



## DENVER GREEN ROOFS INITIATIVE

On November 7, 2017, Denver voters passed Initiated Ordinance 300, the Denver Green Roofs Initiative, which adds a new article to the Denver Code of Ordinances, requiring certain new buildings, additions to existing buildings and roof replacements to include a “green” roof. The ordinance will impose additional requirements and costs on certain development in Denver. Key provisions of the ordinance include:

### Green Roofs Required on New Buildings 25,000 Square Feet and Greater, and Certain Additions and Roof Replacements

- Green roofs are required on:
  - o Buildings with a gross floor area of at least 25,000 square feet constructed after January 1, 2018.
  - o Building additions that increase a building’s gross floor area to at least 25,000 square feet constructed after January 1, 2018.
  - o Roof replacements after January 1, 2018 on existing buildings with a gross floor area of 25,000 square feet.
- The ordinance defines a green roof as an extension of an above grade roof, built on top of a human-made structure, that allows vegetation to grow in a growing medium and which is designed, constructed and maintained in accordance with the ordinance’s Denver Green Roof Construction Standard.
- A green roof permit must be obtained from the Community Planning and Development Department.

### Green Roof Coverage Requirements Range From 20% to 60% of Available Roof Space Depending on Building Gross Floor Area

- Green roofs must cover a certain percentage of available roof space: (1) 20% on buildings of 25,000-49,999 square feet; (2) 30% on buildings of 50,000-99,999 square feet; (3) 40% on buildings of 100,000-149,999 square feet; (4) 50% on buildings of 150,000-199,999 square feet; and (5) 60% on buildings of 200,000 square feet or greater.
- Buildings consisting of a tower above a podium where no tower story’s floor plate area exceeds 8,000 square feet may put the green roof on the podium’s roof level or levels and the roof area is not considered to be part of the available roof space.
- Industrial buildings must have either (1) a green roof covering the lesser of 25,000 square feet or 10% of the available roof space, or (2) solar energy covering 80% of the available roof space and a roof system that retains or collects for re-use at least the first 0.25 inches from each rainfall or 50% of annual rainfall volume falling on the roof through systems that incorporate roof surfaces.



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- Roof replacements on existing buildings must either meet these requirements or include green roofs with the maximum amount of coverage possible without the requirement of major structural alterations.

### A Combination of a Green Roof and Solar Energy May Fulfill the Requirement

- Buildings may meet part of the green roof requirement by using solar energy collection so long as the green roof comprises at least 30% of the combination, and retains or collects for re-use at least the first 0.25 inches from each rainfall or 50% of annual rainfall volume falling on the roof through systems that incorporate roof surfaces.

### Certain Projects in the Pipeline before January 1, 2018 are Exempt

- The green roof requirement does not apply to:
  - o A building or building addition if a complete building permit application or a complete site plan application was submitted prior to January 1, 2018.
    - A complete building permit application is defined as an application submitted to the Community Planning and Development Department for an above grade building permit which complies with all technical requirements, and includes the payment of all applicable fees.
    - A complete site plan application is defined as an application submitted to the Community Planning and Development Department for site plan approval, and includes the payment of all applicable fees and the submission of all supporting documentation as may be required.
  - o Residential buildings or building additions with a height less than or equal to the greater of four stories or 50 feet.
  - o Commercial greenhouses located at grade, temporary structures, and air supported structures.

### Buildings May Apply for an Exemption or Variation and Make a Cash-in-Lieu Payment

- If a building is unable to meet the green roof requirement, it may apply to the Denver Planning Board for a complete exemption or a variation allowing a smaller green roof, and make a cash-in-lieu payment.
- Exemptions may be permitted if two or more of the following circumstances are met:
  - o The building is used for seasonal purposes and funds are not allocated for off season maintenance.
  - o The building's design makes it impossible to meet the green roof specifications.



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- The building retains or collects for re-use at least the first 0.25 inches from each rainfall or 50% of annual rainfall volume falling on the roof through systems that incorporate roof surfaces.
  - The building has an Energy Star Building Rating of 80 or higher.
  - The cash-in-lieu payment is based on the average actual cost of green roof construction, as periodically determined by the Denver Planning Board, and currently set at \$25 per square foot.
  - The cash-in-lieu payment shall be segregated and directed to the Denver Office of Sustainability.

### The Ordinance Contains Detailed Green Roof Construction Requirements

- The ordinance sets forth the Denver Green Roof Construction Standard and contains detailed technical requirements covering assembly, gravity loads, slope stability, parapet height and overflow scupper locations, wind uplift, fire safety, occupancy and safety, waterproofing, drainage, water retention, vegetation performance, plant selection, irrigation, and a maintenance plan. It outlines the permit application process and fees, and penalties and enforcement.

### Implementation

- The Ordinance creates a Green Roof Technical Advisory Group, consisting of 10 members to be appointed by the Mayor.
- The Denver Planning Board, in consultation with the Advisory Group, will periodically publish green roof construction guidelines and practices.

### Next Steps

- The City Charter allows the Denver City Council to amend or repeal the initiated ordinance between 6 months and 10 years after the passage of the initiated ordinance with a 2/3 majority.

*For further information on the Green Roofs Initiative, please contact:*

Sarah Rockwell  
Kaplan Kirsch & Rockwell  
[srockwell@kaplankirsch.com](mailto:srockwell@kaplankirsch.com)  
303.825.7000