

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

COUNCIL BILL NUMBER: CB09

ORDINANCE NUMBER: 2023-09

TITLE: AN ORDINANCE AMENDING CHAPTER 4 AND CHAPTER 16 OF THE BLACK HAWK MUNICIPAL CODE REGARDING PARKING IMPACT FEES, PARKING REGULATIONS AND OTHER MINOR AMENDMENTS TO THE BLACK HAWK ZONING ORDINANCE

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

Section 1. Article VI of Chapter 4 of the City of Black Hawk Municipal Code entitled "Parking Fees" is hereby repealed in its entirety.

Section 2. The definition of *Short-term rental* in Section 16-24 is amended to read as follows:

Short-term rental means a dwelling occupied by a paying guest on a temporary or transient basis, not exceeding thirty (30) days, where kitchen and other food preparation facilities may be provided, and which is required to be occupied as a primary residence by the individual using the dwelling as a short-term rental. A short-term rental does not include a *bed and breakfast* as defined in this Section 16-24.

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

<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 &	1/space per 3 seats provided within the facility

crematoriums:	
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 sf.
Gaming establishments:	1/250 sf.
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.

In Industrial Zone Districts, the applicant may demonstrate to the Board of Aldermen that the required number is too high, in which case, if approved by the Board of Aldermen, the applicant may develop the approved number of spaces but shall provide additional area for expanded parking, and such area shall be landscaped with ground cover.

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

(a) Calculation of parking space requirements. Where parking facilities are combined and shared by two (2) or more uses:

* * *

(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. *Gaming* establishment use shall include the gaming floor, cashiers, restaurants, kitchens, bar areas, storage/warehousing, and all other uses related to the gaming establishment;

- c. Those portions of a *Hotel* building not included in rooms for rent shall be exempt from parking requirements;
- d. Buildings (except *Hotel*) including other interior uses such as bathrooms, mechanical rooms, stairwells, circulation, air shafts, storage areas and elevators shall be included in the gross square footage calculation of the building; and
- e. 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. Section 16-266 of the City of Black Hawk Municipal Code is hereby repealed in its entirety.

Section 6. 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 7. 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 8. 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 26th day of April, 2023.


David D. Spellman, Mayor

ATTEST:


Melissa A. Greiner, CMC, City Clerk

