

STATE OF COLORADO
COUNTY OF GILPIN
CITY OF BLACK HAWK

COUNCIL BILL NUMBER: CB5

ORDINANCE NUMBER: 2022-5

TITLE: AN ORDINANCE AMENDING CERTAIN PROVISIONS OF THE BLACK HAWK MUNICIPAL CODE REGARDING OFF STREET PARKING

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BLACK HAWK, GILPIN COUNTY:

Section 1. Section 16-261, subsection (d) of the City of Black Hawk Municipal Code is amended to read as follows:

(d) Because of the historic nature of the downtown area, the intent to make the best use of the Commercial Gaming District and the desire to emphasize the pedestrian nature of these areas, off-street parking in these areas may not be feasible or desirable. In these districts, provisions will be made for a contribution to a parking fund which will finance construction of nearby and remote City-owned ***parking areas*** lots. Contribution will be calculated based upon the uses by area (square feet) within the given structure. The *fees in lieu of off-street parking spaces* are addressed in Ordinance 91-10, as amended.

Section 2. Section 16-262, subsections (b) and (e) of the City of Black Hawk Municipal Code are amended to read as follows:

(b) The proposed method of complying with this Article shall be indicated on all plans required to be submitted to the Planning Department as a part of an application and on any ***site plot*** plan submitted for a building permit. No off-street parking shall be used or occupied without first obtaining a certificate of occupancy or use. Any off-street parking that was maintained and operated pursuant to a valid conditional use permit on February 25, 1999, is considered a legal nonconforming use and is not required to obtain a certificate of use.

* * *

(e) Any change in the use of ***any portion of*** a building, ***structure***, or lot which increases the off-street parking as required under this Chapter shall be unlawful and a violation of this Chapter until such time as the off-street parking complies with the provisions of this Chapter.

Section 3. Section 16-263, subsection (a) of the City of Black Hawk Municipal Code is amended to read as follows:

(a) All uses shall, at a minimum, provide the number of off-street parking spaces listed below. Buildings with more than one (1) use shall provide parking required for each use.

<i>Use</i>	<i>Number of Spaces Required</i>
Studio or 1 bedroom:	1.5/dwelling unit
2 or more bedrooms:	2/dwelling units
In addition, multi-family dwellings:	1/guest space per 5 dwelling units
Hotels and motels, and any overnight room rentals:	1.12/room, suite/individual exit
Bed and breakfasts and short-term rentals:	1/guest room in addition to those required for related residential use
Schools, academies, colleges, trade or business schools:	1/instructor and/or administrative personnel and 0.5/student
Health & athletic clubs, aerobics, recreational, amusement & entertainment facilities:	1/125 sf.
Theaters & public assembly, places of worship, social clubs, funeral home & crematoriums:	1/space per 3 seats provided within the facility
General office:	1/250 sf. (minimum 3/business)
Medical office, clinic:	1/135 sf.
Hospitals:	1/2 beds & 1/resident doctor & 1/2 employees (full or part-time) per shift
Dining & drinking establishments:	1/75 sf.
If dancing and/or entertainment is provided:	1/50 sf.
Outdoor dining & drinking areas:	1/ 200 75 sf. x(outdoor dining area) (gross indoor area)
Gaming establishments:	1/75 sf. of gaming area with seating, 1/50 sf of gaming area or 1 gaming device for areas without seating, whichever is more, in addition to those spaces required for other uses in the same building as provided in this Chapter
General commercial and retail sales:	1/300 sf.
Manufacturing & industrial uses, contractors' yards, business services, printing, fabrication plants:	1/500 sf.
Furniture store, warehousing & storage facilities:	1/500 sf. for first 10,000 sf. and 1/5,000 sf. for remaining area
Mini-storage facilities:	1/5,000 sf.
Distillery:	1/500 sf.
Distillery Warehouse:	1/4,000 sf. Minimum 1 space & Maximum 3 spaces
Tasting Room	1/150 sf.

Section 4. Section 16-264, subsection (a)(3)b. of the City of Black Hawk Municipal Code is amended to read as follows:

(3) Measurement of floor area. Floor areas used in calculating the required number of parking spaces shall be gross floor areas of the building calculated from the outside wall without regard to specific inside use. In mixed use facilities:

a. Calculations shall be based on gross square footage of each identifiable use within the building;

b. An *office* shall include general office area, gaming cash count areas and vaults; a *gaming* or *restaurant* use shall include gaming, cashiers, restaurants, kitchens, freezers and bar areas; and a *hotel* use shall include all square footage/*rooms* dedicated solely to the hotel use;

c. Uses which serve more than one (1) of the uses, such as bathrooms, mechanical rooms, stairwells, circulation, air shafts, storage areas and elevators shall be prorated based on the area of each identifiable use; and

d. The total square footage of each identifiable use shall be the same as the gross floor area calculated from outside wall to outside wall.

Section 5. Safety Clause. The City Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City of Black Hawk, that it is promulgated for the health, safety, and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The City Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be attained.

Section 6. Severability. If any clause, sentence, paragraph, or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect application to other persons or circumstances.

Section 7. Effective Date. The City Clerk is directed to post the Ordinance as required by the Charter. This Ordinance shall become effective upon posting by the City Clerk.

READ, PASSED AND ORDERED POSTED this 23rd day of March, 2022.

ATTEST:


Melissa A. Greiner, CMC, City Clerk


David D. Spellman, Mayor

