

Chapter 16

GH - Group Homes

Sections:

16.00 Statement of Intent

16.01 Permitted Uses

16.02 Height and Area Regulations for GH – Group Homes

16.03 Other Uses and Regulations

16.00 Statement of Intent

Referenced K.S.A. 12-736 Group Homes, exclusion of, prohibited; conditions; definitions. (a) It is hereby declared to be a policy of the state of Kansas that persons with a disability shall not be excluded from the benefits of single family residential surroundings by any municipal zoning ordinance, resolution or regulation.

A. For the purpose of this act:

1. Group Home means any dwelling occupied by not more than 10 persons, including eight or fewer persons with a disability who need not be related by blood or marriage and 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, which dwelling is licensed by a regulatory agency of this state;
2. “Municipality” means any township, city or county located in Kansas;
3. “Disability” means, with respect to a person:
 1. A physical or mental impairment which substantially limits one or more of such person’s major life activities;
 2. A record of having such an impairment; or
 3. 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)
4. “Licensed provider” means a person or agency who provides mental health services and is licensed by:
 1. The department of social and rehabilitation services pursuant to K.S.A. 75-3007b or 65-425 et seq., and amendments thereto; or

2. The behavioral sciences regulatory board pursuant to K.S.A. 75-5346 et seq. or 74-5301 et seq., and amendments thereto; or
3. The State Board of Healing Arts pursuant to K.S.A. 65-2801 et. Seq., and amendments thereto.
4. No mentally ill person shall be eligible for placement in a group home unless such person has been evaluated by a licensed provider and such provider determines that the mentally ill person is not dangerous to others and is suitable for group-home placement. A group home shall not be a licensed provider for the purposes of evaluating or approving for placement a mentally ill person in a group home.
5. No person shall be eligible for placement in a group home if such person is:
 - a. Assigned to a community corrections program or a diversion program;
 - b. On parole from a correctional institution, juvenile detention facility or on probation for a felony offense or for a juvenile offense that would be a felony if the juvenile was an adult; or
 - c. In a state mental institution following a finding of mental disease or defect excluding criminal responsibility, pursuant to K.S.A 22-3220 and 22-3221.
 - d. No person shall be placed in a group home under this act unless such dwelling is licensed as a group home by the department of social and rehabilitation services or the department of health and environment
 - e. No municipality shall prohibit the location of a group home in any zone or area where single family dwellings are permitted. Any zoning ordinance, resolution or regulation which prohibits the location of a group home in such zone or area or which subjects group homes to regulations not applicable to other single family dwellings in the same zone or area is invalid. Notwithstanding the provisions of this act, group homes shall be subject to all other regulations applicable to other property and buildings located in the zone or area that are imposed by any municipality through zoning ordinance, resolution or regulation, its building regulatory codes, subdivision regulations or other nondiscriminatory regulations.
 - f. No person or entity shall contract or enter into a contract, restrictive covenant, equitable servitude or such similar restriction,

which would restrict group homes or their location in a manner inconsistent with the provisions of subsection (5).

16.01 Permitted Uses

No building, structure, land or premises shall be used, and no building or structure shall hereafter be erected, constructed, reconstructed, moved or altered except for one (1) or more of the uses set forth herein, or similar uses, subject to all applicable development and performance standards.

The following use shall be permitted:

Single-family residences with a minimum 2,000 square feet of living space (100-120 sq ft per person of private space – example: bedroom)

16.02 Height and Area Regulations for GH – Group Homes

The maximum height of buildings and structures, the minimum dimensions of lots, setbacks for parking/paving and yards, and the minimum lot area per dwelling unit permitted on any lot shall be as follows, except as provided in Height and Area Exceptions and Subdivision and Lot Splits:

A. Minimum lot area per dwelling unit – ten thousand eight hundred and ninety (10,890) square feet

B. Maximum height:

1. Residences -- two and one-half (2½) stories, not exceeding thirty-five (35) feet from finished grade

C. Minimum front yard – twenty-five (25) feet from street right-of-way

D. Minimum side yards:

1. Total side yards shall be twenty (20) percent of the width of the lot; no side yard may be less than ten (10) feet from property lines.

2. Corner lots – twenty-five (25) feet from street right-of-way

E. Minimum rear yard:

Twenty-five (25) feet from property line

F. Minimum lot width – ninety (90) feet

G. Minimum lot depth -- average of one hundred twenty (120) feet

Related Information: Design Guidelines; Residential Neighborhood Design Manual

16.03 Other Uses and Regulations

Other uses and regulations regarding this district please refer to Special Uses – Chapter 21, Accessory Uses & Structures – Chapter 22, Parking & Loading – Chapter 23, Landscaping & Screening – Chapter 24, and Nonconforming Situation – Chapter 25.