

ORDINANCE NO. 185

AN ORDINANCE ADOPTING THE RECOMMENDATION OF THE LINN VALLEY PLANNING COMMISSION AS TO CERTAIN REVISIONS IN THE GENERAL ZONING CODE OF THE CITY OF LINN VALLEY, KANSAS:

WHEREAS, the Planning Commission of the City of Linn Valley did enact its Resolution No. 1-2016, recommending certain revisions and additions to the Zoning Code of the City of Linn Valley; and

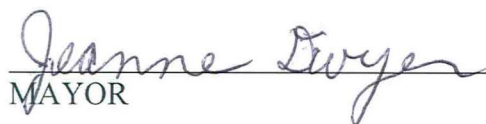
WHEREAS, the City Council, has reviewed the recommendation of the Planning Commission and has become fully informed as to the reasoning behind said recommendation; and

WHEREAS, the City Council agrees that the recommended revisions and additions are in the best interest of the City;


NOW THEREFORE, it is Ordained by the City Council of the City of Linn Valley, Kansas,

1. The findings and recommendations made by the Planning Commission and memorialized in its Resolution No. 1-2016, which is attached hereto, are hereby adopted and enacted by this Ordinance and incorporated herein by reference.
2. The revisions and additions to the Zoning Code are ordered integrated into the code and made effective upon the publication of this Ordinance pursuant to State Law and City Ordinance.

ORDAINED this 24<sup>th</sup> day of October, 2016.

  
MAYOR

ATTEST:

  
CITY CLERK

**CITY OF LINN VALLEY  
PLANNING COMMISSION**

RESOLUTION NO 1-2016

A RESOLUTION OF THE CITY OF LINN VALLEY PLANNING COMMISSION APPROVING AN AMENDMENT TO ARTICLE 3, RULES AND DEFINIATIONS, SECTION 3.3, DEFINITIONS; ARTICLE 6 SINGLE FAMILY RESIDENTIAL (R-1) DISTRICT, SECTION 6.1 AND ARTICLE 9 RESTRICTED COMMERCIAL (C-1) DISTRICT, SECTION 9.2 OF THE CITY OF LINN VALLEY ZONING ORDINANCE AS PROVIDED BY K.S.A. 12-757

WHEREAS, City of Linn Valley, Kansas is a City municipal government, organized pursuant to K.S.A. 19-101; and

WHEREAS, the City of Linn Valley City Council did create the City of Linn Valley Planning Commission as provided in K.S.A. 12-744; and

WHEREAS, the City of Linn Valley City Council did adopt a Zoning Ordinance for the City of Linn Valley as provided in K.S.A. 12-747; and

WHEREAS, the City of Linn Valley Planning Commission did publish notice on August 24, 2016 that a public hearing would be held to consider an amendment to the Zoning Ordinance of the City of Linn Valley Kansas as required by K.S.A. 12-757; and

WHEREAS, the Planning Commission did on September 19, 2016 hold a public hearing for the consideration of adopting said amendments to the Zoning Ordinance as prescribed by K.S.A. 12-757; and

WHEREAS, the City of Linn Valley Planning Commission did review in detail the amendments to Article 3, Section 3.3, Article 6, Section 6.1 and 6.2 and Article 9, Section 9.2 to provide for Group Homes, Rest Homes and Similar Uses; and

WHEREAS, the Planning Commission, after due consideration of all written reports, public testimony and Kansas Statutes regarding changes to the Zoning Ordinance and the applicable criteria from the factors set forth in the Golden vs. City of Overland Park Case, the Planning Commission, by majority of its membership, did find the following:

1. That the amendment to the City Zoning Ordinance is in compliance with the Kansas Statutes;  
and
2. That the amendment to the City Zoning Ordinance is consistent with the City Comprehensive Plan; and
3. That the amendment is consistent with the purpose and intent of the City Zoning Ordinance;  
and
4. That the amendment is in the public interest and will further provide for the public health, safety, convenience and general welfare.

NOW, THEREFORE, Be It Resolved, that the City of Linn Valley Planning Commission does hereby approve and recommend that the City of Linn Valley City Council adopt the amendments to the City Zoning Ordinance as follows:

AMEND ARTICLE 3 RULES & DEFINITIONS  
Section 3.3 Definitions

To add the following terms:

1. Retirement Home, Boarding Home  
Any dwelling unit, where for compensation and pre-arrangements for specific periods of time, that is occupied by not more than ten (10) adult persons, not related by blood or marriage, and not to exceed two (2) additional staff members.
2. Group Homes  
Any dwelling occupied by not more than ten (10) persons, including eight (8) or fewer persons with disability, which is either physical or mental impairment as defined by K.S.A. 12-736 who need not be related by blood or marriage and not to exceed two (2) staff members who need not be related by blood or married to each other or to the residents of the home. Such dwelling must be licensed as a Group Home by the Kansas Department of Social and Rehabilitation Services or the Kansas Department of Health and Environment (KDHE) but not including facilities for the care and treatment of alcohol or narcotic addiction.
3. Nursing Homes, Rest Homes, Convalescent Homes and Hospices  
  
Any building operated by an institution or agency licensed by the State of Kansas for the reception, board, care or treatments of three (3) or more unrelated individuals and staff residents, but not including facilities for the care and treatment of mental illness or alcohol/narcotic addiction.

AMEND ARTICLE 6 SINGLE FAMILY RESIDENTIAL (R-1) DISTRICT

To add to Section 6.1 Single Family Residential (R-1) District Purpose as follows:

- A. Uses Permitted
  - .5 Group Homes

To add a new Section as follows:

Section 6.2: Special Uses: The following uses may be permitted by approval of a Special Use Permit as provided by Article 16 of the Ordinance, subject to such conditions as recommended and adopted by Ordinance of the City Council to ensure the utility and value of adjoining property and the protection of the public health, safety and general welfare.

- A. Retirement Homes and Boarding Homes



AMEND ARTICLE 9 RESTRICTED COMMERCIAL (C-1) DISTRICT

Section 9.2: Special Uses: To include the following uses:

- D. Nursing Homes, Rest Homes, Convalescent Homes and Hospices
  - a. Subject to required licensing by the Kansas Department of Social and Rehabilitation Services or Kansas Department of Health and Environment.

PASSED AND ADOPTED by the City of Linn Valley Planning Commission this 19<sup>th</sup> day of September, 2016.

  
Eric Victor  
Chairman