

SECTION 12-900 GROUP HOMES

12-901 INTENT

- A. To acknowledge the role of the group home as a means of providing certain individuals the opportunity to live in normal residential surroundings.
- B. To designate the different types of group homes and to ensure that, to the extent possible under federal and state regulations, group homes comply with the Administrative Provisions of this document.

12-902 GENERAL PROVISIONS: TYPE A GROUP HOME

- A. Group homes in this category are to be considered a “principal permitted use” in all residential zone districts. As every residential use does, so must the group home accomplish the following:
 - 1. Conform to the provisions of the governing zone district.
 - 2. Demonstrate architectural consistence and compatibility with surrounding development.
 - 3. Comply with any and all applicable federal, state and county rules, regulations and/or requirements pertaining to the specific use.
- B. Group homes may not contain more than eight (8) resident individuals.
- C. Group homes may not be located within 750 feet of any other group home. The 750’ separation requirement shall only apply to a group home within the unincorporated area of the County.

12-903 GENERAL PROVISIONS: TYPE B GROUP HOMES

- A. A Public Hearing is required prior to establishing all group homes in this category. Depending upon the governing zone district, the procedure which contains such a hearing will be either a Use by Special Review or Planned Unit Development, as described in these regulations. The number of required hearings will depend on the procedure to be used.
- B. The group home must comply with any and all applicable federal, state and county rules, regulations and/or requirements pertaining to the specific use.
- C. The PWD Director or Planning Division Manager is authorized, upon request of the applicant and after written notification to the Board of County Commissioners, to waive public hearing requirements and to make any necessary modifications to the public notification requirements (which requirements may include different requirements) for applications for shelters for victims of domestic violence. To the extent, and only to the extent, the Director determines that such waiver or modifications will substantially reduce the risk of harm to the occupants of the proposed facilities.
- D. In making this determination, the PWD Planning Division Manager may consult with other County officials, immediate neighbors of the proposed facility, and any other persons, to require as much compliance with County procedures as possible, while attempting to accommodate the applicant’s request. To the extent authorized by law, and in the discretion of the PWD Manager, some or all of the location information relating to the application may be withheld from the public portion of the permanent file on the application and retained as confidential or privileged information pursuant to C.R. S. §21-72-204(3)(a)(IV).

- E. None of the procedures described in this section shall grant any applicant, occupant, or other person, any right of action against the County, its elected or appointed officials and employees, based upon any negligent or willful action or damage or injury whatsoever alleged to be suffered which is in any way related to the procedures described in this section.
- F. The Board of County Commissioners may overrule any or all of the PWD Planning Division Manager or PWD Director's actions pursuant to this section (at any time prior to final action on the application) (within 14 days of receipt of the Planning Division Manager or PWD Director's written notice of waiver). The Board of County Commissioners does not intend to grant any private right of action by the adoption or administration of these procedures.
- G. The Board of County Commissioners reserves the right to authorize the PWD Planning Division Manager or PWD Director's, in appropriate cases, to waive or vary the processing requirements of these Regulations, to the extent necessary to avoid violating any legally protected rights, and to the extent necessary to accommodate persons with disabilities, as may be required by federal, state or local law.
- H. The applicant shall request, in writing, the accommodation, waiver or variance required, shall state the reasons the action is needed, and shall submit all backup documentation which supports the reason given by the applicant.
- I. Prior to acting on the request, the Board of County Commissioners or the Planning Division Manager or PWD Director's may require, in their discretion, the applicant to submit additional research, analyses or data, which may include legal opinions upon which the County may rely, as may be needed to assist the Board or Planning Division Manager or PWD Director's in processing the request. The Board or Planning Division Manager or PWD Director's may deny any request for which insufficient supporting documentation is received.
- J. All such requests shall be finally acted upon by the Board of County Commissioners no later than sixty days following receipt of the request or twenty days following receipt of any additional information requested from or supplied by the applicant, whichever date is later.