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2 **BY AUTHORITY**

3 ORDINANCE NO. _____
4 SERIES OF 2022

COUNCIL BILL NO. CB22-1089

COMMITTEE OF REFERENCE:

5 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.

7
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: October 31, 2022

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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