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TO: Land Use, Transportation and Infrastructure Committee
FROM: Libby Kaiser, AICP, Principal City Planner
DATE: April 13, 2023
RE: Denver Zoning Code – Temporary Managed Communities Text Amendment

Staff Report and Recommendation

Based on the review criteria for text amendments set forth in the Denver Zoning Code (DZC), Section 12.4.11 (Text Amendment), Community Planning and Development staff recommends approval of a text amendment to codify Temporary Managed Communities. A marked up version of the proposed text amendment is available on the Community Planning and Development [website](#) and is also included as a supplement to this staff report.

Summary and Purpose

Background: In 2020, in response to the COVID-19 pandemic, the Zoning Administrator issued an Unlisted Temporary Use Determination to allow for secured campsites, comprised of tents or motor vehicles, providing temporary sleeping accommodations for people experiencing homelessness. These campsites, managed by non-profit organizations, offer 24/7 staffing and supervision and ensure that people have access to sanitation and a safe, personal place to sleep off the streets. They primarily serve people for whom traditional congregate shelters are not an option, such as couples, people with pets, and people with Post Traumatic Stress Disorder. Over the past three years, these managed campsites have been operated at eight sites throughout Denver, providing critical shelter to 516 people, 180 of whom have moved into more permanent housing.

After testing these sites during the pandemic and seeing their ability to successfully meet a need for unhoused residents in Denver, the city is proposing to update the zoning code to continue allowing the use of this model beyond the expiration of the current unlisted use determination (December 2023). The zoning code already allows an array of temporary uses and has established standards for Temporary Tiny Home Villages. In this text amendment, the city has blended existing regulations for tiny home villages with the regulations in the existing unlisted use determination, while incorporating minor changes based on lessons learned from the past three years of administration. Councilmembers Robin Kniech and Chris Hinds are sponsoring this zoning code update in partnership with the departments of Community Planning and Development and Housing Stability.

Proposed Regulations: This amendment would update the Denver Zoning Code (DZC) Section 11.11.17 pertaining to Temporary Tiny Home Villages (TTHV), renaming the section to Temporary Managed Community (TMC) and updating the associated regulations; rename and revise the existing definition of TTHV; update the use tables in Articles 3-9 (Neighborhood Contexts) to reflect this renamed use; and make minor edits to Articles 10 and 12. TMCs would be regulated as follows:

- Zone Districts and Use Limitations:** The TTHV use is currently permitted on a zone lot in all zone districts, except the Open Space (OS) districts. In Single Unit (SU), Two Unit (TU) and Row House (RH) zone districts, the TTHV use is limited to zone lots where there is a primary civic, public or institutional use, such as a church, community center or cultural facility. These use allowances and limitations would also apply to the TMC use, and this text amendment would expand the use allowance in SU, TU and RH districts to vacant corner lots with a minimum size of 5,000 square feet where at least one of the intersecting streets is a collector or arterial street, like Monaco Parkway or Federal Boulevard.

In addition, the existing use limitations for TTHVs establish a maximum number of 30 sleeping units in SU, TU and RH districts, but the proposed regulations lift this cap, instead allowing capacity of TMCs to be determined by structure separation requirements in building and fire codes, where applicable. Building and fire codes don't regulate the separation of tents that are less than 200 square feet, nor the separation of vehicles, but 10 feet of separation would typically be required for tiny homes or similar structures.

A bridge amendment to Former Chapter 59 would allow the use in all zone districts in the former zoning code, subject to all applicable limitations, definitions, and procedures of the DZC regarding a TMC use.

- Duration of Permits:** Currently, TTHVs are allowed to occupy a site for a maximum of four years, but regardless of how long they stay, once they leave, they can't return to the same site for four years. Moving forward, a TMC would still be limited to a maximum of four years, but if they occupied a site for a shorter duration, then they could return after the same amount of time elapsed. For example, if a TMC was only open six months, then they could return to that site after it had been vacated for six months.
- Site Design Requirements:** TTHVs currently must be setback 20' from a Primary Street in SU, TU and RH districts, but this text amendment proposes a 0' setback along a Primary Street in all zone districts since this use is temporary and wouldn't impact neighborhood character long-term, as would be the case with permanent structures that are required to have deeper setbacks resulting in a consistent pattern. We also heard from operators that this flexibility is key for designing their sites efficiently while being responsive to unique constraints like easements. In addition, the requirement for an Entrance with Entry Feature facing the Primary Street has been omitted.
- Zoning Requirements:** Key site design requirements and use limitations are summarized in the table below:

Primary Street Setback	0 feet
Side, Rear Setback	5 feet
Over-Height Privacy Fence	A privacy fences up to 6' tall is allowed with a permit while a 4' tall fence wouldn't require a permit
Parking	No minimum vehicle parking required

Number of units permitted	Determined by building separation, lot size, etc.
Accessory Uses (pets, gardens, cottage foods)	Follow typical residential use regulations

- **Operator Requirements:** TTHV use limitations currently require that operators provide:
 - **Site Plan** demonstrating compliance with siting and design standards (Zoning Standards, above);
 - **Community Information Meeting** required prior to application; and
 - **Operational Plan** including applicant background and role in TTHV operation, resident qualification and selection processes, process for addressing violations of community rules, property maintenance plans, etc. (requirements are detailed in guidelines published separately from the zoning code).

This text amendment would still require submittal of a site plan and a community information meeting would still need to be held prior to submittal of an application for a zoning permit. However, this text amendment removes the requirement for an operational plan, the details of which don't relate well to zoning and have been difficult for zoning inspectors to enforce. Instead, the updated regulations would require the TMC use be operated by a non-profit, government entity, or quasi-governmental agency, which would manage and maintain TMC sites and provide supportive services as described in the revised TMC definition. In addition, if deemed necessary, the Zoning Administrator could attach conditions to the zoning permit, for example specifying lighting standards that would have to be met. Such conditional permitting is already built into Article 12 of the DZC as part of the typical zoning permit review process. Finally, beyond the zoning regulations, in order to receive city funding, an operator would need to partner with HOST via a contract that would establish management obligations such as staffing.

- **Emergency Suspension:** This text amendment introduces the ability of the Zoning Administrator to suspend zoning code standards and procedures during emergencies that threaten public health or life so that TMCs could be quickly deployed if needed. This is similar to the allowance that applies to permanent Residential Care facilities that can increase their capacity in emergencies.

Public Process

Below is a summary of key dates of related actions that preceded this TMC text amendment:

October 7, 2019	City Council approved the TTHV text amendment that incorporated input from the Group Living Advisory Committee, including 3 meetings focused specifically on the tiny house village proposal, and input from a public meeting held on June 5, 2019.
October 10, 2020	The Zoning Administrator approved the Temporary Unlisted Use Determination allowing Temporary Managed Campsites

	in response to the Covid-19 pandemic, effective November 10, 2020.
October 12, 2020	City Council adopted an ordinance, 2020-0961, to allow temporary unlisted uses in FC59-zoned areas in response to the Covid-19 pandemic. The mayor approved the ordinance on October 13, 2020, and it was published and went into effect on October 15, 2020.
July 15, 2021	Effective date of another ordinance, 2021-0592, extending the Zoning Administrator’s authority to allow temporary uses in Former Chapter 59 in response to the Covid-19 pandemic, until December 31, 2023.
September 13, 2021	The unlisted use determination allowing temporary managed campsites under the DZC and FC59 was updated and extended by the Zoning Administrator. This version remains in effect.

Below is a summary of the public process for the proposed TMC text amendment:

December 21, 2022	Focus group meeting with operators and consultants of Temporary Managed Communities to share city staff’s approach to proposed regulations.
February 13, 2023	The council-sponsored amendment was formally drafted and an internal review draft was referred to affected agencies for review.
March 1, 2023	Planning Board informational item.
March 6, 2023	Summary of text amendment and redline draft of text amendment posted to CPD website for public review and email notice sent to all Registered Neighborhood Organizations and all Denver City Councilmembers.
March 17, 2023	HOST’s Housing Stability Strategic Advisory Committee informational item.
March 20, 2023	City Council’s Budget and Policy Committee informational item.
March 21, 2023	Homelessness Leadership Committee (comprised of service providers for people experiencing homelessness) informational item.
March 21, 2023	CPD written notice of the Planning Board public hearing sent to all members of City Council and registered neighborhood organizations.

April 5, 2023	Planning Board public hearing (unanimously recommended approval).
April 18, 2023	City Council’s Land Use, Transportation, and Infrastructure Committee meeting.
June 5, 2023	City Council public hearing (tentative).

During the development of the previous text amendment for TTHV, CPD actively engaged various stakeholder groups on this topic for more than a year. The Group Living Advisory Committee included a representative from Colorado Village Collaborative (the operator of a tiny home village and several Temporary Managed Communities), a resident, neighborhood representatives, architects, and designers familiar with these types of developments. Through this group, the project team connected to other local stakeholders and national expertise for input on how best to create flexible rules for safe villages that provide stable housing and community to people experiencing or at risk of homelessness.

City staff re-engaged the Colorado Village Collaborative and their consultants during development of this text amendment for TMCs, as well as the Colorado Safe Parking Initiative that has provided safe outdoor places for people living in their vehicles. Their input influenced the proposed regulations, particularly the need for increased flexibility from the current TTHV regulations in regard to permit duration, use limitations, and site setbacks.

Written Comments: Since publication of the public draft in early March, staff has received 60 comments from community members with 48 supportive comments and 12 opposed comments. In addition, three registered neighborhood organizations, including the Platt Park People’s Association, Winston Downs Community Association, and Morgan’s Historic District, submitted letters of opposition (all correspondence is attached).

Review Criteria and CPD Staff Evaluation

The criteria for review of a proposed text amendment are found in Section 12.4.11.4 of the DZC. CPD analyzed the proposed text amendment for compliance with the review criteria stated below and finds that the proposed text amendment satisfies each of the review criteria:

1. Consistency With Adopted Plans

The proposed TMC text amendment is consistent with the following adopted plans, strategies and policies as described below:

- *Comprehensive Plan 2040*
- *Blueprint Denver*

Denver Comprehensive Plan 2040

The proposed text amendment is consistent with many of the adopted *Denver Comprehensive Plan 2040* strategies, which are organized by vision element.

The proposed text amendment would allow implementation of a very low- or no-cost shelter option on properties around the city, aimed at residents who are experiencing homelessness or are at risk of homelessness and for whom congregate shelter is not an option. It provides flexibility in building form, site design and other regulations to encourage expeditious deployment of shelter that can help people

transition out of homelessness and into long-term stable housing. Finally, it continues to provide opportunities for public engagement and understanding by requiring a community information meeting prior to a zoning application submittal that will ensure RNOs, council members, unregistered organizations, property owners, tenants and residents are informed about the use and associated regulations. It is therefore consistent with the following strategies in the **Equitable, Affordable and Inclusive** vision element:

- Equitable, Affordable and Inclusive Goal 2, Strategy B to “Ensure city policies and regulations encourage every neighborhood to provide a complete range of housing options” (p. 28).
- Equitable, Affordable and Inclusive Goal 3, Strategy D to “Develop and promote programs to help individuals and families, especially those most vulnerable to displacement, access affordable housing” (p. 28).
- Equitable, Affordable and Inclusive Goal 8, Strategy C to “Ensure that city regulations enable a range of flexible housing options to meet the needs of those experiencing or transitioning out of homelessness” (p. 30).

This proposed text amendment would continue to require an early-stage community information meeting in the DZC, and is therefore consistent with the following strategies in the **Strong and Authentic Neighborhoods** vision element:

- Strong and Authentic Neighborhoods Goal 6, Strategy A to “Continue to strengthen trust and communication between the city and all neighborhoods.” (p.14)
- Strong and Authentic Neighborhoods Goal 6, Strategy B to “Provide proactive communication and transparency about city policies, public safety, processes and plans.” (p. 14)
- Strong and Authentic Neighborhoods Goal 6, Strategy C to “Improve the engagement and representation of all Denverites, including communities of color, in neighborhood groups and city processes” (p. 14)

Blueprint Denver

Policies: The proposed text amendment is consistent with the following *Blueprint Denver* policies:

- Land Use and Built Form Policy 1: Revise city regulations to respond to the demands of Denver’s unique and modern housing needs. (p. 82)
 - Strategy A. Update the zoning code to modernize permitted use categories related to group living and expand the allowance of flexible and affordable housing types.
 - Strategy C. Ensure city codes and land use regulations support modern and equitable approaches to housing options for people experiencing homelessness and people in need of supportive housing.
- Land Use and Built Form Policy 11: Implement plan recommendations through city-led legislative rezonings and text amendments. (p. 79)
 - Strategy B. Use text amendments combined with map amendments to apply strategies recommended by Blueprint Denver at the effective, area appropriate scale. Text amendments and large legislative rezonings should be guided by the equity concepts and maps in Chapter 2.
 - Strategy C. Use a robust and inclusive community input process to inform city-led rezonings and zoning code text amendments.

- Land Use and Built Form Policy 5: Integrate mitigation of involuntary displacement of residents and/or businesses into major city projects. (p. 75)
 - Strategy B. For major city investments and projects— including regulatory changes and legislative rezonings— analyze the potential for the involuntary displacement of lower-income residents and local businesses.

The proposed text amendment is consistent with *Blueprint Denver* because it provides clear, flexible regulations that will enable production of very low- or no-cost shelter that can be equitably distributed in all residential, commercial, and industrial zone districts, within the DZC and FC59. This text amendment will continue to provide a predictable process for the city, applicants, and community members as it specifies an information meeting prior to site development to inform the community about the proposed use. Community input has been provided numerous times over the years at public hearings and other meetings for earlier iterations of the temporary uses that this amendment will codify, and the input process for this amendment (detailed above in the Public Process section) is appropriate and consistent with the *Blueprint Denver* recommendation.

Blueprint Equity Concepts: This text amendment is consistent with and will implement *Blueprint Denver's* three equity concepts as follows:

- **Improving Access to Opportunity:** This text amendment is consistent with *Blueprint Denver's* vision for more equitable access to amenities and quality-of-life infrastructure throughout the city. By permitting very low-cost or no-cost shelter virtually anywhere in the city, this amendment would enable providers to increase the range of attainable shelter options so that people of all incomes can live where they have access to health care, food and other daily needs. In addition, this text amendment improves access to opportunity for the city's most vulnerable residents by providing the opportunity for safe, reliable sleeping accommodations as an alternative to emergency shelters. The transitional shelter this text amendment proposes will allow residents to be rested and more able to conveniently access jobs, education and services without having to plan around shelter schedules, wait in lines for transport or meals, or leave their belongings in an unsecured space.
- **Reducing Vulnerability to Displacement:** by permitting temporary, very low-cost or no-cost shelter around the city, this amendment would help address displacement and homelessness experienced by the city's most vulnerable populations by providing immediate shelter and enabling the first steps for individuals to get back into more stable housing in their communities. Because it enables a use on available land only on a temporary basis, it will not displace local businesses.
- **Expanding Housing and Jobs Diversity:** By allowing for the temporary establishment of very low-cost or no-cost shelter in virtually any Denver neighborhood, this amendment is consistent with *Blueprint's* recommendations for ensuring housing diversity. This text amendment will allow TMC operators to locate sites that provide secure sleeping accommodations in neighborhoods throughout the city as needed, helping ensure residents retain proximity to social networks and community services.

2. Public Health, Safety and Welfare

This text amendment furthers the public health, safety, and welfare of Denver residents, landowners, businesses, and community members by implementing the city’s adopted plans through regulations that address homelessness and attainable shelter. This text amendment solidifies a predictable and transparent process for the city, applicants, and community members for the development of shelter for the city’s most vulnerable. The zoning code update also promotes public welfare by enabling more shelter options for those individuals who are experiencing or at risk of homelessness.

3. Uniformity of District Regulations and Restrictions

This text amendment will result in processes and regulations for TMCs that are uniform within each zone district in which the temporary use will be allowed.

Attachments

1. Marked-up draft text amendment
2. Public comments