

PHILADELPHIA CITY PLANNING COMMISSION

EMERGENCY REGULATIONS

REGARDING PUBLIC MEETING 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 Section 14-303(12)(g) of the Philadelphia Code, the Planning Commission hereby adopts the following temporary regulations relating to notice requirements and other related matters.

1. “Affected Period.” Means the period beginning on March 13, 2020, through September 30, 2020, unless further extended by the Commission.
2. For all cases in which an appeal or a referral to CDR had been filed during the Affected Period, but the Commission did not or was unable to send the required notice to an applicant and RCOs under Subsection 14-303(12)(b), the Commission shall send the notice as soon as practicable; the date such notice is received shall constitute the date of receipt for purposes of 14-303(12)(e).
3. For a Coordinating RCO whose 45 day period as set forth in Zoning Code Subsection 14-303(12)(e)(.1) began prior to and expired during the affected period, the 45 day period is extended until 45 days after the adoption of these regulations.
4. During the affected period, the Coordinating RCO shall be deemed to have met the public meeting requirements of Zoning Code Subsection 14-303(12)(e)(.1) if within 45 days after receiving the notice provided by the Planning Commission as set forth in Zoning Code Subsection 14-303(12)(b) they have hosted a public meeting. A meeting held in a virtual setting through telecommunications technology shall satisfy the public meeting requirements of 14-303(12)(e)(.1).
5. If the Coordinating RCO is unable to host a public meeting in person or in a virtual setting through telecommunications technology, they must contact the Planning

Commission, the Board, the CDR Committee, and the District Councilperson prior to the date of the scheduled hearing before the Board. The Commission shall consider the reasons for the inability of the Coordinating RCO to meet and may request that the District Councilperson choose another RCO whose boundaries include the subject property be chosen as the Coordinating RCO or, at the time of the Board or CDR hearing or before, may make such other recommendation to the Board or CDR Committee that serves the best interests of the City of Philadelphia. Coordinating RCOs shall not be sanctioned by the Planning Commission for failing to host a virtual meeting.

6. 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 the matter in accordance with applicable statute, ordinance, rules or regulations governing the proceedings of the Board.
7. These Regulations shall be construed in conjunction and consistently with all applicable Emergency and Temporary Regulations relating to Public Hearing Notice Requirements for Zoning Board Hearings and Other Related Matters, promulgated by the Zoning Board of Adjustment.
8. 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.