

# CASE SUMMARY

APPLICATION TYPE: ORDINANCE AMENDMENT

KNOXVILLE-KNOX COUNTY

**M P C**  
METROPOLITAN  
P L A N N I N G  
C O M M I S S I O N

T E N N E S S E E

Suite 403 • City County Building  
4 0 0 M a i n S t r e e t  
Knoxville, Tennessee 37902  
8 6 5 • 2 1 5 • 2 5 0 0  
F A X • 2 1 5 • 2 0 6 8  
w w w • k n o x m p c • o r g

File Number: 10-B-13-OA

Related File Number:

Application Filed: 9/25/2013

Date of Revision:

Applicant: METROPOLITAN PLANNING COMMISSION

## PROPERTY INFORMATION

General Location:

Other Parcel Info.:

Tax ID Number: 999 999

Jurisdiction:

Size of Tract:

Accessibility:

## GENERAL LAND USE INFORMATION

Existing Land Use:

Surrounding Land Use:

Proposed Use:

Density:

Sector Plan:

Sector Plan Designation:

Growth Policy Plan:

Neighborhood Context:

## ADDRESS/RIGHT-OF-WAY INFORMATION (where applicable)

Street:

Location:

Proposed Street Name:

Department-Utility Report:

Reason: Amendments to the City of Knoxville zoning ordinance at Article II, definitions, and Article V, Section 10, regarding sign regulations

## ZONING INFORMATION (where applicable)

Current Zoning:

Former Zoning:

Requested Zoning:

Previous Requests:

Extension of Zone:

History of Zoning:

## PLAN INFORMATION (where applicable)

Current Plan Category:

Requested Plan Category:

## **SUBDIVISION INFORMATION (where applicable)**

Subdivision Name:

No. of Lots Proposed:

No. of Lots Approved: 0

Variances Requested:

S/D Name Change:

## **OTHER INFORMATION (where applicable)**

Other Bus./Ord. Amend.: Amendments to the City of Knoxville zoning ordinance at Article II, definitions, and Article V, Section 10, regarding sign regulations

## **MPC ACTION AND DISPOSITION**

Planner In Charge: Mark Donaldson

Staff Recomm. (Abbr.): Staff recommends that the Planning Commission recommend to City Council approval of the proposed amendments to the zoning ordinance as shown in Exhibit B (Sign Ordinance), as amended to include Exhibit C (Proposed Amendments).

Staff Recomm. (Full): Staff recommends that the Planning Commission recommend to City Council approval of the proposed amendments to the zoning ordinance as shown in Exhibit B (Sign Ordinance), as amended to include Exhibit C (Proposed Amendments).

Comments:

REQUEST

At its April 9, 2015 meeting, City Council amended and approved the proposed sign regulations on first reading (Exhibit B) with the exception of the three items listed below that were referred back to MPC for further study:

- 1)Section 4.22: How much time should be allowed prior to an event for the placement of the signs designated in this section?
- 2)No section: Do street sign banners (e.g., designating the Fourth & Gill neighborhood) need to be exempt from regulation?
- 3)Section 11.4: Consider more specifically which types of attached signs are permissible in the residential district, and limit the signs in subsection a.2 (wall signs for multi-dwelling structures) such that the signs may only indicate the name and/or address of the premises, or the name of the management company (which is stated in the current zoning code for this type of sign).

BACKGROUND

In October 2011, MPC made a recommendation to City Council regarding a reduction in the maximum allowed sign heights found in Article V, Section 10 (Signs), of the zoning ordinance. Council subsequently passed on first reading an ordinance reducing the maximum height for signs, but prior to considering the ordinance on second reading created a sign task force to study the sign regulations and make recommendations. After more than two years of study and several public meetings, MPC staff drafted proposed regulations for the task force to replace Article V, Section 10, in its entirety.

At its November 2014 meeting, MPC recommended to City Council that the City hire an independent consultant to create a sign ordinance and find a reasonable source of income so that the ordinance may be enforced.

At its April 9, 2015 meeting, City Council approved the proposed sign regulations on first reading with the exception of the three items that were referred back to MPC for further study. City Council will have to approve the sign regulations again on first reading after the planning commission considers the three referred items.

SUMMARY OF ANALYSIS

1)Section 4.22: How much time should be allowed prior to an event for the placement of the signs designated in this section?

Current: Decorative flags and bunting for a celebration, convention or commemoration, subject to removal within seven days following the event.

Analysis: Section 4 of the proposed regulations lists sign types that are exempt and are not required to receive a permit before installation (subject to other applicable laws and regulations). In regard to Section 4.22 there is a specified time frame for removal within 7 days following an event but there is not a time frame for installation. A similar exempt sign type that does have a time frame for installation before an event is Section 4.27, temporary signs for announcement special events or activities of interest to the general public. These signs are allowed to be installed 14 days prior to the event, which is a reasonable duration and will provide consistency between similar installations.

2)No section: Do street sign banners (e.g., designating the Fourth & Gill neighborhood) need to be exempt from regulation?

Current: The City currently has a policy and permitting process for approving banners within the ROW that is administered separately from the zoning ordinance through the Office of Special Events, in coordination with the Office of Neighborhoods and Department of Engineering. Banners promoting community or neighborhood identity can be in place for a period of up to 1 year, unless extended for an additional time period upon prior written approval of the City, subject to durability of banner materials.

Analysis: Section 3.6 of the proposed sign regulations prohibits “signs within the public right-of-way, except publicly owned signs, such as wayfinding signs and regulatory signs, and those signs approved by the city engineer”. This has not changed from the current sign regulations.

The Office of Special Events has a ‘Banner Permit Application’ that is primarily to allow banners street for events within the downtown area (such as Dogwood Arts Festival). The City banner policy allows permits to be obtained for, among other things, to identify a neighborhood or community. In addition, street banners promoting community or neighborhood identity can be permitted for a period of up to 1 year, unless extended for an additional time period upon prior written approval of the City, subject to durability of banner materials.

Additional consideration for neighborhood signs: Older residential neighborhoods where typically developed without specified boundaries or names. As revitalization of these neighborhoods began, boundaries and names were created and to express pride, neighborhood organizations started requesting entrance signs.

In some instances monument or column signs have been preferred rather than banners, however, the sign regulations impose an unnecessary barrier by requiring these signs be setback so far from a street or corner as to be ineffective visually. The cost of applying for a variance is prohibitive for many neighborhood groups – so much so, in fact, that some groups install signs without getting a permit, with potential negative impacts on sight distance and utilities.

There are several details regarding the regulation of neighborhood identification (or entrance) signs on private property that require further study and should be a priority as an amendment following the adoption of these sign regulations. For additional information regarding regulations for residential neighborhood identification signs, see Exhibit D and E.

3) Section 11.4: Consider more specifically which types of attached signs are permissible in the residential district, and limit the signs in subsection a.2 (wall signs for multi-dwelling structures) such that the signs may only indicate the name and/or address of the premises, or the name of the management company (which is stated in the current zoning code for this type of sign).

Current: For residential uses the only type of attached sign allowed is a wall sign, which is consistent with the existing sign regulations. For nonresidential uses one “attached sign” is permitted, which is in addition to the existing sign regulations that only allow one monument sign. For multi-dwelling developments one wall sign per structure is permitted, however, the content of the sign is not specified as described by the request from City Council above.

Analysis: An attached sign is a sign that is permanently affixed to or painted on a building, canopy, or wall, and has a permanent or changeable copy face. See Exhibit F for a list of attached signs categorized according to the how they are regulated.

Within the planned residential zone districts (RP-1, RP-2 and RP-3), attached signs are limited to only non-illuminated wall signs and 10 square feet of sign area per business (Section 11.4.b.3). In addition, these wall signs have a limited height of no more than 12 feet above ground level. These commercial and office uses are usually buffered from the residential uses by the master developer.

Within the other residential zone districts (R-1, R-1A, R-1E, EN-1, EN-2, R-2, R-3 and R-4), attached signs for nonresidential uses are to be non-illuminated and are limited in area to either 16 or 32 square feet, according to the following (Section 11.4.b):

1. For medical facilities with less than one hundred fifty (150) linear feet of street frontage, clubhouses for civic or nonprofit organizations, lodge halls, studios and day care centers for more than twelve (12) children:

i. Non-illuminated attached signs up a maximum total sign area of sixteen (16) square feet;

2. For medical facilities with one hundred fifty (150) linear feet or more of street frontage, churches, schools, public buildings, cemeteries and country clubs:

i. Non-illuminated attached signs with a maximum total sign area of thirtytwo (32) square feet;

In most cases, the nonresidential uses listed above require “use-on-review” approval by the planning commission and the signage package can be considered for compatibility with the character of the neighborhood as part of that review.

There are twelve types of attached signs specifically identified within Section 2.3 (Definitions – Sign Types), eight of which constitute the majority of those used, including: arcade/hanging, awning, canopy, marquee, menu, projecting, shingle and wall.

The type of attached signs that are appropriate for any given location will be highly dependent on the siting of the building on the property and context of the surrounding neighborhood. In suburban areas where structures are setback with ample space for an allowed monument or column sign, a wall sign is a logical complimentary sign. In older portions of the city where structures are built close to the front property line, monument or column signs may not be preferred or possible and a wall sign alone may not provide the visibility desired by the owner; however, an arcade/hanging or shingle sign may be a better alternative and contextually appropriate for the neighborhood.

Attached signs that are more business specific, like marquee signs and menu boards, will have little

applicability for the allowed uses in residential zones and will mostly likely only used in situations where the business is pre-existing, non-conforming. All attached signs will still be required to be non-illuminated and restricted in size by the maximum sign area of either 16 or 32 square feet. Window signs, unless prohibit or otherwise regulated within specific zone districts, are exempt from the regulations and are only required to not obscure the view of the interior of the building. Visibility into the ground floor of nonresidential uses is typically required in mixed use areas and should also be a required when within close proximity to residential uses. For instance, window sign can cover no more than 10 percent of each window in the Cumberland Avenue Form District and no more than 30 percent in the Downtown Design Overlay District.

**SUMMARY OF PROPOSED AMENDMENTS – (Exhibit C)**

Add installation time frame to Section 4.22. The installation of decorative flags and buntings before an event is proposed and should be added to allow effective enforcement of the regulation.

Attached signs in residential districts. An amendment to prohibit window signs is proposed because of the potential for surrounding residential uses to be negatively impacted if windows are substantially obscured by signs.

Wall signs for multi-dwelling structures. The current sign regulations specify the type of information that can be displayed on wall signs for multi-dwelling structures and an amendment to include this in the new sign regulations is proposed.

**Action:** Approved

**Meeting Date:** 6/11/2015

**Details of Action:**

**Summary of Action:** Recommend to City Council approval of the proposed amendments to the zoning ordinance as shown in Exhibit B (Sign Ordinance), as amended to include Exhibit C (Proposed Amendments).

**Date of Approval:** 6/11/2015

**Date of Denial:**

**Postponements:** 10/10-11/14/13,  
7/10-10/1

**Date of Withdrawal:**

**Withdrawn prior to publication?:**  **Action Appealed?:**

**LEGISLATIVE ACTION AND DISPOSITION**

**Legislative Body:** Knoxville City Council

**Date of Legislative Action:** 7/7/2015

**Date of Legislative Action, Second Reading:** 7/21/2015

**Ordinance Number:**

**Other Ordinance Number References:**

**Disposition of Case:** Approved

**Disposition of Case, Second Reading:** Approved

**If "Other":** Postponed to 2/17/15, 3/17/15, Special Called Mtg 4/9/15

**If "Other":**

**Amendments:**

**Amendments:**

Postponed to 2/17/15, 3/17/15, Special Called Mtg 4/9/15

**Date of Legislative Appeal:**

**Effective Date of Ordinance:**