BY AUTHORITY

ORDINANCE NO. _____ COUNCIL BILL NO. CB24-0156

SERIES OF 2024 COMMITTEE OF REFERENCE:

Land Use, Transportation & Infrastructure

A BILL

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

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 I-A, with a waiver 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 I-A UO-2.

b. It is proposed that the land area hereinafter described be changed to I-A, with a waiver.

Section 2.

a. The applicant has provided a written representation approving of certain waiver to the requested change in zoning classification related to the development, operation, and maintenance of the land area as follows:

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

b. 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 I-A, with a waiver:

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

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

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

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

COMMITTEE APPROVAL DATE: March 26, 2024

MAYOR-COUNCIL DATE: April 2, 2024

PASSED BY THE COUNCIL: _____

_____ - PRESIDENT

APPROVED: _____ - MAYOR _____

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

NOTICE PUBLISHED IN THE DAILY JOURNAL: _____ ; _____

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

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

Kerry Tipper, Denver City Attorney

BY: _____, Assistant City Attorney DATE: _____