



Memorandum

TO: Knoxville-Knox County Planning Commission
FROM: Gerald Green, AICP, Executive Director
DATE: October 2, 2019
SUBJECT: Agenda Item 10-B-19-OA
Ordinance Amendment – Signs

Provided for your review are draft amendments to the City of Knoxville Zoning Ordinance (both the current code and the recently adopted code) that proposes minor revisions to the City’s sign standards. The revisions have been requested by the community and have been determined by City staff to be reasonable and warranted. Proposed amendments would:

- Permit signs on mansard roofs (all other roof signs would continue to be prohibited);
- Extend the time for abandoned signs to be brought into compliance with zoning regulations from 30 days to 60 days; and
- Require that abandoned signs that must be removed be taken down only to ground level; foundation/footing does not have to be removed.

STAFF RECOMMENDATION:

Approve the proposed amendments to the City of Knoxville Zoning Ordinance (both the current code and the recently adopted code) that would permit signs on mansard roofs and revise standards for abandoned signs.

ARTICLE VIII. - SIGNS, BILLBOARDS, AND OTHER ADVERTISING STRUCTURES

[...]

Section 3. - Prohibited signs.

The following signs are prohibited in all zone districts:

1. Signs which by color, location, and/or design resemble or conflict with traffic control signs or signals.
2. Signs which contain or make use of any word, phrase, symbol, shape, form or character in such manner as to interfere with, mislead or confuse traffic.
3. Signs with moving parts and signs with red, green, yellow, amber or blue lights.
4. Signs with flashing, chasing, pulsating, twinkling, dancing, scintillating, and/or oscillating lights or light-emitting diodes, or with any other rotating, revolving or moving part; except for a documented historic or reproduction sign located in any H-1 (historic overlay) zone district and such sign has received a certificate of appropriateness from the historic zoning commission, or an approved sign within the D-1 (downtown design overlay) zone district and such sign has received a certificate of appropriateness from the downtown design review board.
5. Illuminated signs within one hundred (100) feet of property in any residential zone district, unless the illumination of such sign is so designed that it does not shine or reflect light onto such property within a residential zone district.
6. Signs within the public right-of-way, except publicly owned signs, such as wayfinding signs and regulatory signs, and those signs approved by the city engineer.
7. Signs placed on a parked vehicle or trailer visible from the public right-of-way where the primary purpose is to advertise a product or direct people to a business located on the same or another property. For the purposes of this regulation, logos, identification or advertising on vehicles being operated by being moved on and off the site in the normal course of business are not prohibited.
8. Billboards and other off-premise signs.
9. Portable signs.
10. Roof signs, [unless installed on the sloping side of a mansard roof.](#)

(Ord. No. O-127-2015, § 2, 7-21-15)

[...]

Section 13. - Abandoned signs.

- 13.1. *Abandoned sign determination for conforming signs.* Any legal conforming sign, as defined by this article, including its supporting structure, erected in conjunction with a particular use, that use having been subsequently discontinued for a period of one hundred twenty (120) days or more, or a lawfully erected temporary sign for which the time period allowed for display of the sign has expired. Abandonment shall be presumed if, for a period of one hundred twenty (120) days or longer, the sign has not 1) advertised goods, services, facilities, events or attractions available on the premises where located, 2) identified the owner or occupant, 3) directed traffic on the premises, or 4) displayed a noncommercial message which may or may not related to an activity located on the premises. Any sign which otherwise conforms to the provisions of this article, and by reason of the cessation of

activity on the premises, becomes an off-premises sign, may be retained for a period of fourteen (14) months by one (1) of the following methods:

- a. *Painted sign:* The sign shall be covered by painting over the sign area.
- b. *Removable sign face:* The sign face shall be removed and replaced with a blank insert or the sign face may be reversed.
- c. *Temporary covering:* The sign face may be temporarily covered by the installation of a sock or boot.

If activity on the property has not resumed within a period of fourteen (14) months from abandonment, then the sign shall be presumed abandoned and shall be taken down and removed as provided herein.

13.2. *Abandoned sign determination for nonconforming signs.* Any nonconforming sign, as defined by this article, including its supporting structure, erected in conjunction with a particular use, that use having been subsequently discontinued for a period of sixty (60) days or more, or a lawfully erected temporary sign for which the time period allowed for display of the sign has expired. Abandonment shall be presumed if, for a period of sixty (60) days or longer, the sign has not 1) advertised goods, services, facilities, events or attractions available on the premises where located, 2) identified the owner or occupant, 3) directed traffic on the premises, or 4) displayed a noncommercial message which may or may not related to an activity located on the premises. Any sign which otherwise conforms to the provisions of this article, and by reason of the cessation of activity on the premises, becomes an off-premises sign, may be retained for a period of nine (9) months by one (1) of the following methods:

- a. *Painted sign:* The sign shall be covered by painting over the sign area.
- b. *Removable sign face:* The sign face shall be removed and replaced with a blank insert or the sign face may be reversed.
- c. *Temporary covering:* The sign face may be temporarily covered by the installation of a sock or boot.

If activity on the property has not resumed within a period of nine (9) months from abandonment, then the sign shall be presumed abandoned and shall be taken down and removed as provided herein.

13.3. *Removal of abandoned signs.* Any abandoned sign, now or hereafter existing, shall be [\(1\) brought into full compliance with the zoning regulations or \(2\)](#) taken down and removed by the owner, agent, or person having the beneficial use of the building, structure, or property upon which such sign may be found, within ~~thirty-sixty~~ [\(30/60\)](#) days after the written notification from the chief building official, or designee. In making a determination that a sign is abandoned the building official shall consider among other factors, the existence or absence of a current occupational license for the premises, whether there are active utilities or a utilities service deposit at that location, and use of the premises. If such abandoned sign is not [brought into full compliance with the zoning regulations or](#) removed at the conclusion of such ~~thirtysixty~~-day period, the chief building official or designee is hereby authorized to cause the sign to be removed [immediately](#) at the expense of the owner. For purposes of this section, removal of the sign shall include:

- a. The sign face, along with posts, columns or supports of "detached" signs, shall be taken down [to ground level](#) and removed from the property.
- b. The sign face and supporting structures of "projecting," "roof," or "attached" signs shall be taken down and removed from the property.
- c. The sign face of "painted attached signs" shall be removed by painting over the wall sign in such a manner as to completely cover up and hide from sight the sign in question.

(Ord. No. O-127-2015, § 2, 7-21-15)

ARTICLE 13. SIGNS

- 13.1 GENERAL PROVISIONS
- 13.2 PROHIBITED SIGNS
- 13.3 SIGNS EXEMPT FROM SIGN REGULATIONS
- 13.4 SIGNS EXEMPT FROM SIGN PERMIT
- 13.5 GENERAL SIGN STANDARDS
- 13.6 STANDARDS FOR SPECIFIC SIGN TYPES
- 13.7 MASTER SIGN PLANS FOR UNIFIED DEVELOPMENTS
- 13.8 SIGNS PERMITTED IN ALL DISTRICTS
- 13.9 SIGNS PERMITTED IN SPECIFIC DISTRICTS
- 13.10 SIGN CONSTRUCTION AND MAINTENANCE
- 13.11 ABANDONED SIGNS

[...]

13.2 PROHIBITED SIGNS

The following signs are prohibited in all zoning districts:

- A. Signs which by color, location, and/or design resemble or conflict with traffic control signs or signals.
- B. Signs which contain or make use of any word, phrase, symbol, shape, form or character in such manner as to interfere with, mislead or confuse traffic.
- C. Signs with moving parts and signs with red, green, yellow, amber or blue lights.
- D. Signs with flashing, chasing, pulsating, twinkling, dancing, scintillating, and/or oscillating lights or light-emitting diodes, or with any other rotating, revolving or moving part; except for a documented historic or reproduction sign located in any H Overlay District and such sign has received a certificate of appropriateness from the Historic Zoning Commission, or an approved sign within the DK District (excluding the DK-E Subdistrict) and such sign has received a certificate of appropriateness from the Downtown Design Review Board.
- E. Illuminated signs within 100 feet of property in any residential zone district, unless the illumination of such sign is so designed that it does not shine or reflect light onto such property within a residential district.
- F. Signs within the public right-of-way, except publicly owned signs, such as wayfinding signs and regulatory signs, and those signs approved by the City Engineer.
- G. Signs placed on a parked vehicle or trailer visible from the public right-of-way where the primary purpose is to advertise a product or direct people to a business located on the same or another property. For the purposes of this regulation, logos, identification or advertising on vehicles being operated by being moved on and off the site in the normal course of business are not prohibited.
- H. Billboards and other off-premise signs.
- I. Portable signs.
- J. Roof signs, unless installed on the sloping side of a mansard roof.

[...]

13.11 ABANDONED SIGNS

A. Abandoned Sign Determination for Conforming Signs

Any legal conforming sign, as defined by this Article, including its supporting structure, erected in conjunction with a particular use, that use having been subsequently discontinued for a period of 120 days or more, or a lawfully erected temporary sign for which the time period allowed for display of the sign has expired. Abandonment is presumed if, for a period of 120 days or longer, the sign has not: 1) advertised goods, services, facilities, events, or attractions available on the premises where located; 2) identified the owner or occupant; 3) directed traffic on the premises; or 4) displayed a noncommercial message which may or may not related to an activity located on the premises. Any sign

which otherwise conforms to the provisions of this Article, and by reason of the cessation of activity on the premises, becomes an off-premises sign, may be retained for a period of 14 months by one of the following methods:

1. Painted sign: The sign must be covered by painting over the sign area.
2. Removable sign face: The sign face must be removed and replaced with a blank insert or the sign face may be reversed.
3. Temporary covering: The sign face may be temporarily covered by the installation of a sock or boot.

If activity on the property has not resumed within a period of fourteen (14) months from abandonment, then the sign is presumed abandoned and must be taken down and removed as provided herein.

B. Abandoned Sign Determination for Nonconforming Signs

Any nonconforming sign, as defined by this Article, including its supporting structure, erected in conjunction with a particular use, that use having been subsequently discontinued for a period of 60 days or more, or a lawfully erected temporary sign for which the time period allowed for display of the sign has expired. Abandonment is presumed if, for a period of 60 days or longer, the sign has not: 1) advertised goods, services, facilities, events, or attractions available on the premises where located; 2) identified the owner or occupant; 3) directed traffic on the premises; or 4) displayed a noncommercial message which may or may not related to an activity located on the premises. Any sign which otherwise conforms to the provisions of this Article, and by reason of the cessation of activity on the premises, becomes an off-premises sign, may be retained for a period of nine months by one of the following methods:

1. Painted sign: The sign must be covered by painting over the sign area.
2. Removable sign face: The sign face must be removed and replaced with a blank insert or the sign face may be reversed.
3. Temporary covering: The sign face may be temporarily covered by the installation of a sock or boot.

If activity on the property has not resumed within a period of nine months from abandonment, then the sign is presumed abandoned and must be taken down and removed as provided herein.

C. Removal of Abandoned Signs

Any abandoned sign, now or hereafter existing, must be [\(1\) brought into full compliance with the zoning regulations or \(2\)](#) taken down and removed by the owner, agent, or person having the beneficial use of the building, structure, or property upon which such sign may be found, within ~~30~~ [sixty \(60\)](#) days after the written notification from the Director of Plans Review and Building Inspections. In making a determination that a sign is abandoned the Building Official will consider among other factors, the existence or absence of a current occupational license for the premises, whether there are active utilities or a utilities service deposit at that location, and use of the premises. If such abandoned sign is not [brought into full compliance with the zoning regulations or](#) removed at the conclusion of such ~~30~~ [sixty \(60\)](#) day period, the Director of Plans Review and Building Inspections is hereby authorized to cause the sign to be removed [immediately](#) at the expense of the owner. For purposes of this section, removal of the sign includes:

1. The sign face, along with posts, columns or supports of detached signs, must be taken down [to ground level](#) and removed from the property.
2. The sign face and supporting structures of projecting, roof, or attached signs must be taken down and removed from the property.
3. The sign face of painted attached signs must be removed by painting over the wall sign in such a manner as to completely cover up and hide from sight the sign in question.



CITY OF KNOXVILLE, TENNESSEE

OFFICE OF THE CITY COUNCIL

August 29, 2019

Mr. Gerald Green
Executive Director
Knoxville-Knox County Planning
400 Main St, Ste 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, August 27, 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-287-2019

REQUESTED BY: Councilmember Wallace
PREPARED BY: Council

APPROVED: 8-27-2019

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

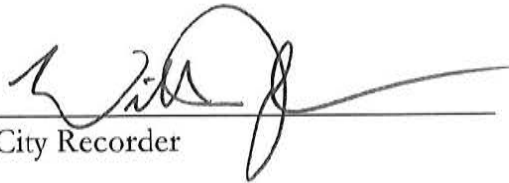
WHEREAS, after a few years of implementation, City Council is of the opinion it may be beneficial to study the possibility of amending the Sign ordinance in these limited areas: signs on mansard roofs; the timeframe to address signs determined to be abandoned; and the extent of the removal of the physical structure of abandoned signs.

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: signs on mansard roofs; the timeframe to address signs determined to be abandoned; and the extent of the removal of the physical structure of abandoned signs.

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