

## ARTICLE XIII. - GREEN BUILDINGS<sup>(6)</sup>

Footnotes:

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**Editor's note**— Ord. No. 1134-18, § 1, adopted October 29, 2018, repealed art. XIII, §§ 10-300—10-308 and enacted a new art. XIII as set out herein. Former art. XIII pertained to similar subject matter and derived from Ord. No. 0300-17, adopted November 7, 2017.

### DIVISION 1. - GREEN BUILDING REQUIREMENTS

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
- (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.
- (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.
- (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.
- (g) *Character defining roof* means a visible roof where the roofs relationship to the overall shape of the building, as well as the roofs distinctive materials, craftsmanship, or decorative details are important to the overall visual character of the building; a change of materials, color, or shape to a character defining roof would significantly impact the visual character of the building.
- (h) *Cool roof* means a roof, or portion of a roof, containing roof covering materials meeting certain solar reflectance values that mitigate or assist in reducing urban heat island effect.
- (i) *Denver Building and Fire Code* has the same meaning as in Section 10-16, D.R.M.C.
- (j) *Executive director of CPD* means the executive director of the department of community planning and development ("CPD"), or his/her designee.

- (k) *Executive director of CASR* means the executive director of the office of climate action, sustainability, and resiliency, or his or her designee ("CASR").
- (l) *Green space* means any area that is proposed to contain trees, groundcover, shrubs, urban agriculture, natural grass/turf, or vegetated roofs.
- (m) *Greenhouse* means a structure or a thermally isolated area of a building that maintains a specialized sunlit environment exclusively used for, and essential to, the cultivation, protection or maintenance of plants, that sells its commodities for a profit, or on behalf of a non-profit, and is constructed or planned to be constructed as either an F-1 or U occupancy.
- (n) *Gross floor area* means the gross floor area within the inside perimeter of the exterior walls of the building under consideration, exclusive of vent shafts and courts, without deduction for corridors, stairways, ramps, closets, the thickness of interior walls, columns or other features. The gross floor area of a building, or portion 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.
- (o) *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.
- (p) *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.
- (q) *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.
- (r) *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.
- (s) *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.
- (t) *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.
- (u) *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.
- (v) *Roof recover* means the process of installing an additional layer of roof covering over a prepared existing roof covering without removing the existing roof covering.
- (w) *Roof repair* means the reconstruction or renewal of any part of an existing roof for the purposes of correcting damage or restoring pre-damage condition.
- (x) *Roof replacement* means the process of removing the existing roof covering, repairing any damaged substrate, and installing a new roof; or the reconstruction or renewal of any part of an existing roof for the purposes of its maintenance.
- (y) *Total roof area* means the square footage of all roofs and roof sections located on a building. A roof covering a story or stories below grade, as determined in accordance with the International Building Code as adopted in the Denver Building and Fire Code, shall not be included in the calculation of total roof area of a building.
- (z) *Vegetated roof* means an assembly of interacting components designed to waterproof and normally insulate a building's top surface that includes, by design, vegetation and related landscape elements.

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

(Ord. No. 1134-18, § 1, 10-29-18; Ord. No. 1177-19, § 5, 11-18-19)

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

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

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

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

e. Building certification of LEED Gold, Enterprise Green Communities, the National Green Building Standard ICC/ASHRAE 700 Gold, Green Globes New Construction Four 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.

- f. A combination of green space, and renewable energy device(s) with the following required coverages:
  1. Green space covering an area in one (1) of the following amounts, whichever is least:
    - (i) Three (3) percent of the gross floor area of the building; or
    - (ii) Eighteen (18) percent of the total roof area on the building.  
and either section 10-301(a)(2)f.2 or 3 below.
  2. On-site solar panels located anywhere on the subject zone lot covering an area in one of the following amounts, whichever is least:
    - (i) Seven (7) percent of the gross floor area of the building, or
    - (ii) Forty-two (42) percent of the total roof area on the building.
  3. Renewable energy devices, other than solar panels, so long as the renewable energy devices achieve equivalent total energy production to the required amount of on-site solar panels in subsection 10-302(2)f.2 above; or
  4. Alternative coverages of green space and on-site solar panels may be approved by the building official so long as the combination covers an area in one (1) of the following amounts, whichever is least:
    - (i) Ten (10) percent of the gross floor area of the building; or
    - (ii) Sixty (60) percent of total roof area on the building.
- g. A combination of green space and off-site renewable energy purchase, with the following requirements:
  1. Green space covering an area in one (1) of the following amounts, whichever is least:
    - (i) Three (3) percent of the gross floor area of the building; or
    - (ii) Eighteen (18) percent, of total roof area on the building;
  2. 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. The term of purchase must be renewed a minimum of every five (5) years after initial purchase.
  3. The off-site renewable energy purchase must cover the amount that required on-site solar panels would have provided and demonstration of decreased energy consumption measured as estimated energy savings of a minimum two and a half (2.5) percent above requirements in the Denver Building Code and Denver Fire Code as measured according to the selected Denver energy Code performance based compliance path.
- h. A combination of green space and decreased energy consumption with the following requirements:
  1. Green space covering an area in one (1) of the following amounts, whichever is least:
    - (i) Three (3) percent of the gross floor area of the building; or

(ii) Eighteen (18) percent of total roof area on the building.

2. A combination of construction of an all-electric property, , and demonstration of decreased energy consumption measured as estimated energy savings of a minimum five (5) percent above requirements in the applicable Denver Building Code and Denver Fire Code measured according to the selected Denver Energy Code performance based compliance path.

(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 subsections 10-301(a)(2)a, f, g, or h, but not provided.
- (2) In cases where an owner chooses to provide green space as required in subsections 10-301(a)(2)a, f, g, or h, but is unable to provide the entirety required green space coverage, the owner may pay fifty dollar (\$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 10-301(a)(2)b or f, 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) *Exceptions.*

- (1) Subsection 10-301(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; or
  - c. Temporary structures, air supported structures, and greenhouses.
- (2) Subsection 10-301(a)(1) shall not apply to the following:
- 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.

(Ord. No. 1134-18, § 1, 10-29-18)

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.
    - 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).
  - 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.
- (2) Subsection 10-302(a)(1) shall not apply to the following:
  - a. Portions of a roof that include or are covered by 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 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 roof that are ballasted with a minimum stone ballast of fifteen pounds per square foot, or, in the case of an existing ballasted roof, the weight of ballast for which the roof was originally designed;
  - d. Twenty-five (25) percent of an individual roof section, when the remaining seventy-five (75) percent of the 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 10-302(a)(2) shall not apply to the following:
- a. Residential buildings five (5) stories or fewer, or 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;
  - b. A building that must replace its roof due to an emergency, including, but not limited to, fire or wind damage to be determined by the building official;
  - c. A building that contained a vegetative roof prior to January 1, 2018, so long as the vegetative roof is replaced upon any roof replacement.
- (e) *Compliance with new building requirements.* Any owner who submits a building permit for a roof replacement or construction including roof replacement, and has complied with subsection 10-301(a), does not have to comply with the requirements of section 10-302(a), but shall maintain compliance with the selected option from section 10-301(a)(2) or demonstrate compliance with another option from section 10-301(a)(2) upon completion of any roof replacement which must be submitted and approved by the building official.
- (f) *Character defining roof.* When a proposed or existing 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.
- (g) *Roof recover.* Any owner proposing a roof recover of more than five (5) percent of either the total roof area or individual roof section in any calendar year, and whose building contains 25,000 square feet or greater of gross floor area must comply with section 10-302(a)(1) for that portion of roof being recovered, but need not comply with the requirements of section 10-302(a)(2). When an analysis of any individual roof section prior to a roof recover determines that application of a cool roof will result in condensation, then an owner may choose not to provide a cool roof.
- (h) *Continuing compliance.* An owner of a building subject to the requirements of section 10-302(a) must provide a cool roof and one (1) of the options of section 10-302(a)(2) for the duration of the building's existence.

(Ord. No. 1134-18, § 1, 10-29-18)

Sec. 10-303. - Additions.

- (a) *Large additions.* Any owner proposing an addition of fifty thousand (50,000) square feet of gross floor area or greater to a building shall comply with section 10-301 for that addition.
- (b) *Small additions.* Any owner proposing an addition of twenty-five (25,000) or more and less than fifty thousand (50,000) square feet of gross floor area to a building shall provide a cool roof, as applicable, and comply with any of the following:
  - (1) Any of the requirements of section 10-302(a)(2)a-c for that addition;
  - (2) The requirements of section 10-302(b) for that addition; or
  - (3) Estimated energy savings of at least four (4) percent above requirements in the Denver Building code and Denver Fire Code for that addition as measured according to the selected Denver energy Code performance based compliance path.

(Ord. No. 1134-18, § 1, 10-29-18)

Sec. 10-304. - Energy program.



- (a) *Purpose.* The purpose of this section is to establish an energy program that provides an owner various options designed to reduce cumulative emissions city-wide in an amount equivalent to section 10-302(a)(2)(b).
- (b) *Applicability.* An owner subject to the requirements of section 10-302(a), may enroll in the energy program at or before the time of roof replacement.
- (c) *Options.* The requirements of the energy program shall provide for compliance options, including, but not limited to, the following: building certification; on-site solar panels; off-site renewable energy purchase; energy efficiency improvements; reductions in energy use intensity; and differentiation of requirements for buildings over and under fifty thousand (50,000) square feet of gross floor area.

(Ord. No. 1134-18, § 1, 10-29-18)

Sec. 10-305. - Campus compliance with green building requirements.

- (a) *Compliance.* Owners of buildings within a campus may comply with the green building requirements of sections 10-301(a)(2)a, b, or f, and 10-302(a)(2)a or b, through application of the requirements at a campus-wide level instead of complying with each individual building in the campus or each zone lot. Owners of buildings within a campus must comply with any applicable cool roof requirements for each individual building within a campus.
- (b) *Documentation.* CPD shall require owners who choose to comply at the campus level to submit a plan documenting compliance with section 10-301(a) or section 10-302(a). Such plan may include, but is not limited to, a general development plan (or successor type of plan), infrastructure master plan, site development plan, or development agreement. A site development plan will be required for any new buildings or green space.
- (c) *Energy master plan.* Owners choosing to comply with section, 10-301(a)(2)b or f or section 10-302(a)(2)b must submit an energy master plan to CPD.

(Ord. No. 1134-18, § 1, 10-29-18)

Sec. 10-306. - Authority to adopt rules and regulations.

The executive director of CPD and the executive director of the office of climate action, sustainability, and resiliency shall have the authority to adopt cooperatively rules and regulations for the implementation and administration of this article XIII.

(Ord. No. 1134-18, § 1, 10-29-18; Ord. No. 1177-19, § 6, 11-18-19)

Sec. 10-307. - Enforcement.

- (a) It is unlawful to violate any provision of this article XIII, or any rules and regulations adopted pursuant to this article XIII.
- (b) The executive directors of CPD and the CASR, or their designees, have the authority to enforce the provisions of article XIII.
- (c) This article applies to all agents, successors and assigns of an owner. A building permit may not be issued, and a site development plan may not be approved unless the owner meets the requirements of this article and rules and regulations adopted under this article. The building official may deny, suspend or revoke any building or occupancy permit for a site when the building official finds a violation of article XIII or adopted rules and regulations.
- (d) CPD and the CASR may issue notices or orders for violations of this article. Any person who violates any provision of this article XIII, including any rules and regulations adopted under this article, is subject

to a civil penalty in an amount up to fifty dollars (\$50.00) times sixty (60) percent of the total roof area, to be deposited into the green building fund, defined below.

- (e) If an owner subject to the civil penalty above fails to pay the required amount within one hundred eighty (180) days, the civil penalty will be considered a debt to the city until paid in full. The debt is a perpetual lien on the property, and is superior and prior to all other liens, regardless of their dates of recordation, except for liens for general taxes and prior special assessments, until the civil penalty owed, delinquent interest, and recording fees have been paid in full. In addition to the remedies set forth in this section, an action or other process provided by law may be maintained by the city to recover or collect any amounts, including interest, owing under this section. Interest is calculated in the same manner and same amount as delinquent property taxes. The executive director of CASR must record the lien with the clerk and recorder.
- (f) In addition to any other available remedy, the executive director of CPD or the executive director of CASR may take legal action to require an owner to construct a cool roof upon discovery of any unpermitted roof recover or replacement.

(Ord. No. 1134-18, § 1, 10-29-18; Ord. No. 1177-19, § 7, 11-18-19)

Sec. 10-308. - Appeals.

- (a) Any person aggrieved by a denial, suspension, or revocation of a building permit or occupancy permit, or a determination of the applicability of this article, may appeal to the board of appeals; however, the board of appeals is not authorized to grant variances to the requirements of this article.
- (b) Any person aggrieved by a final administrative action or decision by the executive director of CPD or CASR concerning issuance of a civil penalty as allowed in section 10-307(d), may appeal in accordance with Article I, Section 24, D.R.M.C., except that no request for a variance may be granted by CASR. The decision of CASR may be appealed to district court in accordance with the Colorado Rules of Civil Procedure Rule 106(a)(4).

(Ord. No. 1134-18, § 1, 10-29-18; Ord. No. 1177-19, § 8, 11-18-19)

Secs. 10-309—10-315. - Reserved.

DIVISION 2. - GREEN BUILDING TECHNICAL ADVISORY COMMITTEE

Sec. 10-316. - Creation and composition; terms; and officers.

- (a) *Creation and composition.* There is hereby created a green building technical advisory committee. The committee consists of thirteen (13) members, all appointed by the mayor, except for the members in subsection (1) below, as follows:
  - (1) A representative from the department of community planning and development's building permitting and inspections services agency, a representative from the department of community planning and development department's landmark preservation staff, a representative from the office of climate action, sustainability, and resiliency, and a representative from the department of transportation and infrastructure, each of whom shall be appointed by their respective executive directors;
  - (2) Representative(s) of the design sector;
  - (3) Representative(s) of material and component manufacturers and suppliers sector;
  - (4) Representative(s) of the construction sector;

- (5) Representative(s) of the research sector including, but not limited to, persons involved in green roof research and testing, water quality/capture research and testing or building energy efficiency in a professional academic institution, school of engineering or architecture;
- (6) Representative(s) of the green roof industry sector;
- (7) Representative(s) of the renewable energy industry sector;
- (8) Representative(s) of the energy efficiency industry sector; and
- (9) Water quality/capture requirements expert(s).

(b) *Terms.*

- (1) Committee members shall serve for a period of three (3) years, with terms to be staggered by initially appointing three of the mayoral appointed members for three-year terms, another three of the mayoral appointed members for two years, and the remaining mayoral appointees for one year. Initial terms shall be set by the mayor.
- (2) Committee members may be re-appointed for successive terms.
- (3) The committee members from subsection (a)(1) above shall not be subject to the term requirements of this subsection (b).

(c) *Officers.* The mayor shall appoint a chairperson among the committee members to preside over the committee for a three (3) year term.

(Ord. No. 1134-18, § 1, 10-29-18; Ord. No. 39-20, § 18, 2-3-20; Ord. No. 1177-19, § 9, 11-18-19)

Sec. 10-317. - Meetings.

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

(Ord. No. 1134-18, § 1, 10-29-18; Ord. No. 1177-19, § 10, 11-18-19)

Sec. 10-318. - Powers and duties.

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

- (a) Reviewing technical issues relating to the implementation of vegetative roof construction standard contained in the rules and regulations;
- (b) Considering possible amendments to any vegetative roof construction standards;
- (c) Reviewing the consistency of the vegetative roof standards with objectives in the Denver Building and Fire Code;
- (d) Periodically reviewing rules and regulations;
- (e) Reviewing annual reports of the energy program; and
- (f) Reviewing projects that request to use an equivalent certification program as allowed in section 10-301(a)(2)e or 10-302(a)(2)c, and making a recommendation to the building official.

(Ord. No. 1134-18, § 1, 10-29-18; Ord. No. 1177-19, § 11, 11-18-19)

Sec. 10-319. - Staffing and administrative support.

Staffing and administrative support for the committee shall be provided by CPD.

(Ord. No. 1134-18, § 1, 10-29-18)

DIVISION 3. - FEES

Sec. 10-320. - Green building fund.

- (a) *Dedicated revenues.* The green building fund is created for the exclusive purpose of receiving and accounting for all revenues derived from the payments of amounts for required, but not provided, green space and/or on-site solar panels in this article XIII.
- (b) *Permitted uses of revenue in the green building fund.* Revenue received in the green building fund shall be used exclusively for the following purposes:
  - (1) For the acquisition of green space within the city;
  - (2) For improvements to existing green space;
  - (3) For water quality improvements and green infrastructure;
  - (4) For urban forest protection and expansion;
  - (5) For green roof creation; and
  - (6) For solar adoption and energy efficiency projects in areas of low-income and affordable housing populations.
- (c) *Cap on administrative costs.* Monies in the green building fund may be expended to pay the costs incurred by the city associated directly with the administration of this fund; provided, however, in no event shall the amount expended from the green building fund for such administrative expenses in any year exceed five (5) percent of the amount of revenue received in that year.
- (d) *Fund earnings.* Any interest on any balance in the green building fund shall accrue to this fund.
- (e) *Administration of fund.* The green building fund is administered by the executive director of the office of climate action, sustainability, and resiliency, or its successor city agency or department. The executive director may promulgate rules and regulations consistent with this article XIII governing the procedures and requirements for expenditures from the funds.
- (f) *Review of fund.* The office of climate action, sustainability, and resiliency shall conduct a policy review of the fund created in this article XIII, hold a public hearing to gather input for the review, and report the findings and any recommendations to the city council. The first public hearing shall be held no later than March of 2020, and subsequent public hearings and reviews of the fund shall occur every two (2) years after this date.
- (g) *Annual inflation adjustment.*
  - (1) On July 1, 2020, and on each July 1 thereafter, the fees set forth in sections 10-301(b) and 10-302(b) shall be adjusted in an amount equal to the percentage change from the previous year in the Mortenson Construction Cost Index for the Denver metro area. The adjustments will be reflected in a fee schedule issued by the executive director of CPD and made publicly available in advance of the fees becoming effective. The annual inflation adjustment shall apply to any building permit on or after January of the year in which the adjustment is made, regardless of when the application for the building permit was made.
  - (2) In the event that the Mortenson Construction Cost Index is substantially changed, renamed, or abandoned, then in its place shall be substituted an index that resembles the Mortenson Construction Cost Index, to be determined by the executive director of CPD.

(Ord. No. 1134-18, § 1, 10-29-18; Ord. No. 1177-19, § 12, 11-18-19)

DIVISION 4. - EVALUATION

Sec. 10-321. - Evaluation of article.

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

(Ord. No. 1134-18, § 1, 10-29-18; Ord. No. 1177-19, § 13, 11-18-19)