

Legislation Text

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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.

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CHAPTER 14-200. DEFINITIONS.

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§ 14-203. Definitions.

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(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, 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.

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CHAPTER 14-500. OVERLAY ZONING DISTRICTS.

§ 14-501. General.

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- (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*.

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§ 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, shall consist of the area bounded by Arch Street, Broad Street (including east side only), Race Street, Juniper Street (extended), Arch Street, 12th Street, Chestnut Street, Juniper Street, Spruce Street, Broad Street (including east side only), South Penn Square (including north side only), 15th Street (including east side only) and Arch Street, including both sides of all included and bordering streets, unless otherwise specified.*

(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) 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:*
 - (.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 the Display, if attached to an existing structure; or 45 feet, if freestanding. Height shall be measured from the average ground level where the Display is located. The bottom edge of any UED that is attached to an existing structure shall not be situated less than 15 feet above the average ground level where the Display 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 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 during periods of darkness.*

(n) *Illuminance Requirements*

(.1) *UED's at all times shall operate at a level that does not exceed 0.3 (fc) foot candles of light above the ambient light levels.*

(.2) *The measurement of Illuminance shall be conducted by either a professional lighting consultant or an employee of The City of Philadelphia Department of Licenses and Inspections, hereinafter referred to as (Lighting Inspector) as measured using a properly calibrated low-level foot candle*

metering device with two decimal place capability, hereinafter referred to as (Illuminance Meter) at a height of five feet above the grade at a preset distance depending on the area of the UED. The distance away from the UED, hereinafter defined as the (Illuminance Measurement Distance), shall be calculated as follows:

Directional UED Area is defined as the surface area of a UED that is primarily visible from one direction. When a measurement from the required distance is obstructed by private property, a building, or other permanent structure, the measurement shall be taken from the furthest possible perpendicular extent.

(.3) In order to determine the Ambient Light Level the Lighting Inspector shall have two methodologies in order to determine the Ambient Light Level. The methodology of choice is at the sole discretion of the Lighting Inspector.

(.a) UED Inactive - The Lighting Inspector upon twenty four (24) hour notice to the UED operator can require the UED operator to extinguish the UED, defined as ceasing to display any visual communication from the UED, for one hour. With the UED extinguished the Lighting Inspector shall position the Illuminance Meter at an elevation of five (5) feet above the grade at the Illuminance Measurement Distance. Immediately following the Ambient Light Level reading the UED should be made operational so that the Lighting Inspector can take the Illuminance Measurement of the UED in order to determine compliance

(.b) UED Active - The Lighting Inspector shall aim the Illuminance Meter toward the UED but place an opaque black sheet of material that is of an appropriate sign to obstruct the light from the UED. A material size of twelve inches high by forty inches is recommended but subject to the discretion of the Lighting Inspector. The material should be a distance of ten (10) feet away from the Lighting Inspector in between the UED and the Lighting Inspector. Please see Diagram A below.

Diagram A: Measuring Ambient Light Level

(.4) In order to determine the UED Illuminance level the Lighting Inspector shall position the Illuminance Meter at the Measurement Distance. The Lighting Inspector shall be positioned at an angle to the display of not greater than seven (7) degrees from perpendicular to the Directional UED Area. The Lighting Inspector shall aim the Illuminance Meter towards the UED.

- (.5) *The Illuminance of a UED shall be considered compliant with the Illuminance requirements of this subsection if the difference between the ambient light measurement and the operating UED light measurement is 0.3 foot-candle or less.*
- (o) *Luminance Requirements*
- (.1) *UED's shall operate at a maximum of seventy five hundred (7500) nits during day time hours (dawn to dusk) and shall operate at a maximum of five hundred (500) nits during night time hours (dusk to dawn)*
- (.2) *The measurement of Luminance shall be conducted by either a professional consultant or an employee of The City of Philadelphia Department of Licenses and Inspections, hereinafter referred to as (Lighting Inspector), as measured using a properly calibrated Luminance Meter set to measure candela per meter squared.*
- (.3) *If measuring during day time hours (dawn to dusk), the Lighting Inspector shall conduct the measurement within a time frame of at least thirty (30) minutes after dawn and thirty (30) minutes before dusk. If measuring during night time hours (dusk to dawn), the Lighting Inspector shall conduct the measurement within a time frame of at least sixty (60) minutes after dusk but sixty (6) minutes before dawn.*
- (.4) *The Lighting Inspector shall be positioned completely perpendicular to the surface area of the UED, defined as being located at a ninety (90) degree angle to the UED both horizontally and vertically at a distance not less than fifty (50) feet away from the UED and not more than two hundred and fifty (250) feet away from the UED. Each Luminance Meter comes with a measurement area represented by two circles, a larger field of view circle and a smaller target area circle inside the view finder. The Lighting Inspector shall position the target area circle so it falls entirely within the brightest copy area of the UED that is being measured, as outlined in Diagram B below. The Lighting Inspector shall take the measurement by pulling the Luminance Meter trigger.*
- (.5) *In the event that the Light Inspector cannot physically position themselves perpendicular to the UED and at a distance of two hundred and fifty (250) feet given the constraints of the built environment then the Illuminance Requirements in section (n) above shall exclusively control.*
- (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. 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) *The percentages set forth in subsections (.1), (.2) and (.3), above, shall apply on a per-hour basis.*

(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*
- (.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 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 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 reviewed and provided technical assistance and input that are intended to facilitate development of the UED in promoting the UED's purpose and goals.

(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. *No UED may be erected or maintained unless the applicant first files with the Department a ruling from the Pennsylvania Department of Transportation stating that either:*

- (a) The proposed location is not within the jurisdiction of the Department of Transportation;*
- (b) The erection and maintenance of UEDs is not within the jurisdiction of the Department of Transportation; or*
- (c) The erection and maintenance of the proposed UED is approved by the Department of Transportation.*

(9) Removal or abandonment of a UED

- (a) A UED that is not in operation for a period of more than 180 days shall be considered abandoned and shall be removed by the owner or operator at the owner or operator's expense.*
- (b) Prior to issuance of a building permit, the owner or operator shall agree to indemnify the City and to post a bond, in amounts satisfactory to the Department and in form satisfactory to the Law Department, to cover the cost of removal in the event the owner or operator fails to comply with subsection (a), above, or in the event the UED becomes unsafe, a public nuisance or otherwise not in compliance with this Code, or to cover any other costs the City may incur as a result of the installation or maintenance of the UED.*
- (c) Nothing in this subsection (9) is intended to limit any enforcement authority of the Department against either the owner or operator of the UED or the owner of the premises on which the UED is situated.*

SECTION 2. This Ordinance shall take effect immediately.

Explanation:

[Brackets] indicate matter deleted.

Italics indicate new matter added.