

AN ORDINANCE

Amending Title 14 of the Philadelphia Code, entitled “Zoning and Planning,” by revising certain provisions of section 14-906, entitled “Market Street East Sign Regulations,” all under certain terms and conditions.

THE CITY COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Chapter 14-906 of the Philadelphia Code, entitled “Market Street East Sign Regulations,” is hereby amended to read as follows:

TITLE 14. ZONING AND PLANNING

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CHAPTER 14-900. SIGNS

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§ 14-906. Market Street East Sign Regulations.

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(2) Applicability.

The provisions of this § 14-906 (Market Street East Sign Regulations) apply to accessory and non-accessory signs not otherwise permitted by this Zoning Code and located in the Market Street East Advertising District, subject to all of the following:

(a) The owner of the property, or a tenant with the owner’s authorization, has committed to use *a portion of* 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 cost of public improvements, so long as the Commission has determined that the public improvements satisfy the criteria of § 14-906(4) (Criteria for Public Improvements).

(b) *The property at which the sign or signs are located must either: (i) be improved with a building having a height of at least 65 ft. as of the effective date of this provision; or (ii) after such date, meet the conditions of subsection (c), below, and either be improved with a building having a height of at least 65 ft. or have valid zoning and commercial building permits authorizing such a building; provided that no non-accessory signage shall be erected on the subject property unless and until a certificate of occupancy has been issued for the building.*

[(b)] (c) [The] *For non-accessory signage allowed pursuant to subsection (b)(ii), above, the sign shall be located on a property either with [100] 160 ft. or more of frontage on Market Street, or belonging to a contiguous set of [buildings] abutting parcels under common ownership, [or] management or written agreement between the owners of the parcels with a collective frontage on a block face of Market Street of [100] 160 ft. or more. [For the purposes of this subsection (b), two buildings are contiguous to one another if there are no other lots between them, even if there is a street between them.]*

[(c)] (d) The sign shall be located no more than 100 ft. north or south of the lot line on Market Street, but may be located more than 100 ft. north of the lot line on Market Street if located on the north-facing facade of a bridge structure over 9th Street or 10th Street between Market Street and Filbert Street.

[(d) Signs on or abutting a parking garage or surface parking lot with frontage on Market Street are exempt from this § 14-906 (Market Street East Sign Regulations).]

(3) Sign Regulations.

The following regulations shall apply to all signs that are subject to this § 14-906 (Market Street East Sign Regulations), provided that the conditions of § 14-906(4) (Criteria for Public Improvements) and § 14-906(5) (Limitations), below, are satisfied. In the event of a conflict between any provision of this § 14-906 and any other provision of this Zoning Code, *except for the provisions applicable to an arena in the Arena Area of the Center City Overlay set forth in § 14-502(7)(p)*, the provisions of this § 14-906 shall control.

(a) The following types of accessory and non-accessory signs shall be permitted:

(.1) Wall signs;

(.2) Projecting signs, provided that the maximum projection onto a public right of way shall not exceed three ft. for the first 15 ft. of building height or five ft. for building heights in excess of 15 ft., 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 60 degrees; nor shall any such edge be perpendicular to such wall; and provided further that no antenna may be attached to a projecting sign;

(.3) [Accessory freestanding] *Freestanding signs, provided that any freestanding sign that extends into the public right-of-way shall be subject to the accessory signage requirements set forth in Table 14-904-1 as applicable to the underlying zoning district;*

[(.4) Building identification signs, subject to the requirements set forth in § 14-906(3), as applicable;

(.5) Real estate signs;]

[6] (.4) Roof signs, if located on a building on which a roof sign was situated at any time prior to January 1, 1950; and

[7] (.5) Signs with animated illumination, mechanical motion, or *full motion* digital displays, provided that:

(.a) The applicant submits documentation prepared by a licensed professional traffic engineer demonstrating to the satisfaction of the Commission that the sign 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; and

(.b) [The following shall apply to accessory and non-accessory signs.

(i) § 14-502(7) (Illuminated, Flashing, and Revolving Signs).

(ii)] For digital displays, [during daylight hours luminance shall be no greater than 2,500 nits. At all other times, luminance shall be no greater than 250 nits. Automatic dimming is required to maintain the appropriate illumination levels at all times.] *Primary illumination of the screens shall be internal and use ambient light sensors to automatically reduce the intensity of illumination during periods of darkness.*

(.c) *Animated content shall only be permitted between the hours of 6 a.m. and midnight.*

(b) Signs shall not exceed [1,600] 3,000 sq. ft. per sign face. The total aggregate sign area on any property, excluding any accessory sign area that would be permitted under Table 14-904-1 or § 14-502(7)(m) (Market Street East Retail Area), shall not exceed 24 times the property's linear footage along Market Street.

(c) The top edge of any sign shall not be located more than 90 ft. above street level; provided further that, on any building on which was situated a sign the top edge of which was located more than 90 ft. above street level at any time prior to January 1, 1950, a sign of no greater size and no greater height shall be permitted.

(d) L&I shall not issue a zoning permit for the sign until the Commission has reviewed plans of the sign and determined that the design of the sign structure does not *materially* detract from the building's key architectural or character-defining features.

(e) Non-accessory signs are exempt from the:

(.1) Spacing requirements of § 14-905(2) (Spacing Requirements) and the distance from residential zoning district standards of § 14-905(3) (Distances from Residential District Property).

(.2) Sign face regulations of § 14-905(6).

(.3) Prohibited area provisions of § 14-905(10).

(.4) Permit procedures of § 14-905(12)(b) through § 14-905(12)(e).

(.5) Height regulations of § 14-905(5).

(.6) *Area regulations of § 14-905(4).*

(.7) *Digital signage regulations of § 14-905(8).*

(4) Criteria for Public Improvements

The Commission shall approve a public improvement only if it determines that all of the following criteria have been satisfied:

(a) The public improvement shall be located in the District, and must *either*:

(.1) [materially]*Materially* improve the facade (including, but not limited to, facade lighting) or publicly accessible exterior of the property, or, if no such material improvements are needed, in the exclusive judgment of the Commission, the public improvement may improve either publicly accessible interior areas of the property or publicly accessible exterior of another property in the District, with permission of the other property's *owner*; [owner. Improvements] *or*

(.2) *Consist of improvements* to the publicly accessible exterior of a property, *public infrastructure* (which may include improvements or connections to a public transit [facility.(.1)] *facility*), *or both*. With regards to improvements relating to public transit, the applicant shall submit a letter from the public transit agency confirming that the agency (a) is aware of the proposed transit improvements; (b) approves the portion of the project that will be constructed on its property; and (c)

verifies that the improvements are engineered and will be completed to accommodate peak hour travel in all directions.

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(5) Limitations.

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(b) Reserved.

(c) *Reserved.* [The individual provisions of this § 14-906 (Market Street East Sign Regulations) are not severable from the remainder of the provisions of this Code relating to the Market Street East Advertising District. Should a court of competent jurisdiction issue an order declaring any provision of this § 14-906 invalid or unenforceable, it is the intent of Council that all provisions of this Zoning Code relating to the Market Street East Advertising District would not have been adopted without such invalid or unenforceable provision and said provisions shall be null and void.]

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(7) Sunset Provision.

The provisions of this § 14-906 (Market Street East Sign Regulations) shall expire July 19, [2031.] 2040. Lawfully permitted signs in existence on July 19, [2031,] 2040, to the extent not authorized by any provision of this Zoning Code other than this § 14-906, shall be deemed nonconforming and may be maintained as nonconforming signs pursuant to § 14-305 (Nonconformities).

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SECTION 2. This Ordinance shall take effect immediately.