

BY AUTHORITY

ORDINANCE NO. _____
SERIES OF 2010

COUNCIL BILL NO. CB10-0570
COMMITTEE OF REFERENCE:
BLUEPRINT DENVER

A BILL

For an ordinance setting fees for hearings before the Board of Adjustment for zoning appeals.

WHEREAS, pursuant to Section 12.3.3.4.B. of the Denver Zoning Code, the Board of Adjustment for zoning appeals has forwarded it's recommendations for setting processing fees for all applications determined by the Board of Adjustment,

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

Section 1. Pursuant to Section 12.3.3.4.B. of the Denver Zoning Code the following processing fees are approved for all applications determined by the Board of Adjustment:

Filing Fee Categories: The following fees shall be charged pursuant to 12.3.3.4.B., Denver Zoning Code:

- 1. \$100.00:** For the following, a fee of one hundred dollars shall be charged.
 - a. Variances for enclosures of balconies of individual units of multiple unit dwellings;
 - b. Special Exceptions for the keeping of animals only;
 - c. Six Month Delay of Enforcement under Section 12.2.6.7. from cease and desist orders from Neighborhood Inspection Services for violations not eligible for Variance or Special Exception, including inoperable, dismantled or other non-permitted vehicles, trash or junk on the property, unpaved or unscreened parking, and unrelated persons.
- 2. \$150.00:** For the following, a fee of one hundred and fifty dollars shall be charged.
 - a. Variances for minor construction including fences and detached sheds;
 - b. Variances for excess number of vehicles, oversized vehicles such as overlength recreational vehicles, and the location of detached campers, trailers and boats;
 - c. Variances for signage (excluding off-premises signs);
 - d. Six Month Delay of Enforcement under Section 12.2.6.7. for cease and desist orders from Neighborhood Inspection Services for violations filed under Categories 2.a. through 2.c., above.
- 3. \$200.00:** For the following, a fee of two hundred dollars shall be charged.

- a. Variances for major construction including all residential, commercial and industrial buildings, additions to these structures, second residential structures or ADU building forms, and garages;
- b. Variances from provisions or conditions of approved landscaping plans (excluding the requirement to provide landscaping);
- c. Six Month Delay of Enforcement under Section 12.2.6.7. from cease and desist orders from Neighborhood Inspection Services for violations filed under Categories 3.a. and 3.b., above;
- d. Stay of Effective Date of Orders from cease and desist orders from Neighborhood Inspection Services for the operation of excess dwelling units, including second residential structures of ADUs.

4. \$300.00: For the following, a fee of three hundred dollars shall be charged.

- a. Special Exceptions (all categories except keeping of animals);
- b. Variances for violations created by zone lot amendments;
- c. Variances to increase the floor area occupied by a nonconforming use in an existing structure under Section 12.4.7.6;
- d. Six Month Delay of Enforcement under Section 12.2.6.7. from cease and desist orders from Neighborhood Inspection Services for violations filed under Categories 4.a., 4.b, and 4.c., above.

5. \$400.00: For the following, a fee of four hundred dollars shall be charged.

- a. Appeal of Administrative Decision under the Denver Zoning Code by the Manager (or staff) of Community Planning and Development, including all third party appeals of such decisions;
- b. Six Month Delay of Enforcement under Section 12.2.6.7. from cease and desist orders from Neighborhood Inspection Services for violations filed under Category 4.a., above.

6. \$50.00: In addition to any fees owed under Category 1 through Category 5, above, a \$50.00 fee shall be charged on appeals from cease and desist orders when the applicant has taken action or done construction prior to obtaining the required zoning permit.

COMMITTEE APPROVAL DATE: _____.

MAYOR-COUNCIL DATE: _____.

PASSED BY THE COUNCIL _____ 2010

_____ - PRESIDENT

1 APPROVED: _____ - MAYOR _____ 2010

2 ATTEST: _____ - CLERK AND RECORDER,
3 EX-OFFICIO CLERK OF THE
4 CITY AND COUNTY OF DENVER

5 NOTICE PUBLISHED IN THE DAILY JOURNAL _____ 2010; _____ 2010

6 PREPARED BY: Kerry A. Buckey, Assistant City Attorney 6/23/2010

7 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of
8 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
9 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to §
10 3.2.6 of the Charter.

11 David R. Fine, City Attorney

12 BY: _____, Assistant City Attorney DATE: _____, 2010