



AGENDA MEMORANDUM

To: Honorable Mayor and Members of Town Council

From: Tammy King, Zoning Manager

Through: Bill Detweiler, Director of Development Services

Title: Group Homes (Second Reading)

Executive Summary

Council and staff heard from residents requesting clarification with regard to Castle Rock's Municipal Code concerning Group Homes within neighborhoods, including regulations regarding the composition and number of residents. Pursuant to the proposed code amendments, the separation between homes will be updated with this proposed ordinance, in conformance with the State Statutes, and clearer guidance will be given with regard to how the separation is measured. Staff has prepared a new Chapter 17.62 in Title 17 to clarify the regulations on the types of Group Homes, the process for approval, and to ensure compliance to the State and Federal Statutes, including the Fair Housing Act. The proposed ordinance also seeks to strike a balance between the Town's and residents' interests in preserving the characteristics of residential neighborhoods and providing opportunities for those with disabilities to reside in such neighborhoods that are enjoyed by those without disabilities while maintaining the safety, character, and public welfare of the residential neighborhoods within the Town.

Background

The code is in need of revision to clarify the process and regulations for each Group Home and to better align with the State and Federal regulations for housing of handicapped and disabled individuals. The proposed changes to the existing ordinance will provide for a more defined approach to allowing and regulating group homes in Castle Rock. The current code does not have performance standards as allowed by the State Statutes and separation requirements exceed the allowed separation by State Statutes.

The Town's 2030 Comprehensive Master Plan, Policy LU-2.3, states under the Goal of Community Service, "Enhance access to Health and Human Services". This section of the plan would support allowing Group Homes within communities where the overall character of the community would be compatible with Group Home development.

Discussion

Staff reviewed the current regulations, State and Federal Statutes, evaluated codes from other city, town and county ordinances/regulations and conferred with outside counsel. The information gathered was used to help generate the proposed criteria and approval process outlined in the proposed ordinance.

The proposed criteria is generally consistent with our neighboring jurisdictions and staff has incorporated various regulations that we believe provides reasonable, understandable and enforceable regulations related to Group Homes.

The proposed amendment will include the following:

- Add new Chapter 17.62 – Group Homes.
- Modify the definition of "Family" to address any conflict and add a definition of "Disability".
- Add a replacement definition of "Group Home" to allow for up to nine (9) residents as "principal permitted use" in all residential zone districts or Residential Planned Developments (PD).
- Add a definition of "Residential Group Facilities", which is defined as any home that does not fall within the category of Group Homes as defined in the proposed Chapter 17.62.010. This type of facility will require the public hearing process Use By Special Review.
- Change the separation requirement to seven hundred fifty feet (750'), measured at the property line, to be in conformance with the State Statute.
- Add language to 17.01.020C to be in compliance with the Fair Housing Act.
- Amend the Residential Zones of R-1, R-1A, R-2, R-3 (Chapters 17.18.030; 17.20; 17.22; 17.24) to show Group Homes as permitted uses.
- Add Use by Special Review (UBSR) process for Residential Group Facilities.
- Remove the Off-Street Parking Requirements from Chapter 17.54 and instead, the Single Family parking requirements will be enforced.

Public Outreach

The Town has received inquiries from residents (over the course of the last couple of years) with regard to clarifying a variety of aspects related to Group Homes in residential zoned areas—primarily homes for the handicapped and disabled. The Town hosted two Open Houses on the topic in early 2016. Feedback from residents generally included:

- A recognition that there is a need for these facilities, yet some questioned whether the facilities might be better suited in business or commercial zone, as opposed to a residential zone.
- Raising some concerns with regard to increased traffic, due to deliveries of food/oxygen/medical supplies, rotation of staff members and visitors.
- Frequent disruption related to emergency personnel (including fire rescue).
- Worry with respect to the disposal of trash and medical waste.
- A desire to ensure compliance with maintenance and HOA rules to foster a good neighbor relationship.
- Issues related to situations where garages are converted into living areas, and the HOA is not made aware until after the fact.

A copy of the draft ordinance was sent to all HOA/Management companies on record with the Town, internal Town Divisions, and Colorado Department of Public Health and Environment. Town staff has not received any comments by the drafting of this report.

Staff Findings

Staff finds that the proposed ordinance language for Group Homes provides clearer definitions, regulations and processes for applicants to follow regarding future Group Home facilities in Castle Rock. Staff further finds that this ordinance aligns with State and Federal regulations and provides reasonable, understandable and enforceable regulations to allow residential housing of handicapped and disabled individuals.

Staff Recommendation

Staff recommends Town Council approve the Ordinance as introduced by Title, Second Reading.

Proposed Motions

Motion 1

I move to approve the Ordinance as introduced by Title, Second Reading.

Motion 2

I move to approve the Ordinance as introduced by title with the following changes: _____, Second Reading.

Attachments

Attachment A:	Ordinance No. ____
Attachment B:	Planning Commission Minutes (5.24.2018)
Attachment C:	Neighboring Jurisdictions Matrix
Attachment D:	List of Current Group Homes