

## ORDINANCE NO. 729

**AN ORDINANCE AMENDING THE HAYDEN MUNICIPAL CODE BY AMENDING LANGUAGE AT SECTION 10.16.080, THE APPLICABILITY SECTION UNDER SUBDIVISIONS, IN TITLE 10: 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 10, 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 10.16.080 provides the applicability of the Subdivision code section; and

**WHEREAS**, the Town of Hayden desires to add new language at section 10.16.080(a)(8) stating “Town Council may waive all or a portion of the sketch plan, preliminary plan, and final plat requirements. Waiver of any technical or process requirements is at the sole discretion of the Town Council.”; and

**WHEREAS**, the Hayden Planning Commission convened a Public Hearing on April 13, 2023 and voted unanimously to recommend approval of this amendment; and

**WHEREAS**, the Council desires to amend the applicability standards under the Subdivision section of the Hayden Development Code under certain limited standards as further set forth herein with the findings that:

1. The adoption of new language within the applicability section of the Hayden Development Code promotes the health, safety and general welfare of the Hayden community; and
2. The adoption of new language within the applicability section of the Hayden Development Code promotes or implements the goals and policies of the Hayden Forward Master Plan; and
3. The adoption of new language within the applicability section of the Hayden Development Code promotes or implements the purposes stated in this Development Code;
4. The adoption of new language within the applicability section of the Hayden Development Code promotes 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 7.16.080(a)(8), Applicability standards under the Subdivision Section Requirements, of Title 10, Hayden Development Code, of the Hayden Municipal Code:

“Town Council may waive all or a portion of the sketch plan, preliminary plan, and final plat requirements. Waiver of any technical or process requirements is at the sole discretion of the Town Council.”

**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. 729.** A public hearing on this Ordinance will be held on May 4, 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 April 20, 2023, and setting a public hearing for May 4, 2023 at the Council Chambers of the Hayden Town Hall, located at 178 West Jefferson Avenue, Hayden, Colorado.**

**BY: \_\_\_\_\_**  
Ryan Banks, 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 7<sup>TH</sup> DAY OF MAY 4, 2023.**

**BY: \_\_\_\_\_**  
Ryan Banks, Mayor

**ATTEST: \_\_\_\_\_**  
Sharon Johnson, Town Clerk