
SUBJECT: CASE NO. LDC25-002 – GROUP LIVING – LAND DEVELOPMENT CODE AMENDMENT

MOLLY ORKILD-LARSON, PRINCIPAL PLANNER

PURPOSE AND REQUEST

To obtain input from the Planning Commission on the proposed code amendment to update group living regulations in unincorporated Arapahoe County.

BACKGROUND

Public Works Department retained the services of Clarion Associates (Clarion) to draft a Land Development Code (LDC) amendment that would refine and clarify the definition of a group home to align with the Fair Housing Amendments Act (FHAA), establish residential occupancy limits as per the International Property Maintenance Code (IPMA), and include additional types of group living land uses in the permitted use table.

Presently, the LDC discusses two types of Group Homes (A and B), and the Group Home definition is unclear and confusing. While reviewing a potential group residential facility, it came to the staff's attention that code language and definitions needed refinement with respect to group living situations.

Staff brought the draft code amendments to a BOCC study session in September 2025. At this meeting, the commissioners directed staff to continue processing this amendment and requested that staff provide an update memo to keep the Board apprised of any updates that may have occurred since the study session. See attached memorandum.

DISCUSSION

Last fall and the spring of this year, staff worked further with Clarion on the code amendment and obtained input from referral agencies to ensure compliance with their regulations (i.e., health care facilities). The following is a bullet-point summary of the proposed regulations.

1. Addition of uses to Table 3-2.1 Permitted Use Table, including: Group Living, Group Home, Group Residential Facility, Nursing Home, Detoxification Facility, Hospital, and Freestanding Emergency Room.
2. Provides standards for all Residential Uses. This includes any residential use required to obtain a license, permit, inspection, or other approval from the state or the federal government in order to operate, and to obtain the required approval prior to operation, and maintain or renew each such required approval so that it is valid and in good standing at all times during operation. It also establishes the maximum number of people occupying any single dwelling unit in order to avoid overcrowding as per the IPMC.

3. Defines Group Homes. The proposed Group Homes are defined as residential facilities located in a single structure on a single lot and occupied by those experiencing physical or mental/developmental disabilities whose right to live together in housekeeping units is protected by the FHAA.
4. Defines Group Residential Facilities. Other group living uses are defined as Group Residential Facilities, which will require Use by Special Review approval in all the residential districts and are permitted uses in the four business districts. This aligns with the treatment of multifamily residential uses, which are also permitted uses in the four business districts. This avoids any claim that the County is restricting group living uses more than general residential uses and also allows the County the ability to approve “one-off” facilities (such as domestic violence shelters) in the residential districts on a case-by-case basis after a Special Review hearing.

The proposed Group Residential Facility is a residential land use that does not meet the Group Home definition. These include establishments that can provide occasional medical support, assistance with daily living activities, specialized social services, or a community living environment requiring custodial care, as well as group living facilities that do not provide those services. This definition includes, but is not limited to:

- All forms of group living for individuals whose right to live together under conditions similar to those available to the general public is NOT protected by the provisions of the federal Fair Housing Act Amendments of 1988, or by any similar legislation of the State of Colorado, or by regulations issued pursuant to those laws or court decisions interpreting those laws (i.e., uses identified under the third bullet);
- All group living facilities occupying more than one structure on a single lot or on contiguous lots operated as a single residential or operational entity; and
- A domestic violence shelter, a homeless shelter, an assisted living facility, a dormitory, a sorority or fraternity, a monastery or nunnery, and a “Group Home, Elderly” as defined in C.R.S 30-28-115 (2)(b).

In all cases, Group Homes, Group Residential Facilities, and all dwelling units, occupancy of a dwelling unit would be subject to the maximum occupancy levels stated in the IPMC. Doing so would make those limits applicable and enforceable through the County without requiring that the County adopt the IPMC in its entirety. A table has been added to the code identifying the maximum occupancy limits allowed.

5. Further clarifies definitions to better align with the code amendments. These definitions are as follows: detoxification facility, family, freestanding emergency room, group home, group living, group residential facility, hospice care center, hospital, house living, noise-sensitive uses, nursing home, rehabilitation facility, surgical outpatient, and urgent care.
6. Adds a table identifying the maximum occupancy limits allowed.
7. Removal of Group Home – Types A and B narrative in the LDC.

SCHEDULE

Text amendments of the LDC require public hearings before both the Planning Commission and the Board of County Commissioners. The following is the proposed review and adoption schedule:

August 4, 2026:	Planning Commission Study Session
Fall 2026:	Board of County Commissioners Study Session
Fall 2026:	Planning Commission Public Hearing
Fall/Winter 2026	Board of County Commissioners Public Hearing

ACTION REQUESTED

Staff would like the Planning Commission to evaluate these draft code regulations and provide feedback and recommendations so that staff can incorporate any recommended changes to the draft regulations in advance of taking the final version to public hearings.

Attachment

Amended code.

TABLE 3-2.1 PERMITTED USE TABLE

P = Permitted, A = Accessory, SR = Use by Special Review, SE = Use by Special Exception, T= Temporary Use/Temporary Use Permit Required, Blank = Not Permitted

			Agriculture and Residential [1]			Non-Residential										PUD Districts (See Section 3-1.4)		Overlay	Use Specific Standard						
	A-E	A-1	RR-A	RR-B	RR-C	R-1-A	R-1-B	R-1-C	R-1-D	R-2-A	R-2-B	R-M	R-MF	MU	B-1	B-3	B-4	B-5	I-1	I-2	F[1]	O	PUD	SBC-O	Code Section
Residential Uses																									3.3
Group Living																									3.3
Group Home—Type A	P	P	P	P	P	P	P	P	P	P	P	P	P	P									Per Approved General, Specific, Preliminary or Final Development Plan		3-3.2.A
Group Home—Type B	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR									SR		3-3.2.A
Group Home	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P					Permitted if residential uses are permitted.	P	3-3.2.M
Group Residential Facility	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	P	P	P	P					Per the Approved General, Specific, Preliminary or Final Development Plan	SR	3-3.2.N
Nursing Home															P	P	P	P					P		
Civic, Cultural, and Public Uses																									3.3
Healthcare Facilities																									
Detoxification Facility																	SR	SR					P	SR	
Hospital																	P	P	P	P			P		
Freestanding Emergency Room																	P	P	P	P			P	SR	
Commercial and Industrial																									
Office																									
Office – General, executive, professional, and business offices; medical and dental clinics, including urgent care													A	P	P	P	P	P	P	P			Per Approved General, Specific, Preliminary, or Final Development Plan	P	

3-3 USE-SPECIFIC STANDARDS

3-3.2 Residential Uses

A. GROUP HOMES

1. Intent

- To acknowledge the role of the group home as a means of providing certain individuals the opportunity to live in normal residential surroundings.
- 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.



2.—General Provisions: Type A Group Home

- a.—As every residential use does, so must the group home accomplish the following:
 - i.—Conform to the provisions of the governing zone district.
 - ii.—Demonstrate architectural consistence and compatibility with surrounding development.
 - iii.—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 resident individuals.
- c.—Group homes may not be located within 750 feet of any other group home. The 750 foot separation requirement shall only apply to a group home within the unincorporated area of the County.
- d.—In the MU zone district, Type A Group Homes shall be a principal permitted use when residential uses are a part of the MU-PUD.

3.—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.

A. ALL RESIDENTIAL USES

1. Any residential use required to obtain a license, permit, inspection, or other approval from the state or the federal government in order to operate shall obtain each such required approval prior to operation and shall maintain or renew each such required approval so that it is valid and in good standing at all times during operation.
2. The total number of people occupying any single dwelling unit may not exceed the maximums shown in Table XX, which reflects the maximum occupancy limits required to avoid overcrowding.

Table XX				
Maximum Occupancy of Dwelling Unit	Minimum size of rooms			
	Living Room (if a separate room)	Dining Room (if a separate room)	Combined Living/Dining Room [1]	Bedrooms [2]
One or Two	120 sq. ft.	No requirement	120 sq. ft.	70 sq. ft. plus 50 sq. ft. for each bedroom occupant after the first one
Three to Five	120 sq. ft.	80 sq. ft.	200 sq. ft.	
Six or More	150 sq. ft.	100 sq. ft.	250 sq. ft.	
Notes				



- [1] Applies only if the room is designed to function as a combination living room/dining room.
- [2] Living, dining, and combined living/dining room areas that exceed the minimums required may not be used to compensate for shortages in minimum bedroom areas. Each dwelling unit shall comply with minimum size requirements for each bedroom and the occupancy of that bedroom, regardless of whether the size of living, dining, and combined living/dining room areas exceed required minimums. Utility rooms and closets are not to be counted.

[Note: No changes to Section 3-3.2 B through L]

M. GROUP HOME

Each Group Home must be located in a single structure that complies with the maximum height, maximum size, maximum number of dwelling units, and other dimensional and design standards applicable to a residential structure in the same zoning district if it were occupied by the general public.

N. GROUP RESIDENTIAL FACILITY

All Group Living residential land use that do not meet the definition of a Group Home. These include establishments that provide occasional medical support, assistance with daily living activities, specialized social services, or a community living environment requiring custodial care, as well as group living facilities that do not provide those services. Common accessory uses include recreational facilities, gardens, personal storage buildings, and parking of the occupants' vehicles. This definition includes, but is not limited to:

1. All forms of group living for individuals whose right to live together under conditions similar to those available to the general public is NOT protected by the provisions of the federal Fair Housing Act Amendments of 1988, or by any similar legislation of the State of Colorado, or by regulations issued pursuant to those laws or court decisions interpreting those laws;
2. All group living facilities occupying more than one structure on a single lot or on contiguous lots operated as a single residential or operational entity; and
3. A domestic violence shelter, a homeless shelter, an assisted living facility, a dormitory, a sorority or fraternity, a monastery or nunnery, and a "Group Home, Elderly" as defined in C.R.S 30-28-115 (2)(b).



5-1 REVIEW AND DECISION-MAKING BODIES

TABLE 5-1.1.1: SUMMARY OF REVIEW AND DECISION-MAKING AUTHORITY AND PUBLIC HEARING AND NOTICE REQUIREMENTS													
R = Review; D = Decision; A = Appeal; * = Public Hearing; Pub = Publication in Newspaper; Mail = Mailing to Landowners; Sign = Sign Posting Yes = Required; No = Not Required							Pink Shaded Cell indicates neighborhood outreach may be required.						
Type of Application or Process	Reviewing or Decision-Making Body												
	Staff	PC				BOCC				BOA			
	Role	Role	Hearing Notices			Role	Hearing Notices			Role	Hearing Notices		
			Pub	Mail	Sign		Pub	Mail	Sign		Pub	Mail	Sign
Zoning Procedures													
Type B Group Home	R	See Section 5-3.7				See Section 5-3.7							

TABLE 5-2.2.1 PUBLIC HEARING NOTICE REQUIREMENTS												
Blue Shaded Cell Indicates Applicant Responsibility							Pink shaded cell indicates neighborhood outreach may be required					
Type of Application	Administrative Review			PC Hearing			BOCC Hearing			BOA Hearing		
	Pub	Mail	Sign	Pub	Mail	Sign	Pub	Mail	Sign	Pub	Mail	Sign
Zoning Applications												
Type B Group Home				See Section 5-3.7			See Section 5-3.7					

5-3.7 Type B Group Home Procedures

1. 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.
2. 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.
3. 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. §2172-204(3)(a)(IV).

4. ~~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.~~
5. ~~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.~~
6. ~~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.~~
7. ~~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.~~
8. ~~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.~~
9. ~~All such requests shall be finally acted upon by the Board of County Commissioners no later than 60 days following receipt of the request or 20 days following receipt of any additional information requested from or supplied by the applicant, whichever date is later.~~



7-2 DEFINITIONS

Detoxification Facility

An inpatient medical care facility where individuals suffering from substance abuse receive round-the-clock or daily medical care and oversight from licensed physicians and nurses, and from which they may be released to their residence or referred to a Group Residential Facility, or group home for continued residential treatment for substance abuse. Inpatient care is limited to a period of not more than 30 days.

Fair Housing Act

The federal Fair Housing Act of 1968 and the federal Fair Housing Amendments Act of 1988 codified at 42 U.S.C. 3601 et. seq., or by regulations issued pursuant to those Acts or court decisions interpreting those laws.

Family

~~An individual or two or more persons related by blood, marriage or adoption residing under one head of household, or a group of persons, who need not be related, living as a single housekeeping unit. The definition of "Family" specifically excludes any group home licensed by the State for the use of four to eight persons.~~

An individual or two or more persons living as a single housekeeping unit, including but not limited to any group of persons living together as a family foster home, and any group of individuals whose right to live together in a group home setting is protected by the federal Fair Housing Act Amendments of 1988.

Family Foster Home

~~A facility providing care and training for no more than four children not related to the caretaker for regular 24-hour care.~~

A facility providing care and training for children not related to the caretaker for regular 24-hour care as defined in C.R.S. § 26-6-903.

Freestanding Emergency Room

A walk-in medical facility offering emergency care and may service ambulance patients, but is not a part of a hospital or larger medical facility. These facilities are open up to 24 hours a day and treat both urgent and emergent medical conditions. Patient stays more than 24 hours are not permitted. Medical personnel and diagnostic equipment are available as they would be in a hospital-based emergency room.

Group Home

~~Any residential structure which provides non-institutional housing for a group of four to eight persons acting as a single housekeeping unit and is licensed by the State. A Group~~



~~Home shall not otherwise be considered a "family" as defined in this section. There are two types of group Homes:~~

Type A Group Home

~~Forms of housing which are specifically regulated by either federal or state government:~~

~~A. Group Home, Handicapped — A dwelling unit is shared by handicapped persons living together as a single housekeeping unit.~~

~~B. Group Home, Developmentally Disabled — Per C.R.S. 30-28-115 (2)(a), developmentally disabled is defined as those persons having cerebral palsy, multiple sclerosis, mental retardation, autism or epilepsy; a group home for these persons.~~

~~C. Group Home, Mentally Ill — Per C.R.S. 27-10-102 (7) "Mentally ill persons" are those persons with substantial disorder of the cognitive, volitional or emotional process that grossly impairs judgment or capacity to recognize reality or to control behavior (mental retardation and mental illness may or may not be mutually exclusive); a group home for these persons.~~

~~D. Group Home—Elderly — Per C.R.S. 30-28-115 (2)(b), elderly persons are considered to be those persons 60 years or older who do not need skilled or intermediate care facilities; a group home for these persons.~~

Type B Group Home.

~~All other forms of group housing.~~

The use of a single residential structure on a single lot or parcel, in which at least one dwelling unit is occupied by residents who are living as a single housekeeping unit providing care, supervision, and treatment for individuals with limited physical or mental abilities is provided by staff living either on or off site, and whose right to live together under conditions similar to those available to the general public is protected by the provisions of the federal Fair Housing Act or similar Colorado legislation. This includes, but is not limited to, facilities for residential treatment and recovery from substance addiction, and includes both facilities that provide occasional medical support and those that only provide assistance with daily living activities.

Group Living

A category of land uses characterized by the residential occupancy of one or more structures by a group of persons that does not meet the definition of Household Living or another use listed in Table 3-2.1. Tenancy is generally arranged for periods of one month or longer, and structures generally have a common eating area for residents. The residents may receive care, training, or treatment at the place of residence, and caregivers may or may not also reside at the site. Accessory



uses commonly associated with Group Living are recreational facilities and vehicle parking for occupants and staff.

Group Residential Facility

All Group Living residential land use that do not meet the definition of a Group Home. These include establishments that provide occasional medical support, assistance with daily living activities, specialized social services, or a community living environment requiring custodial care, as well as group living facilities that do not provide those services. Common accessory uses include recreational facilities, gardens, personal storage buildings, and parking of the occupants' vehicles. This definition includes, but is not limited to:

1. All forms of group living for individuals whose right to live together under conditions similar to those available to the general public is NOT protected by the provisions of the federal Fair Housing Act Amendments of 1988, or by any similar legislation of the State of Colorado, or by regulations issued pursuant to those laws or court decisions interpreting those laws;
2. All group living facilities occupying more than one structure on a single lot or on contiguous lots operated as a single residential or operational entity; and
3. A domestic violence shelter, a homeless shelter, an assisted living facility, a dormitory, a sorority or fraternity, a monastery or nunnery, and a "Group Home, Elderly" as defined in C.R.S 30-28-115 (2)(b).

Hospice Care Center

A facility providing inpatient care for individuals suffering from terminal illness or receiving end-of-life care. This use can be included in a nursing home.

Hospital

~~A facility which makes available one or more of the following: medical, surgical, psychiatric, chiropractic, maternity, and/or nursing services.~~

An institution providing health services primarily for human out and in-patient medical or surgical care for the sick or injured, and including related facilities such as laboratories, outpatient departments, training facilities, central services facilities, emergency medical services, and staff offices that are an integral part of the facilities.

Household Living

A category of land uses that includes residential occupancy of each dwelling unit by one household, with common access to and common use of all living and eating areas and all facilities for the preparation and serving of food within the dwelling unit. Tenancy is generally arranged for periods of one month or longer. Common accessory uses include recreational activities, raising pets, gardens, personal storage buildings, and parking of the occupants' vehicles.



Noise Sensitive Uses

The following uses are considered by the County to be noise-sensitive uses:

B. ~~Type B~~ Group homes. Educational uses, including schools, public and private, and non-aviation-related training centers, churches, auditoriums, concert halls, and day care uses.

Nursing Home

~~An establishment, other than a hospital, licensed by the State, which operates and maintains continuous day and night facilities providing room and board, personal service and skilled nursing care.~~

A health care institution other than a hospital that operates and maintains continuous day and night facilities providing room and board, personal services, and that may also provide skilled nursing care to three or more persons, and that does not meet the definition of a rehabilitation facility. This definition includes a hospice care center.

Rehabilitation Facility

An inpatient medical care facility that provides skilled nursing care and rehabilitative services, as well as round-the-clock medical care or oversight, for individuals who have been released from a hospital or medical facility after treatment for an injury, surgery, or medical procedure to allow continued recovery at a lower cost than a hospital before returning to their residence. This definition shall not include a detoxification facility.

Surgical Out-Patient

A walk-in medical facility that provides surgical procedures on an outpatient basis, with no overnight stays.

Urgent Care

A walk-in medical facility focused on the delivery of outpatient care outside of a traditional emergency room and does not receive ambulances. Urgent care centers primarily treat injuries or illnesses requiring immediate care but are not serious enough to require an emergency room visit. Patient stays more than 24 hours are not permitted.

