



To: Planning Commission
From: Heather Vidlock, AICP, Planning Manager
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Subject: ADU and Residential Occupancy Limits, Text Amendments
Date: November 5, 2025

Background

On September 2, 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, 2025. The LDC will move forward to a second reading for final adoption on November 3rd. At the same meeting, 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 will also proceed to a second reading on November 3rd for final approval.

Community Development is now advancing two additional text amendments to the 2009 LDC. These amendments aim to incorporate updates already in the 2025 LDC that align with recent state land use and housing legislation passed in 2024. The details of these laws, and how the new LDC addresses them, were discussed during a joint study session with City Council and the Planning Commission on April 14th, 2025.

The two state laws include:

- Accessory Dwelling Units (HB24-1152). Requires jurisdictions to allow one Accessory Dwelling Unit (ADU) where Single-Unit Detached Dwellings are allowed in addition to other requirements and standards.
- Prohibit Residential Occupancy Limits (HB24-1007). Prohibits jurisdictions from limiting residential occupancy based on whether the occupants are related, while allowing them to implement residential occupancy limits based on demonstrated health and safety standards, such as international building code standards.

The proposed text amendments, outlined in Ordinances 2737 and 2738, would incorporate standards from the 2025 Land Development Code (LDC) to ensure alignment with the state legislation mentioned above, which will help Commerce City remain competitive for future state funding opportunities.

- **Ordinance 2737** allows ADUs in zoning districts where single-family homes are permitted with supplemental standards that promote compatibility.
- **Ordinance 2738** updates the definition of “family” to remove restrictions based on whether occupants are related, thereby eliminating limits on residential occupancy tied to familial status. As a follow-up, staff will work with City Council to propose 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.

Redlined versions of these two text amendments are included in their respective exhibits, and a summary of these updates will be presented during the staff presentation.

Action Alternatives

1. **Recommendation for Approval.** Planning Commission recommends that the City Council adopt the text amendments to the 2009 Land Development Code regarding ADUs and Residential Occupancy Limits.
2. **Recommendation for Approval, with Conditions.** Planning Commission recommends that the City Council adopt the text amendments to the 2009 Land Development Code regarding ADUs and Residential Occupancy Limits with conditions.
3. **Recommendation for Denial.** Planning Commission recommends that the City Council not adopt the text amendments to the 2009 Land Development Code regarding ADUs and Residential Occupancy Limits.