



City Council Communication

AGENDA DATE: December 15, 2025 **LEGISTAR ITEM #:** Ord 2738

PRESENTER: Heather Vidlock
Development

DEPARTMENT: Community

<input checked="" type="checkbox"/> Ordinance	<input type="checkbox"/> Resolution	<input type="checkbox"/> Public Hearing
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REQUEST

Staff requests approval of Ordinance 2738, amending the 2009 Land Development Code to update the definition of family, in compliance with HB24-1007, which prohibits municipalities from imposing occupancy requirements based on family relationship, but allows occupancy limits based on demonstrated health and safety standards, such as international building code standards.

BACKGROUND

On September 2nd, 2025, the Planning Commission unanimously approved the new Land Development Code (LDC), followed by unanimous approval by City Council on first reading on October 6th, 2025, and second reading on November 3rd, 2025. At the same time, two additional ordinances were introduced to immediately implement select provisions from the 2025 LDC into the existing 2009 code – specifically, the new preliminary plat process and a ban on vinyl siding for new construction. These ordinances also proceeded to a second reading on November 3rd and received final approval.

Community Development is now advancing an additional text amendment to the 2009 LDC. This amendment aims to incorporate updates already included in the 2025 LDC that align with HB24-1007 regarding occupancy requirements. The details of this state law, and how the new 2025 LDC addresses them, were discussed during a joint study session with City Council and the Planning Commission on April 14th, 2025.

To comply with HB24-1007, which has a compliance deadline of July 1, 2024, staff has revised the 2009 Land Development Code to update the definition of “family” to remove restrictions based on whether occupants are related, thereby eliminating limits on residential occupancy tied to

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familial status. A companion to this ordinance is Ordinance 2739, which proposes additional updates to the City's Municipal Code to remove similar restrictions currently found in the City's Building Code. The goal is to ensure that all residential occupancy standards are guided by the 2021 International Property Maintenance Code, which has already been adopted by the City. These standards regulate occupancy based on the size of bedrooms within a home.

This amendment serves as a critical stopgap measure while the City works with the community on a legislative rezoning effort early next year to bring properties under the new code. Aligning with this state law will ensure that Commerce City maintains its certification as a Strategic Growth Compliant Local Government, which is important for prioritizing eligibility for certain state funding opportunities.

Planning Commission recommended approval of the code change with a 4-0 vote.

Two supporting exhibits accompanying this Council Communication have been provided: 1) Slides summarizing the key changes, and 2) A redline version of the 2009 LDC outlining specific changes in greater detail.

JUSTIFICATION

<input type="checkbox"/> Council Goal	<input type="checkbox"/> Strategic Plan	<input checked="" type="checkbox"/> Work Plan	<input type="checkbox"/> Legal
Citation	The adoption of the text amendment to the 2009 Land Development Code to update the definition of "family" ensures compliance with HB24-1007 and aligns with the standards in the 2025 Land Development Code already adopted by Council.		

BOARDS & COMMISSIONS ASSIGNED

Board or Commission	Planning Commission
Recommendation	4-0 vote to recommend approval
Date of Recommendation	November 18th, 2025

AVAILABLE ACTIONS

- Available Action #1 Approve Ordinance as submitted.

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- Available Action #2 Amend and approve the Ordinance.
- Available Action #3 Continue action on the Ordinance.
- Available Action #4 Do not approve the Ordinance.

STAFF RECOMMENDATION

Staff recommends Action #1 to approve the ordinance.