



Land Use

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BOULDER COUNTY
BOARD OF COMMISSIONERS
Tuesday, April 23, 2019, at 3:00 p.m.
Commissioners' Hearing Room, Third Floor
Boulder County Courthouse, 1325 Pearl Street, Boulder, CO

PUBLIC HEARING

Docket DC-18-0004: Amendments to Niwot Rural Community District (Article 4-116) and related Land Use Code provisions

Staff:

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AGENDA

1. Staff presentation
2. Commissioner clarifying questions
3. Public comment
4. Commissioner deliberation and decision

INTRODUCTION

On March 12, 2019 the Board of County Commissioners (BOCC) considered proposed text amendments to Land Use Code Article 4-116 Niwot Rural Community District and related provisions. The Board voted to table (continue) the meeting to 3 p.m. on April 23, 2019, and to maintain the current moratorium to that date. The BOCC instructed Staff to further explore bulk requirements, make clarifications, and provide a clear direction on alley use. This document provides background information and discussion on revised Code content that draws on BOCC's guidance on March 12, 2019. For more detailed background information, summary of community engagement processes and outcomes, and discussion on all text amendments to Land Use Code Article 4-116 Niwot Rural Community District and related provisions, please see attachment G.

ACTION REQUESTED

Staff requests that BOCC approve the text amendments to Article 4-116 as presented in Attachment A.

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I. BACKGROUND

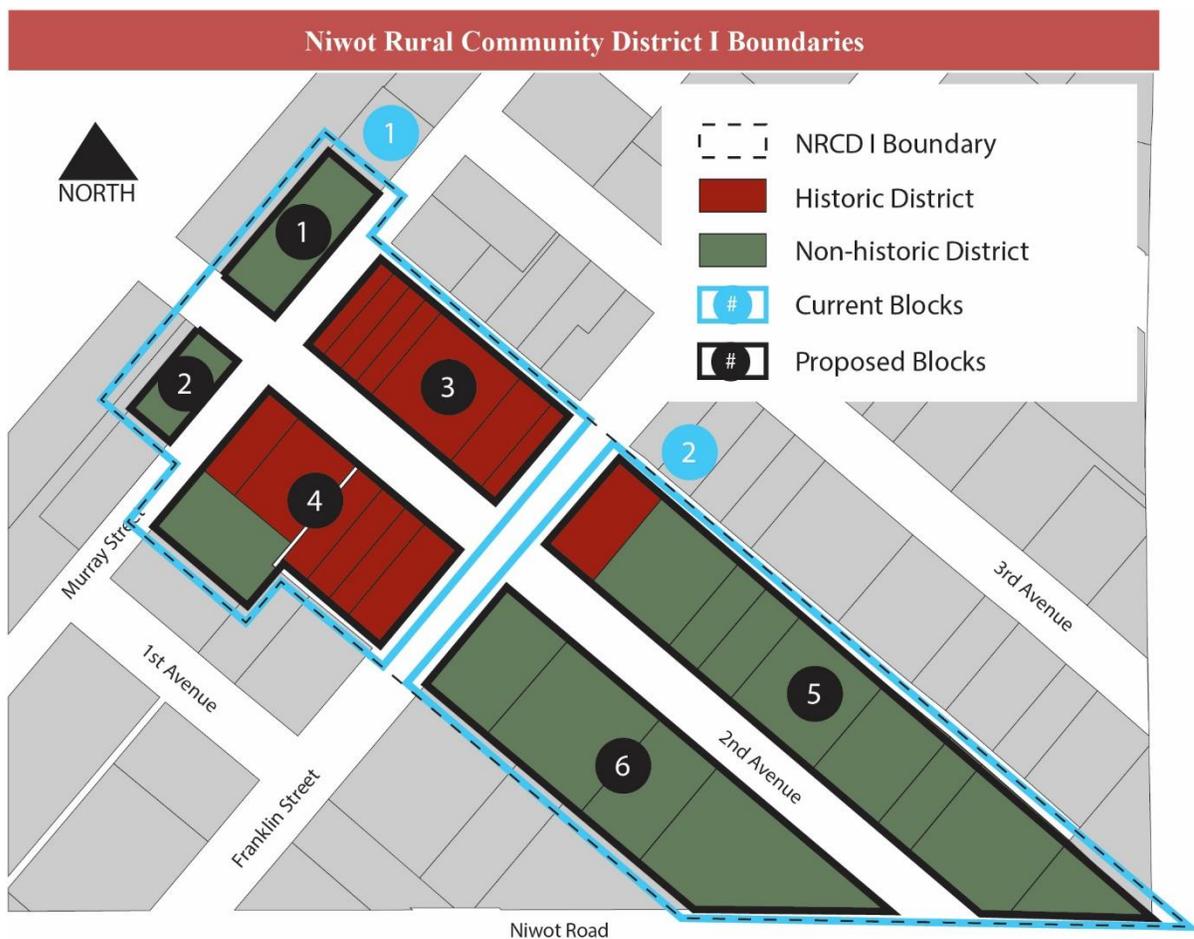
Following the BOCC public hearing on March 12, 2019, staff held a public community working group meeting to discuss the alley (See Figure 1) and potential improvements for access and buffering with the Niwot community. Through the public engagement process, public comments (see attachment H) and further research, staff developed revised Code content that draws on BOCC’s guidance, which includes:

- Investigating the interplay between Floor Area Ratio (FAR) and lot coverage
- FAR analysis and ramifications at different FAR levels
- Potential incentives to increase FAR
- Parking requirement language clarifications
- Deciduous tree landscaping language changes
- Exploring second story windows and lighting issues along the alley
- Providing a clear alley process

Niwot Rural Community District I (NRCD I) Boundaries

The NRCD I covers the properties along 2nd Avenue between the railroad and Niwot Road. Within the NRCD I, the Old Town Niwot Historic District (“Historic District”) comprises the area between Murray and Franklin along with 210 Franklin Street. That area generally aligns with the area referred to as “block one” in the current NRCD I regulations (and referred to as Blocks 3 and 4 in the proposed Code.) The NRCD I Code provisions provide detailed guidelines for development within the Historic District of the NRCD I but provide more limited guidance for development occurring outside the Historic District, as outlined in Attachment E.

Figure 1. Niwot Rural Community District



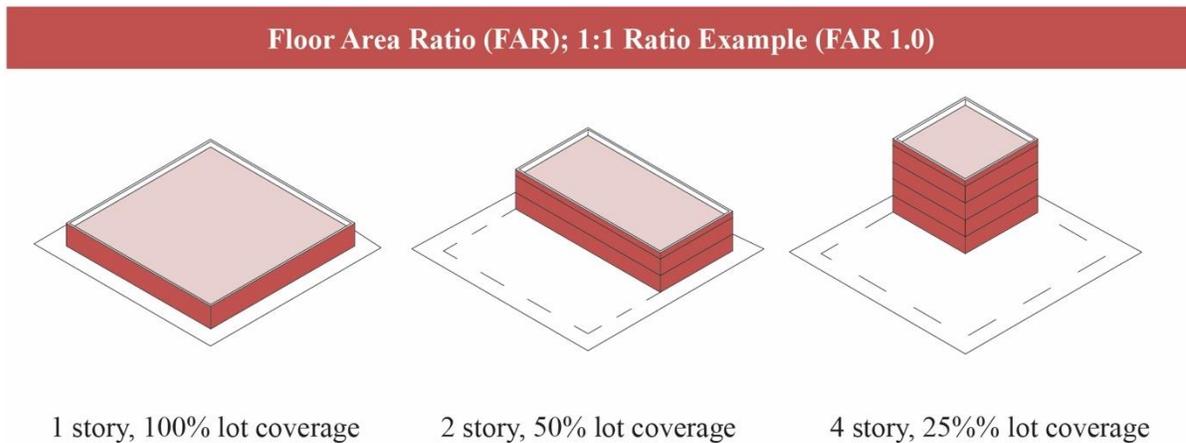
II. SUMMARY OF REVISED CODE CHANGES

A. Overview of Floor Area Ratio (FAR) and Lot Coverage Concepts

Floor Area Ratio (FAR)

FAR is defined as the ratio of the total above-grade building floor area to total lot area.¹ It is the principle bulk regulation controlling the size of buildings, it does not determine a particular shape or spacing; rather, it permits a choice. A property owner can determine where to locate the building floor area on the property, and the concentration of that floor area (e.g., a building with low height and larger lot coverage vs. a taller building that covers less of the lot), provided that the resulting structures fit within the relevant setbacks, height, and lot coverage requirements (see Figure 2). The basic calculation takes the size of a lot and multiplies it by the FAR; if you apply the same FAR multiplier on lots of varying sizes, the result is development that is proportional to said lots.

Figure 2. Floor Area Ratio – Conceptual Overview

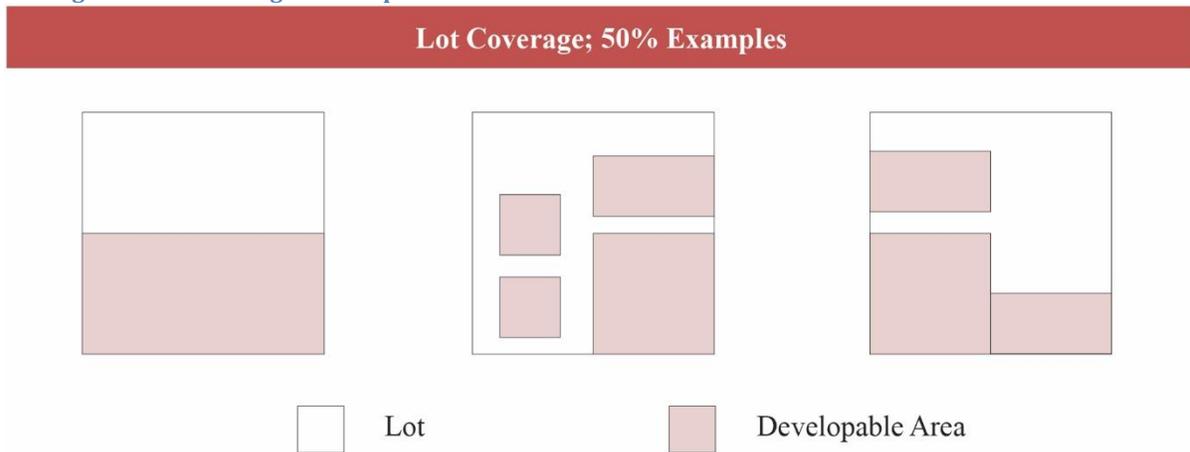


Lot Coverage

Lot coverage is the amount of area developments cover on a lot when viewed from above. Lot Coverage provisions add further specificity to potential outcomes, as they indicate that total development must not cover more than a certain percentage of the total lot area. A property owner can determine where to locate the building floor area on the property, provided that the resulting structures fit within the relevant lot coverage requirements and setbacks (see Figure 3).

¹ FAR = above grade floor area / total lot area

Figure 3. Lot Coverage – Conceptual Overview



B. Overview of Revised Proposed Code Changes and Clarifications

Interplay Between Planning Tools

A FAR of 0.6 will allow property owners to develop a floor area that equates to 60% of their respective lot area. Incorporating a 50% lot coverage means the developable floor area may not cover more than 50% of the lot, however it may be distributed between one to two stories. Lot coverage does not reduce the amount of development allowed, it affects the distribution of bulk and proportion of open space to structures on a parcel.

For example, a 10,000 square foot lot has a building potential of 6,000 square feet at an FAR of 0.6. The 6,000 square feet may cover no more than 50% of the lot, which equates to 5,000 square feet. The 6,000 square feet may be distributed between one to two stories. Therefore, a building may cover the entire 50% of the lot with 5,000 square feet at one story and the remaining 1,000 square feet on the second story or any one to two story combination that does not exceed the 50% lot coverage maximum.

Setbacks are the required minimum distance between the building and the related front, side, or rear lot line. These requirements reduce the flexibility of the associated lot coverage placement, however they do not reduce the area that may be developed.

For example, an 80ft x 125ft (10,000 square foot) lot has a combined front and rear setback of 20 feet and a 0-foot side setback (proposed Code for block 5). Reducing the square footage associated with a combined front and rear setback of 20 feet results in an 8,400 square foot developable area (80ft x 105ft). As mentioned previously, with a 50% lot coverage that equates to 5,000 square feet of lot area that may be covered, said 5,000 square feet of developed lot area may be placed in any configuration within the 8,400 square feet of developable area. Setbacks reduce the flexibility in where the 50% lot coverage is placed within the lot, however do not reduce the area that may be developed.

Building height is the vertical distance from any part of the structure, excluding appurtenances, to the existing grade below. Working in tandem with FAR maximums, lot coverage, and setbacks, these

planning tools each address different aspects of development that effect bulk, mass, and placement, and do not further restrict the amount of floor area that may be developed under an FAR of 0.6.

FAR and Ramifications at Different Levels

FAR limits apply to NRCD I blocks 2, 3, 4, and 5 except for 210 Franklin Avenue which is within the NRCD I Historic District. Projects that were developed in NRCD I blocks 1, 2, 4 and 5 currently fall below the proposed FAR thresholds. Staff believes an FAR of 0.6 allows for additional development, follows the historic development patterns of the area and maintains the NRCD I unique character. A FAR of 0.6 entails a 67% increase in overall potential development, a 51,995 square foot increase from what currently exists on NRCD I blocks 1, 2, 4, and 5. A FAR of 0.7 results in a 95% increase, a 73,589 square foot increase, and a FAR of 8.0 results in a 123% increase in overall potential development, a 95,184 square foot increase from what currently exists.

If the 0.6 FAR limit is removed and only a 50% lot coverage maximum is applied, then properties will max out at a FAR of 1.0 for two-story developments, a 178% increase in overall potential development, a 138,373 square foot increase from what currently exists. Three-story developments will max out at a FAR of 1.5, a 318% increase in overall potential development, a 246,346 square foot increase from what currently exists. Please refer to attachment F for property specific details.²

Table 1. FAR / Square Footage Analysis at Different FAR Levels for NRCD blocks 1, 2 3, 5, and 6.

NRCD Blocks 1, 2, 4, and 5	FAR										
	Existing BLDGs	0.55	0.6	0.65	0.70	0.75	0.80	0.85	0.90	1.00	1.50
Overall Total Square Footage	77573	118,770	129,568	140,365	151,162	161,960	172,757	183,554	194,351	215,946	323,919
Square Footage Increase from Existing		41,197	51,995	62,792	73,589	84,387	95,184	105,981	116,778	138,373	246,346
Percent increase from existing		53%	67%	81%	95%	109%	123%	137%	151%	178%	318%

Potential Incentives to Increase FAR

Staff incorporated the potential to increase FAR from 0.6 to 0.7 if applicants transfer an equal amount of square footage from another parcel in the same block. This flexibility provided by this incentive addresses concerns raised by members of the public regarding the balance between project economic

² Lot size calculations are based on GIS estimates, further research into legal descriptions, plats, or deeds may be necessary as applications are submitted for review.

viability and maintaining an overall development intensity that keeps the area semi-rural and unique. Staff also incorporated the potential to increase FAR from 0.6 to 0.7 if all residential square footage, with the exception of garages and carports, is located above non-residential uses.

Parking requirement language clarifications

This section was amended to make it clear that the maximum parking reduction allowed is a total of 40% with a variety of methods that can be used to achieve that reduction.

Deciduous tree landscaping language changes

When the district was created in 1993 the design criteria (based on working with the community at that time) included a requirement for trees in front yards to be deciduous trees. This was likely based on that type of landscaping being part of the community character and what was historically used in Niwot. We are now proposing that this be a recommendation and not a requirement.

Exploring second story windows and lighting issues along the alley

We have incorporated window placement and second story patio limitations to minimize impacts to neighboring residential properties. Staff did not feel it necessary to prescriptively limit these features as the increased rear setback addresses this concern.

The proposed lighting requirements limit lighting visible to adjacent residential areas by limiting the height and location of exterior lighting and allowing only the minimum required by code.

Nonconforming properties

Staff previously proposed a building height limitation of 15 feet within 25 feet of rear property line where the rear lot line is adjacent to a parcel or right-of-way outside of the NRCD. To reduce the potential creation of a new burden on nonconforming properties we propose the following: “Properties which do not currently meet this requirement may rebuild the same massing as the existing structure if approved by the Land Use Director or through applicable processes.”

Front setbacks on corner lots in Block 5 & 6

Currently these parcels are subject to front yard setbacks (20’ with possible reduction to 10’ if rear setback is increase on both street frontages). Staff recommends a 10’ front setback along Franklin with the ability to reduce the setback to 5 feet if retaining at least 30 feet setback from 2nd Avenue.

C. Block 5 Alley Guidelines

Changes are proposed to the Design guidelines to add clarity to the process for projects moving forward along the Block 5 alley. The process is intended to help achieve a comprehensive solution while allowing projects to move forward meeting design standards addressing safety and aesthetics.

The County Staff will continue to work with the property owners along the alley regarding details of the alley design and function, however in the interim these guidelines create a path forward for development to proceed.

Safety and pedestrian experience shall be considered during review. Additional curb cuts along 2nd Avenue should be discouraged and when possible reduced through shared access. Where alley access is available, curb cuts should not be permitted unless it utilizes an existing curb cut and by keeping and improving consolidates curb cuts providing a safer and more efficient access.

Study

Commercial property owners along alley shall be responsible to fund, prepare, and have accepted by the County, a transportation study to determine permanent use, access, and design of the alley and associated impacts to the properties along both sides of the alley.

Design

The design of the alley needs to include pedestrian features, pullouts and turnarounds. It also must include features to buffer visibility to adjacent properties, including residential properties to the north of the alley (such as fences or plantings).

Design and Construction

The design and construction of all physical improvements to alley and associated areas must be approved by the County but funded by the commercial property owners. Residents on 3rd Avenue wishing to obtain new vehicular access to their parcels will fund any additional costs for their share of pavement and access cut to their parcel. Interim use of the alley shall be limited to historic use except where final improvements are complete. Curb cuts across the sidewalk along 2nd Avenue shall be reduced in number as the approved study will indicate and at such time alley improvements are completed. Should the use of the alley be limited to one-way direction of travel, additional access to 2nd Avenue or Niwot Road shall be accommodated for all vehicular traffic, with pedestrian use also incorporated into the design.

Maintenance

Scope and performance of maintenance shall be approved by the County but will be the responsibility of those who use its services to maintain the alley.

III. STAFF RECOMMENDATION

Text Amendment Criteria

Article 16-100.B. contains the criteria for amending the text of the Land Use Code. Staff finds that the proposed amendments in this Docket meet the following criteria:

1. the existing text is in need of the amendment;
2. the amendment is not contrary to the intent and purpose of this Code; and

3. the amendment is in accordance with the Boulder County Comprehensive Plan

Action Requested

Staff requests that the Board of County Commissioners approve the proposed Land Use Code text amendments to Article 4-116 and associated provisions of the Boulder County Land Use Code in docket DC-18-0004 as presented in Attachment A of this staff report.

Article 4-116 Niwot Rural Community District I (NRCD I)
Section A. Purpose and District Description

Reader's Guide: These proposed sections replace the current "Introduction" section of Article 4-116. The current Introduction section includes background information related to the NRCD, as well as process-related information. The proposed updated Code language starts with a statement of purpose, followed by a description of the area covered by the district.

NOTE: To distinguish the original NRCD area which is the subject of this docket, from the NRCD II which is adjacent to subject area, the original NRCD is proposed to be renamed the NRCD I.

Draft Language:

A. Purpose, Scope, and District Description

The Niwot Rural Community District I (NRCD I) was created under Article 4-115 to recognize the unique semi-rural character of the community, and to apply planning tools to help maintain that character. The NRCD I includes a historic district (HD) and a non-historic district (NH), each with a distinct character (see Figure 1). Article 4-116, as amended in March 2019, is intended to provide clear guidance for development that will help maintain community character while accommodating changes associated with preserving and enhancing the community as a thriving, semi-rural village center.

All provisions of the Boulder County Land Use Code apply to proposed development within the NRCD I unless otherwise noted in Article 4-116. Provisions in Article 4-116 identify the maximum allowed development footprint for the NRCD I. The applicable review process will evaluate all development proposals and may further restrict development based on the characteristics of a given property and proposal and review criteria, with particular attention to historic conditions in the district.

NRCD I includes:

Block 1 north of 2nd Avenue and west of Murray Street; Block 2 south of 2nd Avenue and west of Murray Street; Block 3 north of 2nd Avenue between Murray Street and Franklin Street; Block 4 south of 2nd Avenue between Murray Street and Franklin Street; Block 5 north of 2nd Avenue between Franklin Street and Niwot Road; Block 6 south of 2nd Avenue between Franklin Street and Niwot Road.

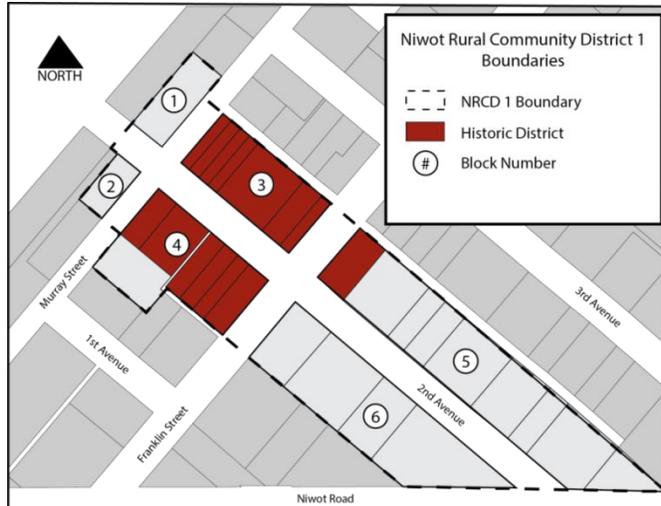


Figure 1 – Niwot Rural Community District 1

Section B. Principal Uses Permitted

Reader’s Guide: This proposed section remains the same as the current version of the Code with two exceptions: 1) use categories are revised to match current use definitions used elsewhere in the Land Use Code; and 2) there is a section for “Mixed Use” which includes information on the maximum number of dwelling units that could be allowed depending on parcel size. There is also a corresponding addition of a definition for Mixed Use within the main body of the Land Use Code (a new Article 4-518).

Draft Language:

- B. Principal Uses Permitted [**NH** = Nonhistoric district only]
 - 1. Agricultural Uses
 - a. Farm Store [**NH**]
 - 2. Commercial / Business Service Uses
 - a. Carpentry, Woodworking, or Furniture Making Facility
 - b. Commercial Bakery (see 4-503D) provided it is limited to no more than 2,000 square feet of floor area and is located on the second floor or in the rear of the property.
 - c. Vehicle Sales/Rental Lots [**NH**]
 - 3. Community Uses
 - a. Church
 - 4. Lodging Uses
 - a. Overnight Lodging Facility (not more than 14 rooms)
 - 5. Office Uses
 - a. Professional Office
 - 6. Residential Uses
 - a. Single Family Dwelling [**NH**]
 - 7. Retail and Personal Service Uses
 - a. Bank
 - b. Day Care Center [**NH**]

- c. Eating or Drinking Place, without drive through service
- d. Emergency care facility
- e. Mortuary [NH]
- f. Retail or Personal Service Facility
- g. Veterinary Clinic without outside holding facilities
- 8. Utility and Public Service Uses
 - a. Public or quasi-public facility other than listed
- 9. Mixed Use

Table. 1 NRCD I Residential Unit Allowance

Parcel Size	Dwelling Units Allowed as part of a Mixed Use	
< 10,000	2	3 if one is 600 sq ft or less
10,000-15,000	4	5 if one is 600 sq ft or less
>15,000	5	6 if one is 600 sq ft or less

Section C. Lot, Building and Structure Requirements

Reader’s Guide: Significant changes are proposed for the topics addressed in this section. It is the primary area within Article 4-116 that addresses issues of building bulk, massing, and overall site design that are closely tied to preservation of community character, and it relates to use of the alley north of Block 5.

Changes being considered include:

- Reducing the **Maximum Building Height** within 25 feet of the rear setback in certain cases, to recognize the transition between commercial and residential areas, and to minimize the potential looming effect, shading, and privacy concerns of neighbors adjacent to a property that will have a second story addition. Also, if utilizing the reduced 10 foot front setback the building height shall not exceed 15 feet between 10 and 20 feet from the front lot line.
- New provisions for **Lot Coverage** and **Floor Area Ratio (FAR)** are included to address the scale of development, including the relationship of building bulk (volume, shape, and spacing of buildings on the land) to land, and to other buildings in the area. Lot Coverage and FAR mechanisms allow for choice in how floor area will be distributed across the property, within the boundaries provided by setbacks.
- Allowing for a reduced front setback in blocks 5 & 6 as long as the front and rear combined setbacks are no less than 20 feet.
- Allowing for a reduced front setback in blocks 5 & 6 along Franklin Street if retaining at least 30 feet from 2nd Avenue.
- Interior parcel lines perpendicular to 2nd Avenue shall be considered a side yard allowing for more building area on corner lots than currently allowed.

Draft Language:

- c. Lot, Building, and Structure Requirements
 1. Minimum Lot Size
 - a. 3,500 square feet
 2. Maximum Building Height
 - a. 30 feet
 - b. 15 feet within 25 feet of rear property line where the rear lot line is adjacent to a parcel or right-of-way outside of the NRCD I.
 - (i). Properties that do not currently meet this requirement may rebuild the same massing as the existing structure if approved by the Land Use Director or applicable processes.
 - c. 15 feet within 20 feet of the front property line in Blocks 5 and 6.
 3. Minimum setbacks
 - a. Front yard
 - (i). Blocks 1, 2, 3, 4: 0 feet
 - (ii). Blocks 5, 6:
 - (a) 20 feet along 2nd Avenue with the ability to reduce the front setback to 10 feet as long as the front and rear combined setbacks are not less than 20 feet.
 - (b) 10 feet along Franklin with the ability to reduce the setback to 5 feet if retaining at least 30 feet from 2nd Avenue.
 - b. Side yard
 - (i). Block 1, 2, 3, 4, 5, 6: 0 feet
 - (ii). Interior parcel lines perpendicular to 2nd Avenue shall be considered a side yard.
 - c. Rear yard
 - (i). Blocks 1, 2, 6: 10 feet
 - (ii). Blocks 3, 4: 0 feet for corner parcels and parcels where the rear lot line is adjacent to a parcel in the NRCD I, or 15 feet for interior parcels where the rear lot line is adjacent to a parcel outside the NRCD I
 - (iii). Block 5: 10 feet with the ability to reduce to 0 feet as long as the front and rear combined setbacks are not less than 20 feet.
 4. Supplemental Setbacks
 - a. No supplemental setback from the center line of 2nd Avenue is required.
 - b. Along Niwot Road, the minimum yard requirements for all structures, with the exception of signs, shall not be less than 80 feet from the center line of the roadway.
 5. Lot Coverage
 - a. Definition: The percentage of total parcel area that can be covered by structures.
 - b. Provisions:
 - (i). Blocks 1, 2: 55%
 - (ii). Blocks 3, 4: 80% for interior lots and 90% for corner lots
 - (iii). Blocks 5, 6: 50%
 6. Floor Area Ratio (FAR)
 - a. Definition: The ratio of the total above grade building floor area to total lot area.
 - b. Provisions:
 - (i). Blocks 1, 2, 5, 6: 0.6
 - (ii). Blocks 5, 6: can propose an increase in FAR from 0.6 to a maximum of 0.7 if transferring an equal amount of square footage from another parcel in the same block. The parcel the square footage is transferred from would then be limited to

the reduced FAR. The additional FAR can be approved through the review process if it is determined that:

- (A). The design flexibility created by transferring square footage keeps parking and driveways in the rear of the subject properties; or
 - (B). Achieves a greater rear setback; or
 - (C). Allows for existing structures or mature trees to be retained; and
 - (D). The proposal does not negatively impact historic resources.
- (iii). Blocks 5, 6 can propose an increase in FAR from 0.6 to a maximum of 0.7 if all residential square footage, with the exception of garages and carports, is located above non-residential uses. The additional FAR can be approved through the review process if it is determined that:
- (A). The proposal does not negatively impact historic resources.
- (iv). Areas within the NRCD I Historic District: No FAR – Historic, Site Plan Review, setback, and lot coverage provisions to control.

Section D. Parking

Reader’s Guide: Changes to this section are intended to provide greater clarity and flexibility, and to abandon the practice of using parking requirements as a mechanism to control the scale of development. The changes under consideration will use other mechanisms for those purposes (i.e., lot coverage, FAR, and setbacks) and parking will more directly reflect the needs of the use on the property. The updated parking requirements will reflect the County’s values related to sustainability and a diversity of housing types by providing potential parking reductions to properties promoting use of multi-modal transportation, those with small residential units, and those with shared parking agreements.

Draft Language:

D. Parking Requirements:

1. 1 parking space per 500 square feet of non-residential floor area, and residential parking at:

Number of dwelling units	Parking Requirement*
1	2
2	3
3	5
4	6
5	8
6	9

* Units less than 600 sq. ft may be granted a reduction in parking.

2. A change of use within an existing structure or the addition of at grade, uncovered outdoor seating will not require additional parking.
3. Non-residential parking may be provided on the lot or on another lot within the NRCD I, or in an approved community lot. A County approved parking agreement is required if the parking is provided on another lot.
4. Residential parking must be provided on site and on the same lot as the residential units.

5. Reduction in Parking Requirement
 - a. The County Engineer and Zoning Administrator may approve up to a maximum 40% reduction total in required spaces if the applicant can demonstrate in a Parking Reduction Plan.
 - b. The applicant must demonstrate that the project will meet the following criteria:
 - (i). The proposed use(s) do not generate as much parking demand as the standards were designed to accommodate;
 - (ii). The reduction in parking will not increase the demand for on street parking in the adjacent residential neighborhood;
 - (iii). The applicant commits to obtain additional parking spaces (Contingency Parking) at such point in time as a County-led parking study of the NRCD I finds that, due to cumulative growth in NRCD I parking demand, on-street parking in the NRCD I is no longer sufficient to meet demand, as described in 4-116 D.4.b; and,
 - (iv). The reduction in parking shall not be contrary to the purpose of this Code.
 - c. Methods that can be used to achieve the maximum 40% reduction include:
 - (i). Use of Current Surplus Parking. A reduction of up to 10% of the allowed 40% reduction of required spaces may be approved if an applicant proposes to utilize the current surplus of district parking with a commitment to utilize the common parking area when and if it is constructed, or utilize other approved on-site or shared parking.
 - (A). The Niwot Transportation and Connectivity Plan (NTCP) recognizes the potential future need for additional parking within the district. At the time of adoption of 4-116, as amended, parking demand does not warrant the construction of a common parking area as there is adequate supply to accommodate existing uses and a surplus to accommodate a moderate level of additional use. When a parking study finds that surplus parking no longer exists, property owners must implement commitments to obtain Contingency Parking.
 - (B). Commitment to Contingency Parking. The following provisions apply to applicants relying on surplus parking capacity in the NRCD I to gain approval of a Parking Reduction Plan:
 - (1). The applicant must commit to obtaining additional spaces in an amount equivalent to the amount of parking reduction (number of spaces) for which the property was previously approved.
 - (2). Additional spaces can be obtained either on-site or through a parking agreement.
 - (3). The applicant must commit to obtain additional parking spaces within 1 year of completion of the County-led parking study. This period may be extended for up to 1 year if the applicant can show additional spaces will be obtained in a parking lot or other project under construction.
 - (ii). Multi-Modal: A reduction of up to 10% of the allowed 40% reduction of required spaces may be approved for implementing multi-modal strategies such as bike racks, bus pass or ride share benefits. The applicant shall

provide passenger loading and staging areas for ridesharing and autonomous vehicles. The applicants must submit evidence that the staging areas are sufficient to meet demand and transportation behaviors and technology warrant a reduction in parking.

- (iii). Shared Parking: A reduction of the required spaces may be approved for implementing a shared parking agreement with one or more other properties located within the NRCDD I or within a County approved lot. The property owner shall submit sufficient data to demonstrate that the parking demand associated with the properties holding the shared parking agreement is complementary and the timing of peak demand for the uses on the properties is not coincident. Said data to include either information on standard parking demand associated with the use(s) in question from a professional publication such as those published by the Institute of Transportation Engineers (ITE) or the Urban Land Institute (ULI) or a professionally prepared parking study.
 - (iv). The property owners involved in an approved shared parking request shall submit a written agreement approved by the Land Use Director requiring that the parking spaces be maintained as long as the uses requiring parking exist or unless and until the required parking is provided elsewhere in accordance with the provisions of this article. Prior to the issuance of a building permit or, for existing buildings, prior to the issuance of a Certificate of Occupancy, such written agreement shall be recorded by the property owners with the Boulder County Clerk and Recorder and a copy filed with the Land Use Department.
6. Credit will be given for on-street parking at a ratio of 1 space per 15 feet of street frontage in the area west of Franklin; 1 space per 25 feet of frontage for parcels with curb-cuts on 2nd Avenue; and, 1 space per 15 feet of street frontage for parcels without curb-cuts on 2nd Avenue in the area east of Franklin Street.
 7. Small car spaces may be used to meet on-site parking requirements provided they are designated for employee parking. In no case shall the designated small car spaces exceed 40% of the required on-site parking spaces.
 8. No loading space is required unless determined to be necessary through the zoning review or site plan review process.
 9. Parking must be located in rear or side of the lot. There must be no parking within the front building line of the property.
 10. All parking must be adequately screened from views from 2nd Avenue. Where properties abut the alley, parking must be screened from the alley. Acceptable screening tools include, but are not limited to, fences and vegetation.

Section E. Design Requirements Applicable to the Entire NRCDD I

Reader's Guide: Proposed changes include:

- Adding provisions related to access and mobility to address safety and the community's desire for improved walkability
- Encouraging dedication of lot area to landscaping and low-water use greenspaces, particularly on Blocks 5 and 6 where that is identified as an important character element

Draft Language:

E. NRCDD I Design Requirements. The following requirements apply to the entire NRCDD I, including the Historic District.

1. Access and Mobility

a. Safety and pedestrian experience shall be considered during review. Additional curb cuts along 2nd Avenue should be discouraged and when possible reduced through shared access. Where alley access is available, curb cuts should not be permitted unless it utilizes an existing curb cut and by keeping and improving consolidates curb cuts providing a safer and more efficient access. Access permits are required per Article 2.3.3.2 of the Boulder County Multimodal Transportation Standards and the alley shall be designed per the following specifications:

(i). Definitions

- (A). "Alley" shall refer to the platted alley east of Franklin Street between Second Avenue and Third Avenue as shown on the townsite plat of Niwot, CO, and as currently altered by County approved vacations and deeds.
- (B). "Property owners" shall refer to all property owners of deed adjoining the alley.
- (C). "Residential" shall refer to those property owners adjoining the north boundary of the alley.
- (D). "Commercial" shall refer to all property owners adjoining the south boundary of the alley.
- (E). "Curb Cuts" shall refer to vehicular access points and driveways which traverse across existing sidewalks along 2nd Avenue.

(ii). Study

- (A). Commercial property owners along alley shall be responsible to fund, prepare, and have accepted by the County, a transportation study to determine permanent use, access, and design of the alley and associated impacts to the properties along both sides of the alley.
- (B). Study will adhere to accepted standards and be reviewed and approved by Boulder County prior to implementation of its findings and must include:
 - (1). Traffic volumes on all adjacent roadways and uses
 - (2). Daily volumes
 - (3). Peak Hours and volumes
 - (4). Weekend variations
 - (5). Identify all crashes officially reported within previous 5 years of recordation
 - (6). Identify safety issues as indicated by crash history
 - (7). Identify pedestrian use on adjacent facilities
- (C). Boulder County may require additional standards and strategies beyond the study's findings.

(iii). Physical Dimensions

- (A). Width – based on directional use
 - (1). One-way – 9-12 feet
 - (2). Two-way – 15 feet
- (B). Pedestrian features – a designated path will be incorporated into the design of the alley.
- (C). Pullouts and turnarounds shall be incorporated into the alley design as stated by the study.
 - (1). Turnaround may take place on existing parking areas with associated easement granted to the County for the public's use.
 - (2). Pullouts may be aggregated for multiple properties.
- (iv). Drainage
 - (A). Drainage shall be evaluated and designed to positively flow to Franklin Avenue, where storm flows would be intercepted and conveyed to existing storm drainage features to the extent feasible based on the drainage study and storm system capacity.
 - (B). Drainage shall not be allowed to flow off alley onto adjacent NRCDII or RR zoned properties except during a One Percent Chance (100-yr) storm event.
 - (C). Utilizing all or a portion of permeable pavement should be considered.
- (v). Adjacent Properties
 - (A). Alley shall be constructed with features to buffer visibility to adjacent properties, including residential properties to the north of the alley (such as fences or plantings).
 - (B). Vehicular access to the alley shall be maintained for all properties north of the alley.
 - (C). Vehicular access to the alley shall only be allowed per approved access plans for properties south of the alley.
 - (D). Vehicular access to the alley off Franklin Avenue (and 2nd Avenue if one way) shall be designed to promote safety for pedestrians crossing perpendicular to the alley.
 - (E). Pedestrian access to the alley shall be promoted and maintained for all properties adjoining the alley.
 - (F). Pedestrian access between the alley and 2nd Avenue shall be promoted during development of Commercial properties.
- (vi). Design and Construction
 - (A). The design and construction of all physical improvements to alley and associated areas shall be funded by Commercial property owners. Residents on 3rd Avenue wishing to obtain new vehicular access to their parcels will fund any additional costs for their share of pavement and access cut to their parcel.
 - (B). Design of improvements shall be approved by the County prior to construction.

(C). All construction work will be inspected and accepted by the County.

(vii). Interim use of the alley shall be limited to historic use except where final improvements are complete and accepted by the County.

(viii). Curb cuts across the sidewalk along 2nd Avenue shall be reduced in number as the approved study will indicate and at such time alley improvements are completed.

(ix). Should the use of the alley be limited to one-way direction of travel, additional access to 2nd Avenue or Niwot Road shall be accommodated for all vehicular traffic, with pedestrian use also incorporated into the design.

(x). Maintenance of the alley shall be approved by the County.

(A). Scope and performance of maintenance shall be approved by the County via a Maintenance agreement

(B). Maintenance shall be the responsibility of those who use its services. The County will not maintain the alley.

Variations from this part of the code may be approved by the Director and County Engineer

b. Building design and scale should enhance the walkability and pedestrian experience.

c. Streetscapes and public areas, including alleys, shall be improved and landscaped to enhance the pedestrian experience and to help buffer residential areas.

2. Signs

a. Wall mounted signs per building face shall not exceed 32 square feet total.

b. Wall mounted perpendicular signs may not exceed 12 square feet per sign face.

c. One ground sign (not raised on a pole) per building lot of no more than 32 square feet or 16 square feet per sign face is permissible.

d. Items may be displayed outside of a structure provided they are displayed for no more than 48 hours and not more than once per week or have received the approval of the Niwot Design Review Committee. Such objects shall not obstruct pedestrian traffic on sidewalks.

3. Landscaping

a. In Blocks 5 and 6 - paving shall not be permitted in the front yard within 10 feet of the front property line with the exception of a driveway, patios, and walkways.

b. Deciduous trees are preferred in the front yards. Any type of shrub shall be allowed.

c. In Blocks 5 and 6, a minimum of 20% of the area within each parcel must consist of landscaping, which may include hardscaped plazas, outdoor seating/serving areas, walkways within on-site open space areas, and other similar hardscaped on-site amenities. Hardscaped elements shall account for no more than two-thirds of the minimum landscaped area requirement.

d. Low-water use landscaping approaches are encouraged, along with use of green roofs on non-historic structures.

4. Outdoor Lighting

- a. Any lighting shall be low intensity to provide for safety and security where needed. Install recessed lights, footlights, lights on posts of human scale, or directional lights in unobtrusive locations.
 - b. Freestanding lighting not visible to adjacent to property zoned NRCD II or RR shall be no more than 12 feet in height with the exception of street lights.
 - c. Exterior lighting adjacent to property zoned NRCD II or RR shall be the minimum required by adopted Building Code and located no higher than 6 feet above grade when on a structure and no higher than 3 feet (such as bollard type lighting) when ground mounted.
 - d. Second floor entrances requiring lighting should be situated such that it is not visible to adjacent areas in the NRCD II or RR zones.
 - e. Lighting operation/hours may be further limited through applicable review process to assure neighborhood compatibility and safety.
 - f. The above conditions are in addition to the outdoor lighting requirements set forth in Article 7-1600; developments shall comply with both this section and Article 7-1600.
5. Building Materials in the Non-Historic area
- a. Front facades shall be composed of brick, wood or a non-organic wood facsimile siding, stucco, or stone; or, a material approved by the Niwot Design Review Committee.
 - b. Preapproved paint colors listed in Appendix A may be used; if a color not listed in Appendix A is requested, approval by the Niwot Design Review Committee is required.
 - c. Fences shall be wood or wrought iron and shall be no higher than 4 feet in the front yard.
6. Building Form
- a. Roofs should conform with the existing roof styles on 2nd Avenue within the same block.
 - b. Expanses of building façade on any side that are longer than 25 feet may, depending on site conditions and visibility, be required to incorporate design variations to break up the continuity of the wall in an attempt to reduce the possibility of a long monotonous wall.
 - c. Window Placement - Second-story windows should incorporate off-sets to minimize direct views into the windows of existing, neighboring structures and where necessary the amount of window area should be minimized to preserve privacy of properties zoned residential.
 - d. Second story patios should be avoided or situated to preserve the privacy of adjacent properties zoned NRCD II or RR.
7. Mix of Uses
- a. For properties supporting both commercial (any allowed nonresidential uses) and residential uses on the same lot; residential uses should be located on the second floor or behind any commercial units on the first floor.
8. NRCD I Colors
- a. Bright, multi-hued color schemes are often associated with historic architecture. The Pearl Street mall in downtown Boulder, Colorado exemplifies the successful use of a variety of trim colors in combination

with brick and painted board siding. The "Painted Ladies" of San Francisco, California is another example of successful color use. Both of these examples, however, are not representative of Niwot. Niwot's agricultural roots have led to a more conservative use of color. While a wide variety of colors may still be acceptable, bright hues used on large surfaces will stand out within the district, disrupting the continuity of the streetscape. The architecture of downtown Niwot is not Victorian, and as a result, complex Victorian color schemes should be avoided. A color that looks appropriate for the district on a small chip may not be appropriate when painted on a large surface. In addition, combining colors that are opposites on the color wheel may result in the appearance of an intensification of each individual hue. Using opposite colors (complementary colors) often has attractive results but is dependent on each individual situation.

b. NRCD I Pre-Approved Colors-

(i). The following pre-approved colors may be used within the NRCD I without the review of the NDRC or HPAB. Colors not included in this list may be acceptable but will require review and approval. Use of more than two trim colors shall also require review and approval by the NDRC (non-historic portion) or the HPAB (historic district).

(ii). Pre-approved colors:

(A). Repainting with the same color as the existing color

(B). White

(C). Off-white

(D). Other Base Colors (Relates to Uncoated Pantone Chart)

(Note: The list of pre-approved base colors is very limited to pale, neutral hues. Applicants should not feel they have to stay within the pre-approved color range, as darker base colors would often be appropriate with the approval of the NDRC or HPAB.)

(1). Neutral Greys: 406, 407, 413, 420, 421, 427, 428, 454, 468, 726, 4685, 5455, 5527, 5655, Warm Grey 1, Warm Grey 2, Warm Grey 3, Cool Grey 1, Cool Grey 2, and Cool Grey 3

(E). Other Trim Colors (Relates to Uncoated Pantone Chart)

(1). Reds: 181, 1815, 1817, 194, 1945, 195, 1955, 201, 202, 209, 216, 229, 491, 492, 4985, 4995, 505, 506, 696, and 697

(2). Purples: 262, 2622, 2695, 276, 511, 5115, 5125, 5185, 5195, 5205, 668, and 669

(3). Blues: 282, 289, 534, 5405, 5415, 5425, 5435, 5445, 548, 646, 647, 648, 653, and 655

(4). Greens: 3292, 3298, 5477, 5487, 5497, 5507, 5517, 555, 5545, 5555, 5565, 5575, 5585, 5615, 5625, 5635, 5645, 625, and 626

(5). Blue Greens: 5473, 5483

- (6). Browns: 437, 438, 439, 463, 4635, 464, 4645, 465, 4655, 466, 4665, 467, 469, 470, 477, 478, 728, 729,
- (7). Greys: Warm Grey 1 through 11 , Cool Grey 1 through 11, 403, 404, 405, 408, 409, 410, 411, 414, 415, 416, 417, 418, 422, 423, 424, 429, 430, 431, 442, 443, 444, 445

Section F. Additional Requirements for NRCD I Historic District

Reader's Guide: This section includes the existing design guidelines for the historic district. Other components of the current sections of the 4-116 that apply only to the Historic District are included either in Section G (Process-related items) or in the appendix to 4-116.

Draft Language:

- F. Additional Design Requirements for Historic District. The following requirements apply only to the Historic District of the NRCD I.
 - A. Rhythm, Pattern, Alignment, Massing
 - 1. Historical Precedent - The existing buildings within the historic district are varied. The underlying 25' lot width of the original townsite plat influences the pattern and scale of the buildings, many of which are 25' wide, or combinations thereof.
 - 2. Intent - Patterns come in many different scales. The arrangement of building set-backs or facade elements, such as; windows, columns, porches, and the arrangement of bricks in a wall are all examples of patterns that occur at different scales. New construction and renovations shall contribute to the patterns that occur in the new construction's surroundings.
 - 3. Guidelines:
 - a. Contributing structures should not be demolished or moved off of the site, unless the owner of the structure is granted an economic hardship by the Historic Preservation Advisory Board or the Chief Building Official determines that the structure presents a hazard to the health and welfare of the general public. In cases where demolition is necessary, the facade of the building should be retained.
 - b. New additions or alterations to contributing structures shall be done in a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired. Additions to the rear of a structure are more appropriate than those made to the side. Additions to the front of a structure are not appropriate because of the importance of the facades in the historical architecture.
 - c. Break up the monotony of building facades longer than 25' by incorporating design variations along the facade. Variation may take the form of a change in building material, color, or the use of vertical elements such as columns or pilasters.

- d. The appearance of a continuous pedestrian walkway along the fronts of the buildings should be maintained. The appearance of a continuous walkway may be achieved through zero lot line set-backs of the buildings themselves; or the placing a low open style of fence, planters, or some other decorative element at the edge of the walkway.
- e. Alleys should be retained to provide access to the rear of buildings and to provide a service area for the building that is not highly visible from 2nd Avenue.
- f. The patterns created by second story windows should be maintained. The second story windows in the historic district are typically vertically oriented with a height approximately two times the width.
- g. The distinction between upper and lower story floors should be maintained. Window style and size are important elements in separating the first and second floors. Columns that exceed one story in height would create an imbalance in the scale of the architecture in the district.

B. Architectural Details

1. Historical Precedent - The commercial buildings found along Niwot's Second Avenue during the early 1900s were simple styles that reflected the rural character of the community. Buildings often had false fronts with elements that were reminiscent of the neoclassical style, common in the United States between 1895 and the 1950s. Cornices were simple, such as the Livingston Hotel cornice, or may have had more detail, such as the pedimented cornice found on Nelson Hall. A wide band of trim beneath the cornice, representative of the classical entablature, was common. A one story, flat-roofed entry porch was also common in the Neoclassical style. This architectural detail was the most significant element of the Livingston Hotel. The windows in the commercial buildings were typically rectangular and vertically oriented. Upper story windows were double-hung and commonly had a height two times the width. First floor windows were also vertically oriented and rectangular. The building's entrance was typically centrally located between two first floor display windows and may have had a transom. The Frank Bader house is of the Folk Victorian style that was associated with the period of time when railroads were inspiring the creation of small western and mid-western towns. The house has simple Victorian detailing as found in cornice details and scallop forms. Vertically oriented double-hung windows were typical on the first and second stories of the Bader house. The Bader House is the only structure within the district with primarily Victorian characteristics. As such, Victorian elements such as arched windows, bay windows, scallops, and dormers do not define the character of the Old Town Niwot commercial area.
2. Intent - The facade elements that gave the historic buildings of Old Town Niwot their original character had a style and proportion that established the building's place in time. New buildings and renovations of existing buildings should allude to that historical place in time while identifying with their own time period.
3. Guidelines:
 - a. The facade elements of the contributing structures, such as awnings, cornice details, pilasters, and columns are timeless elements of architectural detail and should not be

removed or altered. Using these elements on new construction strengthens the historic character of the district.

- b. Inappropriate roof forms in the commercial architecture of the district include; side gable, mansard, and hipped. Flat roofs and false fronts are not appropriate for residential architecture within the district. Front gabled roofs hidden behind a false front are most common for commercial architecture, and are encouraged.
- c. The roof shape of the contributing buildings shall not be permanently altered.
- d. Efforts shall be made to make solar panels, skylights, and rooftop mechanical equipment as unobtrusive as possible.
- e. Wall-mounted light fixtures are appropriate to provide lighting of signage or building entrances.
- f. Typical window openings did not include circular, arched, or triangular windows.

C. Materials and Color

1. Historical Precedent - Horizontal wood siding and bricks in red hues are the two most common building materials used in Niwot. Both of these materials are similar in scale and pattern because each wood board is similar in width to a brick course. Wood and sandstone were used as accent materials around window and door frames, and sandstone was occasionally used at building corners (quoins) as an accent. Larger scale, rough-hewn blocks were used in the Niwot Mercantile. Glass was widely used for display windows on the first floor of the commercial buildings. Brightly painted buildings were not found in Old Town Niwot. The colors used for large building expanses were generally lighter colors, such as light grey or off-white; or the red color of brick. Accent colors may have been found in architectural details and awnings.
2. Intent - The main intent of these guidelines is to prevent the use of a material that stands out in the district because of characteristics that identify the material as modern. An example would be the use of mirrored glass. Mirrored glass was not typical of Niwot and is commonly associated with large, modern office buildings. The color schemes used on the commercial buildings of Old Town should be compatible with the district as a whole. The intent of these guidelines is to allow a variety of colors, providing they are used in a manner that contributes to the overall character of the district
3. Guidelines:
 - a. Materials typical to or compatible with the district shall be used for renovations and new construction.
 - b. Whenever possible, replacement of existing roofing, siding, or masonry units in a contributing building shall be done with a material that matches the original material in scale, color, and texture.
 - c. Bright, intense colors shall be reserved for small areas, such as window and door trim, cornice details, kick plate, and clerestory details.
 - d. The following materials are suggested for CONTRIBUTING and NON-CONTRIBUTING structures. A variety of materials are acceptable and property owners are not limited to the following list, provided the HPAB approves the material through the Certificate of Appropriateness process.

- (i) Brick
 - (ii) Horizontally-oriented wood lapboard siding of a scale typical to the district
 - (iii) Horizontally oriented siding (of a material other than wood) that replicates the scale and texture of the lapboard siding typical of the district (boards are typically four or five inches in width). A variety of materials are available that replicate wood siding. Examples include painted composite pressed board, vinyl, wood clad aluminum, and non-reflective aluminum siding.
 - (iv) Sandstone
 - (v) Decorative detailing in wood or cast iron, or a facsimile material
 - (vi) Fabric awnings
 - (vii) Wood shingles
 - (viii) 3-tab asphalt shingles
 - (ix) Non-reflective metal roofing products
 - (x) Window and door frames made of wood, anodized aluminum, or other material provided it is non-reflective.
- e. Materials appropriate for NON-CONTRIBUTING structures only:
- (i) Decorative concrete block
 - (ii) Precast or poured concrete (if it is not the principal material)
 - (iii) The following materials are inappropriate for use within the historic district:
 - (iv) Vertically-oriented siding
 - (v) Stucco
 - (vi) Shiny metallic window and door frames
 - (vii) Tinted or mirrored glass
 - (viii) Terra Cotta/Ceramic Tiles

D. Signs

1. Historical Precedent - Photos of Old Town Niwot show many of the commercial buildings having painted wooden signs just under the cornice line of the roof, just above the door and first floor windows (architrave), or incorporated into awnings.
2. Intent - The purpose of sign is to identify the location of a business, to promote the merchandise or service within, and to attract customers. When carefully done, the building and sign become part of the overall design, each supporting the other. These guidelines shall be used in conjunction with the sign regulations in the Boulder County Land Use Code.
3. Guidelines:
 - a. Signs shall not be positioned so as to cover architectural details.
 - b. Flush mounted or projecting signs are preferable in the district. With the exception of the Bader House, freestanding signs should not be used.
 - c. Internally lit signs are inappropriate except for small neon signs in a store window.

Section G. Process and Review Requirements

Reader's Guide: This section assembles all process-related provisions into one place within Article 4-116. All review requirements for projects seeking development approval will remain unchanged. Proposed changes pertain to increased requirements for community engagement for projects larger than a certain scale.

Draft Language:

- G. Process and Review Requirements
 2. Special Review will be necessary for any use which:
 - a. Generates traffic volumes in excess of 500 average daily trips; or
 - b. Has a total floor area greater than or equal to 35,000 square feet.
 3. Site Plan Review is required when building on a vacant parcel or adding 1,000 square feet of floor area or more to a property. Site Plan Review is not required for a change of use. A Site Plan Review waiver process is required when demolishing any square footage or adding less than 1,000 square feet.
 4. A Certificate of Appropriateness will be necessary for any alterations to the exteriors of structures or development within the Historic District with the following exceptions:
 - a. Pre-approved color changes as listed in Appendix A of these guidelines, or repainting of a structure with the identical color as the existing color.
 - b. Regular maintenance and repairs to structures that retain the existing materials. Examples include, repointing mortar joints; replacing damaged wood siding with new wood siding which is identical in scale, color, and pattern as the existing siding; replacing damaged roofing material with identical roofing material; and window pane replacement, provided the mullions and muntins of the existing window are being retained and the glass is not tinted or mirrored.
 - c. Landscaping
 - d. Interior alterations which do not affect the exterior appearance of the structure.
 - e. Although these alterations do not require Niwot Design Review Committee review or HPAB review, the owner proposing these changes must inform the Land Use Department prior to undertaking the change to insure that it does in fact fall within one of the above four categories.
 5. Community Engagement
 - a. Boulder County requires applicants to schedule and hold a meeting with the local community, residents, and other stakeholders prior to submitting the application to the Land Use Department for development, which triggers Site Plan Review, Special Review, or other planning review process. The purpose of this engagement is to provide sufficient opportunity for public comment on development plans, and for the applicant to listen to and address, as reasonable, the community's concerns and recommendations related to the proposed development. Applicants shall:
 - (i) notify property owners within the NRCD I & NRCD II areas and Land Use staff of public meeting at least seven days prior to the meeting which shall be held at least 14- days and not more than six months prior to application;
 - (ii) hold meeting at a location readily accessible to those properties affected by the proposed development;
 - (iii) prepare a final report summarizing comments and information received and how any concerns are being addressed; and
 - (iv) submit the report with the application
 6. Niwot Design Review Committee and Historic Preservation Advisory Board Engagement - Boulder County requires applicants to schedule and hold a meeting with the Niwot Design Review Committee and, if applicable, the Historic Preservation Advisory Board prior to submitting the application to the Land Use Department for any development that triggers Site Plan Review, Special Review, or another planning review process. These meetings may be combined or separate from the community engagement meeting.
 7. Referral

- a. As part of any development application in the NRCD I the following will be included as additional referral agencies:
 - (i) Niwot Design Review Committee
 - (ii) Property owners and residents within 1,500' of the proposed development
 - (iii) The Local Improvement District Advisory Board
 - (iv) Niwot Downtown Business Association
 - (v) Niwot Community Association
 - (vi) Niwot Historical Society
 - (vii) Historic Preservation Advisory Board if in the Historic District or if the property has structures 50 years of age or greater.
8. Amendments
 - a. Proposed amendments to the boundary of the Niwot Rural Community District shall be referred to all property owners within the NRCD I & NRCD II as well as the Niwot Design Review Committee. Referral comments from the NRCD I & NRCD II property owners and the Committee shall be considered by the Planning Commission and the Board of County Commissioners when reviewing rezoning requests in or adjacent to the current boundary of the NRCD I as shown in Figure 1 of 4-116.

Section H. Review Boards

Reader's Guide: This section includes a revised description of, and requirements for the Niwot Design Review Committee, and reference to the role of the Historic Preservation Advisory Board (HPAB).

Draft Language:

H. Review Boards

1. Niwot Design Review Committee
 - a. Duties and Responsibilities. The committee's primary role is to act as a referral agency for proposals within the NRCD I. The committee does not have legal authority to grant Certificates of Appropriateness. However, the Historic Preservation Advisory Board (HPAB) shall consider the committee's recommendation as well as other public testimony in decisions pertaining to the historic district.
 - b. Selection. Niwot Design Review Committee will consist of 5 members. Members will be appointed by the Board of County Commissioners, and the selection process will be completed with the intent to include representatives of the Niwot Business Association, the Niwot Community Association, the Niwot Historical Society, at least one member of the HPAB, and members of the community who have lived or worked in the community for more than five years.
 - c. Term. Members shall serve three-year terms, and no member may serve more than three consecutive terms.
 - d. The Niwot Design Review Committee is authorized to hold meetings on an as needed basis and may adopt official bylaws for the conduct and procedures of its meetings.
2. Historic Preservation Advisory Board (HPAB)

- a. The HPAB reviews proposals within the Historic District of the NRCD I and on parcels with structures 50 years of age or greater if staff finds there is any potential for landmark eligibility.

Section I. Appendix A-Historic Landmark Designation

Reader's Guide: This section includes information and background on the designated Historic District and the Contributing and Non-contributing structures

I. Appendix A-Historic Landmark Designation

1. Narrative Description:

- a. The Niwot Historical District represents a significant collection of buildings dating from the early 1900s, typical of the County's early agricultural communities. Within the County, only two such communities (Hygiene and Niwot) remain today, basically unchanged since the turn of the century. Of the two, Niwot perhaps best represents the typical commercial aspects of an agricultural district linked to the railroad for distribution of its products.

Niwot was platted along both sides of the Colorado Central Railroad track at the site of an existing section house lying halfway between Boulder and Longmont. When Porter T. Hinman helped to lay out the town in 1875, the surrounding region was being settled by men whose names are still associated with the area. Hinman himself had arrived in 1860 and his name is still affiliated with Hinman Ditch, which runs through the town.

Niwot's commercial district of the 1880s lay on the west side of the track near the depot, while most of the town's residents lived on the east side. By 1896, businesses included a blacksmith shop and mercantile. To the west stood the United Brethren Church, and beyond that was the Left Hand Grange Hall. The one-room Niwot schoolhouse had been built on Dan Burch's place at 81st and Oxford Road, and the Batchelder School at 63rd and Monarch Road served children living southwest of town. Railroad activity continued to revolve around the depot, but by the turn of the century, stores and services also began to appear across the track as well.

When the Hogsett family opened their lumberyard and hardware store just east of the track in 1911, the community seemed to experience renewed energy. There was even talk of laying concrete sidewalks along both sides of Main Street. A band shell was built across from the bank, where 18 local musicians held concerts on weekends and holidays. The bank was prospering and a weekly newspaper reported all of Niwot's social and business activities every Friday. In the lot next to the bank stood a shack housing the town's fire wagon. John Nelson's hall stood at the east end of the block, housing various businesses on the first floor and a meeting room upstairs for the Odd Fellows, Rebekahs, Royal Neighbors, and Modern Woodmen. The post office stood next to Nelson Hall, and across the street was a drugstore where the town doctor dispensed drugs and advice. Next to the

drugstore was a pool hall and barber shop, favorite social gathering places after ballgames and band concerts. The Livingston Hotel stood in the middle of the block, its front porch extending all the way to the street. It catered to travelers as well as several local citizens and oilfield personnel working in the oil fields to the west of town. The United Brethren Church, recently hauled across the track from its original location west of town, now sat on the corner of Third and Franklin. Diagonally from the church was the new cooperative creamery. The Seventh Day Adventists worshipped in the only other church in town in the second block of Main Street (Second Avenue). The old one- room school was gone now and Niwot had just completed a two story schoolhouse at the north end of town. Along Murray Street, between Main Street and Third Avenue, stood the beet dump which drew farmers from great distances to town each October with beets to be shipped to Longmont for processing. A sidetrack had been laid next to the dump where Great Western cars could be parked to collect the loads of beets. Teams pulling beet wagons passed down Main Street continually during beet harvest, making deep ruts in the muddy street.

On the west side of the track, in 1912, stood an alfalfa mill and a grain elevator. The grangers were meeting closer to town now with a grange hall next to the elevator. The depot was still the hub of shipping activity with a stock pen to the north and feed mills to the south. Seven trains also stopped daily for passengers and mail on a line which was now owned by the Colorado and Southern Railroad.

2. Contributing Structures: Historic districts are important in part because of specific buildings within the district, but also because of how each building relates to all of the other buildings. For example, one or two great players on a sports team cannot guarantee a championship. It takes the whole team to make a winning combination. Historic districts are no different. Some buildings have had very little changes throughout history and were sites of important events, while others have qualities that contribute to the district without being individually significant. Within the Old Town Niwot Historic District, the majority of the buildings were constructed prior to 1925. The changes that have occurred to these buildings over the years show the natural progression of Niwot as an evolving community. Vacant lots in Old Town are also very important parts of the natural progression of the town, and any new construction should be sensitive to the surrounding environment. The district has several buildings constructed since 1970 that are part of the character of the district. However, these structures need not be protected for historical purposes. There is not sufficient justification to prevent an owner of a newer building from demolishing or changing their building, provided the end result does not detract from the district. The following structures have had the least alterations since their construction in the early 1900s:
 - a. Nelson Hall - 195 Second Avenue (Constructed 1907)-In 1993, Nelson Hall is occupied by the Left Hand Grange. The building is a two story vernacular style that was typical of mid-western and western towns in the early 1900s. The footprint of the building is a simple rectangle with a front gable roof. A false front hides the gable roof and gives the appearance of a flat roof with a triangular pediment as an accent at the center of the building. Two double hung windows are symmetrically oriented on the second floor facade. Vertically- oriented windows are irregularly placed along the sides and back of the building on the second and first floors. A smaller, rectangular attic window also is centered under the pediment, on the main facade. The door and horizontally-oriented

first floor windows have been altered since the early 1900s. The building is wood frame with horizontal wood siding with drop joint construction.

- b. Old Post Office - 165 Second Avenue (Constructed 1909)-The old post office building, located adjacent to Nelson Hall, is a one story vernacular building with several additions to the back. The roof of the original building is flat and the additions have a gently sloping shed roof. A simple cornice tops the main facade of the building, and a small overhang covered in wood shingles is located above the windows. The windows themselves are quite detailed, with muntins dividing the main portion of the window into 24 separate lights. A transom of three lights is directly above the main window. A single wood door with three lights is centered between the windows. There are very few windows located on the sides or back of the building. The building is a frame construction with horizontally oriented wood siding with drop joint construction.
- c. The White House - 121 Second Avenue (Constructed 1914)-Like Nelson Hall, The White House is a simple rectangular plan with a front gable roof hidden behind a false front with a simple cornice. The structure is two stories and has had additions on the side and back that make the building more conducive to restaurant use. Two, double-hung second story windows are vertically aligned with elements from the first floor. The first floor windows are symmetrically located on either side of a double-door entrance. The windows are divided by muntins into smaller lights. Historic photos show that the original windows were not divided by muntins. An awning, which incorporates a sign, has been added onto the front of the building. This building is of frame construction with horizontally-oriented wood siding with drop joint construction.
- d. Niwot State Bank - 102 Second Avenue (Constructed 1909)-This building is unique within the Niwot community. The building is basically a square plan with a corner entrance. The brick masonry construction is typical of a financial institution, in that it portrays permanence and solidness. Decorative corbelling along the cornice line tops a wall that has varied brick coursing to provide visual interest. Windowsills are made of sandstone. The roof of this building is flat and the building is one story. The windows of the building are tall and vertically oriented. Windows have been removed and a door has been added on the west side of the structure. There is evidence that the face brick has been replaced at some point, as the brick at the back of the building appears older and of a different quality.
- e. Niwot Tribune Building - 198 Second Avenue (Constructed 1909)-The Niwot Tribune building is a one story wood frame building with a simple rectangular plan. The main facade has a false front with a very simple cornice line. Perhaps the most important element of the building is its covered porch. The roof of the porch is sloped and covered with wood shake shingles. The roof is held up by decorative columns that have some folk Victorian influences. Balustrades line the front of the porch. The entry to the building is centered between two display-type windows. The southeast side of the structure has an entrance and a window with a decorative canopy. The building is clad in horizontal wood siding with drop joint construction.
- f. Frank Bader House - 210 Franklin Street (Ca. 1900)-The Frank Bader House has folk Victorian influences. Its roof is a medium pitched front gable. Side wings, with gable roofs of the same pitch have been added through the years. It appears as though a porch was enclosed along the front facade of the house at some point in time. The house is two stories with double-hung windows on both the first and second floors. A small covered porch emphasizes the entrance on the west side of the building. Scallop detailing under the gables gives the house its Victorian appearance. Once again,

- horizontal wood siding clads the wood frame building. In 1994, this wood siding was covered by vinyl siding. The roofing material is light grey asphalt shingles. The house is a light grey, with a darker shade accenting window frames.
- g. 101 Second Avenue (Constructed 1911)-Originally constructed in 1910, this was the site of one of Niwot's mercantile stores. The building at 101 Second Avenue has been altered significantly since the early 1900s. However, portions of the original structure are still in existence and the alterations that have been made have been done in a scale and with materials that allude to the early 1900s. This corner lot is very visible in Old Town and contributes to the district.
 - h. 124 Second Avenue (Constructed 1921)-The structure at 124 Second Avenue was the site of Niwot's blacksmith shop. Throughout out the years, the structure has undergone renovations, however, the facade of the building is typical of the town in 1913.
 - i. 190 Second Avenue (Constructed 1907)-190 Second Avenue was an important social spot in Niwot. A pool hall and barbershop were located on this site. Historical photographs show that most of the facade has not been significantly altered since the building's construction.
3. Non-Contributing Structures-The term "non-contributing structure" does not mean that a building is not an important part of the community. Non-contributing structures may have been newly constructed, or may be older buildings that have had major alterations that do not allude to Old Town Niwot's historical progression. The following structures are considered non-contributing.
- a. 112 Second Avenue-The structure at this address was originally constructed in 1927. Major alterations were made to the structure in 1950. The building itself is of a scale that typical to the district. However, many of the facade details are modern in character. Because the building does not need protection for historical purposes, it is considered non-contributing within the district. The site itself is an important part of the visual quality of the district.
 - b. 136 Second Avenue-The structure at this site was constructed in 1974. Many of the facade elements of this structure do allude to Niwot's history. However, because of the building's age it is not important to protect the structure for historical purposes. As with all of the non-contributing structures, this site is an important part of the overall visual character of the district.
 - c. 210 Franklin-Although the Frank Bader House located on this property is a contributing structure, the remaining buildings on the site are newly constructed and non-contributing. The newer buildings (all but the Bader House) on this site do play a role in the visual character of the Frank Bader House but do not require the protected status of a contributing structure.
 - d. 195 Second Avenue-The Left Hand Grange, a contributing structure, shares its site with a small fire station. The station is located southwest of the Grange, is of recent construction, and is non-contributing within the district.
 - e. 143 Second Avenue-At one time, this site was the location of a filling station. Since that time, the building has been converted into a residence. The residence does not have any architectural features or historical significance that would justify a contributing status in the district.

Multifamily – 4-511

D. Multifamily Dwelling

1. Definition: A building or buildings that are occupied or are arranged, designed, and intended to be occupied, by two or more families, and contains more than one dwelling unit, but not including hotels, motels, or boarding houses.
2. Districts Permitted: By right in NRCD as part of Mixed Use, MF and T
3. Parking Requirements: Two spaces per unit; units dedicated to elderly, 0.5 spaces per unit.
4. Loading Requirements: None
5. Additional Provisions:
 - a. Approval under the Subdivision Regulations is required prior to the development of multifamily dwellings unless part of a mixed-use project that receives approval under another Land Use review process.

Add Use category –

4-518 Mixed Use

- A. Mixed Use
 1. Definition: Any combination of compatible uses developed as part of a cohesive development plan and permitted in the underlying zoning district.
 - a. Districts Permitted: NRCD I
 2. Parking Requirements: As defined in the underlying district regulation.
 3. Loading Requirements: None
 4. Additional Provisions:
 - a. Specific requirements as defined in the District's provisions.

4-115 Rural Community (RC) District

- A. Purpose: To encourage flexibility in the land use patterns of established rural communities in order to achieve the objectives of the Boulder County Comprehensive Plan.
- B. Uses Permitted

Any approved RC District may appropriately limit, the uses allowed in the zoning districts which govern the subject parcels immediately prior to rezoning. Additional uses found compatible with the purpose and intent of the RC District may be approved through the Land Use Code text amendment process.

Article 4-116



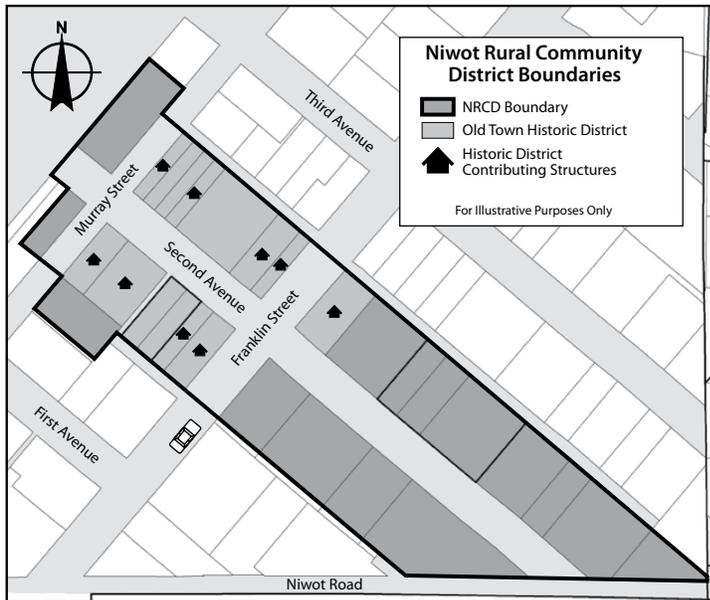
■ ■ ■ Niwot Rural Community District

Article 4-116 • Niwot Rural Community District (Fully Illustrated Version Under Separate Cover)

Introduction

The Niwot Rural Community District (NRCD) is located along Second Avenue in Old Town Niwot. A portion of the parcels zoned NRCD are also within the Old Town Niwot Historic District. Some of the following regulations and guidelines will apply to all of the parcels within the NRCD, while others will apply only to the historic district. On the other hand, some regulations and guidelines will apply only to those properties that are not in the historic district. Unless specifically stated that a regulation applies only to the historic or non-historic area, it will apply to the entire Rural Community District.

A pre-application conference with Land Use staff is required to ensure that the applicant for a new use or new construction is meeting the standards and guidelines of the NRCD and the Old Town Niwot Historic District.



In order to expedite the review process, the applicant is required to complete the Niwot Rural Community District Design Checklist, available at the Land Use Department. Prior to final approval of a site plan at the building permit stage, county staff makes sure that the applicable regulations in the *Boulder County Land Use Code*, *Niwot Rural Community District Handbook*, and *Transportation Standards* are being satisfactorily addressed. A Certificate of Occupancy for renovations or new construction will not be issued until all conditions of the site plan and building permit have been completed.

Review Boards

Old Town Niwot Design Review Subcommittee

The NRCD has a Design Review Subcommittee. The subcommittee's primary role is to act as a referral agency for proposals within the Old Town Niwot Historic District. The Subcommittee does not have legal authority to grant Certificates of Appropriateness. However, the Historic Preservation Advisory Board (HPAB) shall consider the subcommittee's recommendation as well as other public testimony in decisions pertaining to the historic district.

Occasionally, a property owner in the non-historic portion of the NRCD will propose a design which is not within the parameters of the standards and guidelines. In the cases of paint color, building materials, and temporary signs, the subcommittee shall have the authority to grant variances from the standards and guidelines.

The subcommittee shall be a referral agency for cases within the NRCD which require Special Review.

The Old Town Niwot Design Review Subcommittee will be composed of representatives of the Niwot Business Association, the Niwot Community Association, the Niwot Historical Society, and at least one member of the HPAB.

Historic Preservation Advisory Board (HPAB)

The HPAB reviews proposals only within the Old Town Niwot Historic District. For more information about design review within the historic district, refer to Section B of this handbook.

County Board of Adjustment

The Board of Adjustment has the authority to grant variances from the bulk requirements of all of Boulder County's zoning districts. Bulk requirements are those that address structure height and setbacks. More information pertaining to the Board of Adjustment can be found in Article 4-1200 of the Boulder County Land Use Code.

Development Standards

- A. Amendments**
1. Proposed amendments to the boundary of the Niwot Rural Community District shall be referred to all property owners within the NRCD as well as the Old Town Niwot Design Review Subcommittee. Referral comments from NRCD property owners and the Subcommittee shall be considered by the Planning Commission and the Board of County Commissioners when reviewing rezoning requests in or adjacent to the current boundary of the NRCD as shown in Map 1 of this handbook.
- B. Permitted Uses**
1. Entire district:
 - Bank
 - Church
 - Eating or drinking place
 - Emergency care facility
 - Furniture restoration
 - Overnight lodging (not more than 14 rooms)
 - Professional office
 - Public or quasi-public facility other than listed
 - Residential provided it is part of a mixed-use development (i.e. an apartment above a store)
 - Retail or personal service facility
 - Veterinary clinic without outside pens
 - Commercial Bakery (see 4-503D) provided it is limited to no more than 2,000 square feet of floor area and is located on the second floor or in the rear of the property.
 2. Nonhistoric district only:
 - Agricultural products retail outlet
 - Day care center
 - Mortuary
 - Single family dwelling
 - Vehicle sales and service
 3. Special Review will be necessary for any use which:
 - a. Generates traffic volumes in excess of 500 average daily trips; or
 - b. Has a total floor area greater than or equal to 35,000 square feet.
 4. Site plan review is not required for a change of use. A site plan review waiver process is required when demolishing any square footage or adding less than 1000 square feet. A full site plan review process is required when building on a vacant parcel or adding 1000 square feet or more to a property.
- C. Lot, Building, and Structure Design and Dimension Requirements**
1. Minimum lot size - 3,500 square feet
 2. Maximum building height - 30 feet
 3. Minimum setback:
 - a. Front yard - 0 feet in block one(between the Diagonal Highway and Franklin Street;20 feet in block two (between Franklin Street and Niwot Road);
 - b. Side yard - 0 or 12 feet
 - c. Rear yard - 0 with an alley; 10 feet without an alley
 4. Supplemental Setbacks:
 - a. Within the NRCD, no supplemental setback from the center line of Second Avenue is required.
 - b. Along Niwot Road, within the NRCD, the minimum yard requirements for all structures, with the exception of signs, shall not be less than 80 feet from the center line of the roadway.

Article 4-116 • Development Standards

D. Parking Requirements

1. Any additional square footage built over that which legally existed on July 1, 2012 will require 1 parking space per 500 square feet of floor area. Existing square footage is grandfathered in as the property is currently configured and is not recalculated at the rate of one space per 500 square feet of floor area.
2. A change of use within an existing structure or the addition of at grade, uncovered outdoor seating will not require additional parking.
3. Parking may be provided on the lot or on another lot within the NRCD. A county approved parking agreement is required if the parking is provided on another lot.
4. Credit will be given for on-street parking at a ratio of 1 space per 15 feet of street frontage in the area west of Franklin and 1 per 25 feet of frontage in the area east of Franklin Street.
5. Small car spaces may be used to meet on-site parking requirements provided they are designated for employee parking. In no case shall the designated small car spaces exceed 40 percent of the required on-site parking spaces.
6. No loading space is required unless determined to be necessary through the zoning review or site plan review process.

E. Design Guidelines

1. Parking
Parking shall not occur in the front yard within 7 feet of the front property line.
2. Signs
 - a. Wall mounted signs per building face shall not exceed 32 square feet total
 - b. Wall mounted perpendicular signs may not exceed 12 square feet per sign face
 - c. One ground sign (not raised on a pole) per building lot of no more than 32 square feet or 16 square feet per sign face is permissible
 - d. Items may be displayed outside of a structure provided they are displayed for no more than 48 hours and not more than once per week or have received the approval of the Old Town Niwot Design Review Subcommittee. Such objects shall not obstruct pedestrian traffic on sidewalks.
3. Landscaping
 - a. With the exception of a driveway, paving shall not be permitted in the front yard within 7 feet of the front property line.
 - b. Only deciduous trees shall be permitted in the front yards. Any type of shrub shall be allowed.
 - c. Grass, turf-block, or organic mulch are permitted; gravel is not permitted in the front yard within 7 feet of the front property line
 - d. The grade may be raised no more than 2 feet above existing grade to create a berm within the first 7 feet of the front property line
 - e. Any lighting shall be low intensity - no greater than 50 watts per light fixture
 - f. Freestanding lighting shall be no more than 12 feet in height with the exception of street lights
 - g. Lighting attached to a building must be directed at the building facade or directed down
4. Building materials in the nonhistoric area
 - a. Front facades shall be composed of brick, wood or a non-organic wood facsimile siding, stucco, or stone; or, a material approved by the Old Town Niwot Design Review Subcommittee
 - b. Preapproved paint colors listed in Appendix A may be used; If a color not listed in Appendix A is requested, approval by the Old Town Niwot Design Review Subcommittee is required.
 - c. Fences shall be wood or wrought iron and shall be no higher than 4 feet in the front yard
5. Building form
 - a. Roofs should conform with the existing roof forms on Second Avenue
 - b. Expanses of building facade longer than 25 feet shall incorporate design variations to break up the continuity of the facade in an attempt to reduce the possibility of a long monotonous wall
 - c. Service areas and rooftop mechanical equipment shall be screened.

Historic District • Old Town Niwot Historical Narrative

by Anne Dnyi

The Niwot Historical District represents a significant collection of buildings dating from the early 1900s, typical of the County's early agricultural communities. Within the County, only two such communities (Hygiene and Niwot) remain today, basically unchanged since the turn of the century. Of the two, Niwot perhaps best represents the typical commercial aspects of an agricultural district linked to the railroad for distribution of its products.

Niwot was platted along both sides of the Colorado Central Railroad track at the site of an existing section house lying halfway between Boulder and Longmont. When Porter T. Hinman helped to lay out the town in 1875, the surrounding region was being settled by men whose names are still associated with the area. Hinman himself had arrived in 1860 and his name is still affiliated with Hinman Ditch, which runs through the town.

Niwot's commercial district of the 1880s lay on the west side of the track near the depot, while most of the town's residents lived on the east side. By 1896, businesses included a blacksmith shop and mercantile. To the west stood the United Brethren Church, and beyond that was the Left Hand Grange Hall. The one-room Niwot schoolhouse had been built on Dan Burch's place at 81st and Oxford Road, and the Batchelder School at 63rd and Monarch Road served children living southwest of town. Railroad activity continued to revolve around the depot, but by the turn of the century, stores and services also began to appear across the track as well.

When the Hogsett family opened their lumberyard and hardware store just east of the track in 1911, the community seemed to experience renewed energy. There was even talk of laying concrete sidewalks along both sides of Main Street. A band shell was built across from the bank, where 18 local musicians held concerts on weekends and holidays. The bank was prospering and a weekly newspaper reported all of Niwot's social and business activities every Friday. In the lot next to the bank stood a shack housing the town's fire wagon. John Nelson's hall stood at the east end of the block, housing various businesses on the first floor and a meeting room upstairs for the Odd Fellows, Rebekahs, Royal Neighbors, and Modern Woodmen. The post office stood next to Nelson Hall, and across the street was a drugstore where the town doctor dispensed drugs and advice. Next to the drugstore was a pool hall and barber shop, favorite social gathering places after ballgames and band concerts. The Livingston Hotel stood in the middle of the block, its front porch extending all the way to the street. It catered to travelers as well as several local citizens and oilfield personnel working in the oil fields to the west of town. The United Brethren Church, recently hauled across the track from its original location west of town, now sat on the corner of Third and Franklin. Diagonally from the church was the new cooperative creamery. The Seventh Day Adventists worshipped in the only other church in town in the second block of Main Street (Second Avenue). The old one-room school was gone now and Niwot had just completed a two story schoolhouse at the north end of town. Along Murray Street, between Main Street and Third Avenue, stood the beet dump which drew farmers from great distances to town each October with beets to be shipped to Longmont for processing. A sidetrack had been laid next to the dump where Great Western cars could be parked to collect the loads of beets. Teams pulling beet wagons passed down Main Street continually during beet harvest, making deep ruts in the muddy street.

On the west side of the track, in 1912, stood an alfalfa mill and a grain elevator. The grangers were meeting closer to town now with a grange hall next to the elevator. The depot was still the hub of shipping activity with a stock pen to the north and feed mills to the south. Seven trains also stopped daily for passengers and mail on a line which was now owned by the Colorado and Southern Railroad.

Historic District Review Process

Introduction

By designating Old Town Niwot as a Historic District, the Niwot community and Boulder County officials have the opportunity to preserve Niwot's heritage as an agriculturally based commercial center. This task is accomplished through design guidelines that address Niwot's appearance in the past, present, and future.

In order to prevent arbitrary design review decisions, written guidelines provide standards for which decisions must be based. Guidelines also:

- Improve the quality of growth and development;
- Protect the value of public and private investments;
- Increase public awareness of design issues related to their community.

The guidelines on the following pages express a standard of appropriateness for alterations to existing structures and sites. While new buildings must meet certain criteria for compatibility with historic buildings, a design that gives the new building its "own place in time" is encouraged. Replication of historic buildings is inappropriate as it creates historical confusion and is often an undue burden on the owner or developer of the new building.

Design Review Process

The intent of design review is not to stifle individuality or creativity, but to encourage a cooperative process between the property owner and the Boulder County Historic Preservation Advisory Board (HPAB). The following review process applies only to the historic district encompassed by the Niwot Rural Community District.

The Land Use Department will be happy to answer any questions as to what types of projects need building permits and what types of projects will need Certificates of Appropriateness (CA). Feel free to contact the department at 441-3930 with any questions.

The following is an outline of the design review process. The time necessary to complete the review process will vary depending on the complexity of the proposed work. County staff will make the process as expedient as possible.

Step 1 Pre-application conference

A property owner wishing to make alterations must first contact the Land Use department to talk to a planner about the proposed changes. The planner can assist the property owner in determining if design review is needed, and if so, what types of information must be submitted to aid in the review.

Step 2 Application Submittal

Once the applicant has submitted the complete application, the Land Use Department staff will forward one copy of the application materials to the Old Town Niwot Design Review Subcommittee. A hearing will be scheduled for the next possible HPAB meeting. Applications for Certificates of Appropriateness are due no later than the second Thursday of each month, for review at the next regularly scheduled meeting. This deadline allows time for staff review and Old Town Niwot Design Review Subcommittee referral.

Step 3 Old Town Niwot Design Review Subcommittee

A subcommittee of the HPAB will meet to discuss the proposed alterations. Recommendations will be forwarded to the HPAB.

Step 4 HPAB Review

The HPAB will consider the recommendations of the Old Town Niwot Design Review Subcommittee as well as any other pertinent information at a public hearing. At the hearing, the HPAB will decide to issue or deny a Certificate of Appropriateness. The HPAB may also decide that more information is needed before making a decision.

Step 5 Appeals

In cases where the applicant disagrees with the decision of the HPAB, the applicant may appeal the decision to the Board of County Commissioners.

Step 6 Building Permit Application or Issuance

Many types of projects do not require a building permit. An example of a project not requiring a building permit would be painting. If a building permit is required, the property owner may apply for a building permit before or after obtaining a CA. However, a building permit will not be issued until the CA is obtained.

Step 7 Completion of Project

After obtaining the necessary permits, you may begin work on your project.

Design Review Boards

Old Town Niwot Design Review Subcommittee

The Old Town Niwot Historic District has a Design Review Subcommittee. This group acts in an advisory role to the HPAB. The Old Town Niwot Design Review Subcommittee does not have legal authority to grant Certificates of Appropriateness. However, the HPAB shall consider the subcommittee's recommendation as well as other public testimony in decisions pertaining to the historic district.

County Historic Preservation Advisory Board

The HPAB shall consider an application for a Certificate of Appropriateness at any regularly scheduled meeting for which the public notice requirements of the Historic Preservation Regulations can be met. The Boulder County Historic Preservation Regulations give the HPAB the decision making authority to grant or deny a Certificate of Appropriateness. This decision can, however, be appealed to the Board of County Commissioners.

Alterations Which Do Not Require HPAB Review

- A. The following alterations shall be permitted within the historic district without obtaining a CA from the Boulder County Historic Preservation Advisory Board.
 1. Pre-approved color changes as listed in Appendix A of these guidelines, or repainting of a structure with the identical color as the existing color.
 2. Regular maintenance and repairs to structures that retain the existing materials. Examples include, repointing mortar joints; replacing damaged wood siding with new wood siding which is identical in scale, color, and pattern as the existing siding; replacing damaged roofing material with identical roofing material; and window pane replacement, provided the mullions and muntins of the existing window are being retained and the glass is not tinted or mirrored.
 3. Landscaping
 4. Interior alterations which do not affect the exterior appearance of the structure.
 5. Although these alterations do not require Old Town Niwot Design Review Subcommittee review or HPAB review, the owner proposing these changes must inform the Land Use Department prior to undertaking the change to insure that it does in fact fall within one of the above four categories.

Applying for a Certificate of Appropriateness

A property owner seeking a Certificate of Appropriateness can apply in two ways. If the owner needs a building permit for the proposed work, the building permit application automatically forwards the proposal to Certificate of Appropriateness review. However, information beyond that submitted for the building permit may be required. Property owners also may apply for a CA prior to submitting a building permit application. An owner proposing work that does not require a building permit will need to complete an application form available at the Land Use Department. In order to effectively consider the proposal, detailed information about the proposal will be required. Historical review does not require an application fee.

Submittal Requirements

Depending on the type of work being proposed, the Land Use Department may request the following information. Two sets of application materials will be required from the applicant in order to forward one set to the Niwot Subcommittee for review. Although preparing the application materials will be the responsibility of the applicant, the HPAB and the Land Use department will help the applicant through the process as much as possible. If the proposed alteration involves a new use or an expansion of an existing use, the NRC D Design Review Checklist must also be completed.

1. Application Form

An application form including the name and address of the owner of the property; the legal description of the property; and the name and address of the agent for the property owner, if applicable (i.e. the architect) shall be submitted. The form is available at the Boulder County Land Use Department Offices. In the case of an alteration that requires a building permit, the application form for the building permit may serve as the application form for a CA.

2. Site Plan

The site plan must be drawn to scale, which may vary depending on the size of the lot. The plan shall show property boundaries, existing buildings, significant landscape features, and the proposed changes. It shall also include a North arrow, and the location of adjacent buildings, streets, and alleys.

3. Floor Plans

Floor plans must be drawn to scale, at a minimum of 1/8" = 1'0" and shall include a North arrow. The floor plans should show the existing building and how the alteration relates to it. It should be complete enough to show any exterior stairs, porches, decks, or similar improvements.

4. Elevations

Elevations of all relevant views of the alteration shall be shown at the scale necessary to show building detail. They should be accurately labeled, and the existing building should be included in the elevations with as much detail as necessary to show how the old and the new relate to each other. Adjacent buildings may be drawn on the elevations to clearly show the relationship between the proposed alteration and adjacent structures.

5. Materials

List the visible exterior materials and describe them as fully as possible. Samples of these materials are helpful.

6. Color

If your plans include paint or stain, describe the colors and provide a sample. A good way to show the color scheme is to color one or more of the elevations. Since the appearance of paint color varies with the size of the painted surface and the combination of color, the property owner may want to paint a large swatch on the least visible part of the building to test the appearance of the scheme under actual conditions.

7. Photographs

Provide photographs that show all the views of the existing building and include at least a portion of the neighboring buildings. The context in which your building sits is as important as the building itself.

Once two copies of these application materials have been received, the Land Use department will refer the application to the Old Town Niwot Design Review Subcommittee. At the same time, the application will be scheduled for a hearing before the HPAB. The Niwot Subcommittee will review and prepare a written recommendation of the application prior to the HPAB hearing and forwarding that recommendation back to the Land Use Department.

Contributing Structures

Historic districts are important in part because of specific buildings within the district, but also because of how each building relates to all of the other buildings. For example, one or two great players on a sports team cannot guarantee a championship. It takes the whole team to make a winning combination. Historic districts are no different. Some buildings have had very little changes throughout history and were sites of important events, while others have qualities that contribute to the district without being individually significant.

Within the Old Town Niwot Historic District, the majority of the buildings were constructed prior to 1925. The changes that have occurred to these buildings over the years show the natural progression of Niwot as an evolving community. Vacant lots in Old Town are also very important parts of the natural progression of the town, and any new construction should be sensitive to the surrounding environment.

The district has several buildings constructed since 1970 that are part of the character of the district. However, these structures need not be protected for historical purposes. There is not sufficient justification to prevent an owner of a newer building from demolishing or changing their building, provided the end result does not detract from the district.

The following structures have had the least alterations since their construction in the early 1900s:

Nelson Hall - 195 Second Avenue (Constructed 1907)

In 1993, Nelson Hall is occupied by the Left Hand Grange. The building is a two story vernacular style that was typical of mid-western and western towns in the early 1900s. The footprint of the building is a simple rectangle with a front gable roof. A false front hides the gable roof and gives the appearance of a flat roof with a triangular pediment as an accent at the center of the building. Two double hung windows are symmetrically oriented on the second floor facade. Vertically-oriented windows are irregularly placed along the sides and back of the building on the second and first floors. A smaller, rectangular attic window also is centered under the pediment, on the main facade. The door and horizontally-oriented first floor windows have been altered since the early 1900s. The building is wood frame with horizontal wood siding with drop joint construction.

Old Post Office - 165 Second Avenue (Constructed 1909)

The old post office building, located adjacent to Nelson Hall, is a one story vernacular building with several additions to the back. The roof of the original building is flat and the additions have a gently sloping shed roof. A simple cornice tops the main facade of the building, and a small overhang covered in wood shingles is located above the windows. The windows themselves are quite detailed, with muntins dividing the main portion of the window into 24 separate lights. A transom of three lights is directly above the main window. A single wood door with three lights is centered between the windows. There are very few windows located on the sides or back of the building. The building is a frame construction with horizontally oriented wood siding with drop joint construction.

The White House - 121 Second Avenue (Constructed 1914)

Like Nelson Hall, The White House is a simple rectangular plan with a front gable roof hidden behind a false front with a simple cornice. The structure is two stories and has had additions on the side and back that make the building more conducive to restaurant use. Two, double-hung second story windows are vertically aligned with elements from the first floor. The first floor windows are symmetrically located on either side of a double-door entrance. The windows are divided by muntins into smaller lights. Historic photos show that the original windows were not divided by muntins. An awning, which incorporates a sign, has been added onto the front of the building. This building is of frame construction with horizontally-oriented wood siding with drop joint construction.

Niwot State Bank - 102 Second Avenue (Constructed 1909)

This building is unique within the Niwot community. The building is basically a square plan with a corner entrance. The brick masonry construction is typical of a financial institution, in that it portrays permanence and solidness. Decorative corbelling along the cornice line tops a wall that has varied brick coursing to provide visual interest. Windowsills are made of sandstone. The roof of this building is flat and the building is one story. The windows of the building are tall and vertically oriented. Windows have been removed and a door has been added on the west side of the structure. There is evidence that the face brick has been replaced at some point, as the brick at the back of the building appears older and of a different quality.

Niwot Tribune Building - 198 Second Avenue (Constructed 1909)

The Niwot Tribune building is a one story wood frame building with a simple rectangular plan. The main facade has a false front with a very simple cornice line. Perhaps the most important element of the building is its covered porch. The roof of the porch is sloped and covered with wood shake shingles. The roof is held up by decorative columns that have some folk victorian influences. Balustrades line the front of the porch. The entry to the building is centered between two display-type windows. The southeast side of the structure has an entrance and a window with a decorative canopy. The building is clad in horizontal wood siding with drop joint construction.

Article 4-116 • Non-Contributing Structures

Frank Bader House - 210 Franklin Street (Ca. 1900)

The Frank Bader House has folk victorian influences. Its roof is a medium pitched front gable. Side wings, with gable roofs of the same pitch have been added through the years. It appears as though a porch was enclosed along the front facade of the house at some point in time. The house is two stories with double-hung windows on both the first and second floors. A small covered porch emphasizes the entrance on the west side of the building. Scallop detailing under the gables gives the house its victorian appearance. Once again, horizontal wood siding clads the wood frame building. In 1994, this wood siding was covered by vinyl siding. The roofing material is light grey asphalt shingles. The house is a light grey, with a darker shade accenting window frames.

101 Second Avenue (Constructed 1911)

Originally constructed in 1910, this was the site of one of Niwot's mercantile stores. The building at 101 Second Avenue has been altered significantly since the early 1900s. However, portions of the original structure are still in existence and the alterations that have been made have been done in a scale and with materials that allude to the early 1900s. This corner lot is very visible in Old Town and contributes to the district.

124 Second Avenue (Constructed 1921)

The structure at 124 Second Avenue was the site of Niwot's blacksmith shop. Throughout out the years, the structure has undergone renovations, however, the facade of the building is typical of the town in 1913.

190 Second Avenue (Constructed 1907)

190 Second Avenue was an important social spot in Niwot. A pool hall and barbershop were located on this site. Historical photographs show that most of the facade has not been significantly altered since the building's construction.

Non-Contributing Structures

The term "non-contributing structure" does not mean that a building is not an important part of the community. Non-contributing structures may have been newly constructed, or may be older buildings that have had major alterations that do not allude to Old Town Niwot's historical progression. The following structures are considered non-contributing.

112 Second Avenue

The structure at this address was originally constructed in 1927. Major alterations were made to the structure in 1950. The building itself is of a scale that typical to the district. However, many of the facade details are modern in character. Because the building does not need protection for historical purposes, it is considered non-contributing within the district. The site itself is an important part of the visual quality of the district.

136 Second Avenue

The structure at this site was constructed in 1974. Many of the facade elements of this structure do allude to Niwot's history. However, because of the building's age it is not important to protect the structure for historical purposes. As with all of the non-contributing structures, this site is an important part of the overall visual character of the district.

210 Franklin

Although the Frank Bader House located on this property is a contributing structure, the remaining buildings on the site are newly constructed and non-contributing. The newer buildings (all but the Bader House) on this site do play a role in the visual character of the Frank Bader House but do not require the protected status of a contributing structure.

195 Second Avenue

The Left Hand Grange, a contributing structure, shares its site with a small fire station. The station is located southwest of the Grange, is of recent construction, and is non-contributing within the district.

143 Second Avenue

At one time, this site was the location of a filling station. Since that time, the building has been converted into a residence. The residence does not have any architectural features or historical significance that would justify a contributing status in the district.

Rhythm, Pattern, Alignment, & Massing

Historical Precedent

The existing buildings within the historic district are varied. The underlying 25' lot width of the original townsite plat influences the pattern and scale of the buildings, many of which are 25' wide, or combinations thereof.

Intent

Patterns come in many different scales. The arrangement of building set-backs or facade elements, such as; windows, columns, porches, and the arrangement of bricks in a wall are all examples of patterns that occur at different scales. New construction and renovations shall contribute to the patterns that occur in the new construction's surroundings.

Guidelines

- Contributing structures should not be demolished or moved off of the site, unless the owner of the structure is granted an economic hardship by the Historic Preservation Advisory Board or the Chief Building Official determines that the structure presents a hazard to the health and welfare of the general public. In cases where demolition is necessary, the facade of the building should be retained.
- New additions or alterations to contributing structures shall be done in a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired.
- Additions to the rear of a structure are more appropriate than those made to the side. Additions to the front of a structure are not appropriate because of the importance of the facades in the historical architecture.
- Break up the monotony of building facades longer than 25' by incorporating design variations along the facade.
- Variation may take the form of a change in building material, color, or the use of vertical elements such as columns or pilasters.
- The appearance of a continuous pedestrian walkway along the fronts of the buildings should be maintained.
- The appearance of a continuous walkway may be achieved through zero lot line set-backs of the buildings themselves; or the placing a low open style of fence, planters, or some other decorative element at the edge of the walkway.
- Alleys should be retained to provide access to the rear of buildings and to provide a service area for the building that is not highly visible from Second Avenue.
- The patterns created by second story windows should be maintained.
- The second story windows in the historic district are typically vertically oriented with a height approximately two times the width.
- The distinction between upper and lower story floors should be maintained.
- Window style and size are important elements in separating the first and second floors.
- Columns that exceed one story in height would create an imbalance in the scale of the architecture in the district.

Architectural Details

Historical Precedent

The commercial buildings found along Niwot's Second Avenue during the early 1900s were simple styles that reflected the rural character of the community. Buildings often had false fronts with elements that were reminiscent of the Neoclassical style, common in the United States between 1895 and the 1950s. Cornices were simple, such as the Livingston Hotel cornice, or may have had more detail, such as the pedimented cornice found on Nelson Hall. A wide band of trim beneath the cornice, representative of the classical entablature, was common. A one story, flat-roofed entry porch was also common in the Neoclassical style. This architectural detail was the most significant element of the Livingston Hotel. The windows in the commercial buildings were typically rectangular and vertically oriented. Upper story windows were double-hung and commonly had a height two times the width. First floor windows were also vertically oriented and rectangular. The building's entrance was typically centrally located between two first floor display windows, and may have had a transom.

The Frank Bader house is of the Folk Victorian style that was associated with the period of time when railroads were inspiring the creation of small western and mid-western towns. The house has simple Victorian detailing as found in cornice details and scallop forms. Vertically oriented double-hung windows were typical on the first and second stories of the Bader house. The Bader House is the only structure within the district with primarily Victorian characteristics. As such, Victorian elements such as arched windows, bay windows, scallops, and dormers do not define the character of the Old Town Niwot commercial area.

Article 4-116 • Guidelines

Intent

The facade elements that gave the historic buildings of Old Town Niwot their original character had a style and proportion that established the building's place in time. New buildings and renovations of existing buildings should allude to that historical place in time while identifying with their own time period.

Guidelines

- The facade elements of the contributing structures, such as awnings, cornice details, pilasters, and columns are timeless elements of architectural detail and should not be removed or altered. Using these elements on new construction strengthens the historic character of the district.
- Inappropriate roof forms in the commercial architecture of the district include; side gable, mansard, and hipped. Flat roofs and false fronts are not appropriate for residential architecture within the district.
- Front gabled roofs hidden behind a false front are most common for commercial architecture, and are encouraged.
- The roof shape of the contributing buildings shall not be permanently altered.
- Efforts shall be made to make solar panels, skylights, and rooftop mechanical equipment as unobtrusive as possible.
- Wall-mounted light fixtures are appropriate to provide lighting of signage or building entrances.
- Typical window openings did not include circular, arched, or triangular windows.

Historical Precedent

Horizontal wood siding and bricks in red hues are the two most common building materials used in Niwot. Both of these materials are similar in scale and pattern because each wood board is similar in width to a brick course. Wood and sandstone were used as accent materials around window and door frames, and sandstone was occasionally used at building corners (quoins) as an accent. Larger scale, rough-hewn blocks were used in the Niwot Mercantile. Glass was widely used for display windows on the first floor of the commercial buildings.

Brightly painted buildings were not found in Old Town Niwot. The colors used for large building expanses were generally lighter colors, such as light grey or off-white; or the red color of brick. Accent colors may have been found in architectural details and awnings.

Intent

The main intent of these guidelines is to prevent the use of a material that stands out in the district because of characteristics that identify the material as modern. An example would be the use of mirrored glass. Mirrored glass was not typical of Niwot and is commonly associated with large, modern office buildings.

The color schemes used on the commercial buildings of Old Town should be compatible with the district as a whole. The intent of these guidelines is to allow a variety of colors, providing they are used in a manner that contributes to the overall character of the district

Guidelines

- Materials typical to or compatible with the district shall be used for renovations and new construction.
- Whenever possible, replacement of existing roofing, siding, or masonry units in a contributing building shall be done with a material that matches the original material in scale, color, and texture.
- Bright, intense colors shall be reserved for small areas, such as window and door trim, cornice details, kick plate, and clerestory details.

The following materials are suggested for CONTRIBUTING and NON-CONTRIBUTING structures. A variety of materials are acceptable and property owners are not limited to the following list, provided the HPAB approves the material through the Certificate of Appropriateness process.

- Brick
- Horizontally-oriented wood lapboard siding of a scale typical to the district.
- Horizontally oriented siding (of a material other than wood) that replicates the scale and texture of the lapboard siding typical of the district (boards are typically four or five inches in width). A variety of materials are available that replicate wood siding. Examples include painted composite pressed board, vinyl, wood clad aluminum, and non-reflective aluminum siding.
- Sandstone
- Decorative detailing in wood or cast iron, or a facsimile material.
- Fabric awnings
- Wood shingles
- 3-tab asphalt shingles
- Non-reflective metal roofing products
- Window and door frames made of wood, anodized aluminum, or other material provided it is non-reflective.

Materials appropriate for NON-CONTRIBUTING structures only:

- Decorative concrete block
- Precast or poured concrete (if it is not the principal material)

The following materials are inappropriate for use within the historic district:

- Vertically-oriented siding
- Stucco
- Shiny metallic window and door frames
- Tinted or mirrored glass
- Terra Cotta/Ceramic Tiles

Signs

Historical Precedent

Photos of Old Town Niwot show many of the commercial buildings having painted wooden signs just under the cornice line of the roof, just above the door and first floor windows (architrave), or incorporated into awnings.

Intent

The purpose of sign is to identify the location of a business, to promote the merchandise or service within, and to attract customers. When carefully done, the building and sign become part of the overall design, each supporting each other. These guidelines shall be used in conjunction with the sign regulations in the Boulder County Land Use Code.

Guidelines

- Signs shall not be positioned so as to cover architectural details.
- Flush mounted or projecting signs are preferable in the district. With the exception of the Bader House, freestanding signs should not be used.
- Internally lit signs are inappropriate except for small neon signs in a store window.

NRCD Appendix A

Old Town Niwot Colors

Bright, multi-hued color schemes are often associated with historic architecture. The Pearl Street mall in downtown Boulder, Colorado exemplifies the successful use of a variety of trim colors in combination with brick and painted board siding. The "Painted Ladies" of San Francisco, California is another example of successful color use.

Both of these examples, however, are not representative of Niwot. Niwot's agricultural roots have led to a more conservative use of color. While a wide variety of colors may still be acceptable, bright hues used on large surfaces will stand out within the district, disrupting the continuity of the streetscape. The architecture of downtown Niwot is not Victorian, and as a result, complex Victorian color schemes should be avoided.

A color that looks appropriate for the district on a small chip may not be appropriate when painted on a large surface. In addition, combining colors that are opposites on the color wheel may result in the appearance of an intensification of each individual hue. Using opposite colors (complementary colors) often has attractive results, but is dependent on each individual situation.

NRCD Pre-Approved Colors

The following pre-approved colors may be used within the NRCD without the review of the Old Town Niwot Design Review Subcommittee or HPAB. Colors not included in this list may be acceptable but will require review and approval. Use of more than two trim colors shall also require review and approval by the subcommittee (non-historic portion) or the HPAB (historic district).

Pre-approved colors

- Repainting with the same color as the existing color
- White
- Off-white

Base Colors (Relates to Uncoated Pantone Chart)

- Neutral Greys: 406, 407, 413, 420, 421, 427, 428, 454, 468, 726, 4685, 5455, 5527, 5655, Warm Grey 1, Warm Grey 2, Warm Grey 3, Cool Grey 1, Cool Grey 2, and Cool Grey 3

Note: The list of pre-approved base colors is very limited to pale, neutral hues. Applicants should not feel they have to stay within the pre-approved color range, as darker base colors would often be appropriate with the approval of the subcommittee.

Trim Colors (Relates to Uncoated Pantone Chart):

- Reds: 181, 1815, 1817, 194, 1945, 195, 1955, 201, 202, 209, 216, 229, 491, 492, 4985, 4995, 505, 506, 696, and 697
- Purples: 262, 2622, 2695, 276, 511, 5115, 5125, 5185, 5195, 5205, 668, and 669
- Blues: 282, 289, 534, 5405, 5415, 5425, 5435, 5445, 548, 646, 647, 648, 653, and 655
- Greens: 3292, 3298, 5477, 5487, 5497, 5507, 5517, 555, 5545, 5555, 5565, 5575, 5585, 5615, 5625, 5635, 5645, 625, and 626
- Blue Greens: 5473, 5483
- Browns: 437, 438, 439, 463, 4635, 464, 4645, 465, 4655, 466, 4665, 467, 469, 470, 477, 478, 728, 729, 1405, 1545
- Greys: Warm Grey 1 through 11, Cool Grey 1 through 11, 403, 404, 405, 408, 409, 410, 411, 414, 415, 416, 417, 418, 422, 423, 424, 429, 430, 431, 442, 443, 444, 445

Niwot Rural Community District - Design Checklist

The Niwot Rural Community District Design Checklist is available from the Land Use Department. Each project is unique, so the information necessary to review the project will vary.

Site Plan

- The following information may be necessary:
 - The location of your building and those structures next to you.
 - The location of any curb cuts, parking spaces
 - The location of landscape features such as existing large trees, fencing
 - The location of freestanding signs/lights
 - A professionally engineered drainage plan
 - A typical cross-section of the proposed parking lot surface
 - As required by the Americans with Disabilities Act, the location and dimension of handicap accessible parking spaces per the Boulder County Building Code and Transportation Standards.
 - Any other information that you feel is important to your design.

Elevations

The elevations, or views of your building from the side, help staff determine how tall the building will be and what steps have been taken to meet the NRC D design guidelines which states that long expanses of facade should have design features that break up the length. Elevations are also good for showing windows, building materials and color.

Color Chips

If you submit color chips, staff will be able to determine if the color is within the pre-approved color range. We need to know colors for elements such as signs and light posts as well as the main building.

Check List

The checklist will help you determine what types of information you need to consider when designing your proposal. Staff will use this checklist and your site plan, elevations, and color chips to make sure that your proposal is in conformance with the design standards and guidelines in the Niwot Rural Community District Handbook as well as the Transportation Standards. Please note that there may be county standards and regulations that apply to your property that are not in the NRC D Handbook. For example, projects must conform to building codes and transportation standards.

Article 4-116 • The following describes how the NRCD complies with the criteria for approval of an RCD:

The following describes how the NRCD complies with the criteria for approval of an RCD:

1. A public need exists for the amendment.
The existing commercial zoning allows some uses, such as tire vulcanization, that would be detrimental to the character of Old Town Niwot. Additionally, the setback requirements of the commercial zoning and the height allowance of 50 feet are not compatible with the historical character of the district. The NRCD will establish regulations that have been individualized to preserve the pattern and scale of building that is typical to the area.
2. The amendment is consistent with and in furtherance of the stated intent and purposes of the Boulder County Zoning Resolution.
The NRCD protects the health, safety, and welfare of the Old Town Niwot community members because several uses that are now allowed in commercial zoning that would be over intensive have been eliminated as allowable uses in the NRCD. These uses could have presented a nuisance to surrounding properties.
3. The amendment is in accordance with the Boulder County Comprehensive Plan.
Goal A.3 of the BCCP states that "Diverse, compatible, and functional land use patterns should be established and, when necessary, revised to prevent urban and rural decay." The NRCD meets this goal by providing a mechanism for compatible design and development of the Second Avenue area.
Policy 13.08 states, "It shall be County policy to recognize the desired character of the Niwot Community Service Area as being semi-rural and encourage additional future development be compatible to the semi-rural character." The proposed permitted uses in the NRCD include service-oriented uses that are specifically useful to the Niwot community; specialty retail uses such as antique shops; and residential uses.
It is the intent of the BCCP to maintain the semi-rural character of the Niwot Community Service Area. The NRCD complies with this intent because the district is not an expansion of the area in which commercial-type uses are allowed. Additionally, if a use was not originally allowed by the Commercial zoning, it cannot be a use by right in the NRCD. However, the uses permitted in the NRCD may be more limiting than those uses allowed in the Commercial zoning district.
Old Town Niwot is an important part of Boulder County's history. The NRCD is in conformance with policy 3.02.2, which states, "The Boulder County Land Use Plan and attendant regulations shall insure that historic sites shall be protected through the planning of compatible surrounding land uses and the passage of a County-wide resolution aimed at the preservation of such sites."
4. The subject property is an appropriate site for the amendment, and is a reasonable unit of land for such reclassification.
The proposed NRCD covers the same land area as the existing Commercial zoning.
5. The amendment will not have a material adverse effect on the surrounding area.
The provisions in the NRCD have to ability to lessen impacts to surrounding areas by permitting only uses appropriate to the district, creating guidelines that will encourage quality site and architectural design, and creating flexible parking standards.
6. The amendment will not result in an overintensive use of the land.
The current Commercial zoning district does not specifically list a minimum lot size. The minimum lot size in the NRCD is proposed at 3,500 square feet, the size of the historical townsite lots. Additionally, the maximum building height is proposed at 30 feet, 20 feet less than the maximum height now allowed (the tallest existing building, the Left Hand Grange, is approximately 31 feet in height). The combination of a minimum lot size and the maximum building height will prevent higher density development, while insuring that any new buildings are compatible in a scale with the existing area. No new lots are created by the NRCD and the proposed uses are not overintensive.
7. The amendment will not have a material adverse effect on community capital improvement programs.
The Boulder County Transportation Department is currently involved, with the Niwot community, in a streetscape project on Second Avenue. At this time, the ultimate design of the Second Avenue streetscape is unclear. However, the provisions of the NRCD are compatible to Second Avenue's existing conditions, or with the proposed design transmitted to the Land Use department on June 28, 1993. Actual construction of this streetscape may not begin until Spring of 1994. At that time, if inconsistencies with the streetscape and the NRCD are revealed, minor changes to the NRCD design guidelines are feasible.
8. The amendment will not require a level of community facilities and services greater than that which is available.
Public water and sewer service currently serves the proposed district. The proposed NRCD will not change the level of service required.

Article 4-116 • The following describes how the NRCD complies with the criteria for approval of an RCD:

9. The amendment will not result in undue traffic congestion or traffic hazards.
Because the NRCD does not allow more intensive uses than are already in existence along Second Avenue, traffic congestion and traffic hazards are not expected to increase.
10. The amendment will not cause significant air, water, or noise pollution.
Because the NRCD does not allow more intensive uses, and public utilities service the district, the amendment will not cause significant air, water, or noise pollution.
11. If geologic conditions on the site are such that they present moderate or severe limitations to the construction of structures or facilities to be permitted on the property by reason of the amendment, it has been demonstrated that such limitations can be reasonably overcome.
No geological hazards exist within the proposed district.
12. The amendment will not otherwise be detrimental to the health, safety, or welfare of the present or future inhabitants of Boulder County.
The primary purpose of the NRCD is to improve upon the existing urban form along Second Avenue by preserving the historical area, implementing flexible design standards and guidelines, and insuring that future uses area compatible with Niwot's semi-rural character. The amendment will benefit the present and future inhabitants of Boulder County.

Article 4-116 • The following describes how the NRCD complies with the criteria for approval of an RCD:

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Topic	Current Condition	Code (and Related) Changes Under Consideration												
Purpose and District Description – Section A														
		These sections would replace the current “Introduction” section of Article 4-116. The current Introduction section includes background information related of the NRCD, as well as process-related information. The proposed updated Code language would start with a statement of purpose, followed by a description of the area covered by the district.												
Principle Uses Permitted – Section B														
Mixed Use	Mixed use and residential density is not defined in the Code.	Define mixed use and the number of residential units allowed: <table border="1" data-bbox="821 604 1406 825"> <thead> <tr> <th>Parcel Size</th> <th colspan="2">Dwelling Units allowed as part of a Mixed Use</th> </tr> </thead> <tbody> <tr> <td>< 10,000</td> <td>2</td> <td>3 if one is 600 sq ft or less</td> </tr> <tr> <td>10,000-15,000</td> <td>4</td> <td>5 if one is 600 sq ft or less</td> </tr> <tr> <td>>15,000</td> <td>5</td> <td>6 if one is 600sq ft or less</td> </tr> </tbody> </table>	Parcel Size	Dwelling Units allowed as part of a Mixed Use		< 10,000	2	3 if one is 600 sq ft or less	10,000-15,000	4	5 if one is 600 sq ft or less	>15,000	5	6 if one is 600sq ft or less
Parcel Size	Dwelling Units allowed as part of a Mixed Use													
< 10,000	2	3 if one is 600 sq ft or less												
10,000-15,000	4	5 if one is 600 sq ft or less												
>15,000	5	6 if one is 600sq ft or less												
Lot, Building, and Structure Requirements – C														
Minimum lot size	3,500 square feet.	Same as current.												
Height Maximum	30 feet.	Same as current, with the exception of a 15 foot maximum building height within 25 feet of a rear property line where the rear lot line is adjacent to a parcel or right-of-way outside the NRCD I. If utilizing the 10 foot front setback, the building height cannot exceed 15 feet between 10 and 20 feet from the front lot line.												
Front yard Setback	0 feet in blocks 1, 2, 3, 4. 20 feet in blocks 5, 6.	Same as current, EXCEPT allows front setback in blocks 5&6 to extend to 10 feet from the front line if the combined front and rear are not less than 20 feet.												
Side yard setback	0 or 12 feet.	0 feet. Also codifies that interior parcel lines perpendicular to Second Avenue shall be considered side yards.												
Rear yard setback	0 feet with an alley. 10 feet without an alley.	For blocks 1, 2, 6 - 10 feet. For blocks 3, 4 - 0 feet for corner parcels and parcels where the rear lot line is adjacent to a parcel in the NRCD I, or 15 feet for interior parcels where the rear lot line is adjacent to a parcel outside the NRCD I For block 5 – 10 feet with the ability to reduce to 0 feet as long as the front and rear combined setbacks are not less than 20 feet.												
Lot coverage	No requirement.	For blocks 1, 2 - 55% For blocks 3, 4 – interior parcels 80%; corner parcels 90%												

Topic	Current Condition	Code (and Related) Changes Under Consideration
		For blocks 5, 6 - 50%
Floor Area Ratio (FAR)	No requirement.	Same as current (no FAR) for blocks 3, 4. Historic, Site Plan Review, setbacks, and lot coverage provisions to control. For blocks 1, 2, 5, 6 - 0.6 FAR
Parking Requirements – D		
Parking	<p>Any additional square footage built over that which legally existed on July 1, 2010 will require 1 parking space per 500 square feet of floor area. Existing square footage is grandfathered in as the property is currently configured and is not recalculated at the rate of one space per 500 square feet of floor area.</p> <p>Parking may be provided on the lot or on another lot within the NRCD. A county approved parking agreement is required if the parking is provided on another lot.</p> <p>On-street parking allowance in area west of Franklin is 1 space for every 15 feet of frontage and in area east of Franklin 1 space for every 25 feet of frontage.</p>	<p>1 space per 500 square feet of non-residential floor area and removal of grandfathering.</p> <p>Residential parking at: 1 dwelling unit = 2 parking spaces 2 dwelling unit = 3 parking spaces 3 dwelling unit = 5 parking spaces 4 dwelling unit = 6 parking spaces 5 dwelling unit = 8 parking spaces 6 dwelling unit = 9 parking spaces</p> <p>*Units less than 600 square feet may be granted a reduction in parking.</p> <p>An approved community lot as an option for parking.</p> <p>Parking Reduction Plan - up to 40% reduction in required spaces per criteria.</p> <p>Required parking in the rear or side of the lot. There must be no parking within the front building line of the property.</p> <p>All parking must be adequately screened from views from 2nd Avenue.</p> <p>Credit will be given for on-street parking at a ratio of 1 space per 15 feet of street frontage in the area west of Franklin; and 1 per 25 feet of frontage for parcels with curb-cuts on 2nd Avenue; and 15, 1 space per 15 feet of street frontage for parcels without curb-cuts on 2nd Ave. in the area east of Franklin Street.</p>
Design Requirements – Section E		
Access and mobility	No requirement.	<p>Added access and mobility to design requirements:</p> <p>Safety and pedestrian experience shall be considered during review. Additional curb cuts along 2nd Avenue should be discouraged and when possible reduced through shared access.</p> <p>Building design and scale should enhance the walkability and pedestrian experience.</p> <p>Streetscapes and public areas, including alleys, shall be improved and landscape to enhance the pedestrian experience and to help buffer residential areas.</p>

Topic	Current Condition	Code (and Related) Changes Under Consideration
Landscaping	<p>With the exception of a driveway, patios and walkways, paving shall not be permitted in the front yard within 7 feet of the front property line.</p> <p>Only deciduous trees shall be permitted in the front yards. Any type of shrub shall be allowed.</p> <p>Grass, turf-block, or organic mulch are permitted;</p> <p>The grade may be raised no more than 2 feet above existing grade to create a berm within the first 10 feet of the front property line</p>	<p>Same as current, except paving shall not be permitted in the front yard within 10 feet of the property line with the exception of a driveway, patios, and walkways.</p> <p>In Blocks 5 and 6 a minimum of 20% of the area within each parcel must consist of landscaping, which may include hardscaped plazas, outdoor seating/serving area, walkways within on-site open space areas, and other similar hardscaped on-site amenities. Hardscaped elements shall account for no more than two-thirds of the minimum landscaped area requirement.</p> <p>Low-water use landscaping approaches are encouraged, along with use of green roofs on non-historic structures.</p>
Lighting	<p>Embedded in Landscaping requirements:</p> <p>lighting shall be low intensity;</p> <p>free standing lighting shall be no more than 12 feet in height;</p> <p>lighting attached to a building must be directed at the building façade or down</p>	<p>Any lighting shall be low intensity to provide for safety and security where needed. Install recessed lights, footlights, lights on posts of human scale, or directional lights in unobtrusive locations.</p> <p>Freestanding lighting shall be no more than 12 feet in height with the exception of street lights. Lighting operation/hours may be further limited through applicable review process to assure neighborhood compatibility and safety.</p> <p>Lighting attached to a building must be directed at the building facade and directed down.</p>
Mix of uses	<p>Mix of uses is not defined in the Code.</p>	<p>Define mix of uses under design requirements:</p> <p>For properties supporting both commercial and residential uses on the same lot, commercial-serving retail, service, and other commercial uses shall be located on the ground floor. Residential and/or office uses shall be located on the second floor or behind any commercial units on the first floor.</p>
Building Materials (non-historic)	<p>List of appropriate façade materials (or anything approved by Design Review Committee)</p> <p>Pre-approved paint colors</p> <p>Fences must be wood or wrought iron, not higher than 4 feet in front yard</p>	<p>Same as current.</p>
Building Form	<p>Roofs should conform to existing roof forms on 2nd Ave</p> <p>Expanses of façade >25 feet shall incorporate design variation</p>	<p>Same, except clarifying requirement for design variation on facades greater than 25 feet could be applied to any side depending on site conditions.</p>

Topic	Current Condition	Code (and Related) Changes Under Consideration
	Service areas and rooftop mechanical equipment shall be screened	
Additional Requirements for Historic District – Section F		
		Same as current, with rearrangement.
Process and Review Requirements – Section G		
		This section will assemble all process-related provisions into one place within Article 4-116. All review requirements for projects seeking development approval will remain unchanged. Changes under consideration pertain to increased requirements for community engagement for projects requiring Land Use Review. Not included here are the design review requirements for projects in the Historic District. Those requirements will remain unchanged.
Review Boards – Section H		
		This section will include a revised description of, and requirements for the Niwot Design Review Committee, and reference to the role of the Historic Preservation Advisory Board (HPAB).
Appendix A Historic Landmark District information – Section I		
		Same as current.

Attachment D: Analysis of Impacts of Poposed Code Changes

Block	Property	15' Building Height Within 25' of Rear			Lot Coverage			FAR			Setbacks - Rear				Notes - non-conformance
		Existing Setback (in feet) of Building Height Exceeding 15'	New Setback Requirement (in feet) for building Height Exceeding 15'	Difference	Existing	New	Difference	Existing	New	Difference	Approx. setback of closest structure	New - Rear in feet	Difference	New Regulations	
1	201 Murray Ave. # 131725400005	1-Story	25	N/A	54%	55%	1%	0.50	0.6	0.10	Within Setbacks	10	N/A	Rear 10'	
2	97 2nd Ave. # 131725400004	1-Story	25	N/A	46%	55%	9%	0.45	0.6	0.15	Within Setbacks	10	N/A	Rear 10'	
3	102 2nd Ave. (Porchfront) # 131725405016	70	25	45	46%	90%	44%	0.92	N/A	N/A	75	0	75	Rear 0' for corner parcels and parcels where the rear lot line is adjacent to a parcel in the NRCD I or 15 feet for interior parcels where the rear lot line is adjacent to a parcel outside the NRCD I	
3	* Application submitted to Land Use - 102 2nd Ave. (Porchfront) # 131725405016	5	25	-20	96%	90%	-6%	0.92	N/A	N/A	5	15	-10	Rear 0' for corner parcels and parcels where the rear lot line is adjacent to a parcel in the NRCD I or 15 feet for interior parcels where the rear lot line is adjacent to a parcel outside the NRCD I	Proposed plan has 2nd story setback at 5' (25' required) and exceeds lot coverage by approx. 6% (96%, 90% required)
3	104 2nd Ave. # 131725405017	39	25	14	69%	80%	11%	1.17	N/A	N/A	25	15	10	Rear 0' for corner parcels and parcels where the rear lot line is adjacent to a parcel in the NRCD I or 15 feet for interior parcels where the rear lot line is adjacent to a parcel outside the NRCD I	
3	112 2nd Ave. (Little Bird) # 131725405008	25	25	0	77%	80%	3%	1.03	N/A	N/A	25	15	10	Rear 0' for corner parcels and parcels where the rear lot line is adjacent to a parcel in the NRCD I or 15 feet for interior parcels where the rear lot line is adjacent to a parcel outside the NRCD I	
3	124 2nd Ave. # 131725405007	1-Story	25	N/A	37%	80%	43%	0.43	N/A	N/A	77	15	62	Rear 0' for corner parcels and parcels where the rear lot line is adjacent to a parcel in the NRCD I or 15 feet for interior parcels where the rear lot line is adjacent to a parcel outside the NRCD I	
3	136 2nd Ave. # 131725405011	46	25	21	60%	80%	20%	0.71	N/A	N/A	46	15	31	Rear 0' for corner parcels and parcels where the rear lot line is adjacent to a parcel in the NRCD I or 15 feet for interior parcels where the rear lot line is adjacent to a parcel outside the NRCD I	
3	190 2nd Ave. # 131725405012	1-Story	25	N/A	75%	80%	5%	0.73	N/A	N/A	18	15	3	Rear 0' for corner parcels and parcels where the rear lot line is adjacent to a parcel in the NRCD I or 15 feet for interior parcels where the rear lot line is adjacent to a parcel outside the NRCD I	
3	198 2nd Ave. # 131725405013	24.5	25	-0.5	75%	90%	15%	1.82	N/A	N/A	24.5	0	24.5	Rear 0' for corner parcels and parcels where the rear lot line is adjacent to a parcel in the NRCD I or 15 feet for interior parcels where the rear lot line is adjacent to a parcel outside the NRCD I	Plans submitted to the Land Use Department depicts a second story setback at 24' 6" (25' required)
4	150 Murray St. (Post Office) # 131725406008	1-Story	N/A	N/A	13%	80%	67%	0.11	N/A	N/A	70	0	70	Rear 0' for corner parcels and parcels where the rear lot line is adjacent to a parcel in the NRCD I or 15 feet for interior parcels where the rear lot line is adjacent to a parcel outside the NRCD I	
4	101 2nd Ave (Powder Keg) # 131725406001	N/A	N/A	N/A	88%	90%	2%	0.78	N/A	N/A	0	0	0	Rear 0' for corner parcels and parcels where the rear lot line is adjacent to a parcel in the NRCD I or 15 feet for interior parcels where the rear lot line is adjacent to a parcel outside the NRCD I	
4	121 2nd Ave. # 131725406002	N/A	NA	N/A	46%	80%	34%	0.58	N/A	N/A	0	0	0	Rear 0' for corner parcels and parcels where the rear lot line is adjacent to a parcel in the NRCD I or 15 feet for interior parcels where the rear lot line is adjacent to a parcel outside the NRCD I	

Attachment D: Analysis of Impacts of Poposed Code Changes

Block	Property	15' Building Height Within 25' of Rear			Lot Coverage			FAR			Setbacks - Rear			Notes - non-conformance	
		Existing Setback (in feet) of Building Height Exceeding 15'	New Setback Requirement (in feet) for building Height Exceeding 15'	Difference	Existing	New	Difference	Existing	New	Difference	Approx. setback of closest structure	New - Rear in feet	Difference		New Regulations
4	137 2nd Ave. # 131725401001	11	25	-14	80%	80%	0%	1.08	N/A	N/A	11	15	-4	Rear 0' for corner parcels and parcels where the rear lot line is adjacent to a parcel in the NRCD I or 15 feet for interior parcels where the rear lot line is adjacent to a parcel outside the NRCD I	Plans submitted to the Land Use Department depicts a second story setback at 11' 3" (25' required) and the building is at an 11' setback (15' required)
4	149 2nd Ave. # 131725401002	1-Story	25	N/A	56%	80%	24%	0.55	N/A	N/A	63	15	48	Rear 0' for corner parcels and parcels where the rear lot line is adjacent to a parcel in the NRCD I or 15 feet for interior parcels where the rear lot line is adjacent to a parcel outside the NRCD I	
4	165 2nd Ave. # 131725406004	1-Story	25	N/A	45%	80%	35%	0.41	N/A	N/A	57	15	42	Rear 0' for corner parcels and parcels where the rear lot line is adjacent to a parcel in the NRCD I or 15 feet for interior parcels where the rear lot line is adjacent to a parcel outside the NRCD I	
4	195 2nd Ave. (The Grange) # 131725406005	77	25	52	47%	90%	43%	0.61	N/A	N/A	10	0	10	Rear 0' for corner parcels and parcels where the rear lot line is adjacent to a parcel in the NRCD I or 15 feet for interior parcels where the rear lot line is adjacent to a parcel outside the NRCD I	
5	210 Frranklin Ave. (Colterra) # 131725407010	10	25	-15	40%	50%	10%	0.50	0.6	0.10	0	0	0	Rear 0' as long as the front and rear combined setbacks are not less than 20 feet.	Plans submitted to the Land Use Department depicts a second story setback at 9' 9" (25' required) and the parcel currently has two rear setbacks; the rear setback perpendicular to 2nd Ave. is at 0' (10' required under current code) New regulations will consider this rear a side with a required 0' setback (bringing the building into conformance).
5	240 2nd Ave. (Southpaw) # 131725407009	14	25	-11	34%	50%	16%	0.50	0.6	0.10	9	0	9	Rear 0' as long as the front and rear combined setbacks are not less than 20 feet.	Plans submitted to the Land Use Department depicts a second story setback at approx. 14' (25' required)
5	280 2nd Ave. # 131725413004	1 - story	25	N/A	27%	50%	23%	0.16	0.6	0.44	21	0	21	Rear 0' as long as the front and rear combined setbacks are not less than 20 feet.	
5	290 2nd Ave. # 131725413003	1 - story	25	N/A	21%	50%	29%	0.19	0.6	0.41	63	0	63	Rear 0' as long as the front and rear combined setbacks are not less than 20 feet.	
5	300 2nd Ave. (Slater) # 131725413001	63	25	38	30%	50%	20%	0.52	0.6	0.08	63	0	63	Rear 0' as long as the front and rear combined setbacks are not less than 20 feet.	
5	342 2nd Ave. (Niwot Inn) # 131725409010	37	25	12	41%	50%	9%	0.58	0.6	0.02	37	0	37	Rear 0' as long as the front and rear combined setbacks are not less than 20 feet.	Building permit application indicates 3,785 sq. ft. basement; 3,785 sq. ft. first floor; and 4,621 sq. ft. second floor; 90 sq. ft. cover; and, 217 sqft uncovered deck. Total area applicable to FAR calculation (8,406) when divided by the entire lot area (14,575) the result is an FAR of 0.58.
5	364 2nd Ave. (Lefty's) # 131725409009	1- story	25	N/A	12%	50%	38%	0.10	0.6	0.50	47	0	47	Rear 0' as long as the front and rear combined setbacks are not less than 20 feet.	
5	376 2nd Ave. (MEISNER) # 131725409008	1- story	25	N/A	14%	50%	36%	0.19	0.6	0.41	35.5	0	35.5	Rear 0' as long as the front and rear combined setbacks are not less than 20 feet.	
5	7915 Niwot Rd. # 131725409006	1- story	25	N/A	24%	50%	26%	0.21	0.6	0.39	N/A	N/A	N/A	Rear 0' as long as the front and rear combined setbacks are not less than 20 feet.	
6	263 2nd Ave. # 131725410001	1- story	25	N/A	50%	50%	0%	0.51	0.6	0.09	32.5	10	22.5	Rear 10'	
6	283 2nd Ave. (Gunbarrel Impors Motors) # 131725410008	1- story	25	N/A	36%	50%	14%	0.30	0.6	0.30	0	10	-10	Rear 10'	Aerial views depict a structure at 0' rear setback (10' required under current code; new regulations remain the same)
6	291 2nd Ave. (Niwot Feed) # 131725410007	1- story	25	N/A	21%	50%	29%	0.14	0.6	0.46	0	10	-10	Rear 10'	Aerial views depict a structure at 0' rear setback (10' required under current code; new regulations remain the same)
6	361 2nd Ave. # 131725410005	100	25	75	25%	50%	25%	0.30	0.6	0.30	30	10	20	Rear 10'	

Attachment D: Analysis of Impacts of Poposed Code Changes

Block	Property	Square Footage		FAR				
		Lot in NRCD	Existing BLDG	0.60	Sqft. Difference between FAR 0.60 and existing structure sqft.	1.25	Sqft. Difference between FAR 1.25 and existing structure sqft.	Difference in sqft. between FAR 0.60 and FAR 1.25
1	201 Murray Ave. # 131725400005	16930	8465	10158	1693	21163	12698	11005
2	97 2nd Ave. # 131725400004	7398	3329	4439	1109.8	9248	5919	4809
5	210 Ffranklin Ave. (Colterra) # 131725407010	10119	5069	6071	1002.4	12649	7580	6577
5	240 2nd Ave. (Southpaw) # 131725407009	17237	8647	10342	1695.2	21546	12899	11204
5	280 2nd Ave. # 131725413004	6420	1028	3852	2824	8025	6997	4173
5	290 2nd Ave. # 131725413003	7610	1442	4566	3124	9513	8071	4947
5	300 2nd Ave. (Slater) # 131725413001	18621	9594	11173	1578.6	23276	13682	12104
5	342 2nd Ave. (Niwot Inn) # 131725409010	14575	8406	8745	339	18219	9813	9474
5	364 2nd Ave. (Lefty's) # 131725409009	7171	720	4303	3582.6	8964	8244	4661
5	376 2nd Ave. (MEISNER) # 131725409008	19667	3702	11800	8098.2	24584	20882	12784
5	7915 Niwot Rd. # 131725409006	10728	2253	6437	4183.8	13410	11157	6973
6	263 2nd Ave. # 131725410001	14822	7520	8893	1373.2	18528	11008	9634
6	283 2nd Ave. (Gunbarrel Impors Motors) # 131725410008	22705	6890	13623	6733	28381	21491	14758
6	291 2nd Ave. (Niwot Feed) # 131725410007	14082	2036	8449	6413.2	17603	15567	9153
6	361 2nd Ave. # 131725410005	27861	8472	16717	8244.6	34826	26354	18110

Key Elements of Existing NRCD Code Provisions Applicable to Historic District vs. Remainder of NRCD I

NRCD I Code Requirements	Historic District (Murray to Franklin St + Colterra Property)	Remainder of NRCD I
Old Town Niwot Design Review Subcommittee acts as referral agency?	Y	Y (limited)
Historic Preservation Advisory Board reviews projects and issues Certificate of Appropriateness?	Y	N (unless staff believes a 50+ year old building has potential landmark eligibility)
Special Review required for projects generating > 500 vehicle trips per day, or > than 35,000 sf?	Y (Note: Special Review in other areas of the county occurs at 150 vehicle trips and 25,000 sf)	
Front yard minimum setback	0 feet (block one*)	20 feet (block two*)
Side yard minimum setback	0 or 12 feet	
Rear yard minimum setback	0 with an alley; 10 feet without an alley	
Parking	Shall not occur within 7 feet of the front property line; 1 parking space required per 500 sf of floor area built after July 1, 2012 ⁺	
Building Materials	Detailed Historic District guidelines apply	Greater variety allowed as specified in 4-116 (e.g., Front facades shall be composed of brick, wood or a non-organic wood facsimile siding, stucco, or stone; or, a material approved by the Old Town Niwot Design Review Subcommittee)
Building Form	<ul style="list-style-type: none"> a. Roofs should conform with the existing roof forms on 2nd Avenue b. Expanses of building facade longer than 25 feet shall incorporate design variations to break up the continuity of the facade in an attempt to reduce the possibility of a long monotonous wall c. Service areas and rooftop mechanical equipment shall be screened. 	
Rhythm, Pattern, Alignment and Massing Guidelines	Detailed Historic District guidelines apply	N/A
<p>* 4-116 defines block one as between the Diagonal Highway and Franklin Street, and block two as between Franklin Street and Niwot Road. Block one generally aligns with the Historic District, but also includes the area west of Murray Street, extending to the Diagonal Highway, and excludes 210 Franklin St.</p> <p>⁺ Parking may be provided on the lot or on another lot within the NRCD I. A county approved parking agreement is required if the parking is provided on another lot. Credit will be given for on-street parking at a ratio of 1 space per 15 feet of street frontage in the area west of Franklin Street and 1 per 25 feet of frontage in the area east of Franklin Street.</p>		

Attchment F: FAR / Square Footage Analysis

Block	Property	Square Footage	
		Lot in NRCD	Existing BLDG
1	201 Murray Ave. # 131725400005	16,930	8,465
2	97 2nd Ave. # 131725400004	7,398	3,329
5	210 Frranklin Ave. (Colterra) # 131725407010	10,119	5,069
5	240 2nd Ave. (Southpaw) # 131725407009	17,237	8,647
5	280 2nd Ave. # 131725413004	6,420	1,028
5	290 2nd Ave. # 131725413003	7,610	1,442
5	300 2nd Ave. (Slater) # 131725413001	18,621	9,594
5	342 2nd Ave. (Niwot Inn) # 131725409010	14,575	8,406
5	364 2nd Ave. (Lefty's) # 131725409009	7,171	720
5	376 2nd Ave. (MEISNER) # 131725409008	19,667	3,702
5	7915 Niwot Rd. # 131725409006	10,728	2,253
6	263 2nd Ave. # 131725410001	14,822	7,520
6	283 2nd Ave. (Gunbarrel Impors Motors) # 131725410008	22,705	6,890
6	291 2nd Ave. (Niwot Feed) # 131725410007	14,082	2,036
6	361 2nd Ave. # 131725410005	27,861	8,472

FAR					
0.60	0.6 FAR Percent Increase from Existing	0.70	0.7 FAR Percent Increase from Existing	0.80	0.8 FAR Percent Increase from Existing
10,158	20%	11,851	40%	13,544	60%
4,439	33%	5,179	56%	5,918	78%
6,071	20%	7,083	40%	8,095	60%
10,342	20%	12,066	40%	13,790	59%
3,852	275%	4,494	337%	5,136	400%
4,566	217%	5,327	269%	6,088	322%
11,173	16%	13,035	36%	14,897	55%
8,745	4%	10,203	21%	11,660	39%
4,303	498%	5,020	597%	5,737	697%
11,800	219%	13,767	272%	15,734	325%
6,437	186%	7,510	233%	8,582	281%
8,893	18%	10,375	38%	11,858	58%
13,623	98%	15,894	131%	18,164	164%
8,449	315%	9,857	384%	11,266	453%
16,717	97%	19,503	130%	22,289	163%

Max with 50% lot coverage (2-story)		Max with 50% lot coverage (3-story)	
1.00	1.0 FAR Percent Increase from Existing	1.50	1.5 FAR Percent Increase from Existing
16,930	100%	25,395	200%
7,398	122%	11,097	233%
10,119	100%	15,179	199%
17,237	99%	25,856	199%
6,420	525%	9,630	837%
7,610	428%	11,415	692%
18,621	94%	27,932	191%
14,575	73%	21,863	160%
7,171	896%	10,757	1394%
19,667	431%	29,501	697%
10,728	376%	16,092	614%
14,822	97%	22,233	196%
22,705	230%	34,058	394%
14,082	592%	21,123	937%
27,861	229%	41,792	393%

Blocks 1, 2, 4, and 5	FAR										
	Existing BLDGs	0.55	0.6	0.65	0.70	0.75	0.80	0.85	0.90	1.00	1.50
Overall Total Square Footage	77573	118,770	129,568	140,365	151,162	161,960	172,757	183,554	194,351	215,946	323,919
Square Footage Increase from Existing		41,197	51,995	62,792	73,589	84,387	95,184	105,981	116,778	138,373	246,346
Percent increase from existing		53%	67%	81%	95%	109%	123%	137%	151%	178%	318%

Note: Lot size calculations are based on GIS estimates, further research into legal descriptions, plats, or deeds may be necessary as applications are submitted for review.



Land Use

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**BOULDER COUNTY
BOARD OF COMMISSIONERS**

Tuesday, March 12, 2019, at 2:00 p.m.

**Commissioners' Hearing Room, Third Floor
Boulder County Courthouse, 1325 Pearl Street, Boulder, CO**

PUBLIC HEARING

Docket DC-18-0004: Amendments to Niwot Rural Community District (Article 4-116) and related Land Use Code provisions

Staff:

Dale Case, Director
Mike Thomas, County Engineer
Denise Grimm, Principal Planner
Jose Ruano, Planner I
Nicole Wobus, Long Range Planning Manager
Laura Weinstein, Planner I

AGENDA

1. Staff presentation
2. Commissioner clarifying questions
3. Public comment
4. Commissioner deliberation and decision

INTRODUCTION

Development applications and comments from community members received during the spring and summer of 2018 brought to light the ambiguity of the Land Use Code (“the Code”) provisions that apply to the Niwot Rural Community District (NRCD), Article 4-116 of the Code.

The NRCD I¹ exists to recognize the unique values of the district and allow flexibility in development and recognition of the area as a rural community. The regulations recognize that the district will develop and evolve, and they are designed to permit flexibility while protecting the essence of what makes this community distinct.

¹ The NRCD I is the subject of this Code update. The NRCD II was established after the NRCD I and encompasses residential areas adjacent to the NRCD I. When the NRCD I was originally approved there was no NRCD II so it has previously been referred to in the Code as simply “NRCD.”

The historic context of the commercial area was a key element in the initial contemplation and approval of the NRCD I. The Historic Site Survey and Landmark Nomination form noted the distinct character of the District and the differences between the blocks. The pattern, alignment, and scale of the NRCD I has not changed significantly since that time.

“Unlike mainstreet commercial districts in larger towns that have a continuous facades [sp.] running along an entire block, the rural community often had vacant lots, detached buildings, and a variety of heights. Second Avenue has vacant lots and one and two story buildings, which break up the mass of the block.”²

The more limited guidance provided for the non-historic area of the NRCD I could lead a developer to believe that all properties in the District have the potential to be developed to the maximum boundaries provided by the setbacks and height limits. However, that is not the case, as proposed projects must go through a Site Plan Review (SPR) process and be evaluated for compatibility with community character. Various applications submitted between 1993, when the district was first created, and now were scaled back in size through the review processes.

The Niwot community is evolving and there are varying perspectives on how to maintain character through these changes. Therefore, staff proposed a Code update to clarify expectations and identify a common understanding of desired character for each block of the District to help guide future development.

Given the limited area and small scale of the Niwot community, a few development projects could have a significant impact on community character within the NRCD I for many decades to come. Due to the time sensitivity of addressing the need for a Code update, the Board of County Commissioners (BOCC) approved a moratorium (Resolution 2018-112) on development review activity for the NRCD I on September 20, 2018. On October 30, 2018, the BOCC upheld the moratorium, but only for the non-historic area of the NRCD I.³ The moratorium is in place through March 20, 2019. Staff has worked to gather public input and develop revised Code content that draws on planning best practices and tools that have been applied successfully in other communities facing similar challenges (see Section IV). The updated regulations are intended to reflect the extent of development that would likely be approvable under the current Code (i.e., what would be deemed compatible with community character), but provide greater clarity and certainty for both developers and the community. This will improve efficiency and reduce costs associated with the development review process.

This document provides background information on the existing Article 4-116, a summary of the community engagement process and outcomes, and discussion of proposed Code language developed by staff.

ACTION REQUESTED

Staff requests the BOCC approve the text amendments to Article 4-116 as presented in Attachment A.

² Niwot Landmark Nomination Form

³ The moratorium applies only to the non-historic area of the NRCD. However, updates to the Article 4-116 will address the entirety of the NRCD.

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I. BACKGROUND

This section includes an overview of the current Code provisions applying to the NRCD I, as well as discussion of the need for improvements to the current Code. This section also includes an overview of the Code update process to date.

A. Current NRCD Land Use Code (Article 4-116) and the Need for Improved Clarity and Direction

In the early 1990s, the county worked with the Niwot community to create the NRCD zoning district, now referred to as NRCD I. 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 I was to improve upon the existing design along 2nd Avenue by preserving the historic area, implementing 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, and the Planning Commission and Historic Preservation Advisory Board (HPAB) both recommended approval. The BOCC then adopted the District as part of the Code.

A second Niwot Rural Community District (NRCD II) was adopted in 2009 and covered the mainly residential portions of the old town site. That area is not the subject of this code update.⁴

Figure 1. Niwot Rural Community District



The NRCD I covers the properties along 2nd Avenue between the railroad and Niwot Road (See Figure 1). Within the NRCD I, the Old Town Niwot Historic District (“Historic District”) comprises the area between Murray and Franklin along with 210 Franklin Street. That area generally aligns with the area referred to as “block one” in the current NRCD I regulations (and referred to as Blocks 3 and 4 in the proposed Code.)

Projects occurring in the NRCD I are subject primarily to SPR (and potentially the Special Review or Subdivision processes); those occurring within the Historic District have more detailed design guidelines and are required to obtain a Certificate of Appropriateness from the HPAB. As part of the SPR and Special Review processes, staff evaluates proposals based on criteria, which include a review of the

⁴ The NRCD II was created 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. 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>

project's relationship to community character (see Land Use Code Article 4-806 for SPR, and 4-602 for Special Review).

The NRCD I Code provisions provide detailed guidelines for development within the Historic District of the NRCD I but provide more limited guidance for development occurring outside the Historic District, as outlined in Attachment E.

Key Deficiencies in the Current Code

The current Code provisions for non-historic areas of the NRCD I provide insufficient guidance on topics that are fundamental to development decisions. This lack of clarity makes it difficult to effectively and consistently evaluate prospective developments. Uncertainty about development expectations also adds to the cost and time that both developers and members of the community must invest in the development process.

Topics needing additional clarity and direction in the current Code, and that are a focus of this Code update, include the following:

- a. Density and design parameters, including building bulk and massing, and the location of structures on a parcel;
- b. Appropriate mix of uses (e.g., residential, retail, office uses) on a property; and
- c. Interface, connections, and access to and between commercial and residential areas
 - o Specifically, access and site design that reflects the need for safe, efficient and pedestrian-friendly circulation, and considers impacts on neighbors related to parking and alley access

Although development in the NRCD I is subject to the SPR and Special Review processes, and elements of the review criteria address compatibility with community character (e.g., see 4-806 A. 2 and 10; and 4-601 A. 2. and 3.), the unique and evolving nature of the Niwot community has made it difficult to conduct an effective assessment of compatibility in recent years. In particular, the design guidelines for the non-historic part of the District have proven to be too vague. For example, in the past, reviews of 300 and 342 2nd Avenue were looked at with great scrutiny regarding the extent and location of development and its impacts on the adjacent neighbors. Structures were vetted, large setbacks from the rear property line were approved (60 feet and 35 feet), and access for the commercial visitors was required to come from 2nd Avenue.

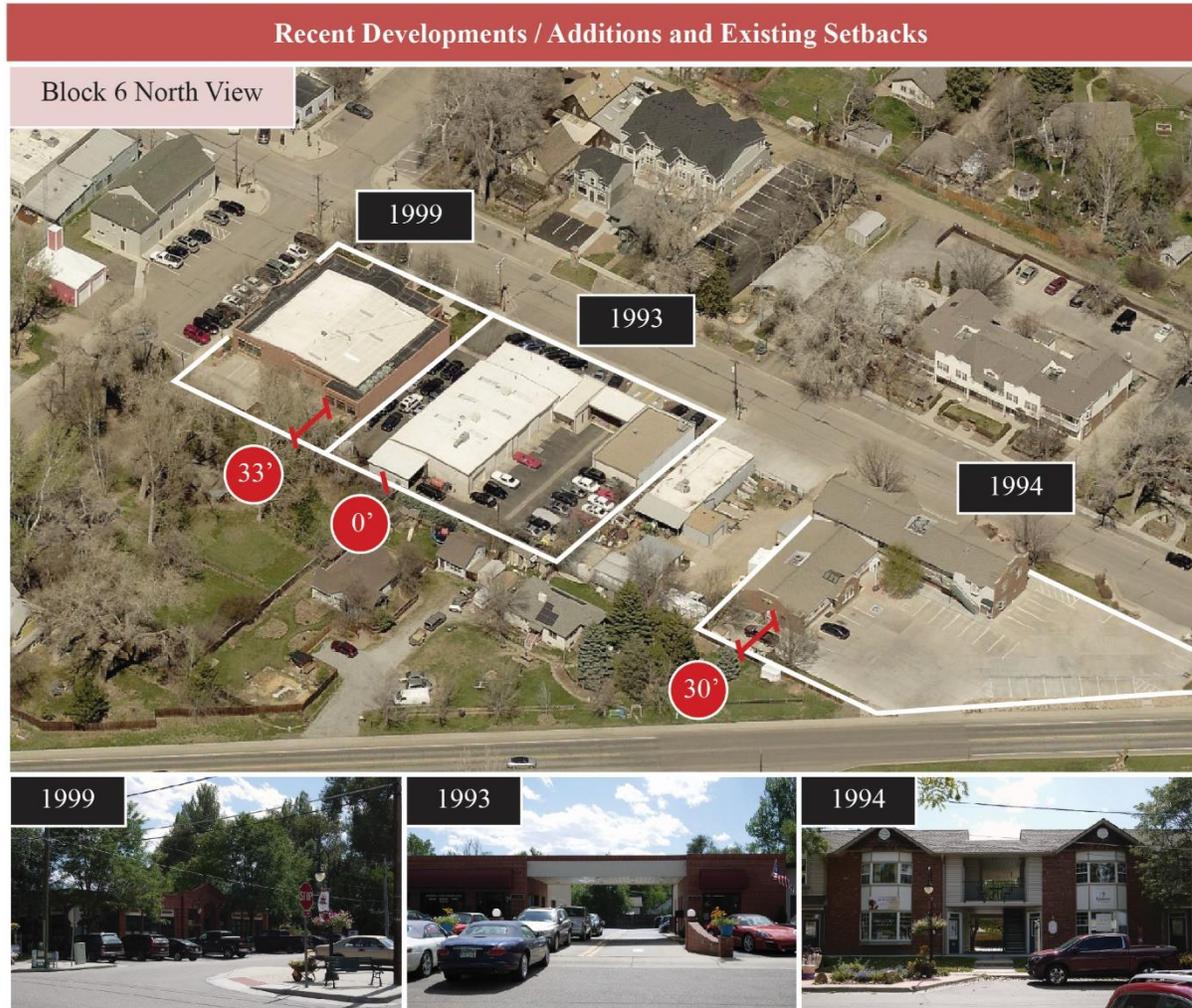
More recent development projects have proposed multiple structures on parcels, spreading out the development and pushing some of it closer to the rear property lines. This development has some benefits in that it helps maintain the rural district by breaking up the facades, provides for a few openings for landscaping, and maintains some of the openness of the block. However, the amount of massing and development has negative impacts on the residential neighbors. Furthermore, due to the limited guidance for development outside the Historic District of the NRCD I, the current NRCD I Code provisions provide insufficient certainty to both the public and the developer. See Figure 2 and Figure 3 for a summary of timing of development activity on Blocks 5 and 6 of the NRCD I.

Many in the community believe that recent developments fall outside of the NRCD I's character and should not serve as precedent for future developments. However, under the current regulations, those developments would serve as precedent for the purposes of community compatibility comparisons, among others, and with the minimal regulatory guidance that exists today, similar developments could result. With the lack of clear direction included in the current Code, members of the public would need to engage closely in each future development proposal in an effort to try and avoid such an outcome. Additionally, a developer would likely need to invest a great deal in preparing several versions of design options before arriving at a proposal that the engaged public would support.

Figure 2. Timing of development activity within the NRCD I, Block 5



Figure 3. Timing of development activity within the NRCD I, Block 6



Through the public engagement process for this docket many members of the public raised concerns about their voices not being heard during the development processes and their resulting inability to impact development outcomes. They also expressed concerns about the lack of notification and being notified late in the process.

In addition, it is difficult for a current or prospective property owner to decide to spend time and money developing a proposal without first having some parameters for what is acceptable. Staff has difficulty responding to questions related to character and density in the NRCD I given the evolving nature of the community and lack of specificity in the Code. While there is a Niwot Design Review Committee, that group has previously focused only on the Historic District, and members of the group have expressed that they lack the design expertise to play a fundamental role in guiding the direction of development projects.

B. Code Update Process and Schedule

The resolution (Resolution 2018-112) approved by the BOCC on September 20, 2018 directed staff not to accept, process, or approve any applications under Article 4-116 of the Code for the duration of the moratorium, which will end no later than close of business on March 20, 2019. In a decision on October 30, 2018, the BOCC affirmed the moratorium but reduced the area covered to only the non-historic area of the NRC D I ([Resolution 2018-134](#)). The purpose of the moratorium was to allow time to work with the community to formulate and publicly review necessary amendments to current regulations governing development in the NRC D I. Further information on the moratorium and its applicability is available in the [staff report for the BOCC's October 30, 2018 hearing](#).

Proposed changes to the regulations are based on staff analysis; [Boulder County Comprehensive Plan policies for the area](#);⁵ public input gathered at the October 30, 2018 BOCC hearing and at community meetings in October, December, and January; written comments, a pop-up meeting station that gathered feedback at a location in the NRC D I during December; and, a meeting with the HPAB and Niwot Design Review Committee. Table 1 provides a summary of Code update activities to date.

Table 1. Summary of Code Update Activity

Activity	Timeframe
Moratorium Resolution	Sept 20, 2018
BOCC Hearing to review/confirm moratorium	Oct 30, 2018
Community Meetings	Oct 17, Dec 17, Jan 24
Review and Input from HPAB, Niwot Design Review Committee	Jan 29, 2019
Planning Commission hearing	Feb 20, 2019
BOCC hearing and decision	Mar 12, 2019

In addition to the activities noted in the Table, staff presented at a Local Improvement District meeting (October 2, 2018), held several meetings with small stakeholder groups who represented a range of perspectives, and posted [Frequently Asked Questions and Answers](#) related to the moratorium. Members of the community have also organized and held meetings to form positions and provide feedback on Code update topics. Community stakeholder groups active in this process include the Niwot Business Association, the Niwot Community Association, and the Local Improvement District.

⁵ See “Niwot, Lefthand, Boulder Creek Subregion” element of the Boulder County Comprehensive Plan.

II. COMMUNITY ENGAGEMENT EFFORTS AND OUTCOMES

A. Overview of Community Engagement Efforts and Input

As noted previously, the public engagement process for this Code update has included community meetings, meetings with individuals and small groups of stakeholders, written public comment opportunities, as well as a pop-up meeting station to allow members of the public to review materials and have one-on-one conversations with staff. Meeting summaries are available on the docket webpage, and a link to written comments is available [here](#). Staff received 317 comments (consisting of over 500 pages of material) through March 4 when the staff report for BOCC's March 12 meeting was completed.⁶

The input received throughout this process reflects a range of perspectives on a broad set of topics related to the Code update. Proposed Code language presented in this staff report reflects revisions made in response to community feedback received on draft Code language presented at a January 24, 2019 community meeting, feedback provided at the February PC meeting, and in discussions and written comments throughout the Code update process.

This section presents a summary of community input related to a range of key topics.

B. Topic-Specific Input

NRCD Character: What Makes 2nd Avenue Special?

An area of focus for this Code update was to identify and articulate the character that makes the NRCD I so special, as that is a key driver for the proposed Code language. Characteristics cited most often by community members include:

- Mix of retail shops and restaurants
- Walkable
- Charming, small town feel
- Lively, vibrant
- Historic look and feel
- Quirky, unique, architecturally distinctive

Several commenters supported maintaining a sense of openness with a greater emphasis on landscaping and trees on Blocks 5 and 6 (east of Historic District) than what is present on Blocks 3 and 4 (which includes the majority of the Historic District). As noted in the Introduction, the distinction between the development pattern for the areas west and east of Franklin Street is consistent with the historic precedent for the area (i.e., historically, structures on Blocks 3 and 4 have been built up to the front and side lot lines and have covered the majority of the lot, whereas development on Blocks 5 and 6 have been set back from 2nd Avenue with more greenspace and openness and less structural coverage of the lot). In contrast, others support a shift in the development pattern, allowing all of the NRCD I to match the development

⁶ Staff received approximately 60 comments in advance of the October 30, 2018 BOCC hearing that focused on the NRCD moratorium. Those comments (those received through October 23) were summarized in the [staff report for the October 30, 2018 BOCC hearing](#).

pattern of Blocks 3 and 4. This is reflected in a proposal presented by some members of the development community ([see p. 462-463 of the public comment packet](#)) requiring 0 ft. side setbacks under certain conditions, as described on page 10 of this report.

Many commenters describe the NRCD I as having a “small town” feel, and some specifically describe it as “rural.” One commenter described the NRCD I as a “mix of rural and sophisticated” while another described it as having a “friendly country vibe.” Several describe it as a destination for local residents and visitors because it is uncongested and lacks the hustle and bustle of Boulder and Longmont. One commenter suggested that appropriate architectural styles for the NRCD I include Craftsman, Victorian, “Gingerbread” and Tudor.

Mix of Uses

Commenters support mixed use development within the NRCD I, with a strong majority preferring an emphasis on retail and other non-residential uses. Some highlighted the importance of commercial uses to produce sales tax income that funds the LID and facilitates the community events and improvements that are a valued part of Niwot’s vibrant community. Some commenters request that the Code specifically disallow any lots from being exclusively multi-unit residential without any commercial use on the property. Many commenters expressed a preference for commercial uses to be located on the first floor with frontage to 2nd Avenue.

A set of NRCD I property owners and developers submitted comments requesting an adjustment to the proposed residential unit density. Those commenters suggested that 2 residential units be allowed for properties less than 8,000 sq.ft., 5 units for properties 8,000 – 15,000 sq.ft., and 6 units for properties over 15,000 sq.ft., with an additional unit allowed if it is less than 600 sq.ft. Those commenters highlighted that additional residential units are appropriate given the county’s priority of adding to the housing stock, and due to the location of the NRCD I as an emerging transit hub.⁷ Other commenters also suggested that the 500 sq.ft. bonus unit size that staff originally proposed was too small.

Staff believes the number of residential units allowed per the staff-proposed Code language represents an appropriate balance of interests (i.e., ensuring an emphasis on commercial uses along 2nd Avenue and maintaining an overall intensity of use more in character with a rural town) and did not change proposed Code language in response to public comment, other than to increase the proposed size threshold for the bonus small-scale residential unit from 500 sq.ft to 600 sq.ft, as suggested by the commenters.

Site Design – Setbacks, Lot Coverage, Floor Area Ratio, and Building Height

The most specific input provided regarding site design parameters came from comment forms submitted via the community pop up meeting station, and comments submitted by a set of NRCD I property owners and developers requesting changes to specific provisions of the staff’s proposed Code language (see table with requested Code provisions on pdf p. 425 of [public comments packet](#)). Some additional written comments addressed these topics as well; though written comments tended to provide less specific feedback.

⁷ There is an RTD Park ‘n Ride lot near the NRCD and future Bus Rapid Transit plans for Highway 119.

With regard to setbacks, participants at community meetings expressed support for reducing the front setback along 2nd Avenue for properties on Blocks 5 and 6, if those properties have a larger rear setback (i.e., moving bulk on the property closer to the front lot line). A few written comments also supported reducing the front setback along Blocks 5 and 6, and a couple of commenters requested leaving the front setbacks unchanged. As noted previously, a group of NRCDC I property owners and developers suggested having a 20 ft. standard front setback for all properties on Blocks 5 and 6, and allowing a 1 ft. reduction in the standard 20 ft. front setback for every additional foot of second floor setback on the rear side (i.e., properties on Blocks 5 & 6 could be approved with a 0 front setback under certain conditions).⁸ In recognition of this and related input, staff changed the proposed front setback provisions to allow for 15 ft. building height (1 story) within 10 ft. of 2nd Avenue for cases in which the rear setback is increased to 10 ft. (i.e., the combined front and rear setback must be no less than 20 ft.).

Among the comments received specific to the proposed Floor Area Ratio (FAR) provisions (see explanation of FAR concept on p. 13 of this report), a few supported the proposed values, and a few suggested allowing higher FAR on Blocks 1, 2, and 5. The set of NRCDC I property owners and developers that submitted joint comments expressed that the proposed FAR and lot coverage provisions are too restrictive. That group originally suggested determining FAR and lot coverage based on property-specific review, then requested a FAR of 1.25 on Blocks 5 and 6. The proposed Code language presented here includes a FAR of 0.6 for Blocks 1, 2, 5, and 6; a FAR of 0.55 was previously proposed by staff. Staff increased the proposed FAR to 0.6 in the version of the proposed Code presented to Planning Commission (see Attachment A). The increase to 0.6 is intended to address concerns raised at public meetings about not having enough development potential for projects to be economically viable, while maintaining an overall development intensity that keeps the area rural and unique. As discussed in analysis of the proposed Code language in Section IV, the modest increase in FAR equates to a substantial increase in square footage of construction allowed on a property. Furthermore, the projects that were developed in the NRCDC I currently fall below the proposed FAR thresholds. The FAR is an important tool in addressing the development intensity and maintaining the character of this rural community.

Additional comments related to proposed lot coverage were limited, with some comments about impacts on specific properties such as the Excel Electric building. Staff believes that specific lot coverage provisions are one of the important tools in the proposed Code provisions that can provide clarity about overall level of bulk allowed on a property, while maintaining flexibility regarding where a developer proposes to locate that bulk. Therefore, staff has not changed its original proposed lot coverage provisions.

The majority of public input on structure height supported allowing 2-stories (30 ft.). Some specifically supported the stair-step height concept in the rear lot to address 3rd Avenue residential property owners' concerns about privacy and the looming effect of 2-story buildings extending close to the rear lot line on 2nd Avenue. A few commenters supported having even taller (e.g., 3-story) structures.

⁸ An earlier proposal from this group was for a more constrained set of interactive front / rear setback conditions; the group previously proposed to reduce the front setback to as little as 10 ft. for cases in which the rear height is limited to 15 ft. for a distance of 20 ft. from the alley (i.e., allowing only one story within 20 ft. of the alley).

Alley

Many comments addressed topics related to the alley that separates Block 5 from the 3rd Avenue neighborhood to the north. The most common comment was that more clarity is needed regarding future plans for the alley and how alley access and related issues would be addressed for future development proposals. Staff worked to provide further clarity on this topic in Section IV of this report; however, staff has not developed the details and design of any specific types of alley approvals that would allow additional access at this time. While granting additional access to the alley will be necessary for projects to meet the design guidelines, the extent of the development and alley mitigation will be determined through the review process. Staff is undertaking work with the community to approach the alley as one design and upgrade project so that we are not making parcel by parcel improvements to the alley. However, that alley design and upgrade project is not included in specific Code update language.

Many commenters expressed a preference for maintaining the guidance provided in the 1996 Alley Study, which discouraged use of the alley for access to parking and commercial uses along 2nd Avenue. Many of the same commenters suggested vacating the alley and using it for pedestrian purposes only, as a landscaped / vegetated buffer between 2nd and 3rd Avenues. Another large group of commenters expressed a contrasting view, urging that commercial businesses should be able to have alley access based on historical property ownership adjacent to the alley. Those commenters also raised concerns with the current lack of alley maintenance, noting that there are encroachments by fences, excessive potholes, and drainage issues. This group further argued that reducing curb cuts along 2nd Avenue and increasing alley access to commercial properties would help enhance pedestrian safety. In contrast, the commenters in favor of limiting use of the alley argued that reducing curb cuts also has safety impacts through reduction in emergency access to structures.

Several commenters suggested conducting a traffic and safety study of the impacts that would result from increasing access to the alley. Those commenters suggested that the results of the study should guide decision-making on use of the alley.

Parking

Comments related to parking were limited and reflected a range of perspectives. A small number of commenters cited parking constraints as a significant concern. A couple of commenters encouraged mechanisms to ensure that parking for commercial uses on 2nd Avenue does not spill over into 3rd Avenue and other residential areas.

Buffer Between Commercial (2nd Avenue) and Residential (3rd Avenue) Areas

A number of comments from property owners in residential areas surrounding the NRCD I (e.g., property owners in the NRCD II, along 3rd Avenue), related the need for a strong buffer between commercial uses along 2nd Avenue and the adjacent residential uses to the north. In addition to suggestions to vacate the alley, noted above, some suggested having a landscaped buffer between the Block 5 buildings and the alley, and requiring that parking for Block 5 properties be located at the rear of those properties to help serve as a buffer.

Additional Comments

Additional comments spanned a wide range of topics. Comments prior to the October 30, 2018 BOCC hearing focused heavily on ensuring that the moratorium and updated Code language would not restrict the Colterra restaurant from re-opening. The county has approved Colterra's original application to rebuild. However, at this point, the owner has not moved forward on that approved plan and has indicated he is interested in exploring additional development on the property. Given that the property is in the Historic District, any future development or redevelopment plans will need to receive approval from the HPAB in addition to the SPR process. The existing design guidelines and criteria for historic approval ensure the historic significance of the site is maintained and limits what can be developed on the property.

A significant number of community members dislike recently built projects which they believe are out of character with the community. Some cited the approval of these projects as examples of how the current Code is deficient, in that it lacks sufficient guidance to ensure that similar projects could be denied in order to maintain the NRCD I's unique character.

Several commenters, including those NRCD I property owners and developers who submitted comments jointly, expressed that the proposed site design-related Code provisions are too restrictive. They believe that any of the remaining projects that would be developed in the NRCD I have structures that are 50 years of age or older and thus would be subject to the same level of rigorous historic review that would apply for the Historic District. However, staff finds that there are six properties in the NRCD I outside the Historic District without any structures 50 years of age or greater, and several others with no landmark eligible structures, thus limiting the purview of HPAB. In addition, within the Historic District, the Code has much more explicit guidelines to help direct HPAB and staff's decisions.

III. GUIDING PRINCIPLES FOR CODE UPDATES

The following principles guided staff's development of draft Code language. The principles reflect the objectives for the Code update, as well as outcomes from community engagement and staff analysis.

- Recognize that issues related to the NRCD I are distinct, and solutions must allow for change while preserving the aspects that help define the District.
- Recognize that each block has a somewhat unique development pattern that contributes to the overall character of the District.
- Regulate impacts directly.
- Use bulk regulations (setbacks, height limits, lot coverage and floor area ratio (FAR)) to assure the physical development of the district is appropriate.
- Use parking requirements to assure proper traffic management and adequate parking, and not for purposes of controlling bulk.
- Provide regulations that support the safety of both traffic and pedestrians.
- Improve the 2nd Avenue pedestrian experience, including reducing or eliminating curb cuts.
- Allow uses to access the alley and work toward developing requirements for alley improvements and screening.

- Recognize the transition between residential and commercial areas. Considerations include upper floor setback, limits on windows overlooking yards, limits on width of buildings to avoid long expanses of front façade across multiple lots east of Franklin.
- Mitigate impacts but allow flexibility in uses.
- Review parking requirements and allow for flexibility.
- Establish residential density and design parameters which support commercial uses fronting to 2nd Avenue.
- Discourage dependence on cars, recognizing that rural v. urban parking solutions differ.
- Draw on examples of existing conditions that have been described by the community members as enhancing the character of the NRC D I.
- Limit the creation of non-conforming structures and uses following the Code update.
- Revise Code content to be more consistent with the overall Code layout and content.

IV. SUMMARY OF PROPOSED CODE CHANGES

A. Overview of Concepts

The proposed NRC D I Code provisions are intended to protect the historic small-town character of Old Town Niwot, which is unique in unincorporated Boulder County. The proposed provisions are a hybrid of traditional use-based zoning tools and form-based code elements (e.g., Floor Area Ratio) and they utilize well-established planning tools and mechanisms to regulate structure bulk, massing, scale, and intensity of commercial and residential uses, along with design requirements. These tools are intended to provide some level of certainty about the scale and intensity of the potential development outcomes, while also providing flexibility regarding the configuration of development on the property. The tools will help ensure that new construction is compatible with existing neighborhood development patterns, while the design requirements will address style-related factors necessary to maintain community character.

Some concepts used in the proposed NRC D I Code provisions may be unfamiliar because they are not applied elsewhere in the Land Use Code. The concepts are relevant to the NRC D I because it is a semi-rural village that includes a concentration of non-residential uses and has smaller and more uniform lot sizes, unlike the residential, agricultural, and limited commercial development that exists elsewhere in the county. The concepts include Floor Area Ratio (FAR), lot coverage percentage, and landscaping requirements.

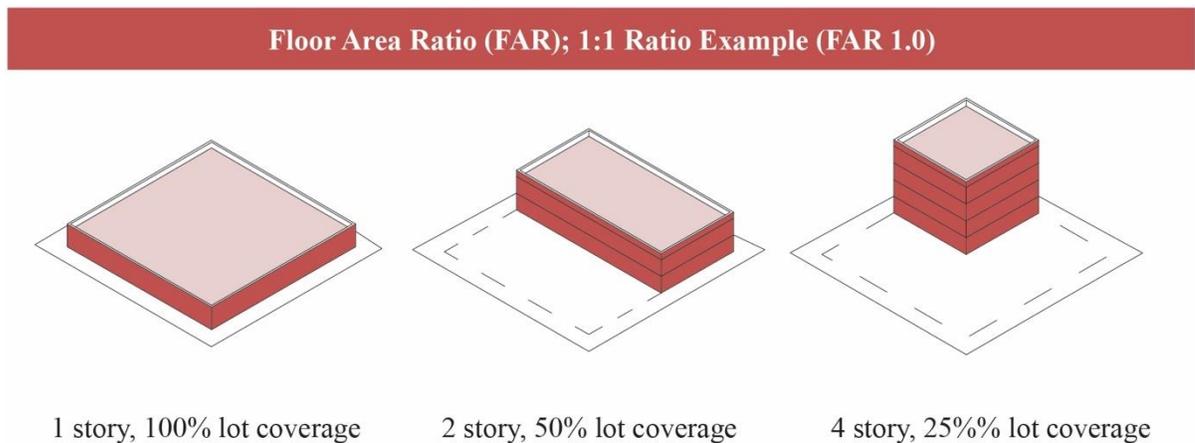
Floor Area Ratio (FAR)

FAR is defined as the ratio of the total above-grade building floor area to total lot area (FAR = above grade floor area / lot area). For example, a FAR of 1.0 means that floor area may equal lot area; a FAR of 0.5 means that floor area may total no more than half the lot area, though it may be distributed entirely on 1 story, or with a portion on the second story. Figure 4 provides 3 examples of how a property could meet a FAR of 1.0, each with a different lot coverage outcome.

FAR establishes the total amount of floor area allowed on the property, depending on the lot size. A property owner can determine where to locate the building floor area on the property, and the concentration of that floor area (e.g., a building with low height and larger lot coverage vs. a taller building that covers less of the lot), as long as the resulting structures fit within the relevant setbacks, height, and lot coverage requirements.

FAR is used by several Colorado communities to set a limit on development intensity as a means of helping to maintain compatibility with surrounding areas, and/or achieve desired development outcomes. Specifically, it is used to control non-residential development in several counties (e.g., Garfield, Lake, Pitkin, Pueblo and Summit Counties) and municipalities (Cities of Aspen, Boulder and Steamboat Springs, and Town of Telluride). FAR in several of those communities varies by district to achieve an overall scale and intensity of development consistent with the community context. Many of the FARs in those communities are higher than those proposed for the NRCD I, however, that reflects the unique context of the NRCD I's semi-rural character and historic precedent, as discussed in the Comprehensive Plan's "Niwot, Lefthand, Boulder Creek Subregion" element and the appendix to the proposed Code language.⁹

Figure 4. Floor Area Ratio – Conceptual Overview



Lot Coverage

Lot coverage provisions add further specificity to potential outcomes, as they indicate that total development must not cover more than a certain percentage of the total lot area. Therefore, if a building is 1-story, the lot coverage allowance may limit the floor area of the structure. However, a developer could propose a taller structure rather than max out the property's lot coverage allowance, as long as that taller structure does not exceed height or FAR limits.

Landscape Requirements

The openness, landscaping and mature trees on Blocks 5 and 6 are notable characteristics of those blocks. Therefore, landscaping requirements are used as a tool in the proposed Code provisions to ensure that open space and vegetation makes up a substantial portion of the lot area and remains a distinct characteristic of those blocks.

⁹ For example, the BCCP states, "...the physical and cultural nature of the Niwot community, as perceived by its residents, consists of a "semirural" quality characterized as low density residential uses surrounded by agricultural uses. With the designation of Niwot as a "Limited Community Service Area", which implies orderly physical expansion consistent with ability of various service entities to provide a continual level of service, the quality and physical form of proposed developments are of utmost concern to the residents. Future developments, including TDRs, shall compliment and enhance this semi-rural character." See pdf p. 114: <https://assets.bouldercounty.org/wp-content/uploads/2018/10/bccp-boulder-county-comprehensive-plan.pdf>

B. Overview of Proposed Code Changes

Following is an overview of the structure of the proposed Code content, providing a section by section explanation of how the substance of the proposed Code compares with that of the current Article 4-116. These explanations are also included in Attachment A as “readers guide” text boxes inserted throughout the full draft of the proposed Code language. Also see Attachment C for a streamlined comparison of the current vs. the proposed Code elements in tabular form.

Section A. Purpose and District Description

These sections would replace the current “Introduction” section of Article 4-116. The current Introduction section includes background information related to the NRCD I, as well as process-related information. The proposed updated Code language starts with a statement of purpose, followed by a description of the area covered by the district.

Section B. Principal Uses Permitted

This section will remain the same as the current version of the Code with two exceptions: 1) use categories are revised to match current use definitions used elsewhere in the Land Use Code; and 2) there is a section for “Mixed Use” which includes information on the maximum number of dwelling units that could be allowed depending on parcel size. There is also a corresponding addition of a definition for Mixed Use within the main body of the Land Use Code (a new Article 4-518, see Attachment A).

Section C. Lot, Building and Structure Requirements

This is the primary area within Article 4-116 that addresses issues of building bulk, massing, and overall site design that are closely tied to preservation of community character, and it relates to use of the alley north of Block 5.

Proposed changes include:

- Reducing the **Maximum Building Height** within 25 feet of the rear setback in certain cases, to recognize the transition between commercial and residential areas, and to minimize the potential looming effect, shading, and privacy concerns of neighbors adjacent to a property that will have a second story addition. Also, if utilizing the reduced 10 ft. front setback the building height shall not exceed 15 ft. between 10 and 20 ft. from the front lot line.
- New provisions for **Lot Coverage** and **Floor Area Ratio (FAR)** are included to address the scale of development, including the relationship of building bulk (volume, shape, and spacing of buildings on the land) to land, and to other buildings in the area. As noted previously, lot Coverage and FAR mechanisms allow for choice in how floor area will be distributed across the property, within the boundaries provided by setbacks.
- Allowing for a reduced front setback in Blocks 5 and 6 as long as the front and rear combined setbacks are no less than 20 ft.

Section D. Parking

Changes to this section are intended to provide greater clarity and flexibility, and to abandon the practice of using parking requirements as a mechanism to control the scale of development. The proposed changes use other mechanisms for those purposes (e.g., lot coverage, FAR, and setbacks) and parking will more directly reflect the needs of the use on the property. The updated parking requirements reflect the county's values related to sustainability and a diversity of housing types by providing potential parking reductions to properties promoting use of multi-modal transportation, those with small residential units, and those with shared parking agreements. In addition, greater flexibility is allowed in how parking is provided, with a reduced number of spaces required and an incentive to reduce curb-cuts.

Section E. Design Requirements

This section has new provisions related to access and mobility to address safety and the community's desire for improved walkability. Furthermore, the proposed provisions encourage dedication of lot area to landscaping and low-water use greenspaces, particularly on Blocks 5 and 6, where that is identified as an important character element.

Section F. Additional Design Guidance for Historic District

Existing Code language related to the Historic District is moved to this location.

Section G. Process and Review Requirements

This section assembles all process-related provisions into one place within Article 4-116. All review requirements for projects seeking development approval will remain unchanged. Changes under consideration pertain to increased requirements for community engagement for projects larger than a certain scale.

Section H. Review Boards

This section includes a revised description of and requirements for the Niwot Design Review Committee (NDRC), and reference to the role of the HPAB. The NDRC will act as a referral agency with the ability to provide input for any development proposal in a preapplication meeting with a developer and also comment on the actual application in order to provide Land Use staff with input for their review.

C. Analysis of Impacts of Proposed Code Changes

Analysis of the current proposed Code changes to the NRC I section of the Code (Article 4-116) demonstrates that non-conformance would result for a total of 4 properties (see Attachment D). The analysis is based on a comparison of the area's existing conditions to the proposed Code provisions pertaining to height limits, lot coverages, floor area ratios, and setbacks.

Staff also conducted analysis of the Code provisions previously shared for public input (i.e., the version circulated for comment at the January 24, 2019 public meeting) and adjusted the proposed Code based on findings from that analysis. That analysis showed 12 structures as non-conforming under the earlier draft version. The community noted the proposed parking location requirement as contributing to the non-

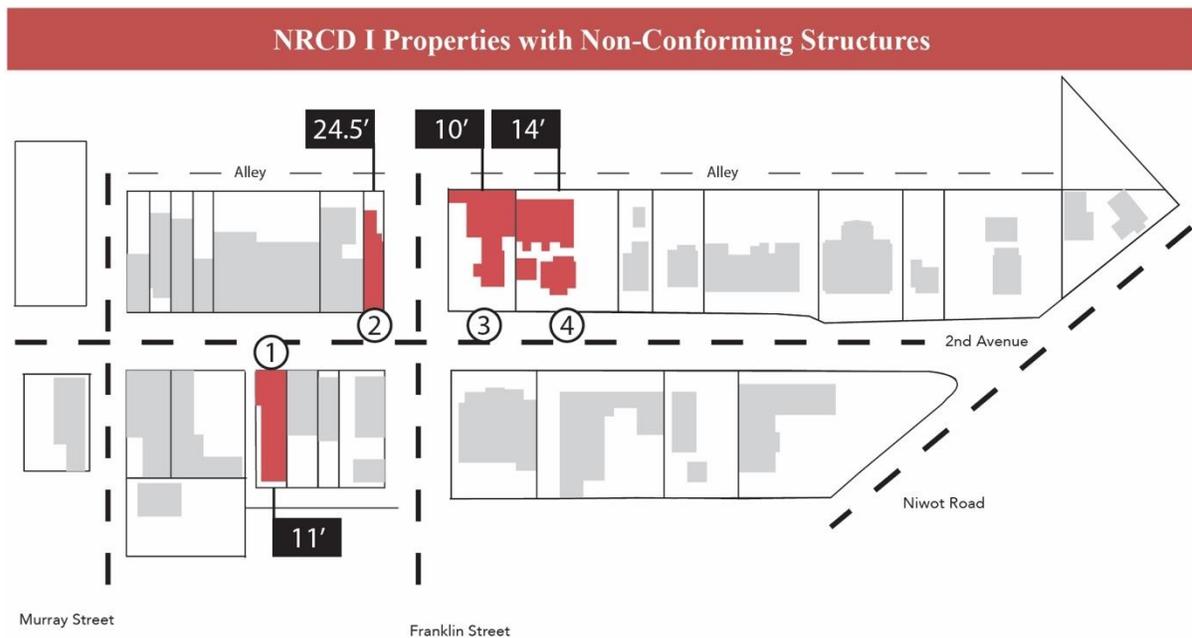
conformity of several properties. However, uses are not considered nonconforming due to inadequate parking (Article 4-1003). Thus, properties with parking-related non-conformities can be excluded from the results of the analysis.

The current Code limits building height to 30 ft., while the proposed Code incorporates a height limit of 15 ft. within 25 ft. of a rear property line where the rear lot line borders a parcel or right-of-way outside the NRC D I. A key concern raised in comments pertained to the height of some existing structures that minimize solar access to the adjacent residential area. To address these concerns, staff proposed the addition of a 15-ft. height limit within 25-ft. of the rear property line. A total of 4 properties have structures that would not conform with that proposed requirement (Table 2). Figure 5 shows these properties on a map of the NRC D I.

Table 2. Properties with structures exceeding the additional 15' height limit requirement

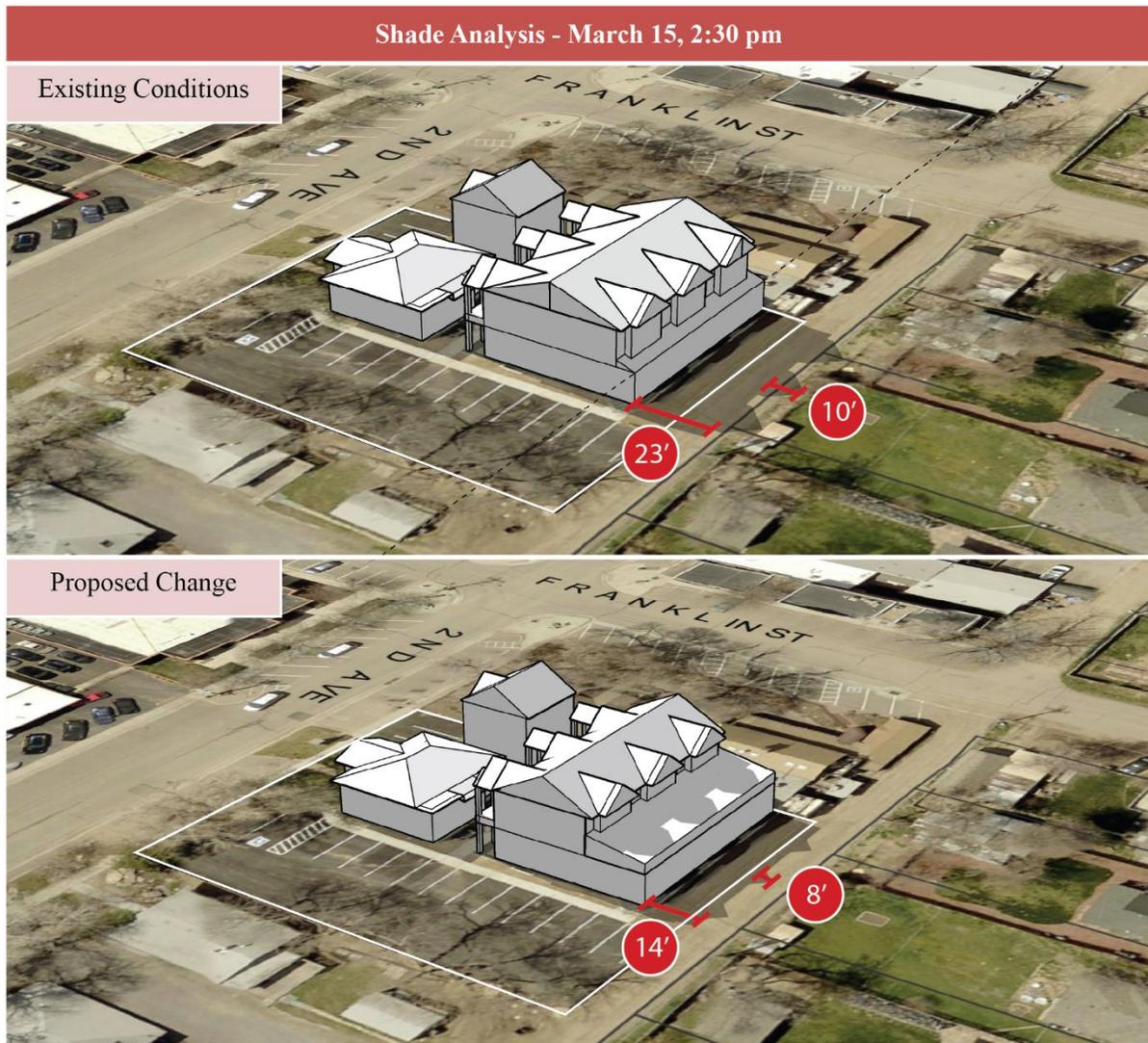
Number on Map	Property	Existing Setback of Building Height Exceeding 15'	New Setback Requirement for Building Height Exceeding 15'	Non-Conformity
1	137 2 nd Avenue	11'	25'	14'
2	198 2 nd Avenue	24.5'	25'	0.5'
3	210 Franklin Avenue	10'	25'	15'
4	240 2 nd Avenue	14'	25'	11'

Figure 5. Map of properties with structures exceeding the additional 15' height limit requirement



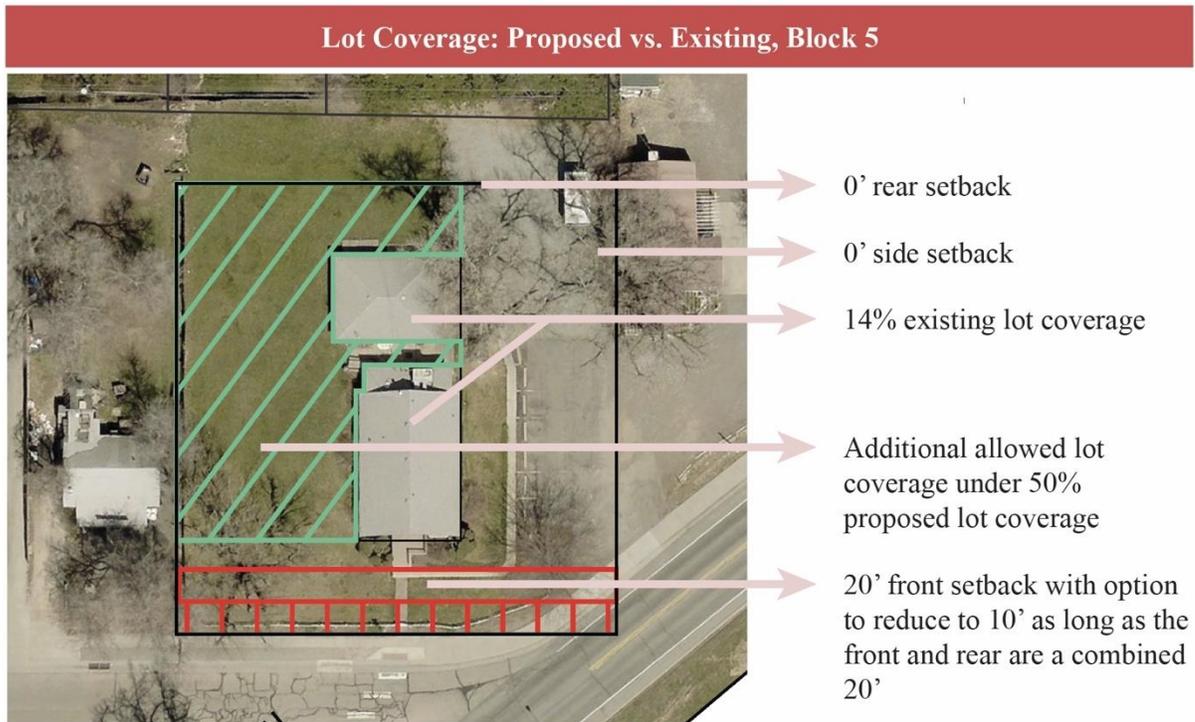
Shade analysis demonstrates an increase in solar access to the alley and neighboring residential parcels along the north of Block 5 as a result of the proposed rear setback and height provisions (i.e., limiting height to 15 ft. within 25 ft. of a rear property line where the rear lot line borders a parcel or right-of-way outside the NRCD I). Increased solar access to the alley will help to reduce winter maintenance costs and help with safety from icing. The analysis compares a recent development (240 2nd Avenue) to conditions that would exist if that development adhered to the proposed rear setback and height provisions. The existing structure has a rear setback of approximately 9 ft. (0 ft. is required under current and proposed Code) exceeds 15 ft. in height starting at 14 ft. from the rear lot line (the proposed Code would limit height to 15 ft. within 25 ft. of the rear lot line). The hypothetical structure is positioned in the same location on the lot (9 ft. from the rear lot line) and follows a similar aesthetic, however incorporates a design that would adhere to the proposed 15 ft. height limit within 25 ft. of the rear lot line (i.e., pulling back the 2nd story floor area by an additional 10 feet from the rear lot line). Figure 6 illustrates the extent of shading under both scenarios.

Figure 6. Shade analysis on March 15, at 2:30 pm



A building lot coverage maximum (the percentage of total parcel area that can be covered by structures) is not a requirement under the current Code. However, the proposed Code update incorporates a building lot coverage maximum of 55% (Blocks 1, 2), 80% (blocks 3, 4, interior lots), 90% (blocks 3, 4, corner lots), and 50% (Blocks 5, 6). Initial proposed Code changes incorporated a lot coverage of 75% in Blocks 3 and 4. Considering the community feedback on the subject, staff increased the proposed lot coverage for Blocks 3 and 4 to 80%. There are no properties that exceed the proposed limits. Figure 7 compares the existing lot coverage of a property in block 5 to the proposed lot coverage maximum for that block.

Figure 7. Existing vs. proposed lot coverage in Block 5



The current Code does not include a FAR (the ratio of the total above grade building floor area to total lot area). Initial proposed Code changes incorporated a FAR of 0.55 in Blocks 1, 2, 5, 6, and no FAR for Blocks 3 and 4. Considering the community feedback on the subject, staff increased the proposed 0.55 FAR to 0.60 for Blocks 1, 2, 5, and 6. There are no properties that exceed the proposed 0.60 FAR limit.

A set of NRCDC I property owners and developers submitted joint comments requesting a FAR of 1.25 on Blocks 5 and 6 with no required lot coverage. This would potentially allow a structure to cover the entire lot area (within the required setbacks) with a 1 story building and a 2nd story addition covering approximately 25% of the entire lot area. Lot coverage provides predictability in the physical form of development. Working in tandem with required FAR maximums, height limits, and setbacks, lot coverage affects the distribution of bulk and proportion of open space to structures on parcels.

The modest increase in FAR from 0.55 to 0.60 equates to a substantial increase in square footage of construction allowed on a property. Figure 8 and Figure 9 illustrate the potential buildout of two example properties (one on Block 5 and one on Block 6) at a FAR of 0.6 incorporating a lot coverage of 50% and at a FAR of 1.25 with no lot coverage maximum.

Figure 8. Comparison figure showing effects of different Code parameters, Block 5

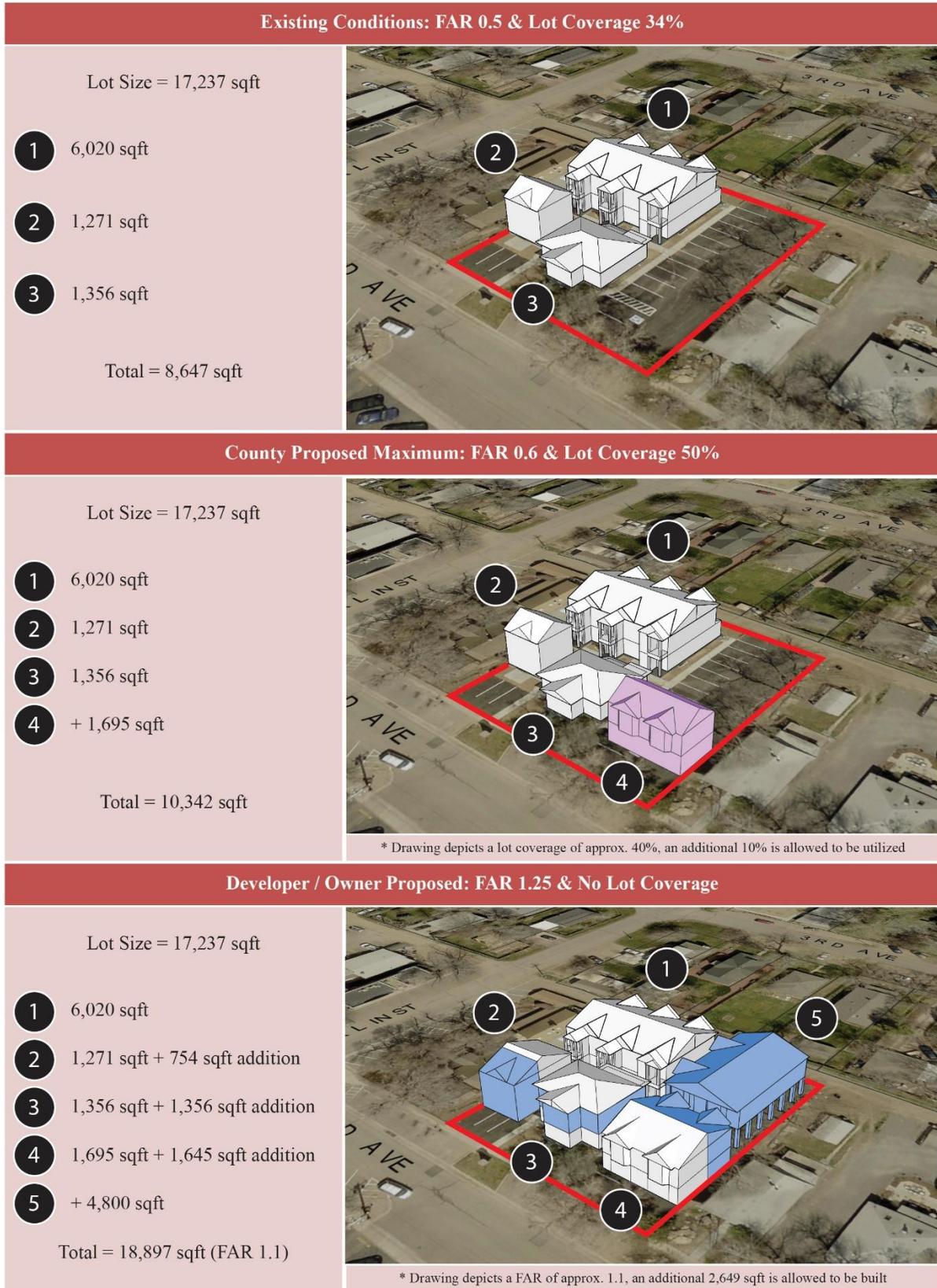


Figure 9. Comparison figure showing effects of different Code parameters, Block 6



Setback requirements under the current Code include a front setback of 0 ft. for Blocks 1, 2, 3, 4 and 20 ft. for Blocks 5 and 6; a side setback of 0 or 12 ft. (all blocks); and, a rear setback of 0 ft. for areas with an alley, and 10 ft. for areas without an alley. The proposed Code changes keep the same front setback, however allow a first floor no higher than 15 ft. extending to 10 ft. from the front parcel line (Blocks 5, 6) provided that the combined front and rear setbacks total no less than 20 ft. The side setback requirement is proposed to be 0 ft. and includes interior parcel lines perpendicular to 2nd Avenue (currently considered a rear yard and now proposed to be considered as a side.) Proposed rear setbacks are: 10 ft. (Blocks 1, 2, 6), 0 ft. (Blocks 3, 4 – corner parcels), 15 ft. (Blocks 3, 4 for interior parcels, except where the rear lot line borders a parcel in the NRCD I or NRCD II), and 0 ft. or 10 ft., provided that the combined front and rear setbacks are no less than 20 ft. (Blocks 5). One property has a structure within the proposed rear setback.

Table 3. Property with a structure within the proposed rear setback

Number on Map (see figure 4)	Property	Existing Rear Setback	New Rear Setback Requirement	Non- Conformity
1	137 2 nd Avenue	11'	15'	4'

D. Next Steps for Block 5 Alley

As part of this process, the county is reviewing access as it relates to the NRCD I. There are several issues directly and indirectly related to access. This section of the report provides an overview of current conditions and initial policy concepts recommended by staff. Implementation of some aspects of these proposed changes is within the scope of this Code update. Other aspects will be further developed through an on-going process that will take additional time and consideration and cannot be completed within the limited timeframe of the moratorium.

- Blocks 1 and 2 have pedestrian access from 2nd Avenue and Murray and some on-site parking areas accessed from the street. Access for Blocks 3 and 4 traditionally included a combination of pedestrian access and on-street parking along 2nd Avenue, with alley access and additional parking to the rear or under the structure. There is no direct access to 2nd Avenue from these parcels, except the driveway access between 121 and 137 2nd Avenue. The drive runs across the parcel to access the alley. This pattern helps create a pedestrian friendly experience with continuous sidewalk and less potential for conflict between pedestrians and automobiles.
- Blocks 5 and 6 have a different development pattern and have vehicular access directly off 2nd Avenue. There are currently 5 access points on the north and 4 access points on the south. If each parcel eventually developed an access point, it results in 11 curb cuts where traffic cuts across the pedestrian sidewalks. This is not an ideal condition for promoting a pedestrian friendly community and thus staff's proposed design guidelines limit additional curb cuts and promotes alley or shared access developments.

- Providing access from the alley for the parcels along 2nd Avenue, combined with requiring that parking occur behind or on the sides of development, will also encourage less structural development in the rear of lots. In addition, it will help promote the transition from the more intense commercial area to the residential areas behind.
- The extent of the use of the alley north of Block 5 is an issue. Neighbors along 3rd Avenue who border the alley running between Franklin Avenue and Niwot Road have raised concerns with its increased use and would prefer to see primary access from 2nd Avenue remain with only limited access to the alley as it currently exists. This position is consistent with the results of the Alley Study conducted in 1995-1996. The policies developed as part of that study have since controlled access for developments, and through Land Use review processes the County previously required primary access to be from 2nd Avenue with only residential and some other services (garbage, deliveries) allowed alley access. Excerpts from the study and the policies are below (full study can be found [here](#)).

Figure 10. Excerpts from 1995-1996 Alley Study

Policy History

Within historic districts, vehicular parking typically takes place at the rear of a site. This is true for both business and residential development. During the adoption of the Niwot Rural Community District, discussion amongst Land Use and Transportation staffs, business owners, and a few members of the residential community touched on parking locations. At that time, it was generally agreed upon that parking should occur at the rear of lots, as was typical. This configuration would promote an aesthetically pleasing street scape along Second Avenue instead of a long expanse of pavement along the front of each building. There are statements in the NRCD file as well as letters from Transportation Department staff in associated files that support the position of rear-lot parking.

The records do not indicate, however, that there was an in-depth discussion of the role that the alleys play in accessing the rear of lots. Once development within the NRCD became more common-place, it became obvious to county staff and to many directly effected landowners that another examination of the alley issue was important.

A quick review of the facts:

- Niwot's alleys are public-rights-of-way that were originally created in 1875!
- Niwot's townsite roads are maintained by the County, but the alleys are privately maintained.
- A "vacation" means that the alley is passed from public ownership to private ownership. A vacated alley will no longer appear on plats for the townsite.

X Administrative Policies

Based upon background information and information obtained through this study, staff suggests the following administrative policy statements to clarify the county's position. The policies are not regulations. Instead, they are statements made with the intention of creating a consistent, clear position during design review or any other process.

1. Where physically possible, Second Avenue or another primary road, should be used to access a property instead of an alley. The roads are better designed to handle traffic flow and are maintained by Boulder County. The County recognizes the fact that lot-line to lot-line development on Second Avenue, west of Franklin requires access from the alley.
 2. Parking at the rear of a lot is an historical precedent in Niwot that is still appropriate today. Some lots which are already built-out depend on rear-lot parking. As such, based upon the NRCD regulations, the County will generally support rear lot parking for new businesses. In the block identified as Area 3 in this study, newly created parking areas should not have direct traffic flow from the lot to the alley. In addition, the parking area should be screened from the view of adjacent residents as much as possible through the use of fences and vegetation.
 3. NRCD clarification: The NRCD fence height limitation of 48" applies only to FRONT YARDS. Along the alleys, in the rear of properties, a 60" fence may be used to screen parking areas from view.
 4. Trash pick-up off of the alley is a reasonable use of the public right-of-way. However, a property owner exercising such an option should keep the trash facility orderly and attractive. Prior to permanently altering the alley to facilitate trash pickup, the owner must obtain permission from the Transportation Department.
 5. Prior to undertaking any alteration of the alley, permission for the alteration **must** be granted by the Transportation Department. Remember, alleys are public land owned by Boulder County.
- Staff finds the implementation of these older policies has resulted in unintended negative consequences and has been fairly ineffective at achieving the goal of the “aesthetically pleasing streetscape.” The development of several separate access points off 2nd Avenue severely detracts from the walkability and pedestrian experience, and creates important safety concerns from conflicts between vehicles and pedestrians. A policy that disallows additional curb cuts (and ideally reduces the total number) would lower the potential for conflict, increase the community's enjoyment, and improve the aesthetic of the pedestrian experience along 2nd Avenue. It would also provide opportunity for additional on street parking and loading zones.
 - If this policy is amended through these proposed Code changes it is important to recognize and impose mitigation measures to help address the concerns with alley use and the impact it has on the residential neighbors. Staff is pursuing conversations with the commercial property owners, the Niwot LID Advisory Committee, and 3rd Avenue residents to determine appropriate mitigation measures. A comprehensive solution surrounding how existing development can utilize the alley, as well as design and function of the alley (fencing, drainage, surface, traffic mitigation, easements for turnarounds or for access through to 2nd Avenue, etc.) all remain to be decided.

A comprehensive solution with design and upgrades is preferred but resource constraints may require the alley improvements to occur in stages as development proposals come forward to utilize the alley. Any development proposal will need to be approved for access to the alley and Transportation standards will need to be met for access and or mitigation measures necessary. While an individual applicant will be required to implement upgrades to the alley, it is the goal

of county staff to work with the parties to develop a comprehensive approach that incorporates additional measures in design and fencing to ensure mitigation of some of the impacts of increased use and preserve the rural nature of the area.

- If the alley remains a dead end, through traffic will not be a concern; however, a turnaround that accommodates larger service vehicles (i.e., trash trucks) will need to be provided.

V. PLANNING COMMISSION DISCUSSION AND RECOMMENDATION

Staff presented to Planning Commission (PC) the proposed NRCD Code updates at a public hearing and decision meeting on February 20. Twenty-four members of the public commented during the public hearing. Public comments given at the hearing closely reflected those received previously, both through written comments and at community meetings.

The primary topics of discussion among the PC members included: 1) whether additional alley use is appropriate, and the interrelatedness of alley use, curb cuts, walkability and safety on 2nd Avenue; 2) the proposed lot coverage and FAR provisions, and how the two mechanisms relate to one another, as well as other provisions such as height limits and setbacks; and 3) the importance of retaining retail and restaurant uses, particularly existing businesses.

After presentation by staff, public testimony and deliberation, the Planning Commission recommended (7-0 vote) that the Board of County Commissioners approve the proposed Land Use Code text amendments to Article 4-116 and associated provisions of the Boulder County Land Use Code in docket DC-18-0004 as presented in Attachment A of the staff report for Feb. 20, 2019, with an amendment removing the last sentence in Section E.1.a. of the NRCD Design Requirements (highlighted below), and with strong encouragement that the Land Use Department and Board of County Commissioners investigate better methods for creating incentives for retail and restaurant businesses to stay in the NRCD and be developed there, and also to preserve legacy businesses within the NRCD.

E. NRCD I Design Requirements.

The following requirements apply to the entire NRCD I, including the Historic District.

1. Access and Mobility

- a. Safety and pedestrian experience shall be considered during review. Additional curb cuts along 2nd Avenue should be discouraged and when possible reduced through shared access. **Where alley access is available, curb cuts should not be permitted.**
- b. Building design and scale should enhance the walkability and pedestrian experience.
- c. Streetscapes and public areas, including alleys, shall be improved and landscaped to enhance the pedestrian experience and to help buffer residential areas.

Planning Commission recommends removing the provision that says curb cuts should not be permitted where alley access is available. However, staff recommends retaining this provision. Staff believes that limiting curb cuts enhances the pedestrian experience, reduces the potential for pedestrian and vehicular interactions along 2nd Avenue, and allows property owners to design their projects so structures (or pedestrian connections from the alley to 2nd Avenue) can fill some of the areas where driveways would have been necessary, thus pushing structures further from the residential development and providing for a better transition.

VI. STAFF RECOMMENDATION

Text Amendment Criteria

Article 16-100.B. contains the criteria for amending the text of the Land Use Code. Staff finds that the proposed amendments in this Docket meet the following criteria:

1. the existing text is in need of the amendment;
2. the amendment is not contrary to the intent and purpose of this Code; and
3. the amendment is in accordance with the Boulder County Comprehensive Plan

Action Requested

Staff requests that the Board of County Commissioners approval of the proposed Land Use Code text amendments to Article 4-116 and associated provisions of the Boulder County Land Use Code in docket DC-18-0004 as presented in Attachment A of this staff report.

VII. LIST OF HYPERLINKS

- Public Comments: <https://assets.bouldercounty.org/wp-content/uploads/2018/10/dc-18-0004-public-comments.pdf>
- NRC D I Map (Commercial District): <https://assets.bouldercounty.org/wp-content/uploads/2017/03/land-use-code-map-niwot-rcd1.pdf>.
- NRC D II Map (Residential District): <https://assets.bouldercounty.org/wp-content/uploads/2017/03/land-use-code-map-niwot-rcd2.pdf>.
- BOCC Resolution 2018-112: <https://assets.bouldercounty.org/wp-content/uploads/2018/09/resolution-2018-112-niwot-rural-community-district.pdf>.
- BOCC October 30 Hearing Staff Report: <https://assets.bouldercounty.org/wp-content/uploads/2018/10/dc-18-0004-staff-report-20181030.pdf>.
- Moratorium FAQ: <https://assets.bouldercounty.org/wp-content/uploads/2018/10/dc-18-0004-nrcd-faq.pdf>.
- 1996 Alley Study Report: <https://assets.bouldercounty.org/wp-content/uploads/2018/10/1996-niwot-alley-study-report.pdf>
- Boulder County Comprehensive Plan: <https://assets.bouldercounty.org/wp-content/uploads/2018/10/bccp-boulder-county-comprehensive-plan.pdf>
- 1996 Niwot Alley Study Final Report: <https://assets.bouldercounty.org/wp-content/uploads/2018/10/1996-niwot-alley-study-report.pdf>

DC-18-0004 NRCD Public Comments Received March 11 - April 17, 2019 - 8 a.m.

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Online Wufoo Form Comments

From: [Wufoo](#)
To: [Ruano, Jose](#); [Hackett, Richard](#); [Case, Dale](#); [Wobus, Nicole](#); [Grimm, Denise](#)
Subject: Niwot NRCD comment form [#192]
Date: Monday, April 1, 2019 4:50:09 PM

Name (optional)	David Skaggs
Where do you live?	Niwot
Are you a? (check all that apply)	<ul style="list-style-type: none">• Niwot business customer

Please provide feedback on the proposed draft Niwot NRCD regulations. *

Dear Commissioners:

I have thought some more about the situation you face in dealing with the staff recommendations regarding the pending and potential development in the NRDC. I offer the following in hopes that it might be of some help in analyzing the competing interests at play.

In my experience, in deciding a matter with such conflicting views, it can be useful to frame the issue in terms of who ought to have the burden of proof or persuasion. Under our system of law and equity, when a government agency seeks to curtail existing rights, the burden should fall on that agency to carry the burden of proof or persuasion. Put the other way around, we should not expect the private citizens affected to carry that burden, absent overriding public interest. In the case of the proposed NRDC changes, I'm sure the county staff believes it is doing the right thing, and to its credit some of the proposed changes are good. But it was apparent from the testimony and the submissions sent to the commissioners that most of those concerned about the proposed changes felt they went too far.

It seems to me that the proposed new regulations, especially the FAR, are intended to, and will inevitably, curtail the existing rights of property owners to develop their properties in blocks 5 and 6 (and 1 and 2, for that matter). They have already expended a lot of time and money on their proposed developments, relying on the county's existing rules. The land use staff should have the burden to meet a standard of clear necessity when, as here, they have adequate powers under current code and review processes to protect the public interest and ensure any development is consistent with the special character and values that animate the village of Niwot. Put another way, if in doubt, the benefit of the doubt should go to those in jeopardy of a loss of rights and financial investments made in reliance on current regulations.

Thank you for your consideration.

David E. Skaggs
7428 N 73rd St
Longmont CO 80503

Emailed Comments

From: [Case, Dale](#)
To: [Hackett, Richard](#); [Ruano, Jose](#)
Subject: FW: Boulder Chamber Comment
Date: Wednesday, March 13, 2019 9:06:46 AM
Attachments: [2019-0312-Boulder-Chamber-Comment-Niwot-Moratorium.pdf](#)

From: Andrea Meneghel <andrea.meneghel@boulderchamber.com>

Sent: Tuesday, March 12, 2019 2:17 PM

To: Jones, Elise <ejones@bouldercounty.org>; Gardner, Deb <dgardner@bouldercounty.org>; Jones, Matt <mjones@bouldercounty.org>

Cc: Krezek, Michelle <mkrezek@bouldercounty.org>; Case, Dale <dcase@bouldercounty.org>; John Tayer <john.tayer@boulderchamber.com>

Subject: Boulder Chamber Comment

Dear Boulder County Commissioners,

Attached is a written copy of the comment I plan to deliver this afternoon at the Niwot NRCD Public Hearing.

Thank you for your consideration,

Andrea Meneghel

Director of Public Affairs

Boulder Chamber

Direct: (303) 938-2077

andrea.meneghel@boulderchamber.com

www.boulderchamber.com

WE BUILD COMMUNITY THROUGH BUSINESS



March 12, 2019

Re: Niwot Rural Community District Code Update

Dear Boulder County Commissioners,

The Boulder Chamber has been contacted by member businesses in Niwot and residents asking for our assistance to address the code updates in the business district.

We acknowledge that to ensure there is sufficient guidance and predictability to maintain the unique character of downtown Niwot, land use codes must be updated and aligned with the present and future needs of the community. We support the effort to establish clear policy direction that provides the needed predictability for businesses, property owners, residents and decision-makers alike. We encourage you to take a thoughtful approach, supportive of a vision that maintains Niwot's unique charm and historic character, which is a true treasure of Boulder County.

We offer the following input which is reflective of broad community goals and reflects principles of establishing a vibrant commercial zone in a historic downtown setting.

Every commercial core has some strong anchors

A standard element of any good downtown is a signature attraction, and Colterra has served as one of those features for Niwot for over 14 years. It seems consistent that residents and neighboring businesses alike value Colterra's place in the community and the service it has provided to Niwot. We ask that the County work with Bradford Heap to support his ability to rebuild and re-open as soon as possible.

Elements for a vibrant downtown in a historic setting

There are certain key elements that most commercially vibrant downtowns have in common. Those elements are a mix of uses, adequate parking, safety for all pedestrians, pedestrian-friendly access to shops and businesses, and operational accessibility to businesses for their functions. From a functional standpoint, the alley north of 2nd Street should be consistent in its functionality across the blocks on both sides of Franklin Street. Allow for alley-beautification, access to the businesses that front the alley and mitigation for the adjacent residents.

Include a mechanism to support creativity and flexibility

While setting proposed development standards, we encourage you to create a process for which flexibility can be provided to not preclude unique redevelopment opportunities that can add to a healthy and vibrant business center for Niwot. Creative ideas to develop spaces may present themselves that we can't yet foresee, and that could enhance the community's commercial character to serve residents in a variety of ways. We encourage you to establish a process which allows property owners to ask for exemptions and flexibility, rather than allowing creative and adaptive uses to succumb to rigid policies.

WE BUILD COMMUNITY THROUGH BUSINESS
303.442.1044 | 2440 Pearl St. Boulder, CO 80302 | boulderchamber.com

Work collaboratively to develop regulations

The Boulder Chamber supports substantive community-based dialogue with key stakeholders as a means to advancing future redevelopment goals that balance both neighborhood interests and community-wide goals. *Good policy takes time* - we urge you to work with a diverse stakeholder group to develop a long-term strategy, with clear near-term steps, that allows for the preservation of functional spaces for small businesses. Any good plan also includes periodic check-ins to see how the rules are functioning.

We look forward to working constructively with the County to sustain Niwot's economic vitality. By meeting the needs of small businesses in the commercial core, supporting public safety and being sensitive to the concerns expressed by neighbors, you can preserve and maintain the general character that our community has come to cherish.

Niwot's great and we want to preserve and support what's special about it.

Sincerely,

Andrea Meneghel
Director of Public Affairs



From: [Michelle Henzel](#)
To: [Boulder County Board of Commissioners](#); [Grimm, Denise](#); [Case, Dale](#); [Ruano, Jose](#); [Wobus, Nicole](#)
Subject: Population Changes in Niwot
Date: Thursday, March 14, 2019 12:53:40 PM
Attachments: [Henzel population letter.docx](#)

March 14, 2019

Dear Commissioners,

Census data shows that Niwot had 2,666 residents in 1990. Currently, Niwot has 4,588 residents, an increase of 72%! I moved here in 1983, I raised our family in Niwot, I work in Niwot, shop, dine and volunteer in Niwot. So, I can attest to the fact that Niwot has grown!

I love Niwot and make every effort to support our local businesses. While Niwot's residents have grown tremendously since I moved here, our business district has remained the same size. Niwot has 2nd Avenue and Cottonwood Square to supply all the goods, services and walkable employment opportunities for Niwot's residents.

The proposed NRC Land Use Code will limit the potential for 2nd Avenue businesses to grow to meet the needs of Niwot's residents. **It makes absolutely no sense to DECREASE the potential for growth that can be accommodated by our 2nd Avenue business district BELOW what was allowed in 1990!** Our residents have increased dramatically! Our businesses must be allowed to grow to meet the needs of these residents!

Please do not take away Niwot's potential to have a vibrant, thriving, walkable and sustainable 2nd Avenue business district, with shops, restaurants and attainable housing options!

Sincerely,

Michelle Henzel

6833 Camelia Ct., Niwot

Niwot residents since 1983

Note: Per the Comprehensive Plan (BC Comprehensive Plan, NIW 1.03): "New business, commercial and industrial uses shall be situated within "Community Service Areas" in order to be within a close proximity to the shopping public and respective labor forces, as well as to move toward the goals of reducing energy consumption and attendant commuter time., and (BC Comprehensive Plan, NIW 1.06): Niwot is planned to be the only designated service area within the Sub-region and the geographic area wherein the majority of future growth will be accommodated."

March 14, 2019

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Census data shows that Niwot had 2,666 residents in 1990. Currently, Niwot has 4,588 residents, an increase of 72%! I moved here in 1983, I raised our family in Niwot, I work in Niwot, shop, dine and volunteer in Niwot! So, I can attest to the fact that Niwot has grown!

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From: [Karen Andries-Lumpe](#)
To: [Boulder County Board of Commissioners](#)
Subject: Cindy Domenico, Elise Jones Deb Gardner and Matt Jones and others -thank you from a "Niwotian" heading the new NiwotCulturalCenter for science and art
Date: Monday, March 11, 2019 1:21:57 PM

Dear Commissioners,

I have only lived in Niwot for 3 1/2 years after 12years living in GunBarrell -

I love this area too and just wanted to thank you for your courage in imposing this moratorium - it has been a real eye opener to see how a community , just like any family system , will quickly resort to scapegoating and / or bullying when confronted with issues that are difficult to sort out

Im an artist who is looking at these systems and by getting involved these past months , have come to a few conclusions.....

Boulder county has a comprehensive plan that is serving the needs of everyone -not just the few..

Boulder county gets scapegoated a lot - but I see your land use staff working hard to help us -

My neighbors across the street got scapegoated along with you as somehow being against property "rights" and worse, against the very future and vitality of the town.....

Some in the business community began to try to speak for the ALL in the business community - even claiming to speak for 100% of the business interests - I personally know this to not be true as I talked to quite a few of them.....I talk to a lot of community members in an effort to learn all points of view-

Neighbors on the alley seemed to have done their due diligence back in 1996-7 alley study and are just trying to have that county decision maintained - I see the benefit to that - unless you can severely limit traffic into the alley which will only now spill out onto Franklin , I don't think its a good solution and creates as many problems as it solves.....

Townspople are generally trying to stay out of it but aren't really all that neutral -

A new business owner told me he feels like we are fighting for the very heart and soul of this town-

I decided that the Niwot Business Association and the Niwot Cultural Arts Association are populated with business/developer interests that actually don't want to hear what others have to say -conflict of interest - Developers are doing all the talking -Developers have a formula that more square footage equals rents will come down equals store fronts will be filled with ?????

Retail is dying - but developers are promising exactly that -even s they know it is dying.....they give us office space - they also claim 10 new residents brought in to live on the Main Street will magically turn the economics around because they will all eat and shop here.....wow that's a lot of buying power isn't it?

"Safety" on our darling little second avenue was sprung on us as a "reason" to let development actually reroute cars from using the curb cuts to out the alley and come out on Franklin.....well I know that traffic will not magically disappear once rerouted - it will now have to intersect with new traffic that will be coming from the new veterinarian building on our residential corner - in addition it will be intersecting with increased bike and foot traffic for the future RTD

No matter your decision to hand down, some of us are growing a grass roots movement to start a Cultural

Center that will be a beacon for decades to come and a link to the whole Front Range - only through education in the arts and sciences can we ensure future generations will interpret the very values of Niwot and the native people who first cared for this land -

My deepest gratitude for your community spirit that seeks to protect the Front Range and the values of Niwot who looked 7 generations to the future -

Karen Andries-Lumpe

From: [Case, Dale](#)
To: [Cerde, Jacey](#); [Wobus, Nicole](#); [Grimm, Denise](#); [Ruano, Jose](#)
Subject: FW: Niwot Fact Check
Date: Friday, March 15, 2019 10:37:30 AM
Attachments: [342 2nd Ave previous approval.pdf](#)

From: Anne Postle <apostle@osmosisarchitecture.com>
Sent: Thursday, March 14, 2019 4:55 PM
To: Boulder County Board of Commissioners <commissioners@bouldercounty.org>; Case, Dale <dcase@bouldercounty.org>; Grimm, Denise <dgrimm@bouldercounty.org>
Cc: Mary Coonce <mcoonce@porchfronthomes.com>; 'Tim Coonce' <tcoonce@porchfronthomes.com>; Tony Santelli <a.santelli@comcast.net>; 'Trec52' <trec52@gmail.com>; 'Cotton Burden' <cotton@burdeninc.com>; corneliaswl@gmail.com; 'Brian Bair' <brian@masseq.com>; bob@vonscolorado.com; Laura Skaggs <lauralskaggs@aol.com>
Subject: Niwot Fact Check

Dear Commissioners,

Please see the attached letter regarding previous approval letters for 342 2nd Avenue (Niwot Inn property). It will shed some light on the FAR discussion.

Thank you,

Anne Postle, *Architect*

osmosis art and architecture

p: 303.652.2668

f: 303.652.2717

p: 290 Second Ave | PO Box 1024 | Niwot, CO 80544

p: osmosisarchitecture.com e: apostle@osmosisarchitecture.com

March 14, 2019

FACT CHECK

Dear Board of County Commissioners,

A great deal of time was spent at the hearing on March 12th about the approval process for the Niwot Inn. This was used as an example of wasted time and effort that could have been avoided if a specific FAR was a defined condition of approval. I think it is important for you to have all the facts regarding previous Site Plan Review approvals for the property at 342 2nd Avenue.

We were told that the original submittal for the Inn requested over 20,000 s.f. The original application for this sight did request over 20,000 s.f., but it was for a multi-use structure with commercial, residential and garage space, not an inn.

The files for SPR-98-108-Coulson on the Boulder County Land Use website include a letter from Planning Director Graham Billingsley stating that the application showing an 11,516 s.f. multi-use structure on this site was **“Reviewed and Conditionally Approved”** with 11, 516 s.f. The first floor was commercial space and 5 single car garage spaces, the second floor had three apartments and the third floor had two apartments. While it is true that the original submittal was much larger, and the size of the project was reduced through the SPR process, **the approved FAR for this project was .82.** Please see the attached letter from Land Use director Graham Billingsley dated July 1, 1998, and the site plan and elevations of the building and garage structure.

The property owner, William Coulson, did not go forward with this approved project, and instead re-designed and resubmitted new plans for an inn. The inn was 11,980 s.f., although 3,821 s.f. was below grade. The site plan review approval letter for this project was dated September 11, 1998. This is the Niwot Inn that we enjoy today.

When Boulder County Land Use staff states that the proposed FAR of .6 is the maximum FAR that has been or would ever be approved, this is simply not accurate.

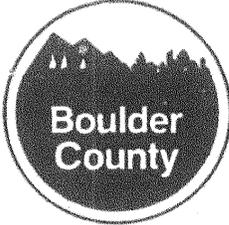
Niwot’s business owners and residents want the NRCD to be a walkable, sustainable and vibrant commercial district that meets the needs for goods and services desired by our citizens. **The .6 FAR proposed by Boulder County Land Use is an extreme limit to the potential for the NRCD. It does not represent what has been approved in the past.**

The information presented at the County Commissioners Hearing by Boulder County Land Use Staff about previous approvals for 342 2nd Avenue was flawed and omitted key facts. The facts matter.

Respectfully,

Anne Postle

Osmosis Art and Architecture



Post Office Box 471 • Boulder, Colorado 80306

Land Use Department

Courthouse Annex
2045 13th Street • 13th & Spruce Streets • Boulder, Colorado 80302 • (303) 441-3930

July 1, 1998

11,720 sq ft multi use structure

Mr. William Coulson
2120 13th Street
Boulder, CO 80302

Dear Mr. Coulson:

This letter certifies that in accordance with Section 4-800 of the Boulder County Land Use Code, the Boulder County Land Use Director has REVIEWED and CONDITIONALLY APPROVED the Site Plan with the following conditions, effective as of the above date. The proposal has gone through a number of changes since originally proposed. This review is for the plans submitted showing 3,920 square feet of office space on the first floor, and two floors containing a total of five apartments with three on the second floor and two on the third floor which has been reduced in floor area. There are now five garages on the north side of the lot adjacent to the alley. These no longer have apartments above them. This plan represents about a 20% reduction in total floor area from the original proposal.

Conditions of Approval are as follows:

1) **COLOR REQUIREMENTS**

The colors submitted, creme and green are acceptable

Prior to final inspection or issuance of Certificate of Occupancy, the Land Use Department must inspect and verify that the color samples are used on the new structure.

2) **LIGHTING REQUIREMENTS; if additional exterior lighting is to be installed:**

Prior to the issuance of a building permit, a lighting plan with details for all exterior lighting must be submitted to and approved by the Land Use Department. If no exterior lighting is planned, then a written indication of this can be submitted to this office in lieu of the lighting plan. Exterior lighting must be down lighting (50 watts or less) and minimize glare as much as possible. Details submitted must indicate the location of all exterior fixtures on site and structures, and must include cut sheets (manufacturer's specifications with picture or diagram) of all fixtures. See enclosed lighting hand-out. The original plans submitted show downlighting for the first floor, but the second and third floor lighting isn't clear as to type.

Prior to final inspection or certificate of occupancy, the full installation of the approved lighting plan must be inspected and approved by the Land Use Department.

Jana L. Mendez
County Commissioner

Ronald K. Stewart
County Commissioner

Paul Danish
County Commissioner

Docket SPR-98-108: COULSON

July 1, 1998

Page 2 of 3

3) TRAFFIC/PARKING

- a) The parking layout and space dimension meet the Boulder County Transportation Standards. No changes in the layout or dimensions shall occur without approval of the Transportation Department.
- b) In order to facilitate preservation of the mature tree at the street entrance, and to soften the transition between the building and the driveway, the driveway shall be 16 feet 8 inches in width.
- c) The alley directly north of the property may not be used as a thoroughfare between Second Avenue and Franklin Street. Per the Niwot Alley Study conducted in 1996, the alley may be used for emergency access.
- d) The parking and driveway layout shall otherwise meet the requirements of the Mountain View Fire Protection District for emergency access.
- e) The parking ratio used for this development is based on the mixed use nature of the development. Only residential uses are permitted for the second and third floors of the structure and no retail or restaurant uses are permitted on site. This insures the proposed parking is adequate.

4) LANDSCAPING

The plan submitted shows the retention of a number of trees. Every effort should be made to retain these trees. If they are removed they shall be replaced with minimum 4 inch caliper deciduous trees.

Prior to the issuance of a building permit, a landscape plan showing the type and size of the landscape plants shall be submitted to the Land Use Department for approval.

5) GARAGE

The plans submitted include two different choices for the garage structure. The pitched, gabled roof shall be used. This provides a better transition from the residential structures to the north, across the alley.

CONDITIONAL APPROVAL

This is a Conditional Approval made by the Land Use Director, and is not final until a 14-day referral period has transpired. During the next 14 days, the Board of County Commissioners (BOCC) may choose

Docket SPR-98-108: COULSON

July 1, 1998

Page 3 of 3

to call this docket up for a public hearing. *If no hearing is required, this letter will serve as the final determination.* Building, grading and access permits will be subject to any and all conditions of approval.

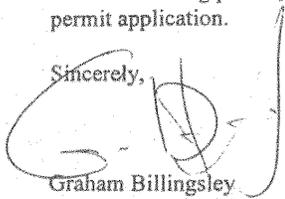
If the BOCC should decide to modify the Land Use Director's approval, or determines that further review is necessary, a public hearing will be held. Upon completion of the public hearing and approval by the BOCC, if a building, grading or access permit has been applied for, it will continue in the process and permits may be issued subject to any and all conditions of approval.

In the event that you wish to appeal any conditions of the Land Use Director's determination, you are entitled to appeal the determination to the BOCC. You must file an appeal for this purpose with the Land Use Department in writing no later than 14 days after the date of this letter. If an appeal is requested, the BOCC will review the Land Use Director's determination at a public meeting.

Please be aware that the above Conditions of Approval become final, if the docket is not called up by the BOCC, at the end of the 14-day review period. There are no other administrative means to appeal. If you wish to resubmit information with regards to complying with any of the above Conditions of Approval, and have this information reviewed for approval by staff prior to the end of the 14-day review period, your submissions must be received by the office no later than 10 days from the date of this letter.

Site Plan Review approval is valid for three years from the date of this letter although any changes in County regulations could affect the proposal prior to application for a building permit. In order to be issued a building permit, the project must comply with all policies and regulations in effect at the time of permit application.

Sincerely,



Graham Billingsley
Director

cc: Adjacent Property Owners

GALUDLUSHARED\DKTS-SPR.98\COULSON.ACT



2 South
Exterior Elevation
1/8" = 1'-0"



From: [Case, Dale](#)
To: [Ruano, Jose](#)
Subject: FW: Proposed NRCD Land Use Code revisions
Date: Tuesday, March 26, 2019 3:39:25 PM
Attachments: [NBA Strategic m... revised final.docx](#)

From: ANTHONY SANTELLI <a.santelli@comcast.net>

Sent: Tuesday, March 26, 2019 3:17 PM

To: Boulder County Board of Commissioners <commissioners@bouldercounty.org>

Cc: Case, Dale <dcase@bouldercounty.org>; Grimm, Denise <dgrimm@bouldercounty.org>; Mary Counce <mcoonce@porchfronthomes.com>; bob@vonscolorado.com; Bradford Heap <brad@bradfordheap.com>; Brian Bair <brian@masseq.com>; Anne Postle <apostle@osmosisarchitecture.com>; tim@harringtonstanko.com; Deborah Fowler <deborah@coloradolandmark.com>; Nancy Bureau <farcow@hotmail.com>; Laura Skaggs <lauralskaggs@aol.com>

Subject: Proposed NRCD Land Use Code revisions

Dear Commissioners,

The attachment defines Niwot's remaining key strategic business issues.

Thank you for your consideration.

tony

Dear Commissioners,

The purpose of this note is to ensure that you are aware of the business consequences of the proposed NRCDC Land Use Code revisions. Although we have made good progress, there are still issues that need to be understood and addressed. The future vitality and sustainability of the business district is something we all want to achieve.

There are 4 strategic imperatives that we believe are fundamental to achieving a thriving business district.

1. Colterra has been the jewel of Niwot for more than a decade and must return. Bradford Heap has made it clear, that for the redevelopment to be financially viable, he needs to supplement the restaurant with residential and office development. These will provide the incremental revenue streams necessary to make the business risks acceptable. This was always part of the retirement plan for Bradford Heap's family, but he was forced to advance the plan due to the fire. The modification to the code makes the development he requires not financially viable.
2. The Excel Building at 201 Murray St. must be allowed to develop as the Gateway to Niwot. This building has great potential! With the expansion of Bus Rapid Transit, this project can be a key provider of necessary services for bus commuters...a place to grab a sweet roll and coffee for your commute, or to stop for dinner on the way home. The owner of the building has a vision for a restaurant with a rooftop deck with great mountain views. This is exactly the kind of gateway project that Niwot desires. This project is not executable with the proposed regulations.
3. The Niwot Dental Building at 376 2nd Avenue is another site that has tremendous potential for the Connectivity long desired between 2nd Avenue and Cottonwood Square. This site should be allowed to develop with a mix of commercial and residential uses, and a density that is in keeping with an important anchor location. With the current proposed limits, the investor at high risk of looking elsewhere. The proposed codes will make this strategic location a bad investment.
4. The Postle's propose a building with 2 retail spaces at 240 2nd Avenue, with office or residential behind and above, in place of the current parking lot. The building has been specifically designed with a 50-foot set back to the alley. This will allow for smaller retail spaces that will enable the retail rents to be affordable. The building in this location will continue the rhythm of pedestrian friendly retail along the street. This project is not executable with the proposed FAR restrictions.

Instead, a building of the exact same size and mass, can be built along the alley on the property next door. The FAR requirements will force this property owner to build closer to the neighbors and negate the ability to add retail to 2nd Avenue. This is an unintended consequence, that

satisfies the proposed code revisions, while missing a golden opportunity to add pedestrian friendly retail to 2nd Avenue.

A successful business district requires a certain 'critical mass' of shops, restaurants, residents and offices. Niwot has not yet achieved the critical mass that will provide the foot traffic required. Niwot has the potential to be a walkable oasis, sustainable, and a thriving community.

We respectfully request that you consider these impacts carefully. We would appreciate the chance to meet in person to discuss these and similar remaining issues, rather than wait for the April hearing where the format does not permit a real conversation.

Sincerely,

Tony Santelli

President, Niwot Business Association

From: [Case, Dale](#)
To: [Ruano, Jose](#); [Grimm, Denise](#); [Hackett, Richard](#)
Cc: [Wobus, Nicole](#)
Subject: FW: NRCD - Niwot
Date: Tuesday, April 9, 2019 2:48:12 PM
Attachments: [BW letter to BOCC re Niwot - Boulder Board of Commissioners April 9, 2019.docx](#)

From: Biff Warren <BIFF@niwotlaw.com>
Sent: Tuesday, April 09, 2019 2:34 PM
To: Boulder County Board of Commissioners <commissioners@bouldercounty.org>
Cc: Case, Dale <dcase@bouldercounty.org>
Subject: NRCD - Niwot

Please see attached letter.

Bruce W. (Biff) Warren
Warren, Carlson & Moore, LLP
www.niwotlaw.com
P.O. Box 610
Niwot, CO 80544-0610
303 652-2433; 303 652-2449 (fax)

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April 9, 2019

Board of County Commissioners
Via Email Only

Re: Niwot Rural Community District

Dear Commissioners,

I have been unable to participate in recent proceedings regarding the proposed changes to the NRCDD due to an illness from which I am now recovering, but I have followed news reports and spoken with community members involved. One thing I would like to mention which has come up many times is the description of Niwot as “Semirural” per the Comprehensive Plan. I think it is often misused and worth a closer look.

Semirural

You will notice that the term “semi-rural” is nowhere defined. The Niwot community has a vague idea of what it means (i.e. no curb and gutter in some, but not all, residential areas, unpaved streets in the early days of the community, some larger residential lots that allow for limited agricultural use, bordering farmland, etc.). In fact, the Niwot Community Semi-Marching Free Grange Band of Niwot adopted its name as a tongue-in-cheek reference to the term, as no one knows what “semi-marching” really means either.

‘Semirural’ and 2nd Avenue

Within the Boulder County Comprehensive Plan, Niwot is described as ‘semirural’. The Comprehensive Plan states, “the physical and cultural nature of the Niwot community, as perceived by its residents, consists of a “semirural” quality characterized as low-density residential uses surrounded by agricultural uses.”

The ‘semirural’ term is used to describe the entire Niwot Community Service Area and its surroundings. But ‘semirural’ is not an appropriate term to describe the 2nd Avenue business district in this day and age, if it ever was. While the commercial district along 2nd Avenue may serve what some think of as a ‘semirural’ community, 2nd Avenue itself is not semirural. Although it may have had unpaved streets without street lights or drainage (until 1993), it has always been commercial in nature. Since it was first developed in 1900, 2nd Avenue has not been ‘semirural.’

The history: The arrival of the Colorado Central Railroad in Boulder County paved the way for Niwot’s settlement. In Anne Dyni’s book, Around Niwot, she states “...Niwot perhaps best

represents the typical commercial aspects of an agricultural district linked to the railroad for distribution of its products.”¹

Originally, Porter Hinman and Ambrose Murray each contributed 20 acres and officially registered the plat of the Town of Niwot. “To this day, Niwot remains the only town in Boulder County founded solely for access to the railroad”². The first buildings were built along 2nd Avenue in the early 1900’s.

In its early years, 2nd Avenue included the Niwot State Bank, the Livingston Hotel, the Niwot Tribune, blacksmith shop, poolhall, pharmacy and prior to the stock market crash, two of the three grocery stores in town. The businesses that were needed to serve the local residents and the surrounding community were located along 2nd Avenue, and extended west of the railroad tracks until the Diagonal Highway was built in the 1960’s.

A look at today: Per the Comprehensive Plan, ‘New business, commercial, and industrial uses shall be situated within “Community Service Areas” in order to be within a close proximity to the shopping public and respective labor forces, as well as to move toward the goals of reducing energy consumption and attendant commuter time’ (BC Comprehensive Plan, NIW 1.03). Also, ‘Niwot is planned to be the only designated service area within the Sub-region and the geographic area wherein the majority of future growth will be accommodated’, (BC Comprehensive Plan, NIW 1.06). The intent of the Comprehensive Plan is clear. Today, as it was 100 years ago, the 2nd Avenue commercial district is intended to meet the needs for dining, goods and services for the surrounding Community Service Area.

And tomorrow: The 2nd Avenue that began as a **commercial and transportation** hub, originally with the railroad as its lifeline, has a vibrant and sustainable future. With the proposed Bus Rapid Transit station, 2nd Avenue will continue to be a commercial and transportation hub into the future, providing the dining, shopping, services and employment opportunities needed by Niwot’s residents and visitors. Since 1900, 2nd Avenue has been charged with the task of meeting the commercial needs of the community. This charge is as important today as it was 100 years ago, and 2nd Avenue should be allowed to meet the needs of its community 100 years from now.

Niwot has the potential to be a pedestrian and transit friendly, sustainable community. We hope you agree, and while continuing to preserve the historic buildings that represent our past, allow 2nd Avenue to grow to meet Niwot’s needs, today and tomorrow.

Thank you for your consideration.

Sincerely,

Bruce W. (Biff) Warren

¹ Anne Quinby Dyni, 2015, Around Niwot

² Anne Quinby Dyni, 2015, Around Niwot

From: [Case, Dale](#)
To: [Grimm, Denise](#); [Thomas, Mike](#); [Ruano, Jose](#); [Cerde, Jacey](#)
Subject: FW: Alley Study proposal
Date: Wednesday, April 10, 2019 10:30:11 AM
Attachments: [Alley Alternative final.pdf](#)

From: Anne Postle <apostle@osmosisarchitecture.com>
Sent: Wednesday, April 10, 2019 10:07 AM
To: Boulder County Board of Commissioners <commissioners@bouldercounty.org>; Case, Dale <dcase@bouldercounty.org>
Cc: Tony Santelli <a.santelli@comcast.net>; Mary Coonce <mcoonce@porchfronthomes.com>; 'Tim Coonce' <tcoonce@porchfronthomes.com>; 'David Meisner' <osdsdrmeisner@aol.com>; dan@buildlikenature.com; 'Brian Bair' <brian@masseq.com>; 'Bradford Heap' <brad@bradfordheap.com>; 'Cornelia Sawle' <corneliaswl@gmail.com>; bob@vonscolorado.com
Subject: Alley Study proposal

Please read and consider the attached letter from Block 5 property owners and interested parties.
Thank you,

Anne Postle, *Architect*

osmosis art and architecture

p: 303.652.2668

f: 303.652.2717

p: 290 Second Ave | PO Box 1024 | Niwot, CO 80544

p: osmosisarchitecture.com e: apostle@osmosisarchitecture.com

Dear Commissioners,

To address the concerns about the forced moratorium extension described at the April 3rd meeting with Land Use Staff, we propose a reasonable alternative plan to allow you to study the alley options, lift the moratorium, allow curb cuts on 2nd Avenue to be reduced or eliminated, and open the alley to use by all adjacent properties.

THE ALTERNATIVE

The Alley Traffic Study must have very clear directives and requirements. These include:

- Moratorium is ended
- Phase 1 alley improvements to be allowed, funded by commercial property owners. These include surveying, grading, filling potholes, and removing weeds. Historic drainage patterns are not to be changed. Alley use by commercial and residential property owners is allowed once these Phase 1 improvements are complete.
- Block 5 properties can go forward with development and immediate alley access. All designs must work with the future implementation of Alley options 1, 2 or 3 below, to be built at a future time.
- New curb cuts along 2nd Avenue in Block 5 will not be allowed and should be eliminated where possible.
- The Alley Traffic Study should have a budget of no more than \$20,000. This will be initially funded by the LID reserve funds. As properties in Block 5 are developed, each property owner will pay a fee of \$5,000 at permit to refund the LID expenditure. Traffic studies will not be a requirement for development approval for Block 5 properties since they will fall under the Alley Traffic Study. This \$5,000 fee is not required for properties who are not adding structures, but simply addressing parking changes, alley access, curb cut reduction or landscape. Once the \$20,000 is repaid, the fee will be eliminated.
- All proposed alley designs are within the existing platted 20' wide alley, with the exception of additional property or easements needed for the extension of one-way alley options to Niwot Road or 2nd Avenue (options 1 and 2 below).

Three proposed alley options are to be studied:

1. One-way alley beginning on Franklin and ending on Niwot Road or 2nd Avenue. Maximum budget for purchase of easement or land to extend the existing alley to be determined prior to beginning study (\$100,000, \$200,000, \$500,000?), and this option is not to be pursued if not possible within maximum budget. Possible sources of funding to be included in study.
2. One-way alley beginning on Niwot Road and ending on Franklin. Maximum budget for purchase of easement or land to extend the existing alley to be determined prior to beginning study (\$100,000, \$200,000, \$500,000?), and this option is not to be pursued if not possible within maximum budget. Possible sources of funding to be included in funding.
3. Two-way dead-end alley entirely within existing platted alley boundary. Three-point turn arounds to be included on properties where reasonable and necessary to insure that there is no more than 600' alley distance without such turn-around. Three point turn around required at 376 2nd Avenue (alley end).

WHILE THESE OPTIONS ARE BEING STUDIED, TWO WAY ALLEY ACCESS WILL BE TEMPORARILY GRANTED, TO ALLOW FUTURE PROJECTS REQUIRING ALLEY ACCESS AND THE ELIMINATION OF CURB CUTS TO MOVE FORWARD. THIS TEMPORARY ACCESS IS GRANTED WITH THE UNDERSTANDING THAT WHEN THE STUDY IS COMPLETED, AND THE ALLEY HAS BEEN MADE ACCESSIBLE IN ACCORDANCE WITH THE APPROVED OPTION, THE FINAL PROPOSED ALLEY USE WILL BE IMPLEMENTED.

Questions to be resolved with all options:

1. How many vehicle trips should be expected in the alley with this design?
2. What is the appropriate alley section design to accommodate the expected vehicle trips?
3. How are pedestrians accommodated?
4. How does this option buffer the residential neighbors? (fencing, landscape, ???)
5. What is the cost of this option? This should include the cost to purchase any required property or easements.
6. Possible source of funding?
7. What is the proposed schedule?
8. What are the pros and cons?

Final Alley Traffic Study to recommend Option 1, 2 or 3 with schedule for implementation.

With this Alternative, the Alley Traffic Study can accomplish its goals, curb cuts on 2nd Avenue can be reduced, the moratorium can be ended, and investment can begin again on Block 5. This Alternative is fair and reasonable to all parties.

Sincerely,

Block 5 Property owners and interested parties

Tim and Mary Coonce
Anne and Jim Postle
Brian Bair
Bradford Heap
Cornelia Sawle
David Meisner
Bob Von Eschen
Dan and Ashley Niles
Tony Santelli

From: [Case, Dale](#)
To: [Grimm, Denise](#); [Cerde, Jacey](#); [Ruano, Jose](#)
Subject: FW: Alley meeting last week
Date: Wednesday, April 10, 2019 10:30:36 AM
Attachments: [Moratorium - final.pdf](#)

From: Anne Postle <apostle@osmosisarchitecture.com>
Sent: Tuesday, April 09, 2019 2:54 PM
To: Boulder County Board of Commissioners <commissioners@bouldercounty.org>; Case, Dale <dcase@bouldercounty.org>; Thomas, Mike <mthomas@bouldercounty.org>
Cc: Tony Santelli <a.santelli@comcast.net>; Mary Counce <mcoonce@porchfronthomes.com>; 'Tim Counce' <tcounce@porchfronthomes.com>; 'Brian Bair' <brian@masseq.com>; 'Bradford Heap' <brad@bradfordheap.com>; bob@vonscolorado.com; 'Cornelia Sawle' <corneliaswl@gmail.com>; 'Trec52' <trec52@gmail.com>; Carlson & Moore LLC Biff Warren Warren <biff@niwotlaw.com>; Laura Skaggs <lauralskaggs@aol.com>; dan@buildlikenature.com; 'David Meisner' <osdsdrmeisner@aol.com>; Patricia Murphy <pmurphy@niwotrealty.com>
Subject: Alley meeting last week

Commissioners,
Please see attached letter regarding alley work group meeting last week.
Thank you,

Anne Postle, *Architect*

osmosis art and architecture

p: 303.652.2668

f: 303.652.2717

p: 290 Second Ave | PO Box 1024 | Niwot, CO 80544

p: osmosisarchitecture.com e: apostle@osmosisarchitecture.com

Dear Commissioners,

MORATORIUM TO BE EXTENDED INDEFINITELY

At the March 20th hearing, regarding driveways crossing the sidewalk, Elise Jones said, “it makes sense to use the alley,” and “we shouldn’t wait for somebody to get hit or hurt before we do something about it.”

The April 3rd meeting was intended for discussion of the new guidelines for improvement, access and use of the Block 5 alley. While the residential neighbors continued to push for no alley access, it became painfully clear at this meeting that we can expect one of two results. One is a lengthy and expensive extension to the development moratorium for Block 5 if alley access is desired. The other is the indefinite continuation of the policy in which every car accessing Block 5 properties will have to cross the sidewalk. We know that this is not the direction that you gave Land Use, therefore want you to be aware of the unintended consequences to what was presented at the April 3rd meeting.

Land Use Staff mentioned numerous times the necessity of an ‘alley traffic study’ to be done by an outside consultant. This study is to provide the direction for the design of the alley. According to Land Use staff, the alley is to provide for both cars and pedestrians. It is not clear who will pay for this study, but it was suggested that it was to be funded by the commercial property owners and not the residents or the County.

Boulder County does not have any unpaved alley standards. We were told by Dale Case, Land Use Director, that just because alley standards for 20’ wide two-way unpaved dead-end alleys exist and are used in neighboring communities, that does not mean that they are appropriate for this one block alley in Niwot. (We found similar alleys with standards in Longmont, Boulder and Fort Collins. Each of these municipalities grades and fills potholes annually and some apply dust control.)

We won’t have any direction for the design of this alley until we get the result of the ‘Alley Traffic Study’. This Alley Traffic Study won’t happen until we know who is going to pay for it. It could happen this summer, but we really don’t know. Mike Thomas, County Engineer, stated that he would rather it take longer than two or three months to ‘get it right’. He also made clear that this study could determine that the best solution is to leave the alley usage as it currently stands. The study could determine that “if it’s not broke, don’t fix it”, continuing the policy of forcing every car that accesses businesses in this block to cross the sidewalk, and denying legal access to a public right of way for commercial property owners.

Thankfully, Dale Case did state that the Commissioners have given clear instructions that the alley will be used, although how it is to be used is not yet determined. It is no surprise that some 3rd Avenue residents now see alley access for the commercial properties as an undecided issue.

No proposed guidelines were discussed. In fact, Mike Thomas suggested that he would rather not discuss any specifics about the alley until the “Alley Traffic Study” is completed.

Mike also suggested that a ‘survey monkey’ survey could be completed to get feedback from the ‘entire community’ about the potential design of this one alley. It is not clear who will pay for this survey, but we assume this will be added to the bill for the commercial property owners. We hope you agree that it is absurd and irresponsible to suggest that with more than 500 pages of public comment addressing the alley from the moratorium process, yet another survey is required. Most of Niwot’s citizens think this is an alley. Not a park, not a pollinator garden, not a street...an unpaved alley.

Dale suggested that a one-way alley is still an option. The only way to make this alley one-way is to provide an outlet to 2nd Avenue or Niwot Road. This will have to be purchased from an adjacent property owner. Currently there are no funds for this purchase, and we are aware of no property owners interested in granting the necessary easement. Pursuing this option will take years, not months and puts a ridiculously unfair delay on any alley access or development along this block.

Without some rapid and clear intervention, a one-way alley will force a one to two-year moratorium extension for any development in this block desiring alley access. A two-way dead-end alley using the existing platted alley will require a 9 to 12-month moratorium extension for any development desiring alley access. You may not call it an extension to the moratorium, but without some very clear direction to Land Use Staff, **YOU WILL BE EXTENDING THE MORATORIUM INDEFINITELY.**

This outcome, if allowed to continue, hurts the Niwot you “know and love”. We ask that you reinforce what you stated at the March hearing. That you encourage the elimination of curb cuts, and that the alley is to be used by all adjacent properties. This must be allowed in order to reach a successful and unambiguous resolution to the moratorium. Thank you for your intervention.

Sincerely,

Tim Coonce

Anne and Jim Postle

Dan and Ashley Niles