leadership in Energy and Environmental Design) certification and incorporate a green roof over 75 percent of the building footprint. To receive additional gross floor area, the applicant shall submit:

(.1) *A certification from the U.S. Green Building Council that the development plans for the project have been submitted in an application for a basic LEED Certification. LEED Score sheets shall be submitted with the development plans, along with the certification of an architect or engineer that, in his or her professional judgment, the plans will qualify for a LEED Certification. Such certification shall be subject to review and approval of the Planning Commission. The applicant must build in substantial conformance with such plans, provided the revisions to the LEED Score during design development shall be permitted as long as the intended overall LEED rating is retained, and provided further that the applicant shall use its good faith efforts to obtain the indicated LEED Certification, including any minor modifications to the design necessary in that regard.*

(.2) *Certification, to the satisfaction of the Planning Commission, that the applicant commits to certify, upon request of the Commission at any time during the life of the building, that the green roof is maintained, to the satisfaction of the Water Department, to accepted storm water performance standards at the time of application.*

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(b) Where a building setback is permitted, an additional FAR of 100% may be added to the FAR permitted in subsection 12 for the provision of a landscaped plaza, seating area, or green space along the Designated Commercial Street compliant with the design guidelines of this Section.

(13) Requirements for parking garages and surface parking lots. All parking garages and surface parking lots, located on lots abutting the Designated Commercial Street, shall also comply with the following requirements:

(a) No curb cut or driveway for ingress or egress to a parking garage or surface parking lot shall be permitted on the Designated Commercial Street;

(b) At every point where a driveway, whether for ingress or egress, crosses a public sidewalk, the area of the sidewalk between the building line and the curb line, equal in width to the driveway(s) shall be of a different color, texture or paving material, in accordance with the standards of the Streets Department, so as to indicate and warn pedestrians of the existence of the driveway;

(c) No surface parking lot or garage façade shall be permitted on the Designated Commercial Street. Garages on the Designated Station Access Streets shall have active ground floor uses;

(d) All permitted surface parking lots shall be subject to the following conditions:

(.1)The lot is to be screened from the Designated Commercial Street by a building complying with the development standards, including minimum height, FAR, and design features, set forth in this Section;

(.2)Along any street frontage, a surface parking lot shall have no more than one curb cut for both ingress and egress, the maximum width of which shall not exceed 30 feet or 2 one-way curb cuts, the maximum width of which shall not exceed 16 feet in width, provided that the curb cuts shall not occupy more than 50% of the street frontage, the number of curb cuts allowed for any individual site is a maximum of two curb cuts and the curb cuts allowable for loading and trash storage are included in the total;

(.3) All surface parking lots shall contain lighting designed so as to prevent glare on abutting properties, but to provide a minimum amount of light equal to 2 horizontal foot candles on the lot and the abutting sidewalk.

(14) Off-street Loading. Every building shall provide off-street loading in accordance with the following requirements:

(a) Location. Every off-street loading space shall be located within a totally enclosed structure. Each loading space shall also be located within the building it serves,

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or in the case of multiple buildings, within an enclosed structure with direct access to each building the loading spaces serve.

(b) Ingress and Egress. Each individual loading space or group of loading spaces shall be limited to one two-way curb cut with a maximum width of 30 feet on the street frontage or 2 one-way curb cuts with a maximum width of 20 feet on each street frontage. Every point where a driveway, whether for ingress or egress, crosses a public sidewalk, the area of the sidewalk between the building line and the curb line, equal in width to the driveway(s) shall be of a different color, texture or paving material, in accordance with the standards of the Streets Department, so as to indicate and warn pedestrians of the existence of the driveway. The number of curb cuts allowed for any individual site is a maximum of two curb cuts and the curb cuts allowable for parking and trash storage are included in the total.

(.1) Common Loading. Two or more buildings may share a common loading area provided that the loading area is located within a commonly accessible structure and further provided that the total number of loading spaces provided shall be calculated on the basis of the sum of the loading spaces required for each building the common spaces are intended to serve. All parties which share or will be sharing the loading area shall enter into a mutually binding agreement running with the land which is satisfactory to the Law Department of the City of Philadelphia and which indicates the rights of common usage and obligations of each party.

(15) Trash Storage. Every building shall provide off-street trash storage in accordance with the following requirements:

(a) Location. Every off-street trash storage area shall be located within the building or within a completely enclosed trash storage area located on the same lot as the building it serves;

(b) Ingress and Egress. Each individual trash storage space or group of spaces shall be limited to one two-way curb cut with a maximum width of 30 feet on the street frontage or 2 one-way curb cuts with a maximum width of 20 feet on each street frontage. At every point where a driveway, whether for ingress or egress, crosses a public sidewalk, the area of the sidewalk between the building line and the curb line, equal in width to the driveway(s) shall be of a different color, texture or paving material, in accordance with the standards of the Streets Department, so as to indicate and warn pedestrians of the existence of the driveway. The number of curb cuts allowed for any individual site is a maximum of two curb cuts and the curb cuts allowable for loading and parking are included in the total;

(c) Trash Storage for Retail Uses. All newly constructed or substantially renovated buildings (alteration of more than 50% of a building's gross floor area) which contain retail uses shall provide an area for off-street trash storage within the building,

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within a completely enclosed structure on the same lot as the building it serves, or within a common loading area.

(d) Garbage Disposal for Certain Retail Uses. Any restaurant placed on a lot, after the applicable date of an ordinance establishing a Transit-Oriented Development District, shall have a garbage disposal system, within a completely enclosed structure on the same lot as the building it serves.

(16) Parking Requirements: Within this District, parking requirements for permitted uses shall be as follows:

(a) Parking for Existing Buildings: Parking shall not be required for any existing building that is converted to a new use.

(b) Parking for New Buildings: For new buildings, parking requirements shall be reduced 25% for projects located within this District. The existing on-street spaces located along the property shall count towards the required parking for the project. In projects, less than 10,000 square feet in gross floor area, and/or if the number of required parking spaces is less than five spaces, no parking shall be required. There shall be no parking required for retail space.

(c) There shall be a reservation for a shared car space for every 20 residential units.

(d) Bicycle Parking Facilities. Bicycle parking shall be provided for all office and multifamily dwelling structures as follows:

(.1) Offices. Parking space shall be provided for bicycles at the ratio of at least 1 space for every 2,500 square feet of office space.

(.2) Multifamily dwellings. Parking space shall be provided for bicycles at the ratio of at least 1 space per every 3 dwelling units.

(17) Signage.

(a) No signs shall be permitted above the ground floor level.

(b) No razor signs shall be permitted.

(18) Conflicting Regulations. When any of the provisions of this Section conflict with any other provisions of the Zoning Code, the provisions of this Section shall control.

Explanation:

Italics indicate new matter added.