

ITEM: LMCA-000580-2025

PLANNER: Jeff Hirt, Planning Manager

REQUEST: Approval of Resolution No. 1, Series 2026, recommending that the City Council approve an ordinance amending Title 17 of the Louisville Municipal Code to allow electric vehicle charging stations as a primary use in the City's nonresidential zoning districts and to update the approval processes for such facilities.

SUMMARY:

This zoning code amendment updates the classification and review of electric vehicle (EV) charging facilities to address City environmental sustainability goals and comply with Colorado House Bill 24-1173. The amendment allows EV charging facilities as a primary land use in commercial, mixed-use, and industrial zoning districts and updates the approval process for these facilities. The amendment does not modify current City regulations addressing the amount of required EV charging spaces or applicable development and design standards for such facilities.

BACKGROUND:

Colorado House Bill 24-1173

Colorado House Bill 24-1173 was adopted to reduce regulatory barriers to electric vehicle (EV) charging infrastructure and to promote consistent, predictable local review processes. The overall goal of the bill is to support the expansion of EV charging facilities by limiting local land use restrictions that may unreasonably delay or discourage their development, while preserving local authority over objective development and safety standards.

The bill requires local governments to ensure that EV charging facilities are allowed through clear land use regulations and reviewed through administrative processes where feasible. HB 24-1173 provides local jurisdictions with three compliance options: (1) adopting model state regulations, (2) allowing EV charging facilities by right in all zoning districts subject to objective standards, or (3) adopting locally tailored regulations that meet the intent and minimum requirements of the bill. Staff are proposing that the City comply with HB 24-1173 by adopting its own regulations that clarify the classification, permitted locations, and review process for EV charging facilities within Title 17, while reserving broader consideration of environmental sustainability policies for the planned comprehensive development code update beginning in 2026.

Current EV Charging Regulations in Louisville

Louisville's zoning code currently includes requirements for EV charging spaces as part of off-street parking standards, including minimum quantities and design specifications. These requirements are not proposed to be changed as part of this amendment.

Title 17 provides limited guidance regarding EV charging facilities as a primary land use. The code includes a regulation that EV charging facilities developed as a primary use are classified as gas stations (*LMC Sec. 17.20.170.D*). Gas stations are subject to specific limitations in the code, including a cap on the total number allowed citywide, and are no longer permitted in most zoning districts (*LMC Sec. 17.6.340*). As a result, EV charging facilities proposed as a primary land use are effectively not allowed in any zoning district under the current code, despite differing operational characteristics from gas stations.

Types of EV Charging Facilities

Most EV charging facilities in Louisville and comparable communities are developed as accessory uses to a primary land use, such as retail, office, multifamily residential, or institutional development. These facilities are commonly located within existing or underutilized parking areas and are designed to serve customers, employees, residents, or fleet vehicles. EV charging facilities are also sometimes located on sites formerly occupied by gas stations or integrated into fueling stations, although Louisville no longer permits new gas stations.

EV charging facilities typically consist of charging equipment, associated electrical infrastructure, and parking spaces designated for charging. Unlike traditional fueling stations, EV charging facilities do not involve on-site fuel storage or dispensing of liquid fuels and generally generate minimal noise, emissions, or operational impacts. Vehicle trips are typically short in duration and distributed throughout the day, and facilities typically operate without on-site attendants.

There is a growing trend nationally toward EV charging facilities developed as a primary land use, particularly in commercial and mixed-use areas and along major transportation corridors. While there are limited nearby examples of this development type, the City seeks to ensure that its zoning code provides sufficient flexibility to accommodate evolving EV infrastructure needs. At the same time, allowing EV charging as a primary use through clear standards enables the City to ensure that site design considerations such as parking supply, access, circulation, landscaping, and compatibility with surrounding uses are appropriately addressed.

Example Images of Types of EV Charging Facilities

As Accessory Use (Currently allowed)



As Primary Use (Currently restricted)



ANALYSIS

Land Use and Community Impacts

The proposed amendment may result in positive community impacts by expanding access to EV charging infrastructure, supporting the transition to electric vehicles, and reducing transportation-related greenhouse gas emissions. EV charging facilities developed as a primary use function similarly to parking or utility-type infrastructure and do not involve on-site fuel storage, emissions, or high-intensity operations. Potential land use impacts are typically limited and may include short-duration vehicle trips, minimal equipment noise, and site lighting, all of which are addressed through existing site design, access, landscaping, and lighting standards, which are not modified by this amendment.

Consistency with Adopted City Plans

The proposed amendment is consistent with the Sustainability Action Plan, which identifies transportation electrification and expanded EV charging infrastructure as key strategies to reduce greenhouse gas emissions from the transportation sector and increase access to clean energy options (pp. 22, 24, 53). By clarifying land use regulations and facilitating the development of EV charging facilities, the amendment advances the City's adopted sustainability and transportation goals while maintaining land use compatibility and development standards.

Compliance with Colorado HB 24-1173

Colorado House Bill 24-1173 directs local governments to reduce barriers to the development of electric vehicle (EV) charging infrastructure by establishing clear, objective standards and administrative approval processes where practicable. The proposed amendment implements this direction by defining EV charging facilities as a primary land use and allowing such facilities by right within commercial, mixed-use, and industrial zoning districts. The amendment also establishes an administrative review process for EV charging facilities, providing a predictable and efficient approval pathway while retaining compliance with applicable zoning and building code requirements.

PROPOSAL

The proposed amendment updates Title 17 to clarify the classification and review for electric vehicle (EV) charging facilities within the zoning code. The amendment is intended to provide regulatory clarity, improve flexibility for EV charging as a primary land use, and align with state law, while maintaining existing development and design standards. Key elements of the amendment include the following:

- EV Charging as a Primary Use - the amendment states that electric vehicle charging stations are allowed as a primary land use in all commercial, mixed-use, and industrial zoning districts. EV charging facilities remain subject to all applicable zoning, development, and design standards of the underlying zone district.
- Parking Standards - the amendment clarifies that EV charging spaces count toward required off-street parking when provided as an accessory use to a primary land use. When EV charging facilities are developed as a primary use, no additional off-street parking is required for that use.
- Administrative Review for PUDs - the amendment allows EV charging facilities proposed as a primary land use that require a new Planned Unit Development (PUD) to be approved administratively, without public hearings, provided the site is less than one acre, meets all applicable development and design standards, and does not request waivers or variances. The Community Development Director may require a PUD with public hearings if a proposed facility is determined to have the potential for major impacts. Amendments to an existing PUD for EV charging facilities proposed as an accessory use may also be approved administratively under the same conditions (e.g., no waivers, size limitations, etc.).
- Clarification of When EV Charging Requirements Apply - the amendment clarifies that EV charging requirements apply to new development and building expansions, but not to minor building modifications. This clarification addresses ambiguity in the current code and avoids unintended requirements for full site compliance with EV charging standards for minor interior remodels.

PUBLIC COMMENTS:

No public comments have been submitted as of the time of this staff report.

STAFF RECOMMENDATION:

Approval of Resolution No. 1, Series 2026, recommending that the City Council approve an ordinance amending Title 17 of the Louisville Municipal Code to clarify that electric

vehicle charging stations are allowed as a primary use in the City's nonresidential zoning districts and to provide for an approval process of such facilities.

ATTACHMENTS

1. Resolution 1, Series 2026
2. Draft Ordinance
3. HB 24-1173

**RESOLUTION NO. 1
SERIES 2026**

**A RESOLUTION RECOMMENDING APPROVAL OF AN ORDINANCE AMENDING
TITLE 17 OF THE LOUISVILLE MUNICIPAL CODE CONCERNING ELECTRIC
VEHICLE (“EV”) CHARGING STATIONS**

WHEREAS, the City of Louisville (the “City”), is a Colorado home rule municipal corporation duly organized and existing under laws of the State of Colorado and the City of Louisville Home Rule Charter (the “City Charter”);

WHEREAS, the Colorado General Assembly enacted House Bill 24-1173 (the “Act”), which requires City Council to either adopt a standard and process for electronic vehicle (“EV”) charging stations, adopt a local administrative process using objective standards that comply with the Act’s provisions, or adopt a resolution or ordinance will rely on existing regulations rather than adopt new provisions in compliance with the Act; and

WHEREAS, the Planning Commission finds the amendments to the current EV charging regulations advance the City’s environmental sustainability goals and meet the requirement in the Act for a local administrative process using objective standards that comply with the Act; and

NOW THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Louisville, Colorado does hereby recommend approval of an ordinance amending Louisville Municipal Code to address electric vehicle charging stations.

PASSED AND ADOPTED this 8th day of January, 2026.

By: _____
Steve Brauneis, Chair
Planning Commission

Attest: _____
Cullen Choi, Secretary
Planning Commission

ORDINANCE NO. _____
SERIES 2025

**AN ORDINANCE AMENDING TITLE 17 OF THE LOUISVILLE MUNICIPAL CODE
CONCERNING ELECTRONIC VEHICLE (“EV”) CHARGING STATIONS**

WHEREAS, during the 2024 legislative session the Colorado General Assembly adopted House Bill 24-1173 (the “Act”), which requires City Council to either adopt a standard and process for electronic vehicle (“EV”) charging stations, adopt a local administrative process using objective standards that comply with the Act’s provisions, or adopt a resolution or ordinance will rely on existing regulations rather than adopt new provisions in compliance with the Act; and

WHEREAS, the City Council finds the amendments to its current EV charging regulations advance the City’s environmental sustainability goals and meet the requirement in the Act for a local administrative process using objective standards that comply with the Act.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOUISVILLE, COLORADO:

Section 1. The definition of *Electric Vehicle Charging Stations (ECVS)* in Section 17.20.170.B of the Louisville Municipal Code is hereby amended to read as follows (words added are underlined; words deleted are ~~stricken~~):

Sec. 17.20.170 Electric vehicle charging infrastructure.

B. *Definitions.* The following definitions shall apply to this Section:

Electronic vehicle charging stations (EVCS) means a designated parking ~~space~~ facility with parking spaces that ~~is~~ are provided with a dedicated branch circuit with wiring capable of supporting a minimum 40-ampere, 208/240-Volt circuit that terminates at a receptacle, plug, junction box, or an installed electric vehicle supply equipment within close proximity of the parking space. There shall be adequate reserved space in an electrical panelboard or switchboard to meet the electric vehicle requirements.

Section 2. Section 17.20.170.D of the Louisville Municipal Code is hereby amended to read as follows (words added are underlined; words deleted are ~~stricken~~):

Sec. 17.20.170 Electric vehicle charging infrastructure.

D. *Permitted locations.*

- ~~4.~~ EVCS are permitted in every zoning district when accessory to a principal permitted use. Such stations located at single-

family and designated multi-family units shall be private restricted use only.

2. ~~If the primary use of the parcel is the retail electric charging of vehicles, then the use shall be considered an automotive fueling station for zoning purposes. Installation shall be located in zone districts which permit this use.~~

Section 3. Section 17.20.170.F of the Louisville Municipal Code is hereby amended to read as follows (words added are underlined; words deleted are ~~stricken~~):

Sec. 17.20.170 Electric vehicle charging infrastructure.

D. The requirements of this section shall be ~~shall be~~ implemented through the building permit process and shall apply to:

1. All new construction, or expansion ~~or modification~~ projects for which a building permit has not been issued as of November 24, 2021; and
2. All planned unit developments for which a building permit has not been issued as of November 24, 2021, irrespective of whether such planned unit development was approved or approved and recorded prior to such date, unless a waiver was expressly granted through the planned unit development review process set forth in chapter 17.28.

Section 4. The Use Groups table in Section 17.12.030 of the Louisville Municipal Code is hereby amended by the addition of a new row for Electric Vehicle Charging Stations, to be inserted alphabetically with following rows to be renumbered, to read as follows (words added are underlined; words deleted are ~~stricken~~):

Sec. 17.12.030 Use groups.

Use Groups		Districts																	
		A	A-O	B-O	* AO-T	R-RR	SF-R	SF-E	R-R R-E R-L	SF-LD SF-MD SF-HD	R-M	R-H	C-N	C-C	C-B	I	** PCZD	***MU-R	****OS
66	<u>Electric vehicle charging stations</u>	R	<u>Yes</u>	<u>Yes</u>		<u>No</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>R</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>			

Section 5. Chapter 17.14, Table 1 of the Louisville Municipal Code is hereby amended by the addition of a new row for Electric Vehicle Charging Station for Principal Uses, to be inserted alphabetically, to read as follows (words added are underlined; words deleted are ~~stricken~~):

TABLE 1: PRINCIPAL USES ALLOWED IN THE MIXED USE ZONE DISTRICTS		
Yes = Permitted By Right	No = Not Permitted	
R = Permitted Subject to Special Review		
PRINCIPAL USES	CC	MU-R
Commercial Use Group		
Electric Vehicle Charging Station	Yes	Yes

Section 6. Section 17.72.090.B.22 of the Louisville Municipal Code is hereby amended to read as follows (words added are underlined; words deleted are ~~stricken~~):

Sec. 17.72.090 Commercial and office.

B. *Uses permitted.* The following commercial and noncommercial uses may be permitted within any planning area designated as “commercial” on the adopted planned community development general plan:

22. ~~Reserved~~ Electric vehicle charging stations.

Section 7. Section 17.72.100 of the Louisville Municipal Code is hereby amended by the addition of a new subsection F to read as follows (words added are underlined; words deleted are ~~stricken~~):

Sec. 17.72.100 Industrial uses permitted.

The following industrial and nonindustrial uses may be permitted within any planning area designated “industrial” on the adopted planned community development general plan:

F. Electric vehicle charging stations.

Section 8. Section 17.20.020 of the Louisville Municipal Code is hereby amended by the addition of a new subsection I to read as follows (words added are underlined; words deleted are ~~stricken~~):

Sec. 17.20.020 Parking standards designated for each use.

I. Electric vehicle charging stations as a primary use have no minimum parking requirements. Electric vehicle charging stations as an accessory use shall count towards any minimum parking requirements for the primary use.

Section 9. Section 17.20.170 of the Louisville Municipal Code is hereby amended by the addition of new subsections G and H to read as follows (words added are underlined; words deleted are ~~stricken~~):

Sec. 17.20.170 Electric vehicle charging infrastructure.

G. Electric vehicle charging stations as a primary use that require approval of a planned unit development may be approved by the Community Development Director provided that:

1. The application meets the criteria for approval of planned unit developments in Section 17.28.120 of this Code;
2. The application is not requesting any waivers or variances to any development or design standard set forth in this Code or the applicable design standards and guidelines;
3. The application does not exceed one (1) acre in size;
4. The Community Development Director has determined that the impacts from the application are minimal enough to not require public hearings as a planned unit development under Chapter 17.28.

H. Electric vehicle charging stations as an accessory use that require approval of a planned unit development amendment may be approved by the Community Development Director provided that:

1. The application meets the criteria for approval of planned unit developments in Section 17.28.120 of this Code;
2. The application is not requesting any waivers or variances to any development or design standard set forth in this Code or the applicable design standards and guidelines; and
3. The Community Development Director has determined that the impacts from the application are minimal

enough to not require public hearings as a planned unit development under Chapter 17.28.

Section 10. Section 17.28.130 of the Louisville Municipal Code is hereby amended to read as follows (words added are underlined; words deleted are ~~stricken~~):

Sec. 17.28.130 Application procedure.

The procedure set out in Sections 17.28.140 through 17.28.230 shall be required for all planned unit development except that public hearings shall not be required for electric vehicle charging stations as a primary or accessory use that meet the requirements for administrative approval by the Community Development Director pursuant to Section 17.20.170.G or H of this Code.

Section 11. If any portion of this ordinance is held to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each part hereof irrespective of the fact that any one part be declared invalid.

Section 12. The repeal or modification of any provision of the Municipal Code of the City of Louisville by this ordinance shall not release, extinguish, alter, modify, or change in whole or in part any penalty, forfeiture, or liability, either civil or criminal, which shall have been incurred under such provision, and each provision shall be treated and held as still remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings, and prosecutions for the enforcement of the penalty, forfeiture, or liability, as well as for the purpose of sustaining any judgment, decree, or order which can or may be rendered, entered, or made in such actions, suits, proceedings, or prosecutions.

Section 12. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

**INTRODUCED, READ, PASSED ON FIRST READING AND ORDERED
PUBLISHED THIS ____ DAY OF _____, 2025.**

**PUBLIC HEARING AND SECOND READING WILL BE THE ____ DAY OF
_____, 2025, AT 6:00 P.M. AT LOUISVILLE CITY HALL, 749 MAIN STREET,
LOUISVILLE, CO 80027.**

Christopher M. Leh, Mayor

ATTEST:

Genny Kline, Interim City Clerk

**PASSED AND ADOPTED ON SECOND AND FINAL READING, THIS ____ DAY
OF ____, 2025.**

Christopher M. Leh, Mayor

ATTEST:

Genny Kline, Interim City Clerk

APPROVED AS TO FORM:
KELLY PC

By: _____
Kathleen Kelly, City Attorney