

**TOWN OF PALISADE, COLORADO  
ORDINANCE NO. 2022-02**

**AN ORDINANCE OF THE TOWN OF PALISADE, COLORADO  
AMENDING THE LAND DEVELOPMENT CODE REGARDING CHILD  
CARE HOMES**

**WHEREAS**, pursuant to Section 31-23-305, C.R.S., the Board of Trustees may adopt, alter or amend zoning and regulations; and

**WHEREAS**, the Colorado State Legislature passed HB21-1222 which defines child care homes as “a state-licensed child care facility serving up to 12 children and operated by a person who resides in the same dwelling where the child care is provided;” and

**WHEREAS**, if a use meets this definition, the new statute requires that local governments treat these facilities as residences for the purposes of licensures and local regulations, including zoning, land use development, fire and life safety, and building codes; and

**WHEREAS**, the Palisade Board of Trustees desires to amend the Land Development Code regarding child care homes to comply with HB21-1222; and

**WHEREAS**, the Town’s Planning Commission has recommended to the Board of Trustees that the amendments to the Land Development Code contained in this Ordinance be adopted; and

**WHEREAS**, in accordance with Sections 3.02 and 4.01 of the Land Development Code, and Section 31-23-306, C.R.S., on November 16, 2021 a public hearing was held before the Planning Commission to consider a recommendation of an amendment of the Land Development Code to the Board of Trustees as set forth herein, following public notice as required by law; and

**WHEREAS**, in accordance with Sections 3.02 and 4.01 of the Land Development Code, and Section 31-23-304, C.R.S., on January 11, 2022 a public hearing was held before the Board of Trustees to consider the amendment of the Land Development Code as set forth herein, following public notice as required by law; and

**WHEREAS**, the Board of Trustees finds and determines that the amendments to the Land Development Code, as contained herein, are necessary and designed for the purpose of promoting the health, safety, convenience, order, prosperity and welfare of the present and future inhabitants of the Town of Palisade and are consistent with the Town’s Comprehensive Plan and the Town’s other goals, policies and plans.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF PALISADE, COLORADO:**

**Section 1.** The foregoing recitals are incorporated herein as if set forth in full.

**Section 2.** Land Development Code 7.02.A is hereby amended **with new additions underlined and deletions in strikethrough** as follows:

### **Section 7.02 Civic Use Standards**

The standards of this Section shall apply to all permitted, special and conditional uses, as set forth in the Use Table (see Section 6.01). All uses shall meet or exceed applicable standards.

#### **A. Child Care Center**

1. Child care centers shall conform to the regulations contained in the Colorado Child Care Facilities Licensing Act, which is administered by the Colorado Department of Human Services.
2. When operated within the HR district, child care centers must be done in conjunction with another commercial use.
3. **Child care centers do not include family child care homes located in places of residences and permitted as an accessory use (see Section 7.05.C.1.h).**

**Section 3.** Land Development Code Section 7.05.C.1.h is amended **with new additions underlined and deletions in strikethrough** as follows:

### **Section 7.05 Accessory Uses and Structures**

#### **C. Accessory Use and Structure Types**

1. Residential accessory uses and structures shall include but not be limited to the following:

**h. Family ~~child care home~~, no more than twelve (12) children subject to Section 7.05.D.12;**

**Section 4.** Land Development Code Section 7.05.D.12 is amended **with new additions underlined and deletions in strikethrough** as follows:

### **Section 7.05 Accessory Uses and Structures**

#### **D. Specific Accessory Use and Structure Standards**

12. **Family** Child Care Home

A **family** child care home shall be considered an accessory use to a residence in all districts, provided no more than ~~eight (8)~~ **twelve (12)** children are present on the

premises at any one time. Family child care homes are licensed and regulated under regulations issued by the Colorado Department of Humang Services. ~~A child care home with more than eight (8) children and up to twelve (12) children may operate as an accessory use to a residence only if approved by a conditional use permit by the Town Board in accordance with the provisions of Section 4.07.~~

**Section 5.** Land Development Code Section 14.02 is amended **with new additions underlined and deletions in strikethrough** as follows:

**Section 14.02 Defined Terms**

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~~Child care means a program or arrangement where three (3) or more children less than thirteen (13) years old, who do not reside where the care is provided, receive care on a regular basis of at least once per week for more than four (4) hours but less than twenty-four (24) hours per day from persons other than their guardians or full-time custodians, or from persons not related to them by birth, marriage or adoption.~~

**Child care center** means a child care arrangement in a location which is maintained for the whole or part of a day, where at any one (1) time, for less than twenty-four (24) hours a day there are five (5) or more children receiving child care. Child care center, as defined in this Section, meets the provisions set forth in Section 26-6-~~102(5)~~1(1.5) of the Colorado Revised Statutes.

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**Family ~~C~~child care home** means a child care arrangement located in a place of a residence, where at any one (1) time, for less than twenty-four (24) hours a day, not more than twelve (12) children, receive child care.

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**INTRODUCED, READ, PASSED, ADOPTED AND ORDERED PUBLISHED** at a regular meeting of the Board of the Trustees of the Town of Palisade, Colorado, held on January 11, 2022.

TOWN OF PALISADE, COLORADO

By:

  
\_\_\_\_\_  
Greg Mikolai, Mayor

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ATTEST:

  
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Keli Frasier, Town Clerk

