



City of Philadelphia

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

BILL NO. 250293

Introduced April 3, 2025

Councilmember O'Neill

Not Assigned to Committee

AN ORDINANCE

Amending Title 14 of The Philadelphia Code, entitled "Zoning and Planning," by revising the One Year Rule which limits the filing of permit applications that are substantially similar to a prior application with respect to which an appeal to the Zoning Board of Adjustment has been denied or dismissed; and making related changes; all 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 to read as follows:

TITLE 14. ZONING AND PLANNING.

* * *

CHAPTER 14-200. DEFINITIONS.

* * *

§ 14-203. Definitions.

* * *

(204) [One] *Three* Year Rule

See § 14-303(6)(g) (The [One] *Three* Year Rule).

* * *

City of Philadelphia

BILL NO. 250293 continued

CHAPTER 14-300. ADMINISTRATION AND PROCEDURES.

* * *

§ 14-303. Common Procedures and Requirements.

* * *

(6) Zoning Permits.

* * *

(g) The [One] *Three* Year Rule.

(.1) L&I shall determine whether a substantially similar application for the same property was finally denied or dismissed by the Zoning Board or a court within [one] *three* years prior to the date of the application, or whether an appeal is pending (either before the Zoning Board or before a court) of the denial or dismissal of a substantially similar application. If such a determination is made and if the application is not one that L&I may grant as of right under this Zoning Code, then L&I shall deny the application and note on the application "Denied – [One] *Three* Year Rule."

(.2) The issuance of a refusal or referral denoted, "Denied – [One] *Three* Year Rule", may be appealed to the Zoning Board. On such an appeal, the Zoning Board shall hold a hearing limited to two issues: (i) whether L&I properly applied the [One] *Three* Year Rule; and (ii) whether, because of materially changed circumstances, the application should be considered notwithstanding the [One] *Three* Year Rule. Following a public hearing pursuant to § 14-303(14) (Public Hearings) the Zoning Board shall make a decision limited to those two issues.

(.3) If the Zoning Board's decision is that the application should not be denied on the basis of the [One] *Three* Year Rule, then the Zoning Board shall consider the appeal on the merits in accordance with its usual procedures, including the holding of an additional hearing in accordance with § 14-303(14) (Public Hearings) for which posting notice of the additional hearing shall be required in accordance with § 14-303(13)(c)(.3)(b) (Continued Hearing) and applicable Zoning Board regulations, but for which no additional fee shall be imposed.

(.4) The failure of L&I to deny an application on the basis of the [One] *Three* Year Rule may be raised by any affected party in an appeal from

City of Philadelphia

BILL NO. 250293 continued

L&I's issuance of a permit or in an appeal to the Zoning Board from L&I's refusal to issue a permit for reasons other than application of the [One] *Three Year Rule*.

* * *

CHAPTER 14-300. ADMINISTRATION AND PROCEDURES.

* * *

§ 14-303. Common Procedures and Requirements.

* * *

(14) Public Hearings of the Zoning Board of Adjustment.

All Zoning Board hearings are subject to the following provisions:

* * *

(k) Hearings on appeals relating to the [One] *Three Year Rule* set forth in § [14-303\(6\)\(g\)](#) (The [One] *Three Year Rule*) shall be conducted in accordance with the procedures set forth in that subsection.

* * *

SECTION 2. This Ordinance shall take effect immediately.

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