

# Stream and River Buffers

## Fact vs. Fiction



**1. Fiction:** Setbacks (commonly called “buffers”) are a “taking” of private property.

**Fact:** Waterfront setbacks are a standard zoning practice used in cities across the country. Just as row-home owners can’t add ten stories or build right to the curb, municipalities also create “rules of the road” for development on our rivers and streams.

**2. Fiction:** Setbacks allow or require public access.

**Fact:** Private property remains just that – private. Nowhere in the legislation is there a provision for public access. The public will have no right to access private land without explicit consent from a land owner.

**3. Fiction:** Setbacks will affect buildings already constructed.

**Fact:** The setback requirement only applies to new development. Any buildings or structures currently within the setback area are not affected.

**4. Fiction:** Our watersheds are already so polluted, why do any more to protect them?

**Fact:** Our rivers and streams are the source of our drinking water. With all of our waterways officially classified as impaired by EPA, Philadelphia is mandated by federal regulators to improve its water quality. We have a duty to protect and repair our waterways, not simply give up. Buffers are a key tool to improve and safeguard our drinking water. Philadelphians will not simply concede that our water is hopelessly and permanently polluted.

**5. Fiction:** 25 foot buffers are enough to protect water quality.

**Fact:** The Water Department, PA DEP and experts across the country agree that larger buffers are most beneficial. The PA DEP recommends at least 100 feet on all waterways, and that was the distance originally requested by riverfront advocates. Reducing or eliminating setbacks will prevent Philadelphia from reaching water quality goals, hurt our stormwater management efforts and result in property destruction.

**6. Fiction:** Setbacks apply to underground streams, making it hard to build in many areas.

**Fact:** There are NO underground streams or drainage ditches that will have setbacks. All applicable waterways are detailed on the Water Department’s Hydrology Map. All waterways on the map are active, above-ground waterways.

**7. Fiction:** Setbacks serve no purpose on bulk-headed portions of rivers.

**Fact:** Setbacks are effective and necessary on all waterways, including those that have bulkheads. The setback areas filter toxins, help manage stormwater, prevent property destruction and allow for the possibility of recreational trails in the future. Even when there is no natural slope, there is constant movement of groundwater toward the waterway, and setbacks help prevent unwanted chemicals from entering the water supply. Depending upon how they’re treated, setbacks may create wildlife habitat. With sea levels expected to rise three feet over the next hundred years, we need to take steps now to protect our waterfront.

**8.** **Fiction:** Setbacks will thwart industry on the river and harm our ports.

**Fact:** The ordinance makes exceptions for industrial, marine and port-related uses. On some sections, existing overlays will override this 50 foot standard. Further, no existing structures will be impacted. No one will be forced to make changes to existing buildings.

**9.** **Fiction:** 50 feet is overly burdensome to developers and not in keeping with other cities' setback requirements.

**Fact:** 50 feet is not a great distance. In fact, it is less than the distance between the pitcher's mound and home plate at Citizens Bank Park. Many cities require setbacks of 100 or 200 feet along waterways. A 50 foot setback would be on the low end of national best practices.

**10.** **Fiction:** The issue of waterfront setbacks needs more study.

**Fact:** The setback issue was discussed at length and resolved during the zoning code reform process – a transparent, four-year process with almost 50 public meetings and two City Council hearings. City Council approved 50 foot setbacks as part of the new zoning code less than a year ago. A working group of experts, community groups, City Council and the Planning Commission revisited the issue in summer 2012 – and again recommended 50 foot buffers on all waterways.

*A hearing on Bill 120654 will be held on **Wednesday, October 31, 2012 at 10 a.m. in City Hall, Room 400.** Will it be a trick or treat? We need you to show up to let City Council know that you care about our watersheds and support at least 50 foot buffers all on waterways.*



Courtesy of Schuylkill River Development Corporation.