

1 BY AUTHORITY

2 ORDINANCE NO. _____
3 SERIES OF 2010

COUNCIL BILL NO. CB10-0570
COMMITTEE OF REFERENCE:

4
5 **A BILL**

6 **For an ordinance setting fees for hearings before the Board of Adjustment for**
7 **zoning appeals.**

8
9 **Whereas**, pursuant to Section 12.3.3.4.B. of the Denver Zoning Code, the Board of Adjustment for
10 zoning appeals has forwarded it's recommendations for setting processing fees for all applications
11 determined by the Board of Adjustment,

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

14 **Section 1.** Pursuant to Section 12.3.3.4.B. of the Denver Zoning Code the following
15 processing fees are approved for all applications determined by the Board of Adjustment:

16 **Filing Fee Categories: The following fees shall be charged pursuant to 12.3.3.4.B., Denver**
17 **Zoning Code:**

- 18 **1. \$100.00:** For the following, a fee of one hundred dollars shall be charged.
- 19 a. Variances for enclosures of balconies of individual units of multiple unit dwellings;
 - 20 b. Keeping of Animals;
 - 21 c. Six Month Delay of Enforcement under Section 12.2.6.8. from cease and desist
22 orders from Neighborhood Inspection Services for violations not eligible for Variance or
23 Special Exception, including inoperable, dismantled or other non-permitted vehicles, trash
24 or junk on the property, unpaved or unscreened parking, minimum size of residential
25 structures, rooming and boarding, and unrelated persons.
- 26 **2. \$150.00:** For the following, a fee of one hundred and fifty dollars shall be charged.
- 27 a. Variances for minor construction including fences and detached sheds;
 - 28 b. Variances for excess number of vehicles, oversized vehicles such as overlength
29 recreational vehicles, and the location of detached campers, trailers and boats;
 - 30 c. Variances for signage (excluding off-premises signs);
 - 31 d. Six Month Delay of Enforcement under Section 12.2.6.8 for cease and desist orders
32 from Neighborhood Inspection Services for violations regarding issues listed in Categories
33 2.a. through 2.c., above.
- 34 **3. \$200.00:** For the following, a fee of two hundred dollars shall be charged.

- a. Variances for major construction including all residential, commercial and industrial buildings, additions to these structures, second residential structures or ADU building forms, and garages;
- b. Variances from provisions or conditions of approved landscaping plans (excluding the requirement to provide landscaping);
- c. Variances from provisions or conditions of approved parking plans; and from parking code requirements excluding surfacing, such as stall and aisle widths and number of spaces;
- d. Appeals of actions of the Zoning Administrator regarding Zoning Permits with Informational Notice (ZPIN) under 12.4.2;
- e. Six Month Delay of Enforcement under Section 12.2.6.8. from cease and desist orders from Neighborhood Inspection Services for violations regarding issues listed in Categories 3.a. and 3.b., above;
- f. Stay of Effective Date of Orders under Section 12.2.6.7. from cease and desist orders from Neighborhood Inspection Services for the operation of excess dwelling units, including second residential structures of ADUs.

4. \$300.00: For the following, a fee of three hundred dollars shall be charged.

- a. Special Use Exception Reviews;
- b. Variances for violations which would be created by proposed zone lot amendments;
- c. Variances to increase the floor area occupied by a nonconforming use in an existing structure under Section 12.4.7.6.D;
- d. Six Month Delay of Enforcement under Section 12.2.6.8 from cease and desist orders from Neighborhood Inspection Services for violations regarding issues listed in Categories 4.a., 4.b, and 4.c., above.

5. \$400.00: For the following, a fee of four hundred dollars shall be charged.

- a. Appeal of Administrative Decision under the Denver Zoning Code by the Manager (or staff) of Community Planning and Development, including all third party appeals of such decisions;
- b. Six Month Delay of Enforcement under Section 12.2.6.8 from cease and desist orders from Neighborhood Inspection Services for violations regarding issues reviewed in Category 4.a., above.

1 **6. \$50.00:** In addition to any fees owed under Category 1 through Category 5, above, a
2 \$50.00 fee shall be charged on appeals from cease and desist orders when the applicant has
3 taken action or done construction prior to obtaining the required zoning permit.

4 COMMITTEE APPROVAL DATE: N/A

5 MAYOR-COUNCIL DATE: July 20, 2010

6 PASSED BY THE COUNCIL: _____, 2010

7 _____ - PRESIDENT

8 APPROVED: _____ - MAYOR _____, 2010

9 ATTEST: _____ - CLERK AND RECORDER,
10 EX-OFFICIO CLERK OF THE
11 CITY AND COUNTY OF DENVER

12 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____, 2010; _____, 2010

13 PREPARED BY: Kerry A. Buckey, Assistant City Attorney DATE: 6/23/2010

14 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of
15 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
16 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to §
17 3.2.6 of the Charter.

18 David R. Fine, City Attorney

19 BY: _____, Assistant City Attorney Date: _____, 2010