



MEMORANDUM

TO: Metropolitan Planning Commission

FROM: Mark Donaldson, Executive Director

DATE: June 9, 2011

SUBJECT: Amendments to the Knox County Zoning Ordinance regarding locations of establishments serving beer for consumption on premise.
6-A-11-OA

REQUEST

Knox County Commission at its May 23 meeting requested that MPC consider and make recommendations to those sections of the Knox County Zoning Ordinance regarding the location of establishments selling beer for consumption on premises so that the requirement regarding the separation of such establishments from adjoining residential and agriculture zone districts will not apply to those establishments that hold a license from the State of Tennessee to sell liquor by the drink. See EXHIBIT A.

BACKGROUND

The State of Tennessee has preemptive authority over the issuance of licenses to sell liquor by the drink, yet it defers to local government in matters involving the selling of beer. The Knox County Zoning Ordinance, in several of its zone district regulations make reference to establishments selling beer for consumption on premises, but those establishments holding licenses from the State of Tennessee to sell liquor by the drink are not required to comply with local requirements prohibiting the selling of beer for consumption on premises. To avoid a conflict between the rules of the State of Tennessee and the County Code, the Knox County Commission has asked MPC to consider making a recommendation on amendments to the Knox County Zoning Ordinance.

STAFF RECOMMENDATION

MPC staff recommends that the planning commission recommend amendment of the Knox County Zoning Ordinance as shown in EXHIBIT B.

EXHIBITS

- Exhibit A – Resolution of Knox County Commission, May 2011
 - Exhibit B – Proposed amendments
-
-

RESOLUTION

A RESOLUTION OF THE COMMISSION OF KNOX COUNTY, TENNESSEE, REQUESTING THAT THE METROPOLITAN PLANNING COMMISSION RECOMMEND AMENDMENTS TO THOSE SECTIONS IN THE KNOX COUNTY ZONING ORDINANCE PROHIBITING THE SALE OF BEER FOR CONSUMPTION ON PREMISES OF ESTABLISHMENTS LOCATED WITHIN 500 FEET OF A RESIDENTIAL OR AGRICULTURAL ZONE TO PROVIDE THAT ANY SUCH PROVISION SHALL NOT APPLY TO ANY ESTABLISHMENT LICENSED BY THE STATE OF TENNESSEE TO SELL LIQUOR BY THE DRINK.

RESOLUTION: R-11-5-904
REQUESTED BY: COMMISSIONER BROWN
PREPARED BY: KNOX COUNTY LAW DIRECTOR

APPROVED AS TO FORM AND CORRECTNESS: _____
DIRECTOR OF LAW

APPROVED: _____
DATE

VETOED: _____
DATE

VETO OVERRIDE: _____
DATE

MINUTE BOOK _____ PAGE _____

WHEREAS, the State of Tennessee, Alcoholic Beverage Commission has preemptive authority over the issuance of licenses to sell liquor-by-the-drink; and

WHEREAS, the State of Tennessee defers to the local legislative body in matters involving the licensing of persons or entities desirous of selling beer defined as beverages having an alcoholic content of not more than five percent (5%) by weight; and

Knox County Zoning Ordinance
PROPOSED AMENDMENT
Regarding Establishments Selling Beer for Consumption On Premises

Language in **bold and underlined** is added; language in ~~strikethrough~~ is deleted

5.31 GENERAL BUSINESS ZONE (CA)

5.31.02 Uses Permitted

M. Motor vehicles and bicycle service and repair shops, skating rinks, and dance halls; and establishments selling beer for consumption on the premises, provided that no such establishment shall be located within five hundred feet of any residential or agricultural zone **unless such establishment holds a license from the state of Tennessee to sell liquor by the drink.**

5.32 BUSINESS AND MANUFACTURING ZONE (CB)

5.32.02 Uses Permitted

AA. Motor vehicles and bicycle service and repair shops, skating rinks, dance halls; and establishments selling beer for consumption on the premises, provided that no such ~~use~~ **establishment** shall be located within five hundred feet of any residential or agricultural zone **unless such establishment holds a license from the State of Tennessee to sell liquor by the drink.**

5.33 PLANNED COMMERCIAL ZONE (PC)

5.33.02 Uses Permitted

It is not the intent of this zone to restrict potential development by limiting uses. In general, uses permitted shall include office, commercial services and light distribution centers. Child day care centers shall also be permitted, provided they meet the requirements of Article 4.91. Marinas and boat liveries shall also be permitted, provided they meet the requirements of Article 4.30 of these regulations. Since some permitted uses may be incompatible with others the developer of a planned commercial complex shall provide the Planning Commission with a list of uses permitted in his development which shall be compatible with each other and neighboring uses as authorized under restrictive covenants; provided, however, that no ~~use~~ **establishment** that allows the selling of beer for consumption on premises shall be located within five hundred feet of any residential or agricultural zone **unless such establishment holds a license from the State of Tennessee to sell liquor by the drink.**

5.34 SHOPPING CENTER ZONE (SC)

5.34.02 Uses Permitted

The list below specifies the uses which shall be permitted in shopping center zones. In addition to these uses, the Metropolitan Planning Commission may recommend the inclusion of other uses of a related nature, provided that the intent of this resolution is maintained, and provided

Knox County Zoning Ordinance
PROPOSED AMENDMENT
Regarding Establishments Selling Beer for Consumption On Premises

that no use **establishment** that allows the selling of beer for consumption on premises shall be located within five hundred feet of any residential or agricultural zone **unless such establishment holds a license from the State of Tennessee to sell liquor by the drink.**

5.35 HIGHWAY COMMERCIAL ZONE (CH)

5.35.02 Uses Permitted

The following uses shall be permitted in the Highway Commercial Zone, provided, however, that no use **establishment** that allows the selling of beer for consumption on premises shall be located within five hundred feet of any residential or agricultural zone **unless such establishment holds a license from the State of Tennessee to sell liquor by the drink:**

5.50 BUSINESS AND TECHNOLOGY PARK (BP)

5.50.03 Uses Permitted

.
. S. Retail commercial uses may be approved as part of the overall development proposal, subject to the following conditions:

- .
6. No use **establishment** that allows the selling of beer for consumption on premises shall be located within five hundred feet of any residential or agricultural zone **unless such establishment holds a license from the State of Tennessee to sell liquor by the drink.**

5.51 EMPLOYMENT CENTER ZONE (EC)

5.51.2 Uses Permitted.

.
. O. In an EC development, twenty percent (20%) of the land area may be set aside for retail commercial development, subject to the following conditions and requirements:

- .
4. No use **establishment** allowing the sale of beer for consumption on premises shall be located within five hundred (500) feet of any residential or agricultural zone **unless such establishment holds a license from the State of Tennessee to sell liquor by the drink.**