



Legislation Text

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Amending Title 14 of The Philadelphia Code, entitled "Zoning and Planning," to revise certain provisions of subsection 14-507 entitled "/CDO, Central Delaware Riverfront Overlay District," to revise certain provisions of subsection 14-702, entitled "Floor Area, Height, and Housing Unit Density Bonuses," and to make related changes, all 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:

Key: In Tables and Table Notes, deletions shall be denoted by {squiggly brackets}, and not by [square brackets].

TITLE 14. ZONING AND PLANNING

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CHAPTER 14-300. ADMINISTRATION AND PROCEDURES

§ 14-301. Reviewers and Decision Makers

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(3) City Planning Commission.

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(c) Review and Prerequisite Approval Authority.

(.1) The Commission provides prerequisite approvals for:

* * *

(.k) [Reserved.] *Certain zoning and building permits in the /CDO Central Delaware Overlay District. See § 14-507(12) (Optional Special Standards, Review, and Exemptions).*

* * *

(10) Water Department.

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(b) Review Authority.

The Water Department provides prerequisite approvals for zoning and building permits regarding:

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(.3) Review of anticipated stormwater discharge for developments covered by § 14-507 (12) (Optional Special Standards, Review, and Exemptions).

(.4) Review of stormwater management systems for developments that seek to earn a Stormwater Management bonus. See § 14-702(14) (Stormwater Management).

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CHAPTER 14-500. OVERLAY ZONING DISTRICTS

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

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(3) River Access Streets

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(o) Berks Street

* * *

(4) Uses.

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(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] *prohibited, except that:*

(.1) For lots in the I-1, I-2, or I-3 zoning district, uses in the vehicle and vehicular equipment sales and services category shall be permitted as otherwise indicated in § Table 14-602-3 (Uses Allowed in Industrial Districts).

- (.2) *Personal* vehicle sales and rental shall be permitted west of Delaware Avenue or Christopher Columbus Boulevard provided that:

[(.1)](.a) 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)](.b) Service areas for vehicle repair and maintenance shall be prohibited.

(c) *Ground Floor Use Requirements*

- (.1) [On lots with] *The standards of this subsection (c) shall apply to lots that are both (i) located in the CA-1, CA-2, CMX-1, CMX-2, CMX-2.5, CMX-3, CMX-4, CMX-5, IRMX, or ICMX zoning district; and (ii) have 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] streets and watercourses identified in subsections (.a) through (.d), below. These standards shall only apply to the frontage along such streets and watercourses; provided that, where a lot fronts on two or more of [the following,] such streets or watercourses, 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:] building frontage.*

[(.1)](.a) A river access street, as set forth in § 14-507(3), above.

[(.2)](.b) Christopher Columbus Boulevard *and Delaware Avenue* between [Washington Avenue] *Tasker Street* and Spring Garden Street;[or]

(.c) *Delaware Avenue between Spring Garden Street and Berks Street; or*

[(.3)](.d) The Delaware River between Washington Avenue and Spring Garden Street.

- (.2) *One or more of the uses specified in subsection (d), below, shall occupy at least 40% of the length of the ground floor of the building frontage.*

- (.3) *No more than 25% of the length of the ground floor of the building frontage may be occupied by uses other than household living or those specified in subsection (d).*

- (.4) *No provision of this subsection (c) shall require or permit a use not otherwise permitted on the lot.*

(d) [Permitted] *Active Ground Floor Uses.*

- (.1) Retail sales;

- (.2) Commercial services;
- (.3) Eating and drinking establishments;
- (.4) Lobbies *associated with* [of] multi-family *household living*, [residences, hotels,] *visitor accommodations*, live theaters, *movie theaters*, [cinemas,] or structured garages;
- (.5) *Libraries and Cultural Exhibits*; [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.

* * *

(6) Building [Height.] *Height and Gross Floor Area*.

* * *

- (b) For base zoning districts that are regulated by a maximum floor area ratio in § 14-701 (Dimensional [Standards,] *Standards*):
 - (.1) [the] *The* maximum building height shall be [100] 84 ft., unless additional building height has been earned pursuant to § 14-702 (Floor Area and Height Bonuses).
 - (.2) *Any public space provided to earn a height bonus must meet the following conditions, in addition to those enumerated in § 14-702(6) (Public Space):*
 - (.a) *At its narrowest point, the public space must have a minimum width of 50 ft., exclusive of any street or trail right-of-way; at its shallowest point, the public space must have a minimum depth of 50 ft. exclusive of any street or trail right-of-way.*
 - (.b) *The public space must abut a public street, river access street (as set forth in § 14-507(3)), or trail.*
 - (.3) *Notwithstanding the provisions of §14-202(4) (Gross Floor Area), on lots located entirely or in part within the Special Flood Hazard Area, any floor area that is located above the ground floor of a building and that is primarily devoted to mechanical equipment areas shall be excluded from the measurement of gross*

floor area for purposes of determining floor area ratio, provided that area on only one floor of the development may be so excluded.

(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):

* * *

(.3) Off-street *surface* parking shall not be located [in the front yard.] *between a street and the closest principal structure to that street.*

* * *

(9) Form and Design.

- (a) 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)](.1) Facade articulation *and at least one entrance* is required for each building facade 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)] (.a) Ornamental and structural detail;

[(.2)] (.b) Projections, recesses, or other variations in planes; or

[(.3)] (.c) Transparent windows or other transparent glazed area.

[(b)] (.2) 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.

- (b) *For lots located east of Richmond Street (north of Susquehanna Avenue), Delaware Avenue, or Columbus Boulevard, above the average ground level, no portion of any building shall be located within 35 ft. of any portion of any other building located on the same lot.*

- (c) *For each structure on lots located east of Richmond Street (north of Susquehanna*

Avenue), Delaware Avenue, or Columbus Boulevard, the cumulative length of any sides that roughly parallel and face toward Delaware Avenue, Columbus Boulevard, or Richmond Street shall not exceed 200 ft., not including any portions of those sides that extend below the average ground level. L&I may refer applications to the Commission for the determination of which sides, if any, are roughly parallel to these streets.

- (d) *Building frontages on Richmond Street (north of Susquehanna Avenue), Delaware Avenue, or Columbus Boulevard shall have a minimum of 50 linear feet between ground floor primary entrances for household living uses on the same lot.*

* * *

(12) *Optional Special Standards, Review, and Exemptions*

- (a) *Developments that meet the criteria set forth in subsection (b), below, and complete the reviews and approvals set forth in subsection (c), below, shall be exempted from certain zoning restrictions, as provided for in subsection (d), below.*

- (b) *Criteria.*

A development shall meet all the criteria of this subsection (b) in order to be eligible for the exemptions provided for in subsection (d).

(.1) *Availability.*

- (.a) *The exemptions provided in subsection (d) shall only be available to lots in the /CDO overlay district within a CMX-3, CMX-4, or CMX-5 zoning district and located:*

(.i) East of Richmond Street (north of Susquehanna Avenue), Delaware Avenue, or Columbus Boulevard;

(.ii) West of Columbus Boulevard, between Market Street and Spring Garden Street; or

(.iii) West of Delaware Avenue, between Spring Garden Street and Fairmount Avenue.

- (.b) *The exemptions provided in subsection (d) shall only be available to a development with respect to which no structure or use requires a variance under § 14-303; and with respect to which the owner commits, to the satisfaction of the Commission, that any subsequent, substantially related development located on the same lot will satisfy the requirements of this paragraph (b) and paragraph (c), below.*

(.2) *Uses.*

- (.a) *For building frontages on Richmond Street (north of Susquehanna*

Avenue), Delaware Avenue, or Columbus Boulevard:

- (i) One or more of the uses provided in § 14-507(4)(d) (Active Ground Floor Uses) shall occupy at least 50% of the length of ground floor of the building frontage; and*
- (ii) No more than 25% of the length of the ground floor of the building frontage may be occupied by uses other than household living or those specified in subsection § 14-507(4)(d).*
- (b) For building frontages along one or more river access streets, as set forth in § 14-507(3), above:*
 - (i) One or more of the uses provided in § 14-507(4)(d) (Active Ground Floor Uses) shall occupy at least 20% of the length of ground floor of the building frontage, provided that this shall not decrease the percentage that is required under the provisions of § 14-507(4)(c).*
 - (ii) No more than 25% of the length of the ground floor of the building frontage may be occupied by uses other than household living or those specified in subsection § 14-507(4)(d).*

(3) Form and Design.

For each structure, within the first 36 ft. of height above the average ground level, the cumulative length of any sides that roughly parallel and face toward Delaware Avenue, Columbus Boulevard, or Richmond Street shall not exceed 150 ft. L&I may refer applications to the Commission for the determination of which sides, if any, are roughly parallel to these streets.

(4) Parking.

- (a) Surface parking lots shall not be located within 75 ft. of Delaware Avenue, Columbus Boulevard, or Richmond Street.*
- (b) Above ground parking structures shall not be located within 50 ft. of a trail, Delaware Avenue, Columbus Boulevard, or Richmond Street unless either:*
 - (i) At least 50% of the ground floor frontage of that parking structure along a trail, Delaware Avenue, Columbus Boulevard, or Richmond Street contains one or more of the uses provided in § 14-507(4)(d); or*
 - (ii) There is direct pedestrian access from a public sidewalk or trail to a public open space, public park, or public plaza that meets the minimum standards to qualify for a floor area or height bonus set forth § 14-702(6) (Public Space) (except for § 14-702(6)(a)(4),*

relating to height above sidewalk level) and that is located on the roof of the parking structure.

(.5) Stormwater.

For lots located east of Richmond Street (north of Susquehanna Avenue), Delaware Avenue, or Columbus Boulevard, the development shall be designed such that all on-site stormwater shall discharge directly to the Delaware River without the use of City infrastructure in accordance with Water Department regulations and any other applicable procedures and regulations.

(.6) Average Ground Level

If a development is situated on or within a pier or garage that lies partially or entirely below the average elevation of its primary street frontage and is located within the Special Flood Hazard Area, the Commission may, upon a determination that to do so is consistent with the goals of this Overlay, deem the average ground level of the lot to be equal to the average level of the top of that pier or garage, for purposes of the requirements of subsection (9) (“Form and Design”) and subsection (12)(b)(.3) (“Form and Design”) only.

(.7) Amenities.

- (.a) If the lot abuts or contains a portion of the Delaware River and the development is not located solely on a pier, the owner shall construct on the lot a trail that meets the minimum standards to qualify for a bonus set forth at §14-702(11) (Trails) prior to the issuance of a certificate of occupancy for a development approved under this subsection (12); provided that the Commission may waive this requirement if the Commission determines that a trail on the lot will not beneficially serve the public interest in terms of pedestrian access to the Delaware River.*
- (.b) Should the Commission waive the requirements of subsection (.a), the owner shall provide public improvements, at a cost to the owner approximately equal to the cost that the owner would have incurred had the Commission not waived the requirements of subsection (.a), above. These improvements may include, but need not be limited to, transportation enhancements, trail enhancements or connections, public comfort stations, natural resource preservation, or environmental restoration. Such improvements are subject to approval by the Commission. To the extent possible, any such improvement shall be coordinated with a city-related agency organized to design, develop, and manage the Delaware River waterfront.*
- (.c) The owner shall provide on the lot a public open space, public park, or public plaza that meets the minimum standards to qualify for a floor area or height bonus set forth §14-702(6) (Public Space), and that can be accessed by pedestrians from Delaware Avenue, Columbus Boulevard, Richmond Street, a river access street, or the trail constructed to meet the*

requirements of subsection (.a) above, prior to the issuance of a certificate of occupancy for a development approved under this subsection (12). The Commission may waive any requirement concerning the height of the public space relative to average ground level, if the Commission determines that the issuance of this waiver would beneficially serve the public interest.

- (.d) The development shall meet the requirements of § 14-702(7) (Mixed-Income Housing) necessary to earn a floor area or height bonus at either the Moderate Income or Low Income level of affordability. For developments where at least 50% of gross floor area will be in residential use, this requirement may be met through the inclusion of affordable housing or through a payment in lieu of providing affordable housing, as described in that subsection. Notwithstanding the provisions of § 14-702 (7)(b), this bonus is available to developments where less than 50% of gross floor area will be in residential use, provided this requirement may only be met through a payment in lieu of providing affordable housing as per the requirements of § 14-702(7)(b)(6).*

- (.8) Other Bonuses Restricted.*

The development shall not take advantage of any bonus provided for in § 14-702 (Floor Area and Height Bonuses) other than the Mixed Income Housing bonus provided for in § 14-702(7).

- (c) Reviews and Approvals.*

A development shall complete all of the following reviews and approvals in order to qualify for the exemptions set forth at paragraph (d), below:

- (.1) L&I shall not issue a zoning permit until:*

- (.a) The applicant attends a meeting to review the proposed development with the Commission prior to the issuance of a zoning permit.*
- (.b) The development completes Civic Design Review, as if the development meets the requirements of § 14-304(5)(b)(.1) (Required Review).*
- (.c) The Commission certifies to L&I:*
- (.i) The application satisfies all of the requirements of subsection (b) and this subsection (c).*
- (.ii) In the opinion of the Commission, the development advances the purpose of the /CDO overlay district,, as stated in §14-507(1) and as directed by the regulations of the Commission.*

- (.2) Prior to the issuance of a building permit, the Commission certifies to L&I that,*

in the opinion of the Commission, all proposed facades and public spaces are in harmony with the intended character of the /CDO overlay district, as directed by the regulations of the Commission.

(d) *Exemptions from other zoning restrictions.*

A project that satisfies the requirements of subsections (b) and (c), above, shall be entitled to the following exemptions:

- (.1) *Maximum building heights shall not apply, including but not limited to the maximum height provision of § 14-507(6)(b) (“Building Height”).*
- (.2) *The parking requirements of § 14-802(3) (Required Parking in Commercial Districts) shall not apply.*

(13) *Frontages*

For the purposes of this § 14-507 (/CDO, Central Delaware Riverfront Overlay District), a lot will be deemed to have frontage on a given street or watercourse if any portion of the lot is within 75 ft. of the given street or watercourse and there is no permanent structure on any lots located entirely or partially within any area that separates the lot from the given street or watercourse.

* * *

CHAPTER 14-700. DEVELOPMENT STANDARDS

* * *

14-702. Floor Area, Height, and Housing Unit Density Bonuses

* * *

(2) *Eligibility for Floor Area Bonuses*

* * *

(e) *Property located in the /CDO overlay district or the /ECO 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.] height; and provided further that, in the /ECO overlay district, the subject property is a minimum of three acres.*

* * *

(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	/ECO	RM-1, CMX-1, CMX-2, CMX-2.5
Public Art (§ 14-702(5))		Up to 12 ft.	Up to 12 ft.	N/A
Public Space (§ 14-702(6))		Up to {24} 48 ft.	Up to 24 ft.	N/A
Mixed Income Housing (§ 14-702(7))	Moderate Income	Up to 48 ft.	Up to 48 ft.	7 ft.
	Low Income	Up to 60 ft.	Up to 60 ft.	7 ft.
Transit Improvements (§ 14-702(8))		Up to 72 ft.	N/A	N/A
Green Building (§ 14-702(10))		Up to 36 ft.	Up to 36 ft.	N/A
Trail (§ 14-702(11))		Up to 72 ft.	N/A	N/A
Street Extension (§ 14-702(12))		Up to 72 ft.	N/A	N/A
Retail Space (§ 14-702(13))		Up to {48} 36 ft.	Up to 48 ft.	N/A
Stormwater Management (§ 14-702(14))		{N/A} Up to 36 ft.	Up to 72 ft.	N/A
Through-Block Connection (§ 14-702(15))		N/A	Up to 48 ft.	N/A

(4) Maximum Floor Area and Height Bonus Amounts

* * *

(h) The height bonuses in this § 14-702 may be used in combination to earn up to:

(.1) [144] 156 ft. of building height in the /CDO overlay;

* * *

(6) Public Space

* * *

(a) Qualifying Criteria for Open Space, Public Parks, and Public Plazas.

A floor area bonus or height bonus may be earned by providing open space, public parks, or public plazas, provided they meet the following qualifying standards:

* * *

(.4) No more than 50% of the space shall be located more than three ft. above the level

of the sidewalk adjacent to the lot containing the space. *If the public space is located within the Special Flood Hazard Area, the Commission may waive this requirement provided that the Commission determines that the issuance of this waiver would beneficially serve the public interest.*

* * *

(d) 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-3 (within /TOI only)	CMX-4	CMX-5	/CDO	/ECO
10-15% of lot area	30%	100%	200%	N/A	N/A
16-20% of lot area	40%	150%	300%	12 ft.	12 ft.
21-30% of lot area	50%	200%	400%	24 ft.	24 ft.
31-40% of lot area	50%	200%	400%	36 ft.	24 ft.
41-50% of lot area	50%	200%	400%	48 ft.	24 ft.

* * *

(11) Trails.

* * *

(a) Criteria.

(.1) Minimum standards for constructing trails:

* * *

(.g) *Except at intersections with driveways or streets, the [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. All intersections with driveways or streets must be marked and controlled such that pedestrians,*

bicyclists, and other non-motorized trail users are given priority. [movements; this] This subsection shall not apply to emergency vehicles.

* * *

(13) Retail Space

* * *

(b) Bonus Building Height.

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

Additional Building Height	
/CDO	/ECO
12 ft. per each 5,000 sq. ft. of retail floor area provided, up to maximum of {48} 36 ft.	12 ft. per each 5,000 sq. ft. of retail floor area provided, up to maximum of 48

* * *

(14) Stormwater Management.

For properties that contain *at least* 15,000 sq. ft. of lot area, the stormwater management bonus may be earned *as provided by this subsection. Within the /ECO overlay district, a stormwater management bonus may be earned* by (1) providing a stormwater open space, (2) managing street drainage, or (3) providing both stormwater open space and managing street drainage. Open space provided to earn a height bonus that meets the requirements of § 14-702(14)(a) (Criteria for Open Space *within the /ECO overlay district*) shall count towards the required open area, but shall not be used to satisfy the bonus requirements of § 14-702(6) (Public Space). *Within the /CDO overlay district a stormwater management bonus may be earned by (1) managing additional street drainage, (2) managing additional on-site stormwater runoff, (3) managing additional street drainage or additional on-site stormwater runoff in a surface feature, or (4) meeting the requirements for more than one of these three options.*

(a) Criteria for Open [Space.] *Space within the /ECO Overlay District.*

Within the /ECO overlay district, a [A] height bonus may be earned by providing open space that manages stormwater runoff, provided that the space meets the following minimum standards:

* * *

[(.9) The Water Department shall confirm that all on-site stormwater management systems meet the applicable stormwater management requirements of this § 14-702(14) and all other applicable stormwater management requirements.]

* * *

(b) Criteria for Managing Street [Drainage.] *Drainage within the /ECO Overlay District or the /CDO Overlay District.*

Within the /ECO overlay district or /CDO overlay district, [A] a height bonus may be earned by managing the street drainage [in the stormwater open space or other] through the installation and maintenance of one or more stormwater management systems on the property, provided that, in the /CDO overlay district, the stormwater management system maximizes the management of adjacent street drainage and manages at least 5,000 square feet of impervious street drainage area in excess of applicable stormwater management requirements and that, in the /ECO overlay district, [that] the Water Department confirms that the stormwater management system meets the applicable stormwater management requirements of this § 14-702(14) and all other applicable stormwater management requirements.

(c) *Criteria for Managing Additional On-Site Stormwater within the /CDO Overlay District.*

Within the /CDO overlay district, a bonus may be earned by installing and maintaining one or more stormwater management systems on the property, provided that the stormwater management system maximizes on-site stormwater management and manages at least 5,000 sq. ft. of additional stormwater runoff from the property's impervious area in excess of applicable stormwater management requirements.

(d) *Criteria for Managing Additional Street Drainage and/or Additional On-Site Drainage in a surface feature within the /CDO Overlay District.*

Within the /CDO overlay district, a bonus may be earned by installing and maintaining a stormwater management system that manages additional street drainage or additional on-site drainage (as defined in (b) and (c)) in a surface feature in accordance with Water Department requirements.

(e) *Criteria for All Stormwater Management Bonuses.*

In addition to the above criteria, all open space and stormwater management systems provided to earn a stormwater management bonus shall meet the following standards:

(.1) The Water Department shall confirm that all stormwater management systems meet the applicable stormwater management requirements of this § 14-702(14) and all other applicable stormwater management requirements.

(.2) If the property is in the /CDO overlay district, the applicant shall execute and record a deed restriction against the property, approved as to form by the Law Department, which requires the stormwater management systems to be constructed and maintained, at a minimum, in accordance with the Water Department's stormwater management requirements for the life of the building; and which allows the City to inspect for, or demand proof of, continued compliance with those requirements.

[(c)](f) Bonus Building Height.

The additional building height earned by providing certain stormwater management systems is:

Open Space Management Requirements	Additional Building Height	
	/ECO	/CDO
The stormwater open space meets the requirements of § 14-702(14)(a) and §14-702(14)(e)	24 ft.	N/A
Street Drainage Management Requirements	Additional Building Height	
	/ECO	/CDO
The stormwater <i>management system</i> [open space] meets the requirements of § 14-702(14)(b) and §14-702(14)(e)	12 ft. for every 20% of drainage area managed maximum of 48 ft.	12 ft.
Additional On-Site Management Requirements	Additional Building Height	
	/ECO	/CDO
The stormwater <i>management system</i> meets the requirements of § 14-702(14)(c) and §14-702(14)(e)	N/A	12 ft.
Surface Feature Requirements	Additional Building Height	
	/ECO	/CDO
The stormwater <i>management system</i> meets the requirements of § 14-702(14)(d) and §14-702(14)(e)	N/A	12 ft.

* * *

§ 14-704. Open Space and Natural Resources.

* * *

(5) Waterfront Setbacks

* * *

(b) General Standards.

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(.2) The following activities and uses are prohibited within the waterfront setback:

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

(.b) Outdoor storage of [materials.] *materials*;

(.c) [Roads and driveways.] *Streets and driveways, except that, within the /CDO overlay district, driveways that are necessary to access any permanent or temporary structure permitted under subsection (.a) above are permitted*;

(.d) Parking [lots.] *lots*; and

* * *

SECTION 2. This Ordinance shall be effective immediately.