

**CITY OF WHEAT RIDGE, COLORADO**  
**INTRODUCED BY COUNCIL MEMBER OHM**  
**COUNCIL BILL NO. 04**  
**ORDINANCE NO. 1789**  
**Series 2024**

**TITLE: AN ORDINANCE AMENDING CHAPTER 26 OF THE WHEAT RIDGE CODE OF LAWS, CONCERNING ELECTRIC VEHICLE (EV) CHARGING AND PARKING REQUIREMENTS, AND MAKING CONFORMING AMENDMENTS THEREWITH**

**WHEREAS**, the City of Wheat Ridge is a home rule municipality having all powers conferred by Article XX of the Colorado Constitution; and

**WHEREAS**, pursuant to its home rule authority and C.R.S. § 31-23-101, the City, acting through its City Council (the “Council”), is authorized to adopt ordinances for the protection of the public health, safety or welfare; and

**WHEREAS**, the City does not currently have any regulations related to EV charging infrastructure or parking requirements; and

**WHEREAS**, with the increased adoption of EVs across Colorado and the nation, the need for charging infrastructure and regulations has become more apparent; and

**WHEREAS**, the legislature of the State of Colorado passed House Bill 23-1233 which includes various mandates for local governments in regards to regulating EV charging and parking, and recognizes as a matter of statewide concern the need to adopt EV charging requirements; and

**WHEREAS**, the Council finds that EV charging and parking requirements need to be added to Chapter 26 and to define terms related to EV charging infrastructure.

**NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WHEAT RIDGE, COLORADO:**

**Section 1.** Section 26-111.D of the Wheat Ridge Code of Laws, concerning application requirements for site plans, is hereby amended as follows:

D. *Site plan application requirements.* All applications shall include at a minimum the following information. Additional information may be requested by the planning and/or engineering divisions at the preapplication conference.

1. *Site plan.*

...

j. Location of all existing and proposed:

...

(5) Parking and loading areas, handicap accessible parking areas, and Electric Vehicle (EV) parking spaces;

...

...

...

**Section 2.** Section 26-123 of the Wheat Ridge Code of Laws, defining certain terms applicable to the zoning code, is hereby amended by the revision of certain definitions and the addition of the following new definitions in the appropriate alphabetical location, as follows:

**Electric Vehicle Charging Station (EVCS).** A public or private parking space served by battery charging station equipment which has as its primary purpose the transfer of electric energy (by conductive or inductive means) to a battery or other energy storage device in an electric vehicle (EV), also referred to as an EVCS Installed space.

**Electric Vehicle Charging Station (EVCS), Retail.** A grouping of multiple EVCSs accessible to the public as a primary use of a property, and which may provide electricity to customers for a fee. The property may also contain another primary use such as a convenience store.

**Electric Vehicle (EV) parking space.** Any marked parking space that identifies the use to be exclusively for the parking of an electric vehicle.

**Section 3.** The “Table of Uses – Residential” set forth in Section 26-204 of the Wheat Ridge Code of Laws, concerning uses in residential zone districts, is hereby amended as follows:

<i>Accessory Uses for Residential Districts</i>	<i>Notes</i>
<b><u>Electric vehicle charging station (EVCS)</u></b>	

**Section 4.** The “Table of Uses – Agricultural and Public Facilities” set forth in Section 26-204 of the Wheat Ridge Code of Laws, concerning uses in agricultural and public facility zone districts, is hereby amended as follows:

<i>Agricultural and Public Facilities Districts Accessory Uses</i>	<i>Notes</i>
<b><u>Electric Vehicle Charging Station (EVCS)</u></b>	

**Section 5.** The “Table of Uses – Commercial and Industrial Districts” set forth in Section 26-204 of the Wheat Ridge Code of Laws, concerning uses in commercial and industrial zone districts, is hereby amended as follows:

Uses	Notes	NC	RC	C-1	C-2	I-E
<b><u>Electric Vehicle Charging Station (EVCS), Retail</u></b>	<b><u>Site design standards for motor fueling stations shall apply, including required landscaped buffers and screening</u></b>	<b><u>P</u></b>	<b><u>P</u></b>	<b><u>P</u></b>	<b><u>P</u></b>	<b><u>P</u></b>

<i>Commercial and Industrial District Accessory Uses</i>	<i>Notes</i>
<b><u>Electric Vehicle Charging Station (EVCS)</u></b>	

**Section 6.** Section 26-306. B.2 of the Wheat Ridge Code of Laws, concerning the site plan requirements for specific development plans, is hereby amended as follows:

2. *Site plan.* The drawings shall be to-scale and shall include the locations of the following:

...

b. Proposed locations for landscaping, parking, **and loading (including accessible and Electric Vehicle (EV) parking spaces)**, building locations, and buffering.

...

**Section 7.** Section 26-312.E of the Wheat Ridge Code of Laws, concerning parking requirements for planned residential development (PRD) districts, is hereby amended as follows.

E. *Parking.* In accordance with section 26-501, otherwise as established by the outline development plan and as specifically detailed on an approved specific development plan. **New development within an existing planned development shall comply with current requirements for minimum EV parking requirements. To the extent the requirements of a planned development conflict with EV requirements, the EV requirements shall control.**

**Section 8.** Section 26-313.D of the Wheat Ridge Code of Laws, concerning parking requirements for planned commercial development (PCD) districts, is hereby amended as follows.

D. *Parking.* In accordance with section 26-501, otherwise as established by the outline development plan and as specifically detailed on an approved specific

development plan. **New development within an existing planned development shall comply with current requirements for minimum EV parking requirements. To the extent the requirements of a planned development conflict with EV requirements, the EV requirements shall control.**

**Section 9.** Section 26-314.D of the Wheat Ridge Code of Laws, concerning parking requirements for planned industrial development (PID) districts, is hereby amended as follows.

D. *Parking.* In accordance with section 26-501, otherwise as established by the outline development plan and as specifically detailed on an approved specific development plan. **New development within an existing planned development shall comply with current requirements for minimum EV parking requirements. To the extent the requirements of a planned development conflict with EV requirements, the EV requirements shall control.**

**Section 10.** Section 26-315.H of the Wheat Ridge Code of Laws, concerning parking requirements for planned hospital development (PHD) districts, is hereby amended as follows.

H. *Parking.* In accordance with section 26-501, otherwise as established by the outline development plan and as specifically detailed on an approved specific development plan. **New development within an existing planned development shall comply with current requirements for minimum EV parking requirements. To the extent the requirements of a planned development conflict with EV requirements, the EV requirements shall control.**

**Section 11.** Section 26-316.G of the Wheat Ridge Code of Laws, concerning parking requirements for planned mixed use development (PMUD) districts, is hereby amended as follows.

G. *Parking.* In accordance with section **26-1109 or** 26-501, otherwise as established by the outline development plan and as specifically detailed on an approved specific development plan or site plan. Allowances may be made for shared parking spaces if it can be demonstrated to the satisfaction of the person or approval body designated as having final approval authority that parking demand for different uses occurs at different times. **New development within an existing planned development shall comply with current requirements for minimum EV parking requirements. To the extent the requirements of a planned development conflict with EV requirements, the EV requirements shall control.**

**Section 12.** Section 26-501.B of the Wheat Ridge Code of Laws, concerning applicability of off-street parking requirements, is hereby amended as follows:

B. *Applicability.* This section shall apply only to new development, major change of uses (e.g., single detached dwelling to office; office to restaurant) or substantial extension of expansion of uses for which a building permit or site use approval is required, established subsequent to the adoption of this provision, provided, however, in residential districts on and after August 31, 2009, it shall be unlawful to park motor vehicles in areas meeting the definition of landscaping as defined in section 26-502, or on uncontrolled weeds, or on compacted dirt surfaces, unless such surfaces constitute a residential driveway or hard surfaced auxiliary storage area and said driveways or storage areas existed prior to August 31, 2009.

1. *Applicability to existing uses.*

a. No existing use or structure shall be deemed nonconforming solely because of the lack of off-street parking (including bicycle parking or EV parking) or loading requirements prescribed in this section.

....

...

7. *Parking plan required.* All plans for the construction of any parking facility, excluding those for single- and two-unit dwellings, must be approved by the ~~director of community development~~ director or ~~his~~ their designee, either through the site plan or specific development plan review process or as part of a building or site work permit application for the site. ~~and a miscellaneous building permit issued before construction is started.~~ No such land shall be used for parking until approved by the director and a permit is issued. The plan must contain the following minimum information:

a. Number, location, and size of parking stalls- including accessible, EVCS, and bicycle parking.

b. Widths of aisles and islands.

...

**Section 13.** Section 26-501. C.2.b of the Wheat Ridge Code of Laws, concerning applicability of shared parking procedures, is hereby amended as follows

C. *Shared parking.*

...

2. *Shared parking standards.*

...

b. *Shared parking procedure.*

...

ii. Off lot shared parking.

...

d) *Miscellaneous shared parking provisions.* The total requirements for off-street parking facilities may be utilized as the sum of the requirements for each of the various uses computed separately.

...

ii) In no instance may require ~~handicapped~~ accessible parking spaces be provided off lot as part of a shared parking agreement, **unless no parking can be provided on site.**

...

**iv) EV parking may be provided off site as part of a shared parking agreement.**

**Section 14.** Section 26-501. E.9 of the Wheat Ridge Code of Laws, regarding accessible parking requirements, is hereby amended as follows:

9. ~~Handicapped~~ **Accessible** parking. For all uses other than single- and two-unit dwellings, **ADA-compliant accessible** parking shall be provided for the ~~handicapped~~ at the minimum rate consistent with the following table. The minimum width of an accessible parking space shall be eight and one-half (8 ½) feet with an adjacent accessible aisle with a minimum width of five (5) feet. Two (2) accessible parking spaces may share a common aisle. ~~Said spaces shall have a minimum access aisle length of twenty (20) feet.~~

Table 8: <del>Handicapped</del> <u><b>Accessible</b></u> Parking	
Total Number of Off-Street Spaces Required	Number of <del>Handicapped</del> <u><b>Accessible</b></u> Spaces
<i>[Message to codifier: No modifications to the remainder of the table.]</i>	

One (1) in every six (6) accessible spaces, but not less than one (1), shall be designated as van accessible and shall be a minimum of eight (8) feet in width and shall be served by an access aisle a minimum of eight (8) feet in width. "Van accessible" spaces may also be a minimum of eleven (11) feet in width with a minimum access aisle width of five (5) feet in accordance with ANSI 117.1 – Accessible and Usable Buildings and Facilities.

- a. *Signage; location; etc.* Each ~~handicapped~~ **accessible** space shall be marked with a freestanding sign containing the International Symbol of Accessibility and shall be a minimum of sixty (60) inches above the

floor of the parking space, measured to the bottom of the sign. Signage for van accessible spaces shall contain the designation “van accessible”. The International Symbol of Accessibility shall also be painted on the pavement. Said parking space shall be located as near to the entrance of the use as practically possible and shall not involve crossing any area used for vehicular circulation. The total number of accessible spaces provided for the handicapped shall be included in the total number of parking spaces otherwise required by this section.

- b. **Electric Vehicle Charging Station (EVCS). Any van accessible parking space that is served by an EVCS and is not designated as reserved for a person with a disability must be counted as at least two (2) standard vehicle parking spaces.**

**Section 15.** Section 26-501.E of the Wheat Ridge Code of Laws, concerning off-street parking and loading standards, shall be amended with the addition of a new subsection 13, regarding Electric Vehicles (EVs):

**13. Electric Vehicles (EVs) and Electric Vehicle Charging Stations (EVCS).**

**a. General standards. All parking spaces that are required to be EVCS must meet the EVCS specifications pursuant to current building codes. All terms used within this section not defined in Chapter 26 of the Code of Laws shall use the definitions pursuant to current building codes, including EV Capable, EV Capable Light, EV Ready, and EVCS Installed.**

**b. Applicability. The requirements of this subsection shall apply as follows:**

**i. For site plan and specific development plan applications approved on and after March 1, 2024, all requirements of this subsection shall apply.**

**ii. For site plan and specific development plan applications approved prior to March 1, 2024 but for which no building or site work permits have been obtained by March 1, 2026, all requirements of this subsection shall apply. A site plan or specific development plan amendment may be required to memorialize the required addition of EVCS or other EV facilities.**

**iii. For new construction not subject to the development review processes of section 26-106, but which does require a building or site work permit and must provide parking, all applicable requirements of this subsection shall apply if a permit is not applied for prior to March 1, 2024.**

**c. Parking requirements. The following Table 12 sets forth the number of required EVCS Installed spaces, EV Ready spaces, and both types of EV Capable spaces. These requirements apply to all**

new developments for which parking is required. This list is not intended to be exhaustive of each use category; the community development director shall determine the appropriate requirements if the use is not identified in the table below.

i. New developments shall meet all requirements in Table 12.

ii. Additions for any use other than a single-unit dwelling, duplex, or single-attached dwelling (townhome) that increase existing floor area by sixty (60) percent or more shall be required to provide EV Capable Light spaces at a rate based on the required proportionate increase in spaces from Table 1 and the EV Capable Light percentages in Table 12.

iii. For major changes of use that require additional parking spaces, EV Capable Light spaces shall be provided at a rate based on the required proportionate increase in Table 2 and the EV Capable Light percentages in Table 12.

iv. For existing multi-unit residential properties undergoing renovations or expansions which disturb a minimum of fifty (50) percent or more of the parking area, all minimum parking requirements of Table 12 shall apply.

v. The community development director may waive the requirements of ii and iii above in whole or in part based upon existing conditions, demonstrated by the applicant, that may make it impossible or impractical to install the necessary conduit. Cost of compliance alone shall not be a basis for the waiver.

**TABLE 12: EVCS Requirements**

<b><u>Building Code Category</u></b>	<b><u>EV Capable</u></b>		<b><u>EV Ready</u></b>	<b><u>EVCS Installed</u></b>
	<b><u>EV Capable</u></b>	<b><u>EV Capable Light</u></b>		
<b><u>Single-unit, duplex, and single-unit attached (townhome)</u></b>	<b><u>None</u></b>	<b><u>None</u></b>	<b><u>1 per unit<sup>1</sup></u></b>	<b><u>None</u></b>
<b><u>Multi-unit residential</u></b>	<b><u>10%</u></b>	<b><u>30%</u></b>	<b><u>15%</u></b>	<b><u>5%</u></b>
<b><u>Multi-unit residential, 10 or fewer total parking spaces required</u></b>	<b><u>10%</u></b>	<b><u>10%</u></b>	<b><u>15%</u></b>	<b><u>None</u></b>
<b><u>Commercial and institutional</u></b>	<b><u>10%</u></b>	<b><u>10%</u></b>	<b><u>8%</u></b>	<b><u>2%</u></b>



<b><u>Commercial and institutional with 10 or fewer total parking spaces required</u></b>	<b><u>None</u></b>	<b><u>None</u></b>	<b><u>2 spaces</u></b>	<b><u>None</u></b>
<b><u>Industrial<sup>2</sup></u></b>	<b><u>None</u></b>	<b><u>5%</u></b>	<b><u>None</u></b>	<b><u>2%</u></b>
<b><u>Footnotes:</u></b> 1. <b><u>For any dwelling unit with a dedicated attached or detached garage or other on-site designated parking provided for the dwelling unit.</u></b> 2. <b><u>Exclusive of warehouse and distribution space for which there is no requirement.</u></b>				

**d. Any EV parking space provided shall be counted towards the overall number of required parking spaces.**

**e. Sites exceeding minimum requirements. EVCS Installed spaces that exceed the minimum requirements of this section are permitted to be used to meet the minimum requirements for all space types. EV Ready spaces that exceed the minimum requirements of this section are permitted to be used to meet the minimum requirements of EV Capable and EV Capable Light spaces. EV Capable spaces that exceed the minimum requirements of this section are permitted to be used to meet the minimum requirements of EV Capable Light spaces.**

**f. Signage. All EVCS Installed spaces shall include signage identifying them as restricted parking for EVs. If time limits or vehicle removal provisions are to be enforced, regulatory signage including parking restrictions shall be installed immediately adjacent to, and visible from, the EVCS.**

**g. Accessible spaces. An EVCS shall be considered accessible if it is located adjacent to, and can serve, an accessible parking space as defined and required by this code and the ADA.**

**Section 16.** Section 26-1105. E.4 of the Wheat Ridge Code of Laws, regarding build-to requirements for gas stations in mixed use zones, is hereby amended as follows:

E. *Build-to areas.* Build-to areas are intended to bring multiple façades toward the street...

...

4. Gas stations **and Retail EVCSs** may meet build-to requirements through one (1) or any combination of the following two (2) elements: (1) Structure within the build-to area; (2) Canopy within the build-to area (Figures 4 and 5). Gas stations **and Retail EVCS facilities** must also provide a screen wall, thirty (30) to forty-two (42) inches in height, for one hundred (100) percent of the primary and secondary street frontage,

excluding access points and where portions of the building are within the build-to area. The screen wall shall be a continuous masonry wall constructed of stone, brick, or split-face concrete block, or a combination masonry pier and decorative iron railing. There shall be a minimum four-foot-wide landscape buffer between the screen wall and the property line.

...

**Section 17.** Section 26-1109 of the Wheat Ridge Code of Laws, the table regulating parking requirements for mixed use zone districts, is hereby amended as follows by adding a new subsection L:

**L. Electric vehicle (EV) parking shall be provided in accordance with section 26-501. E.13.**

**Section 18.** Section 26-1111.B of the Wheat Ridge Code of Laws, which contains the permitted use table for mixed use zones, is hereby revised as follows:

Permitted Uses				
Use Group	MU-C	MU-C Interstate	MU-C TOD	MU-N
...				
Commercial Services and Retail				
<b><u>Electric Vehicle Charging Station (EVCS), Retail</u></b>	<b><u>P</u></b>	<b><u>P</u></b>	<b><u>P</u></b>	<b><u>P</u></b>
Ancillary Uses				
<b><u>Electric Vehicle Charging Station (EVCS)</u></b>	<b><u>P</u></b>	<b><u>P</u></b>	<b><u>P</u></b>	<b><u>P</u></b>

**Section 19.** Section 26-1111.D of the Wheat Ridge Code of Laws, which regulates separation requirements for motor fueling stations, is hereby revised as follows:

D. Separation requirements for motor fueling stations. Where motor fueling stations are permitted in the permitted use table (section 26-1111. B.), the following separation requirements shall apply. These separation requirements shall not apply in the MU-C interstate sub-district **and** shall not apply to any mixed-use development that has an approved concept plan (per section 26-1116); **and shall not apply to Retail EVCS facilities.**

**Section 20. Severability, Conflicting Ordinances Repealed.** If any section, subsection, or clause of this Ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected thereby. All other ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

**Section 21. Effective Date.** This Ordinance shall take effect on March 1, 2024, as provided by Section 5.11 of the Charter.

**INTRODUCED, READ, AND ADOPTED** on first reading by a vote of 8 to 0 on this 12th day of February 2024, ordered published by title and in full on the City's website as provided by the Home Rule Charter, and Public Hearing and consideration on final passage set for February 26, 2024 at 6:30 p.m., as a virtual meeting and in the Council Chambers, 7500 West 29th Avenue, Wheat Ridge, Colorado.

READ, ADOPTED AND ORDERED PUBLISHED on second and final reading by a vote of 7 to 0, this 26<sup>th</sup> day of February 2024.

SIGNED by the Mayor on this 28th day of February 2024.

  
\_\_\_\_\_  
Bud Starker, Mayor

ATTEST:

  
\_\_\_\_\_  
Margy Greer, Sr. Deputy City Clerk



Approved as to Form

  
\_\_\_\_\_  
Gerald E. Dahl, City Attorney

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