

<p style="text-align: center;">DEPARTMENT OF LICENSES AND INSPECTIONS</p> <p style="text-align: center;"><b>CODE BULLETIN OF INFORMATION</b></p> <p style="text-align: right;"><b>No. Z-1302</b></p>		<p style="text-align: center;">CODE OF GENERAL ORDINANCES OF THE CITY OF PHILADELPHIA</p>
<p>SUBJECT OF BULLETIN:</p> <p style="text-align: center;"><b>CONVERSION OF OUTDOOR ADVERTISING SIGNS TO DIGITAL DISPLAY</b></p>		<p style="text-align: center;">TITLE 14 — Zoning Code</p> <p>REFERENCE CODE SECTION(S):</p> <p style="text-align: center;">14-104(2) 14-903(1)(a)(.3)</p>
<p style="text-align: center;">ISSUED BY</p>		<p>ISSUE DATE</p> <p style="text-align: center;">September 27, 2013</p>
<p>NAME: Michael Fink</p>	<p>SIGNATURE:</p>	<p>PAGE 1 OF 2</p>
<p>TITLE: Deputy Commissioner</p>		

## BACKGROUND

A memorandum dated May 10, 2007 entitled “Digital or Electronic Messages on Outdoor Advertising Signs” set forth Department direction for the processing of zoning permit applications proposing the conversion of outdoor advertising signs (billboards) from static display boards to digital display boards. The memorandum was based in part on legal advice provided by the Law Department.

The memorandum established the following policy:

- A change in format or medium from a standard outdoor advertising sign to an electronically changing message shall be treated as a face/format change, and;
- If the distance requirements as stated in the relevant code sections are met, the permit should be issued as a matter of right.

## ISSUE

The memorandum cited §§14-1604(7) and (8) of the former Zoning Code, now §§14-905(6) and (7). However, while these provisions recognize “electronically changing messages” (with certain required setbacks from residential zones), they do not deal directly with the conversion of sign faces to digital display.

The memorandum may also have been based on consultation with the Law Department regarding the provisions of §14-1604(12), now §14-905(14), which relate to maintenance and repair of billboard faces and structures. From this, it was concluded that converting a billboard display from static to digital was merely a sign face change and not a structural change to the billboard.

The Department requested a legal opinion from the Law Department regarding the review of applications for Zoning and Use Registration permits to convert existing sign faces to digital displays.

## DISCUSSION

As part of its current and ongoing consideration of proposed Zoning Code language for billboard regulation, the Law Department has performed further review of this issue and found that the Courts have determined that the change of a billboard from a conventional

signage to an LED type signage constitutes an “alteration” of the structure. Specifically, Commonwealth Court held that conversion to a digital format requires “significant structural alterations to the billboard structure.”

The Zoning Code §14-104(2) states that, “No building or structure may be erected, converted, enlarged, reconstructed, or altered for use, nor may any land, building, or structure be used or changed, except in accordance with all of the applicable regulations established by this Zoning Code, unless otherwise expressly stated, and, except for single-family residential uses, without first obtaining a use registration or zoning permit ...” Therefore under our Zoning Code requirement, compliance with zoning provisions must be obtained where a billboard is to be “altered” for use as a digital sign.

This approach is reinforced by the new Signs chapter in the City’s Zoning Code. In an ordinance passed in January 2013, City Council adopted §14-903 setting forth when signs require zoning permits and when they do not. A zoning permit must be obtained (pursuant to the requirements of §14-303(6) of the Code) in order to erect a new sign or “convert any portion of an existing sign to a different type of sign, including ... *conversion from a non-digital to a digital sign.*” [§14-903(1)(a)(.3) (emphasis added)]. On the other hand, a zoning permit is not required to change “sign content,” providing the change does not involve “any structural or electrical additions or changes.” [§14-903(2)(a)].

This ordinance distinguishes between a sign face change, where structural or electrical additions are not involved, and digital conversion, which is not considered the equivalent of a content change on a sign face. This Code Bulletin reflects that distinction.

## **DIRECTION**

Converting a standard static display sign face to a digital display sign face necessarily involves substantial alteration, reconstruction and conversion of the billboard structure. Therefore, under §§14-104(2) and 14-903(1)(a)(.3) of the Code, a permit for such conversion may be issued only where the current structure and use are otherwise in compliance with the current dimensional and use standards of the Code in effect at the time of the proposed conversion.