

BY AUTHORITY

ORDINANCE NO. *231*
SERIES OF 2009

COUNCIL BILL NO. *169*
COMMITTEE OF REFERENCE:
Blueprint Denver

A BILL

For an ordinance changing the zoning classification, with a waiver, at approximately 3150-3152 Walnut Street.

WHEREAS, the City Council has determined, based on evidence and testimony presented at the public hearing, that the map amendment set forth below conforms with applicable City laws, is in accordance with the Comprehensive Plan, is justified either by changed or changing conditions or to correct manifest error in the prior zoning and is necessary to promote the public health, safety and general welfare;

NOW THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:

Section 1. That upon consideration of a change in the zoning classification of the land area hereinafter described, Council finds:

1. That the land area hereinafter described is presently classified as I-2;
2. That the owner proposes that the land area hereinafter described be changed to R-MU-30 with a reasonable waiver it has approved;
3. That in the application the owner has represented that if the zoning classification is changed pursuant to the application, the owner will and hereby does:

(i) Waive the right to a maximum building height for structures located in the R-MU-30 zone district regardless of use(s), adjacent use(s), and/or adjacent zone districts as required under Section 59-312(7) of the Denver Revised Municipal Code for all structures and instead the maximum building height for all structures within the land area described below shall be fifty-five (55) feet.

All other provisions of Section 59-312(7) of the Denver Revised Municipal Code shall remain in full force and effect.

Section 2. That the zoning classification of the land area in the City and County of Denver described as follows or included within the following boundaries shall be and hereby is changed from R-3 to R-MU-30 with a reasonable waiver, which waiver is set forth in Subsection 3 of Section 1 hereof:

LOTS 5 THROUGH 10, BLOCK 23, CASE AND EBERT'S ADDITION TO THE CITY OF DENVER



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1 in addition thereto those portions of all abutting public rights-of-way, but only to the centerline
2 thereof, which are immediately adjacent to the aforesaid specifically described area.

3 **Section 3.** That the foregoing change in zoning classification is based upon the
4 representation by the owner that it will waive those certain rights available to it, and, in lieu
5 thereof, agrees to certain limitations which limitations are set forth in Subsection 3 of Section 1
6 hereof, and no permit shall be issued except in strict compliance with the aforesaid waiver. Said
7 waiver shall be binding upon all successors and assigns of said owner, who along with said
8 owner shall be deemed to have waived all objections as to the constitutionality of the aforesaid
9 waiver.

10 **Section 4.** That this ordinance shall be recorded by the Department of Zoning
11 Administration among the records of the Clerk and Recorder of the City and County of Denver.
12

13 COMMITTEE APPROVAL DATE: March 11, 2009

14 MAYOR-COUNCIL DATE: March 17, 2009

15 PASSED BY THE COUNCIL April 20 2009

16 Jeanne Robb - PRESIDENT
17 APPROVED: [Signature] - ACTING MAYOR April 21, 2009

18 ATTEST: [Signature] - CLERK AND RECORDER,
19 EX-OFFICIO CLERK OF THE
20 CITY AND COUNTY OF DENVER

21 NOTICE PUBLISHED IN THE DAILY JOURNAL Mar. 26, 2009; Apr. 24, 2009

22 PREPARED BY: ^{KSA} KAREN A. AVILES, ASSISTANT CITY ATTORNEY, March 19, 2009

24 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office
25 of the City Attorney. We find no irregularity as to form, and have no legal objection to the
26 proposed ordinance. The proposed ordinance is not submitted to the City Council for approval
27 pursuant to § 3.2.6 of the Charter.
28
29

30 David R. Fine, City Attorney

31 BY: [Signature], Assistant City Attorney, March 19, 2009

