

BY AUTHORITY

ORDINANCE NO.  
SERIES OF 2012

COUNCIL BILL NO.  
COMMITTEE OF REFERENCE:  
Land Use, Transportation and  
Infrastructure

**A BILL**

**For an ordinance modifying Chapter 30, Landmark Preservation.**

**NOW BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:**

**Section 1.** Section 30-2, Denver Revised Municipal Code (DRMC), shall be amended by enacting and adding section 30-2(7.1) to read and be read as follows:

**Sec. 30-2. (7.1)** *Residential use* shall mean any building or part of a building in which a person or group of persons are provided with sleeping accommodations.

**Section 2.** Section 30-47, DRMC, shall be amended by adding the language underlined below and deleting the language stricken below to read and be read as follows:

**Sec 30-47.** The board shall adopt design guidelines in accordance with the Lower Downtown Neighborhood plan and the design guidelines for landmarks structures and districts. Such guidelines shall be adopted by the LDDR as rules and regulations under the provisions of Article VI, Chapter 2 of the Denver Revised Municipal Code ~~approved by the LPC.~~

**Section 3.** Section 30-48(a)(3), DRMC, shall be amended by adding the language underlined below and deleting the language stricken below to read and be read as follows:

**Sec. 30-48(a)(3)** The applicant may request a decision on an entire project at a single meeting, or may ask for a two- or three-step review. If the applicant requests a step process, the first step is to review the request for demolition a structure, if any. The second step is review of the building envelope (the building's height, mass, form, stepbacks, site plan, and contextual fit), and the concept of the basic exterior facade appearances, including identification of major materials. The third step is review of the remainder of the project. If the applicant requests the step process, approval or denial of each step shall be considered a final decision and separately appealable in accordance with section 30-48(a)(9). ~~to the LPC.~~

**Section 4.** Section 30-48(a)(9), DRMC, shall be amended by deleting the language stricken below to read and be read as follows:

**Sec. 30-48(a)(9)** Any person interested in or aggrieved by a decision or action of the board may

1 obtain judicial review in accordance with the Colorado Rules of Civil Procedure Rule  
2 106(a)(4). ~~Such action to obtain review must be brought no later than thirty (30) days after the~~  
3 ~~action or decision from which review is sought.~~

4 **Section 5.** Section 30-48(b)(3)d.2, DRMC, shall be amended by adding the language  
5 underlined below to read and be read as follows:

6 **Sec. 30-48(b)(3)d.2.** Buildings between fifty-five (55) and eighty-five (85) feet in height (excluding  
7 cornices, heating, ventilating and air conditioning equipment, stair enclosures and elevator  
8 overruns) may be allowed by the board if they are in context with any contributing buildings within  
9 three hundred (300) feet of any point on the property line of the proposed building, and if the  
10 structure includes residential uses anywhere in the building in a minimum amount equal to the  
11 floor area above the 55-foot limit; All residential use portions of the building shall be constructed  
12 first, or at the very least, at the same time as the remainder of the building.

13 **Section 6.** Section 30-48(b)(3)d.3, DRMC, shall be amended by adding the language  
14 underlined below to read and be read as follows:

15 **Sec. 30-48(b)(3)d.3.** Buildings between eighty-five (85) and one hundred (100) feet in height may  
16 be allowed, but only: if they are in context with any contributing building within three hundred  
17 (300) feet of any point on the property line of the proposed building; if the structure includes  
18 residential uses anywhere in the building in a minimum amount equal to the floor area above the  
19 55-foot limit; and if the additional fifteen (15) feet above the 85-foot limit of 2. above, is a  
20 residential penthouse. Notwithstanding the previous sentence, for contributing structures which  
21 have no residential uses, the penthouse need not be a residential penthouse, however, all other  
22 provisions of this section 30-48 shall apply to such non-residential penthouse. Cornices, heating,  
23 ventilating and air conditioning equipment, stair enclosures and elevator overruns must be  
24 included in the total height of one hundred (100) feet. The residential penthouse shall be used  
25 exclusively for residential or residential support purposes and shall not cover in excess of one-  
26 third of the roof area at that level. All aspects of the penthouse shall comply with the design  
27 guidelines. All residential use portions of the building shall be constructed first, or at the very  
28 least, at the same time as the remainder of the building.

29 **Section 7.** Section 30-48(b)(4)d.4, DRMC, shall be amended by adding the language  
30 underlined below and deleting the language stricken below to read and be read as follows:

31 **Sec. 30-48(b)(3)d.4.** Buildings between one hundred (100) and one hundred thirty (130) feet in  
32 height, excluding ~~cornices, heating, ventilating and air conditioning equipment,~~ stair enclosures

1 and elevator overruns not in excess of fifteen (15) feet tall, may be allowed by the board if they  
2 are in a special review district 1, 2 or 3, provided the structure includes residential uses anywhere  
3 in the building in a minimum amount equal to the floor area above fifty-five (55) feet. All  
4 residential use portions of the building shall be constructed first, or at the very least, at the same  
5 time as the remainder of the building. The following three (3) areas are defined for purposes of  
6 this article section 30-48(a)(3)d.4. as special review districts:

7 **Section 8.** Section 30-48(c)(4)b, DRMC, shall be amended by adding the language  
8 underlined below and deleting the language stricken below to read and be read as follows:

9 **Sec. 30-48(c)(4)b.** The applicant may appeal the decision ~~to the LPC~~ under the provisions of  
10 section 30-48(a)(~~89~~), above.

11 **Section 9.** Section 30-48(c)(5), DRMC, shall be amended by adding the language  
12 underlined below and deleting the language stricken below to read and be read as follows:

13 **Sec. 30-48(c)(5)** Applications for demolition review of contributing structures shall include, but  
14 are not limited to valuation of the property, estimates of the costs and income for rehabilitation of  
15 the building, estimates of the costs and income for new development, preliminary development  
16 plans, and reports as to the condition of the building prepared by professionals with experience in  
17 preservation and rehabilitation. The board ~~in~~ shall establish the submittal requirements for an  
18 application by rules and regulations under the provisions of Article VI, Chapter 2 of the Denver  
19 Revised Municipal Code. ~~Such rules and regulations shall not be effective until approved by the~~  
20 ~~LPC.~~ Such application shall be filed with community planning and development ~~upon forms~~  
21 ~~prescribed by the board.~~

22 **Section 10.** Section 30-49(b), DRMC, shall be amended by deleting the language stricken  
23 below to read and be read as follows:

24 **Sec. 30-49(b)** The owner of a property may petition the board to include said property on the  
25 survey as a contributing building. If the board determines that the property is a proper candidate  
26 for inclusion as a contributing building, the board shall forward its recommendation ~~to the LPC.~~  
27 ~~The LPC shall review the recommendation of the board and make its own recommendation to the~~  
28 city council, which may then by ordinance include said property as a contributing building in the  
29 district.

30 **Section 11.** Section 30-50(g), DRMC, shall be amended by adding the language underlined  
31 below and deleting the language stricken below to read and be read as follows:

32 **Sec. 30-50(g)** The decision of the board is a final decision and may be appealed ~~to the LPC~~ as

1 provided in section 30-48(a)(89) above.  
2 COMMITTEE APPROVAL DATE: \_\_\_\_\_.  
3 MAYOR-COUNCIL DATE: \_\_\_\_\_.  
4 PASSED BY THE COUNCIL \_\_\_\_\_ 2012  
5 \_\_\_\_\_ - PRESIDENT  
6 APPROVED: \_\_\_\_\_ - MAYOR \_\_\_\_\_ 2012  
7 ATTEST: \_\_\_\_\_ - CLERK AND RECORDER,  
8 EX-OFFICIO CLERK OF THE  
9 CITY AND COUNTY OF DENVER  
10  
11 NOTICE PUBLISHED IN THE DAILY JOURNAL \_\_\_\_\_ 2012; \_\_\_\_\_ 2012  
12  
13 PREPARED BY: Kerry A. Buckey \_\_\_\_\_ 7/6/2012  
14

15 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of  
16 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed  
17 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to  
18 § 3.2.6 of the Charter.  
19

20 Douglas J. Friednash, City Attorney  
21 BY: \_\_\_\_\_, \_\_\_\_\_ City Attorney Date: \_\_\_\_\_  
22