

## RESOLUTION 2020-04

A resolution of the Leavenworth County Kansas Board of County Commission, to amend the following articles of the 2006 Zoning and Subdivision Regulations:

### Article 3– Definition – Group Home

#### "Group Home"

Type One: Any dwelling occupied by not more than ten individuals including a) eight (8) or fewer individuals with a disability who need not be related by blood or marriage and b) not to exceed two staff residents who need not be related by blood or marriage to each other or to the eight or fewer other said individuals, who are occupying and living together in a single-family dwelling licensed by a regulatory agency of the State of Kansas as a group home. For purposes of this definition, the term "disability" means, with respect to an individual:

- A. A physical or mental impairment which substantially limits one or more of such individual's major life activities;
- B. A record of having such an impairment; or
- C. Being regarded as having such an impairment.

Such term does not include current, illegal use of or addiction to a controlled substance, as defined in Section 102 of the Controlled Substance Act (21 U.S.C. 802).

Type Two: Any dwelling occupied by not more than ten individuals including a) eight (8) or fewer individuals who need not be related by blood or marriage and who are:

- A. assigned to a community corrections program or a diversion program, or
- B. on parole from a correctional institution or on probation for a felony offense, or
- C. in a state mental institution following a finding of not guilty by reason of insanity pursuant to K. S. A. 22-3428, and amendments thereto, or
- D. mentally ill individuals who have either not been evaluated by a licensed provider or who have been evaluated by a licensed provider and such provider has determined that the mentally ill individual is dangerous to others or such provider has determined that the mentally ill individual is unsuitable for placement in a Group Home Type One; and b) not to exceed two staff residents who need not be related by blood or marriage to each other or to the residents of the home.

WHEREAS, it is hereby found that the Leavenworth County Planning Commission, after notice as required by law, did conduct a public hearing upon the amendment of the Leavenworth County Zoning and Subdivision Regulations the 11<sup>th</sup> day of December, 2019; and

WHEREAS, it is hereby found that the Leavenworth County Planning Commission, based upon specific findings of fact incorporated by reference herein, did recommend that the amendment be approved, as set forth; and

WHEREAS, the Board of County Commission considered, in session on 8<sup>th</sup> day of January, 2020, the recommendation of the Leavenworth County Planning Commission.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commission of Leavenworth County, Kansas, that:

1. Based upon the recommendation and findings of fact of the Leavenworth County Planning Commission; and,

2. Based upon the findings of fact adopted by the Board of County Commission in regular session on the 8<sup>th</sup> day of January, 2020 and incorporated herein by reference;

That the amendments listed herein be approved:

Adopted this 8<sup>th</sup> day of January, 2020  
Board of County Commission  
Leavenworth, County, Kansas

  
\_\_\_\_\_  
Doug Smith, Chairman

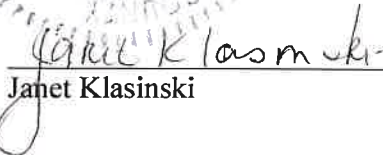
  
\_\_\_\_\_  
Jeff Culbertson, Member

  
\_\_\_\_\_  
Vicky Kaaz, Member

*absent*  
\_\_\_\_\_  
Chad Schimke, Member

  
\_\_\_\_\_  
Mike Stieben, Member



  
\_\_\_\_\_  
Janet Klasinski