



Congregate Care Facility, Custodial Care Facility, and Residential Care Facility

Attachment to Administrative Review Form

A congregate care, custodial care, or residential care facility, as defined in Section 9-16, B.R.C. 1981 and listed below, are allowed as a conditional use or use review in many zoning districts. For those zoning districts in which the 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 congregate care, custodial care, or residential care facility as a conditional use, Planning and Development Services must find that the application meets the relevant care 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 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, foster care children, etc.), the calculated floor area ratio, and how the proposal meets city code standards for the distance between residential care facilities. The required site plans must show off-street parking areas. The criteria cannot be met by using the variance process. In addition, a facility must meet other city code requirements that may apply, such as building code or landscape design standards.

City Code Definition

Congregate care facility means a facility for long-term residence:

- (a) Where at least eighty percent of the occupied units are occupied by at least one person who is sixty-five years of age or older;
- (b) The facility is in compliance with the requirements of the federal Fair Housing Act, 42 U.S.C. § 3601, et seq., and the Colorado Housing Practices Act, § 24-34-501, et seq., C.R.S., with respect to housing for older adults; and
- (c) Which shall include, without limitation, common dining and social and recreational features, special safety and convenience features designed for the needs of older adults, such as emergency call systems, grab bars, and handrails, special door hardware, cabinets, appliances, passageways, and doorways designed to accommodate wheelchairs, and the provision of social services for residents which must include at least three of the following: meal services, transportation, housekeeping, linen, and organized social activities.

Custodial care facility means a facility providing custodial care and treatment in a protective living environment for persons residing voluntarily or by court placement, including, without limitation, correctional and post-correctional facilities, juvenile detention facilities, and temporary detention facilities.

Residential care facility means a facility providing social services in a protective living environment for adults or children, including, without limitation, group foster care homes; shelters for abused children or adults; nursing homes; or intermediate care facilities.

Specific Use Standards

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

(i) Congregate Care Facilities, Custodial Care Facilities, and Residential Care Facilities:

(1) Applicability: This subsection (i) sets forth standards for congregate care facilities, custodial care facilities, and residential care facilities that are subject to specific use standards pursuant to Table 6-1, Use Table.

(2) Standards: The following standards apply to any such facility that may be approved as a conditional use or pursuant to a use review:

(A) For purposes of density limits in Section 9-8-1, "Schedule of Intensity Standards," B.R.C. 1981, and occupancy limits, six occupants, including staff, in any custodial, residential, or congregate care facility constitute one dwelling unit, but the city manager may increase the occupancy of a residential care facility to eight occupants, including staff, if:

(i) The floor area ratio for the facility complies with standards of the Colorado State Departments of Health and Social Services and Chapter 10-2, "Property Maintenance Code," B.R.C. 1981; and

(ii) 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.

(B) In order to prevent the potential creation of an institutional setting by concentration of custodial, residential or congregate care facilities in a neighborhood, no custodial, residential, or congregate care facility may locate within seven hundred fifty feet of another custodial, residential, or congregate care facility, but the approving agency may permit two such facilities to be located closer than seven hundred fifty feet apart if they are separated by a physical barrier, including, without limitation, an arterial 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 custodial, residential, or congregate care facilities in the city.

(3) In the BMS Zoning District:

(A) Review Process: In the BMS zoning district, congregate care facilities, custodial care facilities, and residential care 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. Congregate care facilities, custodial care facilities, or residential care facilities that may not be approved as a conditional use may be approved only pursuant to a use review.

(4) In the BC-1 and BC-2 Zoning Districts:

(A) Review Process: In the BC-1 and BC-2 zoning districts, the following review process applies to congregate care facilities, custodial care facilities, and residential care facilities:

(i) Conditional Use: Congregate care facilities, custodial care facilities, or residential care facilities shall not be located on the ground floor, with the exception of minimum necessary ground level access.

(ii) Use Review: Congregate care facilities, custodial care facilities, or residential care facilities that may not be 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.