



AGENDA ITEM#: 53

MEMORANDUM

TO: Metropolitan Planning Commission

FROM: Mike Reynolds, Planner II
Mark Donaldson, Executive Director

DATE: January 14, 2010

SUBJECT: Appeal of Downtown Design Review Board Decision
Knoxville Convention Center Electronic Message Centers

Request:

Joyce Feld, on behalf of Scenic Knoxville, has appealed the decision of the Downtown Design Review Board (Board) to approve a Certificate of Appropriateness for the operation of two Electronic Message Centers (EMCs) by the Knoxville Convention Center (KCC).

Authority for the Appeal:

Article IV, Section 5.5.F of the Knoxville Zoning Ordinance provides that "any person who was a party for or against the application at the downtown design review board meeting may appeal approval, conditions of approval, or disapproval of such application to the metropolitan planning commission."

Authority for the Downtown Design Review Board Action:

Article V, Section 10 (Sign Regulations) of the Knoxville Zoning Ordinance was amended in March, 2009 to address Electronic Message Centers. In addition to enacting new operational standards for all existing EMC, Subsection E (Commercial Districts) was amended to permit no new EMCs except in areas covered by:

1. an H-1 overlay district;
2. a D-1 overlay district; or
3. any specific zone districts that allow EMCs with approved regulations or guidelines subject to approval by the appropriate regulatory body for such district.

KCC has two existing EMCs, one at the intersection of Henley Street and Clinch Avenue and one at the intersection of Cumberland Avenue and 17th Street. The Henley Street EMC is within a D-1 overlay district, and the extension of the D-1 overlay to include the Cumberland Avenue EMC has been recommended for approval by MPC and is awaiting consideration by City Council.

Background:

KCC has operated two EMCs since 2003, prior to the City's first regulations related to EMCs, which were adopted in December, 2004. These signs have employed intermittent messages (typically

with a 5 second hold time) and animated illumination since their initial installation. KCC, in its application for a certificate of appropriateness, has requested that the operation characteristics of their existing EMCs be allowed to continue as they have historically been operated.

The City's current EMC regulations, at Article V, Section 10.A.4 prohibit scrolling, intermittent, flashing, running or blinking lights or animated illumination, with two exceptions: 1) a documented historic or reproduction sign located in an H-1 district; or 2) any sign within the D-1 district. As a result, the City's Law Department has opined that the operational standards such as static hold time, display content, transition time, and text size set forth in the sign regulations would not be applicable to EMCs located in the D-1 district.

The criteria to guide the Board in its consideration are also found at Article V, Section 10.A.4. The Board may approve an EMC that is "compatible and in character with the Downtown Design guidelines and surrounding established development".

By a unanimous vote, the Board approved, with conditions, a Certificate of Appropriateness for the two EMCs of the KCC.

Analysis.

The Board is authorized to approve a Certificate of Appropriateness and, in doing so, approve the operational characteristics of EMCs within the D-1 overlay district.

The Board, in approving a certificate of appropriateness, is not limited by the operational standards set forth in the sign regulations.

In order to approve an EMC, the Board must find that the proposed sign is compatible and in character with the downtown design guidelines and surrounding development.

Findings:

The Board, through its discussion, found that the downtown area was different from the rest of Knoxville, that signs in the downtown area should be approved based on the quality of the design and operation rather than maximum size and operational standards, and that the existing KCC signs and operational characteristics were compatible with the downtown area.

The Board also acknowledged the effectiveness of the intermittent messages, the advertising demands of exhibitors when negotiating with KCC, and that KCC needs to be able to attract and advertise events effectively.

Staff Recommendation:

Staff recommends that the Commission deny the appeal of the decision by the Board, and uphold its decision to approve a certificate of appropriateness, subject to its stated conditions, for two EMCs operated by the Knoxville Convention Center.

Attachments:

- Knoxville Convention Center application
- Staff report for Downtown Design Review Board
- Minutes of November 18 meeting of Board
- Appeal application
- Excerpts from sign regulations
- Knoxville Law Department opinion

bottom of the window opening approximately an additional 2 feet, raising the window sill. The existing window opening is recessed approximately four inches from the façade and this will be retained (see attached Image 3). The dimension of the windows will be approximately 7 feet tall by 4 feet wide. The glass in the windows will be clear.

The storefront will be made of wood and clear glass. The storefront opening is 12 feet 9 inches tall. The bulkhead will be made of wood and will be approximately 24 inches tall. The doors will be recessed four feet from the façade and will be 6' 7 1/2" tall. The main entrance, with the double doors, will have a transom above the door. The secondary entrance does not have a transom. Above the doors and transoms there will be a band of 4 inch ceramic tile that is 2 feet 8 inches tall and is the width of the storefront.

Staff Comments

Section 1.C.2 of the Downtown Knoxville Design Guidelines state that "storefronts are divided horizontally into three sections: bulkheads, solid or opaque, usually 18-24 inches tall; a plate glass storefront window 6-8 feet tall; and above it, a clear or patterned glass transom."

Section 1.C.3a,b,c states "Establish recessed entries... Allow for multiple entries on the first floor of the building.. (and) Maintain original height and materials for doors that are consistent with the use of the building."

Section 1.C.4c states "Insert windows with the same pane configuration, materials and size as other buildings of the same general construction date, if no original windows are present."

Staff Recommendation

APPROVE Certificate No. 09-B-09-DT with the following conditions: 1) Retain and repair the existing cornice line, 2) The second story windows should fill the entire existing window opening as one double hung window unit (a separate half round window on top is appropriate), 3) The second story windows shall have a wood exterior, 4) The brick and mortar shall be cleaned, repaired and, if necessary, replaced according to Preservation Brief #2 from the National Park Service, 5) The band of ceramic tile above the storefront shall be a glass transom broken up in to multiple evenly sized pains, 6) The secondary entrance shall have a glass transom that matches the transom above the main entrance, 7) The secondary door should swing open the opposite direction shown.

Certificate No. 11-D-09-DT

701 Henley St - Convention Center (Knoxville Convention Center)
Pre-development meeting: N/A

Description of Work

This proposal is for the continued operation of an existing Electronic Message Center as it had operated before the new EMC regulations were adopted. The Knoxville Convention Center operates two EMC's. There is one at the corner of Henley St. and Clinch Ave. that is 13'8" wide and 6' tall and has 67.6 square feet of viewable space. The other is at the corner of Cumberland Ave. and 11th St. that is 11'8" wide and 6' tall and has 58.58 square feet of viewable space.

Both signs are operated at a dimmed brightness of 5000 nits. The signs can run images and video content. The signs can run separate programs or the same program at the same time. The slide length can range from 1/20th of a second, up to 60 minutes.

Staff Comments

Article V.Section 10.A.4 of the Zoning Ordinance states that "No sign shall have scrolling, intermittent, flashing, running or blinking lights or animated illumination except: A sign within the D-1 (downtown design overlay) district, which has received approval from the downtown design review board as being compatible and in character with the downtown design guidelines and surrounding established development."

Article V.Section 10.E.2.a states tat "EMC's legally existing on April 10, 2009, shall be allowed to continue operation subject to the meeting the operational standards as required by subsection (m) herein."

Staff Recommendation

APPROVE Certificate 11-D-09-DT with the following conditions: 1) The signs meet the EMC brightness standard, 2) The signs can have a display frequency as determined by the Board, 3) The sign can have animation as determined by the Board, and 4) Subject to rezoning approval of parcel 094MG041 to D-1.

Certificate No. 11-C-09-DT

117 S Central St - Plat in Old City (Courtland Group, LLC)
Pre-development meeting: N/A

Description of Work

This proposal is a replating of two parcels in the Old City. The owner is not changing anything on the buildings as part of this proposal, just moving one parcel line to the rear of the buildings. The new parcel line will include the cooler as part of Lot 21R. The cooler is currently on Lot 19R. The replatting of this parcel requires the approval of a front setback variance of 5ft for both lots since the existing buildings were built on the property lines.

Staff Comments

These buildings are in the National Register Jackson Avenue Warehouse Historic District and were built before the implimentation of the front setback requirement of 5ft in the C-2, Central Business District.

Staff Recommendation

APPROVE Certificate 11-C-09-DT as submitted.

Staff Report:

- 9-D-09-DT (612 Union Avenue) – Replacement of a window in-kind.

Other Business:

- Minimum sign clearance with the sidewalk.

Certificate No. 11-D-09-DT

701 Henley St - Convention Center (Knoxville Convention Center)

Pre-development meeting: N/A

Description of Work

This proposal is for the continued operation of an existing Electronic Message Center as it had operated before the new EMC regulations were adopted. The Knoxville Convention Center (KCC) operates two EMCs. There is one at the corner of Henley St. and Clinch Ave. that is 13'8" wide and 6' tall and has 67.6 square feet of viewable space. The other is at the corner of Cumberland Ave. and 11th St. that is 11'8" wide and 6' tall and has 58.58 square feet of viewable space.

Both signs are operated at a dimmed brightness of 5000 nits. The signs can run images and video content. The signs can run separate programs or the same program at the same time. The slide length can range from 1/20th of a second, up to 60 minutes.

Staff Comments

Article V. Section 10.A.4 of the Zoning Ordinance states that "No sign shall have scrolling, intermittent, flashing, running or blinking lights or animated illumination except: A sign within the D-1 (downtown design overlay) district, which has received approval from the downtown design review board as being compatible and in character with the downtown design guidelines and surrounding established development."

Article V. Section 10.E.2.a states that "EMCs legally existing on April 10, 2009, shall be allowed to continue operation subject to the meeting the operational standards as required by subsection (m) herein."

Staff Recommendation

APPROVE Certificate 11-D-09-DT with the following conditions: 1) The signs meet the EMC brightness standard, 2) The signs can have a display frequency as determined by the Board, 3) The sign can have animation as determined by the Board, and 4) Subject to rezoning approval of parcel 094MG041 to D-1.

Anne Wallace made a disclosure statement that she was the city staff that requested the rezoning of the World's Fair Park property to include the D-1 overlay. Kim Henry asked if City Council rezoned the property. Anne Wallace stated the property the EMC's are on for Convention Center are both in the base zone C-2, but only one has the D-1 overlay. The EMC on the corner of Henley and Clinch has the D-1 overlay. The EMC on the corner of Cumberland and 11th does not have the D-1 overlay, but the City is going through the process to get the D-1 overlay added to the property. When the rezoning went to City Council, Council wanted to change the base zone to OS-1 because the use of the property is a park. MPC postponed the rezoning request of City Council at the request of City Staff because of concern that the base zoning change may have unintended consequences such as limiting for profit concerts or outdoor sales. Mark Donaldson stated that MPC has recommended a D-1 over all of the World's Fair site, but a final determination has not been made with regards to the overlay or base zone.

Mary Bogart and Lynn Flatford with KCC, 701 Henley, stated the Convention Center is in

compliance with the ordinance. They removed the animation to be in compliance and reduced the frames and only advertise what is going on in the building. All the ads are on a 60 second static hold. You have to watch seven minutes to see everything that is happening.

Lynn stated the EMC displays are set at 5,000 nits but are probably dimmer than that because the brightness of the display diminishes over time. They can operate the two signs independently.

The Convention Center uses the sign as a marketing tool and need to be able to showcase the events because they are in competition with other cities.

Gene Burr stated that this is a different situation and are city-owned signs. The Convention Center staff has come into compliance with the city ordinance and it should remain in compliance with the new regulations.

Joyce Feld, stated that they try to justify having their signs, but they are eyesores, and the public stated they did not want them. We need to keep our city attractive and not add detriment to the city.

Jeffrey Nash responded that we should have thought about all this when the Convention Center was built. We need to attract events into the city.

Scott Brenneman, City Sign Inspector, stated that he is concerned about what authority the Downtown Design Review Board has to vary from the ordinance. Article 5 Section 10.A states that the board cannot decide on how bright and the height of characters. They have to meet the standards of brightness and the sign will need to be able to automatically dim. The Board can vary the 60 second hold, blinking and scrolling lights, only. Mark Donaldson stated that MPC recommended a 10 second hold time so travelers would only see one transition. This is the static hold time spacing requirement in order to minimize the number of transitions a motorist would be able to see.

Scott Brenneman stated that the original EMC standards were adopted in December 2004, after the Convention Center EMC's were installed.

David Dewhirst stated that downtown is different and is a special condition from the rest of Knoxville. Years ago signs were even bigger. He would like to see quality signs.

A motion David Dewhirst and seconded by Joe Petre to allow the operation of the existing signs the way they were before the regulations were adopted subject to rezoning approval of parcel 094MG041 to D-1. The motion carried unanimously.

Gene Burr asked how to appeal a Board decision and Mark Donaldson replied that appeals are made to the Metropolitan Planning Commission (MPC) and that if an appellant does not find satisfaction at MPC the MPC decision can be appealed to City Council.

Certificate No. 11-C-09-DT

117 S Central St. - Plat in Old City (Courtland Group, LLC)

RECEIVED
NOV 25 2009

KNOXVILLE-KNOX COUNTY
MPC
METROPOLITAN
PLANNING
COMMISSION
T E N N E S S E E
Suite 403 • City County Building
400 Main Street
Knoxville Tennessee 37902
865 • 215 • 2500
FAX • 215 • 2068
www.knoxmpc.org

APPEAL OF DECISION

(Please Note Original application and staff report are made a part of this application.)

Type: One Year Plan Amendment Sector Plan Amendment Rezoning Variance
 Use on Review Street Name Change Right-of-Way Closure
 Certificate of Appropriateness Other: _____

Decision by: MPC BZA Other: Downtown Review Board Date of Decision: Nov 18, 2009

Jurisdiction: City _____ Councilmanic District County _____ Commission District

Original Applicant Name: Knoxville Convention Center Original File Number: 11-1-09-DT

Name of Owner of Subject Property: City of Knoxville

Description of Subject Property (Include city block and parcel number or lot number): EMC at corner of Henley St and Clinch Ave; EMC at corner of Cumberland Ave & 11th St.

Zoning map of all property within 300 feet of the subject property is attached

DECISION BEING APPEALED

On 11/18/09 the Downtown Review Board exempted the Convention Ctr (CC) from having to operate its 2 EMCs in compliance with Article V Section 10.A.4 of the Zoning Ordinance which restricts scrolling, flashing, animation + requires 60 min hold time.

REASON FOR THE APPEAL

Attach additional pages, if necessary.

See Attached

PETITIONER INFORMATION

Name of Petitioner: Joyce Feld representing Scenic Knoxville

Petitioner's Interest in the Matter (Include a description of affected property owned by Petitioner): Scenic Knoxville is concerned about visual aesthetics and driver safety. As allowed to operate now these EMCs are a form of visual blight and a hazard for drivers.

Application Authorization: I hereby certify that I am the applicant/authorized representative for the above named petitioner.

Signature: Joyce F. Feld

All correspondence should be sent to: Name (Print): Joyce Feld

1540 Agawela Ave Knoxville TN 37919
Street Address City State Zip

Phone: (865) 525-4007 Fax: (865) 525-4007 E-mail: jfeld@gmail.com

For MPC Staff Use Only

Application Accepted by MPC Staff Member: [Signature] Michael Reynolds

Appeal Fee Amount: 100.00 Date Appeal Received: 11/25/09

BODY WHO WILL HEAR THE APPEAL & MEETING DATE OF THE APPEAL

<input type="checkbox"/> City Council - 7 p m _____ Month • Date • Year	<input type="checkbox"/> County Commission - 6 p m. _____ Month • Date • Year	<input type="checkbox"/> City BZA - 4 p m _____ Month • Date • Year	<input checked="" type="checkbox"/> MPC - 1:30 p m <u>1/14/2010</u> Month • Date • Year
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6/24/2009

Appeal of Decision 11-D-09-DT
November 2009

This past March, after months of study and discussion, a progressive City Council passed a new ordinance regulating EMCs. The issues which led to this ordinance were a concern for aesthetics and a concern for driver safety. It was felt that EMCs are unsightly and a form of visual pollution. They are also a distraction for passing motorists and a potential cause of car accidents.

The ordinance exempted signs located in the D-1 district. The intention of this exemption is to allow the Downtown Review Board the opportunity to approve signs which are historically significant for downtown, such as the Tennessee Theater sign, or signs which are in keeping with the character of downtown.

There is certainly nothing historic about the Convention Center EMCs. Nor are they in keeping with the character of downtown. In fact, Scenic Knoxville believes the effect of these signs is contrary to the vision held by those who have so successfully promoted the revitalization of our downtown. In discussions of EMCs during the September 16th and November 18th Downtown Review Board Meetings, more than one board member stated that **they doubted they would approve a request for a new EMC.**

These EMCs are also a potential hazard for drivers. The results of a recent safety study concluded that no driver should see the message on an electronic sign change more than one time. It was because of this recommendation that MPC and City Council endorsed the 60-second hold time now required in the new ordinance.

The City Council also discussed at length whether or not to exempt government-owned signs from the ordinance. Ultimately, CC felt it was not fair to impose restrictions on private interests that the City was not willing to adhere to itself, and this exemption was removed from the ordinance.

This issue received an enormous amount of scrutiny and public input. In the end, the current ordinance was passed because it was clear that that was what the public wanted, and because City Council felt that that was what was in the best interest of the city.

The Convention Center is not being asked to remove its EMCs. It is only being asked to adhere to the current ordinance. It should not be exempt because it is owned by the city or because the Convention Center is losing money. **There is no evidence that operating two EMCs without restrictions will enhance profits.** If anything, Scenic Knoxville believes the opposite to be true.



Suite 403 • City County Building
400 Main Street
Knoxville Tennessee 37902
865 • 215 • 2500
FAX • 215 • 2068
www.knoxmpc.org

Downtown Knoxville Design Overlay District Certificate of Appropriateness

Name of Applicant: Mary Bogert - Knoxville Convention Center

Owner Contractor Architect Engineer Other General Manager

Date Filed: 11/16/09 Application accepted by: Michael Reynolds

Fee Amount: 30.00 Review Date: 11/18/09 File Number: 11-D-09-05

PRE-APPLICATION CONFERENCE Date Completed: _____

PROPERTY INFORMATION
Building or Project Name: Knoxville Conv Ctr.
Street Address: 701 Henley Street
Tax Identification Number(s): 23-2511871
094MK000 094M6041

PROJECT ARCHITECT/ENGINEER
PLEASE PRINT
Name: _____
Company: _____
Address: _____
City: _____ State: _____ Zip: _____
Telephone: _____
Fax: _____
E-mail: _____

PROPERTY OWNER
PLEASE PRINT
Name: City of Knoxville
Company: _____
Address: _____
City: _____ State: _____ Zip: _____
Telephone: _____
Fax: _____
E-mail: _____

PROJECT CONTRACTOR
PLEASE PRINT
Name: _____
Company: _____
Address: _____
City: _____ State: _____ Zip: _____
Telephone: _____
Fax: _____
E-mail: _____

ACCOMPANYING MATERIALS
Please see the reverse side of this form for a list of information required as part of this application

FOR OFFICE USE ONLY

PROJECT INFORMATION
LEVEL 1: \$30
 Minor Alteration of an Existing Building/Structure
 Sign
LEVEL 2: \$70
 Major Alteration of an Existing Building/Structure
 Addition to an Existing Building/Structure
LEVEL 3: \$100
 Construction of New Building/Structure

PROJECT CONTACT
All application-related correspondence should be directed to:
PLEASE PRINT
Name: _____
Company: _____
Address: _____
City: _____ State: _____ Zip: _____
Telephone: _____
Fax: _____
E-mail: _____



Electronic Message Centers

The Knoxville Convention Center features two EMC's that support the needs of the facility, one located at the corner of Henley and Clinch, currently zoned D-1 and the other located at the corner of Cumberland and 11th street that is currently zoned C-2 (we have requested a D-1 overlay). Due to multiple entrances and parking options of the center, our EMC's have been programmed to run concurrently to reach attendees from both sides of the building.

A letter received on July 7 from Scott Brenneman, the Municipal Enforcement Officer of the Sign Inspector's Office from the COK stated new ordinance changes that impact how we use our EMCs. We implemented the requested changes and are in compliance with the updated ordinance. However, we have had pushback from several clients (Ecoquest, American Quilters Society, US Army Corps of Engineers, Urban League, Fantasy of Trees, University of Tennessee), and concern from our sales team about future and existing contracts.

Being a government-owned facility as are most convention centers, it was assumed that we would be exempt from such ordinances as we represent and facilitate services of the center for the city/community and are completely devoted to public or civic use and economic development. We do not behave or function in the same manner as a for profit business, as revenue streams that come to the center directly go to off-set the cost of operating the center to the tax-payers. Bringing our EMC's into compliance has and will create a hardship on the center. Our EMCs were used as a tool exclusively for the following:

- List events that are happening at the facility-a selling point for Consumer/Public Shows
- Showcase to the community events that are happening for their personal enjoyment.
- Provide civic or community activities announcements such as events on Market Square/citywide events/ NFP events at World's Fair Park for example:
 - Larry Gatlin Concert –World's Fair Park, Holiday's on Ice-Market Square, Free Parking after 6pm & on weekends, city lots-COK, Second Harvest Food Bank-Chili Cook-off-World's Fair Park, Congrats New Mayor, Congrats New City Council, Happy 212th Birthday Knoxville, Dental Association Convention – Thank you Dr Pelot, Festival on the Fourth-World's Fair Park, Sept 11th Memoriam, General Election Early Voting & Reminder to Vote, Veteran's Day, Football Time in TN, Welcome Big Orange Fans & Game Time, Cinco de Mayo Festival-World's Fair Park, United Way Kick-off City of Knoxville, Various Marathons, Boomsday-City of Knoxville, Greekfest-World's Fair Park, Habitat for Humanity 200,000th home celebration-World's Fair Park, Welcome UT Alumni.....
- Time and temperature update

We do not “sell” ad space on our EMCs. This technology is an amenity that has become a standard in our industry and our inability to provide this service could negatively impact business levels in the future. While promoters may be accustomed to altering their animation or content for the varying city ordinances across the country, the 60 second static restriction here reduces the usability of the EMC as an amenity for clients and increases money they will spend on additional advertising, thus making the “Knoxville package” less desirable when compared to that of other cities.

To provide you an example: we removed all non-necessary frames in order to reduce the frame rotation and with the additional size restrictions in place have reduced content to seven frames listing only events happening within a three/four day period. Therefore, to see all the events currently at the facility today, you must watch the EMC for seven minutes. This is of no value to a show promoter or to the reader.

Our challenge at KCC to attract Public/Consumer shows is our lack of on-site parking. We have used our EMCs as a vehicle to drive consumers to these shows, therefore an added incentive to attract these shows to our area. Additionally we are competing with cities that offer EMC usage with ample other amenities that we cannot provide. We also have existing contracts that may now be renegotiated due to our inability to deliver the EMC services we initially agreed to.

I reached out to other SMG facilities, all of which are protected by the “government” building status, but do have restrictions. Below are the results of the static requirements and other restrictions of these venues:

- | | | | |
|-------------------------|-------------------|------------------|--------------|
| • Carolina First Center | Greenville, SC | static 6 seconds | no animation |
| • The Centre | Evansville, IN | no restrictions | |
| • Lynnwood Conv. Center | Lynnwood, WA | static 5 seconds | no flashing |
| • Sovereign Center | Reading, PA | no restrictions | |
| • DCU Center | Worcester, MA | no restrictions | |
| • Tulsa Conv. Center | Tulsa, OK | no restrictions | |
| • Iowa State Center | Ames, IA | no restrictions | |
| • Peoria Civic Center | Peoria, IL | no restrictions | |
| • Atlantic City | Atlantic City, PA | no restrictions | |
| • Columbus Conv. Center | Columbus, OH | no restrictions | |
| • Times Union Center | Albany, NY | static 8 seconds | no animFHBA |

We hope the Design Review Board will take our requests into consideration and work with us to make an exception to the current ordinance that will allow our EMC’s to function in a manner that will support the needs of our clients and our community.

This seems to be a growing trend due to advanced technology in this industry making these signs much more affordable to the small business owner. Therefore EMC’s are popping up all over the country and many cities are changing current ordinances to limit this trend. Changes in these ordinances vary but most of what I have seen is a limit in hours they may be used (down from midnight to 6 am), limits of animation and static time requirements ranging from five seconds to eight seconds and regulations on the NIT rating which is the level of brightness. Any consideration given to these components versus the static of sixty-seconds with no animation would be of great value.

Structural and Operational Information:

- The 240 by 96 marquee is located on the corner of Henley and Clinch and the 208 by 96 marquee is located at the corner of 11th Street and Cumberland Ave.
- One of our Marquees is 240 by 96 and the other is 208 by 96 Matrix Resolution. This just tells how many pixels that there are on the display.
- Nits is an industry standard measurement used to rate the brightness of a LCD display. The NIT rating of our EMCs is up to 6000 nits (cd/m²), but can be dimmed and is currently at 5000 nits.
- The marquees accept JPEG, TIFF, Bitmap, and AVI files. They can also have live video streamed to them. These have to be in a 240x96 and a 208x96 DPI format.
- The EMCs can run separate programs or the same program at the same time. They are both controlled by a single computer program. The software that runs the marquees is called Venus 7000. The marquees and the software to run them were made and installed by Daktronics which is located in Brookings, SD.
- We have the ability to set slide length anywhere from 1/20th of a second on up to 60 minutes.
- Signal from the computer to the marquees travels by fiber optics.
- Both Marquees are 16.5mm megapixel spacing
- They are both capable of 4.4 billion shades of color.
- The 240x96 marquee is 13'8" wide and 6' tall, it weighs 990lbs and has 676SF of viewable space. The 208x96 marquee is 11'8" wide and 6' tall. It weighs 858lbs and has 58.58 SF of viewable space.
- They both have aluminum frames.
- Each pixel has a red, blue, and green LED light.



EXCERPTS of Article V, Section 10 (Sign Regulations)
relating to Electronic Message Centers

Article V, Section 10.

A. *General regulations.* In any zoning district the following general regulations shall apply:

4. No sign shall have scrolling, intermittent, flashing, running or blinking lights or animated illumination except:
 - (1) A documented historic or reproduction sign located in an H-1 (Historic Overlay) District, which has received a certificate of appropriateness from the Knoxville Historic Zoning Commission.
 - (2) A sign within the D-1 (Downtown Design Overlay) District, which has received approval from the Downtown Design Review Board as being compatible and in character with the Downtown Design guidelines and surrounding established development.

E. *Commercial districts.* In C, commercial and SC, shopping center districts, the following regulations shall apply:

1. Within all commercial districts business signs shall be limited to:
 - e. Electronic Message Centers (EMC) legally existing on April 10, 2009. After April 10, 2009, no EMC shall be permitted in any location except:
 - (1) An EMC may be permitted in those areas covered by an H-1 overlay district subject to approval as required within an H-1 district.
 - (2) An EMC may be permitted in those areas covered by a D-1 overlay district subject to approval as required within a D-1 district.
 - (3) An EMC may be permitted in those specific zone districts that allow EMCs with approved design regulations or guidelines subject to approval by the appropriate regulatory body for such district.
2. Within all commercial districts the following regulations shall apply to Electronic Message Centers (EMC).
 - a. EMCs legally existing on April 10, 2009, shall be allowed to continue operation subject to meeting the operational standards as required by subsection (m) herein. After April 10, 2009, no EMC shall be permitted in any location except in the following instances:
 - (1) An EMC may be permitted in those areas covered by an H-1 overlay district subject to approval as required within an H-1 district.
 - (2) An EMC may be permitted in those areas covered by a D-1 overlay district subject to approval as required within a D-1 district.
 - (3) An EMC may be permitted in those specific zone districts that allow EMCs with approved design regulations or guidelines subject to approval by the appropriate regulatory body for such district.

Opinion of City of Knoxville Law Department
(as provided in an email of MPC staff)

The language "subject to approval as required within a D-1 district" must necessarily refer back (to) Art. V, Sec. 10 (A)(4)(2) which provides for approval by the downtown design review board. Accordingly, the board is authorized to approve an EMC with scrolling, intermittent, flashing, running or blinking lights or animated illumination provided it determines that such a sign is compatible and in character with the downtown design guidelines and surrounding established development. Given this specific exception for the operation of EMCs located within a D-1 overlay district, the operational standards set forth in Art. V, Sec. (2)(g), (h), (j) and (k) would not be applicable to EMCs located in such district.