



AGENDA ITEM#: 6

MEMORANDUM

TO: Metropolitan Planning Commission

FROM: Mark Donaldson, Executive Director

DATE: March 10, 2011

SUBJECT: Amendments to the City of 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, related amendments, and definitions.
3-B-11-OA

REQUEST

MPC has been requested by the City of Knoxville administration to consider and make a recommendation on amendments to the City of Knoxville zoning ordinance at Article V, Section 10, to create a regulatory process to encourage the preservation of landmark and historic signs.

BACKGROUND

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.

STAFF RECOMMENDATION

To implement the changes requested by the City of Knoxville administration, staff recommends that the planning commission recommend to City Council that the City of Knoxville zoning ordinance be amended as follows:

- Article II be amended to add the definitions as shown in Exhibit A;
- Article IV, Section 4.5.1 be amended as shown in Exhibit B; and
- Article V, Section 10, A, be amended as shown in Exhibit C.

ATTACHMENT

- Memo from City Law Department dated January 18, 2011
- Exhibit A – Proposed definitions for landmark and historic signs - Article II
- Exhibit B – Proposed amendment to the authority of the Historic Zoning Commission - Article IV, Section 4.5.1(E)
- Exhibit C – Proposed amendment to provide for the designation, review and approval of landmark and historic signs - Article V, Section 10 (A)(31)

CITY OF KNOXVILLE

DANIEL T. BROWN, MAYOR



Law Department

Debra C. Poplin
Law Director

Angela B. Rauber
Attorney

MEMORANDUM

Date: January 18, 2011

To: Mark Donaldson, Executive Director, MPC

cc: William Lyons, Senior Director, Policy & Communications
Debra Poplin, Law Director
Gary Norman, Inspections Director
Tom Reynolds, Building, Zoning & Plans Review Chief
Anita Cash, Zoning Coordinator
Dan Kelley, Development Services Manager, MPC

From: Angela Rauber, City of Knoxville Law Department *AR*

Subject: Historic and Landmark Signs

The City of Knoxville Policy & Communications Department and Law Department request that MPC develop regulations for "Historic" and "Landmark" signs in an effort to promote the protection of nonconforming signs, which represent the City of Knoxville's heritage and enhance the character of the community. Ideally, the regulations would encourage the preservation of such signs by classifying them differently than other signs, and would be similar to the ordinance recently adopted by the City of Charlotte, which is attached hereto.



3B-11-DA

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Add to Article II DEFINITIONS

Landmark Sign: An existing, nonconforming, on-premise sign, which exhibits unique characteristics, enhances the streetscape or identity of a neighborhood and contributes to the historical or cultural character of the streetscape or the community at large.

Historic Sign: An existing, nonconforming, historically significant sign that contributes to the historical or cultural character of the community at large which has been removed from its original location within the City of Knoxville and is to be reused and relocated to a different location on its original site or relocated to another location within the community.

Amendments to Article IV, Section 4.5.1 Historic Overlay (H-1) District

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E. Historic zoning commission, creation, appointment of members, term of office, jurisdiction and powers.

For the purpose of enforcing the H-1 historic overlay district requirements **and making a recommendation on the designation of landmark and historic signs**, a historic zoning commission is hereby established. Said commission shall consist of nine (9) persons of which one (1) shall be a representative of a local patriotic or historic organization, one (1) shall be an architect, if available, and the remainder shall be from the community in general. Historic zoning commission members shall be appointed by the mayor of the City of Knoxville, subject to confirmation by the city council for the City of Knoxville. The terms of members of the historic zoning commission shall be five (5) years, except that the members appointed initially shall be appointed for staggered terms so that the terms of at least one (1) member but no more than two (2) members shall expire each year. All members shall serve without compensation. The commission may adopt rules and regulations consistent with the provisions of this part.

3/3/2011

Add to Article V, Section 10 Signs, Billboards, and other Advertising Structures

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A. General Regulations

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31. Landmark and Historic Signs.

The purpose of these regulations is to promote the protection of nonconforming signs that represent important aspects of the City's heritage, to enhance the character of the community by considering such signs during development, and to assist owner(s) in the preservation and restoration of their signs.

a. **Landmark Signs.** The purpose of designating a sign as a landmark sign is to encourage the restoration and retention of on-premise, nonconforming signs that are historically significant. Once designated as a landmark sign, the sign shall be considered to be in compliance with any zoning regulations and will be exempt from regulations of Article V, Section 10, except as stated herein.

(1) **Designation Criteria.** The Building Official, upon receiving a report of recommendation from the Historic Zoning Commission, may designate an existing on-premises sign as a landmark sign if it meets the following criteria:

(a) The sign has been in continuous existence at the present location for at least 25 years.

(b) The sign is an on-premise sign, which meets at least four (4) of the following criteria:

(i) It was expressly designed for the business, institution, or other establishments at that location; or

(ii) A national or local emblem, logo, or other graphic that is unique to the property or the establishment is an integral part of the sign structure; or

(iii) The sign exhibits unique or rare characteristics that enhance the streetscape or identity of a neighborhood; or

(iv) The sign is significant as evidence of the history of the product, business or service advertised; or

(v) The sign is characteristic of a specific historic period; or

- (vi) The sign is integral to the building's design or physical fabric; or
 - (vii) The sign represents an outstanding example of the sign maker's art due to craftsmanship, use of materials or design.
 - (c) The sign complies with the appropriate provisions of the state and local building and electrical codes.
 - (d) The sign is structurally safe or is capable of being made so without substantially altering its historical significance.
- b. **Historic Signs.** The restoration and retention of nonconforming, historically significant signs that have been removed from original locations and are to be reused is encouraged. Allowing these signs to move to other locations within the community may be necessary to ensure preservation. Once designated as a historic sign, certain nonconforming aspects of the sign shall be considered to be in compliance with the zoning regulations and will be exempt from regulations of Article V, Section 10, except as stated herein.
- (1) **Designation Criteria.** The Building Official, upon receiving a report of recommendation from the Historic Zoning Commission, may designate an existing sign as a historic sign if it meets the following criteria:
- (a) The sign must be at least 25 years old.
 - (b) The sign must meet at least three (3) of the following criteria:
 - (i) A national or local emblem, logo, or other graphic that is unique to a property or establishment is an integral part of the design of the sign structure; or
 - (ii) The sign exhibits unique or rare characteristics that enhance the streetscape or identity of a neighborhood; or
 - (iii) The sign is significant as evidence of the history of the product, business or service advertised; or
 - (iv) The sign is characteristic of a specific historic period; or
 - (v) The sign represents an outstanding example of the sign maker's art due to craftsmanship, use of materials or design.
 - (c) The sign complies with the appropriate provisions of the state and local building and electrical codes.

- (d) The sign is structurally safe or is capable of being made so without substantially altering its historical significance.

c. **Landmark and Historic Sign Administrative Procedures.**

- (1) **Review and Recommendation by Historic Zoning Commission.**
 - (a) **Authorized Applicants.** The City Council, the Mayor or his/her representative, the property owner of the parcel where a proposed landmark sign is located, or the owner of the site where a proposed historic sign is to be relocated, may apply for designation of an existing sign as a landmark or historic sign.
 - (b) **Applications and Fees Submitted to MPC.** Such application shall be submitted to and on a form determined by the MPC as support to the City of Knoxville Historic Zoning Commission, accompanied by a fee as established by the MPC.
 - (c) **Required Information on Application.** At the time of the filing of an application for designation of a sign, the applicant must file all necessary information in order for the Historic Zoning Commission to determine if the sign meets the criteria for the requested designation and make a recommendation. The staff of the MPC or the Historic Zoning Commission has the authority to request whatever other information is necessary in order to make a decision. The burden of proof for meeting the criteria is upon the applicant.
 - (d) **Public Notice and Hearing.** Prior to consideration of the application at a meeting of the Historic Zoning Commission, MPC shall provide notice of the public hearing in accordance with the administrative rules of the Historic Zoning Commission.
 - (e) **Authority of the Historic Zoning Commission.** After consideration of the application at a public hearing, the City of Knoxville Historic Zoning Commission shall have the authority to make a recommendation to approve or disapprove the designation of an existing sign as a landmark or historic sign upon consideration of the criteria stated above.
 - (f) **Report on Action.** In recommending approval or disapproval of a landmark or historic sign designation, the Historic Zoning Commission shall state the reasons for the decision in a report to the Building Official. Such

report shall include the application and any supporting material considered by the Historic Zoning Commission and minutes of the meeting.

- (2) Designation as a landmark or historic sign.
 - (a) Consideration of recommendation of Historic Zoning Commission. The Building Official shall take into account the recommendation of the Historic Zoning Commission in making a decision on the designation of an existing sign as a landmark or historic sign.
 - (b) Approval Authority. The Building Official shall have the authority to approve or disapprove the designation of an existing sign as a landmark or historic sign based upon the criteria stated above.
 - (c) Rationale for Approval. In approving or disapproving a landmark or historic sign application, the Building Official shall state the reasons in writing.
 - (d) Appeals. An appeal of the Building Official's decision must be properly filed in accordance with the provisions of this ordinance at Article VII, Section 1(C).
 - (e) Maintenance of a *Landmark and Historic Sign Inventory*. Once a sign has been designation as a landmark or historic sign, the Building Official shall add the sign to its records and send notice of the action taken to the Historic Zoning Commission and to the applicant.

- (3) Issuing of Permits.
 - (a) Authorized Applicants. The property owner of the parcel where a proposed landmark sign is located, or the owner of the site where a proposed historic sign is to be relocated, may apply for approval of a permit to restore; repair, move and replace a landmark sign; or remove, repair and move to another location a historic sign, provided said signs are designated as landmark or historic signs.
 - (b) Applications Submitted to Department of Plans Review and Inspections. Such application shall be submitted to and on a form determined by the Department of Plans Review and Inspections.
 - (c) Required Information on Application. At the time of the filing of an application for a permit for a sign designated as a landmark or historic sign, the applicant must file all necessary information in order for the Building Official to

determine if the proposed work on the sign will meet the intent of this ordinance. The Building Official has the authority to request whatever other information is necessary in order to make a decision. The burden of proof for meeting the criteria is upon the applicant.

- (d) **Approval Authority.** The City of Knoxville Building Official shall have the authority, in accordance with Article V, Section 10(L), (N) and (O), to approve or deny a permit to restore; repair, and remove and replace a landmark sign; or remove, repair and move to another location a historic sign.
- (e) **Exempt Work.** Owners may voluntarily remove a sign once designated as a landmark or historic sign, provided such sign is not within a designated Historic Overlay (H-1) zone district, and provided that the owner of the sign notifies the Department of Plans Review and Inspections of such action. After such notification, the sign will be removed from the *Landmark and Historic Sign Inventory* by the Building Official.

d. Landmark and Historic Sign Regulations.

- (1) **Landmark Sign Location.** If a landmark sign is moved on-premise, it shall be subject to the location regulations of this ordinance.
- (2) **Landmark Sign Use Agreement Required.** If any portion of a landmark sign is permitted to remain in or over a public right-of-way, a City or State use or encroachment agreement shall be executed.
- (3) **Historic Sign Location.** An historic sign may be moved to another location on the site where it is currently located or to another property. It is encouraged that the sign be relocated to a site within the area from which it originated. The receiving site must be located within a non-residential zone district or mixed-use form district which allows commercial signs.
- (4) **Nonconforming Aspects of Historic Signs.** Relocated historic signs that are nonconforming based on their size, height, animation, moving parts, or moving, flashing, color or type of lighting do not have to be brought into conformance.

However, relocated signs may not move further out of conformance by any physical alterations to the sign. The lighting of such signs shall be located, screened, or shielded so that abutting lots located in any residential district are not directly illuminated and do not cause glare or impair the vision of motorists. All other regulations shall apply with the following exceptions:

- (a) Projecting signs may extend beyond the maximum projecting dimension based upon the existing dimension of the sign.
- (b) Roof signs and flashing, fluttering, swinging, and rotating signs, which may be currently prohibited, may be relocated and maintain the prohibited characteristics provided such features contribute to the historic or cultural character of the sign and are in keeping with the surrounding area.