Group Living Code Amendment
September 2020
Why is CPD proposing these changes?

- **Implementing Adopted City Goals**
  - ✓ Equitable, affordable and inclusive housing for all
  - ✓ Pursuing a more equitable approach for locating residential care uses

- **Addressing identified problems with the Denver Zoning Code**
  - ✓ Outdated or unclear language
  - ✓ Exclusionary regulations with roots in classism and racism
  - ✓ Regulations that prohibit needed residential care facilities or keep people from seeking flexible housing options
  - ✓ Unpredictable permitting and notification requirements
Role of the Zoning Code

- Govern appropriate use of private land
  - Zone Districts (areas of the city) where certain uses are permitted
  - Transitions and spacing between use

- Building form and site design
  - Pedestrian access
  - Location of parking
  - Structure size, height, transparency
Other regulations that govern land use

- Standards for housing
- Maintenance of structures and yards
- Use of public right-of-way (parking, etc.)
- Operation of halfway houses, rooming houses, etc.

Revised Municipal Code (DRMC)

- Use-specific regulations

Building and Fire Codes

- Fire suppression and alarm requirements for houses, apartments and residential facilities,
- Safe access and egress (escape path) from rooms where people sleep
- Minimum sizes for habitable rooms and spaces
- Energy efficiency and structural requirements

Zoning Code
Summary of proposed changes:

Residential Care regulations:
- **Consolidate** all uses where care is provided into a single use type, Residential Care, and regulate by size, with community meeting and spacing and density limitations for larger facilities.
- Allow all residential care uses in more places.

Household regulations:
- Allow more unrelated people to live as part of a household (in conventional dwelling units) while clarifying that rent-by-the-room configurations are only permitted in zone districts where higher-intensity residential uses like apartments are allowed.

Congregate Living regulations:
- Create a new Congregate Living use, permitted in higher-intensity zone districts, that allows uses like dormitories, rooming and boarding and tiny home villages where residents may share common facilities like kitchens, bathrooms and gathering areas.
What would change? Current & Proposed Household Regulations

**Current**

- Single-Unit use (typical detached house): **2 partners or unrelated adults**, unlimited family members of any age
- No off-street parking requirements
- Two- or multi-unit use (duplex, apartment, etc.): **4 unrelated adults**, unlimited family members of any age (from same list).
- Minimum off-street parking requirements

**Proposed**

- Up to 5 adults of any relationship, with unlimited relatives to each, in any dwelling unit
- Provisions for more unrelated adults in larger dwelling units, to a maximum of 10
- New minimum off-street parking requirements for larger households in single-unit uses.
What would change? Current & Proposed Residential Care Regulations

Current

- **Small**: 8 or fewer guests
  - 6,000 square-foot min. lot size
- **Large**: 9 or more guests
  - Building construction date requirements in SU, TU and RH zone districts
  - Cap of 20 guests in SU, TU and RH districts
  - 6,000 square-foot min. lot size
  - Spacing and Density requirements
- **Shelters and Community Corrections**
  - Additional buffers required from other uses
  - Additional limits on permitted zone districts

Proposed

- **Type 1**: 10 or fewer guests, or up to 100 guests for no more than 130 days/year (an existing provision in the code)
- **Type 2**: 11 to 40 guests
  - 12,000 square-foot min. lot size in SU, TU, RH
  - Spacing requirements
- **Type 3**: 41 to 100 guests
  - Permitted only in higher-intensity zone districts
  - Spacing Requirements
- **Type 4**: 101+ guests
  - Permitted only in higher-intensity zone districts
  - Spacing and Density Requirements
Outreach and Project Awareness

• 5 citywide community workshops attended by nearly 1,000 people
• 36 meetings with RNOs and other community organizations throughout the city
• 36 public meetings of the Group Living Advisory Committee and its subcommittees.
  o The committee had over 40 members representing stakeholders throughout Denver, including multiple RNOs across Denver and INC.
• 5 visits by the GLAC to community corrections facilities, shelters and other relevant group living sites
• Over 550 individual emails/comments received from the public and RNOs in 2020 alone and used to develop and revise our proposal
• 18 newsletters to promote group living public events and keep people updated as the project progressed.
• A dozen stories in traditional media outlets
CURRENT org-chart breakdown of Primary Residential Uses

Household Living
- Single-Unit use = 2 unrelated adults
  Unlimited relatives
- Multi-Unit use = 4 unrelated adults
  Unlimited relatives

Group Living
- Residential Care
  - Large
    - Shelter for the Homeless (Any Size)
    - Community Corrections (Any Size)
  - Small
    - Special Care (9+)
    - Transitiona I Housing (any size)
    - Assisted Living (≤8)
    - Special Care (≤8)

Other Group Living uses
- Rooming and Boarding
- Assisted Living 9+
- Nursing/Hospice
- Housing for 55+
- Student Housing
### Proposed org-chart breakdown for Primary Residential Uses

<table>
<thead>
<tr>
<th>Household Living</th>
<th>Congregate Living</th>
<th>Residential Care</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Up to 5 unrelated adults living as a single, non-profit housekeeping unit</strong>&lt;br&gt;<strong>Provisions for more adults in larger homes</strong>&lt;br&gt;<strong>Unlimited relatives</strong>&lt;br&gt;<strong>Permanent residency</strong>&lt;br&gt;<strong>Examples:</strong>&lt;br&gt;Conventional Housekeeping units of related people or groups of people who choose to live together&lt;br&gt;Cooperative Housing&lt;br&gt;Multigenerational housing&lt;br&gt;Some types of sober living</td>
<td><strong>Housing for more people than would be permitted in a household</strong>&lt;br&gt;<strong>Not living as a single housekeeping unit</strong>&lt;br&gt;<strong>May have shared cooking, bathroom and common areas</strong>&lt;br&gt;<strong>Permanent residency</strong>&lt;br&gt;<strong>Examples:</strong>&lt;br&gt;Rooming and Boarding&lt;br&gt;Dormitory or Student Housing&lt;br&gt;Permanent Tiny Home Village&lt;br&gt;Single-Room Occupancy Housing</td>
<td><strong>On-premises treatment, custodial supervision, emergency shelter, protective oversight or assistance required as a condition of residency</strong>&lt;br&gt;<strong>Temporary to permanent residency</strong>&lt;br&gt;<strong>Examples:</strong>&lt;br&gt;Shelters&lt;br&gt;Some types of sober living&lt;br&gt;Community Corrections and Halfway Houses&lt;br&gt;Solutions/Navigation Centers with residential component&lt;br&gt;Assisted Living&lt;br&gt;Nursing home or hospice&lt;br&gt;Transitional Housing</td>
</tr>
</tbody>
</table>
Proposed Household Regulations

• Permit up to 5 unrelated adults and any number of relatives to each to live as a household in any dwelling unit (house, apartment, etc.).
• Allow additional unrelated adults for every 200 additional feet of finished floor area in dwelling units with over 1,600 square feet.
• Cap maximum at 10 unrelated adults in houses 2,600 square feet or larger.
• Establish new off-street parking requirement for single-unit uses in lower-intensity residential areas for dwelling units with 6 or more adults.
• Prohibit commercial, rent-by-the-room scenarios in Single-Unit, Two-Unit and Row-House zone districts by specifying that all residents shall have jointly chosen to occupy the entire home and live as a non-profit housekeeping unit.
• Ensure safety with existing building and fire code requirements:
  o Interconnected smoke alarms required for all houses.
  o Building Code requires fire suppression (sprinklers) for houses with more than 10 occupants.
### Household Regulation Details: Unrelated Adults and Parking

<table>
<thead>
<tr>
<th>Dwelling Unit Size (square feet of finished floor area)</th>
<th>Unrelated adults permitted</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than 1,800</td>
<td>5 adults</td>
</tr>
<tr>
<td>1,800 to 1,999</td>
<td>6 adults</td>
</tr>
<tr>
<td>2,000 to 2,199</td>
<td>7 adults</td>
</tr>
<tr>
<td>2,200 to 2,399</td>
<td>8 adults</td>
</tr>
<tr>
<td>2,400 to 2,599</td>
<td>9 adults</td>
</tr>
<tr>
<td>2,600 or more</td>
<td>10 adults</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Context</th>
<th>Parking required for single-unit dwelling Use with 6 or more adult residents (note: bicycle parking is not required)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Suburban</td>
<td>2 vehicle spaces</td>
</tr>
<tr>
<td>Urban Edge</td>
<td>2 vehicle spaces</td>
</tr>
<tr>
<td>Urban</td>
<td>1 vehicle space</td>
</tr>
<tr>
<td>General Urban</td>
<td>1 vehicle space</td>
</tr>
<tr>
<td>Urban Center</td>
<td>0 vehicle spaces, CCN only: 1 vehicle space</td>
</tr>
<tr>
<td>Downtown</td>
<td>0 vehicle spaces</td>
</tr>
<tr>
<td>I (where applicable)</td>
<td>1 vehicle space</td>
</tr>
<tr>
<td>CMP (where permitted)</td>
<td>0 vehicle spaces</td>
</tr>
<tr>
<td>Master Planned</td>
<td>1 vehicle space</td>
</tr>
</tbody>
</table>
Non-Profit Housekeeping Unit.
A household comprised of people 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. All adult residents jointly occupy the entire premises of the dwelling unit.
A non-profit housekeeping unit shall be comprised of up to 5 unrelated adults, plus additional adults per the table below, and any persons related to each unrelated adult by blood, marriage, civil union, committed partnership, adoption, or documented responsibility (such as foster care or guardianship).
Proposed Congregate Living Regulations

• Congregate Living would be defined as any use where residents don’t live in a self-contained dwelling unit, or who live in a conventional dwelling unit but do not have access to the entire dwelling, are on separate leases or exceed the number of adults permitted in a Household. Residents are not required to seek care or services as a condition of residency.

• This use includes, but is not limited to:
  o Rooming and boarding houses
  o Dormitories and other student housing
  o Tiny Home Villages
  o Single-room occupancy (SRO) housing

• As is currently the case for Rooming and Boarding Houses, dormitories and other uses currently identified in the code, Congregate Living would be permitted in zone districts that allow higher-intensity multi-unit housing, including:
  o Multi-Unit (MU)
  o Mixed Use (MX)
  o Main Street (MS)
  o Campus (CMP)
Congregate Living Parking Requirements:

- **Vehicle:** 1 space/1,000 square feet of gross floor area (GFA) in most districts; 0.5/1,000 sf GFA in Urban Center, 0 in most Downtown districts.

- **Bicycle:** 1/4,000’ GFA (D, descending thereafter)

**Example:** An Co-living development in the Urban Neighborhood Context with a building square footage of 25,000 (including shared living areas, bathrooms, community space.) serving 100 residents: **25 spaces**
### Proposed Residential Care Regulations

<table>
<thead>
<tr>
<th>Resid. Care Size</th>
<th>Type 1</th>
<th>Type 2</th>
<th>Type 3</th>
<th>Type 4</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of Guests</td>
<td>10 or fewer (365 days/year) or up to 100 for no more than 130 days/year</td>
<td>11-40</td>
<td>41-100</td>
<td>101+</td>
</tr>
<tr>
<td>Minimum Lot Size</td>
<td>NA</td>
<td>12,000 square feet</td>
<td>NA</td>
<td>NA</td>
</tr>
</tbody>
</table>
| Permitted Zone Districts | All districts that permit residential uses | All districts that permit residential uses | • Higher-intensity zone districts that permit apartments, commercial uses, etc.  
• Not permitted in single-unit, two-unit or rowhome districts | • Highest-intensity zone districts that permit apartments, commercial uses, etc.  
• Not permitted in single-unit, two-unit or rowhome districts, or in lower-intensity multi-unit districts |
| Spacing Requirements  | NA     | • 1,200’ between facilities in single-unit, two-unit and rowhome districts when lot has not previously been used for a Civic, Public or Institutional Primary Use  
• 600’ between Type 3 and Type 4 facilities in high-intensity districts like Urban Center  
• 400’ between Type 3 and Type 4 facilities in some Downtown districts | • 1,200’ between Type 3 and Type 4 facilities in medium-intensity districts like multi-unit.  
• 600’ between Type 3 and Type 4 facilities in high-intensity districts like Urban Center  
• 400’ between Type 3 and Type 4 in some Downtown districts | |
| Density Requirements   | NA     | NA     | NA     | No more than 3 Type 3 and Type 4 facilities within 1 mile of a proposed Type 4 Residential Care Facility |
| Community Information Meeting | Not required | Required in SU, TU, RH districts | Required | Required |

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Residential Care Details: Parking

Residential Care Parking Requirements:

- Vehicle: .5 spaces per 1,000 square feet of gross floor area (GFA) in most districts. .25/1,000 sf GFA in Urban Center. 0 in most Downtown districts.
- Bicycle: 1/8,000’ GFA (Downtown, and descending thereafter)

Example: An Assisted Living Facility in the Urban Neighborhood Context with a building square footage of 25,000 (including a welcome center, community rooms, kitchens, etc.): **13 vehicle spaces**.
<table>
<thead>
<tr>
<th>Zoning Regulation</th>
<th>Current Provisions</th>
<th>Original Amendment Approach (From Feb. 2020 Proposals)</th>
<th>Updated Approach (as proposed to Planning Board)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Unrelated Adults in a Household</td>
<td>• 2 (detached house) • 4 (duplex, condo, apartment, etc.)</td>
<td>• 8 adults (of any relationship) in any dwelling unit up to 1,600 ft² • Additional adults for every 200 additional ft². • No maximum.</td>
<td>• 5 unrelated adults in any dwelling unit. • Additional unrelated adults for every 200 ft² over 1,600 ft². • Maximum of 10</td>
</tr>
<tr>
<td>Permitted (adult) relatives in a Household</td>
<td>• Unlimited relatives to each permitted unrelated adult.</td>
<td>• Total adults regulated by size, with no limit in larger houses. • Ex: 3,500 ft² house: 17 adults (of any relationship) permitted • Unlimited minor (&lt;18) relatives</td>
<td>• Unlimited • Ex: 3,500 ft² house: 10 unrelated adults permitted, with unlimited relatives to each permitted unrelated adult.</td>
</tr>
<tr>
<td>Off-street parking for detached houses</td>
<td>• No requirement • Permitted vehicles: 1 per driver plus one per household, with no limit.</td>
<td>• No requirement • Permitted vehicles: 1 per driver plus one per household, with no limit.</td>
<td>• 1 to 2 off-street vehicle spaces required for households with 6 or more adults (of any relationship). • Maximum 6 vehicles on a zone lot per dwelling unit</td>
</tr>
<tr>
<td>Residential Care Uses in low-intensity residential zone districts (single-unit, two-unit, row-house)</td>
<td>• Maximum of 20 guests • Building constructed prior to 1993</td>
<td>• Maximum of 40 guests • 1,200 feet of spacing required between facilities.</td>
<td>• Maximum of 40 guests • Minimum 12,000 ft² lot size • 1,200 feet of spacing required between facilities.</td>
</tr>
</tbody>
</table>
Next Steps

Legislative Review
The Denver Planning Board voted unanimously on August 19 to recommend approval of these amendments to the City Council.

The Council’s Land Use, Transportation and Infrastructure (LUTI) committee held the first of what is expected to be several discussions of these proposals at their regular meeting Tuesday, Sept. 1. The full City Council is expected to hold a public hearing on these amendments later in the fall.

Recordings of the Planning Board hearing, LUTI meeting and other materials can be reviewed at: www.denvergov.org/groupliving.

Review Draft Amendments
A draft of the proposed amendments is also available at the project website. Written comments can be sent to project manager Andrew Webb, and they will be provided to the City Council: andrew.webb@denvergov.org