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## ARTICLE IV. RESTRICTIONS ON STRUCTURES WITHIN AREAS NECESSARY TO PRESERVE MOUNTAIN VIEWS

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### **Sec. 10-56. Purpose.**

Upon consideration of a recommendation that an ordinance be enacted for the purpose of preserving and protecting the health, safety and general welfare of the people of the city and their property therein situate, the council finds:

- (1) That the protection and perpetuation of certain panoramic mountain views from various parks and public places within the city is required in the interests of the prosperity, civic pride and general welfare of the people;
- (2) That it is desirable to designate, preserve and perpetuate certain existing panoramic mountain views for the enjoyment and environmental enrichment of the citizens of the community and visitors hereto;
- (3) That the preservation of such views will strengthen and preserve the municipality's unique environmental heritage and attributes as a city of the plains at the foot of the Rocky Mountains;
- (4) That the preservation of such views will foster civic pride in the beauty of the city;
- (5) That the preservation of such views will stabilize and enhance the aesthetic and economic vitality and values of the surrounding areas within which such views are preserved;
- (6)

That the preservation of such views will protect and enhance the city's attraction to tourists and visitors;

(7) That the preservation of such views will promote good urban design;

(8) That regular specified areas constituting panoramic views should be established by protecting such panoramic views from encroachment and physical obstruction.

(Code 1950, § 645.1)

### **Sec. 10-56.5. City property.**

If the city intends to sell property on which the city knows a structure is to be constructed, if the city submits property for development consideration, if a structure is to be constructed on city-owned land, or if the city intends to construct a structure, which structure violates or may violate the restrictions in this Article IV, the planning office shall send written notice of the violation or potential violation to the planning board and city council prior to such sale or construction.

(Ord. No. 201-99, § 1(a), 3-15-99)

### **Sec. 10-57. Prohibitions.**

No land shall be used or occupied and no structure shall be designed, erected, altered, used or occupied except in conformity with all regulations established in this article and upon performance of all conditions herein set forth.

(Code 1950, § 645.3-1)

### **Sec. 10-58. Cranmer Park.**

(a) *Adoption of map.* The attached map shall be and hereby is approved and adopted and the portion thereon indicated by shading or crosshatching shall be and hereby is determined to be and is designated as an area necessary for the preservation of a certain panoramic view. The restrictive provisions of this article shall be in full force and effect as to the portion of the attached map indicated by shading or crosshatching.

(b) *Limitations on construction.* No part of a structure within the area on the attached map indicated by shading or crosshatching shall exceed an elevation of five thousand four hundred thirty-four (5,434) feet above mean sea level plus one (1) foot for each one hundred (100) feet that the part of a structure is horizontally distant from the reference point. Wherever a structure lies partially outside and partially inside of the area on the attached map indicated by shading or crosshatching, the provisions of this section shall apply only to that part of the structure that lies within the area indicated on the map by shading or crosshatching.

(c) *Reference point.* Reference point is a point having an elevation of five thousand four hundred thirty-four (5,434) feet above mean sea level and established at the mountain view indicator in Cranmer Park, which point is identified on the attached map and which point is indicated in the aforesaid Cranmer Park by a cross set in the top step of the aforesaid mountain view indicator.

(Code 1950, § 645.4-1)

### **Sec. 10-59. Chessman Park—Botanic Gardens.**

- (a) *Adoption of map.* The attached map shall be and hereby is approved and adopted and the portion thereon indicated by shading or crosshatching shall be and hereby is determined to be and is designated as an area necessary for the preservation of a certain panoramic view. The restrictive provisions of this article shall be in full force and effect as to the portion of the attached map indicated by shading or crosshatching.
- (b) *Limitations on construction.* No part of a structure within the area on the attached map indicated by shading or crosshatching shall exceed an elevation of five thousand three hundred eighty-three (5,383) feet above mean sea level plus one (1) foot for each one hundred (100) feet that the part of a structure is horizontally distant from the reference point. Wherever a structure lies partially outside and partially inside of the area on the attached map indicated by shading or crosshatching, the provisions of this section shall apply only to that part of the structure that lies within the area indicated on the map by shading or crosshatching.
- (c) *Reference point.* Reference point is a point having an elevation of five thousand three hundred eighty-three (5,383) feet above mean sea level and established at the flag pole at the Denver Botanic Gardens Overlook, which point is identified on the attached map.

(Code 1950, § 645.4-2)

### Sec. 10-59.5. Old City Hall.

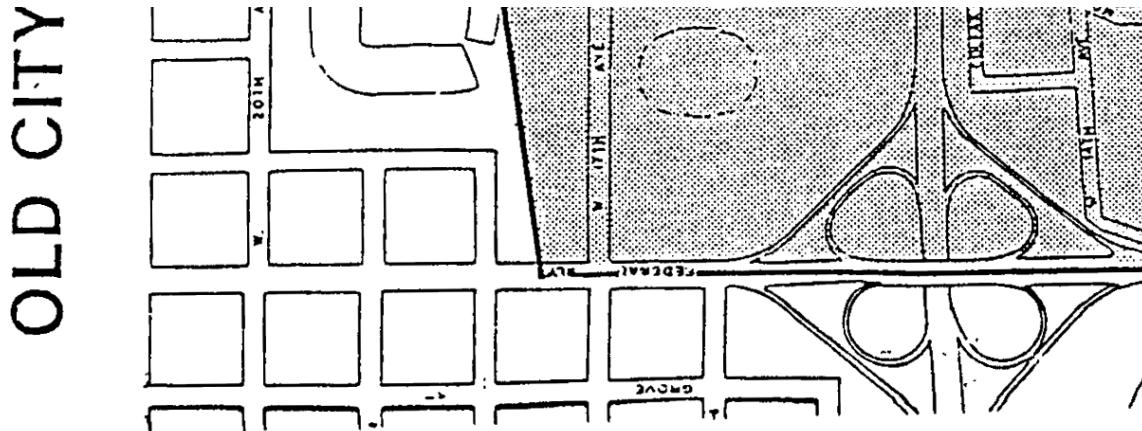
- (a) *Adoption of map.* The attached map shall be and hereby is approved and adopted and the portion thereon indicated by shading or crosshatching and as described in [10-59.5\(c\)\(2\)](#) shall be and hereby is determined to be and is designated as an area necessary for the preservation of a certain panoramic view to accomplish the purposes set forth in [section 10-56](#). The restrictive provisions of this article shall be in full force and effect as to the portion of the attached map indicated by shading or crosshatching.
- (b) *Limitations on construction.* No part of a structure within the area on the attached map indicated by shading or crosshatching shall exceed an elevation of five thousand two hundred fifteen (5,215) feet above mean sea level plus one (1) foot for each sixty (60) feet that said part of a structure is horizontally distant from the reference point. Wherever a structure lies partially outside and partially inside of the area of the attached map indicated by shading or crosshatching, the provisions of this section shall apply only to that part of the structure that lies within the area indicated on the map by shading or crosshatching.
- (c) *Definitions of terms used.*
  - (1) *Reference point.* A point identified on the attached map, at which point is located a brass cap set in concrete, and which point is located approximately fifty (50) feet southwest of the center line of 14th Street and fifty (50) feet northwest of the center line of Larimer Street.
  - (2) *Area designation.* An area enclosed by a line drawn from the reference point southwesterly to the intersection of the center lines of Decatur Street and West Holden Place, thence westerly along the West Holden Place center line to the center line of Federal Boulevard, thence northerly along the Federal Boulevard center line to a point two hundred (200) feet north of center line of 17th Avenue, thence northeasterly to the reference point.
- (d) *Exceptions.*
  - (1) *Current uses.* Any currently existing structure which would not be in compliance with this section may be altered or replaced as necessary for its current height.

- (2) *Telecommunications facilities.* Any telecommunications facility, as defined in section 59-2(141.3) of the Revised Municipal Code, that is governed by section 59-80(3.5) of the Revised Municipal Code shall be exempt from the requirements of this section 10-59.5.
- (3) *Football stadium.* The NFL football stadium, built to replace Mile High Stadium at approximately 1701 Bryant Street, as specifically described in Denver City Clerk Filing No. 99-278, shall be exempt from the requirements of this section 10.59.5.

(Ord. No. 133-88, § 1, 3-14-88; Ord. No. 302-99, § 1, 4-19-99)

## HALL MOUNTAIN VIEW PRESERVATION



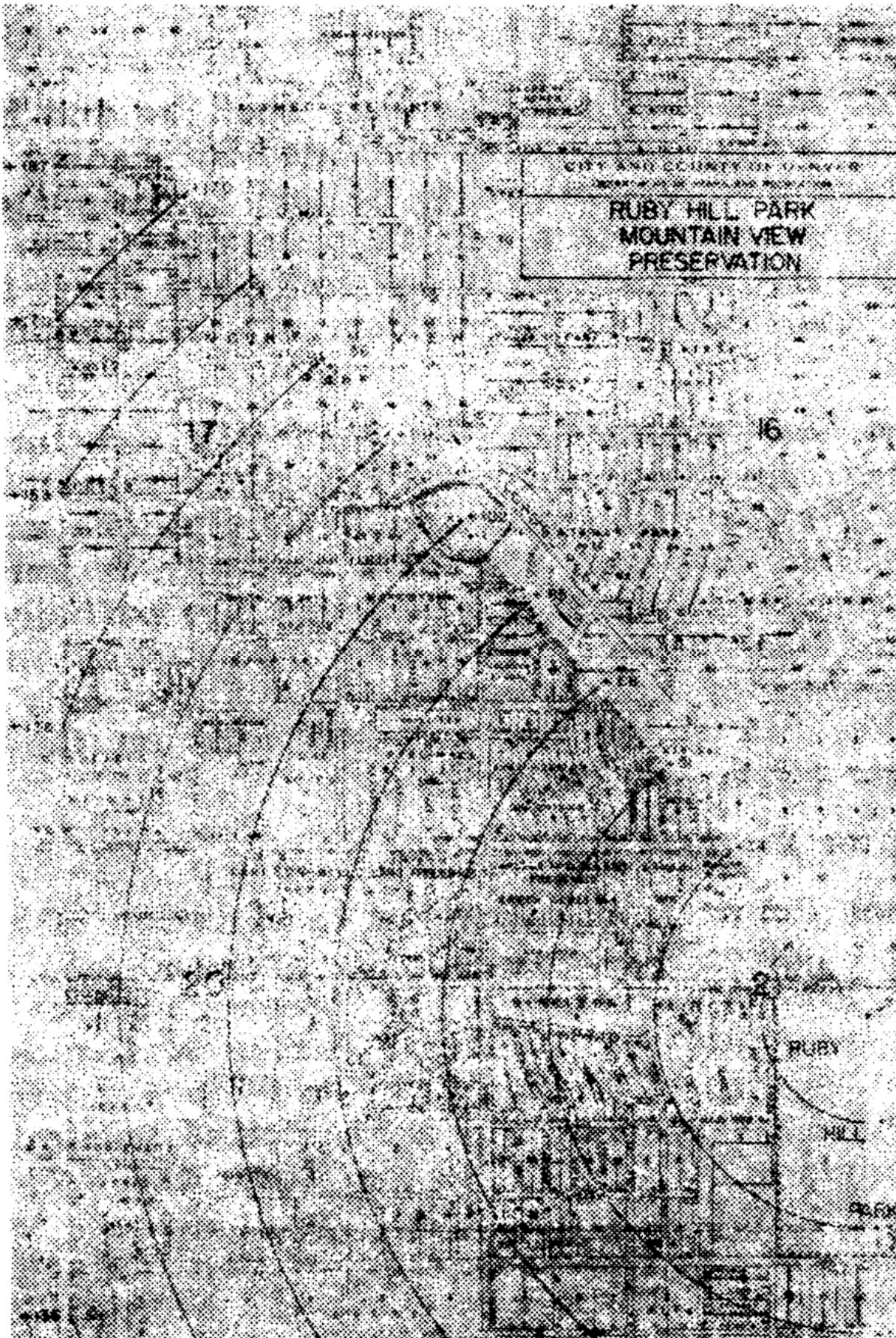


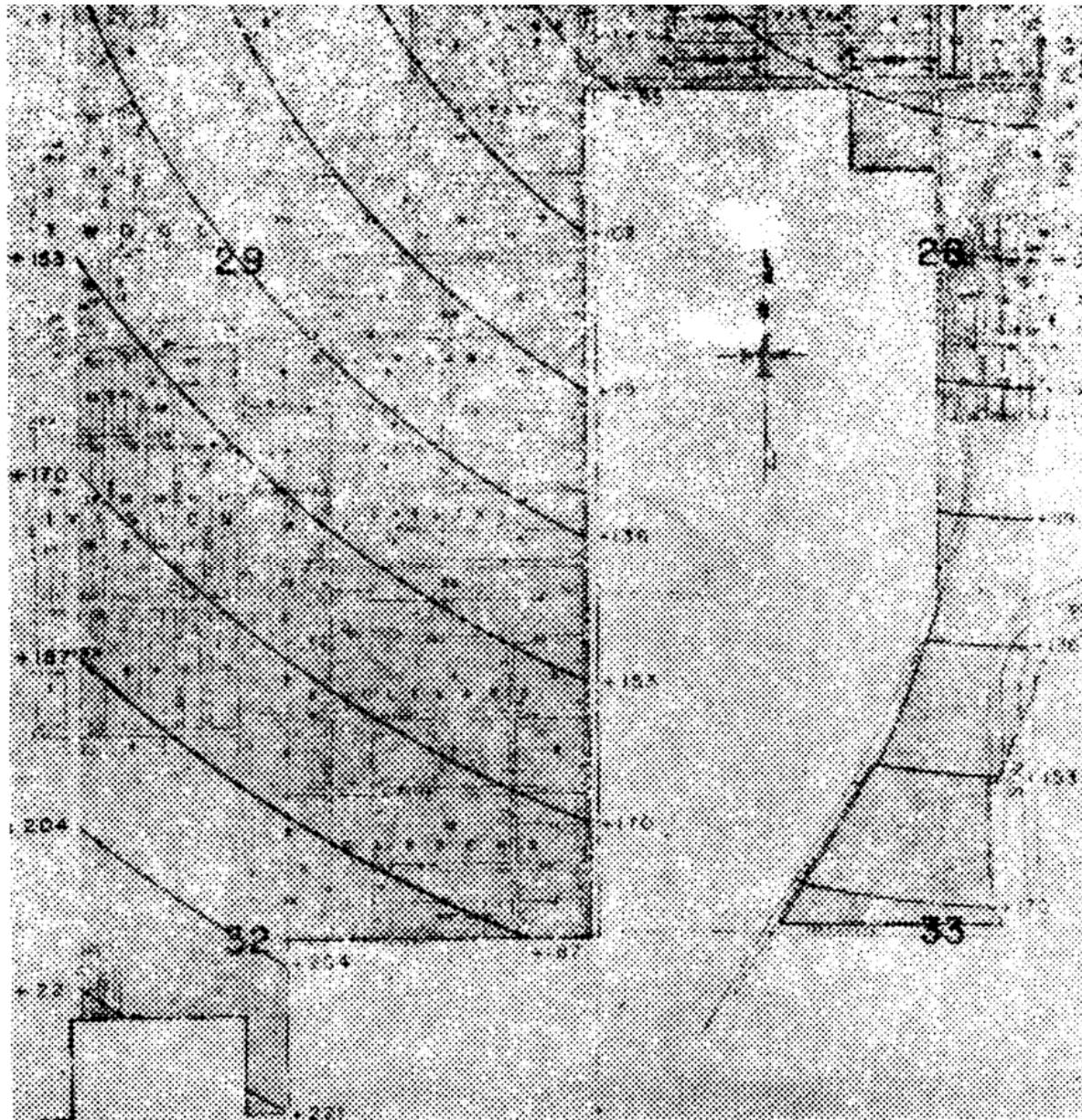
Old City Hall Mountain View Preservation

## Sec. 10-60. Ruby Hill Park.

- (a) *Adoption of map.* The attached map shall be and hereby is approved and adopted and the portion thereon indicated by shading or crosshatching shall be and hereby is determined to be and is designated as an area necessary for the preservation of a certain panoramic view. The restrictive provisions of this article shall be in full force and effect as to the portion of the attached map indicated by shading or crosshatching.
- (b) *Limitations on construction.* No part of a structure within the area on the attached map indicated by shading or crosshatching shall exceed an elevation of five thousand three hundred fifty-four (5,354) feet above mean sea level plus one and seven-tenths feet for each one hundred (100) feet that the part of a structure is horizontally distant from the reference point. Wherever a structure lies partially outside and partially inside of the area on the attached map indicated by shading or crosshatching, the provisions of this section shall apply only to that part of the structure that lies within the area indicated on the map by shading or crosshatching.
- (c) *Reference point.* A point having an elevation of five thousand three hundred fifty-four (5,354) feet above mean sea level, which point is identified on the attached map, at which point is located a steel rod set in concrete and which reference point is located as follows: Beginning at the southeast corner of the southwest quarter of the northeast quarter of Section 21, Township 4 South, Range 68 West; thence westerly along the land line a distance of ten (10) feet; thence sighting west turn an angle of  $90^{\circ} 01' 45''$  to the north and a distance of eight and sixty one-hundredths (8.61) feet to the range point at the corner of West Florida Avenue and South Lipan Street; thence from that range point sighting west at an angle to the left of  $38^{\circ} 46' 30''$  for a distance of four hundred ninety and fifteen one-hundredths (490.15) feet.
- (d) *Exceptions. Utility transmission lines and supporting towers.* Any utility transmission lines and supporting towers existing prior to the enactment of this section 10-60 (December 12, 1969), and any upgrade, expansion, repair, alteration, modification or replacement of such utility transmission lines or supporting towers, shall be exempt from the requirements of this section 10-60. Replacement, whether overhead or underground, requires the removal of the existing utility transmission lines and supporting towers as soon as the replacement transmissions lines are operational.

(Code 1950, § 645.4-3; Ord. No. 468, § 1, 9-10-07)





#### Sec. 10-60.5. State Home Park.

- (a) *Adoption of map.* The attached map shall be and hereby is approved and adopted and the portion thereon indicated by shading or crosshatching and as described in section 10-60.5(c) (2) shall be and hereby is determined to be and is designated as an area necessary for the preservation of a certain panoramic view to accomplish the purposes set forth in section 10-56. The restrictive provisions of this article shall be in full force and effect as to the portion of the attached map indicated by shading or crosshatching.
- (b) *Limitations on construction.* No part of a structure within the area on the attached map indicated by shading or crosshatching shall exceed an elevation of five thousand three hundred twenty-four and eight hundred seven thousandths (5,324.807) feet above mean sea level plus one and seven-tenths (1.7) feet for each one hundred (100) feet that said part of a structure is horizontally distant from the reference point. Wherever a structure lies partially outside and partially inside of the area on the attached map indicated by shading or

crosshatching, the provisions of this section shall apply only to that part of the structure that lies within the area indicated on the map by shading or crosshatching.

(c) *Definitions of terms used.*

(1) *Reference point:* A point having an elevation of five thousand three hundred twenty-four and eight hundred seven thousandths (5,324.807) feet above mean sea level, which point is identified on the attached map, at which point is located a brass cap set in concrete, and which point is located approximately six hundred seventy (670) feet east of the center line of South Logan Street and five hundred thirty (530) feet south of East Iliff Avenue.

(2) *Area designation:* An area enclosed by a line drawn from the reference point southerly to the center line of Yale Avenue and South Pearl Street, thence westerly along the Yale Avenue center line to the eastern boundary of the Ruby Hill mountain view designated area, thence northerly along the eastern boundary of the Ruby Hill mountain view designated area to the center line of West Evans Avenue, thence easterly along the center line of West Evans Avenue to the center line of the South Platte River, thence southeasterly to the reference point.

(Ord. No. 33-83, § 1, 1-24-83)

## Sec. 10-61. State Capitol Area.

(a) *Adoption of map.* The attached map shall be and hereby is approved and adopted and the portion thereon indicated by shading or crosshatching shall be and hereby is determined to be and is designated as an area necessary for the preservation of a certain panoramic view. The restrictive provisions of this article shall be in full force and effect as to the portion of the attached map indicated by shading or crosshatching.

(b) *Limitations on construction.* No part of a structure within the area on the attached map indicated by shading or crosshatching shall exceed an elevation of five thousand two hundred eighty-six (5,286) feet above mean sea level plus one and seven-tenths feet for each one hundred (100) feet that the part of a structure is horizontally distant from the reference point. Wherever a structure lies partially outside and partially inside of the area on the attached map indicated by shading or crosshatching, the provisions of this section shall apply only to that part of the structure that lies within the area indicated on the map by shading or crosshatching.

(c) *Reference point.* Reference point is a point having an elevation of five thousand two hundred eighty-six (5,286) feet above mean sea level, which point is located at the midpoint of the top step on the westerly exposure of the capitol of the state.

(Code 1950, § 645.4-4)

## Sec. 10-61.5. Washington Park.

(a) *Adoption of map.* The attached map shall be and hereby is approved and adopted and the portion thereon indicated by shading or crosshatching and as described in section 10-61.5(c) (2) shall be and hereby is determined to be and is designated as an area necessary for the preservation of a certain panoramic view to accomplish the purposes set forth in section 10-56. The restrictive provisions of this article shall be in full force and effect as to the portion of the attached map indicated by shading or crosshatching.

(b)

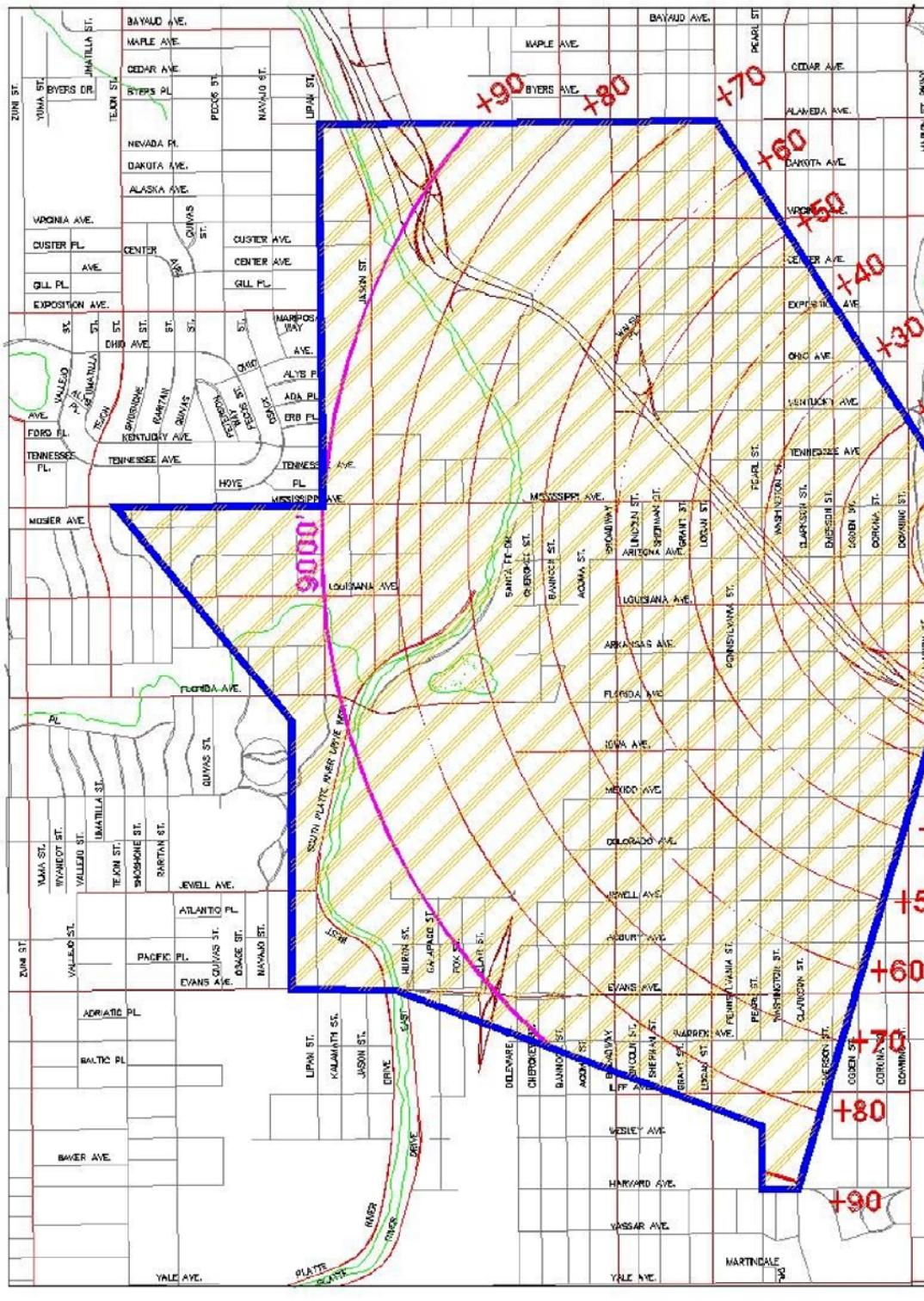
*Limitations on construction.* No part of any structure within the area on the attached map indicated by shading or crosshatching that is within nine thousand (9,000) feet horizontally from the reference point shall exceed an elevation of five thousand three hundred twenty-three and nine-tenths (5,323.9) feet above mean sea level plus one (1) foot for each one hundred (100) feet that said part of a structure is horizontally distant from the reference point. No part of any structure within the area on the attached map indicated by shading or crosshatching that is more than nine thousand (9,000) feet horizontally from the reference point shall exceed an elevation of five thousand four hundred fourteen (5,414) feet above mean sea level. Wherever a structure lies partially outside and partially inside of the area on the attached map indicated by shading or crosshatching, the provisions of the section shall apply only to that part of the structure that lies within the area indicated on the map by shading or crosshatching.

(c) *Definitions of terms used.*

- (1) *Reference point:* A point having an elevation of five thousand three hundred twenty-three and nine-tenths (5,323.9) feet above mean sea level located one hundred thirty (130) feet north and one hundred thirty (130) feet west of the intersection of the center lines of South Franklin Street and East Arizona Avenue at which point is located a brass cap set in concrete. Said point is identified on the attached map.
- (2) *Area designation:* An area enclosed by a line drawn from the reference point in Washington Park northwesterly to the centerline of Alameda Avenue and Logan Street, thence west along the centerline of Alameda Avenue to the centerline of South Lipan Street, thence southerly to the centerline of West Mississippi Avenue, thence westerly along the centerline of West Mississippi Avenue to the eastern boundary of Ruby Hill Park view plane, thence southeasterly on said boundary, to the Ruby Hill reference point, thence southerly on the east boundary of the Ruby Hill view plane to the centerline of West Evans Avenue, also being a point on the northern boundary of the State Home mountain view designated area; thence easterly and southeasterly on the northerly boundary of the State Home view plane to the State Home reference point, thence southerly along said boundary to the centerline of West Harvard Avenue, thence easterly along said street centerline to the centerline of South Clarkson Street; thence northeasterly on a straight line to said Washington Park reference point.

(Ord. No. 34-83, § 1, 1-24-83; Ord. No. 427-04, § 1, 6-28-04)

## WASHINGTON PARK VIEW F



## Development Engineering Services

**City and County of Denver**

## Sec. 10-62. City Park—Natural History Museum.

- (a) *Adoption of map.* The attached map shall be and hereby is approved and adopted and the portion thereon indicated by shading or crosshatching shall be and hereby is determined to be and is designated as an area necessary for the preservation of a certain panoramic view. The restrictive provisions of this article shall be in full force and effect as to the portion of the attached map indicated by shading or crosshatching.
- (b) *Limitations on construction.* No part of a structure within the area on the attached map indicated by shading or crosshatching shall exceed an elevation of five thousand three hundred three and ninety-three one-hundredths (5,303.93) feet above mean sea level plus one (1) foot for each one hundred (100) feet that the part of a structure is horizontally distant from the reference point. Wherever a structure lies partially outside and partially inside of the area on the attached map indicated by shading or crosshatching, the provisions of this section shall apply only to that part of the structure that lies within the area indicated on the map by shading or crosshatching.
- (c) *Reference point.* Reference point is a point having an elevation of five thousand three hundred three and ninety-three one-hundredths (5,303.93) feet above mean sea level and established as a point approximately two thousand seven hundred (2,700) feet north and one thousand (1,000) feet west of the southeast corner of Section 36, Township 3 south, Range 68 west of the 6th Principal Meridian, City and County of Denver, State of Colorado, more particularly described as follows: Such reference point is 198 feet south and 69 feet west of the northernmost west corner of the Museum of Natural History Building. At the reference point is a standard brass disc set in a concrete walkway, and is three (3.0) feet east of the west edge of said walkway. Such point is identified on the attached map.

(Code 1950, § 645.4-5)

## Sec. 10-62.5. Southmoor Park.

- (a) *Adoption of map.* The attached map shall be and hereby is approved and adopted and the portion thereon indicated by shading or crosshatching shall be and hereby is determined to be and is designated as an area necessary for the preservation of a certain panoramic view to accomplish the purposes set forth in section 10-56. The restrictive provisions of this article shall be in full force and effect as to the portion of the attached map indicated by shading or crosshatching.
- (b) *Limitations on construction.* No part of a structure within the area on the attached map indicated by shading or crosshatching shall exceed an elevation of five thousand five hundred forty-eight (5,548) feet above mean sea level plus two (2) feet for each one hundred (100) feet that said part of a structure is horizontally distant from the reference point. Wherever a structure lies partially outside and partially inside of the area on the attached map indicated by shading or crosshatching, the provisions of this section shall apply only to that part of the structure that lies within the area indicated on the map by shading or crosshatching.
- (c) *Reference point.* The reference point is a point having an elevation of five thousand five hundred forty-eight (5,548) feet above mean sea level, which point is identified on the attached map, at which point is located the bronze marker set in concrete in the vicinity of

Southmoor Park sign set in concrete and which reference point is located as follows: A line from reference point at Southmoor Park to center line of Quincy Avenue and center line of Happy Canyon Road, along center line of Happy Canyon Road to center lines of Happy Canyon Road, Hampden Avenue and Dahlia Street, north along center line of Dahlia Street to center line of Yale Avenue, east along Yale Avenue to Monaco Street Parkway center line from a point at center line of Monaco Street Parkway and Yale Avenue center line back to reference point at Southmoor Park.

(d) *Exceptions.*

- (1) Allowable height. Within any district zoned for business a structure which, under the terms of the section 10-62.5 would be limited, may be constructed to a height of forty-two (42) feet above the natural grade.
- (2) Current uses. Any currently existing structure which would not be in compliance with this section may be replaced as necessary for its current height and use.

(Ord. No. 376-82, § 1, 7-19-82; Ord. No. 341-84, § 1, 7-2-84)

*Editor's note—*

Ord. No. 376-82, § 1, adopted July 19, 1982, added § 645.4-6 to the 1950 Code; at the editor's discretion these provisions have been included as § 10-62.5

## Sec. 10-62.7. Coors Field.

- (a) *Adoption of map.* The attached aerial map shall be and is hereby approved and adopted and the view plane, as defined below and indicated by shading depicted thereon, shall be and hereby is determined to be and is designated as an area necessary for the preservation of a certain mountain view. The restrictive provisions of this article shall be in full force and effect as to the portion of the attached map indicated by shading and defined by subsection (c) of this section 10-62.7. Any variation between the map and the definitions provided in said subsection (c) shall be resolved in favor of the definitions below.
- (b) *Limitations on construction.* No part of a structure within the shaded area on the attached map shall exceed an elevation of five thousand two hundred fifty-one (5,251) feet (NAVD 1988) above mean sea level plus 1.26 feet for each one hundred (100) feet that said part of a structure is horizontally distant from the reference point. Whenever a structure lies partially outside and partially inside of the shaded area on the attached map, the provisions of this section shall apply only to that part of the structure that lies within the shaded area on the map.
- (c) *Definitions.*
  - (1) *Reference point:* A point located in Coors Field Stadium which is located at 2001 Blake Street, Latitude 39 degrees, 45 minutes, 19.98958 seconds North and Longitude 104 degrees, 59 minutes, 36.98832 seconds West on the centerline of the current camera platform below current Section 323. The elevation of said reference point is 5,245.27 feet (NAVD 1988).
  - (2) *View plane.* As depicted on the attached map, an area enclosed by a line drawn from the reference point northwesterly to a point on the centerline of Platte Street one hundred and forty-three (143) feet southwesterly of the intersection of the centerline of 19th Street and Platte Street; thence northeasterly along the centerline of Platte Street and Rockmont Drive approximately 1,337 feet to a point which is the intersection of a line drawn from said reference point northwesterly and extended to the centerline of Rockmont Drive.

- (d) *Exceptions for existing structures.* Any structure existing as of July 1, 2009, which is not in compliance with this section may be altered or replaced as necessary to its current height.
- (e) *Exceptions for utility transmission lines and supporting towers.* Any utility transmission lines and supporting towers and any upgrade, expansion, repair, alteration, modification or replacement of such utility transmission lines or supporting towers, shall be exempt from the requirements of this section 10-62.7. Replacement, whether overhead or underground, requires the removal of the existing utility transmission lines and supporting towers as soon as the replacement transmissions lines are operational.

(Ord. No. 419-09, § 1, 8-3-09)

### Sec. 10-63. Enforcement.

- (a) This article shall be enforced by the deputy director of the development services division of the community planning and development agency or the deputy director's designee (collectively referred to as "enforcement official"). The enforcement official is hereby empowered to enter into and cause any building, other structure or tract of land to be inspected and examined and to order in writing the remedy of any condition found to exist in violation of any provision of this article. Service of the order shall be by personal service upon the owner, authorized property management agent, agent, occupant or lessee or, alternatively, service may be made upon such persons by certified mail. If such persons are not found, the order may be served by posting in a conspicuous place on the premises, in which event service shall be deemed complete as of the moment of posting.
- (b) No oversight or dereliction on the part of the enforcement official or on the part of any other official or employee of the city shall legalize, authorize or excuse any violation of any provision of this article.

(Code 1950, § 645.2; Ord. No. 635-00, § 2, 8-14-00)

### Sec. 10-64. Violations.

Any person or any officer, agent, member, servant or employee thereof, or any lessee or occupant of premises who violates the provisions of this article, shall be guilty of violation thereof; and every omission, neglect or continuance of the thing commanded or prohibited for twenty-four (24) hours shall constitute a separate and distinct offense; provided, however, without affecting any penalty for a violation, no proceedings shall be instituted hereunder against an occupant who is not the owner, or against an agent, servant, employee or lessee for any violations hereof until after the expiration of ten (10) days from the date of the service of a notice by the enforcement official to cease and desist such violation, such notice to be served as provided in section 10-63.

(Code 1950, § 645.3-2; Ord. No. 635-00, § 2, 8-14-00)

### Sec. 10-65. Remedies.

- (a) Any person violating any provision of this article shall be subject to the penalties provided by section 1-13.
- (b) In addition to any penalty the city or any person aggrieved by any violation of this article may maintain any appropriate action to prevent and restrain the violation including an action for injunctive relief and may apply for a temporary restraining order without posting bond.

(Code 1950, § 645.3-3; Ord. No. 201-99, § 1(b), 3-15-99; Ord. No. 635-00, § 2, 8-14-00)

### Sec. 10-66. Appeal.

- (a) Any person violating any provision of this article may appeal a determination of the enforcement official to the planning board or may apply for a variance, as provided for in section 10-1 of the Revised Municipal Code.
- (b) Any person proposing to construct a building or other structure that would violate any provision of this article may appeal a determination of the enforcement official to the planning board or may apply for a variance, as provided for in section 10-1 of the Revised Municipal Code.

(Ord. No. 635-00, § 2, 8-14-00)

**Secs. 10-67—10-80. Reserved.**