

City of Philadelphia



(Bill No. 120654)

AN ORDINANCE

Amending Title 14 of The Philadelphia Code, entitled “Zoning and Planning,” by revising certain provisions and definitions, and making technical changes, all relating to stream buffers, waterfront setbacks, and certain overlay districts; and further approving a Water Department Hydrology Map designating watercourses subject to waterfront setback requirements; all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. The Hydrology Maps prepared by the Philadelphia Water Department and attached hereto as Exhibit “A” are hereby approved.

SECTION 2. For purposes of this Section, a horizontal line striking through a map shall indicate that such map is deleted from The Philadelphia Code. Title 14 of The Philadelphia Code is hereby amended to read as follows:

TITLE 14. ZONING AND PLANNING

* * *

CHAPTER 14-200. DEFINITIONS

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§ 14-203. Definitions.

* * *

(95) Directly Connected Impervious Surface.

As used in § 14-704(5) ([Stream Buffers] *Waterfront Setbacks*): An impervious or impermeable surface, which is directly connected to the City’s drainage system, as defined by the Philadelphia Water Department.

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CHAPTER 14-300. ADMINISTRATION AND PROCEDURES

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§ 14-301. Reviewers and Decision Makers.

* * *

(3) City Planning Commission.

* * *

(c) Review and Prerequisite Approval Authority.

(.1) The Commission provides prerequisite approvals for:

* * *

(.f) [Zoning permits regarding certain uses in the /DRC, Delaware River Conservation Overlay district. See § 14-508(2)(b) (Uses Requiring Planning Commission Approval).] *Reserved.*

* * *

§ 14-303. Common Procedures and Requirements.

* * *

Procedures that are common to several types of applications for permits, approvals, or variances are provided for in this section.

* * *

(6) Zoning Permits.

* * *

(c) Optional Conditional Zoning Permit Process.

The following process shall be available for any project subject to Civic Design Review. At the applicant's option, the applicant may apply for a zoning permit through a two-stage process by submitting an application for a conditional zoning approval, subject to the provisions of this § 14-303(6)(c), before submitting a zoning permit application. Applications for special exception approval and applications requiring a variance from the terms of this Zoning Code are not eligible for the conditional zoning approval process.

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(.1) A conditional zoning approval confirms that the application complies with all of the following:

* * *

(.d) The open space and natural resource protection standards of § 14-704(2) (Steep Slope Protection), § 14-704(4) (Flood Protection), and § 14-704(5) ([Stream Buffers] *Waterfront Setbacks*), as applicable;

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CHAPTER 14-500. OVERLAY ZONING DISTRICTS

* * *

§ 14-508. / DRC, Delaware River Conservation Overlay District.

* * *

(2) Use Regulations.

[(a) Permitted Uses. In addition to any uses permitted by a property's underlying zoning, the following uses and accessory structures are permitted in the district:

(.1) Recreational trails, which must conform to any design regulations adopted by the Commission.

(.2) Parks or open space for recreational purposes.

(.3) 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.

(b) Uses Requiring Planning Commission Approval. The following additional uses may be allowed in the /DRC district only if the Commission determines that they are compatible with the open space uses listed above:

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

(.2) Private marina and boat storage in areas designated by the City for launching watercraft into the Delaware River;

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(.3) 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

(.4) City-owned facilities of any type.

(c) Procedure for Issuance of Zoning Permits. Before L&I may issue a zoning permit for any development in the /DRC overlay district:

(.1) The Commission shall review the application and accompanying plans to determine if the proposed uses are in compliance with this §14-508 (/DRC, Delaware River Conservation Overlay District); and

(.2) If the Commission determines that a proposed use should be permitted under §14-508(2)(b) (Uses Requiring Planning Commission Approval), above, 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.

(d) Prohibited Uses.] The following uses are prohibited within the /DRC Overlay district:

[(.1)] (a) Freestanding accessory advertising signs.

[(.2)] (b) Non-accessory advertising signs.

[(.3)] (c) Any new structures, other than as necessary to support a use permitted by [§14-508(2) (Use Regulations)] § 14-704(5) (*Waterfront Setbacks*).

[(3) Zoning Permit Procedures. 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 L&I for any further zoning review or issuance of the permit.]

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CHAPTER 14-600. USE REGULATIONS.

* * *

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§14-601. Use Categories.

* * *

(9) Wholesale, Distribution, and Storage Use Category.

This category includes uses that provide and distribute goods in large quantities, principally to retail sales, commercial services, or industrial establishments. Long-term and short-term storage of supplies, equipment, commercial [goods] *goods*, *recyclable materials* and personal items is included. The wholesale, distribution, storage subcategories are:

* * *

(10) Industrial Use Category.

This category includes uses that produce goods from extracted and raw materials or from recyclable or previously prepared materials, including the design, storage, and handling of these products and the materials from which they are produced. The industrial subcategories are:

* * *

(f) Marine-Related Industrial.

Uses such as docks, wharves, piers, and related facilities, used in connection with the transfer, storage-in-transit and incidental processing of commercial cargo from or to waterborne [craft.] *craft*, including, but not limited to, *pipelines and conveyors that transfer equipment or materials to or from the Delaware River or the Schuylkill River*.

* * *

CHAPTER 14-700. DEVELOPMENT STANDARDS

* * *

§ 14-704. Open Space and Natural Resources.

* * *

(5) [Stream Buffers] *Waterfront Setbacks*.

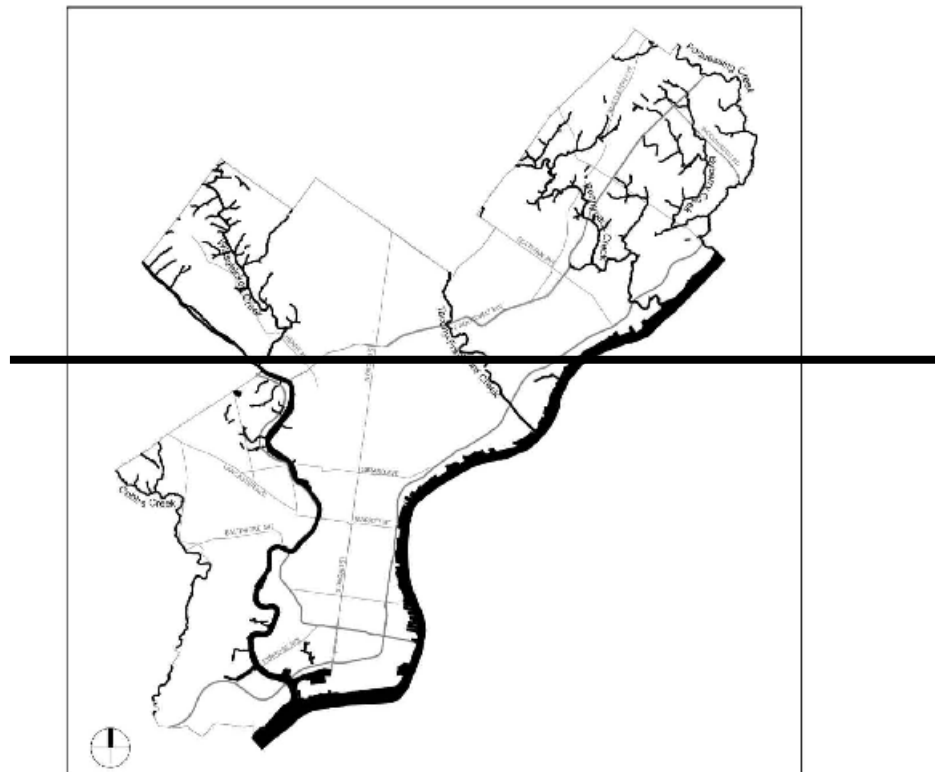
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(a) Applicability.

The [stream buffer] *waterfront setback* requirement shall apply to all lots sharing a boundary with any [water course that contributes to the City's surface drinking water sources. These requirements shall not take effect until Council approves, by ordinance, a Hydrology Map that designates these water courses. The map below is for illustrative purposes only.] *watercourse designated for protection, on the Hydrology Maps established by the Water Department and approved by the Ordinance amending this subsection (5)(a), for purposes that may include, but are not limited to, restoring and maintaining the City's water resources, restoring and maintaining drinking water sources; restoring and maintaining the base flow of streams; reducing and controlling erosion and sedimentation; reducing and controlling storm water runoff; stabilizing stream banks; and restoring and maintaining riparian habitats.*



Stream Buffer Map

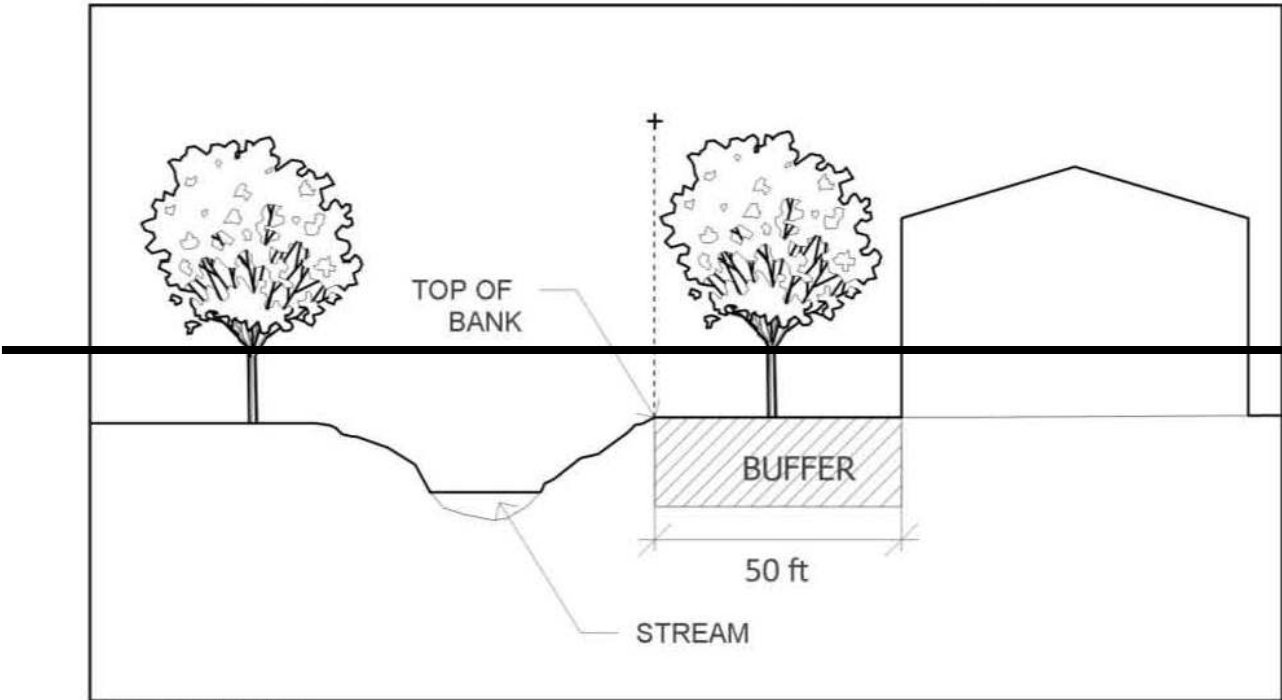
(b) General Standards.

(.1) All development shall provide a [stream buffer] *waterfront setback* at least 50 ft. wide measured perpendicular to and horizontally from the top-of-bank for all watercourses identified on the Hydrology Maps established by the Water Department and approved by ordinance pursuant to § 14-704(5)(a).

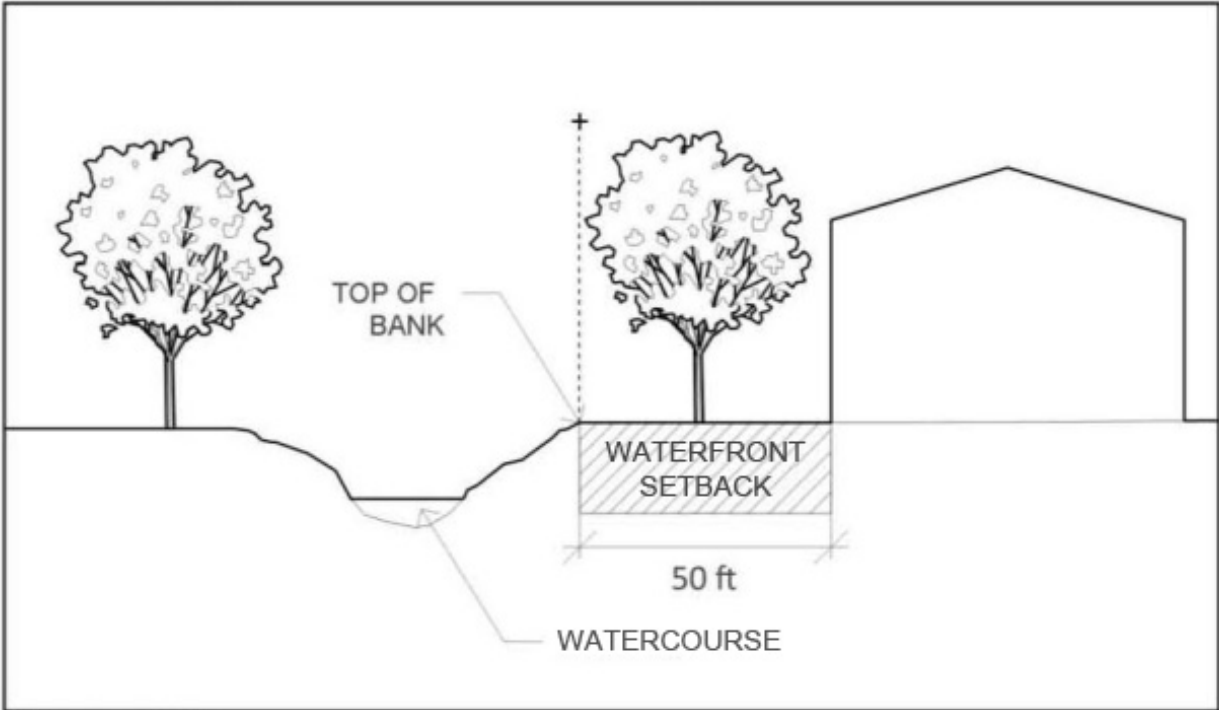
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Stream Buffer



WATERFRONT SETBACK

(.2) The following activities and uses are prohibited within the [stream buffer] *waterfront setback*:

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(.a) Permanent or temporary structures, except for *docks, piers, and* structures accessory to public *parks and* open space.

[(.b) Clearing of native or non-invasive vegetation.]

[(.c)](.b) Outdoor storage of materials.

[(.d)](.c) Roads and driveways.

[(.e)](.d) Parking lots.

[(.f)](.e) Any other directly connected impervious surface (see §14-203(95) (Directly Connected Impervious Surface), *except for recreational trails, which must conform to any design regulations adopted by the Commission.*

(.3) Portions of the lot within the [stream buffer] *waterfront setback* area may be counted towards any required open space on the lot.

(.4) Plantings within the [stream buffer] *waterfront setback* may count toward the minimum landscape requirements required by § 14-705 (Landscape and Trees). Any new landscape within the [stream buffer] *waterfront setback* shall use the plantings included on the native and non-invasive planting list in the Philadelphia Stormwater Management Guidance Manual.

(.5) *Stormwater management functions, approved by the Water Department, are permitted in the waterfront setback.*

(c) *Special Controls for the Delaware and Schuylkill Rivers.*

(.1) *Additional Permitted Uses. Notwithstanding the provisions of subsection (b)(.2), above, the following additional activities and uses shall be permitted within the waterfront setbacks along the Delaware River and Schuylkill River provided they are permitted by the underlying zoning:*

(.a) *Marine-Related Industrial;*

(.b) *Marinas;*

(.c) *Airport Related Facilities;*

(.d) *Basic and Major Utilities and Services;*

(.e) *City-owned facilities of any type.*

(d) *Transition.*

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Permits and approvals that are valid on the date this subsection becomes effective shall remain valid until their expiration date. Projects with valid approvals or permits may be carried out in accordance with the development standards in effect at the time of approval, provided that the permit or approval is valid and has not lapsed. No provision of this subsection shall require any change in the plans, construction, or designated use of any structure for which a building permit has been issued prior to the effective date of this subsection. Any re-application for an expired permit or approval, including special exception and regulated use approvals, shall meet the standards in effect at the time of re-application.

* * *

SECTION 3. The Chief Clerk of Council and the City Planning Commission are directed to keep a copy of the Hydrology Maps attached hereto as Exhibit "A" on file in their offices for review by the public, and such maps shall be made publicly available online by the Chief Clerk of Council.

SECTION 4. This Ordinance shall become effective 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 November 29, 2012. The Bill was Signed by the Mayor on December 11, 2012.



Michael A. Decker
Chief Clerk of the City Council