



MODEL LEED® ORDINANCE WORKING GROUP

FORWARD May, 2008

While preparing a model ordinance for the Planners Technical Committee, the working group reviewed ordinances from Florida and other states, USGBC, FGBC programs and the NAHB green home building guidelines. The model ordinance presented to the Planners Technical Committee used the Florida Green Building Council model ordinance as its base.

During our group discussions, many ordinances were being adopted and continue to be adopted throughout the state and the country and all are a good reference source for individual municipalities. We have listed some of the cities, organizations and documents that were referenced during our work.

1. USGBC, Leadership in Energy and Environmental Design (LEED) www.usgbc.org
2. USGBC, South Florida Chapter, Sustainable Green Building Municipal Guide
3. Florida Green Building Coalition www.FloridaGreenBuilding.org
4. National Association of Home Builders www.nahb.org
5. City of Tampa, Florida www.tampagov.net
6. City of Gainesville, Florida www.cityofgainesville.org
7. City of Stuart, Florida www.cityofstuart.com
8. City of Sarasota, Florida www.sarasotagov.com
9. Miami-Dade County, Florida www.miamidade.gov
10. City of Miami, Florida www.miamigov.com
11. City of Portland, Oregon www.portlandonline.com
12. City of Seattle, Washington www.seattle.gov
13. City of Los Angeles, California www.lacity.org
14. King County, Washington www.kingcounty.gov
15. Arlington County, Virginia www.arlingtonva.us
16. Salt Lake City, Utah www.ci.slc.ut.us
17. City of Pasadena, CA www.pasadena.ca.us
18. City of Atlanta, GA www.atlantaga.gov
19. City of San Francisco, CA www.sfgov.org

The websites are valuable resources. Many of the city websites have excellent green building information pages for their residents that may serve as examples of design for others.

Joanne Carr, AICP, Chairperson
Planners Technical Committee Model LEED® Ordinance Working Group

This document is developed to help local governments develop a green building ordinance. The template offers many definitions and ideas that a local government may wish to include.

The annotated language in green italics is intended to provide the rationale for the specified provisions, alternative language options, and examples from community ordinances that have implemented similar provisions. Therefore, the language in italics is not necessarily intended to be taken in its entirety as language that would be adopted if the ordinance were enacted. There are also examples of some of the first ordinances and resolutions passed by Florida local jurisdictions in the appendix.

MODEL GREEN BUILDING ORDINANCE

ORDINANCE NO. _____

Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning, or as may be amended from time to time.

jurisdiction means the _____ of _____, Florida, or successor entities.

commission means the _____ Council/Commission of the _____, Florida, or successor entities.

(1) Construction: any project associated with the creation, development, or erection of any building eligible for the program.

(2) Current: the standard in place at the time a program participant submits a project application form with the jurisdiction:

(3) Green Building: Building whose design, construction and operation promote the preservation of resources and environmentally sensitive construction practices, systems and materials. In making the determination of whether a structure is a green building, the Village/Town/City/County shall rely on the review, evaluation and registration, certificate and/or verification of the design by a recognized environmental rating agency and subject to the requirement of the Green Building rating system set forth in the Green Building Ordinance.

(4) Green Building Program: The program outlined in this ordinance for obtaining incentives for green buildings and developments.

(5) Green Development: The use of sustainable building and development planning methods utilized in a way that result in minimum impact on natural resources, energy consumption, use of water, use of raw materials and waste generation, thereby affording inhabitants a potentially higher quality of life.

(6) Private: property not owned by the jurisdiction.

(7) Program: the jurisdiction's green building program.

(8) Program Certification: the final designation awarded to a program participant for satisfying all requirements associated with the program for a particular project.

(9) Program Participant: any person or entity seeking program certification for a particular project.

(10) Project: any construction associated with the creation, development, or erection of any building eligible for the program.

(11) Project Application Form: the form submitted to the jurisdiction indicating that a program participant is interested in participating in the program for a particular project.

(12) Sub-program: means any area of construction covered by the program.

(13) Sustainable Construction: the process of environmentally sensitive, resource efficient site selection, preparation, design, construction, and operation of buildings.

(14) Unit: A residence permitted according to the Florida building code.

Sec. 1.0. TITLE.

The provisions of Section 1.0 through Section 15 inclusive shall be known as the City or County of _____ "green building ordinance." (Ord. xxxxx § x, Date)

Sec. 2.0. PURPOSE AND INTENT.

The purpose is to establish and promote goals, programs and procedures that will help the jurisdiction become a more sustainable community. This program shall establish new environmental goals for the jurisdiction, define a certification-based "green building" program with incentives and bonuses, and define new measurement parameters and reporting criteria to track the jurisdiction's performance towards its environmental goals. This program will promote economic and environmental health in the jurisdiction, through sustainable and environmentally friendly design, construction, operations and deconstruction of its own facilities and provide leadership to both the private and public sectors in the area of green building practices including design, construction and operation for resource efficiency and disaster mitigation.

The Purpose and Intent section increases the legal defensibility of the ordinance by substantiating that the regulations of the ordinance are a warranted exercise of the police power of governments for the protection of the public health, safety and welfare. Specific purposes and intent should be custom tailored to the individual municipality with respect to its needs, resources, environmental conditions, and reasons for adopting the ordinance.

Potential phrases that may fit some jurisdictions:

- (1) Promote a sustainable future that meets today's needs of a stable, diverse and equitable economy without compromising the ability of future generations to meet their needs by –*
 - a) Protecting the quality of the air, water, land and other natural resources*
 - b) Conserving native vegetation, fish, wildlife habitat and other ecosystems*
 - c) Minimizing human impacts on local and worldwide ecosystems*
 - d) Reducing green house gas emissions*
- (2) Become a leader in setting policies and practicing service delivery innovations that promote environmental sustainability.*
- (3) Create a sustainable jurisdiction by delivering renewable energy and energy efficiency projects, alternatively-fueled vehicles, developing green buildings and water-thrifty landscapes, resource education, and utilizing recycling and environmentally sound solid waste services.*
- (4) Establish a green building program to:*
 - (a) Improve the economic and environmental health of the jurisdiction through measurable objectives*
 - (b) Track and analyze key indices to measure performance*
 - (c) Commit the jurisdiction to achieve green designations*
 - (d) Provide incentives for voluntary compliance*
 - (e) Provide green building educational opportunities for the community*
- *(5) Execute a green building program to help local government meet its overall goals of reducing emissions, reducing energy needs, water consumption, including*
 - (a) CO₂ emission reductions by ____ %,*
 - (b) NO_x emission reduction by ____ %,*
 - (c) Energy consumption per capita by ____ %,*
 - (d) Water consumption per capita by ____ %.*

Sec 3.0. GOVERNMENT LEADERSHIP.

To demonstrate the jurisdiction's commitment to a green building program, the jurisdiction shall comply with the green building programs established in Section 5.0 (b) and (c) herein for all government buildings, and

The jurisdiction may choose to adopt one or more of a number of leadership items:

- (a) become and maintain an FGBC Local Government designation*
- (b) Commit to the Architecture 2030 challenge, a program of the American Institute of Architects, for government owned buildings to achieve fossil fuel reduction standard of at least:
60% in 2010
70% in 2015
80% in 2020
90% in 2025
Carbon-neutral in 2030 (using no fossil fuel GHG emitting energy to operate).*
- (c) Commit to sign the U.S. Mayors Climate Protection Agreement (As endorsed by the 73rd Annual U.S. Conference of Mayors meeting, Chicago, 2005 –see appendix) :*
- (d) Track and report the government's monthly water and energy use (potentially this could be done on a public web site) and*
- (e) Publish an annual report that outlines the jurisdiction's energy and water use and greenhouse gas emission performance for the prior year and outlines a plan to reduce it for the coming year*

Sec. 4.0. DESIGNATION OF RESPONSIBILITY FOR ADMINISTRATION AND IMPLEMENTATION.

The program shall be administered by the jurisdiction's _____ department¹, which shall be responsible for:

The implementation of methods to fund, promote, apply for incentives and resolve disputes of the program is left up to the jurisdiction and should be accomplished in consultation with the jurisdiction's legal counsel. Possible ideas are:

- (a) Funding the program through annual funds budgeted and appropriated by the jurisdiction commission or funds generated through resource conservation fees assessed through local water or energy utility bills;*
- (b) Marketing the program to the community by any reasonably effective means, including but not limited to press releases, television advertising, or advertising in electronic or print mailers;*
- (c) Developing any appropriate or necessary application procedures, including but not limited to, the program application form;*
- (d) Writing policies and procedures for staff implementation of the green building program*
- (e) Providing the certifications for use in the program*
- (f) Providing an incentive award to any program participant who has successfully satisfied the requirements associated with that incentive; and*
- (g) Resolving disputes that may arise from implementing the program.*

Sec. 5.0. GREEN BUILDING PROGRAM APPLICABILITY.

(a) This program shall apply to the construction and renovation of all non-residential buildings with 50,000 or more square feet and to all multifamily residential buildings with 5,000 or more square feet. For all private projects, the program shall be mandatory/voluntary.² (b) For any new building owned, constructed or financed by or on behalf of the jurisdiction is mandatory.

¹ This is a decision of the individual municipality.

² This is a decision of the individual municipality.

(c) For any renovation of a government building owned by the jurisdiction undergoing a Level III alteration, per FBC, shall comply with this program providing a positive cost analysis can demonstrate 100% pay back within ten years

The intent is to have all new buildings that are constructed by or for any of the local government departments adhere to the green building program outlined in this ordinance, and to have those undergoing a level III alteration adhere as well unless payback can not be reached in ten years, in which case it would be to the option of the jurisdiction. Private projects would be optional but only those private projects fully adhering to the ordinance would receive any incentives.

Sec. 6.0. GREEN BUILDING COVERAGE.

The program shall be comprised of the following sub-programs, which may be amended from time to time as set forth in Section 7.0 of this Ordinance:

- (a) New residential construction;
- (b) Residential retrofitting/remodeling;
- (c) New commercial/non-residential construction,
- (d) Existing Commercial/non-residential construction
- (e) Land developments

Ideally the locality has a program for each of the types listed. As a starting point, a jurisdiction may choose to just implement some of the above choices.

Sec. 7.0. GREEN BUILDING STANDARDS.

In addition to the Florida Building Code's minimum standards, the program shall be administered using current standards developed by a recognized environmental rating agency. These standards shall apply to each sub-program.

Review. For the purpose of this section of the program, a program participant shall be bound by the standard designated for a particular sub-program unless the program participant requests to be certified under a more current version of a designated standard and the request is approved by the jurisdiction responsible for administering the particular program.

Sec. 8.0. INCENTIVES/BONUSES.

Select incentives that are appropriate for the goals, implementation, budget and legal requirements of your community.

The program shall consist of incentives/bonuses designed to encourage the use of the program and listed in this section. Incentives and bonuses shall be granted at the discretion of the Village/Town/City/County Manager or designee on an incremental basis based on level of certification to be attained and subject to full documentary evidence being provided to the satisfaction of the Manager or designee³

- (i) Administrative site plan review, where no variance, special exception or similar public hearing approval is required and were an accredited professional under the standard chose in part of the design team;
- (ii) Expedited site plan review;
- (iii) Reduced site plan review fee;
- (iv) Expedited building permit review;
- (v) Reduced building permit fee;
- (vi) Reduced impact fees;

³ Note to Readers: This is a compilation of incentives and bonuses used in other municipalities. It is intended that individual municipalities will tailor the ordinance to meet their specific circumstances. Some incentives may require Comprehensive Plan and/or LDR amendments.

- (vii) Marketing of green buildings on site construction sites, municipal website, use of program logo on advertisements and brochures
- (viii) Green Building Award by the municipality at an annual ceremony;
- (ix) Administrative variances to allow orientation of the building to take full advantage of available natural resources, such as yard setbacks, fencing, drainage, easements, docks, curbing, signage, landscaping, lighting, parking, driveways and/or architectural design standards needed to support the proposed design in the opinion of the Manager or his designee
- (x) Public funding support for the project
- (xi) Assistance in obtaining available grants;
- (xii) Credit from water, sewer, drainage and/or electric utility fees;
- (xiii) Increased density and/or intensity of the project;
- (xiv) Increased height of the project;

Prior to award of incentives and/or bonuses, the participant shall be required to attend a pre-application meeting with the Manager or designee for the purpose of a review of the proposed certification checklist and detail of proposed credits for certification. The checklist and certification details shall be confirmed through a development or other agreement between the developer and the municipality that the minimum required by the program guidelines, policies and procedures will be incorporated into the development and maintained in perpetuity. The participant will provide a performance bond in an amount to be determined by the Manager or designee, which bond shall be forfeited to the municipality in the event the building does not meet those requirements on certification.

Sec. 9.0. CERTIFICATION.

The program shall be subject to certification by a qualified third party who has been trained and certified as a green building certifier for the applicable environmental rating agency program. For the purpose of this section of the program, "third party" means any person or entity authorized according to the requirements of the standard in section 7.0 for a particular project.

Sec. 10.0. EDUCATION AND TRAINING.

(a) The jurisdiction shall conduct at least one training workshop per year for the purpose of educating potential or current program participants about the program.

It is recommended that the jurisdiction's website or an appropriate locally run website (if one is available) include information about the program, frequently asked questions and answers, and guidance for participation.

(b) The jurisdiction shall attempt to make available a meeting space at a government facility when available for green building programs offered by organizations that are of a general nature (not product specific). Organizations shall contact the facilities staff to make arrangements.

(c) Jurisdiction building and planning department staff shall be encouraged to attend at least ___ hours of green building training a year.

Local governments should encourage training as needed or required to learn the requirements and encourage staff to learn more about new resource efficient building practices. Some training may help staff maintain licenses. You may choose to make continuing education in green building criteria in their annual review.

Sec. 11.0. INDEX AND REPORT.

The goals and objectives of the program and their status as outlined in the Preamble shall be recorded, analyzed and reported to the commission. The jurisdiction administrator/manager shall be responsible for this indexing and reporting.

An additional recommendation is to display the goals and objectives of the program and their status as outlined in Section 2 and make publicly available on a public website or library.

Sec. 12.0. PROGRAM REVIEW.

- (a) Staff review: The jurisdiction shall provide for a review of the program to determine the need for changes in the program to increase its effectiveness.
- (b) Frequency: The program shall be subject to review one year after the effective date of this ordinance and thereafter at a frequency of not more than once per year.
- (c) Purpose. The purpose of reviewing the program includes but is not limited to updating program incentives, recommending program or marketing changes to the jurisdiction, reviewing suggestions made by program participants, and annually awarding the green building awards of the program.

Sec. 13.0. CONFLICTING REGULATIONS REPEALED.

Where conflicts occur this ordinance shall supercede.

Jurisdiction legal council may have preferred language.

Sec. 14.0. SEVERABILITY.

If any portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate provision and shall not affect the validity of the remaining portions of the ordinance.

Sec. 15.0. EFFECTIVE DATE.

This ordinance shall take effect on the date on which it is enacted by the jurisdiction.

Appendices

Appendix A. U.S. Mayors Climate Protection Agreement as endorsed by the 73rd Annual U.S. Conference of Mayors meeting, Chicago, 2005

A. We urge the federal government and state governments to enact policies and programs to meet or beat the target of reducing global warming pollution levels to 7 percent below 1990 levels by 2012, including efforts to: reduce the United States' dependence on fossil fuels and accelerate the development of clean, economical energy resources and fuel-efficient technologies such as conservation, methane recovery for energy generation, waste to energy, wind and solar energy, fuel cells, efficient motor vehicles, and biofuels;

B. We urge the U.S. Congress to pass bipartisan greenhouse gas reduction legislation that 1) includes clear timetables and emissions limits and 2) a flexible, market-based system of tradable allowances among emitting industries; and

C. We will strive to meet or exceed Kyoto Protocol targets for reducing global warming pollution by taking actions in our own operations and communities such as:

- 1. Inventory global warming emissions in City operations and in the community, set reduction targets and create an action plan.*
- 2. Adopt and enforce land-use policies that reduce sprawl, preserve open space, and create compact, walkable urban communities;*
- 3. Promote transportation options such as bicycle trails, commute trip reduction programs, incentives for car pooling and public transit;*
- 4. Increase the use of clean, alternative energy by, for example, investing in "green tags", advocating for the development of renewable energy resources, recovering landfill methane for energy production, and supporting the use of waste to energy technology;*
- 5. Make energy efficiency a priority through building code improvements, retrofitting city facilities with energy efficient lighting and urging employees to conserve energy and save money;*
- 6. Purchase only Energy Star equipment and appliances for City use;*
- 7. Practice and promote sustainable building practices using the U.S. Green Building Council's LEED program or a similar system;*
- 8. Increase the average fuel efficiency of municipal fleet vehicles; reduce the number of vehicles; launch an employee education program including anti-idling messages; convert diesel vehicles to bio-diesel;*
- 9. Evaluate opportunities to increase pump efficiency in water and wastewater systems; recover wastewater treatment methane for energy production;*
- 10. Increase recycling rates in City operations and in the community;*
- 11. Maintain healthy urban forests; promote tree planting to increase shading and to absorb CO₂; and*
- 12. Help educate the public, schools, other jurisdictions, professional associations, business and industry about reducing global warming pollution.*

Appendix B. Florida local green building programs

B-1. City of Gainesville Green Building Program

ARTICLE I.5. GAINESVILLE GREEN BUILDING PROGRAM

Sec. 6-5. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. *City* means the City of Gainesville, Florida.

City commission means the City Commission of the City of Gainesville, Florida.

City-owned civic or office construction project means city-owned buildings providing a public gathering place or office facilities.

Construction means any project associated with the creation, development, or erection of any building eligible for the program.

FGBC means the Florida Green Building Coalition.

GHDS means the Green Home Designation Standard of the Florida Green Building Coalition.

Green building means generally the resource efficient design, construction, and operation of buildings by employing environmentally sensible construction practices, systems, and materials.

Independent or independent of the city means not employed by, or acting as agents of, the city.

L.E.E.D. 2.0 means the Leadership in Energy and Environmental Design Rating System, Version 2.0, of the U.S. Green Building Council.

Municipal means owned by the city.

Private means property not owned by the city.

Program means the city green building program.

Program certification means the final designation awarded to a program participant for satisfying all requirements associated with the program for a particular project.

Program participant means any person or entity seeking program certification for a particular project.

Project means any construction associated with the creation, development, or erection of any building eligible for the program.

Project application form means the form submitted to the building inspection department indicating that a program participant is interested in participating in the program for a particular project.

Sub-program means any area of construction covered by the program.

USGBC means the U.S. Green Building Council.

(Ord. No. 001835, § 1, 10-14-02)

Sec. 6-6. Intent and purpose.

The purpose of the program shall be to provide the city community with a certification-based "green building" program. It is expected that city owned civic or office construction projects will follow the program guidelines, upon review by the city commission. This program will be voluntary for all others. This program will promote sustainable and environmentally-friendly practices of construction and design.

(Ord. No. 001835, § 1, 10-14-02)

Sec. 6-7. Designation of responsibility for administration and implementation.

The program shall be jointly administered by the building inspection department and city regional utilities, which shall be responsible for:

(1) Funding the program through annual funds budgeted and appropriated by the city commission;

(2) Marketing the program to the Gainesville community by any reasonably effective means, including but not limited to print advertising, press releases, television advertising, or advertising in monthly mailers;

- (3) Developing any appropriate or necessary application procedures, including but not limited to, the program application form;
 - (4) Providing an incentive award to any program participant who has successfully satisfied the requirements associated with that incentive; and
 - (5) Resolving disputes that may arise from implementing the program.
- (Ord. No. 001835, § 1, 10-14-02)

Sec. 6-8. Program.

- (a) For all non-city projects, the program shall be voluntary.
 - (b) For any city-owned civic or office construction project, the city is expected to participate in the program unless the city commission determines that the cost (e.g., time, function, or funding) associated with participating in the program significantly outweighs the benefits of participating in the program to the city.
 - (c) The city manager and the general manager for utilities or their designees shall develop policies and procedures to implement the green building program.
- (Ord. No. 001835, § 1, 10-14-02)

Sec. 6-9. Scope.

The program shall be administered on a per-unit basis. For the purpose of this section of the program, "per-unit" means each unit built, except that any multi-family dwelling or similarly clustered structure may count as one unit, as determined by the city manager or general manager for utilities or their designee(s).

(Ord. No. 001835, § 1, 10-14-02)

Sec. 6-10. Coverage.

The program shall be comprised of the following sub-programs:

- (1) New residential construction;
 - (2) Residential retrofitting/remodeling;
 - (3) New commercial/non-city construction, not including any expansions or remodeling; and
 - (4) City-owned civic or office construction, not including any expansions or remodeling.
- (Ord. No. 001835, § 1, 10-14-02)

Sec. 6-11. Standards.

The program shall be administered using standards developed by the city for certification of retrofitting/remodeling of existing residential units and standards developed by 1) the Florida Green Building Coalition and 2) the U.S. Green Building Council for certification of all other building certifications. These standards shall apply to each sub-program as follows:

- (1) *GHDS*. For any program participant seeking program certification for new residential construction the program participant shall satisfy all of the requirements associated with the current Green Home Designation Standard of the FGBC, including but not limited to, any monetary or certification requirements. For the purpose of this section of the program, "current" means at the time a program participant submits a project application form with the building inspection department. A set of standards developed by the city will be used for certification of residential retrofitting/remodeling.
 - (2) *L.E.E.D. 2.0*. For any program participant seeking program certification for new commercial/non-city construction or new municipal civic or office construction, the program participant shall satisfy all of the requirements associated with the L.E.E.D. 2.0, including but not limited to any monetary or certification requirements.
 - (3) *Review*. For the purpose of this section of the program, a program participant shall be bound by the standard designated for a particular sub-program unless the program participant both requests to be certified under a more current version of a designated standard and the request is approved by the city department responsible for administering the particular program.
- (Ord. No. 001835, § 1, 10-14-02)

Sec. 6-12. Incentives.

The program shall consist of incentives designed to encourage the use of the program.

(1) *All sub-programs.* For any program participant seeking program certification for new residential construction, residential retrofitting/remodeling, new commercial/noncity construction, or new city owned civic or office construction, the city's general government shall provide the following incentives:

- a. Fast-track permitting for building permits.
- b. Reduced permitting fee, which shall equal 50 percent of the fee required for a non-program participant, subject to availability of funds; if program participant is building in a designated enterprise zone, then the reduced permitting fee shall be 50 percent off the usual permitting fee in the enterprise zone.
- c. Final project designation by the city.

(2) *Sub-program of retrofitting/remodeling.* Any program participant meeting program certification criteria for multi-family residential retrofitting/remodeling shall be eligible for the following incentives provided by GRU.

- a. A cash renovation incentive, subject to availability of funds; and
- b. A solar water heater incentive, subject to availability of funds and meeting other solar rebate program requirements.

(3) *Marketing for all sub-programs.* For any program participant seeking program certification for new residential construction, residential retrofitting/remodeling, new commercial/non-municipal construction, or new city owned civic or office construction projects, the city's general government shall provide the following marketing incentives, including but not limited to:

- a. The erection of building site signs designating a project under the program;
- b. The inclusion of program participants on a city webpage dedicated to the program;
- c. The creation of promotional packages such as a program logo for a program participant's advertisements or brochures;
- d. Press releases; and
- e. Information about available financial programs, including but not limited to, those associated with Fannie Mae/Freddie Mac.

(4) *Green building award.* For the purpose of publicly recognizing outstanding commitment to "green building," the program shall provide for an award called the "green building award" to be awarded annually by the city's general government to one program participant in each sub-program.

(Ord. No. 001835, § 1, 10-14-02)

Sec. 6-13. Certification.

The program shall be subject to certification by a qualified third party who has been trained and certified as a green building rater. For the purpose of this section of the program, "third party" means any person or entity authorized by the FGBC or the USGBC to verify that a program participant has satisfied any or all of the requirements associated with the standard designated for a particular project. (Ord. No. 001835, § 1, 10-14-02)

Sec. 6-14. Training.

The building inspection department in conjunction with FGBC shall conduct at least one training workshop per year for the purpose of educating potential or current program participants about the program.

(Ord. No. 001835, § 1, 10-14-02)

Sec. 6-15. Program review.

(a) *Staff review.* The building inspection department shall initiate a review of the program with the assistance of GRU as necessary to determine the need for changes in the program to increase its effectiveness.

(b) *Frequency.* The program shall be subject to review one year after the effective date of this ordinance and thereafter at a frequency of no more than once per year.

(c) *Purpose.* The purpose of reviewing the program includes but is not limited to updating program incentives, recommending program or marketing changes to the city, reviewing suggestions made by program participants, and annually awarding the green building award in accordance with section 6-12(d) of the program.

(Ord. No. 001835, § 1, 10-14-02)

B-2 Miami-Dade Green Building Ordinance

Miami-Dade Legislative Item

File Number: 052225

File Number: 052225 **File Type:** Ordinance **Status:** Adopted

Version: 0 **Reference:** 05-115 **Control:**

File Name: EXPED REVIEW & APPROVAL OF BLDG PERMIT APPS FOR GREEN BLDGS

Introduced:

8/3/2005

Requester: NONE **Cost:** **Final Action:** 6/7/2005

Agenda Date: 6/7/2005 **Agenda Item Number:** 7E

Notes: THIS IS FINAL VERSION AS ADOPTED. (also see 050971)

Title: ORDINANCE CREATING PROGRAM FOR EXPEDITED REVIEW AND APPROVAL OF BUILDING PERMIT APPLICATIONS FOR GREEN BUILDINGS; DEFINING GREEN BUILDINGS; PROVIDING FOR ADMINISTRATIVE ORDER; CREATING SECTION 8-6 OF THE CODE; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE (SEE AGENDA ITEM NO. 9D1A)[SEE ORIGINAL ITEM UNDER FILE NO. 050971]

Indexes: PERMITS

BUILDING DEPARTMENT

Sponsors: Katy Sorenson

Sunset Provision: No **Effective Date:** **Expiration Date:**

Registered Lobbyist: None Listed

Legislative History

Acting Body Date Agenda Item Action Sent To Due Date

Returned Pass/Fail

County Attorney 8/3/2005 Assigned Hugo Benitez

8/3/2005

Board of County Commissioners

6/7/2005 7E AMENDED Adopted as amended

REPORT: The Board adopted the foregoing proposed ordinance as amended to correct a scrivener's error that reflected Section 8.6 as Section 8.8.

Legislative Text

TITLE

ORDINANCE CREATING PROGRAM FOR EXPEDITED REVIEW AND APPROVAL OF BUILDING PERMIT APPLICATIONS FOR GREEN BUILDINGS; DEFINING GREEN BUILDINGS; PROVIDING FOR ADMINISTRATIVE ORDER; CREATING SECTION 8-6 OF THE CODE; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

BODY

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that:

Section 1. Chapter 8 of the Code of Miami-Dade County is hereby amended by the creation of a new section

8-6 as follows:1

* * *

>>Section 8-6. Expedited permit program for green buildings.

It is the intent of Miami-Dade County to promote environmentally sensitive design and construction. To that end, the Building Official shall implement a program to expedite the review and approval of permit applications for green buildings. As used in this Section a green building shall mean one whose design, construction, and operation promote the preservation of resources and environmentally sensitive construction practices, systems and materials. In making the determination of whether the structure is a

green building, the Building Official shall rely on the review, evaluation and where available registration or certification of the design by recognized environmental rating agencies including the Florida Green Building Coalition, the National Home Builder Association and the U.S. Green Building Council. The green buildings program shall be implemented through administrative order to be approved by the Board of County Commissioners.<<

Section 2. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 3. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any Sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or re-lettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate work.

Section 4. This ordinance shall become effective 10 days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

B-3 Sarasota County Green Building Resolution 2006-174

RESOLUTION NO. 2006- 174

RESOLUTION OF THE BOARD OF COUNTY

COMMISSIONERS OF SARASOTA COUNTY, FLORIDA

A Resolution of The Board of County Commissioners of Sarasota County, Florida which demonstrates a substantial commitment of the part of Sarasota County (herein referred to as the "County"), to Green Building, and Green Development; and

Whereas, the County has already demonstrated its commitment to sustainable principles, practices and technologies through the County's Sustainability Resolution No. 02-119; and

Whereas, the County has already demonstrated is commitment to green building principles, practices, and technologies thorough the County's Green Building Resolution No. 2005-048; and

Whereas, the County is a member of the U.S. Green Building Council, The United States Department of Energy's Rebuild America Program, the United States Environmental Protections Agency's ENERGY STAR® program and the Florida Green Building Coalition, all of which advocate for higher performance buildings and developments; and

Whereas, The U.S. Green Buildings Council (USGBC) has developed the Leadership in Energy and Environmental Design (LEED) rating system that is a voluntary, consensus based certification program for design of sustainable buildings; and

Whereas, The Florida Green Building Coalition (FGBC) has developed the Florida Green Building Residential Designation Standard, the Florida Green Commercial Designation Standard, and the Florida Green Development Designation which are voluntary, consensus based certification programs for the design of sustainable green buildings and developments; and

Whereas, high performance sustainable buildings and developments are a means of balancing economic development with the preservation of the quality of life;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SARASOTA, FLORIDA, in public meeting assembled:

That it shall be the policy of the County to expedite the processing of Developments of Critical Concern (DOCC), amendments to sector plans, rezone and special exception petitions, site and development plans, and building permit applications for those developments which meet the following standards for green buildings or green developments and where the owners, developers and/or builders agree to the following conditions in a written agreement:

1. Rezone or special exception petitions for a proposed "Green Development" shall include the application and documentation required by the Florida Green Building Coalition's Green Development Designation. As phases of the development are completed, the Certificate from the Florida Green Building Coalition (FGBC) shall be presented to the Land Development Administration or designee. Such petitions shall be process within six (6) months from the date the petition is deemed complete.
2. Site and Development plans for a proposed "Green Development" shall be processed in ten (10) working days.
3. Building permit applications for residential green buildings shall be processed within three (3) working days. Building permit applications for commercial green buildings shall be processed in five (5) working days. All such applications shall be accompanied by the appropriate checklist from United States Green Building Coalition (USGBC) Standard Leadership in Energy & Environmental Design ("LEED") or the Florida Green Building Coalition Designation Standard.
4. The owner and/or development commits that the Engineer of Record (EOF) and lead Planner are senior staff members acceptable to the Executive Director of Planning and Development Services or designee who shall be the responsible persons in charge.
5. The Planning Commission plays an important advisory role in the review Rezone and Special Exception petitions. In order for the Board to hold its hearings in a timely manner, the Board requests that the

Planning Commission refrain from continuing these petitions except in the most extraordinary circumstances.

6. The engineering and/or planning firm will respond to the County's staff comments within the same number of days within which the County responded to plans submitted when feasible and mutually agreed upon.

7. Persons or corporations who fail to keep their commitments may be deemed ineligible for any future expedited reviews as determined by the Land Development Administration, Building Official and the Zoning Administrator and with a concurrence of the Executive Director of Planning and Development Services.

8. Any existing violation of any Federal, State or County Code or Ordinance, shall be resolved prior to any expedited review.

9. New violations or consultations with Federal and/or State agencies which require additional time to resolve may extend the proposed timeframes.

10. The plat shall include language about recorded deed restrictions for green building and/or development.

11. A declaration by the Board of County Commissioners that an emergency exists due to a natural disaster or other circumstances automatically relieves the County from meeting the expedited review timeframes.

This resolution shall become effective upon adoption.

PASSED AND DULY ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SARASOTA COUNTY, FLORIDA THIS 22nd DAY OF August, 2006.

ATTEST:

KAREN E. RUSHING, Clerk of the
Circuit Court and Ex-Officio Clerk of the
Board of County Commissioners of
Sarasota County, Florida Solar Energy Center

BY: _____
Deputy Clerk

Appendix C. Model Green Building Ordinance

MODEL GREEN BUILDING ORDINANCE

Report of the Florida Green Building Workgroup to



The Florida Building Commission

Prepared By:

Florida Solar Energy Center

University of Central Florida

January 25, 2008

MODEL GREEN BUILDING ORDINANCE

ORDINANCE NO. _____

Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

jurisdiction means the _____ of _____, Florida.

commission means the _____ Commission of the _____, Florida.

(1) ASHRAE: acronym for the American Society of Heating, Refrigeration and Air Conditioning Engineers.

(2) ASHRAE 90.1 Appendix G: the Standard developed by the American Society of Heating, Refrigerating and Air Conditioning Engineers (ASHRAE) to provide specific guidance on the rules and procedures used to simulate building energy use when the objective is to substantially exceed the requirements of ASHRAE Standard 90.1-2004, "Energy Standard for Buildings Except Low-Rise Residential Structures."

(3) Conserve Florida: name of a statewide water conservation effort by water management districts and Florida DEP to develop and implement an accountable and measurable program to allow public water supply utilities to tailor cost-effective conservation programs to reflect their individual circumstances to achieve greater water use efficiency.

(4) Construction: any project associated with the creation, development, or erection of any building eligible for the program.

(5) Current: the standard in place at the time a program participant submits a project application form with the jurisdiction:

(6) FGBC: acronym for the Florida Green Building Coalition, Inc., a Florida 501(c) 3 not-for-profit corporation whose mission is to establish and maintain a Florida system of statewide green building standards and third party certification programs with environmental and economic benefits.

(7) FGBC Local Government designation: A designation given by FGBC to a City or County that achieves the requirement of their local government rating system that examines environmental best practices for all local government functions. Levels of platinum, gold, silver and certified can be achieved.

(8) Federal tax credit for energy efficient homes: Refers to the tax credit recognized by the United States Internal Revenue Service for the construction of a home.

(9) Federal tax credit for solar energy systems: Refers to the tax credit recognized by the United States Internal Revenue Service for the installation of qualified residential solar water heating or photovoltaic systems.

(10) Florida Friendly Landscaping: Nine principles to guide Florida Yard and Neighborhood programs. The nine principles are to locate the right plant in the right place, water efficiently, fertilize appropriately, mulch, attract wildlife, manage pests responsibly, recycle, reduce stormwater runoff and protect the waterfront.

- (11) Florida Green Lodging: A program by the Florida Department of Environmental Protection to designate lodging establishments as “green” for following environmentally sensitive operating procedures.
- (12) Florida Solar Energy Center (FSEC): As the state of Florida's energy research institute, FSEC conducts research in Building Science, Photovoltaics, Solar Thermal, Hydrogen and Alternative Fuels, Fuel Cells and other advanced energy technologies.
- (13) Florida Solar Energy System Incentives Program: A program of state law providing for rebates for the installation of qualified solar energy systems, codified at section 377.806, Florida Statutes.
- (14) Florida Water Star Program: A third party certification program offered by water management districts to encourage water efficiency in household appliances, plumbing fixtures, irrigation systems and landscapes.
- (15) Florida Yard and Neighborhoods: A University of Florida Extension Service program that encourages homeowners and professionals to create and maintain Florida-friendly landscapes that protect the natural environment for future generations.
- (16) GBI: Acronym for the Green Building Initiative, a not-for-profit organization whose mission is to accelerate the adoption of building practices that result in energy-efficient, healthier and environmentally sustainable buildings by promoting credible and practical green building approaches for residential and commercial construction.
- (17) GHDS: acronym for the Green Home Designation Standard of the Florida Green Building Coalition, Inc.
- (18) Green Building: A designation given to buildings that have achieved the requirements of the green building rating system defined in this green building program.
- (19) Green Building Program: The program outlined in this ordinance for obtaining incentives for green buildings and developments.
- (20) Green Globes: the U.S. commercial/institutional building rating system of the Green Building Initiative.
- (21) HERS® Index: the Home Energy Rating System Index used as part of Florida's Home Energy Rating system in which a home with a HERS Index of 100 represents the energy use of the “American Standard Home” and an Index of 0 (zero) indicates that the rated home uses no net purchased energy.
- (22) Independent or Independent of the jurisdiction: not employed by, or acting as agents of, the jurisdiction.
- (23) IBHS (Institute for Business and Home Safety) is an insurance and reinsurance organization whose mission is to reduce the social and economic effects of natural disasters and other property losses by conducting research and advocating improved construction, maintenance and preparation practices..
- (24) LEED: the Leadership in Energy and Environmental Design Rating System of the U.S. Green Building Council.
- (25) NAHB: Acronym for the National Association of Home Builders, a Washington-based trade association whose mission is to enhance the climate for housing and the building industry.

(26) Positively Green Project: a building project that generates more energy on-site through renewable sources than it uses on an annual basis while providing for its water needs through typical annual rainfall (*water rating tool may be forthcoming*), and meets all of the requirements of this jurisdiction's green building program. To meet energy qualifications, residential applicants shall achieve a HERS index of 0 or less, and non-residential shall achieve 100% energy reduction from non-renewables using procedures in ASHRAE 90.1 Appendix G. rating procedure.

(27) Private: property not owned by the jurisdiction.

(28) Program: the jurisdiction's green building program.

(29) Program Certification: the final designation awarded to a program participant for satisfying all requirements associated with the program for a particular project.

(30) Program Participant: any person or entity seeking program certification for a particular project.

(31) Project: any construction associated with the creation, development, or erection of any building eligible for the program.

(32) Project Application Form: the form submitted to the jurisdiction indicating that a program participant is interested in participating in the program for a particular project.

(33) Sub-program: means any area of construction covered by the program.

(34) Sustainable Construction: the process of environmentally sensitive, resource efficient site selection, preparation, design, construction, and operation of buildings.

(35) Unit: A residence permitted according to the Florida building code.

(36) USGBC: acronym for the United States Green Building Council, a non-profit organization whose mission is to transform the way buildings and communities are designed, built and operated, enabling an environmentally and socially responsible, healthy and prosperous environment that improves the quality of life.

Sec. 1.0. TITLE.

The provisions of Section 1.0 through Section 15 inclusive shall be known as the City or County of _____ "green building ordinance." (Ord. xxxxx § x, Date)

Sec. 2.0. PURPOSE AND INTENT.

The purpose is to establish goals, programs and procedures that will help the jurisdiction become a more sustainable community. This program shall establish new environmental goals for the jurisdiction, define a certification-based "green building" program with incentives, and define new measurement parameters and reporting criteria to track the jurisdiction's performance towards its environmental goals. This program will promote economic and environmental health in the jurisdiction, through the design, construction, operations and deconstruction of its own facilities and provide leadership to both the private and public sectors in the arena of green building practices including resource efficiency and disaster mitigation.

Sec. 3.0. GOVERNMENT LEADERSHIP.

To demonstrate the jurisdiction's commitment to a green building program, the jurisdiction shall comply with the green building programs established herein for all government buildings, and

Sec. 4.0. DESIGNATION OF RESPONSIBILITY FOR ADMINISTRATION AND IMPLEMENTATION.

The program shall be administered by the jurisdiction's _____ department, which shall be responsible for:

Sec. 5.0. GREEN BUILDING PROGRAM APPLICABILITY.

- (a) For all private projects, the program shall be voluntary.
- (b) For any new building owned and constructed by or on behalf of the jurisdiction is mandatory.
- (c) For any renovation of a government building owned by; the jurisdiction undergoing a level III alteration, per FBC, shall comply with this program providing a positive cost analysis can demonstrate 100% pay back with in ten years

Sec. 6.0. GREEN BUILDING COVERAGE.

The program shall be comprised of the following sub-programs:

- (a) New residential construction;
- (b) Residential retrofitting/remodeling;
- (c) New commercial/non-residential construction,
- (d) Existing Commercial/non-residential construction
- (e) Land developments

Sec. 7.0. GREEN BUILDING STANDARDS.

In addition to the Florida Building Code's minimum standards, the program shall be administered using standards developed by the Florida Green Building Coalition, the U.S. Green Building Council, the Green Building Initiative, or the National Association of Home Builders. These standards shall apply to each sub-program as follows.

- (a) New residential permitted projects: New residential projects shall satisfy all of the requirements associated with either
 - i) the current Green Home Designation Standard of the FGBC,
 - ii) the current USGBC LEED for Homes® program,
 - iii) the current National Association of Home Builders National Green Home program, or
 - iv) the GBI new home designation,including but not limited to, any monetary or certification requirements.
- (b) Remodeling of existing homes: The participant shall meet requirements of remodeling certification for either
 - i) the current Green Home Designation Standard of the FGBC,
 - ii) the current LEED for Homes® program, or
 - iii) the current NAHB National Green Home program, or
 - iv) The GBI

including but not limited to, any monetary or certification requirements. The home shall meet the requirements for “remodeling” or “existing home” of the designation.

(c) New commercial or institutional buildings: The program participant shall satisfy all of the requirements associated with the

- i) the current Green Commercial Designation Standard of the FGBC,
- ii) the current LEED for New Construction or derived USGBC LEED rating system (e.g., LEED for Schools, LEED for Health Care) or
- iii) the Green Globes environmental assessment system for new designs including but not limited to any monetary or certification requirements.

(d) Existing commercial and institutional buildings: The program participant shall satisfy all of the requirements associated with the

- i) the current Green Commercial Designation Standard of the FGBC,
- ii) the current LEED for existing buildings or derived USGBC LEED rating system (e.g., LEED for Schools, LEED for Health Care) program, or
- iii) the Green Globes environmental assessment system for existing designs, including but not limited to any monetary or certification requirements.

(e) Land Developments: The participant shall satisfy all of the requirements associated with the

- i) the current Green Development Designation Standard of the FGBC,
- ii) the current LEED for Neighborhoods and Developments rating system program, or
- iii) the NAHB development designation, including but not limited to any monetary or certification requirements.

(f) Review. For the purpose of this section of the program, a program participant shall be bound by the standard designated for a particular sub-program unless the program participant requests to be certified under a more current version of a designated standard and the request is approved by the jurisdiction responsible for administering the particular program.

(g) Green Practices Supersede Conflicting Covenants and Deed Restrictions: Local developers and homeowner association covenant and deed restrictions shall not limit the adoption of practices encouraged to achieve credit under these green standards.

Sec. 8.0. INCENTIVES.

The program shall include incentives designed to encourage the use of the program.

Sec. 9.0. CERTIFICATION.

The program shall be subject to certification by a qualified third party who has been trained and certified as a green building certifier. For the purpose of this section of the program, “third party” means any person or entity authorized according to the requirements of the standard in section 7.0 for a particular project.

Sec. 10.0. EDUCATION AND TRAINING.

(a) The jurisdiction in conjunction with FSEC, FGBC, Green Globes, NAHB or USGBC shall conduct at least one training workshop per year for the purpose of educating potential or current program participants about the program.

(b) The jurisdiction shall attempt to make available a meeting space at a government facility when available for green building programs offered by organizations that are of a general nature (not product specific). Organizations shall contact the facilities staff to make arrangements.

(c) Jurisdiction building and planning department staff shall be encouraged to attend at least ___ hours of green building training a year.

Sec. 11.0. INDEX AND REPORT.

The goals and objectives of the program and their status as outlined in the Preamble shall be recorded, analyzed and reported to the commission. The jurisdiction administrator/manager shall be responsible for this indexing and reporting.

Sec. 12.0. PROGRAM REVIEW.

(a) Staff review. The jurisdiction shall provide for a review of the program to determine the need for changes in the program to increase its effectiveness.

(b) Frequency. The program shall be subject to review one year after the effective date of this ordinance and thereafter at a frequency of not more than once per year.

(c) Purpose. The purpose of reviewing the program includes but is not limited to updating program incentives, recommending program or marketing changes to the jurisdiction, reviewing suggestions made by program participants, and annually awarding the green building awards of the program.

Sec. 13.0. CONFLICTING REGULATIONS REPEALED.

Where conflicts occur this ordinance shall supercede.

Sec. 14.0. SEVERABILITY.

If any portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate provision and shall not affect the validity of the remaining portions of the ordinance.

Sec. 15.0. EFFECTIVE DATE.

This ordinance shall take effect on the date on which it is enacted by the jurisdiction.