



Related Lawyers

Michael J. Tierney

Related Practices

Real Estate

Media Contact

Peter Dunn
Director of Client
Relations and
Communications
Philadelphia, PA
pdunn@dilworthlaw.com

2014 AMENDMENTS TO PHILADELPHIA ZONING CODE IMPACT COMMUNITY NOTICE RULES

March 14, 2014

Author: [Michael J. Tierney](#)

On March 1, 2014, changes to the Philadelphia Zoning Code went into effect that impact communications between applicants/developers and Registered Community Organizations (RCO), shifting some of the burden of notice between applicants, the City Planning Commission and RCOs.

Coordinating RCOs: The amendments remove the terminology “Issue-Based” and “Local” RCOs, with the concept of local RCOs surviving. Moreover, whereas before an applicant had to communicate with all of the Local and Issue-Based RCOs, the amendments provide for the identification of one “Coordinating RCO” selected by the local City Council member. If there is more than one RCO for the property, the Council member must select one to be the Coordinating RCO (or can select two or more RCOs to jointly serve). If the Council member does not identify a Coordinating RCO for the Commission, the Commission must select a Coordinating RCO from among the RCOs for the property.

RCO registration: RCOs must re-register as an RCO after March 1, 2014. Moreover, this registration lasts for only two years, at which time the RCO must re-register. Previously, there was no re-registration requirement.

New obligations of the Commission: Within seven days of an applicant filing an appeal to the Zoning Board of Adjustment, the Commission must now provide notice to the applicant and RCO(s) which must include, among other items, the name of the Coordinating RCO. Previously, the burden of providing initial notice fell on the applicant.

Who must be notified: In another change, the Commission must now identify for the applicant the neighboring properties to whom the applicant must provide notice of the ZBA hearing. The amendments also change the identity of which property owners must be notified. Now, the following must receive notice: every property on the same block as the applicant’s; every property that is across the street from applicant’s property; and every property that is within 200 feet of the applicant’s property.

Notice from applicant: If there is no evident owner, managing agent or responsible person at a neighborhood property, notice is now explicitly satisfied by placement at or in the front door. Applicant’s notice to the RCO and neighbors is now due ten days after the applicant receives the above-described notice from the Commission.

Meeting with RCO: In two different sections, the amendments make clear that the burden is now on the Coordinating RCO to schedule a meeting with the applicant. In its notice to the RCO and the neighbors, the applicant must provide the date, time and place of the public meeting. However, if the Coordinating RCO has not yet set the date, time and place of such meeting, then the applicant can inform the neighbors that the Coordinating RCO has not yet scheduled such meeting and that the neighbors should contact the Coordinating RCO or their Council member about the meeting (using specific language as provided in the amendment).

In another change to the prior amendments, the revised code provides that the applicant shall state in its notice to the neighbors that if the neighbor is the owner of, or responsible for, a multi-unit building, the applicant may simply request (using required language) that the owner or responsible person post the notice at a prominent place in a common area of the building. This change addresses the issue about how to satisfy notice in a multi-unit building where security prevents access to individual units.

Neighborhood meeting and required documentation: Whereas the prior amendments left unclear whether the applicant or the RCO was required to take the lead in scheduling the community meeting, the amendments make clear that scheduling the meeting is the duty of the Coordinating RCO. After receiving notice from the applicant, the Coordinating RCO is required to consult with the applicant and schedule the meeting. The amendments also remove the requirement that the applicant provide written documentation of the public meeting to the ZBA, but retain the requirement that the Coordinating RCO provide both written documentation and a summary of the public meeting. Moreover, if an RCO fails to submit a meeting summary for a third time, it loses its RCO status for one year.

Finally, the amendments provide that the ZBA may conduct the applicant's hearing any time after 45 days after the applicant has satisfied its notice requirements – regardless of whether an RCO meeting was held. The amendments also eliminate the requirement that the applicant and the RCO document their respective efforts to coordinate a public meeting, thus streamlining the process a bit.