



## Rules and Regulations Governing the Zoning and Planning Committee

### Section 1-Introduction:

The Lower Moyamensing Civic Association's (LoMo) Zoning and Planning Committee seeks to reinforce and strengthen the positive characteristics of the built environment in our neighborhood with respect to the zoning code. We provide a voice for our neighborhood regarding zoning issues that affect our community.

A zoning variance is required whenever the dimensions of proposed construction or the proposed use of a property does not conform to the Zoning Code; such proposals require a variance must be obtained from the Zoning Board of Adjustment (ZBA). Prior to appearing before the ZBA, applicants are required to schedule an appearance before the appropriate registered community organization (RCO) in a given jurisdiction. LoMo is the RCO for properties between Snyder and Oregon Avenues and Broad to 8<sup>th</sup> Streets. The LoMo Zoning and Planning Committee meetings allow community members to provide direct neighborhood input into this important civic decision-making process.

### Section 2- Scheduling of Meetings:

Zoning Committee Meetings are typically held on the final Tuesday of each month at 6pm at the Fumo Library (Broad and Porter). Applicants should contact LoMo by email at [lomophilly@gmail.com](mailto:lomophilly@gmail.com) to be scheduled for an upcoming zoning committee meeting. For specific information relating to upcoming zoning committee meetings please refer to LoMo's website at [www.lomophilly.org](http://www.lomophilly.org) or e-mail us at the aforementioned address.

### Section 3-Presentation Requirement:

Applicants are requested to send a copy of the Zoning Refusal received from License & Inspection to [lomophilly@gmail.com](mailto:lomophilly@gmail.com) a minimum of seven days prior to the Zoning Committee meeting. In addition, all applicants are requested to bring copies of:

- *Any color photos of the project showing site.*
- *Any scale plans and/or elevations that would describe intended changes to affected property.*
- *Any renderings showing intended changes to the affected property.*
- *Any refusal letters from the city.*
- *Any letters from affected neighboring property owners showing support.*



#### **Section 4-Public Notice:**

As stipulated in the zoning code, the applicant must display the orange community notification sticker prominently at least 21 days before the scheduled ZBA hearing. LoMo will distribute leaflets notifying all neighbors as defined in Section 14-203(28) and 14-203 (29), of the zoning code, indicating date and location of the Zoning Committee meeting and the nature of the proposed project. If the property involved is a corner property, both adjoining blocks as well as the affected block shall be leafleted. If the property involved is situated within the center of a block, both sides of the property will be leafleted as well as additional properties beyond the block which may be impacted by the project. Meeting information as well as meeting agendas is listed on the LoMo web site.

#### **Section 5-Meeting Procedures:**

The Chair will call the meeting to order by introducing the members of the committee and explain the purpose and procedures of the meeting. The Zoning Committee Chair will introduce each applicant, read aloud the refusal explaining the variances sought, and ask the applicant to present their proposal to the Zoning Committee. A minimum of one property owner must represent the applicant property at the Zoning Committee Meeting or may be represented by Council. . The applicant is strongly encouraged to have his/her architect or attorney present (if applicable).

After the applicant has completed their presentation to the Zoning Committee, the Committee Members shall have first opportunity to ask questions and or comment on the project presented. When the Zoning Committee has no further questions, questions and comments from community members will be encouraged and will be moderated by the Zoning Committee Chair. Questions and comments should be brief and the floor should be relinquished after the initial questions or comments are presented. Interaction between community members and applicants is expected to be conducted in an orderly manner at all times and not to become argumentative.

#### **Section 6-Voting and Procedure:**

The Chair may call for a vote at the conclusion of a zoning presentation and or community zoning and planning meeting as appropriate (if a vote is applicable to the presentation).

The decision to have a vote must be seconded by a Vice-Chair in order to proceed. Only those committee members present at the zoning meeting may vote on a given matter and only a simple majority is needed to pass a vote. There should be a minimum of three committee members prepared to vote. In the event that there is not a minimal amount of committee



members present, the meeting will continue and the letter to the ZBA shall reflect the attendance at the particular meeting.

In the absence of a call to vote (postponement), a vote must be taken within one week of the presentation. A vote may be postponed as more research, documentation, information and or deliberation may be necessary. A vote may be taken electronically.

After a vote is taken, the Chair will send a letter to the applicant, Chair of the ZBA, Department of City Planning and to the district councilperson which outlines the position of the Zoning Committee. One of three possible outcomes will be expressed: opposition, support, or support with *\*provisos*. LoMo's final decision will be posted on our website.

*\*Provisos are special conditions specific to a particular application that are considered pre-requisites for community support. Provisos are written to address specific impacts of the project on the surroundings with the intention to mitigate these impacts. The ZBA may include provisos requested by the community as long as they are enforceable by the Department of Licenses and Inspection (L&I). If the community and developers have come to an agreement that includes provisos that are beyond the ability of L&I to enforce, these agreements need to be put into writing and signed by both community representatives and the owner/applicant.*

The results of the LoMo Zoning and Planning Committee Meeting are not the final outcome. The ZBA makes the final decision with respect to all variances and their decision may be appealed to another court. Members of the Zoning Committee, or counsel to the committee, may appear at ZBA hearings to reinforce LoMo's position on applications. In addition, any neighbor who would be impacted by the proposed variance has the right to appear at the ZBA hearing to speak for or against an application.

#### **Section 7- Chair:**

The Chair shall be a member of the Board of Directors appointed by the President and approved by the Board of Directors. The Chair serves at the request of the President. The Chair shall have a primary legal residence in the LoMo boundaries and must not have a fiduciary interest in a particular zoning issue (for further clarification please see Section 12: Ethics).

The Chair should have a desire to learn about the zoning code and have an interest and or professional knowledge of city planning, architecture, law and or related field (or generally a working knowledge of the zoning code). The Chair must be willing and able to research a given zoning topic utilizing available data-bases and resources.

#### **Section 8-Duties of the Chair:**

The Chair shall oversee the process by which LOMO fulfills its role as a registered Community Organization by:



- *Tracking requests to the ZBA for properties within LOMO's borders and disseminating these requests to the LOMO board of directors, zoning committee members and other interest parties.*
- *Communicating LOMO's position on each application to the ZBA, Community, City Council and the Department of City Planning.*
- *Attending hearings before the ZBA when permissible.*
- *Overseeing the process by which LOMO formulates its recommendations to the ZBA.*
- *Scheduling and promoting zoning committee meetings*
- *Presiding over zoning committee meetings.*
- *Submit annual RCO application renewal to appropriate Philadelphia agency.*
- *Respond to committee related correspondence within (approximately) 48 hours.*
- *Keep an extensive record (in Word or Excel Format) of all properties discussed at Community meetings*
- *When possible, attend and attain certification from the Citizens Planning Institute (CPI).*

#### **Section 9-Vice-Chairs:**

The Zoning Committee members shall be comprised of a minimum of three and no more than 10 “active” Vice-Chairs. The Vice-Chair shall be recommended by the Chair and approved by the Board of Directors. The term of each Vice-Chair shall be 1 year.

The Vice-Chair should have a desire to learn about the zoning code and have an interest and or professional knowledge of city planning, architecture, law or a related field.

#### **Section 10-Duties of the Vice-Chairs:**

The Vice Chair shall assist the Chair in the process by which LOMO fulfills its role as a registered Community Organization by:

- *Attend (at least) nine community zoning meetings per year.*
- *Assist in promoting meetings and events.*
- *Provide assistance to the Chair when discussing zoning topics.*
- *The Vice-Chair must be willing and able to do research on a given zoning topic utilizing available data-bases and resources.*
- *When possible, attend and attain certification from the Citizens Planning Institute (CPI).*
- *Respond to committee related correspondence within 48 hours, if at all possible.*
- *Preside over committee in absence of the Chair.*

#### **Section 11-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 Zoning and Planning Committee to act as an agent for any religious, political philosophy or entity and or 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.

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

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 LoMo mission.

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

**Current Zoning and Planning Committee Members:**

Todd P. Schwartz, Chair

Albert Girard, Vice Chair

Matthew Rankin, Vice Chair

Robert F. Salvin, Esq. Vice Chair