

CITY OF WHEAT RIDGE, COLORADO
INTRODUCED BY COUNCIL MEMBER DOZEMAN
Council Bill No. 10
Ordinance No. 1823
Series of 2025

**TITLE: AN ORDINANCE AMENDING CHAPTER 26 OF THE WHEAT RIDGE
CODE OF LAWS REGARDING RESIDENTIAL OCCUPANCY LIMITS AND
MAKING CONFORMING AMENDMENTS THEREWITH**

WHEREAS, the City of Wheat Ridge ("City") is a Colorado home rule municipality operating under a Charter approved by the electorate pursuant to Article XX of the Colorado Constitution and governed by its elected City Council ("Council"); and

WHEREAS, the Council has authority pursuant to the Home Rule Charter and C.R.S. §31-16-101, *et seq.* to adopt and enforce all ordinances; and

WHEREAS, the State of Colorado Legislature adopted House Bill 24-1007 which prohibits local governments from limiting the number of people who may live together in a single dwelling unit based on familial relationship, while preserving the authority to regulate occupancy based on health and safety standards in adopted building codes; and

WHEREAS, in November 2024, Wheat Ridge voters approved an amendment to the Home Rule Charter, that, among other topics, removed residential occupancy limits from the Charter based on familial relation and number of unrelated individuals; and

WHEREAS, the Council recognizes that from time to time the zoning Code needs to be updated to include modern terminology, update cross-references, remove conflicts within the Code, and provide clarity to city staff and the public; and

WHEREAS, the Council finds this ordinance is necessary to conform the Code of Laws to the state legislation and the amended Home Rule Charter.

**NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WHEAT
RIDGE, COLORADO:**

Section 1. Section 26-123 of the Wheat Ridge Code of Laws, defining certain terms applicable to Chapter 26 of the Code, is hereby amended as follows:

~~*Family.* One (1) or more persons related by blood, marriage, adoption, or legal custody plus domestic servants employed for service on the premises, or a group of not more than three (3) persons who need not be so related living together as a single housekeeping unit. Four (4) or five (5) unrelated people sixty (60) years of age or over~~

~~sharing one (1) housekeeping unit shall also be deemed to be a family. A family shall not include more than one (1) person required to register as a sex offender pursuant to C.R.S. § 18-3-412.5, as amended, unless related by blood, marriage, adoption, or legal custody.~~

Residential group homes.

...

(c) Congregate care home: A residential facility established for the exclusive use of elderly persons, sixty (60) years or older, where intermediate nursing care may or may not be available, and where living and sleeping quarters are provided for individuals or couples; where, however, kitchen facilities are not provided. Meals are prepared by a central kitchen and may be served in a central dining room or taken in the living quarters. ~~For the purpose of meeting the residential density provisions of the Wheat Ridge Home Rule Charter, each three (3) persons, based upon maximum designed occupancy load, shall constitute one (1) family unit.~~

~~*Rooming/boarding.* An accessory use to a dwelling, where in addition to a family, as defined herein, not more than two (2) persons not related to the family are provided lodging for compensation, with or without meals, either paid directly or indirectly, and on a contract basis for not less than thirty (30) days.~~

Section 2. Subsection 26-204.C of the Code is hereby amended as follows in the “Table of Uses—Residential” *Accessory Uses for Residential Districts*, by removing the rooming/boarding use from the table:

<i>Accessory Uses For Residential Districts</i>	<i>Notes</i>
Rooming and/or boarding of not more than 2 persons	On a contract basis for not less than 7 days

Section 3. Subsection 26-204.C of the Code is hereby amended as follows in the “Table of Uses—Agricultural and Public Facilities” *Agricultural and Public Facilities Districts Accessory Uses*, by removing the rooming/boarding use from the table:

<i>Agricultural and Public Facilities Districts Accessory Uses</i>	<i>Notes</i>
Rooming and/or boarding for not more than 2 persons	On a contract basis for not less than 7 days

Section 4. Section 26-608 of the Wheat Ridge Code of Laws, regulating bed and breakfast rooms, is hereby amended as follows:

Bed and breakfast rooms are allowed as a special use as a subordinate use of a single detached dwelling subject to the following requirements:

- A. The dwelling must be occupied by the owner.
- B. ~~In addition to the owner's sleeping quarters and those of the family who also legally reside within the dwelling, u~~Up to a maximum of four (4) additional sleeping quarters for transient occupancy may be provided for rent based upon the following requirements:
 - 1.
 -
 - 4. ~~Additional rooming and boarding is excluded as an accessory use where a bed and breakfast use has been approved.~~

Section 5. Section 26-638 of the Wheat Ridge Code of Laws, regulating occupancy limits of residential dwelling units, is hereby amended as follows:

- A. Except as provided in subsections B. ~~and E.~~ hereof, the maximum occupancy allowed per dwelling unit ~~in a single-unit, two-unit, or multi-unit dwelling shall be either:~~ **shall not exceed the maximum permitted by the applicable building codes adopted or amended by the City of Wheat Ridge as set forth in chapter 5 of the Code, or by any applicable state or federal law or regulation, or by affordable housing guidelines applicable to the dwelling unit.**
 - 1. ~~One (1) family, as defined by section 26-123 of this Code, and not more than one (1) additional person; or~~
 - 2. ~~Two (2) adults and their dependents, if any, and not more than one (1) additional person.~~
- B. *Exceptions.* The following shall be exempt from the **subject to different maximum occupancy limits than those** established in subsection A. above:
 - 1. Residential group homes that conform to the requirements of section 26-612 of this Code; ~~and,~~
 - 2. ~~Dwellings owned and operated by a nonprofit organization incorporated under the laws of this state for the purpose of providing housing to victims of domestic violence as such is defined in C.R.S. § 18-6-800.03.~~
- C. A violation of this section shall be proven by a preponderance of the evidence as a civil matter for which imprisonment shall not be imposed. The owner and any other person responsible for the management or control of a dwelling unit shall be liable for allowing occupancy in excess of this section if ~~he or she~~ **they** knew, or through reasonable diligence should have known, that a violation of this section was occurring.
- D. *Definitions.* ~~The following words, terms and phrases when used in this section, shall have the following meanings:~~
 - 1. ~~Adult shall mean any person eighteen (18) years of age or older who is not a dependent.~~

- ~~2. *Dependent* shall mean the biological child of an adult occupying a dwelling unit, or a person related to an adult by reason of adoption, guardianship or other duly authorized custodial relationship, who receives financial support from the adult and who resides with the adult in the dwelling unit at least three (3) calendar months in a calendar year.~~
- ~~3. *Occupancy* or *occupy* shall mean the use of a dwelling unit or any portion thereof for living and sleeping purposes by a person acting in any of the following capacities:~~
- ~~a. As an owner of the unit;~~
 - ~~b. As a tenant under an express or implied lease or sublease of the unit or of any portion thereof;~~
 - ~~c. As the dependent of such an owner or tenant; or~~
 - ~~d. As a guest or invitee of the owner, property manager, lessee or sublessee of the unit or of the dependent of any of the same, if such guest or invitee stays overnight at the unit a total of thirty (30) or more days within any twelve-month period.~~
- ~~E. Nothing in this section shall operate to amend, abrogate or otherwise affect the validity of occupancy limitations as applied to building standards and regulations of the city, as set forth in Chapter 5 of this Code, including all technical codes adopted by reference therein. In the event of a conflict between two (2) applicable occupancy standards, the stricter (lower) occupancy limit shall apply.~~

Section 6. Safety Clause. The City of Wheat Ridge hereby finds, determines, and declares that this ordinance is promulgated under the general police power of the City of Wheat Ridge, that it is promulgated for the health, safety, and welfare of the public and that this ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The City Council further determines that the ordinance bears a rational relation to the proper legislative object sought to be attained.

Section 7. Severability, Conflicting Ordinances Repealed. If any section, subsection, or clause of this Ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected thereby. All other ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Section 8. Effective Date. This Ordinance shall take effect fifteen (15) days after final publication, as provided by Section 5.11 of the Charter.


INTRODUCED, READ, AND ADOPTED on first reading by a vote of 8 to 0 on this 28th day of April 2025, ordered published by title in the newspaper and in full on the City's website as provided by the Home Rule Charter, and Public Hearing and consideration on

final passage set for May 12, 2025 at 6:30 p.m., as a virtual meeting and in the Council Chambers, 7500 West 29th Avenue, Wheat Ridge, Colorado.

READ, ADOPTED AND ORDERED PUBLISHED on second and final reading by a vote of 7 to 0, this 12th day of May 2025.

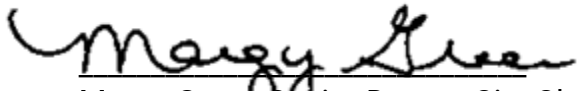
SIGNED by the Mayor on this 14th day of May 2025.






Bud Starker, Mayor

ATTEST:



Margy Greer, Senior Deputy City Clerk

Approved as to Form



Gerald E. Dahl, City Attorney

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