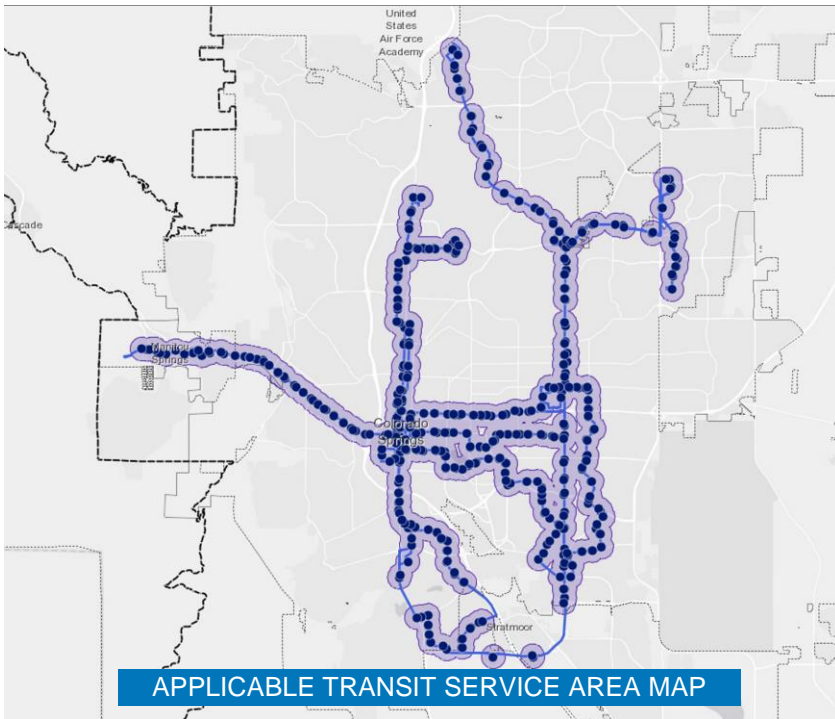




MINIMUM PARKING REQUIREMENTS IN APPLICABLE TRANSIT SERVICE AREAS ORDINANCE

Planning Commission June 11, 2025

Staff Report by Case Planner: Johnny Malpica



HOUSE BILL 24-1304

Quick Facts

Guiding Legislation

House Bills

HB-24-1304

Impact

City-wide

Initiating Entity

City Administration

Applicable Code

UDC provisions affected by the ordinance include:

7.4.1002

Project Summary

The City of Colorado Springs' Minimum Parking Requirements in Applicable Transit Service Areas Ordinance (see Attachment 1 - Ordinance) is being proposed in response to state-mandated legislation. House Bill 24-1304 (HB24-1304) mandates that a municipality shall neither enact nor enforce local laws that establish a minimum parking requirement that applies to a land use approval within the municipality's boundary for a multifamily residential development, adaptive reuse for residential purposes, or adaptive reuse for mixed-use purposes which includes at least fifty percent residential on land located at least partially within an applicable transit service area, as designated and defined by C.R.S § 29-36-101, et. al. and identified in a map maintained by the Colorado Department of Local Affairs (see Attachment 3 - Map). In response, this UDC Text Amendment includes the addition of a newly proposed parking exempt area that directly references the bills applicability and limitations.

File Number	Application Type	Decision Type
CODE-25-0003	UDC Text Amendment	Legislative

History

In May of 2024 HB24-1304 (see Attachment 2 – Bill) was signed into law, prohibiting subject municipalities, including Colorado Springs, on or after June 30, 2025, from enacting or enforcing minimum parking requirements that apply to a land use approval for a multi-family residential development, adaptive reuse for residential purposes, or adaptive reuse for mixed-use purposes which include at least 50% of the use for residential purposes. The land use approvals affected by this legislation are within, as applicable, the area of the municipality, within a metropolitan planning organization, and at least partially within an applicable transit service area. An applicable transit service area is an area identified by a map published by the Department of Local Affairs (DOLA) as an area that is within one-quarter mile of certain transit stops (see Attachment 3 - Map). The City of Colorado Springs currently enacts and enforces minimum parking requirements in accord with section 7.4.10 of the City's Unified Development Code (UDC) notwithstanding certain parking exempt areas as defined in section 7.4.1002.B of City Code. In April and May of 2025, the City's Comprehensive Planning and Special Projects Division was tasked with updating the City's UDC to comply with the state mandated legislation, hence the Minimum Parking Requirements in Applicable Transit Service Areas Ordinance. As such, this Amendment to UDC Text application includes the addition of a new parking exempt area, which has been included within section 7.4.1002.B. of the City's UDC, to comply with the above referenced state legislative mandate.

Legislative Guidance

Included in the Seventy-Fourth Session of the Colorado General Assembly, HB24-1304 was passed and is intended to address the impact that minimum parking requirements have on housing affordability within the State of Colorado, as well as other associated tangential externalities as pronounced in the bill's text. The legislative act (see Attachment 2) has substantial rationale for the legislation on pages 1 – 5). Within the state legislation, direction on implementation was provided and is best summarized below:

APPLICABILITY

- Prohibits a municipality, on or after June 30, 2025, from enacting or enforcing minimum parking requirements that apply to a land use approval for
 - o a multi-family residential development,
 - o adaptive re-use for residential purposes, or adaptive re-use mixed-use purposes which include at least 50% of use for residential purposes
 - o and at least partially within an applicable transit service area.
- An applicable transit service area is an area identified by a map published by the Department of Local Affairs as an area that is within one-quarter mile of certain transit stops (see Attachment 3 - Map).
- The bill also states that enacting or enforcing minimum parking requirements does not lower the protections provided for persons with disabilities or prohibits a local government from:
 - o Enacting or enforcing a maximum parking requirement;
 - o Enforcing any agreement made before the effective date of the act in connection with a land use approval to provide regulated affordable housing in exchange for reducing minimum parking requirements;
 - o Being awarded funding for affordable housing that requires a ratio of a certain number of parking spaces;
 - o Enacting or enforcing a minimum parking requirement for bicycles; or
 - o Imposing the following requirements on a parking space that is voluntarily provided in connection with a development project:
 - That the owners of such parking space charge for the use of the space;

- That the owner of such parking space contribute to a parking enterprise, permitting system, or shared parking plan; and
- That such parking space allow for electric vehicle charging stations in accordance with existing law.

LIMITATIONS

- The bill states that a local government may enforce minimum parking requirements in connection with,
 - A housing development that is intended to contain twenty units or more or,
 - Contains regulated affordable housing
- In order to impose minimum parking requirements of no more than one (1) space per unit, the municipality must publish written findings that showcase that the housing development project would have a substantial negative impact, determined in accord with the review methodology below, and annually report to DOLA.
 - Evidence supporting a substantial negative impact on:
 - Safe pedestrian, bicycle, or emergency access to the housing development project; or
 - Existing on- or off-street parking spaces within one-eighth mile of the housing development project.
 - Parking utilization data collected from the area within one-eighth mile of the multifamily development;
 - Demonstration that the city's implementation of strategies to manage demand for on-street parking in the area within one-eighth mile of the multifamily development would not effectively mitigate the substantial negative impacts contained in such findings; and
 - Have been reviewed and approved by a professional engineer, as defined in C.R.S. § 12-120-202(7).

OTHER DIRECTIVES

- The act requires that the Department of Local Affairs:
 - Publish best practices and technical assistance materials concerning optimizing parking supply and managing parking (See attachment 4 – DOLA Technical Guidance);
 - Publish a map that designates applicable transit service areas to be used by local governments in complying with the act (see Attachment 3 - Map).

The above described state-mandated legislation does not provide flexibility for subject jurisdictions to curtail or alter the prescribed directives . While the City of Colorado Springs is established as a “home rule city” and is afforded the power and privileges to self-govern, the Colorado General Assembly has declared that the required minimum amount of parking spaces for a real property is considered a matter of mixed statewide and local concern. A recent Resolution passed by City Council is included as Attachment

Applicable Code

The subject Amendment to UDC Text application was initiated by the City of Colorado Springs Planning Department at the request of the City Administration and City Council after the implementation date (06/05/2023) of the City's Unified Development Code. All subsequent references within this report that are made to “the Code”, “UDC” and related sections are references to the Unified Development Code. Per UDC Section 7.5.702 Amendment to UDC Text, this section establishes standards and provides a mechanism for the City to review and decide on an application to amend the text of this UDC.

Project Timeline

Community/Stakeholder Engagement	On-going
Community/Stakeholder Webpage	In Development

City Planning Commission	June 11, 2025
City Council	July of 2025
Bill Effective Date	July 1, 2025
Implementation	August 2025 (<i>tentative</i>)

Stakeholder Involvement

Public Notice

City Planning Commission	June 11, 2025
City Council	July 2025 (Tentative)
City Project Webpage	In Development

Public Engagement

The City Planning Department participated in a stakeholder engagement process. A meeting with historic neighborhood interests was held about this and other legislative mandates. Concerns with home rule and impacts on neighborhoods was expressed at that meeting. A meeting was also held to discuss this specific legislation with representatives of the multi-family development community. The multi-family stakeholder group noted that the current market typically drives the requirement for off-street parking; however, some smaller multi-family developments may utilize the new exemption where supported by market feasibility; their most representative example was the market providing approximately 1 space per unit in the no-parking required zone downtown. They expect this market preference to hold for the foreseeable future. Any comments received from the project website will be reported as applicable. In addition to engaging local stakeholder groups, City Planning staff communicated with both the El Paso County Planning Department and the City of Fountain Planning Department to determine their respective implementation strategies of the state mandated directives prescribed in HB24-1304. The El Paso County Planning Department will not enforce parking minimums and will incorporate any necessary regulatory changes with its upcoming code update. Because the applicable transit area in Fountain only includes a negligible portion of the City that is commercial land use, they are not making any code changes.

Agency Coordination

In preparing the proposed Minimum Parking Requirements in Applicable Transit Service Areas Ordinance, City Planning staff held a meeting on May 28, 2025 with respective agency partners. Those in attendance had no additional comments or concerns with the ordinance as presented.

Amendment to UDC Text

Summary of Application

This Amendment to UDC Text application is prepared by Colorado Springs City Planning Department staff to comply with the state-mandated legislation, which as drafted, does not afford flexibility to curtail its prescribed requirements. In consultation with the DOLA, Staff drafted this ordinance to amend Section 7.4.1002 of City code to include an additional parking exempt area, titled the “Applicable Transit Service Area Exemption.” The exempt area name being the same as that designated by the legislation and identified by the map developed and maintained by DOLA. The proposed ordinance language directly reflects the directives of the state-mandated legislation, as it relates to applicability and limitations. The

final obligation to achieve compliance is placed on the City's appointed and elected officials via the public hearing process, which will inherently include opportunity for community and stakeholder engagement.

Ordinance Changes

The proposed Minimum Parking Requirements in Applicable Transit Service Areas Ordinance obtains compliance with state-mandated legislation by amending section 7.4.1002.B of the City's UDC to include the addition of a 4th parking exempt area, titled the "Applicable Transit Service Area Exemption" that directly references the applicability and exemptions language prescribed in HB24-1304. Within the proposed ordinance, the convention for changes is indicated by the following rules: added language is **BOLD** and language to be removed from city code is indicated by a ~~STRIKETHROUGH~~. It should be noted that for the purpose of achieving compliance, language was merely added and no language was removed from the City's UDC.

Application Review Criteria

UCD Section 7.5.702 Amendments to UDC Text

An application for an Amendment to UDC Text shall be subject to the following criteria for approval:

1. *The Colorado Springs Comprehensive Plan and other plans adopted by City Council.*

The current Colorado Springs Comprehensive Plan (herein "PlanCOS") provides extensive guidance surrounding the establishment of more permissive development regulations and design standards, which is supported under the proposed Minimum Parking Requirements in Applicable Transit Service Areas Ordinance. PlanCOS further seeks out opportunities for infill development, attainable and affordable housing solutions, and economic resiliency. These objectives are met through the removal of minimum parking requirements for multifamily projects that are constructed within areas that are serviced by high-frequency transit. Overall, the proposed ordinance is receptive to the established goals and values of PlanCOS, as well as the citywide strategic priorities of ensuring affordable housing and choice for city residents.

2. *The current conditions and character of current structures and uses in each zone district.*

Provided that the exemption applies to new multifamily residential products, adaptive reuse for residential purposes, and adaptive reuse for purposes that include 50% of use for residential purposes that are within the applicable transit service area, as well as considering the effect that market driven needs has had on longstanding parking exempt areas within the City of Colorado Springs, this ordinance in practice will have no foreseeable impacts on current conditions and the character of current structures and uses. When considering the long range impact that the removal of parking limitations within these transit serviced areas will have on land use patterns more broadly, the state-mandated legislation may create a regulatory environment that is well aligned with smart growth principles and resilient and sustainable land use patterns.

3. *The most desirable use of land in each zone district.*

Given the effect minimum parking requirements impose on housing affordability, as well as the state legislation's cited associated externalities, removal of these limitations within certain areas that are serviced by high-frequency transit stops ensures more desirable and efficient use of land in each affected zone district. While the state-mandated legislation does not afford flexibility, when considering both the significant impact of market driven needs and the ability to impose a minimum parking requirement due to a substantial negative impact, the ordinance broadly helps to ensure housing affordability and choice within the City of Colorado Springs.

4. *The conservation of sensitive environmental features.*

Under the proposed ordinance, City Planning staff's ability to consider the protection of sensitive environmental features remains unaffected by the proposed changes.

5. *Promotion of responsible development and growth.*

The state-mandated legislation associates locally imposed minimum parking requirements when in connection with specified residential land uses in close proximity to transit stops as having significant impacts on housing affordability, negative bearings on local and regional infrastructure, and existing and foreseeable environmental

externalities. As such, by removing these requirements for certain land use applications within the applicable transit service area, the City is promoting responsible development and growth in a way that is sustainable and resilient.

Statement of Compliance

CODE-25-0003

After evaluation of the UDC Text Amendment application for the Minimum Parking Requirements in Applicable Transit Service Areas Ordinance the application meets the approval criteria as set forth under City Code Section 7.5.702.D *Approval Considerations*.