

# City of Philadelphia



Council of the City of Philadelphia  
Office of the Chief Clerk  
Room 402, City Hall  
Philadelphia

(Resolution No. 070603)

## RESOLUTION

Calling upon the appropriate City agencies to enforce the provisions of Section 11-104 of The Philadelphia Code, relating to curb cuts providing access to Area Shopping Districts, and authorizing Council to retain counsel to file lawsuits to compel enforcement if the appropriate agencies continue not to enforce those provisions.

WHEREAS, Bill No. 070016, creating Section 11-104 of The Philadelphia Code (“Code”), became law on March 28, 2007 when it was signed by the Mayor; and

WHEREAS, Section 11-104 of the Code prohibits curb cuts within 65 feet of any residential property for the purpose of providing access to any lot zoned Area Shopping Center District, under Section 14-309 of the Philadelphia Code, where such lot measures 625,000 square feet or more in area, with certain exceptions; and

WHEREAS, A Home Depot store at Bustleton Avenue and Hendrix Street continues to maintain curb cuts within 65 feet of homes at a shopping center in violation of Section 11-104 of the Code; and

WHEREAS, The traffic using these curb cuts has a detrimental effect on the quality and safety of the surrounding neighborhood; and

WHEREAS, The appropriate City agencies have failed to enforce the provisions of Section 11-104 of the Code as to the Home Depot at Bustleton Avenue and Hendrix Street; now, therefore,

*RESOLVED, BY THE COUNCIL OF THE CITY OF PHILADELPHIA,*

That the Council calls upon the appropriate City agencies to take immediate action to enforce the provisions of Section 11-103 of The Philadelphia Code with respect to the Home Depot at Bustleton Avenue and Hendrix Street, and

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FURTHER RESOLVED, That Council is authorized to retain counsel to file suit to compel compliance with Section 11-103 should the appropriate City agencies and Home Depot continue to ignore the provisions of that Section.

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CERTIFICATION: This is a true and correct copy of the original Resolution, Adopted by the Council of the City of Philadelphia on the fourteenth of June, 2007.

Anna C. Verna  
PRESIDENT OF THE COUNCIL

Patricia Rafferty  
CHIEF CLERK OF THE COUNCIL

Introduced by: Councilmember O'Neill

Sponsored by: Councilmember O'Neill