



MEMORANDUM

Date: November 4, 2019
To: Planning Commission
From: Gerald Green AICP, Executive Director
Subject: **Agenda Item 11-C-19-OB**

Planning staff was asked by Councilmember Andrew Roberto to evaluate the need for an amendment to the City of Knoxville sign ordinance to delete the provision authorizing the Planning Commission to approve additional signs in certain zoning districts. Attached is a report summarizing the research done on this issue and presenting staff's recommendation.

Planning staff recommends that the sign ordinance not be amended, and further recommends that this provision remain in the sign ordinance.

If you have any questions, comments, or would like additional information, please feel free to contact me by email at gerald.green@knoxplanning.org or by phone at 215-3758.

Agenda Item 11-C-19-OB

Consideration of an amendment to the sign ordinance regarding approval process of additional signs in commercial and industrial districts.

Request: The requirements under the current Sign Ordinance have been changed in Article 13, Section 13.9, subsection F, 5, e (page 13-17) by allowing additional signs to be approved by the Planning Commission in C-G, C-H, C-R, I-RD, and I-G. Currently additional signs in these and all other districts must go through the variance process.

Revise the sign ordinance to remove the provision granting the Planning Commission the authority to approve additional signs in certain districts, requiring a variance for additional signs in all districts.

Staff Comments: Section 11.6.e.5. of the current sign ordinance authorizes the Planning Commission to approve additional signs in planned districts. This section of the current ordinance states: "In a planned commercial, shopping, business or industrial zone district (PC-1, PC-2, SC-1, SC-2, SC-3, BP-1, and I-1), additional signs may be approved by the planning commission as part of the development plan provided that (1) scale drawings indicate the signs will not detract from the character of the development or surrounding development; and (2) that the development plan clearly shows that because of unusual topography, building locations and relationships or developments with multiple structures, additional signs are essential to inform and direct the public."

In the drafting of the new zoning ordinance, staff made a commitment not to change the sign ordinance and to transfer all provisions of the current ordinance to comparable zone districts in the new ordinance. The new zoning ordinance does not propose planned zoning districts. In light of the deletion of planned districts and conscious of the commitment to maintain all provisions of the current sign code, the provision in the current code authorizing the Planning Commission to approve additional signs in certain zone districts was transferred to comparable zone districts in the new code.

The drafters of the current sign code understood that, in some cases, additional signs may be appropriate when no unique hardship exists that warrants a variance. In order to grant a variance, the Board of Zoning Appeals must find that a hardship exists. While acknowledging that a hardship may not exist to justifying the granting of a variance to permit additional signs, the sign code does establish criteria for the approval of additional signs. The criteria established to justify the approval of additional signs are adequate to assure that requests for additional signs are weighed carefully and that approval of additional signs is not granted in an ad hoc manner. Additionally, the delegation of this authority to the Planning Commission further demonstrates the wisdom of the drafters of the sign ordinance.

The Planning Commission evaluates requests based on the impact of the request on a broader area and the relationship of the request to the surrounding area. The Board of Zoning Appeals takes a narrower perspective, evaluating items on a lot by lot basis. Given the criteria established for evaluating the need for additional signs, the Planning Commission is the appropriate body to evaluate the requests.

The use of this approach to seek approval for additional signs is not used often and the provision certainly is not abused. In the approximately 4 ½ years since the adoption of the sign ordinance, one request for additional signs has been heard by the Planning Commission.

Staff Recommendation: Staff recommends that the sign ordinance not be amended, leaving the authority for approval of additional signs in certain districts with the Planning Commission.



CITY OF KNOXVILLE, TENNESSEE

OFFICE OF THE CITY COUNCIL

September 27, 2019

Gerald Green
Executive Director
Knoxville-Knox County Planning
400 Main Street, Suite 403
Knoxville, TN 37902

Dear Mr. Green,

Please find the enclosed copy of a Resolution of the Council of the City of Knoxville. This resolution was unanimously adopted at the Tuesday, September 24, 2019 regular meeting of the City Council.

Respectfully,

Will Johnson
City Recorder

Enclosures: 1



RESOLUTION

A RESOLUTION OF THE COUNCIL OF THE CITY OF KNOXVILLE RESPECTFULLY REQUESTING THE KNOXVILLE-KNOX COUNTY PLANNING COMMISSION TO CONSIDER AND MAKE A RECOMMENDATION TO CITY COUNCIL REGARDING LIMITED REVISIONS TO THE CITY SIGN ORDINANCE.

RESOLUTION NO: R-312-2019

REQUESTED BY: Councilmember Roberto

PREPARED BY: Council

APPROVED: 9-24-2019

APPROVED AS AN EMERGENCY MEASURE: _____

MINUTE BOOK: 83 PAGE _____

WHEREAS, Article 13 of the City of Knoxville Zoning Code (presently Appendix B, Zoning Regulations, Article VIII, Signs, Billboards and Other Advertising Structures) was extensively revised through a process culminating in July 2015; and

WHEREAS, after a few years of implementation, City Council is of the opinion it may be beneficial to request the Knoxville-Knox County Planning Commission to study and make a recommendation to Council regarding the possibility of amending the Sign ordinance in these limited areas: 1) creation of sign regulations for newly zoned Institutional uses located in otherwise residentially zoned areas, and 2) determining if the current variance process to allow additional signage in certain commercial and industrial districts should be retained or if the approval process should be moved to the Knoxville-Knox County Planning Commission.

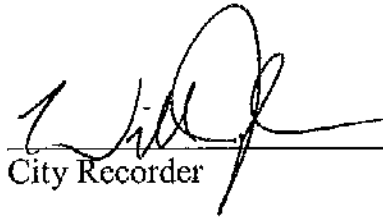
NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF KNOXVILLE:

SECTION 1: The Council of the City of Knoxville hereby respectfully requests the Knoxville-Knox County Planning Commission to consider and make recommendations to City Council with regard to potentially revising the Sign Ordinance as it pertains to 1)

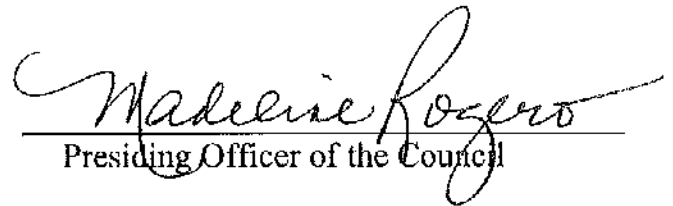
creation of sign regulations for new Institutional zoned uses located in otherwise residentially zoned areas, and 2) determining if the current variance process to allow additional signage in certain commercial and industrial districts should be retained or if the approval process should be moved to the Knoxville-Knox County Planning Commission.

SECTION 2: Upon adoption, the City Recorder is hereby respectfully requested and directed to forward a true and correct copy of this Resolution to Gerald Green, Executive Director of the Knoxville-Knox County Planning Commission, to make him aware of Council's request with regard to these matters.

SECTION 3: This Resolution shall take effect from and after its passage, the welfare of the City requiring it.



City Recorder



Presiding Officer of the Council