Group Living Code Amendment
Phase III Workshop 2 (Household Definition, Continued)
Tuesday, October 30, 2018
Welcome & Check-In

Connection and Appreciation
## Today’s Agenda

<table>
<thead>
<tr>
<th>Time</th>
<th>Topic</th>
<th>Objective(s)</th>
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<tbody>
<tr>
<td>4:00 – 4:15</td>
<td>Welcome, Agenda, Recap and Objectives</td>
<td>Welcome and Orient</td>
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<td>4:15 – 4:45</td>
<td>Present and Discuss 3 Alternatives</td>
<td>Learn</td>
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<td>4:45 – 5:15</td>
<td>Small Group Workshops</td>
<td>Decide</td>
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<td></td>
<td>• Poster Exercise: Analyze against criteria</td>
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<td>5:15 – 5:50</td>
<td>Report Out and Refine</td>
<td>Solve</td>
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<td>• Seek agreement on final recommendation</td>
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<td>5:55 – 6:00</td>
<td>Gratitude, Next Steps and Close</td>
<td>Improve</td>
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August Open House recap

Public comment:

• Support for expanding number of unrelated people permitted to live together
• Support for flexibility and variety of affordable housing options, creative spaces, etc.
• Support for changes to address need for shelter, community corrections, etc.
• Concern about concentrations of poverty, services in neighborhoods
• Support for updating spacing and density regulations for clarity and enforceability
## Schedule Problem Statement Key

### Emerging Uses

1. The Zoning Code’s Definition of Household is too restrictive, limiting the number of people who can live together.
2. Co-Housing, Tiny Home Villages, and other non-traditional uses are not clearly addressed with regard to appropriate zone districts, building form standards or use definitions, limitations and other regulatory requirements.
3. Single Room Occupancy is categorized as a lodging use, which may negatively impact its development as an attractive group lodging option.

### Artist/DIY/Co-op

1. The Denver Zoning Code’s definition of “Household” places strict limits on the number of unrelated individuals who can live together, inhibiting the development of new, non-traditional residential typologies like artist housing, cooperative housing, and co-living.

### Community Corrections

1. Demand exists for additional Community Corrections capacity, but current regulations limit possible locations for new facilities, or expansion of some existing uses.
   - Permitted Zone District Component
   - Special Use District Component
2. Population Density requirements need revision to better align with state and federal regulations.
3. Vehicle parking requirements exceed demand and take up space that could be used for expansion or additional programs.

### Shelter

1. Current limitations on spacing, density, and use for shelters are difficult to administer and have unintended consequences, including overreliance on emergency declarations to expand existing facilities and concentrated density in certain neighborhoods.
2. City Council districts use the wrong geographic units for regulating the maximum number of beds for shelters as permanent, primary uses.
3. The terms “bed” and “barradom” are used inconsistently, and the use of “bed” as a measure of facility size does not reflect best practices for limiting the number of shelters.

### Transitional/Special Care Housing

1. Senior living homes need clearly identified and regulated as group living use.
2. The distinction between services provided in a transitional housing setting and a special care home facility are unclear.
3. Small Residential Care facilities contribute to the concentration of services and institutionalization of neighborhoods but face fewer requirements than larger residential care.
4. Development of new large residential care facilities near residential densities and services is limited by zoning, parking, and density requirements.
5. Neighborhood roles in permitting decisions is unclear and difficult to sustain to the public, especially for small residential care facilities.
6. Minimum 1,000-feet lot dimension for residential care facilities may have the effect of concentrating them in suburban neighborhoods.
7. Section 11.2.8.1, F, specifying compliance with the Denver Building and Fire Code, is redundant, as all residential care must comply with the Building and Fire Code.

### 55+/Adult/Senior Care

1. The Denver Zoning Code’s fixed number of unrelated adults who may live together regardless of the size of a home or number of bedroom limit opportunities for intergenerational living and other desired uses.
2. Vehicle parking requirements for assisted living facilities exceed the vehicle parking demand.
3. The Denver Zoning Code stipulates all Assisted Living Facilities in Single- and Two-Unit neighborhoods should be required as Large Residential Care facilities, which has led to increased permitting and data collection.
Progress made Oct. 8

• Recommended inclusion of “foster care/legal guardianship” in any list of related individuals in an updated definition of “household”

• Increasing the number of unrelated adults permitted to live in a home

• Three Committee-preferred methods for defining “Household”
Goals for today

• Agree on preferred method for defining “Household”

• Consensus on appropriate number of unrelated adults
DZC Current Household Definition

• Permits two unrelated adults, plus an unlimited number of certain specified relations living together as a housekeeping unit in single unit uses.

• **Does not include Group Living** uses (residential uses where care or services are provided)
  o Committee will consider Group Living uses throughout the rest of the project

• Requires **Home Occupation permit** for:
  o Foster Family Care
  o Rooming and Boarding (1+ roommates in SU)

• Complicates desired uses
  o Cooperative Housing
  o Co-Living
  o Co-ownership of homes
Definition of Dwelling Unit: One or more habitable rooms constituting a unit for permanent occupancy, having but one kitchen together with facilities for sleeping, bathing, and which unit occupies a structure or a portion of a structure.

Number of children/family members permitted by current code:
• no limit.

Number of families that can live together per current code:
• Code permits two unrelated adults and any number of relatives to each in SU uses, meaning two families may live together, with an unlimited number of relatives to each.
<table>
<thead>
<tr>
<th>Peer Cities Review: Unrelated Adults Allowed in Single Unit</th>
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<tbody>
<tr>
<td><strong>Denver</strong></td>
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<tr>
<td>Englewood</td>
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<td>Fort Collins</td>
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<td>Oklahoma City, OK</td>
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<td>Phoenix, AZ</td>
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<td>Portland, OR</td>
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**Notes:**
*More under certain circumstances
All cities surveyed permit unlimited family members
Nearly all regulated by Dwelling Unit
Expanded Decision-Making Criteria

1. Is consistent with adopted plans (Pass/Fail - Must Pass per Charter 3.2.9(C) and DZC 12.4.11.4.A)

2. Is equitable – not necessarily equal – in terms of neighborhood policies and impact

3. Provides for more affordable and attainable housing options across the full range of resident incomes, considering creative options in the process.

4. Limits potential for unintended consequences perceived as negative or in conflict with community character, economic viability and existing or future plans and policies

5. Is clear to administer and enforce

6. Is clear and predictable to all stakeholders

7. Uses language that is consistent with relevant city, state and federal regulations

8. Is enforceable with minimal entry to properties by Zoning & Neighborhood Inspection Services and other staff
Committee Preferred alternative 1

Max of (8) unrelated adults Per Dwelling Unit

Notes:
- Staff-recommended alternative
- Dwelling Unit is clear measurement for enforcement
Committee Preferred alternative 2

Unlimited number of unrelated adults Per Dwelling Unit

Notes:
• Building and Fire Code does not require a certain square footage per person in a conventional dwelling unit.
• State Health Codes do not set recommended or minimum square footage per person in a dwelling unit.
• Dwelling Units are only required to have one bathroom.
• More than 16 residents (related or unrelated) triggers additional Building and Fire Code requirements.
• Number of residents could exceed the 8-person threshold for what Federal and State group home laws require be accommodated in residential neighborhoods.
Committee Preferred alternative 3

Max of (2) unrelated adults per sleeping room

Notes:
• Sleeping Room as defined by Denver Building and Fire Code: at least 70 square feet, egress/rescue window, closet.
• Presents enforcement challenges
  o adults and unlimited family per room
  o Studio apartments, unenclosed sleeping rooms, etc.
• Not a common practice in other cities
Poster Exercise

Instructions:

• Divide into 3 groups
• One alternative/scenario per group
• Consider Committee Charter Criteria (1-3)
• Consider Subgroup Ideal Future/Goals
  o See handouts
• Discuss and make adjustments
• Report out
Procedures: Variance, ZPIN, ZPSE

ZPIN: Zoning Permit Review with Informational Notice
Notification
- Required for some uses per District Specific Standards
- Written notice to RNO, Council Members,
- Posted notice (sign)
- Provides public comment period and appeal process
- Must meet specific DZC criteria

ZPSE: Zoning Permit with Special Exception Review
- Required for some uses per District Specific Standards
- Written notice to RNO, Council Members
- Posted Notice (sign)
- Public Hearing by Board of Adjustment
- Must meet specific DZC criteria

Variance
- Allows modification to some zoning regulations in limited circumstances
- Typically impacts measurements and dimensions
- Applicant must prove hardship, such as unusual conditions (topography, irregular lot shape, etc.)
- Must meet specific DZC criteria
- Public hearing by Board of Adjustment