

# Zoning Policy for Cedar Park Neighbors

## I. Introduction

Zoning seeks to protect public health, safety and welfare by regulating the use of land and controlling the type, size and height of buildings. Zoning is the legal application of a Comprehensive Plan – a document that captures the way in which a community wants to develop. Frequently residents and businesses seek a zoning variance to allow a property use not currently allowed under the property’s current zoning category. Any number of situations may require a zoning variance. For instance, variances may be sought to increase density e.g. number of dwelling units within a particular property, to change from residential to commercial use, or to add a roof deck. Changes are frequently sought to reestablish original zoning for a property that has already had a change in zoning. As zoning variances remain with properties in perpetuity, even after changing ownership, any change in zoning status has long term implications for residents and businesses in Cedar Park. Those implications may include issues of stability, crowding, community development opportunity, noise, parking, property maintenance, undesirable behavior and activity, property values, etc. Therefore, it is prudent for residents and neighbors to be aware and informed about zoning changes and their potential consequences, whether positive or negative, so that residents can have a voice and act with regard to their own interests in local zoning matters.

## II. Policy

It is the policy of Cedar Park Neighbors to support the wishes of local residents in zoning matters. To the best of our ability CPN informs local residents of zoning change requests in their vicinity through printed and/or electronic notifications, solicits comments and reflects the desires of the community to the Philadelphia Zoning Board of Adjustment (ZBA) and our Councilperson through a written statement. When submitting a written statement before the Zoning Board of Adjustment, Cedar Park Neighbors (CPN) takes one of the following positions:

- 1. No Objection:** The CPN Zoning Committee may choose to reflect “No Objection” if no comments are received regarding an advertised application. In the absence of input from neighbors, the CPN Zoning Committee reserves the right to:
  - a. Submit a letter of No Objection citing absence of objection from neighbors, or
  - b. Take a position given the circumstances around the application, property history, and the application’s effect on broader community goals. However, CPN will document lack of input from immediate neighbors in the written statement to the ZBA.
  
- 2. Support:** CPN will take this position when inquiry by the CPN Zoning Committee indicates that the change being sought is explicitly supported by community residents through phone calls to CPN, letters, email, or attendance and written comments at a public meeting. This may occur when the application serves a positive need of the community, for example: a desirable community development goal, reinstatement of residential status in a previously commercially zoned property in a residential area, intended use enables productive use of a previously nonviable property, etc. In such matters, in addition to immediate neighbors, the CPN Zoning

Committee may solicit or have input from residents/businesses beyond the immediate vicinity of the property location.

**3. Opposition:** CPN will take this position when, after inquiry of local residents/businesses, the CPN Zoning Committee determines that residents are strongly opposed to an intended use through phone calls to CPN, letters, email, or attendance and written comments at a public meeting.

**4. Request for Continuance:** CPN will take this position when the CPN Zoning Committee has determined that any of the following conditions are met:

- There is insufficient knowledge/awareness by residents/businesses regarding a pending application;
- There is confusion about the implications of a zoning variance and insufficient time to facilitate a meeting of interested parties;
- There is indication of significant concern/opposition by local residents/businesses;
- There is insufficient time to sufficiently document community opposition or resolve conflicts between interested parties.

Applicants will receive a copy of CPN's written statement prior to the hearing date.

**NOTE:** The ability of Cedar Park Neighbors to assist residents/businesses in addressing zoning issues is dependent upon the availability of volunteers to monitor and respond to zoning matters. Each situation is unique and the ability to respond appropriately and effectively requires time, availability and the willingness of local residents to actively work with the CPN Zoning Committee in responding to a concern in their area. Therefore, Cedar Park Neighbors, acting in a volunteer capacity to provide good faith assistance to community residents/business in zoning matters, is not liable for any adverse consequences experienced by those involved in zoning matters before the City of Philadelphia.

### **III. CPN Zoning Committee**

#### **A) Purpose**

Cedar Park Neighbors maintains a standing CPN Zoning Committee, the purpose of which is, to inform and assist local residents and businesses in addressing local zoning issues. Cedar Park Neighbors serves as a vehicle for information, response and conflict resolution when necessary. Committee members monitor requests for zoning variances within the Cedar Park Neighbors boundary, inform nearby residents of possible zoning changes, acquire information about City of Philadelphia zoning codes and procedures, represent Cedar Park residents and businesses before the Philadelphia Zoning Board of Adjustment, solicit community input on zoning issues for our local Councilperson, and provide mediation assistance to resolve local disputes on zoning matters when needed. It is the role of the CPN Zoning Committee to be a vehicle for monitoring and responding, in a timely way, to zoning changes within Cedar Park.

Cedar Park Neighbors is an approved Registered Community Organization (RCO) with the City of Philadelphia. The Philadelphia Zoning Code establishes a registry of community organizations to be managed by the Philadelphia City Planning Commission. The RCO system is designed to improve community notification of proposed developments and make community involvement more predictable across the city.

### **B) Procedure**

As a Local RCO, Cedar Park Neighbors implements the following procedure for all zoning variances within the Cedar Park Neighbors boundaries:

1. The CPN Zoning Committee facilitates delivery of a notice, in writing, to neighbors in the immediate vicinity of the potential zoning change with information regarding the location of the property, identity of the owner seeking the variance, the current zoning of the property and the change being sought and the date of the public hearing before the Zoning Board of Adjustment if scheduled.
2. The notice invites residents/businesses to comment regarding their support/opposition, or request additional information on the zoning variance.
3. The notice identifies a member of the CPN Zoning Committee to receive comments, their contact information and sets a deadline for comment.
4. CPN will notify other applicable RCO's of an application located inside shared boundaries.
5. CPN will facilitate a meeting with the property owner seeking the variance and nearby residents for general information, questions and discussion on the proposed use. Property owners who have filed a variance request are required under the Zoning Code to meet at least once with a Registered Community Organization (RCO). Property owners may choose to attend monthly CPN Zoning Committee meetings *before* filing a variance request in order to share information and gather input before moving forward in the process. **NOTE:** The only public meeting that will satisfy the requirements of the Zoning Code is a public meeting in which a specific notice regarding the application has been distributed and publicized.
6. Occasionally, time constraints do not allow for sufficient inquiry and discussion. When it appears there is confusion or disagreement regarding a zoning variance, Cedar Park Neighbors will recommend, or enter a request to the ZBA for, a continuance until parties have had an opportunity to fully consider the proposal.
7. Once CPN has determined the feelings of local residents/businesses about the zoning variance, CPN submits a letter to the ZBA, copied to Councilwoman Blackwell, stating the wishes of the community in the particular matter. If no input has been provided by immediate neighbors, the Cedar Park Neighbors Zoning Committee may choose to evaluate the application and submit a position based on internal deliberation.

8. An application which receives equal support and opposition by immediate neighbors and/or which the Zoning Committee believes directly affects larger neighborhood goals, as outlined in planning documents such as: the Baltimore Avenue Conversation Project ([click here](#)) or District Plan (forthcoming in 2013), will be referred to the CPN Board of Directors.
9. A representative of the CPN Zoning Committee attends the ZBA hearing regarding the application to deliver any testimony or answer questions the ZBA may have.

**NOTE:** Members of the public may attend any ZBA hearing. Individuals may also submit their own written testimony or deliver verbal testimony directly to the ZBA.

Letters should be mailed to:

Zoning Board of Adjustment  
1401 John F. Kennedy Boulevard  
Municipal Services Building – 11th Floor  
Philadelphia, PA 19102-1687

Be sure to list the calendar number for the application in your letter and on the envelope.

### **C) Helpful Information**

**Postings:** A property owner posts a notice of a zoning hearing when they seek a non-conforming use, a use of a property not currently allowed under the code designation for the specific property. A hearing is requested by the applicant before the Zoning Board of Adjustment. Once a hearing date is set the applicant is required to post an orange notice indicating what the owner is intending to do. The hearing date and time are posted as well as a Calendar Number. This number identifies the property's application before the ZBA and should be noted to be referred to in all phone or writing communication.

**Hearings:** All hearings are open to the public. If you intend to speak to a particular application you should arrive at the time posted. A number of cases are heard within a session. When you arrive go to the front of the Hearing Room and fill out a form provided by the clerk. It is helpful to have the Calendar # of the application you are concerned about. This form enables you to be recognized as an interested party and you will receive notice by mail of any future actions concerning the property in question. If you want to be heard you may approach the hearing table when the case is called but you do not have to. If you have filled out a form you will receive a copy of the Board's decision and future notices regarding the application, if any. ZBA hearings are held at 1515 Arch Street in the 18th floor conference room. You must have a photo ID to receive a pass to enter the building.

Approved by Cedar Park Neighbors Board of Directors  
January 28, 2013