

# 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:** 3-B-11-OA                      **Related File Number:**  
**Application Filed:** 2/23/2011              **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 Knoxville Zoning Ordinance at Article II, Article IV, Section 4.5.1, and Article V, Section 10, regarding the designation and permitting of landmark and historic signs

## 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 Knoxville Zoning Ordinance at Article II, Article IV, Section 4.5.1, and Article V, Section 10, regarding the designation and permitting of landmark and historic signs

## **MPC ACTION AND DISPOSITION**

Planner In Charge: Mark Donaldson

Staff Recomm. (Abbr.): approval of Article I to add the definitions as shown in Exhibit A; Article IV, Section 4.5., as shown in Exhibit B; and Article V, Section 10, as shown in Exhibit C

Staff Recomm. (Full):

Comments: MPC staff received a letter, dated January 18, 2011, from the City of Knoxville administration requesting that MPC develop regulations for landmark and historic signs. Recent activity regarding a potentially "historic" sign demonstrates a need for a regulatory process to encourage the preservation of important pieces of the community's past.

### **ANALYSIS**

Sign regulations found in many cities provide special provisions to encourage the restoration and retention of important landmark or historic signs, acknowledging their special place in the history of the community. Currently, the City of Knoxville sign code does not define landmark or historic signs nor provide any specific regulations for them; potential historic signs are treated the same as any sign.

Many potential landmark or historic signs are now against the law in the City. Current regulations prohibit many of the characteristics that make these signs appealing: moving parts, colored or blinking lights, and off-premise advertising signs are now prohibited from being installed in the city. As a result, any attempt to move a potential landmark or historic sign in order to save it is not permitted under the current code.

Consider, for example, a potential historic sign that is on a parcel that is slated for redevelopment. The owner of the land is faced with constraining the potential (re)development or destroying a potential historic sign under the current regulations. To move the sign elsewhere on the property eliminates the sign's legal, nonconforming status; and to move the sign to another property, thereby making it an off-premise advertising sign, is prohibited. This is a choice property owners should not have to make.

State law limits the authority of the Historic Zoning Commission (HZC) to making a recommendation on the creation of historic zoning districts and approving certificates of appropriateness for development within those districts. It does not provide for the designation of landmark or historic signs unless they are coincidentally within historic districts. It is likely that many of these signs are not associated with structures or districts that would be worthy of the creation of an historic zone district; therefore it is proposed that the HZC provide a recommendation only, rather than creating a historic district for each sign. If a potential sign is in a historic district it would require HZC approval of a certificate of appropriateness for any modifications.

A number of other city's codes were examined. The proposed regulations lean heavily on those of Charlotte, NC, and Kenosha, WI.

### **STRATEGY**

The City sign code should allow a regulatory process to designate landmark or historic signs and allow their preservation. That process should include the City's HZC so as to create a process that is open to the public.

To implement a regulatory process to encourage the preservation of landmark and historic signs the following amendments to the City of Knoxville Zoning Ordinance are required:

- Create definitions for landmark and historic signs. A landmark sign is an existing on-premise sign that will remain on its original property. A historic sign is an existing sign that may be moved to

another property, becoming an off-premise sign.

- Make amendments to the authority of the City's HZC to provide a recommendation on the designation of landmark and historic signs.
- Provide criteria for designating signs as landmark or historic.
- Create an administrative process that includes a recommendation by the HZC and designation and permitting by the Building Official.

**Action:** Approved

**Meeting Date:** 3/10/2011

**Details of Action:**

**Summary of Action:**

**Date of Approval:** 3/10/2011

**Date of Denial:**

**Postponements:**

**Date of Withdrawal:**

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

## ***LEGISLATIVE ACTION AND DISPOSITION***

**Legislative Body:** Knoxville City Council

**Date of Legislative Action:** 4/5/2011

**Date of Legislative Action, Second Reading:** 4/19/2011

**Ordinance Number:** O-28-2011

**Other Ordinance Number References:** O-28-2011

**Disposition of Case:** Approved as Modified

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

**If "Other":**

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**Amendments:**

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Change 25 years to 50 years and "The City Council" to "Any member of City Council" able to file for designation for landmark or historic sign

Change 25 years to 50 years and "The City Council" to "Any member of City Council" able to file for designation for landmark or historic sign

**Date of Legislative Appeal:**

**Effective Date of Ordinance:**