

BY AUTHORITY

ORDINANCE NO. **434**
SERIES OF 2006

COUNCIL BILL NO. **369**
COMMITTEE OF REFERENCE:
Blueprint Denver

A BILL

For an ordinance changing the zoning classification, with waivers, for 3532 Franklin Street.

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 PUD No. 272;

2. That the owner proposes that the land area hereinafter described be changed to R-MU-20 with reasonable waivers 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 maximum permitted building height of fifty-five (55) feet as required under Section 59-312(7) of the Denver Revised Municipal Code and instead, the maximum building height shall be forty-five (45) feet.

(ii) Waive the right to a minimum front, side and rear setback as required under Section 59-312(3)a. of the Denver Revised Municipal Code and instead, the minimum setbacks for all structures shall be a minimum of zero (0) feet.

(iii) Waive the right to a minimum amount of unobstructed open space as required under Section 59-312(2) of the Denver Revised Municipal Code and instead, the minimum required amount of unobstructed open space contained within the zone lot shall be zero percent (0%) of the area of the zone lot.

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 from PUD No. 272 to R-MU-20 with reasonable waivers, which waivers are set forth in Subsection 3 of Section 1 hereof:

Lots 1 to 30, inclusive, Block 21, together with vacated alley therein, Hyde Park Addition, City and County of Denver, State of Colorado; 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.

Section 3. That the foregoing change in zoning classification is based upon the representation by the owner that it will waive those certain rights available to it, and, in lieu thereof, agrees to

certain limitations which limitations are set forth in Subsection 3 of Section 1 hereof, and no permit shall be issued except in strict compliance with the aforesaid waivers. Said waivers shall be binding upon all successors and assigns of said owner, who along with said owner shall be deemed to have waived all objections as to the constitutionality of the aforesaid waivers.

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: May 10, 2006

MAYOR-COUNCIL DATE: May 30, 2006.

PASSED BY THE COUNCIL July 10 2006

[Signature] - PRESIDENT

APPROVED: [Signature] - MAYOR July 11 2006

ATTEST: [Signature] - CLERK AND RECORDER,
EX-OFFICIO CLERK OF THE
CITY AND COUNTY OF DENVER

NOTICE PUBLISHED IN THE DAILY JOURNAL June 16, 2006; July 14, 2006

PREPARED BY: KAREN A. AVILES, ASSISTANT CITY ATTORNEY, 5/30/06

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.

Cole Finegan, City Attorney

BY: [Signature], Asst City Attorney

DATE: 30 May 06

