



City of Philadelphia

City Council
Chief Clerk's Office
402 City Hall
Philadelphia, PA 19107

BILL NO. 140824

Introduced October 23, 2014

Councilmember Kenney

**Referred to the
Committee on Rules**

AN ORDINANCE

Amending Title 14 of The Philadelphia Code, entitled "Zoning and Planning," by creating an entity to review properties listed on the National Register of Historic Places for possible designation on the Philadelphia Register of Historic Places, requiring certain information be provided to the City, and providing for the imposition of fees and their disposition for certain actions to be taken by the Philadelphia Historical Commission, 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

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§ 14-203. Definitions.

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(190.2) National Register of Historic Places. The official list as recorded by National Park Service for buildings, districts, sites and structures deemed worthy of preservation.

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CHAPTER 14-1000. HISTORIC PRESERVATION

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§ 14-1002. Definitions. The following words and phrases, which are of direct relevance to the administration, interpretation and enforcement of this Chapter 14-1000, have meanings ascribed to them in Chapter 14-200.

- (1) Alter or Alteration.
- (2) Building.
- (3) Construct or Construction.
- (4) Contributing Building, Structure, Site or Object.
- (5) Demolition or Demolish.
- (6) Design.
- (7) District.
- (8) Historic Building.
- (9) Historic District, Object, Site or Structure.
- (10) *National Register of Historic Places.*
- [(10)] (11) Object.
- [(11)] (12) Public Interior Portion.
- [(12)] (13) Site.
- [(13)] (14) Structure.

§ 14-1003. Historical Commission.

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(1) Appointment. The Mayor shall appoint a Philadelphia Historical Commission consisting of

(a) the following individuals:

- (.1) President of City Council or his designee;
- (.2) the Director of Commerce;
- (.3) Commissioner of Public Property;
- (.4) the Commissioner of Licenses and Inspections;
- (.5) the Chairman of the City Planning Commission or his designee;
- (.6) the Director of Housing or his designee; and

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(b) 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:

- (.1) an architect experienced in the field of historic preservation;
- (.2) an historian;
- (.3) an architectural historian;
- (.4) a real estate developer;
- (.5) a representative of a Community Development Corporation; and
- (.6) a representative of a community organization.

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(3) *Special Committees for Consideration of National Register of Historic Places.*

(a) *The Commission shall appoint one or more Special Committee or Committees to review any buildings, sites, objects or structures listed on the National Register of Historic Places, but not designated on the Philadelphia Register of Historic Places, for the purpose of determining whether they should be nominated for designation on the Philadelphia Register.*

(b) *Within six (6) months of the effective date of this subsection (3), the Special Committee or Committees shall collectively nominate a total of at least one thousand (1,000) additional properties for designation to the Philadelphia Register of Historic Places in accordance with the procedures set forth in § 14-1004. Nominations shall be determined based upon the historical significance of the buildings, sites, objects or structures and whether they are at risk of being lost.*

(c) *Each Special Committee shall consist of no fewer than three members and shall include persons learned in the historic traditions of the City and interested in the preservation of the historic character of the City and may include existing Commission members and members of existing committees of the Commission.*

§ 14-1004. Designation.

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(8) *Nomination Fee*

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(a) Any person or organization, other than the Commission, members of the Commission or the Commission's Special Committees, that nominates a building, site, object or structure for designation shall pay a fee to be included with their nomination essay and photographs.

(b) The fee shall be:

(.1) One hundred dollars (\$100) for the nomination of a residential building(s), site or structure.

(.2) Two hundred and fifty dollars (\$250) for the nomination of a commercial or industrial building(s), object, site or structure.

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§ 14-1005. Regulation.

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(5) Submission Requirements.

(a) At the time that a building permit application is filed with L&I for alteration, demolition or construction subject to the Historical Commission's review, the applicant shall submit to the Historical Commission *a true estimate of the total improvement cost for the work being reviewed by 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 Historical Commission may reasonably require to exercise its duties and responsibilities under this Chapter 14-1000.

(b) 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 building 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 Historical 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;

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- (.2) Assessed value of the land and improvements thereon according to the most recent assessment;
- (.3) Financial information for the previous two 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; and
- (.7) The Historical 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 Historical Commission, to determine whether the building, structure, site or object has or may have alternate uses consistent with preservation.

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§ 14-1009. Review Fee.

(1) *A review fee shall be paid to the Historical Commission when the approval of the Commission is required for the issuance of a Building Permit, in accordance with the following schedule to cover the cost of review by the Historical Commission payable upon the submission of plans for review.*

(2) *The review fee shall be determined on the basis of the following schedule. As used therein, "improvement cost" means the portion of a projects total improvement cost attributable to the improvements or alterations requiring review and approval by the Historical Commission.*

<i>Improvement Cost</i>	<i>Fee Rate</i>
<i>Less than \$5,000</i>	<i>1.5% of the amount over \$0</i>
<i>\$5,001 - \$10,000</i>	<i>\$75.00 + 1.0% of the amount over \$5,000</i>

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<i>\$10,001 - \$100,000</i>	<i>\$125.00 + 0.5% of the amount over \$5,000</i>
<i>\$100,001 - \$500,000</i>	<i>\$575.00 + 0.2% of the amount over \$100,000</i>
<i>\$500,001 - \$5,000,000</i>	<i>\$1,375.00 + .05% of the amount over \$500,000</i>
<i>More than \$5,000,000</i>	<i>\$3,625.00 + .02% of the amount over \$5,000,000</i>

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§ 14-1010. Appropriations of Revenue from Fees. Each year, in the annual operating budget ordinance, Council shall appropriate to the Philadelphia Historical Commission, subject to Section 2-300(2)(d) of the Home Rule Charter, an amount equal to an estimate provided by the Director of Finance of total receipts under Section 14-1004 and Section 14-1009 in the fiscal year immediately preceding the year for which appropriations are being made. This appropriation shall be in an amount that, when combined with any additional appropriation, is sufficient to enable the Commission to fulfill its responsibilities.

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SECTION 2. This Ordinance shall take effect immediately.

Explanation:
Italics indicate new matter.
 [Brackets] indicate matter deleted.