



AGENDA ITEM#: 8

MEMORANDUM

TO: Metropolitan Planning Commission

FROM: Mark Donaldson, Executive Director

DATE: December 12, 2013

SUBJECT: 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.
12-C-13-OA

REQUEST

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.

STAFF RECOMMENDATION

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.

EXHIBITS

- EXHIBIT A - Current home occupation requirements compared to proposed home office requirements
- EXHIBIT B – Proposed amendment to Article V, Section 12
- EXHIBIT C – Proposed amendment to R-1E district permitted uses

Current Home Occupation Vs. Proposed Home Office
Regulations

Category of Regulation	Current Home Occupation	Proposed Home Office
Definition	A home occupation is a gainful occupation conducted in a dwelling unit by a resident thereof	A home office is a space within a dwelling unit designed for and used to support an occupation of a person residing in the dwelling unit involving only written correspondence, telephones, computers, or other common office equipment.
Accessory to Residential Use	The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and ...	The use of the dwelling unit for the home office shall be clearly incidental and subordinate to its use for residential purposes by its occupants.
Area of Use	not more than twenty-five (25) percent of the floor area of the dwelling unit shall be used in the conduct of the home occupation.	Not more than twenty-five (25) percent of the floor area of the dwelling unit shall be used in the conduct of the home occupation.
Employees	No more than one (1) person other than members of the household residing on the premises shall be engaged in such occupation.	No employees shall be permitted to work on the premises, except for family members residing in the dwelling unit and except that a disabled individual may employ a personal care attendant as necessary to accommodate a home office use.
Outside appearance	There shall be no change in the outside appearance of the building or premises ... or other visible evidence of the conduct of such home occupation ...	No visible evidence of such home office to the outside appearance of the residence or its premises shall be permitted.
Outdoor storage	, nor outdoor storage of anything,	No outdoor storage of material, merchandise or other product related to the home office shall be permitted.
Signs	other than one (1) sign, not exceeding two (2) square feet in area, nonilluminated, and mounted flat against the wall of the principal building.	No outside signs in relation to the home office use shall be permitted.
Location of Space	No home occupation shall be conducted in any accessory building.	No home office shall be located in any accessory building.
Sales of goods and services	There shall be no sales in connection with such home occupation other than sales of services and products produced on the premises.	No production or display of products is permitted; no repair of any type of materials, merchandise or other products is permitted; storage of items for distribution is confined to the home office area.
Traffic	No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, ...	No customer, client, or outside employee meetings shall be conducted within the dwelling unit or its home office.
Parking	and any need for parking generated by the conduct of such home occupation shall be off the street and other than in a required front yard.	No additional parking is required for a home office use.
Equipment	No equipment or process shall be used in such home occupation which increases noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a house, or outside the dwelling unit if conducted in other than a house. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in the line voltage off the premises.	No equipment or process shall be used in such home occupation which increases noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a house, or outside the dwelling unit if conducted in other than a house. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in the line voltage off the premises.

Proposed Amendment to Regulate
Home Offices in the R-1E Zone District

Added language ~~Deleted language~~

ARTICLE V, SECTION 12
HOME OCCUPATIONS **and HOME OFFICES**

This section defines home occupations **and home offices** and prescribes the conditions under which such occupations **and offices** may be permitted.

- A. A home occupation is a gainful occupation conducted in a dwelling unit by a resident thereof, provided that:
1. No more than one (1) person other than members of the household residing on the premises shall be engaged in such occupation.
 2. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty-five (25) percent of the floor area of the dwelling unit shall be used in the conduct of the home occupation.
 3. There shall be no change in the outside appearance of the building or premises, nor outdoor storage of anything, or other visible evidence of the conduct of such home occupation other than one (1) sign, not exceeding two (2) square feet in area, nonilluminated, and mounted flat against the wall of the principal building.
 4. No home occupation shall be conducted in any accessory building.
 5. There shall be no sales in connection with such home occupation other than sales of services and products produced on the premises.
 6. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be off the street and other than in a required front yard.
 7. No equipment or process shall be used in such home occupation which increases noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a house, or outside the dwelling unit if conducted in other than a house. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in the line voltage off the premises.
- B. The following occupations, subject to the requirements of the above section, may be permitted as home occupations:
1. Artist, sculptor, author.
 2. Barber shop and beauty shop.
 3. Dressmaker, milliner, seamstress, tailor, interior decorator.
 4. Professional office of a physician, dentist, lawyer, engineer, architect or accountant.
 5. Teaching, including tutoring, musical instruction or dancing, but limited to one (1) pupil per teacher at any given time.
 6. Computer programming and word processing.
 7. Telephone answering.
 8. Cooking and preserving.
 9. Any other similar use which the Planning Commission deems to be a home occupation.
- C. The following are prohibited as home occupations:
1. Tea rooms.

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2. Tourist homes.
3. Real estate offices.
4. Convalescent homes.
5. Funeral establishments.
6. Animal hospitals.
7. Repair shops.
8. Catering services.

D. Stores, trades or business of any kind not herein excepted shall not be deemed to be home occupations.

E. A home office is a space within a dwelling unit designed for and used to support an occupation of a person residing in the dwelling unit involving only written correspondence, telephones, computers, or other common office equipment; provided that:

- 1. The use of the dwelling unit for the home office shall be clearly incidental and subordinate to its use for residential purposes by its occupants;**
- 2. No more than twenty-five (25) percent of the floor area of the dwelling unit shall be used in the conduct of the home occupation;**
- 3. No employees shall be permitted to work on the premises, except for family members residing in the dwelling unit and except that a disabled individual may employ a personal care attendant as necessary to accommodate a home office use;**
- 4. No visible evidence of such home office to the outside appearance of the residence or its premises shall be permitted;**
- 5. No outdoor storage of material, merchandise or other product related to the home office shall be permitted;**
- 6. No outside signs in relation to the home office use shall be permitted.**
- 7. No home office shall be located in any accessory building.**
- 8. No production or display of products is permitted; no repair of any type of materials, merchandise or other products is permitted; storage of items for distribution is confined to the home office area.**
- 9. No customer, client, or outside employee meetings shall be conducted within the dwelling unit or its home office.**
- 10. No additional parking is required for a home office use.**
- 11. No equipment or process shall be used in such home occupation which increases noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a house, or outside the dwelling unit if conducted in other than a house. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in the line voltage off the premises.**

(Ord. No. O-71-80, § 1, 5-27-80; Ord. No. O-126-84, § 1, 8-14-84; Ord. No. 176-06, § 1, 8-29-06; Ord. No. O-202-06, § 1, 9-26-06; Ord. No. O-83-13, § 1, 5-28-13)

Proposed Amendment to Permit
Home Offices in the R-1E Zone District

Added language ~~Deleted language~~

ARTICLE IV, SECTION 2.1.3
R-1E Low Density Exclusive Residential District

A. General description. This is a restrictive residential district intended to be used for establishing low density residential subdivisions and areas immediately adjacent to such development intended to be defined and protected from encroachment of uses not performing a function necessary to the low density residential environment.

B. Permitted principal and accessory uses and structures. Property and buildings in an R-1E low density exclusive residential district shall be used only for the following purposes:

1. Houses, but not including trailer houses or mobile homes.
2. Utility substations, easements, alleys and rights-of-way, and transportation easements, alleys and rights-of-way.
3. Accessory uses, subject to the provisions of article V, section 4.
4. Accessory buildings and structures, subject to the provisions of article V, section 4.C.
5. Signs, as regulated in article V, section 10.
6. Agricultural crops, but not the raising of farm animals or poultry other than the keeping of domesticated chickens subject to the provisions of Chapter V, Section 5.107 of the Code of the City of Knoxville.
- 7. Home offices, subject to the provisions of article V, section 12.**

Ba. Uses and structures permitted on review. The following uses may be permitted on review by the planning commission in accordance with provisions contained in article VII, section 5:

1. Commercial telecommunications towers not located on the site of a substation owned or leased by an electric utility company or district.
2. Accessory buildings and structures, subject to the provisions of article V, section 4.C and D, with building coverage that does not exceed the building coverage of the principal building, but exceeds the maximum size for a single accessory building as a permitted use.