

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

Whereas, on March 22, 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”), which was approved as a regulation of the Board of Health on March 26, 2020 (effective March 27, 2020) and has since by followed by subsequent declarations, orders and regulations; and

Whereas, on March 18, 2020, the Zoning Board of Adjustment promulgated a Regulation suspending board hearings and deadlines and related matters in response to the Covid-19 Emergency; and

Whereas, 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; and

Whereas, on June 22, 2020, the Zoning Board of Adjustment (“Board”) adopted an Emergency Regulation Regarding Public Meeting Notice Requirements for Zoning Hearings and Other Related Matters, which temporarily altered the process for filing appeals, providing for notices of public meetings and hearings, and related matters, as were deemed necessary in order to allow hearings by the Board to resume; and

Whereas, the aforementioned regulations of June 22, 2020 were subsequently amended on October 28, 2020, by establishing a deadline for certain appeals that were affected by the shutdown of City offices and Board proceedings and extending the previous regulations;

Now therefore, 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 amends its June 22, 2020 Emergency Regulations Regarding Public Meeting Notice Requirements for Zoning Hearings and other Related Matter, as amended, as follows:

1. “Affected Period.” Means the period beginning on March 13, 2020, through [January 31] *June 1, [2020] 2021*, unless further extended by the Board.
2. This Board’s Emergency Regulation of March 18, 2020 is hereby repealed and replaced as follows.

d. During the Affected Period, the Board shall issue its decision letter via United States Postal service or via electronic mail (“email”).

e. *In those cases where the Board sends its Decision Letter via email, the date that the email is sent shall be deemed the Date of Decision.*

Pursuant to 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.

Words in [brackets] are deleted

Words in *italics* are added