



City of Philadelphia

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

BILL NO. 100013

Introduced January 28, 2010

Councilmember DiCicco

**Referred to the
Committee on Rules**

AN ORDINANCE

Amending Title 14 of The Philadelphia Code, entitled "Zoning and Planning," by adding special provisions regulating outdoor advertising signs in designated commercial advertising districts; designating Market Street between 13th Street and 7th Street as a commercial advertising district; and making conforming amendments to other provisions of The Philadelphia Code regulating 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 hereby amended to read as follows:

TITLE 14. ZONING AND PLANNING.

* * *

CHAPTER 14-1600. MISCELLANEOUS.

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§ 9-602. Outdoor Advertising.

(1) [Legislative Findings. The Council finds that:

(a) Existing regulations have done little to prevent the City-wide proliferation of commercial outdoor advertising signs nor to provide for an adequate

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source of funding to administer the issuance of permits, licenses and violations for or inspections of these signs.

(b) The excessive number of commercial outdoor advertising signs contribute to visual clutter and detract from the aesthetic beauty of the City of Philadelphia.

(c) The proliferation of commercial outdoor advertising signs contribute to the appearance of deterioration in residential, commercial and industrial areas of the City and therefore negatively impact upon the economic viability of these areas.

(d) Said signs jeopardize public safety by distracting pedestrians and to a greater extent passing motorists, since these signs by their nature are erected in areas intended to be seen by drivers of motor vehicles.

(e) There exist throughout every area of the City numerous illegally erected commercial outdoor advertising signs that negatively impact upon the general welfare of those neighborhoods.

(f) Because large numbers of these signs exist without benefit of permits or licenses they do not pay existing licensing fees.

(g) Studies of these existing illegal commercial outdoor advertising signs indicate that these signs, especially when they are located within or adjacent to low to moderate income residential neighborhoods, are used at a disproportionately high rate to advertise liquor, beer and cigarettes.

(h) Current regulations do not facilitate an easy determination of the permit or license status of these signs because it is not required that these signs and/or their structures have indication of current licenses affixed thereto.

(i) Current regulations do not sufficiently or adequately penalize individuals or companies that erect and maintain outdoor advertising signs in violation of City ordinances.

(j) It is necessary and desirable to impose additional regulations and license fees to limit the proliferation of these signs, to cause the removal of the existing illegal signs, to fund the administration of these regulations and to facilitate determination of the license and permit status of these signs.

(2)] Definitions. In this Section the following definitions apply:

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[[3]2) No person shall erect or maintain any outdoor advertising sign unless they have obtained appropriate licenses from the Department of Licenses and Inspections.

[[4]3) Licenses for Outdoor Advertising Signs. No license shall be issued unless:

* * *

[[5]4) 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:

* * *

[[6]5) 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:

* * *

[[7]6) Inspections.

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[[8]7) Public Nuisance. Any sign and/or sign structure which does not conform in the requirements of this Section is hereby declared a public nuisance.

[[9]8) Abatement.

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[[10]9) Penalties.

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[[11]10) Severability. If any provision, sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality or invalidity shall not effect or impair any of the remaining provisions, sentences, clauses, sections or part of this Ordinance. It is the intent of the City Council that this Ordinance would have been adopted had such unconstitutional,

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illegal or invalid provision, sentence, clause, section or part thereof not been included herein.

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

- (1) [Legislative Findings. The Council finds that:
 - (a) Existing zoning controls have done little to prevent the City-wide proliferation of commercial outdoor advertising signs.
 - (b) The excessive number of commercial outdoor advertising signs contribute to visual clutter and detract from the aesthetic beauty of the City of Philadelphia.
 - (c) Such signs are commercial by nature and while they may be appropriately located in certain commercial and industrial areas, they do not belong within or in close proximity to residential neighborhoods.
 - (d) An examination of existing signs located in residential neighborhoods indicates a high concentration of beer, liquor and cigarette advertisements, particularly in close proximity to schools, playgrounds and parks.
 - (e) This pattern of sign placement would seem to indicate a conscious effort to promote the use of these products by children who attend neighborhood schools and use neighborhood recreation facilities. Therefore, such signs pose a serious threat to the health and welfare of children in the City.
 - (f) The proliferation of commercial outdoor advertising signs contribute to the appearance of deterioration of commercial and industrial areas of the City and therefore negatively impact upon the economic viability of these areas.
 - (g) Said signs jeopardize public safety by distracting pedestrians and to a greater extent passing motorists, since these signs by their nature are erected in areas intended to be seen by drivers of motor vehicles.
 - (h) Regulation and removal of these signs will promote traffic safety by eliminating the hazards to pedestrians and motorists posed by distracting and confusing sign displays.

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(i) Regulation and removal of these signs will enhance the aesthetic beauty of the City of Philadelphia by promoting signs which are harmonious with the streetscape and by eliminating signs which dominate or obscure views of the City.

(j) Regulation and removal of these signs will protect public and private investment, promote economic development and commercial revitalization.

(k) There are few, if any, circumstances under which the prohibition of these signs will render property valueless, result in unnecessary hardship or otherwise meet the criteria for a variance stated in Section 14-1802.

(l) Similar reasons have caused the Council to bar most commercial outdoor advertising and commercial non-accessory signs along and/or within the following: the major gateway approaches and bridges leading to Center City; the Benjamin Franklin Parkway; the Vine Street Parkway; the Southwark and Main Street Manayunk National Historic Districts; and nine (9) commercial revitalization areas located throughout the City.

(m) Therefore, special sign controls amending Section 14-1604 by providing for the removal of unsightly, distracting signs and setting forth the requirements for acceptable signage are required to promote traffic safety, protect views, minimize sign pollution and protect the historic, cultural, aesthetic, and economic vitality of the City of Philadelphia.

(2)] Scope. These controls shall apply to all areas of the City with special restrictions regulating size, height, illumination, distances from residences, spacing, prohibition and conditions for obtaining permits *except for where these controls conflict with the provisions of Section 14-1604.2, in which case the provisions of Section 14-1604.2 shall apply.* These controls shall supplement all *other* provisions of this Title.

([3]2) Spacing Requirements. [In all areas of the City,] *Except for the areas designated in Section 14-1604.2,* outdoor advertising signs and non-accessory signs shall not be permitted within five hundred feet of any other outdoor advertising sign. This spacing requirement shall not apply to on-premise or accessory signs, non-commercial signs, and highway directional signs.

([4]3) Distances from Residentially-Zoned Property. *Except for the areas designated in Section 14-1604.2,* no [No] sign support structure or sign face shall be erected within three hundred feet of any residentially-zoned property.

([5]4) Area Regulations. *Except for the areas designated in Section 14-1604.2,* the [The] maximum sign area of any outdoor advertising sign shall be as follows:

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(a) For frontages along a street or right-of-way which are less than sixty feet in width, one thousand square feet per sign support structure.

(b) For frontages along a street or right-of-way which are sixty feet or more in width, one thousand five hundred square feet per sign support structure.

[[6]5) Height Regulations.

(a) *Except for the areas designated in Section 14-1604.2, the* [The] bottom edge of any outdoor advertising sign shall not be located more than twenty-five feet above the road surface from which the advertising message is visible and further provided, that in no case shall the sign extend more than twenty feet in height above its bottom edge.

(b) *Except for the areas designated in Section 14-1604.2 when* [When] an outdoor advertising sign is to be erected such that it would be located within one hundred fifty feet of two (2) or more street, road, highway or bridge surfaces, the maximum height of an outdoor advertising sign shall be measured from the surface with the lowest grade elevation.

(c) Where other provisions of The Philadelphia Code are more restrictive than this Section in terms of height regulations, the more restrictive height regulations shall apply for outdoor advertising and non-accessory signs whether such signs are free standing or roof signs.

[[7]6) Sign Face Regulations. *Except for the areas designated in Section 14-1604.2, no* [No] more than two (2) sign faces or advertising messages shall be permitted on any one (1) lot; provided, that no more than one (1) sign support structure shall be permitted on any lot.

[[8]7) Illuminated, Animated, Flashing, and Revolving Sign Regulations.

(a) Signs may be illuminated; provided, that the illumination shall be focused upon the sign itself, so as to prevent glare upon the surrounding areas.

(b) *Except for the areas designated in Section 14-1604.2, flashing* [Flashing] signs, signs with intermittent illumination, or signs with mechanically or electronically changing messages shall neither be erected within five hundred feet of any residential district, nor face any residential district within one thousand feet of the sign.

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(c) *Except for the areas designated in Section 14-1604.2, signs* [Signs] which revolve shall require a certificate from the Zoning Board of Adjustment.

([9]8) Prohibited Areas. Outdoor advertising signs and non-accessory signs shall be prohibited:

(a) Within six hundred sixty feet of all the bridges over the Schuylkill River from the Girard Point Bridge northwestwardly to the Belmont Avenue Bridge;

(b) Within six hundred sixty feet of all ingress and/or egress ramps of the Delaware expressway (I-95), from the Bucks County Line to the Delaware County Line, and the Schuylkill expressway (I-76), between the Montgomery County Line and the Walt Whitman Bridge;

(c) Within six hundred sixty feet of the Benjamin Franklin parkway as defined by the Department of Streets;

(d) Between Twenty-third street and the Schuylkill River from the south side of Race street to Chestnut street;

(e) Between Twenty-fourth street and the Schuylkill River from Chestnut street to South street;

(f) East of Sixth street from South street to the south side of Race street;

(g) Between Sixth street and Delaware avenue from South street to Washington avenue;

(h) Within six hundred sixty feet of the outward edge of the right-of-way lines as defined by the Department of Streets, of the Delaware expressway between Washington avenue and Oregon avenue;

(i) Within six hundred sixty feet of all the bridges over the Delaware River from the Walt Whitman Bridge to the Tacony-Palmyra Bridge;

(j) Within six hundred sixty feet of the outward edge of the right-of-way lines as defined by the Department of Streets, of Woodhaven road;

(k) Within six hundred sixty feet of the outward edge of the right-of-way lines as defined by the Department of Streets, of the Roosevelt boulevard;

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(l) Within any area of the City designated as a local or national Historic District;

(m) Within six hundred sixty feet of the outward edge of any park under the jurisdiction of the Fairmount Park Commission, the Commonwealth of Pennsylvania, or the National Park Service;

(n) Within six hundred sixty feet of any park, playground, recreation center, play lot or other recreational facility under the jurisdiction of the Department of Recreation; and

(o) Within six hundred sixty feet of any public or private pre-school, elementary, middle or high school.

([10]9) 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 shall be removed.

(b) The application to erect an outdoor advertising or non-accessory sign must specify the size and the location of the sign(s) to be removed. Sufficient proof of the physical existence of the sign(s) to be removed shall be supplied to the Department of Licenses and Inspections. Such proof may be in the form of permits and/or photographs of the existing sign(s).

(c) The application to erect an outdoor advertising or non-accessory sign must also be accompanied by a written authorization from the owner of the property where the sign(s) to be removed are located authorizing the applicant to remove said sign(s) and acknowledging that the right to maintain an outdoor advertising or non-accessory sign is being forfeited through the filing of the application and the issuance of the permit for the erection of the new sign.

(d) No permit for the erection of an outdoor advertising or non-accessory sign shall be issued prior to actual removal of the sign(s) required to be removed as provided in subsections 10(a), (b), and (c) above.

(e) No permit for the erection of an outdoor advertising or non-accessory sign shall be issued if there is any outstanding violation, for which all legal appeals have been exhausted, of The Philadelphia Code or regulations adopted pursuant

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to the Code, relating to the premises upon which the outdoor advertising sign or non-accessory sign is to be erected or maintained.

(f) No permit for the erection of an outdoor advertising or non-accessory sign shall be issued if the owner of the premises upon which the outdoor advertising sign or non-accessory sign is to be erected or maintained is delinquent in the payment of any City or School District taxes, charges, fees, rents or claims, unless such owner has entered into an agreement to pay any such delinquency and is abiding by the terms of such agreement.

(g) *The provisions of subparagraphs (a) through (d) of this subsection (9) shall not apply within areas designated in Section 14-1604.2.*

[[11]10) Signs and Their Supporting Structures.

(a) The supporting structures for outdoor advertising and non-accessory signs shall conform to the definition of a structure as set forth in Section 14-102(54), shall be considered as such and shall conform to all the requirements regarding structures contained in this Title, provided that Section 14-104 shall not apply to outdoor advertising signs and their structures and therefore such signs may not be extended or reconstructed pursuant to Section 14-104(1) through (13).

(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.

[[12]11) Removal and Maintenance of Nuisance, Unlawful and Prohibited Signs.

(a) Nothing in this Section is intended to prohibit the Department of Licenses and Inspections from removing a sign at any time without compensation which has been determined to be a public nuisance or unlawfully in existence under any other provision of The Philadelphia Code.

(b) A prohibited sign shall be maintained in good condition, but it shall not be structurally altered so as to enlarge or extend the area or height of the sign. However, a prohibited sign shall not be reconstructed if for any reason it becomes necessary to replace the entire sign, including the sign face, the frame and any supporting mechanism, but excluding the foundation.

[[13]12) Enforcement. Whenever any sign is erected, altered, used or maintained in violation of this Section, the Department of Licenses and Inspections shall

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have the authority to enforce and direct compliance with the provisions of this Section as provided in Section 14-2020.

([14]13) 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. Continuous violation of the same provision shall be a separate violation for each day.] *Any violation of this Section shall constitute a Class III offense and shall be subject to the fines set forth in subsection 1-109(3) of The Philadelphia Code for each offense. Each day this Section is violated shall be deemed a separate offense for which a separate penalty may be imposed.*

([15]14) Severability. If any provision, sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality or invalidity shall not effect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is the intent of the City Council that this Ordinance would have been adopted had such unconstitutional, illegal or invalid provision, sentence, clause, section or part thereof not been included herein.

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§14-1604.2. Commercial Advertising Districts.

(1) *Non-accessory commercial signs shall be permitted on the exterior walls of occupied buildings in the following commercial advertising districts:*

(a) *Market Street between 13th Street and 7th Street.*

(b) *RESERVED.*

(2) *Spacing. No non-accessory commercial sign within the designated area shall be located closer than 300 feet to any other non-accessory commercial sign.*

(3) *Distances from Residentially-Zoned Property. No non-accessory commercial sign within the designated area shall be within one hundred feet of any residentially-zoned property.*

(4) *Area Regulations.*

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(a) *Within the designated area, non-accessory commercial signs shall be allowed to occupy an entire wall of a structure.*

(b) *Within the designated area, non-accessory signs may obstruct windows if (i) the sign is constructed of perforated vinyl mesh and/or adhesive backing transparent to occupants of the building; (ii) the sign does not prevent the opening of windows intended to be open; and (iii) the sign does not prevent ingress and egress.*

(5) *Illuminated, Animated, Flashing, and Revolving Sign Regulations.*

(a) *Signs may be illuminated; provided, that the illumination shall be focused upon the sign itself, so as to prevent glare upon the surrounding areas.*

(b) *Flashing signs, signs with intermittent illumination, animated signs or signs with mechanically or electronically changing messages shall not be erected within five hundred feet of any residential district.*

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Explanation:

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

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