

1 **BY AUTHORITY**

2 ORDINANCE NO. \_\_\_\_\_  
3 SERIES OF 2019

COUNCIL BILL NO. CB18-1346  
COMMITTEE OF REFERENCE:  
4 Land Use, Transportation & Infrastructure

5 **A BILL**

6 **For an ordinance changing the zoning classification for 219, 221, 223, 225, 227,**  
7 **235, 245 South Holly Street in Hilltop.**

8 **WHEREAS**, the City Council has determined, based on evidence and testimony presented  
9 at the public hearing, that the map amendment set forth below conforms with applicable City laws,  
10 is consistent with the City’s adopted plans, furthers the public health, safety and general welfare of  
11 the City, will result in regulations and restrictions that are uniform within the E-MU-2.5 with waivers  
12 zone district, is justified by one of the circumstances set forth in Section 12.4.10.8 of the Denver  
13 Zoning Code, and is consistent with the neighborhood context and the stated purpose and intent of  
14 the proposed zone district;

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

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

- 19 a. The land area hereinafter described is presently classified as E-MU-2.5 and E-SU-Dx.
- 20 b. It is proposed that the land area hereinafter described be changed to E-MU-2.5, with a  
21 waiver.
- 22 c. The owner approves and agrees to the following described waiver to the requested  
23 change in zoning classification related to the development, operation, and maintenance of the land  
24 area:

25 Waive the right to a 2 story height in the front 65% of the zone lot in the Urban Edge  
26 Apartment building form, as referenced in the Denver Zoning Code Section 4.3.3.4.J, and  
27 instead the number of stories allowed in the front 65% of the zone lot in the Urban Edge  
28 Apartment building form shall be 2.5 stories.

29  
30 **Section 2.** That the zoning classification of the land area in the City and County of Denver  
31 described as follows or included within the following boundaries shall be and hereby is changed to  
32 E-MU-2.5, with a waiver:

33 East Capitol Hill 2nd Filing, Block 5, the North 25 FT of Lot 9 and Lots 10 and 11

34  
35 in addition, thereto those portions of all abutting public rights-of-way, but only to the centerline

1 thereof, which are immediately adjacent to the aforesaid specifically described area.

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

7 **Section 4.** That this ordinance shall be recorded by the Manager of Community Planning and  
8 Development in the real property records of the Denver County Clerk and Recorder.

9 COMMITTEE APPROVAL DATE: November 27, 2018

10 MAYOR-COUNCIL DATE: December 4, 2018

11 PASSED BY THE COUNCIL: \_\_\_\_\_

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

13 APPROVED: \_\_\_\_\_ - MAYOR \_\_\_\_\_

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

17 NOTICE PUBLISHED IN THE DAILY JOURNAL: \_\_\_\_\_; \_\_\_\_\_

18 PREPARED BY: Nathan J. Lucero, Assistant City Attorney DATE: December 6, 2018

19 Pursuant to Section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of  
20 the City Attorney. We find no irregularity as to form and have no legal objection to the proposed  
21 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to  
22 § 3.2.6 of the Charter.

23 Kristin M. Bronson, Denver City Attorney

24 BY: *Kristin M. Bronson*, Assistant City Attorney DATE: Dec 4, 2018