

ZONING BOARD OF ADJUSTMENT
EMERGENCY REGULATIONS REGARDING PUBLIC HEARING NOTICE
REQUIREMENTS
FOR ZONING HEARINGS AND OTHER RELATED MATTERS

On March 16, 2020, as part of a series of emergency declarations and orders, the Mayor and Health Commissioner issued an Emergency Order Temporarily Prohibiting Operation of Non-essential Businesses to Prevent the Spread of COVID-19 (“Emergency Order”). On March 18, 2020, the Zoning Board of Adjustment (“Board”) suspended all deadlines for filing appeals. The City recognizes that the COVID-19 Pandemic is unprecedented. The City’s top priority is maintaining public health and the safety of all Philadelphians and those who work and invest in the City; by taking proactive steps now we can help mitigate community spread.

As part of a series of emergency declarations and orders, the Mayor and Health Commissioner determined on May 29, 2020, that Philadelphia could move to the Commonwealth’s “Yellow Phase,” with additional, Philadelphia-specific restrictions that would apply in addition to restrictions established by the Governor, including limitations on outdoor dining, and to implement that decision, executed an Order entitled “Emergency Order Allowing Limited Reopening of Businesses, Advising Philadelphians that they are Safer at Home, and Establishing Safety Measures to Prevent the Spread of 2019 Novel Coronavirus (COVID-19): Yellow Phase of Reopening” (“Yellow Phase Order”) to become implement that decision, effective on the date determined by the Governor that the City of Philadelphia should move into the Yellow Phase, on June 5, 2020.

Pursuant to its powers as set forth at §8-407 of the Philadelphia Home Rule Charter and Subsection 14-103(4)(b) of the Philadelphia Zoning Code, the Zoning Board of Adjustment

hereby adopts the following temporary regulations relating to notice requirements and other related matters which are necessary in order to allow hearings by the Board to resume, which shall become effective immediately and shall remain in effect for the duration of the affected period.

1. “Affected Period.” Means the period beginning on March 13, 2020, through September 30, 2020, unless further extended by the Board.
2. This Board’s Emergency Regulation of March 18, 2020 is hereby repealed and replaced as follows.
 - a. For all matters where the appeal deadline would have fallen between March 13, 2020 and the effective date of this regulation, notwithstanding the Board’s emergency regulation of March 18, 2020, the deadline for filing an appeal shall be fourteen days from the effective date of this regulation.
 - b. For all matters where the appeal deadline falls on a date on or after the effective date of this regulation, the appeal deadline shall be as set forth in the Zoning Code, but in no instance shall the time limitation be less than fourteen days from the effective date of this regulation.
 - c. Hearings will be scheduled at the Board’s discretion.
3. For hearings on appeals filed during the affected period and hearings continued during the affected period—including hearings rescheduled due to cancellations—the “Time of Posting” provisions set forth at Zoning Code Subsection 14-303(13)(c)(.3) shall be deemed to have been met where the posting meets the following requirements:

a. Original Hearing

Notification signs for original hearings shall be posted no less than 21 days prior to the hearing date and shall remain continuously in place through the day of the hearing.

b. Continued Hearing

Notification signs for continued hearings, including hearings rescheduled by the Board following cancellation of a previously scheduled hearing, shall be posted no less than 14 days prior to the new hearing date and shall remain continuously in place through the day of the hearing.

4. During the affected period, the Zoning Board shall provide all information to be placed on the required signs to the Applicant, by email or otherwise, who shall then be responsible for printing the signs and posting them in accordance with the “Number and Location of Signs” requirements set forth at Zoning Code Subsection 14-303(13)(c)(.2). The content of the signs shall be exactly as provided by the Board; an applicant shall not alter the content in any way.
5. In addition to the public sign notice content requirements set forth in Subsection 14-303(13)(b)(.5), the notice shall state that the hearing will be held using telecommunications technology and shall include the following information: (a) the telecommunications technologies being used to conduct the hearing; (b) the methods by which a member of the public may access the hearing using the identified telecommunications technologies; and (c) the method by which a member of the public

may comment on the application before the Board using the identified telecommunications technologies.

6. The sign notice requirements set forth at Zoning Code Subsection 14-303(13)(c)(.4), (.5), and (.6), relating to reposting, sign removal, and posting of the referral or refusal, shall remain in effect during the affected period. At the time of the hearing, the Board may require an applicant to provide proof that the posting requirements have been met and that the form of the signage was sufficient to provide reasonable notice to the public.
7. These Regulations shall be construed in conjunction and consistently with all applicable Emergency Regulations relating to Public Meeting Notice Requirements for Zoning Hearings and Other Related Matters, promulgated by the Planning Commission.
8. The Board shall defer to the recommendation of the Commission regarding the treatment of hearings where a Registered Community Organization has been unable to meet in a virtual setting using telecommunications technology during the Affected Period, unless the District Councilperson objects or if the Board finds that the recommendation imposes an undue burden upon the applicant or upon other persons or entities, including the RCO(s).
9. Nothing herein shall be construed to affect the right of any person or entity with an interest in the outcome of a matter before the Board to request a continuance of any matter in accordance with applicable statute, ordinance, rules or regulations governing the proceedings of the Board.

10. Based on the Mayor's March 11, 2020, Declaration of Extraordinary Circumstance that allows regulations related to addressing the pandemic to become effective immediately upon transmission to the Department of Records, this emergency regulation shall be effective immediately.