

**ORDINANCE NO. 679**

**AMENDING THE HAYDEN MUNICIPAL CODE BY ENACTING TITLE 7: THE HAYDEN DEVELOPMENT CODE; REPEALING CHAPTER 12.05 VACATION OF STREETS AND ALLEYS; REPEALING TITLE 16: LAND USES; REALING TITLE 17: ZONING; REPEALING AND, REPEALING ORDINANCES NOS. 093, 186 AND 317.**

**WHEREAS**, the authority for the Town of Hayden (“Town”) to adopt regulations concerning the use, subdivision and development of real property is provided by Article XX of the Colorado Constitution and the Town of Hayden home rule charter; Article 65.1 Areas and Activities of State and Local Interest, Article 65.5 Notification of Surface Development, Article 67 Planned Unit Development Act of 1972, and Article 68 Vested Property Rights of Title 24, Colorado Revised Statutes; Article 20 Local Government Regulation of Land Use of Title 29, Colorado Revised Statutes; and Article 12 Annexation – Consolidation – Disconnection, Article 15 Exercise of Municipal Powers, Article 16 Ordinances – Penalties, Article 20 Taxation and Finance, Article 23 Planning and Zoning, and Article 25 Public Improvements of Title 31, Colorado Revised Statutes; and other applicable state and federal laws and regulation; and

**WHEREAS**, in accordance with the requirements of Title 17: Zoning of the Hayden Municipal Code and after providing proper notice, the Hayden Planning and Zoning Commission held a public hearing on October 26, 2017 and after considering all public comments received and testimony and materials provided by Town staff provided a recommendation to the Town Council on October 26, 2017 to adopt the Hayden Development Code, by and through the adoption of Hayden Planning Commission Resolution No. 17-01; and

**WHEREAS**, in accordance with the requirements of Title 17: Zoning of the Hayden Municipal Code and 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 16, 2017; and considered all public comments received and all testimony and materials provided by Town Staff prior to making a decision; and

**WHEREAS**, the Hayden Town Council specifically finds that the Hayden Development Code meets several review criteria in Section 16.03.110.E. of the Hayden Land Use Code; including:

- 1. The Hayden Development Code will correct numerous manifest errors in the text of the Land Use Code;**
- 2. The Hayden Development Code incorporates changes in administrative practices to improve the efficiency of administration of land use regulations;**
- 3. The Hayden Development Code accommodates innovations in land use and development practices that were not contemplated at the time of the adoption of the Article 3, Title 16, including but not limited to revisions to the development application review**

procedures, adoption of an alternative design process, allowance of concurrent development applications, review of location, character and extent applications; and,

4. The adoption of the Hayden Development Code will further implement the goals and objectives of the Town Comprehensive Plan, including but not limited to encouraging traditional “Hayden” development – Compact Growth, as set forth in Section 3.3 and further utilizing the Implementation Tools as set forth in Section 5.1.

**WHEREAS**, the Town Council finds that the adoption of the Hayden Development Code will implement the Hayden Comprehensive Plan, including all related plans and amendments thereto, and will thereby promote the health, safety and general welfare of the Hayden community; and

**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 application and that approval of this Ordinance on first reading does not constitute a representation that the Town Council, or any member of the Town 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.** Title 7: Hayden Development Code, attached to this Ordinance as Exhibit A is hereby enacted.

**Section 3. Repealed.** Chapter 12.05 Vacation of Streets and Alleys is hereby repealed in its entirety.

**Section 4. Repealed.** Title 16: Land Use and Title 17: Zoning of the Hayden Municipal Code are hereby repealed in their entirety.

**Section 5. Repealed.** Ordinance Nos. 093, 186 and 317 are hereby repealed in their entirety.

**Section 6. 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 7. Severability.** If any provision of this Ordinance, or the application of such provision to any person or circumstance, is for any reason held to be invalid, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable. The Town Council hereby declares that it would have passed this Ordinance and each provision thereof, even though any one of the provisions might be declared unconstitutional or invalid. As used in this Section, the term “provision” means and includes any part, division, subdivision, section, subsection, sentence, clause or phrase; the term “application” means and includes an application of an ordinance or any part thereof, whether considered or construed alone or together with another ordinance or ordinances, or part thereof, of the Town.

**Section 8. Effective Date.** This Ordinance shall take effect fifteen (15) days after second publication in accordance with Section 3-3(h) of the Hayden Home Rule Charter.

**Section 9. Safety Clause.** The Town Council hereby finds, determines and declares that this Ordinance is promulgated under the general police power of the Town of Hayden, that it is promulgated for the health, safety and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Town Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained.

**Section 10. Repealer.** All bylaws, orders, ordinances, resolutions, and other instruments or parts thereof that are in conflict with this Ordinance are hereby repealed only to the extent of such conflict. This repealer shall not be construed to revive any bylaw, order, ordinance, resolution, or other instrument, or part thereof, heretofore repealed.

**Section 11. No Existing Violation Affected.** Nothing in this Ordinance shall be construed to release, extinguish, alter, modify, or change in whole or in part any penalty, liability or right or affect any audit, suit, or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing which may have been incurred or obtained under any ordinance or provision hereby repealed or amended by this Ordinance. Any such ordinance or provision thereof so amended, repealed, or superseded by this Ordinance shall be treated and held as remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings and prosecutions, for the enforcement of such penalty, liability, or right, and for the purpose of sustaining any judgment, decree or order which can or may be rendered, entered, or made in such actions, suits or proceedings, or prosecutions imposing, inflicting, or declaring such penalty or liability or enforcing such right, and shall be treated and held as remaining in force for the purpose of sustaining any and all proceedings, actions, hearings, and appeals pending before any court or administrative tribunal.

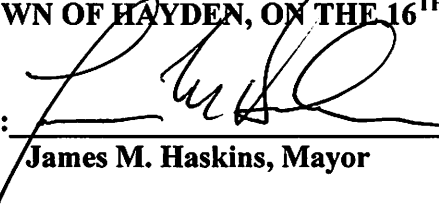
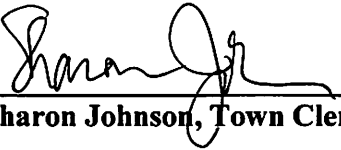
***[EXECUTION PAGE FOLLOWS]***

**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 NOVEMBER 2, 2017, and setting a public hearing for November 16, 2017 at the Council Chambers of the Hayden Town Hall, located at 178 West Jefferson Avenue, Hayden, Colorado.**

BY:  James M. Haskins, 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 16<sup>TH</sup> DAY OF NOVEMBER, 2017.**

BY:  James M. Haskins, Mayor ATTEST:  Sharon Johnson, Town Clerk

