



## **Group Home Facility**

### **Attachment to Administrative Review Form**

A "group home facility", as defined in Section 9-16, B.R.C. 1981 and listed below, is allowed as a conditional use in most zoning districts. For those zoning districts in which a group home facility is allowed as a conditional use, approval of an administrative review application is required.

In order for an administrative review application to be approved for a group home facility as a conditional use, Planning and Development Services must find that the application meets the relevant group home facility criteria. These criteria are found in Section 9-6-3(k), B.R.C. 1981 of the city's land use regulations and are attached. An application for approval of a group home facility as a conditional use must include a written statement that addresses how the proposal meets the applicable criteria. The written statement must describe the number and characteristics of occupants (e.g. staff, residents, etc.), the calculated floor area ratio and applicable standard, and how the proposal meets city code standards for the distance between group home facilities. The required site plans must show off-street parking areas. The criteria cannot be met by using the variance process. In addition, a group home facility must meet other city code requirements that may apply, such as building code or landscape design standards.

### **City Code Definition**

*Group home facility* means a residential facility providing custodial care and treatment for people living with disabilities or for older adults. This category of facility includes, without limitation, group homes for people who are sixty years of age or older, group homes for people with intellectual and developmental disabilities or mental illness, substance use disorder treatment centers, and facilities for people with human immunodeficiency virus.

### **Specific Use Standards**

*9-6-3. - Specific Use Standards - Residential Uses.*

(k) Group Home Facility:

- (1) The following standards apply to any group home facility that may be approved as a conditional use or pursuant to a use review:
  - (A) General Standards: Any group home facility approved as a conditional use or pursuant to a use review shall meet the following standards:
    - (i) For purposes of density limits in Section 9-8-1, "Schedule of Intensity Standards," B.R.C. 1981, and occupancy limits, eight occupants, not including staff, in any group home facility constitute one dwelling unit, but the city manager may increase the occupancy of a group home facility to ten occupants, not including staff, if:

- a. The floor area ratio for the facility complies with standards of the Colorado State Departments of Public Health and Environment and Human Services and Chapter 10-2, "Property Maintenance Code" B.R.C. 1981; and
  - b. Off-street parking is appropriate to the use and needs of the facility and the number of vehicles used by its occupants, regardless of whether it complies with other off-street parking requirements of this chapter.
- (ii) In order to prevent the potential creation of an institutional setting by concentration of group homes in a neighborhood, no group home facility may locate within three hundred feet of another group home facility, but the city manager may permit two such facilities to be located closer than three hundred feet apart if they are separated by a physical barrier, including, without limitation, an arterial, a collector, a commercial district or a topographic feature that avoids the need for dispersal. The planning department will maintain a map showing the locations of all group home facilities in the city.
- (iii) No person shall make a group home facility available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others. A determination that a person poses a direct threat to the health or safety of others or a risk of substantial physical damage to property must be based on a history of overt acts or current conduct of that individual and must not be based on general assumptions or fears about a class of disabled persons.
- (B) In the BMS Zoning District:
- (i) Review Process: In the BMS zoning district, group home facilities may be approved as a conditional use if the use is not located on the ground floor facing a street, with the exception of minimum necessary ground level access. Group home facilities that are not approved as a conditional use may be approved only pursuant to a use review.
- (C) In the BC-1 and BC-2 Zoning Districts:
- (i) Review Process: In the BC-1 and BC-2 zoning districts, the following review process applies to group home facilities:
    - a. Conditional Use: Group home facilities may be approved as a conditional use if they are not located on the ground floor, with the exception of minimum necessary ground level access.
    - b. Use Review: Group home facilities that are not approved as a conditional use may be approved only pursuant to a use review. In addition to meeting the use review criteria, the applicant shall demonstrate that the use on the ground floor will not adversely affect the intended function and character of the area as a neighborhood serving business area where retail-type stores predominate on the ground floor. In determining whether this criterion is met, the reviewing authority shall consider the location and design of the proposed use and the existing and approved uses on the property and in the area.