



Land Use

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BOULDER COUNTY BOARD OF COUNTY COMMISSIONERS

Tuesday October 30, 2018, at 3:30 p.m.

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

PUBLIC HEARING

Docket DC-18-0004: Niwot Rural Community District Land Use Code Updates and Temporary Moratorium on Development¹

Staff:

Dale Case, Director
Denise Grimm, Senior Planner
Jose Ruano, Planner I
Nicole Wobus, Long Range Planning Manager

AGENDA

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

INTRODUCTION

On September 20, 2018, the Board of County Commissioners (BOCC) approved a moratorium ([Resolution 2018-112](#)) on development review activity for the Niwot Rural Community District (NRCD). The BOCC directed staff to hold a public hearing within 45 days of the Resolution to determine whether the moratorium should be terminated or otherwise amended; that is the purpose of the October 30 BOCC hearing.

Staff recommends maintaining the six-month moratorium approved on September 20, with a reduction in scope. Staff recommends the area subject to the moratorium be reduced to cover only the areas of the NRCD I outside of the Historic District. Development outside the Historic District is subject to less review and also has a greater potential for change which poses the greatest risk of altering community character. Given the small scale of the Niwot community, a few development projects could have a significant impact on community character within the NRCD 1. Recent

¹ This report was updated on October 26, 2018 to correct minor typographical errors.

applications have brought to light the ambiguity of and the need to update the Code. The fact that more projects were certain to come through highlighted the urgency to update the Code.

This document includes an overview of current Land Use Code provisions for the NRCD, rationale for maintaining and amending the moratorium, including a summary of community input as it relates to the moratorium, and a staff recommendation regarding the proposed scope and schedule for Land Use Code updates.

ACTION REQUESTED

For the reasons outlined below, staff recommends BOCC maintain the six-month moratorium on development review activity in the NRCD, but remove the Historic District of the NRCD, which was included in the initial moratorium action.

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	Public Comments Received as of October 24: ² https://assets.bouldercounty.org/wp-content/uploads/2018/10/dc-18-0004-public-comments.pdf	URL/link also provided on p. 11
Attachment A	Resolution 2018-112	A 1-3
Attachment B	October 17 Community Meeting Summary	B 1-5
Attachment C	Article 4-116, Current NRCD Regulations	C 1-18

² Given the large number of pages, public comments are available via hyperlink / URL.

I. SUMMARY OF MORATORIUM AND ACTIVITY TO DATE DURING MORATORIUM

The Resolution approved by the BOCC directed staff not to accept, process, or approve any applications under Article 4-116 of the Land Use Code during the timeframe of the moratorium. The BOCC enacted the six-month moratorium, which will end at the close of business on March 20, 2019. The purpose of the moratorium is to allow time to work with the community to formulate and publicly review necessary amendments to current regulations governing development in the NRCD.

As specified in the Resolution, the moratorium does not apply to:

- Any complete application for development currently being processed by the Land Use Department, which may continue to be processed and reviewed as provided in the Land Use Code.
- Any application for development already approved by the Land Use Department prior to the effective date of the Resolution which such approval is validly maintained thereafter.
- Development which possesses either a statutory or common law vested right.
- Minor modifications to existing permits.

Since the BOCC approved the moratorium on September 20, staff has engaged in the following activities to begin to collect information to determine whether to recommend that the moratorium be terminated or otherwise amended, and to determine a scope for the associated update to the Land Use Code:

- October 1: Met with representatives of Niwot businesses
- October 2: Attended Local Improvement District (LID) meeting
- October 17:
 - Conducted community meeting; See **Attachment B** for meeting summary
 - Posted Frequently Asked Questions and Answers related to the moratorium; See <https://assets.bouldercounty.org/wp-content/uploads/2018/10/dc-18-0004-nrcd-faq.pdf>

Staff has also responded to phone calls and email comments and questions, primarily regarding the scope and timing of the moratorium.

In addition to staff's activity, members of the community have held several meetings to discuss their preferences and to organize their response to the moratorium. These have included meetings of the Niwot Business Association, the Niwot Community Association, the Local Improvement District members, and other members of the community, as well broader meetings including participation from all of those groups.

A separate but related issue staff is working to address pertains to the Land Use Code definition of “subdivision.” The NRCD regulations include a provision to allow residential uses, provided they are part of a mixed use development (giving the example of an apartment over a store.) The definition of ‘subdivision’ in Article 18-204B of the Boulder County Land Use Code, however, includes parcels of land used for condominiums, apartments, or any other multiple dwelling units; or any parcel of land which is divided into two or more parcels, separate interest, or interests in land. The definition of subdivision therefore includes mixed-use developments with more than one condominium, apartment, or other dwelling unit. To clarify by what process a mixed use development may be approved if it includes more than one residence and what density would be allowed, a Code update is needed. The BOCC has already authorized a separate Code update pertaining to certain divisions of land, and county staff will propose changes that can address a portion of the issue. Prior to completion of the separate Code update process, any project involving multiple residential units would be subject to the current Code provisions.

II. CURRENT NRCD LAND USE PROCESS

A. Description of the Land Use Process for Properties in the NRCD

In the early 1990s, the county worked with the Niwot community to create the NRCD zoning district. This replaced the Commercial zoning district and was tailored to the character of Niwot and the desires of the community. The purpose of creating the NRCD was to improve upon the existing design along 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 County Commissioners adopted the district as part of the Land Use Code.

A second Niwot Rural Community District (NRCD II) was adopted in 2009 and covered the mainly residential portions of the old town site. This area is not subject to the moratorium.³

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

Projects occurring in the NRCD are subject primarily to the Site Plan Review (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 Historic Preservation Advisory Board (HPAB). As part of the SPR and Special Review processes, staff evaluates proposals based on criteria which include a review of the project’s relationship to community character (see Land Use Code Article 4-806 for SPR, and 4-602 for Special Review).

B. Limitations of the Current Land Use Process for the NRCD

³ The NRCD II district 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>

As presented in Table 1, the NRCD Code provisions provide detailed guidelines for development within the Historic District of the NRCD, but provide more limited guidance for development occurring outside the Historic District. Specifically, the current Land Use Code provisions for areas of the NRCD outside the Historic District provide insufficient guidance with regard to:

- a) Density and design parameters, including building bulk and massing, and the number and location of structures per parcel
- b) Appropriate amount of residential, retail, and office uses
- c) Interface, connections, and access to and between commercial and residential areas
 - o Access and site design recognizing the need for safety, efficient circulation, and impacts on neighbors considering parking, alley access, and pedestrian circulation

Although development in the NRCD 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 makes it difficult to conduct an effective assessment of compatibility. Staff encountered this challenge when evaluating recent projects along 2nd Avenue, and staff also has difficulty answering on-call questions related to character and density in the NRCD. It is difficult for a current or prospective property owner to decide to spend time and money developing a plan without first having some parameters of what is acceptable.

Members of the public most engaged in providing input as part of the current land use processes are those located in close proximity to the project (e.g., only those located within 1,500 ft. of a proposed project will receive notice that the application is under review). The current review processes do not provide the public, developer, or the county with enough certainty, are inefficient, require a high level of energy and ongoing engagement by members of the public, and while they have the potential to result in outcomes that are acceptable to the developer and those most vocal in the process, they may not reflect the broader priorities and vision of the community.

Staff believes that a more effective approach is to establish clearer development guidelines regarding items a – c noted above. Those development guidelines will be based on input from the community as a whole.

Figure 1. Niwot Rural Community District, Area Affected by Moratorium as Approved September 20, 2018

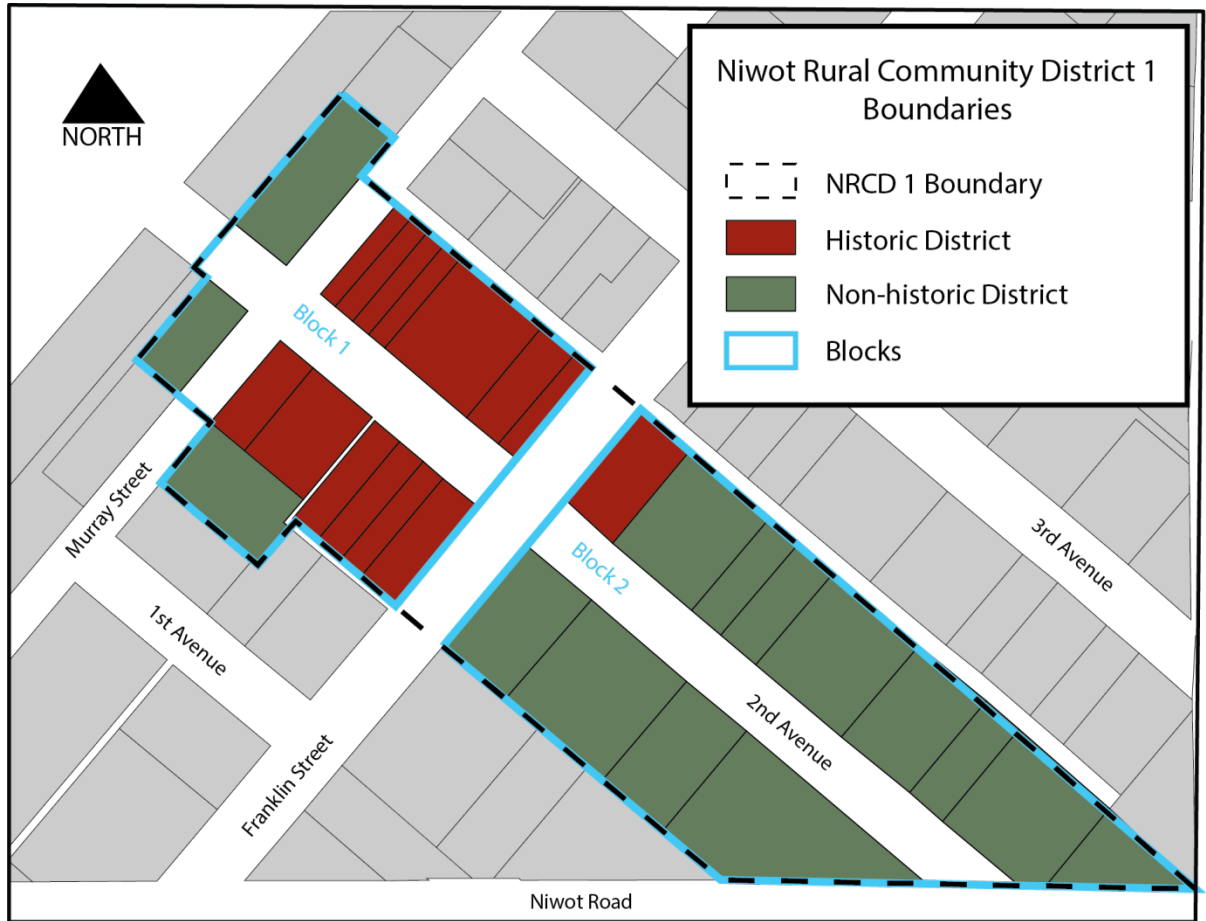


Table 1. Key Elements of NRCD Code Provisions Applicable to Historic District vs. Remainder of NRCD I

NRCD 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
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	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	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. 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>		

III. RATIONALE FOR MORATORIUM

Article 4-116 was introduced in the 1990s and last updated in 2009. The Land Use Director recommended the moratorium on activity under Article 4-116 of the Land Use Code because county staff and members of the community, including the Old Town Niwot Design Review Subcommittee, identified a lack of sufficient clarity and design direction within current Code. Staff has been working diligently to gather community input and implement updates to the Land Use Code for the NRCD. Staff's analysis since the Resolution further supports that finding and calls for continuation of the moratorium for areas of the NRCD outside the Historic District.

New projects have the potential to change more than 30 percent of the parcels along the eastern portion of the NRCD (along 2nd Avenue between Franklin Street and Niwot Road). Continuing the moratorium is necessary given the limited area making up the commercial district, the area's unique character, the tremendous efforts of the community to enhance and preserve that character while creating a vibrant community, and the need to address the evolution of the area. It is important to avoid the potential impacts projects could have on the character of the NRCD for decades to come.

Community input also supports the need to continue the moratorium. Developers and the business community have presented strong arguments in opposition to the moratorium, as developers and businesses considering near-term projects face economic impacts and uncertainty. Concerns with potential levels of development and flexibility need to be considered. However, analysis of the full range of community input supports the need for a limited moratorium. A comprehensive review of input received thus far from the Niwot community demonstrates significant differences in the vision for development in the community. Topics such as bulk, massing and uses, as well as the interface between commercial and residential areas in the NRCD outside the Historic District warrant more thorough review, as well as gathering and documentation of community preferences before additional development moves forward. While these items are ripe for discussion and potential clarification, it does not mean the regulatory changes will prescriptively address all issues. Staff has heard and agrees that there needs to be a level of flexibility to recognize the variety in parcels sizes and configurations of existing development, a positive attribute of the existing development pattern that should be continued.

Input from October 17 Community Meeting

Input provided at the community meeting varied, demonstrating a lack of consensus on the sufficiency of the current regulations and near-term changes to the NRCD Code provisions, as well as on key areas identified as warranting further guidance in the Land Use Code. This finding is based on input received both as part of the full group discussion and individual written comments on posters provided as part of a planning exercise at the meeting.

Discussion at the meeting about a series of recent projects provided insight into the potential impacts of the limited guidance in the NRCD Code and reliance on developers shaping their projects' plans in response to public comments. A developer described having pursued projects at multiple properties with limited public input, but then receiving a great deal of resistance to another proposed project. For one project, original plans included a mix of commercial and residential uses. Public comments received in response to the plans appeared to indicate neighbors preferred to see no residential use as part of the project. Project plans were revised multiple times and ultimately resulted in a plan that did

not include any residential component. While some present at the community meeting acknowledged opposing any residential component to the project, one resident stated that the intent of their comment on the project was not to oppose a residential use but rather to express concern about the potential impact of a residential use on the alley.

The county is actively involved in housing issues in the region. There is a recognized demand for additional housing and this likely should happen in areas with existing services, in accordance with the Boulder County Comprehensive Plan. Encouraging mixed use and defining appropriate limits will more likely meet broader community objectives.

Another area of input highlighting the shortcomings of the current Code relates to the community's characterization of recent development activity. Those commenting at the meeting cited examples of some developments in the community that align with the community's unique character as well as others that conflict with the character. This highlights that the projects the community deems to be out of character are able to be approved under the current Land Use Code. There is always potential for some members of the community to disagree with the outcomes of land use decision making. However, these comments from the community indicate that there are insufficient tools within the current Land Use Code to keep projects that are out of character with the community from being developed.

Input from Written Comments

As of October 24, staff received approximately 57 comments through the online comment form, emails, and letters. A majority of comments from residents indicate support for the moratorium while business owners and developers strongly oppose the moratorium.

Comments from residents and some business owners express appreciation for preserving the community character. Many raised concerns about recent development detracting from the desired character and small rural community feel. Concerns centered on building density, the mix of residential and commercial uses (including comments from residents who do not like the recent increase in residential density); two story structures being sited close to the alleys and therefore causing loss of privacy on the back yards of the residents behind; and wanting to limit the use of the alleys to service vehicles and not using it for new development. A number of responses indicate a preference for the development that occurred not long after the district was created when the development pattern was primarily parcels with one structure with limited residential use above and parking behind with controlled access onto 2nd Avenue. There was also concern about the trend towards maximizing lot coverage and using multiple structures on a single parcel. Commenters also raised safety concerns about vehicles backing across the sidewalk.

Business owners and developers cite concerns related to property rights and their ability to conduct business, as well as concerns about financial impacts and a shift in expectations relative to current conditions while operating under the existing Code. Some expressed the desire to more fully utilize the alley. The LID voted to oppose the moratorium.

IV. STAFF RECOMMENDATION AND PROPOSED SCHEDULE FOR THE NRCD LAND USE CODE UPDATE

Recommended Scope of Moratorium

Staff recommends keeping the six-month moratorium in place, but only for areas of the NRCD outside the Historic District. Those areas are at greatest risk of seeing detrimental impacts on community character in the absence of updates to the NRCD Code; they are the focus of the greatest amount of potential near-term development activity that staff is aware of and are also in greatest need of additional development guidance in the Code. While the moratorium is in place, staff plans to focus on updates to Article 4-116 of the Land Use Code to provide greater guidance in the following areas:

- Density and design parameters, including building bulk and massing, and the number and location of structures per parcel
- Appropriate amount of residential, retail, and office uses
- Interface, connections, and access to and between commercial and residential areas
 - Access and site design recognizing the need for safety, efficient circulation, and impacts on neighbors considering parking, alley access, and pedestrian circulation
- Tools to provide guidance in determining the appropriate mix of uses and site layout for properties in the NRCD (e.g., to address competing priorities of existing structure preservation, pedestrian and vehicular circulation, parking, neighborhood interface, and continued vibrancy of the area)
- Process Improvements
 - Procedures related to the Design Review Committee (e.g., a system for appointing members, and for noticing and documenting meetings)
 - Improvements to promote and facilitate community involvement in land use processes

Proposed Schedule

- **October: issue identification, data gathering, community outreach**
 - 10/17/2018 Community meeting
 - 10/30/2018 BOCC hearing on moratorium
- **November: community meeting, drafting proposed amendments**
 - Week of 11/12/2018 (Nov. 15?) Community meeting
- **December: community meeting to review progress, drafting and revision of proposed amendments**
 - Week of 12/10 or 17/2018 Community meeting
- **January: community meeting, refining proposed amendments, and referral to other agencies**
 - Week of 1/21/2019 Community meeting to discuss draft update
- **February:**
 - 2/20/2019 Planning Commission hearing
- **March:**
 - 3/19 or 21/2019 BOCC hearing

Given the large number of pages, public comments are available via:

<https://assets.bouldercounty.org/wp-content/uploads/2018/10/dc-18-0004-public-comments.pdf>

RESOLUTION 2018-112

A RESOLUTION IMPOSING A TEMPORARY MORATORIUM ON PROCESSING APPLICATIONS FOR DEVELOPMENT IN THE NIWOT RURAL COMMUNITY DISTRICT PENDING CONSIDERATION OF LAND USE CODE AMENDMENTS

Recitals

A. After meeting with community members and staff, the Land Use Director has determined that the existing regulations concerning the Niwot Rural Community District (“NRCD”) in the Boulder County Land Use Code (the “Code”) may not adequately ensure that proposed new development within the NRCD will be consistent with the needs and desires of the Niwot community.

B. The Board of County Commissioners adopted the original NRCD regulations in Article 4-116 of the Code in the early 1990s, pursuant to the process for establishing a Rural Community District (“RCD”) under Article 4-115, to address the unique characteristics and future development of the Niwot rural community. The regulations have undergone several, mostly minor, amendments, with the last significant update to the regulations occurring nine years ago. Subsequent changes in development patterns, community needs, and population growth in recent years has resulted in the Niwot community raising significant concerns over the impacts of continuing development activities within the NRCD under the existing regulations, making potential amendments ripe for consideration.

C. Staff and community stakeholders have identified several areas in need of clarification in the regulation language, including provisions regarding mixed-use development and a need to better understand and clarify the intensity of development appropriate within the NRCD. While the existing NRCD design guidelines work reasonably well in some areas of the district, the potential inconsistent application exists in other areas. Neighbors have also raised concerns with the level of residential development allowed, density and design parameters, and whether the NRCD regulations facilitate the appropriate mix of residential, retail, and office uses.

D. The Local Government Land Use Control Enabling Act, C.R.S. §§ 29-20-101 et seq., provides the County with the broad authority to plan for and regulate the use of land to best protect and promote the health, safety, and general welfare of the present and future inhabitants of Boulder County and to guide future growth, development, and distribution of land uses within Boulder County.

E. Boulder County Land Use staff have begun to analyze whether the existing NRCD regulations, and more generally the RCD regulations, are sufficient to protect and promote the public health, safety, and welfare, by appropriately balancing changes in development and growth with the present and future needs of the Niwot community.

F. Staff anticipates the time needed to analyze necessary amendments to the regulations, as well as develop a plan to propose and adopt new regulations, is approximately six

months in total. This timeframe assumes approximately two months for prerequisite studies, community outreach, and internal staff meetings; two months for drafting, referral to interested third parties, and public review of those drafts; one month to notice and conduct Planning Commission hearings; and one month for BOCC hearings.

G. In light of the foregoing, the Board determines that circumstances warrant the immediate enactment of a temporary moratorium on processing applications for proposed development in the NRCD during the County's planning and land use regulation amendment process to protect and promote the public health, safety, and welfare, and to avoid development which may contravene the results and purpose of this study and process.

H. The Board further determines that it will schedule and hold a public hearing on this temporary moratorium and related matters as soon as practicable after this Resolution's adoption, for the purposes of receiving public comment on the moratorium and considering whether to terminate, extend, or otherwise amend the moratorium.

Therefore, the Board resolves:

1. A temporary moratorium on processing applications for proposed development in the NRCD is reasonable and necessary to protect the public health, safety, and welfare of the County. The new moratorium begins immediately on the date of this Resolution and ends at the close of business on March 20, 2019. The purpose of the moratorium is to allow time to formulate and publicly review necessary amendments to current County land use regulations governing development in the NRCD. The County Land Use Department is directed not to accept, process, or approve any applications under Article 4-116 of the Land Use Code after the effective date of this Resolution.

2. Staff shall set and notice a public hearing to occur no later than 45 days from the date of this Resolution for the purpose of deciding whether the new moratorium imposed by this Resolution should be terminated or otherwise amended.

3. Staff is directed to continue analyzing whether the existing County regulations pertaining to the NRCD, and more generally the RCD regulations, are sufficient to protect the public health, safety, and welfare, and whether amended regulations will be necessary to adequately mitigate legitimate land use impacts of development in rural community districts and better address the needs and desires of the Niwot community. Staff is directed to move expeditiously, such that the Board can end the temporary moratorium sooner if appropriate regulations are in place. Any change in the duration or other terms of the temporary moratorium shall occur at a duly noticed public hearing of the Board.

4. The Board reaffirms that any development conducted without all necessary County approvals may be in violation of the Boulder County Land Use Code or other applicable County regulations.

5. This temporary moratorium does not apply to the following:

- a. Any complete application for development currently being processed by the Land Use Department, which may continue to be processed and reviewed as provided in the Land Use Code.
- b. Any application for development already approved by the Land Use Department prior to the effective date of this Resolution where such approval is validly maintained thereafter.
- c. Development which possesses either a statutory or common law vested right.
- d. Minor modifications to existing permits.

6. If a property owner believes certain activity is not subject to the temporary moratorium given the exceptions listed in Section 5 of this Resolution, the owner must submit a request for exemption in writing to the Land Use Director. Work eligible for an administrative exemption from the moratorium may only proceed upon written approval of the Land Use Director.

A motion to approve the foregoing Resolution imposing a temporary moratorium was made at the duly noticed public business meeting held on September 20, 2018 by Commissioner Jones, seconded by Commissioner Domenico, and passed by a 2-0 vote of the Board.

ADOPTED on this 20th day of September, 2018, effective immediately.

BOARD OF COUNTY COMMISSIONERS
OF BOULDER COUNTY:



Cindy Domenico

Cindy Domenico, Chair

Elise Jones

Elise Jones, Vice Chair

(Excused)

Deb Gardner, Commissioner

ATTEST:

Cecilia S. Jacey

Clerk to the Board

Land Use

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BOULDER COUNTY LAND USE

Niwot Rural Community District (NRCD) Community Meeting Summary

October 17, 2018
Left Hand Grange No.9
6:00pm – 9:00pm

ATTENDEES

Participants

Staff collected names of 53 individuals who attended the meeting. Those names are included in the attached.

Meeting Facilitator

Mike Hughes

Boulder County Land Use

Christy Wiseman, Long Range Planner I

Dale Case, Land Use Director

Jose Ruano, Long Range Planner I

Laura Weinstein, Planner I

Nicole Wobus, Long Range Planning and Policy Manager

Boulder County Transportation

Mike Thomas, County Engineer

MEETING FORMAT

Staff prepared materials intended to gather input from the community in several key areas identified by staff as important to address as part of the Niwot Rural Community District (NRCD) Land Use Code update process. Five ‘stations’ were set up around the room, each focusing on a specific topic. Each station included a poster summarizing current conditions in the community related to that topic, and a poster to solicit feedback – both what the community member suggests with regard to that topic, and why.

Topics of focus included:

- Desired mix of different uses (office, retail, restaurant, residential)
- Sizes of structures including building footprints and height
- Interface, connections, and access between commercial and residential areas (paved surfaces aerial map)
- Site design and structure placement (setbacks from streets, sidewalks, alleys, lot coverage, etc.)
- The appearance of structures and how they fit the community character (materials and design)

The intended agenda for the meeting (copied at the end of this meeting summary) included time for community members to anonymously post their preferences with regard to each topic, then convene as a full group to review and discuss the feedback. However, the meeting began with questions about the moratorium and process. The facilitator opted to moderate an open discussion for the duration of the meeting. However, many individuals did post their preferences on the posters, either stepping away from the full group discussion or as they were leaving the meeting. Staff distributed a set of Frequently Asked Questions and Answers that covered many of the topics that were raised during the meeting. That document is available at:

<https://assets.bouldercounty.org/wp-content/uploads/2018/10/dc-18-0004-nrcd-faq.pdf>

GROUP DISCUSSION OVERVIEW

A summary of themes and key discussion points from the full group discussion is provided here. Follow up notes of clarification are included (*in italics*) in some instances.

Process-Related Topics

- At the start of the meeting Dale provided an overview of the rationale for the moratorium and the objectives for the Land Use Code updates moving forward. He noted the upcoming Board of County Commissioners (BOCC) hearing on October 30 at 3:30, and encouraged people to submit comments through the online comment form:
<https://www.bouldercounty.org/property-and-land/land-use/planning/land-use-code-update/dc-18-0004/>.
- In response to a question Dale provided more information about the purpose of this meeting in the context of the moratorium and the upcoming BOCC hearing, as well as whether and how Colterra restaurant's application to rebuild after fire damage is affected by the moratorium.
 - The BOCC hearing will address the topic of the moratorium (e.g., potential changes in scope, etc.). This community meeting is intended to gather information about the community's preference for the character and form of the community's physical development going forward so that staff can get started on the Land Use Code revisions and provide a more honed recommendation to the BOCC on October 30 regarding the scope of the moratorium and Code improvements. Staff held the meeting as quickly as possible following the moratorium in the interest of opening better lines of communication with the community. Staff welcomes the community's input in sharing preferences to guide the Code update process moving forward. A narrower scope of Code updates could facilitate a shorter moratorium and Code update process.
 - Dale explained Colterra has all pieces in place with regard to the Land Use process and should not be affected by the moratorium from a land use review perspective. Colterra's owner, Bradford Heap, clarified Colterra is unable to secure parking leases from other members of the community given that the moratorium is in place. Staff is working on the applicable requirements for the review given this is a fire rebuild project.
- A number of attendees expressed concern and frustration with staff for:
 - Not reaching out to the community to let them know the county was considering a moratorium, or to gather feedback from the community on issues that were of concern to the county

- Providing insufficient noticing for the community meeting
 - *Staff worked to hold the meeting as soon as possible after the moratorium was introduced. Noticing included sending email announcements to the Land Use Department's email list (~1,000), the Niwot Business Association, the Niwot Community Association, and Next Door (Niwot area, which included ~1,000 recipients). Notice of the event was also posted in the local newspaper, Lefthand Valley Courier. However, given the timing of the submittal the soonest it could appear in the paper was the day of the event.*
 - *Someone suggested sending post cards to all residents of Niwot. Considering time constraints, and that many residents do not receive this type of notice due to issues with P.O. box mailing addresses, staff felt the noticing that was done through email lists, contacting community groups, and the Lefthand Valley Courier was sufficient.*
- Providing insufficient communication with project applicants, and being unresponsive as project applicants have sought to advance their projects through planning review
 - *Staff works to provide the best public service possible while balancing other land use matters. Land Use Department leadership welcomes feedback when members of the public believe this is not occurring, and will do their best to explore the circumstances and address the situation.*
- Attendees suggested staff attend LID meetings and communicate with the Niwot Business Association to discuss development topics as they arise. Also discussed the possibility of adding a development agenda item to LID meetings and invite the neighbors to attend.

Alley North of Second Avenue

- Mike Thomas answered questions about alley ownership and the county's role in regulating and maintaining the alley:
 - The county owns the alley and regulates use of the alley in accordance with a determination letter issued by a county attorney in the early 1990s.
 - Use of the alley must not disrupt adjacent property owners or historic use of the alley.
 - The boundary of the alley is set per the plat.
- Alley and Rear Setback:
 - Safety:
 - Some don't want any alley access for commercial businesses; indicating that having trucks in the alley can create a danger for kids whose homes back up to the alley from the north side. Families moved there assuming the alley use would not change significantly in volume or type. However, alley usage relates to traffic along 2nd Avenue; if the alley is not used for access cars must cross the sidewalk on 2nd Avenue which also creates a safety hazard for pedestrians, and having delivery trucks on 2nd Avenue is intrusive for cyclists.
 - The community would like clarity on how much traffic the alley can handle given its narrow width and dirt construction. Some noted that Boulder's alleys are also narrow (similar to 2nd Ave alley) and are able to accommodate a lot of traffic.

- Attendees mentioned that sight triangles on driveways are critical for pedestrian safety. There are plenty of parking garages in Boulder where traffic crosses sidewalks and they have managed it without issues. Can some of those design principles be applied in Niwot?
- Non-safety related concerns of adjacent neighbors:
 - Some are concerned about the general disturbance of added residential traffic on the alley if more condos are built along 2nd Avenue. They feel intimidated by business owners and didn't anticipate changes and increased volume of activity on the alley when they moved there.
 - Some just want to see the alley maintained and respected.
- Setbacks from alley:
 - Having buildings close to the alley would block light for houses behind.
 - Larger setbacks off of the alley are desirable for the neighbors on the north side.
 - Some said historical setbacks make sense. Another noted that original buildings have been bulldozed because buildings in those previous configurations couldn't function within the Land Use Code constraints (setback requirement made them undevelopable). Many of those original buildings had residential uses but were zoned commercial.
 - When the parking [for a business] is all in the back, it duplicates the purpose of the existing alley and adds unnecessary impervious surface.
 - Some developers don't want any setback regulations in the Code to make it harder to develop historic properties.
- Maintenance:
 - Neighbors don't abide by existing rules regarding alley use.
 - Is it possible to pave the alleys and who would pay for that?
 - Can the county regulate the size of delivery trucks that can use the alley (and also mandate no idling)?
 - Some support burying power lines in the alleys while others expressed concern over the high cost.
 - Some expressed interest in beautifying the alleys while others said Niwot is supposed to be rural and that everything should not be clean and tidy.
- Character and avoiding frontage oriented to the alley:
 - Alleys in Lyons are named and have units with addresses on them [referring to ADUs]. Some expressed that they don't want that in Niwot.
- General comments related to alley:
 - It's impractical to rely on the history of how the alley has been used as a guide for future use. Alleys have been used by multiple modes (cars, bikes, walking) for a long time.
 - People have built fences that encroach onto the alley.
 - The alley is owned by the County for public use and must be allowed to serve that purpose.
 - Look at the variety of alleys in Boulder and the level of use.
 - The community was told the alley wasn't going to be part of the resolution to the moratorium, but the alley is a central issue. The alley was the dominating topic at this community meeting as well as those leading up to this one. The alley is a

dominating topic because it is a transition zone between predominantly residential and commercial areas.

Character and Intensity of Development along 2nd Avenue

- Several expressed interest in avoiding tall buildings and outcomes that resemble Boulder (i.e., avoid a line of box shaped buildings).
- Several supported that the 2nd Ave frontage should be primarily commercial, some expressed a preference for retail.
- Several supported a focus on walkability and de-emphasizing cars. One suggested accomplishing this by minimizing setbacks along 2nd Avenue and having parking in the back.
- Some noted the importance of diversity in site design across lots so not every lot looks the same (e.g., Colterra's garden in the front).
- Interaction with the street is important.

General Perspective on Change and Development

- Many recognize and accept change is inevitable in Niwot. Residents who have lived there for a long time have accepted many changes, and are ok with development to make the community vibrant. However, in their opinion some types of development are not ok.
- Niwot must find the balance between being a quaint town and one that supports a thriving business community.
- The community and county must consider what's reasonable in terms of traffic volume and visitation needed to support the businesses.
- The goal is to maintain what makes Niwot different from Boulder and Denver; maintain aesthetics consistent with community character; keep it charming even amidst development.
- Niwot Business Association's Vision: Plan for how to best use LID funds
- The county needs to use examples of real development projects to solicit feedback on the future of the community

Commercial / Residential Mix

- Some desire a 50/50 commercial/residential mix with residential on the alley side.
- A developer noted they had earlier plans to have all large buildings along 2nd Ave, but they've abandoned that. Now they plan for a number of smaller buildings with pedestrian ways suitable for supporting mixed use development along 2nd Ave.
- Some don't like the use of downtown for residences because it forces alley-related constraints.
- Businesses have brought vibrancy to the street – residences do not. People don't drive to Niwot to see apartment buildings. It's the quaint businesses that attract visitors.
- Some are more interested in number of buildings than floor area ratio

Parking

- The north side of 2nd Avenue gets more attention than the south side; we need to make sure the Code language recognizes that there isn't an alley for potential commercial use on the

south side of 2nd Avenue. South side businesses have more parking that trucks can utilize, though it takes away parking for customers

- Parking is a major concern in general. Colterra's parking lot is full even since they've been closed. Residential development will make parking worse. Plans for more parking by the Xcel Building won't solve parking problems. That's too far away from many of the businesses on 2nd Ave, and would be a significant constraint especially in the winter.

Communications, Sharing of Ideas and Collaboration

- There needs to be better business-community relations, especially when it comes to development.
 - Developers expressed they don't want more regulations; much can be addressed through better community collaboration.
 - Community members requested developers do more to share their plans with residents and request input ahead of any Land Use process.
- Left Hand Animal Hospital was presented as an example of good planning on the developer's side; door to door community outreach open to suggestion for modifications occurred in advance of finalizing plans. Too often community members don't hear about projects until plans are fully formed.
- There are no regular town meetings in Niwot so maybe the Niwot Business Association (NBA) could open their meetings to the public quarterly so that the community could review development proposals.
- The NBA needs to work with Niwot Community Association
- The county should include both the Niwot Business Association and the Niwot Community Association in distribution of materials related to all developments in Niwot.
- A positive outcome from this process is that it opened up communications.
- Developers would like a list of the emails of everyone who came to the meeting. Staff will provide attendees an opportunity to share their email with the developers.

Extent to Which Current Regulations Provide Appropriate Level of Community Input and Direction to Ensure Maintenance of the Community's Desired Character

- Developers expressed that the current Site Plan Review (SPR) process already has components of outreach and community notification to neighbors embedded within it.
- A resident expressed, "... we can't have residents getting stomped all over every time a business wants to come in."
- Anne Postle noted that for two of her projects she did a lot of outreach and received no community concerns. However, for the Southpaw project she went through the same process and it yielded a lot of concerns after it was already under construction. What she did was 'by right,' so it didn't occur to her she would have to go door to door soliciting input. She assumed that the reason the vet clinic needed such intensive community input was because it required the Special Review process under the Land Use Code (i.e., was not 'by right'). A year ago she told neighbors she would invite neighboring property owners to see her plans for the Osmosis property on 2nd Ave. The first plan included a lot of residential space, but she received feedback the community didn't like that she reduced the residential space. She got more negative feedback so she ultimately removed all residential and replaced it with commercial.

- A resident said they felt slighted by how the Southpaw project affected the rear-side neighbors. The dormers look down into their yard and there's no way to mitigate that.
- Another neighbor said their lack of support for residential was mischaracterized. They are not opposed to residential in general, just how residential would affect the alley (more residents accessing the alley). A couple individuals did express they didn't want any residential.
- Bob Von Eschen expressed that there's already a system in place that works. Development always takes a process. He's moved toward smaller projects with each of the four projects he's worked on in Niwot. Each time they get to an outcome that works. He feels he's working in synch with the community, and receives input on a site by site basis. That community feedback mechanism and compromise is already built into the SPR process. We have a nice street scape because of the ideas the community has contributed, not the county.

Colterra

- Colterra's owner explained that purchasing the property was a stretch, but it was his family's retirement plan. The success of the restaurant has put Niwot on the map and it is vital to the community. It is an economic success via an ethical business plan focusing on farm to table cuisine. The county needs to take responsibility for harming the community with the sudden, harsh moratorium. The moratorium is causing undue economic hardship.
- There was strong support for ensuring Colterra can return.

Concerns with the Moratorium

- There is concern that the county hasn't considered the economic consequences of the moratorium and that a moratorium would typically result in down-zoning or reducing economic value. The county could have discussed it with the community in advance at the Niwot Business Association meeting.
- "The county slapped the beehive and the bees are out."
- "The moratorium creates a civil war between businesses and residents."
- Niwot has struggled with vacancy in the past and the moratorium could lead to more vacancies along 2nd Avenue.

The community wants more information on what the county plans to do to try to fix the NRCD Land Use Code. Dale noted the county will address process issues and look at defining the mix of uses better (i.e., the ideal mix of commercial and residential) and address the interface between commercial and residential.

THEMES FROM NOTES PLACED ON POSTERS

Structure Site Design and Structure Placement

There are varied opinions on structure site design and structure placement, primarily in regard to setbacks and number of structures on the NRCD blocks between Franklin and Niwot Road. The setback disagreement within the community mostly pertains to nuisance caused by the proximity of tall structures to the alley as well as the possibility of increased traffic (residential and commercial).

- “Site design and structure placement should be determined by the land owner – consistent with existing setbacks....”
- “Don’t change our setbacks.”
- “The alley should not restrict access, and be 20’, beautified.”
- “New Construction should not be so looming over homes behind.” (This is in reference to the alley).
- “Setbacks in front can be reduced, maybe 10’. Increase setbacks at rear (no zero setbacks). Allow commercial landowner to develop same area (dimensions), but shift area towards 2nd Ave.”
- “No infill development. See how Southpaw utterly impacts the neighbors across the alley.”
- “Cramming buildings on small lots – infill looks like greed and more so removes any notion of vintage Niwot.”
- “Leave alley use as is. No additional access.”

Community Character

There is a general consensus in the community that new development in Niwot should contribute to its historic character. There are examples of properties in Niwot that individuals describe as contributing to its unique character as well as properties that do not fit with the Niwot charm. All of the developments that individuals describe as either contributing or taking away from the character of Niwot have been allowed to be developed under the current Code.

- “Image 20. While this works, I don’t think we want to see more parking emphasized, keep our walkability” (Image 20 refers to 361 2nd Avenue)
- “Image 22. Seven Wealth does not fit in with Niwot charm. Apartments along the back are an eye sore.” (Image 22 refers to 240 2nd Avenue)
- “Buildings like Seven Wealth and Southpaw are, in appearance, a visual blight on the ambiance of Niwot. I want buildings whose outer appearance fit the rural character of Niwot.”
- “Image 18. Don’t like. Cars are forward and don’t add to the area character.” (Image 18 refers to 283 2nd Avenue).
- “Respect and preserve the intention and vision of the early homesteads, pioneers and those that built this special community.”

Mix of Uses

There is general agreement that the presence of mixed use developments in the NRCD contributes to Niwot’s unique community character. There is however disagreement on the ratio between residential and commercial uses. While some individuals believe the percentage of residential and commercial uses should be determined by the property owner, others advocate for a 50-50 split.

- “Mixed use promotes walkability and sustainability, affordable housing. Contributes to the charming character of the Niwot Community. A property owner should have the right to determine what mix of residential + commercial development works financially.”

- “Development should be allowed to be all residential or commercial. Mixed use should be on larger area than one development.”
- “Projects should be allowed flexibility. Both residential and commercial work.”
- “What I would like is at least 50 percent commercial on each lot.”
- “Mixed use if preferable to make community.”
- “Mixed use development would make a vibrant, successful downtown area, making sure all Niwot residents have a great place to go, and that our town survives and thrives”
- “I like the idea of a residential area in a two-story commercial building as long as it includes respect for privacy of any neighboring parties that could be adversely affected. Improves mix of 2nd Avenue.”
- “I think any building frontage on 2nd Ave should be commercial and preferably retail.”

Sizes of Structures

There is general agreement that buildings in the NRCD should maintain the current 2 story (30') height limit, however there are varied opinions on density. While some individuals state that increased density is ok, others believe there should be controls on the density of new development.

- “30' height limit ok.”
- “Maintain current height”
- “Maintain current 2 story limit to all buildings”
- “Blocks 3 and 4 can be higher. The historical character is less there.” (Blocks 3 and 4 refer to the NRCD blocks between Franklin and Niwot Road).
- “Place controls on the density of new development in the NRCD.”
- “Reasonable size + quaint design will support the economic viability of the town. People come here because of the character of the town not because there aren't restaurants other places.”
- “Block 4. More mixed use and higher density is ok.” (Block 4 refers to the northeast side of 2nd Avenue between Franklin and Niwot Road).

Interface, Connection, and Access

There is a high level of contention within the community in respect to how the Niwot Rural Community District I is traversed. Concerns of safety, traffic, noise, parking, walkability, bike-ability and character are among the various topics of disagreement. There is consensus among the community that the concerns should be addressed.

- “Entry for west bound traffic into 2nd Ave. needs to be gentle + pleasant + safe”
- “The alley should be used. Safety on 2nd Ave.”
- “The alley should stay as it currently is. Niwot is already congested as it is. More traffic detracts from the ambiance of Niwot.”
- Leave alley use as is. No additional access. Maintain quiet adjacent residences.
- “No more parking”
- “Alley keeps more cars off the streets creating walkability and bike safety.”

- “The alley needs to be improved so that cars – trucks don’t create massive ruts. The alley can be beautiful to allow for foot traffic so you don’t have to walk through the mud.”
- “I think there needs to be a compromise on the alley.

Other

In addition to commenting on specific topics, participants provided other general comments. Comments primarily pertained to the moratorium, communication, notices, the Land Use Code, and project review processes.

- “Moratorium should be lifted”
- “Don’t halt growth just because Boulder County has decided it has not kept its regulations up to date.”
- “Lack of communication broke existing trust with Boulder County. Makes liars of those who have claimed you care + ‘get us’”
- “Boulder County must ensure that residents are informed about building plans. Businesses rely on this happening.”
- “No change to the current planning process”
- “Neighbors need to be part of the design review process. Come up with a unique process for Niwot.”

OUTCOMES AND NEXT STEPS

- Based on the group discussion, there were several topics about which perspectives and preferences differed, and some topics about which consensus emerged, as summarized below. Asterisks appear next to each topic that would likely be a subject of the Land Use Code updates.

Consensus appears to exist on the following topics:

- Residents are generally comfortable with some level of development if it can be carefully managed.
- *Community members would like to have information about developers’ plans earlier on in the process, and to improve processes related to communications and community engagement in the Land Use processes.
- *The community is comfortable with a mix of residential and commercial in theory, though there are differences of opinion about the appropriate mix, and concerns about the effects either use will have on the alley.
- *The community supports having primarily commercial uses having frontage to 2nd Avenue.
- *There is general support for treating each site on a case by case basis, and for diversity in site design.
- The community supports Colterra restaurants’ speedy return to operation.

Significant differences exist related to the following topics:

- *Density and design parameters, including building bulk and massing, and the number and location of structures per parcel
 - *Appropriate amount of residential, retail and office uses
 - *Interface, connections, and access to and between commercial and residential areas
 - Access and site design recognizing the need for safety, efficient circulation and impacts on neighbors considering parking, alley access and pedestrian circulation
- Staff will consider feedback received at the meeting when preparing a recommendation to the BOCC for a potential revised scope for the moratorium, and as part of the process of developing revisions to the Land Use Code. Staff recognizes concerns exist in several areas, and there is a sense of urgency on all sides of the issues.
 - Staff will work to address the community's various concerns related to communications. With regard to this Code update process, those who provided email addresses on the sign in sheet, or who provide public comment via the online form will receive notices about the Land Use Code update process going forward.
 - A BOCC hearing will take place October 30 at 3:30. Staff will make a recommendation regarding the scope and extent of the moratorium going forward. Public comments are welcome at the hearing.
 - Written public comments are welcome via the online comment form, and information related to the process is available at:
<https://www.bouldercounty.org/property-and-land/land-use/planning/land-use-code-update/dc-18-0004/> .

Meeting Agenda
Niwot Community Meeting
October 17, 2018
6:00 p.m. – 9:00 p.m.

Meeting Objectives:

- Hone the scope and prioritize topics for the Land Use Code update for the Niwot Rural Community District
- Reveal different ways of seeing the future of the historic area
- Connect those differences to individual participant's own hopes, aspirations, fears, vision, future
- Deepen a sense of community through the dialogue in this meeting
- Give community members the opportunity to voice concerns and raise questions about the process, about the future of this area and about the staff's next steps
- Give staff the opportunity to clarify next steps

6:00	Welcome Introductions Preliminary Items <ul style="list-style-type: none">- Meeting Objective- Agenda Preview- Ground Rules, etc.- Brief moratorium overview- Map introduction
6:15	Anonymous Declaration of Your Idea of the Future Do you have any thoughts or concerns about the following issues and how they do or could impact what you value? <ul style="list-style-type: none">- Desired mix of different uses (office, retail, restaurant, residential)- Sizes of structures including building footprints and height- Interface, connections, and access between commercial and residential areas- Site design and structure placement (setbacks from streets, sidewalks, alleys, lot coverage, etc.)- The appearance of structures and how they fit the community character (materials and design) WHY? <ul style="list-style-type: none">- What's your Vision?- What do you Need?- What do you Hope for?- What do you Think Others See/Need/Hope For?
6:45	Discussion – How Far Part Are You?
7:15	Discussion – will be based on the previous exercise outcome and used to clarify anything that may need to be clarified. (i.e. some of the tools that the county may use to resolve an issue)
7:45	Discussion – Q & A
8:20	What's Next?
8:30	Adjourn

Article 4-116

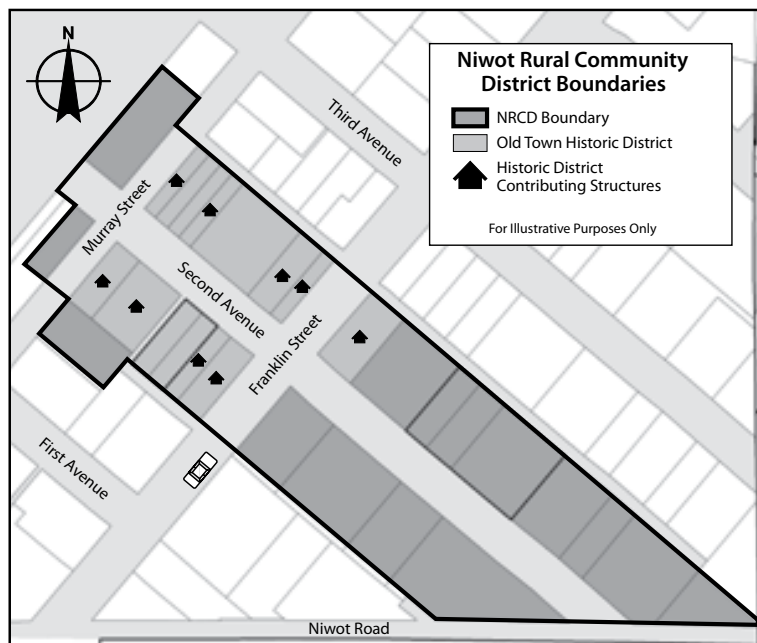


Article 4-116 • Niwot Rural Community District (Fully Illustrated Version Under Separate Cover)

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 Dyni

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 NRCD 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 NRCD 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 NRCD 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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