

**BY AUTHORITY**

ORDINANCE NO. \_\_\_\_\_  
SERIES OF 2019

COUNCIL BILL NO. CB19-0247  
COMMITTEE OF REFERENCE:  
Land Use, Transportation & Infrastructure

**A BILL**

**For an ordinance changing the zoning classification for 3429 W 3rd Avenue in Barnum, with a reasonable condition.**

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

**NOW THEREFORE, 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:

- a. The land area hereinafter described is presently classified as E-SU-D1x.
- b. It is proposed that the land area hereinafter described be changed to E-MU-2.5 with a waiver.
- c. The owner approves and agrees to the following described waiver to the requested change in zoning classification related to the development, operation, and maintenance of the land area:

Waive the right to a 2-story height in the front 65% of the zone lot in the Urban Edge Apartment building form, as referenced in the Denver Zoning Code Section 4.3.3.4.J, and instead the number of stories allowed in the front 65% of the zone lot in the Urban Edge Apartment building form shall be 2.5 stories.

**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 to E-MU-2.5 with a waiver:

1 Lots 13 Through 20, Block 96, P.T. Barnum's Subdivision, City and  
2 County of Denver, State of Colorado also known by street and number as  
3 3429 West 3<sup>rd</sup> Avenue Denver Colorado 80239  
4

5 in addition, thereto those portions of all abutting public rights-of-way, but only to the centerline  
6 thereof, which are immediately adjacent to the aforesaid specifically described area.

7 **Section 3.** The foregoing change in zoning classification is based upon a waiver approved  
8 by the owner, which waiver is set forth in Section 1(c) hereof; and no permit shall be issued except in  
9 strict compliance with the aforesaid waiver. Said waiver shall be binding upon all successors and  
10 assigns of the owner, who along with the owner shall be deemed to have waived all objections as to  
11 the constitutionality of the aforesaid waiver.

12 **Section 4.** That this ordinance shall be recorded by the Manager of Community Planning and  
13 Development in the real property records of the Denver County Clerk and Recorder.

14 COMMITTEE APPROVAL DATE: March 26, 2019

15 MAYOR-COUNCIL DATE: April 2, 2019

16 PASSED BY THE COUNCIL: \_\_\_\_\_ May 6, 2019

17 \_\_\_\_\_ - PRESIDENT

18 APPROVED: \_\_\_\_\_ - MAYOR \_\_\_\_\_ May 7, 2019

19 ATTEST: \_\_\_\_\_ - CLERK AND RECORDER,  
20 EX-OFFICIO CLERK OF THE  
21 CITY AND COUNTY OF DENVER

22 NOTICE PUBLISHED IN THE DAILY JOURNAL: \_\_\_\_\_; \_\_\_\_\_

23 PREPARED BY: Nathan J. Lucero, Assistant City Attorney DATE: April 4, 2019

24 Pursuant to Section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of  
25 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed  
26 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to  
27 § 3.2.6 of the Charter.

28 Kristin M. Bronson, Denver City Attorney

29 BY: Kristin J. Crawford, Assistant City Attorney DATE: Apr 3, 2019