

## 5.2.17 Group Living Facilities

- A. Generally Applicable Regulations. Unless otherwise expressly stated, all Group Living Facilities shall be subject to the following standards:
1. Licensing. The applicant is licensed by the State of Colorado to operate such facility, or is not required to be licensed. If said license is pending, a conditional use permit may be granted, but shall not take effect until licensing becomes final.
  2. Building Code. The proposed occupancy complies, or will comply, with the requirements of the currently adopted Uniform Building Code.
  3. Effects on Neighborhood. The proposed Group Living Facility will not have an adverse effect on the residential character and quality of life in the particular neighborhood. The Decision-Making Body may not deny development approval for a proposed Group Living Facility solely on the basis of neighborhood opposition, where no valid and substantive evidence has been offered to show that the proposed Group Living Facility would have such adverse effect.
  4. Dispersal Policy.
    - a. Applicability. These provisions regarding dispersal shall apply only to Group Living Facilities subject to conditional use review. (See Use Table at §5.1.2.)
    - b. Policy. In the absence of compelling reasons to the contrary, it is the policy of the City of Arvada that in order to prevent the concentration of Group Living Facilities, no two Group Living Facilities may locate within 750 feet of each other. The Decision-Making Body shall therefore find that there is no other home located within 750 feet of the proposed Group Living Facility, or that there are compelling reasons for disregarding this dispersal policy in a particular case, including but not limited to making reasonable accommodations under the federal Fair Housing Act. (See §5.2.17.D below.)
  5. Threats to Public Safety. As authorized by 42 USC §3604(f)(9), no Group Living Facility shall provide housing to any individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose

tenancy would result in substantial physical danger to the property of others.

6. Duration. Conditional use approval for any Group Living Facility may be granted for the term of the facility's license, or for such shorter period as the Decision-Making Body shall find appropriate under the circumstances of the individual case, but in no event for a period greater than two years.
  7. Abandonment of Use. If active and continuous operations are not carried on for a period of 12 consecutive months in a Group Living Facility approved as a conditional use, the Group Living Facility shall be considered to be abandoned. The use may be reinstated only after obtaining a new conditional use approval.
  8. Renewal. At the expiration of its term, a conditional use permit for any Group Living Facility shall automatically renew under the same conditions, including duration, as the original approval, unless any City department or the Group Living Facility's licensing agency has received written complaints concerning the operation of the Group Living Facility during the term of the conditional use permit. If any such complaint has been received, the application for renewal must be heard by the Planning Commission and City Council under the same requirements for a new conditional use application.
- B. Additional Regulations Applicable to Group Homes. In addition to the general regulations set forth in §5.2.17.A above, Group Homes not otherwise more specifically listed as another type of Group Living Facility in the Use Table (§5.1.2 above) shall be subject to the following additional standards:
1. If the purpose and intent of the Group Home is to serve a class or group of residents protected under the federal Fair Housing Act, 42 U.S.C. §3601, et seq., as amended, the Group Home shall be allowed as a permitted by-right use in all residential zoning districts, provided the number of residents does not exceed 8 persons. If the number of residents is greater than 8 persons, then the Group Home may be allowed only as a conditional use. In no case may the number of residents exceed 12 persons, including resident supervisory personnel.
  2. If the purpose and intent of the Group Home is not to serve a class or group of residents protected under the federal Fair Housing Act, 42 U.S.C. §3601, et seq., as amended, the Group Home shall be allowed only as a conditional use in all residential zoning districts, provided the number of

residents does not exceed 12 persons, including resident supervisory personnel.

C. Additional Regulations for Group Homes for Juvenile Offenders. In addition to the general regulations set forth in §5.2.17.A above, the following shall apply to all Group Homes for Juvenile Offenders:

1. There shall be at least 1,000 square feet of lot area per occupant; and
2. Such group home shall have in place adequate 24-hour on-site supervision and security, approved by the Community Development Director and the Arvada Chief of Police, with input from the placing agency.

D. Reasonable Accommodations. The federal Fair Housing Act (42 U.S.C. §3601, et seq., as amended) requires that local governments be prepared to make "reasonable accommodations" in order to permit housing for certain protected groups to occur in certain types of residential areas. In response to a written application identifying the type of housing being provided and the portions of the Fair Housing Act that require that reasonable accommodations be made for such housing, the Community Development Director is authorized to take any of the following actions in order to provide reasonable accommodations without the need for a rezoning or variance process:

1. Modify any facility spacing, building setback, height, lot coverage, or landscaping requirement by no more than 20%;
2. Modify any limits on the number of non-related occupants allowed in the principal building by no more than 20%;
3. Modify the requirements for dispersal of Group Homes; or
4. Reduce any off-street parking requirement by no more than one space.

The Director may approve a type of reasonable accommodation different from that requested by the applicant if the Director concludes that a different form of accommodation would satisfy the requirements of the Fair Housing Act with fewer impacts on adjacent areas. The decision of the Community Development Director shall be accompanied by written findings of fact as to the applicability of the Fair Housing Act, the need for reasonable accommodations, and the authority for any reasonable accommodations approved. Requests for types of accommodation that are not listed above may only be approved through a variance or rezoning process.

