

ORDINANCE NO. 723

AN ORDINANCE AMENDING THE HAYDEN MUNICIPAL CODE BY AMENDING LANGUAGE AT SECTION 7.24.140, CONTRIBUTION FOR PUBLIC SCHOOL SITE, AND SECTION 7.24.150, PUBLIC SITES AND DEDICATION REQUIREMENTS, IN TITLE 7: THE HAYDEN DEVELOPMENT CODE; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

RECITALS

WHEREAS, the Town of Hayden has previously adopted and amended Title 7, Hayden Development Code (HDC), of the Hayden Municipal Code governing the use, subdivision and development of real property codes within the Town limits; and

WHEREAS, the language in Sections 7.24.140 and 7.24.150 requires contribution and dedication of Public School Sites by a subdivider; and

WHEREAS, the Hayden Town Council (Council) has requested that staff amend the language in Section 7.24.140 and 7.24.150 within the HDC to apply to all residential development by replacing reference to “subdivider” or “subdivision” with “developer” or “development”; and

WHEREAS, in accordance with the requirements of the Hayden Home Rule Charter, after providing proper notice, the Hayden Town Council held a public hearing on November 3, 2022; and considered all public comments received and all testimony and materials provided by Town Staff prior to making a decision; and

WHEREAS, the Council desires to amend regulations that require a contribution and dedication for public school sites as such are defined in the HDC under certain limited standards as further set forth herein with the findings that:

1. The adoption and enactment of standards related to contribution and dedication for public school sites within the Hayden Development Code promotes the health, safety and general welfare of the Hayden community; and
2. The adoption and enactment of standards related to contribution and dedication for public school sites within the Hayden Development Code promotes or implements the goals and policies of the Hayden Forward Master Plan; and
3. The adoption and enactment of standards related to contribution and dedication for public school sites the Hayden Development Code is necessary or desirable to respond to changed conditions or other social or economic conditions.

WHEREAS, approval of this Ordinance on first reading is intended only to confirm that the Town Council desires to comply the requirements of the Hayden Home Rule Charter by setting a public hearing in order to provide the public an opportunity to present testimony and evidence regarding

the amended contribution and dedication for public school sites standards and that approval of this Ordinance on first reading does not constitute a representation that the Council, or any member of the Council, supports, approves, rejects, or denies this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF HAYDEN, COLORADO THE FOLLOWING:

Section 1. Recitals Incorporated. The above and foregoing recitals are incorporated herein by reference and adopted as findings and determinations of the Town Council.

Section 2. Enacted. The following language is hereby enacted at Section 7.24.140, Contribution to Public School Sites, and Section 7.24.150, Public Sites and Dedication Requirements, of Title 7, Hayden Development Code, of the Hayden Municipal Code:

7.24.140 Contribution for Public School Site

To meet the increased need for schools as a result of increased housing, the developer shall dedicate land areas or sites suitable for school purposes, or provide cash-in-lieu of land in the amount specified for every dwelling unit proposed to be constructed within the development to serve the elementary, middle, and high school public school needs of the residents of such dwelling units. Dedicated land areas may be transferred and conveyed to the Town or to the school district, as determined appropriate by the Town

- (a) For single-family dwelling units, the amount of land shall be 1.84 acres per 100 dwelling units;
- (b) For duplex or triplex dwelling units, the amount of land shall be 1.40 acres per 100 dwelling units;
- (c) For multi-family dwelling units, other than duplex or triplex units, the amount of land shall be 0.64 acres per 100 dwelling units;
- (d) For condominium and townhome units, the amount of land shall be 0.82 acres per 100 dwelling units; and
- (e) For mobile homes, the amount of land shall be 1.10 acres per 100 dwelling units.

7.24.150 Public Sites and Dedication Requirements

The developer of residential projects shall dedicate public sites for open space, parks, schools, or other civic purposes in accordance with the requirements of this Section to serve the proposed development and future residents thereof.

- (a) Land Dedication. Payments and dedications made under the requirements of this Section shall be made payable or dedicated to the Town. Dedication of such sites and land areas to the Town shall be free and clear of all liens and encumbrances. The applicant shall provide for the installation of the streets adjacent to the park and school sites, the installation of water, sewer and other public utilities to the park and school sites, and overlot grading as may be necessary of the park and school sites.
- (b) Fee-in-Lieu of Dedication. If there is not sufficient property on the plat, or within the development, to provide land for the entire school or park facility required, with the approval of the Council, the developer may, in lieu of dedication of all or part of the land requirements, pay fees in lieu of the equivalent land areas which would have been dedicated to public facilities. Fees are to be calculated in the following manner:

- (1) Fees shall be calculated based on the full market value of the land assuming the plat has been approved and proper zoning exists.
 - (2) Full market value shall be determined by mutual agreement between the developer and the Council. In the event of inability of the parties to agree on the value of the subject land, the developer shall submit to the Town a written appraisal from a licensed Colorado appraiser. The applicant shall pay the cost of said appraisal.
 - (3) Such appraisal may be submitted during the review period of the Final Plat or Site Plan. If the Council believes that the appraised value is not accurate, it may obtain its own appraisal from a licensed Colorado appraiser, or determine the fair market value by such procedure as the Council deems appropriate.
 - (4) All fees-in-lieu of dedications are to be paid prior to the approval of the recording of the Final Plat or, in the case of a Site Plan, prior to the issuance of any Town permit related to the Site Plan, unless otherwise agreed by the Council.
 - (5) For subdivisions that are platted in phases, the above calculations can be made on a phase-by-phase basis through methods approved by the Council realizing that by virtue of developing one (1) phase, the value of the undeveloped adjacent phase will increase. The subdivider has the option of paying the fees for all phases upon the due date of fees for the first phase.
- (c) Unacceptable Land for Dedication. Unless otherwise determined by the Council in its sole discretion, land areas that are not acceptable in determining the fulfillment of the requirements for the provision of land areas for public purpose facility sites shall include the following:
- (1) Natural drainageways, streams, gullies and rivers including all lands within the 100-year floodplain.
 - (2) Rights-of-way and/or easements for irrigation ditches and aqueducts.
 - (3) Steep, rugged and hazardous geological land areas, and such other areas as are not conducive for use as the intended park or school site.

Section 3. Codification Amendments. The codifier of the Town's Municipal Code is hereby authorized to make such numerical and formatting changes as may be necessary to incorporate the provisions of this Ordinance within the Hayden Municipal Code. The Town Clerk is authorized to correct, or approve the correction by the codifier, of any typographical error in the enacted regulations, provided that such correction shall not substantively change any provision of the regulations adopted in this Ordinance. Such corrections may include spelling, reference, citation, enumeration, and grammatical errors.

Section 4. 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 part or parts be declared unconstitutional or invalid.

Section 5. Repealer. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof is hereby repealed to the extent of such inconsistency or conflict.

Section 6. No Existing Violation Affected. The repeal or modification of any provision of the

Municipal Code of the Town of Hayden 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. 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 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 7. Effective Date. This Ordinance shall be in full force and effect immediately on final passing and adoption, and shall be published in accordance with Section 3-3h of the Home Rule Charter and recorded in the Town Book of Ordinances kept for that purpose, authenticated by the signatures of the Mayor and Town Clerk.

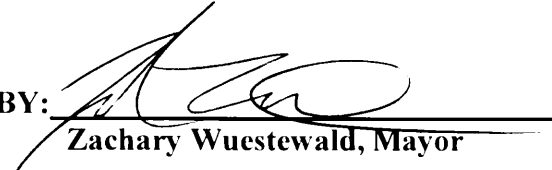
Section 8. Public Hearing on Ordinance No. 723. A public hearing on this Ordinance will be held on November 3, 2022 at the regular meeting of the Hayden Town Council beginning at 7:30 p.m. at the Hayden Town Hall, 178 West Jefferson Avenue, Hayden, Colorado.

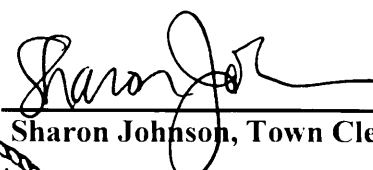
INTRODUCED, READ AND ORDERED PUBLISHED PURSUANT TO SECTION 3-3(d) OF THE HAYDEN HOME RULE CHARTER, BY THE TOWN COUNCIL OF THE TOWN OF HAYDEN, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ON October 20, 2022, and setting a public hearing for November 3, 2022 at the Council Chambers of the Hayden Town Hall, located at 178 West Jefferson Avenue, Hayden, Colorado.

BY: 
Zachary Wuestewald, Mayor

ATTEST: 
Sharon Johnson, Town Clerk

FINALLY ADOPTED, PASSED, APPROVED, AND ORDERED PUBLISHED PURSUANT TO SECTION 3-3(h) OF THE HAYDEN HOME RULE CHARTER, BY THE TOWN COUNCIL OF THE TOWN OF HAYDEN, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS REGULAR MEETING HELD AT THE TOWN OF HAYDEN, ON THE 7TH DAY OF APRIL, 2022.

BY: 
Zachary Wuestewald, Mayor

ATTEST: 
Sharon Johnson, Town Clerk

