

1
2 **BY AUTHORITY**

3 ORDINANCE NO. _____
4 SERIES OF 2024

COUNCIL BILL NO. CB24-0156
COMMITTEE OF REFERENCE:
Land Use, Transportation & Infrastructure

6 **A BILL**

7 **For an ordinance changing the zoning classification for 700 North Mariposa**
8 **Street in Lincoln Park.**

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 I-A, with a waiver district, is
14 justified by one of the circumstances set forth in Section 12.4.10.8 of the Denver Zoning Code, and
15 is consistent with the neighborhood context and the stated purpose and intent of the proposed zone
16 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 I-A UO-2.
22 b. It is proposed that the land area hereinafter described be changed to I-A, with a waiver.

23 **Section 2.**

24 a. 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 “NP” (Not Permitted Use) zoning review procedure for Residential Care, Type 1 and
28 Residential Care, Type 2 uses in the Residential Primary Use Classification Category in District
29 Specific Standards in Denver Zoning Code Section 9.1.9.5, and instead shall be “L-ZP” (Permitted
30 Use with Limitation). The applicable limitations for a Residential Care Type 1 of Type 2 use shall be
31 those that would apply in an I-MX zone district. The intent of the waiver is to allow Residential Care
32 Types 1 and 2 uses, subject to applicable use limitations.

1 b. 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 I-A, with a waiver:

4 THE SOUTH 44 FEET OF LOT 10, BLOCK 36, HUNTS ADDITION TO DENVER, CITY AND
5 COUNTY OF DENVER, STATE OF COLORADO

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


8 **Section 3.** The foregoing change in zoning classification is based upon the applicant's
9 representations approving a certain waiver, which certain waiver is set forth in Section 2(a) hereof; and
10 no permit shall be issued except in strict compliance with the aforesaid certain waiver. Said certain
11 waiver shall be binding upon all successors and assigns of the owner, who along with the owner shall
12 be deemed to have waived all objections as to the constitutionality of the aforesaid certain waiver.

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

15 COMMITTEE APPROVAL DATE: March 26, 2024

16 MAYOR-COUNCIL DATE: April 2, 2024

17 PASSED BY THE COUNCIL: May 6, 2024

18  _____ - PRESIDENT

19 APPROVED: _____ - MAYOR _____

20 ATTEST: _____ - CLERK AND RECORDER,
21 EX-OFFICIO CLERK OF THE
22 CITY AND COUNTY OF DENVER

23 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____ ; _____

24 PREPARED BY: Nathan J. Lucero, Assistant City Attorney DATE: April 4, 2024

25 Pursuant to Section 13-9, D.R.M.C., this proposed ordinance has been reviewed by the office of
26 the City Attorney. We find no irregularity as to form and have no legal objection to the proposed
27 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to
28 § 3.2.6 of the Charter.

29
30 Kerry Tipper, Denver City Attorney

31 BY: *Anakul Bagga* _____, Assistant City Attorney DATE: Apr 4, 2024
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