

City of Philadelphia



(Bill No. 170162)

AN ORDINANCE

Amending Section 14-513 of The Philadelphia Code, entitled “/TOD, Transit-Oriented Development Overlay District,” and Section 14-702, entitled “Floor Area and Height Bonuses,” all to revise requirements relating to the Transit-Oriented Development Overlay District, 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:

Key:

1. In Tables that contain bracketed table notes, and in the table notes, deletions are indicated by { } rather than [].

TITLE 14. ZONING AND PLANNING.

* * *

CHAPTER 14-200. DEFINITIONS.

* * *

§14-203. Definitions.

* * *

(338) [Transit-Oriented Development (TOD) Primary Street.

A primary public street of a commercial character that passes through the transit-oriented development node and is served by a fixed rail, elevated, or subway public transit route.] *Reserved.*

(339) [Transit-Oriented Development (TOD) Secondary Street.

A street that intersects a designated primary street.] *Reserved.*

(340) [Transit-Oriented Development (TOD) Transit Station, Designated.

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A fixed rail, elevated, or subway public transit station that is located along a TOD Primary Street.] *Reserved.*

* * *

CHAPTER 14-300. ADMINISTRATION AND PROCEDURES.

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§ 14-304. Specific Procedures.

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(3) Zoning Map and Text Amendments.

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[(g) Special Provisions for Transit-Oriented Development Overlay Districts.

Any ordinance proposing the designation of any lands into a /TOD overlay district shall be accompanied by a map designating the area to be rezoned and that designates each TOD primary and secondary street within the area to be rezoned. Any recommendation by the Commission shall address both the ordinance and the map, any action by City Council shall address both the ordinance and the map, and the rezoning and map shall become effective immediately upon City Council action.]

[(h)] (g) Pending Ordinance Doctrine.

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CHAPTER 14-500. OVERLAY ZONING DISTRICTS.

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§ 14-513. /TOD, Transit-Oriented Development Overlay District.

(1) Purpose.

The /TOD, Transit-oriented Development [(TOD)] *Overlay District, including the development, use, and parking standards of this [section are] section, is intended to encourage compact urban growth patterns, opportunities for increased transportation mode choice, reduced reliance on the automobile, and a safe and pleasant pedestrian environment. The regulations help ensure an attractive*

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streetscape, a functional mix of complementary uses and provision of amenities that support the use of transit, bicycles, and pedestrian facilities.

(2) Applicability.

The [TOD] /TOD, *Transit-oriented Development Overlay District* standards of this section shall apply to new construction and expansions of more than 30% of gross floor area on lots located within the /TOD *Transit-Oriented Development Overlay Districts* [listed] *designated* in § 14-513(3) (*Designation*). [(Designation), as summarized in Table 14-513-1, below. In the event of conflict between the provisions of Table 14-513-1 and the text of this Zoning Code, the text shall govern.

Table 14-513-1: Transit-Oriented Development Applicability

Applicability Chart	Use § 14-513(4)	Form and Design § 14-513(5)	/TOD-1 and /TOD-2 Additional Requirements § 14-513(6)	/TOD-3 Additional Requirements § 14-513(7)
/TOD-1	X	X	X	
/TOD-2	X	X	X	
/TOD-3	X	X		X

]

(3) Designation.

[Lots in the /TOD overlay district will be designated on the zoning maps as /TOD-1 (Regional Center), /TOD-2 (Neighborhood Center), or /TOD-3 (Park and Ride), as described in § 14-513(3)(a) through § 14-513(3)(c), below. In the event of a conflict between any provision of § 14-513(3)(a) through § 14-513(3)(c) and any other provision of this § 14-513, the latter shall govern. At least one TOD Primary Street and one TOD Secondary Street shall be designated for any /TOD district.] *Any lot that meets the conditions set forth in subsection § 14-513(3)(b) shall be subject to the /TOD, Transit-oriented Development Overlay District rules of this Section.*

(a) Transit-Oriented Development (TOD) Transit Station, Designated

The following transit stations are designated as Transit-oriented Development (TOD) Transit Stations. Any renaming of a station shall not affect its designation herein.

(.1) Reserved.

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(b) Transit-Oriented Development (TOD) Lots, Designated

The /TOD Transit-Oriented Development Overlay District shall include any lot lying in whole or in part within 500 linear feet of any entrance to, or exit from, a TOD Transit Station. The Commission shall maintain a map of all TOD Overlay Districts and shall be responsible for determining whether a given lot lies within the /TOD Overlay District.

[(a) /TOD-1 (Regional Center).

/TOD-1 districts are intended to accommodate medium-density residential, office, institutional, and mixed-use development with enhanced pedestrian and transit amenities. The /TOD-1 district service area is greater than the immediate neighborhood.

(b) /TOD-2 (Neighborhood Center).

/TOD-2 districts are intended to accommodate neighborhood-serving commercial nodes and corridors with enhanced pedestrian and transit amenities.

(c) /TOD-3 (Park and Ride).

/TOD-3 districts are intended to accommodate high-quality parking facilities that provide limited convenience and personal service retail uses for commuters.]

(4) Use Regulations.

Notwithstanding the provisions of this Zoning Code, lots located in any /TOD Overlay [district] District shall comply with the following use regulations.

(a) Non-Accessory Parking Garages.

[Non] *Where non-accessory parking garages are otherwise permitted by the base zoning district, non-accessory parking garages shall [be permitted] require a special exception.*

(b) Active Ground-Floor Uses.

If permitted under the base zoning district, at least one of the following uses is required on the ground floor [frontage] of any building [that fronts on a TOD Primary Street:] *along the primary frontage:*

(.1) Retail sales;

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- (.2) Commercial services;
- (.3) [Eating and drinking establishments] *Public, civic, and institutional uses*;
- (.4) [Lobbies of hotels, live theaters or cinemas] *Office uses*; or
- [(.5) Libraries, museums, galleries, or exhibition space;
- (.6) Post offices;]
- [(.7)](.5) Enclosed public space, enclosed gardens, public rooms, through-block connections.[; or]
- [(.8) Entrances to public transit stations or transit concourses.]

(c) Prohibited Uses and Development.

The following uses are prohibited:

- (.1) [Commercial vehicle repair and maintenance;
- (.2) Commercial vehicle sales and rental;
- (.3) Personal vehicle repair and maintenance;
- (.4) Vending machines, vendor stands and/or retail kiosks as the principal use of a lot or as a use accessory to a parking lot; and] *Vehicle and vehicular equipment sales and services uses*;
- (.2) *Wholesale, distribution, and storage uses*;
- (.3) *Non-accessory surface parking*; and
- [(.5)](.4) Drive-throughs.

(d) *For any lot within a CMX-1, CMX-2, CMX-2.5, or RM-1 district, the maximum number of dwelling units permitted is increased by 50%.*

(5) TOD Form and Design Standards.

[(a) Site and Building Design.

The following standards apply to buildings abutting a TOD Primary Street in any /TOD district:

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- (.1) The main building entry must face and be located along the TOD Primary Street.
- (.2) The ground floor facade must have transparent windows or other transparent glazed area covering 65% or more of the ground floor facade area. Reflective, heavily tinted, or black glass windows are prohibited.]

(a) *Dimensional Standards*

- (.1) *Properties in a zoning district where Table 14-701-1 (Dimensional Standards for Lower Density Residential Districts), 14-701-2 (Dimensional Standards for Higher Density Residential Districts), or 14-701-3 (Dimensional Standards for Commercial Districts) allows a maximum height of 38 ft. are subject to a maximum height of 45 ft.*
- (.2) *Properties in a CMX-3, CMX-4, CMX-5, or RMX-3 district are subject to a base maximum floor-area ratio that is 30% greater than that indicated in § 14-701 (Dimensional Standards)*
- (.3) *The minimum building height shall be 25 ft.*
- (.4) *New buildings must be built to the street line at ground level, along at least 80% of the primary street frontage, excluding curb cuts.*

(b) *Parking.*

The following standards apply in all /TOD [districts:] *Overlay Districts:*

- (.1) Accessory parking shall be required as follows: the lesser of [what is] (.a) *the required minimum for the proposed use, as adjusted by subsection (.2), below;* or (.b) *the number of accessory parking spaces in existence prior to the proposed use.*
- (.2) *Reductions in Parking Minimums*
 - (.a) *For lots within a CMX-4, CMX-5, RMX-3, or RM-4 district, any parking requirement otherwise applicable under §14-802(2) (Required Parking in Residential Districts) or §14-802(3) (Required Parking in Commercial Districts) is reduced by five spaces or by 50%, whichever reduction is greater.*

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- (.b) [Non-accessory parking garages and non-accessory surface parking lots may not front on a TOD Primary Street. Vehicle ingress and egress shall be prohibited to and from the TOD Primary Street.] *For lots within any other base zoning district, any parking requirement otherwise applicable under §14-802(2) (Required Parking in Residential Districts), §14-802(3)(Required Parking in Commercial Districts) or §14-802(4)(Required Parking in Industrial Districts) is reduced by five spaces.*
- (.3) Accessory surface parking lots and accessory parking garages [on a TOD Primary Street] are prohibited between the principal structure and the *street frontage*. [TOD Primary Street. Vehicle ingress and egress shall be prohibited to and from the TOD Primary Street; if access from a street other than the TOD Primary Street cannot be provided due to site or topography constraints, no parking is required notwithstanding the provisions of this Zoning Code.]
- (.4) Accessory and non-accessory parking garages must have active ground floor uses as listed in § 14-513(4)(b), above.
- (.5) *For non-residential uses, any accessory parking requirement otherwise applicable under Chapter 14-802 may not be exceeded by more than 50%.*
- (.6) *For residential uses, no more than one auto parking space may be provided per every two housing units, rounding up to the nearest whole number.*
- (.7) *No more than one curb cut may be permitted along each street frontage of a property; provided, however, that a second curb cut may be permitted if a minimum of 200 linear ft. is provided between each curb cut.*

[(6) Additional Standards for /TOD-1 and /TOD-2 Districts.

(a) Additional Standards for /TOD-1 Districts Only.

Notwithstanding the provisions of this Zoning Code, the following provisions shall apply in any /TOD-1 district.

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(.1) Properties zoned CMX-3 are eligible to earn additional floor area pursuant to § 14-702(7) (Mixed Income Housing) and § 14-702(10) (Green Building).

(.2) Buildings on Commercially- and Industrially-zoned lots may occupy up to 100% of the lot area.

(b) Parking and Off-Street Loading Standards.

Notwithstanding the provisions of this Zoning Code, the following provisions shall apply in any /TOD-1 and /TOD-2 district.

(.1) Minimum parking requirements otherwise applicable under Chapter 14-800 are reduced by 50%.

(.2) No off-street parking is required for buildings that have a gross floor area of 10,000 sq. ft. or less.

(.3) Each off-street loading space shall be located within a totally enclosed structure within the building it serves, or in the case of multiple buildings, within an enclosed structure with direct access to each building the loading space serves.

(c) Dimensional Standards – Frontage on a TOD Primary Street.

Notwithstanding the provisions of this Zoning Code, the following provisions shall apply in any /TOD-1 and /TOD-2 district to any lot fronting on a TOD Primary Street.

(.1) Properties in a residentially-zoned district where Tables 14-701-1 or 14-701-2 allow a maximum height of 38 ft. are subject to a maximum height limit of 45 ft.

(.2) Properties in a CMX-1, CMX-2, CA-1, or CA-2 district are subject to a maximum height limit of 55 ft.

(.3) The minimum building height shall be 25 ft.

(.4) New buildings must be built to the street line at ground level, along at least 80% of the street frontage, excluding curb cuts.

(7) Additional Standards for /TOD-3 Districts.

All new parking garages shall have a lobby area.]

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CHAPTER 14-700. DEVELOPMENT STANDARDS.

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§ 14-702. Floor Area and Height Bonuses.

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(3) Floor Area Bonus Options Summary Table.

The following table summarizes the floor area bonus options in this section. In the event of conflict between the provisions of Table 14-702-1 and the text of this Zoning Code, the text shall govern.

Table 14-702-1: Floor Area Bonus Summary

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Bonus Category	Additional Gross Floor Area, as Percent of Lot Area (see § 14-701(2) (Residential District Dimensional Tables) and § 14-701(3) (Commercial Districts Dimensional Table) for the maximum allowed base floor area ratios for each district.)				
	RMX-3	CMX-3 as provided in § 14-702(2)(c) (except in /TOD)	CMX-3 (within /TOD only)	CMX-4	CMX-5
Public Art (§ 14-702(5))	N/A	N/A	N/A	50%	100%
Public Space (§ 14-702(6))	N/A	N/A	Up to 50%	Up to 200%	Up to 400%
Mixed Income Housing (§ 14-702(7))	N/A	150%	200%	150%	300%
Transit Improvements (§ 14-702(8))	N/A	N/A	Up to 100%	Up to 200%	Up to 400%
Underground Accessory Parking and Loading (§ 14-702(9))	100%	N/A	50%	100%	200%
Green Building (§ 14-702(10))	N/A	Up to 100%	Up to 100%	Up to 200%	Up to 400%

* * *

(5) Public Space.

The public space bonus may be earned by providing (1) open space, public parks and/or public plazas or (2) a public room. Public open space, public parks or public plazas provided to earn a floor area or height bonus shall count towards the required open area.

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(c) Bonus Floor Area or Building Height.

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The additional gross floor area or building height earned by providing public space is:

Amount of Public Space as Percentage of Lot Area	Additional Gross Floor Area, as Percentage of Lot Area			Additional Building Height	
	<i>CMX-3 (within /TOD only)</i>	CMX-4	CMX-5	/CDO	/ECO
5-10% of lot area	30%	100%	200%	N/A	N/A
11-20% of lot area	40%	150%	300%	12 ft.	12 ft.
21-30% of lot area	50%	200%	400%	24 ft.	24 ft.

(7) Mixed Income Housing.

* * *

(b) Bonus Floor Area or Building Height.

The additional gross floor area or building height earned for providing mixed-income housing is:

Additional Gross Floor Area, as Percentage of Lot Area				Additional Building Height	
CMX-3 as provided in § 14-702(2)(c) (except in /TOD)	<i>CMX-3 (within /TOD only)</i>	CMX-4	CMX-5	/CDO	/ECO
150%	200%	150%	300%	48 ft.	48 ft.

(8) Transit Improvements.

* * *

(b) Bonus Floor Area or Building Height.

The additional gross floor area or building height earned by providing transit improvements is:

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Additional Gross Floor Area, as Percentage of Lot Area			Additional Building Height
<i>CMX-3 (within /TOD only)</i>	CMX-4	CMX-5	/CDO
<i>25% of lot area per each 1% of estimated building hard costs spent on transit improvements, up to a maximum of 100% of lot area</i>	50% of lot area per each 1% of estimated building hard costs spent on transit improvements, up to a maximum of 200% of lot area	100% of lot area per each 1% of estimated building hard costs spent on transit improvements, up to a maximum of 400% of lot area	12 ft. per each 1% of estimated building hard costs spent on transit improvements, up to a maximum of 72 ft.

(9) Underground Accessory Parking.

* * *

(b) Bonus Floor Area.

The additional gross floor area earned by providing underground accessory parking is:

Additional Gross Floor Area, as Percentage of Lot Area			
RMX-3	<i>CMX-3 (within /TOD only)</i>	CMX-4	CMX-5
100%	<i>50%</i>	100%	200%

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SECTION 2. This Ordinance shall take effect immediately.

Explanation:

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

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CERTIFICATION: This is a true and correct copy of the original Bill, Passed by the City Council on June 22, 2017. The Bill was Signed by the Mayor on July 11, 2017.



Michael A. Decker
Chief Clerk of the City Council