

Legislation Text

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Amending Title 14 of The Philadelphia Code, entitled "Zoning and Planning," by repealing and replacing Section 14-507, entitled "/CDO, Central Delaware Riverfront Overlay District," to provide for new special controls, and by amending Section 14-702, entitled "Floor Area Bonuses," to provide for floor area and height bonuses for the Central Delaware Riverfront, and to make adjustments to the criteria for bonuses relating to public open space, transit improvements and green development, all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Section 14-507 of The Philadelphia Code, entitled "/CDO, Central Delaware Riverfront Overlay District," is hereby repealed.

SECTION 2. Title 14 of The Philadelphia Code is amended to read as follows:

TITLE 14. ZONING AND PLANNING

* * *

CHAPTER 500. OVERLAY ZONING DISTRICTS

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§14-507. /CDO, Central Delaware Riverfront Overlay District.

- (1) **Purpose.** *The Central Delaware Riverfront Overlay District is intended to connect the public and neighborhoods to the waterfront; promote sound economic development; preserve and create jobs; support diverse, walkable neighborhoods; and preserve and renew historic and natural resources.*
- (2) **District Boundaries.** *The Central Delaware Riverfront Overlay District shall consist of all lots, except for lots zoned I-P, located in the area bounded by Allegheny Avenue; the pierhead line of the Delaware River, as established by the Secretary of War on September 10, 1940; Oregon Avenue; and the east side of Interstate 95, as shown on the following map for illustrative purposes only.*
- (3) **River Access Streets.** *For the purposes of this §14-507, "river access streets" shall mean the following streets:*
 - (a) *Dickinson Street.*

- (b) *Washington Avenue.*
- (c) *Christian Street.*
- (d) *Race Street.*
- (e) *Callowhill Street.*
- (f) *Spring Garden Street.*
- (g) *Frankford Avenue.*
- (h) *Columbia Avenue.*

(4) Uses.

- (a) *Non-accessory surface parking lots are prohibited on lots with frontage on Delaware Avenue, Christopher Columbus Boulevard, or a river access street.*
- (b) *Uses in the vehicle and vehicular equipment sales and services category are prohibited on lots with frontage on Delaware Avenue, Christopher Columbus Boulevard, or a river access street; except personal vehicle sales and rental shall be permitted west of Delaware Avenue or Christopher Columbus Boulevard provided that:*
 - (.1) *The use is an automobile showroom in an enclosed structure;*
 - (.2) *Accessory surface parking is not located between any street frontage and the principal structure; and*
 - (.3) *Service areas for vehicle repair and maintenance shall be prohibited.*
- (c) *On lots with frontage along any of the following, one or more of the uses provided in subsection (d), below, shall occupy 75% of the length of such ground floor frontage; except where a lot fronts on two or more of the following, this requirement shall apply only to the longest such ground floor frontage; and provided that nothing in this subsection (c) shall require or permit a use not otherwise permitted on the lot:*
 - (.1) *A river access street, as set forth in §14-507(3), above.*
 - (.2) *Christopher Columbus Boulevard between Washington Avenue and Spring Garden Street; or*
 - (.3) *The Delaware River between Washington Avenue and Spring Garden Street.*
- (d) *Permitted Ground Floor Uses*
 - (.1) *Retail sales;*
 - (.2) *Commercial services;*
 - (.3) *Eating and drinking establishments;*
 - (.4) *Lobbies of multi-family residences, hotels, live theaters, cinemas, or structured garages;*
 - (.5) *Libraries, museums, galleries, or exhibition space;*

- (.6) *Post offices;*
 - (.7) *Public open space, enclosed public space, enclosed public gardens, public rooms, through-block pedestrian connections;*
 - (.8) *Entrances to public transit stations;*
 - (.9) *Residences.*
 - (.10) *Personal vehicle sales and rental, as provided in subsection (b), above.*
- (5) **Open Area.** *The minimum open area for lots greater than 5,000 sq. ft. with frontage on the Delaware River shall be 40% of the total lot area. Any unoccupied waterfront setback required by this Zoning Code shall count towards the required open area.*
- (6) **Building Height.**
- (a) *The minimum building height shall be 25 ft.*
 - (b) *For base zoning districts that are regulated by a maximum floor area ratio in §14-701 (Dimensional Standards), the maximum building height shall be 100 ft., unless additional building height has been earned pursuant to § 14-702 (Floor Area and Height Bonuses).*
- (7) **Off-Street Parking.**
- (a) *For lots fronting on Delaware Avenue, Christopher Columbus Boulevard, or a river access street, as set forth in subsection (3):*
 - (.1) *No more than one curb cut shall be permitted along any street frontage; and*
 - (.2) *Off-street parking shall not be located in the front yard.*
 - (b) *Non-accessory and accessory aboveground structured parking shall be permitted by right, provided that an architectural or landscaped screening device is applied to each façade that faces a public street, park, or trail and is approved by the Commission for appropriateness with the surrounding neighborhood character. Required accessory parking in an aboveground structure that meets the requirements of this subsection (b) shall be excluded from the calculation of gross floor area; any parking provided in addition to the required accessory parking shall count towards the calculation of gross floor area.*
- (8) **Prohibited Permanent Structures.** *Where a river access street, if extended, would intersect with the Delaware River, no permanent structure shall be constructed within the right of way of the extension of such street.*
- (9) **Form and Design.** *Single-story buildings containing at least 10,000 sq. ft. of gross floor area of which 75 percent is occupied by a single use shall comply with the following. For the purposes of this section, intermediate floor levels such as mezzanines shall not count as a story.*
- (a) *Façade articulation is required for each building façade that faces directly onto a public street, park, or trail. Between the average ground level and a height of 25 ft., a minimum of 50% of the wall area must include one or more of the following features:*
 - (.1) *Ornamental and structural detail;*
 - (.2) *Projections, recesses, or other variations in planes; or*
 - (.3) *Transparent windows or other transparent glazed area.*

(b) For every 10,000 sq. ft. of building area, there shall be 500 sq. ft. of public plaza in proximity to at least one of the building entrances. Public plaza space required by this subsection (b) shall count towards the required open area, but shall not be eligible for the additional floor area ratio or building height bonus that may be earned for the provision of additional public open space, as provided in §14-702(6). Bicycle parking required by §14-804(1) (Required Bicycle Parking Spaces) shall be located in the public plaza. The public plaza(s) shall have a minimum of 1 bench and 1 tree per 250 sq. ft. of public plaza. Vehicular traffic and loading are prohibited from accessing required public plazas.

(10) Civic Design Review.

(a) **Applicability.** For any development that fronts on Delaware Avenue, Christopher Columbus Boulevard, the Delaware River, or a river access street, as set forth in §14-507 (3), above, and is subject to civic design review under § 14-305(4)(b), the Civic Design Review Committee shall consider, in addition to the criteria set forth at §14-304(5)(f), the criteria set forth at §14-507(10)(b).

(b) **Criteria.**

- (.1) Whether the building has transparent windows or other transparent glazed area covering at least 50% of the ground floor façade.
- (.2) Whether the sidewalk widths along river access streets are consistent with the Philadelphia Pedestrian and Bicycle Plan.
- (.3) Whether the project supports current or future public access to the waterfront.

(11) **Conflicting Regulations.** Notwithstanding §14-501(2) (Interpretation), when the provisions of this §14-507 are in conflict with the provisions of §14-405, SP-ENT, Entertainment (Special Purpose) District, the provisions of §14-405 shall apply.

§14-702. Floor Area and Height Bonuses.

* * *

(2) Eligibility for Floor Area Bonuses.

In order to be eligible for any floor area bonuses pursuant to this [section.] section:

* * *

(e) Property located in the /CDO overlay district shall be eligible for floor area bonuses, provided the subject property is a minimum of three acres and further provided that any bonus category used to earn additional floor area shall not be the same as any bonus category used to earn additional height.

(2.1) Eligibility for Height Bonuses.

In order to be eligible for any height bonuses pursuant to this section, the property must be located in the /CDO overlay district and must be subject to the height restrictions of §14-507(6) (b).

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(3.1) Building Height Bonus Options Summary Table.

The following table summarizes the building height bonus options in this section. In the event of conflict between the provisions of Table 14-702-2 and the text of this Zoning Code, the text shall govern.

Table 14-702-2: Building Height Bonus Summary

| Bonus Category | Additional Building Height |
|------------------------------------|-----------------------------------|
| | /CDO |
| Public Art (§ 14-702(5)) | Up to 12 ft. |
| Public Space (§ 14-702(6)) | Up to 24 ft. |
| Mixed Income Housing (§ 14-702(7)) | Up to 48 ft. |
| Transit Improvements (§ 14-702(8)) | Up to 72 ft. |
| Green Building (§ 14-702(10)) | Up to 36 ft. |
| Trail (§ 14-702(11)) | Up to 72 ft. |
| Street Extension (§ 14-702(12)) | Up to 72 ft. |
| Retail Space (§ 14-702(13)) | Up to 48 ft. |

(4) Maximum Floor Area and Height Bonus Amounts.

* * *

(g) All bonus height earned pursuant to this section must be used so that the property (a) complies with all dimensional standards applicable to the property (other than maximum height) in § 14-701 (Dimensional Standards), including without limitation the maximum gross floor area or floor area ratio for the property established in that section, and (b) complies with all other provisions of this Zoning Code, unless a specific exception to one or more of those requirements is listed in this Zoning Code. The height bonuses in this § 14-702 may be used in combination to earn up to 144 ft. of building height.

(5) Public Art.

* * *

(d) Bonus Floor Area or Building Height.

The additional gross floor area or building height earned for providing public art is:

| Additional Gross Floor Area, as Percent of Lot Area | | Additional Building Height |
|--|--------------|-----------------------------------|
| CMX-4 | CMX-5 | /CDO |
| 50% | 100% | 12 ft. |

- (6) **Public Space.** The public space bonus may be earned by providing (1) open space, public parks and/or public plazas or (2) a public room. *Public open space, public parks or public plazas provided to earn a floor area or height bonus shall count towards the required open area.*

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- (c) **Bonus Floor Area or Building Height.**

The additional gross floor area *or building height* earned by providing public space is:

| Amount of Public Space as Percentage of Lot Area | Additional Gross Floor Area, as Percentage of Lot Area | | Additional Building Height |
|--|--|-------|----------------------------|
| | CMX-4 | CMX-5 | /CDO |
| 5-10% of lot area | 100% | 200% | N/A |
| 11-20% of lot area | 150% | 300% | 12 ft. |
| 21-30% of lot area | 200% | 400% | 24 ft. |

* * *

- (7) **Mixed-Income Housing.**

* * *

- (b) **Bonus Floor Area or Building Height.**

The additional gross floor area *or building height* earned for providing mixed-income housing is:

| Additional Gross Floor Area, as Percentage of Lot Area | | | Additional Building Height |
|--|-------|-------|----------------------------|
| CMX-3 in TOD Node | CMX-4 | CMX-5 | /CDO |
| 150% | 150% | 300% | 48 ft. |

* * *

- (8) **Transit Improvements.**

- (a) **Criteria.**

A floor area bonus *or building height bonus, as applicable*, may be earned by *improving, connecting to, constructing or extending a rail, subway, or trolley transit station or stop, [station or] concourse, or water taxi station*, provided that the project meets the following standards:

- (1) The applicant shall submit a letter from the *appropriate transit authority* [Southeastern Pennsylvania Transportation Authority (SEPTA) or the, Port Authority Transit Corporation (PATCO)] confirming that *the transit authority* [(a) SEPTA or PATCO is aware of the proposed transit improvements; (b) SEPTA or PATCO] approves the portion of the project that will be constructed on its *property*. [property; and (c) SEPTA or PATCO verifies that the improvements

are engineered and will be completed to accommodate peak hour travel in all directions.]

- (.2) Qualifying improvements made by the applicant may include *any of the following*:
 - (.a) *New [new] access easements or improvements to connecting passageways, mezzanines, or concourse areas; [or]*
 - (.b) *Constructing [constructing] a new rail, subway, [or] trolley transit [station;] or water taxi station; [or]*
 - (.c) *Extending [extending] the concourse of an existing rail, [subway] subway, or trolley transit station or expanding an existing water taxi station;*
 - (.d) *Permanent structural improvements, not including routine maintenance or repairs, to an existing rail, subway, trolley transit, or water taxi station or stop; or*
 - (.e) *Streetscape improvements in excess of the minimum code requirements that enhance pedestrian and bicycle connections to an existing rail, subway, trolley transit, or water taxi station or stop. Streetscape improvements provided to earn the transit improvement bonus shall be approved by the Commission for the provision of safe and attractive pedestrian and bicycle routes to transit.*
- (.3) *For the /CDO overlay district, transit improvements may be located within 1,320 ft. of the district.*
- (.4) *The applicant shall post a bond or letter of credit in an amount equal to 100% of the estimated cost of constructing the transit improvements in a form and with financial entities acceptable to the City or its designee. The required transit improvements must be completed upon issuance of the Certificate of Occupancy for the first permanent structure on the property, and the bond or letter of credit must be kept in force until the completion of the required improvements.*

(b) Bonus Floor Area or Building Height.

The additional gross floor area or building height earned by providing transit improvements is:

| Additional Gross Floor Area, as Percentage of L | | Additional Building Height |
|--|--|--|
| CMX-4 | CMX-5 | /CDO |
| 50% of lot area per each estimated building hard cost spent on transit improvements up to a maximum of 200% lot area | 100% of lot area per each estimated building hard cost spent on transit improvements to a maximum of 400% area % | 12 ft. per each 1% of estimated building hard costs spent on transit improvements, up to a maximum of 72 ft. |

* * *

(10) Green Building or Site.

(a) Criteria.

- (.1) The applicant has submitted documentation sealed by a LEED-AP professional confirming that the building *or site* has been designed for certification at the LEED Platinum or Gold levels, or certification by an equivalent green building *or neighborhood development* rating system as approved by the Commission, and that preliminary review of [building] *project* design and elements confirm that it will earn enough points to be certified at that level by an appropriate certifying agency.
- (.2) The applicant has signed an agreement with the City confirming that the building *or site* will complete the LEED certification and commissioning process at the Platinum or Gold level, and that if the building *or site* fails to be commissioned at the level for which the bonus has been awarded, the applicant will either:
 - (a) Make improvements to the [building] design, equipment, or operation until commissioned at that level, or
 - (b) Be in violation of this Zoning Code and subject to those penalties provided in § 14-306 (Enforcement).

(b) Bonus Floor Area or Building Height.

The additional gross floor area *or building height* earned for [LEED] *a certified green building* is:

| Level of LEED Certification | Additional Gross Floor Area, as Percentage of | | | Additional Building Height |
|-----------------------------|---|-------|-------|----------------------------|
| | CMX-3 within Node | CMX-4 | CMX-5 | |
| Gold | 50% | 100% | 200% | 24 ft. |
| Platinum | 100% | 200% | 400% | 36 ft. |

(11) Trails.

(a) Criteria

A building height bonus may be earned by either (1) constructing trails only or (2) constructing and dedicating trails, provided that the following minimum standards are satisfied. On-site trails that satisfy the minimum standards shall count towards required open area and lot area for the purpose of calculating floor area ratio. Off-site trails shall not count towards required open area and lot area for the purpose of calculating floor area ratio. On-site and off-site trails shall not count toward the additional building height bonus if the trails are used to qualify for the bonus for the provision of public open space in the /CDO district, as provided in §14-702(6)(c).

- (.1) *Minimum standards for constructing trails:*
 - (a) *The minimum length of the trail shall be equal to one of the following:*
 - (i) *If the trail is roughly paralleling the Delaware River, the trail must extend from the downstream to the upstream boundaries of the lot*

on which the trail is to be constructed.

- (ii) If the trail is not roughly paralleling the Delaware River, then the trail must extend from an existing or planned publicly-accessible trail to a boundary of the lot opposite from the existing or planned publicly-accessible trail.*
- (.b) The trail, exclusive of buffer zones and planting strips, shall be at least 12 ft. wide.*
- (.c) The trail may be located on-site or off-site within the boundaries of the /CDO district; provided any off-site trails are located on land that is under the same ownership as the development property and are used to calculate a bonus for only one site.*
- (.d) The trail shall connect to an existing or planned publicly-accessible trail in accordance with the Comprehensive Plan, as approved by the Commission.*
- (.e) The trail shall have pedestrian lighting. The maximum height of the lighting shall be 15 ft. with an illumination level of 2.0 maintained foot candles. At least one light shall be provided for each 100 ft. of trail. Lighting design shall be subject to the requirements of §14-707 (Outdoor Lighting).*
- (.f) The trail shall be unenclosed and shall be designed and located to receive natural light during the day.*
- (.g) The trail may not be used for parking, loading, or vehicle movements, or for vehicles to access areas used for parking, loading, or other vehicle movements; this subsection shall not apply to emergency vehicles.*
- (.h) The applicant shall post a bond or letter of credit in an amount equal to 100% of the estimated cost of constructing the required trail improvements in a form and with financial entities acceptable to the City or its designee. The required trail improvements must be completed upon issuance of the Certificate of Occupancy for the first permanent structure on the property, and the bond or letter of credit must be kept in force until the completion of the required improvements.*
- (.2) Minimum standards for constructing and dedicating trails:*
 - (.a) The trail shall satisfy all the requirements of subsection (.1), above.*
 - (.b) The trail shall be dedicated to, and accepted by, the City or its designee, at no cost to the City, in a form acceptable to the Law Department, but may, at the applicant's request include cross-easements necessary for applicant's tenants, residents, or visitors to have free pedestrian access across the trail to and from the riverfront. After dedication and acceptance, the applicant shall not restrict access to the trail.*

(b) Bonus Building Height

The additional building height earned for trails is:

| Additional Building Height | |
|------------------------------------|--|
| /CDO | |
| Constructing trails only | 12 ft. for the first minimum required trail segment and 12 ft. for each improved trail segment of 200 linear ft. thereafter, up to a maximum of 48 ft. |
| Constructing and dedicating trails | 24 ft. for the first minimum required trail segment and 24 ft. for each improved trail segment of 200 linear ft. thereafter, up to a maximum of 72 ft. |

(12) Street Extensions.

(a) Criteria

A building height bonus may be earned by either (1) dedicating only or (2) dedicating and improving lands along the alignment of an existing street, provided that the dedication and improvements meet the following minimum standards.

(.1) For dedications:

- (.a)** The land must be located on the subject property between the river and the eastern or southeastern end of a river access street.
- (.b)** The width of the street extension land dedication must be at least equal to the confirmed right-of-way of the existing public street to be extended.
- (.c)** The dedication of land must be in fee simple ownership, in a form acceptable to the City or its designee, and accepted by the City, at no cost to the City.

(.2) For improvements:

- (.a)** Any street extension improvements shall be completed to the standards of the Streets Department.
- (.b)** The applicant shall post a bond or letter of credit in an amount equal to 100% of the estimated cost of constructing the street improvements in a form and with financial entities acceptable to the City or its designee. The required street improvements must be constructed upon issuance of the Certificate of Occupancy for the first permanent structure on the property, and the bond or letter of credit must be kept in force until the completion of the required improvements.

(b) Bonus Building Height

The additional building height earned for dedication of street extension lands is:

| Additional Building Height |
|-----------------------------------|
| /CDO |
| |

| | |
|--|---|
| <i>Dedication only</i> | <i>12 ft. for each land dedication of 200 linear ft. up to a maximum of 36 ft.</i> |
| <i>Dedication and Street Extension Improvement</i> | <i>24 ft. for each street extension segment of 200 linear ft. up to a maximum of 72 ft.</i> |

(13) Retail Space

(a) Criteria

A building height bonus may be earned for constructing ground floor retail space, provided that all portions of each ground floor façade that abuts a sidewalk or public space and that is not occupied by entrances, exits, or waiting areas shall be designed and constructed to permit a finished ceiling height of at least 10.5 ft. in order to allow occupancy by a use in the retail sales, commercial services, day care, or library and cultural exhibits use category. Retail space provided to satisfy the ground floor use requirements of §14-507(4)(b) shall not apply towards the retail space bonus.

(b) Bonus Building Height

The additional building height earned for construction of retail space is:

| |
|---|
| <i>Additional Building Height</i> |
| <i>/CDO</i> |
| <i>12 ft. per each 5,000 sq. ft. of retail floor area provided, up to maximum of 48 ft.</i> |

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SECTION 3. Effective date. This Ordinance shall be effective immediately.

Explanation:

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