What Happens with Community Corrections Facilities?

CURRENT CONDITIONS

Problems Identified:
• Demand exceeds current capacity.
• Limited space in applicable districts for new facilities.
• Many existing facilities are compliant or are nonconforming uses, which have limited allowances for expansion.
• Off-street vehicle parking requirements exceed demand and take-up space on-site.
• Population density requirements need revision.

How the Zoning Code currently regulates Community Corrections:

Current permitted zone districts

Available locations for Community Corrections facilities after spacing, density and buffering requirements are considered
What Happens with Community Corrections Facilities?

PROPOSED CHANGES

Proposed Solutions:
- Combine current Residential Care uses and increase allowed zoning districts to permit establishment of community corrections facilities to reduce exclusion of populations and ensure facilities can be established near transit and services.
- Establish standardized permitting processes and regulations, such as spacing requirements, for all residential care uses.
- Require Community Information Meetings (CIM) prior to submitting a formal application for larger residential care uses to notify and educate neighbors and foster positive relationships.

Proposed residential use types:
- **Household Living**
  - Up to 8 adults living as a single, non-profit housekeeping unit
  - Provisions for more adults in larger homes
  - Unlimited minor relatives
  - Permanent residency
  - Examples: Cooperative Housing, Multigenerational housing, Some types of sober living, Groups of people choosing to live together

- **Residential Care**
  - On-premises treatment, custodial supervision, protective oversight or assistance required as a condition of residency
  - Temporary to permanent residency
  - Examples: Shelters, Some types of sober living, Community Corrections and Halfway Houses, Solutions/Navigation Centers with residential component, Assisted Living, Nursing home or hospice, Transitional Housing

- **Congregate Living**
  - Housing for more people than would be permitted in a household
  - Not living as a single housekeeping unit
  - May have shared cooking, bathroom and common areas
  - Permanent residency
  - Examples: Rooming and Boarding, Dormitory or Student Housing, Permanent Tiny Home Village, Single-Room Occupancy Housing

Where will community corrections be allowed?

- **Residential Care Large** – All Zone Districts except SU, TU, RH, MU (2.5, 3, & 5), RX (3 & 5), RO, MS/MX-2x, MS/MX-2, MX-2A, OS (A, B, & C).
- **Residential Care Medium** - Permitted in all zone districts, except the SU, TU, RH, MU-2.5, MS/ MX-2x, MS/MX-2, MX2A, OS-B, OS-A and OSC zone districts.
- **Residential Care Small** - Permitted in all zone districts, except the OS-B, OSA and OS-C zone districts.
- **Residential Care Very Small** - Permitted in all zone districts, except I -A, I-B, AIO, OSB, OS-A and OSC.
**What Happens With Shelters for the Homeless?**

**CURRENT CONDITIONS**

**Problems Identified:**
- Current limitations on spacing, density, and size for shelters are difficult to administer and have unintended consequences, including overreliance on emergency determinations to expand existing facilities and continued concentration of legacy facilities in certain neighborhoods.
- City Council districts are the wrong geographic units for regulating the maximum number of beds for shelters as permanent, primary uses.
- 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.
- 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.

**Unintended Consequence**
- Concentration of Existing Facilities

**Continuum of Services**
- Provision of multiple services, multiple housing types at one site

**Inappropriate Geographic Units**
- City Council Districts change every 10 years
What Happens With Shelters for the Homeless?

PROPOSED CHANGES

**Proposed Solutions:**
- Consolidate current residential care uses and expand permitted zone districts to allow establishment of shelters to reduce exclusion of populations and ensure facilities can be established near transit and services.
- Establish clear, consistent spacing and density requirements to prevent overconcentration of facilities while allowing equitable distribution of shelters and other types of Residential Care uses throughout the city.
- Establish standardized permitting processes and terminology for all residential care uses.
- Require Community Information Meetings prior to submitting a formal application for larger residential care uses to notify and educate neighbors and foster positive relationships.

**Proposed Residential Use Types:**

<table>
<thead>
<tr>
<th>Household Living</th>
<th>Residential Care</th>
<th>Congregate Living</th>
</tr>
</thead>
<tbody>
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<td>• Up to 8 adults living as a single, non-profit housekeeping unit</td>
<td>• On-premises treatment, custodial supervision, protective oversight or assistance required as a condition of residency</td>
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<td></td>
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<td></td>
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<tr>
<td></td>
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<td></td>
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**Residential Care Large** – All Zone Districts except SU, TU, RH, MU (2.5, 3, & 5), RX (3 & 5), RO, MS/MX-2x, MS/MX-2, MX-2A, OS (A, B, & C).

**Residential Care Medium** - Permitted in all zone districts, except the SU, TU, RH, MU-2.5, MS/ MX-2x, MS/MX-2, MX2A, OS-B, OS-A and OSC zone districts.

**Residential Care Small** - Permitted in all zone districts, except the OS-B, OSA and OS-C zone districts.

**Residential Care Very Small** - Permitted in all zone districts, except I - A, I-B, AIO, OSB, OS-A and OSC.
CURRENT CONDITIONS

Problems Identified:

• Sober Living Homes are not clearly identified and regulated as a “Group Living” Use.
• The distinction between services provided in a Transitional Housing setting and a Special Care Home facility are unclear.
• Small Residential Care Facilities contribute to the concentration of services and “institutionalization” of neighborhoods but face far fewer requirements than Large Residential Care.
• Establishment of new Large Residential Facilities near adequate transit and services is limited by zoning, spacing and density requirements.
• Neighborhood role in permitting decisions is unclear and difficult to explain to the public, especially for Small Residential Care Facilities.
• Minimum 6,000-square-foot lot dimension for Residential Care Facilities may have the effect of concentrating such facilities in suburban neighborhoods.
• 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.

Limits on Location, lot size
• Reduced transit access in permitted locations
What Happens to Transitional Housing & Special Care?

**PROPOSED CHANGES**

**Proposed Solutions:**
- 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.
- Consolidate current residential care 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.
- Establish standardized permitting processes and regulations, such as spacing requirements, for all residential care uses.
- Require Community Information Meetings prior to submitting a formal application for larger residential care uses to notify and educate neighbors and foster positive relationships.

**Proposed Residential Use Types:**

A structure housing up to 8 adults living in a dwelling unit as a single, non-profit housekeeping unit, with any number of relatives under the age of 18. One additional adult for every 200 square feet of finished floor area above 1,000 square feet. Tenancy is 30 days or more.

**Household Living**
- A structure or structures where a number of persons exceeding what is permitted in a household, are not living together as a single non-profit housekeeping unit, and who may not live in a self-contained dwelling unit.
- Residents may have individual or shared rooms with common cooking facilities, bathrooms and gathering areas. Residents may only access to their personal spaces. Tenancy is 30 days or more.

**Residential Care Large**
- All Zone Districts except SU, TU, RH, MU (2.5, 3, & 5), RX (3 & 5), RO, MS/MX-2x, MS/MX-2, MX-2A, OS (A, B, & C).

**Residential Care Medium**
- Permitted in all zone districts, except the SU, TU, RH, MU-2.5, MS/MX-2, MS/MX-2, MX2A, OS-B, OS-A and OSC zone districts.

**Residential Care Small**
- Permitted in all zone districts, except I -A, I-B, AIO, OS-B, OS-A and OSC.

**Residential Care Very Small**
- Permitted in all zone districts, except I -A, I-B, AIO, OS-B, OS-A and OSC.

Where will these uses be allowed?

- **Residential Care Large** – All Zone Districts except SU, TU, RH, MU (2.5, 3, & 5), RX (3 & 5), RO, MS/MX-2x, MS/MX-2, MX-2A, OS (A, B, & C).
- **Residential Care Medium** - Permitted in all zone districts, except the SU, TU, RH, MU-2.5, MS/ MX-2x, MS/MX-2, MX2A, OS-B, OS-A and OSC zone districts.
- **Residential Care Small** - Permitted in all zone districts, except the OS-B, OS-A and OS-C zone districts.
- **Residential Care Very Small** - Permitted in all zone districts, except I -A, I-B, AIO, OS-B, OS-A and OSC.
What about Artist/DIY/Emerging residential uses?

CURRENT CONDITIONS

Problems Identified:
• 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.
• 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.
• Key terminology used in the Denver Zoning Code is not always consistent with corresponding language in the Building, Fire and Health Safety codes. This leads to confusion in interpreting the correct language and regulations between the codes, causing delays and additional expenses as staff and property owners resolve the conflicts.

Intergenerational Living:
• Limited by Household Size

Co-living, Single-Room Occupancy, “Adult Dorms”
• Unclear Building Form, Use Definition

Tiny House Village:
• Unclear Building Form, Use Definition

Cooperative Living:
• Limited by Household Size
What about Artist/DIY/Emerging residential uses?

PROPOSED CHANGES

Proposed Solutions:
• Update the way the city regulates Household uses to allow more unrelated people to live together, allowing a range of creative, flexible housing options.
• Permit permanent tiny home villages, single-room occupancy housing and similar uses in zone districts that allow multi-unit housing.
• Collaborate with Building and Fire staff to clarify and update, where possible, non-zoning regulations governing proximity of living and working space in live/work uses.

Proposed Residential Use Types

What standards would tiny home villages have to meet?
Common structures or sleeping units would have to meet underlying zone districts’ public realm requirements, such as build-to, transparency, maximum setbacks, etc.

Temporary Tiny Home Village
- Grants flexibility from building form, site design standards

Desired Configuration for future long-term and permanent Tiny Home Village uses
- Common structures address public realm
- Meet Zone District build-to, transparency and active use requirements

Where are congregate Living Uses permitted?
Zone districts that permit multi-unit and mixed-use residential:
• Multi-Unit (MU)
• Mixed Use (MX)
• Residential Mixed Use (RX)
• Similar districts
What is wrong with the current definition?
The current definition of “household” is outdated and limits current and common living arrangements and reduces affordability, especially for people who could live with roommates. The current zoning permits the following:

- Single-Unit Use: Two (2) unrelated adults with an unlimited number of relatives.
- Multi-Unit Uses: Four (4) unrelated adults with an unlimited number of relatives.

Why this matters:
- Significantly lower limit on unrelated adults compared to peer and Front Range cities (average is 5)
- Forces uses otherwise functioning as households into more restrictive Group Living category
- Limits desired uses (cooperative living, co-living, etc.)
- Equity issue in city with high housing costs
- Prevents people from buying or renting housing together, though data shows increasing numbers of Coloradans live with friends and nonrelated roommates.
- Update would benefit neighborhoods and widen opportunities for housing by allowing people to pool resources, couples to take on a roommate, families to share housing, etc.

How does Denver propose to change the way household living is regulated?
Change the definition of “household” to allow more unrelated people the choice to live together, subject to existing building, fire, and housing code requirements to protect health and safety. Propose to regulate household living as follows:

- Treat single-unit dwellings (houses) and multi-unit dwellings (duplexes, apartments, etc.) the same
- Allow any dwelling unit to be occupied by up to 8 unrelated adults living as a housekeeping unit
- Allow any number of minor relatives (including adoption, marriage, guardianship, etc.)
- Where a structure exceeds 1600 square feet in gross finished floor area, an additional 1 unrelated adult would be permitted for every 200 additional square feet.
CURRENT CONDITIONS

Problems Identified:
• 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.
• Vehicle parking requirements for assisted living facilities exceed the vehicle parking demand.
• The Denver Zoning Code regulates Assisted Living Facilities and Large Residential Care Facilities based upon zone district contexts creating confusion for city staff.
Assisted Living/55+ Housing

PROPOSED CHANGES

Proposed Solutions:
• Update the definition of “Household” to allow more unrelated people to live together.
• Reduce minimum off-street parking requirements from .75 spaces per unit to a lower amount that varies by intensity of zone district (.25 spaces per unit in lower- and medium-intensity districts; .125 to 0 spaces in high-intensity mixed use districts and Downtown).
• Regulate all residential care uses the same, with the same process, spacing and other requirements.

Proposed Residential Use Types:

Where will assisted living, nursing and similar Residential Care uses be allowed??

Residential Care Large – All Zone Districts except SU, TU, RH, MU (2.5, 3, & 5), RX (3 & 5), RO, MS/MX-2x, MS/MX-2, MX-2A, OS (A, B, & C).

Residential Care Medium - Permitted in all zone districts, except the SU, TU, RH, MU-2.5, MS/ MX-2x, MS/MX-2, MX2A, OS-B, OS-A and OSC zone districts.

Residential Care Small - Permitted in all zone districts, except the OS-B, OSA and OSC zone districts.

Residential Care Very Small - Permitted in all zone districts, except I -A, I-B, AIO, OSB, OS-A and OSC.
### Proposed Residential Care Permitted Districts and Use Limitations

**KEY:** ZP = Zoning Permit; CIM = Community Information Meeting

<table>
<thead>
<tr>
<th>USE TYPE</th>
<th>PROCESS</th>
<th>PERMITTED DISTRICTS</th>
<th>USE LIMITATION: SPACING &amp; LOCATION</th>
<th>USE LIMITATION: DENSITY</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential Care Large:</td>
<td>• ZP with CIM</td>
<td>• 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, OS-B, OS-A and OS-C zone districts.</td>
<td>• Subject site for proposed use must be 1,200 feet from any existing Large or Medium facilities in MU (8+), and RX (8+) districts. Subject site for proposed use must be 600 feet from any existing Large or Medium Residential Care Facility in D-AS, D-GT, CC, MX (8 stories or less) zone districts. No spacing required in I-A, I-B, D-C, D-TD, D-CV, D-CPV and MX 12, 16 and 20 zone districts. Additional Residential Care uses permitted on same zone lot.</td>
<td>• No more than three Large or Medium Residential Care within a one-mile radius of subject site for Large facility (including subject site). Additional Residential Care uses permitted on same zone lot.</td>
</tr>
<tr>
<td>Residential Care Medium:</td>
<td>• ZP with CIM</td>
<td>• Permitted in all zone districts, except the SU, TU, RH, MU-2.5, MS/ MX-2x, MS/MX-2, MX-2A, OS-B, OS-A and OS-C zone districts.</td>
<td>Subject site must be 1,200 feet from any existing Large or Medium facilities in MU, RO and RX districts. Subject site must be 600 feet from any existing Large or Medium Residential Care Facility in CC, MX (8 stories or less) zone districts. No spacing required in I-A, I-B, D-C, D-TD, D-CV, D-CPV and MX 12, 16 and 20 zone districts. Additional Residential Care uses permitted on same zone lot.</td>
<td>None</td>
</tr>
<tr>
<td>Residential Care Use Small:</td>
<td>• ZP with CIM in SU, TU, RH, ZP all others</td>
<td>• Permitted in all zone districts, except the OS-B, OS and OS-C zone districts.</td>
<td>1,200 feet between facilities in SU, TU, RH only</td>
<td>None</td>
</tr>
<tr>
<td>Residential Care Very Small/Seasonal:</td>
<td>• ZP</td>
<td>• Permitted in all zone districts, except the OS-B, OS and OS-C zone districts.</td>
<td>None</td>
<td>None</td>
</tr>
</tbody>
</table>

- **Residential Care Large:**
  - 101 and up
  - 10-day expansion permitted during emergencies
  - A facility intended to house up to 8 non-paroled individuals under correctional supervision shall have a formal, written agreement with the Denver Manager of Safety

- **Residential Care Medium:**
  - 41 –100
  - 10-day expansion permitted during emergencies
  - A facility intended to house up to 8 non-paroled individuals under correctional supervision shall have a formal, written agreement with the Denver Manager of Safety

- **Residential Care Use Small:**
  - 9 –40 guests
  - 10-day expansion permitted during emergencies

- **Residential Care Very Small/Seasonal:**
  - Very Small Permanent
  - 8 or fewer guests (year-round)
  - A facility intended to house up to 8 non-paroled individuals under correctional supervision shall have a formal, written agreement with the Denver Manager of Safety
  - Seasonal Permanent
  - Up to 100 guests
  - Operation up to 130 days/year (non-consecutive)
Comparisons of Current and Proposed Residential Care Regulations

Current Residential Uses Ranked by Permissiveness of Zoning:

<table>
<thead>
<tr>
<th>Residential Use</th>
<th>Permitted Zone Districts</th>
<th>Other Use Limitations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Household Living</td>
<td>Allowed in nearly all zone districts</td>
<td>none</td>
</tr>
<tr>
<td>Housing for 55+</td>
<td>Allowed in nearly all zone districts</td>
<td>none</td>
</tr>
<tr>
<td>Assisted Living</td>
<td>Allowed in nearly all zone districts</td>
<td>Spacing/Density in low-intensity zone districts</td>
</tr>
<tr>
<td>Transitional Housing</td>
<td>Allowed in nearly all zone districts</td>
<td>None (&quot;institutionalization&quot; language, no specific requirements)</td>
</tr>
<tr>
<td>Special Care Home, Small</td>
<td>Allowed in nearly all zone districts</td>
<td>None (&quot;institutionalization&quot; language, no specific requirements)</td>
</tr>
<tr>
<td>Nursing Home/Hospice</td>
<td>Allowed in limited zone districts (not low-intensity residential)</td>
<td>none</td>
</tr>
<tr>
<td>Student Housing</td>
<td>Allowed in limited zone districts (not low-intensity residential)</td>
<td>none</td>
</tr>
<tr>
<td>Rooming and Boarding House</td>
<td>Allowed in limited zone districts (not low-intensity residential)</td>
<td>none</td>
</tr>
<tr>
<td>Special Care Home, Large</td>
<td>Allowed in nearly all zone districts</td>
<td>Spacing/Density</td>
</tr>
<tr>
<td>Shelter for the Homeless</td>
<td>Allowed in nearly all zone districts</td>
<td>Spacing/Density/Buffering/Bed Limits by City Council District</td>
</tr>
<tr>
<td>Community Corrections</td>
<td>Allowed in very few zone districts</td>
<td>Spacing/Density/Buffering</td>
</tr>
</tbody>
</table>

Current “Org-Chart” Breakdown of Defined Residential Uses:
**Residential Care Facilities: Proposed Zone Districts**

All sizes of Residential Care uses permitted

- All -RO
- I-A; I-B
- MS-3+; -3; -5
- MU-8+; -8
- RX-8+; -8

**Very Small, Small and Medium Residential Care Uses Permitted**

- All -RO
- MU-2.5; -3; -5
- RX-3; -5

**Very Small and Small Residential Care Uses Permitted**

- All -SU; -TU; -RH
- MU-2.5
- MS-3; -2x
- MX-3; -2A; -2x
- I-A; I-B
- MS-3+
- MX-3+
- MU-8+; -8
- RX-8+; -8

**Planned Unit Development (PUD): Residential Care, Community Corrections and similar uses may be permitted, if permitted by PUD base Zone Districts and specific regulations for each district.**

**Open Space Districts; No Residential Care Uses Permitted**

- All -SU; -TU; -RH
- OS-A; OS-B; OS-C

**Former Chapter 59 Zone Districts: Residential Care, Shelters, Community Corrections and other similar uses are regulated by Chapter 59, which will not be amended as part of this project.**

- All Former Chapter 59 Zone Districts
Residential Care Facilities: Current Permitted Zone Districts

All sizes of Residential Care Facilities Permitted (Including Shelter for the Homeless and Community Corrections)

- I-A; I-B; I-MX
- D-C; D-TD; D-LD

All sizes of Residential Care Facilities Permitted (Except Community Corrections)

- All -CC; CCN-; M- O-1
- MS-3+; MX-3+; RX-3+
- CMP (except H, H2 and ENT and NWC-R)
- D- (except LD and TD)

All sizes of Residential Care Facilities Permitted (Except Shelter for the Homeless and Community Corrections)

- MS-2; -2x
- MX-2; -2A; -2x
- CMP; H; H2; ENT

Residential Care Facilities serving up to 40 people Permitted (Except Community Corrections)

- All -RO
- MU-3+

Small Residential Care Facilities (serving 8 or fewer residents) except Shelter for the Homeless & Comm. Corrections Permitted; Residential Care Facilities except Shelter for the Homeless and Community Corrections serving up to 20 people Permitted in structures built before 1993.

- All -SU; -TU; -RH
- MU-2.5

Planned Unit Development (PUD): Residential Care, Community Corrections and similar uses may be permitted, if permitted by PUD base Zone Districts and specific regulations for each district.

- PUD

Open Space Districts; No Residential Care Uses Permitted

- OS-A; OS-B; OS-C

Former Chapter 59 Zone Districts: Residential Care, Shelters, Community Corrections and other similar uses are regulated by Chapter 59, which will not be amended as part of this project.

- All Former Chapter 59 Zone Districts
Residential Care Facilities: Proposed Permitted Zone Districts

Where Would Large Facilities Be Allowed?

Where Would Medium Facilities Be Allowed?

Where Would Small & Very Small Facilities Be Allowed?