

# HUMAN CARE SERVICES

(TCLUR Chapter 8, Section 8.3.Q)

**Human Care Services.** The term “Human Care Services” covers a broad range of services provided in residential and specially constructed facilities. **Such services range from occasional child care or home hospice care for which no special licensing or Permit under these Regulations is required, to high-impact group care facilities.** These Regulations distinguish those Human Care Services requiring an Administrative Use Permit (primarily no impact care for a limited number of clients in a single-family or multi-family residential unit), Conditional Use Permit (primarily no or low impact care for a limited number clients in a residence or specially constructed facility) and those requiring a Special Use Permit (primarily high impact 24-hour care in a specially constructed facility).

1. **Definitions.** The following definitions are adapted from the Colorado Revised Statutes. In the event of a conflict between the definition in these Regulations and any controlling Colorado Revised Statutes, the definition in statute shall prevail.
  - a. **Adult Day Care Facility.** A State certified facility providing less than 24-hour care health and social services for adults. [CRS § 26-4-603(1)]
  - b. **Alternative Care Facility** (as distinguished from a Nursing Home). A 24-hour State certified care facility for personal care and homemaker services or protective oversight; does not require the services of a registered nurse or doctor. Also known as a type of “assisted living” facility. [CRS § 26-4-603(3)-(4)]
  - c. **Assisted Living Residence.** (Formerly known as a “Personal Care Boarding Home.”) A regularly supervised 24-hour residential facility that makes available to three or more adults not related to the owner, operator, or manager of the facility, either directly or indirectly through an agreement with the resident, room and board and at least the following services as defined by CRS: Personal services; protective oversight; social care due to impaired capacity to live independently. The term does not include any facility licensed for medical or nursing care, or any residential care facility for individuals with developmental disabilities, or any individual residential support services that are excluded from licensure requirements of the State of Colorado Department of Public Health and Environment. [CRS 25-27-101 *et seq*]
  - d. **Child Care Center** (as distinguished from Family Child Care Home, Foster Care Home, or kindergarten or pre-school under a program with at least six grade levels). A State licensed facility for five or more children age 18 or less and not related to the owner, operator, or manager of the facility, with or without compensation. Child Care Centers are also:
    - (1) Day care centers, school-age child care centers, before and after school programs, nursery schools, kindergartens, preschools, day camps, summer camps; centers for developmentally disabled children. Such facilities may offer EITHER all- or part-day care, OR 24-hour care; and may or may not have a stated educational purpose.

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- (2) 24-hour care facilities for children, including children under age six, with stated educational purposes and operated in conjunction with a public, private, or parochial college or private or parochial school. [CRS § 26-6-102(1.5)]
- e. **Child Care Facility**. A generic term applying to any facility required to be licensed. Includes a Child Care Center, child placement agency, Family Child Care Home, Foster Care Home, Homeless Youth Shelter, Residential [Child] Care Facility, Secure Residential Treatment Center. [CRS § 26-6-303(2)]
- f. **Community Residential Home**. A State licensed group living environment for the eight or fewer developmentally disabled as defined in CRS § 27-10.5-102(11). [CRS § 30-28-115, 30-28-115(2)(c), and 27-10.5-102(4)]
- g. **Day Treatment Center** (as distinguished from a public or private school special education program or Child Care Center). A structured less than 24-hour care program of various types of psychosocial behavioral treatment for five or more children EITHER over age five and less than age 18, OR under 21 and placed by court order before the 18<sup>th</sup> birthday, to prevent or reduce need for placement out of the home or community. [CRS § 26-6-102(2.5)]
- h. **Developmental Disability**. A disability manifested before a person reaches age 22 which constitutes a substantial disability to the affected individual, and is attributable to mental retardation or related conditions including cerebral palsy, epilepsy, autism, or other neurological conditions when such conditions result in impairment of general intellectual functioning or adaptive behavior similar to that of a person with mental retardation. Unless otherwise specifically stated, the Federal definition of "developmental disability" found in 42 U.S.C. sec.15001 *et seq.* does not apply. "Person with a developmental disability" means a person determined by a community centered board to have a developmental disability, and includes a child with a developmental delay. "Child with a developmental delay" means: (1) A person less than age five with delayed development as defined by the Colorado Department of Human Services; or (2) A person less than age five who is at risk of having a developmental disability as defined by the Colorado Department of Human Services. [CRS § 27-10.5-102(11)]
- i. **Elderly or Disabled Low-income Residential Facility**. A State licensed facility for the low income elderly or disabled as defined in CRS 39-3-112 which provides 24-hour residential health care with resident managerial personnel. [CRS § 39-3-112(1)(a.5)]
- j. **Family Child Care Home** (as distinguished from a Child Care Center. Includes infant-toddler child care homes, large child care homes, experienced provider child care homes). Less than 24-hour in-residence child care pursuant to State board regulations [CRS § 26-6-106(2)] for children under age 18 not related to the head of such a home. [CRS § 26-6-102(4)]
- k. **Family Service Facility**. A State licensed 24-hour residential facility and Child Care Center, with resident managerial personnel, for single-parent families. Includes counseling in such areas as career development, parenting skills, and financial budgeting. [CRS § 39-3-112(1)(b)]
- l. **Foster Care Home**. County-certified or State licensed in-residence 24-hour care for children under age 18 not related to the head of such a home, except for relative

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care; and placed by the county or state. Includes so-called "receiving home" and "kinship care home."

- m. **Group Home For The Aged** (as distinguished from Nursing Facility and Life Care Institution). Group home for eight or fewer clients age 60 years or older who do not require a Nursing Facility or nursing services and elect to live in normal residential surroundings. [CRS § 30-28-115(2)(b)(I) and (c)]
- n. **Group Home for the Mentally Ill**. A State approved and licensed group home for eight or fewer clients, implemented by the Department of Public Health and Environment concerning residential treatment facilities for the mentally ill. Serves the mentally ill as defined in CRS § 27-10-102 (including the non-violent, and non-violent felons), who are screened by a professional person. [CRS § 30-28-115(2)(b.5) and (c), and 31-23-301(4)]
- o. **Home Health Services/Home Health Care**. As needed in-home nursing; health aide; medical supplies, equipment, appliances; therapies provided through a certified home health agency. [CRS § 26-4-103(6)]
- p. **Homeless Youth Shelter**. A State licensed facility providing three days or more of miscellaneous services and mass temporary shelter for children age 15 to 18 and otherwise defined as homeless, having: (1) no fixed, regular, and adequate nighttime residence; or (2) a primary nighttime residence that is: (a) a supervised shelter for temporary living; or (b) a place not designed for, nor ordinarily used as, regular sleeping accommodations for human beings. The term "homeless" does **not** include someone imprisoned or detained under act of congress or State law. [CRS § 26-6-102(5.1)]
- q. **Homemaker Agency/Services**. A State certified in-home provider of general household activities needed to maintain a healthy and safe home environment. [CRS § 26-4-603(10)-(11)]
- r. **Hospice Care**. In-home **services** provided for those with a life expectancy of six months or less in lieu of other medical benefits available under CRS Article 26. [CRS § 24-4-103(7)].
- s. **Independent Residential Support Services** (state licensing not required). An in-home community living service and support situation defined by the Colorado Department of Human Services for up to three developmentally disabled persons as defined in CRS § 27-10.5-102(11). [CRS § 27-10.5-102(19)]
- t. **Intermediate Nursing Facility: Mentally Retarded**. A state-administered facility for the mentally retarded or those with developmental disabilities as defined by CRS § 27-10.5-102(11). Provides room and board above the level available only through institutional facilities; includes moderate assistance, therapy; occasional direction, supervision, therapy; moderate assistance, therapy for loss of mobility; routine, nonskilled nursing services; monitoring of drugs. [CRS § 26-4-103(8)]
- u. **Life Care Institution**. A facility providing contractual life-care services for those age 62 and above. Services include health care, medical services, board, lodging, or other necessities. [CRS § 12-13-101(5)]

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- v. **Low-Income Household Residential Facility**. A residential facility for low-income households as defined by CRS § 39-3-112(1)(b.5). [CRS § 39-3-112(1)(b.5)]
  - w. **Mentally Ill Person**. 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; mental retardation is insufficient to either justify or exclude a finding of mental illness within the provisions of statute. [ CRS § 27-10-102(7)]
  - x. **Nursing Facility** (as distinguished from Group Home for the Aged and Life Care Institution). A State licensed nursing home primarily for the care and treatment of inpatients under direction of physician. Supportive, therapeutic, or compensating services with licensed nurse for observation/treatment on 24-hour basis. May include terminal care; extensive assistance or therapy for loss of mobility; proprietary intermediate nursing facility for mentally retarded or developmentally disabled. [CRS § 26-4-103(11)]
  - y. **Personal Care Agency/Services**. A State certified **agency** providing in-home physical requirements or functional need services not requiring a nurse's supervision. [CRS § 26-4-603(16)-(17)]
  - z. **Regional Center: Developmentally Disabled**. A state-operated **facility or program** providing one or more of the following for persons with developmental disabilities, and/or their families: enabling and enhancing education, training, independent or supported living assistance, therapies, identification of natural supports, other activities. [CRS § 27-10.5-102(27) and 27-10.5-102(30)]
    - aa. **Residential [Child] Care Facility**. A State licensed facility for 24-hour group care and treatment of five or more children under age 18; may include mentally ill as defined by CRS § 27-10-102(7); may include an on-site school. [CRS § 26-6-102(8)]
    - bb. **Respite Care Provider/Services**. A State certified **facility or agency** that provides short-term in-home or in-facility relief from family care and maintenance; may include room & board, maintenance, personal care, and related services. [CRS § 26-4-603(18)-(19)]
    - cc. **Secure Residential Treatment Center**. A State licensed facility for 24-hour group care and treatment of five or more children under age 18, or persons up to age 21 over whom the juvenile court retains jurisdiction, in a secure setting for those convicted of a delinquent act, or convicted and sentenced as an adult. [CRS § 26-6-102(9)]
    - dd. **Specialized Group Facility** (includes specialized group homes, specialized group centers). A State licensed 24-hour care facility for between five and 12 children of **either** age three but less than 18, **or** under 21 placed by court order before 18<sup>th</sup> birthday, with special needs best met by a small group environment. Requires sponsorship and supervision by county or licensed child placement agency. [CRS § 26-6-102(10)]
    - ee. **Transitional Housing Facility**. A residential facility for homeless single individuals or families, or both, who have resided within the past six months in a shelter for the homeless, or who have been abused, and with incomes as defined by CRS § 39-3-112. Stays may extend up to 24 months to facilitate achievement of independent

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living; counseling in such areas as career development, parenting skills, and financial budgeting either on-site or off-site is provided. [CRS § 39-3-112(1)(c)]

2. **General Provisions.** The following applies to all Human Care Services:

- a. **Evidence of Licensing.** Applicant must submit evidence of all proper Federal, State, or local licensing, permitting, certification, or authorization as is required for the proposed use and considering the number of persons proposed to be served.
    - (1) **Licensing Current.** For any Administrative, Conditional, or Special Use Permit issued, evidence of current licensing must be submitted annually to Teller County.
  - b. **Setbacks.** Except as otherwise noted, for all Human Care Services not provided in an existing single-family home, all buildings are to be located at least 100 feet from the lot line of any adjoining residentially zoned property when 13 or more clients are served
  - c. **Signs.** No sign in the A-1 or any Residential zone district shall be larger than four square feet, nor shall any sign be lighted.
3. **Peripatetic Services.** Assistance or services provided solely within a single-family residence by peripatetic individuals or agencies on a temporary or occasional basis are exempt from the provisions of these Regulations. Such peripatetic services include: Home Health Services/Home Health Care, Homemaker Agency/Services, Hospice Care, Independent Residential Support Services, Personal Care Agency/Services, and in-home Respite Care Provider/Services; services provided by such organizations as Visiting Nurses Association (VNA) and similar health care providers.
4. **Family Child Care Home, and Foster Care Home: Five or Fewer Children.** Exempt from the provisions of these Regulations.
5. **Child Care Center: Four or Fewer Children.** Exempt from the provisions of these Regulations.
6. **Administrative Review Use Permits.** The following, as conditioned, are subject to an Administrative Review Use Permit:
- a. Family Child Care Home and Foster Care Home for six to 12 children, subject to adequate provisions for: access, drop-off and pick-up, and staff parking; adequate water, sanitary sewage disposal, and provisions for trash disposal.
  - b. Community Residential Home or Assisted Living Residence for eight or fewer, subject to compliance with all zone district dimensional limitations; an architectural character compatible with the surrounding neighborhood; the provision of services or treatments substantially consistent with activities otherwise permitted by zoning; the convenient availability of off-site services and facilities such as stores, commercial services, transportation, and public recreation reasonably related to the requirements of the particular home; and evidence of adequate water, sanitary sewage disposal, and provisions for trash disposal. Ministerial activities of any private or public organization or agency are not allowed.

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- c. Group Home for the Aged for eight or fewer, subject to compliance with all zone district dimensional limitations; an architectural character compatible with the surrounding neighborhood; the provision of services or treatments substantially consistent with activities otherwise permitted by zoning; the convenient availability of off-site services and facilities such as stores, commercial services, transportation, and public recreation reasonably related to the requirements of the particular home; and evidence of adequate water, sanitary sewage disposal, and provisions for trash disposal. Ministerial activities of any private or public organization or agency are not allowed, and no group home shall be located within 750 feet of another such group home.
  - d. Group Home for the Mentally Ill for eight or fewer, subject to compliance with all zone district dimensional limitations; an architectural character compatible with the surrounding neighborhood; the provision of services or treatments substantially consistent with activities otherwise permitted by zoning; the convenient availability of off-site services and facilities such as stores, commercial services, transportation, and public recreation reasonably related to the requirements of the particular home; and evidence of adequate water, sanitary sewage disposal, and provisions for trash disposal. Ministerial activities of any private or public organization or agency are not allowed, and no group home shall be located within 750 feet of another such group home.

**7. Conditional Use Permits.** The following are subject to Conditional Use Permit review:

- a. Community Residential Home, Assisted Living Residence, and Group Home for the Aged for nine or more clients.
- b. Family Child Care Home and Foster Care Home for 13 or more children.
- c. Group Home for the Mentally Ill for nine or more clients.
- d. Adult Day Care Facility, Alternative Care Facility, Child Care Center (five or more), Intermediate Nursing Facility: Mentally Retarded, Life Care Institution, Nursing Facility, Respite Care Provider/Services (facility).

**8. Special Use Permits.** The following are subject to Special Use Permit review:

- a. Day Treatment Center, Elderly or Disabled Low-Income Residential Facility, Family Service Facility, Homeless Youth Shelter, Low-Income Household Residential Facility, Regional Center (Facility): Developmentally Disabled, Residential [Child] Care Facility, Secure Residential Treatment Center, Specialized Group Facility [Child], Transitional Housing Facility.

**9. Human Care Service Use Not Listed.** The Planning Director shall determine, in writing and subject to Appeal to the Board of Adjustment, whether a proposed Human Care Service use not listed in these Regulations will be allowed by right, not be allowed, or be allowed subject to an Administrative Review Permit, Conditional Use Permit, or Special Use Permit in one or more zone districts. In making this determination, the Planning Director shall **consider** the following in addition to the considerations of *Section 2.1.D Determination of Similar Use*.

- a. **Number and Nature of Clients Served.** Whether the number of clients proposed to be served is compatible with the zone district in which it is to be located. Whether the proposed use assists clients with records of violent, criminal, or other anti-social

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- behaviors; or whether clients may need special supervision, specialized supplemental services, or proximity to off-site services and facilities such as stores, commercial services, transportation, and public recreation.
- b. Duration of Care and Stay.** Whether the proposed use is 24-hour care or less than 24-hour care; whether client residency may be considered permanent (as in a nursing facility) or transient (as in day care).
    - c. Nature of Facility Required.** Whether the proposed use is (1) accomplished by peripatetic providers; (2) conducted in a normal single-family residential environment under normal conditions and is incidental to the normal residential use; or (3) whether a special facility is proposed to be constructed, or a legally existing structure adapted for the use.
    - d. Site-Specific Considerations and Impacts.** Whether the proposed site to be used, and the zone district in general, has adequate water, sanitary sewage disposal, trash disposal, parking areas, loading and unloading areas, access, and proximity to emergency services to serve not only the clients but also staff and visitors. Whether the use will generate noise and lighting requirements that may negatively impact surrounding land uses. Whether the proposed site to be used, and the average lot size within the zone district as a whole, is sufficiently large to accommodate all aspects of the use as well as on-site mitigation of any potentially adverse impacts to surrounding land uses. Whether the proposed site to be used, and the zone district as a whole, is located in whole or in part in a *Chapter 6 Critical Areas* geologic hazard area, wildfire hazard area, or flood hazard area.
  - 10. Ministerial Activities.** For the purposes of these Regulations and *Section 8.3.Q*, "ministerial activities" include those on- or off-premises activities that in some way (a) promote, proselytize, instruct or solicit for a secular or non-secular, public or private, group, organization or agency; (b) create on-premises offices from which such activities are organized, directed, conducted, or dispersed; or (c) establish on-premises meeting places for the purpose of convening or conducting such activities.

## CONTACT US!

The information above is a **summary only**. The Land Use Regulations may require more or less than is stated in this brochure.



**TABLE 2-1 SUMMARY OF ZONE DISTRICT USES**

	Teller County Zone Districts										
	A-1 - Agricultural	RR - Rural Residential	R-1 - Single-family Residential	R-1M - Mobile Home Lots	R-2 - Multi-Family	BC - Business Center	C-1 - Commercial	LI - Light Industrial	M-1 - Industrial	A-2 - Airport Overlay	C-2 - Commercial Overlay
Adult Day Care Facility	C		C				C				
Alternative Care Facility	C		C				C				
Assisted Living Residence: 8 or fewer	A	A	A	A	A						
Assisted Living Residence: 9 or more	C	C	C		C						
Child care center - 4 or fewer	P	P	P	P	P		P				
Child care center - 5 or more	C	C	C				C				
Community Residential Home: 8 or fewer	A	A	A	A	A						
Community Residential Home: 9 or more	C	C	C		C		C				
Day Treatment Center: any number	S						S				
Elderly or Disabled Low-Income Residential Facility	S		S				S				
Family Child Care Home: 5 or fewer	P	P	P	P	P						
Family Child Care Home: Between 6 and 12	A	A	A	A	A						
Family Child Care Home: 13 or more	C	C	C								
Family Service Facility	S		S				S				
Foster Care Home: 5 or fewer	P	P	P	P	P						
Foster Care Home: Between 6 and 12	A	A	A	A	A						
Foster Care Home: 13 or more	C	C	C								
Group Home for the Aged: 8 or fewer	A	A	A	A	A						
Group Home for the Aged: 9 or more	C	C	C		C						
Group Home for the Mentally Ill: 8 or fewer	A	A	A	A	A						
Group Home for the Mentally Ill: 9 or more	C	C	C		C						
Home Health Services/Home Health Care (peripatetic)	P	P	P	P	P		P				
Homeless Youth Shelter/Homeless Shelter	S		S				S				
Homemaker Agency/Services (peripatetic)	P	P	P	P	P		P				
Hospice care - (peripatetic)	P	P	P	P	P						
Independent Residential support Services (peripatetic)	P	P	P	P	P						
Intermediate Nursing Facility: Mentally Retarded	C		C				C				
Life Care Institution	C		C				C				
Low-Income Household Residential Facility	S		S				S				
Nursing Facility	C		C				C				
Personal Care Agency/Services (peripatetic)	P	P	P	P	P		P				
Regional Center: Developmentally Disabled	S		S				S				
Residential [Child] Care Facility: any number	S		S				S				
Respite Care Provider/Services (facility)	C		C				C				
Respite Care Provider/Services (peripatetic)	P	P	P	P	P						
Secure Residential Treatment Center: any number	S						S				
Specialized Group Facility [Child]: any number	S						S				
Transitional Housing Facility	S		S				S				

