

**CITY OF PHILADELPHIA
CITY PLANNING COMMISSION**

Regulations Regarding Approval of a Plan of Development Pursuant to § 14-1638 of The Philadelphia Code for Properties Located in the Central Delaware Riverfront Overlay District

Section 1. Definitions

“*Commission*”: The Philadelphia City Planning Commission

“*Executive Director*”: Executive Director of the Philadelphia City Planning Commission

“*POD*”: Plan of Development

Section 2. Scope

Pursuant to Subsection (12) of Section 14-1638 of The Philadelphia Zoning Code, entitled “Central Delaware Riverfront Overlay District,” the City Planning Commission hereby adopts the following rules and regulations governing the review and approval of “Plans of Development.”

Every new development or redevelopment has impacts on the immediate surroundings, the neighborhood, and the larger urban context. The responsibility of protecting this public realm falls on the City Planning Commission. The Plan of Development is an extension of this already existing charge.

In reviewing a proposed POD, the City Planning Commission will be reviewing any item that will have an effect or impact on this public realm. Such items subject to the POD review will include:

- (a) The base zoning;
- (b) The proposed uses;
- (c) The density of the development, including the scale, height and massing of the structures as well as the unit count/composition;
- (d) The amenities included in the project, including the landscaping;
- (e) Any connections to neighborhood at large;
- (f) Street life activity/continuity;
- (g) Any proposed streetscape improvements;
- (h) Parking and traffic impacts including where the buildings will be serviced;
- (i) The appearance of the building, including its form and materials;
- (j) The site layout/design; and
- (k) Any issues relating to sustainability.

While such a list obviously cannot be all-inclusive, it should serve as notice to developers bound by the POD, on what to expect from this review process.

Section 3. Submission Requirements

A complete POD submission shall include the following submission requirements; however, the Commission may in its discretion waive one or more of these requirements:

- (a) A Site Plan including a survey showing the, boundaries, area and length and width dimensions of the site(s);
- (b) The proposed maximum gross floor area;
- (c) The dimensions and heights of the proposed structures or existing structures to be retained, and the use or uses intended for each such structure;
- (d) The gross floor area and occupied area of all buildings on the property;
- (e) The dimensions and location of all parking areas, all driveways leading thereto, and all other private drives, ways or streets intended for use by automobile traffic;
- (f) The dimensions and location of all off-street loading facilities;
- (g) The dimensions and locations of all signs;
- (h) A landscaping plan, including the dimensions and characteristics of any open space;
- (i) A traffic study and mitigation plan for any POD which includes either a minimum of 25 new dwelling units or a minimum of 10,000 square feet of new retail space;
- (j) A parking management plan describing the proposed policy on and resources for parking for patrons, employees and managers, and anticipated traffic and parking management resources;
- (k) Building floor plans, elevations, sections and renderings, including a materials board. Elevations must indicate locations of all materials;
- (l) Identification of all public and private areas;
- (m) A storm water management plan;
- (n) Any other information that the City Planning Commission deems necessary for a decision; and
- (o) To the extent applicable, a plan for a recreational trail along the waterfront, which shall include the following:
 - 1) a minimum of twelve (12) foot wide trail surface with a three (3) foot shoulder with a minimum eight (8) foot vertical clearance from existing grade; and
 - 2) plans for the connection of the trail to adjacent properties.

Section 4. Hearings

- (a) Hearings on Plan of Development proposals will be conducted at regularly scheduled Commission meetings, unless otherwise determined by the Commission in its discretion.

(b) Action on a proposed POD shall be by vote of a majority of the Commission members present and constituting a quorum at a POD hearing.

(c) All POD hearings shall be open to the public, with reasonable notice and opportunity provided for public comment. Notice of a POD submission shall be posted on the property and on the Commission's website at least fourteen (14) days prior to the scheduled POD hearing.

(d) The staff of the Commission will present the POD proposal at the hearing with their recommendations.

(e) The Commission shall have the power to administer oaths for the testimony of witnesses.

(f) The applicant shall be given reasonable notice of the hearing and an opportunity to present all relevant evidence and testimony of witnesses in support of the POD. Reasonable cross-examination shall be permitted. The applicant may appear in person or by his attorney.

(g) The Commission may allow, in its discretion, persons demonstrating a direct interest in the decision a reasonable opportunity to present relevant evidence, to have witnesses testify on their behalf, and to cross-examine adverse witnesses.

(h) All testimony shall be recorded and a full and complete record be kept of the proceedings.

Section 5. Decisions of the Commission

(a) The Commission may approve, conditionally approve, deny or table the POD at the hearing. The Commission shall approve the POD only if it determines, in its discretion, that the POD provides for development appropriate in scale, density, character and use for the surrounding community.

(b) The Executive Director is hereby authorized to review any zoning permit applications issued on properties within the district, to determine whether or not such permits would be in conformity with the approved POD.

(c) The Commission shall render a decision within seventy-five (75) days of receiving a POD submission that complies with the requirements of Section 3 of these regulations. If the Commission fails to render a decision within seventy-five (75) days of a complete POD submission, the approval of the Commission shall be presumed. If any amendments are made to the POD, whether at the request of the Commission or the applicant, the Commission shall have seventy-five (75) days from the date of amendment to render a decision.

(d) All decisions of the Commission shall be in writing, shall contain findings and the reasons for the decision, and shall be served upon the applicant and his attorney of record and to such other persons as have notified the Commission in writing of their interest in the matter.

(e) The approval (with or without conditions) or disapproval of a POD by the Commission shall constitute the final decision of the City on the POD proposal.

Section 6. Appeals

Any person aggrieved by an approval (with or without conditions) or denial of a POD proposal by the Commission may appeal the decision to the Court of Common Pleas.