



City of Philadelphia

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

BILL NO. 090784

Introduced October 29, 2009

Councilmembers O'Neill, Greenlee, Miller, Krajewski, Council President Verna, Councilmembers Jones, Rizzo, DiCicco, Tasco, Sanchez, Kelly, Reynolds Brown, Clarke, Goode, Kenney and Green

**Referred to the
Committee on Rules**

AN ORDINANCE

Amending Title 10 of The Philadelphia Code, entitled "Regulation of Individual Conduct and Activity," by adding a new chapter to require sellers of real property to provide certifications of zoning and subdivision status to the purchaser prior to transfer, and providing penalties; and amending Title 14, entitled "Zoning and Planning," to require the Department of Licenses and Inspections to provide certifications regarding subdivision status to sellers upon request, and to require approval by the Planning Commission for property subdivision into two or more lots; all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

Section 1. Title 10 of The Philadelphia Code is hereby amended to read as follows:

TITLE 10. REGULATION OF INDIVIDUAL CONDUCT AND ACTIVITY.

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CHAPTER 10-1900. CERTIFICATION UPON SALE OF PROPERTY.

§ 10-1901. Certification Required.

Each seller of real property shall obtain from the Department of Licenses and Inspections the certification described in 14-1702(8), regarding the district classification, zoning status and subdivision status of the property to be transferred, and shall deliver it to the purchaser of said property at or before settlement.

City of Philadelphia

BILL NO. 090784 continued

§ 10-1902. Penalty.

The penalty for a violation of this Chapter shall be a fine of not less than one hundred (100) dollars and not more than three hundred (300) dollars.

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Section 2. Title 14 of The Philadelphia Code is hereby amended to read as follows:

TITLE 14. ZONING AND PLANNING.

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CHAPTER 14-1700. ADMINISTRATION AND ENFORCEMENT.

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

* * *

(7) No permit, certificate, license or document relating to the use of property which is subject to the provisions of Chapters 14-100 through 14-2000 of this Title shall be issued by any other department, agency or board of the City until the Department shall have certified that the use to be made of the property is in full compliance with the provisions of this Title.

(8) Upon application, the Department shall certify to the district classifications of any property, [and] the current zoning status *and the subdivision status* of [said] *any* property as shown by the official maps and records of the Department. *If the application concerns the proposed transfer of a property that is being subdivided or has been subdivided not more than six months prior to settlement, the certification shall include a statement that the requirements of Section 14-2103 have been satisfied.*

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CHAPTER 14-2100. LAND SUBDIVISION.

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§ 14-2102. Definitions.

City of Philadelphia

BILL NO. 090784 continued

(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 [three] *two* or more in number for the purpose of conveyance, transfer, improvement, or sale with or without appurtenant roads, streets, lanes, driveways, and ways dedicated or intended to be dedicated to public use, or the use of purchasers or owners of lots fronting thereon. A subdivision includes division of a parcel of land having frontage on an existing improved street into [3] 2 or more lots, one or more of which have frontage on the existing street;

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(e) Driveway. A minor vehicular right-of-way providing secondary access to the side or rear of [3] 2 or more lots, parcel, or properties.

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§ 14-2103. Subdivision Control.

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(5) *Where the proposed land subdivision will result in no more than two parcels, and regardless of exclusions otherwise applicable under Section 14-2103(4), the Commission need not require a Preliminary Plat or Final Plat, but shall, after consultation with the Department of Licenses and Inspections as required by Section 14-1702(7), and with the Department of Streets, review and approve or disapprove the proposed subdivision.*

Explanation:

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

City of Philadelphia

BILL NO. 090784 continued