

ORDINANCE NO. 2738

AN ORDINANCE AMENDING THE DEFINITION OF FAMILY IN SECTION 21-11200 OF THE LAND DEVELOPMENT CODE

WHEREAS, the City of Commerce City (“City”) is a home rule municipality organized and existing pursuant to Article XX, Section 6 of the Colorado Constitution and its home rule charter;

WHEREAS, pursuant to the Charter of Commerce City (the “Charter”), the City has all legislative powers and functions of a home rule municipal government as reserved to it by the Colorado Constitution and laws of the State of Colorado;

WHEREAS, during the 2024 General Session, the General Assembly enacted House Bill 24-1007, which purported to be a matter of “mixed statewide and local concern,” which prohibited a local government from limiting the number of people who may live together in a single dwelling unit based on familial relationship;

WHEREAS, such regulations have traditionally been part of land use and zoning regulations, and Colorado courts have long recognized that land use and zoning are core matters of local concern;

WHEREAS, in matters of purely local concern, the charter and local legislation of a home rule city supersede conflicting state statutes;

WHEREAS, the underlying policy goal of HB24-1007 is to make it easier to share existing homes between occupants thereby increasing housing options and promoting affordable housing;

WHEREAS, without conceding that HB24-1007 applies to a home rule municipality, the City desires to amend its Land Development Code in an effort to carry out the policy goals of HB24-1007; and

WHEREAS, the City finds and determines that amending the Land Development Code is in the best interest of the public for the welfare of the residents of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COMMERCE CITY, COLORADO, AS FOLLOWS:

**SECTION 1. Findings.** The recitals to this ordinance are incorporated as findings of the City Council. This ordinance is found to be supported and authorized by law and in the best interests of and necessary for the protection of the health, safety, and welfare of the public.

**SECTION 2. Amendment.** Section 21-11200 of the Land Development Code is hereby amended as set forth in Exhibit A, with a clean version of the section as amended included as Exhibit B.

**SECTION 3. Repealer.** All ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof, are hereby repealed to the extent of such inconsistency.

**SECTION 4. Effective Date.** This ordinance shall be effective pursuant to Section 5.3 of the Charter.

INTRODUCED, PASSED ON FIRST READING AND PUBLIC NOTICE ORDERED THIS 15TH DAY OF DECEMBER, 2025.

PASSED ON SECOND AND FINAL READING AND PUBLIC NOTICE ORDERED THIS 5TH DAY OF JANUARY, 2026.

CITY OF COMMERCE CITY, COLORADO

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Steve J. Douglas, Mayor

ATTEST

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Stephen J. Ruger, City Clerk

## **Exhibit A To Ordinance No. 2738**

EXPLANATORY NOTE:

~~RED STRIKETHROUGHS INDICATE MATERIAL DELETED FROM EXISTING LAW;~~

ASTERISKS \* \* \* INDICATE MATERIAL UNCHANGED BY THIS ORDINANCE.

### **Sec. 21-11200. Definitions.**

\* \* \*

*Family* shall mean:

- (a) An individual or two or more persons related by blood, marriage, adoption, or legal custody, including those persons defined by the Internal Revenue Code who qualify as dependents of the occupants of the subject premises, living together in a dwelling unit; or
- (b) A group of ~~not more than three~~ persons, not related by blood, marriage, or adoption, living together in a dwelling unit.
- (c) Except that a family shall not include more than one individual who is required to register as a sex offender under the provisions of the C.R.S. Sec. 18-3-412.5, as amended, except if the members of the family are related by blood or marriage, or if such individuals have been placed by order of a state agency with jurisdiction.

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## **Exhibit B To Ordinance No. 2738**

Clean Version of Amendment

### **Sec. 21-11200. Definitions.**

\* \* \*

*Family* shall mean:

- (a) An individual or two or more persons related by blood, marriage, adoption, or legal custody, including those persons defined by the Internal Revenue Code who qualify as dependents of the occupants of the subject premises, living together in a dwelling unit; or
- (b) A group of persons, not related by blood, marriage, or adoption, living together in a dwelling unit.
- (c) Except that a family shall not include more than one individual who is required to register as a sex offender under the provisions of the C.R.S. Sec. 18-3-412.5, as amended, except if the members of the family are related by blood or marriage, or if such individuals have been placed by order of a state agency with jurisdiction.

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