

ORDINANCE NO. 732

AN ORDINANCE AMENDING THE HAYDEN MUNICIPAL CODE BY AMENDING CHAPTER 10.16, DEVELOPMENT REVIEW PROCEDURES, 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 Chapter 10.16, Development Review Procedures, contains general procedures and requirements for land use applications, a review process chart, and public notice requirements for land use applications; and

WHEREAS, the Hayden Town Council (Council) has requested that staff amend the language in Chapter 10.16 within the HDC to amend specific public notice requirements, include a community meeting requirement for developments of 24 (twenty-four) dwelling units or greater, and create a Site Plan section within Chapter 10.16.

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 December 7, 2023; 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 the Development Review Procedures within the HDC under certain limited standards as further set forth herein with the findings that:

1. The adoption and enactment of standards related to Development Review Procedures 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 Development Review Procedures 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 Development Review Procedures within 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

Amendment of the Development Review Procedures 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 amendments are hereby enacted at Chapter 10.16, Development Review Procedures, Hayden Development Code:

10.16.020 General Procedures and Requirements

The inclusion of a “Community Meeting” requirement for developments proposing 24 (twenty-four) or more dwelling units, as further specified in EXHIBIT A, attached hereto.

10.16.160 Site Plan

The inclusion of a Site Plan criteria and process as further specified in EXHIBIT B, attached hereto.

Table 10.16-1

Amendments to the Review Process Chart to amend some public notice requirements, further specified in EXHIBIT C, attached hereto.

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. 732. A public hearing on this Ordinance will be held on December 14, 2023 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 December 7, 2023, and setting a public hearing for December 14, 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 14TH DAY OF December, 2023.

BY: _____
Ryan Banks, Mayor

ATTEST: _____
Sharon Johnson, Town Clerk