

**HISTORIC PRESERVATION ORDINANCE
CITY OF PHILADELPHIA
PHILADELPHIA HISTORICAL COMMISSION**

§14-2007. Historic Buildings, Structures, Sites, Objects and Districts.

(1) Declaration of Public Policy and Purposes:

(a) It is hereby declared as a matter of public policy that the preservation and protection of buildings, structures, sites, objects and districts of historic, architectural, cultural, archaeological, educational and aesthetic merit are public necessities and are in the interests of the health, prosperity and welfare of the people of Philadelphia.

(b) The purposes of this section are to:

(.1) preserve buildings, structures, sites and objects which are important to the education, culture, traditions and economic values of the City.

(.2) establish historic districts to assure that the character of such districts is retained and enhanced;

(.3) encourage the restoration and rehabilitation of buildings, structures, sites and objects which are designated as historic or which are located within and contribute to the character of districts designated as historic without displacing elderly, long-term, and other residents living within those districts;

(.4) afford the City, interested persons, historical societies and organizations the opportunity to acquire or to arrange for the preservation of historic buildings, structures, sites and objects which are designated individually or which contribute to the character of historic districts;

(.5) strengthen the economy of the City by enhancing the City's attractiveness to tourists and by stabilizing and improving property values; and,

(.6) foster civic pride in the architectural, historical, cultural and educational accomplishments of Philadelphia.

(2) Definitions. The following words and phrases shall have the meaning ascribed to them in this section:

(a) Alter or alteration. A change in the appearance of a building, structure, site or object which is not otherwise covered by the definition of demolition, or any other change for which a permit is required under The Philadelphia Code of General Ordinances. Alteration includes the reroofing, cleaning or pointing of a building, structure or object.

(b) Building. A structure, its site and appurtenances created to shelter any form of human activity, including a public interior portion of a building.

(c) Commission. The Philadelphia Historical Commission.

(d) Construct or construction. The erection of a new building, structure or object upon an undeveloped site.

(e) Contributing building, structure, site or object. A building, structure, site or object within a district that reflects the historical or architectural character of the district as defined in the Commission's designation.

(f) Demolition or demolish. The razing or destruction, whether entirely or in significant part, of a building, structure, site or object. Demolition includes the removal of a building, structure or object from its site or the removal or destruction of the facade or surface.

(g) Department. The Department of Licenses and Inspections.

(h) Design. Features including mass, height, appearance and the texture, color, nature and composition of materials.

(i) District. A geographically definable area possessing a significant concentration, linkage, or continuity of buildings, structures, sites or objects united by past events, plan or physical development. A district may comprise an individual site or individual elements separated geographically but linked by association, plan, design or history.

(j) Historic building. A building or complex of buildings and site, or the public interior portion of a building, which is designated pursuant to this section or listed by the Commission under the prior historic buildings ordinance approved December 7, 1955, as amended.

(k) Historic district, object, site or structure. A district, object, site or structure, or a public interior portion of a structure, which is designated by the Commission pursuant to this section.

(l) Object. A material thing of functional, aesthetic, cultural, historic or scientific value that may be, by nature or design, movable yet related to a specific setting or environment.

(m) Public Interior Portion. An interior portion of a building or structure that is, or was designed to be, customarily open or accessible to the public, including by invitation. Does not include an interior portion of a building or structure that was designed to be customarily open or accessible to the public, which interior portion has been significantly altered physically such that a substantial portion of the features reflecting design for public use no longer remain. Terminating use of an interior portion of a building or structure by the public shall not in and of itself constitute conversion of the design of such interior portion. Does not include the interior portions of a building, which building was designed to be, and is still, used exclusively as one or more private residences.

(n) Site. The location of a significant event, a prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location itself maintains, historical, cultural, or archaeological value regardless of the value of any existing structure.

(o) Structure. A work made up of interdependent and interrelated parts in a definite pattern of organization constructed by man and affixed to real property, including a public interior portion of a structure.

(3) The Commission. The Mayor shall appoint a Philadelphia Historical Commission consisting of the President of City Council or his designee, the Director of Commerce, Commissioner of Public Property, the Commissioner of Licenses and Inspections, the Chairman of the City Planning Commission or the Chairman's designee, the Director of Housing or his designee, and eight other persons learned in the historic traditions of the City and interested in the preservation of the historic character of the City. At least one of the appointees shall be an architect experienced in the field of historic preservation; at least one of the appointees shall be an historian; at least one of the appointees shall be an architectural historian; at least one of the appointees shall be a real estate developer; at least one of the appointees shall be a representative of a Community Development Corporation; and at least one of the appointees shall be a representative of a community organization.

(4) Powers and Duties of the Commission. The powers and duties of the Philadelphia Historical Commission shall be as follows:

(a) Designate as historic those buildings, structures, sites and objects which the Commission determines, pursuant to the criteria set forth in Subsection (5) of this Section, are significant to the City;

(b) Delineate the boundaries of and designate as historic those districts which the Commission determines, pursuant to the criteria set forth in Subsection (5) of this Section, are significant to the City;

(c) Prepare and maintain or cause to be prepared and maintained a comprehensive inventory of historic buildings, structures, sites, objects, and districts;

(d) Review and act upon all applications for permits to alter or demolish historic buildings, structures, sites or objects; to alter or demolish buildings, structures, sites or objects located within historic districts, and to review and comment upon all applications for permits to construct buildings, structures or objects within historic districts as provided in this section;

(e) Make recommendations to the Mayor and City Council concerning the use of grants, gifts and budgetary appropriations to promote the preservation of buildings, structures, site, objects or districts of historic importance to the City;

(f) Make recommendations to the Mayor and City Council that the City purchase any building, structure, site or object of historic significance where private preservation is not feasible, or that the City acquire facade easements, development rights, or any other property interest that would promote historic preservation;

(g) Increase public awareness of the value of architectural, cultural and historic preservation;

(h) Adopt rules of procedure and regulations and establish such committees as the Commission deems necessary for the conduct of its business;

(i) Keep minutes and records of all proceedings, including records of public meetings during which proposed historic designations are considered.

(5) Criteria for Designation. A building, complex of buildings, structure, site, object or district may be designated for preservation if it:

(a) Has significant character, interest or value as part of the development, heritage or cultural characteristics of the City, Commonwealth or Nation or is associated with the life of a person significant in the past; or,

(b) Is associated with an event of importance to the history of the City, Commonwealth or Nation; or,

(c) Reflects the environment in an era characterized by a distinctive architectural style; or,

(d) Embodies distinguishing characteristics of an architectural style or engineering specimen; or,

(e) Is the work of a designer, architect, landscape architect or designer, or engineer whose work has significantly influenced the historical, architectural, economic, social, or cultural development of the City, Commonwealth or Nation; or,

(f) Contains elements of design, detail, materials or craftsmanship which represent a significant innovation; or,

(g) Is part of or related to a square, park or other distinctive area which should be preserved according to an historic, cultural or architectural motif; or,

(h) Owing to its unique location or singular physical characteristic, represents an established and familiar visual feature of the neighborhood, community or City; or,

(i) Has yielded, or may be likely to yield, information important in pre-history or history; or

(j) Exemplifies the cultural, political, economic, social or historical heritage of the community.

(5.1) Designation of Public Interior Portions of Buildings.

(a) No public interior portion of a building or structure shall be considered designated for preservation pursuant to this section of the Code unless it has been specifically designated after the effective date of this subsection of the Code.

(b) A public interior portion, or any part of a public interior portion, of a building or structure may be designated for preservation regardless whether the remainder of the building, structure, site or appurtenances with which it is associated has been so designated.

(c) The designation of a building, structure or district shall not constitute designation of any public interior portion of such building, structure or a building or structure in such district, unless the public interior portion is specifically identified in such designation.

(6) Public Notice and Meeting.

(a) At least thirty (30) days before holding a public meeting to consider the proposed designation of a building, structure, site or object as historic, the Commission shall send notice to the owner of the property proposed for designation. Such notice shall indicate the date, time and place of the public meeting at which the Commission will consider the proposed designation. Notice shall be sent to the registered owner's last known address as the same appears in the real estate tax records of the Department of Revenue and sent to "Owner" at the street address of the property in question.

(b) At least sixty (60) days before holding a public meeting to consider the proposed designation of a district as historic, the Commission shall send written notice of the proposed designation to the owners of each building, structure, site or object within the proposed district. The notice shall indicate the date, time and place of the public meeting at which the Commission will consider the proposed designation. Notice shall be sent to the registered owner's last known address as it appears in the real estate tax records of the Department of Revenue and sent to "Owner" at the street address of the property in question. The Commission shall publish notice of the proposed designation of a district as historic in a newspaper having general circulation within the City at least sixty (60) days before the Commission holds a public meeting to consider the proposed designation. The Commission shall post notice of the proposed designation at locations within the proposed district at least sixty (60) days before the public meeting to consider the proposed designation.

(c) Any interested party may present testimony or documentary evidence regarding the proposed designation of a building, structure, site, object or district at the public meeting of the Commission.

(d) During the sixty days prior to a Commission hearing on designation of a particular historic district, the City Planning Commission shall review and comment on creation of the district and transmit its comments to the Historical Commission to assist the Commission in making its determination.

(e) The Commission shall send written notice of the designation as historic of a building, structure, site, object, or district to the owners of each separately designated building, structure, site or object and to the owners of each building, structure, site, or object within a district designated historic, which shall include reason for the designation. Notice shall be sent to the registered owner's last known address as the same appears in the real estate tax records of the Department of Revenue and sent to the "Owner" at the street and address of the property in question. The Commission shall send written notice of historic designation to any person appearing at the public hearing who requests notification.

(f) Any designation of a building, structure, site, object or district as historic may be amended or rescinded in the same manner as is specified for designation.

(g) The Commission shall compile a register of buildings, structures, sites, objects and districts designated as historic by the Commission which shall be available for public inspection in the offices of the Commission, the Department, and the Department of Records.

(7) Permits.

(a) Unless a permit is first obtained from the Department, no person shall alter or demolish an historic building, structure, site or object, nor alter, demolish, or construct any building, structure, site or object within an historic district, nor alter or demolish an historic public interior portion of a building or structure, nor perform work on a building or structure that requires a building permit if such building or structure contains an historic public interior portion.

(b) When a person applies for such a permit involving demolition the Department shall post, within seven (7) days, notice indicating that the owner has applied for a demolition permit; that the property is historic or is located within an historic district; that the application has been forwarded to the Commission for review. The notice shall be posted on each street frontage of the premises with which the notice is concerned and shall be clearly visible to the public. Posting of a notice shall not be required in the event of an emergency which requires immediate action to protect the health or safety of the public. No person shall remove the

notice unless the permit is denied or the owner notifies the Department that he will not demolish the property.

(c) Before the Department may issue such a permit, the permit application shall be forwarded to the Commission for its review.

(d) The Commission's scope of review of applications for permits for construction, as defined herein, shall be limited to a forty-five (45) day period of comment.

(e) At the time that a permit application is filed with the Department for alteration, demolition or construction subject to the Commission's review, the applicant shall submit to the Commission the plans and specifications of the proposed work, including the plans and specifications for any construction proposed after demolition and such other information as the Commission may reasonably require to exercise its duties and responsibilities under this section.

(f) In any instance where there is a claim that a building, structure, site or object cannot be used for any purpose for which it is or may be reasonably adapted, or where a permit application for alteration, or demolition is based, in whole or in part, on financial hardship, the owner shall submit, by affidavit, the following information to the Commission:

(.1) Amount paid for the property, date of purchase, and party from whom purchased, including a description of the relationship, whether business or familial, if any, between the owner and the person from whom the property was purchased;

(.2) Assessed value of the land and improvements thereon according to the most recent assessment;

(.3) Financial information for the previous two (2) years which shall include, as a minimum, annual gross income from the property, itemized operating and maintenance expenses, real estate taxes, annual debt service, annual cash flow, the amount of depreciation taken for federal income tax purposes, and other federal income tax deductions produced;

(.4) All appraisals obtained by the owner in connection with his purchase or financing of the property, or during his ownership of the property;

(.5) All listings of the property for sale or rent, price asked, and offers received, if any;

(.6) Any consideration by the owner as to profitable, adaptive uses for the property;

(.7) The Commission may further require the owner to conduct, at the owner's expense, evaluations or studies, as are reasonably necessary in the opinion of the Commission, to determine whether the building, structure, site or object has or may have alternate uses consistent with preservation.

(g) Within sixty (60) days after receipt by the Commission of a permit application, the Commission shall determine whether or not it has any objection to the proposed alteration or demolition.

(.1) where the Commission has no objection, the Department shall grant the permit subject to the requirements of any applicable provisions of the Code and regulations and subject to any conditions of the Commission pursuant to the subsection (7)(i).

(.2) where the Commission has an objection, the Department shall deny the permit.

(.3) where the Commission acts to postpone the proposed alteration or demolition pursuant to subsection (7)(h) of this Section, the Department shall defer action on the permit application pending a final determination by the Commission approving or disapproving the application. Before taking any action, the Commission shall afford the owner an opportunity to appear before the Commission to offer any evidence the owner desires to present concerning the proposed alteration or demolition. The Commission shall inform the owner in writing of the reasons for its action.

(h) Where the Commission has determined that the purpose of this section may best be achieved by postponing the alteration or demolition of any building, structure, site or object subject to its review, the Commission may, by resolution, defer action on a permit application for a designated period not to exceed six months from the date of the resolution. During the time that action on a permit application is deferred, the Commission shall consult with the owner, civic groups, public and private agencies, and interested parties to ascertain what may be done by the City or others to preserve the building, structure, site or object which is the subject of the permit application. When appropriate, the Commission shall make recommendations to the Mayor and City Council.

(i) The Commission may require that a permit for the alteration or demolition of any building, structure, site, or object subject to its review be issued subject to such conditions as may reasonably advance the purposes of this section. The Department shall incorporate all such requirements of the Commission into the permit at the time of issuance. In cases where the Commission, pursuant to subsection (7)(j) of this section, agrees to the demolition of an historic building, structure, site or object, or of a building, structure, site or object located within an historic district which contributes, in the Commission's opinion, to the character of the district, the Commission may require that the historic building, structure, site,

or object be recorded, at the owner's expense, according to the documentation standards of the Historic American Buildings Survey and the Historic American Engineering Record (HABS/HAER) for deposit with the Commission.

(j) No permit shall be issued for the demolition of an historic building, structure, site or object, or of a building, structure, site or object located within an historic district which contributes, in the Commission's opinion, to the character of the district, unless the Commission finds that issuance of the permit is necessary in the public interest, or unless the Commission finds that the building, structure, site or object cannot be used for any purpose for which it is or may be reasonably adapted. In order to show that building, structure, site or object cannot be used for any purpose for which it is or may be reasonably adapted, the owner must demonstrate that the sale of the property is impracticable, that commercial rental cannot provide a reasonable rate of return and that other potential uses of the property are foreclosed.

(k) In making its determination as to the appropriateness of proposed alterations, demolition or construction, the Commission shall consider the following:

(.1) The purposes of this section;

(.2) The historical, architectural or aesthetic significance of the building, structure, site or object;

(.3) The effect of the proposed work on the building, structure, site or object and its appurtenances;

(.4) The compatibility of the proposed work with the character of the historic district or with the character of its site, including the effect of the proposed work on the neighboring structures, the surroundings and the streetscape; and,

(.5) The design of the proposed work.

(.6) In addition to the above, the Commission may be guided in evaluating proposals for alteration or construction by the Secretary of the Interior's "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" or similar criteria.

(.7) In specific cases as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of this section would result in unnecessary hardship so that the spirit of this section shall be observed and substantial justice done, subject to such terms and conditions as the Commission may decide, the Commission shall by a majority vote grant an exemption from the requirements of this section.

- (.8) With respect to designated public interior portions,
- (i) the Commission may grant an exemption when, owing to special consideration of the mission and financial status of a non-profit organization, the Commission determines that a literal enforcement of the provisions of this Section would not be in the public interest and the spirit of this Section will be substantially observed, subject to such terms and conditions as the Commission may establish;
 - (ii) the Commission shall approve a permit application for an alteration to a non-designated interior portion if the proposed alteration neither has an effect on the appearance of, nor compromises the structural integrity of, an historic public interior portion.

(l) The Department shall not issue any permit for the demolition, alteration or construction of any building, structure, site or object which is being considered by the Commission for designation as historic or which is located within a district being considered by the Commission for designation as historic where the permit application is filed on or after the date that notices of proposed designation have been mailed, except that the Department may issue a permit if the Commission has approved the application or has not taken final action on designation and more than ninety (90) days have elapsed from the date the permit application was filed with the Commission. Where the Commission takes final action on designation within the time allotted herein, any permit application on file with the Department shall be deemed to have been filed after the date of the Commission's action for purposes of this section.

(8) Performance of Work and Maintenance:

(a) The Department shall, upon the request of the Commission, examine the buildings, structures, sites and objects designated as historic by the Commission and report to the Commission on their physical condition.

(b) All work performed pursuant to the issuance of a permit for the alteration or demolition of a building, structure, site or object subject to the Commission's review shall conform to the requirements of such permit. It shall be the duty of the Department to inspect from time to time any work performed pursuant to such permit in order to ensure compliance. In the event that work is not being performed in accordance with the permit requirements, the Department shall issue a stop work order and all work shall cease until the work is brought into conformity with the requirements of the permit.

(c) The exterior of every historic building, structure and object and of every building, structure and object located within an historic district, and every historic public interior portion of a building or structure, shall be kept in good repair as shall the interior portions of such buildings, structures and objects, neglect of

which may cause or tend to cause the historic portion to deteriorate, decay, become damaged or otherwise fall into a state of disrepair.

(d) The provisions of Section 14-2007 shall not be construed to prevent the ordinary maintenance or repair of any building, structure, site or object where such work does not require a permit by law and where the purpose and effect of such work is to correct any deterioration or decay of, or damage to, a building, structure, site or object and to restore the same to its condition prior to the occurrence of such deterioration, decay or damage.

(9) Enforcement:

(a) The Department is authorized to promulgate regulations necessary to perform its duties under this Section.

(b) The Department may issue orders directing compliance with the requirements of this Section. An order shall be served upon the owners or person determined by the Department to be violating the requirements of this Section. If the person served is not the owner of the property where the violation is deemed to exist or to have occurred, a copy of the order shall be sent to the last known address of the registered owner and a copy shall be posted on the property. Where the owner's address is unknown, a copy of the order shall be posted on the property.

(c) Any person who violates a requirement of this Section or fails to obey an order issued by the Department shall be subject to a fine of three hundred (300) dollars.

(d) Any person who alters or demolishes a building, structure, site or object in violation of the provisions of Section 14-2007 or in violation of any conditions or requirements specified in a permit shall be required to restore the building, structure, site or object involved to its appearance prior to the violation. Such restoration shall be in addition to and not in lieu of any penalty or remedy available under the Code or any other applicable law.

(10) Appeals. Any person aggrieved by the issuance or denial of any permit reviewed by the Commission may appeal such action to the Board of License and Inspection Review. Such appeal must be filed within fifteen (15) days of the date of receipt of notification of the Commission's action. The Board of License and Inspection Review shall give written notice of any such appeal to the Commission within three (3) days of the filing of the appeal.