



AGENDA ITEM#: 6

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## MEMORANDUM

TO: Metropolitan Planning Commission

FROM: Mark Donaldson, Executive Director

DATE: October 11, 2012

SUBJECT: Request of MPC by Knox County Commission to study and make recommendations regarding amendments to the Knox County zoning ordinance regulating the conversion of billboards to electronic billboards – 10-A-12-OA

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### REQUEST

MPC has been requested by Knox County Commission to study and make recommendations regarding amendments to the Knox County zoning ordinance prohibiting the conversion of existing advertising signs (billboards) to electronic advertising signs (billboards) in areas of unincorporated Knox County.

### BACKGROUND

This request comes to MPC following discussion by Knox County Commission regarding their continuing moratorium on new billboards. It expands upon a previous request to make recommendations regarding a prohibition on new billboards and the regulations of electronic message centers (EMC) in Knox County. The request asks to consider the additional action of prohibiting the conversion of existing billboards to billboards that utilize a digital sign face.

In December 2011, MPC provided recommendations on the expansion of Knox County's current prohibition on new billboards in several zone districts to include ALL zone districts and a recommendation to regulate EMCs in the same manner as the City of Knoxville.

Knox County Commission has recently conducted one public meeting on October 8<sup>th</sup> and has another scheduled for October 29<sup>th</sup>. Prior to considering any amendment to the zoning ordinance a recommendation from the planning commission is required.

### ANALYSIS

At present the definition of advertising signs (billboards) in the Knox County zoning ordinance does not distinguish non-electronic and electronic signs; so that there is no definition of electronic billboards in the Knox County zoning ordinance, nor are there any regulations regarding the operating characteristics of electronic billboards. There are a number of electronic billboards

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currently operating in the County. These electronic billboards must meet state and federal guidelines with regard to operating and location standards.

From discussion at County Commission meetings it appears there is some sentiment to consider a package of ordinances which would:

- Prohibit new billboards in all zone districts throughout Knox County;
- Prohibit the conversion of existing billboards to electronic sign faces; and
- Regulate EMCs in a manner consistent with the regulations of the City of Knoxville.

A recommendation regarding conversions of billboards to electronic billboards, coupled with previous recommendations made by the planning commission, would support this package of ordinances amending the zoning ordinance.

### **STRATEGY**

To address the issue of prohibiting the conversion of existing billboards to digital billboards throughout all of unincorporated Knox County:

- A definition of electronic advertising signs or billboards is required; and
- Language that applies to all existing billboards must be added to prohibit their conversion to dynamic display, including the use of mechanical or electronic means to change the face of the sign.

### **RECOMMENDATION**

Staff recommends that the Planning Commission recommend to Knox County Commission:

- A definition for electronic advertising signs as shown in Exhibit A be added to the zoning ordinance at Article 2, Section 2.20; and
- Language as shown in Exhibit A prohibiting the conversion of advertising signs to electronic advertising signs be added to the zoning ordinance at Article 3, Section 3.90.16.

### **ATTACHMENTS**

- Exhibit A, recommended additions to the zoning ordinance.

Proposed Amendments to Knox County Zoning Ordinance  
Prohibiting Conversions of Billboards and Other Advertising Signs in All Zone Districts to  
Electronic Advertising Signs

TO PROHIBIT THE CONVERSION OF BILLBOARDS AND OTHER ADVERTISING SIGNS TO ELECTRONIC ADVERTISING SIGNS OR ELECTRONIC MESSAGE CENTER SIGNS IN ALL ZONE DISTRICTS, THE FOLLOWING AMENDMENTS ARE RECOMMENDED IN ADDITION TO THE AMENDMENTS RECOMMENDED BY EXHIBIT A OF METROPOLITAN PLANNING COMMISSION REPORT OF RECOMMENDATION FILE NUMBER 12-A-11-OA:

Deleted language is marked with ~~strikethrough~~

New language is **underlined and bolded**.

***The bold, italic, underlined language added by recommendation in MPC file number: 12-A-11-OA***

Amend Article 2, Section 2.20 by adding the following:
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**ADVERTISING SIGN, ELECTRONIC – An advertising sign utilizing mechanical or electronic means to form or alter the announcement, direction, or advertisement appearing on the sign.**

Amend Article 3, Section 3.90.16 as follows:
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3.90.16 NON-CONFORMING OUTDOOR ADVERTISING SIGNS AND STRUCTURES

- A.** An owner of any ~~advertising~~ or business sign or structure legally existing at the time of the adoption of this amendment shall have the right to continue such non-conforming use.
- B.** ***An owner of any billboard or other advertising sign or structure legally existing at the time of the adoption of this amendment which does not conform to the requirements of this ordinance shall have until July 1, 2013, to register with the Knox County Codes Administration for purpose of ensuring to the owner the right to continue such non-conforming use.***
- C.** **After [the effective date of this ordinance] no person shall convert any legal nonconforming advertising sign to an electronic advertising sign or to an electronic message center sign.**
- D.** **After July 1, 2013, any non-conforming sign not registered shall be considered an illegal sign. The Codes Administrator shall notify or make reasonable effort to notify the owner of the sign of such condition. If after thirty (30) days of such notification the sign has not been removed by the owner, the County, its officials, or its employees shall have the authority to enter on the private property on which the sign is located to remove such sign and/or institute appropriate action to have the sign removed. The County is further authorized to place a lien, in the amount of the removal cost, against the property upon which the illegal non-conforming sign is located.**