



REGULAR MEETING AGENDA

City of Black Hawk City Council
211 Church Street, Black Hawk, CO

May 27, 2020
3:00 p.m.

The City of Black Hawk is hosting Virtual City Council meetings in Zoom in response to the Coronavirus COVID-19 until further notice. There are no physical meetings at this time.

Join from a PC, Mac, iPad, iPhone, or Android device:
Please click this URL to join: <https://us02web.zoom.us/j/89630769633>

Or join by phone:

888-475-4499 (Toll-Free)

Webinar ID: 896 3076 9633

International numbers available: <https://zoom.us/u/aekAkAaLfF>

Phone commands using your phone's dial pad while in a Zoom meeting:

*6 – Toggle mute/unmute

*9 – Raise your hand to make a public comment or to speak for or against a Public Hearing matter

Public Comment:

If you wish to make a public comment during the meeting, please go to:

https://www.cityofblackhawk.org/comment_signup

and provide your Name, Email address, and Telephone.

During the Public comment section of the meeting, the host will go in order of sign up to ask for comments from those who have signed up

1. CALL TO ORDER:
2. ROLL CALL & PLEDGE OF ALLEGIANCE:
3. AGENDA CHANGES:
4. CONFLICTS OF INTEREST: (Council disclosures are on file w/City Clerk & Sec. of State)
5. PUBLIC COMMENT: *Please limit comments to 5 minutes*
6. APPROVAL OF MINUTES: May 13, 2020 Regular Council Meeting
May 21, 2020 Special Council Meeting
7. PUBLIC HEARINGS:
 - A. CB13, An Ordinance Amending Chapter 16 of the Black Hawk Municipal Code to Amend the Uses by Right in the Commercial/Business Services (C/BS) Zoning District
8. ACTION ITEMS:

None
9. CITY MANAGER REPORTS:
10. CITY ATTORNEY:

MISSION STATEMENT

The mission of the City of Black Hawk is to progressively provide cost effective programs and services of the highest quality to the community

11. EXECUTIVE SESSION:

12. ADJOURNMENT:

MISSION STATEMENT

The mission of the City of Black Hawk is to progressively provide cost effective programs and services of the highest quality to the community



**City of Black Hawk
City Council**

May 13, 2020

MEETING MINUTES

1. **CALL TO ORDER:** The regular meeting of the City Council was called to order on Wednesday, May 13, 2020, at 3:00 p.m. by Mayor Spellman.

2. **ROLL CALL:** Present were: Mayor Spellman, Aldermen Armbright, Bennett, Johnson, Midcap, Moates, and Torres.

Virtual/Present Staff: City Attorney Hoffmann, City Manager Cole, Commander Jantz, Fire Chief Woolley, Finance Director Hillis, City Clerk/Administrative Services Director Greiner, Public Works Director Isbester, Community Planning & Development Director Linker, Baseline Engineering Consultants Harris and Esterl, IT Manager Muhammad, and Deputy City Clerk Martin.

- PLEDGE OF ALLEGIANCE:** Mayor Spellman led the meeting in the recitation of the Pledge of Allegiance.

3. **AGENDA CHANGES:** Deputy City Clerk Martin confirmed there were no changes to the agenda.

4. **CONFLICTS OF INTEREST:** City Attorney Hoffmann asked Council to declare any Conflicts of Interest on any issue appearing on the agenda this afternoon other than those previous disclosures and conflicts that have already been disclosed and are on file with the City Clerk and Secretary of State. No conflicts were noted from City Council.

City Attorney Hoffmann asked the virtual audience if there were any objections to any member of Council voting on any issue on the agenda this afternoon. There were no objections noted.

5. **PUBLIC COMMENT:** Deputy City Clerk Martin confirmed no one had signed up to speak.

6. APPROVAL OF
MINUTES: April 22, 2020

MOTION TO APPROVE Alderman Bennett **MOVED** and was **SECONDED** by Alderman Torres to approve the Minutes as presented.

MOTION PASSED There was no discussion, and the motion **PASSED** unanimously.

7. PUBLIC HEARINGS:

A. CB12, A Bill for an Ordinance Rezoning Lot 1, Block 1 of Miners Mesa Subdivision Filing No. 4 from Hillside Development (HD) to Commercial/Business Services (CBS) Zoning District, and Amending the City's Zoning Map to Conform Therewith

Mayor Spellman read the title and opened the public hearing.

Baseline Planning Consultants Harris and Esterl were present to go through the application. Mr. Harris explained that the owner, Ventana Capital, wishes to rezone their lot from Hillside Development to Commercial/Business Services to allow for more commercial and recreation uses. He said it is a vacant lot that has been mainly used for parking and construction staging areas. He added there is a portion of the lot earmarked for a helipad, which is another agenda item for today, and that he has been working with Fire Chief Woolley on the release of the helipad because there is no desire on the City's part to have it stay on the property. He noted that a Helipad License Agreement was called out on the plat, but an Agreement cannot be found. The applicant, Bryan Horan, was online for any questions. Staff recommends approval, and their report was included in the packet.

PUBLIC HEARING: Mayor Spellman declared a Public Hearing on CB12, a Bill for an Ordinance rezoning Lot 1, Block 1 of Miners Mesa Subdivision Filing No. 4 from Hillside Development (HD) to Commercial/Business Services (CBS) Zoning District, and amending the City's Zoning Map to conform therewith open and invited anyone wanting to address the Board either "for" or "against" the proposed ordinance to come forward.

No one wished to speak, and Mayor Spellman declared the Public Hearing closed.

MOTION TO APPROVE Alderman Armbricht **MOVED** and was **SECONDED** by Alderman Moates to approve CB12, a Bill for an Ordinance rezoning Lot 1, Block 1 of Miners Mesa Subdivision Filing No. 4 from Hillside Development

(HD) to Commercial/Business Services (CBS) Zoning District, and amending the City's Zoning Map to conform therewith.

MOTION PASSED

There was no discussion, and the motion **PASSED** unanimously.

B. Resolution 26-2020, A Resolution Approving the Minor Subdivision for the Property Located on Gregory Street and More Particularly Described as Portions of Lots 2, 3 and 4 and All of Lots 5 Through 8, Block 28, City of Black Hawk, Colorado to be Known as City of Black Hawk, Block 28, Amendment No. 1 (continued from March 25, 2020)

Mayor Spellman read the title and continued the public hearing.

Baseline Planning Consultant Harris went through his presentation. He identified the properties as 211 and 221 Gregory Street and 201 Selak Street (City Hall) and owned by the Black Hawk Urban Renewal Authority and the City of Black Hawk. Historically, he said, the City had many smaller narrow lots, and this minor subdivision would eliminate all of those lot lines to create two lots known as 201 Selak Street to consist of City Hall and the parking lot, and 221 Gregory Street to consist of the existing buildings, thereby eliminating the 211 Gregory Street address. He said all criteria had been met, and staff recommends approval.

PUBLIC HEARING:

Mayor Spellman declared a Public Hearing on Resolution 26-2020, a Resolution approving the minor subdivision for the property located on Gregory Street and more particularly described as portions of Lots 2, 3 and 4 and all of Lots 5 through 8, Block 28, City of Black Hawk, Colorado to be known as City of Black Hawk, Block 28, Amendment No. 1 open and invited anyone wanting to address the Board either "for" or "against" the proposed resolution to come forward.

No one wished to speak, and Mayor Spellman declared the Public Hearing closed.

MOTION TO APPROVE

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Midcap to approve Resolution 26-2020, a Resolution approving the minor subdivision for the property located on Gregory Street and more particularly described as portions of Lots 2, 3 and 4 and all of Lots 5 through 8, Block 28, City of Black Hawk, Colorado to be known as City of Black Hawk, Block 28, Amendment No. 1.

MOTION PASSED

There was no discussion, and the motion **PASSED** unanimously.

C. Resolution 27-2020, A Resolution Approving a Certificate of Architectural Compatibility for the Building Located at 221 Gregory Street (Continued from March 25, 2020)

Mayor Spellman read the title and continued the public hearing.

Baseline Planning Consultant Esterl introduced this item. She explained this is the recently subdivided lot known as 221 Gregory Street and the applicant, the Black Hawk Urban Renewal Authority, is requesting this Certificate of Architectural Compatibility to renovate the existing buildings into four retail spaces with a shared common area including restrooms and an elevator to be developed as part of the Gregory Street Pedestrian Mall. Staff recommends approval with the conditions outlined in the resolution.

PUBLIC HEARING:

Mayor Spellman declared a Public Hearing on Resolution 27-2020, a Resolution approving a Certificate of Architectural Compatibility for the building located at 221 Gregory Street open and invited anyone wanting to address the Board either “for” or “against” the proposed resolution to come forward.

No one wished to speak, and Mayor Spellman declared the Public Hearing closed.

MOTION TO APPROVE

Alderman Johnson **MOVED** and was **SECONDED** by Alderman Armbright to approve Resolution 27-2020, a Resolution approving a Certificate of Architectural Compatibility for the building located at 221 Gregory Street.

MOTION PASSED

There was no discussion, and the motion **PASSED** unanimously.

8. ACTION ITEMS:

A. Resolution 37-2020, A Resolution Consenting to and Extending the Order Declaring a Local Disaster Emergency In and For the City of Black Hawk

Mayor Spellman read the title.

City Attorney Hoffmann introduced the extension of the declaration as indefinitely until City Council comes back with a resolution to terminate it. He said there is no downside to continue the declaration, and it may allow eligibility for Federal assistance.

MOTION TO APPROVE

Alderman Moates **MOVED** and was **SECONDED** by Alderman Torres to approve Resolution 37-2020, a Resolution consenting to and extending

the Order Declaring a Local Disaster Emergency in and for the City of Black Hawk.

MOTION PASSED

There was no discussion, and the motion **PASSED** unanimously.

B. Resolution 38-2020, A Resolution Approving the Release of the City's Interest in the Helipad License Agreement Located on Lot 1, Block 1 of Miners Mesa Subdivision Filing No. 4

Mayor Spellman read the title.

Baseline Planning Consultant Harris explained this was the helipad item previously mentioned in the Miners Mesa rezoning application approved on CB12. He said it is a helipad location registered with the FAA, but as staff was going through the rezoning application, they could never find an approved or recorded license agreement for this property. In working with Fire Chief Woolley, he said there is no need, requirement, or desire to keep this helipad, and it just clouds the owner's title and use for other purposes, so staff recommends release of the helipad. If approved, it would be relinquished off the FAA website as well.

MOTION TO APPROVE

Alderman Armbricht **MOVED** and was **SECONDED** by Alderman Torres to approve Resolution 38-2020, a Resolution approving the release of the City's interest in the Helipad License Agreement located on Lot 1, Block 1 of Miners Mesa Subdivision Filing No. 4.

MOTION PASSED

There was no discussion, and the motion **PASSED** unanimously.

C. Resolution 39-2020, A Resolution Approving the License Agreement Between the City of Black Hawk, Colorado and Isle of Capri Black Hawk, LLC

Mayor Spellman read the title.

Baseline Planning Consultant Esterl explained that this item satisfies a condition of approval for the rebranding of the Isle of Capri/Eldorado Casino when they were approved for their amended Comprehensive Sign Plan (CSP) in 2019, which included a new blade sign and a monument sign. At that time, she said, there were two conditions for approval, the first was in regards to the blade sign protruding into the Main Street right-of-way. She said this is not the case now that the property line has been added to the CSP. However, the monument sign will be entirely in the Miners Mesa right-of-way and therefore requires this License Agreement.

MOTION TO APPROVE

Alderman Midcap **MOVED** and was **SECONDED** by Alderman Bennett to approve Resolution 39-2020, a Resolution approving the License Agreement between the City of Black Hawk, Colorado and Isle of Capri Black Hawk, LLC.

MOTION PASSED

There was no discussion, and the motion **PASSED** unanimously.

D. Resolution 40-2020, A Resolution Approving a Telephonic Participation Policy for Historic Preservation Commission Meetings

Mayor Spellman read the title.

Community Planning and Director Linker stated this was a housekeeping item to have in place for Historic Preservation Commission meetings in case they cannot hold in-person meetings.

MOTION TO APPROVE

Alderman Armbricht **MOVED** and was **SECONDED** by Alderman Moates to approve Resolution 40-2020, a Resolution approving a Telephonic Participation Policy for Historic Preservation Commission Meetings.

MOTION PASSED

There was no discussion, and the motion **PASSED** unanimously.

E. Resolution 41-2020, A Resolution Approving the Proposal from CIGNA for 2020-2023 Ancillary Coverage

Mayor Spellman read the title.

City Clerk/Administrative Services Director Greiner introduced this item. She said CIGNA came back after negotiations with a little increase, so the brokers went out and shopped the market. CIGNA then agreed to reduce our rate and give the City a three-year rate guarantee with rates lower than our current premiums.

MOTION TO APPROVE

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Johnson to approve Resolution 41-2020, a Resolution approving the proposal from CIGNA for 2020-2023 Ancillary Coverage.

MOTION PASSED

There was no discussion, and the motion **PASSED** unanimously.

F. Resolution 42-2020, A Resolution Approving the Contract with Delta Dental in the Estimated Amount of \$122,522 for Group Dental Insurance

Mayor Spellman read the title.

City Clerk/Administrative Services Director Greiner explained that Delta Dental had imposed rate increases for all of their renewals in 2020. She noted that last year the City was moved to a larger group plan, which allowed for more options. This year, she said, in addition to Delta's increase, the City's claims were high, which results in a 12.5% rate increase for the current benefit. She added that the City had expressed interest in increasing benefits, so she had added those proposals with the current benefit proposal. Staff recommends staying with the current benefit proposal due to budgetary restraints due to COVID-19. Also, she said that Delta offered that if we renew with them, they will forgive ½ of two months' premiums, which totals \$9,000 due to COVID-19.

MOTION TO APPROVE

Alderman Armbright **MOVED** and was **SECONDED** by Alderman Bennett to approve Resolution 42-2020, a Resolution approving the contract with Delta Dental in the estimated amount of \$122,522 for Group Dental Insurance.

MOTION PASSED

There was no discussion, and the motion **PASSED** unanimously.

G. Resolution 43-2020, A Resolution Approving the Contract with Kaiser Permanente in the Estimated Amount of \$1,116,622 for Group Health Insurance

Mayor Spellman read the title.

City Clerk/Administrative Services Director Greiner presented Kaiser's quote with a rate increase of 6.9%, and no plan changes, staff had budgeted for 15%. She said they anticipate increases next year to offset the COVID-19 fallout and could even raise their cap on their increases.

MOTION TO APPROVE

Alderman Moates **MOVED** and was **SECONDED** by Alderman Johnson to approve Resolution 43-2020, a Resolution approving the contract with Kaiser Permanente in the estimated amount of \$1,116,622 for Group Health Insurance.

MOTION PASSED

There was no discussion, and the motion **PASSED** unanimously.

H. Resolution 44-2020, A Resolution Revising a Job Description for Police Chief

Mayor Spellman read the title.

City Manager Cole introduced this item. He explained that the City had hired KRW Associates to recruit for Police Chief, and they suggested changes to the job description. One change, he said, was to require the applicant to have a total of 15 years of experience, including command experience, instead of 15 years' experience + five years of command experience. He said this would broaden the number of people that can apply. Another change was to add "regionally" to the Bachelor's degree accredited college or university requirement and remove "or the equivalent of" to the years of experience. He said in the first week of posting, they have already received 15 applications. There was a discussion on the hiring committee and a meet and greet reception. It was agreed that meet and greet receptions have not worked in the past.

MOTION TO APPROVE

Alderman Midcap **MOVED** and was **SECONDED** by Alderman Bennett to approve Resolution 44-2020, a Resolution revising a job description for Police Chief.

MOTION PASSED

There was no discussion, and the motion **PASSED** unanimously.

9. CITY MANAGER REPORTS:

City Manager Cole had nothing to report.

10. CITY ATTORNEY:

City Attorney Hoffmann had nothing to report.

11. EXECUTIVE SESSION:

City Attorney Hoffmann recommended item number 2 only for Executive Session, and the specific legal issues related to the pending litigation, personnel matters, and potential legislation.

MOTION TO ADJOURN INTO EXECUTIVE SESSION

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Johnson to adjourn into Executive Session at 3:16 p.m. to hold a conference with the City's attorney to receive legal advice on specific legal questions, pursuant to C.R.S. § 24-6-402(4)(b).

MOTION PASSED

There was no discussion, and the motion **PASSED** unanimously.

**MOTION TO
ADJOURN**

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Johnson to adjourn the Executive Session at 3:36 p.m.

MOTION PASSED

There was no discussion, and the motion **PASSED** unanimously.

12. ADJOURNMENT:

Mayor Spellman declared the Regular Meeting of the City Council closed at 4:50 p.m.

Melissa A. Greiner, CMC
City Clerk

David D. Spellman
Mayor

DRAFT



**City of Black Hawk
City Council**

May 21, 2020

SPECIAL MEETING MINUTES

1. CALL TO ORDER: A special meeting of the City Council was called to order on Thursday, May 21, 2020, at 1:00 p.m. by Mayor Spellman.

2. ROLL CALL: Physically Present: Mayor Spellman, Aldermen Armbright, Bennett, Johnson, Midcap, and Moates.

Virtually Present: Alderman Torres

Virtual/Present Staff: City Attorney Hoffmann, City Manager Cole, Finance Director Hillis, City Clerk/Administrative Services Director Greiner, IT Manager Muhammad, and Deputy City Clerk Martin.

PLEDGE OF ALLEGIANCE: Mayor Spellman led the City in the recitation of the Pledge of Allegiance.

3. CONFLICTS OF INTEREST: City Attorney Hoffmann said there was no need to call for Conflicts of Interest because there were no items on the agenda.

4. PUBLIC COMMENT: None

5. EXECUTIVE SESSION: City Attorney Hoffmann recommended item number 2 only for Executive Session for pending litigation.

**MOTION TO
ADJOURN INTO
EXECUTIVE
SESSION**

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Johnson to adjourn into Executive Session at 1:02 p.m. to hold a conference with the City's attorney to receive legal advice on specific legal questions, pursuant to C.R.S. § 24-6-402(4)(b).

MOTION PASSED

There was no discussion, and the motion **PASSED** unanimously.

**MOTION TO
ADJOURN**

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Johnson to adjourn the Executive Session at 1:40 p.m.

MOTION PASSED

There was no discussion, and the motion **PASSED** unanimously.

6. **ADJOURNMENT:**

Mayor Spellman declared the Special Meeting of the City Council closed at 1:40 p.m.

Melissa A. Greiner, CMC
City Clerk

David D. Spellman
Mayor

DRAFT

**COUNCIL BILL 13
ORDINANCE 2020-13
AN ORDINANCE
AMENDING CHAPTER 16
OF THE BLACK HAWK
MUNICIPAL CODE TO
AMEND THE USES BY
RIGHT IN THE
COMMERCIAL/BUSINESS
SERVICES (C/BS) ZONING
DISTRICT**

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

COUNCIL BILL NUMBER: CB-13

ORDINANCE NUMBER: 2020-13

TITLE: AN ORDINANCE AMENDING CHAPTER 16 OF THE BLACK HAWK MUNICIPAL CODE TO AMEND THE USES BY RIGHT IN THE COMMERCIAL/BUSINESS SERVICES (C/BS) ZONING DISTRICT

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

Section 1. Section 16-24 of the Black Hawk Municipal Code is amended by the addition thereto of the following definition:

Distillery means a facility where spirituous liquor is manufactured, stored, bottled, and sold in sealed containers at wholesale. Such facilities may include on-site retail sales for consumption off-premises, and may include on-premise consumption in accordance with the Colorado Liquor Code.

Section 2. Section 16-94 of the Black Hawk Municipal Code is amended by the addition thereto of new subsections (a)(14) to read as follows:

Sec. 16-94. Use regulations.

(a) Permitted principal uses. Any of the following uses, provided that the gross floor area of a single building or structure containing the use does not exceed twenty five thousand (25,000) square feet.

* * *

(14) Distilleries.

Section 3. 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 4. 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 5. 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 27th day of May, 2020.

David D. Spellman, Mayor

ATTEST:

Melissa A. Greiner, CMC, City Clerk

NOTICE OF PUBLIC HEARING

Notice is hereby given that the City of Black Hawk Board of Aldermen shall hold a public hearing concerning a request for amendments to the City of Black Hawk Municipal Code, Division 1 - C/BS Commercial/Business Services Zoning District, AND Section 16-24 - Definitions, pursuant to the City of Black Hawk zoning ordinance.

The public hearing is to be held before the City of Black Hawk Board of Aldermen on Wednesday, May 27, 2020, at 3:00 p.m. or as soon as possible thereafter. The City of Black Hawk is hosting virtual City Council meetings via Zoom in response to the Coronavirus COVID-19 until further notice. There are no physical meetings at this time. This meeting will accommodate public engagement via a Zoom URL and/or phone number to join. Please go to the City of Black Hawk's website for further instructions prior to the meeting.

ALL INTERESTED PARTIES MAY ATTEND

Melissa A. Greiner, CMC
City Clerk

CITY OF BLACK HAWK
REQUEST FOR COUNCIL ACTION

SUBJECT: To consider an Ordinance amending the Commercial/Business Services zoning district, and the Definitions sections of Chapter 16 (Zoning) of the City of Black Hawk Municipal Code.

RECOMMENDATION: Staff recommends the following motion to the Mayor and Board of Aldermen:

MOTION TO APPROVE CB-13, Ordinance No. 2020-13 amending the Commercial/Business Services (C/BS), and the Definitions sections of Chapter 16 (Zoning) of the City of Black Hawk Municipal Code, as more fully described in the attached ordinance.

SUMMARY AND BACKGROUND OF SUBJECT MATTER:

The City of Black Hawk has identified the need to update portions of the Municipal Code within Chapter 16 (Zoning). The proposed amendments include two sections: Commercial/Business Services (C/BS), and Definitions.

The goal of the proposed amendments is to provide additional flexibility for commercial development in order to advance the City’s goal of becoming a destination resort, as outlined in the City of Black Hawk Comprehensive Plan adopted on February 12, 2020 by Resolution No. 8-2020.

AGENDA DATE: May 27, 2020

WORKSHOP DATE: N/A

FUNDING SOURCE: N/A

DEPARTMENT DIRECTOR APPROVAL: Yes No

STAFF PERSON RESPONSIBLE: Cynthia L. Linker
CP&D Director

DOCUMENTS ATTACHED: CB-13, Ordinance No. 2020-13
Public Hearing Notice
Staff Report



RECORD: Yes No
Record Ordinance 2020-13

CITY ATTORNEY REVIEW: Yes N/A

SUBMITTED BY:

Cynthia L. Linker

Cynthia L. Linker, CP&D Director

REVIEWED BY:

Stephen N. Cole

Stephen N. Cole, City Manager

V. Harris

Vincent Harris, AICP, Baseline Corporation



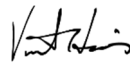
BLACK HAWK



Staff Report

STAFF REPORT: Zoning Code Amendments to the C/BS Zone District and Definitions

For: City Council
Project: P-20-12 C/BS Zone District and Definitions Amendments
Applicants: City of Black Hawk
Prepared by: Julie Esterl - Baseline Corporation
Approved by: Vincent Harris, AICP - Baseline Corporation
Reviewed by: Cynthia Linker, CP&D Director



BACKGROUND:

Earlier this year the City of Black Hawk identified the need to update portions of the Municipal Code within Chapter 16 (Zoning). The proposed amendments include two sections: Commercial/Business Services (C/BS), and Definitions. The zoning district section is contained within Chapter 16, Article V (Nonresidential Districts) of the Municipal Code. The definitions section is contained within Chapter 16, Article II (Definitions) of the Municipal Code.

The goal of the proposed amendments is to provide additional flexibility for commercial development in order to advance the City’s goal of becoming a destination resort, as outlined in the City of Black Hawk 2020 Comprehensive Plan adopted on February 12, 2020 by Resolution No. 8-2020.

SUMMARY OF PROPOSED AMENDMENTS:

Chapter 16, Article V, Division 1 – Commercial/Business Services (C/BS):

This amendment adds Distillery to the list of permitted principal uses.

Chapter 16, Article II – Definitions:

This amendment adds the Distillery definition to the zoning code in order to clarify the additional use proposed in the C/BS amendment. Additional words in the definition are included for ‘Distillery’.

Staff has prepared the proposed amendments which have been reviewed by the City Attorney to ensure legal conformance.

APPLICABLE CITY OF BLACK HAWK REGULATIONS:

Excerpts from:

*City of Black Hawk
Municipal Code
Chapter 1 – General Provisions*

Sec. 1-47. Amendments to Code.

Ordinances and parts of ordinances of a permanent and general nature, passed or adopted after the adoption of this Code, may be passed or adopted either in the form of amendments to the Code adopted by this Code or without specific reference to the Code. However, in either case, all such ordinances and parts of ordinances shall be deemed amendments to the Code, and all of the substantive, permanent and general parts of said ordinances and changes made thereby in the Code shall be inserted and made in the Code as provided in Section 1-50 hereof.

STAFF SUMMARY:

Staff believes that the proposed amendments to Chapter 16 (Zoning) are an appropriate course of action to provide additional flexibility for commercial development which will assist in attaining the City goal of becoming a destination resort.

City Council may approve the proposed amendments to Chapter 16 (Zoning) of the Municipal Code and give consideration to the criteria below:

- a. A need exists for the proposal
Staff Comment: Staff believes a need exists for these proposed amendments to the C/BS, and Definitions sections of the code. These amendments will promote additional commercial development opportunities within the C/BS district.
- b. The proposal is in conformance with the goals and objectives of the Comprehensive Plan.
Staff Comment: The proposed amendments are in conformance with the Comprehensive Plan and are designed to specifically promote the City's goal of becoming a destination resort.

Staff recommends that City Council pass an ordinance amending Chapter 16 (Zoning) of the City of Black Hawk Municipal Code as more fully described in the attached ordinance.

FINDINGS:

City Council may *approve, conditionally approve, or deny* the proposal to amend two sections of Chapter 16 (Zoning Code) of the City of Black Hawk Municipal Code. To support this proposal, the following findings can be used:

1. A need exists for code amendments that allow for additional and more flexible commercial development.
2. The proposed amendments are in conformance with the Comprehensive Plan and City goals contained therein.

RECOMMENDATION:

Staff recommends the following motion to the Mayor and Board of Aldermen:

MOTION TO APPROVE CB-13, Ordinance No. 2020-13 an ordinance amending the Commercial/Business Services (C/BS), and the Definitions sections of Chapter 16 (Zoning) of the City of Black Hawk Municipal Code, as more fully described in the attached ordinance.

ATTACHMENTS:

- CB-13, Ordinance No. 2020-13