
Tuesday, March 17, 2026, 6:00 PM
Council Chambers
One DesCombes Drive
Broomfield, CO 80020

**** Revised ****

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1. Concept Review

2. Study Session

- 2.A. Long-Range Financial Plan Update
- 2.B. Code Update Regarding Electric Vehicle (EV) Charging as Primary Permitted Use
- 2.C. Code Update Regarding Wireless Facilities Review Timeline Ordinance
- 2.D. Councilmember Ward's Request for Future Action Regarding Title 17 Administrative Land Use Approvals

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Date Posted: March 12, 2026



BROOMFIELD CITY COUNCIL

To: Mayor and City Council
From: Jennifer Hoffman, City and County Manager
Presented By: Jeff Romine, Economist - CMO

Meeting Date: Tuesday, March 17, 2026, 6:00 PM
Agenda Category: Study Session
Agenda Item: 2A
Subject: Long-Range Financial Plan Update

Goals: N/A

Overview

Correspondence and presentations for City Council agenda items, when available, can be viewed via links on the meeting agenda or the associated memo. Please note that not all items will have correspondence or presentation.

Attachments

[Memo for Long Range Financial Plan Study Session 031726.pdf](#)

Summary

[View Correspondence](#)

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The Long-Range Financial Plan (LRFP) is an analytical tool designed to provide staff and decision-makers with clear economic and financial data and metrics to inform policy decisions and clarify the overall direction of the City and County, as well as the factors that influence, inhibit, and enhance that direction. With the modernization of the LRFP model, this tool now provides greater transparency and accessibility, and enables regular updates to assumptions and projections as economic conditions and development patterns evolve. The full updated plan will be presented in July, with this study session intended to provide an introduction to the framework for this significant update.

The plan is intended to link land use planning, economic information, and financial planning. This linkage is achieved by coordinating financial data and approaches with Broomfield's 2016 Comprehensive Plan and market realities. As the 2016 Comprehensive Plan (Comp Plan) is updated over the next approximately 18 months, the LRFP and updated Comp Plan land use map will work in tandem to inform economic considerations and land use decisions. The purpose of this integration is to understand the potential financial implications of future land uses and plan accordingly to ensure that Broomfield remains a financially sustainable community that can afford to maintain existing levels of service, programs, and public amenities into the future. The enhanced LRFP model strengthens this connection by providing a more granular analysis of how land use decisions, development agreements, and economic trends influence long-term revenues and expenditures.

Although Broomfield maintains strong financial health, continued positive economic and revenue results are not guaranteed. Several factors can affect the continuation of positive results, including:

- Deviations from existing and projected land uses that negatively impact the balance of commercial to residential use, as identified in the comprehensive plan
- Unforeseen effects of aging infrastructure
- Short-term and long-term economic conditions
- Broomfield's population demographics
- Changes in tax and revenue policy, increases in service levels, and demands
- Changes in retail competition from Broomfield's neighboring communities
- External events (natural disasters, public health emergencies (COVID), or cybersecurity incidents)
- State and federal influences (changes to state/federal programs, requirements, or grants, and unfunded mandates)
- Labor market impacts
- International influences (financial impacts from tariffs and trade policy shifts, global supply chain disruptions, geopolitical conflicts affecting energy and commodity prices, global financial instability, and international workforce and immigration dynamics)

Strategic Context: Transitioning to a Mature Community

Broomfield is entering a new phase of its evolution as a community. For much of its history, growth and new development expanded the tax base and helped support municipal and county services. Today, as the community approaches buildout of undeveloped land, the focus is shifting from expansion toward long-term maintenance, infrastructure stewardship, and financial sustainability.

At the same time, the broader economic environment is becoming more challenging as reflected by the ever-evolving state of our financial state; moving from a stable period coming out of COVID in 2022, to increasingly unstable in 2023, to fragile in 2024. These various states drive the pursuit of a future-ready approach that will build capacity able to absorb the ongoing volatility at the global, national, and state levels. The national and regional economy continues to experience inflationary pressures, evolving commercial real estate markets, and changing consumer behavior. Locally, Broomfield faces near-term fiscal pressures, including modest projected growth in sales tax revenues, and anticipated reductions in property tax revenues due to both recent state legislative changes and decreasing revenue from oil & gas properties/production.

In response to these conditions, the 2026 budget was developed using a fiscally constrained approach guided by the principle of spending within our means. This approach prioritizes core services, public safety, and infrastructure maintenance while limiting new discretionary spending.

As Broomfield transitions from a growth-oriented community to a mature/reinvesting community nearing buildout, long-term financial planning must account not only for future development and redevelopment but also for aging infrastructure, existing fiscal commitments, and evolving service expectations.

Increasing Complexity of Financial Decision-Making

Over the past several decades, Broomfield has made a number of strategic decisions intended to strengthen the community's economic base and attract high-quality development. These decisions include development agreements, economic partnerships, and other arrangements that involve commitments related to sales tax sharing, property tax participation, infrastructure investments, and long-term service obligations.

These agreements have played an important role in shaping the strong commercial base that supports Broomfield today. However, they also create a more complex fiscal landscape, requiring careful analysis when evaluating new development proposals, land use decisions, and long-term financial strategies.

As the community approaches buildout, understanding how existing commitments interact with future development patterns becomes increasingly important. This complexity requires analytical tools capable of evaluating long-term fiscal impacts in a comprehensive and transparent manner.

Evolution of the Long Range Financial Plan

The 2026 Long Range Financial Plan refresh and update represent the most significant evolution of Broomfield's financial planning framework since the LRFP was first adopted in 2004.

Over the past three years, staff have worked collaboratively across departments to modernize and develop a repeatable process that integrates land use planning, financial forecasting, and economic analysis. This effort reflects Broomfield's commitment to proactive fiscal stewardship and ensuring that policy decisions are supported by reliable data and transparent analysis.

As Broomfield approaches buildout and public/private reinvestment, the decisions made today have never been more important. With limited remaining developable land and increasing infrastructure responsibilities, each land use, development, and policy decision carries long-term fiscal implications that will shape the community's financial sustainability and service levels for decades to come. The updated LRFP provides the analytical framework necessary to evaluate these choices and ensure that future decisions

are informed by reliable data, transparent assumptions, and a clear understanding of their long-term impacts.

With this updated analytical framework, staff is preparing to bring forward an ordinance for City Council consideration to amend the required findings for new Planned Unit Development (PUD) plans and rezonings. This potential amendment would intend to ensure that the fiscal and financial impacts of proposed future land uses are expressly included among the criteria that the Council may evaluate when acting on such applications. This would allow Council to weigh the anticipated/projected financial impact of proposed land uses as modeled by the Long Range Financial Plan alongside traditional planning criteria. No formal action is requested at this time. Staff will bring this potential code amendment forward for Council's future consideration (anticipated during the third quarter of 2026).

LRFP Model Modernization/Refresh

A major strategic shift for this 2026 update is the transition from a static, periodically updated report to a dynamic, 10+ component "LRFP Core" model capable of quarterly or annual updates to account for shifting market factors. Developed in a collaborative effort involving a multitude of departments and corresponding staff, this new interactive tool extends Broomfield's planning horizon to the year 2055.

To provide a more granular fiscal impact analysis, the model now categorizes land use into eight distinct types—three residential and five commercial, and the land/development activities fall across over 160 residential and 150 commercial specific geographic areas. The land use information includes approved units or square footage, current, and future planned/anticipated by type and year.

As an example, the North Park area, which includes all of Baseline, has all types of residential (summarized to be Single Family/Duplex, Townhomes (mid-density housing), and Apartments and Condos) and all five types of commercial development (Office/Innovation, Production, Retail/Dining, Other, and Government/Non-Profit). The former Broomfield drive-in property, located on the northwest corner of 120th and Perry St, which is approved for development by the Wasatch Residential Group as Avenue 120, includes only two of the residential types (Townhomes and Apartments) and two types of commercial (Office/Innovation and Retail/Dining).

The LRFP modeling now includes ten unique "Economic Change Factors" to forecast long-term revenues and expenditures. As an example, the Change Factor influencing the financial revenues for sales tax revenue is a composite of household income and inflation, while the Change Factor impacting departmental spending is made up of a weighted combination of Compensation (Pay and Benefits) Change and Governmental Costs.

For the 2025-2026 work effort, staff is finalizing a two-level initiative focused on strengthening the LRFP. First, staff completed a comprehensive refresh of the LRFP approach and financial model. Second, concurrent with this effort, staff are updating the three core information sources that support and inform the model: land use, financial, and economic data.

The refresh of the LRFP approach and model will modernize how development activity and fiscal outcomes are evaluated. On the land use side, categories will be revised to reflect current development patterns and active land use conditions. These categories will also be refined to better align with key revenue and expenditure drivers. For example, commercial land use classifications will be structured to reflect the type and scale of development, ensuring that projected fiscal outcomes correspond more directly to anticipated revenue performance and service demands.

Long Range Financial Plan Update

Prepared By: Katie Allen, Director of Community Development, Graham Clark, Director of Finance, Jeff Romine, Economist

From a financial modeling perspective, the revenue framework will be refined to enhance transparency and analytical precision. Equally important is maintaining a fundamental approach that supports the needs of a maturing community – balancing asset management priorities with both population growth and programmatic expansion.

Rather than aggregating primary outside revenues into broad categories, the model will disaggregate or divide key sources to better reflect their unique characteristics and underlying drivers. For example, property tax revenues will be analyzed separately across residential and commercial components.

As an example on the expenditure side, the Capital Improvement Program (CIP) will be more clearly delineated to provide focused visibility on investments in new infrastructure versus asset replacement and lifecycle maintenance.

In addition, the model will more clearly recognize the fiscal structure of development-related agreements, ensuring that revenues—such as sales tax generated by a development or business agreement—are appropriately reflected alongside corresponding expenditures or revenue-sharing commitments. This approach will provide a clearer understanding of net fiscal impacts.

The economic component of the model will include a focused review of the shares and drivers of revenues and costs. This analysis will draw upon internal subject matter expertise and be informed by external consultants with experience in comparable fiscal and economic modeling efforts. The work will incorporate relevant economic and governmental data, research-based growth factors, and best practices in fiscal impact analysis to ensure methodological rigor and defensibility.

In parallel with the model refresh, staff will update on a regular basis, no less than annually, the underlying information that supports the LRFP. The land use database will be comprehensively reviewed to confirm the accuracy of location, type, and scale of development assumptions. This review will incorporate current and recent development patterns, direct input from developers and builders, and realistic projections grounded in market conditions.

Financial inputs will be updated to reflect 2025 actual results, consistent with the City's Annual Comprehensive Financial Report (ACFR), ensuring that the model is calibrated to the most recent verified financial data. Economic inputs have been incorporated, including current consumer data and revised growth factors, to ensure that projections are aligned with prevailing economic conditions.

Together, these efforts will provide the Council with a more accurate, transparent, and policy-responsive Long Range Financial Plan, better positioning the City to evaluate development scenarios, understand long-term fiscal sustainability, and support informed decision-making.

Ease of Use, Transparency, and Organizational Accessibility

An important component of this update is ensuring that the model is designed for ease of use, transparency, and organizational accessibility. Historically, the LRFP model relied on less than a handful of individuals who possessed the institutional knowledge required to understand and update aspects of the model. While effective at that time, that approach created a level of dependency that made long-term updates and knowledge transfer more challenging.

In developing the new LRFP Core model, staff intentionally designed the tool to be accessible and understandable to multiple team members across departments, and at varying levels of subject matter experts. By building the model collaboratively—with staff from Finance, Community Development, Economic

Development, Legal, and the City Manager’s Office actively participating in its design and testing—staff have created a system that supports capacity building and institutional knowledge across the organization.

This approach reflects an intentional organizational philosophy: building systems and shared understanding rather than reliance on individual expertise. While the collaborative development process requires additional time, it ensures that the LRFP can be consistently maintained, updated, and refined over time. Multiple staff members now understand both the structure of the model and the methodology used to update it, creating a more resilient, transparent, and repeatable process for evaluating Broomfield’s long-term fiscal outlook.

Relationship to the Comprehensive Plan Update

In addition to updating the LRFP, Broomfield has launched the 24-month process to make major updates to the 2016 Comprehensive Plan in the next few months. The Comp Plan is Broomfield’s overarching guiding policy document or “North Star.” It is intended to reflect the community’s vision for the future while also being anchored in reality and actionable. The Comp Plan update process -- branded as “Broomfield Together” -- will include robust public engagement with the community and include a newly appointed Comprehensive Plan Community Advisory Committee (CPCAC) to help steer the Plan.

The Broomfield Together update will include an assessment of Broomfield’s land use map. This map is visionary in nature, as opposed to regulatory, like a zoning map, and is used to guide future development. The Comp Plan land use map also serves to inform the LRFP assumptions. Careful consideration will be needed to ensure the community’s vision for future land use development is also grounded, actionable, and fiscally sound as Broomfield continues to grow and evolve over the next 10-20+ years. An advantage for the forthcoming Comp Plan process is that the LRFP Core model has been designed for consistent maintenance, updates, and refinement.

Conclusion

As Broomfield approaches community buildout, the importance of long-term fiscal planning becomes increasingly critical. The updated Long Range Financial Plan provides the Council with a more sophisticated and transparent tool for understanding how land use decisions, development patterns, and economic conditions influence the community’s financial future, and staff anticipates presenting the updated Long Range Financial Plan for Council approval in July 2026.

By modernizing the LRFP model and strengthening the underlying data and analysis, the City is better positioned to evaluate development scenarios, plan for infrastructure needs, and ensure that Broomfield continues to provide high-quality services in a financially sustainable manner. The updated LRFP represents an important step in supporting thoughtful, data-informed decisions that will guide the community through the next phase of its development.

Prior Council or Other Entity Actions

- [Oct. 26, 2004](#) - Council adopted the first Long Range Financial Plan (Res. No. 2004-170)
- [Jul. 28, 2009](#) - Council approved the first update to the Long Range Financial Plan (Res No. 2009-118)
- [Oct. 22, 2013](#) - Council approved the 2013 Long Range Financial Plan (Res. No. 2013-177)
- [Apr. 13, 2021](#) - Council approved 2021 Long Range Financial Plan (Res. No. 2021-63)

Long Range Financial Plan Update

Prepared By: Katie Allen, Director of Community Development, Graham Clark, Director of Finance, Jeff Romine, Economist

Boards and Commissions Prior Actions and Recommendations

N/A

Proposed Actions / Recommendations

No action is requested at this time.

Alternatives

N/A



BROOMFIELD CITY COUNCIL

To: Mayor and City Council

From: Jennifer Hoffman, City and County Manager

Presented By: Lynn Merwin, Deputy Director of Community Development (Planning)

Meeting Date: Tuesday, March 17, 2026, 6:00 PM

Agenda Category: Study Session

Agenda Item: 2B

Subject: Code Update Regarding Electric Vehicle (EV) Charging as Primary Permitted Use

Goals: Thriving, Diverse, Safe and Welcoming Community

Overview

Correspondence and presentations for City Council agenda items, when available, can be viewed via links on the meeting agenda or the associated memo. Please note that not all items will have correspondence or presentation.

The purpose of this memorandum is to discuss and request direction regarding potential updates to the Broomfield Municipal Code (BMC) with respect to Electric Vehicle (EV) Charging Station requirements when proposed as a primary use on a property within Broomfield. EV Charging Stations are currently not included in the BMC as a primary permitted use in any of the established zoning districts.

Attachments

[EV Charging as Primary Use Study Session Memo.pdf](#)

[DRAFT EV Charging Ordinance.pdf](#)

[View Correspondence](#)
[View Presentation](#)

Summary

The purpose of this memorandum is to discuss and request direction regarding potential updates to the Broomfield Municipal Code (BMC) with respect to Electric Vehicle (EV) Charging Station requirements when proposed as a primary use on a property within Broomfield. The term “EV Charging Stations” is not currently listed as a standalone permitted use in the BMC. Instead, the BMC considers the “electric charging of vehicles” as a “gas station” for zoning purposes when it is the primary use of a property. Meaning that, all land use requirements applicable to gas stations apply to sites where the primary use is electric vehicle charging.

Colorado State legislature passed legislation regarding municipal regulation of Electric Motor Vehicle Charging Systems, [HB24-1173](#), which requires certain local governments, including Broomfield, to facilitate the permitting of electric vehicle (EV) charging systems by streamlining the process for local governments to approve permits for developing electric vehicle charging infrastructure. It further limits local jurisdictions from requiring a separate land use permit for Level 1 or Level 2 charging facilities since these types of chargers do not typically generate additional traffic since they are utilized while doing other usual activities (parking at home or office for example).

Staff is proposing EV charging stations as a primary use of a property be specifically listed and permitted in most zoning districts, excluding residential, agricultural, transit-oriented development (TOD), and Transitional Overlay Area District (TOAD) zoned districts. If Council directs staff to proceed with an ordinance in support of HB24-1173, the proposed ordinance would address the following:

- Add EV charging as a primary permitted use in commercial, mixed-use, and industrial zone districts where explicitly listed;
- Introduce new definitions relating to EV charging stations (currently EV charging stations as a primary permitted use are referenced in the definition of a gas station and are considered a gas station for zoning purposes);
- Add certain regulations that align with the HB24-1173, regarding EV charging stations and associated supply equipment;
- Codify the administrative review process for EV charging as an accessory use within Planned Unit Development (PUD) districts; and
- Establish an administrative review process for EV charging as a primary permitted use within PUD districts.

Please consult the proposed [draft ordinance](#) for the details.

This study session provides Council an opportunity to discuss the potential EV Charging Code Update and the requirements of HB24-1173. In addition, staff is seeking direction on whether or not to proceed with a formal ordinance for Council’s consideration.

Financial Considerations

The overarching intent of the new legislation is to ensure the efficient review of EV charging station applications.

The potential Code update, if adopted, could reduce the review period timeline for EV charging station applications, thus resulting in a more efficient process for EV Charging owners and operators.

There are permit fees associated with new EV charging stations and modification applications. This is not a revenue generator; however, it is a fee to cover the costs of processing the application and inspections.

Prior Council or Other Entity Actions

[September 27, 2022](#) - The City Council approved Ordinance No. 2198, which created the definition of electric vehicle charging as a primary use being considered as a gas station for zoning purposes. The intention was to allow commercial electric vehicle charging as an allowable use in a zoning document referencing “gas station” as a permissible use.

[August 22, 2023](#) - The City Council approved Ordinance No. 2216, which adopted the Colorado Model Electric Ready and Solar Ready Code. This established minimum requirements for the number of EV charging parking spaces for new developments and for certain existing developments that meet the major renovation or addition threshold. This ordinance had an ancillary purpose to ensure there is no duplication of requirements related to EV parking within Title 15 (Building and Construction) and Title 17 (Zoning) of the Broomfield Municipal Code.

Boards and Commissions Prior Actions and Recommendations

February 9, 2026 - The potential code amendments anticipated with an EV charging station ordinance were presented to the Advisory Committee on Environmental Sustainability (ACES). ACES recommended the City Council move forward with consideration to adopt an EV Charging Ordinance as described at the February 9th ACES meeting.

In addition, ACES posed the following question for consideration by the City Council: Should the draft ordinance consider establishing limitations regarding the size of commercial elements that may be permitted as accessory to a primary EV charging station? For example, if a convenience store is proposed as accessory to an EV charging station (similar to a convenience store being accessory to a gas station), should the size of the convenience store be limited to ensure it is an accessory use versus a primary use?

Proposed Actions / Recommendations

No formal action is requested. Staff is seeking direction on whether and to what extent Council desires to move forward with the proposed code changes related to electric vehicle charging.

Alternatives

Make no changes to the B.M.C. at this time, which would effectively opt out of the mandates of HB24-1173.

How to Submit Public Comments on this Proposal

Email directly to Planning@broomfield.org

Background

Colorado State legislature passed legislation regarding municipal regulation of Electric Motor Vehicle Charging Systems, HB24-1173, which requires certain local governments, including Broomfield, to facilitate the permitting of electric vehicle (EV) charging systems by streamlining the process for local governments to approve permits for developing electric vehicle charging infrastructure. The BMC does not explicitly list EV charging stations as primary permitted use, which is becoming more commonplace throughout the Front Range and Colorado. Instead, the BMC allows EV charging as a primary use to be considered similar to a gas station for zoning purposes. Staff recommends separating EV charging and gas stations into two distinct use types.

A primary use means the main or principal purpose for which land and/or the structures thereon are used. Electric vehicle charging as a primary use involves providing electricity to customers for a fee through multiple charging station ports grouped together on a single lot. The charging stations are typically mounted to a wall or are installed as freestanding pedestals, and electricity is transmitted through a cord with a handle that connects the port to the electric vehicle. Payment for the service is typically made by customers either online or at the charging stations.

EV charging stations can be offered at three different levels that are determined by the amount of power they supply and the rate at which they can charge a vehicle. Level 2 and 3 chargers are most commonly found in commercial settings. Level 2 chargers can charge a vehicle battery to 80% in a few hours, and Level 3 chargers can provide the same level of charge in approximately 30 minutes.

At this time, EV charging stations have been predominantly installed as accessory uses meaning they are “subordinate or incidental to, and on the same lot or on contiguous lot in the same ownership, as the building or use being identified or advertised.” These charging stations have typically been Level 2 chargers. Charging stations as accessory uses typically make up a small portion of existing parking lots. This service is generally secondary in nature to the primary use, and the installation of EV chargers is typically included as part of the infrastructure designed for the primary use. New development in Broomfield must adhere to the adopted codes, including the Colorado Model Electric Ready code requiring installation of EV parking infrastructure to serve the new development.

Prior to this study session, staff reviewed ordinances related to EV charging facilities created by the cities of Denver, Aurora, Erie, and Westminster. Staff has also reviewed information from the [Colorado Electric Vehicle Model Land Use Code and Implementation Guidance](#) created by the Colorado Energy Office, available and utilized by other communities to regulate EV charging facilities.

Proposed Code Changes

The draft code update aims to comply with the major elements of HB24-1173. The drafted ordinance does not include EV charging stations as primary permitted uses within residential

(including the TOAD), agricultural, or TOD zone districts. The BMC currently requires accessory EV installed-, EV ready-, and EV capable- parking spaces for new developments as part of the Electric and Solar Ready Code. EV chargers are typically permitted as an accessory use in all districts.

Some highlights of the new definitions and regulations are outlined below:

- **EV Charging Station as Primary Permitted Use.** The drafted ordinance proposes to allow EV Charging Stations as a primary use in most commercial, industrial and mixed use zoning districts. They would be excluded from residential, agricultural, TOAD, and TOD-zoned properties.
- **EV Charging Station as an Accessory Use.** The drafted ordinance would not change the current allowance for EV charging infrastructure to be accessory to a primary use of a property in all zone districts.
- **Definitions.** New definitions proposed in this ordinance include Electric Vehicle (EV), EV Charging Station, and EV Charging Supply Equipment. These new definitions will effectively separate and differentiate the EV Charging Station use from a Gas Station use.
- **EV Charging Station Equipment Requirements.** The essential equipment associated with the operation of the charging station is proposed to have a minimum required 5-foot setback from adjacent property lines, and to be outside of sight clearance areas, as established by Broomfield Standards and Specifications. These potential amendments, if approved by Broomfield, would vary from the required code language in HB24-1173. The purpose of the proposed variation from HB24-1173 is intended to promote safety by requiring a minimum setback from public right-of-way or other property lines, and limiting the placement of equipment at an intersection that could obstruct the visibility of motorists and others in the vicinity of the intersection.
- **EV Charging as an Accessory Use, Codify Administrative Review for Process for Properties with approved PUDs, SDPs, and/or URSPs.** When property owners have chosen to install new EV charging infrastructure as an accessory use for property with a previously approved site development plan (SDP) or urban renewal site plan (URSP), the addition of these improvements have been processed through Administrative Modifications to the SDP/URSP. The proposed ordinance would codify the current practice for reviewing and approving accessory use EV charging stations proposed in a PUD zone district with an approved site development plan or when there is an approved URSP. Codifying the current practice would improve the transparency of the required process.
- **EV Charging as a Primary Permitted Use, Establish an Administrative Review Process for PUD-zoned properties with an approved PUD plan but no approved SDP.** Currently, properties zoned PUD with an approved PUD Plan, require approval of an SDP through one or more public hearings to allow development of the property. Staff proposes to establish an administrative review process for these properties without an approved SDP to permit EV Charging as a primary use provided the PUD uses are intended for commercial, industrial or mixed use purposes. The administrative review process would require a site plan subject to approval by the city manager, or their designee, who could opt to refer the proposal for a public hearing. This essentially

mimics the above-described review process that is used for properties that have an approved SDP or URSP.

Time Limitations

Staff is proposing not to include any specific operating time limitations on EV charging facilities since, typically, Broomfield does not place limitations on business operating hours. Property owners can establish their own operational time limitations.

Place and Location

HB24-1173 requires that EV charging stations be permitted as a use by special review in residential and agricultural zone districts. Consistent with Broomfield’s current standards to not permit commercial uses, even as a use by special review, in residential and agricultural districts, staff is proposing that Broomfield vary from this requirement by limiting primary use EV charging stations to properties zoned for commercial, industrial, and mixed-use. The intent is to maintain the existing character of the residential, TOAD, agricultural, and high-density TOD neighborhoods, which have historically not allowed similar fueling (gas) station uses. EV charging would remain allowed as accessory to the primary use, but a stand-alone commercial EV charging facility would not be permitted or allowed by use by special review. The table below outlines what staff is proposing compared to the model code provided by the Colorado Energy Office (CEO). City Council feedback regarding the intended zones for stand-alone EV charging facilities is requested.

Table showing which zoning districts would allow for primary use EV charging stations. “NP” means not permitted and “USR” means it requires use by special review approval and “X” means permitted by right.

BMC Zone District	Proposed Ordinance	CEO Model Code
Open Space	NP	USR
A-1 Agricultural	NP	USR
RR Rural Residential	NP	USR
E-1 Estate	NP	USR
E-2 Estate	NP	USR
E-3 Estate	NP	USR
R-1 Low-Density Residential	NP	USR
R-3 Medium-Low Residential	NP	USR
R-5 Medium-High Residential	NP	X
R-7 High Density Residential	NP	X
TOD-1 Transit Oriented Development (TOD)	NP	X

B-1 Limited Business	X	X
B-2 General Business	X	X
MU-1 Suburban Mixed Use	X	X
MU-2 Employment Mixed Use	X	X
I-1 Limited Industrial	X	X
I-2 General Industrial	X	X
I-3 Industrial	X	X
Transitional Overlay Area District (TOAD)	NP	USR

X - Permitted by Right
 USR - Permitted as Use by Special Review
 NP - Not Permitted

Furthermore, HB24-1173 also requires that charging stations and associated supply equipment be permitted within all minimum established setbacks. To ensure safety and maintain standard accessory structure setbacks, staff is proposing that Broomfield vary from this requirement by establishing location restrictions for EV charging stations and associated electric supply equipment to not be within sight distance areas, or within a minimum of 5 feet from adjacent property lines. The proposed location restrictions are consistent with Broomfield’s existing regulations and setback requirements for accessory buildings and structures.

Size of Accessory Convenience Use

When ACES reviewed the draft ordinances, they posed the following question for consideration by the City Council: Should the draft ordinance consider establishing limitations regarding the size of commercial elements that may be permitted as accessory to a primary EV charging station? For example, if a convenience store is proposed as accessory to an EV charging station (similar to a convenience store being accessory to a gas station), should the size of the convenience store be limited to ensure it is an accessory use versus a primary use?

This issue was raised since, under the draft code, a development proposal qualifies for administrative review process if it is primarily an EV charging station, whereas, a convenience store would not qualify for this review. To be considered accessory to a primary use, the accessory use must be clearly subordinate or incidental to the primary use. Typically, the size and scope of an accessory use is not further defined, and for this reason, staff does not believe it is necessary to place a specific limitation on the size of an accessory convenience store associated with an EV charging station.

The Broomfield Municipal Code has procedures established to request reconsideration of a decision of the Planning Director if an applicant believes that the Planning Director has incorrectly determined that a convenience store, rather than the EV charging station, is the

primary use on the site. These appeals are considered by the Neighborhood Board of Adjustment through a public process.

However, if City Council would like to specify the maximum size of a convenience store associated with an EV charging station, staff would recommend a maximum size that is no greater than 10% of the site. This threshold is based on staff's review of recent approvals of gas stations with accessory convenience stores, and would accommodate a typical moderately-sized convenience store.

HB24-1173 State Action and Local Control on Land Use

Staff acknowledges that the Colorado State legislature adopted HB24-1173 (see link above) with a legislative declaration that EV charging facilities and associated infrastructure are critical to the people of the entire state of Colorado for reasons such as mobility, alternative modes of transportation and sustainability. This was one of several bills that the state legislature passed regarding local land use control in 2024 and 2025. This view of land use regulation being a matter of statewide or mixed state and local concern is different from the traditionally held view that land use is a local matter.

Council has disagreed with the state's preemption in this area in the past, as already indicated in [Ordinance No. 2241](#) on occupancy restrictions. Similar to residential occupancy restrictions, the entitlement review process for modifications to existing site development plans or installation of new EV charging facilities is a matter of local concern. However, separate from the preemptive requirements imposed by the HB24-1173 and acknowledging the ability to retain existing local codes, Council recognizes the need for and value of EV charging stations. This is why Broomfield has followed its own review processes and has not held up the installations of EV charging stations to any significant degree. Without relinquishing Broomfield's local control in this space, Council can consider and modify its Code provisions regarding EV charging stations entitlement reviews.

Public Engagement

Following this study session, and assuming Council provides direction to proceed, the Planning Division will publish a Broomfield Voice page dedicated to the proposed EV charging code update ordinance. This webpage will be used to inform the community about the code changes and solicit feedback.

The Broomfield Voice page will remain open to solicit feedback while staff prepares a formal ordinance for consideration.

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 ordinances in Broomfield.

Timeframe and Next Steps

Following this study session, if directed to move forward, staff proceed with the proposed ordinance for Council's consideration at first reading later this year.

Questions For City Council To Consider While Providing Feedback

1. Does Council desire to update the Broomfield Municipal Code to allow EV charging as a primary permitted use in commercial, industrial, and mixed-use zone districts?
2. Does City Council want to allow EV charging stations as a permitted use in any residential, agricultural, TOD or other zone districts (see table above)?
3. Further limiting the zoning districts where EV charging stations are permitted as a primary use would opt out of the HB24-1173 requirements in regard to where EV charging stations should be allowed as a primary permitted use or use by special review.
4. Does Council wish to include minimum setback and sight distance requirements as set forth in the draft ordinance?
 - Including the minimum setbacks and sight distance requirements would opt out of the HB24-1173 requirement to allow EV charging stations and associated supply equipment to encroach into minimum setbacks and sight distance requirements.
5. Does Council support an ordinance that would authorize the city manager, or their designee, to approve site development plans for EV charging stations as a primary permitted use (similar to the current practice of approving EV charging as an accessory use)?
 - If yes, then all EV charging proposed as a primary permitted use would be eligible for approval through an administrative review process as outlined in the draft ordinance.
6. Does Council wish to direct staff to incorporate the ACES recommendation to consider incorporating limitations on the size of commercial accessory uses such as a convenience store that may be proposed with EV Charging as a primary use?

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

ORDINANCE NO. XXXX

An Ordinance to amend the Broomfield Municipal Code, Title 17, to revise the regulations for Electric Vehicle Charging Systems and to allow Electric Vehicle Charging Stations in various Broomfield Zone Districts

Recitals.

Whereas, in September 2020, the City Council of Broomfield adopted Resolution 2020-169, Greenhouse Gas Reduction Plan, establishing greenhouse gas reduction targets for Broomfield as a community, as well as an organization.

Whereas, one of the recommended actions in the Plan was the establishment of policies and programs that promote low-carbon transportation options and electric vehicles (EV) affecting renewable energy use and emissions reduction.

Whereas, in August of 2023, the City and County of Broomfield approved Ordinance No. 2216 adopting the Colorado Model Electric Ready and Solar Ready Code, which established minimum requirements for the number of EV charging parking spaces for new development and certain existing developments that meet the major renovation or addition threshold.

Where, Ordinance 2216, had an ancillary purpose to ensure there is no duplication in requirements related to EV parking within Title 15, Buildings and Construction, and Title 17, Zoning, of the Broomfield Municipal Code.

Whereas, the City and County of Broomfield believes that the land use regulations for EV charging systems is a matter of local concern, which Broomfield has been addressing since 2020.

Whereas, the Colorado State legislature passed legislation regarding municipal regulation of Electric Motor Vehicle Charging Systems, HB24-1173, which requires counties over 20,000 and municipalities over 10,000 to facilitate the permitting of EV charging systems by either adopting the EV Charging Model Land Use Code, adopt the permitting process and standards in HB 24-1173, or adopt an ordinance confirming the application of a local code and opting out of revising its codes. The basis for the state regulation in the traditionally local land use regulation space was that developing electric vehicle charging infrastructure as a matter of mixed statewide and local concern.

Whereas, Broomfield desires to, as permitted by C.R.S. § 31-23-316(2)(a)(III), maintain its existing EV local code and also make additional revisions to its existing EV regulations to further streamline the permitting of EV charging systems and the harmonization of definitions associated with EV charging system types set forth in HB24-1173.

Whereas, the amendments proposed in this ordinance also support key strategic outcomes in Broomfield related to mobility and sustainability by revising existing permitting processes and modernizing the existing code.

Now, therefore, be it ordained by the City Council of the City and County of Broomfield, Colorado:

Section 1.

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

...

17-04-105 - Electric Vehicle (EV).

Electric Vehicle means an automotive-type vehicle for on-road use, including but not limited to, passenger automobiles, buses, trucks, vans, neighborhood electric vehicles, and electric motorcycles, primarily powered by an electric motor that draws current from a building electrical service, EVSE, a rechargeable storage battery, a fuel cell, a photovoltaic array, or another source of electric current. Off-road, self-propelled electric mobile equipment, including but not limited to, industrial trucks, hoists, lifts, transports, golf carts, airline ground support equipment, tractors, and boats are not considered electric vehicles.

...

17-04-126 - EV Charging Station.

EV Charging Station means equipment that includes one or more EV charging ports to provide charging for EVs or such other electric vehicle supply equipment, generally located adjacent to dedicated parking spaces for EVs while they charge. An EV charging station may also include accessory uses such as vehicle vacuums, restaurant/food facilities for sales, and convenience stores. Servicing of vehicles is limited to the checking and adding of fluids and air and the cleaning of windows. No other repair or servicing of vehicles is permitted on site.

17-04-127 - Electric Vehicle Supply Equipment (EVSE).

Electric Vehicle Supply Equipment (EVSE) has the same meaning as set forth in the Colorado Low Energy and Carbon Code as amended. For purposes of Title 17, electric vehicle supply equipment may include power conversion equipment, electrical distribution equipment such as transformers, switchgear boxes, distribution lines, and other supportive equipment.

...

17-04-195 - Gas Station

Gas station means a building and premises used for the retail sale of gasoline, or other fuels for motor vehicles. A gas station may also include accessory uses such as car washes, vehicle vacuums, restaurant/food facilities for sales, and convenience stores. Servicing of vehicles is limited to the checking and adding of fluids and air and the cleaning of windows. No other repair or servicing of vehicles is permitted on site. ~~If the primary use of a property is electric charging of vehicles, then the use shall be considered a gas station for zoning purposes.~~

Section 2.

Chapter 17-20 - B-1 Limited Business District, of the Broomfield Municipal Code is amended as follows:

. . .

17-20-020 - Permitted uses; by right.

The following uses are permitted by right in the B-1 district: Limited business uses, including but not limited to the following:

- (A) Banks, savings and loan, and finance companies;
- (B) Churches and church facilities;
- (C) Medical and dental laboratories;
- (D) Offices and clinics;
- (E) Municipal buildings;
- (F) Parking lots and parking garages;
- (G) Personal service shops;
- (H) Public and private schools;
- (I) Public utility installations excluding repair, storage, and production facilities;
- (J) Commercial recreational uses and theaters, indoor;
- (K) Restaurants and other eating and drinking places where food is primarily consumed indoors or at outdoor tables. Drive-ins where food is consumed primarily in autos or off-premises are not included;
- (L) Retail stores;
- (M) Accessory building and uses; ~~and~~
- (N) Sexually oriented businesses-; ~~and~~
- (O) EV Charging Stations.**

Section 3.

Chapter 17-22 - B-2 General Business District, of the Broomfield Municipal Code is amended as follows:

. . .

17-22-020 - Permitted uses; by right.

The following uses are permitted by right in the B-2 district:

- (A) General business uses, including but not limited to the following:
 - (1) Automobile sales and services;
 - (2) Banks, savings and loan, and finance companies;
 - (3) Churches and church facilities;
 - (4) Hotels and motels;
 - (5) Membership clubs;
 - (6) Offices and clinics;
 - (7) Municipal buildings;

- (8) Parking lots and parking garages;
- (9) Public recreation areas and facilities;
- (10) Personal service shops;
- (11) Printing and newspaper offices;
- (12) Private schools;
- (13) Commercial recreational uses and theaters, indoor;
- (14) Restaurants and other eating and drinking places;
- (15) Retail and wholesale stores;
- (16) Accessory buildings and uses;
- (17) Pet shops;
- (18) Drive-in restaurants;
- (19) Bakery, when products are sold at retail on the premises; and
- (20) Sexually oriented businesses.; and
- (21) **EV Charging Stations.**

Section 4.

Chapter 17-23 - MU-1 Suburban Mixed Use District, of the Broomfield Municipal Code is amended as follows:

. . .

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

The following uses are permitted by right in the MU-1 district:

- (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 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; and
- (W) Accessory buildings and uses.; and
- (X) EV Charging Stations.**

Section 5.

Chapter 17-23.1 - MU-2 Employment Mixed Use District, of the Broomfield Municipal Code is amended as follows:

...

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

The following uses are permitted by right in the MU-2 district:

- (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;
- (I) Flex office and flex industrial;
- (J) Food truck court;
- (K) Hospitals;
- (L) Hotels and motels;
- (M) Manufacturing, processing and packaging of medical and pharmaceutical supplies, precision or electronic instruments, parts, or tools;
- (N) Medical, dental, experimental, and testing laboratories;
- (O) Municipal uses;
- (P) Offices including medical offices and clinics;
- (Q) 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;
- (R) 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.;
- (S) Parking structures;
- (T) Parks and recreation facilities;
- (U) Personal service shops;
- (V) Pet daycares with overnight boarding;

- (W) Places of worship;
- (X) Public and private schools;
- (Y) Research and development;
- (Z) Restaurants and other eating and drinking establishments;
- (AA) Retail stores;
- (BB) Studios for arts, crafts and instruction such as dance, yoga and martial arts;
- (CC) Veterinarian clinics including overnight boarding;
- (DD) Warehouse distribution and wholesale uses; and
- (EE) Accessory buildings and uses.; and
- (FF) EV Charging Stations.**

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) Office and commercial uses, limited to the following:
 - (1) Administrative, office, and research facilities;
 - (2) Commercial services such as plumbing, electrical bakery, food catering, household equipment, and appliance rental and repairs;
 - (3) Commuter and business parking;
 - (4) Indoor entertainment and commercial recreation such as sports arenas, fitness clubs and facilities for volleyball, bowling, soccer, skating, and similar activities;
 - (5) Medical clinics;
 - (6) Membership; clubs;
 - (7) Restaurants or food service intended to serve the industrial employment population or other food service when secondary to the primary permitted use;
 - (8) Retail sales and service businesses;
 - (9) Sexually oriented businesses, subject to [chapter 5-36](#), B.M.C.;
 - (10) Studios for arts, crafts and instruction such as dance, yoga and martial arts; and
 - (11) Temporary sales stands, subject to [chapter 17-31](#), B.M.C.; and
 - (12) EV Charging Stations.**

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:
 - (1) Animal hospitals, day-cares or kennels when at least 200 feet from residential-zoned property;
 - (2) Building supply yards, or contractor storage yards enclosed and screened by a fence or wall as defined in section [17-32-140](#), B.M.C.;
 - (3) Gas stations, service stations or car wash facilities.;
 - (4) Nurseries and greenhouses and including retail sales.; **and**
 - (5) **EV Charging Stations.**

Section 8.

Chapter 17-26.05 - I-3 Industrial District, of the Broomfield Municipal Code is amended as follows:

...

17-26.05-020 - Permitted uses; by right.

The following uses are permitted by right in the I-3 district, provided that they are conducted to confine all dust, fumes, odors, refuse matter, smoke, vapor, noise, lights, glare, and vibrations within the boundaries of the I-3 district in which they are located or that they mitigate such impacts on the adjacent uses:

- (A) Office and commercial uses, limited to the following:
 - (1) Administrative, office, and research facilities;
 - (2) Animal hospitals, day-cares or kennels when at least 200 feet from residential-zoned property;
 - (3) Building supply yards or contractor storage yards enclosed and screened by a fence or wall as defined in section [17-32-140](#), B.M.C.;
 - (4) Commercial services such as plumbing, electrical, bakery, food catering, household equipment, and appliance rental and repairs;
 - (5) Commuter and business parking;
 - (6) Gas stations, service stations or car wash facilities;
 - (7) Nurseries and greenhouses and including retail sales;
 - (8) Sexually oriented businesses, subject to [chapter 5-36](#), B.M.C.; and
 - (9) Temporary sales stands, subject to [chapter 17-31](#), B.M.C.; **and**
 - (10) **EV Charging Stations.**

Section 9.

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

...

17-32-040 - Off-street parking; required spaces.

...

- (I) **Electric Vehicle Parking Space Requirements.** Electric vehicle parking spaces shall be provided consistent with the requirements of Chapter 15-07 ~~Chapter 15-33~~, the **Colorado Low Energy and Carbon Code** ~~Broomfield Electric Ready and Solar Ready Code~~.
 - (1) The location of all EV ready and EV installed spaces shall be noted on the site development plan or urban renewal site plan.
 - (2) The site development plan or urban renewal site plan shall include a note stating the total number of EV capable parking spaces consistent with **Chapter 15-07** ~~Chapter 15-33~~, the **Colorado Low Energy and Carbon** ~~Broomfield Electric Ready and Solar Ready Code~~ to be verified at the time of Building Permit review and issuance.
 - (3) All non-single-unit residential installations of electric vehicle charging spaces with an installed charger shall include signage identifying spaces as ~~restricted~~ parking for Electric Vehicles. If time limits or vehicle removal provisions are to be privately enforced, regulatory signage including parking restrictions shall be installed immediately adjacent to, and visible from the electric vehicle charging station.
 - (4) The property owner is not restricted from collecting a service fee for the use of an electric vehicle charger utilized at a required electric vehicle charging space made available to residents, employees, and visitors to the property.
 - (5) The property owner may limit the use of the electric vehicle charging space to ensure that it remains available for employees and customers of the business.
 - (6) Multi Unit Residential Development offered for sale to individual homeowners (condominiums) shall provide one EV ready space per unit.
- (J) EV Installed parking spaces must comply with requirements from the International Building Code (IBC).
 - (1) Broomfield counts parking spaces served by EV charging stations toward minimum parking requirements.
 - (2) Van-accessible parking spaces that are designed to accommodate a person in a wheelchair, served by an EV charging station, and are not designated as a parking reserved for a person with a disability under Colorado Title 42, section 42-4-1208, will be counted as two standard automobile parking spaces.
 - (3) One parking space served by an EV charging station must meet the ADA design standards for a van-accessible parking space. This space is not required to be designated (signed) as an "accessible parking space."
- (K) **EV Charging Station Equipment Requirements.**
 - (1) **Essential electric vehicle supply equipment associated with the operation of the EV charging station shall be located outside of sight distance area,**

as reasonably determined by the City Engineer, and setback a minimum of 5 feet from adjacent property lines.

- (2) The appearance, materials, and dimensions of the EV charging stations and electric vehicle supply equipment shall be determined by current EV charging manufacturing standards and utility design standards.
- (3) Screening or landscaping for subject EV charging stations and electric vehicle supply equipment shall not be located within the electrical equipment safety and access distances from national electrical safety standards, including National Fire Protection Association (NFPA) standards, the National Electric Safety Code (NESC), and other relevant national safety standards.

Section 10.

Chapter 17-38 - Planned Unit Development, of the Broomfield Municipal Code is amended as follows:

...

17-38-180 - Site development plan; hearing and notice; land use review commission.

The land use review commission shall hold a public hearing on the site development plan. Notice shall be given in accordance with the provisions of [chapter 17-52](#), B.M.C. This public hearing requirement shall exclude EV charging stations when proposed as a primary use, which may be approved by the city manager or their designee, in accordance with [section 17-38-230](#), if they determine the site development plan to be generally consistent with the approved PUD plan.

...

17-38-230 - Modification.

- (A) The city manager or his or her designee may approve modifications to the site development plan if he or she determines the modifications are generally consistent with the approved PUD plan, site development plan and urban renewal site development plans. Such modifications are also restricted to the following categories and limits:
 - (1) Floor area ratios, number and density of dwelling units, building coverage, and overall exterior dimensions may be decreased by any amount or may be increased by not more than 10%.
 - (2) Minimum lot sizes and open area may be increased by any amount or may be decreased by not more than 10%.
 - (3) Parking and drive coverage may be changed by not more than 10%.
 - (4) Location, species, and size of new trees and shrubs, and location and type of turf, ground cover, planting areas, retaining and decorative walls, fences, and similar structures can be changed, provided that materials remain equivalent and locations remain appropriate.

(5) The grading plan may be changed, provided that the city engineer determines there is a sound engineering basis for such change.

(6) Installation of EV Charging Stations and associated equipment.

~~(6)~~ (7) Other modifications may be made if, in the opinion of the city manager or his or her designee, they are minor in scope, will not have a detrimental effect on the neighborhood or the project, and satisfy the review standards of section [17-38-220](#).

(B) Except as provided in subsection (A) of this section, any modification to an approved site development plan requires the same review by the land use review commission and the city council as the original site development plan.

(C) At the discretion of the city manager or his or her designee, a formal or informal hearing may be conducted to assist in making findings relevant to modifications permitted by this section. All costs of notification and hearing shall be borne by the proponent of, or applicant for, the modification.

Section 11.

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 ordered published.

XXXXXXXXXXXXXX

XXXXXXXXXX DRAFT ONLY



BROOMFIELD CITY COUNCIL

To: Mayor and City Council
From: Jennifer Hoffman, City and County Manager
Presented By: Lynn Merwin

Meeting Date: Tuesday, March 17, 2026, 6:00 PM
Agenda Category: Study Session
Agenda Item: 2C
Subject: Code Update Regarding Wireless Facilities Review Timeline Ordinance

Goals: Thriving, Diverse, Safe and Welcoming Community

Overview

Correspondence and presentations for City Council agenda items, when available, can be viewed via links on the meeting agenda or the associated memo. Please note that not all items will have correspondence or presentation.

This study session is intended to present the details of Colorado House Bill 25-1056 and detail the potential impacts to Broomfield's Municipal Code as it relates to the review of wireless facility development and modification applications. Staff is asking for City Council's direction regarding potential amendments to the code related to wireless facility applications.

Attachments

[Wireless Code Update Study Session Memo.pdf](#)

Summary

[View Correspondence](#)

[View Presentation](#)

This study session is intended to present the details of [Colorado House Bill HB25-1056](#) as it relates to the review of wireless facility development applications. Staff is requesting City Council's direction regarding potential amendments to the Broomfield Municipal Code related to wireless facility applications.

In 2025, the Colorado Legislature passed House Bill 25-1056, concerning local government permitting of wireless telecommunications facilities. This bill amended a law that was originally passed in 2014 regarding broadband deployment and small cell facilities. The bill intends to streamline the permitting process for wireless service facilities, including co-locations and new siting applications, by establishing a "deemed approval" requirement if a local government fails to approve or reject an application within specific timelines. As part of HB 25-1056, and consistent with the preemption language in the 2014 law regarding broadband, the General Assembly declared that the efficient permitting of wireless facilities is a matter of statewide concern. Furthermore, the bill specifies conditions under which a local government can toll (pause) the review period for an application, outlines requirements for judicial review of deemed approvals, and prohibits local governments from requiring a new application or permit for equipment replacement that does not amount to a substantial change.

The Broomfield Municipal Code (BMC) established regulations specific to wireless facilities in 1996 (Ordinance No. 1194), which are located in Chapter 17-35 of the Code. There were substantial changes to this section of the code in 2018 (Ordinance No. 2070) wherein the review process and definitions for "small cell facilities" were added. (Small cell facilities are low-powered antennas that provide cellular and data coverage to smaller geographic areas, supplementing the larger cellular network). In the past five years, Broomfield has only received and reviewed three applications for new towers that were required to go through Use by Special Review consideration at public hearings decided by Council. Furthermore, Broomfield primarily receives applications for collocations of wireless equipment, which includes Eligible Facilities Requests, which are administrative level reviews.

The new legislation in HB25-1056 calls for new or updated definitions for key terms, creates administrative and public hearing approval processes and timelines, and adds review standards for administrative and public hearing review processes. The bill also requires specific timeframes for approval (aka "shot clocks"). While Broomfield will need certain code updates to comply with the bill, the new 90 day/150 day "shot clock," which are prescribed review periods, are already being met for Broomfield's administrative collocation applications. These collocation applications make up the vast majority of development review cases for wireless telecommunications facilities. Although the applications involving the Use by Special Review process have not strictly met the "shot clock" review periods, these types of applications are rare for Broomfield as previously stated. Nevertheless, Broomfield will need to comply with the shot clock for such applications, even if small in number.

If directed to proceed with an ordinance amendment, the proposed changes to the BMC, Section 17-35, would add specificity to the review timeline for Administrative and Public Hearing review processes in accordance with HB 25-1056. Specifically, language would be added to clarify when the review period starts and stops based on specific steps in the review process. Furthermore, the proposed ordinance would be drafted to allow Broomfield to deny any wireless application that does not meet the standard for approval by the specified timeline for that application. The denial would be determined through either an administrative review or through a public hearing. The proposed ordinance would also include an option for the applicant to come to a written agreement with staff, such as the city manager, to extend the review period should an application require it.

Financial Considerations

The overarching intent of the new legislation is to ensure the efficient review of wireless facilities applications. The proposed Code amendments, if adopted, could reduce the review period timelines for wireless facilities applications, thus resulting in a more efficient process for wireless facility owners and operators.

There are permit fees associated with new wireless facilities. This is not a revenue generator, however, it is a fee to cover the costs of processing the application and inspections.

Core infrastructure (such as water, sewer and streets) would be expected to accommodate any potential additional wireless facilities that may result from the proposed streamlined review and approval process.

Prior Council Action

[December 12, 2000](#) - City Council approved Ordinance 1514, which renamed Chapter 17-35 “Wireless Communications Facilities” and updated portions of this section.

[September 25, 2018](#) - City Council approved Ordinance 2070, which created a definitions section, added administrative review process details and created provisions for “small cell facilities.”

Board and Commission Prior Actions and Recommendations

N/A

Proposed Actions/Recommendations

No formal action is requested. Staff is seeking direction on whether Council desires to move forward with the proposed code updates to Broomfield’s wireless communication facility review timelines and confirming direction to draft a formal ordinance for Council to consider.

Alternatives

Make no changes to the B.M.C. at this time, which effectively rejects the mandates of HB 25-1056 that Broomfield’s existing Code does not already address.

How to Submit Public Comments on this Proposal

Email directly to Planning@broomfield.org

Background

Wireless communication facilities are those facilities that include any equipment that facilitates transmission for any FCC-licensed or authorized wireless communication service, including but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply.

The new state legislation seeks to reduce municipal entitlement review timelines for wireless facilities. Specifically, the bill creates two strict, legally mandated time limits, also referred to as “shot clocks” including: 90-days for collocation applications where an applicant is proposing collocation of antenna and other related equipment within an existing site, and 150-days for new facilities. The bill also specifies the “shot clock” starts when an applicant has completed the “first procedural step” in the application process, which is defined by the state as when an applicant submits their application to the municipality.

Broomfield’s current standards for wireless facilities do not specify the review period timeline for each type of application. However, it should be noted Broomfield’s previously approved wireless facility applications have rarely exceeded the equivalent review “shot clock” timelines specified by the house bill. The few

instances where the review period exceeded the prescribed “shot clock” were in cases of new wireless facilities that required Use by Special Review (USR) approval through public hearings. In these past instances, the period of time required to hold two public hearings, including one with the Land Use Review Commission (LURC) and one with City Council, would have extended the application review period beyond the 150-day window prescribed by the House Bill. In order to ensure that applications requiring a USR can meet the 150-day prescribed review period, staff is recommending only one public hearing be required for these applications. In addition, staff is requesting direction on whether Council would like to retain that sole review and approval authority or delegate that responsibility to LURC. If Council directs staff to draft an update that authorizes the Land Use Review Commission to make final decisions on new wireless facilities that are subject to public hearing review and approval, a call-up provision would not be included to ensure the 150-day review timeline can be met. Notably, the house bill also includes provisions for when a municipality may pause or extend the “shot clock.” Specifically, it states in C.R.S. 29-27-403 (III)(b) that the review period “may also be extended by mutual written agreement of the applicant and the local government.” Staff is recommending the code be amended to include a provision to extend the review period via mutual agreement as stated, with the City Manager being the applicable authority to approve and sign such agreements.

HB25-1056 State Action and Local Control on Land Use

Staff acknowledges that the Colorado State legislature adopted HB25-1056 (see link above) retaining the existing 2014 legislative declaration that broadband facilities and communications infrastructure are critical to the people of the entire state of Colorado for reasons such as public safety, economic growth, and the operation of public resources. HB 25-1056 added a new legislative declaration to the state that finds that the “efficient permitting of wireless facilities by local governments has a significant public safety and economic benefit to Colorado and is a matter of statewide concern.”

This was one of several bills that the state legislature passed regarding local land use control in 2024 and 2025. Further, this effort is similar to historic preemption efforts by the state and federal governments related to broadband deployment and the regulation of wireless facilities, reducing the power of local governments in these areas. This view of land use regulation, including the siting and regulation of wireless facilities, being a matter of statewide (or federal) concern is different from the traditionally held view that land use is a local matter.

Separate from the preemptive requirements imposed by the HB25-1056, Council recognizes the need for and value of wireless facilities, which is why Broomfield has followed its own review processes and has not held up wireless facility modifications or installation to any significant degree. Without relinquishing Broomfield’s local control in this space, Council can consider and modify its Code provisions regarding wireless facility entitlement review periods.

Public Engagement

Following this study session, and assuming Council provides direction to proceed, the Planning Division will publish a Broomfield Voice page dedicated to the proposed wireless facilities ordinance update. This webpage will be used to inform the community about the code changes and solicit feedback prior to consideration of the ordinance.

The Broomfield Voice page will remain open to solicit feedback while staff prepares a formal ordinance for consideration.

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 ordinances in Broomfield.

Timeframe and Next Steps

Following this study session, if directed to move forward, staff will prepare an ordinance for Council's consideration at 1st reading later this year.

Questions for City Council to Consider While Providing Feedback

1. Does Council wish to direct staff to move forward with the proposed Code update regarding wireless communication facility timelines to substantially comply with HB-1056 as outlined above?

If Council wishes to proceed with a Code update:

2. Recognizing that Broomfield will only have time for a single public hearing to meet the 150-day review timeline, should Council or the Land Use Revision Commission be the final decision-making authority for new wireless facilities requiring Use by Special Review approval at a public hearing to help ensure review periods are met?
 - a. If Council directs staff to draft an update that authorizes the Land Use Review Commission to make final decisions on new wireless facilities that are subject to public hearing review and approval, a call-up provision would not be included to ensure the 150-day review timeline can be met.