

# Change Memo

## Proposed Revisions to *Public Draft Module 1 – Administration and Procedures*

Section	Recommended Change
14-101 Purpose	Update and modernize this section as follows:  [This Zoning Code is enacted to promote the public health, safety and general welfare of the City. The provisions of this Zoning Code are designed to: <ul style="list-style-type: none"> <li>• Ensure consistency with and implement the policies and goals contained with the City’s Comprehensive Plan.</li> <li>• Provide adequate light, air, privacy and access to property and open space.</li> <li>• Protect the character and stability of the city’s neighborhoods.</li> <li>• Establish clear and efficient development review and approval procedures that promote predictable and consistent land development.</li> <li>• Restore and conserve the city’s natural and historic resources.</li> <li>• Promote orderly, compatible and beneficial development patterns that are supported by an adequate, fair and efficient distribution of public facilities and services.</li> <li>• Maintain and promote safe pedestrian, bicycle, transit and vehicular circulation.</li> <li>• Encourage environmentally-responsible development practices.</li> <li>• Preserve and enhance the public realm, including the streetscape and pedestrian environment.</li> <li>• Promote and maintain a balanced mix of housing choices.]</li> </ul>
14-105 Relationship to Plan Documents	Clarify the distinction between adopted and accepted plans in accordance with PCPC’s policy language.
14-201	Add the L&I Board of Licenses and Inspections Review to the list of Reviewers and Decision Makers .  Add L&I’s, the Planning Commission’s and the ZBA’s ability to impose conditions as authorized powers and duties in Section 14-201. Reference subsection 14-203(9) for the specific restrictions on imposing conditions.
	Correct reference to Independence National Park to Independence National Historical Park.
14-202 Procedures Summary Table	Remove column specifying required pre-application meetings with L&I. Maintain column for early public input meetings between the applicant and the community. The procedures text will indicate that both parties may document the meeting’s proceedings. Provide clearer definitions for “Review” and “Decision”. Clarify whether the stated procedures are a restatement of laws external to the Zoning Code, or established by the Zoning Code itself. Use definitions that are relevant from case law. L&I is listed as the reviewer for major and minor amendments to plans of development. This responsibility should be shifted to Planning Commission. Include code section citations under the “Type of Application” column.

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14-203(2) Authority to File Applications	Modify language to ensure all equitable owners have the authority to file a zoning application and clarify the language regarding authorized agents to reflect current practice.
14-203(6) Public Notice	Add additional detail re: required notice to include: <ul style="list-style-type: none"> <li>• Require adequate and clear posting of signs. Specific guidelines re: the number and coverage of signs will be in the Administrative Manual,</li> <li>• Require re-posting of signs for continued hearings,</li> <li>• Extend the time period for sign posting from 12 days to 21 calendar days,</li> <li>• Require the applicant’s name to be listed on notices, and</li> <li>• Web notice for zoning applications.</li> </ul> Confirm notice requirements with Historical Commission.
14-203(7) Public Hearings	<ul style="list-style-type: none"> <li>• Clarify that the ZBA must allow everyone, including translators and family members entering testimony on behalf of another individual, the opportunity to be heard.</li> <li>• Reference Local Agency Law requiring that corporations be represented by an attorney.</li> <li>• Amend code language on standing for appeal to reference state court requirements.</li> <li>• Clarify the issue of representation by expeditors in the Administrative Manual.</li> </ul>
14-203(10) Referral from L&I to ZBA	Delete this section.
14-203(14)(a) Appeals to the ZBA	Ensure that new code incorporates any new legislation restricting the ability to file an appeal if taxes are due.
14-204(2)(e)(.2) Zoning Map and Text Amendments, Special Provisions for Neighborhood Conservation Overlay Districts	Simplify the procedures for establishing an NC-O district.
14-204(10)(d)(.1) Use Variances	Amend this section to more accurately reflect current Pennsylvania case law.
14-204(6) Civic Design Review	<p>Replace the triggers for design review with new triggers under discussion by the PCPC and ZCC. ; and</p> <p>Clarify how “accepted” plans will inform design review (see 14-105 above).</p> <p>Clarify when L&amp;I will determine if a project requires civic design review:</p> <ul style="list-style-type: none"> <li>• During a preliminary review (currently for a \$100 fee); OR</li> <li>• During the zoning permit application process, once the applicant has paid the submittal fee and L&amp;I has accepted the application for processing.</li> </ul> <p>Clarify how the timing of Civic Design Review and Art Commission should be coordinated.</p>

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	Clarify that more detailed criteria for civic design review will appear in the Administrative Manual.
14-204(4) Conditional Use Approval	Section 14-1803 requires the applicant to present additional evidence with special use applications such as traffic impact studies and proof of leasehold interest. The proposed code should carry forward these requirements with objective standards as to the types and sizes of applications where they apply.
14-204(10)(d)(.2)(.c) and (.d) Variances to Dimensional Standards or Conditions	Amend this section to more accurately reflect current Pennsylvania case law.
14-204(11) Administrative Permits	<p>Replace the term “Administrative Permit” with “Zoning Compliance Permit”. List the “Accommodations for Federal Laws” as alternative criteria for approval.</p> <p>-----</p> <p>The rules governing the administration of temporary use permits will be in the Administrative Code. Either delete the Temporary Use Permit as a subclass of Zoning Compliance Permits or cross-reference the Administrative Code.</p>
14-204(11)(c)(.3) Administrative Permits, Permit Expiration	Extend the three-month timeframe for use registration permits to six months.
14-205 Nonconformities	State in the code that proof of a prior permit showing the nonconformity, or other documentation acceptable to L&I, is required. The burden of proof shall be on the applicant.
14-205(5)(b)(.4)(.c) Determination of Discontinued Nonconforming Use	There are situations where an application for a permitted use or conditional use was filed, but that use was never instituted. If there is acceptable documentation that the use was never instituted, L&I still permits the prior nonconforming use so long as that use has been discontinued for less than 3 years. Revise text to reflect this practice.
14-205(6) Nonconforming Buildings	Add accompanying graphics that illustrate how a nonconforming building may be expanded or extended.
Additional Items	Transfer the historical district designations that currently reside in the Property Maintenance Code (Sections PM-703.0 and PM-704.0) to the Zoning Code.