

1 **BY AUTHORITY**

2 ORDINANCE NO. \_\_\_\_\_  
3 SERIES OF 2023

COUNCIL BILL NO. 22-1653  
COMMITTEE OF REFERENCE:  
4 Land Use, Transportation & Infrastructure

5 **A BILL**

6 **For an ordinance amending Chapter 10 of the Denver Revised Municipal Code**  
7 **concerning buildings and building regulations, to adopt the 2022 Denver**  
8 **Building Code, Denver Fire Code, and Denver Green Code.**

9 **BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:**

10 **Section 1.** That section 10-16 of the Denver Revised Municipal Code regarding the Denver  
11 building and fire code is hereby amended by deleting the language stricken below and adding the  
12 language underlined below to read and be read as follows:

13 **Sec. 10-16. – Denver Building code and Denver fire code adopted.**

14 The building and fire codes ~~International Building Code ("IBC"), International Energy~~  
15 ~~Conservation Code ("IECC"), the International Fire Code ("IFC"), the International Fuel Gas Code~~  
16 ~~("IFGC"), the International Mechanical Code ("IMC"), the International Plumbing Code ("IPC"), the~~  
17 ~~International Existing Building Code, and the International Residential Code ("IRC"), all series 2018~~  
18 ~~as published by the International Code Council, all errata to the above codes as published by the~~  
19 ~~International Code Council and the amendments to the above codes and the administration of the~~  
20 ~~Denver Building Code, as such amendments and administration of the Denver Building Code as filed~~  
21 ~~July 7, 2021~~ December 21, 2022, in City Clerk File Number 20210059 20220130 are hereby adopted  
22 collectively as the 2022 Denver Building Code and 2022 Denver Fire Code. The 2022 Denver  
23 Building Code and 2022 Denver Fire Code will be maintained by the department of community  
24 planning and development and will be available to the public.

25 **Section 2.** That Section 10-19 of the Denver Revised Municipal Code concerning the  
26 Denver Green Code is hereby amended by deleting the language stricken below and adding the  
27 language underlined below to read and be read as follows:

28 **Sec. 10-19. – Denver green code.**

29 The code ~~Denver Green Code~~, as filed ~~June 16, 2021~~ December 21, 2022 in City Clerk File  
30 Number 20210056 20220131, is hereby adopted as the 2022 Denver Green Code ~~a voluntary design~~  
31 ~~and construction code.~~ The 2022 Denver Green Code will be maintained by the department of  
32 community planning and development and will be available to the public. ~~In order to encourage the~~  
33 ~~use of the Denver Green Code on a voluntary basis, the building official is authorized to develop~~  
34 ~~incentives through written policy. Such incentives may include, but are not limited to, expedited~~

1 ~~permit processing.~~

2 **Section 3.** That section 10-301(a) of the Denver Revised Municipal Code concerning  
3 Green Buildings is hereby amended by deleting the language stricken below and adding the  
4 language underlined below to read and be read as follows:

5 **Sec. 10-301 – Green building requirements for new buildings.**

6 (a) *In general.* Except as provided in subsection 10-301(c) below, an owner constructing a  
7 building containing twenty-five thousand (25,000) square feet or greater of gross floor area who has  
8 not submitted a formal site development plan application with payment of all applicable fees by 4:30  
9 pm on November 2, 2018 must provide the following green building requirements:

10 (1) A cool roof; and

11 (2) One (1) of the following options:

12 a. Green space covering an area in one (1) of the following amounts, whichever is least:

13 1. Ten (10) percent of the gross floor area of the building;

14 2. Sixty (60) percent of the total roof area on the building; or

15 3. The available roof space on the building.

16 b. On-site solar panels covering an area anywhere on the building or zone lot equal to  
17 seventy (70) percent of the total roof area or an area equal to an amount required to provide  
18 one hundred (100) percent of estimated annual average electricity used at the building. Other  
19 renewable energy devices may be used in place of on-site solar panels so long as the owner  
20 provides evidence of similar generation capacity. Any net zero energy building complies with  
21 this subsection 10-301(a)(2)b.

22 c. Off-site renewable energy purchase with the following requirements:

23 1. The off-site renewable energy purchase must be met through a minimum five  
24 (5) year contract for a subscription, lease, or purchase of a share in a voluntary  
25 renewable energy program offered by Xcel Energy or a community solar project for  
26 which a dedicated renewable energy resource located in Public Service Company of  
27 Colorado territory is built for that customer program, and which has dedicated customer  
28 capacity or energy to fulfill that customer's subscription;

29 2. The term of purchase must be renewed a minimum of every five (5) years for  
30 the life of the building; and

31 3. The off-site renewable energy purchase must cover the equivalent energy  
32 production of either (i) the estimated one hundred (100) percent of electricity the  
33 building will use, or (ii) the amount that would have been provided with required on-site

1 solar panels and demonstration of decreased energy consumption measured as  
2 estimated energy cost savings of a minimum six (6) percent above requirements in the  
3 applicable Denver Building Code and Denver Fire Code as measured according to the  
4 selected Denver Energy Code performance based compliance path.

5 d. Demonstration of decreased energy consumption measured as estimated energy cost  
6 savings of at least twelve (12) percent above requirements in the applicable Denver Building  
7 Code and Denver Fire Code measured according to the selected Denver Energy Code  
8 performance based compliance path.

9 e. Building certification of LEED Gold, Enterprise Green Communities, the National  
10 Green Building Standard ICC/ASHRAE 700, or an equivalent certification approved by the  
11 building official.

12 f. A combination of green space, and renewable energy device(s) with the following  
13 required coverages:

14 1. Green space covering an area in one (1) of the following amounts, whichever is  
15 least:

- 16 (i) Three (3) percent of the gross floor area of the building;
- 17 (ii) Eighteen (18) percent of the total roof area on the building; or
- 18 (iii) Thirty (30) percent of the available roof space on the building; and either  
19 section 10-301(a)(2)f.2 or 3 below.

20 2. On-site solar panels located anywhere on the subject zone lot covering an area  
21 in one of the following amounts, whichever is least:

- 22 (i) Seven (7) percent of the gross floor area of the building,
- 23 (ii) Forty-two (42) percent of the total roof area on the building; or
- 24 (iii) Seventy (70) percent of the available roof space on the building.

25 3. Renewable energy devices, other than solar panels, so long as the renewable  
26 energy devices achieve equivalent total energy production to the required amount of  
27 on-site solar panels in subsection 10-302(2)f.2 above; or

28 4. Alternative coverages of green space and on-site solar panels may be approved  
29 by the building official so long as the combination covers an area in one (1) of the  
30 following amounts, whichever is least:

- 31 (i) Ten (10) percent of the gross floor area of the building;
- 32 (ii) Sixty (60) percent of total roof area on the building; or
- 33 (iii) The available roof space on the building.

1 g. A combination of green space and off-site renewable energy purchase, with the  
2 following requirements:

3 1. Green space covering an area in one (1) of the following amounts, whichever is  
4 least:

- 5 (i) Three (3) percent of the gross floor area of the building;
- 6 (ii) Eighteen (18) percent, of total roof area on the building; or
- 7 (iii) Available roof space on the building.

8 2. The off-site renewable energy purchase must be met through a minimum five  
9 (5) year contract for a subscription, lease, or purchase of a share in a voluntary  
10 renewable energy program offered by Xcel Energy or a community solar project for  
11 which a dedicated renewable energy resource located in Public Service Company of  
12 Colorado territory is built for that customer program, and which has dedicated customer  
13 capacity or energy to fulfill that customer's subscription. The term of purchase must be  
14 renewed a minimum of every five (5) years after initial purchase.

15 3. The off-site renewable energy purchase must cover the amount that required  
16 on-site solar panels would have provided and demonstration of decreased energy  
17 consumption measured as estimated energy cost savings of a minimum two and a half  
18 (2.5) percent above requirements in the Denver Building Code and Denver Fire Code  
19 as measured according to the selected Denver Energy Code performance based  
20 compliance path.

21 h. A combination of green space and decreased energy consumption with the following  
22 requirements:

23 1. Green space covering an area in one (1) of the following amounts, whichever is  
24 least:

- 25 (i) Three (3) percent of the gross floor area of the building;
- 26 (ii) Eighteen (18) percent of total roof area on the building; or
- 27 (iii) The available roof space on the building.

28 2. Demonstration of decreased energy consumption measured as estimated  
29 energy cost savings of a minimum five (5) percent above requirements in the applicable  
30 Denver Building Code and Denver Fire Code measured according to the selected  
31 Denver Energy Code performance based compliance path ~~during plan review~~.

32 **Section 4.** That section 10-303(b) of the Denver Revised Municipal Code concerning  
33 Green Buildings is hereby amended by deleting the language stricken below and adding the

1 language underlined below to read and be read as follows:

2 **Sec. 10-303 – Additions.**

3 (b) *Small additions.* Any owner proposing an addition of twenty-five (25,000) or more and less  
4 than fifty thousand (50,000) square feet of gross floor area to a building shall provide a cool roof, as  
5 applicable, and comply with any of the following:

- 6 (1) Any of the requirements of section 10-302(a)(2)a-c for that addition;
- 7 (2) The requirements of section 10-302(b) for that addition; or
- 8 (3) Estimated energy ~~cost~~ savings of at least four (4) percent above requirements in the  
9 Denver Building Code and Denver Fire Code for that addition as measured according to the  
10 selected Denver Energy Code performance based compliance path.

11 COMMITTEE APPROVAL DATE: December 20, 2022

12 MAYOR-COUNCIL DATE: December 27, 2022 by Consent

13 PASSED BY THE COUNCIL: \_\_\_\_\_

14 \_\_\_\_\_ - PRESIDENT

15 APPROVED: \_\_\_\_\_ - MAYOR \_\_\_\_\_

16 ATTEST: \_\_\_\_\_ - CLERK AND RECORDER,  
17 EX-OFFICIO CLERK OF THE  
18 CITY AND COUNTY OF DENVER

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

20 PREPARED BY: Adam C. Hernandez, Assistant City Attorney DATE: December 29, 2022

21 Pursuant to section 13-9, D.R.M.C., this proposed ordinance has been reviewed by the office of the  
22 City Attorney. We find no irregularity as to form, and have no legal objection to the proposed  
23 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to  
24 §3.2.6 of the Charter.

25 Kerry Tipper, Denver City Attorney

26 BY: \_\_\_\_\_, Assistant City Attorney DATE: \_\_\_\_\_