

**STATE OF COLORADO
COUNTY OF GILPIN
CITY OF BLACK HAWK**

COUNCIL BILL NUMBER: 24

ORDINANCE NUMBER: 2022-24

**TITLE: AN ORDINANCE REPEALING AND REENACTING DIVISION 3 of
ARTICLE III of CHAPTER 15 OF THE CITY OF BLACK HAWK
MUNICIPAL CODE ENTITLED HISTORY APPRECIATION
RECREATION DESTINATION DISTRICT**

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

Section 1. Division 3 of Article III of Chapter 15 of the Black Hawk Municipal Code
is repealed and reenacted to read as follows:

ARTICLE III

Sign Standards

Division 3 History Appreciation Recreation Destination District

Sec. 15-51. General.

(a) This Division addresses those signs which are allowed within a specific commercial zoning district of the City, those properties which are located within the History Appreciation Recreation Destination (HARD) District.

(b) This Division only applies to those properties zoned HARD on the official zoning map of the City of Black Hawk, as adopted by the City.

(c) The regulations herein are in addition to all other regulations of Chapter 15 (Sign Code). In the event of any conflict between this Division 3 and another regulation, the regulations of this Division 3 shall prevail.

(d) Signs in the HARD District shall be reviewed, as specified by these regulations, by the HARD District Sign Committee. The Committee shall be comprised of the City Manager, the Planning Department Director, and a third member designated by the City Manager.

(e) Types of signs allowed in the HARD District:

- (1) Permanent signs as provided by Section 15-53 of this Chapter. Awning, canopy, marquee, electronic message centers, freestanding, joint identification, blade, wall, sandwich boards and window signs.
- (2) Temporary signs as provided by Section 15-54 of this Chapter. Community event signs, temporary HARD signs (including banners for businesses or events), and other temporary signs (election signs, holiday and seasonal decorations, and limited duration signs).

Sec. 15-52. Permanent sign permit approval.

(a) The owner of any building, group of buildings, public areas, or recreational site or trail located in the HARD District is required to submit a comprehensive sign plan application and a certificate of architectural compatibility application prior to issuance of a sign permit for any such property. The HARD District Sign Committee shall review and make a recommendation to City Council of any application prior to City Council consideration. City Council approval of a comprehensive sign plan and a certificate of architectural compatibility are required prior to any action listed below in Section 15-52(a)(1) through (4). The application process pursuant to this Section 15-52 shall comply with Section 15-13 (comprehensive sign plan) of this Chapter and Section 16-368 (City Council design review and compatibility process) of the Black Hawk Municipal Code. Approval is required for:

- (1) Initial sign installation.
- (2) Major modifications (changes to greater than ten percent (10%) of the initial approved comprehensive sign plan sign area not including a mere change in the text of the sign).
- (3) Signage for permitted secondary uses occupying the same structure as a principal use. The secondary use's signage shall be subordinate to the principal use's signage.
- (4) Initial installation of any electronic message centers of any size. Replacement of a previously approved electronic message center is allowed to be approved administratively by staff only if the replacement sign is the exact same dimensions and in the same location.

(b) HARD District Sign Committee review. Within thirty (30) days of receipt of a complete application, the HARD District Sign Committee shall review and recommend approval or denial of the application to City Council or the Director, as the case may be. The application shall be recommended for approval if:

- (1) Implementation of the sign plan will provide signage that is compatible with the surrounding development and designed with a high-quality appearance;
- (2) Implementation of the sign plan will result in architecture and graphics of a scale appropriate for the surrounding neighborhood and development area;
- (3) Implementation of the sign plan will provide signage consistent with the architecture and site plan characteristics of the proposed or existing project;
- (4) Implementation of the sign plan will be materially beneficial in achieving the goals and objectives of the City's standards that relate to community design and aesthetics; and
- (5) Implementation of the sign plan will be materially beneficial in achieving the goals and objectives cited in the purpose of the Sign Code.

(c) Tenant Sign Plans. Business owners that become tenants of City property within the HARD District, and desire to install signs advertising their business, must prepare and submit a Tenant Sign Plan for review and approval by the HARD District Sign Committee. Tenant Sign Plans must include the following:

- (1) Cover sheet with business name, business physical address, business mailing address, business owner name, business owner phone number, business owner email
- (2) Simple site plan showing the locations of all proposed signs
- (3) Building elevations/color renderings showing location of all proposed signs
- (4) Sign table indicating sign materials, dimensions, colors and fonts

Sec. 15-53. Permanent sign regulations for the HARD District.

(a) Gregory Street signs. A comprehensive sign plan shall be prepared and approved in accordance with Section 15-13 for properties located within the HARD district and along Gregory Street with the intention that signs on those properties be consistent in style, color and font. Sign colors shall adhere to the historic color palette established by the HARD District Sign Committee. Sign fonts shall be consistent with the Gregory Street HARD District theme as determined by the HARD District Sign Committee.

(b) Permanent signs in the HARD district—Performance standards. Permanent signs permitted in the HARD District include awning, canopy, marquee, electronic message centers, freestanding, joint identification, blade, wall, sandwich boards and window signs. All permanent signs shall comply with the area, dimensions and height requirements set forth in this Article and the Black Hawk Commercial Design Guidelines. Permanent signs shall not be allowed to be made of flexible cardboard, vinyl, fabric (excluding awnings), or similar non-rigid material.

(1) Awning, canopy and marquee signs.

- a. Only the portions of the awning, canopy or marquee sign that contains text shall be counted towards the wall sign allowance for that business;
- b. Awning, canopy, and marquee signs within multi-tenant/multi-building complexes shall be consistent in color, size, material and letter size with all tenants;
- c. Height requirements.
 1. Marquee signs are limited to the height of the roofline; and
 2. Awning and canopy signs are limited to the first-floor elevation; and
 3. Rooftop signs are prohibited.
- d. Setback requirements.
 1. Awning and canopy sign setbacks are subject to review by the HARD District Sign Committee; and
 2. Marquees must be located on the building and not project more than six (6) feet from the wall of the building on which the marquee is placed.

(2) Electronic message centers (EMCs) for interior (window or door) use only.

- a. EMCs are encouraged as a form of sign to be used as a replacement for eight and one-half (8.5) x eleven (11) temporary paper advertisements which are prohibited except as provided by Section 15-43(a)(1). EMCs can be an effective means to eliminate unattractive clutter on windows and doors. EMCs can contain one (1) or multiple messages in form of a slideshow. EMCs do count

toward the total sign area allowed for the property if they are located inside a building within three (3) feet of an exterior window. If an EMC located inside the building is more than three (3) feet from a window, it is not regulated by this Section of the Code.

- b. Message hold time. Each message displayed shall remain static for a minimum of eight (8) seconds. All such signs shall have a default mode to prevent the display from malfunctioning in a flashing or intermittent fashion.
 - c. Transition method. Each EMC shall be limited to static messages or streaming recorded video (live video is not allowed) and shall not have movement, or the appearance of optical illusion of movement of any part of the sign structure design, or pictorial segment of the sign. This shall include the movement or appearance of movement of any illumination or the flashing, scintillating or varying of light intensity. The transition duration for each image change shall be instantaneous.
 - d. Each EMC shall be equipped with dimming technology that varies the brightness of the electronic sign according to ambient light conditions. Owners of overly bright EMC that create a public safety risk based on the brightness will be notified to reduce brightness.
 - e. The intensity of the light source shall not produce glare, the effect of which constitutes a traffic hazard or is otherwise detrimental to the public health, safety or welfare. Lighting from the message module shall not exceed five hundred (500) NIT (candelas per square meter) between dusk and dawn as measured by the equivalent "percentage of maximum brightness-nighttime" setting on the applicant's sign controlling software. Applications for sign permits containing an electronic display shall include the manufacturer's specifications and NIT rating. City officials shall have the right to view the technical specifications of the sign to determine compliance, at any time in the future after it is installed.
- (3) Freestanding and joint identification signs are allowed in areas of the Gregory Street Hard District for business center identification (combination of office and/or retail uses) subject to review by the HARD District Sign Committee.
- a. Freestanding signs are permitted for those centers with businesses in the HARD district which do not share a building, a common wall, or common parking area with another business;

- b. No freestanding sign shall be located within ten (10) feet of another freestanding sign;
 - c. All freestanding signs shall be set back a minimum of five (5) feet from a right-of-way and limited to twenty-five (25) feet in height;
 - d. Freestanding signs may be internally or indirectly illuminated.
- (4) Blade signs.
- a. The bottom of the sign shall be a minimum of eight (8) feet above the sidewalk or thirteen (13) feet above a vehicular drive area;
 - b. The sign shall not project more than eight (8) feet from the surface of which the sign is placed.
- (5) Wall signs.
- a. Wall signs shall not exceed the height of the roofline; and
 - b. Wall signs shall not project more than one (1) foot from the wall on which they are placed.
- (6) Sandwich boards.
- a. Sandwich boards may not exceed 24" x 36" in size; and
 - b. Sandwich boards must be placed within thirty (30) feet of the business door for which it is associated, and may not create a risk to pedestrian safety.
 - c. HARD District sandwich board signs shall be limited to those provided by the City. One (1) sandwich board is permitted per tenant or use.
- (7) Window signs.
- a. In accordance with Section 15-41, window signs that are two (2) square feet or smaller shall be exempt from the total area limitations however any of the allowed following signs shall count toward the allowed sign area on a property and must be included in the specific tenant sign plan submitted for review and evaluation by the HARD District Sign Committee;
 - b. Window signs shall not cover more than twenty-five percent (25%) of the glass area on any window or door;

- c. Any sign or image inside a building that is or is not attached to or within three (3) feet of a window or door, but is legible from a distance of fifty (50) feet or more beyond the building where the sign is located, will count toward the total sign area allowed;
 - d. Window signs are limited to the first floor of a building; and
 - e. Window signs must be high quality, professional grade material. Paper signs are not permitted.
- (8) Other permanent signs.
- a. Flags. American, Colorado and City of Black Hawk flags shall be flown in accordance with the United States Flag Code, 36 U.S. Code; flagpoles may be mounted on the fronts of buildings as outrigger poles, not to exceed a forty-five (45) degree angle from vertical (pointed upward), and maximum of ten (10) feet in length with a maximum flag size of six (6) feet by eight (8) feet; and flagpoles may not be mounted on a parapet. Flagpoles attached to the ground shall not be greater than seventy-five (75) feet in height. If mounted on top of a building, flagpoles shall not be greater than twenty-five (25) feet in height. Flags do not count toward allowed sign area. Flags desired to be larger must be reviewed and approved through the comprehensive sign plan process by City Council. Flags proposed shall also be included in the Tenant Sign Plan for approval by the HARD District Sign Committee.
 - b. String lights. String lights, catenary lights or colored tree lights may be used for decorative purposes year-round and shall be installed according to the National Electrical Code.
 - c. Landscape lighting. Lighting of/on landscaping is allowed year-round on public property on live landscaping or on or above a hardscape. Landscape lighting is allowed on private property if a certificate of architectural compatibility is approved by City Council in accordance with Section 16-368 of the Black Hawk Municipal Code.

Sec. 15-54. Temporary sign regulations for the HARD District.

- (a) Temporary signs—Performance standards.
- (1) Temporary signage is subject to the regulations as described below:

- a. Temporary signs shall include all signs used only temporarily and those that are not permanently mounted.
 - b. Temporary signs may be displayed for the duration of an event, construction project or transaction, as allowed in this section or as approved by the HARD District Sign Committee, but shall not exceed 30 days without approval by the HARD District Sign Committee.
 - c. Temporary signs shall not exceed the size limitations provided in this section.
- (b) Temporary signs requiring HARD District Sign Committee review and approval:
- (1) Community event signs (including banners for businesses or events). These temporary signs can be used for announcing new businesses, community events and activities. These signs are subject to the following restrictions:
 - a. Community event signs are to be placed at the designated community event sign locations as determined through Hard District Sign Committee approval;
 - b. Community event signs are to be placed no more than three (3) weeks prior to the event and must be removed within three (3) days after the event;
 - c. Community event signs may be placed on a fence or wall;
 - d. Each community event sign shall be limited to forty-eight (48) square feet; and
 - e. No community event sign shall be erected over eight (8) feet in height if placed as a freestanding sign.
 - (c) Temporary signs allowed without a permit.
 - (1) Election season signs. These signs are allowed thirty (30) days prior to a scheduled election, and must be removed three (3) days immediately following the election as defined in this Article; no more than one (1) sign equal to the total number of national, State or local ballot questions and candidate elections is permitted on a nonresidential parcel. Such signs shall not exceed four (4) square feet per face, not be taller than four (4) feet, and can only be on private property.

(2) Holiday and seasonal decorations. Holiday string lights or colored tree lights may be used for decorative purposes to coincide with the holiday season and shall be installed according to the National Electrical Code. Holiday string lights or colored tree lights may be installed beginning on October 1 and must be removed no later than February 15 of the following year. Holiday string lights or colored tree lights may be illuminated during the holiday season, which begins on November 1 and continues to February 15 of the following year. All other holiday/seasonal decorations may be used twenty (20) days prior to a national holiday or seasonal change and shall be removed ten (10) days after the national holiday or seasonal change. Illumination is allowed.

(3) Building permits. Signs announcing the City or State approved building permits on the property are exempt from permit requirements. The permit should be in a noticeable location that is visible to a visiting inspector.

(4) Small temporary signs. Small temporary signs that do not require a permit shall be subject to the following restrictions.

- a. Small temporary signs shall not exceed six (6) square feet per face and the top of the sign shall not be higher than ten (10) feet above street grade;
- b. There shall be not more than two (2) small temporary signs on any property;
- c. Small temporary signs shall be displayed only on the property to which they pertain;
- d. Small temporary signs shall not be illuminated;
- e. Small temporary signs may be displayed for the duration of a construction project, transaction, or event and they shall be removed upon completion of the project, transaction or event.

Section 2. 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.

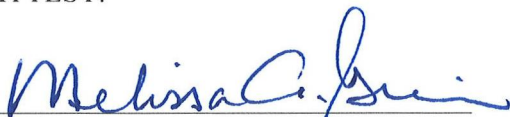
Section 3. Severability. If any clause, sentence, paragraph, or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect application to other persons or circumstances.

Section 4. 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 9th day of November, 2022.


David D. Spellman, Mayor

ATTEST:


Melissa A. Greiner, CMC, City Clerk

