

EXCERPT MINUTES OF THE SEPTEMBER 6, 2012 WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION HEARING

Case No.: DER2012-00006 – Amendment to the Wichita-Sedgwick County Zoning Code, as amended, dealing with: Section III-D.1, Principal Use Regulations Schedule; Section III-D.6.b, Supplementary Use Regulations and Section IV-E, Home Occupations, including codification and other minor amendments.

BACKGROUND: Earlier in the year Metropolitan Area Planning Department (“MAPD”) staff was requested by the Sedgwick County Board of County Commissioners to review *Wichita-Sedgwick County Unified Zoning Code* (“UZC”) regulations dealing with rural home occupations. A four-person citizen’s committee composed of Charlie Peaster, John Daley, Max Weddle and Joe Johnson were appointed to assist with the review. MAPD and County Law staff met with the citizen’s committee on approximately six occasions. Based upon comments made by the committee, a number of amendments to the UZC, primarily dealing with rural home occupations found in Article IV, Section IV.E, were drafted.

On August 2, 2012, the Metropolitan Area Planning Commission (“MAPC”) established September 6, 2012, as the date for a public hearing to consider amendments to the July 9, 2009 Edition of the Wichita-Sedgwick County Unified Zoning Code (“UZC”), as amended, dealing with: Section III-D.1, Principal Use Regulations Schedule; Section III-D.6.b, agricultural Supplementary Use Regulations; Section IV-E, Home Occupations and Section V-I.2, Types of adjustments allowed, including codification and other amendments as identified below. The MAPC instructed that the proposed amendments be sent to the Advanced Plans Committee for review and comment. On August 16, 2012, and August 30, 2012, the Advanced Plans Committee met with staff and the citizen’s committee. The proposed amendments presented below were approved by unanimous vote by the Advanced Plans Committee and with the Citizen’s Committee’s unanimous concurrence.

The only proposed clarification to non-rural home occupations is found in Section IV.E.3.g, which makes it evident that inventory produced by employees of a home occupation can be legally sold. The current language can be interpreted to mean that a home occupation can have employees that produce inventory but inventory made by employees cannot be sold on the premises. The proposed amendment removes the possibility of that interpretation.

Some of the recommended modifications to Article IV, Section IV-E are:

- A) Sec. IV-E is a clarification that there are two types of home occupations – home occupations that are allowed in any residential district regardless of city or county location and rural home occupations that are only allowed in the county. Rural home occupations are those uses that would not be appropriate on urban scale lots, such as “animal care, general and limited” or “contractor storage” or a “machine shop” but are generally considered to be appropriate on larger rural tracts, subject to certain development standards.
- B) Sec. IV-E.3.f allow rural home occupations located in the SF-20 Single-family Residential (“SF-20”) and RR Rural Residential (“RR”) districts to have the equivalent of four full time employees by right instead of only two employees.

- C) Sec. IV-E.3.g is a clarification that products made at the home occupation site by employees of the home occupation may be displayed or sold on the premises.
- D) Sec. IV-E.5.j adds “tattooing and body piercing facilities (County)” to the list of permitted home occupations.
- E) Sec. IV-E.7.a reduces the minimum lot size requirement for a rural home occupation from 20 acres to two acres.
- F) Sec. IV.E.7.b reduces from 600 feet to 40 feet the required separation distance between a rural home occupation and a residence located off-site that does not operate a rural home occupation.
- G) Sec. IV-E.7.d states outside storage shall not be located within any required building setback or within 20 feet of a property line, whichever is greater instead of 200 feet. Screening of outside storage is required on properties of less than five acres in size or within 50 feet, instead of 600 feet, of a property line or public right-of-way. A provision has been added, Sec. IV-I.2, to allow administrative zoning adjustments to the screening requirements.
- H) Sec. IV.E.7.e states that rural home occupations are permitted to have on-site the equivalent of four full time employees by right, instead of being limited to two employees. Rural home occupation employees that do not report to the site of the rural home occupation do not count towards the total of four full time employees.
- I) Sec. IV.E.7.h states that rural home occupations that cannot meet one or more of the rural home occupation development standards but have two acres may apply for a Conditional Use for a waiver of the standards.
- J) Sec. IV-8.l clarifies that the parking of one commercial vehicle that exceeds 26,000 pounds, owned by the occupant is a permitted rural home occupation
- K) Sec. IV.E.7.q-t adds the following used to those uses permitted as a rural home occupation: lawn care service, truck garden, firewood sales, tattooing and body piercing facilities and uses determined by the Zoning Administrator to be similar in character to other listed rural home occupations are permitted.

CASE HISTORY: The Unified Zoning Code was first adopted in 1996, and has since been amended on a few occasions. Prior to 1996, the City of Wichita and Sedgwick County had separate zoning codes. The 1996 Unified Zoning Code created the first set of nearly uniform land use regulations for the two local governments.

CONFORMANCE TO PLANS/POLICIES: The *Wichita-Sedgwick County Comprehensive Plan Preparing for Change* contains the goal to encourage orderly growth in order to meet future demand while considering cost to tax payers, developers, the environment and the community as a whole (Land Use-General Goal I).

FINDINGS: In recent years home occupations have become an increasingly significant segment of the City’s and County’s land use mix. It is important to provide opportunities for a wide variety of home occupations in a manner that protects the essential characteristics of low and rural density residential zoning districts from potential nuisances caused by home occupations. It is also important to recognize the different character of homes located in the county on a variety of larger lot sizes and the increased kinds of rural home occupation activities that may be appropriate on larger tracts. Some of the proposed amendments clarify existing home occupation and rural home occupation standards. In other cases, new uses are added, and existing development standards are modified. With respect to rural home occupations, the proposed

changes recognize that most of the county is zoned RR Rural Residential (“RR”) which has a minimum lot size of two acres; has a minimum lot width of 200 feet and has building setbacks of 20 to 25 feet. The minimum RR development standards allow for a wider variety of activities and a greater number of employees as a rural home occupation use than would be appropriate on urban scale lots. The kinds of uses allowed or proposed to be allowed as a rural home occupation are generally no more intense than traditional farm activities. The proposed setback and screening requirements are designed to protect nearby residences from excessive traffic or other undesirable impacts while recognizing that many residences are often surrounded by large tracts of farm ground or other natural buffers. The proposed amendments promote the comprehensive plan’s goal of providing orderly growth and should not detrimentally impact existing community facilities.

RECOMMENDATION: Approve the proposed amendments to the Wichita-Sedgwick County Unified Zoning Code.

DALE MILLER, Planning Staff presented the Staff Report.

ALDRICH asked if this would have any effect on seasonal operations, for example, a haunted house operation or would the separation between a business and residence for example like a rescue center, would that type have any adverse effect on those types of businesses.

MILLER said that specifically a haunted house is categorized as outdoor or indoor recreation and requires a Conditional Use, it’s not allowed as a home occupation, so that particular use wouldn’t be covered. Then like a rescue operation, are you talking about someone who rescues dogs or horses or something, well technically, if its horses and you are boarding horses that are not yours, then that makes you a stable and you would need a Conditional Use. Now if you owned the horses, just by virtue of the fact that somebody couldn’t take care of them and they gave them to you, then you wouldn’t need the Conditional Use because they would be considered your own property. The dogs would be the same way only that would be a kennel. The only difference is, with kennels there’s a definition on the maximum number of dogs that you could have before you are considered to be a kennel, I believe.

ALDRICH asked if it would be the same thing if it was birds or...

MILLER answered presumably, I hadn’t thought about birds.

ALDRICH stated he was referring to the facility that we heard here a while back that had some issues since they had different types of birds, eagles and things of that nature, so I was just wondering how that would affect, because there was a neighbor, if I recall, that had some issues with it, so I’m just wondering if that would have any bearing.

MILLER answered that he didn’t believe we did anything here that would change anything on that particular application.

FOSTER stated that he wished he had more time to study this, but I have a few questions for you. On Section III-D.6.b referencing agriculture there and just to confirm the RR and the SF-20 zone would be allowed to have the agricultural uses as defined. Is that correct?

MILLER stated correct.

FOSTER stated that if you look at the definition here on page 8 it refers to agricultural or forestry products or for the purpose of raising livestock. Then it goes further and defines sales that can occur, sales of nursery stock, firewood, Christmas trees, etc. Would those sales include livestock?

MILLER asked if he was saying if a farmer or rancher can sell livestock off of their site. Is that what you are asking?

FOSTER stated that according to this, on a 20,000 square foot lot in the SF-20 you could do agriculture.

MILLER stated that if you are doing agriculture...

FOSTER and that would include sales.

MILLER stated that is exempt from these regulations. These would not apply.

FOSTER stated that you could sell livestock on a 20,000 or less than a half acre lot. That's what I want to understand.

MILLER stated that if you are ruled to be an agricultural use. Bob, do you agree with that?

BOB PARNACOTT, ASSISTANT COUNTY ATTORNEY stated that yes, if it is understood to be a traditional agricultural use, then that is allowed and is exempt from the zoning requirements. Now there may be other requirements, I'm speaking for the unincorporated area primarily, what you are talking about under agricultural sales and service is not really what you would consider to be traditional agricultural uses, so we zone that. Again, the sale of farm tools, equipment, feed, grain and tact, those kinds of things. I don't know if that helps, does it.

FOSTER stated he still thinks there's a little opening there for something to occur.

PARNACOTT stated that again, the problem is the agricultural exemption is imposed by statute and we don't have any control over that through the zoning code.

MILLER stated that he thinks the distinction would be raised if we went through an interpretation is if the person on the 20,000 square foot lot had raised the animals on the acreage then that would be agricultural, but if they are bringing them in from off site, that they didn't raise, then that's a different category.

FOSTER asked that as long as it's raised onsite, they can sell it?

MILLER answered yes.

FOSTER said if you go to page two, Item F, sorry Item G, no inventory except articles produced onsite by members of the immediate family residing on the premises or employees of the home occupation shall be displayed or sold on the premises. Are there any guidelines or controls related to display of these items that would be for sale?

MILLER stated that it depends on what they are selling. If it was something that involved a structure, they would have to observe the building setbacks, but if you are just talking about candles or some other activity they would have to follow the standard rules that we would have regarding structures.

FOSTER said that the only requirement that I found was related to outdoor equipment and storage which required it to be behind the principle use structure. Is that what is going to be the only control on this, or does that even apply?

MILLER answered that storage and display are usually defined as two different things and so if it is truly storage that wouldn't fall under that rule.

FOSTER said that in other words there aren't controls for the display of products that are to be sold.

MILLER said that he didn't believe so and don't believe there had been under the current statutes.

PARNACOTT said that if he could interject, if you look in the zoning code on page 198, there is a requirement that the home occupation be conducted entirely within the principal dwelling unit or in permitted accessory structures and that only applies to home occupations. We have some exceptions on things that can occur outside, but when we are talking about display of inventory, I think you are primarily looking at people who have a candle display in side their home; they are making candles at home and are having people come in the home to buy from that site. So I don't know if that is much in display of inventory on the outside, it's more an indoor type of thing.

FOSTER said he could give you an instance, for example a company that sharpens mower blades and eventually got into mower repair and eventually have twenty plus mowers displayed at any one time attempting to be sold. That's why I'm asking these kinds of questions about display.

MILLER said that maybe an oversight that the commission may want us to take a look at.

FOSTER had another question on page four, this 7b, rural home occupation must be located at least forty feet from residences located offsite from zoning lot or property containing the rural home occupation less the offsite residence operates a rural home occupation. The question here

is does this deny someone who does not have a home occupation who is adjacent to one, could they come back and do that?

MILLER stated no, the way the original wording was you could have a rural home occupation as long you were located 600 feet from an offsite dwelling that did not operate a rural home occupation but if they were operating a rural home occupation then the second one didn't have to observe the 600 feet separation. So because of the change in the minimum lot size we had to change that distance down to the one you see there. So no, this does not preclude someone from coming in next door to a rural home occupation and putting in a rural home occupation.

FOSTER stated that it says adjacent, if the, if someone wanted to do that and the other one had a rural occupation, they couldn't.

MILLER stated what it is saying is that the rural home occupation has to be located forty feet from a residence that does not have rural home occupation.

FOSTER asked a follow up question, how do you get from 600 to forty?

MILLER answered that the minimum lot width in RR is 200 feet, and so if you actually had a series of lots that met the minimum lot size that would preclude the 600 feet and would prevent anyone within the 600 feet from basically running a rural home occupation if they were all lined up with residences . So what we tried to do was get a number that made sense with the minimum lot size of two acres instead of twenty acres. If you think about it, a ten acre tract, although I don't know how many out there would be perfectly square, would be 660 x 660.

PARNACOTT added that's the side setback isn't it, the twenty feet.

MILLER stated yes.

PARNACOTT stated that's how we came up with it, the existing side setback.

MILLER said that we were trying to get numbers that made sense with the two acre minimum lot size as opposed to the twenty acres.

FOSTER asked going down further, Item D, the last sentence there that's underlined, screening requirements for rural home occupations may be reduced or waived by administrative adjustment as described in Section V-1.2, are there some situations where administratively the neighbors may not hear or be notified of a rural home occupation?

MILLER answered that we don't send out individual notices with administrative adjustments. They are required to put up the red and white sign that's supposed to be visible from their property. Its supposed to be up for ten days. So theoretically, if someone was interested they would see the sign, and if they wanted to call for the details, it would be available to them. This was put in as a result of the Advance Plans Committee's first meeting. The original proposal that came out of the committee was to eliminate the screening requirement completely. The committee thought that for smaller tracts that probably didn't make sense. So they asked us to

come back with a revision that would trigger screening in certain circumstances. So that's why we came up with, if you are less than five acres, you could go through this process. If you have some natural screening in place, where it makes sense where you wouldn't have to put new screening in then you can do the administrative adjustment and not have to build separate screening; but then on the larger tracts, you would be able to go by the standard rules.

FOSTER stated, going on down, on Item F, only the standards of Section IV-E3a and IV-E3c, it eliminates a couple of them, shall apply to rural home occupation. If you go to that section, page 189, that eliminate all but two of the standards there. Now let me ask you, the home occupation shall not occupy more than 50% of the gross floor area contained within the dwelling unit. Does that apply anymore?

MILLER stated that the best way for me to answer that is, currently rural home occupations already have those exemptions. This is essentially a repeat; the only thing that has changed is we eliminated IV-E3g and IV-E3h. Everything else is the same as it is today.

FOSTER asked what percent of the rural dwelling could be home occupation then.

MILLER stated that he didn't have the code in front of me, is that under III-A or III-C?

FOSTER stated III-B.

MILLER stated then for rural home occupations that wouldn't apply if that was III-B, because the only ones that apply are A and C.

FOSTER asked if 75 or 100% of a rural dwelling be home occupation.

MILLER said it sounds like it.

FOSTER stated that it also says that there is no outdoor storage of equipment, including but not limited to construction equipment, so forth, so that's taken out as well, right?

MILLER stated right, other than the standard screening requirement. Now getting back to the other one, we may need to confer here, but I don't know if we intended to allow a rural home occupation to occupy 100% of the floor area. That may be something that we didn't catch when we went through it, but we can certainly discuss that.

FOSTER stated that there is a couple more in here that are struck and one, the home occupation shall be conducted entirely in the principal dwelling unit or in a permitted accessory structure. I'm curious how the accessory structure comes into play here.

MILLER said that the main distinction is, in just a home occupation, it cannot be in an accessory structure, it's supposed to be in the principal structure. So the rural occupation allows the accessory structure to come into play.

FOSTER asked if that was up to 10,000 square feet or how much was that?

MILLER answered that it gets back to that limitation there. Keep in mind here we are dealing with two different sets of home occupations: there's the general home occupation that allowed both in the City and the County, and then there are only those uses defined as rural home occupation that are allowed in the County on tracts of two acres or more that are zoned RR or SF-20.

FOSTER asked on page five, Item 8e, notwithstanding the definition of vehicle repair, limited, and such use may be conducted outside as a rural home occupation. Notwithstanding means in spite of that particular situation and if you go back to the definition of vehicle repair, limited, does that mean if someone outside on a 20,000 square foot lot or a two acre property could do electronic tune ups, brake repair, air conditioning repair, transmission and engine repair, generator and starter repair, tire repair, front end alignment, battery recharging, lubrication, sales, repair and installation of parts and accessory and so forth. This goes on further to define general vehicle repair as well. Is that correct?

MILLER answered if its vehicle limited, this clause allows vehicle repair limited to be done entirely outside. If it is vehicle repair general, the main distinction being body work, then that has to be done inside.

FOSTER asked if there are any provisions related to how long those vehicles can be there in their repair state.

MILLER answered not in the home occupation section. I don't know if there are other codes that apply on inoperable vehicles and how long they can be there.

FOSTER stated that it could be endless.

MILLER stated that as far as the home occupation section I think that's true, but presumably if someone turned in a complaint about a vehicle that was setting there for a long time, which ever was the appropriate code enforcement department would look at it and at some point determine whether that vehicle has become wrecking and salvage as opposed to repair. Bob may want to comment.

PARNACOTT stated that he didn't have anything to add. It was a fair statement.

FOSTER asked if you go down to Item L here, it says that parking or storage of one commercial vehicle that exceeds 26,000 pounds of gross vehicle weight rating when owned by the occupant, nothing in this section prohibits commercial vehicles less than 26,000 pounds less than gross vehicle weight. Does that indicate that someone can maintain a tandem truck, a semi whatever on a 100 foot wide lot, the semi might be sixty plus foot long or something like that, is that what it's telling.

MILLER stated what its saying is if the vehicle is under 26,000 pounds then its making it clear that its allowed to be there by right rather than...there was a concern that someone would interpret that if you had those kinds of vehicles and they were associated with a home

occupation, then they would count against the number of home occupation vehicles that you could have on site. This was meant to be a clarification that vehicles less than 26,000 pounds are allowed.

FOSTER stated unlimited.

MILLER said as they would be in a residence.

FOSTER asked about the one that exceeds 26,000 pounds.

MILLER stated that would require a Conditional Use.

FOSTER stated that he has some further observations late but I'll mention those at another time.

GEORGE SHERMAN stated that back when he was in grade school, we used to play a game called "what doesn't belong" and I'm kind of curious how tattooing and body piercing facilities fits in the rural home occupation list that we have as opposed to a hole other list of potential uses.

MILLER stated that was a specific use that was suggested that would be appropriate as a rural home occupation.

GEORGE SHERMAN said that the way this is written you could have a husband and wife and four outside employees in a tattoo parlor shop, forty feet from somebody's house?

MILLER said under the proposed regulations you could now have as a rural home occupation...you could have up to four outside employees. It was limited to two, then you could get a Conditional Use and then get four, then you could do a Variance and get more. This makes it where you could have four by right.

GEORGE SHERMAN asked if staff was generally satisfied with the way this is written and the changes we made.

MILLER stated that we think so, I think we had a lot of discussion back and forth on the pros and cons of various things. I think these reflect effective compromises on both sides in terms of trying to make activities easier to do yet still be sensitive to the fact you have residential areas. It is complicated by the fact you have ag. uses going on, which, in and of themselves, generate more adverse issues than what the home occupation might.

GEORGE SHERMAN said that it seems that if you are dealing with really large lots, that makes a lot of sense, but a two acre lot is almost a City lot in the big developments.

MILLER said that you may want to hear from the folks on the committee and they can provide their own comments on this if you want.

CHARLIE PEASTER, 9453 NORTH 153RD STREET WEST said he was appointed to this committee by the County Commission to work on trying to make some changes that we thought

would deal with home occupations. Besides the four of us that were on the committee, there was Bob Parnacott, Dale Miller and Mr. Schlegel. We brought this to the Advance Plans committee, and the first time we were there with them they made some suggestions and some corrections and we came back with them. I thought they pretty much agreed with what we had done in regards to this. There is no way you can create a book and a set of regulations that's going to fit every situation every time because no matter what you try to do there's going to be an incident that comes up that's going to change it. Out where I live, there are three over-the-road truck drivers. Yes, they park their rigs on their property. You're talking about trucks that exceed 88,000 pounds or in excess of 88,000 pounds. The trailer can be as long as 52 feet and it still meets the state requirements of fewer than 100 feet without a permit. They come in, park during the night and are there for one or two days and then they are gone again. Now they chose to live in the County and they have their vehicles parked on their property in the County. If you have a vehicle that's inoperable, the state allows you up to nine provided they're screened at road level. If you stand at the street looking at my property, and I have inoperable vehicles, you are not supposed to be able to see them because I have a fence there. These were all changes that were made in the book prior to this; the reason mainly for this change came up with a deal with home occupations. We tried to do the best we could with what we had and that's where we are at. Thank you for your time.

GEORGE SHERMAN said not being on Advance Plans or being at any of the meetings I wouldn't mind hearing from somebody on Advance Plans about their thinking and how they feel about this and some of the questions that were brought up.

ALDRICH stated didn't Advance Plans unanimously vote in support.

DENNIS stated that he would answer Mr. **SHERMAN's** question. The Advance Plans committee met actually twice on this. Normally we only meet one time on a subject like this. We had a number of questions after the first meeting. The first meeting wasn't short. It went a couple hours actually, which is fairly long for an Advance Plans meeting. Following that, Mr. **PARNACOTT** and Mr. **MILLER** went back and made a number of changes, working with the group that you heard from here today that put this together. We had a second meeting a week ago to go through it again. Just as Mr. **PEASTER** said, I don't know if we will ever get it perfectly right now, but I think we met what the goals were. There was an awful lot of discussion; the Advance Plans committee did move to bring it to the full MAPC.

FOSTER stated he had further comment. Just wanted to make some observations relative to the findings in the staff report. The first sentence here says in recent years, home occupations have become an increasingly significant segment of the City's and County's land use mix. I contacted the appraiser's office to get a sense of what increasingly significant means. Well their response was no, there has not been an increasingly significant amount of rural or home occupations in general in the past few years. The second statement here, it says, it is important to provide opportunities for a wide variety of home occupations in a manner that protects the essential characteristics of low and rural density residential districts from potential nuisances caused by home occupations. Every item being proposed here is greater, depending on your viewpoint. It goes from 600 to 40 feet; it goes from 20 acres to 2 acres, and you are increasing the intensity of development. That does not protect the low or rural density zoning districts from potential

nuisances. There are some other comments here; I will pick another one here that I don't think is true. The proposed amendments promote the Comprehensive Plan's goal of providing orderly growth and should not detrimentally impact existing community facilities. Over about thirty years, I've conducted 50, more than 50, land use fields surveys for small communities and for counties. And you, after a while you see a lot and what goes on relative to zoning and land use development. What happens when a community wants to annex that two acre or that 20,000 square foot parcel, and say it has that vehicle repair? It's going to come in with the zoning it has from the County. That to me is not orderly growth relative to the Comprehensive Plan. Having said that, I will close with one observation. The intent of home occupation is to promote the small guy to be able to make it. There are a lot of businesses that have done that. When you add four employees, you are changing the game and I happened to look at one environmental law report and the comment was in effect what this situation does, it's a de-facto commercial zoning area in rural areas was the impact that this particular report mentioned. That's exactly what I am seeing here. I don't see it helping the County visually; I don't see it helping the County in the long term. I think you might get the thought that I am not going to support this.

ORIGINAL MOTION: To approve subject to staff recommendation.

JOHNSON moved, **MITCHELL** seconded the motion.

FOSTER said he wanted to propose a substitute motion because the changes are so far reaching that this needs to be looked at in more detail. We have not heard any numbers related to other communities that have done this for a comparable analysis on it. I think there needs to be further study and I would propose that this be deferred.

SUBSTITUTE MOTION: To defer

FOSTER moved, motion fail due to lack of second.

GEORGE SHERMAN stated that what Bill Johnson said here a minute ago, it makes sense to me although I agree with some of the things Mr. **FOSTER** said. I recognize the fact we do have a committee that's composed of half the members. They have looked at this twice, and I assumed raised the questions that have been raised here. My feeling is I'm willing to go along with what that committee came up with.

WARREN stated I might ask Mr. **FOSTER** that since this is going forward on a vote, do you have some comments on the changes to display. We talked about lawnmowers. Do you want to make any changes to the proposal that might affect displaying of merchandise outside, since it looks like it's going forward.

FOSTER stated that he thinks that would be wise and I would appreciate staffs help in being able to come up with the criteria for that.

JOHN SCHLEGEL, PLANNING DIRECTOR stated he didn't bring this up before when Mr. **FOSTER** brought this up, but under the general standards, don't we have a provision that prohibits the outdoor storage of equipment including but not limited to construction equipment,

materials or vehicles used by the home occupation, unless allowed as a rural home occupation in the RR district. It's Item D on page one, under General Standards. Does that cover what Mr. **FOSTER's** concern is?

MILLER stated that I guess what I would add is that we did not intentionally change the rules regarding display from what they had been prior.

PARNACOTT stated he didn't have anything to add to that, but what you are seeing in this handout for streamlining purposes is just the sections that we were changing. Obviously there are other sections that we didn't touch. For example, going back to your example of the lawnmower repair place, that is actually covered as a home occupation and is a recognized home occupation. If you look at page 202 in the current zoning code there an allowed home occupation for the production, fabrication and assembly of small implements used in the home office, shop, garage, lawn, garden and farm. So that's an existing provision that allows that type of activity as a rural home occupation. And again, we haven't really made changes, I believe that's correct, to the display requirements. I think the only real change in that sense, as far as sale of inventory, is to make it clear. I think that previously it appeared that only the inventory that was made by the residence could be sold on their premises, not necessarily those that were manufactured by non-resident employees. So we were just trying to clear that up; really that's not much of a change, I don't believe. Which doesn't necessarily mean that if you want to make a recommendation that we should either not allow outside display of that type of inventory, or if we should make it clear that they are subject to some type of screening, certainly that is a possibility a policy call?

FOSTER said that the question is that we don't know what that might be. We are so inventive that who knows what someone might come up with to put out front for sale. I'm going to switch gears on the question, is there an annual permit, fee that's required for the rural home occupations?

PARNACOTT stated no.

FOSTER stated that he sees that as a commonality in other regulations that I looked at, because they do require an annual registration certificate and an annual fee, and they also have an annual inspection of the particular rural home occupation, but that's not in this, correct?

PARNACOTT stated that we never had, that I'm aware of, a fee for home occupation, be it annual or even a one time. There are certain rural home occupations that are allowed by right and some of them you have to go through a Conditional Use process, in which case there is obviously a fee associated with that. But every after a Conditional Use is issued for a rural home occupation type of activity , that's not something we routinely go out and inspect and we don't go out unless we have a complaint. So that again is something that we currently do, and again I'm speaking specifically about the zoning code, and not about any , perhaps there is, I don't believe we have one in the County, but maybe the City has occupational codes that require perhaps annual business permits of some sort. I don't believe we have those in the County, so there may be things outside the zoning code , but as far as the zoning code is concerned, the short answer is no.

FOSTER said that he wished he had an immediate answer on the display issue, but I would need a little bit more time to review this and to come up with some information on that. So at this time I wouldn't have any specifics on that.

ORIGINAL MOTION: To approve subject to staff recommendation.

JOHNSON moved, **MITCHELL** seconded the motion, approved by a vote of (11-1)

FOSTER, nay.