

PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS

Agenda Item #:

7B-2

AGENDA ITEM SUMMARY

Meeting Date: April 22, 2008

☐ Consent ☒ Regular  
☐ Workshop ☐ Public Hearing

Department:

Submitted By: Administration

Submitted For: Administration

I. EXECUTIVE BRIEF

**Motion and Title:** Staff recommends the Board not approve: "The Palm Beach Goes Green: Task Force on Sustainability and Conservation". Commissioner Kanjian's request requires this Task Force of development interests and County staff to prepare a Green Building Ordinance that provides County general fund cash incentives to developers to encourage building "green". Staff recommends against this because there are no funds available and historically the Board has not approved funding development incentives.

**Summary:** Commissioner Kanjian has requested that this Task Force be appointed to implement a Green Building Ordinance, a model of which was prepared for the Florida Building Commission. The Commissioner only wishes this to be approved if it provides builders with financial incentives to encourage building "green", and not for it to be a regulatory Ordinance that mandates "green". The model Ordinance however does mandate the requirements on County building construction. Staff is concerned that this does not allow for cost analysis. The amount of incentives is not specified though Gainesville provides 50% off building permit fees. It is not known how much money would be needed to cover the program or if this level of incentive is sufficient. Any waiver or reduction of building permit fees would require an infusion of ad valorem funding and/or development fee increases. We are also concerned about the availability of staff to support the Task Force, in light of other priorities and staff limitations, as the Commissioner would like this done within 60 days. If approved, the Board needs to determine the number of members and qualifications for appointment. Countywide (DN)

**Background and Policy Issues:** Commissioner Kanjian's request is attached.

**Attachments:**

Request and Model Ordinance

Recommended by: \_\_\_\_\_

Department Director

Date

Approved By: \_\_\_\_\_

County Administrator

Date

## II. FISCAL IMPACT ANALYSIS

### A. Five Year Summary of Fiscal Impact:

Fiscal Years	<u>2008</u>	<u>2009</u>	<u>2010</u>	<u>2011</u>	<u>2012</u>
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	<i>* See Sect. III A</i>				
# ADDITIONAL FTE POSITIONS (Cumulative)	_____	_____	_____	_____	_____

Is Item Included In Current Budget? Yes \_\_\_\_\_ No \_\_\_\_\_  
Budget Account No.: Fund \_\_\_\_\_ Dept \_\_\_\_\_ Unit \_\_\_\_\_ Object \_\_\_\_\_  
Program \_\_\_\_\_

### B. Recommended Sources of Funds/Summary of Fiscal Impact:

### C. Departmental Fiscal Review:

## III. REVIEW COMMENTS

- \** A. OFMB Budget and/or Contract Development and Control Comments:  
*If approved fiscal impact is indeterminable at this time but it could require ad valorem funding or a development fee increase.*

*Jan Dink 4/17/08*  
\_\_\_\_\_  
OFMB/Budget  
*(NO) 4/17/08 4/16*

*Don J. Jacoby 4/18/08*  
\_\_\_\_\_  
Contract Development and Control

- B. Legal Sufficiency:

*n/a*  
\_\_\_\_\_  
Assistant County Attorney

- C. Other Department Review:

\_\_\_\_\_  
Department Director

REVISED 9/03  
ADM FORM 01

(THIS SUMMARY IS NOT TO BE USED AS A BASIS FOR PAYMENT.)





Robert J.  
Kanjian

Palm Beach County  
Board of County  
Commissioners,  
District III

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FL 33401

561.355.2203

RECEIVED MAR 31 2008

## MEMORANDUM

DATE: March 31, 2008

TO: The Honorable Addie L. Greene, Chairperson,  
and Members, Board of County Commissioners

FROM: Bob Kanjian *for Chair*  
Commissioner, District III

SUBJECT: Comments for BCC Meeting, April 1<sup>st</sup>

Under Commissioner comments at the April 1<sup>st</sup> Board of County Commissioners meeting, I would like to address my proposal for the Palm Beach Goes Green: Task Force on Sustainability and Conservation.

My desire would be to see the Task Force consist of Architects, Developers, Builders, County Staff, experts on sustainability, conservationists, and other talented individuals that can help make this effort successful.

We should ask the task force to bring forward a public policy initiative that will address three main goals:

- First to set policy for government to adopt measures that will have the government lead by example in running its daily operations and its capital projects. This policy should recognize that government must be both good stewards of the taxpayer's dollars and that of the environment in which we live.
- The second goal will be to establish a policy that provides for educational programs that will encourage the retrofitting and updating of existing structures to Green standards. We cannot forget that sustainability and conservation is not confined to new structures only.

- Finally, the Task Force should provide a suggested policy that will establish a Green Building Standard for Palm Beach County that is incentive based to encourage builders and developers to voluntarily build to Green practices.

Model Green Building Ordinance (see attachment) prepared by the Florida Green Building Workgroup to the Florida Building Commission should be the basis for this program.

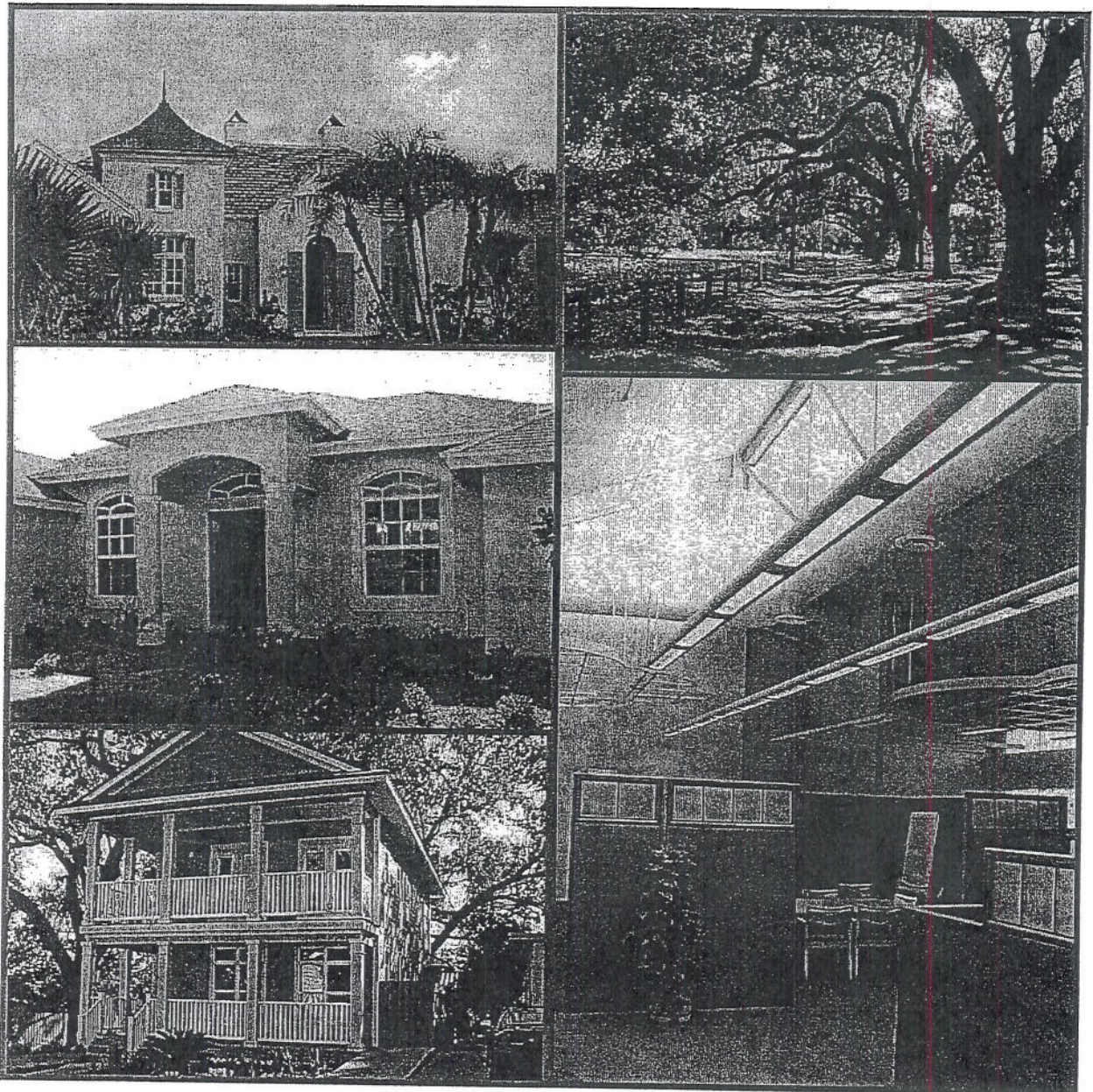
The Model Green Ordinance is straight forward, establishes the government as a leader in going Green when the costs are not too high, gives permit fee reductions and expedited permitting to builders and developers that voluntarily take part in the program for new properties as well as retrofitting of existing properties, and establishes the government as a Educator / Marketer of the program.

Attachment

cc: Bob Weisman, County Administrator  
Denise Nieman, County Attorney



## 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**



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*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. A copy of the ordinance without any of the annotated language is included in the appendix. There are also examples of some of the first ordinances and resolutions passed by Florida local jurisdictions in the appendix.*

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## 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.

*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) *CO<sub>2</sub> emission reductions by \_\_\_\_ %,*
- (b) *NOx 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 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 73<sup>rd</sup> 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 \_\_\_\_\_ department, 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) 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

*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:

- (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 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.



*If only covering some of the programs in section 6, select only those items (a) – (e)) here. Paragraph (g) could receive legal challenges and should be included only after review by legal council. There are already state laws regarding solar access and Florida friendly landscaping. You may want to reference Section 163.04(2) – language on deed restrictions*

#### **Sec. 8.0. INCENTIVES.**

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

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

*(a) All sub-programs. For any voluntary program participant seeking a program certification, the jurisdiction's general government shall provide the following fast-track permitting incentives (following example based on Sarasota County Resolution 2006-174):*

- i. Site and Development plans for a proposed "Green Development" shall be processed in \_\_\_\_ working days. All such applications shall be accompanied by the appropriate green building program application form.*
- ii. Building permit applications for residential green buildings shall be processed within \_\_\_\_ working days. All such applications shall be accompanied by the appropriate green building program application form.*
- iii. Building permit applications for commercial green buildings shall be processed in \_\_\_\_ working days. All such applications shall be accompanied by the appropriate green building program application form.*

*(b). For all projects other than one and two-family residential projects, there shall be a reduced development plan review fee, which shall equal \_\_\_\_ percent of the fee required for a non-program participant.*

*(c). There shall be a rebate of \$ \_\_\_\_ for projects that meet all of the requirements of the program **and** reduce energy **and** water consumption by 50% **and** meet the minimum requirements of the Institute for Business and Home Safety. Reductions in energy shall be calculated using the HERS® Index for residences and the ASHRAE 90.1 Appendix G rating procedure for commercial buildings. Water use shall be calculated in accordance with jurisdiction requirements.*

*(d). Shall refund an organization's registration fees on projects deemed "Positively Green Projects."*

*(e). Shall provide \_\_\_\_% increase in density for projects that meet the requirements of the green land development designation and permanently preserve \_\_\_\_% of land that would otherwise be deemed buildable under current codes and laws.*

*(f). Shall provide \$ \_\_\_\_ annual rebates for businesses operating in a building certified as green under this program. [This provision is to encourage the many non-owner developers to build green as a method to help create more green buildings in the community.]*

(g) Shall provide for waiver or mitigation of impact fee of \$\_\_\_\_ for homes that qualify for and implement this program as described in Section 7 and also achieve one of the following: 1) federal tax credit for energy efficient homes, 2) the federal tax credit for solar energy systems, or 3) the rebate for solar photovoltaic or thermal systems under the Florida Solar Energy System Incentives Program.

(g). Shall provide \$\_\_\_\_ annual rebates for businesses supplying 10% or more of their annual energy needs through on-site solar energy.

(h) 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 jurisdiction owned civic or office construction projects, the jurisdiction's general government shall provide the following marketing incentives, including but not limited to:

- i. Provide an outdoor sign that the builder may use to promote a project being designated under this program;
- ii. The inclusion of program participants on a webpage dedicated to the program;
- iii. The creation of promotional packages such as a program logo for a program participant's advertisements or brochures;
- iv. Press releases; and
- v. Information about available financial programs, including but not limited to, those associated with Fannie Mae/Freddie Mac.
- vi. Provision of website links to local sustainable businesses and green building materials.
- vii. Cooperation with local banking, Realtors, and insurance companies to make green building more affordable

(i) 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 jurisdiction's general government to one program participant in each sub-program.

(j) Special green contribution award. The jurisdiction shall annually provide a special recognition award to those contractors that donate significant reusable building materials to non-profit local building organizations.

#### **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.



*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.



## **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)