



Staff Report

August 26, 2025

To: Chair Nauman and BOZAR

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Subject: **Zoning Code Update Work Session: Alternate Development Review Process Introduction**

Summary:

At the July BOZAR meeting, staff launched the zoning code update with an overview of BOZAR's role and a discussion on what is working well, what is not, and where improvements could be made. The discussion focused on development review processes in the context of meeting the Historic Preservation Plan and Community Plan goals.

This meeting builds on the July work session. We will review key takeaways from that discussion and present an initial draft framework for alternative development review procedures for BOZAR to consider. This framework is an early starting point for feedback and will be refined several times throughout the code update process.

Background:

Both the Historic Preservation Plan and the Community Plan emphasize the need to streamline development review. The goal is to make it easier and more predictable for projects that advance community goals to move forward, especially those that aim to maintain affordability. Currently, higher-end projects can more easily absorb lengthy review timelines, while smaller or mission-driven projects often cannot. Delegating certain approvals to staff, instead of requiring full BOZAR or Chair review, could help align process with policy.

The zoning code update will include both regulatory changes and updates to development review procedures. This work session focuses on the latter.

From the July discussion, staff identified three key themes:

1. ***Clear and objective design standards***

BOZAR expressed a strong desire for "clear as day" standards that leave less room for gray areas or exploitation. While tonight's focus is on zoning and review procedures, staff has released a request for proposals for the [Design Standards Update](#), which will address this feedback. The process will formally begin at the November BOZAR meeting, and two BOZAR members will be recruited to serve on the advisory committee.

- *Clear Rules vs. Architectural Creativity?* A tension was raised during the discussion between setting prescriptive standards, such as deck size limits or window-to-wall ratios outside of historic districts and avoiding overly reactionary rules based on

past projects. This balance will be an important discussion point in the Design Standards Update.

- *Why will BOZAR be needed in the future if the rules are so good?* It was raised during the discussion, “If the rules are so clear, what is the point of BOZAR?” The discussion acknowledged that gray areas will always remain, and BOZAR’s role is essential for interpreting those cases and ensuring public input, even when approvals may seem straightforward.

2. Curiosity about improving efficiency

The Board seemed open to streamlining processes for projects that meet Town goals and comply with Standards, while maintaining higher scrutiny for those that may not. Public input, whether through notifications or hearings, remains a priority. Potential approaches include distinguishing between major and minor impact, as Gunnison County does, or expanding staff approval for certain items, such as insubstantials. However, there was also hesitation about giving up too much review authority, which will require further discussion. It will be important in this process to identify common ground on an objective way to distinguish between projects that warrant additional scrutiny (major impact, substantial, etc.) versus projects that the community would be comfortable with staff review (minor impact, insubstantial, etc.).

3. Reconsidering the DRC process

Members value the DRC’s role in allowing projects to refine designs before full-Board review but recognized concerns about the defensibility of recommendations made by only two members. There was an openness to alternatives, such as full-Board work sessions or site visits, that could provide early feedback while addressing legal concerns.

Before reviewing a draft alternative process, it is important to clarify BOZAR’s two primary functions: zoning review and architectural review. The Design Standards update, which will guide architectural review, will move forward separately starting in November, while tonight’s discussion will focus on procedures, specifically who reviews and approves various types of applications.

Zoning & Subdivision Review	Architectural Review
Site Requirements Rules for how a property can be developed, including: <ul style="list-style-type: none"> • Setbacks – The required distance between a building and the property lines. • Parking – The minimum number and type of parking spaces a property must provide. • Floor Area Ratio (FAR) – The ratio of a building’s total floor area to the size of the lot. • Open Space – The amount of outdoor area that must remain undeveloped or landscaped. • Landscaping – Requirements for planting and maintaining trees, shrubs, and other greenery. <i>While site requirements govern how much of items or space is required, this review is typically embedded into either architectural review of a site plan, or</i>	Recommendation and Approval of the Design Standards to Town Council BOZAR reviews and recommends design standards to Town Council for adoption. These standards guide how properties should be designed to meet community goals and preserve historic character. Architectural Review for Conformance with Design Standards BOZAR reviews projects to ensure they comply with the adopted design standards. This includes evaluating form, materials, massing, and compatibility with surrounding buildings. Residential New Construction Review of new single-family or multi-family homes to ensure compliance with design standards. Commercial New Construction Review of new commercial buildings to ensure

<p><i>calculation as part of a use change or new development application.</i></p> <p>Use Changes When the activity or purpose of a property changes (for example, converting a retail store into a restaurant).</p> <p>Conditional Use Permit A special approval needed for certain uses that are generally compatible with the zoning district but may require specific conditions to address potential impacts.</p> <p>Rezoning Changing the zoning designation of a property to allow different uses or development standards.</p> <p>Planned Unit Developments (PUDs) A customized zoning designation for larger or more complex developments that allows flexibility in exchange for meeting certain community goals.</p> <p>Code Amendment A formal change to the zoning code text that applies to all properties, not just a single site.</p> <p>Subdivision The legal division of land into smaller lots or parcels, including creating condominiums or townhomes.</p> <p>Demolition The removal or destruction of an existing building or structure.</p> <p>Variance Permission to deviate from a specific zoning requirement due to unique site conditions or hardships.</p> <p>Conditional Waiver A temporary or situational exception from certain rules, granted under specific conditions.</p> <p>Special Development Permit Also known as a special use permit, allows a specific land use in a zone where it's not typically permitted, but is deemed compatible with the surrounding area under certain conditions. It's a process used to ensure that uses with unique characteristics or potential impacts are evaluated and managed appropriately. An example of this is excessive slope review.</p> <p>Signage Rules governing the size, location, design, and placement of signs on a property.</p>	<p>compliance with design standards and compatibility with the neighborhood context.</p> <p>Additions/Remodels and Historic Rehabilitations Review of changes to existing buildings, including expansions, renovations, or rehabilitation of historic structures, to ensure compatibility with design standards and preservation goals.</p> <p>Site Plan Review of the proposed site plan as it relates to the Standards and how site requirements fit on the site such as landscaping, parking, walkways, etc.</p> <p>Insubstantial Review of minor changes to existing buildings, such as roof replacements, window or door replacements, decks, siding, or other materials. These typically have lower impact but must still conform to design standards.</p>
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Discussion:

To start the conversation, staff has prepared a first draft of alternative review procedures. The goal of this draft is to explore ways to:

- Streamline the review process for projects that clearly meet the rules, have lower public impact, or advance community goals outlined in the Historic Preservation Plan and Community Plan.
- Continue to provide and encourage meaningful opportunities for public input and feedback.
- Prioritize BOZAR's time on projects with the greatest community impact, while using staff resources efficiently to keep the process responsive and effective.

At this meeting, staff is looking for BOZAR's thoughts and feedback on this draft. We want to hear which ideas feel promising, which may need further discussion, and any areas where adjustments or reconsideration may be helpful. This is a starting point, and your input will help shape a process that works well for the Board, applicants, and the community.

Zoning & Subdivision Review

Procedure	Today's Process	Potential Alternative
Use Changes	Staff review, BOZAR if conditional	No changes
Conditional Use Permit	Staff recommendation, BOZAR Approval	No changes (identify supported conditional uses to change to permitted, such as ADUs)
Rezoning	Council Direction, BOZAR Recommendation, Council Approval	Council Direction or Staff Initiation, BOZAR Recommendation, Council Approval
PUDs	BOZAR Recommendation, Council Approval	No Changes
Code Amendment	Council Direction, BOZAR Recommendation, Council Approval	Council Direction or Staff Initiation, BOZAR Recommendation, Council Approval
Subdivision	Minor Subdivision: Staff Review for two lots meeting specific criteria; BOZAR approval for more than two lots or lots asking for waivers. Major Subdivision: BOZAR Recommendation, Council Approval Condo/Townhome: Staff Approval	Minor Subdivision: Staff Approval Major Subdivision: No changes Condo/Townhome: No changes
Variances	Staff recommendation, BOZAR Decision	No Changes
Conditional Waiver	Staff recommendation, BOZAR Decision	Staff decision (build in more flexibility for new period of significance and ADU incentives)
Annexation	No BOZAR input, Town Council acts as Planning Commission	Transition Planning Commission duties to BOZAR resulting in BOZAR

		recommendation and Town Council approval
Special Development Permit: Excessive Slope Review	Staff recommendation, BOZAR Decision	No change
Signage	Sign off by BOZAR chair	Staff approval, Board referral if not in conformance with Code or Standards and/or opportunity to appeal to full board

Architectural Review

Procedure	Today's Process	Potential Alternative
New Residential Construction Residential	Staff recommendation, DRC Recommendation, BOZAR Decision for all new construction	<i>Mining Era POS/Historic Core with Buffer:</i> Staff recommendation, Full-Board Work Session and/or site visit (in lieu of DRC), BOZAR Decision <i>Outside POS:</i> Staff Approval with adjacent property notifications and period for public comment, BOZAR referral if not in conformance with Standards and/or opportunity to appeal staff decision
New Commercial Construction	Staff recommendation, DRC Recommendation, BOZAR Decision or all new construction	Staff recommendation, Full-Board Work Session and/or site visit (in lieu of DRC), BOZAR Decision
Additions/Remodels (Residential and Commercial) – Discussion question: should there be a distinction between major/minor additions/renovations or commercial and residential additions/renovations?	Staff recommendation, DRC Recommendation, BOZAR Decision for all new construction	<i>Mining Era POS/Historic Core with Buffer:</i> Staff recommendation, Full-Board Work Session and/or site visit (in lieu of DRC), BOZAR Decision <i>Early Recreation Era POS:</i> Staff recommendation, Full-Board Work Session and/or site visit (in lieu of DRC), BOZAR Decision <i>Outside POS:</i> Staff Approval with adjacent property notifications, BOZAR review if not in conformance with standards and/or opportunity to appeal staff decision
Site Plan	Staff recommendation, BOZAR Decision or Chair sign off dependent on amount of proposed changes	Staff Approval, Board referral if not in conformance with Standards and/or opportunity to appeal to full board
Insubstantial: Review of materials/design for roof replacements, window replacements, door replacements, decks, siding, etc.	BOZAR Chair Sign Off	Staff Approval, Board referral if not in conformance with Standards and/or opportunity to appeal to full board

Next Steps:

Staff will return for the September BOZAR meeting with a second draft of refined alternative review procedures based on tonight's discussion. In September, staff will also begin introducing a proposed zoning code framework, including draft refined zone districts and a use table.

Please save the following dates:

- **September 24:** Compass Navigation Committee meeting for BOZAR members who served on advisory committees for the TMP, HPP, CAP, and Community Plan. This meeting will discuss and identify what success looks like as the Town transitions from planning into implementation of the zoning code update.
- **October 6:** Joint Council and BOZAR Work Session This session will also focus on defining success for the code update and will also provide a high-level discussion between Council and BOZAR on guiding strategies and initial thoughts for review procedures and the code framework.

Broader community outreach on the zoning code update will launch later this fall, in late October, to ensure that all residents and stakeholders have an opportunity to review and provide feedback on the proposed updates.