

EAST PASSYUNK CROSSING CIVIC ASSOCIATION AND TOWN WATCH (EPX)

Zoning and Planning Committee Mission Statement and Protocols

Amended May 3, 2013

Mission Statement

The Planning and Zoning Committee of the East Passyunk Crossing Civic Association, through participation in the planning and zoning processes for commercial and residential properties in our boundaries, seeks to improve the quality of life for all EPX residents and to protect and improve property values.

Purpose

The Zoning and Planning Committee will review all applications for variance, certificate, civic design review, liquor transfer, etc. on real estate properties that fall within the boundaries of East Passyunk Crossing Civic Association.

Protocol

All procedures adopted by the Zoning and Planning Committee must be presented to and approved by the Board of Directors of EPX. Updates or changes to the protocols must first be formulated by the Zoning Chair, and then voted on by the Board. In accordance with the bylaws, the Board reserves the right to reject any aspect of the operation of the Committee.

Committee Membership

Members of the Committee are nominated by the Zoning Chair, Board President, or Board Co-Chair, and must be approved by the Board. No committee member can be nominated until he or she has attended at least two zoning and planning meetings within 12 months, except in the necessity of an emergency appointment. Any committee member can be removed from the Committee by a majority vote of the board without cause.

Ethics

Only those members designated by the Committee are authorized to speak or write on behalf of the organization.

No member shall use their position with the EPX Zoning and Planning Committee to forge business or professional relations for personal gain, or benefit for a family member or any business entity in which the member has a direct or indirect interest.

No member shall act as an agent for any political philosophy or entity during EPX business.

Each member has an obligation to help donors, contributors, members, the media, and the general public view the EPX in the best possible light. Public comment, whether to a group or an individual, must be supportive of EPX's initiatives, activities, and personnel.

No member shall attempt to use the processes of the Committee to affect a change of leadership, create dissension amongst its members or generally disrupt the function of the Committee. The Committee serves at the request of the EPX Board of Directors, who is responsible for any changes in structure or leadership.

A violation of the ethics policy will be subject to review by the Board of Directors and possible grounds for removal from the Committee.

Conflicts of interest may occur. A member with a conflict of interest must inform the Committee Chair of the conflict and refrain from participation in decisions affecting the outcome of the particular case. In addition to actual conflicts of interest, members are also obliged to avoid actions that could be perceived or interpreted in conflict with the EPX Mission.

Members may accept personal gifts of token value (less than \$10.00). Gratuities directed at Committee members become the property of EPX.

Procedures

Boundaries: The Zoning and Planning Committee will focus its efforts within the formal geographic boundaries expressed in the Board by-laws.

Registered Community Organization: The Zoning and Planning Committee will be responsible for maintaining its status as a sanctioned Local Registered Community Organization (as defined in §14-303(12) of the city code), including annual registration with the Planning Commission and obeying all regulations and protocols established by the city for RCOs. Whenever these zoning protocols contradict the procedures required for an RCO, the procedures for an RCO, and not these protocols, must be followed.

Scheduling of EPX Zoning and Planning Committee Meetings

1. The EPX Zoning and Planning Committee will hold monthly meetings to discuss all applications for variance, use certificates, uses requiring acts of council (e.g., cafe sidewalk seating), liquor transfers, civic design review, or other land use decisions that require community oversight. Zoning applicants can contact the EPX Zoning and Planning Committee at zoning@epcrossing.org to request a hearing.
2. Meetings will be held on the fourth Wednesday of every month, except in the case of a conflict with a holiday. Re-scheduling of the routine meeting time must be done no later than the previous month's zoning meeting. Meetings may be cancelled only in the case of emergency or a lack of applicants.
3. Before an applicant can be scheduled for a monthly meeting, the EPX Zoning and Planning

Committee asks all applicants to deliver copies of the same documents that must be presented at the City of Philadelphia Zoning Board of Adjustments hearing, namely:

- a. Zoning Refusal, listing calendar number and type of proposed variances
- b. Application for Variance (Appeal)
- c. Date of scheduled ZBA hearing
- d. Plans/Blueprints showing all proposed constructions and uses
- e. Site plan showing relationship of application site to neighboring properties and structures
- f. Photos of the site (relevant facings)

Similar items will be required for hearings on uses that are variance related (acts of council, liquor transfers, etc.).

4. Pursuant of section 14-303(12)(d) of the city code, within 45 days of the filing of an appeal EPX's Zoning Committee is required to both meet with any applicant **and** provide the Zoning Board of Adjustments with a letter. EPX cannot refuse or delay a zoning applicant's attendance at a zoning meeting if the applicant has fulfilled his or her notification requirements as specified in §14-303(12) at least 7 days prior to the meeting date. However, if both the applicant and EPX's Zoning Committee agree, EPX can request a continuance from the Zoning Board of Adjustment.

Meeting Notice

1. The EPX Zoning and Planning Committee, at least five days prior to the meeting, will post flyers stating the addresses of **all applications** and their addresses as well as time, date and place of the meeting will be posted by the EPX Zoning and Planning Committee. Special effort will be made to ensure the meeting posters are prominently posted in locations that could be most affected by the variance. In addition, the same meeting information will be sent to all members of the EPX e-mail list, posted on the EPX website, and any EPX-operated internet site (e.g., Facebook).

2. Additionally, for applications covered by the RCO statues in 14-303(12), EPX Zoning and Planning will provide a notice to every "the owner, occupant, managing agent or other responsible person at every property on the same block (as defined in § 14-203(28)) as the applicant's property; every property on any blockface (as defined in §14-203(29)) adjacent to the blockface of the applicant's property; every property on the blockface across the street from the applicant's property; and every property on any blockface across the street from a blockface that is adjacent to the blockface of the applicant's property."

2. Individual residents, including those with a specific viewpoint on a case, are not to be discouraged from asking their neighbors to attend; however, the EPX Zoning and Planning Committee will not solicit attendance based on a viewpoint.

3. In addition, applicants must post the official ZBA hearing notice as directed by the City, and meet any other notification requirements mandated by the city, including those dictated by 14-303(12) of the city code.

Meeting Procedures

1. The Chair will open the meeting by explaining what the purpose of the EPX Zoning and Planning Committee is and that the results of the meeting are not the final outcome. The City of Philadelphia Zoning Board of Adjustments makes the final decision with respect to zoning variances and neighbors are encouraged to attend their meetings.
2. The order in which applications will be heard at the meeting will be decided by the Chair.
3. The Chair will read aloud each application address and the refusal, stating the variances sought, if applicable. The applicant is to introduce him- or herself and give a brief description of the proposal. The owner of the property or his or her designated agent must attend the meeting if a final decision is to be reached. The owner or agent is encouraged to bring an architect and/or attorney, where applicable.
4. The Committee will ask questions of the applicant first. Once their questions have been answered, questions and comments from the floor will be encouraged and moderated by the Chair. Efforts will be made to solicit opinions from the neighbors closest to the application, but all are encouraged to participate. Committee members may offer their own opinions of the requested variance, in order to enable neighbors to understand the zoning issues involved.
5. EPX Board and/or Zoning and Planning Committee members may comment on applications directly concerning them; in those cases, their opinions will weigh no more or less heavily than any other neighbor's. Should there be a conflict of interest for EPX board or committee members, they will be allowed to present their case, but they will not be allowed to vote on the Board's recommendation to the ZBA. Additionally, they will have to identify themselves to those present as members of the Board and/or Committee.
6. If the Committee deems it necessary, it will propose modifications to the application, either necessitating a change in the appeal to the ZBA or a separate agreement between EPX and the applicant.
6. After the Chair draws discussion of an application to a close, he or she will take a straw poll of neighbor's support or opposition to the application (modified, if necessary), making clear that the straw poll is not the final decision of the Committee, and that the Committee will weight the straw poll, the opinions of near neighbors, and the Committee's own expertise before voting. The Zoning Chair will note that all decisions of the Committee must be sanctioned by the Board.

Meeting Outcome

1. Immediately following the meeting, the Committee will discuss and vote on each applicant. If no consensus can be reached, the Committee may request (but may not require) the applicant to re-present at the next meeting.
2. If a proviso or amended application has been agreed upon, the Zoning Chair will follow up with the applicant to enter into the proviso or ensure that the application is amended.

3. After the Committee's decisions have been recorded, the Committee will email the Board detailing all of the Committee's decision. If any Board member disagrees with the Committee's decision, he or she may request an emergency board meeting to vote on the Committee's decision. Such a meeting must be held within five days of the request. Failing such a request, the Committee's decisions will be considered Board-certified five business days after the email has been sent.

4. After the Committee's decision has been certified or modified by the Board, the Committee will write to the Zoning Board of Adjustments, the 1st District Councilperson, or any other relevant party explaining the Committee's decision to support or oppose the application.

5. Members of the EPX may appear at any ZBA hearing to reinforce EPX's position on applications. In addition, all neighbors are advised that they have the right to appear at the ZBA hearing to speak for or against any application, whether or not a consensus agreement is reached at the EPX meeting.

6. At all times the goal of the EPX's neighborhood meetings will be to inform both neighbors and applicants of the zoning issues involved, their rights, and the potential consequences of reaching agreement or not doing so.

ALL ISSUES RELATED TO ZONING AND PLANNING COMMITTEE CONCERNS BUT NOT ADDRESSED BY THESE PROTOCOLS DEFAULT TO THE BOARD OF DIRECTORS' PROTOCOLS AND/OR THE CORPORATE BYLAWS.

Subcommittee: Vacant Properties

This Zoning Subcommittee will generate a "crowdsourced" database and map of vacant properties containing relevant information about the property (vacant lot or building, whether meets L&I Door & Window policy, overdue taxes, owners, etc.).

The purpose of this database and map will be to generate attention to vacant properties, which are potential fire risks, damage property values, and can attract crime and nuisance. Although the subcommittee will not actively partner or solicit any person or organization to do so, it will inform the public of ways that abandoned properties can be taken into conservatorship (via Act 135) or placed into sheriff sale.

Members of this subcommittee will consist of members of the zoning committee but may also consist of other administrative members who do not vote on the main committee's zoning cases.

1. A vacant building will be defined as any building that has been uninhabited for a period of at least one year and is not actively being marketed for sale and has now current building or zoning permits pending. Vacant lots will be included in the database regardless of whether they are being marketed for sale.

2. The database of properties will be generated by:

- Encouraging community members at EPX public meetings to disclose vacant properties
- Solicit vacant property information via the EPX website

3. The subcommittee will ensure the accuracy of the listings by:

- Promptly responding and removing properties due to any written requests to remove a non-vacant property. Additionally, the subcommittee will include a link on the EPX website to elicit such requests
- Bi-annually checking to see if properties have been placed for sale and/or have had building or zoning permits pulled
- Going on an annual neighborhood survey

Subcommittee: Violation Task Force

This Zoning Subcommittee will compile and report alleged violations of the building, zoning, or streets code. Based on an internal protocol of what violations to prioritize (for example, it will prioritize previous zoning cases, illegal boarding houses, illegal multi-family conversion, major unpermitted construction, etc.), it will compile reported violations, report them to the relevant agencies, and then follow up and track results.

Members of this subcommittee will consist of members of the zoning committee but may also consist of other administrative members who do not vote on the main committee's zoning cases.

The subcommittee's guiding principle will be to serve the community and not to harm community members by reporting violations. Whenever there is a question of whether a violation will do harm to the community, the subcommittee will **err on the side of not reporting a violation**.

The subcommittee will gather violations from community members and an annual survey (see vacant property subcommittee).