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**ARTICLE VIII. RESTRICTIONS ON STRUCTURES WITHIN AREAS NECESSARY TO PRESERVE CENTRAL BUSINESS DISTRICT VIEWS**

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**Sec. 10-131. 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 County Denver and their property, and council finds:

- (1) That the protection and perpetuation of certain central business district views from various parks and public places within the City and County of Denver is required in the interests of economic prosperity, civic pride, quality of life and general welfare of the people;
- (2) That it is desirable to designate, preserve and perpetuate certain natural views of the central business district for the enjoyment and environmental enrichment of the citizens of the community and visitors hereto;
- (3) That the preservation of such views will foster civic pride in the beauty of the city, will protect and enhance the economic vitality and property and aesthetic values of the city, will protect and enhance the city's attraction to tourists and visitors, and will promote good urban design;
- (4) That regular specified areas constituting certain central business district views should be established by protecting such views from encroachment and physical obstruction.

(Ord. No. 288-88, § 1, 5-16-88)

**Sec. 10-131.5. 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 VIII, 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(c), 3-15-99)

### **Sec. 10-132. Central Business District.**

For purposes of this article, the Central Business District shall consist of an area enclosed by a line drawn from the intersection of the center lines of Sherman Street and 14th Avenue, thence westerly along the center line of 14th and West 14th Avenues to the center line of the official channel of Cherry Creek, thence northwesterly along the center line of Cherry Creek channel to the center line of the extended alley lying between Larimer and Market Streets, thence northeasterly along the center line of said alley to the center line of 20th Street, thence southeasterly along the center line of 20th Street to the center line of 20th Avenue, thence easterly along the center line of 20th Avenue to the center line of Sherman Street, thence southerly along the center line of Sherman Street to the point of beginning.

(Ord. No. 288-88, § 1, 5-16-88)

### **Sec. 10-133. Prohibitions.**

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

(Ord. No. 288-88, § 1, 5-16-88)

### **Sec. 10-134. 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.

(Ord. No. 288-88, § 1, 5-16-88; Ord. No. 635-00, § 4, 8-14-00)

### **Sec. 10-135. 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 10-134.

(Ord. No. 288-88, § 1, 5-16-88; Ord. No. 635-00, § 4, 8-14-00)

## Sec. 10-136. 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.

(Ord. No. 288-88, § 1, 5-16-88; Ord. No. 201-99, § 1(d), 3-15-99; Ord. No. 635-00, § 4, 8-14-00)

### Sec. 10-136.1. 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, § 4, 8-14-00)

*Editor's note—*

Ord. No. 635-00, § 4, adopted Aug. 14, 2000, added a new section 10-137 pertaining to appeals.

To avoid duplication of sections, the provisions of said ordinance have been included herein as section 10-136.1 at the discretion of the editor.

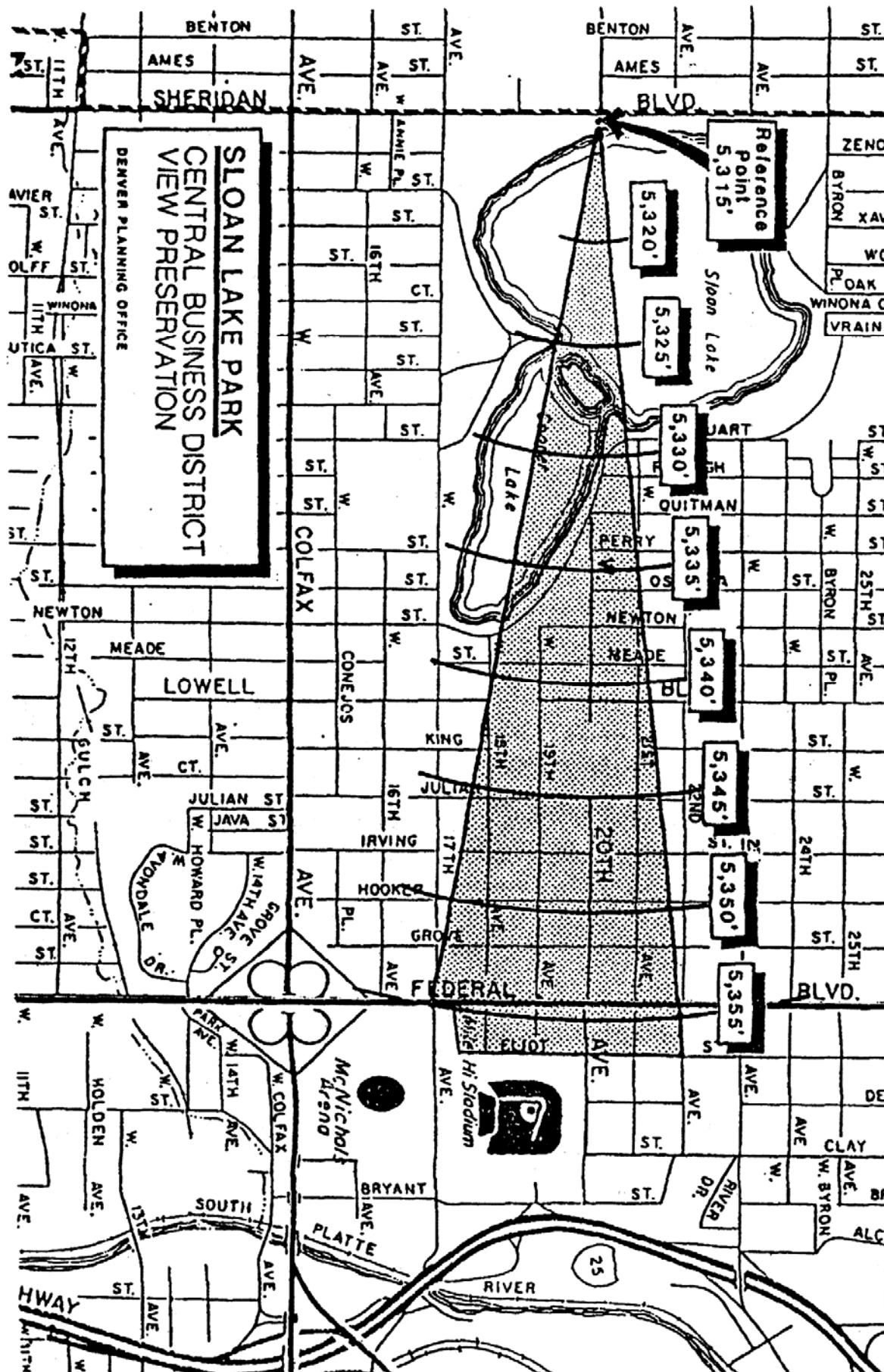
## Sec. 10-137. Sloan Lake Park.

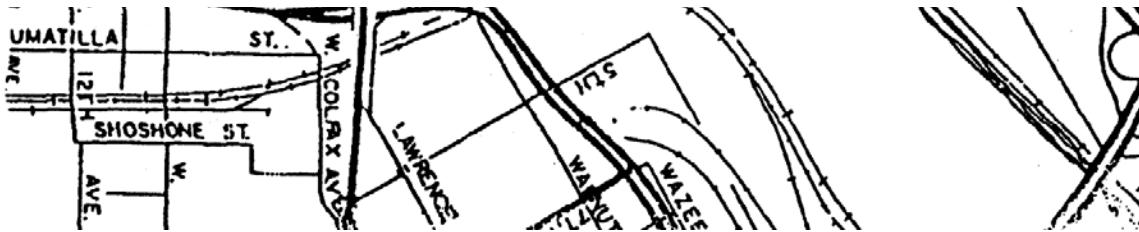
- (a) *Adoption of map.* The attached map shall be and hereby is approved and adopted and the regular specified area thereon, as defined in subsection (c)(2) of this section, indicated by a solid black boundary line and by shading shall be and hereby is determined to be and is designated as an area necessary for the preservation of a certain central business district 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.
- (b) *Limitations on construction.* No part of a structure within the shaded area on the attached map shall exceed an elevation of five thousand three hundred fifteen (5,315) feet above mean sea level plus five-tenths of one (0.5) foot for each one hundred (100) feet that such 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 article 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 Sloan Lake Park one hundred twenty-five (125) feet east of the intersection of the center lines of Sheridan Boulevard and West 20th Avenue, on which is located a bronze marker set in concrete.
  - (2)

*A regular specified area:* An area enclosed by a line drawn southeasterly from the reference point to the intersection of the center lines of West 17th Avenue and Federal Boulevard; thence northerly two hundred (200) feet along the center line of Federal Boulevard and coterminous with the westerly line of the Old City Hall mountain view preservation area; thence northeasterly approximately four hundred fifty (450) feet along the northwesterly line of said designated area to the center line of Eliot Street extended; thence northerly along the extended center line and center line of Eliot Street to the center line of West 22nd Avenue; thence southwesterly to the reference point.

(d) *Exceptions.*

- (1) *Allowable height:* Any new structure which under the terms of this section 10-137 would be limited to less than thirty-five (35) feet in height may be constructed to a height of thirty-five (35) feet above the natural grade.
- (2) *Existing structures:* Any existing structure which is not in compliance with the terms of this section 10-137 may be replaced as necessary to its current height.





(Ord. No. 288-88, § 1, 5-16-88)

### Sec. 10-137.1. Park at 51st Avenue and Zuni Street.

- (a) *Adoption of map.* The attached map [\[3\]](#) shall be and hereby is approved and adopted and the regular specified area thereon, as defined in subsection (c)(2) of this section, indicated by a solid black boundary line and by shading, shall be and hereby is determined to be and is designated as an area necessary for the preservation of a certain central business district 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.
- (b) *Limitations on construction.* No part of a structure within the shaded area on the attached map shall exceed an elevation of five thousand three hundred forty-seven (5,347) feet above mean sea level. Whenever a structure lies partially outside and partially inside of the shaded area on the attached map, the provisions of this article 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 the park at 51st Avenue and Zuni Street one hundred sixty-seven and a half (167.5) feet east of the centerline at Zuni Street and two hundred sixty-five (265) feet south of the centerline of 52nd Avenue on which is a bronze locator set in concrete.
  - (2) *A regular specified area:* An area enclosed by a line drawn southerly from the reference point to Interstate 25 intersecting the point at 26th Avenue and Speer Boulevard located at Latitude 394515.80514 and Longitude 1050055.56336; and a line drawn southeasterly from the reference point to Interstate 25 intersecting the point at 38th Avenue and Huron Street located at Latitude 39468.95338 and Longitude 1045946.67579.
- (d) *Exceptions.*
  - (1) *Existing structures:* Any existing structure which is not in compliance with the terms of this section may be replaced as necessary to its current height.

(Ord. No. 390-99, § 1, 5-24-99)

### Sec. 10-137.2. Hirshorn Park.

- (a) *Adoption of map.* The attached map [\[4\]](#) shall be and hereby is approved and adopted and the regular specified area thereon, as defined in subsection (c)(2) of this section, indicated by a solid black boundary line and by shading, shall be and hereby is determined to be and is designated as an area necessary for the preservation of a certain central business district 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.
- (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 sixty (5,260) feet above mean sea level minus one and nine-tenths (1.9) 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 Hirshorn Park two hundred thirty (230) feet northeast of the centerline of 16<sup>th</sup> Street and one hundred fifty (150) feet northwest of the centerline of Boulder Street.
- (2) *A regular specified area:* An area enclosed by a line drawn from the reference point southeasterly to the intersection of the centerline of 16<sup>th</sup> Street with the northwest line of the South Platte River Channel, thence northeasterly along the northwest line of the South Platte River channel a distance of five hundred fifty (550) feet, thence northwesterly to the reference point.

(d) *Exceptions.*

- (1) *Existing structures:* Any existing structure which is not in compliance with the terms of this section may be altered or replaced as necessary to its current height.

(Ord. No. 849-99, § 1, 11-15-99)

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FOOTNOTE(S):

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--- (3) ---

**Editor's note**— The map referred to in this section is on file in appropriate city and county offices. [\(Back\)](#)

--- (4) ---

**Editor's note**— The map referred to in this section is on file in appropriate city and county offices. [\(Back\)](#)