

AN ORDINANCE

Amending Chapter 14-1000 of The Philadelphia Code (“Historic Preservation”) to revise procedures and requirements related to designation of historic properties and districts, including notification requirements; revising procedures concerning permit applications while designation determinations are pending; amending related Zoning Code definitions; and making technical changes; all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Title 14 of The Philadelphia Code is hereby amended to read as follows:

TITLE 14. ZONING AND PLANNING

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CHAPTER 14-200. DEFINITIONS

§ 14-203. Definitions.

For purposes of this Zoning Code, the following definitions shall apply; words, phrases, and terms not defined herein, but defined in Title 4 (The Philadelphia Building Construction and Occupancy Code), shall be construed as defined in Title 4.

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(97) District.

(a) As used in Chapter 14-1000 (Historic Preservation): A [geographically definable area possessing a] significant concentration, linkage, or continuity of buildings, structures, sites, or objects united by *history, association*, past events, plan, *design*, ~~or~~ physical development, *or other theme*. A district may [comprise an individual site or individual elements] *be defined within a geographic area or separated geographically but ~~linked by association, plan, design, or history~~ united by theme.*

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CHAPTER 14-1000. HISTORIC PRESERVATION

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§ 14-1004. Designation.

(1) Criteria for Designation.

[A] *The Historical Commission may designate a building, complex of buildings, structure, site, object, or district [may be designated] for preservation if [it:] the Commission finds that it satisfies one or more of the following criteria: ~~and that the benefits of designation are not outweighed by other policy factors unique to it.~~*

* * *

(e) Is the work of a designer, *artist, artisan, architect* *including but not limited to landscape architect,* [landscape architect or designer,] or [professional] engineer whose [work] *accomplishments* [has] *have* significantly influenced the historical, architectural, economic, social, or cultural development of the City, Commonwealth, or nation;

* * *

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

(i) Has yielded, or [may be] *is highly* likely to yield, information [important] *significant* in pre-history or history; or

* * *

(2) Notice.

(a) *The Historical Commission shall not issue notice of an intent to consider the proposed designation of a building, complex of buildings, structure, site, object, or district as historic pursuant to § 14-1004(2)(b-c) unless the Commission approves the issuance of such notice at a public meeting. ~~The Historical Commission shall list the proposed designation on the published agenda for the public meeting and shall allow for public comment on the proposed designation at a public meeting prior to approving such notice.~~*

(1) *At least 30 days prior to the public meeting to consider the issuance of notice, the Historical Commission shall inform the owner of the property proposed for designation in writing of the date, time, and place of the public meeting and direct the owner to a copy of the documentation proposing designation. Notification 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 registered owner at the street address of the property in question.

(.2) The Historical Commission shall list the proposed designation on the published agenda for the public meeting and shall allow for public comment on the proposed designation at the public meeting prior to approving such notice.

~~(.32)~~ The Historical Commission shall approve the issuance of notice unless:

(a) in the Historical Commission's opinion, ~~extenuating~~ circumstances exist such that issuing the notice and considering the proposed designation would cause significant financial harm to the property owner by precluding the use and development of the property consistent with an active zoning permit or a zoning permit application that has been submitted, accepted, and is actively pending review by L&I; or

(b) a proposal to designate the same property or a substantially similar district was finally denied by the Historical Commission or a court within the preceding three years.

(.4) L&I shall not issue any permit for the complete demolition of any building, structure, site, or object at the property that is filed on or after the date that the Historical Commission informs the owner of the property of a proposed designation in writing unless such demolition is necessary to abate an unsafe or imminently dangerous condition as determined by L&I, the Historical Commission declines to approve the issuance of the notice, the Historical Commission approves the demolition permit application, or the Historical Commission has not taken final action on the issuance of the notice and more than 90 days have elapsed from the date that the application was filed.

[(a)] (b) At least 30 days before holding a public meeting to consider the proposed designation of a building, structure, site, or object as historic, the Historical 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 *or meetings* at which the Historical 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 ["Current Resident" or other occupant as may be permitted by the United States Postal Service at the street address of the property in question] *the registered owner at the street address of the property in*

question.

[(b)] (c) At least 60 days before holding a public meeting to consider the proposed designation of a district as historic, the Historical 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 *or meetings* at which the Historical 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"] *the registered owner* at the street address of the property in question. The Historical Commission shall publish notice of the proposed designation of a district as historic in a newspaper having general circulation within the City at least 60 days before the Historical Commission holds a public meeting to consider the proposed designation. The Historical Commission shall post notice of the proposed designation at [locations] *at least one location per 100 properties* within the proposed district at least 60 days before the public meeting to consider the proposed designation.

[(c)] (d) The Historical 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 ["Current Resident" or other occupant as may be permitted by the United States Postal Service at the street address of the property in question] *the registered owner at the street address of the property in question*. The Historical Commission shall send written notice of historic designation to any person appearing at the public hearing who requests notification.

[(d)] (e) *At least 30 days before holding a public meeting to consider the proposed designation*~~Upon nomination of a property for historical designation,~~ the Historical Commission shall notify [each record owner and occupant of the property and] all City Council Members of ~~such nomination~~*the proposed designation*.

(.1) Content of Notification.

The notification shall include, at a minimum:

(.a) ~~A description~~*The address* of the property ~~and its proposed or granted historical~~*for* designation.

(b) The date of the upcoming public hearing regarding the proposed designation.

[(c) Any associated recommendations, including any proposed changes or actions that may be required by the owner or the City.]

(.2) Method of Notification.

[Notification shall be sent by first class mail to the address of the property proposed for historical designation and to the address of the record owner recorded for the deed of the property, if different from the property address.] Notification to City Council Members shall be made by electronic mail (email). A copy of the notification shall also be provided to the City Council Clerk for record-keeping.

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(5) Amendment or Rescission of Designation.

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. *No rule or regulation of the Historical Commission or any City agency shall limit or restrict the foregoing authorization to amend or rescind a designation of a building, structure, site, object, or district as historic.*

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§ 14-1005. Regulation.

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(6) Building Permit Application Review.

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(e) Review Criteria.

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

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- (.4) The compatibility of the proposed work with the character of [the historic district or with the character of] its site *and/or historic district* [, including the effect of the proposed work on the neighboring structures, the surroundings, and the streetscape]; and
- (.5) The design of the proposed work *and the visibility of the areas proposed for work from the public right-of-way*.
- (.6) In addition to the above, the Historical 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.

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(f) [Jurisdiction] *Procedure* During Consideration of Designation.

- (.1) *When a building permit application is filed on or after the date that notices of proposed designation have been mailed, L&I shall not issue any building permit for the demolition, alteration, or construction of any building, structure, site, or object that is being considered by the Historical Commission for designation as historic or that is located within a district being considered by the Historical Commission for designation as [historic where the building permit application is filed on or after the date that notices of proposed designation have been mailed, except that L&I may issue a building permit if the Historical Commission has approved the application or has not taken final action on designation and more than 90 days have elapsed from the date the permit application was filed with the Historical Commission. Where the Historical Commission takes final action on designation within the time allotted herein, any building permit application on file with L&I shall be deemed to have been filed after the date of the Historical Commission’s action for purposes of this Chapter 14-1000.] historic, subject to the following conditions:*

(.a) The date that the building permit application fee has been paid shall be the date the permit application is filed for purposes of this provision.

(.b) A building permit may be issued by L&I if the permit application has been approved by the Historical

Commission or when a proposed designation has been denied by the Historical Commission.

(c) If the Historical Commission does not provide an approval for a building permit application prior to taking action on a proposed designation, such lack of approval shall not be considered a final decision subject to an appeal pursuant to Section 14-1008 of this Chapter, provided the Historical Commission approves the proposed designation within 90 days of the filing date of the permit application; in such instances, the date that the designation is approved shall be deemed the date of the final decision to deny the permit application.

(d) If the Historical Commission has not taken final action on the proposed designation within 90 days of the filing date of a permit application, any permit application that has not received a final decision by the Historical Commission shall be deemed approved as of the 90th day after the date of the filing of the permit application.

- (.2) When reviewing permit applications, the Historical Commission shall consider development plans in place at the time of the issuance of the notice announcing the consideration of a designation including but not limited to executed contracts, substantial design development, zoning permits, and other evidence of a material commitment to development. The Historical Commission shall approve permit applications if it finds evidence of a significant material commitment to development plans in place at the time of the issuance of the notice. This provision shall not apply to buildings, structures, sites, objects, and public interior portions within a proposed district that were previously designated individually or as part of another district.*

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SECTION 2. This ordinance shall take effect six months after passage.