



# City of Philadelphia

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

## **BILL NO. 140906 (As Amended, 2/24/15)**

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**Introduced November 13, 2014**

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**Councilmember Squilla**

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**Referred to the  
Committee on Rules**

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### **AN ORDINANCE**

Amending Title 14 of The Philadelphia Code, entitled "Zoning and Planning," by amending Section 14-203, entitled "Definitions," and by amending Chapter 14-500, entitled "Overlay Zoning Districts," to add a new Section 14-516, entitled "/UED Urban Experiential Display Overlay Control District," all under certain terms and conditions.

*THE CITY 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.

\* \* \*

CHAPTER 14-200. DEFINITIONS.

\* \* \*

**§ 14-203. Definitions.**

\* \* \*

*(345.1) Urban Experiential Display. An Urban Experiential Display (UED) is a form of Digital Display as defined at § 14-203(94.1) that is formatted to exhibit full motion video or animation by the use of lighting or otherwise to depict movement or animation or to create a special effect or scene that may include intermittent,*

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*scrolling, or changes in illumination that may vary in intensity given ambient light level. A UED may also include Embellishments or Embellished Area areas, special effects elements, or structures that extend beyond the face of the UED and UED structure, or wall or structure to which it is attached, and may include two- and three dimensional features.*

\* \* \*

## CHAPTER 14-500. OVERLAY ZONING DISTRICTS.

### § 14-501. General.

\* \* \*

- (a) Overlay zoning district regulations apply in combination with underlying base zoning district regulations and all other applicable regulations of this Zoning Code. All applicable zoning code regulations apply in overlay districts, except that when overlay district standards conflict with standards that would otherwise apply under this Zoning Code, the regulations of the overlay zoning district govern. When two or more overlay district provisions conflict, the stricter provision shall govern, *unless otherwise specified.*

\* \* \*

### § 14-517. UED, Urban Experiential Display Overlay Control District.

#### (1) Purpose.

- (a) */UED, Urban Experiential Display Overlay Control districts are intended to encourage the orderly development, placement, and usage of two and three-dimensional digital accessory, non-accessory and public service displays, including placement on individual lots, and to preserve the integrity of commercial areas and abate or reduce any detrimental impacts to residential areas and uses.*

#### (2) Applicability.

- (a) *The /UED, Urban Experiential Display Overlay Control District,*

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*shall consist of the area bounded by Arch Street, Broad Street, Race Street, 13th Street, Arch Street, 12th Street, Chestnut Street, Juniper Street, Locust Street, Broad Street, Chestnut Street, 15th Street and Arch Street, including both sides of all included and bordering streets.*

- (b) Notwithstanding any other provision of this Code, to the extent any provision of this Section 14-517 (“/UED, Urban Experiential Display Overlay Control District”) conflicts with any other provision of this Code, the provision of this Section shall control.*
- (c) Urban Experiential Displays are permitted only within Permitted Areas set forth in § 14-517(2)(e). Boundaries of Permitted Areas should be so designated to afford a reasonable line of division between the Permitted Area and adjacent uses consistent with carrying out the purposes and scope of the Zoning Code.*
- (d) Urban Experiential Displays are only permitted in the base Zoning Districts of CMX-4 and CMX-5 Commercial Zoning Districts.*
- (e) Permitted Areas. Within the /UED Overlay Control District, Urban Experiential Displays are only permitted in the following specific Permitted Areas:*
  - (.1) Convention Center Area: On the east side of North Broad Street, between Arch Street and Race Street.*
  - (.2) Reading Terminal Area: North 12th Street, between Arch Street and Filbert Street.*
  - (.3) Avenue of the Arts Area: South Broad Street between Locust Street and Walnut Street.*

**(3) Sign Regulations.**

- (a) Urban Experiential Displays are defined at § 14-203(345.1).*
- (b) The following provisions of this Title shall not apply to Urban Experiential Displays within the Urban Experiential Display Overlay Control District:*

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- (.1) *Chapter 14-900 (Signs).*
- (.2) *Any provision that restricts or otherwise regulates accessory or non-accessory signs.*
- (c) *Urban Experiential Displays are considered a use and a structure; and are permitted on a lot in addition to any other permitted principal or accessory uses and structures; provided, however, that no more than one UED is permitted on a single lot. No UED may be placed on a vacant lot or on a lot containing as its principal use a surface parking lot.*
- (d) *Gross Floor Area. The spatial area of an Urban Experiential Display shall not be included when calculating gross floor area.*
- (e) *Lot Coverage. The spatial area of an Urban Experiential Display shall not be included when calculating lot coverage.*
- (f) *Yards. Front, side, and rear yard setbacks shall not apply to Urban Experiential Displays.*
- (g) *Separation Requirements.*
  - (.1) *No Urban Experiential Display shall be located within 900 feet of another Urban Experiential Display.*
  - (.2) *Spacing between sign structures shall be measured as a straight-line distance between the edges of each sign face closest to each other.*
- (h) *Height. An Urban Experiential Display shall not exceed a height of 58 feet to the top of its structure as measured from the average ground level where the structure is located.*
- (i) *Projections and Encroachments.*
  - (.1) *Urban Experiential Displays are permitted to project over, or encroach upon, a city sidewalk or right-of-way. Such projections and encroachments must be reviewed and approved by the Streets Department.*
  - (.2) *This Section does not eliminate the need for an Ordinance*

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*by City Council that is otherwise required to authorize a projection or encroachment where applicable.*

(.3) *No UED shall obstruct, in whole or in part, any windows on any structure located on the same lot at the time of the UED's construction.*

(j) *Distance Requirements.*

*No Urban Experiential Display shall be located within the following:*

(.1) *500 feet of the Benjamin Franklin Parkway, the Vine Street Expressway, Route 76, Route I-95.*

(.2) *500 feet of any Residential or SP-PO Zoning District.*

(k) *Size Requirements. An Urban Experiential Display shall have a minimum video display area of 1,500 square feet, and shall be limited to a maximum video display area of 2,500 square feet for free standing UEDs, and 3,500 square feet for UEDs attached to another structure.*

(l) *Urban Experiential Displays are permitted to be internally or externally illuminated (subject to subsection (p)(.2), below); have digital display; have video display or projections; contain scrolling, continuous, intermittent, flashing, illuminated, animated, video or audio streaming messages, displays, colors, figures and the like; have live video and audio feed; have changeable copy, messages and display; have interactive display video and audio; or be mechanically revolving, or moving horizontally or vertically, or have the appearance of such. Audio shall not be audible without the aid of an assistive listening device such as a smartphone.*

(m) (.1) *An Urban Experiential Display may be operated between the hours of 6:00 am and 12:00 am or at other time periods approved by the City Planning Commission.*

(.2) *Primary illumination of the Urban Experiential Display shall be internal and shall use ambient light sensors to automatically reduce the intensity of the illumination*

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*during periods of darkness.*

- (n) *The intensity of the luminance of an Urban Experiential Display shall not exceed:*
  - (.1) *during daylight hours: 7,500 nits;*
  - (.2) *during nighttime hours (from dusk to dawn): 500 nits.*
- (o) *At all times, the illumination of an Urban Experiential Display shall not exceed 0.3 foot candles above ambient light levels. The illumination of an Urban Experiential Display shall be measured by a lighting professional against a white screen displayed on the Urban Experiential Display in plain view from a distance of 250 feet perpendicular to the Urban Experiential Display by using a properly calibrated light metering device held at a height of 5 feet.*
- (p) *The operator of an Urban Experiential Display shall not permit communication copy on the UED that utilizes a background color, defined as the color of the communication copy behind the graphics, images, and logos occupying more than 50% of the sign face, that is white.*
- (q) *Each Urban Experiential Display shall be formatted and programmed to provide the following categories of communication:*
  - (.1) *City of Philadelphia communication at a minimum of 8% of the operational hours.*
  - (.2) *Content provided by and promoting non-profit organizations at a minimum of 8% of the operational hours.*
  - (.3) *Originally created content at a minimum of 11% of the operational hours. Originally Created Content shall not include any commercial messaging. Originally Created Content is defined as time sensitive information and infotainment that is relevant to the public that lives, works, and visits the City. Originally Created Content shall be updated at a minimum of once every seventy-two hours.*

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*No piece of Originally Created Content shall appear on a UED on more than one day out of every thirty days. Examples of Originally Created Content may include, but need not be limited to, the following:*

- (.a) local, regional, and national news;*
  - (.b) local, regional, and national weather;*
  - (.c) local, regional, and national financial information;*
  - (.d) entertainment information such as television, movie, theatrical, and book reviews;*
  - (.e) food and restaurant information including reviews, cooking tips, and recipes;*
  - (.f) technology advancements and reviews;*
  - (.g) travel destination information and destination compilations, e.g., top beach destinations;*
  - (.h) local and regional job information including employment opportunities in the Philadelphia Region.*
- (.5) National Amber Alert System displays and messages as the National Amber Alert System provides such alerts that are applicable to the location of each UED.*
- (.6) Each UED shall be formatted with an proportionate distribution of the content (11%), non-profit communication (8%), and City of Philadelphia information (8%) for each hour that a UED is operational*
- (r) Each UED shall be designed and constructed utilizing a minimum of three types of Visual Communication Technology. Visual Communication Technology shall mean any type of lighting element that, when operational, is able to communicate a visual message. Visual Communication Technology may include but need not be limited to the following types:*
- (.1) Dual In-Line Packaged LED*
  - (.2) Surface Mount Diode LED*
  - (.3) Chip On Board LED*
  - (.4) Fiber Optic LED*
  - (.5) Internally Illuminated Lexan*
  - (.6) Intense Pulsed Light Technology*

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- (.7) *Outdoor Projection Technology*
- (.8) *Outdoor Projection Video-Mapping Technology*
- (.9) *Holographic Technology*
- (.10) *3D Holographic Technology.*

- (s) *Each UED operator shall be required to engage no less than three (3) local designers, architects, and or artists who are based in the Philadelphia region, hereinafter referred to as Local Design Professional(s), to contribute to the design and development of each UED.*
- (t) *Each UED operator shall be required to invest a minimum of \$2,000,000.00 into the physical construction of each UED (Minimum Investment). This Minimum Investment shall not include items not part of the physical construction such as design, concept, and engineering costs.*

**(4) Use Regulations.**

*Regulated uses (as defined in § 14-603(13) (Regulated Uses)) are not permitted in the District unless otherwise expressly stated.*

**(5) Approval Process.**

*No zoning permits for Urban Experiential Displays shall be issued unless:*

- (a) *The applicant shall have first submitted to the City Planning Commission, and the City Planning Commission, after receipt of a recommendation from the Civic Design Review Committee, shall have approved, an application. A UED shall be approved by the Commission only if the Commission, in its discretion, has determined that the UED provides for reasonable, compatible spatial relationships between buildings within the district and in abutting non-UED district areas.*
- (b) *The applicant has submitted, and the Commission has approved, an executed agreement between the Applicant and a governmental entity, which agreement provides for a*



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*financial contribution by the Applicant to the governmental entity in the amount of \$125,000 per UED per annum in the Base Year, which shall increase in amount not less than four percent (4%) per annum, for so long as the UED remains in operation. The Base Year shall be calendar year 2015. The agreement shall provide that the money is to be used exclusively for public improvements in the immediate vicinity of the UED.*

**(6) Art Commission.**

*No UED may be erected or maintained unless approved by the Art Commission.*

**(7) Department of Licenses and Inspections.**

*(a) The Department of Licenses and Inspections (L&I) shall state on the City's website the application materials required by L&I to review a UED application for compliance with this Zoning Code. If upon review of an application, L&I determines that the application does not contain all of the required materials, L&I shall inform the applicant of the additional materials necessary to demonstrate compliance with this Zoning Code.*

*(b) Pursuant to § 14-103(3)(h), L&I is authorized to promulgate such regulations as are necessary and appropriate to implement this Section or to produce any administrative manual or any other advisory publication necessary to implement the review and approval of a Zoning Permit Application for a UED.*

**(8) Pennsylvania Department of Transportation.**

*(a) No UED may be erected or maintained unless approved by the Pennsylvania Department of Transportation where applicable.*

**(9) Removal or abandonment of UED.**

*(a) The applicant shall be responsible for removing its UED at its sole cost and expense should the applicant chose to remove the UED or if the applicant will or has abandoned the UED.*

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- (b) *Every applicant for a permit, other than a building permit, required by this Chapter shall, before the permit is granted, bind himself to comply with the terms of the permit and with all laws, ordinances and regulations governing the activity for which the permit is sought, and to indemnify the City from any liability which it may incur by granting the permit.*
  
- (c) *Every applicant for a permit shall also file a continuing bond in the amount fixed by the Department of Licenses and Inspections and in the form specified by the Law Department that regards the removal of a UED in the event where the applicant fails, refuses, or is unable to remove the UED; is unavailable to remove the UED; or has abandoned the UED.*

SECTION 2. This Ordinance shall take effect immediately.

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**Explanation:**

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