Group Homes, Shelters & Day Care Facilities

Sections 146-1219, 146-1224, and 146-2001, Aurora Municipal Code
Revised: March 31, 2008

City of Aurora

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Sec. 146-1219. Group Homes.

(A) *Purpose.* The purpose of this section is to recognize group homes that serve the function of providing a residential environment for various members of our society. The recognition of these homes through this section and the definitions found in article 20 serve to permit their use in various residential zones, while maintaining the quiet enjoyment of all neighborhoods.

(B) *Developmentally Disabled, Handicapped, Mentally Ill.* Group homes for the exclusive use of developmentally disabled, handicapped, or mentally ill persons may be established in any residential zone district or residential planning area that permits residential dwellings, subject to the licensing requirements of the state and the registration procedures described here.

1. Prior to establishment of a group home for the developmentally disabled, mentally ill, or handicapped, the owner/operator thereof shall register with the department of planning on a form provided by the department. Registration shall be effective for 12 months. Prior to expiration of such 12-month period, application for registration renewal shall be made. Renewal shall be granted by the director or designee if the group home continues to be in compliance with the definition of group home for developmentally disabled, mentally ill, or handicapped.

2. It shall be unlawful to operate a group home for the developmentally disabled, mentally ill, or handicapped without first having registered as required herein. It shall be unlawful to operate a group home with an expired registration.

(C) *Sixty Years of Age or Older.* Group homes for persons 60 years of age or older may be established in any residential zone district or residential planning area that permits residential dwellings, provided such group homes comply with the requirements in this section.

1. *Application.* Prior to the establishment of a group home for persons 60 years of age or older, the owner/operator shall file an application with the director of planning or designee on an application form provided by the department. Notice of the application shall be provided to abutting property owners and registered neighborhood groups within one-half mile of the subject property. The planning director or designee shall conduct a fact-finding investigation on the application. The director may approve or deny the application based on the criteria in this section. An application shall be granted if the director finds the proposal complies with the following criteria:

   a. No group home for persons 60 years of age or older shall be located within 1,500 feet of any other group home;

   b. The group home shall comply with all city codes including but not limited to building, fire, housing, and zoning codes prior to opening and operating as a group home;

   c. The group home shall comply with the height, setback, area coverage, lot size, and other requirements applicable to the particular zone district in which the home is located;
d. Any proposed new structure or structural changes to an existing structure shall be consistent in architectural design and style with the character of the surrounding neighborhoods;

e. No administrative activities of any private or public organization or agency other than those incidental to operation of the specific group home shall be conducted on the premises of the group home;

f. The applicant shall demonstrate that efforts to meet with neighbors have occurred. An open house shall be held within the first 30 days from submission of the application. The applicant shall notify neighborhood groups within one-half mile of the proposed group home and the immediate abutting property owners that they are invited to view the site proposed for the group home and meet with the applicant. Comments from those notified shall be considered prior to making a determination as to whether the approval should be granted;

g. The director or designee shall have the authority to impose reasonable conditions to the approval, which are found necessary to operate the group home in a manner compatible with the neighborhood. The applicant shall sign and be bound by the conditions of approval.

2. Approval Binding. After approval of an application by the director of planning or designee, the approved application and conditions of approval shall be binding on the applicant. The approved application and conditions shall limit and control the construction, location, use, and operation of all structures included within the application to all limitations and conditions set forth in the approved application and conditions of approval.

3. Changes to Approved Group Home. All changes to the application or conditions of approval must be approved by the planning department after notification to abutting property owners and the registered neighborhood groups within one half mile. The director shall consider any comments received from those notified and may impose reasonable conditions on any approval.

4. Appeal. A decision by the planning department may be appealed to the city council by an applicant, abutting property owners, or affected neighborhood group provided such appeal is filed with the city manager within ten days of the decision. The city council shall have the power to overrule the director or designee’s decisions by a recorded vote of a majority of the city council members present and voting. The city council shall consider the fact-finding investigation made by the planning department and any new information.

5. Annual Registration. Upon approval, the group home shall be registered with the planning department on a form provided by the department. Prior to establishing the group home for the developmentally disabled, mentally ill or handicapped, the owner/operator shall register with the department of planning. The registration shall be effective for 12 months. Prior to the expiration of the 12-month period, an application for registration renewal shall be made. Renewal shall be granted by the director or designee if the group home continues to be in compliance with the definition of group home. It shall be unlawful to operate a group home without first registering the home as required by this Code. It shall be unlawful to operate a group home with an expired registration.
(D) **Compliance with All Applicable Codes.** Group homes shall comply with all applicable provisions of the building code and the underlying zone district including, but not limited to, building height, setbacks, area and lot coverage. Architectural designs inconsistent with the character of the surrounding neighborhood are prohibited.

(E) **Permitted and Nonconforming Uses.** Only those group homes as defined in article 19 shall be permitted. Existing facilities under the former definition of "group homes" that do not comply with the provisions of this section shall be considered nonconforming uses and shall be subject to the limitations on nonconforming uses in section 146-105 of this Code.

*(Ord. No. 2001-72, 12-3-2001)*

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**Sec. 146-1224. Daycare Homes, Daycare Centers, and Small and Large Care Centers.**

It shall be unlawful for any person to maintain any child or adult in such facility, other than the child or adult of the owner or manager living therein, for more than 16 hours in any 24-hour period. The operation of the facility shall not include overnight occupancy by the clients. Adult day care may be operated within structures on church premises or publicly owned community centers, provided such uses are lawfully permitted and operating in the underlying zone district.

(A) **Day Care Homes.** Day care may be provided to children from birth to 16 years of age, with no more than two children, including caretaker’s own children, under two years of age. The following limit on enrollment must be maintained:

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<tr>
<td>Caretaker’s Preschool Children</td>
<td>Maximum Number of Day Care Children Permitted</td>
</tr>
<tr>
<td>1.</td>
<td>2</td>
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*(Ord. No. 2001-72, 12-3-2001)*

*Child care center, large* - means a facility, by whatever name known, which is maintained for the whole or part of a day for the care of 13 or more children under the age of 16 years, and not related to the owner, operator or manager thereof. Such facility shall be operated with or without compensation for such care, and with or without stated educational purposes, and holding a valid state license for the operating of a child care center. The term shall include facilities commonly known as "day care centers," "day nurseries," "nursery schools," "kindergartens," "preschools," "play groups," "day camps," "summer camps," "centers for mentally retarded children." It shall include those facilities that give a maximum of ten-hour care for dependent and neglected children. It shall include those facilities for children under the age of six years, with stated educational purposes, operated in conjunction with a public, private, or parochial college or a private or parochial school. The term shall not apply to a kindergarten maintained in connection with a public, private, or parochial elementary school system of at least six grades.

*Child care center, small* - means a facility, by whatever name known, which is maintained for the whole or part of a day for the care of from seven to 12 children under the age of 16 years, and not related to the owner, operator or manager thereof. Such facility shall be operated with or without compensation for such care and with or without stated educational purposes and holding a valid state license for the operating of a child care center. The term shall include facilities commonly known as "day care centers," "day nurseries," "nursery schools," "kindergartens," "preschools," "play groups," "day camps," "summer camps," "centers for mentally retarded children," and those facilities which give a maximum of ten-hour care for dependent and neglected children. It shall include those facilities for children under the age of six years, with stated educational purposes, operated in conjunction with a public, private, or parochial college or a private or parochial school. The term shall not apply to a kindergarten maintained in connection with a public, private, or parochial elementary school system of at least six grades.

*Day care home, adult* - means adult day care licensed by the state and provided in a home for not more than six adults not related to the care provider. Adult day care shall not include overnight occupancy by the clients.

*Day care home, child* - means a facility providing care and training for a child or children not related to the caretaker, for more than two full consecutive days on a regular weekly basis, and holding a valid state license for the operating of a child care center. A full day is seven or more hours.

*Developmentally disabled* - means those persons having cerebral palsy, multiple sclerosis, mental retardation, autism, or epilepsy.

*Family or family group* - means any of the following:

1. A group of persons related by blood, marriage, or adoption, living together as a single housekeeping unit and normally consisting of two parents and their children;
2. Persons living together in the relationship and for the purpose of guardian, ward, or foster family or receiving home care who may not necessarily be related by blood or marriage to the head of the household, but live together as a single housekeeping unit but shall not include correctional homes;
3. A group of not more than four unrelated persons living together in a dwelling unit as a single housekeeping unit; or
4. Living arrangements wherein one person is providing care to another occupant who is not related by blood or marriage, provided they neither maintain separate cooking facilities nor advertise the premises for rent.

5. A single individual living as a single housekeeping unit.

Exceptions: A family shall not include more than one person required to register as a sex offender pursuant to § 18-3-412.5, C.R.S. as amended, unless related by marriage or consanguinity. Family shall not include any group of individuals who are in a group living arrangement as a result of criminal offenses.

Group home - means, subject to licensing requirements of the state if applicable, either of the following:
1. A dwelling where persons are living, together with staff, as a single housekeeping unit providing care, supervision, and treatment exclusively for handicapped, mentally ill, or developmentally disabled persons, or
2. An owner-occupied or nonprofit residential dwelling for the exclusive use of two or not more than eight persons 60 years of age or older, who, together with staff, live as a single housekeeping unit. Owner-occupied or nonprofit group homes for persons 60 years of age or older provide room and board to adults who are not related to the owner and who elect protective oversight, personal services and social care but do not require 24-hour medical or nursing care.

Handicap - means, with respect to a person (1) a physical or mental impairment which substantially limits one or more life activities, (2) a record of having such an impairment, or (3) being regarded as having such an impairment, but such term does not include current, illegal use of or addiction to a controlled substance as defined in 21 U.S.C. § 802.

Mentally ill - means a person with a substantial disorder of the cognitive, volitional, or emotional processes that grossly impairs judgment or capacity to recognize reality or to control behavior.
CITY OF AURORA PLANNING DEPARTMENT
GROUP HOME REGISTRATION QUESTIONNAIRE

The owner and/or director of the group home operation should complete the questionnaire. If more than one group home is managed by the owner/director, a separate questionnaire should be completed for each group home address. Please print.

1. Address of Group Home: __________________________________________________________

2. Name, address and phone number of owner/director of group home:

   Name: _______________________________ Phone: ______________________

   Address: __________________________________________________________

3. Name and phone number of contact person residing at group home:

   Name: _______________________________ Phone number: ______________________

4. Is the group home currently licensed by the State of Colorado? _____ Yes _____ No
   (Please attach copy of license or first page of pending license application.)
   If the group home is not currently licensed, have you applied for a license?
   _____ Yes – Date application submitted ________________________________
   _____ No – Please provide explanation ________________________________

5. What is the maximum number of clients to be housed? __________
   What is the maximum number of staff persons on duty at the same time? __________

6. Please indicate which of the following best describes your residents:

   _______ Developmentally disabled – defined as persons having cerebral palsy, multiple sclerosis, mental retardation, autism, or epilepsy.

   _______ Handicapped – defined as a person having; (1) a physical or mental impairment which substantially limits one or more life activities; (2) a record of having such an impairment, or; (3) being regarded as having such an impairment, but such term does not include current, illegal use of or addiction to a controlled substance as defined in 21 U.S.C. §802.
   (Note: An “Assisted Living Residence” licensed by the Colorado Dept. of Public Health & Environment meets this definition.)

   _______ Mentally ill – defined as a person having a substantial disorder of the cognitive, volitional, or emotional processes that grossly impairs their judgment, capacity to recognize reality, or to control behavior.

   _______ Sixty Years of Age or Older – Persons sixty years of age or older who do not fit into any of the above categories.

   [MORE QUESTIONS ON BACK]
_______Foster home - Persons living together in the relationship and for the purpose of guardian, ward, or foster family or receiving home care who may not necessarily be related by blood or marriage to the head of the household, but live together as a single housekeeping unit but shall not include correctional homes;

7. Do all your clients have disabilities, mental illness, and/or handicaps? _____Yes _____No

8. If you operate a home for seniors who are not disabled, handicapped or mentally ill, are all your seniors over sixty years of age? _____Yes _____No

9. As owner/director, do you own the property at which the group home is located? _____Yes _____No If yes, is this your primary residence? _____Yes _____No
   If you do not own the property, please provide the name, address and phone of the owner:
   __________________________________________________________
   __________________________________________________________

   Are you a non-profit organization, meaning exemption from federal income taxation under provisions of the Internal Revenue Code or a "nonprofit group home" for the aged which is owned or operated by a person or organization which is exempt from income taxes pursuant to Section 39-22-112, of the Colorado Revised Statutes? _____Yes _____No

10. Signature: ___________________________ Date: __________________________

PLEASE RETURN COMPLETED QUESTIONNAIRE TO:

CITY OF AURORA PLANNING DEPARTMENT,
AURORA MUNICIPAL CENTER 2ND FLOOR
15151 E. ALAMEDA PARKWAY
AURORA, CO 80012

303-739-7250

Last revised 3-26-2008
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