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# Sedgwick County

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## Legislation Details (With Text)

**File #:** 16-0033      **Version:** 1      **Name:**  
**Type:** Planning Department      **Status:** Planning Department  
**File created:** 1/19/2016      **In control:** Board of Sedgwick County Commissioners  
**On agenda:** 2/3/2016      **Final action:** 2/3/2016  
**Title:** DER2015-00009: PROPOSED AMENDMENTS TO SECTION IV-E.7. OF THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE REGARDING MINIMUM LOT SIZE AND SEPARATION REQUIREMENTS FOR RURAL HOME OCCUPATIONS (ALL DISTRICTS)  
Presented by: Dale Miller, Director, Metropolitan Area Planning Department.

**RECOMMENDED ACTION:** Adopt the findings of the Metropolitan Area Planning Commission, approve the proposed amendments to the Unified Zoning Code, authorize the Chairman to sign the resolution and authorize the resolution to be published.

### Sponsors:

### Indexes:

### Code sections:

**Attachments:** 1. DER2015-09 Proposed Amendments - Redlined, 2. DER2015-09 BOCC Resolution 1-20-16 County Legal Revisions, 3. DER2015-00009 12-17-15 MAPC MINUTES EXCERPT

Date	Ver.	Action By	Action	Result
2/3/2016	1	Board of Sedgwick County Commissioners	Adopted	Pass

### **DER2015-00009: PROPOSED AMENDMENTS TO SECTION IV-E.7. OF THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE REGARDING MINIMUM LOT SIZE AND SEPARATION REQUIREMENTS FOR RURAL HOME OCCUPATIONS (ALL DISTRICTS)**

Presented by: Dale Miller, Director, Metropolitan Area Planning Department.

**RECOMMENDED ACTION:** Adopt the findings of the Metropolitan Area Planning Commission, approve the proposed amendments to the Unified Zoning Code, authorize the Chairman to sign the resolution and authorize the resolution to be published.

**Background:** On September 6, 2012, the MAPC recommended amendments to the rural home occupation regulations. The recommendations included reducing the minimum lot size for a rural home occupation to two acres and reducing the required separation distance between a rural home occupation and a residence to 40 feet.

On November 21, 2012, the County Commission returned the recommended amendments to the MAPC for reconsideration of the minimum lot size and separation requirements. On March 21, 2013, the MAPC reconsidered the amendments to the rural home occupation regulations and recommended a minimum lot size of five acres and a separation requirement of 120 feet. On April 17, 2013, the County Commission approved the MAPC recommended amendments to the rural home occupation regulations.

During the review process, some Commissioners expressed support for the minimum lot size and separation requirements originally recommended by MAPC. At a recent County Commission staff

meeting, Commissioners discussed the potential to promote economic development in rural areas by making it easier to establish a rural home occupation. To that end, staff was directed to place an item on the MAPC agenda to consider amendments that would reduce the minimum lot size and separation requirements for rural home occupations.

The proposed amendments (attached) would reduce the minimum lot size for a rural home occupation from five acres to two acres by right and from two acres to 20,000 square feet with a Conditional Use. The proposed amendments also would reduce the required separation distance between a rural home occupation and a residence from 120 to 75 feet.

Analysis: At the Metropolitan Area Planning Commission (MAPC) public hearing held on December 17, 2015, there were no speakers in favor of or in opposition to the proposed amendments to the Unified Zoning Code. The MAPC voted (8-1) to recommend approval of the proposed amendments.

Alternatives: Alternatives:

1. Adopt the findings of the Metropolitan Area Planning Commission, approve the proposed amendments to the Unified Zoning Code, authorize the Chairman to sign the resolution and authorize the resolution to be published (requires a simple majority vote).
2. Deny the proposed amendments to the Unified Zoning Code, with the Board of County Commissioners adopting additional or alternative findings in support of denial (requires a two-third majority vote).
3. Return the proposed amendments to the MAPC for reconsideration with a statement specifying the basis for the BOCC's failure to approve or disapprove (requires a simple majority vote).

Financial Considerations: There are no additional financial considerations to the County associated with this application.

Legal Considerations: Approved as to form and signed by County Counselor's Office: The City and County are authorized by K.S.A. 12-741, et seq. to adopt and amend a comprehensive plan, joint zoning code and official zoning map. The City and County have done so, and in that code have provided for amendments of the joint zoning code.

Policy Considerations: The MAPC recommendations are based upon the findings of fact stated in the MAPC minutes.

Outside Attendees: N/A

Multimedia Presentation: N/A