City Council
Chief Clerk's Office
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Philadelphia, PA 19107

Legislation Details (With Text)

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File created:	9/17/2021		**In control:**	Committee on Law and Government	
On agenda:			**Final action:**	12/16/2021	
Title:	Proposing an amendment to the Philadelphia Home Rule Charter to revise the composition of the Zoning Board of Adjustment, by increasing the number of appointees, providing for confirmation by Council of appointees, and specifying qualifications that appointees must possess; and providing for the submission of the amendment to the electors of Philadelphia.				
Sponsors:	Council President Clarke, Councilmember Parker, Councilmember Quiñones Sánchez, Councilmember Jones, Councilmember Gauthier, Councilmember Brooks, Councilmember Bass, Councilmember Green				
Indexes:					
Code sections:					
Attachments:	1. Resolution No. 21069201, As Amended.pdf, 2. Signature21069201				

Date	Ver.	Action By	Action	Result	Tally
12/16/2021	1	CITY COUNCIL	ADOPTED	Pass	17:0
12/9/2021	1	CITY COUNCIL	ORDERED PLACED ON FINAL PASSAGE CALENDAR FOR NEXT MEETING.		
12/6/2021	0	Committee on Law and Government	HEARING NOTICES SENT		
12/6/2021	0	Committee on Law and Government	HEARING HELD		
12/6/2021	0	Committee on Law and Government	AMENDED		
12/6/2021	1	Committee on Law and Government	REPORTED FAVORABLY		
9/17/2021	0	CITY COUNCIL	Introduced and Referred		

Proposing an amendment to the Philadelphia Home Rule Charter to revise the composition of the Zoning Board of Adjustment, by increasing the number of appointees, providing for confirmation by Council of appointees, and specifying qualifications that appointees must possess; and providing for the submission of the amendment to the electors of Philadelphia.

WHEREAS, The City's Zoning Code is of fundamental importance to all Philadelphians. It defines the physical backbone of the City by regulating how land may be used; by determining the size, height, and type of buildings; and by stating what activities are permitted within those buildings. It profoundly affects the well-being of all who live and work here, and it shapes the growth of our communities for decades to come; and

WHEREAS, The Zoning Board of Adjustment (ZBA) is a critical component of the City's Zoning Code, with the authority to grant "variances" -- exceptions to the requirements of the Zoning Code - that can permanently change the character of a neighborhood; and

WHEREAS, It is essential to ensure that the ZBA execute its authority in as professional a manner as possible,

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with the on-board expertise and institutional support necessary to arrive at consistent, well-reasoned decisions when considering requests for variances; and

WHEREAS, The Administration has recommended administrative measures to further support the ZBA's capacity, including, for example, mandatory training, physical improvements to ZBA facilities, and additional administrative support from City Planning Commission staff; and

WHEREAs, As part of this essential reform, Council has concluded that the composition of the ZBA itself needs to be revised by (1) increasing the size of the board from five to seven members, all of whom would continue to be appointed by the Mayor; (2) providing for Council confirmation of these appointments; and (3) requiring that the ZBA include members who possess specified areas of expertise *and* members who are recognized leaders from community organizations; and

WHEREAS, Under Section 6 of the First Class City Home Rule Act (53 P.S. Section 13106), an amendment to the Philadelphia Home Rule Charter may be proposed by a resolution of the Council of the City of Philadelphia adopted with the concurrence of two-thirds of its elected members; now, therefore, be it

RESOLVED, BY THE COUNCIL OF THE CITY OF PHILADELPHIA, That the following amendment to the Philadelphia Home Rule Charter is hereby proposed and shall be submitted to the electors of the City on an election date designated by ordinance:

~~Strikethrough~~ indicates matter deleted by these amendments.
Italics indicates matter added by these amendments.

ARTICLE III
EXECUTIVE AND ADMINISTRATIVE BRANCH - ORGANIZATION

* * *

CHAPTER 9
DEPARTMENTAL BOARDS AND COMMISSIONS

* * *

§ 3-911. Zoning Board of Adjustment.

The Zoning Board of Adjustment shall be composed of ~~five appointed~~ *seven* members *appointed by the Mayor with the advice and consent of a majority of all the members of City Council. All members shall have a demonstrated sensitivity to community concerns regarding development and the protection of the character of Philadelphia's neighborhoods. The members shall include an urban planner, an architect, an attorney with zoning experience, a person with experience in the construction industry, and at least two recognized leaders from community organizations.* The Director of Planning and Development shall be an alternate member who may replace any absent or disqualified appointed member.

* * *

APPENDIX

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* * *

CHAPTER A-2

§ A-200 Schedule.

This Charter shall become effective on the first Monday of January, 1952, except in the following particulars:

* * *

(19) Zoning Board of Adjustment. The amendment to this Charter relating to the Zoning Board of Adjustment and adopted by the voters at the May 17, 2022 election shall take effect October 1, 2022. Nominations of the Mayor's appointees shall be transmitted to Council for Council's advice and consent no later than the second stated session of Council occurring thereafter. Appointees serving on the Board immediately prior to the effective date of this amendment shall continue to serve until their replacements or reappointment have been confirmed by Council.

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