



City of Philadelphia

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

BILL NO. 010615

Introduced October 25, 2001

**Councilmember Blackwell
for
Council President Verna**

**Referred to the
Committee on Rules**

AN ORDINANCE

Amending Title 14 of The Philadelphia Code, entitled "Zoning and Planning," by amending Chapter 14-1800 entitled "Zoning Board of Adjustment," by amending Section 14-1807 entitled "Appeals to the Courts," by amending language regarding appeals, under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Legislative findings. The Council hereby finds:

1. Philadelphia, unlike many other cities in the Commonwealth, is a city of neighborhoods, and a city of neighborhood organizations that work hard to preserve and improve the quality of life in our City and to protect our communities from intrusions that destroy the character of our neighborhoods.
2. Active citizen taxpayers and community organizations are vital to maintaining strong neighborhoods.
3. An unfettered right to challenge zoning decisions is integral to the ability of local organizations and taxpayers to support the quality of life in our neighborhoods.
4. Certain decisions of the Zoning Board of Adjustment are of purely local neighborhood concern, and should be subject to challenge in court only by persons immediately affected by the zoning decision.
5. Certain other decisions of the Zoning Board of Adjustment are *not* purely local and should be subject to challenge by *any* taxpayer.

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6. Taxpayers who live in the immediate vicinity of a property should have an absolute right to challenge zoning decisions affecting that property, without having to show that they are aggrieved or that they suffer a direct, adverse impact.

7. Any taxpayers, without regard to specific residence, should have an absolute right to challenge zoning decisions that are not merely of purely local neighborhood concern, without having to show that they are aggrieved or that they suffer a direct, adverse impact.

8. Examples of matters that could be of more than merely purely local neighborhood concern include: matters relating to properties of significant historical or cultural value (see, e.g., Section 14-2005, relating to Special Controls for Independence Mall and Independence National Historical Park), matters that could significantly alter the downtown skyline (see, e.g., Section 14-1609, relating to Center City Height Controls), and matters relating to visual appearance seen by thousands of commuters or tourists.

9. Examples of matters that could be of purely local neighborhood concern include: matters in a neighborhood relating to restaurant seating or outdoor restaurant service, matters relating to parking (see, e.g., Section 14-1402, relating to Parking in Residential Districts), and matters relating to setbacks and spacing (see, e.g., Section 14-206.1(2)(a), (e), relating to lot width and front yards).

SECTION 2. Section 14-1807 of The Philadelphia Code, entitled “Appeals to the Courts” is hereby amended to read as follows:

TITLE 14. ZONING AND PLANNING.

* * *

CHAPTER 14-1800. ZONING BOARD OF ADJUSTMENT.

* * *

§14-1807. Appeals to the Courts.

(1) [Any person or persons jointly or severally aggrieved by any decision of the Board, or any taxpayer, or any officer, department, board or bureau of the City,] *The following persons* may appeal from a decision of the Zoning Board of Adjustment by presenting to the Court of Common Pleas a Notice of Appeal setting forth the date of the decision by the Board, the calendar number of the case before the Board, and the address

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of the property involved, and attaching a copy of the decision from which the appeal is being taken:

(a) Any person or persons jointly or severally aggrieved by any decision of the Board.

(b) Any taxpayer who lives in the immediate vicinity of the affected property, without any showing that he or she is aggrieved.

(c) Any business located in the immediate vicinity of the affected property, without any showing that it is aggrieved.

(d) Any taxpayer, without any showing that he or she is aggrieved, with respect to a decision of the Board not merely of purely local neighborhood concern.

(e) Any officer, department, board or bureau of the City.

(2) The Notice of Appeal shall be in such form as required by local rules of court and shall be filed within thirty (30) days after the date of the mailing of the notice of decision, which date shall be separately and clearly designated on such notice. The Notice of Appeal shall also contain the following statement: "Please take notice that all parties that entered an appearance in the proceedings before the Zoning Board of Adjustment may intervene as of right in this appeal by filing with the Prothonotary a Praeceptum to Intervene within thirty (30) days of the date of service of this notice."

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SECTION 2. This Ordinance shall take effect immediately.

Explanation:

[Brackets] indicate matter deleted.

Italics indicate new matter added.

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