

# City of Philadelphia



*Philadelphia, October 18, 2018*

CERTIFICATION: This is to certify that Bill No. 180295-AAA was presented to the Mayor on the fourth day of October, 2018, and was not returned to the Council with his signature at a meeting held October 18, 2018 (being more than ten days) after it had been presented to him).

THEREFORE, Pursuant to the provisions of Section 2-202 of the Philadelphia Home Rule Charter, the ordinance becomes effective as if the Mayor had approved it.

A handwritten signature in cursive script that reads "Michael A. Decker".

Michael A. Decker  
Chief Clerk of the City Council

(Bill No. 180295-AAA)

## AN ORDINANCE

Amending Title 14 of The Philadelphia Code, entitled "Zoning and Planning," by amending the One Year Rule; modifying certain public notice requirements and making related changes; all under certain terms and conditions.

*THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:*

SECTION 1. Chapter 14-300 of The Philadelphia Code is hereby amended to read as follows:

### TITLE 14. ZONING AND PLANNING.

\* \* \*

### CHAPTER 14-300. ADMINISTRATION AND PROCEDURES.

\* \* \*

§ 14-303. Common Procedures and Requirements.

# City of Philadelphia

BILL NO. 180295-AAA continued

Certified Copy

\* \* \*

(6) Zoning Permits.

\* \* \*

(g) The One 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 year 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 Year Rule."

\* \* \*

(12) Neighborhood Notice and Meetings

\* \* \*

(d) Initial Notice from the Applicant to RCOs and Others.

*(.1) The Department shall provide each applicant with an orange sign consisting of corrugated plastic and measuring approximately four square feet that shall be posted by the applicant and placed on the property that is subject to the approval, review, or variance being sought, according to the same sign number and location requirements as § 14-303(13)(.2). This sign shall include the following information:*

*(.a) The phrase "ZONING NOTICE: THERE WILL BE A PUBLIC HEARING REGARDING THIS PROPERTY. FOR MORE INFORMATION:".*

*(.b) The telephone number of the Zoning Board of Adjustment.*

*(.c) The L&I zoning appeals website.*

# City of Philadelphia

BILL NO. 180295-AAA continued

Certified Copy

\* \* \*

[(.1)] (.2) Within [ten] *twenty* days after receiving the notice provided by the Commission under subsection (b), an applicant must provide written notice of its application to:

\* \* \*

(.c) The owner, managing agent or other responsible person at every property on the list provided to the applicant by the Commission under subsection (b). Notice under this subparagraph (.c) shall be sent by regular mail [or hand delivery; if there is no evident owner, managing agent or other responsible person on the property, notice may be satisfied by placement at or in the front door];

\* \* \*

the following: [(.2)] (.3) The notice required by this subsection (d) shall contain

\* \* \*

(.d) A description of the property involved by general vicinity, street address, size, and nearest cross street, and the zoning district in which the property is located; *and, in the case of appeals to the Zoning Board, a copy of the refusal/referral issued by the Department of Licenses and instructions for the application for proposed variance or special exception;*

(.e) *The address of the property listed on the application for the proposed variance or special exception* [A description of the nature, scope, and purpose of the application and the type of permit, approval, or variance being sought];

(.f) The date, time and place of the public meeting to be convened by the Coordinating RCO to discuss the application, but if the Coordinating RCO has not yet set the date, time and place of such public meeting, then the applicant shall instead include the following statement [in the notice]: **"THE APPLICANT AND THE**

# City of Philadelphia

BILL NO. 180295-AAA continued

Certified Copy

***COORDINATING RCO HAVE NOT YET SET THE DATE, TIME AND PLACE OF A PUBLIC MEETING. THE [A PUBLIC] MEETING TO DISCUSS THIS PROPOSAL WILL BE CONVENED BY THE COORDINATING RCO. ANOTHER LETTER WILL BE SENT VIA REGULAR MAIL INFORMING YOU OF THE DATE, TIME, LOCATION, AND COORDINATING RCO HOLDING THE MEETING."***  
[BUT THE DATE, TIME AND PLACE OF THAT PUBLIC MEETING HAS NOT YET BEEN SET. PLEASE CONTACT THE COORDINATING RCO OR YOUR DISTRICT COUNCILPERSON FOR MORE INFORMATION ABOUT THE PUBLIC MEETING.]

\* \* \*

***(.4) If the written notice sent out by the applicant under subsection 12(d)(3)(f) includes the date, time, and location of the public meeting then the applicant shall procure and maintain proof of mailing by means of a cancelled Certificate of Mailing obtained from the United States Postal Service.***

\* \* \*

(e) Neighborhood Meeting and Documentation Requirements.

(.1) After receiving notice from the applicant under subsection (d), the Coordinating RCO, after consultation with the applicant and all other Registered Community Organizations whose registered geographical boundaries include the applicant's property, shall set the time, date and place of a public meeting to discuss the applicant's proposal, and shall notify the applicant and all other Registered Community Organizations whose registered geographical boundaries include the applicant's property of those details. The meeting shall be scheduled for a date that is within 45 days after the applicant filed the appeal to the Zoning Board for approval of a special exception or variance or within 45 days after the applicant has been notified by L&I that an application will require review under the Civic Design Review Process, as applicable.

***(.a) If the date, time, and location of the public meeting was not included in the initial written notice under subsection (12)(d), then within three business days of***

# City of Philadelphia

BILL NO. 180295-AAA continued

Certified Copy

*receiving confirmation of the date of the public meeting by the Coordinating RCO under § 14-303 (12)(b) the applicant shall provide written notice of the public meeting via regular mail to:*

*(.1) The coordinating RCO;*

*(.2) Each RCO whose boundaries include the applicant's property, as set forth in the notice provided by the Commission under § 14-303 (12)(b);*

*(.3) The district councilmember whose district includes the applicant's property;*

*(.4) The owner, managing agent or other responsible person at every property on the list provided to the applicant by the Commission under § 14-303 (12) (b); and*

*(.5) The Commission.*

*The applicant shall procure and maintain proof of mailing by means of a cancelled Certificate of Mailing obtained from the United States Postal Service.*

[(.a)] *(.b)* With respect to projects that are subject to Civic Design Review: No later than two business days prior to the scheduled date of the meeting, the applicant shall provide to all of the parties listed in subsection (d)(.1), above (pertaining to Initial Notice from the Applicant to RCOs and Others), a copy of any Project Information Form required by § 18-503; provided, however, that, in the event a meeting in full compliance with subsection (e) takes place prior to the required notification by L&I that an application will require review under the Civic Design Review Process, the applicant shall provide such Form at or before such meeting or as expeditiously as possible thereafter. The Commission shall strongly encourage applicants proceeding with Civic Design Review under § 14-304(5)(b)(.3) (Optional Review) to comply with this subsection (12) and § 18-503.

# City of Philadelphia

BILL NO. 180295-AAA continued

Certified Copy

\* \* \*

(13) Public Notice.

\* \* \*

## (c) Sign Notice

Where § [14-303\(13\)](#)(a) (Required Notices and Responsibilities) requires notice by sign, the notice shall contain the content listed in § [14-303\(13\)](#)(b) (Content) and shall meet the following requirements.

(.1) Provision and Posting of Signs.

L&I shall provide each applicant with the required number of signs. In order to provide clear and adequate notice, all posting shall comply with the sign posting requirements of this § [14-303\(13\)](#)(c) (Sign Notice).

\* \* \*

(.3) Time of Posting

(.a) Original Hearing

Notification signs shall be posted ***within five business days after the applicant files an appeal to the Zoning Board*** and remain continuously in place, [for 21 or more days immediately preceding the date of the public hearing, including] ***through*** the day of the hearing, ***which shall take place no less than 21 days after initial posting***. The applicant shall have the responsibility to see that each required sign remains posted during the entire period.

(.b) Continued hearing

\* \* \*

(.ii) If a public hearing is continued to a date that is more than two days from the originally noticed hearing date, then the applicant shall post notice of the continued hearing ***when the Department has made the sign available to the applicant*** from a date two days after the date of the original hearing

# City of Philadelphia

BILL NO. 180295-AAA continued

Certified Copy

until the date of the continued hearing[, except that an applicant need not post notice more than 21 days prior to the continued hearing].

\* \* \*

(f) Other Forms of Notice.

(.1) No provision of this § 14-303(13) (Public Notice) shall restrict any department or agency of the City from providing additional notice in a different form, including, without limitation, notice through posting of information on the City's web site, links to other web sites, electronic mail, or mailing lists. Notices pursuant to this § 14-303(13)(f) shall be provided at the City's option and shall not substitute for any required notices under §§ 14-303(13)(c) through 14-303(13)(e) above. Failure to provide any form of supplemental notice under this § 14-303(13)(f) shall not be cause to delay, reverse, or appeal any decision of the Zoning Board or any department or agency of the City.

*(.2) When a map amendment is introduced in City Council under the provisions of § 14-303 (a), all properties for which the bill proposes a change in base zoning district that would be less restrictive than the property's then-current zoning shall be sent written notice by the Commission within 14 days of the amendment's introduction stating instructions on how interested parties may find further information about the proposed amendment and the contact information for the district councilmember. Where there is a question as to whether the new proposed zoning is less restrictive than the then-current zoning, the Law Department's determination shall control.*

SECTION 2. This Ordinance shall take effect immediately.

# City of Philadelphia

BILL NO. 180295-AAA continued

Certified Copy