

City of Philadelphia



(Bill No. 030386)

AN ORDINANCE

Amending Title 14 of The Philadelphia Code, relating to "Zoning and Planning," by amending Chapter 14-1600, entitled "Miscellaneous," by amending Section 14-1610, entitled "Old City Residential Area Special District Controls," by extending the boundaries of the area subject to special controls and by specifying uses not prohibited in this area, under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Chapter 14-1600 of The Philadelphia Code, relating to "Miscellaneous," is hereby amended to read as follows:

TITLE 14. ZONING AND PLANNING.

* * *

CHAPTER 14-1600. MISCELLANEOUS.

* * *

§14-1610. Old City Residential Area Special District Controls.

(1) Legislative Findings. The Council finds that:

* * *

(i) *In addition to the areas covered by the special land use and zoning controls when this Section was first added to the Code, there are equally important areas within Old City that require protection under the Code.*

(j) *There are over 91 restaurant, bar, or nightclub uses within a 25-square block area of Old City with a residential occupancy of over 4,000 people.*

(k) *Within these 25-square blocks (Front Street to Sixth Street, Wood Street to Walnut Street) seven blocks are the Independence National Historic Park. The 13 remaining blocks contain mixed-use zoning.*

(l) *This 13-block area of Old City supports 91 restaurant and bar establishments, 72 of which are located south of Market Street.*

City of Philadelphia

BILL NO. 030386 continued

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(m) *The 72 restaurant, bar, or nightclub establishments south of Market Street operate within a 5-block area and 67 of these establishments have liquor licenses.*

(n) *Within an area of only 2 square blocks (Front Street to Third Street and Market Street to Chestnut Street) there are 58 restaurant, bar, or nightclub establishments, 56 of which have liquor licenses.*

(o) *While much of this growth is positive, some of its negative effects have been severely impacting the residents and reputable businesses in the area. Some of the existing restaurants, bars, and nightclubs have become a nuisance to the community by contributing to more crime, public intoxication, vandalism, litter, and other anti-social forms of behavior and by reducing parking spaces for residents and patrons of more reputable establishments in the area.*

(p) *Recent fights and shootings have been committed as a result of disputes arising within some of the restaurants, bars, or nightclubs. In response, police activity has been increased in the area.*

(q) *The City should protect this vital residential and commercial community from these negative influences by enacting legislation that creates a positive environment for current and future residential and commercial development.*

(2) District Boundaries. For the purposes of this section, the Old City Residential Area Special District regulations shall apply to:

(a) All the properties within the area bounded as follows and depicted on Map "A": [(a)] On the north, the south street line of Wood street; on the east, the west street line of the Delaware Expressway; on the south, the north property line of all properties fronting on the north side of Market street; and, on the west, the east street line of Fifth street[.] ;

(b) *All the properties within the area bounded by Market Street on the north, (including properties fronting on both sides of Market Street), the east street line of Fifth street on the west, the north street line of Walnut Street on the south and the west street line of Front Street on the east.*

(3) Prohibited Uses. Within the Old City Residential Area Special District [(Map "A")] and notwithstanding any other Chapter of this Title, the following uses shall be prohibited *as set forth below:*

Within the area described in subsection 14-1610(2)(a), the following uses shall be prohibited:

City of Philadelphia

BILL NO. 030386 continued

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- (a) Amusement arcades;
- (b) Athletic and drill hall, dance hall, and other entertainment of guests and patrons as a main use;
- (c) Automobile repair shops, automobile service station for the retail sale of automobile fuels, lubricants and accessories, retail sale and installation of automobile parts, tires or audio equipment, car wash, automobile and truck sale lots;
- (d) Billiards, pool and bowling;
- (e) Bottling and/or distribution of liquids for human consumption;
- (f) Central heating plant;
- (g) Courtroom and courthouse building;
- (h) Garages as a main use and public parking lots;
- (i) Installation of auto, boat, motorcycle or truck parts;
- (j) Laboratories (analytical, chemical and research) and assay offices;
- (k) Penal and correctional institutions;
- (l) Restaurants and nightclubs;
- (m) Theaters with live stage performances and motion picture auditoriums;
- (n) Trolley and bus terminals and car and bus barns;
- (o) Fortune teller establishments;
- (p) Tattoo and body piercing establishments;
- (q) Palm readers, Tarot Card readers and other related types of so-called psychic personal services;
- (r) Take out restaurant;
- (s) Telemarketing, as that term is defined in the Telemarketer Registration Act, Act of December 4, 1996, P.L. 911, No. 147, §2, as amended (73 P.S. §2242).

City of Philadelphia

BILL NO. 030386 continued

Certified Copy

Within the area described in subsection 14-1610(2)(b), the following uses shall be prohibited:

- (a) *Cabarets;*
- (b) *Dance halls;*
- (c) *Entertainment of guests and patrons as a main use;*
- (d) *Fortune teller establishments;*
- (e) *Nightclubs;*
- (f) *Palm readers, Tarot Card readers and other related types of so-called psychic personal services;*
- (g) *Private clubs;*
- (h) *Restaurants;*
- (i) *Take out restaurants;*
- (j) *Tattoo and body piercing establishments;*
- (k) *Telemarketing, as that term is defined in the Telemarketer Registration Act, Act of December 4, 1996, P.L. 911, No. 147, §2, as amended (73 P.S. §2242).*
- (l) *The expansion or extension of any use listed in (a) through (k) above.*

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(4) **Height Regulations.** *Within the area described in subsection 14-1610(2)(a), the following height regulations shall apply:*

(a) [Within the Old City Residential Area Special District, the] *The maximum height of a building or an addition to an existing building shall be 65 feet about the average ground level at the base of the structure, provided, that this height restriction shall also be applicable to:*

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(5) **Maximum Building Width.** *Within the area described in subsection 14-1610(2)(a), the following building width regulations shall apply:*

City of Philadelphia

BILL NO. 030386 continued

Certified Copy

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Explanation:

[Brackets] indicates matter deleted.
Italics indicate new matter added.

City of Philadelphia

BILL NO. 030386 continued

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CERTIFICATION: This is a true and correct copy of the original Bill, Passed by the City Council on June 12, 2003. The Bill was Signed by the Mayor on July 31, 2003.



Patricia Rafferty
Chief Clerk of the City Council