

TOWN OF PAGOSA SPRINGS, COLORADO

**ORDINANCE NO. 989
(SERIES 2022)**

**AN ORDINANCE OF THE TOWN OF PAGOSA SPRINGS
AMENDING THE OFFICIAL ZONING MAP,
APPROVING A PLANNED DEVELOPMENT OVERLAY DISTRICT
AND A PLANNED DEVELOPMENT AGREEMENT
FOR PROPERTY KNOWN AS THE PAGOSA VIEWS PLANNED DEVELOPMENT**

WHEREAS, the Town of Pagosa Springs (“Town”) is a home rule municipality duly organized and existing under Article XX of the Colorado Constitution and the Pagosa Springs Home Rule Charter of 2003, as amended (the “Charter”); and

WHEREAS, pursuant to Section 1.4 A) of the Charter, the Town has all the power of local self-government and home rule and all power possible for a municipality to have under the Constitution and laws of the State of Colorado; and

WHEREAS, Section 11.2, A) of the Charter provides that the Town Council may adopt land use and development ordinances, including but not limited to zoning ordinances, subdivision ordinances and an official map of the Town; and

WHEREAS, the Town has provided in the Pagosa Springs Municipal Code (“Code” or “P.S.M.C.”), within Chapter 21 (“Land Use Code”), Articles 2 through 6, for development application processes, zoning districts, use regulations, dimensional requirements, and development and design standards, for the purpose of promoting the health, safety, morals and general welfare of the Town; and

WHEREAS, the Town has received an application for a Planned Development for a parcel of land, which is described and depicted on Exhibit A attached hereto and incorporated herein (“Property”), for the designation of a Planned Development Overlay district for the Property, amending the Official Zoning map designating the Property as Mixed Use Corridor, and Planned Development Agreement for the development of the Property; and

WHEREAS, the Land Use Code, Section 21.2.4.2, P.S.M.C., allows for the Town's Official Zoning Map to be amended by the Town Council when necessary, in light of changed conditions or changes in public policy, or to advance the general welfare of the Town; and

WHEREAS, the Land Use Code, Section 21.3.5.1, P.S.M.C. provides that the Planned Development (OPD) Overlay District is intended to encourage compatible uses to be developed in accordance with a unified development plan in harmony with the environment and surrounding neighborhood, permit greater flexibility in zoning and development standards and mix of land uses, and encourage preservation of critical environmental resources, provide above average open space and recreational amenities, include exceptional and innovative design, and provide greater efficiency in the layout and provision of roads, utilities and other infrastructure; and

WHEREAS, the Land Use Code, section 21.2.4.2.D.3.a, P.S.M.C., approval criteria for Planned Developments includes: “the PD addresses a unique situation, confers a substantial benefit to the Town, or incorporates creative site design such that it achieves the purposes of this Land Use Code and represents an improvement in quality over what could have been accomplished through strict application of the otherwise applicable district or development standards. Such improvements in quality may include, but are not limited to: improvements in open space provision and access; environmental protection; tree/vegetation preservation; efficient provision of streets, roads, and other utilities and services; or increased choice of living and housing environments”; and

WHEREAS, a Planned Development Agreement is necessary to formalize the specific use regulations, dimensional requirements, and development and design standards as approved by the Town Council; and

WHEREAS, the Town’s adopted 2018 comprehensive Plan identifies the Property to be rezoned for accommodating higher residential density in close proximity to Town and for inclusion into the Putt Hill Overlay District which supports considerations for preserving the natural environment (mature trees, wetlands and waterways), larger buffer distances from the highway right-of-way with open space dedications, inclusion of a pedestrian/bike commuter trail, and providing a secondary road network; and

WHEREAS, the Town’s adopted Town to Pagosa Lakes Trail Master Plan identifies a non-motorized commuter trail along the Hwy 160 frontage of the subject property; and

WHEREAS, the Access Control Plan adopted by the Colorado Department of Transportation, Archuleta County and the Town identifies the requirement for providing a local road network extension through the Property and a full movement intersection at 14th Street and U.S. Hwy 160; and

WHEREAS, the Town Council adopted 2022-2023 Goals and Objectives identifies the need to provide “workforce housing to address current and projected needs by

supporting efforts to add more deed-restricted units to local inventory through the public and private sectors”; and

WHEREAS, after notice and public hearing as provided for in the Pagosa Springs Municipal Code, Sections 21.2.3.6, 21.2.3.7 and 21.2.4.2, the Town of Pagosa Springs Planning Commission conducted a public hearing on August 23, 2022, recommending that the Town Council approve the Planned Development Overlay District, changing the base zoning to Mixed Use Corridor and the planned development agreement for the Property; and

WHEREAS, the Town Council has upon proper notice and a public hearing as provided for in the P.S.M.C., Sections 21.2.3.6, 21.2.3.7 and 21.2.4.2, considered the Application, the recommendation of the Planning Commission, the report of the Town Planning Manager, and members of the public, and other evidence presented at such hearing; and

WHEREAS, the Town Council finds and determines that amending the Official Zoning Map and approving the Planned Development Overlay District and Planned Development Agreement for the Property is in the best interests of the Town and will promote the general welfare of the Town.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PAGOSA SPRINGS, COLORADO, as follows:

Section 1. Incorporation of Recitals. The recitals set forth above are incorporated and ordained hereby as if set forth hereafter in full.

Section 2. Amendment of the Town’s Official Zoning Map. The Town Council hereby approves amending the Town’s Official Zoning map; dated February 03, 2009, and last updated on March 13, 2020; changing the base zoning for Property to Mixed Use Corridor with a Planned Development Overlay District designation.

Section 3. Approval of Planned Development Agreement. The Town Council hereby approves the adoption of the Pagosa Views Planned Development Agreement, attached hereto as Exhibit I.

Section 5. Public Inspection. The full text of this Ordinance, with any amendments, is available for public inspection at the office of the Town Clerk.

Section 6. Severability. If any portion of this Ordinance is found to be void or ineffective, it shall be deemed severed from this Ordinance and the remaining provisions shall remain valid and in full force and effect.

Section 7. Public Hearing. A public hearing on the first reading of this Ordinance shall be held on the 6th day of September 2022 at 5:00 p.m., at the Pagosa Springs Town Hall, 551 Hot Springs Boulevard, Pagosa Springs, Colorado.

Section 8. Effective Date. Pursuant to Section 3.9 of the Town Charter, this Ordinance shall become effective and be in force immediately upon final passage at second reading, which shall be held 22nd day of September 2022 at 5:00 p.m., at the Pagosa Springs Town Hall, 551 Hot Springs Boulevard, Pagosa Springs, Colorado.