

## CITY OF LITTLETON, COLORADO

**ORDINANCE NO. \_\_\_\_\_**

## Series, 2016

**INTRODUCED BY COUNCILMEMBERS:**

**AN ORDINANCE OF THE CITY OF LITTLETON,  
COLORADO, AMENDING TITLE 10 OF THE CITY CODE  
CONCERNING THE DEFINITIONS OF GROUP HOME  
FOR PERSONS WITH HANDICAPS, HANDICAP, AND  
ASSISTED LIVING FACILITY AND TO ADD  
SUPPLEMENTARY STANDARDS FOR GROUP HOMES  
FOR PERSONS WITH DISABILITIES**

**WHEREAS**, the planning commission, at its regular meeting on October 24, 2016, held a public hearing and voted to recommend approval of an ordinance amending title 10 of the city code concerning the definitions of group home for persons with handicaps, handicap, and assisted living facility and to add supplementary standards for group homes for persons with disabilities;

**WHEREAS**, the city council finds that the proposed ordinance is consistent with the city's comprehensive plan; and

**WHEREAS**, the city council finds that the proposed amendments to the city code are in the best interest of the city and will promote the public health, safety and welfare of its inhabitants;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF  
THE CITY OF LITTLETON, COLORADO, THAT:**

**Section 1:** Section 2 of Chapter 1 of Title 10 is hereby amended as follows:

**GROUP HOME FOR PERSONS WITH HANDICAPS/ DISABILITIES:** A dwelling unit which is shared by four (4) or more persons with handicaps/ DISABILITIES living together as a single housekeeping unit., including resident staff. **PROFESSIONAL STAFF MAY PROVIDE 24 HOUR SUPERVISION OR SUPPORTIVE SERVICES, AND MAY RESIDE IN THE DWELLING UNIT.**

**Handicap DISABILITY:** A physical or mental impairment which substantially limits one or more of a person's major life activities, OR A RECORD OF HAVING SUCH IMPAIRMENT, OR BEING REGARDED AS HAVING SUCH IMPAIRMENT, NOT TO INCLUDE CURRENT, ILLEGAL USE OF OR ADDICTION TO A CONTROLLED SUBSTANCE and as further defined in the federal fair housing act amendments of 1988.

LIVING FACILITY, ASSISTED: State licensed rental properties that provide the same services as an independent living facility, as defined in this section, but also provide, in a majority of the units, supportive care from trained employees to residents who are unable to live independently and require assistance with activities of daily living including BUT NOT LIMITED TO, management of medications, bathing, dressing, toileting, ambulating and eating. ~~These properties may have some skilled nursing beds, but the majority of the units are licensed for assisted living. A facility that specializes in the care of residents with Alzheimer's or other forms of dementia shall be considered an assisted living facility.~~

**Section 2:** Subcategory 3.51 of Section 2 of Chapter 3 of Title 10 is hereby amended as follows: 3.51 Group home for ~~handicapped~~ PERSONS WITH DISABILITIES

**Section 3:** Chapter 4 of Title 10 is hereby amended with the addition of a new Section 17:

**10-4-17 GROUP HOMES FOR PERSONS WITH DISABILITIES.** GROUP HOMES FOR PERSONS WITH DISABILITIES ARE SUBJECT TO THE FOLLOWING STANDARDS:

1. THE HOME MUST REGISTER WITH THE CITY BEFORE BEING OPERATED AS A GROUP HOME.
2. THE HOME MUST PROVIDE THE CITY WITH A COPY OF ITS STATE LICENSE FOR OPERATION.
3. NO MORE THAN ONE COOKING FACILITY (KITCHEN) IS ALLOWED WITHIN THE HOME.
4. THE MAXIMUM NUMBER OF PERSONS WITH DISABILITIES THAT MAY RESIDE IN THE HOME IS EIGHT (8) OR THE MAXIMUM NUMBER LICENSED BY THE STATE, WHICHEVER IS FEWER.
5. THE MAXIMUM NUMBER OF PERSONS WITH DISABILITIES THAT MAY RESIDE IN THE HOME IS EIGHT (8) OR UP TO TWELVE (12) IF THE PROVISIONS BELOW ARE MET. HOWEVER, IN NO INSTANCE MAY THE NUMBER OF PERSONS WITH DISABILITIES IN THE HOME EXCEED THE NUMBER LICENSED BY THE STATE.
  - A. THE HOME IS COMPATIBLE WITH THE CHARACTER OF THE NEIGHBORHOOD IN TERMS OF THE ARCHITECTURAL DESIGN, SCALE, FORM AND LOCATION OF THE HOME ON THE SITE.
  - B. THE PRIMARY ACCESS TO THE HOME IS LOCATED OFF OF A CITY DESIGNATED MAJOR ARTERIAL STREET.
  - C. THE HOME IS LICENSED FOR SUCH NUMBER BY THE STATE.

**Section 4:** Severability. If any part, section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining sections of this ordinance. The City Council hereby declares that it would have passed this ordinance, including each part, section, subsection, sentence, clause or phrase hereof, irrespective of the fact that one or more parts, sections, subsections, sentences, clauses or phrases may be declared invalid.

**Section 5:** Repealer. All ordinances or resolutions, or parts thereof, in conflict with this ordinance are hereby repealed, provided that this repealer shall not repeal the repealer clauses of such ordinance nor revive any ordinance thereby.

INTRODUCED AS A BILL at a regularly scheduled meeting of the City Council of the City of Littleton on the \_\_\_\_ day of \_\_\_\_\_, 2016, passed on first reading by a vote of \_\_\_\_ FOR and \_\_\_\_ AGAINST; and ordered published by posting at Littleton Center, Bemis Library, the Municipal Courthouse and on the City of Littleton Website.

PUBLIC HEARING on the Ordinance to take place on the \_\_\_\_ day of \_\_\_\_\_, 2016, in the Council Chambers, Littleton Center, 2255 West Berry Avenue, Littleton, Colorado, at the hour of 6:30 p.m., or as soon thereafter as it may be heard.

PASSED on second and final reading, following public hearing, by a vote of \_\_\_\_ FOR and \_\_\_\_ AGAINST on the \_\_\_\_ day of \_\_\_\_\_, 2016 and ordered published by posting at Littleton Center, Bemis Library, the Municipal Courthouse and on the City of Littleton Website.

ATTEST:

\_\_\_\_\_  
Wendy Heffner  
CITY CLERK

\_\_\_\_\_  
Bruce O. Beckman  
MAYOR

APPROVED AS TO FORM:

\_\_\_\_\_  
Kenneth S. Fellman  
ACTING CITY ATTORNEY