City of Broomfield

City Council Study Session

Tuesday, March 19, 2024, 6:00 PM

Council Chambers
One Descombes Dr
Broomfield, CO 80020

**** Revised ****

1: Concept Review

2: Study Session

2A. Board of Health Council Update
Board of Health members who will be presenting: Elizabeth McCutchon (Chair), Gena Valdez (Vice Chair), Savita Ginde, Zachary Lustgarten, Erin Seedorf.

2B. Code Update - Family Child Care Homes (change in state law)

2C. Study Session - Detailed Discussion on Mixed-Use/TOD and Rezoning Changes

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Date Posted: March 15, 2024

City of Broomfield

City Council Study Session Memorandum

Code Update - Family Child Care Homes (change in state law)

Meeting	Agenda Group	
Tuesday, March 19, 2024, 6:00 PM	Study Session	Item: 2B

Presented By
Anna Bertanzetti

Community Goals

Overview

View Correspondence

This is a proposed code cleanup to address a change in State of Colorado law. The state now requires local governing authorities to treat all family child care homes, including those caring for up to twelve (12) children under the age of eighteen (18) as a residential use. To bring the Broomfield Municipal Code into compliance with this legislation, staff proposes amending the code and, for clarity, cleaning up the vocabulary used in the code to describe these facilities.

Attachments

Family Child Care Homes Ordinance Study Session Memo.pdf

DRAFT Family Child Care Home Ordinance.pdf

Summary

View Correspondence

Introduction

In 2021, the State of Colorado passed HB21-1222 regarding the regulation of family child care homes to expand opportunities to access child care in family child care homes. The new legislation noted "Colorado has a shortage of licensed, safe, and affordable child care options, while at the same time there is a growing need for child care in order to bolster the economy and allow parents to work." The new legislation requires that local governing authorities treat family child care homes as a residential use.

The Broomfield Municipal Code (BMC) already allows family child care homes caring for up to eight (8) children as a home occupation. In requiring that local governing authorities treat family child care homes as a residential use, the state requires municipalities to allow all types of family child care homes licensed by the state, and these include large family child care homes that care for up to twelve (12) children.

The proposed Family Child Care Homes ordinance is to bring Broomfield's zoning code into compliance with state regulations by allowing up to 12 children in a family child care home as a home occupation. Additional revisions are also proposed to clean up the code details.

This study session is being held to present to Council the proposed code cleanup and provide an opportunity for discussion. Since the intent of the code update is to comply with state regulations, staff proposes for the code amendments to comply with state law.

Background

City council passed Ordinance No. 1590 adding child care homes as a home occupation to the Broomfield Municipal Code on September 11, 2001. Council passed Ordinance No. 1817 on October 25, 2005, which added adult daycare homes as a home occupation. Council passed Ordinance No. 2051 on September 12, 2017, and this included a modification to off-street parking requirements for home occupations in 2017.

Ordinance No. 1590 also modified the definition of a child day care facility to specify that this type of facility is not located in a residence, and that large child care homes were classified as a type of child day care facility.

Broomfield Comprehensive Plan

Some of the goals, policies and action steps from the Comprehensive Plan that may be furthered by this code cleanup include:

> **Policy CS-E.6:** Promote more choices for those seeking childcare services, including a variety of settings and distributions across the community, types of programs, access to specialized child care, infant care and affordable child care.

Existing Conditions

The BMC allows home occupations as an accessory use to a residential use. As currently regulated, home occupations mean a trade, occupation, or profession conducted by any person within or from a dwelling unit. Family child care homes are allowed as home occupations subject to the following requirements:

> (1) Family child care homes are those residential households in which care is provided for two or more children under the age of thirteen not related to each other or children from more than one family for less than twenty-four hours, on a regular weekly basis.
>
> (2) Family child care homes must be licensed by the state and comply with all state regulations promulgated by the Colorado Department of Human Services, and all local zoning and building regulations.
>
> (3) Family child care homes may care for no more than eight children total, including the children of the provider, and in no event more than six children not attending full-day school, including the children of the caretaker, at any one time.
>
> (4) Rear yard storage of playground equipment, swing sets, toys, and other items associated with outdoor activity related to a family child care home is allowed.
>
> (5) No more than two motor vehicles associated with patrons or employees of the family child care home may be parked at any time on the dwelling unit site or on the street, other than fifteen minutes or less for the purpose of loading or unloading property or passengers.

The BMC specifies that large child care homes caring for more than eight children are classified as a type of child day care facility, which is not an allowed home occupation, but rather a use permitted in non-residential areas.

Based on the passing of HB21-1222, the BMC regulations related to family child care homes no longer comply with state law and must be revised. Areas where the regulations conflict with the new state requirements include:

- The family child care homes in residential areas must allow up to twelve children.
- There is a specific limitation on the number of vehicles allowed to be parked on the property in association with the use.
- The state allows child care to be provided to children up to the age of eighteen (18).

In addition, Broomfield's adopted Building Code conflicts with the new requirements of HB21-1222, as large child care homes under the existing Building Code would be required to meet specific requirements that are not applicable to smaller family child care homes caring for eight or fewer children resulting in the need to amend the building code to ensure large family child care homes are not treated differently.

Proposed Amendments for Consideration

To bring the Broomfield Municipal Code into full compliance with state law, and to reconcile differences in the vocabulary used within the code to refer to day care centers, staff proposes the following amendments.

1. Move all definitions into the Zoning Code Chapter 17, Title 4 - Definitions.
2. Change the definition of Family Child Care Home to be inclusive of the state requirement to allow up to twelve (12) children under the age of eighteen (18).
3. Remove the clause defining the term large child care home from the definition of a child day care facility.
4. Change the definition of Adult day care Home to be for individuals who are 18 years and older.
5. Amend a portion of Chapter 15-04-101 - Amendments to the International Building Code to allow up to twelve (12) children in a dwelling unit without requiring changes to the dwelling unit.
6. Update vocabulary used in the BMC including “day care” “day care facility” and “licensed day care center” to replace these terms with the terms used in BMC 17-04 - Definitions. This would change the vocabulary used in:
   a. BMC 5-36-120, regarding Sexually Oriented Businesses
   b. BMC 9-56-040, regarding Restricting the Residency of a Sexually Violent Predator
   c. BMC 17-24 and BMC 17-26, regarding Industrial Use Districts

Stakeholder and Public Outreach

Following this study session, the Planning Division will publish a website dedicated to the proposed ordinance. A notice of the code amendment will be placed in the Community Update and the ordinance will be noticed in accordance with standard public notice requirements for an ordinance including a posting in the local newspaper.

Next Steps

The purpose of this report is to provide Council with the reasoning behind these recommended code amendments. Staff welcomes any questions and feedback that Council may have about Family Child Care Homes or about these proposed code updates.

Following this study session, staff will prepare a draft ordinance tentatively scheduled for a 1st reading in May of this year.

Bold type indicates new material to be added to the Broomfield Municipal Code
~~Strikethrough type~~ indicates deletions from the Broomfield Municipal Code

ORDINANCE NO. [insert ordinance number]

AN ORDINANCE AMENDING THE BROOMFIELD MUNICIPAL CODE TO ALLOW FAMILY CHILD CARE HOMES

Be it ordained by the City Council of the City and County of Broomfield, Colorado:

Section 1.

Chapter 5-36, Sexually Oriented Businesses, of the Broomfield Municipal Code is amended as follows:

5-36-120 - Setback requirements.

(A) No sexually oriented businesses may operate within 1,500 feet of any of the following, whether within or without the city limits:
  (1) Any church;
  (2) Any school meeting all requirements of the compulsory education laws of the state;
  (3) Any boundary of any residentially zoned or used property;
  (4) ~~Any day care facility~~**Any child day care facility**, as defined in section 17-04-080, B.M.C.;
  (5) Any public park or open space adjacent to any residential district;
  (6) Any preschool; or
  (7) Any other sexually oriented business.

(B) ...

(C) For purposes of this section, the one-thousand-five-hundred-foot separation measurement shall be made in a straight line without regard to intervening structures or objects from the nearest portion of the building or structure used as part of the premises where the sexually oriented business is conducted to the nearest property line of another sexually oriented business, church, school, public park, residentially zoned or used property, or **child** day care facility.

Section 2.

Chapter 9-56, Restricting the Residency of a Sexually Violent Predator, of the Broomfield Municipal Code is amended as follows:

9-56-040 - Measurement.

For the purpose of determining the minimum distance separation required herein, the measurement shall be made by following a straight line from the outer property line of the property on which the park, playground, public or private school, ~~licensed day care center,~~ **child day care facility, family child care home,** recreation center, library, retail shopping mall, or public swimming pool is located to the nearest point of the permanent or temporary residence structure.

Section 3.

Chapter 15-03, Building Codes: Adoption and Administration, of the Broomfield Municipal Code is amended as follows:

15-03-020 - Adoption of building codes.

. . . .

(1) ...

(2) The "International Residential Code for One- and Two-Family Dwellings," 2021 Edition (IRC), published by the International Code Council, Inc., and in particular Chapters 2 through 10 and 12 through 32, and Appendix H - Patio Covers, Appendix P - Sizing of Water Piping System. The provisions of the International Residential Code for One- and Two-Family Dwellings as amended shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal and demolition of detached one- and two-family dwellings and townhouses not more than three stories above-grade plane in height with a separate means of egress and their accessory structures not more than three stories above grade plane in height.

EXCEPTIONS: The following shall be permitted to be constructed in accordance with this code where provided with a residential fire sprinkler system complying with section 2904:

(A) Live/work units located in townhomes and complying with the requirements of Section 419 of the International Building Code.

(B) Owner-occupied lodging houses with five or fewer guestrooms.

(C) A care facility with eight or fewer persons receiving custodial care within a dwelling unit.

(D) A care facility with five or fewer persons receiving medical care within a dwelling unit.

~~(E) A care facility with eight or fewer persons receiving care within a single family dwelling.~~

ADDITIONAL EXCEPTION: The following shall be permitted to be constructed in accordance with this code:

(E) A care facility with twelve or fewer persons, including children 2 ½ years and younger, receiving care within a single family dwelling.

Section 4.

Chapter 15-04, International Building Code, of the Broomfield Municipal Code is amended as follows:

15-04-101 - Amendments to the International Building Code.

(A) ...

(B) Section 305.2.3 is amended to read as follows:

305.2.3 ~~Six~~ **Twelve** or fewer children in a dwelling unit. A facility such as above within a dwelling unit and having ~~six~~ **twelve** or fewer children**, including children 2 ½ years and younger,** receiving such day care shall be classified as a Group R-3 occupancy or shall comply with the International Residential Code.

Section 5.

Chapter 17-04, Definitions, of the Broomfield Municipal Code is amended as follows:

. . .

17-04-018 - Adult day care home.

Adult day care home **means a residential household in which care is provided for not more than five persons over the age of eighteen for less than sixteen hours per day, on a regular weekly basis.**

. . .

17-04-080 - Child day care facility.

Child day care facility means a facility not located in a residence, by whatever name known, which provides less than twenty-four-hour care of five or more children under the age of sixteen years, and not related to the owner, operator, or manager thereof, whether such facility is operated with or without compensation for such care, and with or without stated educational purposes. ~~*Child day care facility* shall also apply to large child care homes, where licensed care is provided for nine to twelve children.~~ The term shall not apply to classes maintained in connection with any public, private, or parochial school system of at least six grades, nor to family child care homes, as defined in section ~~17-32-020~~ **17-04-132**. The facility shall be licensed by the State and shall comply with all applicable regulations promulgated by the Colorado Department of **Early Childhood**~~Human Services~~, as well as all local zoning and building codes.

. . .

17-04-132 - Family child care home.

Family child care home **means a residential household that operates as a facility for child care in which care is provided for two to twelve children under the age of eighteen, who are not related to the head of such household, for less than twenty-four hours, on a regular basis.**

. . .

17-04-245 Large family child care home.

Large family child care home **shall mean a family child care home that provides care for seven to twelve children.**

. . .

17-04-312 - Preschool.

Preschool means a school providing pre-elementary educational services on a scheduled basis to children through kindergarten. For the purposes of this definition, preschools are those facilities that maintain an affiliation with a public, private, or parochial school system of at least six grades. Said affiliation shall include the provision of educational services to children by the preschool as a part of an integrated program offered through the school system. A **child day care facility** ~~day-care center~~ is not a preschool.

Section 6.

Chapter 17-24 - I-1 Limited Industrial District of the Broomfield Municipal Code is amended as follows:

. . .

17-24-020 - Permitted uses; by right.

The following uses are permitted by right in the I-1 district, provided that all dust, fumes, odors, smoke, vapor, noise, lights, glare, and vibrations are confined to the lot on which the use is located:

(A) ...

(B) Institutional, public and service uses, limited to the following:

(1) Churches and church facilities;

(2) Day-care facilities **including child day care facilities**;

Section 7.

Chapter 17-26 - I-2 General Industrial District of the Broomfield Municipal Code is amended as follows:

. . .

17-26-020 - Permitted uses; by right.

The following uses are permitted by right in the I-2 district, provided that they are conducted in a manner which confines all dust, fumes, odors, refuse matter, smoke, vapor, noise, lights, glare, and vibrations within the boundaries of the I-2 district in which they are located:

(A) Office and commercial uses permitted by right in the I-1 district (section 17-24-020, B.M.C.), except for day-care facilities, **including child day care facilities,** and also permitting the following:

(B)

. . .

17-26-030 - Permitted uses; by special review.

The following uses are permitted by special review in the I-2 district:

(A) . . .

(B) Institutional, public, and service uses, limited to the following:

(1) Day-care facilities**, including child day care facilities**;

Section 8.

Chapter 17-32 - Accessory Buildings and Uses of the Broomfield Municipal Code is amended as follows:

17-32-020 - Home Occupations.

. . .

(D) Family child care homes, as defined below, shall be allowed as home occupations, subject to the following regulations, except that family child care homes are not subject to the requirements of sections 17-32-020(C)~~(1) or 17-32-020(C)(3)~~, B.M.C.**, but shall comply with the following:**

~~(1) Family child care homes are those residential households in which care is provided for two or more children under the age of thirteen not related to each other or children from more than one family for less than twenty-four hours, on a regular weekly basis.~~

~~(2)~~ **(1)** Family child care homes must be licensed by the state and comply with all state regulations promulgated by the Colorado Department of **Early Childhood** ~~Human Services~~, and all local zoning and building regulations.

~~(3)~~ **(2)** Family child care homes may care for no more than **twelve** ~~eight~~ children total, including ~~the~~ **any** children of the provider **under twelve years of age**, ~~and in no event more than six children not attending full-day school, including the children of the caretaker,~~ at any one time.

~~(4)~~ **(3)** Rear yard storage of playground equipment, swing sets, toys, and other items associated with outdoor activity related to a family child care home is allowed.

~~(5)~~ **(4)** No more than two motor vehicles associated with patrons or employees of ~~the~~ **immediately adjacent large** family child care home may be parked at any time ~~on the~~ **at each** dwelling unit site or on the street, other than fifteen minutes or less for the purpose of loading or unloading property or passengers.

(5) Immediately adjacent large family child care homes shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes, and shall not change the character of the area.

(E) Adult daycare homes, as defined ~~below~~ **in section 17-04-018**, shall be allowed as home occupations, subject to the following requirements:

~~(1) Adult daycare homes are those residential households in which care is provided for not more than five persons over the age of thirteen for less than sixteen hours per day, on a regular weekly basis;~~

~~(2)~~ **(1)** Adult day care homes shall comply with all applicable state, federal and local laws and regulations, including local zoning, building and fire regulations;

~~(3)~~ **(2)** Adult daycare homes shall obtain all necessary licenses and certifications as required by the state;

~~(4)~~ **(3)** Adult daycare homes may only operate after approval from the city council following a public hearing. The city council shall consider the request and shall make a final decision of approval, of approval with conditions or of denial. Along with the other factors set forth in this section, city council shall consider the relation of the requested uses to the character of the surrounding neighborhood, the proposed hours of operation, any proposed expansion or remodeling of the residence, and the desirability and need for such a use in the specific area of the community at the public hearing prior to making its final decision. Notice of such public hearing shall be given in accordance with chapter 17-52, B.M.C.;

~~(5)~~ **(4)** Adult daycare homes may have not more than two motor vehicles associated with patrons or employees other than residents of the adult daycare home parked at any time on the dwelling unit site or on the

street frontage of such dwelling unit, other than fifteen minutes or less for the purpose of loading or unloading property or passengers;

~~(6)~~ **(5)** At least 100 square feet of finished interior space, as defined in subsection 17-04-202(C), B.M.C., for each resident and care recipient; and

~~(7)~~ **(6)** Adult daycare homes shall not be located within 1,500 feet of an existing approved adult daycare facility or residential assisted living facility for persons sixty years of age or older.

Section 9.

This ordinance is effective seven days after publication following final passage.

Introduced and approved after first reading on _____, and ordered published in full.

Introduced a second time and approved on _____, and further ordered published.

The City and County of Broomfield, Colorado

_____

Mayor

Attest:

_____

Office of the City and County Clerk

Approved as to form:

_____

City and County Attorney

City of Broomfield

City Council Study Session Memorandum

Study Session - Detailed Discussion on Mixed-Use/TOD and Rezoning Changes

Meeting	Agenda Group	
Tuesday, March 19, 2024, 6:00 PM	Study Session	Item: 2C

Presented By
Anna Bertanzetti

Community Goals
☑️ Thriving, Diverse, Safe and Welcoming Community

Overview

View Correspondence

The purpose of this memorandum is to provide the City Council with an update regarding the proposed amendments to the Broomfield Municipal Code to add new Transit Oriented Development (TOD) and Mixed Use (MU) zone districts. An initial study session was held on August 15, 2023 which introduced the proposal.

Attachments

TOD and Mixed Use Zone Districts Study Session Memo .pdf

Revised Draft Ordinance No. XXXX Related to TOD and Mixed Use Zone Districts and Rezoning Process.pdf

Summary

View Correspondence

The purpose of this memorandum is to provide the City Council with an update regarding the proposed amendments to the Broomfield Municipal Code to add new Transit Oriented Development (TOD) and Mixed Use (MU) zone districts. An initial study session was held on August 15, 2023 which introduced the proposal to amend the municipal code to create three new zone districts, add a new development application process called an administrative development plan and to make changes related to the rezoning process.

During the August 2023 study session, City Council provided direction to staff requesting changes be made to the proposed ordinance.

Changes made between the August 2023 study session and this study session include:

- Restructuring of the TOD and Mixed Use zone districts to be more similarly to the Transitional Overlay Area District (TOAD) process.
- Having the TOD and Mixed Use districts act similar to Planned Unit Development (PUD) Plans. The zone districts establish the level of details often seen in PUD plans. By structuring the districts in this manner it removes a step in the development review process.
- Requiring concept reviews for projects within the TOD and Mixed Use districts. Originally the proposal was to not require this step, however, based upon council's discussion of the importance of this stage for developers and the community the requirement is being added.
- Allowing for variances from the TOD and Mixed Use district requirements. This enables increased flexibility in development. Like all variances, developers will need to provide justifications for variances proposed in their development proposals. The Land Use Review Commission and City Council have the final authority to approve variances as part of the development proposals.
- Removal of customized Public Land Dedication (PLD) processes for the TOD and Mixed Use zone districts. Developers will be required to comply with the PLD methodologies outlined in the Open Space, Parks, Recreation, and Trails (OSPRT) plan. Developers are required to utilize guidance from the updated OSPRT plan and, once adopted, any code updates approved by City Council to reflect the requirements of the updated plan.
- Elimination of the proposed Administrative Development Plan (ADP) process. Development proposals in the new TOD and Mixed Use zone districts would be required to complete a site development plan and go through the public hearing process.

The three proposed new zone districts remain consistent with those outlined in August 2023.

- Transit Oriented Development District (TOD-1)
- Suburban Mixed Use District (MU-1)
- Employment Mixed Use District (MU-2)

The draft ordinance also includes proposed changes to the rezoning process to require applicants seeking to rezone land to require a neighborhood meeting, and those rezoning to the transit oriented development district or to one of the mixed use zone districts to provide preliminary engineering reports with their rezone request. The purpose of requiring preliminary reports during the rezoning process to one of the new districts is to allow for Council to take infrastructure capacity into consideration during the rezoning process since these districts allow opportunity for a significant increase in density.

This study session provides an updated draft of the proposed municipal code modifications, including the new zoning districts, as well as a draft timeline for ordinance consideration, and public engagement plans. The feedback provided by Council as part of this study session will provide direction to staff on whether to move forward with a formal ordinance for Council's consideration, continue to refine the new regulations and direction on next steps.

Financial Considerations

The proposed new zoning districts would not require planned unit development plans which would mean that Broomfield would not collect fees for planned unit development plans. Broomfield's development application fees are generally low and the lost revenue from these fees would be minimal and offset by the costs associated with administering the application reviews, which exceed the fees collected. Development in the new zone districts as proposed would still be required to complete a concept review, and submit a site development plan. As such, fees would be collected for both of those applications. Additionally, developments would be required to pay any applicable engineering permit and building permit fees and use taxes. Building permit fees and use taxes are the higher revenue generators and would not be impacted.

Prior Council Action

January 17, 2023 - City Council held a study session regarding a coordinated effort to update development plans and regulations that began in 2023 and will continue through 2026.

August 15, 2023 - City Council held a study session and request for direction related to modifications to the rezoning process, adding new transit oriented development and mixed use zone districts and adding a new administrative development plan process to the Broomfield Municipal Code.

January 16, 2024 - City Council held a study session for an overview and update regarding the coordinated effort to update development plans and regulations.

Board and Commissions Prior Actions and Recommendations

N/A

Proposed Actions/Recommendations

Bring forward an ordinance for consideration by the City Council.

Alternatives

Making changes to the B.M.C. as directed by the City Council, or
Make no changes to the B.M.C. at this time.

How to Submit Public Comments on this Proposal

Email directly to Planning@broomfield.org

Introduction

During the January 17, 2023 study session, a systematic approach to the continued update of the development review process tools was presented to Council. These updates included items such as zoning regulations, community-wide design guidelines, and area plans updates to reflect changes in priorities such as increased emphasis on sustainability and income-aligned housing which first began in 2020. The presentation included a tentative timeline outlining project targets. One of the projects identified for completion was the establishment of a mixed use zone district in the Broomfield Municipal Code.

An initial study session was held on August 15, 2023 introducing proposed municipal code changes including revising the code requirements related to rezoning of properties adding new transit oriented and mixed use zone districts, and a proposed new administrative development plan and its review process.This study session was held to present to Council the working draft of code language related to creating three new zone districts (a transit oriented development district and two mixed use districts) and a new administrative development plan to process developments within one of the new zone districts as well as an opportunity for discussion and to receive direction from Council prior to staff bringing forth a formal ordinance for consideration.

Establishing these transit oriented development and mixed use zone districts represent an opportunity to promote additional inclusionary zoning in Broomfield. The intent for these districts emphasize high quality development and redevelopment with clear, upfront expectations, and development standards, while still providing for flexibility in site design, mixtures of uses, and architecture.

The purpose of this study session is to share with Council changes that have been made to the proposed code since the original discussion held on August 15, 2023 and to provide for an opportunity for further discussion and possible direction for staff to move forward with a formal ordinance for consideration.

Background

Establishing these new zoning districts represents new land use development opportunities for the City and County of Broomfield. Currently Broomfield's land use zoning is a combination of Euclidean zoning and planned unit developments.

Euclidean zoning is inherently exclusionary in nature due to its separation of land uses into specified geographic districts. Broomfield's Euclidean zoning districts include residential, commercial and industrial districts (R-1, R3, R-5, B-1, B-2, I-1, I-2, I-3 zone districts). Euclidean zoning is used by many municipalities due to its ease of implementation, long-established legal precedent, and familiarity to planners and design professionals. However, Euclidean zoning lacks flexibility and the fairly rigid separation of uses can contribute to urban sprawl, loss of open lands, heavy infrastructure costs, and automobile dependency.

In response to Euclidean zoning, many communities, including Broomfield, incorporated Planned Unit Development (PUD) zoning into their municipal zoning codes. PUD zoning is a type of flexible and inclusionary zoning, (non-Euclidean zoning) that allows for a mixture of land uses and varied development standards allowed within a land area. PUDs consist of site plans that promote the creation of open areas, mixed-use housing and land uses, environmental preservation and sustainability, and development flexibility. The challenge with PUDs is that each PUD is unique, and it increases the complexity of review and

enforcement of zoning standards due to a lack of uniformity between PUDs and even sometimes within a single PUD with different filings having site development plan specific requirements.

Applicable City and County of Broomfield Plans

Broomfield Comprehensive Plan

The addition of the new zone districts in conjunction with the many other changes that have been made to create a sound foundation for these new districts help to promote a number of goals that were outlined in the 2016 Comprehensive Plan and 2016 Transportation Plan. These goals include:

- Goal CF-A: Community Form and Identity - Build on the established physical framework to strengthen Broomfield's sense of community identity by identifiably connecting neighborhoods, open lands, and residential and commercial areas, and by enhancing natural and human-made features.
- Goal CF-B: Community Character - As Broomfield grows, encourage community unity and interaction to maintain and enhance a sense of identity as a friendly and vibrant small city that includes a diversity of people and responds to a diversity of needs.
- Goal CF-C: Community Form and Identity - Implementation Implement the vision and the policies relating to Broomfield's physical form and identity.
- Goal LU-A: Mix of Land Uses - Plan for an appropriate mix of land uses that ensures connectivity, livability, flexibility, environmental sustainability, and economic vitality.
- Goal LU-B: Mixed-Use Development - Encourage and support mixed-use developments that provide the benefits of more compact, denser development with a mix of living, shopping and working environments.
- Goal LU-D: Transit-Oriented Development (TOD) - Encourage and support development focused around major transportation areas that form vibrant pedestrian-oriented urban centers.
- Goal LU-E: Commercial Areas - Encourage and support commercial development that contributes to a diverse community image and to a vibrant character that provides increased choices and services.
- Goal LU-F: Industrial Areas - Encourage and support a variety of industrial land use types and intensities in designated areas that are both supported by and compatible with surrounding land uses.
- Goal LU-I: Development Standards - Use development standards and guidelines to help realize the community's overall vision and goals.
- Goal LU-J: Impact of Development - Evaluate and mitigate the impact of each development project on the system at the time of build.
- Goal TS-A: People and Goods Moving Capacity - Optimize the capacity of the multimodal transportation system to handle existing and projected travel demands associated with moving people and goods.
- Goal TS-D: Livable Streets - Encourage livable streets that are accessible, safe, efficient, and enjoyable for all people.
- Goal ED-F: Streamline and Simplify Development Processes - Review land development regulations to eliminate the piecemeal nature of layered review standards in order to reduce bureaucratic barriers to quality development.
- Goal ES-B: Energy Conservation and Efficiency - Utilize technological solutions, building practices, education and incentives to encourage conservation and efficient use of energy.
- Goal HO-B: Maintaining Housing Affordability/Attainability - Encourage an adequate supply of affordable/attainable housing for lower-income households.

- Goal HO-C: Diversity of Housing Types and Ownership Options - Encourage a diversity of populations within developed areas by providing a variety of housing types that serve a broad spectrum of households.

Changes Made Since the August 2023 Study Session

After the August 15, 2023 study session staff made a number of changes to the proposed municipal code changes. These include the following:

- Restructuring of the TOD and Mixed Use zone districts to be structured more similarly to the Transitional Overlay Area District (TOAD) process. This includes:
    - Having the TOD and Mixed Use districts act similar to Planned Unit Development (PUD) Plans. The zone districts establish the level of details often seen in PUD plans. By structuring the districts in this manner it removes a step in the development review process.
    - Requiring concept reviews for projects within the TOD and Mixed Use districts. Originally the proposal was to not require this step; however, based upon council's discussion of the importance of this stage for developers and the community the requirement is being added.
    - Allowing for variances from the TOD and Mixed Use district requirements. This enables increased flexibility in development. Like all variances, developers will need to provide justifications for variances proposed in their development proposals. The Land Use Review Commission and City Council have the final authority to approve variances as part of the development proposals.
- Removal of customized Public Land Dedication (PLD) processes for the TOD and Mixed Use zone districts. Developers will be required to comply with the PLD methodologies outlined in the Open Space, Parks, Recreation, and Trails (OSPRT) master plan. Open Space and Trails and Parks, Recreation and Senior Services are currently working on an update to the OSPRT Master Plan. If adopted, Developers would be required to comply with that updated document once effective.
- Reduction of the minimum residential density for the TOD district from 30 dwelling units per acre to 15 dwelling units per acre, and a reduction in the minimum residential density for the MU-1 district from 12 dwelling units per acre to 10 dwelling units per acre.
- Elimination of the proposed Administrative Development Plan (ADP) process. Development proposals in the new TOD and Mixed Use zone districts would be required to complete a site development plan and go through the public hearing process.

Possible Related Legislative Actions

The 2024 Colorado Legislative Session convened on January 10, 2024 and is anticipated to adjourn in May. On February 20, 2024 House Bill 24-1313 (HB 24-1313) Housing in Transit-Oriented Communities was introduced In the Colorado House and was assigned to the House Transportation, Housing & Local Government committee agenda for March 6, 2024.

This bill would create a category of local government titled "a transit-oriented community" and requires transit-oriented communities to meet a housing opportunity goal. The housing opportunity goal for each community is calculated as the number of acres within that community that are designated as a transit area (as defined by the bill) multiplied by 40 dwelling units per acre. Communities must then adjust the zoning capacity within their transit centers (as that term is defined by the bill) to meet the housing opportunity

goal. In addition to ensuring the zoning capacity is met, the bill also requires administrative review processes only for residential projects of five acres or less in size within the transit centers.

There are specific consequences if a community does not comply with the requirements of the bill and periodic reporting is required to DOLA to ensure ongoing compliance.

Staff will continue to monitor HB 24-1313, and any other legislative efforts related to transit oriented development/communities or mixed use development. Should HB 24-1313 or any other bill be adopted, staff will accordingly modify the proposed ordinance to comply with any state requirements should Council direct staff to do so.

Public Engagement

Should Council direct staff to move forward with a formal ordinance for these proposed zoning changes, then a Broomfield Voice page will be created following this study session. The Broomfield Voice page will provide information regarding the proposed amendments that will be presented to City Council as part of a future proposed ordinance. The Broomfield Voice platform will allow for feedback on the proposed amendments to the Broomfield Municipal Code, and community engagement is encouraged. Comments received will be gathered and summarized to provide feedback as part of the public hearing process. Staff intends to utilize the weekly community update and social media posts to encourage engagement with the Broomfield Voice page.

Additionally, staff will be holding at least one virtual technical review session with a larger group of stakeholders. There will also be an opportunity at the public hearing for the second reading of the proposed ordinance for additional public comments to be provided for City Council's consideration.

Next Steps

Staff is requesting Council's feedback and direction regarding the proposed regulations. If directed to move forward, staff will be bringing forth an ordinance to make the changes as discussed in this memorandum. With the potential for legislation related to transit oriented development/communities and/or mixed use development being introduced during the 2024 Colorado Legislative Session, staff is tentatively targeting the summer to bring forward an ordinance if directed to do so. The future ordinance will incorporate any possible legislation related to these topics, and may also make changes to other sections of B.M.C. as necessary to avoid contradictions, conflicts, or to make various revisions as needed.

Questions for City Council to Consider While Providing Feedback

- Should staff move forward with the creation of the new zone districts and bring forth a formal ordinance for Council's consideration?
    - Creating specific zone districts for mixed-use and transit oriented development would provide an alternative to formal PUDs for developers who seek to bring mixed-use developments to Broomfield and could assist with streamlining the development review process by removing the requirement to create individual PUD Plans.

This draft ordinance provides a preliminary structure to a possible future formal ordinance. The specific language in this document is subject to be changed or removed moving forward. Greater detail will be incorporated in multiple sections should Council direct staff to move forward with the proposed ordinance.

ORDINANCE NO. XXXX

An Ordinance amending Chapter 17-06-010, Districts; established, Chapter 17-48, Amendments, and adding Chapters 17-19 TOD-1 Transit Oriented Development District, 17-23 MU-1 Suburban Mixed Use District, and 17-23.1 MU-2 Employment Mixed Use District to the Broomfield Municipal Code.

Be it ordained by the City Council of the City and County of Broomfield, Colorado:

Section 1.

Chapter 17-06-010 - Districts; established, of the Broomfield Municipal Code is amended as follows:

17-06-010 - Districts; established.

(A) In order to carry out the provisions of this title, the city is divided into the following zoning districts:

(1) ~~OLPF Open Lands and Public Facilities district~~ **PF District**
(2) A-1 Agricultural district;
(3) RR Rural Residential district;
(4) E-1 Estate district,
(5) E-2 Estate district;
(6) R-1 Low-density residential district;
(7) R-3 Medium-density residential district;
(8) R-5 High-density residential district;
(9) B-1 Limited business district;
(10) B-2 General business district;
(11) I-1 Limited industrial district;
(12) I-2 General industrial district;
(13) I-3 Industrial district;
(14) GA General aviation district;
(15) PUD Planned unit development district;
(16) Interchange influence area district.
(17) Transitional overlay area district.
(18) A-1 district.
(19) OS Open Space district,
(20) PROL Parks Recreation and Open Lands District,
(21) TOD Transit Oriented Development district,

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(22) MU-1 Suburban Mixed Use district,
(23) MU-2 Employment Mixed Use district

Section 1.

Chapter 17-48-020 Procedure for rezoning, of the Broomfield Municipal Code is amended as follows:

17-48-020 Procedure for rezoning.

(A) The owner of any property may apply to the land use review commission for rezoning of his or her property. The applicant shall pay an application fee of $650.00 for rezoning ten acres or more of land and $250.00 for rezoning less than ten acres of land.
(B) The city manager is authorized to apply to the land use review commission for rezoning of any property within the city.
    (1) The city manager shall notify the owner or owners of any property subject to the application for rezoning that a hearing on the rezoning application will be held before the land use review commission and before the city council.
    (2) The city manager's notification to the owner or owners shall set forth the reasons for the rezoning application.
    (3) Notification to the owner or owners by the city manager shall be by personal service or by certified mail not less than thirty days prior to the public hearing before the land use review commission.
(C) The land use review commission shall hold a public hearing on the application. Notice shall be given in accordance with the provisions of chapter 17-52, B.M.C. Following the hearing, the land use review commission shall make recommendations to the city council concerning the application.
(D) The city council shall hold a public hearing on the application. Notice shall be given in accordance with the provisions of chapter 17-52. Following the hearing, the city council shall either deny the application or shall approve it by ordinance. An ordinance may impose conditions on rezoning.
(E) Prior to any official submittal of a rezoning, the applicant shall hold a neighborhood meeting. Notice for such neighborhood meetings shall be done consistent with Section 17-52, B.M.C. The neighborhood meeting provides the applicant and surrounding property owners an opportunity to review preliminary requests. The meeting should solicit input and exchange information about the proposal. The applicant shall record attendance on a sign-in sheet and shall create a summary of the meeting discussion which shall be submitted with the formal application.
(F) The recommendation of the land use review commission and decision of the city council for rezoning requests shall consider whether the applicant has demonstrated that the proposed rezoning request meets the following standards:

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(1) The proposal is in (i) general conformance with applicable land use plans including but not limited to the Broomfield Comprehensive Plan and, sub area plans, or (ii) there has been substantial change in the character of the area to support the rezoning action, or (iii) the official zoning classification is in error and urban renewal area plans.

(2) The proposal is compatible with existing and allowable land uses in the surrounding area.

(3) The proposal mitigates the negative impacts upon the surrounding area.

(4) Infrastructure and services are or will be available to support the proposed zoning change.

(5) The effect of the proposal upon the health, safety, and welfare of the residents and landowners in the surrounding area.

(6) The proposal is a unique opportunity or an appropriate site, at an appropriate location, for the particular type of land use or development proposed and will help the city achieve a balance of land use, tax base, or housing types consistent with the city's overall planning and economic development goals.

(G) As part of any request to rezone a property to a transit oriented development (TOD) or mixed use zone district, the applicant shall provide the following additional information to be considered with the request:

(1) Preliminary Utility Report;

(2) Preliminary Drainage Report; and

(3) Preliminary Traffic Report.

All reports shall be provided in accordance with the provision of the current version of the City and County of Broomfield Standards and Specifications; provided, that the City Engineer may waive the report requirements when such information will not materially aid in the evaluation of the rezoning request.

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Section 2.

Chapter 17-19 TOD-1 Transit Oriented Development District is added to the Broomfield Municipal Code with the following language:

Chapter 17-19 TOD-1 Transit Oriented Development District

17-19-010 - Intent.

It is the purpose of the TOD-1 district to provide opportunities for urban-scale, higher density residential and nonresidential uses, in vertically or horizontally mixed-development on a

single parcel or in a master planned area in and around existing and planned transit centers including, but not limited to, bus rapid transit and rail service.

17-19-020 - Permitted Uses; by right.

(A) Banks, savings and loan, and finance companies
(B) Breweries, brewpubs, wineries and distilleries with tasting rooms
(C) Commercial recreational uses and theaters, indoor
(D) Commercial recreational uses, outdoor
(E) Commercial services such as plumbing, bakery, food catering, household equipment, and appliance rental and repairs
(F) Conference Centers
(G) Daycares and other childcare facilities
(H) Food truck court
(I) Hospitals
(J) Hotels and motels
(K) Live/work residential dwellings
(L) Medical and dental laboratories
(M) Multi-family residential dwellings
(N) Municipal Uses
(O) Offices including medical offices and clinics
(P) Parking structures
(Q) Parks and recreation facilities
(R) Personal service shops
(S) Pet daycares with overnight boarding
(T) Places of worship
(U) Public and private schools
(V) Research and development
(W) Restaurants and other eating and drinking establishments
(X) Retail stores
(Y) Studios for arts, crafts and instruction such as dance, yoga and martial arts
(Z) Veterinarian clinics including overnight boarding
(AA) Accessory buildings and uses

17-19-030 - Permitted uses; by special review.

(A) Wireless communication towers

17-19-040 - Development standards.

The following development standards shall be the requirements for the TOD-1 district:

(A) Building Height
    (a) Maximum building height is 85 feet.
    (b) When adjacent to low density residential zoned property, the proposed buildings shall be stepped up in height to provide for a transition between densities. Portions of buildings within 75 feet of the property line of a low density residential

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zoned property shall not be more than 1.5 times the height of the existing low density residential units. If the parcel is vacant, buildings can be 1.5 times the maximum allowed height of the low density residential zone district.

(B) Setbacks and landscape buffers

(a) The following are the setback requirements in the TOD-1 district:

	Minimum	Maximum
Front	5 feet	15 feet
Side (interior)	8 feet	15 feet
Side (street or exterior)	10 feet	15 feet
Rear	10 feet	none
Alleyway	8 feet	15 feet

(b) Balconies, canopies, and other architectural projections may encroach into the setbacks provided that they preserve a minimum eight foot vertical clearance area over any sidewalks and 14 feet above any travel lanes within right-of-way.

(c) A landscape buffer of no less than 30 feet shall be required adjacent to low density residential zone districts.

(C) Building Orientation and Placement

(a) In order to activate streets and enhance the pedestrian experience, buildings are encouraged to be placed on the street and oriented toward the public realm utilizing minimum required setbacks.

(D) Enhancement and Preservation of the Public Realm

(a) In order to activate street fronts and enhance the pedestrian experience, minimum 10 foot wide sidewalks shall be provided along the fronts of buildings.

(b) All other sidewalks shall be a minimum of 8 feet wide.

(c) To preserve pedestrian walks and to allow for ease of travel a minimum width of 6 feet of sidewalks shall remain unobstructed. This includes clearance from outdoor seating, landscape planters, bike racks, and other amenities and fixtures.

(d) Public spaces shall have adequate seating opportunities, refuse containers (including pet waste stations), etc.

(E) Parking Orientation and Placement

(a) In order to enhance the pedestrian experience, off street parking shall be located behind or in between buildings.

(b) Off street parking shall not be adjacent to the street.

(F) Land Use Composition and Mixture of Uses

(a) Contiguous land within this zoning district shall consist of a minimum of 30% nonresidential uses.

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(b) Residential uses are encouraged to include income aligned and mixed income dwelling units. All residential development shall be required to comply with Broomfield's Inclusionary Housing requirements in Chapter 17-76, BMC.

(c) Residential uses shall incorporate retail, commercial or entertainment uses along a minimum of 40% of street frontages.

(i) Residential uses consisting of 100% income aligned housing consistent with Chapter 17-76, BMC shall be exempt from this requirement.

(d) Open Area. No additional open area shall be required other than the required Public Land Dedication.

(G) Residential Density

(a) Minimum density of 15 dwelling units per acre.

(b) Maximum density of 65 dwelling units per acre.

(H) Design Requirements

(a) Creative design that pays careful attention to the building's contribution to the public realm — through massing, form, materials, and its relationship to the street — is required.

(b) All façades of a building shall provide a level of finished architectural quality and be designed to a human scale. Each façade shall contain at least one change in color or texture. Additional detail shall be incorporated into the façade design by the use of the following methods:

(i) Expression of a structural or architectural bay

(ii) Articulation of windows and doorways, which may include sills, mullions, or pilasters that create a three-dimensional expression.

(iii) Change in material

(iv) Variation in rooflines.

(c) All façades of a building shall have at least one plane break along the facade at intervals of at least 100 feet composed of an offset of at least five feet in depth by 25 feet in length. The offset shall extend from grade to the highest story of the building Any portion of a façade that is a glass curtain wall shall be exempted from this requirement.

(d) Street facing façades shall include a minimum of 40% of the façade between two feet and ten feet above grade as windows or glass doors. All other façades shall include windows or other translucent cladding materials that closely resemble windows of not less than 15%.

(e) Buildings with residential uses shall be designed with active frontages, with residential units facing the street, public right-of way, or common open space, with overhangs, balconies, windows, and individual entries and porches to enliven the street edge and add "eyes" on the street.

(i) All ground-level units shall include an individual entry, porch, patio, or terrace.

(ii) A minimum of 50% of upper-story units shall include a balcony or terrace with a minimum area of 24 square feet.

(f) Adequate snow storage shall be provided on site.

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(g) All rooftop and ground mounted mechanical equipment shall be fully and permanently screened, and all rooftop projections such as pipes and vents shall be painted to match the roof surface color.
(h) If a roof apparatus is not fully enclosed and is above the height of the parapet or is visible from adjacent roadways or public trails, open lands or open space, then the mechanical equipment will be concealed in a painted screen to match the roof color. Roof protrusions of lesser height will be painted to match the roof color.
(i) Electrical distribution panels shall be contained within the building, service enclosures or screened from view.
(j) Gas meters shall be screened from view and painted to match the building. All refuse (trash) and recycling areas shall comply with Chapter 17-34-060 B.M.C.

17-19-050 - General provisions and process required.

(A) The reviews, procedures, submission requirements, recording requirements, and other requirements of title 16 and title 17 shall apply to all properties designated as TOD-1, except as modified in this chapter.
(B) Prior to the submittal of any site development plan, the applicant shall submit a concept plan for initial concept review consistent with the requirements of chapter 17-38, article I, B.M.C.
(C) An approved site development plan, consistent with the requirements of chapter 17-38, article III, B.M.C., is required prior to the issuance of a building permit for a use permitted in this Chapter.

Section 3.

Chapter 17-23 MU-1 Suburban Mixed Use District is added to the Broomfield Municipal Code with the following language:

Chapter 17-23 MU-1 Suburban Mixed Use District

17-23-010 - Intent.

It is the purpose of the MU-1 district to provide opportunities for vibrant, high quality mixed use developments in both vertical and horizontal configurations that promote new development and redevelopment consisting of higher-density residential and nonresidential uses in a scale that enhances the surrounding area and city as a whole.

17-23-020 - Permitted Uses; by right.

(A) Banks, savings and loan, and finance companies
(B) Breweries, brewpubs, wineries and distilleries with tasting rooms
(C) Commercial recreational uses and theaters, indoor

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(D) Commercial services such as plumbing, bakery, food catering, household equipment, and appliance rental and repairs
(E) Daycares and other childcare facilities
(F) Food truck court
(G) Hotels and motels
(H) Live/work residential dwellings
(I) Medical and dental laboratories
(J) Multi-family residential dwellings
(K) Municipal Uses
(L) Offices including medical offices and clinics
(M) Parking structures
(N) Parks and recreation facilities
(O) Personal service shops
(P) Places of worship
(Q) Public and private schools
(R) Research and development
(S) Restaurants and other eating and drinking establishments
(T) Retail stores
(U) Studios for arts, crafts and instruction such as dance, yoga and martial arts
(V) Veterinarian clinics including overnight boarding
(W) Accessory buildings and uses

17-23-030 - Permitted uses; by special review.

(A) Commercial recreational uses, outdoor
(B) Pet daycares with overnight boarding
(C) Wireless communication towers

17-23-040 - Development standards.

The following development standards shall be the requirements for the MU-1 district:

(A) Building Height
  (a) Maximum building height is 50 feet.
  (b) When adjacent to low density residential zoned property, buildings shall be stepped up in height to provide for a transition. Portions of buildings within 50 feet of the property line of a low density residential zoned property shall not be more than the maximum allowed height of the low density residential zone district.

(B) Setbacks
  (a) The following are the setback requirements in the MU-1 district:

	Minimum	Maximum
Front	10 feet	25 feet
Side (interior)	8 feet	15 feet

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Side (street or exterior)	10 feet	25 feet
Rear	10 feet	none
Alleyway	8 feet	15 feet

(b) Balconies, canopies, and other architectural projections may encroach into the setbacks provided that they preserve a minimum eight foot vertical clearance area over any sidewalks and 14 feet above any travel lanes within right-of-way.

(C) Building Orientation and Placement

(a) In order to activate streets and enhance the pedestrian experience, buildings are encouraged to be placed on the street and oriented toward the public realm utilizing minimum required setbacks.

(D) Enhancement and Preservation of the Public Realm

(a) In order to activate street fronts and enhance the pedestrian experience, minimum 10 foot wide sidewalks shall be provided along the fronts of buildings.

(b) All other sidewalks shall be a minimum of 8 feet wide.

(c) To preserve pedestrian walks and to allow for ease of travel a minimum width of 6 feet of sidewalks shall remain unobstructed. This includes clearance from outdoor seating, landscape planters, bike racks, and other amenities and fixtures.

(d) Public spaces shall have adequate seating opportunities, refuse containers (including pet waste stations), etc.

(E) Parking Orientation and Placement

(a) In order to enhance the pedestrian experience, off street parking shall be located behind or in between buildings.

(b) Off street parking should not be adjacent to the street.

(F) Land Use Composition and Mixture of Uses

(a) Contiguous land with this zoning district shall consist of a minimum of 35% nonresidential uses.

(b) Residential uses are encouraged to include income aligned and mixed income dwelling units. All residential development shall be required to comply with Broomfield's Inclusionary Housing requirements in Chapter 17-76, BMC.

(c) Residential uses shall incorporate retail, commercial or entertainment uses along a minimum of 25% of street frontages.

(i) Residential uses consisting of 100% income aligned housing consistent with Chapter 17-76, BMC shall be exempt from this requirement.

(d) Open Area. No additional open area shall be required other than the required Public Land Dedication.

(G) Residential Density

(a) Minimum density of 10 dwelling units per acre.

(b) Maximum density of 30 dwelling units per acre.

(H) Design Requirements

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(a) Creative design that pays careful attention to the building's contribution to the public realm — through massing, form, materials, and its relationship to the street — is required.

(b) All façades of a building shall provide a level of finished architectural quality and be designed to a human scale. Each façade shall contain at least one change in color or texture. Additional detail should be incorporated into the façade design by the use of at least three of the following methods:

  (i) Reveals
  (ii) Belt courses
  (iii) Cornices
  (iv) Expression of a structural or architectural bay
  (v) Articulation of windows and doorways, which may include sills, mullions, or pilasters that create a three-dimensional expression.
  (vi) Change in material
  (vii) Variation in rooflines.

(c) All façades of a building that face a street or a public space shall have at least one variation in plane depth of at least one foot for every fifty (50) linear feet of the length of the façade.

(d) Where residential units are designed as townhomes or rowhomes, individual units shall be distinguished. This may be accomplished through the use of at least two of the following:

  (i) Change in wall plane
  (ii) Change in color
  (iii) Change in roof form

(e) All other façades shall have one variation in plane depth of at least one foot for every 100 linear feet of the length of the façade. Any portion of a façade that is a glass curtain wall shall be exempted from this requirement.

(f) Street facing façades shall include a minimum of 40% of the façade between two feet and ten feet above grade as windows or glass doors. All other façades shall include windows or other translucent cladding materials that closely resemble windows of not less than 15%.

(g) Multi-family residential buildings, including those with ground floor retail, shall provide at least 75% of the total dwelling units with a least one private outdoor space in the form of a patio or balcony with a minimum area of 24 square feet.

(h) Adequate snow storage shall be provided on site.

(i) All rooftop and ground mounted mechanical equipment shall be fully and permanently screened, and all rooftop projections such as pipes and vents shall be painted to match the roof surface color.

(j) If a roof apparatus is not fully enclosed and is above the height of the parapet or is visible from adjacent roadways or public trails, open lands or open space, then the mechanical equipment will be concealed in a painted screen to match the roof color. Roof protrusions of lesser height will be painted to match the roof color.

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(k) Electrical distribution panels shall be contained within the building, service enclosures or screened from view.
(l) Gas meters shall be screened from view and painted to match the building.
(m) All refuse (trash) and recycling areas shall comply with Chapter 17-34-060 B.M.C.

17-23-050 - General provisions and process required.

(D) The reviews, procedures, submission requirements, recording requirements, and other requirements of title 16 and title 17 shall apply to all properties designated as MU-1, except as modified in this chapter.
(E) Prior to the submittal of any site development plan, the applicant shall submit a concept plan for initial concept review consistent with the requirements of chapter 17-38, article I, B.M.C.
(F) An approved site development plan, consistent with the requirements of chapter 17-38, article III, B.M.C., is required prior to the issuance of a building permit for a use permitted in this Chapter.

Section 4.

Chapter 17-23.1 MU-2 Employment Mixed Use District is added to the Broomfield Municipal Code with the following language:

Chapter 17-23.1 MU-2 Employment Mixed Use District

17-23.1-010 - Intent.

It is the purpose of the MU-2 district to provide opportunities for vibrant, high quality mixed use developments in both vertical and horizontal configurations that promote new development and redevelopment consisting of high intensity nonresidential uses which enhance and diversify employment and consumer options within the community.

17-23.1-020 - Permitted Uses; by right.

(A) Assembly processing, treatment, storage, or packaging of products from previously prepared materials such as food, beverages, appliances, electronics, furniture, business machines, and pharmaceuticals;
(B) Banks, savings and loan, and finance companies
(C) Breweries, brewpubs, wineries and distilleries with tasting rooms
(D) Commercial recreational uses and theaters, indoor
(E) Commercial recreational uses, outdoor
(F) Commercial services such as plumbing, bakery, food catering, household equipment, and appliance rental and repairs
(G) Data centers
(H) Daycares and other childcare facilities

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(I) Flex office and flex industrial
(J) Hospitals
(K) Hotels and motels
(L) Manufacturing, processing and packaging of medical and pharmaceutical supplies, precision or electronic instruments, parts, or tools;
(M) Medical, dental, experimental, and testing laboratories
(N) Municipal Uses
(O) Offices including medical offices and clinics
(P) Outdoor parking of vehicles for service, delivery, and related purposes when used in conjunction with the principal use and in operable conditions with current license plates;
(Q) Outdoor storage of equipment, vehicles, and materials used in conjunction with the principal use, limited to no more than 10% of the lot area, and enclosed and screened by a fence or wall as defined in section 17-32-140, B.M.C.;
(R) Parking structures
(S) Parks and recreation facilities
(T) Personal service shops
(U) Pet daycares with overnight boarding
(V) Places of worship
(W) Public and private schools
(X) Research and development
(Y) Restaurants and other eating and drinking establishments
(Z) Retail stores
(AA) Studios for arts, crafts and instruction such as dance, yoga and martial arts
(BB) Veterinarian clinics including overnight boarding
(CC) Warehouse distribution and wholesale uses; and
(DD) Accessory buildings and uses

17-24.1-030 - Permitted uses; by special review.

(A) Outdoor storage of equipment, vehicles, and materials exceeding 10% of the lot, and enclosed and screened by a fence or wall as defined in section 17-32-140, B.M.C
(B) Wireless communication towers

17-24.1-040 - Development standards.

The following development standards shall be minimum requirements in the MU-2 district:

(A) Building Height
  (a) Maximum building height is 60 feet.
  (b) When adjacent to low density residential zoned property, buildings shall be stepped up in height to provide for a transition.Portions of buildings within 50 feet of the property line of a low density residential zoned property shall not be more than the maximum allowed height of the low density residential zone district.

(B) Setbacks
  (a) The following are the setback requirements in the MU-2 district:

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	Minimum	Maximum
Front	10 feet	25 feet
Side (interior)	8 feet	15 feet
Side (street or exterior)	10 feet	25 feet
Rear	10 feet	none
Alleyway	8 feet	15 feet

(b) Balconies, canopies, and other architectural projections may encroach into the setbacks provided that they preserve a minimum eight foot vertical clearance area over any sidewalks and 14 feet above any travel lanes within right-of-way.

(C) Building Orientation and Placement

(a) In order to activate streets and enhance the pedestrian experience, buildings are encouraged to be placed on the street and oriented toward the public realm utilizing minimum required setbacks.

(b) Buildings should be oriented so any loading bays and loading doors are internal to the site and fully screened from adjacent roadways.

(i) Screening should be achieved through some combination of sunken loading bays, wing walls, and landscaping.

(D) Enhancement and Preservation of the Public Realm

(a) In order to activate street fronts and enhance the pedestrian experience, minimum 10 foot wide sidewalks shall be provided along the fronts of buildings.

(b) All other sidewalks shall be a minimum of 8 feet wide.

(c) To preserve pedestrian walks and to allow for ease of travel a minimum width of 6 feet of sidewalks shall remain unobstructed. This includes clearance from outdoor seating, landscape planters, bike racks, and other amenities and fixtures.

(d) Public spaces should have adequate seating opportunities, refuse containers (including pet waste stations), etc.

(E) Parking Orientation and Placement

(a) In order to enhance the pedestrian experience, off street parking should be placed behind or in between buildings.

(b) Off street parking should not be adjacent to the street.

(F) Land Use Composition and Mixture of Uses

(a) Contiguous land within this zoning district shall consist of a minimum of 35% nonindustrial and non flex space.

(b) Open Area. A minimum 10% of the project area shall be preserved as public realm and activated to allow for use by employees and patrons.

(G) Design Requirements

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(a) Creative design that pays careful attention to the building's contribution to the public realm — through massing, form, materials, and its relationship to the street — is required.

(b) All façades of a building shall provide a level of finished architectural quality and be designed to a human scale. Each façade shall contain at least one change in color or texture. Additional detail should be incorporated into the façade design by the use of at least three of the following methods:

(i) Reveals

(ii) Belt courses

(iii) Cornices

(iv) Expression of a structural or architectural bay

(v) Articulation of windows and doorways, which may include sills, mullions, or pilasters that create a three-dimensional expression.

(vi) Change in material

(vii) Variation in rooflines.

(c) All façades of a building that face a street or a public space shall have at least one variation in plane depth of at least one foot for every fifty (50) linear feet of the length of the façade.

(d) Street facing façades shall include windows or glass doors of not less than 25%, all other façades shall include windows or other translucent cladding materials that closely resemble windows of not less than 15%.

(e) All other façades shall have one variation in plane depth of at least one foot for every 100 linear feet of the length of the façade. Any portion of a façade that is a glass curtain wall shall be exempted from this requirement.

(f) Adequate snow storage shall be provided on site.

(g) All rooftop and ground mounted mechanical equipment shall be fully and permanently screened, and all rooftop projections such as pipes and vents shall be painted to match the roof surface color.

(h) If a roof apparatus is not fully enclosed and is above the height of the parapet or is visible from adjacent roadways or public trails, open lands or open space, then the mechanical equipment will be concealed in a painted screen to match the roof color. Roof protrusions of lesser height will be painted to match the roof color.

(i) Electrical distribution panels shall be contained within the building, service enclosures or screened from view.

(j) Gas meters shall be screened from view and painted to match the building.

(k) All refuse (trash) and recycling areas shall comply with Chapter 17-34-060 B.M.C.

17-23-050 - General provisions and process required.

(G) The reviews, procedures, submission requirements, recording requirements, and other requirements of title 16 and title 17 shall apply to all properties designated as MU-2, except as modified in this chapter.

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(H) Prior to the submittal of any site development plan, the applicant shall submit a concept plan for initial concept review consistent with the requirements of chapter 17-38, article I, B.M.C.

(I) An approved site development plan, consistent with the requirements of chapter 17-38, article III, B.M.C., is required prior to the issuance of a building permit for a use permitted in this Chapter.

Section 5.

This ordinance shall be effective seven days after public notice following final passage.

Introduced and approved after first reading on _____, and ordered published in full.

Introduced a second time and approved on _____, and further ordered published.

The City And County Of Broomfield, Colorado

***DRAFT**

_____

Mayor

Attest:

***DRAFT**

_____

Office of the City and County Clerk

Approved As To Form:

***DRAFT**

_____

City and County Attorney

Draft for Study Session