

1 **BY AUTHORITY**

2 ORDINANCE NO.
3 SERIES OF 2011

COUNCIL BILL NO. CB11-0558
COMMITTEE OF REFERENCE:
Land Use, Transportation & Infrastructure

4
5 **A BILL**

6 **Amending Ordinance No. 433, Series of 2008 relating to the rezoning of 2851**
7 **West 52nd Avenue.**

8
9 **WHEREAS**, Ordinance No. 433 Series of 2008 as approved has an error in the building
10 height waiver found in Subsection 3(i) of such ordinance; and

11 **WHEREAS**, the City and the owner desire to correct the error by amending the waiver as set
12 forth herein;

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

15 **Section 1.** That Subsection 3(i) of Ordinance No. 433, Series of 2008, shall be and
16 hereby is amended in its entirety and corrected to read as follows:

17 3. That in the application the owner has represented that if the zoning classification is
18 changed pursuant to the application, the owner will and hereby does:

19 (i) Waive the right to a maximum building height regardless of use(s),
20 adjacent use(s), and/or adjacent zone districts as required under Section 59-312(7) of the Denver
21 Revised Municipal Code for all structures and instead, within three hundred fifty (350) feet of the
22 Federal Boulevard right-of-way, the maximum permitted building height shall be seventy-five (75)
23 feet. Further, for the remainder of the zone lot, the maximum permitted building height shall be
24 fifty-five (55) feet.

25 **Section 2.** The remaining provisions of Ordinance No. 433, Series of 2008 remain in full
26 force and effect.

27 **Section 3.** That this ordinance shall be recorded by the Department of Zoning
28 Administration among the records of the Clerk and Recorder of the City and County of Denver.

1 COMMITTEE APPROVAL DATE: August 4, 2011 by consent
2 MAYOR-COUNCIL DATE: August 9, 2011
3 PASSED BY THE COUNCIL _____ 2011
4 _____ - PRESIDENT
5 APPROVED: _____ - MAYOR _____ 2011
6 ATTEST: _____ - CLERK AND RECORDER,
7 EX-OFFICIO CLERK OF THE
8 CITY AND COUNTY OF DENVER
9 NOTICE PUBLISHED IN THE DAILY JOURNAL _____ 2011; _____ 2011
10 PREPARED BY: KAREN A. AVILES, ASSISTANT CITY ATTORNEY, August 15, 2011
11 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of
12 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
13 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to
14 § 3.2.6 of the Charter.
15
16 David W. Broadwell, Denver City Attorney
17 BY: _____, City Attorney, DATE: _____, 2011