



# Land Use

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## **Niwot Rural Community District (NRCD) Moratorium and Land Use Code Updates Frequently Asked Questions**

### **1. What is the Niwot Rural Community District (NRCD) and what is Boulder County's role in regulating development in Niwot?**

- In the early 1990s the county worked with the Niwot community to create the NRCD zoning district. This replaced the Commercial zoning district and was tailored to the character of Niwot and the desires of the community.
- The purpose of creating the NRCD was to improve upon the existing design along Second Avenue by preserving the historic area, implementing flexible design standards and guidelines, and ensuring that future uses in the area would be compatible with Niwot's semi-rural character.
- The property owners voted to approve the district as did the Planning Commission, and Historic Preservation Advisory Board (HPAB). The County Commissioners adopted them as part of the Land Use Code.
- The NRCD ("NRCD I") covers the properties along 2nd Avenue between the railroad and Niwot Road.
- An NRCD II district was created in 2009 for the residential areas of the old townsite area with a much more limited purpose and scope that related only to setbacks in those blocks. It is a separate district from the NRCD.
- Links to maps of NRCD I and NRCD II are provided here:

NRCD I (Commercial District): <https://assets.bouldercounty.org/wp-content/uploads/2017/03/land-use-code-map-niwot-rcd1.pdf>

NRCD II (Residential District): <https://assets.bouldercounty.org/wp-content/uploads/2017/03/land-use-code-map-niwot-rcd2.pdf>

### **2. Why was a development moratorium put into place for Niwot?**

- The moratorium aims to ensure that future development proposals may be reviewed under clear criteria that can be applied consistently and fairly, and that review criteria and development guidelines reflect the needs and desires of the community.
- The current regulations concerning the NRCD were written in 1993 prior to various changes in development patterns, community needs, and population growth. The regulations have not been updated in nearly a decade. After meeting with community members and staff, the Land Use Director determined that the existing Land Use Code provisions are not adequate to provide the necessary direction in reviewing development projects in the NRCD. He determined that an immediate update to the NRCD provisions of the Land Use Code is necessary. Given the size and scale of the Niwot community a small number of projects could potentially change the character of the community a great deal, and reviewing project impacts on a case-by-case basis does not allow for appropriate consideration of cumulative impacts. Therefore, he requested the Board approve a moratorium on new development until the Code updates are complete. The moratorium will ensure the purpose and goals of a Code review and amendment process may be achieved.

3. What geographic areas within Niwot are affected by the moratorium? Does it include the “NRCD II” and residential areas?
  - The moratorium covers just the primary Niwot Rural Community District (NRCD I) which includes properties along 2<sup>nd</sup> Avenue from Murray Street to Niwot Road. The moratorium does not cover NRCD II, which is the residential areas surrounding NRCD I.
4. **What types of projects are not subject to the moratorium?**
  - Projects that do not require a planning review process from the Land Use Department are not subject to the moratorium. In general, a project that does not increase existing square footage of the building space would not require a planning process, and would be exempt from the moratorium. For example, if a business owner wishes to build out an existing commercial space for a new business for a similar intensity of use, this would require a building permit but not a land use process. The project is not subject to the moratorium and can proceed with the building permit process.
5. **What topics does county staff plan to address when updating the Land Use Code for the NRCD?**
  - Staff plans to address the following issues already identified, as well as additional issues that may be raised at the community meeting on October 17 and Board of County Commissioners hearing on October 30. Issues identified thus far include:
    - Density and design parameters, including building bulk and massing, and the location of multiple structures per parcel
    - Appropriate mix of residential, retail and office uses
    - Interface, connections, and access to and between commercial and residential areas
      - Access and site design recognizing the need for safety, efficient circulation and impacts on neighbors considering parking, alley access and pedestrian circulation
6. **What is the county’s schedule for updating the Land Use Code for the NRCD?**
  - Staff anticipates the time needed to analyze necessary amendments to the regulations, as well as develop a plan to administer the new regulations, is approximately six months in total. This timeframe assumes:
    - (October-November) approximately two months for issue identification, prerequisite studies, community outreach, and internal staff meetings;
    - (December-January) two months for drafting, referral to interested parties, and public review of those drafts; this will likely include at least one additional neighborhood meeting;
    - (February-March) two months to notice and conduct Planning Commission and BOCC hearings.
7. **Do Boulder County’s Subdivision Regulations need to change to address certain development issues in the NRCD?**
  - The NRCD regulations contemplate residential uses, provided they are part of a mixed use development. The definition of ‘subdivision’ at Article 18-204B of the Boulder County Land Use Code, however, includes parcels of land used for condominiums, apartments, or any other multiple dwelling units; or any parcel of land which is divided

into two or more parcels, separate interest, or interests in land. The definition of subdivision therefore includes mixed-use developments with more than one condominium, apartment, or other dwelling unit. To clarify by what process a mixed use development may be approved and what density would be allowed, a Code update is needed. The Board of County Commissioners has already authorized a separate code update pertaining to certain divisions of land, and county staff is exploring whether that update can address a portion of the issue.

**8. What information about the alley north of 2<sup>nd</sup> Avenue is pertinent to this process for general background and context?**

- The alley was dedicated to public use, and access that is consistent with the historical use of the alley is permitted.
- The Transportation Department governs maintenance and improvements through a permitting system.
- The alley is a narrow unmaintained dead end access not built to accommodate heavy usage.
- A public process that took place in the mid-1990s set policies on how to mitigate conflict related to alley usage. Policy direction resulting from that public process was to try to direct business traffic in the block between Franklin and Niwot onto 2nd. This has worked well in some cases but has presented problems in some other instances. The study resulting from that process is available at:  
<https://assets.bouldercounty.org/wp-content/uploads/2018/10/1996-niwot-alley-study-report.pdf>
- In an effort to keep the moratorium as short as possible, changes related to the alley are not anticipated as part of the scope of this limited Code update process. However, staff welcomes input and feedback that may inform future discussion of the topic.

**9. How can I share my ideas and stay informed as this process moves forward?**

- Updates will be posted on the project webpage at [www.bit.ly/dc-18-0004](http://www.bit.ly/dc-18-0004), including a public comment form.
- For more information, contact Jose Ruano at [jruano@bouldercounty.org](mailto:jruano@bouldercounty.org) or 303-441-3922.