

**BY AUTHORITY**

ORDINANCE NO. \_\_\_\_\_

COUNCIL BILL NO. CB23-0543

SERIES OF 2023

COMMITTEE OF REFERENCE:

**AMENDED 6-5-2023**

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) 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. Ten (10) percent of the gross floor area of the building; or
  2. Sixty (60) percent of the total roof area on the building; ~~or~~
  3. ~~The available roof space on the building.~~
- b. On-site solar panels covering an area anywhere on the building or zone lot equal to seventy (70) percent of the total roof area or an area equal to an amount required to provide one hundred (100) percent of estimated annual average electricity used at the building. Other renewable energy devices may be used in place of on-site solar panels so long as the owner provides evidence of similar generation capacity. Any net zero energy building complies with this subsection 10-301(a)(2)b.
- c. Off-site renewable energy purchase with the following requirements:
1. The off-site renewable energy purchase must be met through a minimum five (5) year contract for a subscription, lease, or purchase of a share in a voluntary renewable energy program offered by Xcel Energy or a community solar project for which a dedicated renewable energy resource located in Public Service Company of Colorado territory is built for that customer program, and which has dedicated customer capacity or energy to fulfill that customer's subscription;
  2. The term of purchase must be renewed a minimum of every five (5) years for the life of the building; and
  3. The off-site renewable energy purchase must cover the equivalent energy production of either (i) the estimated one hundred (100) 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

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

6 (3) In cases where an owner chooses to provide on-site solar panels as  
7 required in subsections 10-302(a)(2)b, but is unable to provide the entirety  
8 required on-site solar panel coverage, the owner may pay fifty dollar  
9 (\$50.00) per square foot for no more than twenty-five (25) percent of the on-  
10 site solar panel coverage required, but not provided, and must provide at  
11 least seventy-five (75) percent of the required on-site solar panel coverage.

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

15 (d) *Exceptions.*

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

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

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

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

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

24 e. Ancillary roof construction affecting up to 20% of the total roof area  
25 where the primary scope of work consists of building systems or  
26 components that create a secondary need for repair, replacement, or  
27 recover of an adjacent roof covering or system not otherwise in need of  
28 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 QCASR 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 QCASR 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 QCASR 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 QCASR. The decision of  
14 QCASR 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 QCASR, 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          **Section 8.** That section 10-320(a), D.R.M.C. concerning the green building fund under  
16 the city ordinance commonly known as the “green building ordinance” is amended by adding  
17 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          **Section 9.** That section 10-321, D.R.M.C. concerning a city council report under the  
24 city ordinance commonly known as the “green building ordinance” is amended by deleting the  
25 language stricken to read as follows:

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

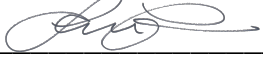
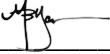

1           Every twelve (12) months, CPD and OCASR must prepare a written report of  
2           the activities related to, and an assessment of outcomes of, this article, and report their  
3           findings and any recommendations to the city council.

4           **Section 10.** That a new Section 10-309, D.R.M.C. regarding applicability of green  
5           building requirements is added to read as follows:

6           **Sec. 10-309. Applicability of division 1.** An application for approval to comply with  
7           green building requirements is governed by the green building requirements in effect at the  
8           time the complete application is submitted to CPD.

9           **Section 11. Effective date.** This ordinance is effective on October 2, 2023.

10                   **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: June 5, 2023 \_\_\_\_\_,  
4  - PRESIDENT  
5 APPROVED:  - MAYOR Jun 8, 2023 \_\_\_\_\_,  
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: June 5, 2023 \_\_\_\_\_,