

MEMORANDUM

To: Gerald Green, MPC Executive Director
From: Peter Ahrens, City of Knoxville Plans Review & Inspections Director
Date: August 20, 2015
Re: Amendment to Sign Code Regarding Directory Signs

Overview

The City Council of the City of Knoxville passed an amended Sign Code on July 21, 2015. The newly adopted Sign Code at Section 14.1 requires non-conforming, on-premise signs to become conforming when there is a change in use on the property where the sign is situated. As the Plans Review and Inspections Department has operated using the new Sign Code, the Department has encountered a problem with the change in use provision. Thus, the Department respectfully requests that MPC consider and recommend a change to the Sign Code, as described in this memo.

Specifically, the problem with the change in use provision involves directory signs. As an overview, the Sign Code identifies two types of directory signs: development directory signs and on-site directory signs. A development directory sign is a type of detached sign identifying a shopping center, office park, commercial subdivision, or similar mixed use or commercial development, and listing individual businesses or tenants within the unified development, including businesses not located on the lot on which the sign is located. An on-site directory sign is a type of incidental sign located on a site designed to identify specific businesses, offices, tenants or other uses of a lot or parcel. A name or logo of a business, use, or place may also be included on the directory sign, but the sign shall not include any advertising message.

An example of a development directory sign is the sign advertising The Gallery shopping center and all of the businesses within it (see Exhibit A for a photo of this sign). This sign is 42 feet tall, and under the new code, if this sign were to be constructed, it could only be 20 feet tall. When a tenant in the shopping center changes use—as defined in the change in use provision—the entire sign would now have to conform. This puts the shopping center owner in a peculiar position—this change in use provision limits the owner’s options in finding a new tenant because the owner likely will not want to make the sign conforming. This dilemma was raised, but not addressed, at the City Council meetings where the sign code was considered. Furthermore, City Council’s intent was to address signs advertising a single business on the same premise as the sign; this request creates a more reasonable provision that still meets City Council’s intent.

Request

The Plans Review and Inspections Department requests that MPC consider an amendment to the Sign Code that exempts directory signs from the change in use provision at Section 14.1. The changes to Section 14.1 recommended by the Department are as follows:

14.1. Effect of Change in Use for On-Premise Signs. The utilization of a nonconforming on- premise sign and/or sign structure may continue subject to the conditions and requirements noted in Section 14. When the use of a property changes (including but not limited to the redevelopment of the site or a change in the use of the business), the signs on that property must be brought into compliance

with the provisions of this Article; provided, however, that this change in use provision shall not be construed to require conformity of a legally existing, nonconforming development directory sign or on-site directory sign upon changes in the use of individual businesses or tenants advertised on the directory sign.

- a. *Change Defined.* A change in use of property occurs whenever the essential character or nature of the activity conducted on a lot changes. For the purposes of this Article, a change in use occurs under the following circumstances:
 1. When the principal use occupying the property changes from a use permitted or permitted on review, as designated or enumerated for the zoning district, to another use permitted or permitted on review designated or enumerated for the zoning district.
 2. When there is an expansion, an increase in the gross square footage or number of dwelling units of an existing use, or in its operating characteristics (such as an expansion of operations, previously conducted within a fully enclosed building to operations conducted outside an enclosed building) such that the resulting use is a designated or enumerated use separate from the designated or enumerated previous use, then this constitutes a change in use.
 3. A change in the ownership or management of a use or establishment, without the type of changes noted above, is not considered a change in use.
- b. *Determination of Change by Building Official.* If a use is not designated or enumerated in the zoning code, the Building Official or designee shall have the discretion to determine whether there is a change in use.
- c. *Illegal Use Excluded.* A use prohibited by the zoning district or an otherwise illegal use shall not be allowed to continue use of a nonconforming sign.



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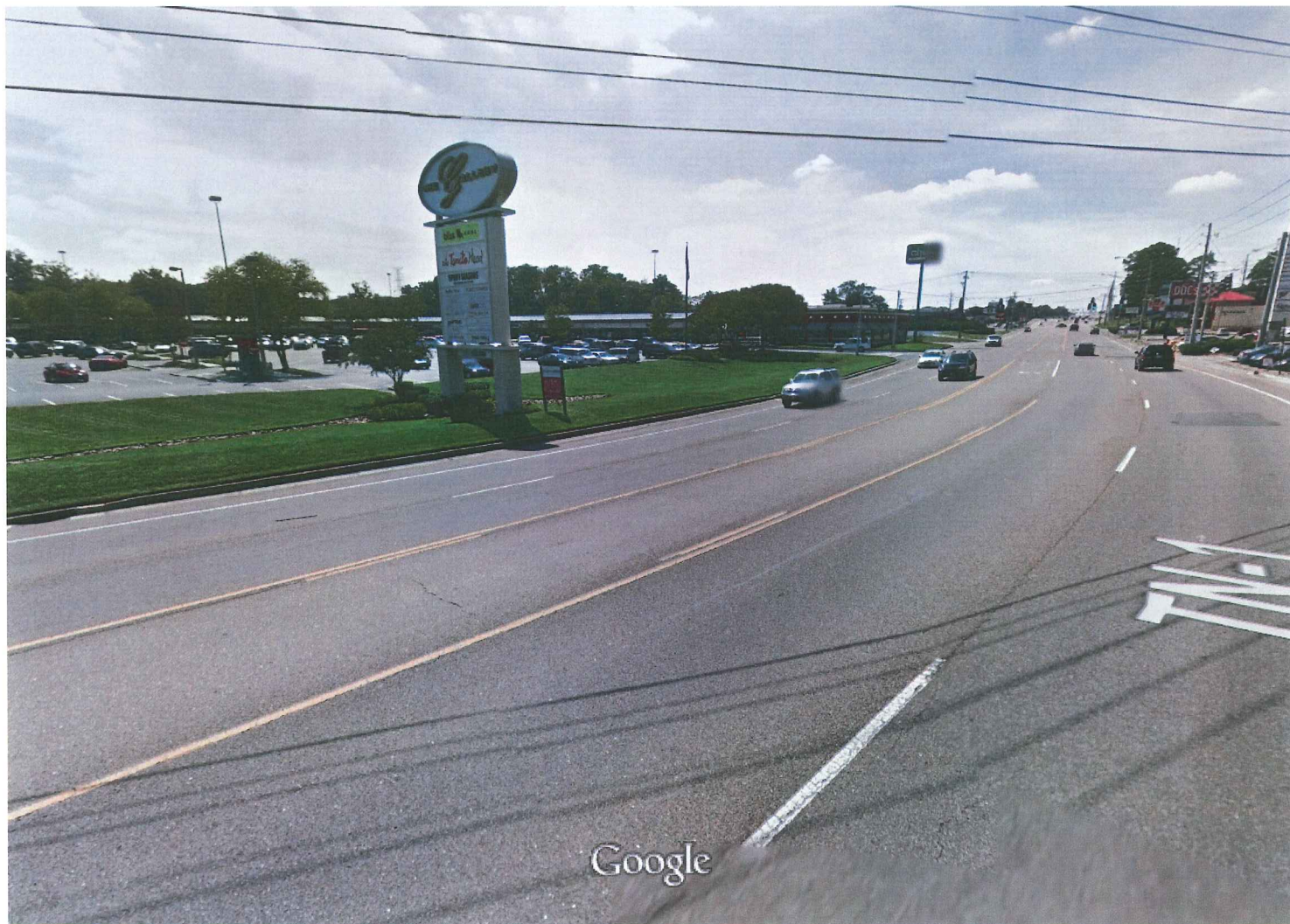


Image capture: Sep 2014 © 2015 Google

Knoxville, Tennessee

Street View - Sep 2014

