

**Adult Care Home**

A County-certified residential facility for the 24-hour care of no more than 15 residents in a non-medical facility for disabled adults, 18 years of age or over, who do not require 24-hour medical care and who are able to perform, with or without assistance, most activities of daily living.

**Family**

An individual, or 2 or more persons related by blood, marriage, adoption, or as guardian and ward, or a group of not more than 5 persons, excluding servants, who are not so related, living together in a dwelling unit. A family shall not include more than one person required to register as a sex offender pursuant to Section 18-3-412.5, C.R.S., as amended, unless related by blood, marriage or adoption.

**Rehabilitation Facility**

An institutional use-type facility, and not a group home, whether public, quasi-public, not-for-profit, providing accommodation, treatment and medical care for patients suffering from alcohol or drug-related illness.

**Group Home**

A home intended to provide a normal residential family setting for certain unrelated groups of people and limited to group homes for persons with mental illness, group homes for developmentally disabled persons, group homes for the aged, and group homes for handicapped or disabled persons.

**Group Home for Handicapped or Disabled Persons**

A group home for persons with mental or physical impairments which substantially limit one or more major life activities and including such additional necessary persons required for the care and supervision of the permitted number of handicapped or disabled persons. "Handicap" and "disability" have the same legal meaning. A person with a disability is any person who has a physical or mental impairment that substantially limits one of more major life activities; has a record of such impairment; or is regarded as having such an impairment. A physical or mental impairment includes, but is not limited to, hearing, visual, and mobility impairments, alcoholism, drug addiction, mental illness, mental retardation, learning disability, head injury, chronic fatigue, HIV infection, AIDS, and AIDS Related Complex. The term "major life activity" may include seeing, hearing, walking, breathing, performing manual tasks, caring for one's self, learning, speaking, or working. Group homes for handicapped or disabled persons, particularly as they relate to recovering (not currently using) alcoholics and persons with drug addictions, may also be known as sober living arrangements.

**Group Home for the Aged (including Assisted Living Residences)**

A group home for persons who are 60 years of age or older, do not need nursing facilities or skilled and intermediate care facilities, and who desire to live in normal residential surroundings. The criteria, requirements, and restrictions for group homes for the aged shall be those prescribed by C.R.S. §30-28-115(2) (b) (except for distance separations) and in this Code. Group homes for the aged include assisted living residences as defined in C.R.S. §25-27-102 (1.3). "Assisted living residence" means a residential facility that makes available to three (3) or more adults not related to the owner of such facility, either directly or indirectly through an agreement with the resident, room and board and at least the following services: personal services; protective oversight; social care due to impaired capacity to live independently; and regular supervision that shall be available on a twenty-four-hour basis, but not to the extent that regular twenty-four-hour medical or nursing care is required. The term "assisted living residence" does not include any facility licensed in this state as a residential care facility for individuals

with developmental disabilities, or any individual residential support services that are excluded from licensure requirements pursuant to rules adopted by the Department of Public Health and Environment.

**Group Home for Developmentally Disabled Persons (including Intellectually and Developmentally Disabled Persons)**

A State-licensed group home for persons with developmental disabilities or intellectual and developmental disabilities, as those terms are defined in C.R.S. §§ 27-10.5-102(11)(a) and 25.5-10-202(26)(a). “Developmental disability” has the same meaning as “intellectual and developmental disability.” The criteria, requirements, and restrictions for group homes for developmentally disabled persons shall be those prescribed by C.R.S. §§ 30-28-115(2)(a), §27-10.5-109, and 25.5-10-214, and any regulations implemented by the Department of Public Health and Environment, the Department of Health Care Policy and Financing, and the Department of Human Services in support of this statutory provision, and elsewhere in this Code. This includes a community residential home as defined in C.R.S. § 25.5-10-202(5).

**Group Home for Persons with Mental Illness**

A State-licensed group home for persons with mental illness, as that term is defined in C.R.S. §27-65-102(14). The criteria, requirements, and restrictions for group homes for persons with mental illness shall be those prescribed by C.R.S. §30-28-115(2) (b.5) (except for separation requirements) and elsewhere in this Code. The term group home for persons with mental illness shall not include any facility licensed as a residential child care facility.

**5.2.2. Child Care Centers, Family Care Homes, and Group Homes**

The following standards apply, subject to the provisions and limitations of the County and State Department of Human Services and Department of Public Health and Environment.

**(A) Separation Requirements**

No family care homes, child care centers, or group homes, excluding group homes for handicapped or disabled persons, shall be located on an adjacent lot or parcel or within 500 linear feet along the same road from the lot or parcel boundary lines as another family care home, child care center, or applicable group home except for those facilities that: (1) qualify as a single-family dwelling and have an occupancy in the family care home, child care center, or group home of fewer than 6; or (2) where the family care home, child care center, or group home is located within a commercial zone district.

**(B) Parking, Screening and Buffering**

The facility shall comply with the parking standards of the Land Development Code. All commercial components, such as parking lots and playgrounds, shall be screened and buffered from neighboring residences and uses. For family care homes, child care centers, or group homes, excluding group homes for handicapped or disabled persons, the County may request a transportation plan showing how the operators of the facility intend to meet the transportation needs of the residents of the facility. The sufficiency of the transportation plan may be considered by the County in reviewing an application but may not, by itself, constitute grounds for denying the application. See, C.R.S. § 30-28-115(2.5).

**(C) Facility Allowances and Applicable Review Processes**

- (1) A family care home, child care center, or group home shall be considered an allowed use or may require a special use permit depending on the specific facility type and number of residents/enrollment as shown in Table 5.3 when located within a forestry, agricultural, and

residential zone district, and shall not be considered a second principal use when operated in conjunction with or within a residence on the property. Additional necessary persons required for the care and supervision of the permitted number of handicapped or disabled persons are allowed.

- (2) A family care home, or group home shall not include more than one person required to register as a sex offender pursuant to C.R.S. § 18-3-412.5, as amended, unless related by blood, marriage or adoption.
- (3) A family care home, child care center, or group home shall maintain compliance with any building codes, fire codes, and health codes based upon the occupancy classification and number of residents and necessary persons for care of the residents.
- (4) Copies of any applicable current state or local certifications, licenses or permits for the group home shall be maintained on the premises.
- (5) All existing family care homes, child care centers, and group homes shall meet these standards, except separation requirements at Section 5.2.2(A), by December 31, 2014, regardless of pre-existing circumstances, and no nonconforming rights are hereby established.

**(D) Standards applicable only to Group Homes**

The Colorado General Assembly has declared that state-licensed group homes for no more than 8 developmentally disabled persons or intellectually and developmentally disabled persons is a matter of statewide concern and is a residential use of property for zoning purposes, specifically including single-family residential zoning. C.R.S. § 30-28-115(2)(a). The Colorado General Assembly has declared that state-licensed group homes for no more than 8 persons with mental illness is a matter of statewide concern and is a residential use of property for zoning purposes. C.R.S. § 30-28-115(2)(b.5).

- (1) A group home for handicapped or disabled persons shall quarterly (by March 31, June 30, September 30 and December 31 of each year), and otherwise upon request by the County, provide evidence and/or demonstrate to the Development Services Department that the residents in the group home are handicapped individuals and entitled to protection under the FHAA, ADA, and the Rehabilitation Act.
- (2) Meetings or gatherings on-site at a group home for handicapped or disabled persons that are consistent with a normal residential family setting shall be allowed and shall only be for residents, family of residents, and necessary persons required for the support, care and supervision of the handicapped or disabled persons. This does not permit conducting ministerial activities of any private or public organization or agency or permit types of treatment activities or the rendering of services in a manner substantially inconsistent with the activities otherwise permitted in the particular zoning district. See, C.R.S. § 30-28-115(2)(c).

**Table 5-3 Use Table and Occupancy Limits for Family Care Home, Group Home and Child Care Facilities in Forestry, Agricultural, and Residential Zone Districts**

Use Type	Allowed Use (Max. Occupancy/ Enrollment)	Special Use (Occupancy/ Enrollment)
<b>Family Care Home</b>		
Family Foster <sup>2</sup>	8	NA
Day Care Home <sup>2</sup>	12	13 or more
Adult Day Care	8	9-12
Specialized Group Facility <sup>2</sup>	8	9-12
<b>Child Care Center<sup>1</sup></b>		
Large Day Care Center <sup>2</sup>	NA	13 or more
Small Day Care Center <sup>2</sup>	NA	12 or fewer
Nursery <sup>2</sup>	NA	As Established by State
Day Camp <sup>2</sup>	NA	As Established by State
Center for Developmentally Disabled <sup>2</sup>	8	9 or more
Crisis Center <sup>2</sup>	8	9 or more
Residential Camp <sup>2</sup>	NA	5 or more
Trip Camp <sup>2</sup>	NA	5 or more
Day Treatment Center <sup>2</sup>	8	9 or more
Residential Child Care Facility <sup>2</sup>	8	9 or more
<b>Group Homes<sup>3</sup></b>		
Persons with Mental Illness <sup>2</sup>	8	9 or more
Developmentally Disabled <sup>2</sup>	8	9 or more
Aged (Assisted Living Residence) <sup>2</sup>	8	9 or more
Group Home for Handicapped or Disabled Persons	<b>12</b>	<b>13 or more</b>
<p>Notes:</p> <p><sup>1</sup> Child care centers are allowed as an accessory use when operated in the same building as a religious institution.</p> <p><sup>2</sup> As defined by State law and rules and regulations.</p> <p><sup>3</sup> Individual requests for accommodation may be considered by the DSD Director.</p> <p>The enrollment or occupancy numbers in this table do not include additional necessary persons required for the care and supervision of the enrollees or occupants. Enrollment or occupancy numbers may be affected by licensing or building code requirements.</p>		

Chapter 5 Use and Dimensional Standards  
 REVISION (2) 4/02/2007 thru 02/08/2013  
 Table 5-1 Principal Uses

Use Type	Agricultural Zoning Districts										Residential Zoning Districts										Industrial Zoning Districts			Subject to Specific Use Standards?		Site Development Plan Required to Initiate Use?			
	F-5	A-35	A-5	RR-5	RR-2.5	RR-0.5	RS-20000	RS-6000	RS-5000	RM-12	RM-30	RT	MHP	MHS	MHPR	RVP	CC	CR	CS	I-2	I-3	C-1	C-2	M	R-4	Subject to Specific Use Standards?	Site Development Plan Required to Initiate Use?	Site Plan Required to Initiate Use?	
Peddler Sales																													
Petroleum Refining																													
Plaster Manufacturing																													
Prison, Private		S																											
Proprietary School																													
Public Building, Way or Space	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Public Park and Open Space	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Publishing Companies																													
Race Track		S <sup>2</sup>	S <sup>2</sup>																										
Ranch	A <sup>3</sup>	A <sup>3</sup>	A <sup>3</sup>	A <sup>3</sup>	A <sup>3</sup>																								
Recreation Camp	S	S	S	S	S																								
Recreational Vehicle and Boat Storage																													
Recycling Facility																													
Rehabilitation Facility		S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Religious Housing		S																											
Religious Institution	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Rendering Plant		S	S <sup>2</sup>																										

Notes:  
 \*A = Allowed Use, \*S = Special Use, \*T = Temporary Use  
<sup>1</sup>Minimum lot area of 5 acres irrespective of nonconforming lot or parcel status  
<sup>2</sup>Minimum lot area of 10 acres irrespective of nonconforming lot or parcel status  
<sup>3</sup>Minimum lot area of 35 acres irrespective of nonconforming lot or parcel status  
<sup>4</sup>Use may be an allowed use or special use depending on size and other criteria. See specific use criteria.  
<sup>5</sup>A minimum of 1 acre is required for a private stable.

Table S-1. Principal Uses.

Use Type	Agricultural Zoning Districts													Residential Zoning Districts								Industrial Zoning Districts			Subject to Specific Use Standards?	Site Development Plan Required to Initiate Use?	Subject to Specific Use Standards?	Site Development Plan Required to Initiate Use?	Site Plan Required to Initiate Use?								
	F-5	A-35	A-5	RR-5	RR-2.5	RR-0.5	RS-20000	RS-6000	RS-5000	RM-12	RM-30	RT	MHP	MHS	MHPR	RVP	CC	CR	CS	I-2	I-3	C-1	C-2	M						R-4							
Acid Manufacturing																																					
<del>Adult Care Home</del>																																					
Agricultural Business		S																																			YES
Agricultural Stand	A	A	A	A	A																															YES	
Airstrip, Personal		S																																		YES	
Amusement Center, Indoor																																					
Amusement Center, Outdoor		S	S	S	S <sup>2</sup>																															YES	
Animal Day Care Facility																																				YES	
Animal Refuge	S	S	S	S	S																															YES	
Auction Facility			S	S	S																																YES
Automobile and Boat Storage Yards																																				YES	
Automobile and Trailer Sales																																				YES	
Bakery, Retail																																				YES	
Bakery, Wholesale																																				YES	
Bar																																				YES	
Barber/Beauty Shop																																				YES	

Notes:

\*A = Allowed Use, \*S = Special Use, \*T = Temporary Use

<sup>1</sup>Minimum lot area of 5 acres irrespective of nonconforming lot or parcel status

<sup>2</sup>Minimum lot area of 10 acres irrespective of nonconforming lot or parcel status

<sup>3</sup>Minimum lot area of 35 acres irrespective of nonconforming lot or parcel status

<sup>4</sup>Use may be an allowed use or special use depending on size and other criteria. See specific use criteria.

<sup>5</sup>A minimum of 1acre is required for a private stable.

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