

TOWN OF EAGLE, COLORADO
ORDINANCE NO. 01
(Series of 2022)

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF EAGLE, COLORADO
AMENDING TITLE 4 OF THE EAGLE MUNICIPAL CODE TO IMPLEMENT A
VOLUNTARY PARKING FEE IN-LIEU PROGRAM WITHIN A DEFINED AREA IN THE
TOWN

WHEREAS, the Town has determined that parking is a financial and logistical deterrent to development in the Town;

WHEREAS, the Town desires to allow developers or property owners within the Parking Fee In-Lieu Program Boundary to pay a fee instead of providing all or a portion of the parking spaces required by the Town's parking regulations;

WHEREAS, the Town has conducted a study to determine the cost of providing a parking space in the Town, and calculated an appropriate fee-in-lieu based on that study; and

WHEREAS, the Town Council finds that it is desirable and necessary, and in the best interest of the public health, safety and welfare, that a Parking Fee In-Lieu Program be implemented to encourage development in the Town.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF EAGLE, COLORADO AS FOLLOWS:

Section 1. Section 4.07.140(A)(3) of the Eagle Municipal Code is hereby amended as follows:

Section 4.07.140. – Parking standards.

A. Applicability.

1. Except as provided herein, this Chapter shall apply to all uses established or commenced on or after the effective date of the ordinance from which this Title is derived. For uses existing on this date, parking spaces or areas existing on this date shall not be diminished in number or size to less than that required for such use under this Chapter.

2. When an existing use or building is expanded, as measured in floor area used, off-street parking, loading areas and landscaping shall be provided as required for the added floor area, whether or not they were provided for the existing use or building.

3. When the use of an existing building or space is changed to either:

- a. A use in a different use category as set forth in subsection (C) hereof; or
- b. A use in the same use category which requires more off-street parking than the existing use; off-street parking, loading areas and landscaping shall be provided as required for the new use, whether or not they were provided for the existing use.; ~~provided, however, the requirements contained in this subsection shall not apply in the Central Business Zone District (CBD) or Broadway District.~~

Section 2. Chapter 4.13 of the Eagle Municipal Code is hereby amended by the addition of a new Section 4.13.260, to read as follows:

Section 4.13.260. – Voluntary parking fee-in-lieu program.

A. **Applicability.** For properties located within the Town’s Parking Fee-In-Lieu Program Boundary (the "Program Boundary"), defined by Grand Avenue to the north and west, Howard Street to the east, and 5th Street to the south (Figure 3), a property owner or applicant may voluntarily satisfy all or a portion of a property’s parking requirements by providing a cash in-lieu payment to the Town; provided that the required parking for the disabled shall be constructed on the subject property.

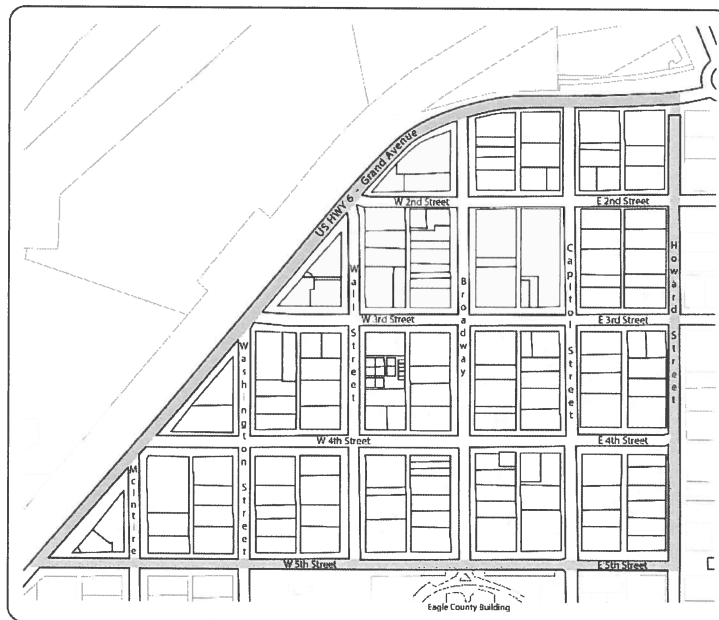


Figure 3: Parking Fee In-Lieu Program Boundary

B. **Amount.** The amount of the parking fee in-lieu shall be twenty-three thousand one hundred dollars (\$23,100) per space. The fee shall be automatically adjusted on January 1st of each year by the percentage that the construction cost

index has increased or decreased. The current amount for each year shall be shown in the fee schedule adopted by the Town Council by resolution.

C. **Payment.** The fee-in-lieu shall be due and payable with the application for a development permit, special use permit or building permit, whichever comes first.

D. **Partial Payment.** A property owner or applicant, at its expense, may construct public parking adjacent to its property, with all associated infrastructure and improvements required by the Town. If such parking is constructed, the fee-in-lieu shall be reduced to sixteen thousand one hundred dollars (\$16,100) per space, adjusted on January 1st of each year by the percentage that the construction cost index has increased or decreased. All such parking shall comply with the parking standards set forth in Section 4.07.140 and the standards for construction within the public right-of-way set forth in Chapter 13.18.

E. **Use of Funds.** All funds collected pursuant to this Section shall be used to conduct parking studies or evaluations, construct parking facilities, operate and maintain parking facilities, and administrative services related to parking, all within the Program Boundary.

Section 3. Severability. If any article, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Town Council hereby declares that it would have passed this Ordinance and each part or parts hereof irrespective of the fact that any one, or part, or parts be declared unconstitutional or invalid.

Section 4. Safety. This Ordinance is deemed necessary for the protection of the public health, safety and welfare.

Section 5. Effective Date. Pursuant to Section 6.03 of the Eagle Home Rule Charter, this Ordinance shall take effect 10 days after publication following adoption.

INTRODUCED, READ, PASSED, ADOPTED AND ORDERED PUBLISHED ON JANUARY 11, 2022.

TOWN OF EAGLE, COLORADO

Scott Turnipseed, Mayor

ATTEST:

Jenny Rakow, Town Clerk



1/6/2022