

ORDINANCE

AN ORDINANCE OF THE COUNCIL OF THE CITY OF KNOXVILLE TO APPROVE TWO AMENDMENTS TO THE KNOXVILLE CITY CODE, APPENDIX B, ZONING CODE, ARTICLE 9-USSES, TO ADD DRUG TREATMENT CLINICS AS A PERMITTED USE IN THE C-G (GENERAL COMMERCIAL), C-H (HIGHWAY COMMERCIAL), C-R (REGIONAL COMMERCIAL), O (OFFICE) AND OP (OFFICE PARK) ZONING DISTRICTS AND TO REVISE PRINCIPAL USE STANDARDS FOR DRUG TREATMENT CLINICS, KNOXVILLE-KNOX COUNTY PLANNING COMMISSION, APPLICANT (FILE NO. 12-A-21-OA)

ORDINANCE NO: O-12-2022

REQUESTED BY: Planning Commission

PREPARED BY: Law Department

APPROVED ON 1ST

READING: 1-11-2022

APPROVED ON 2ND

READING: 1-25-2022

APPROVED AS AN EMERGENCY

MEASURE: _____

MINUTE BOOK: 86 PAGE _____

WHEREAS, Appendix B, Article 9 of the Knoxville City Zoning Code identifies general use regulations within each zoning district; and

WHEREAS, Planning staff evaluated the appropriateness of revising principal use standards for drug treatment clinics; and

WHEREAS, a drug treatment clinic is defined in the Code as, “a facility licensed by the state to administer drugs, such as, but not limited to, methadone or suboxone, in the treatment, maintenance, and/or detoxification of persons”; and

WHEREAS, these clinics are currently permitted in the INST (Institutional) Zoning District and allowed as a special use in the C-H (Highway Commercial) zoning district; and

WHEREAS, the local overdose epidemic is getting worse, according to the Knox County Regional Forensic Center’s 2020 Drug Related Death Report, as there was a 41 percent increase over 2019 figures and preliminary data for 2021 indicated a continued upward trend; and

WHEREAS, Planning staff recommended approval of amendments to the Knoxville City Zoning Code, Appendix B, Article 9 to add drug treatment clinics as a permitted use in the C-G (General Commercial), C-H (Highway Commercial), C-R (Regional Commercial), O (Office) and OP (Office Park) zoning districts and to revise principal use standards for drug treatment clinics; and

WHEREAS, at its December 9, 2021 meeting, the Planning Commission recommended to the Council of the City of Knoxville that the amendment be adopted; and

WHEREAS, notice of the Planning Commission hearing of the proposed revised amendment was published in the *Knoxville News Sentinel* on November 18, 2021 and November 23, 2021 and notice of the City Council meeting on January 11, 2022 was published in the *Knoxville News Sentinel* on December 18, 2021.


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

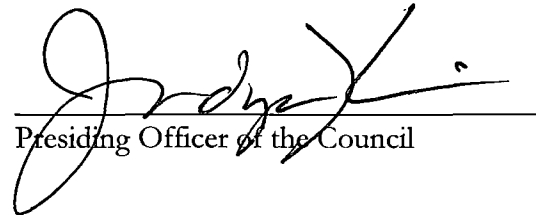
SECTION 1: The Knoxville City Code, Appendix B, Article 9, is hereby amended to add drug treatment clinics as a permitted use in the C-G (General Commercial), C-H (Highway Commercial), C-R (Regional Commercial), O (Office) and OP (Office Park) zoning districts in the Use Matrix and to revise principal use standards for drug treatment clinics in Article 9.3, as shown in 12-A-21-OA, which is attached and incorporated by reference as Collective Exhibit 1.

SECTION 2: The following Planning Commission documents are attached as Collective Exhibit 1 to this Ordinance and made a part hereof by reference: The Knoxville-Knox County Planning Commission File No. 12-A-21-OA, with all appendices including the December 9, 2021 Memorandum from Planning staff, the Proposed Amendments to Zoning Code (Exhibits 1 and 2), a Memorandum from the City's Chief Economic and Community Development Officer, an excerpt from the Minutes of the Planning Commission meeting of December 9, 2021, and public notice.

SECTION 3: If any part, sentence, phrase, clause, term, word, section, subsection, or provision of this ordinance is declared by a court of competent jurisdiction to be unconstitutional, illegal, or invalid, such decision shall not affect the validity of the ordinance as a whole or any part other than the part so declared to be unconstitutional, illegal, or invalid.

SECTION 4: This Ordinance shall take effect seventeen days from and after its passage, the welfare of the City requiring it.



City Recorder

Presiding Officer of the Council

K:\COUNCIL\ORD\MPC\ZONECODE\2021\Amend Appendix B, Article 9 (drug treatment clinic) (File No. 12-A-21-OA).docx

Date: November 17, 2021
To: Knoxville-Knox County Planning Commission
From: Amy Brooks, AICP, Executive Director
Subject: 12-A-21-OA Agenda Item #32

REQUEST

Consideration of amendments to the Knoxville City Code, Appendix B, Article 9 – Uses, to add drug treatment clinics to the C-G (General Commercial), C-H (Highway Commercial), and C-R (Regional Commercial) Zoning Districts as a permitted use.

BACKGROUND

A drug treatment clinic is defined in the Code as, “a facility licensed by the state to administer drugs, such as, but not limited to, methadone or suboxone, in the treatment, maintenance, and/or detoxification of persons.” These clinics are currently permitted in the INST (Institutional) Zoning District and allowed as a special use in the C-H Zoning District.

The local overdose epidemic is getting worse, according to the Knox County Regional Forensic Center’s [2020 Drug Related Death Report](#). In 2020, overdose deaths in Knox County increased 41 percent over 2019 figures, substantially outpacing the 2018-2019 rise of nearly 10 percent. Preliminary data for 2021 indicate a continued upward trend. The five drugs most commonly identified in overdose deaths were synthetic opioids, methamphetamine, alcohol/ethanol, heroin, and cocaine.

According to the [National Institute on Drug Abuse](#), when treating addiction to opioids (prescription pain relievers or drugs like heroin or fentanyl), remediating medication should be the first course of action, usually combined with some form of behavioral therapy or counseling. Additionally, medications are used to help people detoxify from drugs, although detoxification is not the same as treatment and is not sufficient to help a person recover from addiction. Detoxification without subsequent treatment generally results in resumption of drug use.

Federal statutes, regulations, and guidelines govern medication-assisted treatment for opioid addiction. The [Substance Abuse and Mental Health Services Administration](#) manages regulatory oversight surrounding the use of FDA-approved medications for treatment of opioid use disorder by practitioners and treatment programs.

ANALYSIS

Limiting drug treatment clinics to the C-H and INST Zoning Districts significantly restricts access to care for individuals seeking to remain free from addiction. Adding drug treatment clinics to zoning districts that are accessible to transit and other commercial uses can help remove barriers to high quality care

and address the increasing rates of drug addiction and overdose deaths. The medical professionals that serve drug treatment centers, and the drugs they administer, are highly regulated by state and federal authorities. This level of oversight, coupled with the proposed City Code principal use standards, would address any potential adverse impacts associated with adding this use to additional zones.

RECOMMENDATION

Staff recommends approval of amendments to the Knoxville City Code, Appendix B, Article 9 – Uses, to add drug treatment clinics as a permitted use in the C-G (General Commercial), C-H (Highway Commercial), and C-R (Regional Commercial) Zoning Districts and to revise principal use standards for drug treatment clinics.

Exhibit 1: Proposed amendment to Article 9.2 – Use Matrix Table 9-1

Exhibit 2: Proposed amendment to Article 9.3 – Principal Use Standards

Exhibit 1: Proposed amendment to Article 9.2 - Use Matrix Table 9-1

TABLE 9-1: USE MATRIX

P = Permitted Use S = Special Use T = Temporary Use

PRINCIPAL USE	EN	RN- 1	RN- 2	RN- 3	RN- 4	RN- 5	RN- 6	RN- 7	C- N	C- G	C- H	C- R	DK	O	OP	I- MU	I- RD	I- G	I- H	AG	INST	OS	NA	USE STAN- DARD (Section)
Agriculture																				P	P			
Airport																			P					
Alternative Correctional Facility											S													
Amusement Facility— Indoor										P	P	P	P			P								
Amusement Facility— Outdoor											P	P				S								
Animal Care Facility— Large Animal																				P	P			
Animal Care Facility— Small Animal									P	P	P	P	S	S		P				P	P			9.3.A
Animal Breeder																				P				9.3.A
Art Gallery									P	P	P	P	P			P								
Arts and Fitness Studio									P	P	P	P	P	P	S	P	S							

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[illegible]

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Dwelling—Single-Family	P	P	P	P	P	P	P		P	P				P		P				P				
Dwelling—Two-Family		S	S	P	P	P	P		P	P				P		P								9.3.J
Eating and Drinking Establishment									S	P	P	P	P			P	P	P						
Educational Facility—Primary or Secondary	P	P	P	P	P	P	P	P		P	P	P	P								P			
Educational Facility—University or College/Vocational										P	P	S	P		P	S	P	P		S	P			
Financial Institution									P	P	P	P	P	P	P		P							
Financial Service, Alternative										S	S	S												9.3.K
Food Bank																P		P	P					
Food Pantry										S	S										P			
Food Truck Park									S	P	P	P	P			P	P							9.3.L

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Fraternity/Sorority				S	S	S	S													P				
Funeral Home										S	S	S											9.3.M	
Garden, Community	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		9.3.N
Garden, Market	S	S	S	S	S	S	S	S	P	P	P	P	P	P	P	P	P	P	P	P	P	P		9.3.N
Garden, Personal	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		9.3.N
Gas Station									S	S	P	P				S	S	P	P					9.3.O
Golf Course/Driving Range											P	P									P			
Government Office/Facility									P	P	P	P	P	P	P	P	P	P	P		P			
Greenhouse/Nursery—Retail		S	S	S	S	S	S	S	S	P	P	P		S						P				
Group Home	P	P	P	P	P	P	P																	
Halfway House						S	S	S		P	P	P	P	S	S	S					P			

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Healthcare Facility												S			S		S				P			
Heavy Retail, Rental, and Service											P	P						P		S				
Heliport															S	S	S	S	S		S			
Homeless Shelter											S	S	S								P			
Hotel										P	P	P	P		P	P	P							
Impound Lot																			P					9.3.P
Independent Living Facility				S	S	P	P	P	P	P	P	P	P	S										
Industrial—Craft										P	P	P	P			P		P						9.3.Q
Industrial—General																P	P	P	P					
Industrial—Heavy																			P					
Industrial Design									P	P	P	P	P		P	P	P	P						
Kennel											S	S				S				P				9.3.A

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Live Entertainment—Secondary Use										P	P	P	P			P								
Live Performance Venue										S	P	P	S			P								
Live/Work									P	P			P	P		P								9.3.R
Lodge/Meeting Hall									P	P	P	P	P	P		P	P	P	P	P				9.3.S
Marina										S						S		S				S		9.3.T
Medical/Dental Office/Clinic									S	P	P	P	P	P	P		S							
Micro-Brewery/Distillery/Winery									S	P	P	P	P			P		P						9.3.U
Neighborhood Nonresidential Reuse	S	S	S	S	S	S	S	S																9.3.V
Nightclub										S	S	S	S											
Office									P	P	P	P	P	P	P	P	P	P	P		P			
Parking Lot										S	S	P									P			Art. 11

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Parking Structure										P	P	P	P		P	P	P				P			Art. 11
Personal Service Establishment									P	P	P	P	P	P		P	P	P						
Place of Worship	S	S	S	S	S	S	S	S	P	P	P	P	P	P	P					P	P			
Pre-School/Kindergarten	S	S	S	S	S	S	S	S	P	P	P	P	P	P								S		9.3.W
Public Park	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			P	P	P	P	
Public Safety Facility	S	S	S	S	S	S	S	S	P	P	P	P	P	P	P	P	P	P	P	P	P			
Public Works Facility											P	P				P		P	P	P				
Reception Facility										P	P	P	P			S				S				9.3.X
Research and Development															P	P	P	P	P					
Residential Care Facility						S	P	P	S	S	S	S	S								P			9.3.Y
Retail Goods Establishment									P	P	P	P	P			P	P	P						

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[illegible]

G. Drug Treatment Clinic

a. The approval ~~by the Knoxville-Knox County Planning Commission~~ of a drug treatment clinic is contingent upon the receipt of the appropriate license ~~and certificate of need by the Tennessee Health Services and Development Agency through the Department of Mental Health and Substance Abuse Services, Office of Licensure.~~

b. ~~Applicants seeking approval a permit for of a drug treatment clinic must provide w~~Written documentation ~~of that the County Mayor, State Representative, State Senator, and City of Knoxville Mayor have been notified in writing regarding the facility's proposed location, hours of operation, programs and treatments methods offered, and staffing levels and qualifications must be provided. This same information must be made available to the Knoxville-Knox County Planning Commission as part of the special-use application.~~

c. The clinic cannot be located within ~~1,000~~500 feet of an educational facility—primary/secondary, day care facility, ~~or pre-school/kindergarten, park, place of worship, residential dwelling, or pharmacy or similar facility that sells or dispenses either prescription drugs or over the counter drugs,~~ as measured from lot line to lot line.

~~d.~~e. The facility must be located on and have access to an arterial street as shown on the City Major Road Plan.

~~f. In reviewing each application, the Knoxville-Knox County Planning Commission may establish additional requirements or conditions of approval to further reduce the impact such a facility may have on surrounding properties.~~

Commented [a1]: This is all part of the TN Department of Mental Health and Substance Abuse Services process. They have to go through licensure as well as a Certificate of Need process to prove there is a need for additional treatment facilities in the geographic area in which they plan to locate a clinic.

Commented [a2]: Drug Free School Zones are 500 feet as of 2020.

CITY OF KNOXVILLE

INDYA KINCANNON, MAYOR

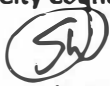


Stephanie Welch

Chief Economic & Community
Development Officer
Deputy to the Mayor

DATE: November 24, 2021

TO: Planning Commission & City Council

FROM: Stephanie Welch 
Chief Economic and Community Development Officer
Deputy to the Mayor

RE: Drug Treatment Centers in Commercial Zoning Districts (Planning File 12-A-21-OA)

Background

According to the Knox County Regional Forensic Center's 2020 Drug Related Death Report, overdose deaths increased by 41% last year alone. This substantially outpaces the rise of nearly 10% between 2018 and 2019. Preliminary data for 2021 indicates a continued upward trend in overdose deaths with synthetic opioids, methamphetamine, alcohol/ethanol, heroin, and cocaine.

"Drug Treatment Centers" are defined in the City Zoning Code as facilities "licensed by the state to administer drugs, such as, but not limited to, methadone or suboxone, in the treatment, maintenance, and/or detoxification of persons."

Under the City's new Zoning Code, Drug Treatment Centers are permitted uses only in the Institutional (INST) zone and are special uses in the Commercial Highway (C-H) zone.

Limiting drug treatment clinics to the C-H and INST Zoning Districts significantly restricts access to care for individuals seeking to remain free from addiction. Adding Drug Treatment Centers to zoning districts that are accessible to transit and other commercial uses can help remove barriers to high quality care and address the increasing rates of drug addiction and overdose deaths. The medical professionals that serve Drug Treatment Centers, and the drugs they administer, are highly regulated by state and federal authorities. This level of oversight, coupled with the proposed City Code principal use standards, would address any potential adverse impacts associated with adding this use to additional zones.

Proposed Amendment

The amendment being proposed to the Planning Commission is to add Drug Treatment Centers as a permitted use in General Commercial (C-G), Highway Commercial (C-H), and Regional Commercial (C-R) Zoning Districts. The amendment also adds principal use standards to Article 9.3. The medical professionals that serve Drug Treatment Centers, and the drugs they administer, are highly regulated by state and federal authorities. This level of oversight, coupled with the proposed City Code principal use standards, would address any potential adverse impacts associated with adding this use to the additional zones.

Recommendation

The City recommends approval of these amendments to the Knoxville City Code, Appendix B, Article 9 – Uses, to add Drug Treatment Centers as a permitted use in the General Commercial (C-G), Highway Commercial (C-H), and Regional Commercial (C-R) Zoning Districts in the Use Matrix and to add Principal Use Standards for Drug Treatment Centers in Article 9.3.

Attachments

Proposed Language, Article 9, Use Matrix and Principal Use Standards