



City of Philadelphia

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

BILL NO. 060698

Introduced September 21, 2006

Councilmembers DiCicco and Kenney

**Referred to the
Committee on Rules**

AN ORDINANCE

Amending Chapter 14-2000 of The Philadelphia Code, entitled "Special Controls in Areas Abutting Parkways, Historical Shrines and Civic Projects," by adding a new Section regulating the installation of antennas, satellite dish antennas and other modern appurtenances, devices or fixtures on historic properties and in historic districts, and by making certain conforming amendments and technical changes to Section 14-2007, entitled "Historic Buildings, Structures, Sites, Objects and Districts," all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Chapter 14-2000 of The Philadelphia Code is hereby amended to read as follows:

CHAPTER 14-2000. SPECIAL CONTROLS IN AREAS ABUTTING PARKWAYS,
HISTORICAL SHRINES, AND CIVIC PROJECTS.

* * *

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

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

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(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; *and to review and act upon proposed installations or placements of antennas, satellite dish antennas, mechanical heating, ventilating and air conditioning (HVAC) equipment, solar collecting devices and other modern appurtenances, devices or fixtures of comparable size, weight and appearance on historic buildings, structures, sites or objects or on buildings, structures, sites or objects located within historic districts as provided in Section 14-2007.1;*

* * *

§ 14-2007.1. Installation of Antennas, Satellite Dish Antennas and Other Modern Appurtenances, Devices or Fixtures on Historic Buildings, Structures, Sites or Objects and in Historic Districts.

(1) Declaration of Public Policy and Purpose:

(a) The Council of the City of Philadelphia enacted Section 14-2007 of The Philadelphia Code for the purpose of establishing historic districts and preserving and encouraging the restoration and rehabilitation of historic buildings, structures, sites and objects;

(b) Many of the historic districts and historic buildings, structures, sites and objects of the City are listed or are eligible for listing on the National Register of Historic Places, as set forth in the National Historic Preservation Act of 1966;

(c) The protections provided for historic districts, historic buildings, structures, sites and objects by Section 14-2007 of The Philadelphia Code and by the National Historic Preservation Act of 1966 are necessary to preserve their architectural beauty; are vital to the education, culture and traditions of the City; contribute to the economic vitality of the City by helping to promote tourism and other business in the City; and generally promote the health, prosperity and welfare of the City and its people;

(d) Allowing antennas, satellite dish antennas, mechanical HVAC equipment, solar collecting devices or other modern appurtenances, devices or fixtures of comparable size, weight and appearance to be installed or placed, without proper controls, in historic districts or on historic buildings, structures, sites, or objects will harm the integrity of those districts and properties, if done without proper care, and will permanently damage their historic character. Therefore, it is necessary to impose

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restrictions on such installations in order to preserve the rich historical integrity of the City;

(e) *The Federal Communications Commission adopted Section 1.4000, 47 C.F.R. 1.4000, pursuant to Section 207 of the Telecommunications Act of 1996 that prohibits local restrictions that impair the reception of over-the-air video programming services;*

(f) *Section 1.4000 permits local restrictions on antennas and satellite dish antennas that measure one meter or less in diameter provided such restrictions: are “necessary to preserve a prehistoric or historic district, site, building, structure or object included in, or eligible for inclusion on the National Register of Historic Places, as set forth in the National Historical Preservation Act of 1966, as amended, 16 USC 470;” impose no greater restriction on these antennas than are imposed on the “installation, maintenance, or use of other modern appurtenances, devices, or fixtures that are comparable in size, weight and appearance to these antennas;” and are not unnecessarily burdensome to antenna users.*

(g) *The purpose of this section is to regulate the installation of antennas, satellite dish antennas, mechanical HVAC equipment, solar collecting devices and other modern appurtenances, devices and fixtures of comparable size, weight and appearance in prehistoric and historic districts and on historic buildings, structures, sites or objects in a manner that will preserve the historic fabric of the City and comply with Section 1.4000 promulgated by the Federal Communications Commission pursuant to Section 207 of the Telecommunications Act of 1996.*

(2) *Definitions. For purposes of this section, the following definitions shall apply:*

(a) *Antenna. Equipment including antennas, auxiliary structures and cables that transmit or receive radio, television, CB radio, internet, phone service or other wireless telecommunications signals;*

(b) *Commission. The Philadelphia Historical Commission.*

(c) *Department. The Department of Licenses and Inspections.*

(d) *Historic Building. A building or complex of buildings and site included in, or eligible for inclusion on, the National Register of Historic Places, as set forth in the National Historic Preservation Act of 1966, as amended, 16 U.S.C. 470.*

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(e) Historic District, Object, Site or Structure. A district, object, site or structure included in, or eligible for inclusion on, the National Register of Historic Places, as set forth in the National Historic Preservation Act of 1966, as amended, 16 U.S.C. 470.

(f) Mechanical HVAC Equipment. Heating Ventilating and Air Conditioning Equipment.

(g) Satellite Dish Antenna. An antenna measuring one meter or less in diameter that is used to: (1) receive direct broadcast satellite service, including direct to home satellite service, or receive or transmit fixed wireless signals via satellite; or (2) receive video programming services via multipoint distribution services, including multi-channel multipoint distribution services, instructional television fixed services, and local multipoint distribution services, or receive or transmit fixed wireless signals other than via satellite;

(3) Prohibitions.

(a) No antenna, satellite dish antenna, mechanical HVAC equipment, solar collecting device or other modern appurtenance, device or fixture of comparable size, weight and appearance shall be constructed, installed or placed on any historic building, structure, site or object or on any building, structure, site or object located within an historic or prehistoric district without the approval of the Commission.

(b) In determining the appropriate location for the installation or placement of such devices, the Commission shall apply the criteria set forth in Section 14-2007 and any regulations adopted by the Commission. In determining the appropriate location for the installation or placement of antennas or satellite dish antennas, the Commission shall, in addition to such criteria, consider whether the user is able to receive an acceptable quality signal from such location.

(c) Exceptions.

(.1) Window air conditioners and similar devices that are to be used for a temporary period of time shall be exempt from the requirements of this section, provided that those devices are not installed or placed permanently in such areas when they are not to be in use.

(d) Non-conforming devices. Any antenna, satellite dish antenna, mechanical HVAC equipment, solar collecting device or other modern appurtenance, device or fixture of comparable size, weight and appearance, installed or placed, prior to the effective date of this section, in conformance with all requirements of this Code and

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regulations of the Commission, shall be considered a lawful non-conforming use but must comply with provisions of this section if replaced.

(4) Enforcement and Appeals.

Enforcement of the provisions of this section and any appeals of a decision of the Commission or of a decision or order of the Department, issued pursuant to this section, shall be in accordance with the provisions of Section 14-2007(9) and (10).

SECTION 2. This Ordinance shall take effect immediately.

Explanation:

[Brackets] indicate matter deleted.

Italics indicate new matter added.

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