

Legislation Text

File #: 180498-AAA, Version: 4

Amending Title 14 of The Philadelphia Code, entitled "Zoning and Planning," to provide for the procedures for the Administrative Review process; 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.

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CHAPTER 14-300. ADMINISTRATION AND PROCEDURES.

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§ 14-303. Common Procedures and Requirements.

Procedures that are common to several types of applications for permits, approvals, or variances are provided for in this section.

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(16) *Administrative Review.*

(a) The recipient of a variance or special exception issued by the Zoning Board may request in writing to L&I a minor administrative adjustment to the variance or special exception, provided the variance or special exception has not expired as set forth in §14-303(10) and provided no more than 180 days have passed since its issuance or no more than 180 days have passed since the enactment of this bill. Exception. A minor administrative adjustment which comes at the request of a City department or agency, may occur outside of the 180 days required by this section, provided that a formal written request on behalf of the City department or agency, accompanies the administrative adjustment application on the corresponding department or agency's letterhead, and is attested to by an employee of that City department or agency.

(.1) Upon the filing of such a request, the Commission shall provide to the applicant contact information for each Registered Community Organization ("RCO") whose registered boundaries include the applicant's property and for the District Councilperson whose district includes the applicant's property. The applicant shall promptly send a copy of its request for administrative adjustment to each such RCO; to the District Councilperson; and to all persons or entities that entered an appearance in the matter before the Zoning Board; and shall certify to L&I that such notices have been provided. An appearance list shall be available for inspection at the Zoning Board.

(b) No sooner than ten (10) days after certification of notice, L&I may approve a minor administrative adjustment to a previously issued variance or special exception, but only if it does not substantially alter the character of the structure originally approved; only if it does not conflict with a Zoning Board proviso; and only if it reduces the intensity of the previously approved use. An administrative adjustment reduces the intensity of an approved use if it:

(.1) Provides for minor changes to reduce the footprint, gross floor area or height of the approved structure;

(.2) Lessens the degree of impact related to dimensional variances;

(.3) Lessens the number of approved dwelling units where applicable;

(.4) Lessens the number or size of approved signs; or

(.5) Makes comparable changes that reduce the intensity of the proposed use.

(c) If any adjustment requested is approved, notice in writing shall be mailed by L&I to all persons or entities to whom notice was required to be sent under subparagraph (a)(.1), above, as well as to the Zoning Board. Within 14 days of the date of such notice, any such person may request in writing a hearing before the Zoning Board on the adjustment approved. The applicant shall provide notice of such hearing to all persons and entities required to receive notice under subsection (a)(.1). An approved adjustment does not become effective until expiration of the 14-day period or, if a hearing is requested, the conclusion of the hearing.

(d) The denial of a minor administrative adjustment may be appealed to the full Zoning Board pursuant to § 14-303(15) (“Appeals”). The issue on such an appeal shall be limited to whether L&I properly denied the request for a minor administrative adjustment.

(e) Upon approval of an administrative adjustment by L&I or the Zoning Board, L&I shall issue the applicant an Administrative Review Permit, which shall be posted in accordance with § 14-303(6)(f).

(f) This subsection (16) shall supersede any Zoning Board of Adjustment regulations or procedures relating to Administrative Review.

SECTION 2. This Ordinance shall take effect upon enactment.

Explanation:

[Brackets] indicate matter deleted.

Italics indicate new matter added.