



# City of Philadelphia

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

**BILL NO. 090170**

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**Introduced March 5, 2009**

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**Councilmember DiCicco**

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**Referred to the  
Committee on Rules**

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## **AN ORDINANCE**

Amending Title 14 of The Philadelphia Code, entitled "Zoning and Planning," by adding a new Section 14-1636, entitled "Central Delaware Riverfront Overlay District," and by amending Section 14-102, entitled "Definitions," 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.

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#### § 14-102. Definitions.

In Chapters 14-100 through 14-1800 inclusive, the following general definitions shall apply:

\* \* \*

*(13.1) Auto-share space. A parking space reserved for vehicles owned by an organization that provides public access to a fleet of automobiles on an hourly basis, or in smaller intervals, and maintains said automobiles, which must be located at unstaffed, self-service locations (other than any incidental garage valet service) and generally available for pick-up by members 24 hours per day.*

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#### § 14-1636. Central Delaware Riverfront Overlay District.

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(1) *Legislative Findings.*

(a) *In 2006, Mayor John Street issued an Executive Order creating the Central Delaware Advisory Group (CDAG), chaired by the Philadelphia City Planning Commission, comprised of neighborhood groups and interested parties. PennPraxis, the non-profit, clinical consulting arm of the School of Design of the University of Pennsylvania, performed as the primary consultant to the Group. CDAG's goal was to create a vision for the future development of the Central Delaware riverfront. Over the following year, CDAG, Philadelphia's citizens, state and city government leaders, property owners, and experts from across the country, developed a "Civic Vision" for the Central Delaware River waterfront.*

(b) *Along the Delaware Riverfront, there are a number of underutilized, vacant parcels that tend to contribute to the deterioration of the economics and aesthetics of the area.*

(c) *Over the past several years, the public has taken a large interest in riverfront development and public access. The City must take steps to consider and protect the long-term future of the riverfront in order to support a mix of housing, retail, commercial activity, industry, port-related uses, parks and recreational activities.*

(d) *The Delaware Riverfront is important to the economic vitality of the City. Encouraging a mixture of uses will drive new economic growth and bring life to the waterfront.*

(e) *Developing a continuous recreational experience along the riverfront, allowing continuous public access, will enhance public space and the economic vitality of the area. In addition, this buffer will ensure the environmental health of the Delaware River. The creation of public space and access along the riverfront must be balanced by the property rights of landowners with community values.*

(f) *The Delaware Riverfront is a resource available to development that will attract new families to the City, create permanent jobs and strengthen the tax base.*

(g) *This district is established in order to encourage the revitalization of the Central Delaware Riverfront in a manner that is consistent with portions of the citizen-driven "Vision" for the riverfront and sound urban planning principles adopted by the Commission. This section of the City presents a diverse collection of uses, ranging from the working port and large retail establishments in the southern portion to high-rise residential communities in the north. Special land use controls and design guidelines will help promote long-term economic viability and to provide for a framework for future growth.*

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(2) *District Boundaries.* The Central Delaware Riverfront Overlay District shall consist of all properties located in the area bounded by the south curblineline of Allegheny Avenue on the north, the Delaware River on the east, the north curblineline of Oregon Avenue on the south and the east curblineline of Interstate 95 on the west. Unless otherwise specified, the provisions of this Section shall apply to all properties in the Central Delaware Riverfront Overlay District.

(3) *Prohibited Uses.* The following uses shall be prohibited in the Central Delaware Riverfront Overlay District:

- (a) *Non-Accessory Signs;*
- (b) *Private bus terminals;*
- (c) *Any use designated a "Regulated Use" under Section 14-1605;*
- (d) *Buildings or structures with gross floor area in excess of 40,000 square feet, with a single retail store as a principal or predominant use;*
- (e) *East of Delaware Avenue or Columbus Boulevard: Parking garages as a main use. West of Delaware Avenue or Columbus Boulevard: Parking Garages are only permitted with Commission approval;*
- (f) *Parking lots as a main use;*
- (g) *Self-storage facilities.*

(4) *Active Use Requirements.* New construction in commercially zoned districts with street frontage on either Delaware Avenue or Columbus Boulevard shall include retail commercial, office commercial, multi-family lobbies, art related or entertainment uses at the ground floor of buildings facing Delaware Avenue or Columbus Boulevard.

(5) *Waterfront Setback.* New construction abutting the Delaware River shall provide an unencumbered setback from the top of the bank of the Delaware River at high water mark, as determined by survey, sufficient to allow for reasonable public access to the river's edge. The Commission shall determine the contours and dimensions of the setback, which, except for where not feasible as determined by the Commission, shall have a width of no less than fifty (50) feet and no greater than one hundred (100) feet at any location in order to accommodate access along the riverfront. Setbacks on the piers shall be determined in conjunction with the Pennsylvania Department of Environmental Protection and, where applicable, the United States Army Corps of Engineers. This waterfront setback shall be open to the public, may be publicly or privately owned, and shall include a right-of-way dedicated for pedestrian and bicycle traffic. A landowner

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*shall be entitled to present an application to the Commission for prior approval of the setback and access in advance of a zoning application or at any time, which the Commission shall in its discretion certify as reasonable access along and to the riverfront. Within one hundred twenty (120) days of the effective date of this Ordinance, the Commission shall adopt regulations necessary to implement the provisions of this Section.*

(6) *Waterfront Access. One or more open air access points to the riverfront shall be provided at a cumulative width of no less than twelve (12) feet on piers where a setback exists and twenty-five (25) feet at all other locations, except where such access is not feasible as determined by the Commission. The access path shall be open to the public 24 hours a day, seven (7) days a week unless the Commission determines that for reason of public health or safety that other hours are appropriate. An access path may be shared by two or more adjacent property owners via an easement agreement between the parties. Evidence of such an easement must be submitted to the Department prior to the issuance of any zoning permits. If a property abuts a legally open street which provides direct access to the waterfront public space, no additional open-air access is required on such property.*

(7) *Front Yard. For all new construction on properties fronting on Delaware Avenue or Christopher Columbus Boulevard, no front yard shall be permitted in excess of fifteen (15) feet and seventy-five (75) percent of the building line shall be occupied by the façade of the main building.*

(8) *Off-street parking. Open-air parking lots with five or more parking spaces shall comply with the provisions of Section 14-1403(6) regardless of the underlying zoning classification.*

(9) *Auto-share. Notwithstanding the provisions of Chapter 14-1400, the total number of required parking spaces for a property may be reduced through the addition of auto-share spaces. One auto-share space may replace four (4) required parking spaces. In no case may the number of auto-share spaces provided reduce the required number of parking spaces by more than forty (40) percent.*

(10) *Plan of Development. For all properties east of Columbus Boulevard/Delaware Avenue and for all other commercially zoned properties, no zoning permits shall be issued unless (i) the applicant shall have first submitted to the City Planning Commission, and the City Planning Commission shall have approved, a Plan of Development, which shall be approved by the Commission only if the Commission, in its discretion, has determined that the Plan of Development provides for development appropriate in scale, density, character and use for the surrounding community, and is consistent with applicable plans, and (ii) that the requested permits are in conformity with the approved Plan of Development. If the Commission fails to approve, disapprove,*

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*conditionally approve or table the proposal within 45 days after submission of complete plans to the Commission, the approval of the Commission shall be presumed. Within one hundred twenty (120) days of the effective date of this Ordinance the Commission shall adopt regulations providing objective standards for such design review necessary prior to implementing the provisions of this Section.*

*(11) Conflicting Regulations. When the provisions of this Section conflict with other provisions of this Title, the more restrictive provisions shall control.*

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SECTION 2. This Ordinance shall become effective immediately.

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**Explanation:**

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

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