

Denver Group Living Project: Zoning Code Update Strategy



1. Overview and Summary

About the Project: This strategy document is the culmination of a two-year project to identify and fix problems with the Denver Zoning Code’s (DZC) regulations on residential uses. Governing such uses as households, group homes, shelters and assisted living facilities, these regulations have been updated several times since the 1950s, resulting in a highly complicated system that does not reflect how people live now or community needs. Currently, the rules limit the establishment of housing for Denver’s most vulnerable populations, effectively excluding some populations from certain areas of the city. Additionally, the code’s approach to defining “households” makes it hard for residents to seek common affordable housing options like living with multiple roommates.

A 48-member advisory committee comprised of people with occupational or lived experience with the DZC helped identify problems and review proposed solutions over the course of 35 facilitated meetings. Group Living Advisory Committee (GLAC) members worked to craft zoning code updates that:

- Are consistent with adopted plans
- Have equitable outcomes
- Provide more affordable housing options
- Limit unintended consequences
- Are clear and predictable to all stakeholders
- Are consistent with other city, state and federal regulations for residential uses
- Can be enforced with minimal entry into properties

The GLAC highlighted more than two dozen issues with current rules, including:

- outdated and unclear regulations
- regulations that prevent establishment of needed residential care facilities or people from seeking flexible housing options
- unpredictable permitting and notification requirements.

Public Engagement: The project team sought out input not only from residents in neighborhoods across the city, but also from the vulnerable populations most affected by current residential use rules. Outreach efforts included:

- Group Living Advisory Committee:

DOCUMENT CONTENTS

1. Overview and Summary
 - About the Project.....1
 - Public Engagement.....2
 - Proposal Summary.....2
 - Schedule and Next Steps....3
2. Existing Zoning.....3
3. Problems Identified...7
4. Proposed Solutions....7
5. Appendix A: Problem Statements.....20
6. Appendix B: Bike Rack Items.....23

GLAC Review Draft, May 2020: All Language Subject to Change

- 48 members, cross-section of housing providers, residents & guests, designers, neighborhood representatives, advocates and community leaders
 - 27 topic-specific “subgroup” meetings in 2018 & 2019 (focused on residential care, community corrections, shelters, artist housing and emerging uses like tiny home villages).
 - 7 meetings involving the full committee
 - 8 site visits (Denver Rescue Mission, Queen City Coop, G.L.O.B./Rinoceropolis, Williams Street Center, Core Civic Fox Facility, etc.).
- Community open houses:
 - Open house to present problem statement, October 2018
 - 4 open houses to present initial proposal to public and collect input, February and March 2020
 - Community presentations: Staff has presented to neighborhood groups and advocacy organizations at various stages of the project
 - 28 registered neighborhood organization meetings
 - More than a dozen advocacy organizations: Anti-Displacement Network Denver, Homelessness Leadership Committee, Denver Commission on Cultural Affairs, etc.

Proposal Summary: To address identified problems with residential land use regulations, and to implement Blueprint Denver goals for equity, affordability and flexibility in housing, staff recommends the following changes to the Denver Zoning Code:

1. **Update the current definition of “Household”** to allow more unrelated people to live together, in alignment with peer cities and evolving demand for flexibility and affordability.
2. **Consolidate current residential care and group home uses** and expand permitted zone districts to allow establishment of new shelters, community corrections facilities and similar uses to reduce exclusion of populations and ensure facilities can be established near transit and services.
3. Establish **standardized permitting processes and regulations**, such as spacing requirements, for all residential care uses.
4. Require **Community Information Meetings** prior to formal zoning application for larger residential care uses to notify and educate neighbors and foster positive relationships.

Schedule and Next Steps: This strategy document has been informed by review and evaluation of the Group Living Advisory Committee and city and internal stakeholders. It will inform the next step: drafting the text amendments to the Denver Zoning Code. The text amendment adoption process will include the following steps:

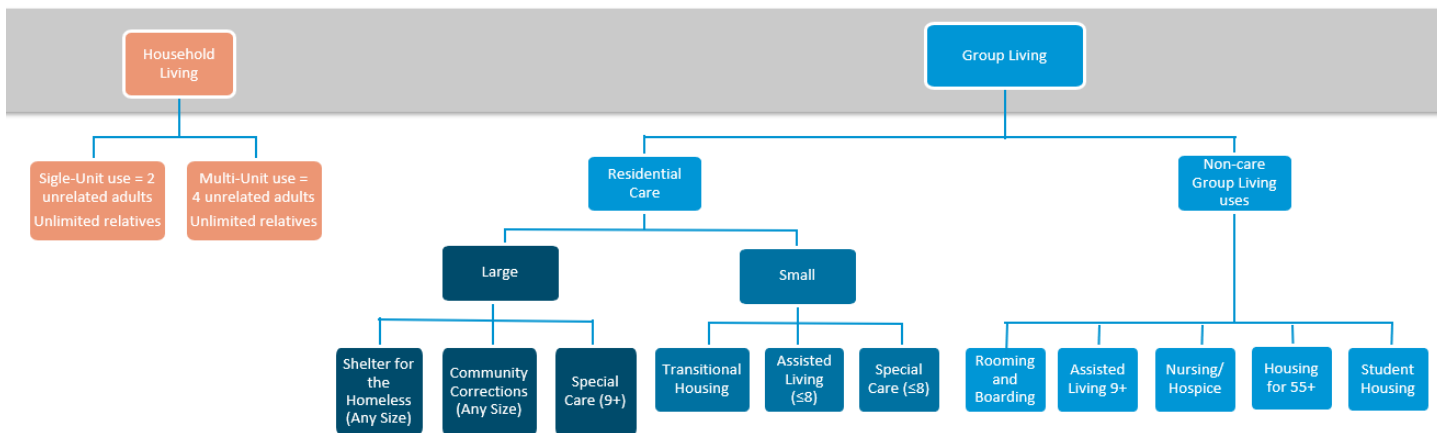
1. **Public Review of Text Amendment:** the Public Review Draft of the text amendment (a document showing specific proposed changes to the language in the DZC) will be published online for the public to review and provide comments. During this time, staff will present to the Inter-Neighborhood Cooperation (INC) Zoning and Planning Committee. Any other Registered Neighborhood Organization (RNO) or other interested organizations may request a staff presentation on the proposed Text Amendment. Staff will also hold “office hours” events for one-on-one or small group discussions of proposal details.
2. **Planning Board:** the Denver Planning Board will hold a public hearing on the proposed Text Amendment and consider it against the review criteria found in Section 12.4.11.4 of the Denver Zoning Code. The Planning Board

will receive public input via written comments and public testimony and make a recommendation to the Denver City Council. This hearing is anticipated to occur in June or July of 2020.

3. **Denver City Council:** The City Council will hold a public hearing on the proposed text amendment and consider it against the review criteria found in Section 12.4.11.4 of the Denver Zoning Code. The City Council will receive public input via written comments and public testimony, and then vote on whether to approve the Text Amendment. This hearing is anticipated to occur in July or August of 2020.
4. **Implementation:** If these amendments are adopted by the City Council, the new standards will take effect approximately three days after City Council adoption following the Mayor’s signature and publication of the ordinance. Implementation will include updates to Development Services permit review processes, staff and customer guides and staff training on the new regulations.

2. Existing Zoning:

Use Categories and Definitions: The Denver Zoning Code currently breaks residential uses down into two use categories: Household Living and Group Living. These categories and their specific included uses are defined in the Use Definitions section of the Denver Zoning Code: Division 11.11.2. The organizational chart below shows how these uses are currently structured in the DZC.



Current Organizational Chart of Residential Uses

Household Living is defined in Sec. 11.12.2.1 and includes:

- Single-Unit Dwellings: a single dwelling unit in a single structure, such as a detached house
- Two-Unit Dwellings: two dwelling units contained in a single structure, such as a duplex
- Multi-Unit Dwellings: three or more dwelling units contained in a single structure, such as an apartment building
- Live/Work Dwelling: a combination of residential and commercial activity located within a dwelling unit. Live/Work Dwellings permit commercial activity as a primary use, alongside the residential use – this is in contrast with the limited Home Occupations that are regulated as accessory uses and permitted in other types of Dwelling Units.

Household Living uses limit the number of unrelated people that may occupy the dwelling units described above. In a Two-Unit or Multi-Unit dwelling, four unrelated adults and any number of relatives to each may occupy each unit. In a Single-Unit dwelling, the DZC currently permits the following combinations of residents living as a single housekeeping unit (including any permitted domestic employees):

- A single person, plus any number of relatives
- Two persons living as partners, plus any number of relatives to either
- Two unrelated adults over the age of 18, plus any number of relatives to either

The DZC specifically permits certain relatives, which include parents and grandparents, children and step-children, siblings and step-siblings, in-laws, uncles, aunts and niblings (nieces and nephews).

Group Living is defined in Sec. 11.12.2.1 and includes a list of defined uses, which include:

- Assisted Living Facilities
- Community Corrections Facilities
- Nursing Homes and Hospices
- Residence for Older Adults
- Rooming and Boarding House
- Student Housing
- Transitional Housing
- Special Care Home
- Shelter for the Homeless

Residential Care Uses: Transitional Housing, Shelter for the Homeless, Community Corrections Facility and Special Care homes are considered Residential Care Uses, a subcategory of Group Living. Each one is subject to special use limitations (see “How these uses are regulated,” below).

Some Residential Care uses are further broken down by size:

- “Large” = facilities serving 9 or more persons
- “Small” = facilities serving 8 or fewer persons

This size division is only consistently applied to Special Care uses. Shelters for the Homeless and Community Corrections uses are always considered Large Residential Care uses, regardless of the number of occupants. Transitional Housing uses are always considered a Small Residential Care use, regardless of the number of residents. Assisted living is only considered a Residential Care use in some zone districts.

Regulations: These uses are regulated based on the definitions described above and in several other parts of the Zoning Code.

Use Tables: Residential uses listed above appear in the "Use Table " for each of the DZC’s Neighborhood Contexts. The Use Table shows where each defined use is permitted by zone district, sets forth minimum off-street vehicle and bicycle parking, and identifies the required zoning procedure for each use. Zoning procedures may require an applicant to obtain a zoning permit, a zoning permit with public notice, or a Zoning Permit with Special Exception Review, which is reviewed by the city’s Board of Adjustments for Zoning Appeals and may be subject to special conditions to limit potential negative impacts.

- Note: Special Care and Transitional Housing facilities are listed under Residential Care Uses, and are not individually named. Safe Houses are regulated as multi-unit dwellings.

Use Limitations: Each Neighborhood Context Use Table has a column listing any Use Limitations associated with uses permitted in that district. Use limitations are set forth in Article 11 of the DZC, and limitations for the Group Living use category begin in Section 11.2.9.

Residential Care Uses (Large and Small), especially Shelters for the Homeless and Community Corrections Facilities, are subject to the most stringent requirements. According to the DZC, Use Limitations on Residential Care Facilities are intended to balance several issues:

- Need for humane, equitable housing for special populations,
- Compliance with federal and state fair housing regulations,
- Prevention of Residential Care use concentration in neighborhoods, and
- Effective regulation and communication processes to help ensure such facilities are good neighbors.

Use limitations vary extensively by zone district and use. Key examples include:

- Spacing and Density Limitations: Large Residential Care Facilities are not permitted within 2,000 feet of other such uses, and no more than two others may exist within a 4,000-foot radius of the proposed new use. In Impacted Neighborhoods, up to 200 feet of additional spacing may be required by the Zoning Administrator. (Impacted Neighborhoods are those neighborhoods with more than the city-wide average number of Residential Care Uses within their boundaries.)
- Certain uses have additional requirements. For example, Community Corrections facilities are not permitted within 1,500 of a school or within 1,500 feet of a Residential Zone District.
- Some Large Residential Care uses, such as Shelters for the Homeless, have additional use limitations that vary by operator or other criteria. In Sec. 11.2.10.1, the zoning code establishes three types of shelter uses:
 1. Shelter for the Homeless as a permanent, primary use
 2. Shelter for the Homeless as a primary or accessory use when operated by a place of religious assembly (such as a church)
 3. Shelter for the Homeless when operated in a building owned by a nonprofit corporation or by a government entity
- Permanent shelters as a primary use are permitted in higher-intensity mixed-use zone districts, industrial districts and others that are not solely residential. Permanent shelters are subject to the Use Limitations for Large Residential Care Facilities as described above and in Sec. 11.2.8. They also must meet special requirements for operations, including but not limited to mitigating the impact of waiting areas on adjacent public rights-of-way (preventing obstruction, etc.) and making restrooms available when the facility is closed.
- The Zoning Code provides more flexible options for shelter uses that are operated by a religious assembly. These include, but are not limited to, permission to operate in any zone district and less restrictions on bed counts for shelters that operate for 120 days or less per year.
- Similarly, Shelters for the Homeless operated by a government entity or nonprofit corporation, in which the Denver Department of Human Services plays some role in the operation, are also permitted in any zone district provided certain requirements for public notice and involvement have been met.

Limitations on the Number of Residents: The DZC's Use Limitations limit the number of clients served by Residential Care facilities based on size, applicable zone district, etc. Shelters for the Homeless and Community Corrections Facilities are subject to the most stringent requirements. For example:

- Community Corrections Facilities are permitted in the I-MX zone district but are not permitted to exceed 40 residents, and they must provide 50 feet of gross floor area per person served. In the I-A and I-B zone districts, Community Corrections Facilities are permitted to have larger numbers of residents.

- Shelters for the Homeless established as permanent, primary uses are not permitted to have more than 200 beds, though some shelters with permits issued prior to Jan. 1, 2005, may have up to 350 beds. No more than 950 beds are permitted in any one city council district in homeless shelters that are permanent, primary uses.

3. Problems Identified with the Code

During a series of meetings that began in March 2018, the GLAC identified a set of challenges with regulations in the Denver Zoning Code (DZC) that govern residential uses. The Committee worked in subgroups focused on specific use types in the DZC related to members' work or interests:

- Adult and Elder Housing
- Community Corrections (current terminology in the code for uses more frequently referred to as "halfway houses")
- Artist/DIY/Cooperative housing
- Emerging Residential Uses (tiny house villages, Single-Room Occupancy, co-living, etc.)
- Shelter for the Homeless (current terminology in the code)
- Transitional and Special Care Homes

The GLAC highlighted more than two dozen issues with these current rules, which are summarized in six general categories as follows:

- **Evolving Residential Needs:** Different ways of living together are needed to meet new challenges, circumstances, and lifestyles. However, outdated or unclear regulations or a lack of applicable use definitions and building forms in the Denver Zoning Code (DZC) limit those possibilities.
- **Difficulty Meeting Rising Demand:** Demand for some group living types exceeds current supply, but the current code limits expansion or establishment of new facilities.
- **Ineffective Public Outreach Requirements:** Requirements for public outreach and involvement in siting decisions are inconsistent and unclear, leading to frustration for neighborhoods and providers.
- **Unintended Results:** Current regulations have led to unintended results, including:
 - disproportionate concentrations of facilities in some neighborhoods
 - ongoing use of outdated existing residential care facilities due to current zoning code limits on the reconstruction or expansion of nonconforming uses.
 - need for extensive transportation services to facilities and services in distant industrial areas
- **Unclear Regulations:** Some regulations are unclear or inflexible when considering expansion or siting new or innovative facilities.
- **Unnecessary or outdated language:** Some code language is redundant, inconsistent or in conflict with state and/or federal regulations and guidelines.

The subgroups prepared detailed documents outlining DZC issues related to each of the topics above, including specific references to parts of the DZC. The full problem statements for each subgroup can be reviewed at this link:

https://www.denvergov.org/content/dam/denvergov/Portals/646/documents/Zoning/text_amendments/Group_Living/Group. Appendix A of this document lists and categorizes all problem statements. These identified problems with

current regulations established priorities and areas of staff focus for the next phase of the project, during which the GLAC worked with City staff to develop proposed amendments to the DZC. These proposed amendments will be presented to the public and considered for adoption in 2020.

4. Proposed Solutions

The following tables set forth the specific proposed solutions to the code problems summarized above. Specific Problems addressed by each are noted in the third column and can be found in Appendix A.

Solutions for Household Uses

Solution	Specifics	Problems Addressed
<p>1. Amend the definition of Household, add additional guidelines for clarity</p>	<p><i>Household</i> <i>A "household" is either:</i></p> <ul style="list-style-type: none"> <i>i. A single person occupying a dwelling unit, plus any permitted domestic employees; or</i> <i>ii. Any number of persons related to each other by blood, marriage, civil union, committed partnership, adoption, or documented responsibility (such as foster care or guardianship), occupying a dwelling unit as a single non-profit housekeeping unit, plus any permitted domestic employees; or</i> <i>iii. Any number of unrelated adults (18 years or older) depending on the size of the dwelling unit as provided in the table below, plus any number of persons related to each unrelated adult by blood, marriage, civil union, committed partnership, adoption, or documented responsibility (such as foster care or guardianship), occupying a dwelling unit as a single non-profit housekeeping unit, plus any permitted domestic employees.</i> 	<p>1.A., 1.B, 1d.D, 1.F</p>

Dwelling Unit Size (square feet of finished floor area)	Unrelated adults permitted
Less than 1,800	5 adults
1,800 to 1,999	6 adults
2,000 to 2,199	7 adults
2,200 to 2,399	8 adults
2,400 to 2,599	9 adults
2,600 or more	10 adults
<p><i>For purposes of this definition, a “single non-profit housekeeping unit” exists if comprised of adults who live together as a family or as the functional equivalent of a family, and who share household activities and responsibilities, such as meals, chores, rent, and expenses. The choice of specific adults comprising the single non-profit housekeeping unit is determined by the members of such housekeeping unit rather than by a landlord, property manager, or other third party. Members of a single non-profit housekeeping unit are not required to seek services or care of any type as a condition of residency; and do not operate the dwelling unit as a commercial venture or with the primary purpose to earn a profit for themselves. A single non-profit housekeeping unit does not include rent-by-the-room configurations in a dwelling unit managed by non-residents. A resident owner of the dwelling unit may rent rooms to individual tenants, but if the entire dwelling unit is rented, all adult residents shall have chosen to jointly occupy the entire premises of the dwelling unit. Tenancy is arranged on a month-to-month or longer basis.</i></p>	
<p>2. Add additional vehicle parking requirements for larger households in SU uses.</p>	<p>In Uses and Required Parking tables, require 2 parking spaces for all Larger Household uses, as follows:</p>

	Context	Parking required for single-unit dwelling Use with 6 or more adult residents (note: bicycle parking is not required)	
	Suburban	2 vehicle spaces	
	Urban Edge	2 vehicle spaces	
	Urban	1 vehicle spaces	
	General Urban	1 vehicle space	
	Urban Center	0 vehicle spaces CCN only: 1 vehicle space	
	Downtown	0 vehicle spaces	
	I (where applicable)	1 vehicle space	
	CMP (where permitted)	0 vehicle spaces	
	M	1 vehicle space	
3. Delete unnecessary home occupations	Delete Secs. 11.9.4.10, Foster Family Care (as a Home Occupation); and 11.9.4.16, Rooming and/or Boarding (as a Home Occupation). Guardianship/foster relationships and renting a room in a house would be permitted by the proposed definition and use limitations for Household.		1.A
4. Clarify how reasonable accommodation may be provided for groups of more than 5 unrelated adults in a FFHA protected class who live in a house that is 1,600 square feet or smaller	Add new item iii to DZC Sec. 12.4.5.3.B.2.a.: “allow more than 5 unrelated adults to live as a single housekeeping unit in a structure that has 1,600 square feet or less of finished floor area, to a maximum of 8 adults.”		1.G., 5.I.
5. Update parking requirements to establish a maximum number of vehicles which may be associated with a dwelling unit	Amend Sec. 10.9.3.1. to add a maximum number of vehicles, as follows: Number of Motor Vehicles Accessory to a Dwelling Unit: On any zone lot occupied by a dwelling unit, there shall be, in total, parked and/or stored no more than 1 motor vehicle per licensed driver residing in the dwelling unit plus 1 additional motor vehicle per dwelling unit, to a maximum of 6 vehicles per dwelling unit, except as specifically allowed by this Code.		

Solutions for Shelter, Transitional/Special Care and Community Corrections Uses

Solution	Specifics	Problems Addressed
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<p>1. Create new Use Limitations section for Residential Care, replacing existing regulations for Assisted Living, Residence for Older Adults, Residential Care Large, Small, Community Corrections and Shelter for the Homeless.</p>	<p>Delete entirety of 11.2.7, 11.2.8, 11.2.9, 11.2.10 and 11.2.11 , And delete all of these use definitions and rows in the use tables for these specific use types in all zone districts. Replace with the content described in this table. Update Use Definitions in Sec. 11.12 accordingly.</p>	<p>2.A, 2.B., 2.B., 2.C., 2.D., 2.E., 2.F., 3.A, 3.C, 3.D., 4.A., 4.B., 5.A., 5.B., 5.C., 5.D., 5.E., 6.A., 6.B., 6.C.</p>
<p>2. Consolidate Residential Care Uses</p>	<p>Define all residential care uses as follows: A residential structure where guests receive treatment, supervision, emergency shelter, personal care, protective oversight or other services from staff on-site as a condition of residency. This definition excludes care provided by domestic employees or care workers in a person’s home. For purposes of this definition, a guest is an individual who stays overnight regardless of length of stay. A guest may stay for as little as one night, such as in a shelter for persons experiencing homelessness, or for a longer duration, such as a resident of a long-term care facility. For purposes of this definition, staff and volunteers who regularly return to another place of residence but who stay overnight while working or volunteering shall not be considered guests. Tenancy may range from overnight to permanent. Includes (but not limited to) uses like:</p> <ul style="list-style-type: none"> •shelters •community corrections and halfway houses •sober living, where a program of treatment or care is required •rehabilitation facility •assisted living •nursing home or hospice 	<p>2.A, 2.B., 2.B., 2.C., 2.D., 2.E., 2.F., 3.A, 3.C, 3.D., 4.A., 4.B., 5.A., 5.B., 5.C., 5.D., 5.E., 6.A., 6.B., 6.C.</p>
<p>3. Establish four size categories</p>	<p>Residential Care Uses are regulated by size as follows:</p> <ul style="list-style-type: none"> • Very Small/Seasonal: ≤10 guests (365 days/yr) or ≤100 guests (130 days maximum, consecutive or non-consecutive, per year) • Small: 11 to 40 guests • Medium: 41 to 100 guests • Large: 101 or more guests 	<p>2.A, 2.B., 2.B., 2.C., 2.D., 2.E., 2.F., 3.A, 3.C, 3.D., 4.A., 4.B., 5.A., 5.B., 5.C., 5.D., 5.E., 6.A., 6.B., 6.C.</p>

<p>4. Adapt some existing use limitations from the code and add new use limitations applicable to all Residential Care uses.</p>	<p>Establish the following use limitations for Residential Care uses</p> <ul style="list-style-type: none"> • Prior to the granting of the permit, the applicant and the owner have obtained any license or certification required by the state and/or the City, where applicable. • A facility housing non-paroled individuals under correctional supervision shall only be operated pursuant to an executed agreement with the Denver Manager of Safety. • Residential Care Facilities that are not open 24 hours (such as a facility providing only overnight shelter) shall abide by the following standards: <ul style="list-style-type: none"> ○ Waiting areas shall be placed and supervised so that the operation of the residential care facility will not create obstructions in adjacent public rights-of-way. ○ Residential Care Facilities that close during the day (such as overnight shelters) shall make restroom facilities available during hours when the facility is closed. Such facilities may include restroom facilities provided by the city. 	<p>2.A, 2.B., 2.B., 2.C., 2.D., 2.E., 2.F., 3.A, 3.C, 3.D., 4.A., 4.B., 5.A., 5.B., 5.C., 5.D., 5.E., 6.A., 6.B., 6.C.</p>
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<p>5. Specify that legally established Residential Care uses shall be considered conforming.</p>	<p>Create a new use limitation (in addition to those above), as follows:</p> <ol style="list-style-type: none"> 1. A residential care use that was legally established and Continuously Maintained prior to the effective date of the ordinance adopting this text amendment will be considered a conforming use, subject to the following limitations: <ol style="list-style-type: none"> a. The zone lot may be expanded in compliance with the building form standards of at least one primary building form allowed in the zone district. b. A structure containing such use may be expanded, modified, or demolished and rebuilt in compliance with the building form standards of a primary building form allowed in the zone district. c. The number of guests shall not be increased. 2. A Shelter for the Homeless permitted under the current zoning code with an emergency declaration to exceed the number of guests otherwise allowed by the applicable use limitations shall be considered to be a conforming use permitted for the number of guests allowed under its emergency declaration as of December 31, 2019. 3. Regardless, in zone districts that allow multiple primary uses on a single zone lot, new primary uses can be established where permitted in conformance with the proposed rules, even when an existing use is limited by the above provisions. 4. Notwithstanding the above provisions, an increase in the number of permitted guests shall be allowed in all cases for up to 10 days in defined emergencies consistent with the rules proposed for new uses. 	<p>2.A, 2.B., 2.B., 2.C., 2.D., 2.E., 2.F., 3.A, 3.C, 3.D., 4.A., 4.B., 5.A., 5.B., 5.C., 5.D., 5.E., 6.A., 6.B., 6.C.</p>
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<p>6. Adopt new use limitations governing siting of facilities (spacing, density, etc.). Adopt new permit and notification requirements</p>	<p><u>Residential Care Large</u></p> <ul style="list-style-type: none"> • Use Limitations: <ul style="list-style-type: none"> ○ Spacing requirements are as follows: <ul style="list-style-type: none"> • distance shall be measured from the proposed use, pursuant to Sec. 13.1.11.1., and shall be pursuant to the zone district in which the subject site is located • 1,200 feet between any Large or Medium facilities MU (8+), and RX (8+) districts • 600 feet between any Large or Medium Residential Care Facility in CC-, MS-, MX- and C-CCN- (8 stories or less) zone districts. • 400 feet between any Large or Medium Residential Care Facilities in D-AS, D-AS-12+, D-AS-20+, and D-GT zone districts. • No spacing required in all other districts where this use is permitted. • Additional Residential Care uses permitted on same zone lot. ○ Density requirements are as follows: <ul style="list-style-type: none"> • No more than three Medium or Large Residential Care within a one-mile radius of a subject site for a Large facility (measured from subject site) • Permit requirements: <ul style="list-style-type: none"> ○ Zoning Permit required ○ Community Information Meeting required <p><u>Residential Care Medium</u></p> <ul style="list-style-type: none"> • Use Limitations <ul style="list-style-type: none"> ○ Spacing requirements are as follows: <ul style="list-style-type: none"> • distance shall be measured from the proposed use, pursuant to Sec. 13.1.11.1., and shall be pursuant to the zone district in which the subject site is located • 1,200 feet between Medium and Large facilities in MU, RO and RX districts. • 600 feet between any Medium or Large Residential Care Facility in CC-, MS-, MX- and C-CCN- (8 stories or less) zone districts. • 400 feet between any Medium or Large Residential Care Facilities in D-AS, D-AS-12+, D-AS-20+, and D-GT zone districts. • No spacing required in all other districts where this use is permitted. 	<p>2.A, 2.B., 2.B., 2.C., 2.D., 2.E., 2.F., 3.A, 3.C, 3.D., 4.A., 4.B., 5.A., 5.B., 5.C., 5.D., 5.E., 6.A., 6.B., 6.C.</p>
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- Additional Residential Care uses permitted on same zone lot.

- **Permit Requirements**

- Zoning Permit Required
- Community Information Meeting required

Residential Care Small

- **Use Limitations**

- Spacing: 1,200 feet between facilities in SU, TU, RH only, when subject zone lot has not previously been used for a Civic, Public or Institutional Primary Use.
- Minimum Lot Size: 12,000 square feet

- **Permit Requirements**

- Zoning Permit Required
- Community Information Meeting required in SU, TU, RH districts

Residential Care Very Small/Seasonal

- **Use Limitations**

- No siting use limitations

- **Permit Requirements**

- Zoning Permit required

<p>7. Establish permitted zone districts for Residential Care uses. Expand available areas while incentivizing smaller, more distributed facilities.</p>	<p>Residential Care Large</p> <ul style="list-style-type: none"> • Permitted in all zone districts, except the SU, TU, RH, MU (-2.5, -3, and -5), RX (-3 and -5), RO, MS/ MX-2x, MS/MX-2, MX-2A, AIO, OS-B, OS-A and OS-C zone districts. • Permitted in: <ul style="list-style-type: none"> ○ All -CC; D-, CMP-; CCN-; -IMX; O-1 ○ I-A; I-B ○ MS-3+ ○ MX-3+ ○ MU-8+ ○ RX-8+ <p>Residential Care Medium</p> <ul style="list-style-type: none"> • Permitted in all zone districts, except the SU, TU, RH, MU-2.5, MS/ MX-2x, MS/MX-2, MX-2A, AIO, OS-B, OS-A and OS-C zone districts. • Permitted in: <ul style="list-style-type: none"> ○ All -CC; D-, CMP-; CCN-; -IMX; O-1 ○ I-A; I-B ○ MS-3+ ○ MX-3+ ○ MU-8+ ○ RX-8+ ○ All -RO ○ MU-2.5; -3; -5 ○ RX-3; -5 <p>Residential Care Small</p> <ul style="list-style-type: none"> • Permitted in all zone districts, except the AIO, OS-B, OS-A and OS-C zone districts. • Permitted in: <ul style="list-style-type: none"> ○ All -CC; D-, CMP-; CCN-; -IMX; O-1 ○ I-A; I-B ○ MS-3+ ○ MX-3+ ○ MU-8+ ○ RX-8+ ○ All -RO ○ MU-2.5; -3; -5 ○ RX-3; -5 ○ All -SU; -TU; -RH ○ MU-2.5 ○ MS-2; -2x ○ MX-2; -2A; -2x <p>Residential Care Very Small/Seasonal</p> <ul style="list-style-type: none"> • Same permitted districts as Small • Permitted as an accessory use, without a use permit, only for a Religious Assembly (preserves existing allowance) 	<p>2.A, 2.B., 2.B., 2.C., 2.D., 2.E., 2.F., 3.A, 3.C, 3.D., 4.A., 4.B., 5.A., 5.B., 5.C., 5.D., 5.E., 6.A., 6.B., 6.C.</p>
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	<ul style="list-style-type: none"> • Permitted as an accessory use to any primary use that is in a zone district that allows Residential Care Facility, Small/Seasonal. Zoning Permit required. • Permitted in all zone districts, except the AIO, OS-B, OS-A and OS-C zone districts. • Permitted in: <ul style="list-style-type: none"> ○ All -CC; D-, CMP-; CCN-; -IMX; O-1 ○ I-A; I-B ○ MS-3+ ○ MX-3+ ○ MU-8+ ○ RX-8+ ○ All -RO ○ MU-2.5; -3; -5 ○ RX-3; -5 ○ All -SU; -TU; -RH ○ MU-2.5 ○ MS-2; -2x ○ MX-2; -2A; -2x 	
<p>8. Allow facilities to temporarily expand the number of guests served during emergencies.</p>	<p>Short-term Emergency Expansion: During an emergency that threatens human health, a Residential Care Facility may expand to serve a number of guests not to exceed 125% of the maximum number of guests stipulated on its zoning permit, rounded up to the nearest number, for a period of 10 calendar days. For example, a Medium Residential Care Facility with a zoning permit allowing 50 guests may provide care for up to 63 guests for a 10-day period (10 overnight stays). A facility serving 200 guests may provide care for up to 250 guests for a 10-day period during an emergency.</p> <p>Prior to expanding services, individual Residential Care Facilities must provide written notice to the Zoning Administrator noting the nature of the emergency, its threat to human health, the need for additional services, and the date the expansion of services will begin and end. Residential Care Facilities shall scale back to the number of guests originally stipulated in its zoning permit upon the end of the 10-day period. Any additional expansion within 120 days of the facility's return to its original guest count shall be per the process described in sec. 11.2.11.5. The Zoning Administrator shall keep a record of Short-term Emergency Expansion notices.</p> <p>Qualifying emergencies for the purposes of administering this regulation include, but are not limited to:</p> <ul style="list-style-type: none"> • Extreme heat or cold • Severe weather • Flooding • Pandemic • Attacks in public places • Hazardous materials Incidents 	<p>2.A, 2.B., 2.B., 2.C., 2.D., 2.E., 2.F., 3.A, 3.C, 3.D., 4.A., 4.B., 5.A., 5.B., 5.C., 5.D., 5.E., 6.A., 6.B., 6.C.</p>

	<ul style="list-style-type: none"> • Fire that impacts housing • Closure of a business that provides housing 	
<p>9. Preserve Zoning Administrator authority for longer-term emergencies, such as a shortage of shelter beds, pandemic, etc..</p>	<p>Adapt existing language from 11.2.11.5: Suspension of Limitations in Emergency as follows: “Emergency Suspension of Limitations for Residential Care Facilities that serve people who are experiencing homelessness. During emergencies that clearly threaten human health or life, the Zoning Administrator has the authority to suspend the terms of some of this Section’s limitations as needed for Residential Care Facilities serving people experiencing homelessness. Qualifying emergencies include:</p> <ul style="list-style-type: none"> • A State of Emergency declared by the Mayor or City Council • A shortage of capacity for guests when temperatures are projected to be below 32 degrees or exceed 100 degrees for a period of more than 24 hours. • Other situations that clearly threaten human health or life that are articulated in writing by the manager of a city department, or his or her designee. <p>The following use limitations may be suspended during an emergency pursuant to the requirements described herein:</p> <ul style="list-style-type: none"> • Maximum permitted number of guests in a Residential Care facility that serves people experiencing homelessness. • Spacing and density limitations for facilities opened specifically for the emergency (such as a temporary shelter) • The 10-day (10 overnight stays) limit for Short Term Expansion of an existing Residential Care Facility. • The 120-day period after a Short Term Expansion of an Existing Residential Care Facility during which that facility may not request an additional expansion. • <p>Suspension of limitations shall last only for the duration of the emergency as determined by the Zoning Administrator in consultation with requesting city agencies. The Zoning Administrator shall keep a record of emergency suspension of use limitations. Upon expiration of an Emergency Suspension of Limitations for Residential Care Facilities, no affected facility may conduct a Short Term Expansion for 120 days.</p>	<p>2.A, 2.B., 2.B., 2.C., 2.D., 2.E., 2.F., 3.A, 3.C, 3.D., 4.A., 4.B., 5.A., 5.B., 5.C., 5.D., 5.E., 6.A., 6.B., 6.C.</p>

Solutions for Group Homes

Solution	Specifics	Problems Addressed
<p>1. Create new Congregate Living use category</p>	<p>Define as a structure or structures providing housing for people who do not live in self-contained dwelling units. This use is intended for permanent occupancy. Residents may share sleeping units, and may have shared cooking, bathroom and common areas, or some combination of personal and shared facilities. This use includes, but is not limited to:</p> <ul style="list-style-type: none"> • Rooming and boarding houses • Dormitories and other student housing • Permanent tiny home village • Single-room occupancy (SRO) housing 	<p>1.B., 1.C., 1.D.</p>
<p>2. Permit Congregate Living in zone districts where multi-unit dwelling uses are permitted in the apartment, general or shopfront building forms.</p>	<ul style="list-style-type: none"> • Congregate Living uses are permitted in all Downtown, CC, MS, MU, MX, RH (with limitations), CCN and CMP zone districts. • A Zoning Permit is required. 	<p>1.B., 1.C., 1.D.</p>

Solutions for Vehicle and Bicycle Parking

Solution	Specifics	Problems Addressed
<p>1. Establish a clear, context-sensitive parking requirement for Residential Care and Congregate Living uses that accounts for different types of living (individual or shared rooms vs. dormitory-style space).</p>	<p>Residential Care:</p> <ul style="list-style-type: none"> • 4 or fewer guests/unit (per 10.4.4.2.C.2: “A habitable room, which may or may not contain kitchen or bathing facilities, intended for occupancy by a resident in a group living use.”): <ul style="list-style-type: none"> • Vehicle: Residential Low (context-sensitive, .25, .125 or 0 spaces/unit) • Bicycle: 1/10 units (D, and descending thereafter) • 5 or more guests/unit: <ul style="list-style-type: none"> • Vehicle: Commercial Low (context-sensitive, .5 to 0 spaces/1,000’ GFA) • Bicycle: 1/8,000’ GFA (D, and descending thereafter) <p>Congregate Living:</p> <ul style="list-style-type: none"> • 4 or fewer guests/unit (per 10.4.4.2.C.2: “A habitable room, which may or may not contain kitchen or bathing 	<p>2.G., 3.A.</p>

	<p>facilities, intended for occupancy by a resident in a group living use.”):</p> <ul style="list-style-type: none">• Vehicle: Multi-Unit (1 spaces/unit, 0 in some D districts)• Bicycle: 1/4 units (D, descending thereafter)• 5 or more guests/unit:<ul style="list-style-type: none">• Vehicle: Commercial Medium (2.5 spaces/1,000’ GFA)• Bicycle: 1/4,000’ GFA (D, descending thereafter)	
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Appendix A: Table of DZC Problems identified by the Group Living Advisory Committee

<p>General Problem Statements</p>	<p>Specific Problems Identified by Subgroups</p> <p>Note: these detailed problem statements are reflected verbatim as they were developed by GLAC subgroups. Subsequent references in other sections of this document may reflect refinement to correct terminology, etc.</p>
<p>1. Evolving Residential Needs: Different ways of living together are desired to meet new challenges, circumstances, and lifestyles. However, outdated or unclear regulations or a lack of applicable use definitions and building forms in the DZC limit those possibilities.</p> <p>Stakeholders Impacted</p> <ul style="list-style-type: none"> • Residents & Clients • Providers & Operators 	<p>Emerging Trends Subgroup</p> <p>A. The zoning definition of “household” is too restrictive, limiting the number of unrelated individuals who can live together.</p> <p>B. Zoning does not recognize residential building forms that do not meet our current definitions for a “dwelling unit” such as co-housing and Tiny Home Villages.</p> <p>C. Single Room Occupancy is categorized as a lodging use which may be negatively impacting their development as an attractive group living option</p> <p>DIY/Artist/Co-Op</p> <p>D. The Denver Zoning Code’s definition of “Household” places limits on the number of unrelated individuals who can live together. These restrictions inhibit the development of nontraditional residential typologies like artist housing, cooperative housing and co-living.</p> <p>E. The Denver Zoning Code’s Household and Group Living definitions and use limitations make it difficult to establish creative spaces that combine low-cost housing with flexible performance venues, assembly and gallery venues, and the narrow “Live/Work Dwelling” category has proven inapplicable to such uses.</p> <p>Adult and Elder Housing</p> <p>F. Zoning restrictions limit the number of unrelated individuals who can live together under the definition of “Household Living,” which reduces opportunities for intergenerational living and other desired uses.</p> <p>Transitional and Special Care Housing</p> <p>G. Sober Living Homes are not clearly identified and regulated as a Group Living use.</p>

<p>2. <u>Difficulty Meeting Rising Demand:</u> Demand for some group living types exceeds current supply, but expansion or establishment of new facilities is constrained, in part, by the DZC.</p> <p>Stakeholders Impacted</p> <ul style="list-style-type: none"> • Residents & Clients • Owners & Operators 	<p>Shelter for the Homeless Subgroup</p> <p>A. City Council districts are the wrong geographic units for regulating the maximum number of beds for shelters as permanent, primary uses.</p> <p>B. The terms “beds” and “residents” are used inconsistently, and the use of “beds” as a measure of facility size does not reflect best practices for limiting the size of shelters.</p> <p>C. Definitions of shelter types are confusing, have ineffective and inequitable public involvement procedures, and make it difficult to combine a continuum of shelter to housing options in one facility.</p> <p>Community Corrections</p> <p>D. Demand exceeds current capacity</p> <p>E. Limited space in applicable districts for new facilities</p> <p>F. Many existing facilities are compliant or nonconforming uses, which have limited allowances for expansion.</p> <p>Adult and Elder Housing</p> <p>G. Vehicle parking requirements for assisted living facilities exceed the vehicle parking demand.</p> <p>H. Code requirements and/or restrictions inadvertently impact affordability.</p>
<p>3. <u>Unintended Results:</u> Current regulations have led to unintended results, including:</p> <ul style="list-style-type: none"> • disproportionate concentrations of social services and resources in some neighborhoods, • ongoing use of legacy residential care facilities, • need for extensive transportation services, • concentration of vulnerable populations away from needed services. <p>Stakeholders Impacted</p> <ul style="list-style-type: none"> • Clients & Residents • Owners & Operators • Neighborhoods 	<p>Shelter for the Homeless</p> <p>A. Current limitations on spacing, density, and size for shelters are difficult to administer and have unintended consequences, including over-reliance on emergency determinations to expand existing facilities and continued concentration of legacy facilities in certain neighborhoods.</p> <p>Transitional and Special Care Housing</p> <p>B. Small Residential Care Facilities contribute to the concentration of services and “institutionalization” of neighborhoods but face far fewer requirements than Large Residential Care.</p> <p>C. Minimum 6,000-square-foot lot dimension for Residential Care Facilities may have the effect of concentrating such facilities in suburban neighborhoods.</p> <p>D. Establishment of new Large Residential Facilities near adequate transit and services is limited by zoning, spacing and density requirements.</p> <p>Community Corrections</p> <p>A. Vehicle parking requirements exceed demand and take up space</p>
<p>4. <u>Ineffective Public Outreach Requirements:</u> Requirements for public outreach and involvement in siting decisions are inconsistent and unclear, leading to frustration for neighborhoods and providers.</p> <p>Stakeholders Impacted</p> <ul style="list-style-type: none"> • Providers and Operators • Neighborhoods 	<p>Shelter for the Homeless</p> <p>A. Definitions of shelter types are confusing, have ineffective and inequitable public involvement procedures, and make it difficult to combine a continuum of shelter to housing options in one facility.</p> <p>Transitional/Special Care Housing</p> <p>B. Neighborhood role in permitting decisions is unclear and difficult to explain to the public, especially for Small Residential Care Facilities.</p>

<p>5. <u>Unclear Regulations:</u> Some regulations are unclear or inflexible when considering expansion or siting new or innovative facilities.</p> <p>Stakeholders Impacted</p> <ul style="list-style-type: none"> • Providers and Operators • Clients and Residents • Regulators 	<p>Shelter for the Homeless</p> <p>B. City Council districts are the wrong geographic units for regulating the maximum number of beds for shelters as permanent, primary uses.</p> <p>C. The terms “beds” and “residents” are used inconsistently, and the use of “beds” as a measure of facility size does not reflect best practices for limiting the size of shelters.</p> <p>D. Definitions of shelter types are confusing, have ineffective and inequitable public involvement procedures, and make it difficult to combine a continuum of shelter to housing options in one facility.</p> <p>Transitional Housing/Special Care Home</p> <p>E. The distinction between services provided in a Transitional Housing setting and a Special Care Home facility are unclear.</p> <p>F. Establishment of new Large Residential Facilities near adequate transit and services is limited by zoning, spacing and density requirements.</p> <p>DIY/Artist/Coop</p> <p>G. The Denver Zoning Code’s definition of “Household” places limits on the number of unrelated individuals who can live together. These restrictions inhibit the development of nontraditional residential typologies like artist housing, cooperative housing and co-living.</p> <p>H. The Denver Zoning Code’s Household and Group Living definitions and use limitations make it difficult to establish creative spaces that combine low-cost housing with flexible performance venues, assembly and gallery venues, and the narrow “Live/Work Dwelling” category has proven inapplicable to such uses.</p> <p>Emerging Trends</p> <p>I. Zoning does not recognize residential building forms that do not meet our current definitions for a “dwelling unit” such as co-housing and Tiny Home Villages.</p> <p>55 Plus/Adult/Elder Housing</p> <p>J. Zoning restrictions limit the number of unrelated individuals who can live together under the definition of “Household Living,” which reduces opportunities for intergenerational living and other desired uses.</p> <p>Community Corrections</p> <p>K. Vehicle parking requirements exceed demand and take up space</p> <p>L. Many existing facilities are compliant or nonconforming uses, which have limited allowances for expansion.</p>
<p>6. <u>Unnecessary or outdated language:</u> Some language in the DZC is redundant, inconsistent or in conflict with state and/or federal regulations and guidelines</p> <p>Stakeholders Impacted</p> <ul style="list-style-type: none"> • Providers and Operators Regulators 	<p>Transitional Housing/Special Care Home</p> <p>A. Section 11.2.9.1.F, specifying compliance with the Denver Building and Fire Code, is redundant, as all residential uses must comply with the Building and Fire Code.</p> <p>Shelter for the Homeless</p> <p>B. Definitions of shelter types are confusing, have ineffective and inequitable public involvement procedures, and make it difficult to combine a continuum of shelter to housing options in one facility.</p> <p>Community Corrections</p> <p>C. Population Density Requirements need revision.</p>

Appendix B: Bike Rack Items

In the course of this project, many issues were raised that either exceeded the scope of this effort to update residential zoning regulations or which were not directly related to the Denver Zoning Code. These items were noted by staff on a virtual “bike rack” for staff to revisit later. A brief description of some of these items and possible next steps follows:

- Use of public property to meet housing needs. During several meetings of the Group Living Advisory Committee, members recommended that the city analyze availability of public property to be used for housing/residential uses. In late 2019, Mayor Hancock signed an Executive Order establishing a new department to link housing and homelessness services. The new Department of Housing Stability (HOST) seeks to invest in resources, create policy, and partner with organizations to keep people in the homes they already live in, to quickly resolve an experience of homelessness, and to connect people to affordable housing opportunities. In December of 2019, Denver City Council voted to purchase Tooley Hall, a community correction facility, to maintain the continuation of the use. This is one example of how City and County of Denver agencies are working to use public property to provide for housing and residential uses for group living uses.

Article: <https://denverite.com/2019/12/23/denver-votes-to-buy-a-halfway-house-and-geo-group-is-officially-out-of-the-game/>

- The Shelter, DIY/Artisit/Co-Op and the Adult and Elder Housing GLAC subgroups highlighted how building and fire codes can create barriers to development or rehabilitation of structures, by requiring retrofitting for fire suppression, energy efficiency, etc. CPD Building and Fire staff are continually seeking ways to minimize costs and incentivize building upgrades, while protecting the lives of guests and staff. Additionally, these proposed zoning updates will allow additional efficiencies for residents, including additional people permitted to live together in conventional households and preservation of existing accessory uses that allow churches to operate small and seasonal shelters in their structures.
- This same group also noted that while the zoning code allows Live/Work Dwelling uses in many zone districts, but that accompanying building and fire code requirements for separation of uses, entrances, etc. are costly to meet and limit the feasibility and adaptability of this use. Staff will continue to collaborate with building and fire staff and community stakeholders to better understand the issues and find opportunities for clarification or updates to building code requirements.
- The Community Correction Subcommittee expressed interest in exploring social and small enterprise opportunities in connection to community corrections programs. The Group Living team has clarified that most permitted zone districts where it is permitted, Community Correction uses (as Residential Care) can be on a single zone lot with other uses, such as retail, light manufacturing, etc.
- Permanent Supportive Housing was referenced in several subcommittee groups but primarily in the shelter subgroup. PSH is not addressed separately from other residential care uses in the Denver Zoning Code and is not a group living use. This use is permitted in any zone district that allows multi-unit residential and is regulated the same way as an apartment building. Currently, The City and County of Denver, Denver Economic Development and Opportunity (DEDO), has launched a coordinated effort with the Colorado Department of Local Affairs (DOLA) – Division of Housing (DOH), Colorado Housing and Finance Authority (CHFA), Denver’s Road Home (DRH) and Denver Housing Authority (DHA) with the goal of increasing Permanent Supportive Housing (PSH) with quality supportive services for people formerly experiencing homelessness. Permanent Supportive Housing

is a subset of affordable housing that combines non-time-limited affordable housing assistance with wrap-around supportive services for people experiencing homelessness.

- The Shelter subgroup recommended that creating incentives for 24-hour operation without creating undue burden on operators should be analyzed. Residential Shelter Use, allowed in current zoning proposal, would allow this use in several zone districts. This recommendation is currently under development by HOST. Another topic of discussion was bussing services to shelters. By allowing more Zone Districts, especially encouraging residential shelters, reduces the need for mass transit from pickup points and meal sites to shelters, and this provides opportunities for more shelters on existing transit corridors.
- A subgroup of the Group Living Advisory Committee briefly explored the concept of cottage zoning. Cottage housing developments are one way to produce housing referred to as the “missing middle”—housing types that offer smaller units in buildings of a similar scale as a single family-home. Currently, cottage developments are permitted on any zone lot where multiple primary structures are permitted, such as multi-unit (MU). Additionally, the Group Living code updates will specify that Permanent Tiny Home Villages are also permitted in those districts. However, the subdivision of existing zone lots in low-intensity zone districts, such as single- or two-unit (SU, TU) is beyond the scope of this project. CPD has begun to analyze a residential infill project to identify opportunities for development of ‘missing middle’ housing in lower-intensity residential zone districts; including SU and TU.. Blueprint Denver (2019) had several recommendations in the Land Use and Built Form Category that provides policies and strategies to implement Blueprint Denver’s vision through land use, planning and regulatory tools. Policy 2 states, “Diversify housing options by exploring opportunities to integrate missing middle housing into low and low-medium residential areas.” This strategy recommends to “integrate missing middle housing into low and low-medium residential areas, especially those that score low in Housing Diversity. This should be implemented through holistic revisions to the zoning code at a citywide scale, with a focus on discouraging demolition and encouraging affordability. Zoning code revisions should be informed by an inclusive community input process (p.83).” The residential infill project has begun forming a steering committee and no recommendations have been introduced.