



# City of Philadelphia

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

**BILL NO. 250293**

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**Introduced April 3, 2025**

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**Councilmember O'Neill**

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**Referred to the  
Committee on Rules**

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## **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).

\* \* \*

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## CHAPTER 14-300. ADMINISTRATION AND PROCEDURES.

\* \* \*

### § 14-303. Common Procedures and Requirements.

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#### (6) Zoning Permits.

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#### (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.

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(.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 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*.

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## CHAPTER 14-300. ADMINISTRATION AND PROCEDURES.

\* \* \*

### § 14-303. Common Procedures and Requirements.

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#### (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.

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SECTION 2. This Ordinance shall take effect immediately.

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