

Parking Mandate Reform Model Legislation

Section 1. Title

This Act shall be known and may be cited as the “The People Over Parking Act.”

Section 2. Purpose and Intent

- (a) The purpose of this Act is to remove minimum off-street parking requirements in order to lower development costs, expand housing and other development opportunities, improve the feasibility of Adaptive Reuse and infill development, and reduce greenhouse gas emissions.
- (b) This Act is intended to establish statewide standards prohibiting the imposition or enforcement of minimum off-street parking requirements for all development, including new construction, additions, alterations, Adaptive Reuse, redevelopment, and changes of use on existing developed parcels.
- (c) This Act shall apply as a matter of statewide concern.

Section 3. Definitions

For purposes of this Act:

- (a) “Accessory Dwelling Unit” means a residential living unit located on the same parcel as a primary residential or commercial use.
- (b) “Adaptive Reuse” means the alteration or conversion of an existing building, or portion of an existing building, to a new use or occupancy, including residential, commercial, or mixed-use, whether by rehabilitation, interior reconfiguration, change of use, or change of occupancy classification, without requiring demolition and replacement of the entire structure.
- (c) “Affordable Housing” means any dwelling unit, including a dwelling unit in a mixed-income project, that is deed-restricted to be sold or rented at a price affordable to households earning eighty percent (80%) of area median income or less.
- (d) “Development” means any new construction, addition, alteration, expansion, Adaptive Reuse, rehabilitation, redevelopment, or change of use of a building, structure, site, or parcel, whether residential, commercial, mixed-use, industrial, civic, institutional, or other lawful use.

- (e) “Existing Developed Parcel” means a parcel containing an existing building, structure, or other lawful improvement.
- (f) “Historic Property” means any building, structure, or site listed on a federal, state, or local historic register, or designated as a historic resource under local ordinance, or within a designated historic district.
- (g) “Minimum Off-Street Parking Requirement” means any local law, ordinance, regulation, policy, standard, condition, fee, or practice that requires a minimum number of Off-Street Parking spaces to be provided, retained, replaced, or funded as a condition of Development approval, continued use, modification, addition, Adaptive Reuse, redevelopment, or change of use.
- (h) “Local Authority” means a city, town, village, county, parish, borough, or other political subdivision with authority to regulate land use, development, or Off-Street Parking.
- (i) “Off-Street Parking” means an area or space for the parking of a motor vehicle that is located outside the public right-of-way.
- (j) “Residential Dwelling Unit” means a building or structure, or portion thereof, used as a residence by one or more persons maintaining a household.

Section 4. Statewide Prohibition on Minimum Off-Street Parking Requirements

- (a) A Local Authority shall not impose or enforce any Minimum Off-Street Parking Requirement on any newly built Development.
- (b) A Local Authority shall not condition the approval of any Development on the provision of Off-Street Parking.
- (c) A Local Authority shall not assess any fee to fund off-site Off-Street Parking as a condition of approval of any Development.
- (d) A Local Authority shall not require the addition of new Off-Street Parking spaces, or the retention or replacement of existing Off-Street Parking spaces, as a condition of the modification, addition, Adaptive Reuse, redevelopment, or change of use of any structure on an Existing Developed Parcel.
- (e) A Local Authority shall not impose or enforce any Minimum Off-Street Parking Requirement on any new or existing Accessory Dwelling Unit.
- (f) When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an Accessory Dwelling Unit, or converted to an Accessory Dwelling

Unit, a Local Authority shall not require the replacement of those Off-Street Parking spaces.

- (g) A Local Authority shall not impose or enforce any Minimum Off-Street Parking Requirement on any Residential Dwelling Unit that qualifies as Affordable Housing.
- (h) A Local Authority shall not impose or enforce any Minimum Off-Street Parking Requirement on any Development involving Adaptive Reuse of an existing structure.
- (i) A Local Authority shall not impose or enforce any Minimum Off-Street Parking Requirement on any Development located on a lot containing a Historic Property.
- (j) Nothing in this Act shall reduce, eliminate, or preclude the enforcement of requirements governing the design, layout, access, surfacing, striping, drainage, landscaping, lighting, electric vehicle infrastructure, or accessibility of Off-Street Parking where the applicant voluntarily provides Off-Street Parking.
- (k) Nothing in this Act shall be construed to prohibit an applicant from voluntarily providing Off-Street Parking.

Section 5. Statewide Effect and Local Preemption

- (a) This Act shall apply uniformly throughout the state.
- (b) A Local Authority shall not adopt or enforce any ordinance, regulation, policy, condition, guideline, fee, or practice that conflicts with this Act.
- (c) Any local requirement inconsistent with this Act is preempted and shall not be enforced.

Section 6. Implementation

- (a) Each Local Authority shall, within [twelve (12)] months after the effective date of this Act, amend its zoning ordinance, parking ordinance, development code, subdivision regulations, and any other applicable land use regulations as necessary to conform to this Act.
- (b) A Local Authority's failure to adopt conforming amendments shall not relieve the Local Authority of its obligation to comply with this Act, and applicants may rely directly on the provisions of this Act.

Section 7. Severability



If any provision of this Act, or its application to any person or circumstance, is found to be invalid or unenforceable by a court of competent jurisdiction, such provision shall be severable, and the remaining provisions shall remain in full force and effect.

Section 8. Effective Date

This Act shall take effect [____ months] following enactment.

Optional Appendix A. Transit Proximity Alternative

- (a) A Local Authority shall not impose or enforce any Minimum Off-Street Parking Requirement on a Development if any portion of the lot is located within:
 - (1) one-half (1/2) mile of a Qualifying Transit Corridor served by Rail Transit, ferry service, Bus Rapid Transit, or other fixed-guideway transit service; or
 - (2) one-quarter (1/4) mile of a Qualifying Transit Corridor served by fixed-route bus service.
- (b) For purposes of this appendix, distance shall be measured in a straight line from any point on the lot to the nearest point on the Qualifying Transit Corridor.
- (c) A Local Authority shall not deny eligibility under this appendix based on the relocation, consolidation, addition, or removal of an individual bus stop, ferry stop, or station entrance, so long as the lot remains within the required distance of a Qualifying Transit Corridor.
- (d) Nothing in this appendix prohibits a state or Local Authority from applying a greater distance, additional qualifying transit modes, or more permissive parking relief than required by this appendix.

Definitions:

- (a) “Qualifying Transit Corridor” means a corridor, route, line, guideway, water route, or other fixed alignment used for public transportation service, including:
 - (1) Rail Transit;
 - (2) Ferry Service;
 - (3) Bus Rapid Transit; and
 - (4) fixed-route bus service with a scheduled frequency of service interval of twenty (20) minutes or less during the morning peak period from 5:00 a.m. to 9:00 a.m. and the afternoon peak period from 3:00 p.m. to 7:00 p.m.
- (b) “Bus Rapid Transit” means a fixed-route bus transit service, including any bus rapid transit system described in 49 U.S.C. § 5302(3), that operates in dedicated rights-of-way

or dedicated bus lanes and provides defined stations and other features identified by state rule.

(c) “Ferry Service” means public passenger ferry service operating on a regular fixed route.

(d) “Rail Transit” means heavy rail, light rail, commuter rail, streetcar, monorail, or other passenger rail service operating on a fixed guideway.

Optional Appendix B. Walkable and Jobs-Rich Areas Alternative

(a) A Local Authority shall not impose or enforce any Minimum Off-Street Parking Requirement on a Development if any portion of the lot is located in a Walkable Area.

(b) A Local Authority shall not impose or enforce any Minimum Off-Street Parking Requirement on a Development if any portion of the lot is located in a Jobs-Rich Area.

Definitions:

“Walkable Area” means any Census block group with a score of 10.51 or greater or a Census block group adjacent to two or more Census block groups with a score of 10.51 or greater, in the National Walkability Index maintained by the United States Environmental Protection Agency.

“Jobs-Rich Area” means any Census block group with a score of 70 or greater in the Smart Location Calculator maintained by the United States Environmental Protection Agency.

Optional Appendix C. Small-Lot and Small-Unit Protections

(a) A Local Authority shall not impose or enforce any Minimum Off-Street Parking Requirement as a condition of Development or change of use on parcels with an area equal to or less than eleven thousand (11,000) square feet.

(b) A Local Authority shall not impose or enforce any Minimum Off-Street Parking Requirement on Residential Dwelling Units of one thousand two hundred (1,200) square feet or smaller.

(c) A Local Authority shall not impose or enforce any Minimum Off-Street Parking Requirement on commercial spaces of five thousand (5,000) square feet or smaller.

Optional Appendix D. Criteria for Counting and Satisfying Parking Requirements

- (a) In assessing compliance with any Minimum Off-Street Parking Requirement otherwise allowed by state law, a Local Authority shall treat every twenty (20) foot by nine (9) foot section of pavement accessible via a curb cut as a separate Off-Street Parking space.
- (b) A Local Authority shall not require covered Off-Street Parking.
- (c) For purposes of any Minimum Off-Street Parking Requirement otherwise allowed by state law:
 - (1) any parking space served by electric vehicle charging equipment, or used to site such equipment, shall count as at least one standard parking space;
 - (2) any van-accessible parking space designed to accommodate a person using a wheelchair shall count as at least two standard parking spaces; and
 - (3) tandem parking shall count toward meeting parking requirements at a rate of one space for every twenty (20) linear feet, subject only to necessary turning-radius provisions.

Definitions:

“Tandem Parking” means two or more Off-Street Parking spaces arranged in a line such that a motor vehicle occupying one space must be moved in order to allow a motor vehicle to enter or exit another space.

Optional Appendix E. Parking Requirement Maximums in Lieu of Full Elimination

- (a) A Local Authority shall not impose or enforce any Minimum Off-Street Parking Requirement in excess of one (1) space per Residential Dwelling Unit.
- (b) A Local Authority shall not impose or enforce any Minimum Off-Street Parking Requirement in excess of one (1) space per one thousand (1,000) square feet of commercial floor area.