

1 **BY AUTHORITY**

2 ORDINANCE NO. _____
3 SERIES OF 2015

COUNCIL BILL NO. CB15-0385
COMMITTEE OF REFERENCE:
4 Neighborhoods & Planning

5 **A BILL**

6 **For an ordinance changing the zoning classification for 3540 E. 31st Avenue with**
7 **certain waivers.**

8
9 **WHEREAS**, the City Council has determined, based on evidence and testimony presented
10 at the public hearing, that the map amendment set forth below conforms with applicable City laws,
11 is consistent with the City's adopted plans, furthers the public health, safety and general welfare of
12 the City, will result in regulations and restrictions that are uniform within the E-MU-2.5 with waivers
13 zone district, is justified by one of the circumstances set forth in Section 12.4.10.8 of the Denver
14 Zoning Code, and is consistent with the neighborhood context and the stated purpose and intent
15 of the proposed zone district;

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

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

- 20 1. That the land area hereinafter described is presently classified as O-1.
21 2. That the Owner proposes that the land area hereinafter described be changed to E-MU-
22 2.5 with waivers.
23 3. The Owner approves and agrees to the following described reasonable waivers to the
24 requested change in zoning classification related to the development, operation, and maintenance of
25 the land area:
26 a. Waive the right to the Primary Building Form Standards, District Specific Standards for the
27 E-MU-2.5 zone district, contained in the Denver Zoning Code at Sections 4.3.3.4.A (Suburban
28 House), B (Urban House), C (Duplex), D (Tandem House), E (Town House), F (Garden Court),
29 and G (Apartment) of the Denver Zoning Code and instead shall comply with only the following
30 "Apartment" building form table:

31
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APARTMENT

HEIGHT	E-MU-2.5 with waivers
Stories (max)	3
Feet (max)	40'
Feet, front 65% of zone lot depth, permitted height increase	na
Side Wall Plate Height, for Pitched Roof, within 15' of Side Interior and Side Street (max)	25'
Upper Story Setback, for Flat Roof, Above 25': Side Interior and Side Street (min)	15'

SITING	E-MU-2.5 with waivers
ZONE LOT	
Zone Lot Size (min)	6,000 ft ²
Zone Lot Size (min)	50'
REQUIRED BUILD-TO	
Primary Street (min% within min/max)	50% 0'/80'
SETBACKS	
Primary Street, block sensitive setback required (see Sec. 13.1.2.3)	yes
Primary Street, where block sensitive setback does not apply (min)	20'
Side Street (min)	5'
Side Interior (min)	5'
Rear, alley/no alley (min)	12'/20'
PARKING	
Surface Parking between building and Primary Street/Side Street	Not Allowed/Allowed
Surface Parking Screening	See Article 10, Division 10.5
Vehicle Access, 3 or more side-by-side dwelling units in one structure	From Alley; or Street access allowed when no Alley present (Sec. 4.3.7.6)
Vehicle Access, all other permitted uses	Access determined at Site Development Plan

DESIGN ELEMENTS	E-MU-2.5 with waivers
BUILDING CONFIGURATION	
Street facing garage door width per Primary Structure (max)	20'
Rooftop and/or Second Story Decks	na; Section 4.3.5.1 shall not apply
Upper Story Setback above 27', adjacent to Protected District: Side Interior (min)	25'
GROUND STORY ACTIVATION	
Transparency, Primary Street (min)	30%
Transparency, Side Street (min)	25%
Pedestrian Access, Primary Street	Entrance

USES	E-MU-2.5 with waivers
All permitted Primary Uses shall be allowed within this building form. See Division 4.4 Uses and Parking	

See Sections 4.3.5 - 4.3.7 for Supplemental Design Standards, Design Standard Alternatives and Design Standard Exceptions

1 b. Waive the right to the single base plane rule of measurement at Section 13.1.2.2. B.1 , Two
2 Base Planes, and instead both the base plane rule of measurement at Section 13.1.2.2.B.1, Two
3 Base Planes, and the base plane rule of measurement at Section 13.1.2.2.B.2, Building Specific
4 Base Plane for development of multiple primary buildings on a single zone lot that is 18,000
5 square feet or more, shall be applicable.
6

7 **Section 2.** That the zoning classification of the land area in the City and County of Denver
8 described as follows shall be and hereby is changed to E-MU-2.5 with certain waivers approved by
9 the Owner:
10

11 LOTS 1 TO 7, LOTS 14 TO 20, ALL INCLUSIVE, AND THE NORTH 51 FEET OF
12 LOTS 8 AND 13, BLOCK 6,
13 LOTS 1 TO 7 INCLUSIVE, AND THE NORTH 51 FEET OF LOT 8,
14 BLOCK 9,
15 ALL IN CLAYTON PARK ADDITION;
16 AND THAT PART OF MADISON STREET NOW VACATED LYING BETWEEN
17 SAID BLOCKS 6 AND 9 NORTH OF A LINE 141 FEET NORTH OF THE SOUTH
18 LINE OF SAID BLOCKS AND ALL OF THE ALLEY NOW VACATED IN SAID
19 BLOCK 6 LYING NORTH OF A LINE 141 FEET NORTH OF THE SOUTH LINE OF
20 SAID BLOCK 6,
21 CLAYTON PARK ADDITION,
22 CITY AND COUNTY OF DENVER,
23 STATE OF COLORADO.
24

25 in addition thereto those portions of all abutting public rights-of-way, but only to the centerline
26 thereof, which are immediately adjacent to the area described above.

27 **Section 3.** The foregoing change in zoning classification includes certain waivers set forth
28 herein approved by the owner; and no permit shall be issued except in strict compliance with the
29 aforesaid zoning with waivers. Said zoning with waivers shall be binding upon all successors and
30 assigns of the Owner, who along with the Owner shall be deemed to have waived all objections as to
31 the constitutionality of the aforesaid waivers.

32 **Section 4.** That this ordinance shall be recorded by the Manager of Community Planning and
33 Development in the real property records of the Denver County Clerk and Recorder.
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1 COMMITTEE APPROVAL DATE: June 10, 2015.

2 MAYOR-COUNCIL DATE: June 16, 2015.

3 PASSED BY THE COUNCIL _____ 2015

4 _____ - PRESIDENT

5 APPROVED: _____ - MAYOR _____ 2015

6 ATTEST: _____ - CLERK AND RECORDER,
7 EX-OFFICIO CLERK OF THE
8 CITY AND COUNTY OF DENVER

9 NOTICE PUBLISHED IN THE DAILY JOURNAL _____, 2015; _____, 2015

10 PREPARED BY: Nathan J. Lucero, Assistant City Attorney DATE: June 23, 2015

11 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of
12 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
13 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to §
14 3.2.6 of the Charter.

15
16 D. Scott Martinez, Denver City Attorney

17 BY: _____, Assistant City Attorney DATE: _____, 2015