

City of Philadelphia



(Bill No. 090852-AA)

AN ORDINANCE

Amending Chapter 14-1800 of The Philadelphia Code, entitled “Zoning Board of Adjustment,” to provide that the Zoning Board of Adjustment shall require any person seeking a variance from the terms of Title 14 to be current in payments of all taxes imposed under Title 19, under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Chapter 14-1800 of The Philadelphia Code is hereby amended to read as follows:

CHAPTER 14-1800. ZONING BOARD OF ADJUSTMENT.

§ 14-1801. Jurisdiction and Powers.

* * *

(5) No special exception, variance, Special Use Permit, Zoning Board of Adjustment Certificate or Temporary Use Certificate shall be granted unless the Person who owns the property for which the special exception, variance, Special Use Permit, Zoning Board of Adjustment Certificate or Temporary Use Certificate is sought has provided to the Zoning Board of Adjustment in the application therefor documentation satisfactory to the Zoning Board, verifying that all of the Person’s taxes pursuant to Title 19 of this Code are current or are subject to a payment agreement; or produces evidence that denial of the special exception, variance, Special Use Permit, Zoning Board of Adjustment Certificate or Temporary Use Certificate would effect an unconstitutional taking of the property for which it is sought.

The following exceptions shall apply:

(a) If the application is made by a tenant non-owner of the property, such tenant shall provide documentation verifying that all of the tenant’s such taxes are current or are subject to a payment agreement, and any taxes due on the subject property are not delinquent, and the application may then proceed without further regard to the owner’s tax status.

(b) If the application is made by a non profit entity, including a for-profit limited partnership whose general partner is owned or controlled by a nonprofit entity, which acquired the subject property from the City or a public

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agency, and all prior tax liabilities on the property were not cleared as of the acquisition, such applicant need provide only documentation verifying that all taxes assessed after its acquisition of the subject property, and all of the applicant's other taxes unrelated to properties so acquired, are current or subject to a payment agreement.

(c) If the application is made by a homeowner who acquired the subject property either directly from the City or a public agency, or from a nonprofit entity which previously acquired the property from the City or a public agency, and all prior tax liabilities on the property were not cleared as of the date of the homeowner's acquisition, such applicant need provide only documentation verifying that all taxes assessed after his or her acquisition of the subject property, and all of the applicant's other taxes unrelated to properties so acquired, are current or subject to a payment agreement.

(d) If the applicant attaches a Purchase and Sale Agreement providing that the sale of the subject property to the applicant is contingent upon approval of the application, together with an authorization for such application by the current owner of the subject property, the Zoning Board of Adjustment may conditionally approve the application if it otherwise meets the criteria for approval, with the proviso that the special exception, variance, Special Use Permit, Zoning Board of Adjustment Certificate or Temporary Use Certificate will be finally approved when the Department of Licenses and Inspections is provided with a copy of the Board's decision and documentation verifying that all of the taxes due on the subject property are paid in full.

SECTION 2. This Ordinance shall take effect January 1, 2011.

Explanation:

[Brackets] indicate matter deleted.
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 June 10, 2010. The Bill was Signed by the Mayor on June 23, 2010.



Michael A. Decker
Chief Clerk of the City Council