

Legislation Text

File #: 080527-AA, Version: 3

Amending Section 14-2007 of The Philadelphia Code, entitled “Historic Buildings, Structures, Sites, Objects and Districts,” to permit the historic designation of the public interior portion of buildings, and making technical changes, all under certain terms and conditions.

*THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:*

Section 1. Section 14-2007 of The Philadelphia Code is hereby amended as follows:

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

\* \* \*

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

\* \* \*

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

\* \* \*

(h) Design. [Exterior features] *Features* including mass, height, appearance, *volume* and the texture, color, nature and composition of materials.

\* \* \*

(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.

\* \* \*

(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.*

[(m)] (n) \* \* \*

[(n)] (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.*

\* \* \*

(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.*

\* \* \*

(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, [or] *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* [to demolish an historic building, structure, site or object or a building, structure, site or object located within an historic district,] the Department shall post, within seven (7) days, notice indicating that the owner has applied for a *demolition* permit [to demolish the property]; 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 [to alter or demolish an historic building, structure, site or object, or to alter, demolish or construct a building, structure, site or object within an historic district], the permit application shall be forwarded to the Commission for its review.

\* \* \*

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

\* \* \*

(.8) *With respect to historic 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.*

\* \* \*

(8) Performance of Work and Maintenance.

\* \* \*

(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 *all* such buildings, structures and objects, neglect of which may cause or tend to cause the [exterior] *historic portion* to deteriorate, decay, become damaged or otherwise fall into a state of disrepair.

Section 2. This ordinance shall take effect 180 days after becoming law.

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**Explanation:**

[Brackets] indicate matter deleted.  
*Italics* indicate new matter added.