

Legislation Text

File #: 100720-A, **Version:** 2

Amending Title 9 of The Philadelphia Code, entitled "Regulation of Businesses, Trades and Professions," and Title 14 of The Philadelphia Code, entitled "Zoning and Planning," by adding special provisions regulating advertising signs in designated Commercial Advertising Districts; designating Market Street between 7th Street and 13th Street as a Commercial Advertising District; and making conforming amendments to other provisions of The Philadelphia Code regulating advertising signs; and amending Chapter 19-3400, entitled "Excise Tax on Outdoor Advertising Transactions," by imposing a tax on these signs, all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. *Legislative Findings.* The Council finds that:

(a) Other cities have found that, when properly regulated, very large format signs serve materially useful purposes in areas having a high volume of pedestrians and a concentration of hospitality, entertainment or retail uses.

(b) The scale and creative displays of large format signs accentuate the vibrancy of these areas, heighten the public's sense of these areas as venues of hospitality, entertainment and retail activities and serve as gateways, thereby attracting more entertainment, patrons, shoppers and tourists.

(c) Large format signs have become part of the ambiance the public has come to identify with areas having high density hospitality, entertainment and retail uses in many global cities.

(d) Properties that are poorly maintained, underperforming or outmoded (whether in terms of general deterioration, technology or modern commercial feasibility), in areas with a high density of hospitality, entertainment and retail uses, inhibit the full commercial potential of such areas and detract from the positive experience of patrons, shoppers and tourists.

(e) Large format signs generate revenue that can be directed to support the reuse or rehabilitation of poorly maintained, underperforming or outmoded buildings.

(f) Market Street between 7th Street and 13th Street has historically been a high density shopping and entertainment corridor in the City, unique in its scale and scope, with simple traffic patters and slow moving traffic.

SECTION 2. Title 9 of The Philadelphia Code is amended to read as follows:

TITLE 9. REGULATION OF BUSINESSES, TRADES AND PROFESSIONS

* * *

CHAPTER 9-600. SERVICE AND OTHER BUSINESSES

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§ 9-602. Outdoor Advertising.

* * *

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

* * *

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

(1) For commercial signs, six hundred and fifty (\$650) dollars for each outdoor advertising sign face.

(2) For non-commercial signs, no fee.

* * *

SECTION 3. Title 14 of The Philadelphia Code is amended to read as follows:

TITLE 14. ZONING AND PLANNING

* * *

CHAPTER 14-1600. MISCELLANEOUS

* * *

§ 14-1604. Outdoor Advertising and Non-Accessory Advertising Controls.

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(10) Conditions For The Issuance of a Permit to Erect Outdoor Advertising and Non-Accessory Signs.

(a) For each outdoor advertising and non-accessory sign erected in conformance with these provisions, an existing sign or signs encompassing equal or greater sign area, *other than a sign located in the Market Street East Advertising District, as defined in § 14-1604.2*, shall be removed.

* * *

(11) Signs and Their Supporting Structures.

* * *

(b) Outdoor advertising and non-accessory signs shall be considered as the main use of a property and as a main structure and not as an accessory or ancillary use; *provided that, in the Market Street East Advertising District, outdoor advertising signs, where permitted, shall be allowed as an additional main use.*

* * *

(14) Penalties. In addition to any other sanction or remedial procedure provided, the penalty for violation of any provision of this Section shall be a fine not exceeding one hundred fifty (\$150) dollars for each offense, and may include imprisonment not exceeding thirty (30) days if the fine is not paid within ten (10) days; *provided that, within the Market Street East Advertising District, any violation shall constitute a Class III offense, as provided in § 1-109(3).* Continuous violation of the same provision shall be a separate violation for each day.

* * *

§14-1604.2. *Special Sign Controls for Market Street East.*

(1) *The Market Street East Advertising District shall encompass all properties on Market Street between 7th Street and 13th Street, subject to the following:*

(a) *Only properties either with one hundred feet (100') or more of frontage on Market Street, or belonging to a contiguous set of buildings under common ownership or management with a collective frontage on Market Street of one hundred feet (100') or more, are included within the District. For purposes of this subsection (1), two buildings are contiguous to one another if there are no other lots between them, even if there is a street between them.*

(b) *With respect to properties in the District that also have frontage on any street that intersects Market Street, only that portion of such frontage located no more than one hundred feet (100') north or south of the property line on Market Street shall be included in the District.*

(2) *The provisions of this Section shall only apply to signs on properties within the District. The provisions of this Section shall not apply to signs on or abutting a parking garage or surface parking lot with frontage on Market Street.*

(3) *The following provisions of this Zoning Code shall not apply to a sign within the Market Street East Advertising District, but only if the conditions of subsection (4) are satisfied:*

(a) *§ 14-305(2)(b)(.2)(.b), relating to outdoor advertising signs in C-5 districts.*

(b) *§ 14-305(15), relating to signs in C-5 districts; provided that:*

(.1) *The following provisions shall continue to apply:*

(a) *§ 14-305(15)(a)(.2)(.c), permitting certain accessory free standing signs.*

(b) *§ 14-305(15)(a)(.3)(.a), relating to building logo signs.*

(c) § 14-305(15)(a)(3)(b), relating to temporary signs.

(.2) No free standing outdoor advertising signs shall be permitted.

(.3) No roof signs shall be permitted, except on any building on which a roof sign was situated at any time prior to January 1, 1950.

(c) § 14-1604(3), relating to spacing of signs.

(d) § 14-1604(4), relating to distance from residential zones.

(e) § 14-1604(5) and § 14-1902(6), relating to maximum sign area; provided that no sign shall exceed in size sixteen hundred (1,600) sq. ft. per sign face and total aggregate sign area on any property (excluding any accessory signs that would be permitted without reference to this Section 14-1604.2) shall not exceed twenty-four (24) times the property's linear footage along Market Street.

(f) § 14-1604(6), relating to maximum height; provided that the top edge of any sign shall not be located more than ninety feet (90') above street level; provided further that, on any building on which was situated a sign the top edge of which was located more than ninety feet (90') above street level at any time prior to January 1, 1950, a sign of no greater size and no greater height shall be permitted.

(g) § 14-1604(7), relating to maximum number of signs.

(h) § 14-1604(8)(a), relating to direction of illumination.

(i) § 14-1604(8)(b), prohibiting certain flashing and other signs, provided that no flashing sign, sign with intermittent illumination, or sign with mechanically or electronically changing messages shall be permitted unless the Commission has determined that it will not create a material distraction to drivers of motor vehicles or otherwise present a safety hazard or substantially interfere with the peaceful enjoyment of the neighborhood; provided, however, that nothing in this subsection (i) shall require Commission approval of a sign solely on the basis that the sign displays video, animation or other moving images. The Commission may adopt regulations in support of this provision. (§ 14-1604(8)(c), regulating revolving signs, shall continue to apply, and shall apply to accessory and non-accessory signs.)

(j) § 14-1604(9), relating to prohibited areas.

(k) § 14-1604(10)(a) through (d), relating to removal of signs. (Note: § 14-1604(10)(e), (f) (relating to outstanding violations and charges) shall continue to apply.)

(l) § 14-1902(4), (5), relating to maximum projection onto public right of way, provided that no sign shall project more than three feet (3') into the public right of way, and neither the bottom nor top edge of any projecting sign shall create an acute angle with the vertical wall from which it projects greater than sixty degrees (60°); nor shall any such edge be perpendicular to such wall; and provided further that no antenna may be attached to a projecting sign.

(4) Limitations.

(a) The provisions of subsection (3), above, shall only apply with respect to a sign with respect to which the owner of the property, or a tenant with the owner's authorization, has committed, in form satisfactory to the Planning Commission, to use the gross proceeds, in whole or in part, from the erection or maintenance of such sign, including but not limited to any lease payments owing to the property owner, to offset the costs of rehabilitation, repair or maintenance of the property, so long as such rehabilitation, repair or maintenance is certified by the Planning Commission:

(.1) To require a minimum investment of ten million dollars (\$10 million).

(.2) To have been completed prior to issuance of the certification.

(.3) To materially improve the facade (including, but not limited to, facade lighting) or exterior of the property in a manner that has a material public benefit (which may include, but need not be limited to, creating an aesthetic that promotes active use of the public space or improves connections to public transit) or, if no such material improvements are needed, in the exclusive judgment of the Commission, to materially improve any publicly accessible interior areas of the property.

(b) For any individual property:

(.1) The provisions of subsection (3), above, shall expire twenty (20) years after the Commission issues its certification for such property under subsection (a), above. The receipt of gross proceeds from the erection or maintenance of signs on the property in excess of the cost of the improvements required by subsection (a) shall not cause the authorization to expire sooner.

(.2) The provisions of subsection (3), above, shall apply only for such periods of time when sixty percent (60%) or more of the property is either occupied or, in the judgment of the Commission, is being actively marketed, provided that no space shall be considered actively marketed if vacant for more than three years.

(.3) The provisions of subsection (3), above, shall not apply if the property owner is delinquent for more than six months on any taxes relating to the subject property owing to the City or the School District, or has any outstanding Code violations relating to the subject property that remain uncured more than six months after notice. A property owner shall not be considered delinquent, and a violation shall not be considered uncured, when there is pending a bona fide legal dispute concerning the tax liability or violation.

(.4) Upon expiration of the time period set forth in subsection (.1) above, or upon failure to comply with the provisions of subsection (.2) or (.3) above, the owner of the property shall remove any sign authorized by this Section 14-1604.2, or, if the owner fails to do so, the Department may remove such sign and shall place a lien on the property for the costs of removal.

(c) The provisions of this subsection (4) ("Limitations") are not severable from the remainder of the Ordinance adding this Section 14-1604.2 to the Code. Should a court of competent jurisdiction issue an order declaring any part of this subsection (4) invalid or unenforceable, it is the intent of Council that said Ordinance would not have been adopted without such invalid or unenforceable provision and said Ordinance shall be null and void

(5) Historic properties. Nothing in this Section shall permit the erection or maintenance of a sign on

any lot on which sits a building designated historic under Section 14-2007 (relating to historic designation) unless, in addition to any requirements imposed by Section 14-2007, the Historical Commission determines that the placement of the sign is consistent with historic precedent with respect to such building and the sign does not materially obscure the view of the building's key architectural, historic or character-defining features.

(6) Tobacco advertising. Other than a sign permitted by any provision of this Code other than this Section 14-1604.2, no person shall place or maintain, or allow to be placed or maintained, within 1,000 feet of any school, public playground, recreation center, child-care center or library, any sign advertising any tobacco product.

(7) Nothing in this Section is intended to supersede any requirement of The Philadelphia Code not expressly superseded herein, including but not limited to the requirements of Section 14-2007 (relating to historic properties).

SECTION 4. This Ordinance shall be effective immediately.

Explanation:

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