



# City of Philadelphia

City Council  
Chief Clerk's Office  
402 City Hall  
Philadelphia, PA 19107

**BILL NO. 030787**

---

**Introduced November 20, 2003**

---

**Councilmembers O'Neill and DiCicco**

---

**Referred to the  
Committee on Rules**

---

## **AN ORDINANCE**

Amending Title 14 of the Philadelphia Code relating to "Zoning and Planning" by amending Chapter 14-1700, entitled "Administration and Enforcement" by establishing when a Bill to amend the Philadelphia Zoning Maps or Code shall be considered a pending ordinance, under certain terms and conditions.

WHEREAS, The Courts of this Commonwealth have consistently held the zoning power to be a vital part of the police power of municipalities, and to be wholly legislative in nature; and

WHEREAS, In recognition of the importance of the zoning power, Courts have developed the "pending ordinance doctrine" which recognizes that even before a zoning ordinance is passed, a municipality may deem it desirable for it to be made binding once it has been advertised for a public hearing; and

WHEREAS, The Courts have held that the application of the pending ordinance doctrine is completely a subject of legislative discretion; and

WHEREAS, In the City of Philadelphia the pending ordinance doctrine has been applied without the benefit of legislation but rather by tradition; and

WHEREAS, In the City of Philadelphia the time for triggering the effectiveness of the pending ordinance doctrine begins well after the threshold date established by the Courts; and

WHEREAS, The Council desires to establish by enactment of this Ordinance, to codify what the law already provides, i.e., that the pending ordinance doctrine renders a zoning bill effective according to its terms no later than the date that such bill is advertised for public hearing; now therefore

# City of Philadelphia

*BILL NO. 030787 continued*

*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 14-100. GENERAL PROVISIONS.

\* \* \*

§14-102. Definitions.

\* \* \*

*(85A) Pending Ordinance. A Bill amending this Title for which a public hearing has been duly scheduled and advertised.*

\* \* \*

### CHAPTER 14-1700. ADMINISTRATION AND ENFORCEMENT.

\* \* \*

§14-1702. Duties and Powers of The Department of Licenses and Inspections.

\* \* \*

(2) The Department shall maintain a map or maps showing the current zoning classifications, *including all classifications established by pending ordinances*, of all land in the City.

\* \* \*

§14-1703. Permits.

\* \* \*

(2) No zoning or use registration permits shall be issued unless:

# City of Philadelphia

BILL NO. 030787 continued

\* \* \*

(b) Such plan is approved by the Department as showing compliance with the applicable provisions of this Title, *and of all pending ordinances*;

\* \* \*

§14-1708. Procedure for the enactment of Ordinances.

\* \* \*

(2) *Pending Ordinances.*

(a) *A bill amending this Title for which a public hearing has been duly scheduled and advertised shall be considered a pending ordinance;*

(b) *The pending ordinance doctrine shall render a zoning bill effective according to its terms no later than the date that such bill is advertised for a public hearing;*

(c) *No bill shall retain the status of pending ordinance for more than one year after the date of the advertisement of the public hearing.*

SECTION 2. If any provision, sentence, or clause of this Ordinance is held invalid, the remainder of the Ordinance and all other applications shall not be affected thereby.

SECTION 3. This Ordinance shall take effect immediately.

---

**Explanation:**

*Italics* indicate new matter added.

# City of Philadelphia

*BILL NO. 030787 continued*