

Residential Occupancy Limits, Ord. 2739

Presented by Heather Vidlock, Planning Manager
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Background

- On April 14, 2025, City staff presented proposed 2025 Land Development Code (LDC) updates to City Council and the Planning Commission to align with recent state housing laws.
- Ord. 2739 **Removes** occupancy limits requiring **200 sq. ft. per adult** and a **cap of three unrelated adults**.
- Alignment with state law helps Commerce City stay competitive for state funding.

Residential Occupancy Limits (HB 24-1007)

State Requirements

Prohibits municipalities from **imposing occupancy requirements based on family relationship**, but allows occupancy limits based only on:

- **Health and safety standards** (e.g., international building code standards, fire code regulations, public health and water quality standards); or
- **Affordable housing program guidelines** from the state or federal government.

Intent

Make it easier to share homes between occupants and help households afford increasingly high housing costs.

Residential Occupancy Limits (HB 24-1007)

Current Standards

Building Code

Space and Occupancy Standards

- **Max 3 unrelated adults** per dwelling
- **No more than 1 registered sex offender**, and up to 2 if related to the head of the household.
- Dwellings must have at **least 200 sf per adult occupant**.

Residential Occupancy Limits (HB 24-1007)

Proposed Adjustments

- **Ordinance 2739: Removes** occupancy limits requiring **200 sq. ft. per adult** and a **cap of three unrelated adults**.
- **Changes ensure occupancy limits follow the City's adopted International Property Maintenance Code, which requires bedrooms to be at least 70 sq. ft. and 50 sq. ft. per occupant.**

Staff Recommendation

- No Planning Commission recommendation since this ordinance does not change the land development code
- Staff recommends approval