

**BY AUTHORITY**

ORDINANCE NO.  
SERIES OF 2012

COUNCIL BILL NO. 12-0675  
COMMITTEE OF REFERENCE:  
Land Use, Transportation & Infrastructure

**A BILL**

**For an ordinance changing the zoning classification, with a reasonable condition, for 200, 234 and 280 Columbine Street and 2600 E. 3<sup>rd</sup> Avenue.**

**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 C-CCN;
2. That the owner proposes that the land area hereinafter described be changed to C-MX-8, with a reasonable condition and C-MX-5, with a reasonable condition;
3. The owner approves and agrees to the following described reasonable condition to the requested change in zoning classification related to the development, operation, and maintenance of the land area:

A Regulating Plan shall be submitted and approved per the applicable requirements of Section 12.4.13 (Regulating Plan) of the Denver Zoning Code. The Regulating Plan shall be approved prior to approval of a site development plan.

**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 to C-MX-8, with a reasonable condition and C-MX-5, with a reasonable condition, with each such reasonable condition approved by the owner and applicable to both parcels described below:

**Parcel "A" Proposed Zoning C-MX-8**

Plots 1, 2, 3 and the South 50 feet of Plot 4, Block 62 Harman's Subdivision

City and County of Denver, State of Colorado.

**Parcel "B" Proposed Zoning C-MX-5**

Plot 5 and the North 50 feet of Plot 4, Block 62 Harman's Subdivision

City and County of Denver, State of Colorado.

Except the 181 square foot parcel described in Ordinance 166 Series of 1987.

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**Section 3.** The foregoing change in zoning classification is based upon a reasonable condition approved by the owner, which reasonable condition is set forth in Section 1(3) hereof; and no permit shall be issued except in strict compliance with the aforesaid reasonable condition. Said reasonable condition shall be binding upon all successors and assigns of the owner, who along with the owner shall be deemed to have waived all objections as to the constitutionality of the aforesaid reasonable condition.

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

COMMITTEE APPROVAL DATE: October 9, 2012

MAYOR-COUNCIL DATE: October 16, 2012

PASSED BY THE COUNCIL \_\_\_\_\_ 2012

\_\_\_\_\_ - PRESIDENT

APPROVED: \_\_\_\_\_ - MAYOR \_\_\_\_\_ 2012

ATTEST: \_\_\_\_\_ - CLERK AND RECORDER,  
EX-OFFICIO CLERK OF THE  
CITY AND COUNTY OF DENVER

NOTICE PUBLISHED IN THE DAILY JOURNAL \_\_\_\_\_ 2012; \_\_\_\_\_ 2012

PREPARED BY: Brent A. Eisen, Assistant City Attorney DATE: October 18, 2012

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

Douglas J. Friednash, City Attorney

BY: \_\_\_\_\_, Assistant City Attorney DATE: \_\_\_\_\_, 2012