



Legislation Details (With Text)

File #: 130656-AA **Version:** 3 **Name:**

Type: Bill **Status:** ENACTED

File created: 9/26/2013 **In control:** Committee on Rules

On agenda: **Final action:** 6/18/2015

Title: Amending Title 14 of The Philadelphia Code, entitled "Zoning and Planning," by further providing for revised sign controls and making technical changes, all under certain terms and conditions; and amending Chapter 9-600, entitled "Service and Other Businesses," by adjusting the licensing fees for commercial outdoor advertising signs and information required in the annual inventory of signs; and amending Chapter 19-3400, entitled "Excise Tax on Outdoor Advertising Transactions," by adjusting the excise tax on outdoor advertising signs; all under certain terms and conditions.

Sponsors: Councilmember Henon, Councilmember Greenlee

Indexes: OUTDOOR ADVERTISING, SIGNS, ZONING AND PLANNING

Code sections: Title 14 - ZONING AND PLANNING

Attachments: 1. CertifiedCopy130656-AA03.pdf

| Date | Ver. | Action By | Action | Result | Tally |
|------------|------|--------------|--|--------|-------|
| 7/1/2015 | 3 | MAYOR | SIGNED | | |
| 6/18/2015 | 3 | CITY COUNCIL | READ AND PASSED | Pass | 15:0 |
| 6/11/2015 | 2 | CITY COUNCIL | READ | | |
| 6/11/2015 | 3 | CITY COUNCIL | AMENDED | | |
| 6/11/2015 | 3 | CITY COUNCIL | TABLED | | |
| 4/30/2015 | 2 | CITY COUNCIL | ORDERED PLACED ON FINAL PASSAGE CALENDAR FOR NEXT MEETING. | | |
| 4/30/2015 | 2 | CITY COUNCIL | READ | | |
| 4/30/2015 | 2 | CITY COUNCIL | RECONSIDERED | Pass | 16:0 |
| 4/16/2015 | 2 | CITY COUNCIL | PASSED | Pass | 15:0 |
| 12/4/2014 | 1 | CITY COUNCIL | READ | | |
| 12/4/2014 | 2 | CITY COUNCIL | AMENDED | | |
| 12/4/2014 | 2 | CITY COUNCIL | ORDERED PLACED ON FINAL PASSAGE CALENDAR FOR NEXT MEETING. | | |
| 11/20/2014 | 1 | CITY COUNCIL | ORDERED REMOVED FROM SUSPENSION CALENDAR, READ AND PLACED ON NEXT WEEK'S FINAL PASSAGE CALENDAR | | |
| 3/27/2014 | 1 | CITY COUNCIL | MOTION | Pass | |
| 3/27/2014 | 1 | CITY COUNCIL | ORDER THE BILL PLACED ON NEXT WEEK'S SUSPENSION CALENDAR | | |
| 11/21/2013 | 1 | CITY COUNCIL | READ AND ORDERED PLACED ON NEXT WEEK'S SECOND READING CALENDAR | | |

| | | | | |
|------------|---|--------------------|--|------|
| 11/14/2013 | 1 | CITY COUNCIL | ORDERED PRINTED AND PLACED ON NEXT FIRST READING CALENDAR | Pass |
| 11/12/2013 | 0 | Committee on Rules | HEARING NOTICES SENT | |
| 11/12/2013 | 0 | Committee on Rules | HEARING HELD | |
| 11/12/2013 | 0 | Committee on Rules | AMENDED | |
| 11/12/2013 | 1 | Committee on Rules | REPORTED FAVORABLY | |
| 9/26/2013 | 0 | CITY COUNCIL | Introduced and Referred | Pass |

Amending Title 14 of The Philadelphia Code, entitled “Zoning and Planning,” by further providing for revised sign controls and making technical changes, all under certain terms and conditions; and amending Chapter 9-600, entitled “Service and Other Businesses,” by adjusting the licensing fees for commercial outdoor advertising signs and information required in the annual inventory of signs; and amending Chapter 19-3400, entitled “Excise Tax on Outdoor Advertising Transactions,” by adjusting the excise tax on outdoor advertising signs; all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

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

TITLE 14. ZONING AND PLANNING

* * *

CHAPTER 14-200. DEFINITIONS

* * *

§14-203. Definitions.

* * *

(81.1) Customary Maintenance. For [accessory] *all* signs, customary maintenance shall mean all manner of maintenance, repair, or component replacement of a legally permitted or lawful sign that is done to keep the structure and its various components in good repair. This definition applies to all parts of a sign, including the supporting structure, walkways, sign face, and all other component parts, except the foundation of an accessory sign (in the case of a non-accessory sign, “customary maintenance” shall include the maintenance, repair, or replacement of the foundation). An increase in height, a change in dimension or location, replacement of the foundation of an accessory sign, or the addition of lighting or digital display does not constitute customary maintenance. *Nothing in this definition is intended to relieve any sign owner from applicable building permit requirements under Section A-301 of the Philadelphia Administrative Code.*

* * *

CHAPTER 14-900. SIGNS

* * *

§ 14-903. When a Zoning Permit is Required.

* * *

(2) Zoning Permit Not Required; *Code Conformance Required.*

The following actions related to signs may be performed without obtaining a zoning permit, but the resulting sign must conform to the provisions of this Zoning Code, and failure to conform is a violation of this Zoning Code.

(a) [Changing sign content, including changes from commercial to non-commercial messages, on lawful signs, provided the content change does not involve any structural or electrical additions or changes.]

* * *

[(g) The customary maintenance of any sign.]

(3) *Zoning Permit Not Required; Code Conformance Not Required.*

The following actions related to signs may be performed without obtaining a zoning permit. The resulting sign need not conform to the provisions of this Zoning Code, subject to compliance with the provisions of Section 14-305(8)(b) (Nonconforming Signs):

(a) Changing sign content, including changes from commercial to non-commercial messages on signs, provided the content change does not involve any structural or electrical additions or changes. In the case of Special Effects added to a non-accessory sign, this is considered a content change that does not require a zoning permit.

(b) The customary maintenance of any sign.

* * *

§ 14-905. Non-Accessory Signs.

* * *

(4) Area Regulations.

(a) The maximum sign area of any outdoor advertising sign is:

[(a)] (.1) For frontages along a street or right-of-way that is less than 60 ft. wide, 1,000 sq. ft. per sign [support structure] *face*.

[(b)] (.2) For frontages along a street or right-of-way that are 60 ft. wide or more, 1,500 sq. ft. per sign [support structure] *face*.

(b) Special Effects Elements that extend beyond the top and side edges of the sign face are permitted provided such elements do not extend more than six feet from the top edge and no more than three feet from the side edges. Special effects elements may not extend below the bottom edge of the sign face. Those portions of

such special effects elements that extend beyond the edges of the sign face shall be considered as embellishments whose total area may not exceed 288 square feet. A sign face and any extended elements may include three-dimensional features, provided such features do not extend more than 5 feet from the plane of the sign face. Special Effects Elements may not be digital.

(5) Height Regulations.

(a) The bottom edge of any outdoor advertising sign shall not be located more than 25 ft. above the road surface from which the advertising message is [visible] intended to be principally viewed and the sign shall not extend more than 20 ft. in height above its bottom edge, except as provided in subsection 5(d).

* * *

(d) Notwithstanding any other provision of this Code, if a noise barrier or permanent road sign erected by a governmental entity after a sign has been erected diminishes the visibility of the sign from the road surface from which the sign is intended to be principally viewed, then the height of the sign may be increased to the minimum height required to achieve the same degree of visibility from such road surface that the sign had prior to the erection of the noise barrier or permanent road sign. For purposes of this provision, a “noise barrier” is a standalone wall or similar structure designed for outdoor noise mitigation, whether denominated as a sound wall, sound berm, sound barrier, noise-attenuation barrier, acoustical barrier, or otherwise.

* * *

(7) Illuminated, Flashing, and Revolving Signs.

(a) Signs, other than digital signs, may be illuminated, but the illumination shall be focused upon the sign itself, so as to prevent glare upon the surrounding areas.

* * *

(8) Digital Billboards.

[{Reserved}]

(a) Digital signs shall not be erected or converted from non-digital to digital within 500 ft. of any residentially zoned district, nor face any residentially zoned district within 1,000 ft. of the sign.

(b) Digital Illumination Standards; Automatic Dimming. During daylight hours luminance of a digital billboard shall be no greater than 6,500 nits. At all other times, luminance of a digital billboard shall be no greater than 450 nits. In addition, digital billboards shall not operate at brightness levels of more than 0.3 foot candles above ambient light, as measured using a foot candle meter at the following preset distances:

| Nominal Face Size | Distance to be Measured From |
|-------------------|------------------------------|
| 12' x 25' | 150' |
| 10'6" x 36' | 200' |
| 14' x 48' | 250' |
| 20' x 60' | 350' |

Automatic dimming is required to keep luminance within permitted levels at all times.

(c) Motion. All motion is prohibited on digital displays. Only static text and graphics shall be permitted. A display change between messages shall not constitute motion. Holographic or three-dimensional projections are prohibited. The digital display shall contain a default mechanism that will freeze the sign in one position or show a black blank screen if a malfunction occurs.

(d) Timing. The duration of each display shall be no less than eight (8) seconds.

(e) Digital Sign Conversions. Non-accessory signs may not be converted to digital unless they are located within 660 feet of I-95 or I-76; are intended to be principally viewed from one of those roadways; and meet all of the other requirements of this code.

(f) Applicability. Unless expressly provided to the contrary, the provisions of this subsection (8) (Digital Billboards):

(.1) Shall not apply in the Market East Advertising District described in § 14-906.

(.2) Shall be considered safety regulations applicable to all signs, regardless whether they pre-date or post-date the addition of this subsection (8) to the Code.

* * *

(12) Permits.

* * *

(b) For each non-accessory sign erected or converted to digital in conformance with these provisions, [an existing sign or] two existing lawful, non-accessory signs encompassing equal or greater sign area, other than a sign located in the Market Street East Advertising District, as defined in § 14-906, shall be [removed.] removed; provided that this requirement shall not apply to the conversion to digital of a sign that, on June 1, 2015, lawfully could have been converted to digital without removal of an existing sign but for a then-existing lease or agreement which precluded the owner or future owner from effecting such a conversion; no more than ten signs owned by any sign company or related sign companies may be converted under this proviso.

* * *

SECTION 2. Chapter 9-600 of The Philadelphia Code is amended to read as follows:

CHAPTER 9-600. SERVICE AND OTHER BUSINESSES

* * *

§9-602. Outdoor Advertising.

* * *

(3) No person shall erect or maintain any outdoor advertising sign unless [they have] *he or she has* obtained [appropriate licenses] *a license for such sign* from the Department [of Licenses and Inspections]. *Applications for such licenses shall be made on a form provided by the Department. Such licenses shall be issued and renewed for terms of five years. A single license shall be issued for multiple signs that share a common sign support structure.*

(4) Licenses for Outdoor Advertising Signs. No license shall be issued *or renewed* unless:

* * *

(c) The applicant pays [an annual] *a license fee* in accordance with the following:

(.1) For commercial signs,

(A) For the licensing period beginning April 1, 2015 through and including June 30, 2015, an annual fee of six hundred and fifty (\$650) dollars for each outdoor advertising sign face. The fee shall be pro-rated through June 30, 2015, for any partial license year.

(B) From July 1, 2015, and thereafter, a five year fee of fifty cents (\$.50) per square foot of outdoor advertising sign face for the first five year period, and one dollar (\$1.00) per square foot of each outdoor advertising sign face for each five year period thereafter, or such other amounts as the Department may from time to time by regulation determine, provided such amount shall not exceed the cost of administering and enforcing the provisions of this Code relating to outdoor advertising signs.

(.2) For non-commercial signs, no fee. *In the event any commercial messages are displayed on the sign during the term of the license, the applicant shall be responsible for payment of the commercial license fee for the entire term.*

(d) [If the applicant is or proposes to engage an individual or company whose business is the erection, construction and/or maintenance of signs and/or sign structures, that individual or company possesses a valid annual license, as provided for below, allowing them to erect and maintain outdoor advertising signs.] *The applicant submits to the Department with its license application an inventory listing each outdoor advertising sign structure that the applicant owns or maintains in the City. The inventory shall identify for each listed sign structure:*

(.1) the address and account number (as maintained by the Office of Property Assessment) of the property on which the sign structure is located, the name of the owner of such property, and the latitude and longitude coordinates, stated in North America decimal degrees to a minimum precision of five decimal places, of the location on the property where the sign is situated;

(.2) the number of sign faces and the area of each sign face, and a unique inventory number for each sign face as assigned by the applicant;

(.3) the number of supporting columns or uprights or supporting mechanisms or identification of such other construction situated upon the ground, a building or another structure, the purpose of which is to support a sign face; and a notation as to whether the sign face is affixed to a wall, a roof or is freestanding, and whether the sign is digital;

(.4) *the road surface from which the sign is intended to be principally viewed, which must be within 350 ft. of the sign (once a license is issued, the licensee, for the duration of the license period and any renewal periods, may not claim a different road surface as the one from which the sign is intended to be principally viewed);*

(.5) *the height of each sign face, as measured from the base of the sign; and the height of each sign face as measured from the height of the road surface from which the sign is intended to be principally viewed;*

(.6) *the permit numbers of any permits that have previously been issued with respect to such sign, if any, including zoning and building permits;*

(.7) *the date the sign was last inspected by the Department, or, if the date of last inspection is unknown or if the sign has never been inspected by the Department, evidence of the date of last inspection by the sign owner or the owner's agent and a certification that at the time of such last inspection by the sign owner or the owner's agent, the sign, supports, braces, guys, anchors and foundations were in good condition; and*

(.8) *a certification that, to the best of the owner's or agent's knowledge, the sign, supports, braces, guys, anchors, and foundations remain in good condition.*

* * *

(5) *Reserved.* [Licenses for Individuals or Companies. Any individual or company, whose business is the erection, construction and/or maintenance of signs and/or sign structures, shall be required to obtain an annual license for the privilege of erecting signs. No annual licenses shall be issued unless:]

[(a) The applicant pays an annual license fee of one hundred fifty (\$150) dollars for the privilege of erecting, constructing and/or maintaining signs within the City.]

[(b) The applicant posts a bond satisfactory to the Law Department in an amount satisfactory to the Law Department to pay for the cost of removal and/or demolition of any sign that is found to be unsafe, to be a public nuisance, or is required to be removed under any terms of The Philadelphia Code. This bond is to be used only if, after a period of thirty (30) days from an order from the Department of Licenses and Inspections, the applicant refuses to remove an offending sign.]

[(c) The applicant does not have any outstanding violations, for which all legal appeals have been exhausted nor any outstanding court orders requiring the removal of any sign(s) for which all legal appeals have been exhausted, for erecting and/or maintaining outdoor advertising signs in violation of The Philadelphia Code.]

[(d) The applicant or the applicant's representative affixes on each outdoor advertising sign and/or sign structure information indicating the owner of the sign and (if applicable) the individual or company responsible for erecting and/or maintaining the sign and/or sign structure.]

[(e) The applicant submits to the Department on an annual basis an inventory of all outdoor advertising sign structures that the applicant owns or maintains in the City. The inventory shall identify the address (as maintained by the Board of Revision of Taxes) of each property on which a sign structure is located, and the number of sign structures, the number of sign faces, and the area of each sign face at each such address.]

(6) License Tags. [The Department shall annually issue licenses and license tags for each sign face to be erected and maintained in accordance with the following:]

[(a) For each outdoor advertising sign as defined in Section 9-602(2)(e), a license tag shall be issued by the Department of Licenses and Inspections.] *Applicants shall provide a license tag to be affixed to each sign face.* Each tag shall be of a size and color so as to be easily read from the footway and/or street or highway. The tag shall contain [a license number peculiar to] *the inventory number associated with that sign face as included in the inventory submitted under subsection 4(d)* and shall be affixed to the sign by the applicant so that it is visible from the footway and/or street or highway. *The Department may further detail the requirements of this subsection by regulation.*

[(b) For each outdoor advertising sign the Department of Licenses and Inspections shall issue a license, which the applicant shall maintain.]

[(c) The Department of Licenses and Inspections shall adopt appropriate regulations for the issuance of licenses and license tags for outdoor advertising sign faces which shall be consistent with this Section.]

* * *

Explanation:

[Brackets] indicate matter deleted.

Italics indicate new matter added.