

**To:** Honorable Mayor and Members of the City Council

**From:** Mike Sutherland, CD Director, Heather Vidlock, Planning Manager, and Sung Han, Long Range Principal Planner

**Subject:** Land Development Code, Legislative Rezoning Project - City Council Study Session

**Date:** February 9<sup>th</sup>, 2026

---

## **LAND DEVELOPMENT CODE UPDATE | BACKGROUND**

The Land Development Code (LDC) is the tool the City uses to regulate the use, form, and intensity of future development. Through clear rules and standards for land use and development, the LDC promotes public health, safety, and welfare while advancing the goals of the Comprehensive Plan, which include supporting quality of life, environmental stewardship, and economic vitality.

The City, with support from consultant Kendig Keast Collaborative (KKC), kicked off the update to the Land Development Code in spring 2023 to accomplish the following goals:

- Modernize the development code;
- Implement the Comprehensive Plan;
- Organize the regulations into a simplified, logical code;
- Tailor the development standards to achieve high quality, resilient outcomes;
- Streamline the review procedures to be clearer, better illustrated, and less time-intensive; and
- Create a more user-friendly development code including more graphics and tables.

The updates to the Land Development Code were shaped by a robust community engagement process and several study sessions with the Planning Commission and City Council. These sessions addressed key topics in the comprehensive update, including a revised lineup of zoning districts, updated use and design standards, subdivision standards, and review procedures. Following a unanimous recommendation of approval by the Planning Commission, City Council also unanimously adopted the updated Land Development Code on November 3<sup>rd</sup>, 2025.

## **2025 LAND DEVELOPMENT CODE LEGISLATIVE REZONING PROJECT | BACKGROUND**

While adopting the new Land Development Code is a critical milestone, an equally important discussion is when it becomes effective and how the new rules will apply to properties in

Commerce City. The new code will only take effect once properties are rezoned into it – either through a legislative rezoning process and/or applicant-requested rezonings.

Now that the 2025 Land Development Code is adopted, the City is requiring all new rezonings and annexation applications to be processed under the 2025 Land Development Code. In addition, Community Development is launching a legislative rezoning process this year to bring all properties under the 2025 Land Development Code. Similar to the LDC update, this process will involve robust engagement with the community, City Council, and the Planning Commission to develop and ultimately adopt a new zoning map for the city.

### **Key Project Objectives**

#### **Create a Unified Zoning Map Under the 2025 LDC**

The City will adopt a citywide unified zoning map under the 2025 LDC. While the primary focus of the project will be on rezoning, once that effort is complete, there will be opportunities for future policy discussions and refinements to the 2025 LDC. These discussions will focus on key topics that were identified during the latter stages of the LDC update process but could not be addressed at the time due to time constraints.

As part of this initiative, it is important to note that Planned Unit Developments (PUDs) in the new LDC are classified as an overlay district. Overlay districts are traditionally used to apply an additional or revised set of regulations over a property's base zoning district. By designating PUDs as overlays, the City can preserve existing PUD entitlements. This approach ensures continuity for property owners on negotiated entitlements that went through a public process while supporting long-term zoning consistency for the city.

#### **Implement the Comprehensive Plan**

Another key goal is to implement the 2045 Comprehensive Plan through legislative zoning. Zone district decisions will be based on the character areas, along with the residential and economic development framework maps outlined in the Comprehensive Plan. These Comprehensive Plan maps will serve as a guide for zoning recommendations and discussions with the community, Planning Commission and City Council during future study sessions as the new zoning map is developed. This process provides an opportunity to compare existing zoning with the new proposed zoning and identify any differences that could result in legal nonconforming uses.

#### **Ensure Robust Engagement**

A robust engagement process will be essential to ensure community members are well-informed and have meaningful opportunities to provide input. This effort will include traditional open houses as well as online tools that allow residents to leave comments directly on a digital map.

Clear communication will also be critical. The transition to the new zoning will not affect the allowed land uses for most residential properties. Some industrial or commercial properties may have some changes to the allowed uses through the implementation of the 2045 Comprehensive Plan with the new proposed zoning.

#### **Address the Transit-Oriented Communities (TOC) Bill**

Align rezoning with state TOC requirements (HB-24-1313) near Colorado & 72nd station which requires zoning in the area to accommodate higher-intensity residential development. City staff presented an overview of various state housing laws during the joint study session with City Council and the Planning Commission on April 14, 2025. One of these bills is the Transit-Oriented Communities Bill. To summarize the requirements of the law, there are two key components:

- 1) Establish a housing opportunity goal for transit-oriented communities as defined by the state, which are typically 0.5-mile buffers around major transit stations. For Commerce City, this area is centered on 72nd Avenue and Colorado Boulevard.
- 2) Apply zoning in that area to allow sufficient development capacity within the TOC area to meet the housing opportunity goal. The bill does not require new housing to be constructed (only for the capacity to be allowed through zoning).

The preliminary housing opportunity goal for Commerce City is approximately 1,685 dwelling units, which was calculated by multiplying 40 dwelling units with the total acreage of the TOC area. Due to the unique scope and objectives of this work, a more tailored engagement and planning process is planned to run concurrently with the citywide legislative rezoning effort as outlined in the project timeline. As part of this tailored process, city staff will evaluate different plan alternatives that align with the TOC bill and identify affordability and displacement mitigation strategies, as required by state law.

### Preliminary Analysis and Findings

The initial analysis by staff indicates a range of changes, from straightforward conversions to more complex, policy-driven adjustments:



- **Straightforward Rezonings:** Many properties will undergo direct one-to-one zoning conversions (e.g., R-1 to R-1), requiring minimal intervention.
- **Zoning Cleanup:** Inconsistent or patchwork zoning patterns will be addressed, such as agricultural parcels located within industrial areas.
- **“Legacy” Zoning Districts:** Several outdated zoning categories from the 2009 Land Development Code no longer exist and will need reassignment (e.g., I-1S, R-4, C-3, RU).
- **Apply Base Zoning Underneath the PUD Overlay:** Assign base zoning districts to existing PUDs.
- **Policy-Driven Changes:** Some rezonings will be guided by the Comprehensive Plan, including Character Areas, Residential and Economic Framework, and Corridor Plans.

### Project Timeline and Next Steps

As mentioned above, this legislative rezoning effort will include two key components that will run concurrently. The first is a citywide legislative rezoning initiative for the entire city. The

second focuses on the area near the 72nd and Colorado light rail station, specifically to ensure alignment with HB-24-1313. See Exhibit C for the full project timeline.

While engagement for these components will follow separate tracks and timelines, they will ultimately converge in the form of an official zoning map, which will be presented to the Planning Commission and City Council for adoption in quarter 3 and 4 of 2026.

The citywide legislative rezoning effort is anticipated to occur in three distinct phases in 2026:

- 1) **March – May: Northern Neighborhoods.** First phase will focus on the northern neighborhoods and E-470 corridor where many of our PUDs exist today.
- 2) **June – August: Core City.** Second phase will focus on the core city and northern business districts where there is a higher concentration of properties with straight zoning.
- 3) **September: Citywide Zoning Map for Adoption** Present the official zoning map for adoption in quarter 3 and 4 of 2026.

For the TOC legislative rezoning effort, we also anticipate three distinct phases:

- 1) **April – May: Alternatives Plan Concepts and Analysis.** Explore different zoning alternatives that align with TOC requirements.
- 2) **June – August: Preferred Alternative and Develop Action Plan.** Select and refine the preferred alternative based on feedback and finalize strategies for affordability and displacement mitigation.
- 3) **September: TOC Zoning Map for Adoption.** Present the official zoning map for adoption in quarter 3 and 4 of 2026.

We anticipate the first phase of engagement taking place from March through mid-April. Staff also plans to meet with City Council and the Planning Commission on a bi-monthly basis through study sessions to provide updates on the project's progress and community input received, as well as to discuss key policy questions as they emerge during the outreach process.