

BY AUTHORITY

ORDINANCE NO. _____
SERIES OF 2023

COUNCIL BILL NO. CB23-0543
COMMITTEE OF REFERENCE:
Land Use, Transportation & Infrastructure

A BILL

For an ordinance amending article XIII, Chapter 10 (Green buildings) of the Denver Revised Municipal Code, updating requirements for certain compliance options with the article.

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

Section 1. That section 10-300, D.R.M.C. concerning definitions under the city ordinance commonly known as the “green building ordinance” is amended by deleting the language stricken and adding the language underlined to read as follows:

Sec. 10-300. Definitions.

The following words and phrases, as used in this article XIII, have the following meanings:

(a) *Addition* for purposes of this article XIII means an extension or increase in gross floor area or height of a building or structure. A connecting element of limited width as required by the International Building Code for a pedestrian walkway does not create an addition to a building.

(b) *All-electric property* means a property that contains no permanently installed equipment or appliances that utilize combustion, plumbing for fuel gas or fuel oil or fuel gas utility connection, installed within the building(s) or site, except for emergency power systems and standby power systems.

~~*Available roof space* means the total roof area of a building excluding the following:~~

~~(1) Private terraces no greater in area than the gross floor area of the abutting unit at the roof level;~~

~~(2) Outdoor amenity spaces of buildings, including, but not limited to, areas~~

for recreational or social use;

~~(3) Areas of rooftop mechanical, electrical or other equipment, including cell towers or other equipment leasing space on the roof, and all required clearances around these areas;~~

~~(4) Areas covered by skylights;~~

~~(5) Areas consisting of glass-covered atriums;~~

~~(6) Areas covered with glazing (windows); and~~

~~(7) Areas for renewable energy devices.~~

(c) Ancillary roof construction means reconstruction or renewal of any part of an existing roof for the purposes of correcting damage or restoring pre-damage condition, necessitated as a direct result of and/or to accommodate adjacent primary construction work such as replacement or installation of new mechanical equipment, or similar.

(d) *Building* for the purposes of this article XIII means any structure used or intended for supporting or sheltering any use or occupancy. The boundary of any single building is defined by its surrounding exterior walls. Party walls as constructed in accordance with the International Building Code shall create separate buildings.

~~(d e)~~ *Building official* means the person authorized and directed to act on behalf of the building permitting and inspections services in the interpretation and enforcement of the Building Code of the City and County of Denver, and appointed by the executive director of community planning and development.

~~(e f)~~ *Campus* means a tract of contiguous property with one (1) or more owners; that contains or will contain more than one (1) building; and that is planned, developed and operated as an integrated facility for a number of individual uses with special attention to coordinated circulation, parking, utility needs, aesthetics and compatibility. For purposes of this definition, the presence of public rights-of-way shall not destroy contiguity of land area. A campus may contain only existing buildings, existing buildings and proposed new buildings, or only proposed new buildings.

1 (f g) *Character defining roof* means a visible roof where the roofs relationship
2 to the overall shape of the building, as well as the roofs distinctive materials,
3 craftsmanship, or decorative details are important to the overall visual character of the
4 building; a change of materials, color, or shape to a character defining roof would
5 significantly impact the visual character of the building.

6 (g h) *Cool roof* means a roof, or portion of a roof, containing roof covering
7 materials meeting certain solar reflectance values that mitigate or assist in reducing
8 urban heat island effect.

9 (h i) *Denver Building ~~and Fire~~ Code* has the same meaning as the term is
10 used in Section 10-16, D.R.M.C.

11 (i) *Denver Fire Code* has the same meaning as the term is used in Section
12 10-16, D.R.M.C.

13 (i k) *Executive director of CPD* means the executive director of the
14 department of community planning and development ("CPD"), or his/her designee.

15 (j l) *Executive director of OCASR* means the executive director of the office
16 of climate action, sustainability, and resiliency, or his or her designee ("OCASR").

17 (k m) *Green space* means any area that is proposed to contain trees,
18 groundcover, shrubs, urban agriculture, natural grass/turf, or vegetated roofs.

19 (l n) *Greenhouse* means a structure or a thermally isolated area of a building
20 that maintains a specialized sunlit environment exclusively used for, and essential to,
21 the cultivation, protection or maintenance of plants, that sells its commodities for a
22 profit, or on behalf of a non-profit, and is constructed or planned to be constructed as
23 either an F-1 or U occupancy.

24 (m o) *Gross floor area* means the gross floor area within the inside perimeter
25 of the exterior walls of the building under consideration, exclusive of vent shafts and
26 courts, without deduction for corridors, stairways, ramps, closets, the thickness of
27 interior walls, columns or other features. The gross floor area of a building, or portion
28 thereof, not provided with surrounding exterior walls shall be the usable area under the

horizontal projection of the roof or floor above. The gross floor area of a building shall not include shafts with no openings, interior courts, or areas used exclusively for the storage or parking of vehicles.

(n p) *Individual roof section* means a portion of roof bounded on all sides by one (1) or more of the following features: a wall or parapet; the roof edge; an expansion joint; or a roof divider.

(o q) *Net zero energy building* means an energy-efficient building where, on a source energy basis, the actual annual delivered energy is less than or equal to the on-site renewable exported energy.

(p r) *Owner* means any person, agent, operator, entity, firm, or corporation having any legal or equitable interest in the building or property; or any person authorized to act on the owner's behalf.

(q s) *Renewable energy device* means a device that obtains energy derived from solar radiation, wind, landfill gas, biomass, the internal heat of the earth, or another source with the approval of CPD.

(r t) *Residential building* means a building where more than sixty (60) percent of the gross floor area of the building is used, designed or intended to be used for a household living use type as defined in the Denver Zoning Code, including accessory residential uses; however, a residential building shall not include a nursing home or hospice use, a residence for older adults use, or a lodging accommodation use, all as defined in the Denver Zoning Code.

(s u) *Roof* means the overhead structural component of a building or a part of a building supported by walls or columns and which functions primarily to shelter the interior of the building from the effects of weather and the infiltration of water.

(v) *Roof coating* means a fluid-applied, adhered coating, absent of suspended solids and/or fabric or other solid interlayer(s), used for roof maintenance or roof repair, or as a component of a roof covering system or roof assembly.

(t w) *Roof recover* means the process of installing an additional layer of roof

1 covering over a prepared existing roof covering without removing the existing roof
2 covering.

3 (x) Roof repair means the reconstruction or renewal of any part of an existing
4 roof for the purposes of correcting damage or restoring pre-damage condition.

5 (y) Roof replacement means the process of removing the existing roof
6 covering, repairing any damaged substrate, and installing a new roof; or the
7 reconstruction or renewal of any part of an existing roof for the purposes of its
8 maintenance.

9 (z) Total roof area means the square footage of all roofs and roof sections
10 located on a building. A roof covering a story or stories below grade, as determined in
11 accordance with the International Building Code as adopted in the Denver Building and
12 Fire Code, shall not be included in the calculation of total roof area of a building.

13 (aa) Vegetated roof means an assembly of interacting components designed
14 to waterproof and normally insulate a building's top surface that includes, by design,
15 vegetation and related landscape elements.

16 (bb) Visible roof means an individual roof section that is at least partially
17 visible from a person of average height in a public vantage point such as a park, public
18 street, campus grounds, or private street with public easement.

19 **Section 2.** That section 10-301, D.R.M.C. concerning certain building requirements for
20 new buildings under the city ordinance commonly known as the “green building ordinance” is
21 amended by deleting the language stricken and adding the language underlined to read as
22 follows:

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

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

- 1 (1) A cool roof; and
- 2 (2) One (1) of the following options:
 - 3 a. Green space covering an area in one (1) of the following amounts,
4 whichever is least:
 - 5 1. Ten (10) percent of the gross floor area of the building; or
 - 6 2. Sixty (60) percent of the total roof area on the building; ~~or~~
 - 7 3. ~~The available roof space on the building.~~
 - 8 b. On-site solar panels covering an area anywhere on the building or
9 zone lot equal to seventy (70) percent of the total roof area or an area equal
10 to an amount required to provide one hundred (100) percent of estimated
11 annual average electricity used at the building. Other renewable energy
12 devices may be used in place of on-site solar panels so long as the owner
13 provides evidence of similar generation capacity. Any net zero energy
14 building complies with this subsection 10-301(a)(2)b.
 - 15 c. Off-site renewable energy purchase with the following requirements:
 - 16 1. The off-site renewable energy purchase must be met through a
17 minimum five (5) year contract for a subscription, lease, or purchase
18 of a share in a voluntary renewable energy program offered by Xcel
19 Energy or a community solar project for which a dedicated renewable
20 energy resource located in Public Service Company of Colorado
21 territory is built for that customer program, and which has dedicated
22 customer capacity or energy to fulfill that customer's subscription;
 - 23 2. The term of purchase must be renewed a minimum of every five (5)
24 years for the life of the building; and
 - 25 3. The off-site renewable energy purchase must cover the equivalent
26 energy production of either (i) the estimated one hundred (100)
27 percent of electricity the building will use, or (ii) the amount that would

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

7 d. A combination of construction of an all-electric property and
8 ~~D~~demonstration of decreased energy consumption measured as estimated
9 cost savings of at least twelve (12) percent above requirements in the
10 applicable Denver Building Code and Denver Fire Code as measured
11 according to the selected Denver Energy Code performance based
12 compliance path.

13 e. Building certification of LEED Gold, Enterprise Green Communities,
14 the National Green Building Standard ICC/ASHRAE 700 Gold, Green
15 Globes New Construction Four Globes rating, International Living Future
16 Institute Living Building Challenge certification, International Living Future
17 Institute Core Green Building certification, International Living Future
18 Institute Zero Energy certification, International Living Future Institute Zero
19 Carbon certification, Denver Green Code Enhanced Use Program
20 compliance verification, or an equivalent certification approved by the
21 building official.

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

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

26 (i) Three (3) percent of the gross floor area of the building; or

27 (ii) Eighteen (18) percent of the total roof area on the building ;~~or~~

28 ~~(iii) Thirty (30) percent of the available roof space on the building;~~
29 and either section 10-301(a)(2)f.2 or 3 below.

- 1 2. On-site solar panels located anywhere on the subject zone lot
2 covering an area in one of the following amounts, whichever is least:
- 3 (i) Seven (7) percent of the gross floor area of the building; or ~~;~~
- 4 (ii) Forty-two (42) percent of the total roof area on the building; ~~;~~
- 5 ~~or~~
- 6 ~~(iii) Seventy (70) percent of the available roof space on the~~
- 7 ~~building.~~
- 8 3. Renewable energy devices, other than solar panels, so long as the
9 renewable energy devices achieve equivalent total energy
10 production to the required amount of on-site solar panels in
11 subsection 10-302(2)f.2 above; or
- 12 4. Alternative coverages of green space and on-site solar panels may
13 be approved by the building official so long as the combination
14 covers an area in one (1) of the following amounts, whichever is
15 least:
- 16 (i) Ten (10) percent of the gross floor area of the building; or
- 17 (ii) Sixty (60) percent of total roof area on the building; ~~;~~ ~~or~~
- 18 ~~(iii) The available roof space on the building.~~
- 19 g. A combination of green space and off-site renewable energy
20 purchase, with the following requirements:
- 21 1. Green space covering an area in one (1) of the following amounts,
22 whichever is least:
- 23 (i) Three (3) percent of the gross floor area of the building; or
- 24 (ii) Eighteen (18) percent, of total roof area on the building; ~~;~~ ~~or~~
- 25 ~~(iii) Available roof space on the building.~~

- 1 2. The off-site renewable energy purchase must be met through a
2 minimum five (5) year contract for a subscription, lease, or purchase
3 of a share in a voluntary renewable energy program offered by Xcel
4 Energy or a community solar project for which a dedicated renewable
5 energy resource located in Public Service Company of Colorado
6 territory is built for that customer program, and which has dedicated
7 customer capacity or energy to fulfill that customer's subscription.
8 The term of purchase must be renewed a minimum of every five (5)
9 years after initial purchase.
- 10 3. The off-site renewable energy purchase must cover the amount that
11 required on-site solar panels would have provided and
12 demonstration of decreased energy consumption measured as
13 estimated energy savings of a minimum two and a half (2.5) percent
14 above requirements in the Denver Building Code and Denver Fire
15 Code as measured according to the selected Denver Energy Code
16 performance based compliance path.
- 17 h. A combination of green space and decreased energy consumption
18 with the following requirements:
- 19 1. Green space covering an area in one (1) of the following amounts,
20 whichever is least:
- 21 (i) Three (3) percent of the gross floor area of the building; or
- 22 (ii) Eighteen (18) percent of total roof area on the building; or
- 23 ~~(iii) The available roof space on the building.~~
- 24 2. A combination of construction of an all-electric property and
25 ~~D~~demonstration of decreased energy consumption measured as
26 estimated energy savings of a minimum five (5) percent above
27 requirements in the applicable Denver Building Code and Denver
28 Fire Code as measured according to the selected Denver Energy
29 Code performance based compliance path.

1 (b) *Payment into the green building fund.*

2 (1) Instead of providing required green space, an owner may pay an
3 amount to the green building fund, defined in division 3 below, of fifty dollars
4 (\$50.00) per square foot of all green space coverage required in
5 subsections 10-301(a)(2)a, f, g, or h, but not provided.

6 (2) In cases where an owner chooses to provide green space as
7 required in subsections 10-301(a)(2)a, f, g, or h, but is unable to provide the
8 entirety required green space coverage, the owner may pay fifty dollar
9 (\$50.00) per square foot for no more than twenty-five (25) percent of the
10 green space required, but not provided, and must provide at least seventy-
11 five (75) percent of the required green space coverage.

12 (3) In cases where an owner chooses to provide on-site solar panels as
13 required in subsections 10-301(a)(2)b or f, but is unable to provide the
14 entirety required on-site solar panel coverage, the owner may pay fifty dollar
15 (\$50.00) per square foot for no more than twenty-five (25) percent of the on-
16 site solar panel coverage required, but not provided, and must provide at
17 least seventy-five (75) percent of the required on-site solar panel coverage.

18 (c) *Exceptions.*

19 (1) Subsection 10-301(a) shall not apply to the following:

- 20 a. One- and two-family dwellings constructed under the provisions of
21 the International Residential Code;
- 22 b. Dwelling units constructed in a group of three (3) or more attached
23 units in which each unit extends from foundation to roof and is not
24 more than three (3) stories above grade plane; or
- 25 c. Temporary structures, air supported structures, and greenhouses.

26 (2) Subsection 10-301(a)(1) shall not apply to the following:

- 27 a. Portions of a proposed roof that include the following:

1. Photovoltaic systems or components;
2. Solar-, air-, or water-heating systems or components;
3. Vegetated roofs;
4. Above-roof decks or walkways; or
5. HVAC systems and components, and other opaque objects mounted above the roof.

b. Portions of a proposed roof shaded during the peak sun angle on the summer solstice by neighboring buildings or other portions of the same building;

c. Portions of a proposed roof that are ballasted with a minimum stone ballast of fifteen (15) pounds per square foot;

d. Twenty-five (25) percent of an individual roof section, when the remaining seventy-five (75) percent of the proposed individual roof section contains a cool roof;

e. An individual roof section containing less than twenty-five (25) percent of roofing materials; or

f. Visible roofs for no more than ten (10) percent of the total roof area.

(3) Subsection 10-301(a)(2) shall not apply to residential buildings five (5) stories or fewer, less than sixty-two and one-half (62.5) feet in height, and with twenty-five thousand (25,000) square feet or more of gross floor area.

(d) *Character defining roof.* When a proposed roof is determined to be a character defining roof, the building official may allow roof materials that do not meet the requirements for a cool roof.

(e) *Continuing compliance.* An owner of a building subject to the requirements of section 10-301(a) must provide a cool roof and one (1) of the

options of 10-301(a)(2) for the duration of the building's existence.

Section 3. That section 10-302, D.R.M.C. concerning certain building requirements for existing buildings under the city ordinance commonly known as the “green building ordinance” is amended by deleting the language stricken and adding the language underlined to read as follows:

Sec. 10-302. Green building requirements for existing buildings.

(a) *In general.* Except as provided in subsection 10-302(d) below, any owner of a building that has received a certificate of occupancy prior to November 2, 2018 and whose building contains twenty-five thousand (25,000) square feet or greater of gross floor area, must provide the following green building requirements upon a roof replacement for more than five (5) percent of either the total roof area or individual roof section(s), as applicable, in any calendar year:

(1) A cool roof; and

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

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

1. For total roof area replacement: two (2) percent of the gross floor area of the building; for individual roof section replacement: two (2) percent of the gross floor area of the building, multiplied by the area of individual roof section(s) being replaced, divided by the total roof area of the building; or

2. For total roof area replacement: eighteen (18) percent of the total roof area on the building; for individual roof section replacement: eighteen (18) percent of the individual roof section(s) being replaced; or

~~3. Available roof space on the total roof area of the building, or the individual roof section(s) being replaced, as applicable.~~

b. On-site solar panels located anywhere on the building or zone lot and covering an area in the least of the following:

1. For total roof area replacement: five (5) percent of the gross floor area of the building; for individual roof section replacement: five (5) percent of the gross floor area of the building, multiplied by the area of roof section(s) being replaced, divided by the total roof area of the building;

2. For total roof area replacement: forty-two (42) percent of the total roof area on the building; for individual roof section replacement: forty-two (42) percent of the individual roof section(s) being replaced; or

3. An area equal to an amount required to provide one hundred (100) percent of estimated annual average electricity used at the building.

c. Building certification of LEED Silver, Enterprise Green Communities, the National Green Building Standard ICC/ASHRAE 700 Silver, Green Globes Three Green Globes rating, International Living Future Institute Living Building Challenge certification, International Living Future Institute Core Green Building certification, International Living Future Institute Zero Energy certification, International Living Future Institute Zero Carbon certification, Denver Green Code Enhanced Use Program compliance verification, or an equivalent certification approved by the building official.

d. Enrollment in the energy program described in section 10-304 below.

(b) *Payment into the green building fund.*

(1) Instead of providing required green space, an owner may pay an amount to the green building fund, defined in division 3 below, of fifty dollars (\$50.00) per square foot of all green space coverage required in subsection 10-302(a)(2)a, but not provided.

(2) In cases where an owner chooses to provide green space as

required in subsection 10-302(a)(2)a, but is unable to provide the entirety of green space coverage required, the owner may pay fifty dollars (\$50.00) per square foot for no more than twenty-five (25) percent of the green space required, but not provided, and must provide at least seventy-five (75) percent of the required green space coverage.

(3) In cases where an owner chooses to provide on-site solar panels as required in subsections 10-302(a)(2)b, but is unable to provide the entirety required on-site solar panel coverage, the owner may pay fifty dollar (\$50.00) per square foot for no more than twenty-five (25) percent of the on-site solar panel coverage required, but not provided, and must provide at least seventy-five (75) percent of the required on-site solar panel coverage.

(c) *Individual roof section replacements.* Any excess coverage requirements provided on an individual roof section replacement may be applied to later roof replacements of individual roof sections of the building.

(d) *Exceptions.*

(1) Subsection 10-302(a) shall not apply to the following:

a. One- and two-family dwellings constructed under the provisions of the International Residential Code;

b. Dwelling units constructed in a group of three (3) or more attached units in which each unit extends from foundation to roof and is not more than three (3) stories above grade plane;

c. Temporary structures, air supported structures, and greenhouses; ~~or~~

d. Buildings that have complied with section 10-301(a); or -

e. Ancillary roof construction affecting up to 20% of the total roof area where the primary scope of work consists of building systems or components that create a secondary need for repair, replacement, or recover of an adjacent roof covering or system not otherwise in need of repair, replacement, or recover.

1 (2) Subsection 10-302(a)(1) shall not apply to the following:

2 a. Portions of a roof that include or are covered by the following:

3 1. Photovoltaic systems or components;

4 2. Solar-, air-, or water-heating systems or components;

5 3. Vegetated roofs;

6 4. Above-roof decks or walkways; or

7 5. HVAC systems and components, and other opaque objects mounted
8 above the roof.

9 b. Portions of a roof shaded during the peak sun angle on the summer
10 solstice by neighboring buildings or other portions of the same building;

11 c. Portions of a roof that are ballasted with a minimum stone ballast of
12 fifteen pounds per square foot, or, in the case of an existing ballasted roof,
13 the weight of ballast for which the roof was originally designed;

14 d. Twenty-five (25) percent of an individual roof section, when the
15 remaining seventy-five (75) percent of the individual roof section contains a
16 cool roof;

17 e. An individual roof section containing less than twenty-five (25)
18 percent of roofing materials; or

19 f. Visible roofs for no more than ten (10) percent of the total roof area.

20 (3) Subsection 10-302(a)(2) shall not apply to the following:

21 a. Residential buildings five (5) stories or fewer, or less than sixty-two
22 and one-half (62.5) feet in height and with twenty-five thousand (25,000)
23 square feet or more of gross floor area; or

24 b. A building that must replace its roof due to an emergency, including,
25 but not limited to, fire or wind damage to be determined by the building

1 official.;

2 c. ~~A building that must replace its roof due to hail damage in the first~~
3 ~~year after the effective date of this ordinance when the building owner can~~
4 ~~demonstrate a gap in insurance coverage. Such gap exists where the~~
5 ~~building owner has insurance coverage that includes the cost of meeting~~
6 ~~any new code requirements, but had a cost limit on that coverage that is~~
7 ~~insufficient to meet the additional costs of this ordinance, and the insurance~~
8 ~~policy is not yet due for renewal; or~~

9 d.——A building that contained a vegetative roof prior to January 1, 2018,
10 so long as the vegetative roof is replaced upon any roof replacement.

11 (e) *Compliance with new building requirements.* Any owner who submits a
12 building permit for a roof replacement or construction including roof replacement, and
13 has complied with subsection 10-301(a), does not have to comply with the
14 requirements of section 10-302(a), but shall maintain compliance with the selected
15 option from section 10-301(a)(2) or demonstrate compliance with another option from
16 section 10-301(a)(2) upon completion of any roof replacement which must be
17 submitted and approved by the building official.

18 (f) *Character defining roof.* When a proposed or existing roof is determined
19 to be a character defining roof, the building official may allow roof materials that do not
20 meet the requirements for a cool roof.

21 (g) *Roof recover.* Any owner proposing a roof recover of more than five (5)
22 percent of either the total roof area or individual roof section in any calendar year, and
23 whose building contains 25,000 square feet or greater of gross floor area must comply
24 with section 10-302(a)(1) for that portion of roof being recovered, but need not comply
25 with the requirements of section 10-302(a)(2). When an analysis of any individual roof
26 section prior to a roof recover determines that application of a cool roof will result in
27 condensation, then an owner may choose not to provide a cool roof.

28 (h) *Continuing compliance.* An owner of a building subject to the
29 requirements of section 10-302(a) must provide a cool roof and one (1) of the options

1 of section 10-302(a)(2) for the duration of the building's existence.

2 **Section 4.** That section 10-307, D.R.M.C. concerning enforcement under the city ordinance
3 commonly known as the “green building ordinance” is amended by deleting the language stricken to
4 read as follows:

5 **Sec. 10-307. Enforcement.**

6 (a) It is unlawful to violate any provision of this article XIII, or any rules and
7 regulations adopted pursuant to this article XIII.

8 (b) The executive directors of CPD and the OCASR, or their designees, have
9 the authority to enforce the provisions of article XIII.

10 (c) This article applies to all agents, successors and assigns of an owner. A
11 building permit may not be issued, and a site development plan may not be approved
12 unless the owner meets the requirements of this article and rules and regulations
13 adopted under this article. The building official may deny, suspend or revoke any
14 building or occupancy permit for a site when the building official finds a violation of
15 article XIII or adopted rules and regulations.

16 (d) CPD and the OCASR may issue notices or orders for violations of this
17 article. Any person who violates any provision of this article XIII, including any rules
18 and regulations adopted under this article, is subject to a civil penalty in an amount up
19 to fifty dollars (\$50.00) times sixty (60) percent of the total roof area, to be deposited
20 into the green building fund, defined below.

21 (e) If an owner subject to the civil penalty above fails to pay the required
22 amount within one hundred eighty (180) days, the civil penalty will be considered a
23 debt to the city until paid in full. The debt is a perpetual lien on the property, and is
24 superior and prior to all other liens, regardless of their dates of recordation, except for
25 liens for general taxes and prior special assessments, until the civil penalty owed,
26 delinquent interest, and recording fees have been paid in full. In addition to the
27 remedies set forth in this section, an action or other process provided by law may be
28 maintained by the city to recover or collect any amounts, including interest, owing
29 under this section. Interest is calculated in the same manner and same amount as

1 delinquent property taxes. The executive director of OCASR must record the lien with
2 the clerk and recorder.

3 (f) In addition to any other available remedy, the executive director of CPD
4 or the executive director of OCASR may take legal action to require an owner to
5 construct a cool roof upon discovery of any unpermitted roof recover or replacement.

6 **Section 5.** That section 10-308(b), D.R.M.C. concerning appeals under the city ordinance
7 commonly known as the “green building ordinance” is amended by deleting the language
8 stricken to read as follows:

9 **Sec. 10-308. Appeals.**

10 (b) Any person aggrieved by a final administrative action or decision by the
11 executive director of CPD or OCASR concerning issuance of a civil penalty as allowed
12 in section 10-307(d), may appeal in accordance with Article I, Section 24, D.R.M.C.,
13 except that no request for a variance may be granted by OCASR. The decision of
14 OCASR may be appealed to district court in accordance with the Colorado Rules of
15 Civil Procedure Rule 106(a)(4).

16 **Section 6.** That section 10-317, D.R.M.C. concerning meetings of the green building
17 technical advisory committee under the city ordinance commonly known as the “green
18 building ordinance” is amended by deleting the language stricken to read as follows:

19 **Sec. 10-317. Meetings.**

20 The committee must meet at the call of the executive directors of CPD or
21 OCASR, or their designees, and consider the matters set out in an agenda prepared
22 by the executive directors, or their designees.

23 **Section 7.** That section 10-318, D.R.M.C. concerning powers and duties of the green building
24 technical advisory committee under the city ordinance commonly known as the “green building
25 ordinance” is amended by deleting the language stricken to read as follows:

26 **Sec. 10-318. Powers and duties**

1 The general purpose of the committee is to render advice and recommendations
2 to the executive directors of CPD and OCASR regarding green building standards. The
3 specific powers and duties of the committee are:

4 (a) Reviewing technical issues relating to the implementation of vegetative
5 roof construction standard contained in the rules and regulations;

6 (b) Considering possible amendments to any vegetative roof construction
7 standards;

8 (c) Reviewing the consistency of the vegetative roof standards with
9 objectives in the Denver Building Code and Denver Fire Code;

10 (d) Periodically reviewing rules and regulations;

11 (e) Reviewing annual reports of the energy program; and

12 (f) Reviewing projects that request to use an equivalent certification
13 program as allowed in section 10-301(a)(2)e or 10-302(a)(2)c, and making a
14 recommendation to the building official.

15 **Sec. 8.** That section 10-320(a), D.R.M.C. concerning the green building fund
16 under the city ordinance commonly known as the “green building ordinance” is
17 amended by adding the language underlined to read as follows:

18 **Sec. 10-320. Green building fund.**

19 (a) *Dedicated revenues.* The green building fund is created for the exclusive
20 purpose of receiving and accounting for all revenues derived from the payments of
21 amounts for required, but not provided, green space or on-site solar panels, or both, in
22 this article XIII.

23 **Sec. 9.** That section 10-321, D.R.M.C. concerning a city council report under
24 the city ordinance commonly known as the “green building ordinance” is amended by
25 deleting the language stricken to read as follows:

26 **Sec. 10-321. Evaluation of article.**

1 Every twelve (12) months, CPD and OCASR must prepare a written report of
2 the activities related to, and an assessment of outcomes of, this article, and report their
3 findings and any recommendations to the city council.

4 **REMAINDER OF PAGE INTENTIONALLY LEFT BLANK**

1 COMMITTEE APPROVAL DATE: May 9, 2023
2 MAYOR-COUNCIL DATE: May 16, 2023
3 PASSED BY THE COUNCIL: _____,
4 _____ - PRESIDENT
5 APPROVED: _____ - MAYOR _____,
6 ATTEST: _____ - CLERK AND RECORDER,
7 EX-OFFICIO CLERK OF THE
8 CITY AND COUNTY OF DENVER
9 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____ ; _____,
10 PREPARED BY: Adam C. Hernandez, Assistant City Attorney DATE: May 18, 2023
11 Pursuant to section 13-9, D.R.M.C., this proposed ordinance has been reviewed by the office of the
12 City Attorney. We find no irregularity as to form and have no legal objection to the proposed
13 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to §
14 3.2.6 of the Charter.
15
16 Kerry Tipper, Denver City Attorney
17
18 BY: _____, Assistant City Attorney DATE: _____,