



# Land Use

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**MEMO TO:** Property owners within the NRCD and neighbors  
**FROM:** Denise Grimm, Senior Planner  
**DATE:** May 22, 2012  
**RE:** Docket DC-12-0004

## **Docket DC-12-0004: Text Amendments to Article 4-116 Niwot Rural Community District (NRCD)**

**Request:** Proposed Land Use Code amendment to Article 4-116 Niwot Rural Community District of the Boulder County Land Use Code to amend the parking requirements and related standards; by the Boulder County Land Use Department (Staff Planner: Denise Grimm, Senior Planner)

Several County departments have worked over the past year with the Niwot LID to study parking and transportation issues and to create the NIWOT TRANSPORTATION AND CONNECTIVITY PLAN. As a result of this process, we have identified potential Land Use Code amendments in order to implement the plan.

Staff met with the Niwot community in April to discuss the details of the code amendments and to ask for input. We have now revised the draft code language. These proposed amendments will be brought to Planning Commission and then the Board of County Commissioners for consideration at public meetings. Public testimony will be taken by both Boards. The Niwot NRCD also requires a vote of the property owners which will occur before the final BOCC hearing.

Key items that are being amended:

- Reduce parking requirement for new floor area. (1 space per 500 sq. ft of floor area.)
- Adopt one parking rate for all uses allowed in the district so that uses can come and go without there being a different requirement.
- Note-Existing parking to floor area configurations are grandfathered in and are not recalculated at the 1/500 rate.
- New on-site parking only required if adding building square footage.
- Allow for more flexibility with shared parking.
- Eliminating the need for a site plan review process if only changing use. Requiring a site plan review or waiver process only if adding or demolishing floor area.
- Outdoor seating won't be considered new floor area. (-if at grade and not covered area.)
- Removing the required vote for amending the code.

This process includes a public hearing before the Planning Commission and Board of County Commissioners. The Land Use staff, Planning Commission and County Commissioners value comments from individuals and referral agencies. Please check the appropriate response below or send a letter. Late responses will be reviewed as the process permits; all comments will be made part of the public record and given to the applicant. Only a portion of the submitted documents may have been enclosed; you are welcome to review the entire file at the Land Use Department. If you have any questions regarding this application, please contact me at (720) 564-2611 or

**[dgrimm@bouldercounty.org](mailto:dgrimm@bouldercounty.org)**

Please e-mail or return responses to the above address by **June 8, 2012**. (Sooner if possible.)

We have reviewed the proposal and have no conflicts.

Letter is enclosed.

Signed \_\_\_\_\_ PRINTED Name \_\_\_\_\_

Agency or Address \_\_\_\_\_

If possible, please e-mail your response to [dgrimm@bouldercounty.org](mailto:dgrimm@bouldercounty.org)

# Niwot Rural Community District (Article 4-116 of the Boulder County Land Use Code)-proposed revisions

## 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.

D. Parking Requirements

1. Any additional square footage built over that which 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.

# Original Code:

## Development Standards

- A. Amendments
  - 1. Written consent of greater than 50 percent of the owners of building lots within the Niwot Rural Community District, with no owner having more than one vote, must be obtained prior to approval of any text amendments to the District Development Plan by the Board of County Commissioners.
  - 2. 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.
  
- 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.

D. Parking Requirements

1. Retail uses - 1 per 200 square feet
2. Office uses - 1 per 300 square feet
3. Eating and Drinking Places - 1 per 100 square feet
4. Parking may be provided on the lot or on another lot within 250 feet of the front door of the business. 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. Commercial Bakeries – 1 space for every 500 square feet of floor area (no loading space required unless determined to be necessary through the site plan review process.)