



City of Philadelphia

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

BILL NO. 090349

Introduced April 30, 2009

Councilmember Krajewski

**Referred to the
Committee on Rules**

AN ORDINANCE

Amending Title 14 of The Philadelphia Code, entitled "Zoning and Planning," by creating a new Section 14-1636, entitled "Delaware River Conservation District," providing for special use rules for development along the North Delaware River, under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Title 14 of The Philadelphia Code is amended to read as follows:

TITLE 14. ZONING AND PLANNING.

* * *

CHAPTER 14-1600. MISCELLANEOUS.

* * *

§ 14-1636. *Delaware River Conservation District.*

(1) *Legislative Findings and Purpose.*

(a) *The Delaware River Conservation District is intended to encourage and renew the connection of the citizens of Philadelphia to the North Delaware Riverfront.*

City of Philadelphia

BILL NO. 090349 continued

(b) Various neighborhoods have their own individual visions of the Delaware River Waterfront and would like to have a voice in future access to the waterfront and development along it.

(c) Under Article 1, Section 27 of the Constitution of the Commonwealth of Pennsylvania, the people of Philadelphia have a right to protect their neighborhoods and to preserve the unique contributions of Philadelphia's neighborhoods for all Philadelphia and its residents.

(d) Development within the district must, where possible, proceed in a manner that maximizes the preservation of open space and existing topography, riverbank and other natural amenities.

(e) New development in the district must incorporate construction of a recreation path. Development of the recreation path will enhance the value of adjoining land by creating and preserving attractive green space and making the edge of the Delaware River more accessible.

(f) The purpose of this Chapter is to further enhance the quality of life in Philadelphia by promoting and protecting a system of parks and trails along the North Delaware River called the "Delaware River Greenway."

(2) Definitions. The following words and phrases have the meaning given them in this Section:

(a) Commission. The City Planning Commission.

(b) District. The Delaware River Conservation District.

(3) Boundaries. The boundaries of the District are:

(a) on the south, the south side of Allegheny Avenue;

(b) on the north, the Philadelphia-Bucks County Line;

(c) on the east, the western Bulkhead Line of the Delaware River as amended by the Secretary of War on September 10, 1940. If, due to erosion, accretion or human activity, the top of the west bank of the Delaware River has substantially moved away from the western Bulkhead Line, then the most westerly line along the top of

City of Philadelphia

BILL NO. 090349 continued

the west bank is the eastern boundary of this district. Any discrepancies between the physical top of the bank and Bulkhead Line along the west bank of the Delaware River shall be surveyed by the District Surveyor and the Board of Surveyors of the Department of Streets shall keep the survey on file and available for public inspection; and

(d) on the west, a line 50 feet west of the eastern boundary.

(4) Use Regulations -- Permitted uses. In addition to any uses permitted by a property's underlying zoning, the following uses are permitted in the District:

(a) Recreational trails.

(b) Parks or open space for recreational purposes.

(c) Outdoor furniture and fixtures typically appurtenant to recreational trails, parks, and outdoor public recreation space, including but not limited to benches, fencing, guide rails, lighting and informational signs.

(5) Use Regulations -- Permitted uses with Commission approval. The following additional uses are permitted in the District, but only if and to the extent compatible with the open space uses listed above, as determined by the Commission and the City Council as provided in subsection (9):

(a) Dock or port related activities, including docking or wharfing of ships for transfer of goods and related commercial trade activities;

(b) Private marina and boat storage in areas designated by the City for launching watercraft into the Delaware River and pulling watercraft from the river;

(c) Pipelines and conveyors that transfer material from shipping on the Delaware River across the west Bulkhead Line of the river to a point inland, over or under the recreation path, park, or other open space, and that allow sufficient clearance for safe recreational use, maintenance, and repair thereof; and

(d) City-owned facilities of any type.

(6) Use Regulations -- Prohibited uses. Notwithstanding any contrary provision of this Code, the following uses are prohibited within the District:

(a) Freestanding accessory advertising signs.

City of Philadelphia

BILL NO. 090349 continued

(b) Non-accessory advertising signs.

(7) Use Regulations -- Required uses. No construction, improvement or major alterations shall be permitted in the District unless, in conjunction with such activity, the owner or developer sets aside land for, and the Commission approves the owner or developer's plan for, construction of a recreational trail in conformity with "The Design Criteria of the North Delaware Trail," as approved by, and as may be amended from time to time by, the Commission.

(8) Applicability.

(a) Except as otherwise provided in this Section, all other provisions of this Title, including provisions relating to the underlying zoning of any property, shall continue to apply in the District.

(9) Procedure for Issuance of Permits in the District.

(a) Before a zoning permit may be issued for any development in the District, the Commission shall review the application and accompanying plans. If the Commission determines that all proposed uses in the application are permitted as of right by this Section and the application otherwise is in compliance with this Section, the Commission shall approve the application and forward it to the Department for any further zoning review or issuance of the permit. If the Commission determines that a proposed use should be permitted under subsection (5), the Commission shall lodge such determination with the Chief Clerk of Council, with notice to the applicant, whereupon the determination shall become final if Council fails to adopt an ordinance to override such determination within 45 days after the recommendation is lodged, at which time the Commission shall forward the application to the Department for any further zoning review or issuance of the permit.

(b) Any application under this Section shall be accompanied by:

(.1) A plan showing the area set aside for a recreation path and a plan for the construction of the path; and

(.2) Such other information as the Commission shall require.

(c) Decisions of the Commission under this Section shall be reviewable on appeal by the Zoning Board, pursuant to Section 14-1801, upon issuance or denial of the permit by the Department.