

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

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File Number: 12-B-07-OA Related File Number:
Application Filed: 11/15/2007 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, Article 5.10 Signs, Billboard, and other Advertising Structures and related sections regarding regulation of dynamic displays on signs and billboards in Knoxville

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, Article 5.10 Signs, Billboard, and other Advertising Structures and related sections regarding regulation of dynamic displays on signs and billboards in Knoxville

MPC ACTION AND DISPOSITION

Planner In Charge: Mark Donaldson

Staff Recomm. (Abbr.): The Planning Commission should consider each of the three amendment options presented. Staff recommends Amendment Option C-2.

Staff Recomm. (Full): The Planning Commission should consider each of the three amendment options presented. Staff recommends Amendment Option C-2. This option allows the use of the new dynamic display technology in a way that will result in a reduction in the overall number of billboard structures in the city through incentives to achieve the performance characteristics desired by the billboard industry. Issues with regard to the equity and operation of allowed Electronic Message Centers (EMC) should be addressed in the future.

Amendment Option A, prohibiting the use of dynamic display as a modification of sign area on lawfully existing billboards would likely lead to a protracted and expensive legal challenge to the prohibition.

Amendment Option B, allowing the use of properly regulated dynamic display as a modification of sign area on lawfully existing billboards, will not reduce the number of billboards in the City.

Amendment Option C-2 addresses the concerns of those who have expressed a desire for a reduction in the visual impact of billboards on the community while allowing for the use of the latest technology on existing billboard structures in the city.

Comments:

REQUEST

In February 2007, City of Knoxville Mayor Haslam appointed a Study Committee to explore issues relative to the regulation of digital display billboards. The committee recommends that any amendment to the zoning regulations to allow digital displays include consideration of appropriate regulations addressing location, spacing, size, and display controls. Mayor Haslam has referred the Report and Recommendations of the committee to the MPC for further action and recommendation.

SUMMARY OF MPC SPONSORED MEETINGS AND WORK SESSIONS

This item was postponed from the December 13, 2007 MPC meeting. Subsequently, on January 31 a work session was held with the planning commission to review background information and proposed optional amendments. Prior to that meeting, MPC staff met with local sign companies on January 24 to discuss Electronic Message Center (EMC) regulations and their relationship to the use of digital technology on billboards.

Since receiving the request from Mayor Haslam, staff of MPC has also conducted a public meeting on October 29 and a City Council work session of November 15. In addition, staff scheduled, but subsequently cancelled, a work session with the planning commission on November 29. Instead a work session for MPC was held December 11 following its regularly scheduled agenda review meeting.

The public meeting and City Council workshop identified two distinct and polar opposite points of view regarding the conversion to dynamic display sign area on existing billboards.

- One point of view sees the use of this new technology as essentially allowing new advertising signs and therefore contrary to the 2001 prohibition on new billboards. Comments also reflect concerns about safety, conflicts with the federal Highway Beautification Act, issues with the recommendations of the study committee, the relationship between billboard control and an improved economy, visual blight resulting from the proliferation of billboards, concern with the amount of energy consumed by dynamic displays, the need for additional safety studies, increased cost in the event a billboard owner must be

compensated because of a land condemnation, and the need to focus on safety first.

- The other point of view considers dynamic display as an allowable maintenance of existing billboards as a simple upgrade to the sign area of existing structures with the latest technology that will result in greater business opportunity, an improved economy, and the use of billboards for emergency uses. Further, issues were raised related to already existing dynamic displays, lack of evidence linking dynamic display to increased accidents, cost and safety of current sign changing practices

These two perspectives would lead toward policies and regulations that are in strong contrast with each other (Amendment Option A and Amendment Option B).

There is a third way worthy of consideration ... a way that addresses a goal of each point of view. Those against the use of dynamic display want to reduce the visual clutter of billboards in the city and those supporting dynamic display want to use the latest technology to enhance business opportunity and performance. A third way of looking at the issue (originally presented as Amendment Option C) allows the use of the new technology in a way that results in a reduction in the overall number of billboard structures in the city through incentives to achieve the performance characteristics desired by the billboard industry while also addressing issues with regard to the equity and operation of allowed EMC. At the request of members of the planning commission during their work session, staff has removed consideration of amendments to EMC regulations at this time in order to simplify the issue. A revised proposal (Amendment Option C-2) reflects the intent of the original Option C, without addressing the issue of equity between dynamic displays on off-premise signs versus on-premise signs.

FINDINGS

Studies show that there is a correlation between dynamic displays on signs and the distraction of highway drivers. Distraction can lead to traffic accidents. Drivers can be distracted not only by a changing message, but also by knowing that the sign has a changing message. Drivers may watch a sign waiting for the next change to occur. Drivers are also distracted by messages that do not tell the full story in one look. People have a natural desire to see the end of the story and will continue to look at the sign in order to wait for the end. This is known as the "Zeigarnik Effect," a well documented characterization of human behavior.

Additionally, drivers are more distracted by special effects used to change the message, such as fade-ins and fade-outs. Finally, drivers are generally more distracted by messages that are too small to be clearly seen or that contain more than a simple message. Time and temperature signs appear to be an exception to these concerns because the messages are short, easily absorbed, and become inaccurate without frequent changes.

The proliferation of allowed EMC as on-premise signs on parcels adjacent to the City's interstate highways and major arterial roads have much the same impact as potential dynamic displays on advertising signs (billboards) along the same roads. In fact, with operational characteristics such as scrolling messages and flashing and blinking lights, the visual and distractive qualities of EMC are similar to the proposed digital display prohibitions of the Study Committee. This dichotomy should be addressed in the future.

Despite these public safety concerns, there is merit to allowing new technologies to easily update messages. Except as prohibited by state or federal law, sign owners should have the opportunity to use these technologies with certain restrictions. The restrictions are intended to minimize potential driver distraction.

Exceptionally large spacing requirements could interfere with the equal opportunity to use such technologies and are therefore minimized. With these minimal spacing requirements, however, there is the potential for numerous dynamic displays to exist along any roadway. If more than one dynamic display can be seen from a given location on a road, the minimum display time becomes critical. If the display time is too short, a driver could be subjected to a view that appears to have constant movement. This impact would obviously be compounded in a corridor with multiple signs. If dynamic displays become pervasive and there are no meaningful limitations on each sign's ability to change frequently, drivers may be subjected to an unsafe degree of distraction and sensory overload. Therefore, a longer display time is appropriate.

In conclusion, MPC staff finds that dynamic displays should be allowed on signs but with significant controls to minimize their proliferation and their potential threats to public safety.

Advertising signs do not need to serve a way-finding function. Further, advertising signs are no longer allowed in the city, and there is no potential that they will proliferate. Finally, advertising signs are in themselves distracting and their removal serves public safety. The city is extremely limited in its ability to cause the removal of those signs. The incentive provision in Amendment Option C-2 is intended to

provide incentives for the voluntary and uncompensated removal of outdoor advertising signs in certain settings. This removal results in an overall advancement of one or more of the goals of the community that should more than offset any additional burden caused by the incentives. These provisions are also based on the recognition that the incentives create an opportunity to consolidate outdoor advertising services that would otherwise remain distributed throughout the community. The result in the long term should be fewer, better billboards in the City of Knoxville.

MPC Action: Approved

MPC Meeting Date: 2/14/2008

Details of MPC action:

Summary of MPC action:

Date of MPC Approval: 2/14/2008

Date of Denial:

Postponements: 12/13/2007

Date of Withdrawal:

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

LEGISLATIVE ACTION AND DISPOSITION

Legislative Body: Knoxville City Council

Date of Legislative Action: 4/8/2008

Date of Legislative Action, Second Reading: 5/6/2008

Ordinance Number:

Other Ordinance Number References:

Disposition of Case: Postponed

Disposition of Case, Second Reading: Denied

If "Other": Postponed 3/11/08

If "Other":

Amendments:

Amendments:

Died for Lack of Motion

Date of Legislative Appeal:

Effective Date of Ordinance: