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**GRAND JUNCTION CITY COUNCIL
MONDAY, JULY 14, 2025
WORKSHOP, 5:30 PM
FIRE DEPARTMENT TRAINING ROOM
625 UTE AVENUE**

1. Discussion Topics

- a. Affordable Housing Fee Waivers and Exemption Policy
- b. Member Selection of the Housing Affordable Code Task Force
- c. Discussion of HB 24-1007 and Possible Moratorium on Application of Group Living Regulations

2. City Council Communication

An unstructured time for Councilmembers to discuss current matters, share ideas for possible future consideration by Council, and provide information from board & commission participation

3. Next Workshop Topics

4. Other Business

What is the purpose of a Workshop?

The purpose of the Workshop is to facilitate City Council discussion through analyzing information, studying issues, and clarifying problems. The less formal setting of the Workshop promotes conversation regarding items and topics that may be considered at a future City Council meeting.

How can I provide my input about a topic on tonight's Workshop agenda?

Individuals wishing to provide input about Workshop topics can:

- 1. Send input by emailing a City Council member ([Council email addresses](#)) or call one or more members of City Council (970-244-1504)

2. Provide information to the City Manager (citymanager@gjcity.org) for dissemination to the City Council. If your information is submitted prior to 3 p.m. on the date of the Workshop, copies will be provided to Council that evening. Information provided after 3 p.m. will be disseminated the next business day.

3. Attend a Regular Council Meeting (generally held the 1st and 3rd Wednesdays of each month at 5:30 p.m. at City Hall) and provide comments during "Public Comments."



Grand Junction City Council

Workshop Session

Item #1.a.

Meeting Date: July 14, 2025

Presented By: Tamra Allen, Community Development Director, Ashley Chambers, Housing Manager

Department: Community Development

Submitted By: Ashley Chambers, Housing Manager

Information

SUBJECT:

Affordable Housing Fee Waivers and Exemption Policy

EXECUTIVE SUMMARY:

This item is for discussion of the City's current approach to development-related fee exemptions and waivers for affordable housing. Under Colorado law, housing authorities are exempt from local development-related fees, and municipalities may waive impact fees for low- and moderate-income housing. Staff will present proposed changes to improve clarity, reduce long-term fiscal impacts, and align with Housing Strategy 2 and the City's Proposition 123 production goals. Discussion topics include discontinuing the practice of backfilling fees for exempt entities, revising the incentive structure based on AMI tiers, and formalizing the City's role in covering sewer and water fees, subject to annual appropriations. These updates could reduce the City's projected 2026 costs from over \$4.1 million to approximately \$1.87 million, while continuing to support over 450 affordable housing units. Staff is seeking Council direction on the proposed changes.

BACKGROUND OR DETAILED INFORMATION:

Impact Fee Exemptions. The Colorado Revised Statutes (CRS. 29-4-227(1) explicitly exempt housing authorities from paying any development-related fee due to a local government; Further state law provides that a jurisdiction may "waive impact fees for low- and moderate-income housing" as enabled by CRS 29-20-104.5.

GJ Municipal Code. The City's impact fees are codified in Section 21.02.070 Development Fees. The city's Municipal Code (excerpted below) speaks to other exemptions, that also include the federal, state, city, county and school district from paying impact fees (fire, police, parks and transportation); this municipal code exemption does not apply to plant investment fees (sewer and water). These government/district projects are explicitly exempt and fees for projects completed by these entities have not been otherwise paid.

21.02.070(a)(5)(ii)(F) Exemptions. The following types of development shall be exempt from payment of impact fees. Any claim for exemption shall be made no later than the time when the applicant applies for the first Planning Clearance.... "A Development by the federal government, the state, school district, county or the City."

Fee Exemptions in recent projects. The issue of impact fee exemptions and impact fee waivers was the subject of inquiry at a special meeting in 2024 related to a request by Grand Junction Housing Authority (GJHA) for funding for The Current, a proposed 54-unit affordable (60% AMI or less) project. As presented, GJHA was exempt by state law from paying \$757,184 in development-related fees. The question arose about whether the city should or should not "backfill" the exempted fees with general fund revenue. The City Council at that time did not support the "exemption" and instead took action to "backfill" these development-related fees in the amount of \$757,184, which included both sewer tap fees, impact fees and open space in lieu fees.

Fee Waivers for Affordable Housing. The City has historically taken the position that fees that are not exempted per law, need to be paid in full – even if the purpose is for Affordable Housing. However, CRS. 29-20-104.5(c)(5) expressly allows local government to not require payment of an "impact fee or other similar development charge on the development of low-or moderate-income housing or affordable employee housing as defined by the local government."

In recent low- and moderate-income housing projects, such as Grand Valley Catholic Outreach's Mother Theresa's place, that are not exempted from fee payment either by local code or State statute, the city has been approached to pay the fees on behalf of the project. Most recently, the city has recently made this commitment, budgeted for, and paid the development-related fees for projects such as the Meridian Park Townhomes (HRWC) (\$85,962.00), Habitat for Humanity (\$123,386), Mother Theresa's Place (\$296,747) Liberty Apartments (\$625,248) (pending Prop. 123 funding), The Current (\$ 757,184). This City has paid these fees using CDBG and/or General Fund dollars. Since 2019, the city has committed and/or spent approximately \$1,591,780 in backfilling development-related fees for affordable housing projects.

Affordable Housing Production Incentive. On July 3, 2024, the City adopted Resolution 44-24 establishing the Affordable Housing Production Incentive. The adopted policy provides an incentive for the production of Affordable units as well as mixed-income projects. As an incentive, the city pays the fees that would otherwise be due. The incentive applies to units that meet a 100% AMI (for sale) or 60% AMI (for rent) household income with a requirement to maintain affordability for 30 years. It can also be utilized by projects that are mixed-income but provide at least a percentage of Affordable units as follows:

1. *Affordable For Sale Units*

- For sale units at 100% AMI or below shall receive up to 100% of Fee waivers.

2. *Affordable For Rent Units*

- For rent units at 60% AMI or below shall receive up to 100% Fee waivers.
- A Project providing at least one *Affordable For Rent Unit* that comprises at least 10% of the overall number of rental units at 60% AMI or below shall receive up to a 25% Fee waiver for the Project, limited to that part of a mixed-use Project that is residential.

- A Project providing at least two Affordable For Rent Units that comprise at least 20% of rental units at 60% AMI or below shall receive up to a 40% Fee waiver for the Project, limited to that part of a mixed-use Project that is residential.

Consistent with the adopted policy and in preparation for the 2025 budget, the city solicited requests for the incentive and received **\$2,102,174** in requests. Through review of the projects and the budget process, the city set aside **\$200,578** in general fund dollars to fund the production incentive – with \$114,616 earmarked for Habitat for Humanity (10 units) and \$85,962 for Housing Resources of Western Colorado’s Meridian Park townhomes (6 units).

Fee Waivers and Exemptions for Discussion. Paying development-related fees for the Housing Authority that are *exempt* from paying these fees is expensive. Paying these fees is a discretionary of city council. It is staff’s opinion that dollars spent “backfilling’ exempt fees – and paying fees for Affordable Housing Projects could be utilized in other ways to leverage private/non-profit investment to building *additional* new Affordable housing units.

Staff would like to discuss the approach to backfilling fees for exempt projects (Housing Authority) as well as discuss the policy to waive/incentize (and backfill) development-related fees for low- and moderate-income housing moving forward.

For discussion purposes staff provides the following concepts:

1. Repeal existing Affordable Housing Incentive Policy Resolution 44-24.
2. Recognize that the Grand Junction Housing Authority, and a Special Limited Partner of the Housing Authority, is exempt from paying development-related fees, and eliminate the requirement to backfill those fees from the City budget.
3. For projects not completed by the GJHA, waive and/or reduce impact fees (excluding water and sewer)for rental units up to 90% AMI, in the percentages shown below. For units at 60% or below, establish a process for the city to pay sewer and water (if city) fees on behalf of the project, subject to annual appropriations.

AMI	Impact Fee % Reduction	City Water/Sewer Fee Payment
60% AMI and below	100%	Consider request in annual budget
61% to 70% AMI	100%	Developer paid
71% to 80% AMI	75%	Developer paid
81% to 90%	50%	Developer paid

4. Waive or reduce impact fees (not sewer/water) for for-sale units up to 120% AMI, in the percentages shown below. For units at 100% or below, establish a process for the city to pay sewer and water (if city) fees on behalf of the project, subject to annual appropriations.

AMI	Impact Fee % Reduction	City Water/Sewer Fee Payment
100% AMI and below	100%	Consider request in annual budget
101% to 110% AMI	100%	Developer paid
111% to 120% AMI	50%	Developer paid

5. Waive from paying impact fees (excluding water and sewer), any project any multi-unit project that utilizes income-averaging at or below 60% AMI.. Establish a process for the City to pay sewer and water (if city) fees on behalf of the project, subject to annual appropriations.

6. Waive from paying impact fees (excluding water and sewer), any project that counts towards the city's Proposition 123 unit count commitment, including those utilizing the Prop. 123 Equity or Concessionary debt tools. Establish a process for the City to pay sewer and water (if city) fees on behalf of the project, subject to annual appropriations.

Impact fees, plant investment fees for sewer and water for a new dwelling unit in 2026 costs approximately the following:

City of Grand Junction Fees 2026		
Impact Fee	Sq ft of Unit	Total Per Unit
	<850 sq ft	\$4,611.00
	851-1000 sq ft	\$5,485.00
	1001-1250 ft	\$5,772.00
	1251-1500 ft	\$8,386.00
	1501-2000 ft	\$8,810.00
	Impact Fee TOTAL	
Enterprise Fee	Fee	
	3/4" Water Tap/PIF	\$6,015.00
	2" Water Tap/ PIF*	\$33,262
	3" Water Tap/PIF*	\$60,009
	City Sewer PIF**	\$5,877
	Water/Sewer TOTAL	
	*assumes a 6% increase in 2026	
**Multi-family discount (rate x .72 x per unit)		

Current Estimated Production for 2026. The City has received six Letters of Request for the Affordable Housing Incentive, representing a total of 450 units. Staff believes these projects are either already in the entitlement process or are viable and expected to proceed. Under the current structure of the Affordable Housing Incentive, the estimated cost to the City for these projects is \$4,190,335.90. One of the developers, utilizing income averaging at 60% AMI (which allows for some units to be priced at 70–90% AMI to cross-subsidize deeper affordability at 30–50% AMI), would be required to contribute \$1,105,777.30 in development costs. This requirement may ultimately push the developer to reduce AMIs further to meet affordability targets. If Council opts to approve the proposed changes to the incentive, the total cost to the City would decrease to \$1,871,405.56, and the developer referenced above would no longer be required to contribute funds. This would result in a cost savings of \$2,318,930.34 to the City and \$1,105,777.30 to the developer. In the 2025/2026 CDBG Program year, the City's Annual Action Plan includes \$218,410

to assist in paying water and sewer tap fees. Should council move forward with the proposed changes - the additional budget needed to support the 450 units anticipated for 2026 would be approximately \$1,652,994.74 in sewer and tap fees.

	# of units	Impact Fees	W/S Fees
VOA/GJHA	62	\$285,882.00	\$355,620.28
9th Path	149	\$770,304.00	\$723,755.56
Brikwell/GJHA	144	\$755,502.00	\$702,598.36
Rural Homes	48	\$277,056.00	\$570,816.00
Habitat for Humanity	6	\$50,316.00	\$89,262.00
New Beginnings	41	\$227,429.00	\$487,572.00
TOTAL	450	\$2,366,489.00	\$2,929,624.20

	Current Affordable Housing Incentive	Proposed Affordable Housing Incentive	Savings
City TOTAL	\$4,190,335.90	\$1,871,405.56	\$2,318,930.34
Developer TOTAL	\$1,105,777.30	\$0.00	\$1,105,777.30

25/26 CDBG Allocation	\$ 218,410.82	\$218,410.82
Additional Budget Needed	\$3,971,925.08	\$1,652,994.74

Alignment with Proposition 123 Commitment. This discussion is intended to address the community's shortage of approximately 2,100 affordable housing units and advance implementation of the City's Housing Strategy 2: Explore New Incentives for Affordable and/or Attainable Housing Development. The City has committed to meeting Proposition 123 goals, which require an average of 374 new affordable units over three years—or approximately 125 units annually. It is important to note that unit production may fluctuate each year, as Proposition 123 measures progress cumulatively over the full three-year period.

FISCAL IMPACT:

This item is for discussion only; however, it may result in future fiscal impacts depending on the direction provided by City Council.

SUGGESTED ACTION:

This item is for discussion purposes only.

Attachments

1. Resolution 44-24 Affordable Housing Incentive

**CITY OF GRAND JUNCTION, COLORADO
RESOLUTION NO. 44-24**

**A RESOLUTION ADOPTING A FEE WAIVER OR REDUCTION FOR A
PRODUCTION INCENTIVE FOR AFFORDABLE FOR SALE AND AFFORDABLE
FOR RENT UNITS IN THE CITY OF GRAND JUNCTION, COLORADO**

RECITALS:

In May 2021 the City, in conjunction with several housing agencies, completed a Grand Valley Housing Needs Assessment (HNA). The HNA showed a poverty rate in Grand Junction of 16%, that is well above the state average, a rental housing gap of 2,168 units for households earning less than \$25,000 (roughly 30% to 50% Area Median Income [AMI]), a need for accessible housing units for the 15% of the City's population that are disabled, and a generalized substandard condition of housing units within the community.

In response to and informed by the HNA, on October 6, 2021, the City Council approved Resolution 82-21 adopting a Housing Strategy outlining twelve strategies tailored to address certain needs identified in the HNA with two of the top needs being production and availability gaps including needs for additional affordable rentals and affordable homeownership opportunities. Strategy 5 calls for the City to "formalize existing incentives and consider additional incentives for affordable housing development." On December 21, 2022, the city approved Resolution 96-22, which added a thirteenth housing strategy to promote community engagement and education around housing.

In August 2023, the City Council approved Resolution 65-23 and adopted a definition of *Affordable Housing* as rental housing units affordable to households earning 60 percent AMI or below, or for-sale housing units that are affordable to households earning 100 percent AMI or below. Additionally, attainable housing rental housing units are affordable to households earning 80 percent to 100 percent AMI and for-sale housing that is affordable to households earning 100 percent to 140 percent. The Resolution included a goal to increase affordable housing stock by 124 annually (or 372 over three years). By and with the adoption of this Resolution, the City Council provides an incentive to produce Affordable Housing consistent with its previously established policy.

For the reasons expressed, among others, in these Recitals, the Grand Junction City Council hereby approves a fee waiver or reduction in fees to incentivize the production of for sale and affordable for rent Affordable Housing units in the City of Grand Junction to become effective immediately, and to continue, unless amended or repealed by further action of the City Council, to subject to annual appropriation through December 31, 2027.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO:

The 2024 Affordable Housing Production Incentive Program, is hereby adopted and made effective immediately (Effective Date) as follows:

1. The foregoing Recitals are incorporated herein and in consideration of the same the City Council finds, determines, and resolves that as follows:
 - a. Upon application and a determination by the Director of the Community Development Department that an Affordable Housing project (Project) has, or will when developed conform to the Grand Junction Municipal Code (GJMC), the City Manager is authorized to pay from the General Fund, in an amount not to exceed the appropriated budget for such expenditure, all applicable Development Impact Fees (Transportation Capacity Payment [TCP], police, fire, parks, and other impact fees as may be adopted)) and Plant Investment Fees (water, sewer), and Open Space in lieu of dedication fees collectively referred to as "Fees" for Affordable Housing Units that: i) have an affordability term of at least 30 years enforced by a mechanism such as a recapture agreement, land use restriction agreement, deed restriction, use covenant, or other comparable document commonly utilized in affordable housing models and are determined by the City to be *affordable* as defined and described herein.
 - b. *Affordable For Sale Units*
 - For sale units at 100% AMI or below for income-qualified households shall receive up to 100% of Fee waivers.
 - c. *Affordable For Rent Units*
 - For rent units at 60% AMI or below for income-qualified households shall receive up to 100% Fee waivers.
 - A Project providing at least one *Affordable For Rent Unit* (at 60% AMI or below) that comprises at least 10% of the overall residential rental units shall receive up to 100% fee waivers for the income qualified affordable for rent units and up to a 25% Fee waiver for the project's non-affordable rental units, limited to that part of a mixed-use Project that is residential.
 - A Project providing at least two *Affordable For Rent Units* (at 60% AMI or below) that comprise at least 20% of the overall residential rental units shall receive up to 100% fee waivers for the income

qualified affordable for rent units and up to a 40% Fee waiver for the project's non-affordable rental units, limited to that part of a mixed-use Project that is residential.

2. Without further action by the City Council this Resolution and subject to annual appropriation of funds the Affordable Housing Production Incentive Program is adopted and approved hereby and herewith the Program shall expire on the earlier of non-appropriation or December 31, 2027.

ADOPTED AND APPROVED THIS 3rd day of July 2024.



Abram Herman
President of the City Council

ATTEST:



Selestina Sandoval
City Clerk





Grand Junction City Council

Workshop Session

Item #1.b.

Meeting Date: July 14, 2025
Presented By: City Council
Department: Community Development
Submitted By: Tamra Allen, Community Development Director

Information

SUBJECT:

Member Selection of the Housing Affordable Code Task Force

EXECUTIVE SUMMARY:

The City has received several recent inquiries from members of the Housing and Building Association of Western Colorado to convene a task force focused on “meaningful” reforms within the City’s policies and procedures to make housing more attainable. Staff is supportive of this concept and offer the following as a series of recommendations as to the formation and purpose of a potential task force.

The council discussed the formation of this task force at their June 30th workshop and directed staff to make a broad call to housing developers for participation in the task force. Interested participants have been asked to submit their name and basic information about their role and work in housing development to the city by the end of the day on July 10, 2025. This information will be provided to city council prior to the workshop on July 14, 2025, as the deadline is July 10. The Council requested this item again be placed on the July 14 workshop to review the applicants for the committee prior to appointing them at the July 16 regular Council meeting. The council also selected Mayor Kennedy, Mayor pro tem Cole and Council member Nguyen to join the task force discussions.

Appointment of members to the task force by resolution has been scheduled for the July 16, 2025, City Council agenda.

BACKGROUND OR DETAILED INFORMATION:

The city has received several recent inquiries from members of the Housing and Building Association of Western Colorado to convene a task force focused on “meaningful” reforms within the city’s policies and procedures to make housing more attainable. Staff is supportive of this concept and offer the following as a series of

recommendations as to the formation and purpose of a potential task force, as follows:

1. The scope of the effort should be clear and focused. The task force should be convened specifically for the purpose of reducing the regulatory cost burden directly impacting the affordability of new housing. Since the city does not administer the Building Code, the scope of work should be limited to Title 21 (Zoning and Development Code) and Title 29 (Transportation and Engineering Design Standards), as these are the two areas of the Municipal Code that most significantly regulate the formation of new lots and sites on which housing is built.
2. The task force should serve for a discrete period of time to ensure a high degree of focus and a sense of urgency. We recommend a 6-to-9-month timeframe for issue identification and solution-finding.
3. It should be clear that the staff's role in the task force is to be supportive in nature. Staff will assist with administrative tasks and logistics, while the task force will be asked to identify issues and provide solutions to these challenges. Staff will be available to contribute to the discussion, provide information, and context, as needed. Should the task force's work result in proposed amendments to the municipal code, staff's role will also include the evaluation of the proposed code text changes against the city's adopted plans and policies – as required by the criteria within the code. Staff, as normal, would express their professional opinion about any proposed changes in the context of a staff report and/or presentation to the planning commission and city council. The committee's recommendations would also clearly be shared with Planning Commission and City Council. Articulating the roles of the committee and staff is an important step prior to the start of the committee to properly manage expectations.
4. A functional task force size for this type of committee typically ranges between 10 and 15 members. This size allows for group members to actively participate in discussion and dialogue. The membership of the task force should be comprised of people familiar with the development of subdivisions and site planning related to multi-family projects within the city. Further, it should be comprised of members able to commit to attending all (or nearly all) meetings. Prior code work the city has led, underscores the necessity of attendance, as members who miss meetings either do not get to contribute to the discussion or slow progress by the committee needing to revisit numerous provisions. Staff has included a list of professions that should be considered to participate in this task force, as shown in the table below:

No. of Members

Areas of Representation

- 2 City Council members
- 2 Planning Commission members
- 3 Developers who build single-unit, duplex, and townhome lots intended for attainable housing
- 3 Developers who develop the site and contract for and/or build multi-family units
- 2 Civil engineers specializing in developing site plans and civil plans for subdivisions

or site plans

2 Design specialists (eg. traffic engineer, landscape architects) who work on development entitlements

5. The Council should provide a list of expected outcomes for the task force to ensure understanding of how success/completion will be defined. This should include itemizing the changes in costs related to the code revisions that directly impact housing affordability. An additional outcome may also be to observe and track the decrease in new home prices if/when regulatory costs are removed and/or lessened. It may also be helpful to create an understanding of how the city's code requirements compare to those of other communities' codes.

For additional background, the City convened a Code Committee in 2022 to assist in the most recent code updating process. There were 17 members, of whom 10 were directly related to the housing development industry (member roster attached). The City contracted with a consultant to facilitate the process and provide recommended revisions to the Code. The purpose of the code updating process was to 1) better reflect the goals and policies described in the 2020 One Grand Junction Comprehensive Plan, especially those Key Principles related to Responsible and Managed Growth and Strong Neighborhoods and Housing Choices, 2) to achieve a higher level of efficiency, consistency, and simplicity, and 3) to remove barriers for affordable housing, consistent with those identified in the City's recently adopted Housing Strategies.

The process to update the code took 21 months. The initial scope of time was approximately one year, but as the revised draft approached adoption, members of the Code Committee requested additional time. Completion of the revised draft took an additional 9 months. During this time, the code committee met 30 times for roughly 1.5 to 2 hours each, the Planning Commission held 29 workshops, and the Council held 12 workshops, not including one-on-one meetings. The meeting information is attached. Along with an updated Code, at the conclusion of the process, a table was produced by the remaining active members of the Committee that indicated the impact the code changes had on costs for development, including an increase in cost, a reduction of costs, and a neutral cost impact. This table has been attached for reference.

FISCAL IMPACT:

There is no direct fiscal impact.

SUGGESTED ACTION:

Discussion and direction.

Attachments

1. Exhibit 1 - Code Committee Roster (1)
2. Exhibit 7 - Impact of Code Changes (1)
3. Meetings on Code Update

4. Grand Junction Housing Affordability Code Task Force

ZONING & DEVELOPMENT CODE COMMITTEE 2022-2023

No.	Name	Background/Profession	Member of Comprehensive Plan Advisory Committee
1	Colin St. Clair	Neighborhood Advocate, Real Estate Broker	
2	Kevin Bray	Bray Real Estate, Developer	
3	Mike Foster	Coldwell Banker, Commercial Broker	X
4	Ivan Geer	River City Engineering, Professional Engineer	X
5	Mark Austin	Austin Civil Group, Professional Engineer	
6	Ron Abeloe	Chaparral West/Bella Partners, HBA, AMGD, WCCA	
7	Jane Quimby	La Plata Communities, Colorado West Land Trust	
8	Shelley Dackonish	Dufford Waldeck Law, Land Use Attorney	
9	Candace Carnahan	Grand Junction Chamber of Commerce	
10	Jonathan Purdy	Horizon Drive BID Executive Director	X
11	Brandon Stam	Downtown Grand Junction	
12	Bill Wade	Former Planning Commissioner, Homeward Bound	
13	Emilee Powell	Housing Resources of Colorado	
14	Jill Norris	Grand Junction Housing Authority	
15	Nancy Strippel	Parks and Recreation Advisory Board	
16	Andrew Teske	Planning Commission Chair	
17	Keith Ehlers	Planning Commission, Consultant	X

Erin Nix*

Director of Testing & Accom. at CMU

X

*withdrew on 07.22.23

Grand Junction 2023 Z&DC Update: Impact of Code Changes
Updated October 2023

Section	Title/Description	Impact on Future Development	Impact on Construction Costs	Comments
21.01 General Provisions				
	Revised transitional provisions to provide greater specificity about multiple approval projects	Cost/Time Decrease	No Impact	
21.02 Administration and Procedures				
	Expanded applicability and permitted scope of administrative adjustments	Cost/Time Decrease	Cost Decrease	
	Updated and clarified rezoning review criteria	Cost/Time Decrease	No Impact	
	Updated comprehensive plan amendment criteria	No Impact	No Impact	
	Adjusted applicability of PD lapsing provision	Cost/Time Decrease	No Impact	
21.03 Zone Districts and Dimensional Standards				
	Expanded list of permitted setback and height exceptions for clarity and to reduce adjustment requests	Cost/Time Decrease	No Impact	
	Retired R-E, R-1, and R-2 zone districts	No Impact	No impact	
	Reduced residential front and street side setbacks in RL-4 and higher to 15 feet	Expanded development	No Impact/Cost Decrease	
	RM-5 and up: Revised dimensional standards to specifically allow attached units	Expanded development	Cost Decrease	
	RM-5: Increased maximum lot coverage	Expanded development	Cost Decrease	
	RM-12 and up: Reduced minimum lot area for attached DUs, reduced per unit lot width, raised max height	Expanded development	Cost Decrease	
	Revised most commercial zone districts to mixed-use by adding residential uses, used most permissive dimensions	Expanded development	No impact	
	Added new Parks and Open Space district	No Impact	Cost Increase	May have been interpreted as additional dedication requirement in cost survey
	Added new Public, Civic, and Institutional Campus district	Expanded development	No Impact	
21.04 Use Standards				
	Updated use table to specify full range of housing types, allowed more types in more districts	Expanded development	No Impact	
	Added use-specific standards and changed use review processes from Conditional to Allowed	Expanded development	Cost Decrease	
	Limited or removed permission for a small number of uses in newly combined districts	Create some nonconformities	Unsure of Impact	
	Revised cottage court standards for greater flexibility and to clarify that tiny homes are allowed	Expanded development	No Impact/Cost Decrease	
	Adjusted Manufactured Home Community density standards to align with base zone district	Expanded development	No Impact	
	Made accessory dwelling units (ADU) provisions more flexible (number allowed, parking, and design)	Expanded development	Cost Decrease	
	Created accessory use table and generally expanded allowed accessory uses	Expanded development	No Impact	
21.05 Site and Structure Development Standards				
	Revised underground utilities requirement to no longer require existing overhead utilities to be undergrounded	1. Expanded development of some infill lots 2. Visual impacts of existing lines remain	Cost Decrease	The utility undergrounding requirement predates this Z&DC update, reflecting a community preference. This requirement can have significant cost impacts on development.
	Removed standards redundant or conflicting with TEDS or SSID	No Impact	No Impact	
	Clarified language to specify Pedestrian and Bicycle Plan Implementation	No Impact	Cost Increase	Reflecting concerns that Ped/Bike Plan implementation will impose additional costs
	Simplification of open space dedication requirements, removal of MAI appraiser requirement	Potential loss of appropriately located park land	Cost Decrease	Inability for City to implement Parks and Recreation
	Access, turn lane, oversizing standards grouped and edited for clarity	No impact	No Impact	Open Space plan effectively and potential equity issues in application
	Maintained current policy and standards on the use of private roads	No Impact	No Impact	
	Residential compatibility standards added (structure location or height)	Design requirement	Cost Increase	
	Building layout standards for single-family attached and multifamily development	Design requirement	Cost Increase/Unsure	
	Expansion of Horizon Drive District and North Avenue Overlay to most mixed-use and commercial	Design requirement	Cost Increase	
	Expanded allowance for drive-thru restaurants in 24 Road Corridor	Change in allowed use	No Impact	Restaurant drive-thrus are currently prohibited in MU zoning districts

Section Title/Description	Impact on Future Development	Impact on Construction Costs	Comments
21.07 Landscaping, Buffering, and Screening			
Changed significant tree requirement to not require preservation for industrial projects and for infill projects less than one acre	Potential loss of some significant trees	Cost Decrease	Change to the applicability of the Landscaping regulations adopted in Dec. 2022 to reflect development and site layout concerns
21.08 Off-Street Parking			
Significantly reduced off-street (on-site) vehicle parking requirements for many commercial and industrial uses	Expanded development	Cost Decrease	Surface parking as a principal use is not currently allowed Downtown
Eliminated minimum parking requirements for nonresidential uses in some infill areas	Expanded development	Cost Decrease	
Expanded parking Decreases allowed through administrative approval	Expanded development	Cost Decrease	
Allow the creation of long-term commercial parking lots (surface parking) on vacant lots Downtown	Change in allowed use	No Impact/Cost Decrease	
Revised short-term bicycle parking requirements	Expanded requirement	Cost Increase	
Added new long-term bicycle parking requirements	New requirement	Cost Increase	
Referenced new state model code for electric vehicle charging requirements	Per Colorado Statute	Cost Increase	
21.09 Subdivision Standards			
Cul-de-sac to arterial or collector street ped/bike connection requirement added (10' easement)	New dedication, limited	Cost Increase	Dedication to improve pedestrian connections
21.11 Outdoor Lighting			
Incorporated maximum lighting temperature requirement per International Dark-Sky Association (with flexibility for Director to allow limited increases)	Change to bulb type	No Impact	
21.14 Measurements and Definitions			
Clarified that HUD certified manufactured homes are allowed where single-family detached development is allowed.	Use clarification	No Impact	
Revised tiny home definition to align with state statute, to allow for a tiny home that meets DOH approval and is on a chassis	Use clarification	No Impact	
Added co-housing definition and clarified applicabilty to cottage courts	Use clarification	No Impact/Cost Decrease	
Clarified boarding/rooming house definition	Use clarification	No Impact	

Z&DC Committee	Public Engagement	Planning Commission Workshops	City Council Workshops
4/6/2022	4/5/2022 (Kick Off)	6 Jan 2022 (Z&DC Assign.)	4/6/2022
5/17/2022	4/6/2022 (Kick Off)	7 Apr 2022 (Public Engage.)	6/13/2022
6/15/2022	4/7/2022 (Kick Off)	5/19/2022	3/14/2022
9/6/2022	4/14/2022 (HBA)	7/7/2022	5/16/2022
11/1/2022	4/22/2022 (MC CommUNITY)	4 Aug 2022 (Assess. Report)	9/19/2022
11/10/2022	4/28/2022 (GJARA)	8 Sep 2022 (Module 1)	10/31/2022
11/17/2022	5/6/2022 (WCLCC)	6 Oct 2022 (ADUs, STRs)	12/19/2022
12/19/2022	6/14/2022 (Lion's Club)	20 Oct 2022 (ADUs, STRs)	1/9/2023
1/19/2023	11/3/2022 (AMGD Meeting)	11/3/2022	2/27/2023 (1:1)
1/23/2023	11/3/2022 (#1 Public Engagement, Modules 1 & 2)	11/17/2022	2/28/2023 (1:1)
1/30/2023	11/4/2022 (#2 Public Engagement, Modules 1 & 2)	12/20/2022	3/6/2023 (1:1)
2/21/2023	11/4/2022 (#3 Public Engagement, Modules 1 & 2)	1/5/2023	3/13/2023
2/27/2023	1/19/2023 (Public Engagement, Module 3)	1/19/2023	6/12/2023 (Joint with DCC)
3/3/2023	1/20/2023 (Public Engagement, Module 3)	2/23/2023	8/14/2023
3/17/2023	2/8/2023 (Chamber of Commerce Webinar)	3/8/2023	12/13/2023
3/21/2023		3/9/2023	
4/26/2023		3/22/2023	
5/17/2023		3/23/2023	
5/31/2023		5/18/2023	
6/14/2023		6/22/2023	
6/28/2023		7/6/2023	
7/12/2023		7/20/2023	
7/26/2023		8/17/2023	
8/9/2023		9/7/2023	
8/23/2023		9/21/2023	
9/6/2023		10/5/2023	
9/13/2023		10/19/2023	
9/20/2023		10/24/2023	
10/4/2023		11/9/2023	
10/10/2023	Packet Page 18		

What is your profession? (e.g. Land Developer, Civil Engineer, Landscape Architect, etc.) Briefly describe your current involvement in housing development						Have you been involved or submitted a site plan or subdivision for housing in the city in the past 2 years	If yes, please provide the name of the project
Id	Start time	Name (First, Last)					
43	7/10/2025 20:40	Kurt Basford	Architect	Student Housing forecasting at Colorado Mesa University	No		
16	7/1/2025 14:55	Terry Lawrence	Builder	I have over 30 years experience building and developing in Western Colorado.	Yes		Clear Creek, Nighthawk, Cottage Creek, and many single family home projects
5	7/1/2025 11:06	Candace Carnahan	Chamber of Commerce	The Chamber knows that housing affordability is greatly impacting workforce retention and attraction. We have engaged on everything from incentive programs to impact fees.	No		
17	7/1/2025 15:19	Dillon Foster	Civil Engineer	I am part owner of River City Consultants, located in Grand Junction, CO. Our firm specializes in many aspects of engineering including land development. We have successfully worked with the City of Grand Junction for many years in completing development designs throughout the community.	Yes		Redlands 360 Filing 1
27	7/6/2025 14:11	Ivan Geer	Civil Engineer	Work with cliebts	Yes		Chipeta Estates
7	7/1/2025 11:05	Mark Austin	Civil Engineer	I have 30 years of commercial, multi-family, residential and industrial experience in Mesa County. Our firm has completed the majority of multi-family projects over the past 10-years in Grand Junction.	Yes		I have personally submitted more than 20 development applications to the City over the past 2 years
2	7/1/2025 10:32	Swindell, Stephen	Civil Engineer	Currently involved in subdivision and site plan designs, in multiple jurisdictions in the Grand Valley, for both single- and multi-family developments.	Yes		Founders Colony, Blue Mesa, Burkey Park, Aspen Trails,
15	7/1/2025 14:30	Terrence Lawrence	design build custom home builders and spec home builder.	With more than 35 years of experience building quality homes across the Western Slope of Colorado, our team brings a deep understanding of the region’s housing needs. Projects include: Clear Creek Subdivision, Night Hawk Subdivision(in Review stage) Cottage Creek Subdivision(in Review Stage) and also single family homes not subdivisions.	Yes		Clear Creek Subdivision
29	7/7/2025 10:03	Jacob, Victor	Developer	Developing LIHTC and Workforce Housing projects	No		
37	7/8/2025 18:02	John gargasz	Developer	Sfh and multifamily developer with net zero focus	Yes		Liberty apartments Stacy drive
10	7/1/2025 12:45	Sandra Weckerly	Developer	I am on the planning commission. I have been a land and housing developer for 25 years+.	No		
31	7/7/2025 10:43	Tim Foster	Developer	We have developed a number of residential lots, commercial/industrial buildings along with a number of building projects at the University	Yes		2134 Bond and Clmarron Mesa
40	7/10/2025 16:40	Tyler Elick	Developer	We develop affordable, workforce and market rate housing.	No		
14	7/1/2025 14:17	Jane Quimby	Developer - Project Manager	Project manager for Redlands 360 - a 600 acre master planned residential community, with multiple housing types and commercial development.	Yes		Redlands 360 - multiple filings
22	7/2/2025 10:35	Steve	Developer & Builder	Land Developer, Home Builder, Apartment Builder.	Yes		Pear Park North, Fox Meadows, Pear Park Place, Plaza Apartments, Varsity Apartments.
41	7/10/2025 16:48	Jason Fish	Developer and property manager	Built 40 townhomes off 25 1/2, breaking ground on 27 duplexes, about to get plans approved for 54 townhomes involved with 500 s 7th for 144 affordable apartments	Yes		Ember Estates

28	7/5/2025 10:06	Ed Lenhart	Developer/ Builder	I have three developments that are in process with houses starting in the \$350,000's. Our company builds between thirty and fifty homes per year. Our company is building four homes for Housing Resources of Western Colorado.	Yes	Tawny Subdivision, Zenon Subdivision, Orchard Highlands
12	7/1/2025 13:09	Garrett, Davis	Developer/builder	My lively hood	Yes	Founders colony, Mallard view Subdivison
34	7/7/2025 14:01	Brian Rusche	Development Director - Grand Junction Housing Authority	GJHA will be constructing The Current, a 54-unit apartment restricted to 30-60% AMI tenants just off 24 Road.	Yes	The Current
20	7/2/2025 8:23	Curtis Englehart	Economic Development Executive Director	I was asked to be involved in this group to bring an economic development perspective to housing affordability and job creation.	Yes	I have participated in the site plan review process through
30	7/7/2025 10:42	Emilee Powell	Exec Director, Housing Non Profit	Housing Resources is developing small scale projects in the city limits and outside city limits, mostly for-sale but potentially for rent.	No	
11	7/1/2025 12:33	Merritt Sixbey	General Contractor	AS a General Contractor I am involved with the HBA, WCCA and I build and or remodel multiple homes throughout the year within the city and county. I have been in the building industry since I was 7 years of age. I have held a General Contractors License for over 40 years. I have also done multiple subdivisions, and I am a Member of the Building Department Advisory Board and many other committees within the valley. I have built hundreds of homes from custom to very affordable; I have been involved throughout the increasing costs due to codes and fees and have found a way to create budgets that work for ALL clients including new homeowners and previous homeowners. I spend a lot of time being involved in the current housing development and I am a strong advocate for affordable housing for all and attend many different meetings to advocate for affordable housing. I thank you for your consideration in joining this group.	Yes	Shetland Meadows, Multiple projects throughout the year as we are a General Contractor.
36	7/8/2025 8:49	Paul Major	Housing developer	Founder of the non-profit Rural Homes which is a residential affordable housing developer across Colorado.	Yes	Salt Flats
32	7/7/2025 11:50	Stephanie Copelan	Investor/Developer	We have built over 200 units in Grand Junction and 1000 across the state targeting middle income workforce	Yes	The Nexus
19	7/2/2025 8:15	Darah Galvin	Land Developer	I am an assistant land developer along with the current board president of Habitat for Humanity of Mesa County.	Yes	Thunder Valley Subdivision, John Hoffman Subdivision
18	7/1/2025 15:46	Kevin Bray	land developer	land development	Yes	Filing 4
39	7/9/2025 16:06	Michael Foster	Land Developer	Developer of single family detached projects.	Yes	multiple
23	7/3/2025 17:00	Caleb Blair	Land Developer, Builder	We build built to rent housing and real estate investments. Primarily ADUs and duplexes	Yes	Cimarron Estates
8	7/1/2025 11:15	Ron Abeloe	Land Developer, Builder of single family detached and attached housing, Rental housing provider	I am currently involved in multiple subdivision projects in the City of GJ that are in the planning process or being built out with units. We also have projects in Mesa County and the City of Fruita.	Yes	2119 N first st, etc. Bella Dimora, Arabesque, Monument Villas, Canyon View Villas, Westland Meadows
33	7/7/2025 11:55	Kelly Maves	Land Developer, Builder, Realtor	For over 20 years I have been involved in the development and sales of primarily housing. I was on high rise development in the Denver market and have been involved in developing and building single family and attached product in Mesa County. My husband and I operate Maves Construction	Yes	We are doing a project on Club Estates in Redlands Mesa, as well as Club Villas.
3	7/1/2025 10:34	Charlie Gechter	Land Developer, single and multi family builder	I have submitted 7 different subdivision/phases plans over the past few years. I currently build single family and multifamily townhouses in the city. I am a board member for the HBA.	Yes	Shadow Mesa, Row Homes at Meridian Park, 377 28 Road, Chipeta Hollows, Crawford Row Homes at Dos Rios

				the bulk of my current involvement in housing development within the city and throughout the Grand Valley is performed on the front end of projects working with developers and realtors during the property acquisition stage to understand implications of applicable codes and gauge likely feedback from review agencies that help determine a project's economic feasibility and schedule expectations. Much of today's work is done long before it becomes a formal 'project' that gets submitted which is a shift from the 15 years I spent earlier in my career as a Project Representative for more than 80 housing and commercial developments in the Grand Valley.		
21	7/2/2025 8:28	Keith Ehlers	Land Development & Business Planning Services; Project Feasibility Consulting, Residential & Business Developer, Community Planning & Policy Expert	I am up to speed and educated at a detailed level in local and regional policy development through recent tenure on the City's Planning Commission, Comp Plan Steering Committee's, and Land Use Code Stakeholder Group's.		Planning Commission, Land Development Code Update, Comp Plan Update Focus Group, Monument Villas, Liberty Apartments, Colex Mixed Use, and many more who have not yet become formal submittals.
35	7/7/2025 14:27	Christian Pritchett	Multi-family developer	Developer of multi-family housing across Colorado, Utah, Wyoming, Montana, New Mexico, North Dakota and South Dakota	No	
26	7/3/2025 17:58	Micah Adams	Owners Rep for Commercial Development & Commercial Real Estate Broker	Just finished my 6th year on the Board of Directors for Habitat for Humanity of Mesa County. I also work with several housing developers.	No	
4	7/1/2025 10:41	Tom Logue	Planning Consultant	Project Management and Administration	Yes	Varsity Apartments, the Plaza Apartments, West Branch Subdivision
9	7/1/2025 11:46	Kim Kerk	PM- Land Consulting and Development	My office can process a parcel of vacant land through all necessary entitlements and approvals required for the construction of new homes or businesses.	Yes	Most recently I submitted Sunset Valley Estates Filing 3 SUB-2024-635
6	7/1/2025 11:17	Mark Wingerter	Real Estate Broker	I've been involved with GJARA for many years and the Western Colorado Housing Initiative. I also helped create the Kindness Creates Community Foundation that helps homebuyers with closing costs assistance.	No	
25	7/3/2025 17:57	Kelly Milan	Real Estate Design & Development	Multiple multi-family properties in our project pipeline.	No	
42	7/10/2025 16:50	Joel cohen	Real estate developer	We are working on several projects in grand junction now spanning single family built for rent, townhomes and multi family.	Yes	Pomona Park townhomes and ember estates
13	7/1/2025 13:19	Christi Reece	Realtor, developer	Involved in a 40 lot subdivision with a builder, and have another piece of ground we recently took through planning	Yes	Zenon Subdivision, Orchard Highlands
24	7/3/2025 17:03	Ted Ciavonne	Retired Landscape Architect / Land Planner	Since retiring about 2.5 years ago my involvement has been limited to just staying in touch with select staff, clients, other LA's, and civil engineers.	No	
38	7/9/2025 12:36	Nina Anderson	Small Business Owner	serving on Policy & Public Engagement Workgroup/interested members - MCCUH (Mesa County Collaborative for the Unhoused)	No	



Grand Junction City Council

Workshop Session

Item #1.c.

Meeting Date: July 14, 2025

Presented By: Niki Galehouse, Planning Manager, Tamra Allen, Community Development Director

Department: Community Development

Submitted By: Niki Galehouse, Planning Manager

Information

SUBJECT:

Discussion of HB 24-1007 and Possible Moratorium on Application of Group Living Regulations

EXECUTIVE SUMMARY:

In 2024, the State passed HB24-1007 Home (Harmonizing Occupancy Measures Equitably) Act with an effective date of July 1, 2024. The Act is codified at C.R.S. 29-20-111. The law provides that "a local government shall not limit the number of people who may live together in a single dwelling based on a familial relationship. Local governments retain authority to implement residential occupancy limits based only on (a) demonstrated health and safety standards such as international building code standards, fire code regulations, or Colorado Department of Public Health and Environment wastewater and water quality standards; or local, state, federal or political subdivision affordable housing program guidelines." Presently, the Grand Junction Municipal Code ("GJMC") contains no demonstrated health and safety standards, and as such, to be in compliance, there has been discussion of the City 1) repealing or suspending or 2) modifying the GJMC concerning group living.

At the City Council workshop on June 16, 2025, a moratorium (i.e., suspension of the GJMC application) was discussed. If adopted, this would allow the City to further evaluate modifications to the Code to comply with the law and/or provide the legislature with an opportunity to revise the law. On June 16, the City Council requested that staff conduct additional research on how other jurisdictions are approaching group living facilities in response to HB24-1007.

BACKGROUND OR DETAILED INFORMATION:

In 2024, the State passed HB24-1007 Home (Harmonizing Occupancy Measures Equitably) Act with an effective date of July 1, 2024. The Act is codified at C.R.S. 29-

20-111. The law provides that "a local government shall not limit the number of people who may live together in a single dwelling based on a familial relationship. Local governments retain authority to implement residential occupancy limits based only on (a) demonstrated health and safety standards such as international building code standards, fire code regulations, or Colorado Department of Public Health and Environment wastewater and water quality standards; or local, state, federal or political subdivision affordable housing program guidelines." Presently, the Grand Junction Municipal Code ("GJMC") contains no demonstrated health and safety standards, and as such to be in compliance there has been discussion of the City 1) repealing or suspending or 2) modifying the GJMC concerning group living.

The GJMC presently categorizes group living uses by the number of people living together, and as such, the regulations facially violate the HOME Act.

Specifically, "Group Living Facility means a type of group living characterized by the provision of training, treatment, supervision or other professional support or care and who receive care, training, treatment, supervision or other support from caregivers or staff on site. Tenancy is arranged on a monthly or longer basis, and the size of the group may be larger than a typical family. Uses where tenancy may be arranged for a shorter period are not considered residential; they are considered to be either a form of lodging facility. Generally, group living structures have a common eating area for residents, but a common eating area by itself, without other care, treatment, supervision or other professional or health support services being provided on site, does not indicate a group living facility (a multifamily residential facility, such as apartments, may, for example, have a common eating area). Group living facility, small means a facility designed for and occupied by five to nine residents living together. Group living facility, large means a facility designed for and occupied by 10 to 16 residents living together. Group living facility, unlimited means a facility designed for and occupied by 17 or more residents living together."

At the City Council workshop on June 16, 2025, a moratorium (i.e., suspension of the application of the GJMC) was discussed, which, if adopted, would allow the City to further evaluate modifications to the Code to comply with the law and/or to provide the legislature with an opportunity to revise the law. On June 16th, the City Council requested that staff conduct additional research on how other jurisdictions are approaching group living facilities in response to HB24-1007.

While some cities are pushing back regarding occupancy limits, others have adopted various approaches to the Act and its application to group living facilities. The approaches of five jurisdictions, Montrose, Fort Collins, Avon, Lyons, and Milliken, are summarized below.

- **Montrose:** Group homes for the handicapped or disabled for those with eight or fewer residents are permitted anywhere single-household residential uses are permitted. Those with nine or greater residents, as well as those that fall under the 'other' category (for children and the elderly), must obtain a conditional use

permit in the same zone districts. Assisted living facilities are conditional uses in some residential zone districts and permitted in limited commercial districts.

- **Fort Collins:** Most group living uses have been eliminated; however, long-term care facilities are permitted in nonresidential zone districts through a Type 2 review, which requires approval by the Planning & Zoning Commission.
- **Avon:** Group homes for the developmentally disabled, elderly, or mentally ill, limited to eight occupants, are permitted as a Special Review Use in most residential zone districts and two nonresidential districts.
- **Lyons:** Assisted living facilities, group care homes, and nursing facilities are conditional uses in all residential zone districts. Group care homes and long-term care facilities are permitted uses in one commercial zone district.
- **Milliken:** Assisted living facilities, congregate care facilities, group homes, and long-term care facilities are primarily conditional uses, with the zone districts varying by type of facility. Group homes, of note, are conditional uses in residential districts and the downtown mixed-use district and are limited to eight persons.

More information, including definitions and use-specific standards, from these jurisdictions is available in the backup material.

Colorado Zoning Law

C.R.S. 31-23-301(4) and 303(2) provide that "group homes" that serve not more than eight persons are residential uses. The law further provides at C.R.S. 31-23-303(2)(b.5) (in relevant part) that such group homes are not exempt from compliance with any state, county, or municipal health, safety, and fire codes. The legislative declaration does not provide that these facilities housing more than eight persons must also be treated as a "residential use for zoning purposes."

The HOME Act is in accord with existing law in that local governments retain the authority to implement residential occupancy limits if occupancy is regulated on "demonstrated health and safety standards." Presently, the City has no such standards, and the law provides that after July 1, 2024, a local government may implement residential occupancy limits based only on such standards or affordable housing program guidelines.

In conversations Planning Manager Galehouse had with the State on what type of standard could meet the requirement of the Act, the explanation was that the goal behind the Act referencing "demonstrated health and safety standards" was that it be established in a code or law as opposed to a new standard the local jurisdiction creates for the purpose of complying with HB24-1007.

It may be that other jurisdictions have extrapolated sections to Title 31 as a basis to continue to implement occupancy restrictions on certain group living uses. Title 31 is clear that group homes with eight or fewer occupants are a residential use, but is silent on those with greater than eight residents. This may be the basis that other jurisdictions

are using as justification to establish that group homes in this latter category are a non-residential use, and therefore would not be subject to the provisions of the HOME Act. The Statute is clear that group homes with eight or fewer occupants are a residential use, but is silent on those with greater than eight residents. As an alternative to adopting a moratorium, the City Council could direct staff to evaluate and bring recommendations to the Council for modification of the GJMC to categorize group living facility uses of more than 8 people as *non-residential*.

Given the terms of the Act, to wit, that local governments may implement residential occupancy limits only on demonstrated health and safety standards, the City Attorney has advised that enforcement of the occupancy limits for group living uses as currently written creates potential liability for the City.

FISCAL IMPACT:

N/A

SUGGESTED ACTION:

This item is for discussion purposes only.

Attachments

1. Group Living Comparison Chart
2. Group Living Comparison - Code Excerpts
3. CRS 31-23-301
4. CRS 31-23-303

Comparison of Group Living Regulations

Standards	MONTROSE	FT. COLLINS	AVON	LYONS	MILLIKEN
Definition of 'Family' or Household	Both		Family		Family
Use of "Family" or "Unit" in Dwelling Types	Household	Unit	Family	Unit	Family
Definition of 'Group Living' (or other similar term)	Assisted Living Facility; Group home; Group home for the handicapped or disabled	Long-term care facility	Group home, developmentally disabled; Group home, elderly; Group home, mentally ill. Limited to 8 occupants	Assisted living facility; Group care home; Long-term care facility	Assisted living facility; Congregate care; Congregate living facilities; Group home; Long-term care facility including nursing home
Limits on Where Group Living is Allowed	Group Homes: <8: Permitted 9+/Other: Conditional ALF: Varies, Permitted or Conditional in limited districts	Commercial, Downtown, Employment, Industrial Districts, by PC Approval	Special Review Use in most residential and two nonresidential districts.	Assisted living facility, Group care home, Nursing facility are conditional in all residential districts; Group home & long-term care permitted in one commercial district	Assisted living conditional in two commercial districts; Congregate care allowed in manufactured home district, conditional in a commercial and industrial district; congregate living conditional in multifamily, industrial, allowed in commercial; group home conditional in residential, downtown mixed-use districts; Long-term care conditional in two commercial districts, allowed in another
Group Living Use-Specific Standards	Sec. 11-11-2		Sec. 7.24.060		

Comparison of Group Living Regulations

Montrose

Family/Household Definitions

Household is defined as any of the following:

- (1) A single person occupying a dwelling unit;
- (2) Up to any number of persons of any relationship, so long as in compliance with all health and safety regulations; or
- (3) A group home, or group home for the handicapped or disabled, as defined herein.

Dwelling Related Definitions

Dwelling, duplex means a single residential building on a single lot containing two dwelling units, each designed for use and occupancy by one household. The two units must be able to function as dwelling units independently of each other, but may be located side-by-side, in front and behind, or above and below each other.

Dwelling, multi-household means five or more dwelling units in a single building on a single lot. where each unit is occupied by one occupant or household and where each unit has an individual entrance to the outdoors or to a common hallway. This use type includes modular homes as defined herein.

Dwelling, single-household attached means a single-household dwelling unit attached to one or more single household dwellings that share a common vertical side or rear wall reaching from the building foundation to the roof structure, each of which is located on its own separate lot. This use is also referred to as a townhome. This use type includes modular homes as defined herein.

Dwelling, single-household detached means a single-household dwelling that is not attached to any other dwelling by any means (except an approved accessory dwelling unit), on a single lot. This use type includes modular homes as defined herein.

Dwelling, tiny home means a single-household dwelling that is permanently constructed on a vehicle chassis; is not self-propelled; is designed for long-term residency; contains less than 400 square feet of gross floor area; includes electrical, mechanical, or plumbing services that are fabricated, formed, or assembled at a location other than the site of the completed home; is constructed to the International Residential Code as adopted by the Building Codes and Standards program of the Colorado Division of Housing; and has affixed to it a metal plate insignia certifying that it is built to those standards.

Dwelling, triplex or fourplex means a single building on a single lot containing three or four dwelling units under one roof, each of which is occupied by one occupant or household. This use type includes modular homes as defined herein.

Dwelling unit means an area in a building containing cooking, living and sanitary facilities designed for residential purposes.

Group Living Related Definitions

Assisted Living Facility means a residential structure licensed by the State of Colorado to provide health-related and personal care.

Group home means a state-licensed home for eight or fewer persons that is for purposes other than those defined as a "Group home for the handicapped or disabled."

Group home for the handicapped or disabled means a state-licensed home for eight or fewer persons with mental or physical impairments which substantially limit one or more major life activities, and including such additional necessary persons required for the care and supervision of the permitted number of handicapped or disabled persons. "Handicap" and "disability" have the same legal meaning. A person with a disability is any person who has a physical or mental impairment that substantially limits one of more major life activities; has a record of such impairment; or is regarded as having such an impairment. A physical or mental impairment includes, but is not limited to, hearing, visual, and mobility impairments, alcoholism, drug addiction, mental illness, mental retardation, learning disability, head injury, chronic fatigue, HIV infection, AIDS, and AIDS Related Complex. The term "major life activity" may include seeing, hearing, walking, breathing, performing manual tasks, caring for one's self, learning, speaking, or working. Group homes for handicapped or disabled persons, as they relate to recovering (not currently using) alcoholics and persons with drug addictions, may also be known as sober living arrangements.

Use-Specific Standards

Sec. 11-11-2. - Group homes.

(A) Number of Persons Permitted.

(1) A group home with no more than eight handicapped or disabled residents, as defined in [Section 11-15-2](#) of this Title, is a permitted use in the zone districts as indicated in [Section 11-7-6](#) of this Title. Additional necessary persons required for the care and supervision of the permitted number of handicapped or disabled persons are allowed.

(2) Group homes with more than eight handicapped or disabled residents shall be reviewed as a conditional use in the zone districts as indicated in [Section 11-7-6](#) of this Title and processed as an application for a reasonable accommodation under the requirements and standards of the Fair Housing Amendments Act (FHAA), specifically, 42 U.S.C. 3604(f)(3)(B).

(3) A group home shall not include any person required to register as a sex offender pursuant to C.R.S. § 18-3-412.5, as amended, unless related to other persons in the group home by blood, marriage or adoption or in foster care.

(4) Other group homes, e.g., for children and group homes for elderly persons (who are not also handicapped or disabled persons), shall be reviewed as a conditional use in the zone districts as indicated in [Section 11-7-6](#) of this Title.

(B) Compliance with State and Local Requirements.

(1) The group home shall maintain compliance with applicable building codes, fire codes, and health codes based upon the occupancy classification and number of residents and necessary persons for care of the residents.

(2) The group home shall comply with the parking standards of this Title. All commercial components, such as parking lots and playgrounds, shall be screened and buffered from neighboring residences and uses.

(3) Copies of any applicable current state or local certifications, licenses or permits for the group home shall be maintained on the premises.

(C) Meetings and Gatherings. Meetings or gatherings on-site at a group home for handicapped or disabled persons that are consistent with a normal residential family setting are allowed and shall only be for residents, family of residents, and necessary persons required for the support, care and supervision of the handicapped or disabled persons. This does not permit conducting ministerial activities of any private or public organization or agency or permit types of treatment activities or the rendering of services in a manner substantially inconsistent with the activities otherwise permitted in the particular zoning district. See, C.R.S. § 31-23-303(2)(c).

Ft. Collins

No Family/Household Definitions

Dwelling Related Definitions

Dwelling shall mean a building with habitable space used exclusively for residential occupancy and for permitted accessory uses. The term dwelling shall not include hotels, motels, homeless shelters, seasonal overflow shelters, tents or other structures designed or used primarily for temporary occupancy with the exception of short term primary and non-primary rentals.

Dwelling, multi-unit shall mean a dwelling containing three (3) or more dwelling units, not including hotels, motels, fraternity houses and sorority houses and similar group accommodations.

Dwelling, single-unit shall mean a dwelling containing no more than one (1) dwelling unit, whether or not it also contains an attached accessory dwelling unit.

Dwelling, single-unit attached shall mean a single-unit dwelling attached to one (1) or more dwellings or buildings, with each dwelling located on its own separate lot.

Dwelling, single-unit detached shall mean a single-unit dwelling that is not attached to any other dwelling or building, other than an attached accessory dwelling unit, by any means, including mobile homes and manufactured housing situated on a permanent foundation.

Dwelling, two-unit shall mean a dwelling containing two (2) dwelling units, not considering any attached accessory dwelling units, and meeting the description of a Duplex under Section 3.1.5.

Dwelling, two-unit attached shall mean a two-unit dwelling attached to one other two-unit dwelling with each such two-unit dwelling located on its own separate lot.

Dwelling unit shall mean habitable floor space intended for the exclusive use of a single household with a single kitchen, or including a second kitchen pursuant to Section 5.3.6.

Group Living Related Definitions

Long-term care facility shall mean any of the following:

- (A) Convalescent or rehabilitation center shall mean a health institution that is planned, organized, operated and maintained to offer facilities and services to inpatients requiring restorative care and treatment and that is either an integral patient care unit of a general hospital or a facility physically separated from, but maintaining an affiliation with, all services in a general hospital.

(B) Nursing or memory care facility shall mean a health institution planned, organized, operated and maintained to provide facilities and health services with related social care to inpatients who require regular medical care and twenty-four (24) hour per day nursing services for illness, injury or disability. Each patient shall be under the care of a physician licensed to practice medicine in the State of Colorado. The nursing services shall be organized and maintained to provide twenty-four (24) hour per day nursing services under the direction of a registered professional nurse employed full time.

(C) Intermediate health care or assisted living facility shall mean a health-related institution planned, organized, operated and maintained to provide facilities and services which are supportive, restorative or preventive in nature, with related social care, to individuals who because of a physical or mental condition, or both, require care in an institutional environment but who do not have an illness, injury or disability for which regular medical care and twenty-four (24) hour per day nursing services are required.

(D) Independent living or continuing care facility shall mean a single-unit, two-unit and/or multi-unit dwelling that is located within a development that contains one (1) or more of the facilities described in (A) through (C) above, wherein the residents of such dwellings have access to the common amenities and services available to residents of the facilities described in (A) through (C) above.

Use Table

	RESIDENTIAL DISTRICTS						MIXED-USE DISTRICTS					COMMERCIAL DISTRICTS										DOWNTOWN DISTRICTS					EMPLOYMENT, INDUSTRIAL, OTHER							
	RUL	UE	RF	RL	OT-A	MH	LMN	MMN	HMN	OT-B	OT-C	CC	CCN	CCR	CG	CG-CAC	CS	NC	CL (RA)	CL (OA)	HC	H-CORE	CA/C-NM	I/R	RC	CN	EC	E	I	POL	T			
COMMERCIAL/RETAIL USES																																		
Food Truck Rally												■	■		■			■	■	■	■	■	■	■	■	■	■							
Frozen Food Lockers															■				■	■												■		
Funeral homes											■	■	■	■	■		■		■	■									■	■				
Gasoline stations												■			■		■	■	■					■	■	■	■	■	■	■	■	■		
Health and membership clubs														■	■	■	■	■		■	■	■	■	■	■	■	■	■	■	■	■	■		
Homeless Shelters												■			■		■						■	■	■	■	■	■	■	■	■	■	■	
Indoor Kennel													■		■			■		■	■	■									■			
Limited indoor recreation establishments						■						■	■	■	■		■		■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	
Unlimited Indoor Recreation Establishments												■	■	■	■	■	■				■													
Lodging establishments												■	■	■	■	■	■			■	■		■	■	■	■	■	■	■	■	■	■		
Long-term care facility												■	■	■		■					■		■	■	■	■	■	■	■	■	■	■	■	
Medical centers/clinics												■	■	■	■	■	■	■	■	■	■								■	■				
Medical marijuana centers												■	■	■	■		■					■	■	■	■	■	■	■	■	■	■	■	■	
Micro-brewery/distillery/winery												■	■	■	■		■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	
Music Studio												■	■	■	■		■						■	■	■	■	■	■	■	■	■	■	■	
Music Facility, Multi-Purpose												■	■	■	■								■	■	■	■	■	■	■	■	■	■	■	
Offices, financial services & clinics							■	■	■		■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	
Outdoor amphitheater												■	■	■	■		■	■			■		■	■	■	■								
Plant Nurseries & Greenhouses			■												■			■			■									■	■			
Plumbing, electrical, and carpenter shops															■			■		■	■										■			
Print Shop												■	■	■	■		■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	
Open air farmers markets							■	■				■	■		■			■		■	■	■	■	■	■	■	■	■	■	■	■	■	■	
<div><div><div>■ Basic Development Review</div><div>■ Minor Amendment</div></div><div><div>■ Type 1 (Administrative Review)</div><div>■ Building Permit</div></div><div><div>■ Type 2 (Planning and Zoning Commission)</div><div>■ License</div></div><div><div>△ Additional Use Standards</div></div></div>																																		

Avon

Family/Household Definitions

Family means an individual living alone or either of the following groups living together as a single housekeeping unit and sharing common living, sleeping, cooking and eating facilities:

- (a) Any number of persons related by blood, marriage, adoption, guardianship or other duly authorized custodial relationship and not more than one (1) additional person; or
- (b) Any unrelated group of persons subject to the occupancy limitations of two (2) adults per bedroom, for a maximum of eight (8) adults and their children; or
- (c) Not more than eight (8) developmentally disabled persons and appropriate staff occupying a dwelling unit and living as a single, nonprofit housekeeping unit.

Dwelling Related Definitions

Dwelling means a building or portion thereof, used exclusively for residential occupancy, including single-family dwellings, duplex and multi-family dwellings.

Dwelling, apartment means a room or suite of rooms in a multi-family structure that is arranged, designed, used or intended to be used as a housekeeping unit for a single family on a rental basis only.

Dwelling, duplex means a building occupied by two (2) families living independently of each other.

Dwelling, live/work means an attached dwelling unit that contains a commercial component of not more than a specified percentage of the unit's gross floor area.

Dwelling, multi-family means a dwelling containing three (3) or more dwelling units, not including hotels, motels, fraternity houses and sorority houses and similar group accommodations.

Dwelling, single-family means a building designed exclusively for occupancy by one (1) family, but not including mobile home, otherwise provided herein.

Dwelling, timeshare, interval ownership or fractional fee ownership means any parcel or lot of land or condominium unit, whether fee interest, leasehold or contractual right, whereby more than four (4) persons (ownership of an interest in joint tenancy by two [2] persons being considered one [1] person for the purpose of this Section) are entitled to the use, occupancy or possession of such lot, parcel or unit according to a fixed or floating time schedule occurring periodically over any period of time (the use, occupancy or possession

by each person being exclusive of that by the others). Timesharing unit includes, but is not limited to, a timeshare estate as defined in Section 38-33-110, C.R.S.

Dwelling unit means one (1) or more rooms and a single kitchen and at least one (1) bathroom designed, occupied or intended for occupancy as separate quarters for the exclusive use of a single family for living, cooking and sanitary purposes, located in a single-family, duplex or multi-family dwelling or mixed-use building.

Group Living Related Definitions

Group home, developmentally disabled means a group home, licensed by the State, for the exclusive use of not more than eight (8) developmentally disabled persons and the appropriate staff.

Group home, elderly means an owner-occupied or nonprofit group home for the exclusive use of not more than eight (8) persons sixty (60) years of age or older and the appropriate staff.

(a) *Nonprofit group home* means a group home for the aged which is owned and operated by a person or organization as provided by 31-23-303, C.R.S., 1973.

(b) *Owner-occupied group home* means a group home for the aged which is owned and operated by an individual or individuals who actually reside at and maintain their primary place of residence in the group home.

Group home, mentally ill means a group home, licensed by the State, for the exclusive use of not more than eight (8) mentally ill persons and the appropriate staff.

Use-Specific Standards

7.24.060 - Special review uses.

...

(b) Residential Uses - Group Living.

(1) Boarding/Rooming House or Private Dorm:

(i) A boarding/rooming house or dormitory shall provide a minimum of one hundred fifty (150) square feet per person of net living area, including sleeping, bathroom, cooking and lounge used in common.

(ii) Occupancy of a dormitory sleeping unit shall be limited to no more than eight (8) persons.

(2) Group Homes:

(i) Group homes shall comply with the occupancy, dispersal and other requirements found in the state statutes and regulations for group homes.

(ii) Group homes shall not be located closer than seven hundred fifty (750) feet from another group home, shall be used exclusively for no more than eight (8) persons and shall be in compliance with all town, state and federal health, safety and fire code provisions. Compliance with state statutes is mandatory.

(iii) Reasonable Accommodation by Town Administrator. In consideration of the requirement of the Federal Fair Housing Act ("FHA") (42 U.S.C. §3601, et seq.), that local governments make reasonable accommodations in order to permit housing for persons with disabilities, the Town Manager (in consultation with the Town Attorney) is authorized to approve minor modifications of building setbacks, height, lot coverage or occupancy limits in order to provide reasonable accommodation for residential group homes without the need for an additional hearing. The Town Manager may approve a reasonable accommodation other than that requested by the applicant if the Town Administrator concludes that an alternative accommodation would have fewer impacts on adjacent neighborhoods. The decision of the Town Manager regarding an FHA application for a reasonable accommodation shall contain written findings of fact as to the need for the accommodation and the authority to approve the requested accommodation.

Lyons

No Family/Household Definitions

Dwelling Related Definitions

Dwelling means a building or a portion thereof used exclusively for residential occupancy.

Dwelling, multi-unit means a building consisting of three (3) or more dwelling units, but not including motels or hotels. A multiple-unit dwelling may also be known as multi-family dwelling units, multiple-family dwelling units, duplexes, triplexes, fourplexes, condominiums, apartment buildings or similar multiple dwelling unit arrangements.

Dwelling, attached means a residential building containing principal dwelling units, each of which has primary ground floor access to the outside and which are attached to each other by party walls without openings. The term is intended primarily for such dwelling types as townhouses and duplexes. An attached dwelling may also be referred to as a one-family attached dwelling or single-family dwelling, attached.

Dwelling, detached means a dwelling which is not attached to any other dwelling or building by any means, including manufactured housing on a permanent foundation. An attached dwelling may also be referred to as a one-family attached dwelling or single-family dwelling, attached. A detached dwelling may also be referred to as a one-family detached dwelling or single-family dwelling, detached.

Dwelling, single detached means a detached building containing one (1) dwelling unit.

Dwelling, duplex means a building containing two (2) principal dwelling units.

Dwelling unit means one (1) or more rooms and a single kitchen and at least one (1) bathroom, designed, occupied or intended for occupancy as separate quarters for living, cooking and sanitary purposes.

Dwelling unit, accessory (ADU) means a second, subordinate unit co-located on the same lot as a principal residence in a single detached dwelling zone district. An accessory dwelling unit is no larger than eight hundred (800) square feet and may be either added to, co-located with as a detached unit, or created within a principal single detached dwelling. ADUs are created for the purpose of accommodating a second dwelling unit that lives separately from the primary single detached dwelling. An ADU is a separate spatially segregated living space that provides for cooking, sanitation and sleeping that is separate from and accessory to and subordinate to the principal single detached dwelling.

Group Living Related Definitions

Assisted living facility means a state-licensed establishment which provides permanent living quarters and a variety of limited personal care and supportive health care to individuals who are unable to live independently but who do not need skilled nursing care. The facility may provide supportive health care monitoring, such as assistance with medication, but is limited to services which do not require state or federal licensing.

Group care home means a facility which provides twenty-four-hour care or supervision of persons and the operator or manager thereof.

Long-term care facility means any of the following:

a. Convalescent center means a health institution that is planned, organized, operated and maintained to offer facilities and services to inpatients requiring restorative care and treatment and that is either an integral patient care unit of a general hospital or a facility physically separated from, but maintaining an affiliation with, all services in a general hospital.

b. Intermediate health care facility means a health-related institution planned, organized, operated and maintained to provide facilities and services which are supportive, restorative or preventive in nature, with related social care, to individuals who, because of a physical or mental condition or both, require care in an institutional environment but who do not have an illness, injury or disability for which regular medical care and twenty-four-hour-per-day nursing services are required.

c. Nursing care facility means a health institution planned, organized, operated and maintained to provide facilities and health services with related social care to inpatients who require regular medical care and twenty-four-hour-per-day nursing services for illness, injury or disability. Each patient shall be under the care of a physician licensed to practice medicine in the State. The nursing services shall be organized and maintained to provide twenty-four-hour-per-day nursing services under the direction of a registered professional nurse employed full-time.

Milliken

Family/Household Definitions

Family means a group of persons all living together as a single housekeeping unit. The number of persons occupying each dwelling unit shall not exceed the maximum permitted by the applicable adopted building code or safety code applicable to the dwelling unit.

Dwelling Related Definitions

Dwelling means a building used exclusively for residential occupancy, including single-family dwellings, two-family dwellings, Town home dwellings and multi-family dwellings.

Dwelling, duplex or two-family means a residential building containing two (2) dwellings each of which has primary ground floor access to the outside and which are attached to each other by party walls without openings.

Dwelling, multi-family means a dwelling containing three (3) or more dwelling units, not including hotels, motels, lodges, fraternity houses and sorority houses and similar group accommodations, with or without accessory use facilities limited to an office for the building manager, laundry area and recreation facilities.

Dwelling, single-family means a building designed exclusively for occupancy by one (1) family, but not including mobile home, otherwise provided herein.

Dwelling, single-family attached means a residential building containing dwelling units, each of which has primary ground floor access to the outside and which are attached to each other by party walls without openings. The term is intended primarily for such dwelling types as townhouses.

Dwelling, townhouse means an attached single-family dwelling in a building that contains two (2) or more dwellings, each of which is individually owned.

Dwelling unit (DU) means one (1) or more rooms complete with independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation, served by no more than one (1) gas meter and one (1) electric meter. Dwellings may exist in many configurations, including but not limited to single-family detached, duplex, townhomes, multi-unit dwellings, often in a stacked configuration, and group homes. Dwellings do not include hotels, motels, inns, or long-term occupancy lodging.

Group Living Related Definitions

Assisted living means a residential facility that provides meals and assistance with daily activities, such as dressing, grooming, and bathing for the elderly or adults who are unable to manage these activities themselves.

Congregate care means assisted living with support services for more than eight (8) individuals.

Congregate living facilities means a building or part thereof that contains sleeping units where residents on a temporary basis share bathroom and/or kitchen facilities such as a fire station or health care facility.

Group home means any structure that provides noninstitutional housing for not more than eight (8) service-dependent or developmentally disabled individuals living as a single housekeeping unit with professional staff who function as surrogate parents and are not considered a family. Certain forms of group housing are specifically regulated by the federal or state government, as defined in Section 31-23-303, C.R.S., including:

- a. Group home for handicapped.
- b. Group home for developmentally disabled.
- c. Group home for mentally ill.
- d. Group home for the elderly

Long-term care facility including nursing homes means any place or institution which operates and maintains facilities providing full-time or part-time convalescent and/or chronic care, for a period exceeding twenty-four (24) hours for two (2) or more ill or infirm patients not related to the nursing home administrator or owner by blood or marriage. Convalescent and chronic care may include, but need not be limited to, the procedures commonly employed in palliative services, nursing and caring for the sick. Long-term care facility may include continuing care retirement facilities and hospice care facilities.

Document: C.R.S. 31-23-301**C.R.S. 31-23-301****Copy Citation**

Statutes current through Chapter 386 of the 2025 Regular Session, effective as of June 3, 2025. The 2025 legislative changes are not final until compared and reconciled to the 2025 work product of the Colorado Office of Legislative Legal Services later in 2025.

Colorado Revised Statutes Annotated > Title 31. Government - Municipal (§§ 31-1-101 — 31-35-712) > Powers and Functions of Cities and Towns (Arts. 15 — 35) > Article 23. Planning and Zoning (Pts. 1 — 3) > Part 3. Zoning (§§ 31-23-301 — 31-23-316)

Notice

 This section has more than one version with varying effective dates.

31-23-301. Grant of power - definition.

(1) Except as otherwise provided in section 34-1-305, C.R.S., for the purpose of promoting health, safety, morals, or the general welfare of the community, including energy conservation and the promotion of solar energy utilization, the governing body of each municipality is empowered to regulate and restrict the height, number of stories, and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts, and other open spaces, the density of population, the height and location of trees and other vegetation, and the location and use of buildings, structures, and land for trade, industry, residence, or other purposes. Regulations and restrictions of the height, number of stories, and the height and location of trees and other vegetation shall not apply to existing buildings, structures, trees, or vegetation except for new growth on such vegetation. Such regulations shall provide that a board of adjustment may determine and vary their application in harmony with their general purpose and intent and in accordance with general or specific rules contained in such regulations. Subject

to the provisions of subsection (2) of this section and to the end that adequate safety may be secured, said governing body also has power to establish, regulate, restrict, and limit such uses on or along any storm or floodwater runoff channel or basin, as such storm or floodwater runoff channel or basin has been designated and approved by the Colorado water conservation board, in order to lessen or avoid the hazards to persons and damage to property resulting from the accumulation of storm or floodwaters. Any ordinance enacted under authority of this part 3 shall exempt from the operation thereof any building or structure as to which satisfactory proof is presented to the board of adjustment that the present or proposed situation of such building or structure is reasonably necessary for the convenience or welfare of the public.

(2) The power conferred by subsection (1) of this section for flood prevention and control shall not be exercised to deprive the owner of any existing property of its future use or maintenance for the purpose to which it was lawfully devoted on February 25, 1966, but provisions may be made for the gradual elimination of uses, buildings, and structures, including provisions for the elimination of such uses when the existing uses to which they are devoted are discontinued, and for the elimination of such buildings and structures when they are destroyed or damaged in major part.

(3) The governing body of any municipality or the board of adjustment thereof, in the exercise of powers pursuant to this section, may condition any zoning regulation, any amendment to such regulation, or any variance of the application thereof or the exemption of any building or structure therefrom upon the preservation, improvement, or construction of any storm or floodwater runoff channel designated and approved by the Colorado water conservation board.

(4) A statutory or home rule city or town or city and county shall not enact an ordinance prohibiting the use of a state-licensed group home for either persons with intellectual and developmental disabilities or behavioral or mental health disorders that serves not more than eight persons with intellectual and developmental disabilities or eight persons with behavioral or mental health disorders and appropriate staff as a residential use of property for zoning purposes. As used in this subsection (4), the phrase "residential use of property for zoning purposes" includes all forms of residential zoning and specifically, although not exclusively, single-family residential zoning.

(5)

(a) As used in this subsection (5), unless the context otherwise requires:

(I) Repealed.

(II) "Equivalent performance engineering basis" means that by using engineering calculations or testing, following commonly accepted engineering practices, all components and subsystems will perform to meet health, safety, and functional requirements to the same extent as required for other single family housing units.

(b)

(I) No municipality may have or enact zoning regulations, subdivision regulations, or any other regulation affecting development that exclude or have the effect of excluding homes or structures from

the municipality that are:

(A) Factory-built structures, as defined in section 24-32-3302 (11) and certified by the division of housing created in section 24-32-704 or a party authorized to act on its behalf;

(B) Manufactured homes certified by the United States department of housing and urban development through its office of manufactured housing programs, a successor agency, or a party authorized to act on its behalf; or

(C) Homes that meet or exceed, on an equivalent performance engineering basis, standards established by the municipal building code.

(I.5) A municipality shall not impose more restrictive standards on factory-built structures than those the municipality applies to site-built homes in the same residential zones. As used in this subsection (5) (b)(I.5), "restrictive standards" means zoning regulations, subdivision regulations, and any other regulation affecting development, including standards related to:

(A) Home size or sectional requirements;

(B) Improvement location;

(C) Minimum floor space;

(D) Permanent foundations;

(E) Setback standards; and

(F) Side-yard standards.

(II) Nothing in this subsection (5) prevents a municipality from enacting any zoning, developmental, use, aesthetic, or historical standard, including, but not limited to, requirements relating to permanent foundations, minimum floor space, unit size or sectional requirements, and improvement location, side yard, and setback standards to the extent that such standards or requirements are applicable to existing similar housing or structures or new site-built housing within the specific use district of the municipality.

(III) Nothing in this subsection (5) precludes any municipality from enacting municipal building code provisions for unique public safety requirements such as snow load roof, wind shear, wildfire risk, and energy conservation factors, unless It is a factory-built structure certified by the division of housing created in section 24-32-704 or a party authorized to act on its behalf or a manufactured home certified by the United States department of housing and urban development through its office of manufactured housing programs, a successor agency, or a party authorized to act on its behalf. A municipality must comply with section 24-32-3318 when enacting building code provisions for a manufactured home as regulated by the United States department of housing and urban development, and it must also comply with the requirements established by the division of housing for factory-built structures.

(IV) Nothing in this subsection (5) shall be deemed to supersede any valid covenants running with the land.

History

Source: **L. 75:**Entire title R&RE, p. 1155, § 1, effective July 1; (4) added, p. 934, § 57, effective July 1. **L. 79:**(1) amended, p. 1163, § 13, effective January 1, 1980. **L. 84:**(5) added, p. 824, § 2, effective January 1, 1985. **L. 87:**(4) amended, p. 1217, § 2, effective July 1. **L. 2006:**(4) amended, p. 1408, § 76, effective August 7. **L. 2017:**(4) amended,(SB 17-242), ch. 263, p. 1379, § 300, effective May 25. **L. 2021:**(5)(a)(I) repealed and (5)(b)(I) and (5)(b)(III) amended,(HB 21-1019), ch. 122, p. 486, § 30, effective September 7. **L. 2022:**(5)(b)(I)(A) amended,(SB 22-212), ch. 421, p. 2982, § 72, effective August 10.; **L. 2025:** (SB2), ch. 172, § 9, effective May 8, 2025.

▼ Annotations

Research References & Practice Aids

Hierarchy Notes:

C.R.S. Title 31

C.R.S. Title 31, Art. 23, Pt. 3

State Notes

Notes

Editor's note:

This section is similar to former § 31-23-201 as it existed prior to 1975.

ANNOTATION

Law reviews.

For article, "Colorado Needs a Constitutional and Effective Roadside Sign Law", see 36 Dicta 475 (1959). For note, "Spot Zoning", see 34 Rocky Mt. L. Rev. 231 (1962). For note, "Zoning Variances — The Colorado Position", see 34 Rocky Mt. L. Rev. 382 (1962). For article, "1974 Land Use Legislation in Colorado", see 51 Den. L.J. 467 (1974). For comment, "Regionalism or Parochialism: The Land Use Planner's Dilemma", see 48 U. Colo. L. Rev. 575 (1977). For article, "Cumulative Impact Assessment of Western Energy Development: Will it Happen?", see 51 U. Colo. L. Rev. 551 (1980). For article, "Winning the Rezoning", see 11 Colo. Law. 634 (1982). For article, "The Emerging Relationship Between Environmental Regulations and Colorado Water Law", see 53 U. Colo. L. Rev. 597 (1982). For note, "Referendum and Rezoning", see 53 U. Colo. L. Rev. 745 (1982). For note, "The Permissible Scope of Compulsory Requirements for Land Development in Colorado",

see 54 U. Colo. L. Rev. 447 (1983). For article, "The Antitrust Challenge to Local Government Protection of the Central Business District", see 55 U. Colo. L. Rev. 21 (1983). For article, "Judicial Review, Referral and Initiation of Zoning Decisions", see 13 Colo. Law. 387 (1984). For comment, "State and Local Regulation of Timesharing in Colorado", see 56 U. Colo. L. Rev. 289 (1985). For article, "Transferable Development Rights and Their Application in Colorado: An Overview", see 34 Colo. Law. 75 (Mar. 2005). For article, "Group Home Regulations Under State and Federal Law", see 35 Colo. Law. 37 (Feb. 2006). For comment, "Boulder Is for People: Zoning Reform and the Fight for Affordable Housing", see 94 U. Colo. L. Rev. 857 (2023).

Annotator's note.

Since § 31-23-301 is similar to former § 31-23-201 prior to the 1975 repeal and reenactment of this title, and laws antecedent thereto, relevant cases construing those provisions have been included in the annotations to this section.

General assembly has power to legislate zoning regulations applicable to statutory cities,

as distinguished from home rule cities. *Glennon Heights, Inc. v. Cent. Bank & Trust*, 658 P.2d 872 (Colo. 1983).

Subsection (4) constitutes a legitimate limitation on the legislative powers delegated to statutory cities. *Glennon Heights, Inc. v. Cent. Bank & Trust*, 658 P.2d 872 (Colo. 1983).

State has authority to enact legislation for the welfare of developmentally disabled citizens

under its police powers. *Glennon Heights, Inc. v. Cent. Bank & Trust*, 658 P.2d 872 (Colo. 1983).

Exemption of municipal activities from zoning ordinances.

Exemption from zoning ordinance must be pursuant to statutory procedure, and the governmental/proprietary distinction is rejected as a means for determining when a municipality must obey its zoning ordinances. *Clark v. Town of Estes Park*, 686 P.2d 777 (Colo. 1984).

Zoning is a matter of local and municipal concern.

Serv. Oil Co. v. Rhodus, 179 Colo. 335, 500 P.2d 807 (1972); *Nopro Co. v. Town of Cherry Hills Vill.*, 180 Colo. 217, 504 P.2d 344 (1972); *City of Greeley v. Ells*, 186 Colo. 352, 527 P.2d 538 (1974).

Zoning laws is an area which is best left to local government, and decisions which relate to the decided course of community development should be upheld, even though a reviewing court may disagree with the wisdom of the municipality's choice. *Rademan v. City & County of Denver*, 186 Colo. 250, 526 P.2d 1325 (1974).

City council did not abuse its discretion or exceed its jurisdiction

in denying application to rezone property from residential to limited residential-commercial when there was competent evidence of a factual basis in support of the zoning decision. *Christiansen v. Golden City Council*, 757 P.2d 1121 (Colo. App. 1988).

Section does not make counties immune or exempt from municipal zoning requirements.

La Plata County Comm'rs v. Bd. of Adjustment, 768 P.2d 1250 (Colo. App. 1988).

Board of county commissioners did not exceed its jurisdiction or abuse its discretion

when it concluded that a pre-parole facility proposed use conformed to the PUD zone district since it was representative of the class "hospitals, nursing homes, and mental or physical rehabilitation center" allowed by ordinance in the district. *Abbott v. Bd. of County Comm'rs of Weld County*, 895 P.2d 1165 (Colo. App. 1995).

Zoning is a proper exercise of the state's police power.

Rademan v. City & County of Denver, 186 Colo. 250, 526 P.2d 1325 (1974).

The power and force of the police power attends in the regulations provided in zoning ordinances, and the rule is that the doctrine of estoppel does not apply. *Flinn v. Treadwell*, 120 Colo. 117, 207 P.2d 967 (1949); *Witkin Homes, Inc. v. City & County of Denver*, 31 Colo. App. 410, 504 P.2d 1121 (1972).

Certain rights yield to zoning regulations.

Even though the right of freedom of association and of privacy are cherished rights, they must yield to valid zoning regulations. *Rademan v. City & County of Denver*, 186 Colo. 250, 526 P.2d 1325 (1974).

If necessary to protect compelling and substantial government interest.

If a zoning ordinance impinges on fundamental rights, the ordinance may be sustained only upon a showing that the burden imposed is necessary to protect a compelling and substantial government interest. *Rademan v. City & County of Denver*, 186 Colo. 250, 526 P.2d 1325 (1974).

Such as to provide for the health, safety, and welfare of its citizens and the general public,

a city has the power to classify land within its boundaries for specified uses. *Bird v. City of Colo. Springs*, 176 Colo. 32, 489 P.2d 324 (1971).

A zoning ordinance is presumed to be valid

and one assailing it bears the burden of overcoming that presumption as the courts indulge in every intendment in favor of the validity of the ordinance. *City & County of Denver v. Chuck Ruwart Chevrolet, Inc.*, 32 Colo. App. 191, 508 P.2d 789 (1973).

Once the power to classify land to specified uses is exercised by a city, it is entitled to a presumption of validity and one assailing it bears the burden of overcoming that presumption, and courts indulge every intendment in favor of its validity. *Bird v. City of Colo. Springs*, 176 Colo. 32, 489 P.2d 324 (1971).

Zoning ordinances, like other legislative enactments, are presumed valid. *Ford Leasing Dev. Co. v. Bd. of County Comm'rs*, 186 Colo. 418, 528 P.2d 237 (1974).

A home-rule city zoning code is a legislative enactment which is presumed to be valid. *City of Greeley v. Ells*, 186 Colo. 352, 527 P.2d 538 (1974).

And one challenging a zoning ordinance has the burden of proving beyond a reasonable doubt that it is invalid.

Ford Leasing Dev. Co. v. Bd. of County Comm'rs, 186 Colo. 418, 528 P.2d 237 (1974).

To overcome the presumption that a city has validly exercised its zoning powers, the one claiming invalidity must establish such invalidity beyond a reasonable doubt. *Bird v. City of Colo. Springs*, 176 Colo. 32, 489 P.2d 324 (1971).

In challenging the validity of a zoning ordinance, it is incumbent upon the aggrieved party to establish that as applied to this property, the ordinance is confiscatory and deprives him of the use of his land without due process of law. *City & County of Denver v. Chuck Ruwart Chevrolet, Inc.*, 32 Colo. App. 191, 508 P.2d 789 (1973).

The presumption of validity which a zoning ordinance possesses imposes upon the litigant challenging the ordinance's validity the burden of proving that the ordinance is unconstitutional by "clear and convincing" evidence. *City of Greeley v. Ells*, 186 Colo. 352, 527 P.2d 538 (1974).

Substantial compliance with statutory provisions is required for lawful enactment of a zoning change

and failure to comply with essential mandates of the statutes invalidates the proceeding. *Wainwright v. City of Wheat Ridge*, 38 Colo. App. 485, 558 P.2d 1005 (1976).

Factors to be considered in construing ordinance.

Because zoning laws should be given a fair and reasonable construction in light of the setting in which employed, the factors surrounding adoption of an ordinance should be considered. *Wainwright v. City of Wheat Ridge*, 38 Colo. App. 485, 558 P.2d 1005 (1976).

Zoning, since it restricts an owner's right to use his property, constitutes a partial taking, but it is constitutionally

permissible, however, so long as it is reasonable. *Serv. Oil Co. v. Rhodus*, 179 Colo. 335, 500 P.2d 807 (1972).

And a landowner need not be permitted to make the most profitable use of his land.

The due process and just compensation clauses do not require that zoning ordinances permit a landowner to make the most profitable use of his property. *Baum v. City & County of Denver*, 147 Colo. 104, 363 P.2d 688 (1961); *Bird v. City of Colo. Springs*, 176 Colo. 32, 489 P.2d 324 (1971); *Nopro Co. v. Town of Cherry Hills Vill.*, 180 Colo. 217, 504 P.2d 344 (1972).

There is simply no constitutionally protected right under the federal or state constitutions to gain the maximum profit from the use of property. *Nopro Co. v. Town of Cherry Hills Vill.*, 180 Colo. 217, 504 P.2d 344 (1972).

Right to gain maximum profit from use of property not constitutionally protected. There is simply no constitutionally protected right under the federal or state constitutions to gain the maximum profit from the use of property. *City & County of Denver v. Chuck Ruwart Chevrolet, Inc.*, 32 Colo. App. 191, 508 P.2d 789 (1973).

The validity of zoning ordinances has never been determined by the highest and best use concept or in terms of profitability. *City & County of Denver v. Chuck Ruwart Chevrolet, Inc.*, 32 Colo. App. 191, 508 P.2d 789 (1973).

The mere fact that the regulation deprives the property owner of the most profitable use of his property is not necessarily enough to establish the owner's right to compensation. *Art Neon Co. v. City & County of Denver*, 488 F.2d 118 (10th Cir. 1973).

If the land in question is susceptible to any reasonable or lawful use under the classification

imposed by a city, the ordinance will be allowed to stand. *Bird v. City of Colo. Springs*, 176 Colo. 32, 489 P.2d 324 (1971); *Trans-Robles Corp. v. City of Cherry Hills Vill.*, 30 Colo. App. 511, 497 P.2d 335 (1972), *aff'd*, 181 Colo. 356, 509 P.2d 797 (1973).

Zoning ordinance is unconstitutional if it deprives property owner of any reasonable use

to which his land may be put. *City of Cherry Hills Vill. v. Trans-Robles Corp.*, 181 Colo. 356, 509 P.2d 797 (1973).

A zoning ordinance is unconstitutional if it can be shown that the zoning ordinance precludes the use of property for any reasonable purpose. *Ford Leasing Dev. Co. v. Bd. of County Comm'rs*, 186 Colo. 418, 528 P.2d 237 (1974).

In order for the courts to hold a zoning ordinance to be violative of the due process rights of a property owner or to interfere with the discretion of the zoning authorities in drawing zoning boundaries, the person challenging the zoning ordinance must establish beyond any reasonable doubt that the property cannot be devoted to any reasonable lawful use under the challenged ordinance. *City & County of Denver v. Chuck Ruwart Chevrolet, Inc.*, 32 Colo. App. 191, 508 P.2d 789 (1973).

Or if not substantially related to public health, safety, or welfare.

A zoning ordinance is unconstitutional if it can be shown that it is not substantially related to the public health, safety, or welfare. *Ford Leasing Dev. Co. v. Bd. of County Comm'rs*, 186 Colo. 418, 528 P.2d 237 (1974).

In a challenge to a general zoning ordinance, the outcome turns on the exercise of the police power as bearing a reasonable relation to the public health, safety, morals, or welfare. *Snyder v. City of Lakewood*, 189 Colo. 421, 542 P.2d 371 (1975).

Whether zoning provisions are reasonable and for promotion of public health, safety, and welfare, is to be determined by the court

from facts, circumstances, and locality in the particular case. *Bird v. City of Colo. Springs*, 176 Colo. 32, 489 P.2d 324 (1971).

Group homes permitted in residential neighborhoods as matter of statewide concern.

Group homes for developmentally disabled persons are permitted in residential neighborhoods as a matter of statewide concern. *Roundup Found., Inc. v. Bd. of Adjustment*, 626 P.2d 1154 (Colo. App. 1980).

The general assembly intended that group homes for the developmentally disabled be considered a residential use of property and that they be permitted in all residential zones, specifically including those zoned for single family dwellings. It is inconsistent with this intent for a city council to base its denial of a special use permit on the adverse effects of the group home on the single family characteristics of the neighborhood or on the peace and quiet of the neighborhood, in addition to the attitude of general hostility in the neighborhood towards this proposed facility. *Adams County Ass'n for Retarded Citizens, Inc. v. City of Westminster*, 196 Colo. 79, 580 P.2d 1246 (1978).

Although municipalities may regulate certain aspects of construction and location.

The general assembly has expressly reserved to municipalities the right to regulate several aspects of the construction and location of group homes in order to avoid adverse impacts on the neighborhood, as long as such regulation is not tantamount to prohibition of such homes within any residential district. *Glennon Heights, Inc. v. Cent. Bank & Trust*, 658 P.2d 872 (Colo. 1983).

Zoning not disturbed unless legislative body exceeds powers.

Zoning determination cannot be disturbed by the courts unless it appears that the legislative body has exceeded its powers or has acted arbitrarily or unreasonably. *City of Greeley v. Ells*, 186 Colo. 352, 527 P.2d 538 (1974).

Proof that it is not possible to use land for any of the uses permitted in the intervening zones between the zone sought and the existing zone is a prerequisite

to showing that the property has been unconstitutionally confiscated under existing zoning. *Ford Leasing Dev. Co. v. Bd. of County Comm'rs*, 186 Colo. 418, 528 P.2d 237 (1974).

When a city annexes land from a county, the power to zone that land shifts to the city.

Bird v. City of Colo. Springs, 176 Colo. 32, 489 P.2d 324 (1971).

For issuance of writ of mandamus to compel issuance of building permit where zoning ordinance is unconstitutional,

see *Hedgcock v. People ex rel. Arden Realty & Inv. Co.*, 98 Colo. 522, 57 P.2d 891 (1936).

Property owners have the right to rely on existing zoning regulations

where there has been no material change in the character of the neighborhood which may require rezoning in the public interest. *Roosevelt v. Beau Monde Co.*, 152 Colo. 567, 384 P.2d 96 (1963).

Applicability of estoppel.

To invoke the doctrine of equitable estoppel in relation to a zoning ordinance, the plaintiff must show substantial reliance upon the zoning ordinance and mere procurement of a building permit is

insufficient. *Witkin Homes, Inc. v. City & County of Denver*, 31 Colo. App. 410, 504 P.2d 1121 (1972).

Party seeking application of doctrine of equitable estoppel to government action must show reasonable reliance. *Bentley v. Valco, Inc.*, 741 P.2d 1246 (Colo. App. 1987).

In order to invoke the doctrine of equitable estoppel against a city in relation to a zoning ordinance, the plaintiff must show as a factual predicate that there was a communication or action by the city by which he was unmistakably misled. *LaFollette v. Bd. of Adj. of Lakewood*, 741 P.2d 1262 (Colo. App. 1987).

A party cannot state a claim for relief under a theory of estoppel against a state or local government entity on the basis of an unauthorized action or promise. *Lehman v. City of Louisville*, 967 F.2d 1474 (10th Cir. 1992).

Zoning changes should be placed on map as soon as possible.

As soon as reasonably possible after adoption by the board of county commissioners of changes in zoning, they should be placed upon an authorized copy of an original map or maps with the date of the action shown along with the type of change. *Wainwright v. City of Wheat Ridge*, 38 Colo. App. 485, 558 P.2d 1005 (1976).

A zoning map merely reflects the effect of exercises of the zoning power.

Wainwright v. City of Wheat Ridge, 38 Colo. App. 485, 558 P.2d 1005 (1976).

And changes made thereon do not of themselves constitute an exercise of that power.

Wainwright v. City of Wheat Ridge, 38 Colo. App. 485, 558 P.2d 1005 (1976).

Since there was no resolution by the board of county commissioners amending a zoning map, the inadvertent or erroneous change in the zoning map was without effect. *Wainwright v. City of Wheat Ridge*, 38 Colo. App. 485, 558 P.2d 1005 (1976).

Status of county zoning at time map incorporated governs.

Inasmuch as zoning maps derive their effectiveness from the ordinance or resolution that adopts them, it is the status of the county zoning, at the time the city incorporated the map into its zoning ordinance, that governs. *Wainwright v. City of Wheat Ridge*, 38 Colo. App. 485, 558 P.2d 1005 (1976).

A zoning resolution may legally restrict the right of a landowner to extend or enlarge a nonconforming use.

Bird v. City of Colo. Springs, 176 Colo. 32, 489 P.2d 324 (1971).

A city council, in the exercise of its police power, must afford procedural due process as it has been delineated in its zoning code.

McArthur v. Zabka, 177 Colo. 337, 494 P.2d 89 (1972).

Zoning proceedings are informal in nature and do not require application of the rules of evidence used in judicial proceedings. The primary requirement is that the principles of fundamental fairness be observed in such proceedings. *Nat'l Heritage, Inc. v. Pritza*, 728 P.2d 737 (Colo. App. 1986).

Regulation of signs permitted.

The powers granted to a statutory city by this section and § 31-15-103 are commodious enough to enable it to promote its safety and aesthetic interests by regulating the number and type of signs permitted in different zoning districts. *City of Lakewood v. Colfax Unlimited Ass'n*, 634 P.2d 52 (Colo. 1981).

Federal highway beautification act and Colorado highway sign act have not preempted cities in regulation of signs

nor do they bind the cities by example or standard. *Art Neon Co. v. City & County of Denver*, 488 F.2d 118 (10th Cir. 1973).

Requirements for sustaining denial of special exception to floodplain ordinance.

Where a city council is acting in an adjudicative capacity with respect to an application for a special exception to a floodplain ordinance, the following would be required to sustain a denial of the application: If there is a lack of evidence to show that certain of the required factors existed, or if the evidence is in dispute as to one or more of these factors, and the city council determines the application should be denied, then it would have to make specific findings of fact as to what factors were or were not established. *Bauer v. City of Wheat Ridge*, 182 Colo. 324, 513 P.2d 203 (1973).

And only factors which apply to all applicants may be considered.

Where city enacted a floodplain ordinance, and the ordinance establishes the criteria upon which a "special exception" will be granted, if the city council believes that other reasons should be used in denying an application for the exception, then the appropriate procedure is to amend the floodplain ordinance, for once an applicant applies under the ordinance, only those factors which apply generally to all applicants may be considered. *Bauer v. City of Wheat Ridge*, 182 Colo. 324, 513 P.2d 203 (1973).

Construction of ambiguous ordinance.

The testimony of the zoning administrator, who dealt with a zoning ordinance on a day-to-day basis, is significant in construing ambiguous language in the ordinance. *Humana, Inc. v. Bd. of Adjustment*, 189 Colo. 79, 537 P.2d 741 (1975).

Meaning of "structure".

A parking lot is a "structure" within the meaning of this section. *Clark v. Town of Estes Park*, 686 P.2d 777 (Colo. 1984).

Time limit for judicial review.

Since the municipal zoning statutes do not specify a time limit for judicial review, the 30-day time frame in C.R.C.P. 106(b) is applicable. *Norby v. City of Boulder*, 195 Colo. 231, 577 P.2d 277 (1978).

Applied

in *Wood Bros. Homes v. City of Colo. Springs*, 42 Colo. App. 15, 592 P.2d 1336 (1978).

Research References & Practice Aids

Cross references:

For the legislative declaration in SB 17-242, see section 1 of chapter 263, Session Laws of Colorado 2017.

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Statutes current through Chapter 386 of the 2025 Regular Session, effective as of June 3, 2025. The 2025 legislative changes are not final until compared and reconciled to the 2025 work product of the Colorado Office of Legislative Legal Services later in 2025.

Colorado Revised Statutes Annotated > Title 31. Government - Municipal (§§ 31-1-101 — 31-35-712) > Powers and Functions of Cities and Towns (Arts. 15 — 35) > Article 23. Planning and Zoning (Pts. 1 — 3) > Part 3. Zoning (§§ 31-23-301 — 31-23-316)

31-23-303. Legislative declaration.

(1) Such regulations shall be made in accordance with a comprehensive plan and designed to lessen congestion in the streets; to secure safety from fire, panic, floodwaters, and other dangers; to promote health and general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to promote energy conservation; and to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements. Such regulations shall be made with reasonable consideration, among other things, as to the character of the district and its peculiar suitability for particular uses and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout such municipality.

(2)

(a) The general assembly declares that the establishment of state-licensed group homes for the exclusive use of persons with intellectual and developmental disabilities, which homes are known as community residential homes as defined in section 25.5-10-202, C.R.S., is a matter of statewide concern and that a state-licensed group home for eight persons with intellectual and developmental disabilities is a residential use of property for zoning purposes. As used in this subsection (2), the phrase "residential use of property for zoning purposes" includes all forms of residential zoning and specifically, although not exclusively, single-family residential zoning. As used in this section, "persons with intellectual and developmental disabilities" has the same meaning as set forth in section 25.5-10-202, C.R.S.

(b)

(I) (Deleted by amendment, L. 2001, p. 104, § 2, effective March 21, 2001.)

(II) The general assembly declares that the establishment of group homes for the aged for the exclusive use of not more than eight persons sixty years of age or older per home is a matter of statewide concern. The general assembly further finds and declares that it is the policy of this state to enable and assist persons sixty years of age or older who do not need nursing facilities, and who so elect, to live in normal residential surroundings, including single-family residential units. Group homes for the aged shall be distinguished from nursing facilities, as defined in section 25.5-4-103 (14), and institutions providing life care, as defined in section 11-49-101 (6). Every municipality having adopted or that shall adopt a zoning ordinance shall provide for the location of group homes for the aged. A group home for the aged established under this subsection (2)(b) shall not be located within seven hundred fifty feet of another such group home, unless otherwise provided for by the municipality. Nothing in this subsection (2)(b) shall be construed to exempt the group homes from compliance with any state, county, or municipal health, safety, and fire codes. On April 29, 1976, every person sixty years of age or older who resides in a skilled or intermediate health-care facility and who may be transferred or discharged therefrom to a group home for the aged shall not be so discharged or transferred unless he or she has received ninety days' advance written notice thereof or has agreed in writing to the proposed transfer or discharge.

(b.5) The general assembly declares that the establishment of state-licensed group homes for the exclusive use of persons with behavioral or mental health disorders, as defined in section 27-65-102, is a matter of statewide concern and that a state-licensed group home for eight persons with behavioral or mental health disorders is a residential use of property for zoning purposes, as defined in section 31-23-301 (4). A group home for persons with behavioral or mental health disorders established pursuant to this subsection (2)(b.5) must not be located within seven hundred fifty feet of another such group home, unless otherwise provided for by the municipality. A person must not be placed in a group home without being screened by either a professional person, as defined in section 27-65-102 (27), or any other such mental health professional designated by the director of a facility approved by the commissioner of the behavioral health administration. Persons determined to be not guilty by reason of insanity to a violent offense must not be placed in such group homes, and any person who has been convicted of a felony involving a violent offense is not eligible for placement in such group homes. This subsection (2)(b.5) must be implemented, where appropriate, by the rules of the department of public health and environment concerning residential treatment facilities for persons with behavioral or mental health disorders. Nothing in this subsection (2)(b.5) exempts such group homes from compliance with any state, county, or municipal health, safety, and fire codes.

(b.7) The general assembly finds and declares that it is the policy of the state to encourage, promote, and assist persons who are in recovery from substance use disorders to live in residential neighborhoods. Further, the general assembly declares that the use of recovery residences, as defined in section 27-80-129 (1)(b), by persons in recovery from substance use disorders is a matter of statewide concern and that recovery residences are a residential use of property for zoning purposes and subject only to the regulations of like dwellings in the same zone.

(c) Nothing in this subsection (2) shall be construed to supersede the authority of municipalities and counties to regulate such homes appropriately through local zoning ordinances or resolutions, except insofar as such regulation would be tantamount to prohibition of such homes from any residential district. This section is specifically not to be construed to permit violation of the provisions of any zoning ordinance or resolution with respect to height, setbacks, area, lot coverage or external signage or to permit architectural designs substantially inconsistent with the character of the surrounding neighborhood. This section is also not to be construed to permit conducting of the ministerial activities of any private or public organization or agency or to permit types of treatment activities or the rendering of services in a manner substantially inconsistent with the activities otherwise permitted in the particular zoning district. If reasonably related to the requirements of a particular home, a local zoning or other development regulations may, without violating the provisions of this section, also attach specific location requirements to the approval of the group home, including the availability of such services and facilities as convenience stores, commercial services, transportation, and public recreation facilities.

(3) The general assembly declares that the availability and affordability of housing for residents of this state is a matter of statewide concern. It is the purpose of section 31-23-301 (5) to promote the public health, safety, and welfare by allowing residents of this state an additional opportunity to be able to live in decent, safe, and affordable housing on a permanent basis by prohibiting the exclusion of manufactured homes on single site lots from municipalities where the manufactured homes meet or exceed on an equivalent performance engineering basis the standards established by the municipal building code.

History

Source: **L. 75:**Entire title R&RE, p. 1156, § 1, effective July 1; entire section amended, p. 934, § 58, effective July 1. **L. 76:**(2)(a.5) added, p. 695, § 2, effective April 29. **L. 79:**(1) amended, p. 1164, § 14, effective January 1, 1980. **L. 84:**(3) added, p. 825, § 3, effective January 1, 1985. **L. 87:**(2)(b.5) added, p. 1217, § 3, effective July 1. **L. 90:**(2)(b) amended, p. 1477, § 2, effective July 1. **L. 91:**(2)(b)(II) amended, p. 1858, § 21, effective April 11. **L. 92:**(2)(b.5) amended, p. 2179, § 44, effective June 2. **L. 94:**(2)(b.5) amended, p. 2715, § 298, effective July 1. **L. 2001:**(2)(a), (2)(b), and (2)(b.5) amended, p. 104, § 2, effective March 21. **L. 2006:**(2)(b)(II) amended, p. 2022, § 116, effective July 1; (2)(b.5) amended, p. 1408, § 77, effective August 7. **L. 2010:**(2)(b.5) amended,(SB 10-175), ch. 188, p. 806, § 82, effective April 29. **L. 2013:**(2)(a) amended,(HB 13-1314), ch. 323, p. 1813, § 53, effective March 1, 2014. **L. 2017:**(2)(b.5) amended,(SB 17-242), ch. 263, p. 1379, § 301, effective May 25; (2)(b)(II) amended,(SB 17-226), ch. 159, p. 590, § 10, effective August 9. **L. 2022:**(2)(b.5) amended,(HB 22-1256), ch. 451, p. 3238, § 49, effective August 10. **L. 2024:**(2)(b.7) added,(SB 24-048), ch. 405, p. 2786, § 8, effective August 7.

▼ Annotations

Research References & Practice Aids

Hierarchy Notes:

C.R.S. Title 31

C.R.S. Title 31, Art. 23, Pt. 3

State Notes

Notes

Editor's note:

- (1) This section is similar to former § 31-23-203 as it existed prior to 1975.
- (2) Subsection (2) was renumbered on revision in 1977 for ease of location.

ANNOTATION

Law reviews.

For note, "The Effect of Land Use Legislation on the Common Law of Nuisance in Urban Areas", see 36 Dicta 414 (1959). For article, "Recent Developments in Zoning Law in Colorado", see 39 Dicta 211 (1962). For article, "The Antitrust Challenge to Local Government Protection of the Central Business District", see 55 U. Colo. L. Rev. 21 (1983). For article, "Group Home Regulations Under State and Federal Law", see 35 Colo. Law. 37 (Feb. 2006).

Annotator's note.

Since § 31-23-303 is similar to former § 31-23-203 prior to the 1975 repeal and reenactment of this title, and laws antecedent thereto, relevant cases construing those provisions have been included in the annotations to this section.

Implicit in this authorization of zoning power is a broad legislative discretion of how to achieve the declared objectives,

and as long as the zoning provisions are within the authorized purposes and conform to statutory guidelines, mere disagreement with zoning classifications and district regulations will not suffice as a reason to set them aside. *Nopro Co. v. Town of Cherry Hills Vill.*, 180 Colo. 217, 504 P.2d 344 (1972).

Parking regulations are permissible under this section.

Town of Grand Lake v. Lanzi, 937 P.2d 785 (Colo. App. 1996).

Requirements of this section are met where city council weighed elements enumerated in this section in light of facts presented at public meeting.

Coates v. City of Cripple Creek, 865 P.2d 924 (Colo. App. 1993).

Group homes permitted in residential neighborhoods as matter of statewide concern.

Group homes for developmentally disabled persons are permitted in residential neighborhoods as a matter of statewide concern. Roundup Found., Inc. v. Bd. of Adjustment, 626 P.2d 1154 (Colo. App. 1980).

The general assembly, by enacting this section and § 31-23-301 intended that group homes for the developmentally disabled be considered a residential use of property and that they be permitted in all residential zones, specifically including those zoned for single family dwellings. It is inconsistent with this intent for a city council to base its denial of a special use permit on the adverse effects of the group home on the single family characteristics of the neighborhood or on the peace and quiet of the neighborhood, in addition to the attitude of general hostility in the neighborhood towards this proposed facility. Adams County Ass'n for Retarded Citizens, Inc. v. City of Westminster, 196 Colo. 79, 580 P.2d 1246 (1978).

Adoption of section permitting developmentally disabled persons to live in group homes reflects legislative intent to assist such persons to live in normal residential surroundings.

Double D Manor v. Evergreen Meadows, 773 P.2d 1046 (Colo. 1989).

Reasonable means must be used to terminate nonconforming uses.

Comprehensive zoning contemplates the existence of nonconforming uses and, to ultimately and effectively accomplish the end sought to be accomplished, it is inherent that reasonable means must be afforded to terminate nonconforming uses. Serv. Oil Co. v. Rhodus, 179 Colo. 335, 500 P.2d 807 (1972).

Reduction of nonconforming uses

to conformity is favored. LaFollette v. Bd. of Adj. of Lakewood, 741 P.2d 1262 (Colo. App. 1987).

Specific authority necessary for city agency to expand nonconforming use.

A nonconforming use cannot be expanded by the issuance of a license or permit or by an order from any city agency unless the agency is given specific authority to countermand or override the terms of the zoning ordinance by the charter or within the provisions of the zoning ordinance. City of Greeley v. Ells, 186 Colo. 352, 527 P.2d 538 (1974).

Applied

in Wood Bros. Homes v. City of Colo. Springs, 42 Colo. App. 15, 592 P.2d 1336 (1978); Glennon Heights, Inc. v. Central Bank & Trust, 658 P.2d 872 (Colo. 1983).

Research References & Practice Aids

Cross references:

- (1) For the care and treatment of the persons with intellectual and developmental disabilities, see article 10.5 of title 27.
- (2) For the legislative declaration in SB 17-242, see section 1 of chapter 263, Session Laws of Colorado 2017.

Colorado Revised Statutes Annotated

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