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**MEMORANDUM**

TO: Metropolitan Planning Commission  
FROM: Mark Donaldson, Executive Director  
DATE: July 11, 2013  
SUBJECT: Amendments to the Knox County Zoning Ordinance removing distance regulations regarding locations of establishments selling beer.  
7-A-13-OA

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**REQUEST**

Knox County Commission at its June 24, 2013 meeting requested that MPC consider and make recommendations to amend sections of the Knox County Zoning Ordinance to remove separation distance regulations regarding the location of establishments selling beer. The commission intends to address the separation distance-related provisions of TCA 57-5-105 elsewhere in its Code of Ordinances. EXHIBIT A.

**BACKGROUND**

The State of Tennessee, at TCA 57-5-105, permits counties to prohibit the sale of beer within 300 feet of residential dwellings and within 2,000 feet of schools, churches, and other places of public gathering. Knox County currently prohibits the sale of beer for consumption on premises within 500 feet of residential and agricultural zone districts. Knox County Commission is in the process of codifying these distance regulations elsewhere in its code of ordinance, at Chapter 4, Article 1, along with other regulations for the sale of beer, and it is the desire of the Commission to remove these regulations from the Knox County Zoning Ordinance. Prior to amending the Zoning Ordinance, a recommendation from the planning commission is required.

Two years ago the planning commission considered, and made a recommendation on, an amendment to address the requirements of the Tennessee Code Annotated in the 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, R-13-6-908
  - Exhibit B – Proposed amendments
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RESOLUTION

A RESOLUTION OF THE COMMISSION OF KNOX COUNTY, TENNESSEE, REQUESTING THE METROPOLITAN PLANNING COMMISSION (MPC) TO RECOMMEND AMENDMENTS TO THE KNOX COUNTY ZONING ORDINANCE TO REMOVE DISTANCE REGULATIONS FOR THE SALE OF BEER FROM THE KNOX COUNTY ZONING ORDINANCE.

RESOLUTION: R-13-6-908  
REQUESTED BY: COMMISSIONER NORMAN  
PREPARED BY: KNOX COUNTY LAW DIRECTOR'S OFFICE

APPROVED AS TO FORM AND CORRECTNESS: \_\_\_\_\_  
DIRECTOR OF LAW

APPROVED: \_\_\_\_\_  
DATE

VETOED: \_\_\_\_\_  
DATE

VETO OVERRIDE: \_\_\_\_\_  
DATE

MINUTE BOOK \_\_\_\_\_ PAGE \_\_\_\_\_

WHEREAS, Tennessee Code Annotated §57-5-105 permits counties to prohibit the sale of beer within three hundred feet (300') of residential dwellings and within two thousand feet (2000') of schools, churches, and other places of public gathering; and

WHEREAS, the Knox County Zoning Ordinance currently prohibits the sale of beer within five hundred feet (500') of residential or agricultural zones; and

WHEREAS, it is the sense of the County Commission that distance regulations for the sale of beer should be codified in Chapter 4, Article I of the Knox County Code along with the other regulations for the sale of beer; and



Knox County Zoning Ordinance  
**PROPOSED AMENDMENT**  
 Removing Distance Requirements from the Zoning Ordinance for  
 Establishments Selling Beer for Consumption On Premises

Language in ~~strike~~through 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 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 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

Knox County Zoning Ordinance  
PROPOSED AMENDMENT  
Removing Distance Requirements from the Zoning Ordinance for  
Establishments Selling Beer for Consumption On Premises

~~uses of a related nature, provided that the intent of this resolution is maintained, and provided that no 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 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

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

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~~6. No 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.

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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:

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~~4. No 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.~~