

## Legislation Details (With Text)

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**File created:** 10/23/2003      **In control:** Committee on Rules

**On agenda:**      **Final action:** 12/18/2003

**Title:** Amending Title 14 of The Philadelphia Code, entitled "Zoning and Planning," by amending Chapter 14-1200 entitled "Reserved" by adding a new Chapter 14-1200 entitled "Pending Public Acquisition District" by establishing certain restrictions on land sought for acquisition by the City, under certain terms and conditions.

**Sponsors:** Councilmember Nutter, Councilmember DiCicco

**Indexes:**

**Code sections:** Title 14 - ZONING AND PLANNING

**Attachments:** 1. CertifiedCopy03068601.pdf

Date	Ver.	Action By	Action	Result	Tally
12/18/2003	1	MAYOR	VETOED		
12/18/2003	1	CITY COUNCIL	RECONSIDERED		
12/18/2003	1	CITY COUNCIL	READ		
12/18/2003	1	CITY COUNCIL	VETO OVERRIDDEN	Pass	15:0
12/4/2003	1	CITY COUNCIL	READ		
12/4/2003	1	CITY COUNCIL	PASSED	Pass	14:0
11/20/2003	1	CITY COUNCIL	ORDERED PLACED ON THIS DAY'S FIRST READING CALENDAR		
11/20/2003	1	CITY COUNCIL	SUSPEND THE RULES OF THE COUNCIL	Pass	
11/20/2003	1	CITY COUNCIL	ORDERED PLACED ON NEXT WEEK'S SECOND READING CALENDAR		
11/18/2003	0	Committee on Rules	HEARING NOTICES SENT		
11/18/2003	0	Committee on Rules	AMENDED		
11/18/2003	0	Committee on Rules	HEARING HELD		
11/18/2003	1	Committee on Rules	REPORTED FAVORABLY, RULE SUSPENSION REQUESTED		
10/23/2003	0	CITY COUNCIL	Referred		
10/23/2003	0	CITY COUNCIL	Introduced	Pass	

Amending Title 14 of The Philadelphia Code, entitled "Zoning and Planning," by amending Chapter 14-1200 entitled "Reserved" by adding a new Chapter 14-1200 entitled "Pending Public Acquisition District" by establishing certain restrictions on land sought for acquisition by the City, under certain terms and conditions.  
*THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:*

SECTION 1. Title 14 of The Philadelphia Code is hereby amended by adding a new Chapter 14-1200 entitled "Pending Public Acquisition District " to read as follows:

TITLE 14. ZONING AND PLANNING.

\* \* \*

CHAPTER 14-1200. [RESERVED] *Pending Public Acquisition District.*

§14-1201. *Findings and Purpose.*

(1) *Legislative Findings. The Council finds that:*

- (a) *The acquisition of land for public purposes is a time consuming and expensive process;*
- (b) *Knowledge that the City is in the process of acquiring a property can result in a property owner seeking to artificially inflate the value of that property by obtaining permits to expand businesses within a building, to add new units in a building or to extend or improve the buildings;*
- (c) *The unregulated issuance of permits with or without actual improvements to the property may result in an increased value being placed on the property being sought by the City;*
- (d) *The creation of new residential units within a building after it is designated for acquisition and the sale or lease of these units to new residents can result in unnecessary hardship for the residents and additional acquisition and relocation costs for the City;*
- (e) *The Council has the duty and the responsibility to acquire land at a price that is a fair market value price and is responsible to the citizens of the City;*
- (f) *Council also has a responsibility to property owners to pay a fair market value price based on the use of the property at the time it was designated for acquisition.*

(2) *Statement of Purpose.*

- (a) *The purpose of this Chapter is to allow for the continued lawful use of a property once it has been designated for acquisition by the City, or by a public agency acting on behalf of the City while not allowing for a change of use of the property from the use for which a valid use registration permit has been obtained prior to its designation as a Pending Public Acquisition District.*
- (b) *It is also the purpose of this Chapter to allow for the continued lawful use of a property once it has been designated for acquisition by the City, or by a public agency acting on behalf of itself or the City, while not allowing for any construction on vacant land or expansion or improvement of any building existing on the property prior to its designation as a Pending Public Acquisition District.*
- (c) *The designation of an individual property or of an area of the City as a Pending Public Acquisition District shall be in addition to its Zoning District at the time of its designation as part of a Pending Public Acquisition District.*
- (d) *It is intended that the designation of an area as a Pending Public Acquisition District shall exist for two years from the date of enactment to allow for completion of the legal acquisition of the property(ies) by the City or by a public agency acting on behalf of itself or the City.*

§14-1202. *Definitions.*

(1) *City-related agency.* Any authority, government agency or quasi-public corporation which:

- (a) receives appropriations from the City;
- (b) has entered into continuing contractual or cooperative relationships with the City, including any agreement whereby the City funds an agency's debt service; or
- (c) operates under legal authority granted to it by City ordinance.

(2) *Statement of Intent to Develop or Condemn.* A statement verified by a responsible official of a public agency attesting to the intention of the agency to acquire, by condemnation or otherwise, a specifically identified area of the City for purposes of development, improvement or other public purpose, subject to the availability of funds currently being sought by the agency or other contingencies set forth in the Statement; and setting forth the agency's plan for development of the area.

§14-1203. *Creation of a Pending Public Acquisition District.*

(1) Upon the filing by the City or any City-related agency, with the Chief Clerk of Council, of a Statement of Intent to Develop or Condemn, the Council may designate as a Pending Public Acquisition District all or part of the area of the City covered by such Statement. The Chief Clerk of the Council shall deliver a copy of the Statement of Intent to Develop or Condemn to the Zoning Board of Adjustment and the City Planning Commission within three days of the filing of such Statement. The following areas of the City are hereby designated as Pending Public Acquisition Districts:

(a) Reserved.

(2) Unless otherwise set forth in the ordinance creating any such District, the applicability of the restrictions set forth in this Section to all properties in such District shall expire at the earlier of two years after enactment of the ordinance creating the District or five years after the filing of the Statement of Intent to Develop or Condemn.

§14-1204. *Use Conditions.*

(1) In any Pending Public Acquisition District, no permit shall be issued for any of the following uses or improvements:

- (a) Construction of any buildings or structures on vacant land other than to cure a violation issued by the Department of Licenses and Inspections;
- (b) Creation of any additional residential units within an existing building;

*(c) The establishment of any new or additional use permitted by the underlying zoning designation of the property;*

*(d) The expansion within an existing building of any existing use, or the extension of any existing building or structures on the property;*

*(e) Any improvement, other than to cure a violation for which notice has been issued by the Department of Licenses and Inspections.*

*(f) Nothing in this section shall prevent the issuance of a permit for work to be conducted in order to insure the general maintenance and proper upkeep of any building or structure regardless of whether a violation notice has been issued by the Department of Licenses and Inspections.*

*§14-1205. Variances.*

(1) The Zoning Board of Adjustment shall not grant variances from the provisions of this Chapter except where the denial of such variances would effect an unconstitutional taking. The Zoning Board of Adjustment shall be notified by the Chief Clerk within three days of the filing of a Statement of Intent to Develop or Condemn and shall consider such a Statement in making any decision .

SECTION 2. This Ordinance shall take effect immediately.

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**Explanation:**

[Brackets] indicate matter deleted.

*Italics* indicate new matter added.