



City of Philadelphia

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

BILL NO. 030241

Introduced April 25, 2003

**Councilmember Blackwell
for
Council President Verna**

**Referred to the
Committee on Rules**

AN ORDINANCE

Amending Chapter 14-2100 of The Philadelphia Code, entitled "Land Subdivision", by deleting certain provisions, by adding certain new provisions and by amending certain existing provisions, under certain terms and conditions.

Whereas, Much of the land area of the City of Philadelphia has already been developed; and

Whereas, There are opportunities for the residential redevelopment of land that was not previously used for residential purposes; and

Whereas, These sites may have environmental problems that the current provisions of The Philadelphia Code do not address; and

Whereas, Certain provisions of Chapter 14-2100 have proven to be unclear with regard to when the subdivision regulations apply and also with regard to the definition of "subdivision"; and

Whereas, Chapter 14-2100 of The Philadelphia Code entitled "Land Subdivision" does not address modern environmental concerns regarding the development of unimproved land or redevelopment; therefore

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Chapter 14-2100 of The Philadelphia Code, relating to Land Subdivision, is hereby amended to read as follows:

City of Philadelphia

BILL NO. 030241 continued

TITLE 14. ZONING AND PLANNING.

* * *

CHAPTER 14-2100. LAND SUBDIVISION.

§14-2101. Declaration of Policy.

(1) The purpose of this Chapter is to achieve orderly urban development *and redevelopment* [through land subdivision], to promote and develop the utilization of land to assure the best possible urban environment, to cause land subdivision to be in accordance with the Physical Development Plan of the City and to promote the health, safety, and general welfare of the community.

(2) *Much of the land in the City of Philadelphia has been developed. It is also the purpose of this Chapter to ensure that all land that is proposed for redevelopment is environmentally suited for the proposed use.*

§14-2102. Definitions.

(1) In this Chapter the following definitions apply:

(a) Subdivision.

(.1) A division of any part, parcel, or area of land [by the owner or his agent,] into lots or parcels [3] 2 or more in number for the purpose of conveyance, transfer, improvement, or sale with or without appurtenant roads, streets, lanes, driveways, [and] *or* ways dedicated or intended to be dedicated to public use, or the use of purchasers or owners of lots fronting thereon. A subdivision includes the division of a parcel of land having frontage on [an existing improved street] *a street confirmed on the City Plan which is legally open and improved* into [3] 2 or more lots, one or more of which have frontage on the [existing] *confirmed* street [;].

* * *

(e) Driveway. A minor vehicular right-of-way providing secondary access [to the side or rear of 3 or more] *between a public street and* lots, parcels, *buildings or dwelling units* [or properties];

* * *

City of Philadelphia

BILL NO. 030241 continued

(n) Property Data Map. A map showing all existing and planned conditions affecting the property to be subdivided, required prior to the submission of [an application] *a request* for subdivision approval;

* * *

(s) Street. A strip of land, including the entire right-of-way, [whether dedicated or not,] *confirmed on the City Plan and legally open and improved and* intended for use as a means of vehicular and pedestrian traffic. [Street shall be deemed to include avenue, boulevard, court, expressway, highway, lane, road, and the like.] [Streets] *Street* may be further [subdivided] *characterized* as follows:

(.1) A [major] *limited access* highway is a street used primarily for *through* traffic not local in destination;

* * *

(t) Subdivider. The owner, equitable owner, or authorized agent of the owner or equitable owner of a property subdivided.

§14-2103. Subdivision Control.

* * *

(4) The terms and provisions of this Chapter shall not apply to:

(a) The sale, [or] conveyance *or mortgaging* of land in excess of 5 acres for purposes other than land subdivision [and] *or* the [immediate] improvement thereof [for resale]; provided, the seller furnishes to the Commission a plot plan of the lots of land [so] *to be* sold, [or] conveyed *or mortgaged* and the Commission approves such plot plan based upon a finding that said plan is not contrary to the public interest and the purpose of this Chapter;

* * *

(5) *The Zoning Board of Adjustment shall not consider any variance request when the application in question is subject to the provisions of this Chapter until such time as the Commission has approved a Preliminary Plat of subdivision except where the denial would result in an unconstitutional taking.*

§14-2104. Subdivision Design Standards.

City of Philadelphia

BILL NO. 030241 continued

* * *

(3) Street System.

* * *

(c) Streets shall be constructed in accordance with the [standards and requirements] *regulations* of the Department of Streets;

* * *

(h) In instances where the terms of Chapters 14-100 through 14-1800 require lots to have frontage on a street, the term street shall not be deemed to include any limited access highway or expressway, such as, but not limited to the Delaware Expressway, the Schuylkill Expressway and the Roosevelt Extension, the Vine Street Expressway and Woodhaven Road.

(4) Cul-de-sac Streets. Cul-de-sac streets permanently designed as such, shall be [of reasonable length, not exceeding 500 feet,] *in accordance with the regulations of the Department of Streets* [and shall have at the closed end a turn-around containing a right-of-way having an outside radius of not less than 50 feet, which shall be paved to a radius of not less than 40 feet].

* * *

(8) Street Intersections.

* * *

(b) Intersections with major streets or [major] *limited access* highways should be reduced to a minimum;

* * *

(10) Lots and Lot Sizes.

* * *

(e) *Frontage or lot width, as required pursuant to Chapter 14-100 through 14-1700, shall be measured at the rear of the required front yard or when a front yard is not required, at the building line;*

City of Philadelphia

BILL NO. 030241 continued

(f) In areas where no off-lot sewerage and/or water facilities are available, the allowable lot size shall be determined by the Department of Licenses and Inspections *after consultation with the Water Department or the Health Department*. In fixing the allowable lot size, the Department shall give consideration to the topography of the site; the location of existing and proposed buildings on the lot, and existing buildings on adjacent lots; the location of existing sewerage and water facilities on adjacent property; the water table; the geology and characteristics of the soil; the type and size of proposed sewerage and water facilities, and the estimated use thereof.

(11) Driveways and Easements.

* * *

(e) Easements shall be provided as necessary for public utilities and shall have a minimum width [of 10 feet] *that conforms to the regulations of the Department of Streets or the Water Department*;

* * *

(g) Where a subdivision is traversed by a watercourse, there shall be provided a drainage easement or right-of-way *approved by the Water Department* conforming substantially to the line of such watercourse and of such width as will be adequate to preserve natural drainage, provided, such drainage easement or right-of-way *width shall [not be less than 40 feet in width] conform to the regulations of the Water Department*;

* * *

(13) *Street* Tree Planting.

(a) Street trees shall be planted in all residential [and apartment house] subdivisions including land abutting any street previously opened. [The exclusions provided in §14-2103(4) shall not apply to this subsection.] Installation shall be made under the supervision of the Fairmount Park Commission.

* * *

(14) Approval of Appropriate Departments. All improvements such as streets, driveways, water mains, and sewers shall be [constructed] in accordance with the [specifications] *regulations* established by the City Departments having jurisdiction.

§14-2105. Specifications for Maps and Plats.

City of Philadelphia

BILL NO. 030241 continued

* * *

(2) Specifications for Property Data Map. *The Planning Commission reviews all plans to determine if subdivision requirements are applicable. Such plans must meet minimum design specifications.* Property Data Maps shall be drawn at a scale of 100 feet or less to one inch and the following information shall be shown thereon:

* * *

(d) name of engineer, [architect,] surveyor, or other qualified person responsible for the map, *provided that any such person must be qualified in accordance with the Engineer, Land Surveyor and Geologist Registration Law, 63 P.S. §148, or any successor law;*

* * *

(f) topography, with elevations based on datum approved by the Department of Streets, and showing contours at vertical intervals of [5] 2 feet;

(g) approximate location of watercourses, tree masses, rock outcrops, existing buildings *or building foundations or footings*, and actual location of sewers, inlets, water mains, easements, fire hydrants, railroads, existing or confirmed streets and their established grades;

* * *

(3) Specifications for Preliminary Plat and [Data] *All Development Plans.*

(a) The Preliminary Plat *and all development plans* shall include [indicate in sketch form on the Property Data Map] the following information:

(.1) Proposed street layout, street names, lot lines, and lot identification numbers. Lots shall show [approximate] dimensions and areas [when required by the Commission]; streets shall indicate proposed cartway and right-of-way widths, approximate radii of curvature, and approximate grades;

* * *

(.3) Proposed sewerage, drainage including the *proposed location of all yard drains, basins, infiltration trenches and the method for the control of on-site stormwater runoff, and water supply* [.]

City of Philadelphia

BILL NO. 030241 continued

(.4) Existing and proposed contours.

(b) When required by the Commission, the subdivider shall submit data on subsoil conditions *including environmental assessment to determine environmental conditions and identify problems requiring corrective action* [.]

(c) All development plans that are not plats or subdivisions must include applicable provisions within the specifications for the final plat.

(4) Specifications for Final Plat and Data.

(a) The Final Plat shall be drawn in ink [on cloth,] at a scale of 100 feet or less to one inch, *and provided electronically, when required, in a format in accord with regulations adopted by the City*, and shall indicate the following information:

* * *

(.4) name and seal of registered professional engineer or surveyor [or other qualified person] *qualified in accordance with the Engineer, Land Surveyor and Geologist Registration Law, 63 P.S. §148, or any successor law, or in the case of electronic submission, name and professional registration number of such person*;

* * *

(.6) boundaries, with distances, bearings, and location of monuments. Such dimensions shall be in feet and hundredths of a foot *in Philadelphia standard datum*;

* * *

(.13) location and boundaries of all non-dedicated ways or easements, and of drainage ways *as approved by the Water Department*;

* * *

(.16) [when required by the Commission,] the location, depth, and size of sewers, stormwater drains, waterlines, location of wells and cesspools or septic tanks;

(.17) a [certification showing the applicant is owner of the land;

City of Philadelphia

BILL NO. 030241 continued

(.18)] statement dedicating streets, rights-of-way, or other areas for public use as may be required by the City;

[(.19)] (.18) such other certificates, affidavits, or endorsements as the Commission may require for the enforcement of this Chapter.

§14-2106. Filing of Maps and Plats.

(1) Filing of Property Data Map.

(a) Every subdivider shall file with the Commission 2 copies of the Property Data Map prior to [filing an application] *making a request* for the conditional approval of the Preliminary Plat. Property Data Maps shall comply with the provisions of §14-2105(1).

(b) Following the filing of the Property Data Map and prior to the preparation of the Preliminary Plat, the subdivider shall ascertain from the Commission staff [of employees] those elements which should be taken into consideration in the design of the subdivision. These shall include any features of the Physical Development Plan of the City and its amendments, or any plans of the Commission including, but not limited to proposed streets, recreation areas, drainage reservations, shopping centers, and school sites.

(c) *All subdivisions or reconfiguration of property lines must be reviewed and approved by the District Surveyor prior to submission to the Planning Commission or to any other City agency where submission is required under this Title.*

(2) Filing and Approval of Preliminary Plat.

(a) Twenty-five copies of the Preliminary Plat and supplementary data shall be submitted to the Commission together with a written [application] *request* for conditional approval. Preliminary Plats shall comply with the provisions of §14-2105(3). The Commission shall forward 2 copies of the Preliminary Plat to the Water Department. The Water Department shall approve the proposed method of control of stormwater runoff, including that from lots, before the Commission may give conditional approval of the Preliminary Plat.

(b) The Commission shall act on the [application] *request* for approval of the Preliminary Plat at [its first] *a* regularly scheduled meeting held not less than [22] 45 days following the date of filing of said [application] *request for approval*.

* * *

City of Philadelphia

BILL NO. 030241 continued

(3) Filing and Approval of the Final Plat.

* * *

(b) [Application] A *request* for approval of the Final Plat shall be submitted in writing to the Commission within 15 months after approval of the Preliminary Plat; otherwise, such approval shall become null and void unless an extension of time is applied for and granted by the Commission.

* * *

(c) The application shall be accompanied by 1 stable reproducible and 10 prints of the Final Plat and other exhibits [required] *used* for approval *including, but not limited to, electronic forms and submissions.*

(d) The Commission shall act upon the [application] *request* forthwith, except that if it fails to act within 45 days, its approval shall be presumed.

(e) The approval of the Commission shall be noted on [5] 6 copies of the Final Plat. One copy shall be sent to the Department of Streets, one copy to the Department of Licenses and Inspections, 2 copies to the subdivider, *one copy to the Water Department*, and the Commission shall retain one copy.

(f) Upon completion of any resurvey, one copy of the portion of the Final Plat covered by said resurvey shall be recorded by the subdivider in the Office for the Recording of Deeds.

[(f)] (g) In the event of disapproval, the Commission shall notify the subdivider of its disapproval and its reasons therefore in writing, not more than 7 days following such action.

[(g)] (h) When new streets are involved in any land subdivision, *prior to its approval*, the Commission may require, as a condition of its approval, confirmation by the Board of Surveyors of the appropriate City Plan changes.

(i) *When soil contamination is present in any land subdivision, the Commission may require, as a condition of its approval of a Final Plat or prior to its approval of a Final Plat, remedial action with appropriate closure documentation before building permits are issued.*

City of Philadelphia

BILL NO. 030241 continued

(4) *Record Plan. One copy of the approved plat, land subdivision or reconfiguration of property lines must be submitted for recording to the Department of Records.*

§14-2107. Variances.

* * *

(2) *The Zoning Board of Adjustment shall not authorize variances from the terms of this Chapter for a Preliminary or Final Plat submission that has been disapproved by the Commission, nor shall it authorize variances to subdivision plans which have not been reviewed by the Commission or its staff, except where the denial of such variances would effect an unconstitutional taking.*

SECTION 1. This Ordinance shall take effect immediately.

Explanation:

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