

# City of Philadelphia



(Bill No. 080130)

## 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 14-1600. MISCELLANEOUS.

\* \* \*

§ 14-1640. *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 overlay, 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 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.*

# City of Philadelphia

BILL NO. 080130 continued

Certified Copy

*(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. 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. In addition to the uses permitted in the underlying zoning classification, the uses permitted in this District shall be the erection, construction, alteration, or use of buildings and/or land for:*

*(.1) Attached single-family, duplex or multiple dwellings;*

*(.2) Retail sales;*

*(.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;*

*(.6) Any combination of permitted uses in a single structure.*

# City of Philadelphia

BILL NO. 080130 continued

Certified Copy

- (b) Prohibited Uses. The following uses shall be prohibited:*
- (.1) Automobile sales lot, automobile rental or leasing lot;*
  - (.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) Automobile service station for the dispensing of automobile fuels, lubricants, fluids and/or accessories when located on the Designated Commercial Street;*
  - (.6) Public parking lot as a principal use when located on the Designated Commercial Street;*
  - (.7) Private parking lot as a principal use when located on the Designated Commercial Street;*
  - (.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) Dispensing windows which open onto the Designated Commercial Street.*

*(6) Area Regulations.*

*(a) Occupied Area. Commercially and Industrially zoned buildings may occupy up to 100% of the lot area;*

*(b) Open Area. For commercially and Industrially zoned buildings, open area shall not be required.*

*(7) Building Heights.*

*(a) Except as provided in subsection (c), where the underlying residential zoning of a property provides for a maximum height of thirty-five (35) feet, 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 zoned C-1, C-2 or C-7, with frontage on the Designated Commercial Street, shall be fifty-five (55) feet.*

# City of Philadelphia

BILL NO. 080130 continued

Certified Copy

*(c) The maximum height of any building located on the Designated Transit Station Blockface shall be seventy-five (75) feet, unless the underlying zoning of the property allows for a larger maximum. For purposes of this subsection, the Designated Train Station Blockface shall mean the blockface on which the primary entrance to the Designated Train Station is located, as well as the blockface on the opposite side of the street on which such primary entrance is located.*

*(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. Buildings shall be built to the street line, at ground level, for at least eighty percent (80%) of the street frontage, excluding curb cuts.*

*(9) Building entries: The main building entry of any building abutting the Designated Commercial Street must be located along the Designated Commercial Street.*

*(10) Windows. For facades facing the Designated Commercial Street, windows shall be required for a minimum of sixty-five percent (65%) of the façade area on the ground floor. Reflective, heavy tinted or black glass in windows is prohibited.*

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

*(a) Active Uses. The following uses, either individually or in combination, shall qualify as active uses in meeting the requirements for such space, to the extent any such use is permitted on such property by this Code:*

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

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

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

*(.4) Post Offices;*

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

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

*(12) Requirements for parking garages and surface parking lots. All parking garages and surface parking lots, located on lots abutting the Designated Commercial Street, shall comply with the following requirements in addition to any other applicable, not inconsistent 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;*

# City of Philadelphia

BILL NO. 080130 continued

Certified Copy

*(b) No surface parking lot or garage façade shall be permitted on the Designated Commercial Street. Garages on the Designated Access Streets shall have active ground floor uses, as set forth in subsection (11)(a);*

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

*(.1) The requirements of Section 14-1402(9)(a)(.3), (.4) and (.5), relating to screening and landscaping, must be met, regardless of the underlying zoning classification.*

*(.2) Any accessory open-air parking lots on the Designated Commercial Street must be located directly to the rear of the building fronting on the Designated Commercial Street.*

*(13) Off-street Loading. 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, or in the case of multiple buildings, within an enclosed structure with direct access to each building the loading space serves.*

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

*(a) Parking for Existing Buildings: Any existing building that is converted to a new use shall not be required to provide any additional parking as a result of such conversion.*

*(b) Parking for New Buildings: For new buildings, parking requirements shall be reduced by fifty percent (50%) from the number of parking spaces otherwise required by this Code. In projects with less than 10,000 square feet in gross floor area, or if the number of required parking spaces is less than five spaces, no parking shall be required.*

*(15) Signage.*

*(a) No signs shall be permitted above the bottom of the second floor of the building.*

*(b) For properties where no commercial signage is permitted by the underlying zoning district, signage will be permitted as provided for in Section 14-303(8), relating to signs in a C-2 District.*

*(16) Conflicting Regulations. Unless otherwise specified, when any of the provisions of this Section conflict with any other provisions of the Zoning Code, the provisions of this Section shall control.*

# City of Philadelphia

BILL NO. 080130 continued

Certified Copy

**Explanation:**

*Italics* indicate new matter added.

# City of Philadelphia

BILL NO. 080130 continued

Certified Copy

# City of Philadelphia

BILL NO. 080130 continued

Certified Copy

CERTIFICATION: This is a true and correct copy of the original Bill, Passed by the City Council on November 19, 2009. The Bill was Signed by the Mayor on December 1, 2009.



Michael A. Decker  
Chief Clerk of the City Council