

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

COUNCIL BILL NUMBER: CB23

ORDINANCE NUMBER: 2019-23

**TITLE: AN ORDINANCE REPEALING AND REENACTING CHAPTER 15 OF
THE BLACK HAWK MUNICIPAL CODE ENTITLED THE BLACK
HAWK SIGN CODE**

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

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 Chapter 15 of the Black Hawk Municipal Code is repealed and reenacted to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

**ARTICLE I
General Provisions**

Sec. 15-1. Purpose.

(a) The purpose of this Article is to create a comprehensive and balanced system of signs to facilitate and encourage innovative signs which will aid in the easy and pleasant communication between people and the environment and to avoid the visual clutter that is potentially harmful to persons in vehicles, pedestrians, property values, business opportunities and community appearance.

(b) It is not the purpose or intent of this Sign Code to regulate the message displayed on any sign; nor is it the purpose or intent of this Sign Code to regulate any building design or display not defined as a sign, or any sign which generally cannot be viewed from outside a building. The content of the message or speech displayed on the sign shall not be reviewed or considered, within the limits of public decency, in determining whether to approve or deny a sign permit.

(c) To accomplish these purposes, it is the intent of this Article to encourage and authorize the use of signs in the community which will:

(1) Be compatible with and enhance the character of the property and architecture when considered in terms of scale, color, materials, lighting levels, adjoining buildings and uses, and historic character;

(2) Be appropriate to and expressive of the existing on-site business or activity for which the signs are displayed;

(3) Be creative in the use of unique two- and three-dimensional forms, employ exceptional lighting design and represent exceptional graphic

design, including the use of color, pattern, typography and materials. Signage which simply maximizes allowable volume in rectangular form is strongly discouraged;

(4) Be expressive to the identity of individual activities and to the community as a whole;

(5) Encourage signs which are legible in their surroundings; conserve the architectural characteristics of the buildings upon which they appear; are aesthetically consistent and appropriate to the activities identified; and are expressive of both the architecture of the building which the sign serves, and the individuality of the owner of the building; and

(6) Be of high quality and durable materials.

Sec. 15-2. General regulations.

(a) No sign shall be erected unless it is in full compliance with this Chapter, with the regulations for the zoning district in which it is located and with all applicable laws of the City and the State. The general provisions of this Section shall apply to all signs, except as modified or otherwise provided for by the specific requirements for any special sign or by the specific provisions of any zoning district.

(b) Unless specifically permitted by another Section of this Chapter, it shall be unlawful for any person, firm or corporation to erect, alter, construct or reconstruct any sign without first obtaining a permit from the Planning Department.

(c) All signs shall meet the applicable design, construction and related standards specified in the International Building Code. An electrician licensed by the State shall perform all electrical work. No electrical work shall be performed without first having obtained a valid electrical permit issued by the City of Black Hawk. Signs which block any window, doorway or any other opening required for proper ventilation, light or exit facilities as specified in the current edition of the International Building Code are prohibited.

(d) No sign shall be placed so as to block any traffic sign or so as to interfere with the free movement of traffic or to interfere with the vision of motorists, bicyclists or pedestrians. These include signs which, by their light or focus, cause a traffic and/or safety hazard and signs that project into any public right-of-way, except public signs as specified in Article III of this Chapter, or signs specifically authorized to project over the right-of-way by the City Council by means of a license agreement.

(e) Enforcement of this Chapter shall be carried out in accordance with Chapter 16, Article XVI of the Black Hawk Municipal Code and as provided in this Chapter.

(f) Every sign shall be maintained in good structural condition. The City Manager, or his designee, shall inspect and have the authority to order the repainting, alteration, removal or general upgrading of the condition of any sign which constitutes a hazard or violates the stated purposes of this Chapter through dilapidation or inadequate maintenance.

(g) For the purposes of this Chapter, no building shall have more than four (4) sides regardless of the number of breaks a side of a building may have or the number of oblique angles a building may contain.

(h) Any proposed sign or sign plan allowed by the code which exceeds the maximum requirements set forth below shall be subject to an appeal or variance in accordance with Section 15-4 of this Chapter.

(i) Materials not allowed for permanent signs: Permanent signs shall not be created using fabric (excluding awnings), vinyl, paper, canvas, cardboard, or any other lightweight material.

(j) In case of projecting or blade signs that utilize the airspace above public right-of-way, a license agreement between the applicant and the City shall be required prior to installation of any such sign.

Sec. 15-3. Prohibited signs.

The following signs are prohibited and shall not be erected or maintained, unless specifically permitted by another section:

(a) Animated signs and signs which are mechanically agitated or designed to move or make any motion whatever;

(b) Signs using any sound, noise-making or transmitting device with such sound device used separately for advertising purposes beyond the confines of a building or property;

(c) Sign which are held by a sign spinner;

(d) Signs affixed to parked vehicles, including but not limited to automobiles, trucks, buses, semi- trailers (attached or detached), trailers, mobile homes, boats, vans, etc.;

(e) Balloons, pennants or wind-enhanced devices;

(f) Roof signs;

(g) Searchlights, except for specific grand openings for a limited amount of time if approved by a special events permit;

(h) Strings of light bulbs, other than traditional holiday decorations. String lights are not permitted as signage unless submitted through a lighting plan to be approved (permanent style installation) through the City Council design review and compatibility process as specified in Section 16-368. String lighting must meet all building/fire safety codes and life safety issues and shall require periodic inspections by Building and Fire Departments;

(i) Signs which block any window, doorway, or any other opening required for proper ventilation, light, or exit facilities;

(j) Signs or posters on or extending into any public right-of-way, except as authorized by resolution of City Council and subject to a license agreement between the applicant and the City prior to installation of any such sign or poster;

(k) Off-premise advertising signs or billboards;

(l) Portable signs or devices unless specifically authorized;

(m) Wind-powered devices or any advertising device constructed to be agitated by wind;

(n) Nuisance signs which by their light or focus create a nuisance for a surrounding or adjacent property or use; and

(o) Placement of a vehicle or trailer for more than twenty-four (24) hours, on which there is a permanent or temporary motor vehicle sign, on private or public property for the purposes of conveying an advertising message, a business or products or for the purpose of directing people to a business or business activity unless a permit for signage has been approved pursuant to this Sign Code. Public transit vehicles are exempt from this subsection.

(1) The motor vehicle sign shall be considered in violation if the following circumstances exist:

a. The motor vehicle sign is attached to a vehicle or trailer that is unregistered or not operable;

b. The motor vehicle sign is larger in any dimension than or extends beyond any surface of the vehicle or trailer to which it is attached;

c. The motor vehicle sign is attached to a vehicle or trailer parked or stored in a public right-of-way or an area not designed, designated, or commonly used for parking;

(2) The motor vehicle sign may be considered in compliance if evidence can be shown of the following:

- a. If the signs are displayed on vehicles which are being operated or stored in the normal course of a business, such as signs indicating the name of the owner or business which are located on moving vans, delivery trucks, vans and vehicles; provided that the primary purpose of such vehicles is not the display of signs, and provided further that they are stored or parked in areas and in such a fashion as is appropriate to their use as vehicles;
- b. The activities that are being actively undertaken during such periods of parking involve loading or unloading of goods for customers, providing services to customers, conducting business, or engaging in work breaks;
- c. The activities require the presence of the vehicle for the purposes of transporting equipment, people, supplies and/or goods necessary for the carrying out of such activities;
- d. The activities above are not, other than incidentally, related to advertising, identifying, displaying, directing or attracting attention to an object, person, institution, organization, business, product, service, event or location; or
- e. When vehicles are parked or stored in such a way to exceed the duration of twenty-four (24) hours the vehicle mounted sign shall constitute a permanent sign for a building or premises. The sign displayed on the vehicle shall be counted as part of the detached sign area permitted on the premises.

Sec. 15-4. Appeals and variances.

(a) Appeals. Any order, requirement, decision or determination made by any official charged with the enforcement or administration of this Chapter may be appealed to the Board of Appeals through the procedures of Section 16-326.

(b) Sign variances. Sign variances related to numerical standards shall be processed in accordance with Article XV of Chapter 16 of the Black Hawk Municipal Code.

Sec. 15-5. Legal nonconforming signs.

(a) A legal nonconforming sign shall be any sign which:

(1) On the effective date of the ordinance codified in this Chapter, was lawfully maintained and had been lawfully erected in accordance with the provisions of any prior applicable sign regulation but does not conform to the limitations established by this Chapter; or

(2) On or after the effective date of the ordinance codified in this Chapter, was lawfully maintained and erected in accordance with the provisions of this Chapter but, by reason of amendment to this Chapter after the effective date thereof, does not conform to the limitations established by the amendment to this Chapter in the district in which the sign is located.

(b) Continuation of a legal nonconforming sign is subject to the termination provisions below. A legal nonconforming sign may be continued and shall be maintained in good condition, but shall not be:

- (1) Changed to another non-conforming sign;
- (2) Structurally altered;
- (3) Altered or repaired so as to increase the degree of non-conformity of the sign;
- (4) Re-established after discontinuance for ninety (90) consecutive days of the use to which the sign pertained;
- (5) Continued in use after a change of the business or activity to which the sign pertains;
- (6) Re-established after damage or destruction if the estimated cost [of] reconstruction exceeds fifty percent (50%) of its assessed valuation as shown in the original sign permit;
- (7) Abandoned for a continuous period of ninety (90) days; or
- (8) In violation of provisions of this Chapter 15 of the Black Hawk Municipal Code.

(c) Exemptions are given to the following signs, but nothing shall be construed as relieving the owner of the sign from the responsibility of its erection and maintenance, and its compliance with the provisions of the Black Hawk Municipal Code, this Chapter or any other law or ordinance regulating the same:

- (1) Signs that are deemed historic in nature and permitted by the Black Hawk Municipal Code;
- (2) Any existing sign which has previously been granted a variance; or
- (3) Any previously approved temporary banner sign or special event sign allowed by the previous Black Hawk Sign Code in force prior to this Sign Code being adopted by City Council on February 12, 2014 is allowed only until July 1, 2014. If such type of temporary banners or special event signs are desired on any property after July 1, 2014, they shall only be allowed if a property owner or business owner has submitted and received

approval of such a request included within a comprehensive sign plan as regulated in Section 15-13 of this Chapter.

Sec. 15-6. Violations and abandoned signs.

(a) The City Manager or his designee is hereby granted the power and authority to issue a notice of violation to the sign owner or to the sign owner's agent or manager for any sign maintained in violation of any provision of this Chapter. The sign owner or the sign owner's agent or manager shall commence action to correct such violation issued by the City Manager within thirty (30) days of the issuance of the notice of violation. Proof of the commencement of action to correct the violation must be furnished to the City Manager or its designee within thirty (30) days of the issuance of the notice of violation.

(b) If the sign owner, or any person responsible for the sign, fails to respond to the notice of violation within thirty (30) days or fails to correct the violation within sixty (60) days, the owner of the premises upon which the sign is located shall be responsible for the removal of the sign and the work shall be done within sixty (60) days following the notice of violation. The City Manager or his designee may cause the removal of the sign after the specified timeframe unless such violation causes an immediate safety hazard to the general public.

(c) Any signs in conformance with this Chapter pertaining to enterprises or occupants that are no longer utilizing the site shall be removed from the site or shall have the copy/text obliterated from such signs upon the expiration of ninety (90) days after the associated enterprise or occupant has vacated the premises. Any such sign not removed or modified within the required period shall be considered as abandoned and shall be removed by the City in accordance with Chapter 10, Article XIII of the Black Hawk Municipal Code.

(d) Any nonconforming sign(s) pertaining to enterprises or occupants that are no longer utilizing the site shall be removed from the site by the property owner upon the expiration of ninety (90) days after the associated enterprise or occupant has vacated the premises. Any such sign not removed by the property owner within the required period shall be considered as abandoned and shall be allowed to be removed by the City in accordance with Chapter 10, Article XIII of the Black Hawk Municipal Code.

(e) A sign removed by the City shall be held for not less than thirty (30) days, during which time it may be recovered by the owner upon payment to the City for removal and storage costs. If not recovered prior to the expiration of the 30-day period, the sign shall be sold or scrapped in accordance with the procedures for sale of unclaimed property in accordance with Chapter 10, Article XIII of the Black Hawk Municipal Code. The proceeds of the sale, less removal, storage and sale costs, shall be paid to the owner thereof.

Secs. 15-7—15-10. Reserved.

ARTICLE II

Sign Applications, Permits and Plans

Sec. 15-11. Sign permit.

(a) Sign permit required. No on-site sign shall be erected, altered, reconstructed, maintained or moved in the City without first securing a permit from the City unless specifically allowed without a permit by this Chapter. The content of the message or speech displayed on the sign shall not be reviewed or considered in determining whether to approve or deny a sign permit. Application for a permit shall be obtained from the Planning Department. Off-premise signs are not allowed.

(b) The owner or the owner's authorized representative may apply for a sign permit for signs that identify the business or for signs providing information regarding the services of the business being advertised on the subject property.

(c) Sign permits shall be reviewed and approved in accordance with a property's approved standard sign plan or comprehensive sign plan, as the case may be.

(d) The application for a sign permit shall be made on permit application forms provided by the Planning Department. All applications for sign permits shall be accompanied by payment of the fees provided by the fee schedule. The permit fee will be used to review the application and is not refundable or transferable.

Sec. 15-12. Standard sign plans.

(a) Purpose. The standard sign plan is the device and process employed by the City to ensure an appropriate balance between building architecture, signage and neighborhood aesthetics for smaller buildings. This Section assumes that strict compliance with this Chapter provides effective signage for smaller projects and meets community goals for appearance and safety.

(b) Applicability.

(1) The standard sign plan process shall be used for applications for installation of signs in the Nonresidential Districts (Article III, Division 2 of this chapter) utilizing the building frontage to sign area ratio or the minimum sign size allowed for a property that does not have an approved comprehensive sign plan.

(2) In addition to the standard sign plan, the applicant shall follow the City Council design review and compatibility process as specified in Section 16-368 of the Black Hawk Municipal Code.

(c) Application filing. Applications for standard sign plans shall be submitted to the Planning Department.

(d) Submittal requirements.

(1) Applicants must submit a simple scaled sign plan with attached written stipulations for review and approval. Such stipulations shall consider all appropriate concerns including, but not limited to, the following items: the name and address of the project location, the name of the contractor manufacturing and/or installing the sign, relationship of the sign to adjacent properties, size, height, color, lighting, orientation, construction materials and typography.

(2) Standard sign plans shall include:

- a. All signs, their location in site plan format, and color renderings of the proposed signage. Where lighting will have a significant impact on the visual interpretation of the sign, color renderings should be submitted to show the effects of the proposed lighting.
- b. Dimensions of each proposed sign listed in a chart summarizing the area of each proposed sign together with the total allowed signage for the property. The height above grade shall be indicated for blade signs.
- c. A statement as to the calculation of the allowed sign area, whether based on minimum allowance or building frontage.

(3) Sign regulations and standards are established in Section 15-43 and Section 15-44 of this Chapter.

(e) Affected parties. All parties affected by provisions of the standard sign plans must be signatories to such plans; provided, however, that if the multiple building complexes or any part thereof is governed by a management agreement, the duly constituted representative of the management association or firm shall be the signatory to such plans. It is unnecessary for owners or lessees to sign if said representative has signed on their behalf.

(f) City Council review and approval. Within forty-five (45) days of receipt of a complete application, the City Council shall act to approve, approve with conditions or deny the application for a standard sign plan. The standard sign plan shall be approved if:

- (1) Implementation of the standard sign plan will provide signage that is compatible with the surrounding development;
- (2) Implementation of the standard sign plan will result in architecture and graphics of a scale appropriate for the surrounding neighborhood;

(3) Implementation of the standard sign plan will provide signage consistent with the architecture and site plan characteristics of the proposed project;

(4) Implementation of the standard sign plan will be materially beneficial in achieving the goals and objectives of the City's standards that relate to community design and aesthetics;

(5) Implementation of the standard sign plan will be materially beneficial in achieving the goals and objectives cited in the standard sign plan statement of purpose.

(g) Modifications. Once approved by the City Council, a modification to any standard sign plan requires either City Council or Administrative review and approval.

(1) City Council approval is required for changes to a standard sign plan for major modifications including:

- a. An increase in the original approved sign area above ten percent (10%); or
- b. Any proposal that substantially deviates from the approved standard sign plan as determined by the City Manager or designee.

(2) Administrative approval is required for changes to a standard sign plan for minor modifications including:

- a. An increase in the original approved sign area of ten percent (10%) or less as long as the total sign area allowed by these regulations is not exceeded.

(h) Conformance. Nothing in these provisions shall be construed to deny the City Council or Administrative staff power to require any modification of, or release from, any provision of the standard sign plan so that the plan conforms to other City ordinances.

Sec. 15-13. Comprehensive sign plans.

(a) Purpose. The comprehensive sign plan is the device and process employed by the City to ensure an appropriate balance between building architecture, signage and neighborhood aesthetics. This Section assumes that strict compliance with preceding sections of this Chapter provides effective signage for smaller properties and developments and meets community goals for appearance and safety. However, as developments grow in size, opportunities for more effective signage increases. Larger sites offer opportunities for alternative regulation of the number, size, proportion and balance of signs according to

alternative standards consistent with the types of establishments, state of the art technology and their approved architecture character.

(b) Applicability.

(1) A comprehensive sign plan shall be required for any proposal on a building located in a nonresidential district that includes additional sign area above the area allowed in a standard sign plan or any proposal that includes utilization of special event banners and signs for any special event as defined in the Black Hawk Municipal Code.

(2) In addition to the comprehensive sign plan, the applicant shall follow the City Council design review and compatibility process as specified in Section 16-368 of the Black Hawk Municipal Code.

(3) Comprehensive sign plans are not permitted within Residential Districts as defined by this Chapter.

(c) Application filing. Applications for comprehensive sign plans shall be submitted to the Planning Department.

(d) Submittal requirements.

(1) Applicants must submit a detailed comprehensive sign plan with attached written stipulations for review and approval. Such stipulations shall consider all appropriate concerns including, but not [limited to] relationship of signs to adjacent properties, size, height, color, lighting, technology options, orientation, construction materials and typography.

(2) Comprehensive sign plans shall include:

- a. All signs, their location in site plan format, and color renderings of the proposed signage. Where sign lighting will have a significant impact on the visual interpretation of the sign, color renderings should be submitted to show the effects of the proposed signs and lighting.
- b. Dimensions of each proposed sign listed in a chart summarizing the total area of each and all proposed signs together with the total allowed sign area for the property. The height above grade shall be indicated for blade signs and freestanding signs.
- c. A statement as to the calculation of the allowed sign area based on the appropriate building frontage length for the building.
- d. The site plan shall include the property lines of the subject site in order to determine that all signage is contained on the property.

(e) In case of projecting or blade signs that utilize the airspace above public right-of-way, a license agreement will be generated by the City of Black Hawk for the applicant to review and it shall be reviewed for approval by City Council.

(f) No minimum or maximum standards are established for the comprehensive sign plan, except as follows:

(1) The total sign area proposed may not exceed one hundred thirty-five percent (135%) of the permitted sign area allowed on the subject property as calculated and regulated in Section 15-61. An additional thirty-five percent (35%) of sign area may be granted to a comprehensive sign plan if the application includes the use of electronic message centers (EMC). Therefore, the total sign area proposed may be a maximum of one hundred seventy percent (170%) of the permitted sign area allowed on the subject property, if all requirements are met.

(2) Permanent window signage shall meet the requirements as set forth in Section 15-43(8).

(3) Temporary banner sign and special event signs.

a. Temporary banner sign. One (1) temporary vinyl style banner sign is allowed only if included in an approved comprehensive sign plan. A temporary banner sign shall not count toward the maximum sign area permitted for a given business and shall adhere to the following regulations:

1. There shall not be more than one (1) temporary banner sign attached to the building;

2. Such sign shall be placed in the approved designated display location on the building and shall be constructed out of high-quality material;

3. Such sign shall be allowed to be made of flexible plastic, cardboard, vinyl, fabric or similar non-rigid water-proof material;

4. Such sign shall be attached in an inconspicuous manner without zip ties, ropes or other similar visible material;

5. Such sign shall be adhered to the building with grommets and be attached with nuts, bolts or other similar non-visible fasteners;

6. Such sign shall not exceed thirty-two (32) square feet in size; and

7. Placement of such sign shall be allowed for thirty (30) consecutive days, six (6) times in a calendar year as specified by the business owner and proper notification to the Planning Department for such days.

- b. Special event signs. Special event signs are allowed only if included in an approved comprehensive sign plan. Plan signs that are related to approved special events as defined in this Chapter 15 and Article X of Chapter 6 (Section 6-332) shall adhere to these regulations and are also subject to approval of a sign permit from the Planning Department and approval by staff, subject to and adhere to the following:

Standards:

1. Special event signs are allowed with the permitted special event, provided that the sign area shall be limited to a total of seventy-five (75) square feet and a maximum of three (3) such signs. Such signs must be on private property and securely attached to the wall of a permitted building or permitted structure on the site in a manner that does not allow the sign to wave or flap in any way;

2. Special event signs and any other approved special event associated items shall be located within one hundred (100) feet of the permitted special event area on the property which must be shown on the comprehensive sign plan and sign permit for the special event;

3. Method of attachment shall be shown in detail in the comprehensive sign plan and no strings, rope or similar attachment item shall be visible from fifty (50) feet or more from such attachment location;

4. Special event signs shall not be placed above the roof line of any building or structure; and

5. Special event signs shall not be counted toward the allowed sign area for a property or business.

(g) The comprehensive sign plan shall be reviewed in terms of its impact on surrounding land uses and its compatibility with the purposes of this Chapter and with other City planning and zoning programs and regulations.

(h) All parties affected by provisions of the comprehensive sign plans must be signatories to such plans; provided, however, that if the multiple building complexes or any part thereof is governed by a management agreement, the duly constituted representative of the management association or firm shall be the

signatory to such comprehensive sign plan. It is unnecessary for owners or lessees to sign if said representative has signed on their behalf.

(i) City Council review and approval. Within sixty (60) days of receipt of a complete application, the Council shall act to approve, approve with conditions or deny the application. The comprehensive sign plan shall be approved if:

(1) Implementation of the comprehensive sign plan will provide signage that is compatible with the surrounding development and designed with a high-quality appearance;

(2) Implementation of the comprehensive sign plan will result in architecture and graphics of a scale appropriate for the surrounding neighborhood and development area;

(3) Implementation of the comprehensive sign plan will provide signage consistent with the architecture and site plan characteristics of the proposed or existing project;

(4) Implementation of the comprehensive 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 comprehensive sign plan will be materially beneficial in achieving the goals and objectives cited in the purpose of the Sign Code.

(j) Modifications. Once approved by the City Council, a modification to any comprehensive sign plan requires either City Council or Administrative review and approval.

(1) City Council approval is required for changes to a comprehensive sign plan for major modifications including:

- a. An increase in the original approved sign area above ten percent (10%); or
- b. Any proposal that substantially deviates from the approved comprehensive sign plan as determined by the City Manager or designee.

(2) Administrative approval is required for changes to a comprehensive sign plan for minor modifications including:

- a. An increase in the original approved sign area of ten percent (10%) or less as long as the total sign area allowed by these regulations is not exceeded.

(k) Conformance. Nothing in these provisions shall be construed to deny the City Council power to require any variance or modification of, or release from, any provision of an applicant's proposed comprehensive sign plan so that the plan conforms to other City ordinances.

Sec. 15-14. Administrative review process.

The permit application and applications for modifications to existing sign plans shall be submitted to the City Manager or his designee. The Planning Department Director as the City Manager's designee will determine whether the application will require Council approval and, if necessary, will schedule the application at the next available meeting for City Council review and approval, except for initial standard and/or comprehensive sign plans, which are subject to public hearing before City Council.

Sec. 15-15. Administrative actions on sign permit applications.

(a) Staff in the Planning Department shall approve, approve with modifications or conditions, or deny a sign permit application. A sign application for signs meeting the size, construction, location, electrification and operation provisions of this Chapter and an approved sign plan shall be approved without modifications or conditions unless the Planning Department makes one (1) or more of the following findings:

(1) That the shape, design, placement, color, style or quantity of text, illumination or reflected light of a sign conflicts or interferes with traffic, both vehicular and pedestrian, from a public safety standpoint, by distracting attention or obstructing vision.

(2) That the shape, design, placement, color, style or quantity of text, illumination or reflected light of a sign is incongruous with or detracts from the distinct architectural or historic design or character of the building to which the sign is affixed or of the neighborhood in which the sign is located.

(3) That the sign obscures other signs from primary view or dominates its immediate vicinity to such an extent as to detract from the visibility of other signs, buildings of architectural or historic significance, or public view corridors.

(b) If the Director denies, modifies or conditionally approves a sign application pursuant to this Chapter, it shall state with particularity the aspects of the sign program that justify findings and shall afford the applicant an opportunity to submit a revised application to remedy the inadequacies of the original sign application.

(c) The Director shall not deny a sign application because of the content or message of a sign, within limits of public decency, or direct that the content or message of a sign be altered or modified as a condition of approval.

Sec. 15-16 Permit fee.

No sign shall be installed without permit fees having been paid to the City of Black Hawk and a permit issued by the Planning Department. The City Council shall set permit fees and include them in the City fee schedule.

Secs. 15-17—15-30. Reserved.

**ARTICLE III
Sign Standards
Division 1 Residential Districts**

Sec. 15-31. General.

(a) This Division addresses those signs which are allowed within the residential districts of the City.

(1) Residential districts are defined as those areas that provide for land use activities described as the following: single-family dwelling unit; neighborhood playground, park or common area; home-based businesses; parking (as specified in the Section 16-263 of the City of Black Hawk Municipal Code); and special review uses.

(b) Types of signs allowed in the residential districts of the City:

(1) Permanent signs. Flags; historical, home occupation; wall; and street address and identification signs.

(2) Temporary signs. Banners, community event signs; large temporary signs; small temporary signs; and other temporary signs (election season signs, holiday and seasonal decorations, and weekend sale).

(c) Specific requirements for the signs listed above are explained in permanent and temporary sign regulations for residential districts, Sections 15-33 and 15-34.

Sec. 15-32. Permanent sign permit approval.

(a) All permanent signs in residential districts require an administrative review and approval unless the sign in question is deviating from the standards set in Section 15-33 (permanent sign regulations for residential districts), in which case a City Council approval will need to be requested by the applicant. Staff shall not approve variances of numerical deviations from the standards indicated herein.

Sec. 15-33. Flag and permanent sign regulations for residential districts.

(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 degree (45°) angle from vertical (pointed upward), and ten (10) feet in length with a maximum flag size of four (4) feet in width and six (6) feet in length; and flagpoles may not be mounted on a roof or parapet. Flags do not count toward allowed sign area. Ground mounted flag poles are allowed with a maximum of six (6) poles. If more than six (6) flag poles are desired, they must be included in a standard sign plan.

Building Height (stories)	Pole Height (feet)	Maximum Flag Size	Nighttime Required Illumination
1 to 2	20	4'x6' or 24 ft ²	Indirect illumination 1 metal halide (maximum 70 watt) spot light per flag
3 to 4 or more	25	4'x8' or 32 ft ²	Indirect illumination 2 metal halide (maximum 70 watt) spot lights per flag

(b) Permanent signs; performance standards. All permanent signs shall comply with the area, dimension and height requirements set forth in this Article.

- (1) No more than two (2) permanent signs may be placed on a residential property;
- (2) Each residential permanent sign shall be limited to two (2) square feet;
- (3) No residential permanent sign shall be placed over ten (10) feet in height above grade directly adjacent to the wall of the building on which the sign is located;
- (4) A residential permanent sign shall be mounted to the wall of the principle building on the property.

Sec. 15-34. Temporary sign regulations for residential districts.

- (a) Temporary signs requiring Administrative approval and permit:
 - (1) Community event signs. Temporary signs used for announcing community events and activities. Use of these signs is limited to notification of public events or other occurrences of public interest and are subject to the following standards:

- a. Community event signs are to be placed at the designated community event sign locations as determined through the City Manager's approval;
- b. Community event signs are to be placed no more than two (2) weeks prior to the event and must be removed within seven (7) days after the event;
- c. No more than one (1) community event sign may be placed on a given site to advertise any one (1) event;
- d. Community event signs shall be limited to thirty-two (32) square feet;

(2) Large temporary signs. Large temporary signs which exceed the restrictions in Sec. 15-34(b)(6) require administrative approval and permit and are subject to the following restrictions:

- a. Temporary signs shall not exceed thirty-two (32) square feet per face or over twelve (12) feet above street grade in height;
- b. Temporary signs shall be displayed only on the property to which they pertain;
- c. There shall be not more than four (4) temporary signs on each property;
- d. Temporary signs shall not be illuminated; and
- e. Temporary signs may be displayed for the duration of a construction project or transaction and they shall be removed upon completion of the project or transaction.

(b) Temporary signs are 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 for each national, State or local ballot question or candidate is permitted on a residential parcel. Such signs shall not exceed four (4) square feet per face, not be taller than four (4) feet, and must be on private property and shall not interfere with any pedestrian or vehicular route on such 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 28 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. Flashing lights are discouraged, but not prohibited.

(3) Limited duration signs. These temporary signs are allowed without a permit from noon on Friday until noon the following Monday. A maximum of two (2) signs are allowed on the property for which the signs are used for. They are not allowed on any publicly-owned property. They shall not exceed six (6) square feet per face. If freestanding they shall not exceed four (4) feet in height.

(4) Landscape lighting. Lighting of/on landscaping is allowed year-round on public property on live landscaping or on or above a hardscape. The same type of 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.

(5) 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.

(6) Small temporary signs. Small temporary signs do not require a permit and shall be subject to the following restrictions:

- a. 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) temporary signs on any property;
- c. Temporary signs shall be displayed only on the property to which they pertain;
- d. Temporary signs shall not be illuminated; and
- e. Temporary signs may be displayed for the duration of a construction project or transaction and they shall be removed upon completion of the project or transaction.

Sec. 15-35. Illumination.

(a) Color of light. Illumination in residential districts shall be of white color only. For holiday decoration illumination standards please see Article III, Section 15-34, above.

(b) Type of illumination. Only indirect illumination shall be allowed in residential districts. Any other type of illumination is considered prohibited.

Secs. 15-36—15-40. Reserved.

Division 2 Nonresidential Districts

Sec. 15-41. General.

(a) This Section addresses those signs which are allowed within the nonresidential districts of the City.

(1) Nonresidential districts are defined as those areas that provide for land use activities described as the following, including and not limited to: casino, retail and services, lodging accommodations; restaurants; indoor and outdoor recreation and amusement; bars and lounges; offices; parks and common areas; area-wide transportation facilities; parking; public facilities; meeting halls; school, church, hospital, convention center or recreation facility; trade services; utility infrastructure and services; repair and equipment shops, and automobile service stations;

(b) Types of signs allowed in the nonresidential districts of the City:

(1) Permanent signs. Awning, changeable copy, canopy, electronic message centers, freestanding, marquee, joint identification, blade, wall, bulletin boards and window signs.

(2) Temporary signs. Community event signs, large temporary signs, small temporary signs, and other temporary signs (election signs, holiday and seasonal decorations, and limited duration signs).

(c) A maximum of five (5) signs displaying information such as open/closed, store hours, address, and other similar information that is two (2) square feet or smaller shall be exempt from the total sign area allowed.

(d) All properties in this district are permitted a total sign area that is equal to the length of the building frontage (ratio: one (1) square foot of sign area for every one (1) linear foot of building frontage). Furthermore, all properties located within the nonresidential districts are entitled to a minimum of one hundred twenty-eight (128) square feet of sign area.

(e) Multi-tenant buildings. These buildings will be allowed to use joint identification signs and will be granted one hundred twenty-eight (128) square feet for the anchor sign panel. An additional sixty-four (64) square feet will be granted to each tenant to be used for individual business signs. These signs can be any type of sign approved in this Section as long as they are consistent in color, size, material, and letter size with all tenants and must be part of an approved comprehensive sign plan for such property.

(f) Each property is entitled to divide its total sign area between the types of signs permitted in the nonresidential zoning district listed in Section 15-43, which allows each property to have multiple signs as long as the total area of those signs combined does not exceed the total sign area allowed for that property.

Sec. 15-42. Permanent sign permit approval.

(a) Buildings with total floor area greater than or equal to five thousand (5,000) square feet:

(1) The owner of any building located in a nonresidential district measuring total floor area equal to or greater than five thousand (5,000) square feet is required to submit a comprehensive sign plan application and a certificate of architectural compatibility application prior to issuance of a sign permit for a given property in accordance with the following criteria in Section 15-42(a)(1)a. through d. The regulations governing a comprehensive sign plan and certificate of architectural compatibility can be found in 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, respectively. Approval is required for:

- a. Initial sign installation (including a change in signage due to change in business name).
- b. Major modifications (changes to greater than ten percent (10%) of the initial approved comprehensive sign plan sign area).
- c. 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.
- d. 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) Buildings with total floor area less than five thousand (5,000) square feet:

(1) City Council approval of a standard sign plan or comprehensive sign plan and a certificate of architectural compatibility are required for any sign installation for buildings with less than five thousand (5,000) square feet including:

- a. Initial sign installation (including a change in signage due to change in business name).
- b. Major modifications (changes to greater than ten percent (10%) of the initial approved standard sign plan sign area).
- c. 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.
- d. Installation of electronic message center 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.

(c) Any property with a floor area measuring less than five thousand (5,000) square feet that wishes to submit a comprehensive sign plan is encouraged to do so. Please see Section 15-13 (comprehensive sign plan) for additional permissions available through the comprehensive sign plan.

Sec. 15-43. Permanent sign regulations for nonresidential districts.

(a) Permanent signs—Performance standards. Permanent signs include all those listed in this section in items (1) through (10). 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.

Any sign two (2) square feet or larger, visible from twenty (20) feet from the right-of-way that is directed toward and viewable by persons in cars or pedestrians to read the message, shall count toward the total sign area allowed for permanent signs on the property.

(1) Bulletin boards. A maximum of one (1) bulletin board of six (6) square feet encased in a frame possibly having a door for easy access is allowed for all properties. Buildings with street frontage larger than fifty (50) feet will be granted additional six (6) square feet of bulletin board space for every one hundred (100) feet of building frontage after the initial fifty (50) has been used. Bulletin boards are a permanent fixture that is intended to display items temporary in nature such as items for sale, daily specials, special events, or to provide other information. Bulletin board square footage will not count toward the property's total permitted sign area. If

more than one (1) bulletin board is placed on the property, those bulletin boards shall be placed at least fifty (50) feet apart from each other.

(2) Freestanding signs.

- a. Freestanding signs are permitted for those businesses in the nonresidential districts which do not share a building, a common wall, or common parking area with another business. If two or more businesses share a building, a common wall, or a joint parking area, freestanding signs shall not be permitted, and a joint identification sign shall be used;
- b. Only one (1) freestanding sign is permitted for each street frontage, with a maximum of two (2) signs per site;
- c. No two (2) freestanding signs shall be closer together than ten (10) feet. In the event that two (2) freestanding signs are located on the same site, they must be separated by a minimum of fifty (50) feet;
- d. 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;
- e. Freestanding signs may be internally or indirectly illuminated.

(3) Electronic message centers. Electronic message centers are subject to the following restrictions:

- a. Electronic message centers are encouraged as a form of signs to be used as a replacement for eight and one-half (8.5) × eleven (11) temporary paper advertisements which are not allowed except as in Section 15-43(a)(1). These message centers can be an effective means to eliminate unattractive clutter on windows and doors. Electronic message centers can contain one (1) or multiple messages in form of a slideshow. Electronic message centers do count toward the total sign area allowed for the property.
- 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 flash on.
- c. Transition method. Each electronic message center 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 shall be instantaneous.

- d. Each electronic message center shall be equipped with dimming technology that automatically varies the brightness of the electronic sign according to ambient light conditions. Owners of overly bright EMCs 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.

(4) Joint identification signs.

- a. Joint identification signs shall be used for those buildings in nonresidential districts that have two (2) or more businesses sharing a building or a common wall;
- b. A maximum of fifty percent (50%) of the joint identification sign shall be used for the anchor sign panel and a minimum of five (5) square feet shall be used for all other business sign panels;
- c. Only one (1) joint identification sign is permitted for each street frontage, with a maximum of two (2) signs per site.
- d. All joint identification signs shall be set back a minimum of five (5) feet from any right-of-way and limited to twenty (20) feet in height;
- e. Joint identification signs may be internally or indirectly illuminated.

(5) Marquee, awning, and canopy signs.

- a. Any portion of the marquee, awning or canopy sign that is used for commercial advertisement shall be counted towards the wall sign allowance for that business;
- b. All marquee, awning and canopy signs shall be consistent in color, size, material, and letter size with all tenants;

- c. Marquee, canopy, awning, and changeable copy signs within multi-tenant/multi-building complexes shall be consistent in color, size, material and letter size with all tenants;
- d. Height requirements.
 - 1. Marquee signs are limited to the height of the roofline; canopy signs are limited to the first-floor elevation; and
 - 2. Awning and canopy signs are limited to the first-floor elevation.
- e. Setback requirements.
 - 1. Awning and canopy sign setbacks are subject to administrative or, if situation requires, City Council approval; 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.
- (6) Projecting 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; the sign shall not project more than eight (8) feet from the wall of the building on which the sign is placed. Note that projecting signs may need a license agreement if proposed over a City right-of-way.
- (7) Wall signs.
 - a. Wall signs shall not exceed the height of the roofline; and
 - b. Wall signs shall not project more than two (2) feet from the wall on which they are placed.
- (8) Window signs.
 - a. In accordance with Section 15-41, window signs such as open/closed, store hours, address, and other similar information that is 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;
 - b. Entryways. Window signs shall not cover more than twenty-five percent (25%) of any door;

- c. Any sign or image for advertising purposes 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 need to be counted toward the total sign area allowed;
 - d. Window signs can cover only up to twenty-five percent (25%) of any window area;
 - e. Window signs are limited to the first floor of a building; and
 - f. Temporary window signs are not allowed.
- (9) Other permanent signs.
- a. Instructional or "way-finding" signs shall be permitted in addition to other permanent signs when they are of such size and location that satisfy the intended instructional purpose based on their size (not more than four (4) square feet), location and number. Instructional signs shall be permitted without limitation as to a reasonable number and may include, up to one-half (1/2) of sign area on the sign, on the name of the business or logos, and must be permanently affixed to the ground or on a structure.
 - b. Vehicle signs. When vehicles are parked or stored in such a way exceeding the duration of twenty-four (24) hours, the vehicle mounted sign shall be considered a permanent sign for a building or premises and shall not be allowed on the premises.
 - c. 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 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 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.
- (10) Permanent sign allowed without permit.
- a. Any sign two (2) square feet or larger visible from twenty (20) feet from any street or public sidewalk and is not visible to the general public on the right-of-way shall not count toward the maximum sign

area on the property, and however, must be thirty-two (32) square feet or less.

Sec. 15-44. Temporary sign regulations for nonresidential districts.

(a) Temporary signs—Performance standards. Temporary signs shall include all signs used only temporarily and those that are not permanently mounted.

(1) Temporary signage is subject to the regulations as described below;

a. Temporary signs placed inside the bulletin board on the property do not count toward the temporary sign area allowed in this section;

b. Temporary signs shall not exceed the size limitations provided in this section.

(b) Temporary signs requiring City Council approval:

(1) Community event signs. Temporary signs used for announcing community events and activities. Use of these signs is limited to notification of public events or other occurrences of public interest and are subject to the following restrictions:

a. Community event signs are to be placed at the designated community event sign locations as determined through City Council 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. Not more than five (5) community event signs may be placed within the City to advertise any one (1) event;

d. Each community event sign shall be limited to thirty-two (32) square feet;

e. No community event sign shall be erected over eight (8) feet in height if placed as freestanding sign.

(c) Temporary signs requiring administrative approval and permit:

(1) Large temporary signs. Large temporary signs which exceed the restrictions in Sec. 15-44(d)(5) require administrative approval and permit and are subject to the following restrictions:

a. Temporary signs shall be displayed only on the property to which they pertain;

- b. Temporary signs shall not exceed thirty-two (32) square feet per face or over twelve (12) feet above street grade in height;
- c. There shall be not more than four (4) temporary signs on each property;
- d. Temporary signs shall not be illuminated;
- e. Temporary signs may be displayed for the duration of a construction project or transaction and they shall be removed upon completion of the project or transaction.

(d) 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 for each national, State or local ballot question or candidate 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 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. Flashing lights are discouraged, but not prohibited.

(3) Landscape lighting. Lighting of/on landscaping is allowed year-round on public property on live landscaping or on or above a hardscape. The same type of 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.

(4) 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.

(5) Small temporary signs. Small temporary signs do not require a permit and shall be subject to the following restrictions:

- a. 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) temporary signs on any property;
- c. Temporary signs shall be displayed only on the property to which they pertain;
- d. Temporary signs shall not be illuminated;
- e. Temporary signs may be displayed for the duration of a construction project or transaction and they shall be removed upon completion of the project or transaction.

Sec. 15-45. Illumination.

(a) Color of light.

(1) Signs visible from any nonresidential district are subject to City Council approval for light color. Council may approve a maximum of three (3) light colors in addition to white colored illumination for signs visible from residential areas, provided that the proposed illumination is of a low intensity and will have a minimal visual impact on the residential area. An applicant proposing any illuminated sign visible from a residential area, which exhibits light color other than white, must notice all residents within direct visual proximity to the sign as to the type and amount of illumination proposed. Said notice shall provide information sufficient to describe the visual impact of the sign, including but not limited to color renderings describing the illumination and sign type, size and location. This notice shall also include the date of public hearing before Council for the sign proposal.

(2) Signs in nonresidential districts not visible from residential areas may exhibit any combination of light color, provided that no sign illumination conflicts with any traffic signal and are subject to City Council approval. Electronic message center (EMC) signs shall not be visible from a residential area unless specifically approved by City Council in accordance with the notice provision in Section 15-45(a)(1).

(b) Type of illumination.

(1) Direct illumination may be permitted in nonresidential districts. All signs containing direct illumination shall be subject to approval by Council. Direct illumination should be used as an accent feature to the overall sign design. Signs shall not be illuminated by direct illumination such that light spills over onto adjacent properties.

(2) Indirect illumination shall be limited to the minimum amount of light needed to light the face of the sign. All fixtures used for indirect illumination shall be screened from view. No light from a fixture used for indirect illumination may cause hazardous glare for motorists, pedestrians or bicyclists. The beam pattern of a light source used for indirect illumination shall be the tightest, most controlled pattern achievable. The use of templates to control the beam pattern is highly encouraged.

(3) Internal illumination. Fully illuminated plastic sign boxes with internal light sources are discouraged. Halo illumination is encouraged. Opaque letters or designs, which are halo lit, shall be mounted to a building face. The source of illumination shall not be visible. All mounting fixtures, wires, tubes, etc., shall be disguised or painted from view to the greatest extent possible.

(4) Neon may be used in small quantities to enhance the overall graphic effect of a sign. Neon should be used as a graphic art/design feature of the sign. Sign designers incorporating neon are encouraged to use designs that promote and encourage the entertainment uses allowed in the zoning districts in which neon is an acceptable sign element. Neon tubing should be used as an accent feature to the overall sign design. The use of neon is subject to review and approval by City Council.

Secs. 15-46—15-50. Reserved.

Division 3 History Appreciation Recreation Destination District

Sec. 15-51. General.

(a) This Division addresses those signs which are allowed within a subset of nonresidential districts of the City, those properties which are within the History Appreciation Recreation Destination (HARD) zone district.

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

(c) The regulations herein are in addition to all other regulations of this Section 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. Awning, changeable copy, canopy, electronic message centers, freestanding, marquee, joint identification, blade, wall, bulletin boards and window signs.
- (2) Temporary signs. Community event signs, temporary HARD signs, 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 a given property. The HARD District Sign Committee shall review any proposals prior to City Council. 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 regulations governing a comprehensive sign plan and certificate of architectural compatibility can be found in 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, respectively. Approval is required for:

- (1) Initial sign installation (including a change in signage due to change in business name).
- (2) Major modifications (changes to greater than ten percent (10%) of the initial approved comprehensive sign plan sign area).
- (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.
- (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.

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

All permanent signs in the HARD District shall follow the standards and regulations of permanent signs for nonresidential districts. See Sec. 15-43 of the Municipal Code.

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

(a) Temporary signs—Performance standards. Temporary signs shall include all signs used only temporarily and those that are not permanently mounted.

(1) Temporary signage is subject to the regulations as described below:

- a. Temporary signs placed inside the bulletin board on the property do not count toward the temporary sign area allowed in this section; and
- b. Temporary signs shall not exceed the size limitations provided in this section.

(b) Temporary signs requiring HARD District Sign Committee review and City Council approval:

(1) Community event signs. Temporary signs used for announcing community events and activities. Use of these signs is limited to notification of public events or other occurrences of public interest and are subject to the following restrictions:

- a. Community event signs are to be placed at the designated community event sign locations as determined through City Council 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. Not more than five (5) community event signs may be placed within the City to advertise any one (1) event;
 - d. Each community event sign shall be limited to thirty-two (32) 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 requiring HARD District Sign Committee review and administrative approval and permit:
- (1) Temporary HARD signs. Temporary HARD signs are subject to the following restrictions:
 - a. Temporary signs may be coordinated and placed amongst a grouping of buildings;
 - b. Temporary signs may be placed on a fence or wall;
 - c. Temporary signs shall not exceed an area calculated as eight (8) feet times the length of the lot;
 - d. Temporary signs may be illuminated; and
 - e. Temporary signs may be displayed for the duration of the construction project or development and they shall be removed upon completion of the project or development.
 - (d) 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 for each national, State or local ballot question or candidate 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 be on private property.
 - (2) String lights. String lights or colored tree lights may be used for decorative purposes year-round and shall be installed according to the National Electrical Code. Flashing lights are discouraged, but not prohibited.

(3) Landscape lighting. Lighting of/on landscaping is allowed year-round on public property.

(4) 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.

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

- a. 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) temporary signs on any property;
- c. Temporary signs shall be displayed only on the property to which they pertain;
- d. Temporary signs shall not be illuminated;
- e. Temporary signs may be displayed for the duration of a construction project or transaction and they shall be removed upon completion of the project or transaction.

Sec. 15-55. Illumination

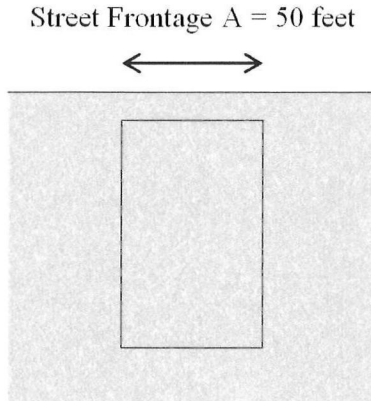
All illumination in the HARD District shall follow the standards and regulations of illumination for nonresidential districts. See Sec. 15-45 of the Municipal Code.

Secs. 15-56—15-60. Reserved

ARTICLE IV Sign Regulations

Sec. 15-61. Building frontage measurements and sign area calculations.

Building with one street building frontage



Example A: Standard sign plan

Total building frontage = Length of Frontage A = 50 feet.

Maximum frontage length allowed = 128 feet (for details see Section 15-41(d)).

Total sign area awarded = Maximum frontage length allowed = 128 square feet.

Example B: Comprehensive sign plan (for details see Section 15-13)

Total frontage = Length of Frontage A = 50 feet.

Maximum frontage length allowed = 128 feet.

Total sign area awarded = Maximum frontage length allowed x 1.35 = 128 feet x 1.35 = 172.8 square feet.

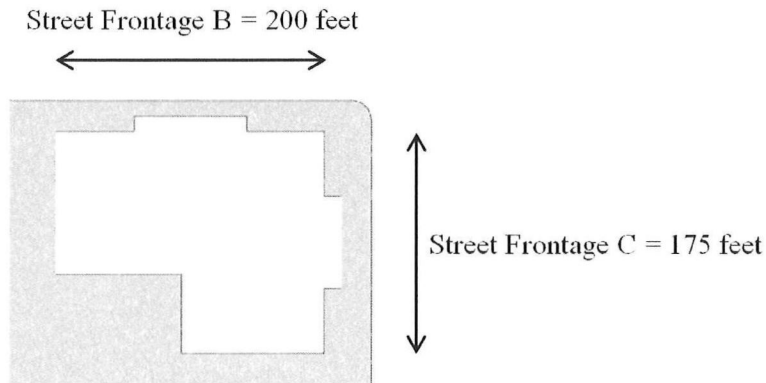
Example C: Comprehensive sign plan proposing electronic message centers (for details see Section 15-13)

Total frontage = Length of Frontage A = 50 feet.

Maximum frontage length allowed = 128 feet.

Total sign area awarded = Maximum frontage length allowed x (1.35 + 1.35) = 128 feet x 1.70 = 217.6 square feet.

Building with multiple frontages



Example A: Standard sign plan

Maximum frontage length allowed = Street Frontage B + Street Frontage C = 200 feet + 175 feet = 375 feet

Total sign area awarded = 375 square feet (See Section 15-41(d)).

Example B: Comprehensive sign plan (for details see Section 15-13)

Maximum frontage length allowed = Street Frontage B + Street Frontage C = 200 feet + 175 feet = 375 feet

Total sign area awarded = Total building frontage x 1.35 = 375 feet x 1.35 = 506.25 square feet.

Example C: Comprehensive sign plan proposing electronic message centers (for details see Section 15-13)

Maximum frontage length allowed = Street Frontage B + Street Frontage C = 200 feet + 175 feet = 375 feet.

Total sign area awarded = Total building frontage x (1.35 + 1.35) = 375 feet x (1.35 + 1.35) = 375 feet x 1.70 = 637.5 square feet.

Sec. 15-62. Definitions.

The following words and phrases, when used in this Chapter, shall have the meanings respectively ascribed to them:

Animated sign means any sign or part of a sign which changes physical position by any movement or which gives the illusion of such change of physical position. - Prohibited Sign.

Awning (permanent sign) means a movable or non-movable shelter supported entirely from the exterior wall of a building and of a type which may be retracted against the face of the supporting building. - Permit Required.

Banner (temporary sign) means a sign made of lightweight fabric or similar material mounted to a structure.

Billboard means a flat surface, either freestanding, wall-mounted or a wall itself, on which signs are posted advertising a business, product or service not available on the premises. - Prohibited Sign.

Blade sign (projecting object) (permanent sign) means a sign that projects from a building and contains not more than two (2) distinguishable sides intended as sign face. Both sides are counted toward sign area.

Building code means the building code of the City, as adopted by the City Council, including such codes as may be adopted in the future.

Building frontage means the horizontal linear dimension of that side of a building which is adjacent to a dedicated street and architecturally finished to match the principal building facade, or which has a public entrance to the building and is adjacent to a street or parking area with the same ownership as the principal use or other circulation area open to the general public. In shopping centers, any outside architecturally finished wall of a first-floor use shall be considered a building frontage.

Bulletin boards (permanent sign) are signs used by businesses to place temporary paper-type signs or information notices for their customers to read.

City Manager which may include the Planning Department Director or other designee, means the person charged with the administration and enforcement of this Chapter, or his or her duly authorized representative. The City Manager or his or her designee shall be charged with the administration and enforcement of this Chapter.

Community event (temporary sign) means a temporary poster which advertises a community- related activity or event, conducted by a governmental, fraternal, religious or nonprofit organization.

Contractor signs (temporary sign) are development signs announcing construction on a property and containing the name of the contractor and date of completion. - Permit Required.

Development sign means a temporary sign announcing real estate, subdivision, development, construction or other improvement, sale or lease of a property by a builder, contractor, or other person furnishing services, materials or labor to said premises.

Election Season Signs means a sign used during the election season, which is defined as commencing thirty (30) days prior to a scheduled election, and terminating three (3) days immediately following the election.

Electronic message center means a sign, including television screens, that is capable of displaying words, symbols, figures, or images that can be periodically changed by manual, electronic, remote or automatic means.

Exempt sign is a sign which requires no permit or permit fee.

Exterior sign is any sign that does not meet the definition of an interior sign.

Grade means the average elevation of the ground at the base of the sign, as measured from the finished grade of the sidewalk and/or street.

Graphics area is the area of the marquee sign that displays text and images.

Halo illumination means opaque letters or designs set out from a building or sign face and lit by illumination from behind the letters.

Historical signs (permanent sign) mean signs that were originally placed on a building prior to the 1900s that can be documented in historical photographs or records. - Exempt.

Holiday/seasonal decorations (temporary) are decorations installed on the exterior of a building and shall include strings of colored lights, decorations made of wood, canvas or cloth with vinyl, plastic or painted designs depicting the holiday or season for which the decoration is being displayed. These signs are temporary decorations or displays customarily associated with national, local or religious celebrations or season changes. Seasonal changes are: Spring - March 21; Summer - June 21; Fall - September 1; Winter - December 21. - Exempt.

Illumination, direct means lighting by means of an unshielded light source, including neon tubing, which is effectively visible as part of the sign, where light travels directly from the source to the viewer's eye. Direct illumination should be used as an accent feature to the overall sign design. Signs shall not be illuminated by direct illumination such that light spills over onto adjacent properties or streets and sidewalks.

Illumination, indirect means lighting of the surface of the sign by a light source that is directed at the sign surface in such a way as to illuminate the entire building façade on which a sign is displayed, but does not include lighting that is primarily used for purposes other than sign illumination, including without limitation, parking lot lights or lights inside a building that may silhouette a window sign but that are not primarily installed to serve as inside illumination of a sign. Indirect illumination shall be limited to the minimum amount of light needed to light the face of the sign. All fixtures used for indirect illumination shall be screened from view. No light from a fixture used for indirect illumination may

cause hazardous glare for motorists, pedestrians or bicyclists. The beam pattern of a light source used for indirect illumination shall be the tightest, most controlled pattern achievable. The use of templates to control the beam pattern is highly expected.

Illumination, internal means lighting by means of a light source that is within a sign having a translucent foreground or background and silhouettes opaque letters or designs or that is within letters or designs that are themselves made of translucent material. This term shall also extend to and include halo illumination.

Individual detached sign (permanent sign) means a sign supported by poles, uprights or any sign located on the ground (except portable signs), provided that no part of the sign is attached to any part of a building. The sign must be located on the same property as the use in which it is intended for. - Permit Required.

Instructional signs (permanent sign) are those commonly associated with and limited to information and instructions relating to the permitted use on the lot on which the sign is located. These signs include such signs as "restrooms," "no smoking," "no solicitors," "wheelchair entrance," "exit" and similar signs. - Permit Required.

Interior signs are signs placed within a building area which are not visible from the exterior of the building and which are subject to the regulations of the building and electrical codes. Signs placed within a building which may be visible from the exterior of the building, which are not specifically directed to the exterior of the building, shall not be considered an exterior sign. Interior signs are not subject to this Chapter; see Section 15-43(10). - Exempt.

Joint identification sign (permanent sign) means a sign which serves as a common or collective identification to two (2) or more businesses located within the same building, or which may share a common wall or for two (2) or more businesses located within a jointly used area, which buildings are in close proximity to one another. Such signs may contain a general identification for a shopping center and similar developments, and may in some cases contain a directory to individual uses as an integral but clearly secondary part of the sign. - Permit Required.

Maintenance means the replacing, repairing or repainting of a portion of a sign or sign structure and watering, weeding, mowing, trimming and similar activities on any landscaped area on which the sign is located.

Marquee (permanent sign) means a rigid, roof-like structure attached to a wall or walls of a building or structure and supported entirely by the building or structure. - Permit Required.

Memorial, cultural or commemorative signs (permanent sign) are tablets or plaques which are cut into a masonry surface, inlaid as part of a building or mounted flat against the wall of the building. - Permit Required.

Motor vehicle signs (permanent sign) are signs displayed on motor vehicles that are being operated or stored in the normal course of a business, such as signs indicating the name of the owner or business and are located on delivery trucks, rental trucks and the like and are exempt; provided that the primary purpose of such vehicles is not for the display of signs; and provided that the vehicles are parked or stored in areas appropriate to their use as vehicles. Stored vehicles may not be illuminated. Not subject to permit and fees. Shall not count against sign area.

Nonconforming sign means any sign erected prior to the enactment of this Chapter, which does not conform to all the applicable regulations and restrictions of this Chapter.

Off-premises sign means a billboard or general outdoor advertising device which advertises or directs attention to a business, commodity, service or activity conducted, sold or offered elsewhere than on the property upon which the sign is located, which sign is prohibited.

On-premises sign means a sign which advertises goods, services, facilities or events available on the premises upon which the sign is located.

Owner means a person, corporation or other legal entity recorded as such on the records of the County Clerk and Recorder, including any duly authorized agent of the owner or a person having a vested or contingent interest in the property in question.

Parking and private traffic directional signs are signs which give parking or traffic directions into, from or within a lot. - Exempt.

Permanent sign means any sign with a structure that is permanently placed or affixed to a structure or in the ground.

Permit required sign is a sign which requires a permit and permit fee prior to the installation of the sign.

Projecting object (blade sign) (permanent sign) means a sign which is supported by a wall, and the faces of which project at an approximate angle of ninety (90) degrees from that wall. - Permit Required.

Property means a combination of adjacent lots or parcels under a common ownership upon which may sit one (1) or multiple buildings.

Public notice signs (temporary sign) means a sign used for the advertising of a public hearing or meeting of a governmental body, including boards, commissions, special districts, etc.

Public signs (permanent sign) are those required or specifically authorized for a public purpose by the City Manager or by any statute or ordinance. Public signs are informational in nature and include signs that direct the public to

recreational and cultural interest areas; direct the public to facilities and amenities; may include "Welcome to the City" signs; and identify the jurisdiction by name and/or logo.

Roof sign means a sign erected upon or extending above the roofline of a building or structure, which sign is prohibited.

Roofline means the highest point on any building where an exterior wall encloses usable floor area, excluding floor area provided for housing mechanical equipment. The term roofline shall also include the highest point on any parapet wall required by the building code.

Secondary uses are uses identified as permitted uses, individual businesses or tenants located within the same principal structure.

Sight distance triangle means, on corner lots and where streets, alleys or driveways intersect each other, a triangle measured from the point of intersection of the curb flow lines abutting streets and/or alleys and driveways fifteen (15) feet along each such curb flow line. This provision applies only to individual detached signs.

Sign means an object, device or any part thereof situated outdoors or indoors which is used to advertise, identify, display, direct or attract attention to an object, place, person, institution, organization, business, product, service, event or location by any means including words, letters, figures, designs, logos, fixtures, colors, motion, illumination or projected images. If for any reason it cannot be readily determined whether or not an object is a sign, the City Manager or designee shall make such determination.

Sign face or display surface means the surface of a sign upon, against or through which the message is displayed or illustrated. The sign face includes any architectural embellishment or background material or color forming an integral part of the display or used to differentiate the sign from its surroundings. The area of a sign shall be the smallest possible rectangle or rectangles enclosing the extreme limits of the display surface. For signs involving individual letters or symbols placed flat against a building, the area of the sign shall be that of the smallest possible rectangle or rectangles enclosing all the letters or symbols used to convey the message of the sign and shall include the open space between the letters or symbols and the entire display surface. Applicants must show these dimensions on a plan for a sign plan or sign permit.

Sign height is the height of any sign and shall be the distance between the topmost portion of the sign or the structure supporting the sign or any architectural embellishments to the sign, and the average grade level at the base of the sign or sign support.

Sign spinner means an individual who holds, flips, or spins a portable sign containing a commercial message at a location intended to attract the attention of

motorists or pedestrians. Sign spinners are defined by the possession of a portable sign with a commercial message, regardless of whether or not the sign is being flipped, spun, or otherwise moved in a manner intended to attract attention.

Sign structure means any supports, uprights, braces or framework of the sign, excluding the sign face.

Signable area means that portion of the building facade unbroken by doors or windows upon which a sign is or may be located and is calculated by selecting a continuous facade, then drawing the largest possible imaginary rectangle unbroken by doors or windows and computing the square footage of this rectangle.

Special event signs (temporary sign) means signs that announce and/or give directions to yard or garage sales, and includes similar signs for the events of nonprofit groups. Special events signs are intended to be temporary.

Store front means any boundary line of a private lot or parcel of land that coincides with the right-of-way of a public street or alleyway.

Street address and identification signs (permanent sign) are signs which include only the name or professional title of the occupant, name of the building, address of the premises or hours of operation.

Temporary signs mean signs that are placed for a specified length of time and may include construction signs, development signs, grand opening signs, political signs, real estate signs, special event signs, etc.

Temporary HARD signs mean signs in the HARD District that are placed for a specified length of time and may include construction signs, development signs, grand opening signs, political signs, real estate signs, special event signs, etc.

Three-dimensional object sign is a projecting object sign that contains a cubic volume to the sign and has more than two (2) distinguishable sides dedicated towards advertisement. The volume of a three-dimensional object sign shall be calculated as the volume within a rectilinear form that could be constructed to enclose the primary form of the sign. Minor sign elements may project beyond the primary boundaries of this volume at the discretion of the Council. Minor design elements are those parts of the sign which add to the design quality without adding significantly to the perceived volume and mass of the sign.

Wall art (permanent sign) is art painted on a side of a building that in no way identifies a product, service or business and is not counted as sign area. The purpose of wall art is to provide art with a historical implication, which adds to the visual character of the community. - Permit Required.

Wall sign (permanent sign) means a sign attached to or painted on a wall of a building, the display surface of the sign being parallel to the wall of the building to which the sign is attached. - Permit Required.

Window exterior sign means a sign within a building displaying the logo or name of the building that is specifically intended to advertise to the exterior of the building and is not considered an interior sign, and shall be included in the total sign area for the property.

Window sign (permanent sign) means a sign that is applied or attached to a window or door or a sign located near a window or door within a building for the purpose of being visible to and read from the outside of the building. - Permit Required.

Secs. 15-63—15-80. Reserved.

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 13th day of November, 2019.


David D. Spellman, Mayor

ATTEST:


Melissa A. Greiner, CMC, City Clerk

