

CASE SUMMARY

APPLICATION TYPE: ORDINANCE AMENDMENT

KNOXVILLE-KNOX COUNTY

M P C
METROPOLITAN
P L A N N I N G
C O M M I S S I O N

T E N N E S S E E

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File Number: 12-C-13-OA **Related File Number:**
Application Filed: 11/5/2013 **Date of Revision:**
Applicant: KNOXVILLE CITY COUNCIL

PROPERTY INFORMATION

General Location:
Other Parcel Info.:
Tax ID Number: 999 999 **Jurisdiction:**
Size of Tract:
Accessibility:

GENERAL LAND USE INFORMATION

Existing Land Use:
Surrounding Land Use:
Proposed Use: **Density:**
Sector Plan: **Sector Plan Designation:**
Growth Policy Plan:
Neighborhood Context:

ADDRESS/RIGHT-OF-WAY INFORMATION (where applicable)

Street:
Location:
Proposed Street Name:
Department-Utility Report:
Reason: Amendments to the City of Knoxville Zoning Ordinance regarding the possible addition of "home office" to the zoning regulation definitions and potentially allowing home offices in R-1E Low Density Exclusive Residential districts

ZONING INFORMATION (where applicable)

Current Zoning:
Former Zoning:
Requested Zoning:
Previous Requests:
Extension of Zone:
History of Zoning:

PLAN INFORMATION (where applicable)

Current Plan Category:

Requested Plan Category:

SUBDIVISION INFORMATION (where applicable)

Subdivision Name:

No. of Lots Proposed: No. of Lots Approved: 0

Variances Requested:

S/D Name Change:

OTHER INFORMATION (where applicable)

Other Bus./Ord. Amend.: Amendments to the City of Knoxville Zoning Ordinance regarding the possible addition of "home office" to the zoning regulation definitions and potentially allowing home offices in R-1E Low Density Exclusive Residential districts

MPC ACTION AND DISPOSITION

Planner In Charge: Mark Donaldson

Staff Recomm. (Abbr.): Staff recommends that the planning commission recommend that City Council approve amendments B and C to allow home offices as a permitted use in the R1-E district, subject to the proposed regulations found at Article V, Section 12.

Staff Recomm. (Full):

Comments: City Council has specifically requested MPC to study and consider adding the definition of home office to the zoning regulations and make a recommendation to City Council if home offices should be allowed in the R-1E low density exclusive residential zone districts.

BACKGROUND

Recently City Council initiated a proposed general rezoning of the Forest Heights neighborhood in near west Knoxville from R-1 to R-1E. The reported reason for the change was to eliminate in the neighborhood the possibility of duplexes being allowed as a use permitted on review. The R-1 district allows duplexes to be considered as a use permitted on review, while the R-1E district does not. During neighborhood discussion, the issue of home occupations also was raised. The R-1 district allows home occupations to be considered as a use permitted on review, while the R-1E district does not, and several neighborhood residents wanted to retain the right to use their homes for some sort of home occupation. After some deliberation, neighborhood leaders chose to pursue the idea of creating a definition for home offices and consider such a use of space within a residence in the R-1E district.

ANALYSIS

Currently, in the City's zoning ordinance, home occupations are defined and regulations described in Article V, Section 12. A home occupation is defined as a gainful occupation conducted in a dwelling unit by a resident thereof and regulations established include, but are not limited to, one employee who does not live on the premises, the allowance for one small sign on the property, the use of up to 25% of the dwelling for the home occupation, and the sales and storage of products produced on the premises. In addition there is a short list of allowed occupations and a short list of occupations not allowed.

Home occupations are listed as uses permitted on review in the R-1, R-1A, R-2, R-3, EN-1, and EN-2 residential districts. A short list of live/work uses is permitted by right in the R-4 zone district. R-1E is the only basic residential zone district which does not address home occupations, although the planned residential districts (RP-1, RP-2 and RP-3) do not mention home occupations either.

Ironically, in the balance of Knox County, where the development pattern is one of relatively strict isolation of various land uses, home occupations are allowed in the residential zone district as a use permitted by right, subject to nearly identical regulations as in the City of Knoxville.

Several cities and counties have multi-tiered home business approaches to regulation. A good example is Prince William County in the Washington DC region. It defines home business, home employment and home occupation within its zoning ordinance, with home business the most intense and home occupation, which is most like the proposed home office for Knoxville, the least intense. The City of Miami, FL describes home office as a less intense type of home occupation.

R-1E is arguably the most restrictive zone district in the City of Knoxville zoning ordinance. It has the same density and yard requirements as the R-1 zone district, but has eliminated most of the uses permitted on review. The use of part of a residence as a home office in the R-1E zone district should

be allowed by right, and if allowed in the most restrictive residential zone district in the city should at some point in the near future also be considered in all other residential zone districts.

The current regulations pertaining to home occupations can be modified to be less intensive for home offices by requiring, in addition to some of the same restrictive home occupation requirements:

- No outside employees,
- No outside sign,
- No production or display of products,
- No repair of materials, merchandise, or products,
- No customer, client or outside employee meetings, and
- No additional parking required.

STRATEGY

The concept proposed is to create a home office use of residential space that is more restrictive than a home occupation and allows use of space within a residence to conduct a resident's occupation with none of the potential impacts currently allowed by the regulations for a home occupation.

Staff proposes a definition, proposed regulations, and the modifications necessary to allow a home office as a use permitted by right in the R-1 zone district.

Staff also suggests that if a home office is permitted by right in the R1-E district, then at some point in the near future that right should also be considered for all residential uses.

Action: Approved **Meeting Date:** 12/12/2013

Details of Action:

Summary of Action: approve amendments B and C to allow home offices as a permitted use in the R1-E district, subject to the proposed regulations found at Article V, Section 12.

Date of Approval: 12/12/2013 **Date of Denial:** **Postponements:**

Date of Withdrawal: **Withdrawn prior to publication?:** **Action Appealed?:**

LEGISLATIVE ACTION AND DISPOSITION

Legislative Body: Knoxville City Council

Date of Legislative Action: 1/7/2014 **Date of Legislative Action, Second Reading:** 1/21/2014

Ordinance Number: O-19-2014 **Other Ordinance Number References:** O-19-2014

Disposition of Case: Approved **Disposition of Case, Second Reading:** Approved

If "Other": **If "Other":**

Amendments: **Amendments:**

Date of Legislative Appeal: **Effective Date of Ordinance:**