



# City Council Communication

**AGENDA DATE:** December 15, 2025    **LEGISTAR ITEM #:** Ord 2737

**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 is requesting approval of Ordinance 2737, amending the 2009 Land Development Code to permit Accessory Dwelling Units (ADUs) in the city, in compliance with HB24-1152, which requires jurisdictions to allow at least one ADU on lots where Single-Unit Detached Dwellings are permitted, while also meeting other applicable requirements and standards.

## BACKGROUND

On September 2<sup>nd</sup>, 2025, the Planning Commission unanimously approved the new Land Development Code (LDC), followed by unanimous approval by City Council on first reading on October 6<sup>th</sup>, 2025, and second reading on November 3<sup>rd</sup>, 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 3<sup>rd</sup> 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 HB24-1152 regarding the allowance of Accessory Dwelling Units (ADUs). 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 14<sup>th</sup>, 2025.

To comply with HB24-1152, which has a compliance deadline of June 30, 2025, staff has revised the 2009 Land Development Code to permit ADUs in zoning districts where single-family dwellings are allowed. Supplemental

## CITY COUNCIL COMMUNICATION CONTINUED

standards regarding their form and design, drawn from the adopted 2025 Land Development Code, have also been incorporated. 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 has voted 4-0 to recommend approval of this ordinance.

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 allow ADUs ensures compliance with HB24-1152 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 to recommend approval
Date of Recommendation	November 18th, 2025

### AVAILABLE ACTIONS

- Available Action #1 Approve Ordinance as submitted.
- 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.

## CITY COUNCIL COMMUNICATION CONTINUED