



# City of Boulder Planning & Development Services

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## Residential Care, Custodial Care and Congregate Care Facility

### Attachment to Administrative Review Application Form

#### RESIDENTIAL CARE FACILITY CRITERIA

A "residential care facility," as defined in Section 9-16, B.R.C. 1981 and listed below, is allowed as a conditional use in all high density residential zoning districts, certain medium density and mixed use zoning districts (RM-1, RM-3, and MU-3), and all business districts. The use is prohibited in the industrial, public, and agricultural zoning districts and certain residential zoning districts (RR-1, RL-1, RM-2, and MH). **For those zoning districts in which a residential care facility is allowed as a conditional use, approval of an administrative review application is required.**

In order for an administrative review application to be approved for a residential care facility as a conditional use, Planning and Development Services must find that the application meets the applicable residential care facility criteria. These criteria are found in Section 9-6-4(e), B.R.C. 1981 of the city's land use regulations and are listed below. An application for approval of a residential care facility as a conditional use must include a written statement which addresses how the proposal meets the relevant criteria. The written statement must describe the number and characteristics of occupants (e.g. staff, foster care children, etc.), the calculated floor area ratio, and how the proposal meets city code standards for the distance between residential care facilities. The required site plans must show off-street parking areas. The criteria cannot be met by using the variance process. In addition, a residential care facility must meet other city code requirements that may apply, such as building code or landscape design standards.

#### CITY CODE DEFINITION OF RESIDENTIAL CARE FACILITY:

"Residential care facility" means a facility providing social services in a protective living environment for adults or children, including without limitation, group foster care homes; shelters for abused children or adults; nursing homes, intermediate care facilities, or residential care facilities licensed by the Colorado Department of Health.

RESIDENTIAL CARE FACILITY CRITERIA (CITY CODE EXCERPT OF SECTION 9-6-4(e), B.R.C. 1981):

9-6-4(e) Residential Care, Custodial Care and Congregate Care Facilities.

The following criteria apply to any residential care facility or congregate care facility:

1. For purposes of density limits in Section 9-7-1, "Schedule of Form and Bulk Standards," B.R.C. 1981, and occupancy limits, six occupants, including staff, in any custodial, residential or congregate care facility constitute one dwelling unit, but the City Manager may increase the occupancy of a residential care facility to eight occupants, including staff, if:
  - (A.) The floor area ratio for the facility complies with standards of the Colorado State Departments of Health and Social Services and Chapter 10-2, "Property Maintenance Code," B.R.C. 1981; and
  - (B.) Off-street parking is appropriate to the use and needs of the facility and the number of vehicles used by its occupants, regardless of whether it complies with other off-street parking requirements of this chapter.
2. In order to prevent the potential creation of an institutional setting by concentration of custodial, residential or congregate care facilities in a neighborhood, no custodial, residential, or congregate care facility may locate within seven hundred and fifty feet of another custodial care or residential care facility, but the approving agency may permit two such facilities to be located closer than seven hundred and fifty feet apart if they are separated by a physical barrier, including without limitation, an arterial collector, a commercial district, or a topographic feature that avoids the need for dispersal. Planning and Development Services will maintain a map showing the locations of all custodial, residential or congregate care facilities in the city.
3. Uses allowed in the BMS district must be located above minimum necessary access or below the ground floor: otherwise by use review only. See code for additional language.
4. BC -1 and BC – 2 see current code