

# City of Philadelphia



(Bill No. 020150)

## AN ORDINANCE

Amending Title 14 of The Philadelphia Code, entitled “Zoning and Planning,” by amending Chapter 14-1600 entitled “Miscellaneous,” by adding a new Section 14-1625, entitled “Fairmount Avenue Special District Controls,” 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:

### TITLE 14. ZONING AND PLANNING.

\* \* \*

### CHAPTER 14-1600. MISCELLANEOUS.

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*§14-1625. Fairmount Avenue Special District Controls.*

(1) *Legislative Findings. The Council finds that:*

(a) *Major public and private investments have been made and continue to be made in and around this area of the City to prevent declining property values, protect and promote the economic development potential, enhance residential uses in and adjacent thereto, encourage investment and tourism, protect and promote small businesses, and protect and promote the economic vitality of this area of Philadelphia;*

(b) *Substantial private investment within and immediately adjacent to this section of Fairmount avenue has included the restoration, adaptive reuse, and reconstruction of numerous historic buildings as well as new construction and new parking facilities to serve the needs of the developing residential, commercial and tourist areas;*

(c) *Public and private expenditures have also included funding for the restoration of Eastern State Penitentiary, an important City-owned historical and tourist site on Fairmount avenue;*

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(d) *The neighborhoods abutting this section of Fairmount avenue consist of a fragile and unique balance of residences and retail development surrounded by predominantly residential areas within walking distance or a short commute of the business core;*

(e) *The Spring Garden neighborhood has been designated as both a Federal Historic District and a Philadelphia Historic District;*

(f) *Therefore, special land use and zoning controls are required to protect the historic, residential and cultural properties in and near this district and to maintain and promote the economic vitality of the area.*

(2) *District Boundaries. For the purposes of this Section, the Fairmount Avenue Special District Controls shall apply to all properties with frontage on the north side of Fairmount avenue between Corinthian avenue and Pennsylvania avenue and on the south side of Fairmount avenue between Twenty-first street and Pennsylvania avenue.*

(3) *Prohibited Uses. Within the area subject to the Fairmount Avenue Special District Controls and notwithstanding any other Chapter of this Title, the following uses shall be prohibited:*

(a) *Animal hospital;*

(b) *Drill hall, dance hall, nightclub, private clubs; catering hall; theaters with live stage performances; motion picture theaters or auditoriums and other entertainment of guests and patrons as a main use; sound and media recording studios; radio and television studios;*

(c) *Automobile repair shops; automobile service station for the retail sale of automobile fuels, lubricants and accessories; vehicle licensing and inspection stations; car wash; retail sale and installation of automobile parts, tires or audio equipment; automobile and truck sales lots; automobile and truck rental lots; installations of auto, boat, motorcycle or truck parts;*

(d) *Bath houses;*

(e) *Bottling and/or distribution of liquids for human consumption;*

(f) *Drug stores, unless less than 2,000 square feet in net leasable area;*

(g) *Fortune teller establishment;*

(h) *Funeral parlors;*

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- (i) *Hand laundry and on-premises dry cleaning;*
  - (j) *Medical and surgical hospitals and medical centers of more than 4,000 square feet, clinics and sanatoria; rest, old age, nursing or convalescent centers; social service offices and agencies;*
  - (k) *Outdoor sales or storage, including outdoor use of coin operated machines that dispense food or drink;*
  - (l) *Take-out restaurants, and other similar establishments for the sale and consumption of food and/or beverages, with drive-in or take-out service (sale of food and/or beverages to be consumed outside primarily the confines of the premises);*
  - (m) *Retail sales of liquor or beer, except for facilities operated by the State Liquor Control Board;*
  - (n) *Retail sales of products or food through a window or aperture which opens directly onto the sidewalk, a public arcade, or public entranceway into a building;*
  - (o) *Any accessory speaker or audio device that causes music or voices to reach the sidewalk area, public arcade, or public entranceway to a building, which is adjunct to any permitted retail use, used to advertise merchandise sold, and/or used to call public attention to the use of the premises.*
  - (p) *Food markets of more than 2500 square feet.*
- (4) *Prohibition of Building Set-Back. Except when required by the underlying zoning classification, newly erected buildings shall have no set-back from the street line of Fairmount avenue.*
- (5) *Height Regulations. The maximum height of a building shall be 55 feet above the average ground level at the base of the structure, but in no case over 4 stories.*
- (6) *Conflicting Regulations. When the provisions of this Section conflict with other provisions of this Title, more restrictive provisions shall control.*

SECTION 2. This Ordinance shall take effect immediately.

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**Explanation:**

*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 April 18, 2002. The Bill was Signed by the Mayor on May 1, 2002.



Marie B. Hauser  
Chief Clerk of the City Council