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2 **BY AUTHORITY**

3 ORDINANCE NO. \_\_\_\_\_  
4 SERIES OF 2022

COUNCIL BILL NO. CB22-1089  
COMMITTEE OF REFERENCE:  
Land Use, Transportation & Infrastructure

6 **A BILL**

7 **For an ordinance changing the zoning classification for 2147 and 2151 Tremont**  
8 **Place in Five Points.**

9  
10 **WHEREAS**, the City Council has determined, based on evidence and testimony presented at  
11 the public hearing, that the map amendment set forth below conforms with applicable City laws, is  
12 consistent with the City’s adopted plans, furthers the public health, safety and general welfare of the  
13 City, will result in regulations and restrictions that are uniform within the G-MU-3 UO-3, with a waiver  
14 district, is justified by one of the circumstances set forth in Section 12.4.10.8 of the Denver Zoning  
15 Code, and is consistent with the neighborhood context and the stated purpose and intent of the  
16 proposed zone district;

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

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

- 21 a. The land area hereinafter described is presently classified as PUD 194 and PUD 369.  
22 b. It is proposed that the land area hereinafter described be changed to G-MU-3 UO-3, with  
23 a waiver.  
24 c. The applicant has provided a written representation approving of certain waiver to the  
25 requested change in zoning classification related to the development, operation, and maintenance of  
26 the land area as follows:

27 Waive the provision in DZC 9.4.4.8.F.1 that “The applicant for establishment of the bed and  
28 breakfast lodging use is the owner of record and uses the structure as his/her principal  
29 residence,” and instead, a manager or operator of the bed and breakfast lodging use, who  
30 may or may not be the property owner, shall use a structure located at either 2137, 2147, or  
31 2151 Tremont Place as his/her principal residence. The intent of the waiver is to remove the  
32 UO-3 requirement that the owner of the structure housing the bed and breakfast use that  
33 same structure as their principal residence and instead require a business manager or  
34 operator, who may or may not be the property owner, to live on site or adjacent to the  
35 permitted bed and breakfast lodging use.

1           **Section 2.** That the zoning classification of the land area in the City and County of Denver  
 2 described as follows or included within the following boundaries shall be and hereby is changed to  
 3 G-MU-3 UO-3, with a waiver:

4           2147 TREMONT PLACE  
 5           LOTS 27 & 28, BLOCK 190, CLEMENTS' ADDITION TO THE CITY OF DENVER, CITY  
 6           AND COUNTY OF DENVER, STATE OF COLORADO.

8           2151 TREMONT PLACE  
 9           LOT 29 AND THE SOUTHWESTERLY 1/2 OF LOT 30, BLOCK 190, CLEMENTS'  
 10           ADDITION TO THE CITY OF DENVER, CITY AND COUNTY OF DENVER, STATE OF  
 11           COLORADO. EXCEPT THAT PORTION DESCRIBED IN BOOK 6271 AT PAGE 175, IN  
 12           THE RECORDS OF THE DENVER COUNTY CLERK AND RECORDER'S OFFICE.

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

15           **Section 3.** The foregoing change in zoning classification is based upon the applicant's  
 16 representations approving a certain waiver, which certain waiver is set forth in Section 1(c) hereof; and  
 17 no permit shall be issued except in strict compliance with the aforesaid certain waiver. Said certain  
 18 waiver shall be binding upon all successors and assigns of the owner, who along with the owner shall  
 19 be deemed to have waived all objections as to the constitutionality of the aforesaid certain waiver.

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

22 COMMITTEE APPROVAL DATE: September 13, 2022

23 MAYOR-COUNCIL DATE: September 20, 2022 by Consent

24 PASSED BY THE COUNCIL: \_\_\_\_\_

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

26 APPROVED: \_\_\_\_\_ - MAYOR \_\_\_\_\_

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

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

31 PREPARED BY: Nathan J. Lucero, Assistant City Attorney   DATE: September 29, 2022

32 Pursuant to Section 13-9, D.R.M.C., this proposed ordinance has been reviewed by the office of  
 33 the City Attorney. We find no irregularity as to form and have no legal objection to the proposed  
 34 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to  
 35 § 3.2.6 of the Charter.

36  
 37 Kristin M. Bronson, Denver City Attorney

38 BY: Anshul Bagga, Assistant City Attorney   DATE: Sep 28, 2022  
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