

## ORDINANCE

AN ORDINANCE OF THE COUNCIL OF THE CITY OF KNOXVILLE TO APPROVE AN AMENDMENT TO THE KNOXVILLE CITY CODE, APPENDIX B, ZONING CODE, ARTICLE 9.3.F.6, PRINCIPAL USE STANDARDS ASSOCIATED WITH DRIVE-THROUGH FACILITY, AS PRESENTED IN EXHIBIT 2 OF THE KNOXVILLE-KNOX COUNTY PLANNING COMMISSION FILE, CITY OF KNOXVILLE, APPLICANT (FILE NO. 6-G-22-OA)

ORDINANCE NO: O-112-2022

REQUESTED BY: Planning Commission

PREPARED BY: Law Department

APPROVED ON 1<sup>ST</sup>

READING: 8-9-2022

APPROVED ON 2<sup>ND</sup>

READING: 8-23-2022

APPROVED AS AN EMERGENCY

MEASURE: \_\_\_\_\_

MINUTE BOOK: 86 PAGE \_\_\_\_\_

**WHEREAS**, Appendix B, Article 9.3 of the Knoxville City Zoning Code identifies principal use standards; and

**WHEREAS**, the Knoxville-Knox County Planning Commission ("Planning Commission") staff evaluated the appropriateness of revising requirements regarding the impacts of prohibiting drive-through lanes and windows from being placed between the street and the associated building in the C-G district; and

**WHEREAS**, Planning Commission staff recommended to the Planning Commission approval of amendments to the Knoxville City Zoning Code, Appendix B, Article 9.3.F.6 to add language that would allow drive-through facilities, and all objects associated with them, in the corner side yard in addition to the read and side yards in all districts where they are permitted; and

**WHEREAS**, at its July 14, 2022 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 May 20, 2022 and notice of the City Council meeting on August 9, 2022 was published in the *Knoxville News Sentinel* on July 21, 2022.

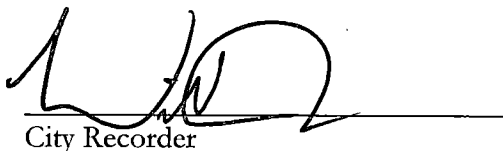
**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF KNOXVILLE:**

**SECTION 1:** The Knoxville City Code, Appendix B, Zoning Code, Article 9.3.F.6 is hereby amended to add language that would allow drive-through facilities, and all objects associated with them, in the corner side yard in addition to the rear and side yards in all districts where they are permitted, as more specifically provided in Exhibit 2 of the Planning Commission file, attached hereto as part of Collective Exhibit 1.

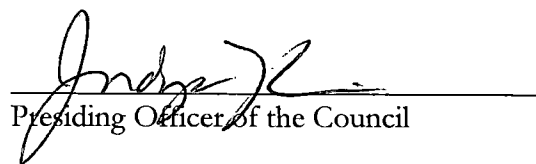
**SECTION 2:** The following Planning Commission documents are attached as Collective Exhibit 1 to this Ordinance and made a part hereof by reference: The Knoxville-Knox County Planning Commission File No. 6-G-22-OA, with all appendices including the May 17, 2022 and July 5, 2022 memoranda from Peter Ahrens and Amy Brooks, respectively, in which the proposed amendments to Article 9.3.F.6, Principal Use Standards are set forth; 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 (17) days from and after its passage, the welfare of the City requiring it.



City Recorder



Presiding Officer of the Council



**CITY OF KNOXVILLE, TENNESSEE**

**City Council**

**AGENDA INFORMATION SHEET**

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**AGENDA DATE:** August 23, 2022

**DEPARTMENT:** Knoxville-Knox County Planning Commission (formerly known as Metropolitan Planning Commission)

**DIRECTOR:** Amy Brooks

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**AGENDA SUMMARY** An Ordinance to amend the Knoxville City Code, Appendix B, Zoning Code, Article 9.3.F.6, "Principal Use Standards Associated with Drive-Through Facility" as presented in Exhibit 2 of the Knoxville-Knox County Planning Commission File, City of Knoxville, Applicant. (Planning Commission Approved 8-0 Consent) (File No. 6-G-22-OA) (All Districts)

**COUNCIL DISTRICT(S) AFFECTED:** The proposed ordinance amendment affects all Council Districts.

**BACKGROUND:** The City of Knoxville requested that the Planning Commission consider amendments to the Knoxville City Code, Appendix B, Zoning Code, Article 9.3.F.6, Principal Use Standards Associated with Drive-Through Facility, to add language that would allow drive-through facilities, and all objects associated with them, in the corner side yard in addition to the rear and side yards in all districts where they are permitted (C-G, C-H, and C-R).

**OPTIONS:** 1. Approve First Reading 2. Approve on Emergency 3. Deny 4. Postpone for future consideration

**RECOMMENDATION:** The Knoxville-Knox County Planning Commission recommended approval of amendments to the Knoxville City Code, Appendix B, Zoning Code, Article 9.3.F.6, Principal Use Standards Associated with Drive-Through Facility as presented in Exhibit 2, by a vote of 8-0 Consent.

**ESTIMATED PROJECT SCHEDULE:** The Planning Commission meeting when this item was considered and recommended for approval was on July 14, 2022. Therefore, the one hundred and twenty day deadline for final Council action on this item is November 11, 2022 per the City Zoning Ordinance, Appendix B, Article 16.1 - Zoning Text and Map Amendment.

**PRIOR ACTION/REVIEW**

Planning Commission Meeting	7/14/2022	Published ad on 5/20/2022
Knoxville City Council	8/9/2022	Published ad on 7/21/2022

**FISCAL INFORMATION:** N/A

**ATTACHMENTS:**

- Amend Appendix B, Article 9.3.F.6 (File No. 6-G-22-OA)-GS (DOCX)

- 6-G-22-OA\_pkg (PDF)

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Andrew Roberto, Vice-Mayor
<b>SECONDER:</b>	Lauren Rider, Fourth District
<b>AYES:</b>	Fugate, McKenzie, Parker, Rider, Roberto, Singh, Smith, Testerman, Thomas

**HISTORY:**

**08/09/22**

**City Council**

**APPROVED ON FIRST READING**

**Next: 08/23/22**

**Discussion:**

Council Member Rider

TO: Knoxville-Knox County Planning Commission  
FROM: Amy Brooks, AICP, Executive Director  
DATE: 7/05/2022  
SUBJECT: 6-G-22-OA Agenda Item #49

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### **BACKGROUND**

Commissioner Tim Hill requested and the Planning Commission approved a 30-day postponement of 6-G-22-OA to allow staff additional time to consider the impacts of prohibiting drive-through lanes and windows from being placed between the street and the associated building in the C-G district.

### **ANALYSIS**

Staff has reconsidered the proposed amendment and added language that would allow drive-through facilities, and all objects associated with them, in the corner side yard in addition to the rear and side yards in all districts where they are permitted (C-G, C-H, and C-R). The addition of corner side yard addresses concerns related to limiting development potential for drive-through facilities on properties that have frontage on two or more streets while continuing to prohibit drive-through facilities from being located within the front yard in all districts.

Drive-through facilities in the C-G district would remain subject to special use approval by the Planning Commission.

### **RECOMMENDATION**

Staff recommends approval of amendments to the Knoxville Code, Appendix B, Zoning Code, Article 9.3.F.6, Principal Use Standards Associated with Drive-Through Facility as presented in Exhibit 2.

Exhibit 1: City of Knoxville Memo

Exhibit 2: Proposed amendments to Article 9.3.F.6, Principal Use Standards

**MEMORANDUM**

**DATE:** May 17, 2022

**TO:** Planning Staff

**FROM:** Peter Ahrens  
Director of Plans Review & Building Inspections

**RE:** Minor Zoning Code Amendment

**Article 9.3.F.6 Principal Use Standards Associated with Drive-Through Facility**

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**Background** The Plans Review and Inspections Department requests the following minor amendment to the Zoning Code of the City of Knoxville Article 9.3.F.6 Principal Use Standards associated with Drive-Through Facility.

- In Article 9.3.F.3 principal use standards associated with Drive-Through Facility. The purpose statement of the C-G (General Commercial) zoning district is, “to promote mixed-use development in a pedestrian-oriented environment.” Drive-Through Facility is a special use in the C-G district. The principal use standard in 9.3.F.6 prohibits the placement of drive through windows and lanes between the street and associated building. This standard should be limited to the C-G district and not C-H (Highway Commercial) and C-R (Regional Commercial) zoning districts where the purpose is to, “accommodate higher-intensity commercial uses of a predominantly auto-oriented character.”

The Department of Plans Review and Building Inspections recommends the adoption of this minor amendment to Article 9.3.F.6 of the Zoning Code, as indicated in the attachment.

**Attachments**

- 1) Proposed minor amendment to Article 9.3.F.6 Drive-Through Facility

Sincerely,

Peter Ahrens  
Director of Plans Review & Building Inspections  
865-215-3938

### 9.3 PRINCIPAL USE STANDARDS

Where applicable, principal uses are required to comply with all use standards of this section, whether a permitted or special use, in addition to all other regulations of this Code.

#### F. Drive-Through Facility

1. All drive-through facilities must provide a minimum of three stacking spaces per lane or bay, unless additional stacking spaces are specifically required by this Code. Restaurants must provide a minimum of four stacking spaces per lane or bay. Further, the City of Knoxville Department of Engineering may require additional internal queuing and stacking spaces and other access points to prevent disruption of traffic flow on adjacent streets.
2. Stacking spaces provided for drive-through uses must be:
  - a. A minimum of ten feet in width, as measured from the outermost point of any service window or bay entrance, to the edge of the driveway/drive aisle, and 18 feet in length. In the case of a recessed service window, the measurement is taken from the building wall.
  - b. Stacking spaces must begin behind the vehicle parked at a final point of service exiting the drive through lane, such as a service window or car wash bay (this does not include a menuboard). Spaces must be placed in a single line behind each lane or bay.
3. All drive-through lanes must be located and designed to ensure that they do not adversely affect traffic circulation on adjoining streets. Drive-through lanes on corner lots must not route exiting traffic into adjacent residential neighborhoods.
4. The minimum width for a drive through lane is ten feet.
5. When a drive-through facility abuts a residential district, a public park, a community or market garden, a place of worship, a primary or secondary educational facility, or day care center, a Class B buffer yard per Section 12.8 and a solid wall or fence, a minimum of six feet and a maximum of eight feet in height, is required.
6. All drive-through facilities, including but not limited to menuboards, stacking lanes, trash receptacles, ordering box, drive up windows, and other objects associated with the drive-through facility, must be located to the side, ~~or corner side, or~~ rear of the building. ~~Drive through windows and lanes may not be placed between the street and the associated building in the C-G (General Commercial) zoning districts.~~
7. If a bail out lane is provided, it must be a minimum width of ten feet in width and run parallel to the drive through lane. If such bail out lane is also an interior access drive providing access to parking spaces, the bail out lane is limited to a one-way traffic pattern following the direction of the drive through lane.

The Planning Commission met in regular session on July 14, 2022 at 1:30 p.m. in the Main Assembly room of the City County Building.

Item No.

File No.

## 1. ROLL CALL, INVOCATION AND PLEDGE OF ALLEGIANCE

Ms. Karyn Adams	Open	A Ms. Tamara Boyer
A Mr. Louis Browning	Mr. Logan Higgins	Mr. Tim Hill, Chair
Open	Open	A Ms. Amy Midis
Mr. Chris Ooten, Vice Chair	Ms. Marité Pérez	Mr. Patrick Phillips
Mr. Jeff Roth	Mr. Nathaniel Shelso	A Mr. Eddie Smith

\* Arrived late to the meeting, \*\* Left early in the meeting, A – Absent from the meeting

## 49. CITY OF KNOXVILLE

6-G-22-OA

Consideration of an amendment to the Knoxville City Code, Appendix B, Zoning Code, Article 9.3.F.6, Principal Use Standards Associated with Drive-Through Facility, to add text that prohibits drive-through windows and lanes from being placed between the street and the associated building in the C-G district.

### 1. STAFF RECOMMENDATION

Staff recommends approval of amendments to the Knoxville Code, Appendix B, Zoning Code, Article 9.3.F.6, Principal Use Standards Associated with Drive-Through Facility as presented in Exhibit 2.

**APPROVED ON CONSENT EARLIER IN THE MEETING**

### 2. MOTION (PHILLIPS) AND SECOND (ROTH) WERE MADE TO APPROVE THE CONSENT ITEMS AS READ WITH THE EXCEPTION OF ITEM #17 AND ITEM 22.

**MOTION CARRIED UNANIMOUSLY 8-0. APPROVED**





KNOX CTY METRO PLANN  
400 W MAIN ST # 403  
KNOXVILLE TN 37902--242

<u>Account</u>	<u>AD#</u>	<u>Net Amount</u>	<u>Tax Amount</u>	<u>Total Amount</u>	<u>Payment Method</u>	<u>Payment Amount</u>	<u>Amount Due</u>
1317419	0005343153	\$256.06	\$0.00	\$256.06	Invoice	\$0.00	\$256.06

Sales Rep: SMMadden

Order Taker: SMMadden

Order Created 07/18/2022

<u>Product</u>	<u># Ins</u>	<u>Start Date</u>	<u>End Date</u>
KNS-knoxnews.com	1	07/21/2022	07/21/2022
KNS-Knoxville News Sentinel	1	07/21/2022	07/21/2022

\* ALL TRANSACTIONS CONSIDERED PAID IN FULL UPON CLEARANCE OF FINANCIAL INSTITUTION

**PUBLIC NOTICE**

The following items will be considered by the Knoxville City Council on August 9, 2022 at 6:00 p.m. in the Main Assembly Room, City County Bldg., 400 Main St., Knoxville, TN. For information related to these items, visit [KnoxPlanning.org/agenda](http://KnoxPlanning.org/agenda). If you need assistance or accommodation for a disability, please contact the City ADA coordinator at (865) 215-2104.

**PLAN**

**AMENDMENTS/REZONINGS**

**7-A-22-RZ - HOSPITALITY**

**PANTRIES, INC.** - 0 W. Scott Ave. Property located east of Davanna St., south of W. Scott Ave. Proposed rezoning. Planning Commission Recommendation: Approve rezoning to I-MU (Industrial Mixed-Use).

**7-D-22-RZ - SCOTT TORBETT /**

**J.A. MURPHY GROUP, LLC** - 0 Gleason Dr. Property located south side of Gleason Dr., southeast of intersection of S. Gallaher View Rd. Proposed rezoning. Planning Commission Recommendation: Approve rezoning to RN-6 (Multi-Family Residential Neighborhood) and HP (Hillside Protection Overlay).

**7-D-22-SP AND 7-A-22-PA - DOWELL SPRINGS COMPANY** - 0

Dowell Springs Blvd. Property located northeast end of Dowell Springs Blvd., north of intersection with Old Weisgarber Rd. Proposed sector and One Year Plan amendments. Planning Commission Action: Approve Northwest County Sector and One Year Plan amendments to MDR/O (Medium Density Residential/Office) and HP (Hillside Protection).

**7-L-22-RZ - LUCKY CLARK** - 155

Old State Rd. Proposed rezoning. Planning Commission Recommendation: Approve rezoning to RN-2 (Single-Family Residential Neighborhood) and HP (Hillside Protection Overlay).

**7-G-22-SP AND 7-B-22-PA AND 7-T-22-RZ - DOMINION RIVERSIDE, LLC** - 1624 Riverside Dr. Proposed

sector and One Year Plan amendments, proposed rezoning. Planning Commission Action: Approve Central City Sector and One Year Plan amendments to MU-RC (Mixed Use Regional Center), HP (Hillside Protection) and SP (Stream Protection) and rezoning to DK-E (Downtown Knoxville Edge Subdistrict), HP (Hillside Protection Overlay) and F (Floodplain Overlay).

**7-U-22-RZ - OBARR, LLC / ISAAC**

**PENNELL** - 5036 Obarr Dr. Proposed rezoning. Planning Commission Recommendation: Approve rezoning to RN-2 (Single-Family Residential Neighborhood).

**PLANNED DEVELOPMENT**

**4-A-22-PD - DAVID COCKRILL**

**(REVISED)** - 1834 Beech St. Proposed planned development. Planning Commission Recommendation: Approve Preliminary Plan for the Historic Giffin Square planned development, including approval of the requested exceptions to the underlying zoning's dimensional and use standards, subject to 4 conditions.

**ORDINANCE AMENDMENTS**

**6-G-22-0A - CITY OF KNOXVILLE**

- Consideration of an amendment to the Knoxville City Code, Appendix B, Zoning Code, Article 9.3.F.6, Principal Use Standards Associated with Drive-Through Facility, to add text that prohibits drive-through windows and lanes from being placed between the street and the associated building in the C-G district. Planning Commission Recommendation: Approve amendment as presented in Exhibit 2.