

BY AUTHORITY

ORDINANCE NO. *580*
SERIES OF 2007

COUNCIL BILL NO. *521*
COMMITTEE OF REFERENCE:
Blueprint Denver

A BILL

For an ordinance changing the zoning classification, with a waiver, for 3232 Larimer 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;

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-1;
2. That the owner proposes that the land area hereinafter described be changed to R-MU-30 with a 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 as required under Section 59-312(7) of the Denver Revised Municipal Code for structures located in the R-MU-30 Zone Districts and instead the maximum building height for any structure shall be fifty-five (55) feet. The remaining 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 shall be and hereby is changed from I-1 to R-MU-30 with a reasonable waiver, which waiver is set forth in Subsection 3 of Section 1 hereof:

Lots 8-9-10, Block 36, Case and Eberts Addition to City and County of Denver

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

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

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

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11 COMMITTEE APPROVAL DATE: September 12, 2007

12 MAYOR-COUNCIL DATE: September 18, 2007

13 PASSED BY THE COUNCIL October 22 2007

14 [Signature] - PRESIDENT

15 APPROVED: [Signature] - MAYOR Oct. 23, 2007

16 ATTEST: [Signature] - CLERK AND RECORDER,
17 EX-OFFICIO CLERK OF THE
18 CITY AND COUNTY OF DENVER
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20 NOTICE PUBLISHED IN THE DAILY JOURNAL Sept. 28, 2007; Oct. 26, 2007

21 PREPARED BY: KAREN A. AVILES, ASSISTANT CITY ATTORNEY, September 20, 2007

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

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33 BY: [Signature], Assistant City Attorney, September 20, 2007

