



City of Philadelphia

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

BILL NO. 070907

Introduced October 25, 2007

Councilmembers Savage, DiCicco and Krajewski

**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 14-310, entitled "Transit-Oriented Development District," 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 by adopting a new Section 14-310, entitled "Transit-Oriented Development District," to read as follows:

TITLE 14. ZONING AND PLANNING.

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CHAPTER 14-300. COMMERCIAL DISTRICTS.

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§14-310. Transit-Oriented Development District.

§14-310.1 Transit-Oriented Development (TOD) District

(1) Legislative Findings. The Council finds that:

(a) The current neighborhood commercial zoning classifications and associated use and parking regulations applicable to these districts discourages transit-oriented development, defined as development that supports the use of public transit, as well as walking and bicycling. The City of Philadelphia can better support these modes of

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transportation by establishing Transit-Oriented Development (TOD) Districts that encourages mixed-use, higher-density development near transit stations.

(b) The current C-1, C-2, and C-3 commercial districts do not contain site design requirements that preserve the walkability and character of the public streets and street walls formed by infill development, nor do they establish maximum and/or and minimum building heights to protect adjacent residential areas from incompatible development.

(c) The current C-1, C-2, and C-3 districts permit development to be set back from the property line and allow for automobile-oriented development.

(d) Given that the amount of commercial development promoted by existing zoning in some commercial corridors exceeds the demand for such space, relaxing the existing limitations on land uses within commercial corridors will contribute to the reuse of existing buildings and promote mixed-use projects more responsive to market conditions.

(e) Within areas designated as Transit-Oriented Development Districts, additional density will be permitted. However this additional density should not create structures incompatible with adjacent residential areas. Therefore, this section specifies maximum building heights to prevent the erection of buildings that are out of scale with their surroundings.

(f) To address the need to enhance existing commercial corridors located close to transit, it is the intent of this section to encourage enhanced pedestrian amenities, establish “build to lines,” public open space, and buildings with well-designed street frontage to create a positive impact on the appearance and function of the TOD elements designated in this section.

(2) Designation of Transit-Oriented Development (TOD) District Elements: The following elements shall be designated for each TOD District and shall be used to determine the land use and development standards applicable to parcels zoned “Transit-Oriented Development District:”

(a) Designated Commercial Street: The Designated Commercial Street is the primary public street that passes through the TOD District that has a commercial character and is served by a fixed rail, elevated, or subway public transit route.

(b) Designated Transit Stations: Designated transit stations are stations located along the Designated Commercial Street.

(c) Designated Station Area: Designated Station Areas are defined as the area containing parcels located within a 1/8 of mile radius around designated transit stations. In instances where only a portion of a parcel is included, the Designated Station Area shall extend to the nearest street.

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(d) Designated Station Access Streets: Designated Station Access Streets are streets intersecting the Designated Commercial Street within Designated Station Areas.

(3) Use Regulations: The specific uses permitted in these districts shall be the erection, construction, alteration, or use of buildings and/or land for:

(a) Single and multiple family residential;

(b) Retail sales;

(c) Professional offices;

(d) Any other use permitted in any residential district;

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

(f) The following uses shall be prohibited:

(.1) Automobile sales lot, automobile rental or leasing lot, automobile repair or service station, the sale and installation of motor vehicle parts, and car wash and cleaning services,

(.2) Commercial outdoor advertising and/or commercial non-accessory advertising signs as permitted in §14-1604;

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

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

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

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

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

(.8) Any regulated use as listed under Zoning Code §14-1605;

(.9) Fortune Telling Establishments, and;

(.10) Employment Agencies.

(.11) Establishments whose primary services offered are nail care related such as manicures or pedicures, “nail salons”

(.12) Take-out only restaurants, establishments which only sell food to be consumed off premises

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

(.14) Retail sale of used appliances

(4) Area Regulations

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

(b) Open Area: Open area will not be required.

(5) Building Heights;

(a) Maximum building heights: The maximum height of buildings located within 650 feet of a Designated Transit Station shall be 75 feet and the minimum floor to floor height of the floor located at street level shall be 15 feet. The maximum height of buildings located within the boundaries of the Transit-Oriented Development District with frontage on the Designated Commercial Street shall be 55 feet and the minimum floor-to-floor height of the floor located at street level shall be 15 feet. For buildings within the boundaries of the Transit-Oriented Development District without frontage on the Designated Commercial Street, the maximum height shall be 45 feet.

(6) Building Setbacks; Set-back of buildings or structural elements of buildings shall comply with the following requirements:

(a) Buildings shall be built to the property line;

(b) Buildings located adjacent to elevated structures that provide a right of way for public transit vehicles are permitted a maximum setback of 25 feet. Parking shall not be permitted in the setback area;

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

(d) Windows, Doors and Architectural Recesses. For facades facing the Designated Commercial Street and within Designated Station Areas, 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.

(7) Active Space Requirements. All ground floor building spaces facing the Designated Commercial Street within the TOD District shall have active uses.

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(a) *Active Uses; The following uses, either individually or in combination, shall qualify as active building spaces in meeting requirements for such space as set forth herein:*

(.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.

(8) Allowable Floor Area: Buildings in the TOD District shall have a minimum FAR of 200% and a maximum FAR of 300%, except for properties located in the Designated Station Areas which shall have a maximum FAR of 400%.

(a) Additional Gross Floor Area Incentives. An additional FAR of 100% percent may be added to the FAR permitted in (8) above for buildings that achieve a LEED certification and incorporate a green roof over 75 percent of the building footprint. The LEED score for proposed projects shall be submitted as part of the building permit application and shall be considered a building permit requirement;

(b) Where a building setback is permitted, an additional FAR of 100% percent may be added to the FAR permitted in (8) above 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.

(9) Requirements for above ground parking garages and surface lots; All above ground parking garages located on lots abutting the Designated Commercial Street identified in this section shall also comply with the following requirements:

(a) All parking garages located on lots abutting the Designated Commercial Street identified in this section shall provide ingress and egress to the garage at a location other than the Designated Commercial Street. There will be no curb cuts or driveways permitted on the Designated Commercial Street;

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(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 will be allowed on the Designated Commercial Street. Garages shall have active ground floor uses on the Designated Commercial Street, Designated Station Access Streets, and other pedestrian streets that provide access from the surrounding neighborhood to the Designated Transit Station and public open space;

(d) All permitted surface parking lots, which are accessory to a permitted use, shall be subject to the following conditions:

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

(10) 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, 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

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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.

(11) 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 which contain retail uses shall provide an area for off-street trash storage within the building, 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 in this district placed on a lot after the effective date of this ordinance shall have a garbage disposal system, within a completely enclosed structure on the same lot as the building it serves.

(12) Parking Requirements: Within designated TOD Districts, parking for permitted uses shall be reduced from the requirements in 14-400 as set forth in the provisions of this section, and shall not exceed the maximum amount of required parking:

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(a) Parking for Existing Buildings: Parking for the reuse of existing buildings will not be required.

(b) Parking for New Buildings: For new buildings, parking requirements shall be reduced 25% for projects located within 1/4 mile of Designated Transit Station. 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) Bicycle parking facilities shall be provided for all office and multi-unit residential structures;

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

(13) Design Review for New Construction: Design review is required for new buildings located within 1/4 mile of transit stations. No permits for new projects shall be issued by the Department of Licenses and Inspections until such time as the Department has been notified by the City Planning Commission of its comments and recommendations.

(a) Prior to the issuance of any permits, zoning refusals, and/or references to the Zoning Board of Adjustment, the Department of Licenses and Inspections shall refer the plans for the proposed project to the City Planning Commission for review and comment;

(b) The applicant shall provide the City Planning Commission with a copy of the application for a Zoning and/or Use Registration Permit and all information that the City Planning Commission may deem necessary to carry out the review of the proposed project, including but not limited to, architectural renderings and/or elevations of the proposed facade, tabulation of floor area and FAR calculation, internal circulation plans for each floor, location and direction of all curb cuts, documentation of proposed LEED Certification, and streetscape design.

(c) The design guidelines for TOD Districts shall be posted on the City Planning Commission website and made available by the City Planning Commission. These guidelines contain the criteria that will be used to review proposed projects.

(14) Signage:

(a) There will be no signs allowed above the ground floor level.

(b) There will be no razor sign allowed.

14-310.2 Establishment of a Frankford Avenue Transit Oriented Development (TOD) District:

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- (a) *Designated Commercial Street: The Designated Commercial Street will include commercially-zoned properties with street frontage on Frankford Avenue from Cheltenham Avenue to The Frankford Creek.*
- (b) *Designated Transit Station: For the purpose of the Frankford Avenue TOD District, Designated Transit Stations will include: Church Street, Margaret-Orthodox, and the Frankford Avenue Transit Terminal.*
- (c) *Designated Station Area: Designated Station Areas are defined as parcels or portions of parcels located within a 1/8 of mile radius around Designated Transit Stations.*
- (d) *Designated Station Access Streets: For the purposes of the Frankford Avenue TOD District, Station Access Streets shall be Church Street, Orthodox Street, Margaret Street, Arrott Street, Oxford Street, Pratt Street, and Bridge Street between Griscom Street and Darrah Street, within the area mapped on the zoning maps with the TOD designation.*

Explanation:

Italics indicate matter added.

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