



MEMORANDUM

TO: Metropolitan Planning Commission

FROM: Mark Donaldson, Executive Director

DATE: April 12, 2012

SUBJECT: Amendments to the City of Knoxville Zoning Ordinance regarding signs for public assembly facilities.
3-A-12-OA

REQUEST

MPC was asked by the City of Knoxville administration in February to consider and make a recommendation on amendments to the City of Knoxville zoning ordinance regarding electronic messages center (EMC) signs for public assembly facilities. *The City has now requested that this item be withdrawn.*

BACKGROUND

In 2009, the City's sign ordinance was amended to prohibit new EMC except in a small number of locations: those subject to design review processes as found in the H-1 and D-1 overlay zone districts and other planned zones. Legally existing EMC as of 2009 were allowed to continue functioning under a new set of operating requirements which includes a minimum static hold time for messages of 60 seconds. Within the D-1 (Downtown Design Overlay) district, which is one of the areas that new EMC are allowed, the Downtown Design Review Board approved an EMC sign later in 2009 for the convention center with a much shorter static hold time of 8 seconds.

The City of Knoxville administration identified a desire to allow the EMC sign at the City's Auditorium/Coliseum to operate with a shorter hold time for messages than is currently allowed by the zoning ordinance. Other facilities with similar characteristics to public assembly facilities may also benefit from such a provision.

At the March MPC meeting, after reviewing the proposed amendment for *public assembly facilities* as shown in Exhibit A, the planning commission asked staff to develop a similar provision for other types of assembly facilities, including privately owned facilities, to allow the use of the proposed regulations with a regulatory threshold based on size of facility. This option is included as Exhibit B, and creates a definition for *facilities for public assembly*.

ANALYSIS

Many facilities for public assembly offer unique venues with a variety of events, often with multiple events happening simultaneously or several events happening over a short period of time. Many also provide public service announcements and operate in the general interest of serving the public good. An EMC with a shorter static hold time will help such facilities attract more events and more easily allow the advertising of multiple events in a short time. The public interest can be served by advertising these events, and an EMC sign with a shorter static hold time may well be in the public interest for such facilities.

A threshold to determine the point at which facilities for public assembly are eligible to use the eight second static hold time is offered at 100,000 square feet of building coverage, or a minimum occupant load of 2,000. For reference, the seating capacity of the Tennessee Theatre is 1,631; however the occupant load would be significantly larger than that.

STAFF RECOMMENDATION

Staff recommends that the planning commission act to withdraw this item in accordance with the desire of the City of Knoxville administration.

ATTACHMENT

- EXHIBIT A
- EXHIBIT B

ADD TO DEFINITIONS at ARTICLE II

Public assembly facility – Any publicly owned or operated convention center, sports arena, amphitheatre, auditorium, coliseum, exhibition hall, stadium, or other facility, at which conventions, conferences, concerts, sports events and other gatherings are held and whose primary purpose or function is to host such conventions, conferences, concerts, sports events and other gatherings. The term “public assembly facility” includes all contiguous interests in land, improvement, and utilities acquired, constructed, and used in connection with the operation of the public assembly facility whether the interests are owned or held in fee title or a lease or easement for a term of at least 25 years, and regardless of whether the interests are owned or operated by separate governmental authorities.

AMENDMENTS TO THE TEXT at ARTICLE V, SECTION 10(A)(4)

- A. General Regulations. In any zoning district, the following general regulations shall apply:
1. ...
 2. ...
 3. ...
 4. No sign shall have scrolling, intermittent, flashing, running, or blinking lights or animated illumination except:
 - (1)
 - (2)
 - (3) A sign located on a public assembly facility, subject to current operating standards except that the minimum static hold time for messages shall be eight (8) seconds.**

AMENDMENTS TO THE TEXT at ARTICLE V, SECTION 10(E)(1) and (2)

Article V, Section E (1)

1. Within all commercial district 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) ...
 - (2) ...
 - (3) A sign located on a public assembly facility, subject to current operating standards except that the minimum static hold time for messages shall be eight (8) seconds.**

The remaining items to be renumbered

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) ...
 - (2) ...
 - (3) A sign located on a public assembly facility, subject to current operating standards except that the minimum static hold time for messages shall be eight (8) seconds.**

The remaining items to be renumbered

AMENDMENTS TO THE TEXT at ARTICLE V, SECTION 10(G)(5)

Article V, Section 10.G (5)

5. Within all industrial districts the following regulations shall apply to Electronic Message Centers (EMC).
 - a. EMCs legally existing on ~~{the effective date of this ordinance}~~ **April 10, 2009**, shall be allowed to continue operation subject to meeting the operational standards as required by subsection (l) herein. After ~~{the effective date of this ordinance}~~ **April 10, 2009**, no EMC shall be permitted in any location except **in the following instances:**
 1. ...
 2. ...
 - 3. A sign located on a public assembly facility, subject to current operating standards except that the minimum static hold time for messages shall be eight (8) seconds.**

The remaining items to be renumbered