

ZONING:

A Tool for Community Groups

WHAT IS ZONING?

Zoning is the process of determining what can be built on a property and how property may be used. Philadelphia has a Zoning Code that divides land into zones and limits what can be done on each property. The zones include different residential, commercial, and industrial areas. You can find the old and new Philadelphia Zoning Codes, the law that governs zoning, at <http://www.amlegal.com/library/pa/philadelphia.shtml>.

The following is an example of activity that may trigger zoning:



- any new use
- expansion of an existing use
- construction of additions, decks, swimming pools, sheds
- signs
- fencing
- on site parking
- serving of hot foods, etc.

WHAT'S A ZONING PERMIT?

Zoning permits allow property owners to use their property in a certain way. Zoning permits help ensure that a property stays in compliance with its zoned use. The Department of Licenses and Inspections (L&I) issues permits. Many property owners get zoning permits as “a matter of right” because what they want to do is permitted by the zoning code.

WHAT'S A ZONING VARIANCE?

If the property owner wants to do something that is not within the code, then he or she has to appeal to the Zoning Board of Adjustment (ZBA). The ZBA will have a hearing and then make a decision. If the ZBA approves the appeal, then it grants the property owner a variance. The property owner must take the variance to L&I to pick up an actual zoning permit. The Zoning Code may also require special exception approval of other aspects of a development proposal, such as signage or parking. The ZBA will hold a public hearing and use the criteria specified in the code to ensure that the proposal does not adversely impact the surrounding neighborhood.

What's the Role of Community Groups?

Community groups have a role in planning their neighborhoods and are the eyes and ears for L&I and the ZBA. Community groups can participate at ZBA hearings and offer letters of support or opposition to requests for zoning variances. While community groups don't have any authority to approve or deny a zoning request, their input is considered. Community groups can also report any violations they are aware of to L&I.

ZONING TIPS FOR COMMUNITY GROUPS

- 1) FORM A ZONING COMMITTEE.
- 2) HAVE REGULAR AND FREQUENT ZONING COMMITTEE MEETINGS.
- 3) ENCOURAGE STRONG AND DIVERSE REPRESENTATION OF ENTIRE NEIGHBORHOOD AT ZONING MEETINGS.
- 4) BECOME FAMILIAR WITH THE ZONING CODE.
- 5) OBSERVE ZBA HEARINGS.
- 6) MEET WITH OTHER COMMUNITY ASSOCIATIONS AND THEIR ZONING COMMITTEE.
- 7) SURVEY YOUR NEIGHBORHOOD TO DETERMINE RESIDENTIAL/ COMMERCIAL CHARACTERISTICS, AS WELL AS NUISANCE BUSINESSES, ETC.
- 8) MAP OUT COMMERCIAL AND RESIDENTIAL PROPERTIES.
- 9) CREATE A ZONING POLICY FOR YOUR NEIGHBORHOOD.
- 10) MEET WITH YOUR CITY COUNCILPERSON'S ZONING LIAISON.
- 11) REVIEW ZBA AGENDA'S REGULARLY.
- 12) REVIEW ZONING FILES FOR UPCOMING HEARINGS.
- 13) MONITOR YOUR COMMUNITY FOR NEW ORANGE ZONING POSTINGS.
- 14) MEET WITH ZONING APPLICANTS IN ADVANCE OF HEARING.
- 15) GET AGREED NEGOTIATIONS IN WRITING AS A ZONING PROVISIO OR A SEPARATE COMMUNITY BENEFITS AGREEMENT.
- 16) ISSUE SUPPORT AND/ OR OPPOSITION LETTERS FOR EVERY ZONING APPLICATION IN YOUR NEIGHBORHOOD.
- 17) BASE SUPPORT, OPPOSITION, OR PROPOSED PROVISOS/ CONDITIONS ON LAND USE RELATED ISSUES.
- 18) SEEK LEGAL COUNSEL WHEN NECESSARY