INDEX OF SUSTAINABLE DEVELOPMENT PROVISIONS IN FLORIDA MUNICIPAL CODES

Updated July 6, 2010

This index contains excerpts from Florida municipal codes that address sustainable development through green building, low impact development, and renewable energy, including Property Assessed Clean Energy (PACE) programs. This index was originally compiled in summer 2009, and updated in summer 2010, for informational purposes only. Please check with the applicable local government for current information.

Background

On July 13, 2007, Governor Charlie Crist signed three Executive Orders during the Serve to Preserve Florida Summit on Global Climate Change. These three Executive Orders were intended to "guide Florida to reduce greenhouse gases, increase energy efficiency and pursue more renewable and alternative energy sources, such as solar and wind technologies, ethanol and hydrogen." The spirit of these executive orders was largely put into action in the 2008 legislative sessions, culminating in many directives that will impact our clients and our practices in the years to come. Some of the highlights include the following mandates:

- All new state buildings must be built in accordance with the U.S. Green Building Council's Leadership in Energy and Environmental Design for New Construction (LEED-NC) standards.
- Leadership in Energy and Environmental Design for Existing Buildings (LEED-EB) standards must be implemented for all existing state buildings.
- The 2008 Energy Act created a state definition of green building and began several initiatives including increased energy efficiency in the Florida Energy Code and the legislative authority for the development of a Florida Renewable Portfolio standard.

The Florida legislature passed on taking related action in the 2009 and 2010 sessions, but many Florida municipalities continue to address climate change concerns and encouraging sustainable development by adopting green building, low impact development and renewable energy/energy efficiency (PACE) provisions into their codes.

Definitions

Green Building

High Efficiency (Green) Building: Facilities designed, built, operated, renovated, and disposed of using ecological principles for the purpose of promoting occupant health and resource efficiency
and minimizing the impacts on the natural environment. (Dr. Charles J. Kibert)

Green Building is both a noun and a verb. Use "green building" as a noun when demonstrating that a building has been built in a green manner. Use "green building" as a verb when construction industry professionals build in a green manner.

Green buildings are resource-efficient and consume far less energy and water than their predecessors. They are respectful of the site where they are placed, minimizing impacts on land and to the ecosystems in which they reside. There is an emphasis on promoting alternative means of transportation such as bicycling, high efficiency automobiles, and rapid transit by addressing where the buildings are built. Renewable energy, recyclable materials, restoration of existing buildings, and the impact of the building on the health of its occupants are themes common to green buildings.

**Low Impact Development (LID)**

Low Impact Development (LID): A site design strategy to enhance community stormwater management and water quality by allowing stormwater to percolate in place using biophysical characteristics of a property.

The appropriate LID technique for a specific community will depend upon the site-specific characteristics of the community and any special ecological needs. Since most local governments and applicable regulatory agencies adopted their stormwater guidelines long ago and have not undertaken action to update their requirements, LID is often not permitted without a variance from traditional stormwater requirements.

**Renewable Energy / Energy Efficiency (PACE)**

Property Assessed Clean Energy (PACE) Program: A program that enables property owners to finance energy efficiency improvements, wind stabilization, and clean energy systems for both residential and commercial buildings.

The PACE Program is not a tax and has only a minimal fiscal impact on city/county government—including applicable bond ratings. It is not tied to the financial credit status of the property owner, and its opt-in approach makes it completely voluntary. The result is an innovative, no-taxpayer-subsidy approach to financing individual energy efficiency and renewable energy projects without the difficulty of financing an upfront capital outlay.

**Sustainable Development**

"Sustainable development is . . . development that meets the needs of the present without compromising the ability of further generations to meet their own needs."

"Achieving sustainable development is perhaps one of the most difficult and one of the most pressing goals we face. It requires on the part of all of us commitment, action, partnerships and, sometimes, sacrifices of our traditional life patterns and personal interests".
—Mostafa Tolba, Chairman of the Commission on Sustainable Development

Invitation to Collaborate

Do you know of a Florida local government with an applicable code provisions not listed here? Please email pertinent information to Nicole Kibert at nkibert@carltonfields.com.

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Sec. 407.56. Requirements for stormwater management areas used as open space.

(a) All stormwater management areas shall also include the following design features:

   (1) An initial tier, or forebay, shall be designed to capture the majority of the sediments.

   (2) A 12-foot-wide maintained pedestrian path shall be provided around the perimeter of the basin and be connected to pedestrian paths in other qualifying open spaces.

   (3) Stormwater facilities designed as open space shall be managed to maintain no more than five percent cover of invasive nonnative plants. * * *

(c) In addition to (a), dry retention/detention basins over shall fulfill the following requirements:

   (1) Within the basin, a variety of native trees shall be provided at an average of 50 trees per acre. Spacing of trees may be closer when trees are planted in groups or clusters. Trees can be from any size category and shall not be placed in the forebay area or within 25’ of a control structure. Certified apparently weed free sod shall be used.

   (2) No clearing, mowing or removal of native, non-invasive vegetation shall take place interior to the pedestrian path, except as required to meet the parameters set forth in the stormwater permit or to maintain inlet and outfall structures. As an alternative, a designed landscape plan may be approved by the Development Review Committee that would provide greater or equal biological diversity and enhanced stormwater treatment.

   (3) Certain recreational uses may be incorporated in basins for projects that meet LEED or green building certification (silver rating or higher) requirements (The applicant will need to be able to demonstrate this by final site plan approval).

* * *

(Ord. No. 05-10, § 2, 12-8-05; Ord. No. 09-01, § 2(Exh. A), 2-24-09)
CHAPTER 410. DEFINITIONS

ARTICLE I. GENERAL

Sec. 410.01. Construction of words and phrases.

(a) Terms not defined in this chapter shall be construed in accordance with their customary usage and meaning.

(b) The following general rules of construction shall govern the interpretation of words and phrases used in this ULDC.

1. **May.** The term "may" is permissive.
2. **Shall and will.** The terms "shall," "will" and "must" are mandatory.
3. **Singular and plural.** The singular word or number includes the plural, and the plural word or number includes the singular.
4. **Tenses.** The present tense includes the future tenses.

(Ord. No. 05-10, § 2, 12-8-05)

ARTICLE II. ABBREVIATIONS

**EPD:** Alachua County Environmental Protection Department

**AASHTO:** American Association of State Highway and Transportation Officials

**TND:** Traditional Neighborhood Development

**FDEP:** Florida Department of Environmental Protection

**BOCC:** Alachua County Board of County Commissioners

**DRC:** Development Review Committee

**BOA:** Board of Adjustment

**ADT:** Average daily traffic

**WB30':** 30-foot wheel base

**VPH:** Vehicles per hour

**TDR:** Transfer of development rights

(Ord. No. 05-10, § 2, 12-8-05)
Low impact development (LID): A site design strategy for maintaining or replicating the pre-development hydrologic regime through the use of design techniques that create a functionally equivalent hydrologic landscape. Hydrologic functions of storage, infiltration, and ground water recharge, plus discharge volume and frequency are maintained by integrated and distributed microscale stormwater retention and detention areas, reduction of impervious surfaces, and the lengthening of flow paths and runoff time. Other LID strategies include, but are not limited to, the preservation of environmentally sensitive site features such as natural upland habitat, wetlands, wetland buffers, and floodplains.
3.46.1 Development bonuses.

The height and intensity/density standard found in the applicable zoning classification may be increased through development bonuses for projects located in activity centers during the site plan review process per article IV, division 2, of the City's Land Development Code. To do so, the owner/developer shall agree to provide one or more of the following elements from the bonus categories listed below such that the amount of points matches the requested percentage increase in intensity, density, and/or height. Selection of elements is to be in consultation with the city and the points applied to each element are at the sole discretion of the city. Bonuses are discretionary to the city and the merits of the request will be properly evaluated. All costs associated with implementation of any of the elements from the bonus categories are the cost of the owner/developer and are not creditable against any impact fees or payments made by the owner/developer in the normal course of development of the site. The purpose of the development bonus system is to allow increased development of intensities/densities and/or height of a project that would not otherwise be economically feasible without a bonus. Along with the increase in density and intensity, the intent of the bonus system is to allow additional means to provide or improve transportation facilities including roads, pedestrian circulation, bicycle facilities, park-n-ride lots, transit, and other alternative automobile programs. Also, the system is intended to promote improvements to infrastructure systems over and above what is needed to support new development. Finally, the bonus system encourages public health, safety and welfare by providing on- or off-site improvements such as public amenities, structured parking, urban plazas, increased landscaping and open space, and architectural guidelines to promote and enhance community quality of life and enhance the urban design quality of the public realm.

(Ord. No. 1588-08, § 1, 5-20-08)

3.46.2 Bonus categories.

The following bonus categories can be selected:

Bonus Category Table

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<td>(17) Leadership in Energy and Environmental Design (LEED) certified construction for new buildings (as developed by the U.S. Green Building Council). Bonus based on achievement of silver, gold, or platinum certification.</td>
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ORDINANCE NO. 2009-18

AN ORDINANCE OF THE CITY OF AVENTURA, FLORIDA, AMENDING THE CITY CODE OF THE CITY OF AVENTURA BY ADDING NEW ARTICLE VI. ENTITLED "GREEN BUILDING PROGRAM" TO CHAPTER 14 "BUILDINGS AND BUILDING REGULATIONS" OF THE CITY CODE; ESTABLISHING DEFINITIONS, STANDARDS, PROCEDURES, REQUIREMENTS AND INCENTIVES; PROVIDING FOR VOLUNTARY PARTICIPATION RELATING TO NEW CONSTRUCTION OR SUBSTANTIAL RENOVATIONS AS PROVIDED IN THE ARTICLE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING AN EFFECTIVE DATE.

WHEREAS a green building is a structure that is designed, built, renovated, operated or reused in an ecological and resource efficient manner; and

WHEREAS the Leadership in Energy and Environmental Design (LEED®) Green Building Rating System, developed by the U.S. Green Building Council (USGC) provides standards for environmentally sustainable construction; and

WHEREAS the hallmark of LEED® is that it is an open and transparent process where the technical criteria proposed by the LEED® Committees are publicly reviewed for approval by the more than 10,000 membership organizations that currently constitute the USGBC; and

WHEREAS green building construction results in benefits to the environment, economy and health of the community; and

WHEREAS the City Commission has determined that due to these benefits, it is in the best interest of the public health, safety and welfare of the citizens, residents and workers in the City of Aventura to provide an incentive program for private new construction and substantial renovations to LEED® standards; and

NOW THEREFORE BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF AVENTURA, AS FOLLOWS:

Section 1. Findings. That the foregoing "Whereas" clauses are hereby ratified and incorporated as the legislative intent of this Ordinance.

Section 2. Article VI, Green Buildings Program, Added to Chapter 14 of City Code. That the following text is hereby added as Article VI of Chapter 14 "Buildings and Building Regulations" of the City Code:

"Article VI. Green Building Program

Section 14-110. Definitions

1 Underlined text indicates proposed additions to the City Code; stricken through text indicates proposed deletions from existing City Code text.
The following words, terms and phrases, when used in this article, 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.

Florida Friendly Plantings means trees and plants that conserve water and protect the environment by using drought tolerant landscaping, according to design standards and any amendments thereto developed pursuant to F.S. 373.228.

Green Building means a building whose design, construction and operation promotes 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 City shall rely on the review, evaluation and registration, certificate and/or verification of the design by the U.S. Green Building Council, or other recognized green building rating system approved by resolution of the City Commission, subject to the requirements of this article.

Green Building Certification Institute (GBCI) means the organization which administers and provides third party project certification for commercial and institutional buildings and tenant spaces under the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) Green Building Rating Systems.

Green Building Program means the program outlined in this ordinance for obtaining incentives for green buildings and developments.

Green Development means 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.
LEED® means Leadership in Energy and Environmental Design (LEED®) Green Building Rating System developed by the US Green Building Council, or other recognized green building rating system approved by resolution of the City Commission.

Sustainable Construction means the process of environmentally sensitive, resource efficient site selection, preparation, design, construction, and operation of buildings.

Any word not defined herein shall be construed as provided in Section 31-21 of the City Code, or in the Florida Building Code, if provided therein, and if in conflict, the most restrictive shall apply.

Section 14-111. Purpose and Intent

The purpose of this article is to establish and promote goals, programs and procedures
that will help the City become a more sustainable community. This program shall define and establish environmental goals and standards for a LEED certification-based green building program with incentives and bonuses. This program will promote economic and environmental health in the City through sustainable and environmentally friendly design and construction.

Section 14-112. Administration and Implementation of the Program.

The Program shall be administered by City Manager or designee, who shall be responsible for:

(a) 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;
(b) developing any appropriate or necessary application procedures, including but not limited to, the Program application form and developer agreement form;
(c) writing policies and procedures for staff implementation of the Program;
(d) providing and implementing an incentive award as herein provided to any Program Participant who has committed to and/or successfully satisfied the requirements of the Program; and
(e) resolving disputes that may arise from implementation of the Program.

Section 14-113. Green Building Program Applicability.

This Program shall be voluntary for all private buildings involving new construction or substantial renovation.

Section 14-114. Green Building Standards.

In addition to the Florida Building Code minimum standards, the Program shall be administered using the then current standards developed by the U.S. Green Building Council (USGBC). These standards shall apply to each Sub-Program as follows:

(a) New Buildings: The Program Participant shall satisfy all of the requirements associated with the then current USGBC LEED® 2009 for New Construction, or the most current version, or other derived USGBC LEED® rating system as applicable to the project type (e.g. LEED® for Core & Shell, LEED® for Schools, LEED® for Health Care) Program; and

(b) Renovation of Existing Buildings: The Program Participant shall satisfy all of the requirements of the then current LEED® certification for Existing Buildings: Operations & Maintenance, or other LEED® Rating System as may be applicable based on the scope of work performed as part of the
If there is a conflict between the USGBC standards and the Florida Building Code (FBC) or Florida Fire Prevention Code (FFPC), the FBC and FFPC take precedence.

Section 14-115. Incentives and Bonuses; Agreement and Bond Requirements.

The Program shall consist of incentives/bonuses (collectively referred to as “incentives” when the context requires) designed to encourage the use of the Program and listed in this section. Incentives and bonuses shall be administered by the City 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 City Manager or designee and in accordance with the criteria established by this article and the pertinent provisions of the Land Development Code.

I. For those buildings that attain LEED® Certification or LEED® Silver Certification

(i) Expedited site plan review, that is, site plan applications for green buildings shall be given priority review by the City;
(ii) Expedited building permit review, that is, building permit applications for green buildings shall be given priority review by the City;
(iii) Marketing incentives including Program participation announcement on the site construction sign; a plaque not to exceed two square feet to be attached to the Building designating the project under the Program, subject to the review and approval of the City Manager or designee, such plaque shall be treated as a governmental information sign exempt from permitting but subject to other regulations as provided in the City Code; the inclusion of Program Participants and their Building information on the City’s “Go Green” webpage; press releases; and eligibility for Green Building award in the City’s annual “Go Green” awards program.
(iv) Administrative variances to allow orientation of the Building to take full advantage of available natural resources, such as yard setbacks, landscape buffers, driveways and/or architectural design standards needed to support the proposed design in the opinion of the City Manager or his designee.

II. For those Buildings that attain LEED® Gold Certification or Platinum Certification

(i) All of the incentives in I. above; and
(ii) Floor Area Ratio (FAR) bonus not to exceed an FAR of 2.0 for properties with a Business & Office Future Land Use Designation, using the conditional use approval standards in Section 31-73 of the City Code
rather than the variance approval standards in Section 31-76 of the City Code; and

(iii) Lot coverage bonus provided that a green roof and/or green rooftop amenities are provided and maintained for the common benefit of building occupants; and; that increased Florida-Friendly tree canopy and Florida-Friendly plantings designed to calm the heat island effect are located on site, all in an amount equal to the requested increased lot coverage, using the conditional use approval standards in Section 31-73 of the City Code rather than the variance approval standards in Section 31-76 of the City Code.

Prior to filing an application for award of incentives and/or bonuses, the Program Participant shall register their intent with the USGBC for LEED® certification and obtain in writing a proposed checklist of certification points that may be attainable for the project. The Program Participant shall then be required to attend a pre-application meeting with the City 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 written agreement between the property owner and the City, in the form prescribed by the City, and through a covenant recorded in the public records in form approved by the City Attorney, that the proposed manner of compliance with LEED® certification as provided by the Program guidelines, policies and procedures will be incorporated into the development and maintained in perpetuity. All checklist items will be shown and/or noted on the plans submitted for building permit approval, as a condition of permit issuance.

Prior to filing an application for award of incentives and/or bonuses for LEED® Gold and Platinum buildings described in Paragraph numbered II. of this section, in addition to the requirements of the preceding paragraph, the Program Participant shall provide a performance bond or other security in form approved by the City Manager and City Attorney as follows:

(i) the bond or security shall be in an amount ranging from one (1%) percent to five (5%) percent of the value of proposed costs of construction as approved by the City’s Building Official, or such greater amount as determined by the City Manager;

(ii) the bond or security shall be submitted at the time of filing of any application for award of incentives and/or bonus;

(iii) the bond or security shall be subject to call by the City 180 days from the issuance of the certificate of occupancy or certificate of completion, whichever first occurs, if LEED® certification has not been achieved by that time. Reasonable extensions of time, up to a maximum of one (1) year from the issuance of the certificate of occupancy or certificate of completion.
whichever first occurs, may be granted by the City Manager or his designee for good cause.

If the Program Participant is awarded an incentive and/or bonus provided herein and fails to complete LEED® certification as committed within one (1) year from the issuance of the certificate of occupancy or certificate of completion, whichever first occurs, then the City Manager or designee shall deem such bond or security forfeited to the City for any lawful governmental purpose identified by the City Commission; and

If the project receives LEED® certification at the level described in the agreement and covenant prior to the expiration of the 180 day period provided for above, or extensions of time granted by the City Manager or designee, and the bond has not been forfeited as provided above, then the bond or security may be released following submittal to the City of written proof of level of LEED® certification by the USGBC.

Section 14-116. Certification.

The project shall be subject to certification by the Green Building Certification Institute.

Section 14-117. Education and Training.

(a) The City shall post Program information on its website for the purpose of educating potential or current Program Participants about the Program.

(b) The City shall encourage staff from the Building Division, Planning and Zoning Division of the Community Development Department and from the Public Works Division of the Community Services Department to attend green building training.

Section 14-118. Program Review.

(a) Staff review. The City shall provide for a review of the Program to determine the need for changes in the Program to increase it effectiveness.

(b) Frequency. The Program shall be subject to review one year after the effective date of this article 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 standards, incentives and bonuses, recommending Program or marketing changes, reviewing suggestions made by Program Participants, and reporting to the City Commission."

Section 3. Severability. That the provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the
validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 4. Inclusion in the Code. That it is the intention of the City Commission and it is hereby ordained that the provisions of this Ordinance shall become and made a part of the City Code of the City of Aventura.

Section 5. Effective Date. That this Ordinance shall be effective upon passage by the City Commission on second reading, subject to passage by the City Commission on second reading of amendments to Chapter 31 of the City Code, Land Development Regulations, required to implement the incentive and/or bonus provisions of this Ordinance, as applicable.

The foregoing Ordinance was offered by Commissioner Weinberg, who moved its adoption on first reading. This motion was seconded by Commissioner Holzberg, and upon being put to a vote, the vote was as follows:

Commissioner Zev Auerbach  
Commissioner Bob Diamond  
Commissioner Billy Joel  
Commissioner Michael Stern  
Commissioner Luz Urbaez Weinberg  
Vice Mayor Teh Holzberg  
Mayor Susan Gottlieb

yes
yes
yes
yes
yes
yes
no

The foregoing Ordinance was offered by Commissioner Stern, who moved its adoption on second reading. This motion was seconded by Commissioner Holzberg and upon being put to a vote, the vote was as follows:

Commissioner Zev Auerbach  
Commissioner Bob Diamond  
Commissioner Billy Joel  
Commissioner Michael Stern  
Commissioner Luz Urbaez Weinberg  
Vice Mayor Teh Holzberg  
Mayor Susan Gottlieb

no
yes
yes
yes
yes
yes
yes
PASSED on first reading this 1\textsuperscript{st} day of September, 2009.

PASSED AND ADOPTED on second reading this 6\textsuperscript{th} day of October, 2009.

\begin{center}
\underline{Susan Gottlieb, Mayor}
\end{center}

ATTEST:

\begin{center}
\underline{TERESA M. SOROKA, MMC CITY CLERK}
\end{center}

APPROVED AS TO LEGAL SUFFICIENCY:

\begin{center}
\underline{CITY ATTORNEY}
\end{center}
ORDINANCE NO. 2009-19

AN ORDINANCE OF THE CITY OF AVENTURA, FLORIDA, AMENDING CHAPTER 31 "LAND DEVELOPMENT REGULATIONS" OF THE CITY CODE TO IMPLEMENT GREEN BUILDING INCENTIVES PROPOSED BY ARTICLE VI. "GREEN BUILDING PROGRAM" OF CHAPTER 14, "BUILDINGS AND BUILDING REGULATIONS" OF THE CITY CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Aventura is desirous of amending the City's Land Development Regulations to implement green building incentives proposed by Article VI. "Green Building Program" of Chapter 14, "Buildings and Building Regulations" of the City Code; and

WHEREAS, the City Commission has been designated as the Local Planning Agency for the City pursuant to Section 163.3174, Florida Statutes; and

WHEREAS, the Local Planning Agency has reviewed the proposed amendments pursuant to the required public hearing and has recommended approval to the City Commission; and

WHEREAS, the City Commission has held the required public hearings, duly noticed in accordance with law; and

WHEREAS, the City Commission has reviewed the action set forth in this Ordinance and has determined that such action is consistent with the Comprehensive Plan.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA, THAT:

Section 1. Section 31-76(J) Administrative Variances, is hereby added to the Land Development Regulations to read as follows:

"Sec. 31-76. Variances.

(J) Administrative Variances for Green Building Program. An administrative variance to allow orientation of the building to take full advantage of available natural resources, including yard setbacks, landscape buffers, driveways and/or architectural design...

\(^1\) Underlined provisions constitute proposed additions to existing LDR text; stricken-through-provisions indicate proposed deletions from existing LDR text.
standards may be granted by the City Manager or designee only when competent and substantial evidence is presented and the particular case shows that all of the following have been met:

(1) that the building attains LEED® certification. LEED® Silver certification. LEED® Gold certification or LEED® platinum certification as provided in Article VI of Chapter 14 of the City Code; and
(2) that the granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the vicinity; and
(3) that the proposed variance will not substantially increase the congestion in the public streets or increase the danger of fire or endanger public safety or substantially diminish or impair property values within the vicinity.

Section 2. Section 31-143. Residential Zoning Districts of the Land Development Regulations is hereby amended as follows:

"Sec. 31-143. Residential Zoning Districts.
...

(b) Residential Single Family Districts. (RS1). The following regulations shall apply to all RS1 Districts.
...

(2a) Conditional uses. The following uses may be established if first approved as a conditional use:

a. All uses permitted in the CF District.

b. For buildings that attain LEED® Gold or Platinum certification as provided in Article VI of Chapter 14 of the City Code, increased lot coverage, provided that a green roof and/or green rooftop amenities are provided and maintained for the common benefit of building occupants; and: that increased Florida-friendly tree canopy and Florida-friendly plantings designed to calm the heat island effect are located on site, all in an amount equal to the requested increased lot coverage.
...

(c) Single Family Residential Districts (RS2). The following regulations shall apply to all RS2 Districts.
...

(2a) Conditional uses. The following uses may be established if first approved as a conditional use:

a. All uses permitted in the CF District.
b. For buildings that attain LEED® Gold or Platinum certification as provided in Article VI. of Chapter 14 of the City Code, increased lot coverage, provided that a green roof and/or green rooftop amenities are provided and maintained for the common benefit of building occupants; and; that increased Florida-friendly tree canopy and Florida-friendly plantings designed to calm the heat island effect are located on site, all in an amount equal to the requested increased lot coverage.

(d)  **Multifamily Medium Density Residential Districts (RMF3).** The following regulations shall apply to all RMF3 Districts.

(2a) Conditional uses. The following uses may be established if first approved as a conditional use:

a. All uses permitted in the CF District.

b. For buildings that attain LEED® Gold or Platinum certification as provided in Article VI. of Chapter 14 of the City Code, increased lot coverage, provided that a green roof and/or green rooftop amenities are provided and maintained for the common benefit of building occupants; and; that increased Florida-friendly tree canopy and Florida-friendly plantings designed to calm the heat island effect are located on site, all in an amount equal to the requested increased lot coverage.

c. For buildings that attain LEED® Gold or Platinum certification as provided in Article VI. of Chapter 14 of the City Code, increased floor area ratio.

(e)  **Multifamily Medium Density Residential Districts (RMF3A).** The following regulations shall apply to all RMF3A Districts.

(2a) Conditional uses. The following uses may be established if first approved as a conditional use:

a. All uses permitted in the CF District.

b. For buildings that attain LEED® Gold or Platinum certification as provided in Article VI. of Chapter 14 of the City Code, increased lot coverage, provided that a green roof and/or green rooftop amenities are provided and maintained for the common benefit of building occupants; and; that increased Florida-friendly tree canopy and Florida-friendly plantings designed to calm the heat island effect are located on site, all in an amount equal to the requested increased lot coverage.
(f) Multifamily High Density Residential Districts (RMF4). The following regulations shall apply to all RMF4 Districts.

(2a) Conditional uses. The following uses may be established if first approved as a conditional use:

a. All uses permitted in the CF District.

b. Uses that exceed the height limitation to a maximum of 30 stories or 300 feet, or to a maximum height of 35 stories or 350 feet for any property which was granted a waiver pursuant to Section 3 of Ordinance 2005-07.

c. Uses that exceed the density limitation, to a maximum of 60 dwelling units per gross acre.

d. For buildings that attain LEED® Gold or Platinum certification as provided in Article VI. of Chapter 14 of the City Code, increased lot coverage, provided that a green roof and/or green rooftop amenities are provided and maintained for the common benefit of building occupants; and; that increased Florida-friendly tree canopy and Florida-friendly plantings designed to calm the heat island effect are located on site, all in an amount equal to the requested increased lot coverage.

e. For buildings that attain LEED® Gold or Platinum certification as provided in Article VI. of Chapter 14 of the City Code, increased floor area ratio.

(g) Multifamily Medium Density Residential District (RMF3B). The following regulations shall apply to all RMF3B Districts:

(3) Conditional uses. The following uses may be established if first approved as a conditional use:

a. Uses that exceed the height limitations, but in no event shall uses exceed seven stories or 90 feet in height.

b. All uses permitted in the CF District.

c. For buildings that attain LEED® Gold or Platinum certification as provided in Article VI. of Chapter 14 of the City Code, increased lot coverage, provided that a green roof and/or green rooftop amenities are provided and maintained for the
common benefit of building occupants: and; that increased Florida-friendly tree canopy and Florida-friendly plantings designed to calm the heat island effect are located on site, all in an amount equal to the requested increased lot coverage.

d. For buildings that attain LEED® Gold or Platinum certification as provided in Article VI. of Chapter 14 of the City Code, increased floor area ratio.

Section 3. Section 31-144. Business Zoning Districts of the Land Development Regulations is hereby amended as follows:

"Sec. 31-144. Business Zoning Districts.

... (b) Neighborhood Business (B1) District. This district is intended to provide primarily for retail sales and services to a surrounding neighborhood. Retail sales permitted therein are intended to include primarily convenience goods which are usually a daily necessity for a residential neighborhood. The district is appropriate for location on a collector or an arterial roadway.

... (2) Conditional use. The following uses may be established if first approved as a conditional use:

... g. For buildings that attain LEED® Gold or Platinum certification as provided in Article VI. of Chapter 14 of the City Code, increased lot coverage, provided that a green roof and/or green rooftop amenities are provided and maintained for the common benefit of building occupants; and; that increased Florida-friendly tree canopy and Florida-friendly plantings designed to calm the heat island effect are located on site, all in an amount equal to the requested increased lot coverage.

h. For buildings that attain LEED® Gold or Platinum certification as provided in Article VI. of Chapter 14 of the City Code, increased floor area ratio, not to exceed a floor area ratio of 2.0.

... (c) Community Business (B2) District. This district is intended primarily to provide for general commercial activity for a wide range of goods and services to the entire community and sub region. Such businesses generally require locations convenient for both vehicular and pedestrian traffic and would be expected to have orientation toward and direct access to arterial roadways.

... (2) Conditional use. The following uses if first approved as a conditional use:

... I. For buildings that attain LEED® Gold or Platinum certification as provided in
Article VI. of Chapter 14 of the City Code, increased lot coverage, provided that a green roof and/or green rooftop amenities are provided and maintained for the common benefit of building occupants; and; that increased Florida-friendly tree canopy and Florida-friendly plantings designed to calm the heat island effect are located on site, all in an amount equal to the requested increased lot coverage.

m. For buildings that attain LEED® Gold or Platinum certification as provided in Article VI. of Chapter 14 of the City Code, increased floor area ratio, not to exceed a floor area ratio of 2.0.

(d) Heavy Business (B3) District. This district is intended to provide locations for planned commercial centers, sharing a common identity, parking and other support facilities developed according to an overall development plan; and for a wide range of goods and services to serve a market beyond the community itself. Such commercial concentrations are expected to draw substantial patronage from outside areas and are not expected to serve the convenience needs of local residents. As such, these centers should be oriented towards, and have direct access to arterial roadways, particularly major arterials.

(2) Conditional use. The following uses may be established if first approved as a conditional use:

...  
g. For buildings that attain LEED® Gold or Platinum certification as provided in Article VI. of Chapter 14 of the City Code, increased lot coverage, provided that a green roof and/or green rooftop amenities are provided and maintained for the common benefit of building occupants; and; that increased Florida-friendly tree canopy and Florida-friendly plantings designed to calm the heat island effect are located on site, all in an amount equal to the requested increased lot coverage.

h. For buildings that attain LEED® Gold or Platinum certification as provided in Article VI. of Chapter 14 of the City Code, increased floor area ratio, not to exceed a floor area ratio of 2.0.

(e) Office Park (OP) District. This district is intended to provide for high-quality, semi-professional and professional offices in a campus setting reflecting creative design and environmentally compatible use of space and perimeter buffer areas. This zoning district may be applied to land designated Business and Office and Industrial and Office on the City’s Future Land Use Map, however the uses within this district shall be consistent with, but may be more restrictive than, the corresponding Business and Office and Industrial and Office category permitted uses.

(2) Conditional use. The following uses if first approved as a conditional use:
h. For buildings that attain LEED® Gold or Platinum certification as provided in Article VI. of Chapter 14 of the City Code, increased lot coverage, provided that a green roof and/or green rooftop amenities are provided and maintained for the common benefit of building occupants; and; that increased Florida-friendly tree canopy and Florida-friendly plantings designed to calm the heat island effect are located on site, all in an amount equal to the requested increased lot coverage.

i. For buildings that attain LEED® Gold or Platinum certification as provided in Article VI. of Chapter 14 of the City Code, increased floor area ratio, not to exceed a floor area ratio of 2.0.

(f) Medical Office (MO) District. This district is intended to provide for medical offices and other uses supporting the medical profession associated with the hospital. This zoning district may be applied to land designated Business and Office on the City's Future Land Use Map, however the uses within this district shall be consistent with, but may be more restrictive than, the corresponding Business and Office category permitted uses.

(2) Conditional use. The following uses if first approved as a conditional use:

...
Ordinance No. 2009-19
Page 8

as a conditional use:

n. For buildings that attain LEED® Gold or Platinum certification as provided in Article VI. of Chapter 14 of the City Code, increased lot coverage, provided that a green roof and/or green rooftop amenities are provided and maintained for the common benefit of building occupants; and; that increased Florida-friendly tree canopy and Florida-friendly plantings designed to calm the heat island effect are located on site, all in an amount equal to the requested increased lot coverage.

o. For buildings that attain LEED® Gold or Platinum certification as provided in Article VI. of Chapter 14 of the City Code, increased floor area ratio, not to exceed a floor area ratio of 2.0.

(c) Town Center Marine District (TC2). The following regulations shall apply to all TC2 districts.

(4) Conditional uses permitted. The following uses may be established if first approved as a conditional use:

p. For buildings that attain LEED® Gold or Platinum certification as provided in Article VI. of Chapter 14 of the City Code, increased lot coverage, provided that a green roof and/or green rooftop amenities are provided and maintained for the common benefit of building occupants; and; that increased Florida-friendly tree canopy and Florida-friendly plantings designed to calm the heat island effect are located on site, all in an amount equal to the requested increased lot coverage.

q. For buildings that attain LEED® Gold or Platinum certification as provided in Article VI. of Chapter 14 of the City Code, increased floor area ratio, not to exceed a floor area ratio of 2.0.

Section 5. Article IX. of the City Code, Chapter 31, Sign Regulations of the Land Development Regulations is hereby amended as follows:

"Sec. 31-191. Sign regulations generally.

(e) Other signs/no permit required. The following signs may be placed without the filing of an application for the issuance of a permit or the payment of a fee, but shall, unless otherwise exempted, be subject to all other regulations set forth in this section. The foregoing exemption from filing shall not be construed to waive the other provisions of this section or the structural requirements outlined in this section and/or the South Florida Building Code, as may be amended from time to time."
(11) A metal plaque not to exceed two (2) square feet in area designating the building as LEED® certified under the City of Aventura Green Building Program set out in Article VI., Chapter 14 of the City Code.

(h) Temporary Signs. The following temporary signs are authorized in the City:

(3) Construction Sign:

<table>
<thead>
<tr>
<th></th>
<th>Residential District</th>
<th>Non-Residential District</th>
</tr>
</thead>
<tbody>
<tr>
<td>Approvals necessary</td>
<td>City Manager</td>
<td>City Manager</td>
</tr>
<tr>
<td>Number (maximum)</td>
<td>One per lot</td>
<td>One per lot</td>
</tr>
<tr>
<td>Sign Area (maximum)</td>
<td>32 square feet</td>
<td>32 square feet</td>
</tr>
<tr>
<td>Sign Height (maximum)</td>
<td>Four feet</td>
<td>Four feet</td>
</tr>
<tr>
<td>Setback (minimum)</td>
<td>Six feet from property line not in right of way or sight visibility triangle</td>
<td>Six feet from property line not in right of way or sight visibility triangle</td>
</tr>
<tr>
<td>Length of Display</td>
<td>Permitted for a 12 month period from date of building permit issuance or until construction completed</td>
<td>Permitted for a 12 month period from date of building permit issuance or until construction completed</td>
</tr>
<tr>
<td>Other Restrictions</td>
<td>Sign copy may include only: (i) project name; (ii) nature of development; (iii) general contractor; (iv) architect; (v) lending Institution; (vi) owner or agent; and (vii) phone number; and (viii) Green Building Program participation, if Applicable.</td>
<td>Sign copy may include only (i) project name; (ii) nature of development; (iii) general contractor; (iv) architect; (v) lending Institution; (vi) owner or agent; and (vii) phone number; and (viii) Green Building Program participation, if Applicable.</td>
</tr>
</tbody>
</table>

Section 6. Severability. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 7. Inclusion in the Code. It is the intention of the City Commission, and it is hereby ordained that the provisions of this Ordinance shall become and be made a
part of the Code of the City of Aventura; that the sections of this Ordinance may be
renumbered or relettered to accomplish such intentions; and that the word “Ordinance”
shall be changed to “Section” or other appropriate word.

Section 8. Effective Date. This Ordinance shall be effective immediately upon
adoption on second reading.

The foregoing Ordinance was offered by Commissioner Joel, who moved its
adoption on first reading. This motion was seconded by Commissioner Stern, and upon
being put to a vote, the vote was as follows:

<table>
<thead>
<tr>
<th>Commissioner</th>
<th>Vote</th>
</tr>
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<tr>
<td>Zev Auerbach</td>
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<td>Luz Urbaez Weinberg</td>
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<tr>
<td>Billy Joel</td>
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<td>Michael Stern</td>
<td>yes</td>
</tr>
<tr>
<td>Vice Mayor Teri Holzberg</td>
<td>yes</td>
</tr>
<tr>
<td>Susan Gottlieb</td>
<td>yes</td>
</tr>
</tbody>
</table>

The foregoing Ordinance was offered by Commissioner Joel, who moved its
adoption on second reading. This motion was seconded by Commissioner Weinberg,
and upon being put to a vote, the vote was as follows:

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<tr>
<th>Commissioner</th>
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<td>yes</td>
</tr>
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<td>Susan Gottlieb</td>
<td>yes</td>
</tr>
</tbody>
</table>

PASSED on first reading this 1st day of September, 2009.
PASSED AND ADOPTED on second reading this 6th day of October, 2009.

Susan Gottlieb, MAYOR

ATTEST:

TERESA M. SOROKA, MMC
CITY CLERK

APPROVED AS TO LEGAL SUFFICIENCY:

CITY ATTORNEY

This Ordinance was filed in the Office of the City Clerk this 1st day of October, 2009.

CITY CLERK
25.122. General.

a. *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.

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

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

*USGBC* means the United States Green Building Council.


*LEED Certified* means a project that has attained a minimum of twenty-six (26) points as determined by USGBC’s rating system.

*LEED Silver* means a project that has attained a minimum of thirty-three (33) points as determined by USGBC’s rating system.

*LEED Gold* means a project that has attained a minimum of thirty-nine (39) points as determined by USGBC’s rating system.

*LEED Platinum* means a project that has attained a minimum of fifty-two (52) points as determined by USGBC’s rating system.

b. *Purpose:* The purpose of the Broward Green Building Policy is to provide the County with a certification-based green building program. This program will provide sustainable and environmentally-friendly practices of construction and design. It shall be the policy of the County to achieve a minimum LEED rating of "LEED certified" for all new County-owned and operated building construction.

In order to ensure that County construction projects meet the LEED standards, all County construction projects deemed to be eligible for the program shall be registered with the USGBC and the project team, including, but not limited to, the architect, engineer, general contractor, and County agencies responsible for the project, shall seek certification of registered projects.

(2008-856, 10-14-08)


The six (6) environmental categories for LEED’s building evaluation and rating are:

1. Sustainable site characteristics;
2. Water use efficiency;
3. Energy use and atmosphere;
4. Materials and resource usage;
5. Indoor environmental quality; and
6. Innovation in sustainable design strategies.
25.124. LEED Rating Policy.

The LEED's rating system is a certification tool. The USGBC points shall be awarded to building projects that incorporate the design and construction practices and technologies listed in LEED. The project shall be subject to certification by a qualified third party who has been trained and certified as a green building rater. For purposes of the program, "third party" means any person or entity authorized by USGBC to verify that a project has satisfied any or all of the requirements associated with the LEED standard designated for a particular project.

(2008-856, 10-14-08)

25.125. County Staff Responsibility.

The Directors of County Department and Divisions whose main responsibilities include locating, planning, designing, constructing, maintaining, operating, and decommissioning County-owned building shall be responsible for ensuring that such buildings comply with the requirements of the County's Green Building Policy. The County's Construction Management Division shall be responsible for coordinating any educational, technical, and financial resources available to County departments that support and promote sustainable design and construction of County buildings. The Construction Management Division shall: (a) determine the version of the LEED reference guide to be used by the County, (b) provide technical expertise on specific sustainable building issues on a case-by-case basis, (c) develop policies and procedures to implement the green building program and (d) shall coordinate LEED training programs provided by the United States Green Building Council.

(2008-856, 10-14-08)
ARTICLE V. GREEN BUILDING PROGRAM*

*Editor's note: See the editor's note to Article VI herein.

Sec. 3-2-80. Title.

The provisions of sections 3-2-80 through 3-2-88 inclusive shall be known as the Charlotte County "Green Building Ordinance."

(Ord. No. 2009-020, § 1, 5-12-09)

Sec. 3-2-81. 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.

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.

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.

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.

Florida Solar Energy Center (FSEC): As the state of Florida's energy research institute, FSEC conducts research in building science, photovoltaic, solar thermal, hydrogen and alternative fuels, fuel cells and other advanced energy technologies.

Florida Solar Energy System Incentives Program: A program of state law providing for rebates for the installation of qualified solar energy systems, codified at F.S. section 377.806.

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.

Green building: A designation given to buildings that have achieved the requirements of a green building rating system defined in this green building program.

Green building program: The program outlined in this ordinance for obtaining incentives for green buildings and developments.

Green Globes: the U.S. commercial/institutional building rating system administered by the Green Building Initiative.

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

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.

(Ord. No. 2009-020, § 1, 5-12-09)

Sec. 3-2-82 Designation of responsibility for administration and implementation.

(a) The Building Construction Services Department (“BCS”) shall be responsible for:

   (1) Marketing the green building 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 and the marketing incentives outlined in section 3-2-85; and

   (2) Developing any appropriate or necessary application procedures, including but not limited to, the green building program application form; and

   (3) Writing policies and procedures for staff implementation of the Green Building Program; and

   (4) Assisting in the development of incentives to award to any project that successfully satisfies the requirements associated with the Green Building Program.; and

   (5) Review ordinances proposed for adoption by the board of county commissioners with the county department responsible for drafting the ordinance. BCS will review proposed ordinances for changes that include subject areas used by certification programs for conflicts and offer recommendations to make the ordinances more compatible with Green Building.

(b) Any disputes regarding the administration of the green building program may be appealed to the construction board of adjustment and appeal.

(Ord. No. 2009-020, § 1, 5-12-09)

Sec. 3-2-83. Green building program applicability.

(a) For all private projects, the green building program shall be voluntary.

(b) For any new building owned and constructed by or on behalf of the county, the green building program shall be mandatory.

(c) For any renovation of a government building owned by the county undergoing a level III alteration, per FBC, the green building program shall be mandatory if a cost analysis can demonstrate one hundred (100) percent pay back within ten (10) years.

(Ord. No. 2009-020, § 1, 5-12-09)
Sec. 3-2-84. Green building standards.

In addition to the Florida Building Code's minimum standards, projects shall qualify for incentives by being certified using standards developed by the U.S. Green Building Council, the Green Building Initiative; the Florida Green Building Coalition, or the National Association of Home Builders. These standards shall apply to each category of construction as follows.

(a) **New residential permitted projects:** New residential projects shall satisfy all of the requirements including but not limited to any monetary or certification requirements associated with:

1. The current USGBC LEED for Homes® program;
2. The current NAHB National Green Home program;
3. The GBI Green Globes new home designation; or
4. The current Green Home Designation Standard of the FGBC.

(b) **Remodeling of existing homes:** The participant shall meet requirements of remodeling certification including but not limited to any monetary or certification requirements associated with:

1. The current LEED for Homes® program;
2. The current NAHB National Green Home program;
3. The GBI Green Globes new home designation; or
4. The current Green Home Designation Standard of the FGBC;

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 including but not limited to any monetary or certification requirements associated with:

1. The current LEED for New Construction or applicable USGBC LEED rating system (e.g., LEED for Schools, LEED for Health Care);
2. The Green Globes environmental assessment system for new designs; or
3. The current Green Commercial Designation Standard of the FGBC.

(d) **Existing commercial and institutional buildings:** The program participant shall satisfy all of the requirements including but not limited to any monetary or certification requirements associated with:

1. The current LEED for existing buildings or applicable USGBC LEED rating system (e.g., LEED for Schools, LEED for Health Care) program;
2. The Green Globes environmental assessment system for existing designs; or
3. The current Green Commercial Designation Standard of the FGBC.

(e) **Land developments:** The participant shall satisfy all of the requirements including but not limited to any monetary or certification requirements associated with:

1. The current LEED for Neighborhoods and Developments rating system program;
(2) The NAHB development designation; or
(3) The current Green Commercial Designation Standard of the FGBC.

(f) Additional certification programs shall be considered eligible for incentives upon petition to the building construction services department and adoption by the board of county commissioners by resolution.

(Ord. No. 2009-020, § 1, 5-12-09)

Sec. 3-2-85 Incentives.

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

(a) All projects. For any voluntary owner seeking certification, the County’s shall provide fast-track permitting incentives.

(b) Marketing. The department of building construction services in conjunction with the public information office and the Charlotte County Economic Development Office shall develop a marketing program to promote green building in Charlotte County. The county shall provide the following marketing incentives, including but not limited to:

(1) Provide an outdoor sign that a builder may use to promote a project under construction that is seeking certification under this program;

(2) The inclusion of program participants including developers, builders, material suppliers on a webpage dedicated to the program including website links to local sustainable businesses and green building materials suppliers;

(3) The creation of promotional packages such as a program logo for a program participant's advertisements or brochures and educational information for building owners demonstrating the benefits of green building;

(4) Press releases; and

(5) Information about available financial programs, including but not limited to, those associated with Fannie Mae/Freddie Mac.

(6) Special recognition awards to businesses, professionals, and individuals who exemplify green building. The recipients of the awards will be promoted by the county by methods deemed to be cost effective and beneficial for promoting green building. The county shall work with the building industry to develop award categories and criteria which may include:

a. 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 county to a business or individual whose support of green building has made an impact on Charlotte County above and beyond industry standards.

b. Residential green builder (new or remodel).

c. Commercial green builder (new or remodel).


e. Subcontractor.

f. Material supplier.

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

(c) The board of county commissioners may adopt by resolution monetary incentives if county budget funds permit. If monetary incentives are adopted, the board of county commissioners may include the following rebates or credits:

(1) For all projects other than one- and two-family residential projects, there shall be a reduced development plan review fee based upon the level of certification the project receives.

<table>
<thead>
<tr>
<th>Certification Level</th>
<th>Bonus</th>
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<tbody>
<tr>
<td>Top Tier...........</td>
<td>_______%</td>
</tr>
<tr>
<td>Second Tier.........</td>
<td>_______%</td>
</tr>
<tr>
<td>Third Tier..........</td>
<td>_______%</td>
</tr>
</tbody>
</table>

Projects with certification from programs with only one (1) level of certification will be deemed as Second Tier.

(2) For one- and two-family homes there shall be a rebate or credit of designated impact fees based upon the level of certification received and also achieving one (1) of the following:

a. Federal tax credit for energy efficient homes,
b. The federal tax credit for solar energy systems,
c. The rebate for solar photovoltaic or thermal systems under the Florida Solar Energy System Incentives Program.

<table>
<thead>
<tr>
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<tbody>
<tr>
<td>Top Tier...........</td>
<td>_______%</td>
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<tr>
<td>Second Tier.........</td>
<td>_______%</td>
</tr>
<tr>
<td>Third Tier..........</td>
<td>_______%</td>
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</tbody>
</table>

(d) Any project that fails to receive green certification from a rating agency shall not receive a reduction in any fees and shall be required to pay the total fee.

(e) Any project which received reductions in fees that is damaged or substantially improved by more than fifty (50) percent with in five (5) years shall rebuild or build to green standards or shall repay the fee reductions.

(f) Any commercial project that commits to meeting a certification level third tier or higher shall be granted a reduction in parking as follows:

<table>
<thead>
<tr>
<th>Certification Level</th>
<th>Reduction</th>
</tr>
</thead>
<tbody>
<tr>
<td>Top Tier...........</td>
<td>25%</td>
</tr>
<tr>
<td>Second Tier.........</td>
<td>15%</td>
</tr>
<tr>
<td>Third Tier..........</td>
<td>10%</td>
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</tbody>
</table>
Handicap parking required by state and federal law must still be met.

Failure to meet the certification level commitment will result in a monetary penalty to offset the benefit received from the reduced parking.

(1) A project failing to meeting its certification level commitment will face a monetary penalty equal to the percentage of parking reduction multiplied by the value of impact fees assessed.

(2) For projects failing to meet the committed level of certification but which meet a lower level of certification, the monetary penalty will be the difference between the percentage of the level of certification commitment and the level achieved multiplied by the value of impact fees assessed.

(3) For projects failing to meet any level of certification the monetary penalty will be twenty-five (25) percent multiplied by the value of impact fees assessed.

(4) Monetary penalties collected shall be used to fund the green building program.

(g) This subsection does not become effective until the comprehensive plan is updated to allow for increased floor area ratio. Any commercial project that commits to meeting a LEED certification level of Silver or higher may be granted an increase in floor area ratio (FAR) over that currently permitted by the comprehensive plan as follows.

<table>
<thead>
<tr>
<th>Certification Level</th>
<th>Bonus</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Silver</td>
<td>Reduction in parking requirement to allow full buildout of allowed FAR for the proposed site</td>
<td></td>
</tr>
<tr>
<td>Gold</td>
<td>Reduction in parking to allow full buildout under existing FAR limit and increase FAR of 0.1</td>
<td></td>
</tr>
<tr>
<td>Platinum</td>
<td>Reduction in parking to allow full buildout under existing FAR limit and increase in FAR of 0.4</td>
<td></td>
</tr>
</tbody>
</table>

(1) The applicant is required to meet all of the following conditions:
   a. A LEED accredited professional is a member of the design team for the building; and
   b. The building is designed to achieve a LEED Silver, Gold or Platinum rating; and
   c. The building is registered with the USGBC for certification.

(2) Implementation: The commercial green building incentive program shall be implemented as follows:
   a. At the time of site plan submission, the applicant shall be required to submit the LEED scorecard using the most recent version of LEED along with the site plan application. The LEED scorecard shall be accompanied by an explanation of how and why each credit can or cannot be achieved. The scorecard is the documentation supporting the applicant’s request for parking reduction and FAR bonus.
   b. The building registration and other required information shall be filed with USGBC within thirty (30) days of application with the county LEED certification and rating.
c. The proposed site plan (including the requested bonuses) shall undergo the typical review process. If the county supports the project, it shall include appropriate site plan condition language requiring that the green building components identified in the scorecard be constructed or installed in the building.

d. Once the site plan is approved, permit drawings shall be reviewed to ensure inclusion of the approved green building components, which were previously identified in the scorecard. Permits shall not be issued unless approved LEED components are included in the plan drawings. The county may utilize LEED-certified inspectors or professionals during review of the permit drawings and construction of the building.

e. The application for LEED certification and rating shall be submitted to USGBC when the building construction is complete or substantially complete, depending on the credits elected. If during construction of the building, the applicant is unable to include all of the approved green building components previously identified in the scorecard, then the applicant shall be required to replace components not provided with other green building components acceptable to USGBC and the LEED rating system.

f. During plan review and construction, a LEED accredited professional shall provide documentation and submit regular reports to the county ensuring compliance or identifying areas of noncompliance with the LEED standards and scorecard submitted with the application and the approved site plan. If during construction, the applicant is unable to include required green building components, or if the accredited professional finds that the applicant failed to include these components, then the county shall pursue enforcement.

g. The certificate of occupancy shall be issued when the county receives documentation that the project has been LEED certified by USGBC at the LEED certification level committed to in the initial application and construction is consistent with the approved site plan. The applicant is responsible for providing documentation of LEED certification to the county, however documentation should be provided no later than ninety (90) days after the final inspection is completed.

(3) Demonstration of compliance; penalties.

a. Failure to submit documentation of the required LEED certification, is a violation of the land development regulations. The time requirement may be extended by the county building official on a showing of good faith effort to acquire the certification.

b. Failure to comply with the applicant's commitment to earn a LEED certification shall result in a penalty of one-half the value of the building. If the building official determines that the applicant did not demonstrate compliance with its commitment to earn a LEED certification in accordance with this section, the building official may give notice of such determination, and of the calculation of the penalty due, to the applicant.

c. If, within ninety (90) days, or such longer period as the building official may allow for good cause, after initial notice from the building official of a penalty due under this subsection, the applicant demonstrates, through a supplemental report from the independent entity that provided the initial report, that it has made sufficient alterations or improvements to earn the
required LEED certification, or to earn more credits toward such a rating, then the penalty owing shall be eliminated or recalculated accordingly. The amount of the penalty as so redetermined shall be final. If the applicant does not submit a supplemental report in accordance with this subsection by the date required under this subsection, then the amount of the penalty as set forth in the building official's original notice shall be final. The certificate of occupancy shall be withheld until all penalties are paid.

d. All funds received shall be used to support the green building program.

(Ord. No. 2009-020, § 1, 5-12-09)

Sec. 3-2-86 Certification.
Projects shall be certified by an independent third party in accordance with the standards for the rating program indicated in the project application.

(Ord. No. 2009-020, § 1, 5-12-09)

Sec. 3-2-87 Education and training.

(a) The county in conjunction with FSEC, FGBC, Green Globes, NAHB or USGBC shall conduct at least one (1) training workshop per year for the purpose of educating potential or current program participants about the program.

(b) The building construction services department will in cooperation with the economic development office, the tourist development office, the department of environmental and extension services, the Charlotte County Utilities, and any other relevant county department to hold an annual green building expo for the purpose of educating the public as to the options available to make their homes and lifestyle more sustainable.

(c) The county 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.

(d) County building and planning department staff shall be encouraged to attend at least two (2) hours of green building/design training a year if available and funded.

(Ord. No. 2009-020, § 1, 5-12-09)

Sec. 3-2-88. Program review.

(a) [Goals and objectives.] The building and construction services department shall establish measurable goals and objectives for the program.

(b) Staff review. The county shall conduct a review of the program using the established measurements to determine the need for changes in the program to increase it effectiveness.

(c) Frequency. The program shall be subject to review one (1) year after the effective date of this ordinance and thereafter at a frequency of not more than once per year.

(d) Purpose. The purpose of reviewing the program includes but is not limited to updating program incentives, recommending program or marketing changes to the county, reviewing suggestions made by program participants, and annually awarding the green building awards of
the program.
(Ord. No. 2009-020, § 1, 5-12-09)

Secs. 3-2-89--3-2-110. Reserved.
Cocoa Beach, FL

ARTICLE III. ESTABLISHMENT OF STANDARD DISTRICTS

Section 3-15. Special development overlay district (SDOD).

A. **Scope.** The SDOD is a means of land regulation which promotes development of a parcel or parcels of land to achieve efficient utilization of that land for the purpose of improving the physical, social, and economic character of the city.

The location of and need for a SDOD shall be established by the city based on the need for special protective measures in the area where a SDOD is proposed. The underlying land uses in the area, as determined by the future land use map of the comprehensive plan, remain undisturbed by the creation or application of this district.

The application of flexible land use controls to the development of land is often difficult or impossible with pre-existing traditional zoning district regulations. In order to permit the use of more flexible land use regulations and to facilitate use of the most advantageous techniques of land development, it is often necessary to establish conditional or alternate uses and development requirements that will apply to different zoning districts. These uses are encouraged as alternatives to traditional land uses allowed within each zoning district.

The following regulations shall be applicable to the zoning of all SDODs.

B. **Purpose and intent.** The SDOD requires that a development agreement between the applicant and the city be duly approved by the city prior to an special district overlay becoming effective. The SDOD incorporates a more flexible management structure for negotiation and coordination of private sector development objectives, which may be inconsistent with conventional zoning district design provisions, but consistent with public sector neighborhood and community preservation goals, objectives and policies that seek to preserve existing neighborhood patterns of design. Specifically, the purpose of a SDOD is to:

1. Achieve high standards in the quality of urban design amenities within residential and non-residential developments by encouraging the redevelopment and infill of land that will stabilize and reinforce property values to protect private and public investment.

2. Promote efficient use of land by facilitating more cost effective, flexible and creative concepts that will reverse or halt neighborhood decline and upgrade housing quality.

3. Stimulate opportunities for varied development types and a mixture of land uses that would not be possible through conventional zoning districts.

4. Preserve and reinforce the natural, historic, and architectural qualities of the community where they are important and create new architectural and design development that will establish and enhance aesthetic and architectural compatibility within neighborhoods and commercial areas.

5. Attract residential and business development and redevelopment by establishing neighborhood and commercial conditions that make for an aesthetic and pleasant living and working community.

6. Provide a mechanism for permitting architecturally integrated subdivision such as "Townhouses" and other uncommon land ownership developments.

7. **Promote and implement sustainable development practices and design including, but not limited to, application of Leadership in Energy and Environmental Design (LEED) Green Building standards and construction for structures built within a SDOD.**

The SDOD is intended to encourage the accomplishment of a more complete living environment through the application of enlightened and imaginative approaches to site development planning and shelter design. This alternative permits the introduction of a variety of architectural solutions; provides for historic preservation as well as the preservation of natural and scenic areas; fosters original approaches to meaningful integration of old and new development within a proposed (re)development area or proposed infill development; establishes neighborhood identity and focus; and ideally provides for the compatible coexistence of man with his neighbor and environment.

Although the SDOD provides opportunities for unique concepts, a SDOD shall comply with the neighborhood character as recommended by the planning board and promoted by the city commission and shall be designed to integrate new development or redevelopment through compliance with the regulations established in this article.
Sec. 13-320. Green building construction.

(a) Purpose and intent. The city has determined that the demolition, construction, and maintenance of buildings within the city has a significant impact on the city's environmental sustainability, resource usage, and the health and productivity of the residents, workers, and visitors. Green building construction increases the efficiency with which buildings and their sites use and harvest energy, water, and materials thereby reducing building impacts on human health, the environment, and the city. The city has also determined that the use of certified green building professionals during the design and planning of a project can significantly improve the sustainability of the finished product and the efficiency at which it is implemented.

(b) Development requirements for all new development or redevelopment applications. Development requirements for all new development or redevelopment applications are as follows:

1. All new development or redevelopment applicants must retain a LEED accredited professional within their planning and design team.

2. All new development or redevelopment applications shall address the following green building components at time of development application submittal as indicated in subsection (c).
   a. Sustainable site development.
      2. Construction site materials recycling.
      3. Stormwater management.
      4. Alternative transportation.
      5. Minimizing heat island effect.
   b. Water efficiency.
      1. Innovative water technologies.
      2. Water efficient landscaping.
   c. Energy efficiency.
      1. Minimum energy performance.
      2. On-site renewable energy.
   d. Indoor environmental quality.
      1. Indoor air quality.
   e. Materials and recycling.
      1. Recycling of demolition waste.
      2. Storage and collection of recyclables post-occupancy.
      3. Building reuse.
      4. Regional materials.

3. Property owner must maintain green building components for the life of the building.

(c) Submittal requirements.

1. At the time of site plan submittal, property owner shall provide a written letter addressing each component listed in subsection (b)(2). The letter must identify in detail how the property owner intends to demonstrate green building within the proposed site and building(s). Site plans shall indicate compliance in the form of notes, drawings, or any other form of details. In addition, the application shall
include a checklist for each green building item and indicate how each item will exceed the requirements of the Florida Building Code and other applicable codes.

Concurrent with site plan submittals and building permit submittals, appropriate documentation shall be provided identifying the LEED accredited professional on the applicant's team.

(3) At time of building permit submittal, property owner shall provide a checklist for each green building item identified during the site planning process. The checklist must indicate how each item will exceed the requirements of the Florida Building Code and other applicable codes.

(d) Applicability.

(1) All new commercial, office, industrial, hotels, and civic uses are subject to green building construction requirements.

(2) All new mixed-use projects. For the purpose of this section, a mixed-use project is defined as any project that contains a development program of residential and non-residential uses within the project boundaries and is submitted under a mixed-use zoning classification.

(3) All new residential uses, except one (1) single family home on an existing platted lot with an agricultural district (A-1) or residential single family detached district (RS-1) classification.

(e) Alternatives.

(1) As an alternative to this section, projects can fulfill the green building requirements by obtaining certification through an outside organization. A valid certification must be obtained by one (1) of the following organizations to be exempt from this section:

   a. United States Green Building Council (LEED).
   Florida Green Building Coalition, Inc.

(2) At time of site plan submittal, property owner must provide a letter stating the intent to construct a green building project and identify the certification organization.

(3) At time of building permit submittal, the property owner must provide appropriate documentation demonstrating the progress of certification and tentative certification timeframe.

(4) Proof of certification must be provided to the development services department no later than eighteen (18) months from final building certificate of occupancy.

(5) Property owner must maintain certification for the life of the building. Certification status and procedures shall be determined by the organization certifying the building(s).

(f) Exemptions.

(1) Accessory buildings in any zoning district with a building floor area less than five thousand (5,000) square feet.

(2) Mobile homes.

(3) Additions on residential homes.

(4) Addition on nonresidential structures where the addition does not exceed fifteen (15) percent of total floor area of existing structure(s) on site.

(5) Demolitions of less than one thousand five hundred (1,500) square feet.

(Ord. No. 2007-040, § 2, 1-10-08)
For the purposes of this chapter, unless otherwise provided, the following terms shall have the meanings indicated. When not inconsistent with the context, words used in the present tense include the future, words in the singular number include the plural and words in the plural number include the singular number. The word "shall" is always mandatory and not merely directory. The word "used" shall include arranged, designed, constructed, altered, converted, rented, leased or intended to be used. The word "land" shall include water surface and land under water. Definitions pertaining to landscaping are located in section 250832 under definitions.

* * *

**LEED**: The certification process for sustainable construction as developed and maintained by the United States Green Building Council, which stands for Leadership in Energy and Environmental Design.
Sec. 2-1258. TJIF incentives.

The total TJIF award is based on the number of new jobs created and the amount of countywide ad valorem property taxes, excluding debt service, and countywide portion of sales taxes paid per annual amounts addressed in the approved application/agreement. The TJIF award is tentatively ascertained, pending Board approval, during application processing by entering application information into the Economic Impact Model. Miami-Dade County will provide a qualifying Company up to $9,000.00 per new job in TJIF incentives as follows:

a. Up to $3,000.00 for each new job.

b. Up to $1,500.00 bonus for each new job if the Company is located in a Designated Priority Area.

c. Up to $1,500.00 bonus for each new job if the employee resides in a Designated Priority Area.

d. Up to $1,500 bonus for companies that operate their businesses out of buildings or facilities that qualify as "green construction" and/or that incorporates alternative energy systems. Specifically, a company can receive a bonus of up to $1,000 if the Company operates its business out of a building or facility which qualifies as "green construction" and is certified through the Leadership in Energy and Environmental Design (LEED) Green Building Rating System by the Florida Green Building Council or the U.S. Green Building Council; and an additional bonus of up to $500 if the Company operates its business in a building or facility which incorporates solar thermal, photovoltaic, fuel cell, and/or cogenerating energy generation. The alternative energy systems, with the exception of solar thermal, must be grid interconnected to the local utility to qualify.

e. Up to $1,500 bonus, if the company is in the business of Solar Thermal and Photovoltaic Manufacturing, Installation and Repair.

Consideration for award within a municipality or unincorporated Miami-Dade County will be evaluated and reported to the Board on a case-by-case basis.

A capital investment TJIF award may be provided to a Company when the minimum number of New Jobs has been created and when new capital investment by and/or for the Company exceeds $3 million in taxable property value. For a period of up to six (6) years (or longer as may be determined by the Board), the Company may receive said capital investment TJIF awards in the amount of eighty (80) percent of the amount of countywide ad valorem property taxes paid-in on the subject property and one hundred (100) percent of the amount of countywide ad valorem property taxes paid-in on the subject property if it is located in a Designated Priority Area. This award is not applicable to the ad valorem property taxes paid-in on the subject property's land value nor to any improvements in place prior to the project.

A Company may not receive award payments of more than twenty-five (25) percent of the total awards specified in the approved application/agreement in any fiscal year even if all the New Jobs are created in one (1) year. Further, a Company may not receive more than $1.5 million in awards in any single fiscal year, or more than $2.5 million in any single fiscal year if the project is located in a Designated Priority Area. A Company may not receive more than $5 million (or a higher amount as determined by the Board for any company funded from this Program after June 1, 2005) in award payments in all fiscal years, or more than $7.5 million (or higher amount as determined by the Board for any company funded from this Program after June 1, 2005) if the project is located in a Designated Priority Area. Further, the total award is capped by the lower of the above or the total of the applicable ad valorem property and sales taxes paid-in as a result of the project. Additionally, a Company cannot receive both a TJIF award and Enterprise Zone Tax Abatements unless the TJIF award is in excess of the Abatement; a Company cannot receive both the TJIF award on large capital investment taxes paid-in and the TJIF regular ad valorem property tax funded award; and, while a Company can receive both a tax refund under the State of Florida Qualified Target Industry Program and a TJIF award at the same time, it cannot receive more than an amount equal to what it has paid-in under the project at any time.

(Ord. No. 00-98, § 9, 7-25-00; Ord. No. 02-251, § 1, 12-3-02; Ord. No. 05-91, § 2, 5-3-05)

The definitions listed in chapter 28 (Zoning) of the City Code shall apply to this article, in addition to the following definitions. In the event of a conflict between the definitions of chapter 28 and the definitions of this article, the definitions of this article shall apply.

(14) LEED: The U.S. Green Building Council rating system for environmentally sustainable buildings also known as leadership in environmental energy and design.
Sec. 12-32.514. Massing and articulation.

(A) Intent. Massing refers to the bulk plane of a building. The perception of building mass is influenced by the building's distance from the street, its height relative to its width, whether height is reached in one or multiple vertical and/or horizontal planes, and the spacing between buildings. Articulation refers to the treatment of a building's facade. A blank facade has no articulation. A facade with substantial fenestration, balconies, character lines, columns, etc. is highly articulated. Buildings are the face of the town. Their form, quality, interest, function, and style all serve to define the character of this place.

(B) Principles.

... (3) Where possible, rooftops should be designed to accommodate various forms of human activity such as sun decks, tennis courts, gardens, outdoor cafes, etc. Roof surfaces not allocated to human activity should be finished with a surface material that does not affect the quality of views from surrounding buildings or site lines from taller buildings should be directed way from unsightly rooftops. All rooftop mechanical equipment, stair, and elevator towers should be designed as an integral part of the building volume and/or adequately screened. Rooftops designed and used to hold topsoil and landscape...
Sec. 12-32.526. Green building.

(A) Intent and Purpose. This section is an introduction to the elements of LEED and Green Building recommended by the Town of Davie. It is encouraged that the guidelines below are understood prior to submitting for this incentive based section of the regulations. For more information please refer to United States Green Building Council’s (USGBC) www.usgbc.org/LEED website.

(1) What is a Green Building?
• A sustainable building that emphasizes state of the art strategies for sustainable site development, water savings, energy efficiency, materials selection, and indoor environmental quality.

(2) Who ranks the Green Buildings?
• United States Green Building Council’s (USGBC ) LEED ranking system which is voluntary, consensus-based national standard for developing high-performance, sustainable buildings.

(3) How are Green Building principles used for developing the RAC?
• The Town of Davie wants to encourage responsible development through an incentive program that will further enhance the area, compatibility and will utilize environmental and sustainable building techniques.
• The incentives will allow flexibility in development regulations not currently allowable.

(4) What incentives are offered?
• Flexible height allowances
• Flexible setback allowances
• Waving construction fees

(B) GREEN Building and Site Plan Benefits.

(1) Economic benefits.

(a) Reduces operating costs of building or business.
• Tax credits and incentives
• Reduces energy use. Electricity use from HVAC and lighting, as much as seventy five (75) percent
• Freshwater consumption
• Wastewater output
• Solid waste generation
• Greater durability of buildings and materials
(b) Increases business or property value.
• Increases retail sales (as much as six (6) percent)
• Increases real estate value
• Enhances marketability (quicker lease or sale)
(c) Improves employee relations.
• Improves productivity (as much as eighteen (18) percent)
• Less absenteeism
• Reduces employee turnover
• Easier recruiting  
• Increases learning  
• Faster recovery from illness  

(2) **Social benefits.**  
(a) Improves public health by improving water, air, and indoor lighting quality.  
• Reduces demand on public services (power, water, storm water, waste, etc)  
• Reduces dependence on automobile  
• Improves health through walkable communities  
• Increases use of local businesses and materials  
• Improves quality of life  

(3) **Environmental benefits.**  
(a) Improves air quality.  
• Reduces use of energy, which is produced by burning fossil fuels  
• Selecting materials without VOCs (Volatile Organic Compounds)  
(b) Improves water quality by cleaner storm water runoff.  
(c) Reduces global warming.  
• Reduce carbon dioxide from reduces automobile dependence  
• Avoid HCFC (hydro chlorofluorocarbon) and HFC (Hydro Fluorocarbon) refrigerants  
(d) Reduces impacts of resource extraction.  
• Select sustainable materials versus mining and deforestation  
(e) Improves and increases wildlife or vegetative habitat.  
• Recreate or restore habitat on site  
• Selecting products that have been produced sustainable  
(f) Reduces urban heat island effect (reflective or green roofs).  

(C) **GREEN Building and Site Plan Components.**  

**Intent.** These are issues that developers will need to consider in becoming LEED certified, but are also strongly encouraged to be considered without certification. These particular issues are addressed because they highlight the major issues that the town wishes to encourage through the use of incentives.  

(1) **Building Requirements.**  
(a) All Buildings in the RAC seeking LEED certification will be required to meet the prerequisites listed below. Incentives will be offered through the incorporation of Green Building Principals as developed by the United States Green Building Council (USGBC), Florida Green Building Council (FGBC) & Leadership in Energy and Environmental Design (LEED).  
(b) Green Building Incentive Program—Seven (7) main prerequisites:  
1. Erosion and Sedimentation control.  
2. Fundamental Building Systems Commissioning.  
4. CFC (Chlorofluorocarbons a.k.a. "Freon") Reduction in HVAC & R (Heating Ventilation Air Conditioning & Refrigerant) Equipment.

5. Storage and Collection of Recyclables.


7. Environmental Tobacco Smoke Control.

(c) Amendments to the FGBC (Florida Green Building Council) and LEED requirements will be enforced at the time of site plan review.

(2) Reducing Urban Heat Islands (LEED Sustainable Site Credit 7).

(a) An urban heat island (UHI) is a metropolitan area which is significantly warmer than its surroundings. As population centers grow in size from village to town to city, they tend to have a corresponding increase in average temperature. Traditional dark non-reflective surfaces for parking lots, roofs, walkways and other surfaces absorb solar radiation and radiate it back to surrounding areas. The Environmental Protection Agency says: "On hot summer days, urban air can be between two (2) and ten (10) degrees Fahrenheit. 2-10°F [2-6°C] hotter than the surrounding countryside." This increases local HVAC equipment cooling energy consumption. This effect can be mitigated through the use of shading and the use of light colored materials that reflect the solar radiation.

(b) To achieve credit for reducing the Urban Heat Island:

1. Use Energy Star compliant roofing (highly reflective).
2. Use roofing with high emittance rating.
3. Install a "green" roof (vegetated) for at least fifty (50) percent of the roof area.

(3) Light Pollution (LEED Sustainable Site Credit 8).

(a) Light Pollution is light that has "escaped" the area intended for its use and instead lights an area that is better left undisturbed. Light pollution causes problems in reducing the visual access to the night sky, disturbing the nocturnal environments, and it causes substantial energy costs over the lifetime of a building that could be avoided. The town has the right to over-ride this for any needs of their own: wayfinding, signage, safety, security, etc.

(b) To achieve credit for reducing light pollution:

1. Eliminate all unshielded fixtures.
2. Minimize up lighting.
3. Utilize down lighting.
4. Employ a lighting professional to assess the projects lighting needs.
5. Light only areas that require it.

(4) Storm Water Management.

(a) The Davie RAC is part of a larger water management system called CBWCD (Central Broward Water Control District). Many property owners within the RAC live on property that is either adjacent to a community lake or one of the district's secondary canals. While these lakes and canals can lend a pleasant appearance to neighboring property, it is important to remember that, first and foremost, they exist for the purposes of storm water storage and drainage.

(b) The goal of the Town of Davie is that new development will not disrupt any of the natural water flows but will increase on-site filtration and eliminate contaminants. To achieve this objective the town new developments to utilize the benefits of:

1. Pervious materials as a substitute to concrete and asphalt; pervious paving vs.
impervious paving (LEED sustainable Site credit 6)
• Pervious materials are able to absorb surface water rather than shedding the water.
• Pervious materials are cooler for the reducing surface heat radiation.
• Pervious materials reduce the need for curbs and gutters as drainage structures.

2. Aquascaping areas of water run-off
• Serves to catch, trap, and filter pollutants within water runoff.
• Aides in controlling erosion of water body banks and filter pollutants within water runoff areas.

(5) Potable Water Conservation.
Importance of water . . . a community that can conserve water will be a positioned for adapting to the future.

Water efficient landscapes
Native plantings
Buildings should employ the use of innovative wastewater technologies such as low flow fixtures and waterless fixtures where possible. Current codes do not allow for the use of greywater or blackwater systems. Lower water usage will result in lower water connection fees.

(6) Reduced Site Disturbance (LEED Sustainable Site Credit 5).
The intent of this regulation is to conserve existing natural areas and restore damaged areas to provide habitat and promote biodiversity.

The requirements for this regulation involve reducing the development footprint (defined as entire building footprint, access roads and parking) to exceed the local zoning's open space requirement for the site by twenty-five (25) percent. For areas with no local zoning requirements like the university campuses, designate open space area adjacent to the building that is equal to the development footprint.

(7) Alternative Energy.

(8) Alternative Transportation (LEED Sustainable Site Credit 4).
A critical part of this plans long term success will be determined by how well new developments provide opportunity for people to use alternative modes of transportation. Proposed bus routes have been proposed in the RAC master Plan study. These routes are encouraged to create a park once philosophy for those visiting the RAC. We also to encourage pedestrian links to bus routes and bicycle racks to allow persons to utilize as many modes of transportation as possible.

(Ord. of 2-6-08, § 1(Exh. A))

Sec. 12-32.527.
Davie, FL
ARTICLE VIII. SIGNS, LIGHTING
Sec. 12-260. Lighting standards.

F. Lamp Type and Shielding Requirements per Fixture.

2. Landscape Lighting for Multi-Family and Commercial Buildings. Landscape lighting for commercial buildings is the only non-exempt lighting that may utilize uplight. However, the maximum initial illuminance value for this specific application, must adhere to the U.S. Green Building Council's latest version of LEED for New Construction and Major Renovation - Sustainable Site Credit 8 which limits the amount of uplight footcandles per the lighting zone the project is in.

(Ord. No. 2009-6, § 3, 2-4-09)

Sec. 12-262. Night sky regulations.

A. Intent and Purpose. The intent of this section is to minimize light pollution for the enjoyment and use of property and the night environment by the residents of the Town of Davie. It is also the intent of this section to encourage lighting practices and systems which will: minimize glare, light trespass and overlighting; conserve energy and resources while maintaining night-time safety, utility, security, and productivity; and curtail the degradation of the night time visual environment.

B. Applicability. All outdoor lighting shall be installed in conformance with the provisions of this section (12-262) as follows.
ARTICLE III. GREEN BUILDING PROGRAM

Sec. 18-66. Short title.

This article shall be known as the "Deltona Green Building Program" which shall be designated Chapter 17, Sections 1 thru 19 [Article III, sections 18-66 through 181-81].


Sec. 18-67. 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.

FGBC: An 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.

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 gold, silver, bronze, and certified can be achieved.

Florida Green Lodging: A program by the Florida Department of Environmental Protection to designate lodging establishments as "green" for following environmentally sensitive operating procedures.

Florida Solar Energy System Incentives Program: A program of state law providing for rebates for the installation of qualified solar energy systems, codified at F.S. § 377.806.

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.

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.

GHDS: An acronym for the Green Home Designation Standard of the Florida Green Building Coalition, Inc.

Green architecture: A building and structure design philosophy that aims at minimal use of non-renewable and/or polluting materials and resources in the construction and use of an energy efficient facility.

Green building: A designation given to buildings that have achieved the requirements of the green building rating system defined in this green building program.

Green Building Program: The program outlined in this article for obtaining incentives for green buildings and developments.

Green development: A development approach that goes beyond conventional development practice by integrating the following elements: sustainability, environmental responsiveness, resource efficiency, sensitivity to existing culture and community.

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.

Sustainable construction: The process of environmentally sensitive, resource efficient site selection, preparation, design, construction, and operation of buildings.

USGBC: An 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. 18-68. Purpose and intent.

The purpose is to establish goals; programs and procedures that will help the City of Deltona 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 City's performance towards its environmental goals. This program will promote economic and environmental health in the City of Deltona, 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 goals of the Deltona Green Building Program are:

(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; and
   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 city 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 city through measurable objectives;
   b. Track and analyze key indices to measure performance;
   c. Commit the city to achieve green designations;
   d. Provide incentives for voluntary compliance; and
   e. Provide green building educational opportunities for the community.

Sec. 18-69. Government leadership.

To demonstrate the city's commitment to a green building program, the city shall:

1. Become and maintain a Gold level FGBC Local Government designation:
   a. For any civic or office project undertaken by the City of Deltona, the city is expected to participate in the green development program;

2. Commit to sign the U.S. Mayors Climate Protection Agreement (as endorsed by the 73rd Annual U.S. Conference of Mayors meeting, Chicago, 2005);

3. Track and report the government's monthly water and energy use; and

4. Publish an annual report that outlines the city's energy and water use for the prior year and outlines methodologies for potential reductions in the subsequent year.


Sec. 18-70. Designation of responsibility for administration and implementation.

This program shall be administered by the City of Deltona's Building and Zoning Services Department, which shall be responsible for:

1. Funding the program through annual funds budgeted and appropriated by the city commission or funds generated through resource conservation fees assessed through local water or energy utility bills;

2. 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;

3. Developing any appropriate or necessary application procedures, including but not limited to, the program application form;

4. Writing policies and procedures for staff implementation of the green building program;

5. Providing the certifications for use in the program;

6. Providing an incentive award to any program participant who has successfully satisfied the requirements associated with that incentive; and

7. Resolving disputes that may arise from implementing the program.


Sec. 18-71. Green Building Program applicability.

(a) For all private projects, the program shall be voluntary.

(b) For any new city-owned or leased property, the program shall be mandatory, complying with F.S. § 255.2575(2).

(c) For any renovation of a government building owned or leased by the city undergoing a level III alteration, per FBC, shall comply with this program.


Sec. 18-72. Green building coverage.
The program shall be comprised of the following sub-programs:

1. New residential construction;
2. Residential retrofitting/remodeling;
3. New commercial/non-residential construction;
4. Existing commercial/non-residential construction; and
5. Land developments.


Sec. 18-73. Green Building Standards.

In addition to the Florida Building Code's minimum standards and Volusia County's Water Wise Ordinance (No. 2004-20, section V, 12-16-04), the program shall be administered using standards developed by the Florida Green Building Coalition, or the U.S. Green Building Council. These standards shall apply to each subprogram as follows:

1. **New residential permitted projects:** New residential projects shall satisfy all of the requirements associated with either:
   a. The current Green Home Designation Standard of the FGBC.
   b. The current USGBC LEED for Homes program, including but not limited to, any monetary or certification requirements.

2. **Remodeling of existing homes:** The participant shall meet requirements of remodeling certification for either:
   a. The current Green Home Designation Standard of the FGBC.
   b. The current LEED for Homes program, including but not limited to, any monetary or certification requirements. The home shall meet the requirements for "remodeling" or "existing home" of the designation.

3. **New commercial or institutional buildings:** The program participant shall satisfy all of the requirements associated with the:
   a. Current Green Commercial Designation Standard of the FGBC or
   b. The current LEED for new construction or derived USGBC LEED rating system (e.g. LEED for schools, LEED for health care), including but not limited to any monetary or certification requirements.

4. **Existing commercial and institutional buildings:** The program participant shall satisfy all of the requirements associated with the:
   a. The current Green Commercial Designation Standard of the FGBC or,
   b. The current LEED for existing buildings or derived USGBC LEED rating system (e.g., LEED for schools, LEED for health care) program including but not limited to any monetary or certification requirements.

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

6. **Green practices supersede conflicting covenants and deed restrictions:** Installation of energy devices based on renewable resources shall not be restricted in compliance with F.S. § 163.04 (Energy
devices based on renewable resources).


Sec. 18-74. Tiered qualification.

A project certified by the Florida Green Building Coalition may qualify for one of four levels: Certified, Bronze, Silver or Gold. A project certified by the U.S. Green Building Council may qualify for one of four levels: certified, silver, gold or platinum. Incentives will correspond to the certification level achieved.


Sec. 18-75. 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 construction the city's general government shall provide the following incentives:

a. Fast-track permitting for building permits. Building permit applications for green buildings shall be accompanied by the appropriate green building program application form;

b. Reduced permitting fees which shall be set by resolution and be printed in Appendix A [of this Code];

c. Expedited land development plan review. Applications for green building projects shall be accompanied by the appropriate green building program application form;

d. Final project designation by the city; and

e. To receive the benefits of these incentives all applications shall be complete.

(2) Marketing for all sub-programs. For any program participant seeking program certification for new residential construction, residential retrofitting/remodeling, new commercial 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; and

d. Press releases.

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

(4) Signage. The City of Deltona, Florida shall allow the following bonuses to the currently allowed signage regulations.

a. A builder may install one temporary construction sign that notes that "This project is a (City of Deltona) Green certified project by (company name)."

b. A developer must meet the City of Deltona, Florida signage regulations but may add the notation, "City of Deltona Green Certified Project" in four-inch letters on project entry monument signage. The addition of this note supplements the space requirements of the City of Deltona, Florida's current signage regulations.
Additional incentives: The city commission may establish additional incentives by resolution.

Sec. 18-76. Certification.

The program shall be subject to certification by a qualified third party who has been trained and certified as a green building certifier by either the Florida Green Building Coalition, or the U.S. Green Building Council. For the purpose of this section of the program, “third party” means any person or entity authorized according to the requirements the Florida Green Building Coalition or the U.S. Green Building Council.

Sec. 18-77. Jurisdiction participation.

For any civic or office project undertaken by the City of Deltona, Florida the City of Deltona, Florida shall participate in the Deltona Green Building Program.

Sec. 18-78. Education and training.

(a) The city in conjunction with FGBC or USBGC shall conduct at least one training workshop per year for the purpose of educating potential or current program participants about the program.

(b) The city 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) The personnel of the building and zoning services department and planning and development department shall be encouraged to attend at least four hours of green building training a year.

Sec. 18-79. Index and report.

The goals and objectives of the program listed in section 18-68 and their status shall be recorded, analyzed and reported to the elected governing body of the City of Deltona. The Director of Building and Zoning Services/Building Official for the City of Deltona shall be responsible for this indexing and reporting.

Sec. 18-80. Program review.

(a) Staff review. The city 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 formally reviewed one year after the effective date of this article 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 city, reviewing suggestions made by program participants, and annually awarding the green building awards of the program.
Sec. 18-81. Conflicting regulations repealed.

All regulations that are in conflict with this article, in whole or in part are hereby repealed to the extent that they are in conflict.


Sec. 18-82 Green practices supersede conflicting covenants and deed restrictions.

Local developers and homeowner association covenant and deed restrictions shall not constrain or be contrary to the relevant items on the FGBC or LEED Green building checklist. In any cases where conflicts may be determined, the conflicting Covenants and Deed Restrictions shall be revised to be consistent with this article.


Secs. 18-83--18-100. Reserved.
ORDINANCE 2009-04

AN ORDINANCE OF THE CITY OF DUNNELLON, FLORIDA, AMENDING APPENDIX A, ARTICLE II, OF THE CODE OF ORDINANCES, CITY OF DUNNELLON, FLORIDA, PROVIDING FOR ADDITIONAL DEFINITIONS; AND AMENDING APPENDIX A, ARTICLE IX, OF THE CODE OF ORDINANCES, CITY OF DUNNELLON, FLORIDA, PROVIDING FOR SECTION 9.3, COMMERCIAL DESIGN STANDARDS; AMENDING CHAPTER 74, SEC 74-106, LANDSCAPE PLAN; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF INCONSISTENT ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Dunnellon has adopted an amendment to the Dunnellon Comprehensive Plan which requires the implementation of commercial design standards; and

WHEREAS, it is in the public interest of the City of Dunnellon to provide for quality design standards for commercial development throughout the City;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DUNNELLON, FLORIDA, AS FOLLOWS:

Section 1. Appendix A, Article II, Definitions, Code of Ordinances, City of Dunnellon, Florida, is hereby amended to include the following definitions:

Florida Friendly Yards – landscaping techniques and use of plants adapted to Florida’s soil and climate conditions. These techniques are intended to reduce the amount of water and fertilizers.

Green building and development – see sustainable building and development.

LEED – Leadership in Energy and Environmental Design · a Green Building Rating System that provides a set of integrated, measurable goals for the design, construction and operation of offices, schools, hospitals and homes developed by the U.S. Green Building Council.

LEED certification provides independent, third-party verification that a building project meets the highest green building and performance measures.

Low impact development – an innovative approach to stormwater management that uses techniques to mitigate negative impacts of development on receiving bodies of water.
Sustainable building and development – use of natural resources without destroying the ecological balance of an area. As used in sustainable buildings and developments, these techniques are energy efficient, minimize waste through recycling and reuse of materials, and attempt to balance cost, environmental, societal, and human benefits during design, construction, and operation.

Section 2. Appendix A, Article IX, Supplemental District Regulations, Code of Ordinances, City of Dunnellon, Florida, is hereby amended to add Section 9.3, Commercial Design Standards, as follows:

Section 9.3. Design Standards for Commercial Development

Section 9.3-1 Standards applicable to all commercial development.
9. All buildings and sites shall be designed to incorporate green building and development technologies that include, but are not limited to, the following:
   a. Use of renewable construction materials.
   b. Use of high performance mechanical equipment and distribution.
   c. Use of low or no volatile organic compounds (VOC) emission building products.
   d. Implementation of on-site stormwater management through low impact development techniques, such as grass swales, bio retention areas, permeable pavers, and rainbarrels and cisterns. Design strategies may be those found in Environmental Protection Agency, Office of Water, *Low Impact Development Design Strategies: An Integrated Design Approach.*
Section 9.3-2 Standards applicable to large scale commercial development.

Large scale commercial developments shall meet the standards for all commercial development in Section 9.3-1, in addition to the standards of this section.
(a) Large scale commercial development is development with 80,000 or more square feet of gross floor area in all buildings on the site, whether a single, freestanding building, or a group of buildings.

(b) Such commercial buildings may be occupied by one (1) tenant or multiple tenants.

(c) Development may be proposed on a single parcel, or two (2) or more parcels.

(d) General requirements.
1. Approval of all large-scale commercial development rezoning and site plan shall be by special exception requiring a recommendation from the Planning Commission and a super majority vote of the City Council.
2. Large scale commercial development plans shall be designed as a single site, regardless of the number of parcels. The design shall integrate the design of accessory uses and structures, including the signage, with the principal features and structures on the site.
3. The commercial development site, whether a single parcel or two (2) or more parcels, shall have a management plan to ensure continual compliance with an approved site plan. Proof of unified control and management shall be provided to the City.
4. Commercial buildings shall be designed to ensure adaptability for reuse. The building design shall include specific elements for adaptation for multi-tenant reuse. Such elements may include compartmentalized construction, including plumbing, electrical service, heating, ventilation, and air conditioning. The building design shall also allow for interior subdivision into separate tenancies.
5. All buildings and sites shall provide Leadership in Energy and Environmental Design (LEED) certification, as defined by the U.S. Green Building Council, a 501(c)3 non-profit organization or a comparable rating system that is approved by the City Council following recommendation by the Planning Commission. Proof of application for LEED certification must be provided with the application and prior to any review. LEED certification must be obtained and provided prior to the issuance of a Certificate of Occupancy. A temporary Certificate of Occupancy may be issued for up to 18 months to allow for LEED certification to be awarded.
Fort Walton Beach, FL

ELEMENT J. PUBLIC SCHOOL FACILITIES ELEMENT

Sec. J.1. Introduction
The 2005 Florida Legislature adopted requirements that strengthen the relationship between land use planning and development, and planning for public schools and availability of school capacity. Under the statewide schedule the Okaloosa County School Board and Fort Walton Beach must work together to establish school concurrency.

The following Goals present the standards with which the School Board evaluates school facilities; an inventory of existing facilities and planned future facilities; an evaluation of the school system based on these standards and determination of need; an analysis of funding; an analysis of coordination between school planning and local land use planning; and Objectives and Policies for such coordination.

Sec. J.2. Goals, Objectives And Policies
The Goals, Objectives and Policies of this element are as follows.

Sec. J.3. Coordinate And Maintain A High Quality Education System
Collaborate and coordinate with the Okaloosa County School Board (School Board) to ensure high quality public school facilities, which meet the needs of Fort Walton Beach's existing and future population.
OBJECTIVE J.3.3 - SUSTAINABLE DESIGN

ENCOURAGE SUSTAINABLE DESIGN AND DEVELOPMENT FOR EDUCATIONAL FACILITIES.

Policy J.3.3.1 - Coordinate with the School Board to continue to permit the shared-use and co-location of school sites and City facilities with similar facility needs, according to the Interlocal Agreement for Public School Facility Planning for Fort Walton Beach, Florida, as it may be amended. Coordinate in the location, phasing, and design of future school sites to enhance the potential of schools as public recreation areas.

Policy J.3.3.2 - Encourage the School Board to use sustainable design and performance standards, such as using energy efficient and recycled materials, to reduce lifetime costs.

Policy J.3.3.3 - Continue to coordinate efforts to build new school facilities, and facility rehabilitation and expansions, to be designed to serve as and provide emergency shelters as required by Section 163.3177, Florida Statutes. Fort Walton Beach will continue to fulfill the requirements of Section 1013.372, Florida Statutes, such that as appropriate new educational facilities will serve as public shelters for emergency management purposes and shall coordinate with the School Board regarding emergency preparedness issues and plans.
Gainesville, FL
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.

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.
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.
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 owed 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.
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.

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.

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).

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.
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 must 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 must 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/non-city 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. For one and two-family residential projects, there shall be reduced building permit fee, which shall equal 75 percent of the fee required for a non-program participant.
   d. For all projects other than one and two-family residential projects, there shall be a reduced development plan review fee, which shall equal 50 percent of the fee required for a non-program participant.

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; Ord. No. 060378, § 1, 1-8-07)

**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)
APPENDIX A SCHEDULE OF FEES, RATES AND CHARGES*

HOME OCCUPATION PERMIT

An application for a permit shall be submitted for each home occupation (section 30-58). Initial filing fee, per application submitted . . . 63.00 per application

Permit processing fee, annually per permit . . . 10.50

Reinspection fee, per permit (required every three years) . . . 52.50

LAND DEVELOPMENT CODE

(2) Planning:

Land use and zoning changes:

d. Petitions for development plan review and an amendment to a development plan, which may be authorized by the appropriate reviewing board, must be accompanied by fees according to this schedule:

1. Concept review (of any plan) . . . 1,157.75
   Fee shall be credited toward the plan review fee if a subsequent petition for development plan review is filed within six months of its concept review.

2. Minor plan review . . . 1,500.00

3. Minor plan review II . . . 2,000.00

4. Intermediate plan review (preliminary plan) . . . 2,800.00

5. Intermediate plan review (final plan) . . . 995.75

6. Intermediate plan review (preliminary plan and final plan as one submittal) . . . 3,500.00

7. Major plan review . . . 3,994.00

8. Amendments to development plan--board review . . . 1,500.00

9. Amendments to development plan--staff review . . . 1,200.00

10. For any plan review that requires submittal of a traffic study, the following additional fees shall apply:

   (a) "Minor" traffic study (as defined in the City of Gainesville Traffic Study Guidelines) review fee . . . 1,000.00

   (b) "Major" traffic study (as defined in the City of Gainesville Traffic Study Guidelines) review fee . . . 2,000.00

These traffic study review fees include up to three reviews per development plan. Additional reviews require payment of an additional fee at the full amount stated above for which petitioner will receive an additional three reviews, if necessary.

All development plan review which are for a non-one or two-family residential project certified under the Gainesville Green Building Program (Article I.5) shall be reduced by 50 percent.
PART 12.01.00 DEFINITIONS

Green Development: Those sustainable developments that have received third party certification as green developments by the Florida Green Building Coalition (FGBC) under the Green Development Standard, by a National Association of Home Builders (NAHB) Green Development Standard, or by the United States Green Building Council (USGBC) under the Leadership in Energy and Environmental Design Neighborhood Development (LEED ND) certification program.

Hillsborough County, FL
Section 4.0 Procedures for Issuance of Development Permits Admin. Review

Sec. 4.1.4.1.2.2.1 Preliminary Plat Review

A. General Description

A platted subdivision for which improvement facilities are required or proposed to facilitate development of subdivision and to determine that the concept for development can potentially comply with the subdivision regulations.

E. Review Procedures

1. The preliminary plat review serves only to show compliance with standards, and does not imply acceptance of final improvement facilities design drawings (i.e., construction plans), or final platting which must conform to these regulations.

2. Within three (3) working days of receipt of the preliminary plat submittal, copies shall be forwarded to reviewing entities as set forth in this manual.

3. Fifteen (15) working days will be given to the entities for review. Within nine (9) working days from the end of the fifteen-day comment period, the development review committee shall meet with the applicant. The preliminary plat shall be either approved, approved with conditions, or required to be resubmitted to address comments. Green Development, Affordable Housing, and Economic Development projects shall be granted a review in half of the normal working time. A completed checklist for the project which is proposing to meet a green development certification from the USGBC (U.S. Green Building Council), FGBC (Florida Green Building Coalition), or NHBA (National Home Builders Association) must be included with the submittal at the time of application for green development projects. Persons or corporations who fail to keep their commitments may be deemed ineligible for any future expedited reviews as determined by the Administrator and with a concurrence of the Director of the Planning and Growth Management Department.

4. If the preliminary plat requires resubmittal, the applicant shall submit revised plats to be reviewed by the applicable reviewing entities within sixty days to continue in the process. The applicant shall specify the revisions in response to the review entity comments on a transmittal letter attached to the revised plats. The reviewing entities shall review the plats within five (5) working days.

5. The preliminary plat shall conform to the standards set forth in the regulations and if applicable shall demonstrate compliance with the general development plan and other zoning conditions and requirements under the planned development regulations. The preliminary plat shall be consistent with the approved general development plan, all commitments made and restrictions placed on the approved general development plan, and any documents, graphics, maps, or other such information provided as part of the official record for the approval of the planned development district.

6. If after six (6) months from the date of the preliminary plat approval construction plans have not been submitted, the preliminary plat approval shall expire. Otherwise, the applicant shall have one year from the date of the preliminary plat approval to obtain construction plan approval.

...
Sec. 4.1.4.1.2.2 Subdivision Construction Plan Review

A. General Description

Construction plans indicate improvement facilities planned for the subdivision designed in accordance with technical standards and in compliance with the approved preliminary plat.

E. Review Procedures

1. Within three (3) working days of receipt of the submittal package, copies of the package shall be forwarded to the reviewing entities.

2. Twenty (20) working days will be given to the entities for review. Within five (5) working days from the end of this comment period, the Development Review Committee (DRC) shall meet with the applicant. The subdivision construction plan shall be either approved, approved with conditions, or required to be resubmitted. Green Development, Affordable Housing, and Economic Development projects shall be granted a review in half of the normal working time. A completed checklist for the project which is proposing to meet a green development certification from the USGBC (U.S. Green Building Council), FGBC (Florida Green Building Coalition), or NHBA (National Home Builders Association) must be included with the submittal at the time of application for green development projects. Persons or corporations who fail to keep their commitments may be deemed ineligible for any future expedited reviews as determined by the Administrator and with a concurrence of the Director of the Planning and Growth Management Department.

3. If the subdivision construction plan requires resubmittal, the applicant shall submit revised plans to the Administrator to be reviewed by the applicable reviewing entities. The applicant shall specify the revisions in response to the review entity comments made on a transmittal letter attached to the revised plans. The reviewing entities shall review the plans within ten (10) working days.

4. The applicant shall obtain all necessary local, state, and federal permits for the construction of the proposed improvements. No construction activity shall be permitted within existing right-of-ways until a Right-of-Way Use Permit is obtained.

5. Upon approval of the subdivision construction plans by all reviewing entities, the applicant shall be notified in writing by the Administrator within three (3) working days following the designated reviewing period. Approval of the subdivision construction plans shall not relieve the Engineer of Record of any responsibility.

6. No land alteration or construction activity shall be permitted on the property until a natural resources/landscaping permit has been issued based on the following:
   - construction plan approval,
   - proof of a protective tree barricade inspection, if applicable,
   - approved SWFWMD permit or predevelopment permit, if applicable.

7. The approved construction plans shall be released to the applicant upon payment of all applicable fees.

....

Sec. 4.1.4.1.2.2.3 Final Plat Review

A. General Description

The final plat indicates the final lot and street layout of the subdivision. Securities are posted at the time of request for acceptance.

B. Cross Reference to Land Development Code
Sections 5.01.02.B.2 and 10.01.05.C.3

E. Review Procedures

1. The purpose of the final plat is to indicate the final recorded lot and street layout of the subdivision. The final plate is reviewed administratively and approved by the BOCC, and thereafter recorded in the public records of Hillsborough County. Once reported it cannot be altered. Securities are generally posted at the time of a request for final plat recording.

2. The final plat may be submitted concurrent with improvement facilities construction plans. However, the final plat shall not be approved until the improvements facilities construction plans are approved.

3. Within three (3) working days of receipt of the submittal package, copies of the package shall be forwarded to the reviewing entities.

4. Ten (10) working days will be given to the entities for review. The final plat shall be either approved, approved with conditions, or required to be resubmitted. Green Development, Affordable Housing, and Economic Development projects shall be granted a review in half of the normal working time. A completed checklist for the project which meets a green development certification from the USGBC (U.S. Green Building Council), FGBC (Florida Green Building Coalition), or NHBA (National Home Builders Association) must be included with the submittal at the time of application for green development projects. Persons or corporations who fail to keep their commitments may be deemed ineligible for any future expedited reviews as determined by the Administrator and with a concurrence of the Director of the Planning and Growth Management Department.

5. If the final plat requires resubmittal, the applicant shall submit revised plats to the Administrator to be reviewed by the applicable reviewing entities. The applicant shall specify the revisions that have been made on a transmittal letter attached to the plats. The reviewing entities shall review the plats within five (5) working days. In the event of conflicting comments from the reviewing entities, the Administrator shall attempt to resolve those conflicting comments with the entities and, if necessary, consult with the applicant.

6. The Administrator's decision may be appealed pursuant to Section 10.05.01 of the LDC.

When platting prior to construction, and upon receipt of the improvement facilities construction plans, final plat for recording, receipt and approval of subdivider's agreement for construction of improvement facilities, and the performance bond, the Administrator shall submit the project to the BOCC for final plat approval.

7. When constructing prior to platting, and upon approval of the final plat and receipt and approval of the subdivider's agreement for warranty of improvement facilities and the as-built acceptance package per Section 5.02.03, the Administrator shall simultaneously submit the request for acceptance of improvement facilities, subdividers' agreement and warranty bond, and the final plat to the BOCC for approval.

8. Whenever land comprising all or part of an existing subdivision plat of record is proposed as all or part of a new subdivision, all or part of the existing plat shall be properly vacated through BOCC resolution prior to BOCC approval of the final plat. BOCC approval of vacating any plat, either in whole or in part, shall be contingent upon a showing that the persons making the application for said vacation own the fee simple title to the whole or that part of the tract covered by the plat sought to be vacated. It must be further shown that the vacation by the BOCC will not affect the ownership or the right of convenient access of persons owning other parts of the subdivision.

9. All necessary easements required for the plat shall be submitted and approved by the County Real Estate Department prior to acceptance of the plat.

10. The applicant shall be notified in writing by the Administrator within three (3) days of BOCC action.
11. The BOCC's approval does not operate as a warranty to individuals who may be damaged by the violation of these regulations nor as a malpractice insurer for the applicant.

12. Within five (5) working days of the BOCC's approval of a final plat, the Administrator shall...

Sec. 4.1.4.1.3 Private Subdivisions

A. General Description

The purpose of a private subdivision is to allow for the development of single-family lot subdivisions containing streets, stormwater facilities, and utility facilities which are to be privately owned and maintained and not dedicated to the County.

B. Cross Reference to Land Development Code

Sections 5.01.02 and 10.01.05

E. Review Procedures

1. The review procedures for subdivisions to be dedicated for public use shall be followed.
2. All requirements of this manual shall be met with the exception of the subdivider's agreement for warranty and the warranty bond.

(Res. No. R05-289, § 1(Item #5), 12-13-05, eff. 1-1-06)

Sec. 4.1.5 SITE DEVELOPMENT

A. General Description

Site development regulations establish procedures and standards for the review of construction activities and site development, except for single-family and duplex residential development, and Community Residential Facilities Type A. Construction activity upon the land is an element in the process of community development. Such activity impacts public utilities, facilities, roadways, and adjacent land and their use. In the interest of the public health, safety, and welfare, it is necessary that these activities be carried out in a proper and orderly fashion and in accordance with Hillsborough County standards.

Cross Reference to Land Development Code Section 5.02.00

Sec. 4.1.5.1.1 Preliminary Site Development Plan Review

A. General Description

The preliminary site development plan is used to develop the horizontal control plan for the site with regard to the general zoning requirement for setbacks, parking and bulk requirements.

B. Cross Reference to Land Development Code

Sections 5.02.00 and 10.01.06.B

E. Review Procedures

1. Preliminary site development plan approval is required prior to the submittal of site development construction drawings, except for projects meeting the criteria for minor site development review.
2. The applicant shall make application for preliminary site development plan review on forms provided by the Administrator and shall provide such information as set forth in this manual.
3. Within three (3) working days of receipt of the submittal package, copies of the package shall be forwarded to the reviewing entities as set forth in this manual.
4. Fifteen (15) working days will be given the entities for review. Within nine (9) working days from the end of this fifteen-day comment period, the DRC shall meet with the applicant. The preliminary site development plan...
shall be either approved, approved with conditions, or required to be resubmitted to address comments. Green Development, Affordable Housing, and Economic Development projects shall be granted a review in half of the normal working time. A completed checklist for the project which is proposing to meet a green development certification from the USGBC (U.S. Green Building Council), FGBC (Florida Green Building Coalition), or NHBA (National Home Builders Association) must be included with the submittal at the time of application for green development projects. Persons or corporations who fail to keep their commitments may be deemed ineligible for any future expedited reviews as determined by the Administrator and with a concurrence of the Director of the Planning and Growth Management Department.

5. If the preliminary site development plan requires resubmittal, the applicant shall submit revised plans to be reviewed by the applicable reviewing entities within sixty days to continue in the process. The applicant shall specify the revisions that have been made on a transmittal letter attached to the revised plans. The reviewing entities shall review the plans within five (5) working days.

6. The preliminary site development plan shall conform to the standards set forth in these regulations and, if applicable, shall demonstrate compliance with general site plan and other zoning conditions and requirements under the planned development regulations.

7. If after six (6) months from the date of preliminary site development plan approval a site development construction plans have not been submitted, the preliminary site development plan approval shall expire. Otherwise, the applicant shall have one year from the date of the preliminary site development plan approval to obtain site development construction plan approval.

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Sec. 4.1.5.1.2 Site Development Construction Plan Review

A. General Description

The review of the site design for compliance with technical requirements of Hillsborough County.

B. Cross Reference to Land Development Code

Sections 10.01.06.D and 5.02.00

E. Review Procedures

1. Within three (3) working days of receipt of the submittal package, copies of the package shall be forwarded to the reviewing entities.

2. Twenty (20) working days will be given to the entities for review. Within five (5) working days from the end of this comment period, the Development Review Committee shall meet with the applicant. The site development construction plan shall be either approved, approved with conditions, or require resubmittal. Green Development, Affordable Housing, and Economic Development projects shall be granted a review in half of the normal working time. A completed checklist for the project which is proposing to meet a green development certification from the USGBC (U.S. Green Building Council), FGBC (Florida Green Building Coalition), or NHBA (National Home Builders Association) must be included with the submittal at the time of application for green development projects. Persons or corporations who fail to keep their commitments may be deemed ineligible for any future expedited reviews as determined by the Administrator and with a concurrence of the Director of the Planning and Growth Management Department.

3. If the site development construction plan requires resubmittal, the applicant shall submit revised plans to the Administrator to be reviewed by the applicable reviewing entities. The applicant shall specify the revisions that have been made on a transmittal letter attached to the revised plans. The reviewing entities shall review the plans within ten (10) working days.

4. The applicant shall obtain all necessary local, state, and federal permits for the construction of the proposed improvements. No construction activity shall be permitted within existing right-of-ways until a right-of-way use permit is obtained.

5. Upon approval of the site development construction plans by all reviewing entities, the applicant shall be notified in writing by the Administrator within three (3) working days following the designated reviewing period. Approval of the site development construction plans shall not relieve the Engineer of Record of any responsibility.

6. No land alteration or construction activity shall be permitted on the property until a natural resources/landscaping permit has been issued based on the following:
- construction plan approval.
- proof of a protective tree barricade inspection, if applicable.
- approved SWFWMD permit or predevelopment permit, if applicable.

7. The approved construction plans shall be released to the applicant upon payment of all applicable fees.

Sec. 4.1.5.1.3 Minor Site Development Review

A. General Description

Minor reviews represent minor site improvements not requiring a preliminary site development review followed by a construction plan review. The minor review requires only the submittal of a construction plan. A proposed development may qualify for a minor review provided the following criteria are satisfied:

1. Any development proposed within land zoned as AM, A, AR, AS-0.4, AS-1, ASC-1, and A-I, with the exception of those commercial and industrial uses or activities exceeding either ten (10) acres in size or 10,000 square feet of additional or new impervious area.
2. Projects on lands with zoning other than listed above shall qualify for a minor review if the following criteria area satisfied:
   - No more than one thousand (1,000) square feet of new or additional impervious improvements shall be proposed, and
   - No more than one hundred fifty (150) additional average daily trips (ADT) shall be generated from the proposed improvements, and
   - The site does not contain any wetland or environmentally-sensitive areas as determined by EPC and PGMD, or the proposed development of the site clearly does not affect such areas in a manner to require review by the EPC, the county, or other regulatory agencies for compliance with regulations pertaining to wetlands or environmentally sensitive areas, and
   - The site does not take access from a roadway under the jurisdiction of the Florida Department of Transportation (FDOT), or it has been determined that no permit for access to the property must be approved by FDOT, and no modification of existing utilities is proposed.
3. If additional water or wastewater flows are generated, a service application shall be submitted and approved prior to submittal of the minor site development construction plan.

B. Cross Reference to Land Development Code

Section 10.01.06.C

E. Review Procedures

1. Within three (3) working days of receipt of a completed application package, copies of the package submitted for review shall be forwarded to the reviewing entities.

2. Ten (10) working days will be given to the entities for review. The minor site development construction plan shall be either approved, approved with conditions, or required to be resubmitted. Green Development, Affordable Housing, and Economic Development projects shall be granted a review in half of the normal working time. A completed checklist for the project which is proposing to meet a green development certification from the USGBC (U.S. Green Building Council), FGBC (Florida Green Building Coalition), or NHBA (National Home Builders Association) must be included with the submittal at the time of application for green development projects. Persons or corporations who fail to keep their commitments may be deemed ineligible for any future expedited reviews as determined by the Administrator and with a concurrence of the Director of the Planning and Growth Management Department.

3. If the minor site development construction plan requires resubmittal, the applicant shall submit revised plans to the Administrator to be reviewed by the applicable reviewing entities. The applicant shall specify the
revisions in response to the review entity comments made on a transmittal letter attached to the revised plans. The reviewing entities shall review the plans within five (5) working days.

4. The applicant shall obtain all necessary local, state, and federal permits for the construction of the proposed improvements. No construction activity shall be permitted within existing right-of-ways until a right-of-way use permit is obtained.

5. Upon approval of the minor site development construction Plans by all the reviewing entities, the applicant shall be notified in writing by the Administrator within three (3) working days following the designated reviewing period. Approval of the minor site development construction plans shall not relieve the Engineer of Record of any responsibility.

6. No land alteration or construction activity shall be permitted on the property until a natural resources/landscaping permit has been issued based on the following:
   - construction plan approval,
   - proof of a protective tree barricade inspection, if applicable, and
   - approved SWFWMD permit or predevelopment permit, if applicable.

7. The approved construction plans shall be released to the applicant upon payment of all applicable fees.
Jacksonville, FL

Substituted & Enacted 4/14/09

Introduced by Council President at the request of the Mayor and substituted by the Transportation, Energy & Utilities Committee:

ORDINANCE 2009-211-E

AN ORDINANCE AMENDING THE MUNICIPAL CODE TO CREATE A NEW CHAPTER 327, ORDINANCE CODE, ESTABLISHING A SUSTAINABLE BUILDING PROGRAM FOR THE CITY OF JACKSONVILLE; SETTING FORTH INTENT, APPLICABILITY, DEFINITIONS, ADMINISTRATION, STANDARDS, AND INCENTIVES FOR PROGRAM; CREATING A TEMPORARY SUSTAINABLE BUILDING CERTIFICATION REFUND GRANT PROGRAM; APPROPRIATING $100,000 FROM THE ENVIRONMENTAL PROTECTION TRUST FUND FOR THE GRANT PROGRAM, AS INITIATED BY AMENDED B.T. 09-084; PROVIDING FOR CARRYOVER THROUGH FISCAL YEAR 2013-2014; WAIVING CONFLICTING PROVISIONS OF SECTIONS 111.755 (ENVIRONMENTAL PROTECTION FUND) AND 360.602 (USES OF FUND), ORDINANCE CODE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, sustainable development helps balance the expansion of the City and preservation of our quality of life; and

WHEREAS, Jacksonville has demonstrated its commitment and leadership through the Green Homes Initiative; and

WHEREAS, architects, developers, builders and owners are voluntarily making the commitment to design and construct sustainable buildings and homes in Duval County; and

WHEREAS, Jacksonville commits to high performance building practices that protect the quality of our air, water and other
natural resources; provide employees, the public and the owners
with safe and healthy indoor and outdoor environments, reducing
developments impact on our God-given environment; and

WHEREAS, the Florida Green Building Coalition has developed
voluntary programs for the development and operation of sustainable
commercial, residential buildings and planned use developments; and

WHEREAS, the U.S. Green Buildings Council has developed the
Leadership in Energy and Environmental Design rating systems for
new and renovated commercial buildings, and new residential
buildings and developments; and

WHEREAS, standards adopted for the Sustainable Building
Program will advance the Jacksonville Green Homes Program, the
Environmental Protection Agency Energy Star Program, the Water
Management District Florida Water Star Program, and other programs
advancing the goals of the Jacksonville Sustainable Building
Program; and

WHEREAS, Mayor John A. Peyton promulgated Executive Order
Number 2008-03 which establishes a Sustainability Officer to
implement and promote sustainability policies and procedures
regarding the City's buildings, fleet, materials and waste
management, water conservation, and maintenance practices; and

WHEREAS, Executive Order 2008-03 established the framework for
including publicly-owned buildings in the City's sustainability
efforts; and

WHEREAS, the issue of promoting sustainable building is of
such importance that incentives to encourage the construction of
sustainable buildings by the private sector is warranted; and

WHEREAS, the issue of promoting sustainable building is of
such importance that it should be codified in the City of
Jacksonville's Ordinance Code; and
WHEREAS, Section 255.2575 of the Florida Statutes requires that county and municipal buildings meet certain sustainable building ratings such as the U.S. Green Building Council’s LEED system, GBI’s Green Globes, the Florida Green Building Coalition green building standards, or some other nationally recognized building rating standard; now therefore

BE IT ORDAINED by the Council of the City of Jacksonville:

Section 1. Creation of New Chapter 327, SUSTAINABLE BUILDING PROGRAM. There is hereby created a new Chapter 327, Ordinance Code, entitled SUSTAINABLE BUILDING PROGRAM, to read as follows:

CHAPTER 327. RESERVED SUSTAINABLE BUILDING PROGRAM

Section 327.101. Intent.

It is the intent of the Council in creating this Sustainable Building program to demonstrate a substantial commitment on the part of the City to finance, plan, design, construct, manage, renovate, commission, maintain and deconstruct County Buildings with sustainable building standards and to support development of privately owned buildings in Jacksonville to sustainable standards. The purpose of this program is to provide the City with a certification-based "sustainable building" program to promote sustainable and environmentally friendly practices of design, construction, commissioning, maintenance and retirement for buildings. It also the intent of Council to comply with section 255.2575, Florida Statutes (2008).

Section 327.102. Applicability.

(a) All new buildings owned by the City, including its independent agencies or authorities, will follow the requirements of this Chapter. All new City-owned buildings shall, at a minimum, obtain approved sustainable building certification for any buildings in the project.

(b) All modifications to existing City-owned buildings where
the total renovation include more than fifty percent of the total
business square footage shall follow the requirements of this
Chapter.

(c) For all other construction projects, including all private
construction projects, compliance with this Chapter is voluntary.

Section 327.103. Definitions.

For purposes of this Chapter, the following terms, words and
phrases shall have the following meanings:

Alternative sustainable building certification system means a
system adopted by the Environmental Protection Board for
establishing sustainable building certification standards in
addition to, and as an alternative to, LEED certification, GBI’s
Green Globes rating system, or FGBG green building standards.

Department means the Environmental and Compliance Department

FGBC means the Florida Green Building Coalition.

FSEC means Florida Solar Energy Center, a unit of the
University of Central Florida.

GBI’s Green Globes mean the Green Building Initiative’s Green
Globes rating system.

LEED means the Leadership in Energy and Environmental Des

Sustainable building means generally the resource efficient
design, construction, and operation of buildings by employing
environmentally sensible construction practices, systems, and
materials. Sustainable building also means an office, residential
or civic structure which has obtained sustainable building
certification.

Sustainable building certification means the final designation
awarded to a program participant for a particular project for
satisfying all requirements associated with LEED certification,
GBI’s Green Globes rating system, FGBG’s standards, or other
certification systems approved by the Environmental Protection Board.

Third party rater means an independent third party certified by the USGBC, FGBC, GBI or an alternative sustainable building certification system as a sustainable building rater qualified to verify that the building project has satisfied all of the requirements associated with the standards applicable to a particular project.

USGBC means the U.S. Green Building Council.

Sec. 327.104. Administration.

(a) The Public Works Department is responsible to ensure compliance with applicable requirements of this Chapter in the construction of new City-owned buildings. The Public Works Department in consultation with the Department is also responsible for reviewing, assessing and making determinations concerning existing City owned buildings being considered for participation in the Sustainable Building Program and, in the event such buildings are so included, for ensuring compliance with the requirements of this Chapter.

(b) The Environmental Protection Board may, through its rule-making process, adopt alternative sustainable building certification systems.

(c) The Department shall coordinate at least one training workshop per year for the purpose of educating City staff and current and potential participants in the Jacksonville Sustainable Building Program on the program and its benefits and requirements. The Environmental Protection Fund may be utilized as a source for such training, subject to appropriation by the Council, notwithstanding the limitations of Sections 111.755 and 360.602.

(d) The Planning and Development Department shall provide fast track development review pursuant to section 327.106(a). The
Planning and Development Department Director may, upon a showing of just cause by the aggrieved party, reconsider the administrative decision to deny persons or entities access to future fast track development review pursuant to section 327.106(a).

(e) The Sustainable Building Program shall be administered on either a per-unit or per-development basis, as specified at the time of permitting. "Per-unit" means each unit built, except that any multi-family dwelling or similarly clustered structure may count as one unit. "Per-development" means each Planned Use Development, subdivision, or business park.

Sec. 327.105. Standards.

Published LEED standards of the USGBC, FGBC green building standards, GBI’s Green Globes rating system, or standards of an alternative sustainable building certification system shall be used to measure compliance of buildings participating in the Sustainable Building Program.

Sec. 327.106. Incentives.

The incentives contained in this section are intended to encourage the construction of sustainable buildings. For any program participant seeking sustainable building certification for new residential or commercial construction, residential or commercial retrofitting/remodeling or new City-owned buildings, the following incentives shall be made available:

(a) Fast track development review:

   (1) Development services, including preliminary site plan review (including 10-set review), submitted or resubmitted for review, for Sustainable Building Program projects shall be given priority over projects which are not Sustainable Building projects by all City departments reviewing such applications.

   (2) Applications for administrative deviations pursuant to section 656.109, when submitted to facilitate sustainable
building certification, shall be given priority over other applications which are not Sustainable Building Program projects, to the extent possible consistent with the time requirements of section 656.109.

(3) Applications for plat approval pursuant to Chapter 654 shall be given priority over other applications provided the developer records on the public records of Duval County covenants or other restrictions sufficient to require that all homes in the subdivision will be constructed so as to qualify for sustainable building certification.

(4) Requests for relief from the requirements of section 656.607(i), when submitted to facilitate sustainable building certification, shall be liberally construed to promote such certification.

(5) Applicants who obtain priority status pursuant to this section shall provide proof of sustainable building certification to the Department within 180 days of construction completion, as defined by Certificate of Occupancy issue date. Application forms for sustainable building certification and agreements with property owners or developers seeking priority status may provide that property owners or developers who obtain priority status but fail to obtain sustainable building certification may be denied future priority status by the Director of the Planning and Development Department.

(b) Designation: The Department shall coordinate a program of recognition, on the internet or through other additional means, identifying permitted construction as a sustainable building project with benefits to the community and the environment.

(c) Refund of certification expenses: Subject to, and within the limits of, funds appropriated by the Council for the purposes set forth in this subsection, owners or developers of
Sustainable Building Program projects may receive a refund of the actual costs of sustainable building certification pursuant to the Sustainable Building Certification Refund Grant Program administered through the Environmental Protection Board.

Section 2. Appropriation. For the 2008-2009 fiscal year, within the City’s budget, there are hereby appropriated the indicated sum(s) from the account(s) listed in subsection (a) to the account(s) listed in subsection (b):

(Amended B.T. 09-084 attached hereto as Revised Exhibit 1, labeled as “Revised Exhibit 1, Amended B.T. 09-084, March 17, 2009 – TEU” and incorporated herein by this reference)

(a) Appropriated from:

Environmental Protection Trust Fund
See Amended B.T. 09-084 $100,000.00

(b) Appropriated to:

Sustainable Building Certification Refund Program
See Amended B.T. 09-084 $100,000.00

Section 3. Purpose. The purpose of the appropriation in Section 2 is to provide funding for a Sustainable Building Certification Refund Grant Program, as authorized in Section 4, which is temporary in nature and intended to create incentives to achieve sustainable building certification as provided in Chapter 327, Ordinance Code.

Section 4. Approval and Authorization of Sustainable Building Certification Refund Grant Program. The Council hereby approves and authorizes the Sustainable Building Certification Refund Grant Program (“Grant Program”) substantially in the form of the draft dated March 2009, attached hereto as Exhibit 2, labeled as “Exhibit 2, Sustainable Building Certification Refund Grant Program, March
Section 5. Carryover. The funds appropriated in this ordinance shall not lapse but shall carryover from year to year through fiscal year 2013-2014.

Section 6. Sections 111.755 (Environmental Protection Fund) and 360.602 (Uses of the Fund), Ordinance Code Waived. Sections 111.755 (Environmental Protection Fund) and 360.602 (Uses of the Fund), which describe the limited purposes that the Environmental Protection Fund may be used, are hereby waived so as to allow the use of the Environmental Protection Trust Fund for the specific purposes set forth in Section 3 in order to provide an incentive and build momentum for the development community to construct sustainable buildings.

Section 7. Ongoing Review. The Department is directed to maintain a continuing review of local, state and national sustainable building programs and make recommendations to the Council for any changes to this Chapter as a result of changes in laws, practices or technologies concerning sustainable building programs.

Section 8. Effective Date. This Ordinance shall become effective upon signature by the Mayor or upon becoming effective without the Mayor's signature.

Form Approved:

/s/ Kristina G. Nelson

Office of General Counsel

Legislation Prepared By: Kristina G. Nelson
Sec. 327.101. Intent.

It is the intent of the Council in creating this Sustainable Building program to demonstrate a substantial commitment on the part of the City to finance, plan, design, construct, manage, renovate, commission, maintain and deconstruct County Buildings with sustainable building standards and to support development of privately owned buildings in Jacksonville to sustainable standards. The purpose of this program is to provide the City with a certification-based "sustainable building" program to promote sustainable and environmentally friendly practices of design, construction, commissioning, maintenance and retirement for buildings. It also the intent of Council to comply with F.S. § 255.2575.

(Ord. 2009-211-E, § 1)

Sec. 327.102. Applicability.

(a) All new buildings owned by the City, including its independent agencies or authorities, will follow the requirements of this Chapter. All new City-owned buildings shall, at a minimum, obtain approved sustainable building certification for any buildings in the project.

(b) All modifications to existing City-owned buildings where the total renovation include more than 50 percent of the total building square footage shall follow the requirements of this Chapter.

(c) For all other construction projects, including all private construction projects, compliance with this Chapter is voluntary.

(Ord. 2009-211-E, § 1)

Sec. 327.103. Definitions.

For purposes of this Chapter, the following terms, words and phrases shall have the following meanings:

Alternative sustainable building certification system means a system adopted by the Environmental Protection Board for establishing sustainable building certification standards in addition to, and as an alternative to, LEED certification, GBI's Green Globes rating system, or FGBC green building standards.

Department means the Environmental and Compliance Department.

FGBC means the Florida Green Building Coalition.

FSEC means Florida Solar Energy Center, a unit of the University of Central Florida.

GBI's Green Globes means the Green Building Initiative's Green Globes rating system.

Sustainable building means generally the resource efficient design, construction, and operation of buildings by employing environmentally sensible construction practices, systems, and materials. Sustainable building also means an office, residential or civic structure which has obtained sustainable building certification.

Sustainable building certification means the final designation awarded to a program participant for a particular project for satisfying all requirements associated with LEED certification, GBI's Green Globes rating system, FGBC's standards, or other certification systems approved by the Environmental Protection Board.

Third party rater means an independent third party certified by the USGBC, FGBC, GBI or an alternative sustainable building certification system as a sustainable building rater qualified to verify that the building project has satisfied all of the requirements associated with the standards applicable to a particular project.

USGBC means the U.S. Green Building Council.

(Ord. 2009-211-E, § 1)

Sec. 327.104. Administration.

(a) The Public Works Department is responsible to ensure compliance with applicable requirements of this Chapter in the construction of new City-owned buildings. The Public Works Department in consultation with the Department is also responsible for reviewing, assessing and making determinations concerning existing City owned buildings being considered for participation in the Sustainable Building Program and, in the event such buildings are so included, for ensuring compliance with the requirements of this Chapter.

(b) The Environmental Protection Board may, through its rule-making process, adopt alternative sustainable building certification systems.

(c) The Department shall coordinate at least one training workshop per year for the purpose of educating City staff and current and potential participants in the Jacksonville Sustainable Building Program on the program and its benefits and requirements. The Environmental Protection Fund may be utilized as a source for such training, subject to appropriation by the Council, notwithstanding the limitations of Sections 111.755 and 360.602.

(d) The Planning and Development Department shall provide fast track development review pursuant to Section 327.106(a). The Planning and Development Department Director may, upon a showing of just cause by the aggrieved party, reconsider the administrative decision to deny persons or entities access to future fast track development review pursuant to Section 327.106 (a).

(e) The Sustainable Building Program shall be administered on either a per-unit or per-development basis, as specified at the time of permitting. "Per-unit" means each unit built, except that any multi-family dwelling or similarly clustered structure may count as one unit. "Per-development" means each Planned Use Development, subdivision, or business park.

(Ord. 2009-211-E, § 1)

Sec. 327.105. Standards.

Published LEED standards of the USGBC, FBC green building standards, GBI's Green Globes rating system, or standards of an alternative sustainable building certification system shall be used to measure compliance of buildings participating in the Sustainable Building Program.

(Ord. 2009-211-E, § 1)
Sec. 327.106. Incentives.

The incentives contained in this Section are intended to encourage the construction of sustainable buildings. For any program participant seeking sustainable building certification for new residential or commercial construction, residential or commercial retrofitting/remodeling or new City-owned buildings, the following incentives shall be made available:

(a) Fast track development review:

(1) Development services, including preliminary site plan review (including 10-set review), submitted or resubmitted for review, for Sustainable Building Program projects shall be given priority over projects which are not Sustainable Building projects by all City departments reviewing such applications.

(2) Applications for administrative deviations pursuant to Section 656.109, when submitted to facilitate sustainable building certification, shall be given priority over other applications which are not Sustainable Building Program projects, to the extent possible consistent with the time requirements of Section 656.109.

(3) Applications for plat approval pursuant to Chapter 654 shall be given priority over other applications provided the developer records on the public records of Duval County covenants or other restrictions sufficient to require that all homes in the subdivision will be constructed so as to qualify for sustainable building certification.

(4) Requests for relief from the requirements of Section 656.607(i), when submitted to facilitate sustainable building certification, shall be liberally construed to promote such certification.

(5) Applicants who obtain priority status pursuant to this Section shall provide proof of sustainable building certification to the Department within 180 days of construction completion, as defined by Certificate of Occupancy issue date. Application forms for sustainable building certification and agreements with property owners or developers seeking priority status may provide that property owners or developers who obtain priority status but fail to obtain sustainable building certification may be denied future priority status by the Director of the Planning and Development Department.

(b) Designation: The Department shall coordinate a program of recognition, on the internet or through other additional means, identifying permitted construction as a sustainable building project with benefits to the community and the environment.

(c) Refund of certification expenses: Subject to, and within the limits of, funds appropriated by the Council for the purposes set forth in this subsection, owners or developers of Sustainable Building Program projects may receive a refund of the actual costs of sustainable building certification pursuant to the Sustainable Building Certification Refund Grant Program administered through the Environmental Protection Board.

(Ord. 2009-211-E, § 1)
ARTICLE VIII. GREEN BUILDING STANDARDS

Sec. 6-106. 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.

Conserve Florida: Name of a statewide water conservation effort by water management districts and Florida Department of Environmental Protection 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.

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.

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.

Federal tax credit for energy efficient homes: Refers to the tax credit recognized by the U.S. Internal Revenue Service for the construction of a home.

Federal tax credit for solar energy systems: Refers to the tax credit recognized by the U.S. Internal Revenue Service for the installation of qualified residential solar water heating or photovoltaic systems.

Florida Green Lodging: A program by the Florida Department of Environmental Protection to designate lodging establishments as "green" for following environmentally sensitive operating procedures.

FSEC: Acronym for Florida Solar Energy Center. 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.

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 F.S. § 377.806.

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.

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. The program consists of nine principles indicating how 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.

**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.

**GHDS:** Acronym for the Green Home Designation Standard of the Florida Green Building Coalition, Inc.

**GHG:** Acronym for greenhouse gases.

**Green building:** A designation given to buildings that meet and are maintained to the requirements of the green building rating system defined in this green building program.

**Green building program:** The program outlined in this ordinance for obtaining incentives for green buildings and developments.

**Green development:** A land use planning concept that includes consideration of community-wide or regional environmental implications of development, as well as site-specific green building concepts. This includes city planning, environmental planning, architecture and community building. Green development is about constructing buildings and landscapes in a more environmentally friendly manner. It is development that helps to improve air and water quality, reduce greenhouse gas emissions and enhance the neutral environment.

**Green Globes:** The U.S. commercial/institutional building rating system of the Green Building Initiative.

**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 zero (0) indicates that the rated home uses no net purchased energy.

**Independent or Independent of Lake County:** Not employed by, or acting as agents of, Lake County.

**LEED:** The Leadership in Energy and Environmental Design Rating System of the U.S. Green Building Council.

**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, and meets all of requirements of this jurisdiction’s green building program. To meet energy qualifications, residential applicants shall achieve a HERS index of zero(0) or less, and non-residential shall achieve one hundred (100%) percent energy reduction from non-renewables using procedures in ASHRAE 90.1 Appendix G. rating procedure.

**Program:** Lake County’s Green Building and Development Program.

**Sustainable construction:** The process of environmentally sensitive, resource efficient site selection, preparation, design, construction and operation of buildings.
Unit: A residence permitted according to the Florida Building Code (FBC).

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.

(Ord. No. 2008-52, § 2, 8-5-08)

Sec. 6-107. Title.

The provisions of this article shall be known as the "Lake County Green Building and Development" Code.

(Ord. No. 2008-52, § 2, 8-5-08)

Sec. 6-108. Purpose and intent.

The purpose is to establish goals, programs and procedures that will help Lake County become a more sustainable community. This program shall establish new environmental goals for Lake County, define a certification-based green-building and development program with incentives, and define new measurement parameters and reporting criteria to track Lake County's performance to ward its environmental goals. This program will promote economic and environmental health in Lake County, 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 and development practices including resource efficiency and disaster mitigation. Specific practices are outlined below.

(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, wildlife and habitat;
   c. Minimizing human impacts on local ecosystems and ecosystems worldwide; and
   d. Reducing greenhouse 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-efficient projects, 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 Lake County through measurable objectives;
   b. Track and analyze key indices to measure performance;
   c. Commit Lake County to achieve green designations;
   d. Provide incentives for voluntary compliance;
   e. Provide green building educational opportunities for the community; and
   f. Execute a green building and development program to help local government meet its overall goals of reducing emissions, reducing energy needs, and water consumption consistent with the state's initiative.

(Ord. No. 2008-52, § 2, 8-5-08)
Sec. 6-109. Government leadership.

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

(1) Become and maintain an FGBC Local Government designation;
(2) Track the government's monthly water and energy use; and
(3) Produce an annual report that outlines Lake County'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.

(Ord. No. 2008-52, § 2, 8-5-08)

Sec. 6-110. Designation of responsibility for administration and implementation.

The program shall be administered by the department of conservation and compliance, which shall be responsible for, but not be limited to, the following:

(1) Marketing the program to the community by any reasonably effective means;
(2) Developing any appropriate or necessary application procedures, including but not limited to, the program application form;
(3) Writing policies and procedures for staff implementation of the green building and development program;
(4) Providing the certifications for use in the program;
(5) Providing an incentive award to any program participant who has successfully satisfied the requirements associated with that incentive; and
(6) Resolving disputes that may arise from implementing the program.

(Ord. No. 2008-52, § 2, 8-5-08)

Sec. 6-111. Green building and development 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 Lake County Board of County Commissioners (BCC), the program shall be mandatory.
(c) For any alteration of a government building owned by the Lake County BCC undergoing a level III or greater alteration, per FBC, shall comply with this program providing a positive cost analysis can demonstrate one hundred (100) percent pay back within ten (10) years.

(Ord. No. 2008-52, § 2, 8-5-08)

Sec. 6-112. Green building and development coverage.

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

(1) New residential construction;
(2) Residential retrofitting/remodeling;
(3) New commercial/non-residential construction;
(4) Existing commercial/non-residential construction; and
(5) Land developments

(Ord. No. 2008-52, § 2, 8-5-08)

Sec. 6-113. Green building and development 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. Programs shall stand alone and shall not be mixed. In order to qualify for incentives set forth in section 6-114, these standards shall apply to each sub-program as follows:

(1) New residential permitted projects: New residential projects shall satisfy all of the requirements associated with one (1) of the following:
   a. The current Green Home Designation Standard of the FGBC;
   b. The current USGBC LEED for Homes® program;
   c. The current National Association of Home Builders National Green Home program;
   d. The GBI new home designation including but not limited to, any monetary or certification requirements.

(2) Remodeling of existing homes: The participant shall meet requirements of remodeling certification for one (1) of the following:
   a. The current Green Home Designation Standard of the FGBC;
   b. The current LEED for Homes® program;
   c. The current NAHB National Green Home program;
   d. 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.

(3) New commercial or institutional buildings: The program participant shall satisfy all of the requirements associated with one (1) of the following:
   a. The current Green Commercial Designation Standard of the FGBC;
   b. The current LEED for New Construction or derived USGBC LEED rating system (e.g., LEED for Schools, LEED for Health Care); or
   c. The Green Globes environmental assessment system for new designs including but not limited to any monetary or certification requirements.

(4) Existing commercial and institutional buildings: The program participant shall satisfy all of the requirements associated with one (1) of the following:
   a. The current Green Commercial Designation Standard of the FGBC;
   b. The current LEED for existing buildings or derived USGBC LEED rating system (e.g., LEED for Schools, LEED for Health Care) program; or
   c. The Green Globes environmental assessment system for existing designs, including but not limited to any monetary or certification requirements.

(5) Land Developments (Green Development): The participant shall satisfy all of the requirements associated with one (1) of the following:
a. The current Green Development Designation Standard of the FGBC;
b. The current LEED for Neighborhoods and Developments rating system program; or
c. The NAHB development designation, including but not limited to any monetary or certification requirements.

(6) 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 department administering the particular program.

(Ord. No. 2008-52, § 2, 8-5-08)

Sec. 6-114. Incentives.

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

(1) All sub-programs: For any voluntary program participant seeking a program certification, Lake County shall provide the following fast track permitting incentives:

a. Site and development plans for a proposed green development shall be processed in twenty (20) business days. All such applications shall be accompanied by the appropriate green building and development program application form.
b. Building permit applications for residential green buildings shall be processed within three (3) business days. All such applications shall be accompanied by the appropriate green building and development program application form.
c. Building permit applications for commercial green buildings shall be processed in ten (10) business days. All such applications shall be accompanied by the appropriate green building and development program application form.

(2) Green building award: For the purpose of publicly recognizing outstanding commitment to "green building and development," the program shall provide for an award called the "Green Building and Development Award" to be awarded annually by Lake County to one program participant in each sub-program.

(3) Special green contribution award: Lake County shall annually provide a special recognition award to those contractors that donate significant reusable building materials to non-profit local building organizations.

(Ord. No. 2008-52, § 2, 8-5-08)

Sec. 6-115. Education and training.

(a) Lake County, in conjunction with FSEC, FGBC, Green Globes, NAHB or USGBC shall conduct at least one (1) training workshop per year for the purpose of educating potential or current program participants about the program.

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

(Ord. No. 2008-52, § 2, 8-5-08)
Sec. 6-116. Index and report.

The goals and objectives of the program and their status as outlined in section 6-108 shall be recorded, analyzed and reported to the commission (BCC). The administrator/manager shall be responsible for this indexing and reporting.

(Ord. No. 2008-52, § 2, 8-5-08)

Sec. 6-117. Program review.

(a) Staff review: Lake County 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 (1) 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 Lake County, reviewing suggestions made by program participants, and annually awarding the green building and development awards of the program.

(Ord. No. 2008-52, § 2, 8-5-08)
Sec. 5.3. Site plan review process.

The Community Development Department of the City shall be responsible for the overall coordination and administration of the site plan review process.

Prior to submission for site plan review it is recommended that a preliminary meeting be scheduled with the Community Development staff, to ensure that all code requirements have been met.

Scheduled submission dates are on file with the Community Development Department. It is mandatory that the owner or agent be present for all development review meetings. It is the responsibility of the applicant to be present for all scheduled meetings.

5.3.1. Development review. Plans submitted for review shall first be submitted to the Development Review Committee, Beautification Committee or other public agencies deemed appropriate, for their review and evaluation.

Each member of the Development Review Committee or his or her designee shall indicate his or her approval or disapproval of each site plan submission at the scheduled meeting. The following preliminary information shall be required for submission:

A. Site development plan shall reflect the following:

1. Proposed location of all buildings or other structures, including their use, size, dimensions and setbacks.

2. Proposed off-street parking areas, driveways, accessways and sidewalks including their location, size, type of construction, dimensions and setbacks.

3. Proposed fences, walls, including their location, dimensions and setbacks.

4. Proposed utility lines and easements and road rights-of-way, including location and size.

5. Tabular summary:

   a. Total gross project acreage and net buildable land area.

   b. Total number of proposed residential units, including their characteristics by number of bedrooms and total and gross square footage.

   c. Proposed residential densities, including both net and gross acre calculations on both a unit and bedroom count basis.

   d. Proposed nonresidential floor area by type of use and total gross square footage.

   e. Percentage distribution of total gross project site, including those areas proposed for landscaped open space, impervious surfaces and building coverage.

   f. Number, size and ratio of off-street parking spaces.

6. The site development plan must be signed and sealed by a civil engineer, landscape architect or architect.

7. LEED identification. Those elements of a proposed development that conform to the United States Green Building Council "Leadership in Energy and Environmental Design" ("LEED") green building rating system shall be identified and a statement shall be provided addressing whether the proposed development will qualify for LEED certification and whether registration for a level of LEED certification will be sought.
Sec. 1.1. Purpose and intent, minimum standards and definitions.

1.1.1. *Purpose and intent.* The intent of these regulations is to protect, preserve, and enhance the natural environment and the beauty of the City by providing for landscape for green spaces, trees and other plants and arranging them in a pleasing manner in relation to paved areas and structures. The planting of native materials is the most highly desirable and preferred. These objectives are defined in general terms and the realization can only be obtained by proper design and location of trees, shrubs, plants and grass.

1.1.2. *Minimum standards.* This Schedule shall be the minimum standard and requirement and shall apply to the incorporated area of the City of Lauderhill, Florida. Upon reviewing any property, as it relates to this Schedule, the City of Lauderhill, may require additional requirements as provided in the “Florida Green Local Government Designation: Landscape Maintenance” Manual as produced by the Florida Green Building Coalition, Inc.

1.1.3. *Definitions.* See definitions listed in Article III, Part 6.0., Section 6.8 [of] these regulations.

(Ord. No. 03O-10-193, § 6, 11-10-03; Ord. No. 08O-08-138, § 2, 9-8-08)
ORDINANCE NO. 10-12

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, AMENDING CHAPTER 15 “SUSTAINABILITY AND ENERGY IMPROVEMENT,” AND BY ENACTING ARTICLE I ENTITLED “LEON COUNTY ENERGY IMPROVEMENT DISTRICT” OF THE CODE OF LAWS OF LEON COUNTY, FLORIDA, PROVIDING FOR CREATION OF THE SPECIAL DISTRICT, ITS PURPOSE AND AUTHORITY; IMPROVEMENTS; USES OF, NON-AD VALOREM ASSESSMENTS; DEFINITIONS; ENERGY AUDITS AND AGREEMENTS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Leon County, Florida (the “County”) is a charter county and political subdivision of the State of Florida (“State”), duly organized and operating under the Constitution and the laws of the State;

WHEREAS, pursuant to Article VII, Section 10 of the Florida Constitution and Chapter 125, F.S., Chapter 166, F.S. and Chapter 189, F.S. the County is authorized to form an Energy Improvement District for the purpose of encouraging, accommodating, and financing energy efficiency and renewable energy improvements (both as defined in this Ordinance) on residential and commercial properties in the County; and

WHEREAS, the County desires to form the Leon County Energy Improvement District (the “District”) pursuant to the Florida Constitution for the purpose of accomplishing the energy efficiency and renewable energy improvements, including paying the costs necessary and incidental thereto through non-ad valorem assessments; and

WHEREAS, the State of Florida has declared it the public policy of the State to develop energy management programs aimed at promoting energy conservation; and
WHEREAS, home and business energy consumption accounts for approximately 70% of the overall usage of electric energy; and

WHEREAS, the State of Florida has adopted a schedule for increasing the energy performance of buildings subject to the Florida Energy Efficiency Code for Building Construction Chapter 553, F.S.; and

WHEREAS, there is a vast quantity of existing structures with many years of remaining life before replacement, and these structures are not as energy efficient as today’s standards, nor do many existing buildings have renewable energy systems installed to provide some or all of their electric energy needs; and

WHEREAS, a major contributor to statewide and County greenhouse gas emissions is the inefficient use of energy by existing occupied building stock; and

WHEREAS, installing energy efficiency and renewable energy improvements on existing structures can provide significant progress towards greenhouse gas reductions and increased energy conservation in the County and statewide; and

WHEREAS, the County has adopted its own Climate Action Plan for Leon county Government Operations that recognizes the need for, and priority placed upon, completing energy efficiency and renewable energy improvements on its existing buildings and facilities; and

WHEREAS, the County has adopted greenhouse gas reduction targets for County facilities and operations recognizing that the 76% of its emissions are from its existing buildings and facilities; and

WHEREAS, such reductions in greenhouse gas emissions will improve air quality, lower fossil fuels use, create energy independence and security, promote the creation of jobs and
economic development by stimulating “green industries” and save its citizens money by reducing energy consumption; and

WHEREAS, existing homeowners, and business property owners, may be highly leveraged on their properties and the current housing market may prevent property owners from financing these types of projects with traditional equity financing options; and

WHEREAS, the expected life of energy efficiency and renewable energy projects may require a longer term payback period than offered by traditional equity financing may afford necessitating an alternative financing option to install the improvements; and

WHEREAS, the formation of an Energy Improvement District, and the voluntary participation in the program by property owners, will provide an alternative financing option to install the improvements; and

WHEREAS, the District will provide financing to a property owner who participates in the program through non-ad valorem assessments levied on the property, pursuant to Chapter 197, F.S., where the improvements occur to minimize risk of failure for non-payment of the District’s funds; and

WHEREAS, the District will have options to raise capital to fund the program through federal or state grant funds, private loans from a financial institution, state or federal loan or bond guarantee programs or other private or not-for-profit sources of funds; and

WHEREAS, local governments within Florida and nationally have either formed, or are contemplating the formation of, special districts to provide alternative financing options allowing a property owner to finance energy efficiency and renewable energy improvements through non-ad valorem assessments repaid through their property taxes; and
WHEREAS, the County finds that local needs and conditions warrant the formation of the District as an economical means to implement its energy efficiency and renewable energy goals and the Board of County Commissioners desires to enact an ordinance creating a new Chapter 15 entitled “Sustainability and Energy Improvement,” Leon County Code of Laws, relating to an Energy Improvement District;

BE IT ORDAINED by the Board of County Commissioners of the County of Leon, Florida, as follows, that:

Section 1. That the Code of Laws of Leon County, Florida, is hereby amended by adding a new Chapter 15, including Article I thereof “Leon County Energy Improvement District” to read as follows:

1. Declaration of District. Pursuant to and in accordance with the Florida Constitution and Florida Statutes, §125.01, the County hereby forms the “Leon County Energy Improvement District” (the “District”) as a “dependent special district” within the meaning of Chapter 189, Florida Statutes.

2. Description of District. The Districts will consist of, and shall include property within the geographical boundaries of the County; as set forth in Section 7.37, Florida Statutes, and, if any such property is located within any municipality in the County, such property shall be so included in the District unless such municipality shall have enacted an ordinance setting forth the exclusion of property within its boundaries from the District.

3. District Board. The membership of the District’s Board shall be identical to the Board of County Commissioners of Leon County.

4. Purpose of the District. The purpose of the Leon County Energy Improvement District (the “District”) is to accomplish energy efficiency and renewable energy improvements
on residential and commercial properties by financing such improvements to be repaid through non-ad valorem assessments on the property owner's property taxes.

…

6. Description of Improvements. The improvements to be financed by the County for properties within the District shall consist of, and shall be limited to, any improvements constituting "energy efficiency" or "renewable energy improvements" as defined herein. The improvements to be constructed on each property shall be set forth in a written agreement executed between the property owner and the District.
i. Caulking, weatherstripping (cost of weatherstripping shall not exceed fifteen hundred dollars) and air duct sealing;

ii. Insulation in walls, roofs, floors, foundations and in heating and cooling distribution systems radiant barriers

iii. Heating and cooling system upgrades, combined heat and power systems, automatic energy control systems, heating, ventilating or air conditioning and distribution system modifications or replacements in homes, buildings or central plants including microturbines and fuel cells

iv. Storm or weathertight windows and doors, multiglazed windows and doors, heat-absorbing or heat-reflective glazed and coated windows and door systems, additional glazing, reductions in glass area, and other window and door system modifications that reduce energy consumption

v. Replacement or modification of lighting fixtures to increase the energy efficiency of the system without increasing the overall illumination of a residential or commercial building unless such increase in illumination is necessary to conform to the applicable building code for the proposed lighting system;

vi. High efficiency water or pool heating systems.

vii. Permanent rainwater harvesting systems reducing energy demands such as cisterns or rain barrels for capture, storage and reuse of water.
viii. Reflective roof or other cool roof systems that increase solar reflectance and thermal emittance.

ix. Commercial refrigeration system upgrades and systems for heat recovery from compressors and condensers.

x. An energy efficiency improvement does not include a household appliance such as a washing machine or refrigerator that is not permanently fixed to real property.

B. Renewable energy improvement. Any fixture, product, system, device or interacting group of devices installed behind the meter on any residential or commercial building that produces energy from renewable resources including but not limited to photovoltaic systems, small wind systems, biomass systems, or biogas or methane recovery systems, as may be authorized.

10. Eligible property owners. An eligible property owner (or property) must meet the following criteria:

A. Be the legal owner and provide proof of ownership in the application for the program.

B. Property must be located within Leon County.

C. Property owner must be current on property taxes, and show no delinquency in the last five years on the property subject of the application for improvements.

D. Property owner must be current on any mortgage.
E. Property owner cannot be in bankruptcy nor can the property be an asset in any bankruptcy proceeding.

F. Property cannot be in foreclosure.

G. Property cannot have any federal income tax lien, judgment lien or similar involuntary lien encumbering the property.

H. Improvements must be reasonable for the scope of the property project and to the property value as approved by the District.

11. **Energy Savings Audit.** An energy savings audit shall be conducted by a qualified energy auditor or a certified building energy rater. The District shall provide a list of, and set forth the minimum standards for, qualified or certified auditors and raters. At a minimum, the energy savings audit shall include the following information:

   A. Recommendations for energy savings measures;

   B. Estimated energy savings and a priority ranking for each measure;

   C. Estimated renewable energy to be produced;

   D. Estimated greenhouse gas reductions; and

   E. Estimated cost savings resulting from the implementation of the recommendations and use of funds made available by the District.

The Board may establish an alternative process to meet this requirement, but that process must be based upon professionally accepted methodologies for documenting the information required herein.
12. **Application.** An eligible property owner must submit a complete application to the District for its approval. A complete application shall include the following information:

A. Proof of ownership and location of the property. Organizational documents if the property owner is not on the title as an individual.

B. Documentation showing the structure or building, subject of the application, is an existing structure or building on the date of application.

C. A cost estimate for the installation of the energy savings measures completed by a Florida licensed contractor (including the name and license number of the contractor). This estimate shall include all construction costs, equipment, permitting fees, recording fees for the assessment of liens, energy audit costs, and contingency fees. Estimated costs shall be reasonable for the scope of the proposed project and in relation to the property value.

D. Written documentation indicating that the property owner is current in the mortgage, if one exists on the property, and that there are no federal or state tax liens, judgment liens or similar involuntary liens against the property subject of the application.

E. Disclosure regarding non-ad valorem assessments.

F. State of Florida Fair Lending Notice as required.

13. **Written agreement.** Upon submittal of a complete application to enter into the program as approved by the District at a public hearing, the property owner shall enter into a voluntary written agreement with the District that shall constitute the property owner’s consent
to be subject to a non-ad valorem assessment as set forth in Section 7 of this Ordinance. The written agreement shall provide for the following:

A. The maximum limit of the financing for the program shall be $7,000 per property unless:
   i. A higher financing amount is consented to by the mortgage holder on the property, if one exists, and
   ii. The energy audit, or information on energy savings measures provided in the application, shows a demonstrated high level of energy savings or renewable energy produced over the duration of the financing.

B. Express voluntary consent to accept the non-ad valorem assessment has been given.

C. The length of time permitted for the property owner to repay the non-ad valorem assessment shall not exceed 20 years including the term, interest rate and administrative fees.

D. The property owner shall be responsible for assuring the improvements are completed as reflected in the approved application documents. The property owner also consents to providing access to property to the county to verify that the improvements have been completed as proposed in the application.

E. At the time of a transfer of property ownership excepting foreclosure, the past due balances of any non-ad valorem assessment under this Subsection
shall be due for payment, but future payments shall continue as a lien on
the property.

F. The risks associated with participating in the program shall be disclosed in
the written agreement, including risks related to the failure of the
participating property owners to make payments and the risk of issuance
of a tax certificate and loss of the property pursuant to Chapter 197, F.S.

G. The cost of an energy savings audit or the cost to complete an estimate of
information on energy savings measures, estimated energy savings for
each measure, estimated greenhouse gas reductions and estimated cost
savings from the projects will be subject to reimbursement upon execution
of the written agreement to accept the non-ad valorem assessment.

H. The property owner shall agree to apply any rebates provided by an entity
other than the District, received for the projects approved by the District,
towards the repayment of the non-ad valorem assessment.

I. If property taxes are paid through an escrow account, the property owner
is responsible for notifying the lender of any adjustment to monthly
payments.

J. The property owner shall provide all copies of final permits and
inspections to the District upon completion of the projects.

K. The property owner shall agree to provide the District 5 years of utility
statements showing the energy usage for the property following the year in
which the improvements are made. The statements shall be due on the
final day of the month when the improvements were completed.
14. **Notice.** Pursuant to and in accordance with Chapter 189, Florida Statutes, the County published the notice of the public hearing to adopt and approve to form the Energy Improvement District. The County has determined that it is not possible to mail notice of such public hearing to each address within the District because the properties to be included in the District have not yet been identified.

15. **Authorization of County Officers and Employees.** The Board and all other County offices and employees are hereby authorized and directed to take all action necessary and appropriate to effectuate the provisions of this Ordinance.
DONE, ADOPTED AND PASSED by the Board of County Commissioners of Leon County, Florida this 13th day of April, 2010.

LEON COUNTY, FLORIDA

By: Bob Rackleff, Chairman
    Board of County Commissioners

ATTESTED BY:
BOB INZER, CLERK OF THE COURT
LEON COUNTY, FLORIDA

By: 
    Bob Inzer, Clerk of Court
    Leon County, Florida

APPROVED AS TO FORM:
COUNTY ATTORNEY’S OFFICE
LEON COUNTY, FLORIDA

By: 
    Herbert W. A. Thiele, Esq.
    County Attorney
Instructions: Florida's Department of State, Bureau of Administrative Code has developed the County Ordinance Data Retrieval System (CODRS) to facilitate the tracking of County ordinances in Florida's 67 Counties. CODRS' database is composed of over 25,000 county ordinances enacted since 1974.

We request your cooperation in completing this coding form. It is to be completed whenever your county enacts a new ordinance. Simply complete this form and include it with other pertinent ordinance information that is submitted to the Bureau of Administrative Code.

To code this form properly, please refer to the "keyfields" description sheet that has been given to your County Attorney's Office. If you do not have this sheet please contact the Bureau. We will be happy to fax one to you for referencing purposes. Please fill out this form as completely as is possible.

Thank you for your assistance. Should you need further assistance please contact the Bureau of Administrative Code, Department of State at (850)245-6270 or Suncom 205-6270.

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ORDINANCE DESCRIPTION: (25 characters maximum including spaces)

ORDINANCES AMENDED: (List below the ordinances that are amended by this legislation. If more than two, list the most recent two.)

AMENDMENT # 1: AMENDMENT # 2:

ORDINANCES REPEALED: (List below the ordinances that are repealed by this legislation.)

REPEAL # 1: REPEAL # 2: REPEAL # 3: REPEAL # 4:

(Others repealed: List all that apply):

(FOR OFFICE USE ONLY): COUNTY CODE NUMBER: KEYFIELD 1 CODE: KEYFIELD 2 CODE: KEYFIELD 3 CODE: Rev. 4/10/01
Sec. 42-361. Additional conditional use criteria for three-story townhouses in RM-16.

(a) Definition.  
Townhouse means a building divided vertically into two or more attached dwelling units such that the individual dwelling units are side by side, where each dwelling unit is designed for occupancy by one family, and has its own, independent entrance at grade level.

(b) Purpose. The intent of the following provisions is to allow as a conditional use three-story townhouses developments in RM-16.

(c) Criteria. Along with the criteria specified in sections 42-344 and 42-360, the following conditional use criteria shall apply to each three-story townhouse development in RM-16:

1. Density. The overall density of a townhouse development shall not exceed the density allowed by the applicable zoning district.

2. Design. The overall design of the development must be superior in architectural and aesthetic quality and remain compatible in scale and mass with abutting and surrounding residential buildings.

3. Facades. Straight front and rear facades are prohibited. The street front, street side and rear facades shall vary along both the vertical and horizontal planes to create visual interest and character.

4. Roofline. Straight rooflines in the front and rear are prohibited. No more than 60 percent of the roof can be of the same height. Roof variations must be a minimum of five feet. The street front street side and rear roofline shall vary along the horizontal plane to create visual interest and character.

5. Roofs. Flat roofs shall be discouraged unless the flat roof is an integral part of the architectural style proposed for the development. Mansards and other roof design techniques shall be used to create the appearance of a pitched roof.

6. Building length. No single grouping of townhouse units shall exceed a maximum of 90 feet in length and shall include no more than four units. Buildings must be separated by at least ten feet.

7. Required parking, number and location.
   a. Number of parking spaces. Each townhouse unit shall provide three parking spaces.
   b. Garages. A garage, a fully enclosed structure designed for storage of at least one automobile shall be required for each individual townhouse unit. In order for garage spaces to be counted towards the required parking spaces, a declaration of covenants shall be recorded in the county public records requiring the area in the garage be designated for parking and is required to remain available for vehicular use as a parking space.
   c. Minimum exterior parking spaces. Each townhouse unit shall provide a minimum of two exterior spaces which may be tandem to parking spaces located in garages.
   d. Location of guest parking spaces. In addition to the minimum parking requirements in subsection (a) above, each townhouse development shall provide guest spaces in the amount of 15 percent of the total number of parking spaces required for the project. Any fraction in the number of required guest spaces when calculated shall be rounded to the next highest whole number. Each townhouse unit shall have reasonable access to required guest parking spaces. Guest parking may be located in a parking bay, parking lot, or driveway.

8. Pervious space. The minimum pervious requirement for each townhouse development shall be 30 percent.

9. Landscaping requirements.
   a. Townhouse developments must meet the minimum commercial landscape requirements in division 7.
b. Townhouse developments shall be required to employ appropriately scaled landscaping, with a variety of colors, heights, textures and species throughout the site.

c. Lush tropical landscaping is encouraged to improve the aesthetics of the property.

(10) Amenities. Townhouse developments without amenities such as pools, decks, courtyards and/or common areas shall be strongly discouraged.

(11) Green building. Townhouse developments are encouraged to incorporate green and sustainable designs and materials as recognized through leadership in energy and environmental design (LEED) of the U.S. Green Building Council.

(d) Conflict with other provisions. In the event that any provision of this section conflicts with any other provisions of the land development code, the provisions of this section shall control to the extent of such conflict.

ARTICLE VI. TRANSIT ORIENTED (TOC) DISTRICT

Section 6.5. Definitions.

Green building: A sustainable building that emphasizes state-of-the-art strategies for sustainable site development, water savings, energy efficiency, materials selection and indoor environmental quality and is identified as needing verifiable green building standards.
ARTICLE V. GREEN BUILDING POLICY

Sec. 16½-51. General.

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

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

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

USGBC means the United States Green Building Council.

LEED means the leadership in energy and environmental design rating system, version 2.0, of the United States Green Building Council, any amendments thereto or subsequent versions.

LEED certified means a project that has attained a minimum of twenty-six (26) points as determined by USGBC's rating system.

LEED gold means a project that has attained a minimum of thirty-nine (39) points as determined by USGBC's rating system.

LEED platinum means a project that has attained a minimum of fifty-two (52) points as determined by USGBC's rating system.

LEED silver means a project that has attained a minimum of thirty-three (33) points as determined by USGBC's rating system.

(b) Purpose. The purpose of the city's green building policy is to provide the city with a certified-based green building program. This program will provide sustainable and environmentally friendly practices of construction and design. It shall be the policy of the city to achieve a minimum LEED rating of "LEED certified" for all new city-owned and -operated building construction. All renovation projects to city-owned and -operated buildings including major renovation involving elements of HVAC renovation, significant envelope modifications and major interior rehabilitation, which meets the USGBC definition for major renovation, shall be brought up to "LEED certified" status. In order to ensure that city construction projects meet the LEED standards, all city construction projects deemed to be eligible for the program shall be registered with the USGBC and the project team, including, but not limited to, the architect, engineer, general contractor, and city agencies responsible for the projects, shall seek certification of registered projects. Design submittals for all such projects shall be reviewed and marked as "credit anticipated" by GBC prior to the submission of a petition to the development review committee.

(Ord. No. 2009-15, § 1, 11-18-09)

Sec. 16½-52. Environmental categories.

The six (6) environmental categories for LEED's building evaluation and rating are:

(1) Sustainable site characteristics;

(2) Water use efficiency;
(3) Energy use and atmosphere;

(4) Materials and resource usage;

(5) Indoor environmental quality; and

(6) Innovation in sustainable design strategies.

(Ord. No. 2009-15, § 1, 11-18-09)

Sec. 16½-53. LEED rating policy.

The LEED's rating system is a certification tool. The USGBC points shall be awarded to building projects that incorporate the design and construction practices and technologies listed in LEED. The project shall be subject to certification by a qualified city staff member or third party who has been trained and certified as a LEED accredited professional (LEED AP). For purposes of the program, "third party" means any person or entity authorized by USGBC to verify that a project has satisfied any or all of the requirements associated with the LEED standard designated for a particular project.

(Ord. No. 2009-15, § 1, 11-18-09)
ARTICLE I. IN GENERAL

Sec. 10-4. Building permit fee schedule.

(a) *Fee for work without permit.* When work is commenced prior to obtaining a required permit, a fee of two times that specified in this section plus $100.00 shall be paid. The payment of such fees shall not relieve any person, firm, or corporation from fully complying with all of the requirements of all applicable regulations and codes, nor shall it relieve them from being subject to any of the penalties therein. The fee requirement shall be applicable to all divisions of the building department.

(b) *General fees; minimum fee.*

(4) *Recertification of plans and revised plans fee; permit card replacement.*

a. When plans are lost by the owner or contractor, a recertification fee is required to recertify a new set of plans: 30 percent of the original fee.

Minimum fee for residential uses . . . $ 50.00

Minimum fee for commercial uses . . . 90.00

b. Revised plans and shop drawings (after approval of initial plans), per sheet revised and reviewed . . . 17.50

Minimum fee . . . 25.00

c. Review of plans (per discipline), after second review . . . 50.00

d. Joint plan reviews . . . 250.00

e. Replacement of lost permit card or Replacement or duplication of plans (per sheet) . . . 15.00

f. Expedited plans review service for special projects. A "special project" is defined as a project having a development order, or any other project as determined by the City Manager, or his designee, as having special interest to the City. The service will cover the following disciplines: building, structural, mechanical, plumbing, electrical, elevator and gas. Outside source review will be the preferred method. Outside source review fee . . . Actual Cost

   Plus

   15%*

* Fifteen percent is the administrative fee to cover the cost of processing.

   In-House Review Fee . . . $250.00**

** Fee is per discipline with a maximum of two (2) reviews per fee per discipline.

g. Expedited plans review service for green buildings. Green buildings are defined as
those with resource efficient design, construction, and operation by employing environmentally sensible construction practices, systems, and materials and defined as residential or commercial buildings that are registered Leadership in Energy and Environmental Design (“LEED”) projects.

LEED is defined as the most recent Leadership in Energy and Environmental Design Rating System of the U.S. Green Building Council.

Expedited priority review of permit applications shall be defined as those to be reviewed prior to non-green building applications, in the order received, within the building permit review process. A refundable deposit, described in subsection i. will be required.

h. Green buildings eligible for priority permitting will be:

1. For buildings in excess of 50,000 square feet, and that exceed the requirements of LEED Silver certification.
2. For buildings below 50,000 square feet, and that meet or exceed the requirements for any level of LEED certification.

i. To qualify for expedited priority review and approval of permit applications, buildings meeting the criteria above must submit to the building department:

1. A LEED registration form;
2. A LEED scorecard indicating all expected rating points; and
3. The name and contact information for a LEED accredited professional on the project team.

(Ord. No. 11633, § 2, 3-31-98; Ord. No. 11725, § 1, 11-17-98; Ord. No. 12030, § 2, 3-8-01; Ord. No. 12155, § 1, 11-15-01; Ord. No. 12237, § 1, 6-13-02; Ord. No. 12663, § 1, 3-10-05; Ord. No. 12978, § 2, 5-8-08)

Sec. 10-5. Waiver of fees.
ARTICLE I. GREEN BUILDING ORDINANCE

Sec. 100-1. Definitions.

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

Green building means a 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 city shall rely on the review, evaluation and registration, certificate and/or verification of the design by U.S. Green Building Council, or other recognized green building rating system approved by resolution of the city commission, subject to the requirements of this chapter.

Green building program means the program outlined in this chapter for obtaining incentives for green buildings and developments.

Green development means 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.

LEED means Leadership in Energy and Environmental Design (LEED) Green Building Rating System, developed by the U.S. Green Building Council, or other recognized green building rating system approved by resolution of the city commission.

Program means the city's green building program.
Sustainable construction means the process of environmentally sensitive, resource efficient site selection, preparation, design, construction, and operation of buildings.

Any word not defined herein shall be construed as provided in section 114 -1 of this Code, or in the Florida Building Code, if provided therein, and if in conflict, the most restrictive shall apply.

(Ord. No. 2009-3633, § 1, 4-22-09)

Sec. 100-2. Purpose and intent.

The purpose of this chapter is to establish and promote programs and procedures that will help the city become a more sustainable community. This program shall define and establish new environmental goals and standards for a LEED certification-based green building program with incentives. This program will promote economic and environmental health in the city, through sustainable and environmentally friendly design and construction.

(Ord. No. 2009-3633, § 1, 4-22-09)

Sec. 100-3. Government leadership.

To demonstrate the city's commitment to a green building program, the city shall comply with the green building program established in this article for all government buildings when new construction as provided for in this chapter occurs.

(Ord. No. 2009-3633, § 1, 4-22-09)

Sec. 100-4. Designation of responsibility for administration and implementation.

The program shall be administered by the city manager or designee, who shall be responsible for:

(a) Funding administration of the city's green building program through annual funds budgeted and appropriated by the city commission;

(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 and implementing an incentive award as herein provided to any program participant who has committed to and/or successfully satisfied the requirements associated with that program; and

(f) Resolving disputes that may arise from implementing the program.

(Ord. No. 2009-3633, § 1, 4-22-09)

Sec. 100-5. Green building program applicability.

This program shall be voluntary for all private buildings involving new construction or substantial renovation. This program shall be mandatory for city-owned buildings involving new construction and the architectural plans for which were commenced after July 1, 2008.

(Ord. No. 2009-3633, § 1, 4-22-09)
Sec. 100-6. Green building standards.

In addition to the Florida Building Code's minimum standards, the program shall be administered using the then current standards developed by the U.S. Green Building Council ("USGBC"). These standards shall apply to each sub-program as follows:

(a) **New buildings:** The program participant shall satisfy all of the requirements associated with the then current USGBC LEED SILVER certification for new construction or derived USGBC LEED rating system (e.g., LEED for schools, LEED for health care) program; and

(b) **Renovation of existing buildings:** The program participant shall satisfy all of the requirements associated with the then current USGBC LEED SILVER certification for existing buildings, maintenance and operations, or derived USGBC LEED rating system (e.g., LEED for schools, LEED for health care) program.

If there is a conflict between the USGBC standards and the Florida Building Code ("FBC") or Florida Fire Prevention Code ("FFPC"), the FBC and FFPC take precedence.

(Ord. No. 2009-3633, § 1, 4-22-09)

Sec. 100-7. Incentives and bond requirements.

(a) The program shall consist of the following incentives designed to reward owners for green building.

(1) Building permit applications for a green building project submitted or resubmitted for review shall be given priority review over projects that are not green building projects by the city's departments reviewing such applications;

(2) All building inspections requested for green building projects shall be given priority over projects that are not green building projects; and

(3) Subject to, and within the limits of, funds appropriated annually by resolution of the city commission for the purposes set forth herein, owners or developers of green buildings shall receive a refund of the actual application and review fees for green building program certification and an amount not greater than one percent of the value of the construction, or alternatively 20 percent of the annual allocation, whichever is less, within 180 days of proof of certification by USGBC being submitted in writing to the city. The actual amount of financial incentives to which the applicant might qualify for shall be estimated at the time of issuance of the building permit for the project, and held in reserve. The final financial incentives shall be calculated at the time of LEED certification.

(b) In addition to the foregoing, the city shall provide the following marketing incentives:

(1) Allowing a plaque not to exceed two square feet to be attached to the building designating a project under the program, subject to the review and approval of the city manager or designee and the planning department; such plaque shall be treated as a governmental information sign exempt from permitting but subject to other regulations, as provided in subsection 138-4(1), city Code;

(2) The inclusion of program participants on a city webpage dedicated to the program;

(3) Press releases; and

(4) An award called the "Green Building Award" to be awarded annually to one program participant in each sub-program (e.g., new construction and renovation).

(c) Prior to filing an application for a building permit, or any award of incentives, the participant shall register their intent with the USGBC for LEED certification and obtain in writing a proposed checklist of certification points that may be attainable for the project. The participant shall then be required to attend a pre-application meeting with the city manager or designee for the purposes credits for certification and incentives. The
checklist and certification details shall be confirmed in writing by the applicant to the city manager or designee, on form established by the city, and through a covenant, recorded in the public records, form approved by the city attorney, between the property owner and the city that the proposed manner of compliance with LEED certification as provided by the program guidelines, policies and procedures will be incorporated into the development and maintained unless released by the city as provided for in the covenant. The participant will provide a performance bond or other security, in a form approved by the city attorney, as follows:

(1) The bond or security shall be in an amount equal to one percent of the value of the proposed construction as determined by the building official;

(2) The bond or security shall be submitted at the time of filing of any application for review of the project by a city board or department, if the applicant seeks any of the incentives provided in subparagraph (a) above;

(3) This bond or security shall be subject to call by the city 180 days from issuance of the certificate of occupancy or certificate of completion, whichever occurs first, if LEED certification has not been achieved by that time. Reasonable extensions of time may be granted by the city manager or designee;

(4) The applicant may request that up to 75 percent of the bond or security be released to the applicant for the purpose of completing improvements necessary for LEED certification, if a good faith effort toward completion is shown, and reasonable assurance provided on the success of plans to complete the LEED certification process, and a failure to complete the improvements is proven to the city manager or designee was no fault of the property owner, or for other good cause shown;

(5) If the applicant takes advantage of any of the incentives provided for herein, and fails to complete LEED certification as committed to, then the city manager or designee, in his or her sole discretion, shall deem such bond or security forfeited to the city as a contribution to the funding of the city's green building program, designated to fund the LEED program objectives as provided for herein, or any other lawful governmental purpose identified by the city commission; and

(6) If the project receives LEED certification prior to the expiration of the 180-day period for above, or extensions of time granted by the manager or designee, and the bond has not been forfeited as provided above, then the bond may be released following submittal to the city of written proof of LEED certification by the USGBC.

(Ord. No. 2009-3633, § 1, 4-22-09)

Sec. 100-8. Certification.

The project shall be subject to certification by a qualified independent third party who has been trained and certified as a LEED 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 standards in this article for a particular project.

(Ord. No. 2009-3633, § 1, 4-22-09)

Sec. 100-9. Education and training.

(a) The city shall conduct or participate in at least one free training workshop per year in Miami Beach for the purpose of educating potential or current program participants about the program.

(b) The city shall encourage not less than two members each of the building, planning department and public works staff to attend at least eight hours of green building training a year.

(Ord. No. 2009-3633, § 1, 4-22-09)

Sec. 100-10. Index and report.
The city manager shall semi-annually analyze and report to the city commission on the satisfaction of the green building program's goals and objectives as outlined in this article.

(Ord. No. 2009-3633, § 1, 4-22-09)

Sec. 100-11. Program review.

(a) Staff review. The city 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 chapter and thereafter at a frequency of not less than once per year.

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

(Ord. No. 2009-3633, § 1, 4-22-09)
ARTICLE III. AGENCIES, BOARDS AND COMMITTEES*

*Cross references: Community development advisory committee, § 34-1; Miami Beach Redevelopment Agency, § 34-56 et seq.; advisory board for safe neighborhood improvement district no. 1, § 34-150; advisory board for safe neighborhood improvement district no. 2, § 34-175; advisory board for safe neighborhood improvement district no. 3, § 34-200; advisory committee for state housing initiative partnership, § 58-126 et seq.; commission on the status of women, § 62-1; community relations board, § 62-2; Hispanic affairs committee, § 62-3; police/citizen relations committee, § 62-4; marine authority, § 66-66 et seq.; nuisance abatement board, § 70-206 et seq.; personnel board, § 78-1; governing board for employees benefit plan, § 78-56 et seq.; governing board for employees group life insurance plan, § 78-143; medical board for police officers and firefighters supplemental pension, § 78-221; art in public places committee, § 82-561 et seq.; visitor and convention authority, § 102-246 et seq.; tourist and convention center expansion authority, § 102-276 et seq.; transportation and parking committee, § 106-8; planning board, § 118-51 et seq.; design review board, § 118-71 et seq.; historic preservation board, § 118-101 et seq.; board of adjustment, § 118-131 et seq.; historic preservation board and design review board joint review board of projects, § 118-531 et seq.
DIVISION 31. SUSTAINABILITY COMMITTEE

Sec. 2-190.140. Committee purpose.

The purpose of the sustainability committee is to provide guidance and advice with regard to the city's efforts to provide and promote general environmental improvement trends, or "green initiatives," and "sustainable development," which is herein defined as a pattern of resource use that aims to meet community needs while preserving the environment so that these needs can be met, not only in the present, but in the indefinite future.

(Ord. No. 2008-3618, § 1, 10-7-08)

Sec. 2-190.141. Powers and duties.

The committee shall make advisory recommendations to the city commission and the city manager to promote and provide citywide green initiatives and to promote and provide plans for sustainable development in the City of Miami Beach.

(Ord. No. 2008-3618, § 1, 10-7-08)

Sec. 2-190.142. Composition.

The committee shall consist of seven voting members, one each to be directly appointed by the mayor and each city commissioner. A city commissioner, appointed by the mayor, shall serve as a nonvoting member and shall also serve as the chairperson of the committee.

(Ord. No. 2008-3618, § 1, 10-7-08)

Sec. 2-190.143. Supporting departments.

The office of the city manager and department of public works will provide staff support for the committee.

(Ord. No. 2008-3618, § 1, 10-7-08)
ARTICLE III. SUSTAINABLE BUILDINGS PROGRAM

Sec. 9-71. Title.

This Article shall be entitled, "The Sustainable Buildings Program."

(Ord. No. 07-65, § 3, 5-8-07)

Sec. 9-72. Policy.

It shall be the policy of Miami-Dade County to incorporate, wherever practical, green building practices into the planning, design, construction, management, renovation, maintenance and decommissioning of buildings owned, financed, and/or operated by the County.

(Ord. No. 07-65, § 3, 5-8-07)

Sec. 9-73. Definitions.

Unless specifically defined elsewhere in this Chapter, the definitions provided in this Section shall apply.

(a) Green building is a structure that is designed, built, renovated, operated and reused in an ecological and resource-efficient manner.

(b) Green building practices are environmentally and socially-conscious practices that emphasize processes and methods of design and construction that:

(i) reduce exposure to noxious materials,

(ii) conserve non-renewable energy and scarce materials,

(iii) minimize life-cycle ecological impact of energy and materials,

(iv) employ renewable energy or materials that are sustainably harvested,

(v) protect and restore local air, water, soils, flora and fauna, and

(vi) support pedestrians, bicycles, mass transit and other alternatives to fossil-fueled vehicles.

(g) Sustainable building means building processes that integrate materials and methods that promote environmental quality, economic vitality, and social benefit through the design, construction and operation of the built environment.

(Ord. No. 07-65, § 3, 5-8-07)
Sec. 9-74. Staffing.

(a) **Sustainability Manager.** The County Manager, or his designee, shall appoint a qualified staff person to serve as the Sustainability Manager, who will be charged with implementing the requirements of this Article, as well as coordinating the sustainability initiatives of other County departments and agencies. The Sustainability Manager shall be authorized to interpret and enforce all of the provisions of this Article.

(b) **Sustainability Liaison.** All County departments engaged in designing and constructing County-owned buildings shall designate a staff member with authority or expertise in project management, architecture, landscape architecture, design, engineering, resource conservation, budget analysis and other skills to act as a liaison with the Sustainability Manager.

(Ord. No. 07-65, § 3, 5-8-07)

Sec. 9-75. Measurement Standards and Compliance.

(a) **Rating System.** The Sustainability Manager shall select a nationally-recognized rating system that sets standards for implementing green building practices in design and construction, which may include, but not be limited to, the Leadership in Energy and Environmental Design Rating System administered by the U.S. Green Building Counsel. This rating system will be used to measure compliance with the terms of this Article. The rating system selected for each category of construction by the Sustainability Manager shall be set forth in an Implementing Regulation to be approved by the Board of County Commissioners.

(b) **Standard for County-owned buildings.** All new construction, major renovations/remodels, and non-major renovations/remodels of County-owned buildings shall adhere to the nationally-recognized rating system standards designated by the Sustainability Manager for that particular category of construction, as described in subsection (a) above.

(c) **Standard for County-financed, County-leased, and County-operated buildings.** The Sustainability Manager shall evaluate and propose criteria for the use of green building practices in connection with County-financed, County-leased, and County-operated buildings. The criteria shall be set forth in an Implementing Regulation to be approved by the Board of County Commissioners.

(d) **Interpretations, exemptions and waivers.** The Sustainability Manager shall establish such processes, policies, and procedures as may be necessary to guide the consideration of requests for interpretations of this Article, or for exemption or waiver from the requirements of this Article.

(Ord. No. 07-65, § 3, 5-8-07)
Miami-Dade County, FL
ARTICLE 1. ADMINISTRATION

Sec. 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.

(Ord. No. 05-115, § 1, 7-7-05)
Sec. 2-1258. TJIF incentives.

The total TJIF award is based on the number of new jobs created and the amount of countywide ad valorem property taxes, excluding debt service, and countywide portion of sales taxes paid per annual amounts addressed in the approved application/agreement. The TJIF award is tentatively ascertained, pending Board approval, during application processing by entering application information into the Economic Impact Model. Miami-Dade County will provide a qualifying Company up to $9,000.00 per new job in TJIF incentives as follows:

a. Up to $3,000.00 for each new job.

b. Up to $1,500.00 bonus for each new job if the Company is located in a Designated Priority Area.

c. Up to $1,500.00 bonus for each new job if the employee resides in a Designated Priority Area.

d. Up to $1,500.00 bonus for companies that operate their businesses out of buildings or facilities that qualify as "green construction" and/or that incorporates alternative energy systems. Specifically, a company can receive a bonus of up to $1,000.00 if the Company operates its business out of a building or facility which qualifies as "green construction" and is certified through the Leadership in Energy and Environmental Design (LEED) Green Building Rating System by the Florida Green Building Council or by the U.S. Green Building Council; and an additional bonus of up to $500.00 if the Company operates its business in a building or facility which incorporates solar thermal, photovoltaic, fuel cell, and/or co-generating energy generation. The alternative energy systems, with the exception of solar thermal, must be grid interconnected to the local utility to qualify.

e. Up to $1,500.00 bonus, if the company is in the business of Solar Thermal and Photovoltaic Manufacturing, Installation and Repair.

Consideration for award within a municipality or unincorporated Miami-Dade County will be evaluated and reported to the Board on a case-by-case basis.

A capital investment TJIF award may be provided to a Company when the minimum number of New Jobs has been created and when new capital investment by and/or for the Company exceeds $3 million in taxable property value. For a period of up to six (6) years (or longer as may be determined by the Board), the Company may receive said capital investment TJIF awards in the amount of eighty (80) percent of the amount of countywide ad valorem property taxes paid-in on the subject property and one hundred (100) percent of the amount of countywide ad valorem property taxes paid-in on the subject property if it is located in a Designated Priority Area. This award is not applicable to the ad valorem property taxes paid-in on the subject property's land value nor to any improvements in place prior to the project.

A Company may not receive award payments of more than twenty-five (25) percent of the total awards specified in the approved application/agreement in any fiscal year even if all the New Jobs are created in one (1) year. Further, a Company may not receive more than $1.5 million in awards in any single fiscal year, or more than $2.5 million in any single fiscal year if the project is located in a Designated Priority Area. A Company may not receive more than $5 million (or a higher amount as determined by the Board for any company funded from this Program after June 1, 2005) in award payments in all fiscal years, or more than $7.5 million (or higher amount as determined by the Board for any company funded from this Program after June 1, 2005) if the project is located in a Designated Priority Area. Further, the total award is capped by the lower of the above or the total of the applicable ad valorem property and sales taxes paid-in as a result of the project. Additionally, a Company cannot receive both a TJIF award and Enterprise Zone Tax Abatements unless the TJIF award is in excess of the Abatement; a Company cannot receive both the TJIF award on large capital investment taxes paid-in and the TJIF regular ad valorem property tax funded award; and, while a Company can receive both a tax refund under the State of Florida Qualified Target Industry Program and a TJIF award at the same time, it cannot receive more than an amount equal to what it has paid-in under the project at any time.

(Ord. No. 00-98, § 9, 7-25-00; Ord. No. 02-251, § 1, 12-3-02; Ord. No. 05-91, § 2, 5-3-05)
Miami-Dade County, FL
Chapter 33C FIXED-GUIDEWAY RAPID TRANSIT SYSTEM—DEVELOPMENT ZONE
Sec. 33C-8. Rapid transit zone district regulations for non-Metrorail development within the City of Miami.

(A) Purpose and intent. The purpose of these development standards is to provide guidelines governing the use, site design, building mass, parking, and circulation for all non-Metrorail development in the Rapid Transit Zone within the City of Miami with the intent of fulfilling the goals, objectives and policies of the County's Comprehensive Development Master Plan urban center text. Unless specified to the contrary, the Rapid Transit Zone District Regulations supersede all conflicting requirements in Chapter 33 and Chapter 18A of the Code of Miami-Dade County.

(C) Development Parameters. The following parameters shall apply to Rapid Transit Zone Station development provided such uses are compatible with transit uses and operations as determined by the Miami-Dade Transit Agency:

(1) Permitted Uses. A minimum of two of the following uses shall be included in all Rapid Transit Zone Station development:

(a) Business and civic uses allowed in the BU -1, BU-1A and BU-2 zoning districts. Drive-thru services are permitted and shall be concealed from the adjoining street network.

   (i) Outside food sales and services including but not limited to outdoor dining, cart vendors, and merchandise displays.

   (ii) The provisions of Section 33-150(A) and (B) of the Zoning Code regarding alcoholic beverage uses shall not apply.

(b) Residential uses. All residential or mixed-use developments, including those which obtained LEED or similar organization certification, located within any of the Rapid Transit Zones, with more than 4 residential units, shall provide a minimum of 12.5% of their units as work force housing units.

(c) Housing for the elderly.

(4) Density. The maximum densities for Rapid Transit Zone station development shall be as follows:

(a) Metropolitan Urban Centers: 250 units per net acre.

(b) Community Urban Centers: 125 units per net acre.

A 25% density bonus above the listed maximum urban center densities is permitted for residential rapid transit developments being designed for and having registered for certification for a Gold certification rating from LEED (Leadership in Energy and Environmental Design) or a similar organization accredited by the U.S. Green Building Council (USGBC). Residential developments being designed and having registered or certification for a Silver Certification rating from LEED or a similar organization accredited by the U.S. Green Building Council (USGBC) are permitted a density bonus of 12.5% above the listed maximum urban center densities.

(5) Building Heights. The maximum building heights for all Rapid Transit Zone station development shall be as follows:

(a) Metropolitan Urban Centers: 25 stories (maximum -- 7 stories pedestal, 13 stories tower, 5 stories penthouse)

(b) Community Urban Centers: 15 stories (maximum -- 5 stories pedestal, 8 stories tower, 2 stories penthouse)

(c) The maximum building height for the Coconut Grove station shall be 250 feet provided the development is designed and has registered for certification for a Silver Certification rating from LEED or a similar organization accredited by the U.S. Green Building Council (USGBC).

All rapid transit development having been designed and having registered for a certification rating from LEED or a similar organization accredited by the USGBC is permitted an increase in the number of allowable stories as follows:

(a) Metropolitan Urban Centers: a total of 30 stories (maximum -- 8 stories pedestal, 16 stories tower, 6 stories penthouse) with Silver Certification; 40 stories (maximum -- 11 stories pedestal, 22 stories tower, 7 stories penthouse) with Gold Certification

(b) Community Urban Centers: a total of 20 stories (maximum -- 6 stories pedestal, 11 stories tower, 3 stories penthouse) with Silver Certification; 25 stories (maximum -- 7 stories pedestal, 13 stories tower, 5 stories penthouse) with Gold Certification

Each story shall have a maximum height of 16 feet, as measured from floor to floor, except that a single story may have a maximum height of 30 feet, provided no mezzanine area exceeds 10% of the floor area of that story. Any height above 16 feet shall count as an additional story.

(D) Site Plan Review Standards and Criteria. The purpose of the site plan review is to encourage logic, imagination, and variety in the design process in an attempt to ensure congruity of the proposed development and its compatibility with the surrounding area. The following site plan review standards shall be utilized as a guide by the Miami-Dade Rapid Transit Developmental Impact Committee, the Miami-Dade Department of Planning and Zoning, and by the Board of County Commissioners in the consideration for site plan approval for all Rapid Transit Zone stations: All development in the Rapid Transit Zone shall be designed to contribute to the creation of a high-quality pedestrian environment within the zone and along its perimeter and provide direct logistical connections between the transit station and the adjacent neighborhood.

(10) All development projects should be designed so as to reduce energy consumption. Energy conservation methods may include, without limitation, the natural ventilation of structures, the siting of structures in relation to prevailing breezes and sun angles, and the provision of landscaping for shade and transpiration.

(F) Conflicts with Other Chapters and Regulations. This article shall govern in the event of conflicts with other zoning, subdivision, or landscape regulations of the Zoning Code, or with the Miami-Dade Public Works Department Manual.

(Ord. No. 08-28, § 3, 3-4-08)
Sec. 29-415. Sustainable building program.

(a) Sustainable building program incentives for green buildings. For any program participant seeking program certification for new commercial or multifamily construction or commercial substantial improvement meeting the requirements of this section, the city shall provide the following incentives:

   (1) Fast-track review and permitting for the development review committee (DRC) and building permits (see subsection 29-92(g));

   (2) Reduced permitting fee, which shall equal five (5) percent of the fee required, subject to availability of funds;

   (3) Final project recognition by the city;

   (4) Press releases;

   (5) Featured on the city greennorthmiami website;

   (6) Bonuses as provided in article IV.

(b) An applicant seeking a bonus under the provisions of article IV, shall submit a signed and sealed statement by an architect that the required number of criteria for the applicable LEED rating system are satisfied. After approval of a bonus, a design phase rating shall be issued by the USGBC prior to the issuance of a building permit. Upon completion of the project, the developer shall submit all documentation to the USGBC for review and final LEED certification.

(c) Except as provided in subsection (i), any new building or addition to a city-owned building shall be required to attain "silver" or higher designation under the leadership in energy and environmental design for new construction (LEED-NC) rating system.

(d) Except as provided in subsection (i), substantial renovation to improve or repair to the condition of an existing city-owned building/structure:

   (1) Substantially improved projects, shall be required to attain a "certified" or higher designation under the LEED-NC rating system.

   (2) Renovation, remodels, and other building upgrades which are not substantially improved projects are encouraged to incorporate the maximum number of LEED-approved green building practices as are feasible from a practical and fiscal perspective, however, LEED certification will not be required.

(e) Affordable housing constructed or substantially improved by the city: All new affordable housing units constructed or substantially improved by the city are required to comply with the green residential rehabilitation standards as adopted by the city council.

(f) All community redevelopment agency (CRA) owned or funded projects within the redevelopment area shall be required to attain a "silver" or higher designation under the leadership in energy and environmental design for new construction (LEED-NC) rating system.
(g) Except as provided in subsection (i), substantial renovation to improve or repair the condition of an existing CRA owned or funded building/structure within the redevelopment area shall be required:

1. Substantially improved projects, shall be required to attain a "certified" or higher designation under the LEED-NC rating system.

2. Renovation, remodels, and other building upgrades which are not substantially improved projects are encouraged to incorporate the maximum number of LEED-approved green building practices as are feasible from a practical and fiscal perspective, however, LEED certification will not be required.

3. Exemption from the LEED certification standards will apply in accordance with subsection (i) below.

(h) Except as provided in subsection (i), new commercial/noncity construction, addition or substantial improvement for commercial property shall be required:

1. To attain a "certified" or higher designation under the LEED-NC Rating System.

2. Renovation, remodels, and other building upgrades not meeting the above criteria are encouraged to incorporate the maximum number of LEED-approved green building practices as are feasible from a practical and fiscal perspective, however, LEED certification will not be required.

(i) Exemption:

1. The requirement for applying the appropriate LEED standard under any of the above-referenced categories may be exempted or modified due to special circumstances of the project. Such exemption or modification shall be for the express purpose of ensuring the use of the most appropriate or relevant rating standard, and shall not, in any way, exempt the requirement to apply green building practices to the maximum extent possible. This substitution process shall be administered by and through the development review committee.

2. Guidelines for requests for exemption from the LEED certification standards: The development review committee shall address petitions for specific exemptions and make recommendations to the applicant. The unique characteristics of a particular project shall not exempt it from applying green building practices to the maximum extent possible, and it is expected that all projects will incorporate as many LEED-approved green building practices as are feasible from a practical and fiscal perspective. The department review committee may, where it deems appropriate, substitute an alternative rating system such as The Florida Green Building Coalition standards, the Green Building Initiative's Green Globes rating system or a nationally recognized, high performance green building rating system as approved by the community planning and development department.

(j) At the minimum, the following green building principles shall be incorporated into the project:

1. Energy star rated equipment and or appliances;
2. LED lighting and compact fluorescent bulbs must be used and reported to the city’s community planning and development department by completing the energy star pledge;
3. Utilization of water re-use for irrigation; and/or rain sensors on irrigation system;
4. Utilization of plant materials for landscaping of the Florida Friendly Plant List;
5. Maximize water use efficiency in buildings to obtain reductions in water usage through the utilization of high-efficiency fixtures (water faucets, water closets, urinals, showerheads, etc.);
(6) Design the building/project to maximize energy performance through compliance with the mandatory and prescriptive requirements of ASHRAE/IESNA 90.1;

(7) Limit disruption of natural water flows by managing stormwater runoff through the implementation of a stormwater management plan that reduces impervious cover, promotes infiltration, and captures and treats stormwater runoff using acceptable best management practices (BMPs);

(8) Reduce heat-island effect by using roofing materials having a solar reflectants index (SRI) equal to or greater than:

<table>
<thead>
<tr>
<th>Roof-type</th>
<th>Slope</th>
<th>SRI</th>
</tr>
</thead>
<tbody>
<tr>
<td>Low-sloped roof</td>
<td>Less than or equal to 2:12</td>
<td>78</td>
</tr>
<tr>
<td>Steep sloped roof</td>
<td>Greater than 2:12</td>
<td>29</td>
</tr>
</tbody>
</table>

For a minimum of seventy-five (75) percent of the roof surface.

(9) Utilize two (2) of the following low-emitting materials:

a. Adhesives;
b. Sealants;
c. Paints and coatings;
d. Carpet;
e. Composite wood;
f. Agri-fiber products.

(Ord. No. 1278, § 1(exh. 1), 4-28-09)

Secs. 29-416--29-420. Reserved.
Sec. 24-50. Federal Highway Mixed Use Business and Entertainment Overlay District.

(A) Intent. It is the intent of the city commission to create a Mixed Use Business and Entertainment Overlay District for the purpose of encouraging mixed use redevelopment opportunities for existing business owners in the area identified as the Federal Highway Mixed Use Business and Entertainment Overlay District. The city commission does intend the Federal Highway Mixed Use Business and Entertainment Overlay District will provide a means of achieving mixed-use flexibility not currently allowable in the B-1 zoning classification of the City of Oakland Park’s Land Development Code of Ordinances. It is the express intent of the city commission that the Federal Highway Mixed Use Business and Entertainment Overlay District shall enhance the properties located within it, offering a number of redevelopment opportunities along the corridors of Federal Highway and Oakland Park Boulevard.

(B) It is the intent of the city commission that the creation of the Federal Highway Mixed Use Business and Entertainment Overlay District accomplish the following objectives:

1. Introduce a mix of uses to include residential, retail, entertainment, and office.
2. Encourage diversifications of uses, structures and open spaces not in conflict with surrounding properties and land uses.
3. Allow for a conditional 4:00 a.m. license for entertainment, eating and drinking related businesses if specific incentive criteria are satisfied.

(C) The geographical boundary of the Federal Highway Mixed Use and Business Overlay District shall consist of all land, and roads between the centerline of NE 20th Avenue, the north right-of-way line of Oakland Park Boulevard, the west right-of-way line of boundary of Federal Highway, and the centerline of NE 38th Street.

(D) District sub-areas.

1. There shall be two (2) sub-areas in the Federal Highway Mixed Use Business and Entertainment Overlay District whose locations are depicted on the map in this section. The sub-areas are as follows:

   (a) Federal Highway Mixed Use Business and Entertainment Overlay District--North District
   1. North District Boundary--All land, roads, and structures between Federal Highway and NE 20th Avenue from NE 38th Street to the centerline of NE 33rd Court.
   2. Federal Highway Mixed Use Business and Entertainment Overlay District--South District.
   1. South District Boundary--All land, roads, and structures between Federal Highway and NE 20th Avenue from centerline of NE 33rd Court to Oakland Park Boulevard.

   ...
(K) **Height limit and vertical plan moderation.**

(1) All mixed use buildings with residential uses shall not exceed thirty-six (36) feet in height.

(2) Additional height may be achieved through the green building density and height incentives, see section 24-50(R).

(3) Building height and roof structures. Overall height of a building or structure shall be measured from the minimum floor elevation as per sections 24-131 and 24-134(B) of the City of Oakland Park Land Development Code, to top of beam of the uppermost story. Roof structures are not included in the overall height of the building; however, they shall not exceed twenty-five (25) feet in height for fifty (50) percent of the roof area, allowing for elevator equipment, stairwells, and roof structure applications which screen roof equipment.

(4) Mechanical equipment. No mechanical equipment shall be visible from or adjacent to a residential zoning district. Mechanical equipment shall be fully screened.

5) Vertical plane moderation.

(a) Building exceeding thirty-six (36) feet in height shall be required to provide a horizontal moderation in the vertical surface plane between floors three and four, along NE 20th Avenue and Federal Highway. The vertical plane moderation shall be twenty (20) feet in depth.

(b) NE 20th Avenue.

1. When townhomes are attached to a building that exceeds thirty-six (36) feet in height, then the twenty-foot vertical plane moderation shall occur between floors three and four measured from the rear of the townhome. No building exceeding thirty-six (36) feet in height, including balconies and/or roof structures shall project over the townhome unit.

2. When townhomes are not introduced along NE 20th Avenue, a vertical plane moderation between floors three and four shall be maintained. The step back from floor three to floor four shall be measured horizontally, forty-five (45) feet.
Density and height incentives.

(1) If townhomes are introduced along NE 20th Avenue, approval for an additional ten (10) dwelling units per acre (DU/AC) may be sought.

(2) Green building density incentive program:

(a) Density may be increased by a total of fifteen (15) dwelling units per acre (DU/AC) through the green building density incentive program. In order to be considered eligible to achieve a density bonus, buildings are required to incorporate a number of green building elements in order to be eligible for the additional density. The green building principles are in accordance with the United States Green Building Council (USGBC) www.usgbc.org; Green Building Council's Leadership in Energy and Environmental Design (LEED-NC) document, Version 2.2, dated October 2005, and as hereby incorporated by reference and as may be amended in the future. Additional density and height may be allowed only after a series of prerequisites are met in two tiers.

(b) As part of the site plan approval process the applicant shall do the following in order to be considered for the green building density and height incentive program:

1. The applicant must successfully register the project with the United States Green Building Council (USGBC) and have necessary documentation.

2. Applicant shall have a minimum of one (1) LEED accredited professional on the design team. Applicant shall provide a copy of the LEED accreditation certificate and describe the role of the LEED accredited professional on the design team.

3. Provide a written narrative and detailed drawings and plans illustrating the applicant's intent to meet the seven (7) prerequisites as described in LEED-NC version 2.2 dated October 2005, or the most recent version as published by the USGBC.

4. Provide a written narrative and detailed drawings and plans illustrating the applicant's intent to meet Tier 1 and/or Tier 2 as described in the USGBC's Green Building Rating System for New Construction and Major Renovations, (LEED-NC), version 2.2 dated October 2005.

5. Provide a bond, or other security acceptable to the city, for the additional density through the green building density and height incentive program. The bond requirement shall be calculated based on the additional square footage of building area as described in the green building density and height program and the following:

   a. For commercial space, the bond shall be calculated on the square footage of the additional space multiplied by one hundred fifty dollars ($150.00) per square foot. The bond shall equal ten (10) percent of the one hundred fifty dollars ($150.00) per square foot multiplied by the total incentive square feet. The method of calculating the bond for additional density through green building density and height incentive program may be reviewed and adjusted on an annual basis by the city commission.

   b. For residential space, the bond shall be calculated on the square feet of the additional space multiplied by two hundred dollars ($200.00) per square foot. The...
bond shall equal ten (10) percent of the two hundred dollars ($200.00) per square foot multiplied by the total incentive square feet. The method of calculating the bond for additional density through green building density and height incentive program may be reviewed and adjusted on an annual basis by the city commission.

c. The bond amount shall be approved by the city at the time of site development plan approval and submitted prior to the issuance of any final certificate of occupancy for the project.

(c) The city shall release the bond after project completion and certificate of occupancy (CO) has been issued by the city, the applicant has certified the project with the United States Green Building Council (USGBC) and provides the certification letter to the city. If the project fails to meet criteria required for certification by the United States Green Building Council (USGBC), the applicant will forfeit one hundred (100) percent of the bond. If the project applies for Tier 2, and falls short of the Tier 2 requirements, but still is certified with the United States Green Building Council (USGBC), then the applicant shall forfeit fifty (50) percent of the bond.

(d) Funds that become available to the city from the forfeiture of bonds associated with the green building height and density program shall be utilized for improvements such as landscape, open space improvements, traffic calming, pollution mitigation, drainage and sanitary sewer improvements or similar improvements as deemed appropriate by the city commission within or immediately adjacent to the district.

(e) If the applicant is applying for green building height and density incentives, as part of the construction permitting process the applicant shall provide the necessary drawings, written narratives and or exhibits fully illustrating the intent to incorporate the green building principles described in the seven (7) prerequisites as well as Tier 1 and or Tier 2 as described in the USGBC's Green Building Rating System for New Construction and Major Renovations (LEED-NC) version 2.2, dated October 2005.

(3) Green building density prerequisites. In order to be eligible for the green building density and height incentive program, the seven (7) prerequisites shall be satisfied, as described in the USGBC LEED-NC Version 2.2, dated October 2005 and as determined by the city.

(4) Density bonus: Tier 1, green building incentive density and height.

(a) Tier 1 will allow an additional ten (10) DU/AC in the North District and ten (10) DU/AC in the South District.

(b) In order to be granted additional density and height, at least twenty-six (26) points shall be achieved, as outlined in the UCGBC's LEED-NC Version 2.2 or USGBC's most recent Green Building Rating System for New Construction and Major renovations (LEED-NC).

(5) Density bonus: Tier 2, green building incentive density and height.

(a) Tier 2 will allow an additional 5 DU/AC in the North District and 5 DU/AC in the South District.

(b) In order to be eligible for Tier 2, at least twenty-eight (28) points shall be met from Tier 1. If more points were met and granted in Tier 1, they may count towards the total of Tier 2. In order to be granted the additional density in Tier 2, at least an additional eight (8) points shall be achieved in Tier 2, or a total of thirty-six (36) points.

(6) Specific height requirements: If green building incentive programs are met:

(a) North District. In the instance where Green Building Density and Height incentives have been met, mixed use buildings with residential uses shall not exceed one hundred (100) feet in height. Buildings over thirty-six (36) feet must include a vertical plane moderation (see vertical plane moderation section 24-50 (K)(4)).
(b) South District. In the instance where green building density and height incentives have been met, mixed use buildings with residential uses shall not exceed one hundred and twenty (120) feet in height. Buildings over thirty-six (36) feet must include a vertical plane moderation (see Vertical plane moderation, section 24-50 (K)(5)).

(8) Green building density and height incentives. All development, including but not limited to, buildings that are requesting additional height and density through the green building are subject to the criteria stated in the 24-50 Federal Highway Mixed Use Business and Entertainment Overlay District. The city commission shall approve all development in the Federal Highway Mixed Use Business and Entertainment Overlay District that is requesting additional density and height in accordance with the United States Green Building (USGBC) LEED-NC for New Construction or Major Renovations Version 2.2, dated October 2005 and Tier 1 and Tier 2 as described herein Section 24-50 Federal Highway Mixed Use Business and Entertainment Overlay District. The USGBC LEED-NC version 2.2, dated October 2005 include criteria for green building.

(9) The USGBC LEED-NC is hereby adopted by reference and as may be amended in the future.
Orange County, FL

ARTICLE IV. ZONING DISTRICTS ESTABLISHED; ZONING MAP

Sec. 38-79. Conditions for permitted uses and special exceptions.
The following numbered conditions shall correlate with the numbers listed in the use table set forth in section 38-77:

w. Big box developments are encouraged to maximize energy and water efficiency; protect air and water quality; and reduce solid waste, utilizing best energy management practices as outlined by the U.S. Green Building Council (USGBC), or ENERGY STAR (joint program of the U.S. Environmental Protection Agency and the U.S. Department of Energy).

(Ord. No. 2007-01, § 14, 3-20-07)
ARTICLE II. GREEN DEVELOPMENT PROGRAM*

*Editor's note: Ord. No. 08-14, § 3, adopted July 15, 2008, repealed the former Art. II, §§ 15-31 and 15-32 in its entirety, which pertained to the building code and derived from Ord. No. 01-43, § 1, adopted December 18, 2001. For current provisions pertaining to the building code, the user's attention is directed to § 15-1. Subsequently, Ord. No. 09-22, §§ 1--11, adopted Oct. 20, 2009, did not specify manner of inclusion; hence, codification as a new Art. II, §§ 15-31--15-41, was at the discretion of the editor.

Cross references: Buildings and building regulations, ch. 15; community development, ch. 17; environment, ch. 24; Land Development Code.

Sec. 15-31. Legislative findings and intent.

(a) The provisions set forth in the above recitals to this article (whereas clauses) are hereby adopted by the City Council of the City of Palm Coast as the legislative findings and intent pertaining to this article.

(b) That the City will encourage voluntary green building through innovative "Green" programs to include, but not [be] limited [to] the Green Development Program detailed herein.

(c) That the City will establish goals, programs, and procedures that will further enhance the City Council sustainable community vision.

(d) That a voluntary Green Development Program shall be created that recognizes and awards participants with incentive-based initiatives.

(e) That the Program will be voluntary for participants in order to effectively encourage the enhancement of sustainable and environmentally-friendly practices within and beyond the City of Palm Coast.

(Ord. No. 09-22, § 1, 10-20-09)

Sec. 15-32. 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:

Environmental Management System (EMS). A planning and management tool which serves to establish, implement, maintain, and improve an environmentally based management plan. An EMS
demonstrates an organization's conformity with stated environmental policies and aspects that it can control and those which it may influence.

**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.

**Florida-Friendly Community.** An annual award for those communities that have Florida-Friendly Landscaping throughout both the home sites and common areas.

**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.

**Florida Green Building Coalition, Inc. (FGBC).** A 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.

**Florida Green Lodging.** A program by the Florida Department of Environmental Protection to designate lodging establishments as "green" for following environmentally sensitive operating procedures.

**Green Building.** A designation given to buildings that have achieved the requirements of the green building rating system defined in this green building program.

**Green Building Initiative (GBI).** 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.

**Green Development.** A development approach that goes beyond conventional development practice by integrating the following elements: Environmental stewardship, responsiveness, resource efficiency, sensitivity to existing and past culture, and community. Bringing these elements together through the green development approach provides numerous environmental and economic benefits by capitalizing on the interconnections.

**Green Development Program.** The program outlined in this article for obtaining incentives for green buildings and developments.

**Green Home Standard (GHDS).** A designation given by Florida Green Building Coalition to a existing or new Florida home that achieves an energy-efficient home that incorporates multiple environmental, ecological and sustainability features that materially enhance the built environment. Levels of platinum, gold, silver, and bronze can be achieved.

**Leadership in Energy and Environmental Design (LEED).** A rating system of the U.S. Green Building Council which serves to encourage and provide performance criteria structures and operations for existing and new construction including Homes, Commercial Interiors, Core and Shell, Schools, Healthcare, and Retail.

**Master Planned Development District (MPD).** The purpose of the Master Planned Development District is to provide opportunities for innovative planning and design. Although greater flexibility is given within this district, procedures are established through the City of Palm Coast Unified Land Development Code to ensure that master planned developments are consistent with sound and generally accepted land development practices and that added benefit is accrued to the community.
Sustainable Construction. The process of environmentally sensitive, resource efficient site selection, preparation, design, construction, and operation of buildings.

United States Green Building Council (USGBC). 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.

(Ord. No. 09-22, § 2, 10-20-09)

Sec. 15-33. Government leadership.

With the achievement of the FGBC Green Local Government Designation, the City is recognized for innovative practices and programs within City facilities and the community. To further demonstrate the City's commitment to sustain and enhance effective operations and programs, the City shall:

(1) Create an Environmental Management System (EMS) for all City facilities and practices. The EMS will evaluate internal City operations to continually improve environmental performance measures with a systematic and multi-department management approach.

(2) The City will release an annual report that outlines EMS established goals and methodologies which serves to track resource consumption for potential reductions in the subsequent year.

(Ord. No. 09-22, § 3, 10-20-09)

Sec. 15-34. Designation of responsibility for administration and implementation.

This Program shall be administered by the City Manager, or designee, which shall be responsible for:

(1) 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 printed methods;

(2) Developing any appropriate or necessary application procedures including, but not limited to, eligibility, fast tracking, and program compliance;

(3) Maintaining staff certification to effectively provide no-cost certification services to an Applicant;

(4) Coordinating at least one training workshop per year for the purpose of educating City staff and current and potential participants in the Green Development Program on the program and its benefits and requirements.

(Ord. No. 09-22, § 4, 10-20-09)

Sec. 15-35. Green development program applicability.

The program shall be voluntary and comprised of the following types of private construction activities:
(1) New residential construction;
(2) Residential retrofitting/remodeling;
(3) New commercial/non-residential construction;
(4) Existing commercial/non-residential construction; and
(5) Land development.

(Ord. No. 09-22, § 5, 10-20-09)

Sec. 15-36. Standard.

In addition to the Florida Building Code’s minimum standards and the Unified Land Development Code (Ordinance No. 2008-16), the program shall be administered using the published LEED standards of the USGBC, GBI's Green Globes rating system, Green Lodging, FGBC Green Building Standard, FGBC Green Development Standard, Florida Friendly Landscaping, or standards or elements thereof. In the event that these standards are no longer effective, an alternative sustainable building certification system may also be developed to measure compliance in the Green Development Program.

(Ord. No. 09-22, § 6, 10-20-09)

Sec. 15-37. Construction based incentives.

For any participant seeking Green Development Program certification, incentives shall be provided, but not limited to the following to generate a net reduction of project costs by a minimum of $300.00 for new residential construction and residential retrofitting/remodeling; and $1,000.00 for new commercial construction and commercial retrofitting/remodeling.

(1) Permit Fee: To effectively encourage participation and establish sustainable building within Palm Coast, the Building Division shall reduce through Resolution 09-182, Administrative, Plan Review fees for Applicants participating within the Green Development Program. Fee reduction shall not apply to re-inspection fees.

(2) Fast track development review:
   a. [Development services:] Development services, including site plan review, submitted or resubmitted for review, for Green Development Program projects shall be given priority over projects which are not Green Development projects by all City departments reviewing such applications.
   b. [Priority status:] Applicants who obtain priority status pursuant to this section shall provide proof of sustainable building certification to the City within 180 days of construction completion, as defined by Certificate of Occupancy issue date. Application forms for sustainable building certification and agreements with property owners or developers seeking priority status may provide that property owners or developers who obtain priority status but fail to obtain sustainable building certification may be denied future priority status by the City Manager, or designee.
   c. Florida Green Building Coalition Certification: As part of a "Building Final" inspection services, the City will provide one optional and no-cost certification service per applicant specific to the FGBC standards for a new home and new commercial building. By utilizing this optional service, the program participant shall utilize the completed assessment in pursuit of project certification with
FGBC. Proof of FGBC application submittal shall be submitted to the City within 180 days of inspection completion.

d. Designation: The City shall coordinate a program of recognition, on the City website or by other additional means, identifying permitted construction as a green development project with benefits to the community and the environment.

(Ord. No. 09-22, § 7, 10-20-09)

Sec. 15-38. Planned development incentives.

For any participant seeking Green Development Program certification, incentives shall be provided, but not limited to the following to generate a net reduction of project costs by a minimum of $2,500.00.

1) Fast track development review:
   a. Planning services, including site plan review, submitted or resubmitted for review, for Green Development Program projects shall be given priority over projects which are not Green Development projects by all City departments reviewing such applications.
   b. Applicants who obtain priority status pursuant to this section shall process approvals through a Master Plan Development application process at which time the Applicant shall provide proof of pursuing a Green Development certification through LEED, FGBC or equivalent standard for sustainable building.

2) Designation: The City shall coordinate a program of recognition, on the City website or by other additional means, identifying permitted construction as a green development project with benefits to the community and the environment.

(Ord. No. 09-22, § 8, 10-20-09)


The Green Development Program elements shall be subject to certification by a qualified third party who has been trained and certified as a green agent by the overseeing organization including, but not limited to, U.S. Green Building Council and Florida Green Building Coalition. For the purpose of this section of the program, "third party" means any person or entity authorized and qualified to perform the certification processes.

(Ord. No. 09-22, § 9, 10-20-09)

Sec. 15-40. Ongoing review.

The City is directed to maintain a continuing review of local, state, and national green building and development programs and make recommendations to the Council for any changes to this Chapter as a result of changes in laws, practices, or technologies concerning green building programs.

(Ord. No. 09-22, § 10, 10-20-09)

Sec. 15-41. Sunset.

This article shall sunset January 1, 2012, at which time the Green Building Program will be
discontinued and reevaluated.
(Ord. No. 09-22, § 11, 10-20-09)
ARTICLE VII. PLANNED UNIT DEVELOPMENT DISTRICT (PUD)

Sec. 104-331. Purpose and intent.

(a) It is the intent and purpose of a planned unit development (PUD) district to establish a regulatory vehicle to reduce the creation and spread of urban sprawl and to allow for more innovative and flexible development. PUDs shall be designed with the overall priority for sustainability of the communities they create. The PUD district shall be designed as a master concept plan indicating a holistic unity of design, style, and functionality. The uses of land within the PUD shall be internally designed for the use of the residents with a focus on open space, natural resource protection, livability and alternative transportation.

(b) PUD districts shall be created from contiguous lands under common ownership and connected by the internal transportation system.

(CPLDR 1993, § 4-11.1)

Sec. 104-332. PUD objectives.

(a) To facilitate the use of the most advantageous designs and techniques for land development, the city establishes this PUD land use, in which development shall be in harmony with the general purpose and intent of section 104-331, the city's community planning program, and the comprehensive plan, as amended. The goal of these PUD regulations is to permit flexibility in design and planning that will achieve the following performance goals:

(1) Promote a more desirable environment than would be possible through the strict application of the minimum standards of this Code;

(2) Provide flexibility in planning, design and development by encouraging innovative approaches to more sustainable community environments, i.e., new urbanism or traditional neighborhood development--TND), conservation or clustered subdivisions, green building technology, cottage developments, etc.;

(3) Create living environments that are continually responsive to the needs of their inhabitants;

(4) Enhance the appearance and functionality of land through the preservation of natural, historical, and archeological features, as well as the provision of underground utilities, additional recreational facilities, and meaningful open spaces that exceed existing standards;

(5) Encourage the integration of different housing types, e.g., single-family detached homes, single-family townhomes, zero lot line development, cluster and cottage homes, apartments and duplexes, that fulfill the housing needs of a diverse population of various income levels, including the very-low, low-, and moderate-income families;

(6) Provide an opportunity for new approaches to ownership;

(7) Provide a stable environment that is compatible with surrounding areas;

(8) Provide community environments that are so designed and located as to be an integral part of the total ecosystem that results in more efficient land utilization, which reduces the network of utilities and roadways;

(9) Encourage the design of communities and structures compatible with the local climate; and

(10) Encourage the use of alternative transportation, e.g., pedestrian and bicycle ways.

(b) An additional goal of the PUD format is to encourage the clustering of development to achieve an efficient
use of land. This design style shall permit utilization of:

(1) Narrower and shorter local streets and more efficient utility networks;
(2) More walkable and alternative transportation-oriented neighborhoods;
(3) Smaller, more manageable lot sizes;
(4) Reduced impervious surface coverage to lessen stormwater runoff;
(5) Protection of surface water and groundwater;
(6) Protection of wildlife corridors;
(7) Protection of the community character in designated areas; and
(8) Reduced development costs and longterm infrastructure maintenance and renovation costs.

(CPLDR 1993, § 4-11.2)

Sec. 104-334. Applicability.

This section shall control all PUD districts and if there is a conflict between any provision of this section and another ordinance or regulation, this section shall control.

(CPLDR 1993, § 4-11.4)
Chapter 2 DEFINITIONS AND INTERPRETATIONS

Sec. 1: Interpretations of certain terms and words.

(a) The singular includes the plural and vice versa.
(b) The masculine includes the feminine and neuter and vice versa.
(c) The present tense includes the future.
(d) The word "shall" is mandatory and the word "may" is permissive.
(e) The word "person" includes an individual, child, firm, association, joint venture, partnership, estate, trust, syndicate, fiduciary, corporation, and all other groups or combinations.
(f) The word "writing" includes handwriting, printing, typewriting, and all other methods and means of forming letters and characters upon paper, stone, wood or other materials.
(g) The word "lot" includes the words parcel of land, plot, or tract.
(h) The word "land" includes the words "water," "marsh," "swamp," "gross land area" and "gross acre of land."
(j) All words and terms defined in any code adopted by reference are hereby incorporated in this code. However, if a word is also defined in this chapter, the latter definition shall apply in all cases except when interpreting the referenced code.
(k) All words not defined in this code shall carry their customary meaning as found in Merriam Webster's Collegiate Dictionary, Tenth Edition.

(Ord. No. 1996-33, § 1, 11-19-96)

Section 2: Definitions.

[For the purpose of this code, the following words and terms shall have the meanings respectively ascribed to them, unless the context requires otherwise:]

Port Orange, FL
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.

Green building. A designation given to buildings that have achieved the requirements of the green building rating system defined in the green building program in chapter 7, section 8 of this code.

Green building program. The program outlined in chapter 7, section 8 of this code for obtaining incentives for green buildings.

Green building program certification. The final designation awarded to a green building program (chapter 7, section 8) participant for satisfying all requirements associated with the program for a particular project.

Green building program participant. Any person or entity seeking green building program (chapter 7, section 8) certification for a particular project.

Green building project. Any construction associated with the creation, development, or erection of any building eligible for the green building program (chapter 7, section 8).

Green building subprogram. Any area of construction covered by the green building program (chapter 7, section 8).

Green development. A development approach that goes beyond conventional development practice by integrating the following elements: environmental responsiveness, resource efficiency, sensitivity to existing culture and community; and brings these elements together through the green development approach and provides numerous environmental and economic benefits by capitalizing on the interconnections between them.

Port Orange, FL

Chapter 7 BUILDING PLANS AND PERMITS APPROVAL*

*Code of Ordinances references-Buildings and building regulations, ch. 14; building permit fees, § 1446 et seq.

Sec. 1: In general.
Sec. 2: Permit application.
Sec. 3: Building permit.
Sec. 4: Inspections.
Sec. 5: Certificate of occupancy, temporary use permit and certificate of completion.
Sec. 6: Early start permits.
Sec. 7: Master files.
Sec. 8: Green building program.

Section 1: In general.

The provisions of this chapter relate to the construction and fire safety codes for new development.

Section 8: Green building program.

(a) Purpose and intent. The green building program establishes procedures and incentives for the implementation of green building standards. The program is intended to encourage the incorporation of green building practices into development projects. The program may be applied to any development within the city, including redevelopment projects and government-initiated development projects, submitted for city review.

(b) Terms. The following terms may be used in this section and are defined in chapter 2: Conserve Florida; dark sky; Energy Star; FGBC; FGBC green local government designation; Florida friendly landscaping; GBI; green building; green building program; green building program certification; green building program participant; green building project; green building subprogram; green development; Green Globes; LEED; sustainable design; and USGBC.

(c) Government leadership. To demonstrate the city's commitment to a green building program, the city shall comply with the green building programs established herein for all government buildings pursuant to F.S. § 255.2575(2); and

(1) Track and report the city's monthly water and energy use; and
(2) Publish an annual report that outlines the city's energy and water use performance for the prior year and outlines methodologies for potential reductions in the subsequent year.

(d) *Scope and applicability.* This program applies to all lands private and public within the city and the city-owned wellfields. The scope of its application shall be for development approvals and building permits submitted for the voluntary green building program. Such plans and approvals shall be reviewed for compliance with the appropriate parts of the adopted city comprehensive plan and the Land Development Code.

(e) *Green building program coverage.* The program shall be comprised of the following subprograms:

1. New residential construction;
2. Residential retrofitting/remodeling;
3. New commercial/mixed-use/institutional construction; and
4. Existing commercial/mixed-use/institutional retrofitting/remodeling.

(f) *Green building standards.* In addition to the Florida Building Code's minimum standards and Volusia County's Water Wise Ordinance (No. 2004-20, section V, 12-16-04), the program shall be administered using standards developed by the Florida Green Building Coalition (the "FGBC"), the U.S. Green Building Council (the "USGBC"), the Green Building Initiative's (GBI) Green Globes rating system, or a nationally recognized, high-performance green building rating system as approved in writing by the city manager or his designee, including but not limited to, any monetary or certification requirements.

1. **New residential construction.** New residential project participants shall obtain certification from the entity and satisfy the certification requirements associated with either:
   
   (a) The current green home designation standard of the FGBC for projects with fewer than three floors or green high rise residential designation standard of FGBC for projects of three floors or more;
   
   (b) The current USGBC LEED for homes program; or
   
   (c) The GBI new home designation.

2. **Residential retrofitting/remodeling.** The participant shall obtain certification from the entity and meet requirements of remodeling certification for either:

   (a) The current green home designation standard of the FGBC for projects with fewer than three floors or green high rise residential designation standard of FGBC for projects of three floors or more;
   
   (b) The current LEED for homes program requirements for "remodeling" or "existing home" of the designation; or
   
   (c) The GBI.

3. **New commercial/mixed-use/institutional construction.** The participant shall obtain certification from the entity and satisfy all of the requirements associated with:

   (a) The current green commercial designation standard of the FGBC;
   
   (b) The current LEED for new construction or derived USGBC LEED rating system; or
   
   (c) The Green Globes environmental assessment system for new designs.

4. **Existing commercial/mixed-use/institutional retrofitting/remodeling.** The program
participant shall obtain certification from the entity and satisfy all of the requirements associated with:

(a) The current green commercial designation standard of the FGBC;
(b) The current LEED for existing buildings or derived USGBC LEED rating system program; or
(c) The Green Globes environmental assessment system for existing designs.

(5) Review. For the purpose of this section of the program, a program participant shall be bound by the standard designated for a particular subprogram unless the 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) Tiered qualification. A project certified by the Florida Green Building Coalition may qualify for one of four levels: "certified", "bronze", "silver" or "gold". A project certified by the U.S. Green Building Council may qualify for one of four levels: "certified", "silver", "gold" or "platinum". A project certified by the Green Building Initiative may qualify for a certification of one, two, three, or four Green Globes.

(h) Incentives. The city shall provide the following incentives to encourage the use of this program and are hereby authorized:

(1) Fast-track permitting. For any voluntary program participant actively seeking a program certification, the city shall provide fast-track permitting. All such applications for fast-track permitting shall be accompanied by the appropriate green building program application form, evidence of a completed green building certification application according to the requirements of the certifying entity, and proof of payment of the application fee required to process the application for certification. A city staff member shall be designated as project manager and shall work in close contact with the applicant and his/her agent(s). The project manager shall oversee an expedited review of the project once formal plans have been prepared and submitted to the city.

(2) Signage. The city shall allow the following bonuses to the currently allowed signage regulations:

(a) One additional temporary construction sign may be installed that notes that "This project is a City of Port Orange Green Certified project by [COMPANY NAME]." This additional temporary construction sign must meet the standard dimensional requirements for a temporary construction sign in this code.
(b) The notation "City of Port Orange Green Certified Project" may be added on project entry monument signage. The additional sign area to include the city approved notation letters and logo shall be a maximum of four inches high by 42 inches wide. Additional sign area on the monument signage shall be permitted for this notation only if the minimum area necessary to display the notation will cause the monument sign to exceed its maximum allowable sign area, as set forth in this code.

(3) Marketing. For any program participant seeking program certification, the city shall provide the following marketing incentives, including but not limited to:

(a) The inclusion of program participants on a web page dedicated to the program;
(b) The creation of promotional documents such as a program logo for a participant's advertisements or brochures; and
(c) Press releases.
(4) *Green building award.* For the purpose of publicly recognizing outstanding commitment to green building, the program shall provide for an award called the "City of Port Orange Green Building Award" to be awarded annually by the city to one program participant in each subprogram.

(i) *Certification verification.* The applicant shall provide documentation to the city verifying the authenticity of a project’s green 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 certifying entity, FGBC, USGBC, or GBI.

(j) *Education and training.* The city, in conjunction with FGBC, USGBC, GBI, or other nationally recognized high-performance green building rating system, may conduct training workshops for the purpose of educating potential or current program participants about the program.

(1) The city will 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 facility's staff to make arrangements.

(2) City staff shall be encouraged to attend at least of eight hours of green building training a year.

(Ord. No. 2009-12, § 3, 7-28-09)
Sanford, FL

Schedule U OVERLAY DISTRICTS*

Section 3.0. Downtown/Riverfront/Midtown/Overlay Districts.

The following sections regulate specific areas within the City of Sanford. Design components within the special districts have been crafted to provide options for development that will allow for innovative traditional design development with the creation of three new overlay districts: Riverfront Overlay District, Midtown Overlay District and Downtown Overlay District. The criteria shall be strictly adhered to in order to maintain the vision of or the city. The standards will encourage connections between the waterfront, shopping, working and residential areas.

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

LEED. The Leadership in Energy and Environmental Design (LEED) Green Building Rating System TM is the nationally accepted benchmark for the design, construction, and operation of high-performance green buildings. LEED promotes a whole-building approach to sustainability by recognizing performance in five key areas of human and environmental health:

1. Sustainable site development;
2. Water savings;
3. Energy efficiency;
4. Materials selection; and
5. Indoor environmental quality.

B. Applicability of other sections of the land development code. In addition to the standards provided herein, development within the special area districts shall be required to meet all other applicable sections of the land development code. Where any provision of the downtown/riverfront design standards is in conflict with any other standards or regulations of the land development code, the downtown/riverfront standards shall prevail.

The provisions of section 15, urban infill, of Schedule E may not be applied to any parcels within the downtown/riverfront/midtown areas.

For those parcels located in the Historic Commercial District, the provisions of Schedule S shall prevail.

Parcels greater than four acres shall be rezoned to planned development. The design of planned developments shall adhere to traditional design development and shall generally conform to the downtown/riverfront overlay standards for block development, site design, lot layout, prototype design, and building design. Any deviation from the standards of this ordinance shall result in a development that is beneficial to the city, enhances the character of the community in which it is located and is superior to a project that is designed consistent with the downtown/riverfront overlay standards.

Seventy-five percent of a parcel adjacent to Seminole Boulevard in the riverfront district shall maintain a 35-foot setback from the property line abutting Seminole Boulevard.

The maximum height of structures on Marina Isle is 90 feet as measured from sidewalk grade to the rooftop including attics, mechanical equipment and raised basements. Decorative elements may exceed the total height of the structure by no more than ten percent of the total height of the building for structures greater than four stories and by no more than 20 percent for structures four stories and less.

F. Site design and lot layout. Examples of permitted development types are described for illustrative
purposes. Each site plan shall be required to identify how the proposed development, including buildings and structures, is assembled within a context that conforms to the design standards for the block or partial block within which the building occurs.

The development examples are a series of illustrations that highlight some of the downtown/riverfront standards. The illustrations are shown in a block format and individual parcel development may not be able to build to the form of a block. However, all development, at a minimum, will be expected to comply with the building design, site design and lot layout as described in these design standards. If development of an entire block occurs, the illustration shall be used as a development tool. Any new development that is at least two acres in size shall follow the block structure. The maximum permitted block size for a new development shall not exceed 350 feet by 600 feet. The administrative official or his designee may permit a varying block size provided site constraints exist and the maximum block size must be maintained by pedestrian access and breaks on the first floor.

1. **Single-use commercial development.** The single-use commercial illustration, figure A, permits a wide range of commercial uses.

   (a) **Height.** One to four stories not to exceed 56 feet.

   (b) **Setbacks.** The minimum front setback is zero feet and the maximum setback is 15 feet. Side setbacks shall be the same as the front setbacks.

   (c) **Setback encroachment.** Special architectural features, such as balconies, bay windows, arcades, awnings, etc. may project into front setbacks and public rights-of-way on streets provided they are eight feet above the sidewalk and leave a minimum five-foot wide unobstructed sidewalk. Support structures for these features shall be located such that they do not affect the clear sight triangle for travel lanes or the on-street parking. Prior to new encroachment into the public rights-of-way, a permit shall be obtained from the administrative official or designee.

2. **Mixed-use development.** Mixed-use development examples are designed to accommodate a range of retail, office and mixed-use building types. Mixed-use developments include:

   (a) Retail option one and option two, figures D and E and office/mixed-use option one and option two, figures B and C.

      i. **Height.** Option one maximum height is four stories not to exceed 56 feet and option two is eight stories not to exceed 112 feet with the following provisions:

         • The distance from existing single-family residential zoning must be at a minimum of 300 feet.

         • The fourth story shall be set back ten feet from the third story. This setback shall occur from any street side facade of the building.

         • Midtown Overlay District (MT) and Downtown District (DT) permits six stories and the Riverfront Overlay District (RF) permits eight stories. The additional stories are permitted if the building is leadership in energy and environmental design (LEED) certified.

      ii. **Setbacks.** The front setbacks are a minimum of zero feet and a maximum of 15 feet. Side setbacks shall be the same as the front setbacks.

      iii. **Setback encroachment.** Special architectural features, such as balconies, bay windows, arcades, awnings, etc. may project into front setbacks and public rights-of-way on streets provided they are eight feet above the sidewalk and leave a minimum five-foot wide unobstructed sidewalk. Support structures for these features shall be located such that they do not affect the clear sight triangle for travel lanes or the on-street parking. Prior to new encroachment into the public right-of-way, a permit shall be obtained from the city commission or its designee.
3. **High-density mixed-use development.** Figure F.

(a) **Height.** Permitted height shall be six stories not to exceed 84 feet with a bonus of up to an additional two stories not to exceed 28 feet, totaling no more than eight stories not to exceed 112 feet is permitted with the following provisions:

i. To receive the bonus stories, the building must be leadership in energy and environmental design (LEED) certified;

ii. The podium portion of the building shall be three stories in height; and

iii. All stories over three shall be considered the tower. A tower's maximum lineal dimension may not extend more than 200 feet. If two towers are located on the podium, the required distance between the towers shall be determined by one-third of the height of the tallest tower.

(b) **Additional permitted height.** In addition to the permitted eight stories, an additional four stories not to exceed 168 feet is permitted provided that the determination of the additional amount of stories will be determined by the permitted density and the location of the proposed additional height.

An additional four stories (ninth, tenth, eleventh, and twelfth story) may be granted if the parcel is located west of French Avenue or north of Fulton Street on the east side of French Avenue and not adjacent to any single-family residential zoning district.

(c) **Setbacks.** The front setbacks are a minimum of zero feet and a maximum of 15 feet. Side setbacks shall be the same as the front setbacks.

(d) **Setback encroachment.** Special architectural features, such as balconies, bay windows, arcades, awnings, etc. may project into front setbacks and public rights-of-way on streets provided they are eight feet above the sidewalk and leave a minimum five-foot wide unobstructed sidewalk. Support structures for these features shall be located such that they do not affect the clear sight triangle for travel lanes or the on-street parking. Prior to new encroachment into the public right-of-way, a permit shall be obtained from the administrative official or designee.

4. **Attached residential development.** Residential development illustrations, figure G and figure H. The attached residential development block is designed to accommodate a range of multifamily building types including apartment buildings, condominiums and town homes.

(a) **Elevation.** The minimum elevation shall be 18 inches from the base flood elevation.

(b) **Height.** The minimum height shall be two stories not to exceed 28 feet and the maximum height is three stories not to exceed 42 feet.

(c) **Setbacks.** The minimum front yard setback is ten feet and the maximum is 20 feet. The side yard setback on the corner lots shall be maintained consistent with the front yard setback. Garage and accessory units located in the rear of the parcel shall be setback a minimum of four feet from an alley and ten feet when an alley is not constructed.

(d) **Setback encroachment.** Front porches may encroach up to ten feet in a 20-foot setback and up to five feet in a ten-foot setback.

(e) **Building separation.** The minimum building separation of 20 feet shall be required for every four attached units.

(f) **Alleys.** Alleys are required to be constructed with lot sizes smaller than 50 feet in width.

(g) **Garages.** Street-facing ground floor parking, including garages, is not permitted on the first floor of a multifamily structure on an "A" street or a pedestrian priority street.
Parking shall occur underneath the multifamily structure, within parking garages, or within surface lots that do not front on either an "A" street or a pedestrian priority street.

i. Architectural detailing shall remain consistent on all elevations of the primary building as viewed from both the front street and side street elevation.

ii. Front garages must be set back a minimum of five feet from the primary structure.

iii. Rear garages must be set back a minimum of four feet from an alley or rear access drive. On corner lots on "A" or pedestrian priority streets with alley access, garage doors shall not face side streets.

iv. Side garages may have an access from the street and are required, at a minimum, to be set back in line with the primary structure's side setback.

v. Ground floor parking, including garages that are located inside the internal block are permitted on the first floor of a structure if the street-facing side view of the garage must blend in with the primary building frontage by incorporating the same design elements.

5. **Transitional residential development** (figures I and J). Transitional development blocks shall be applied to any development over two stories in height that is adjacent to single-family residential zoning. The block facing a single-family residential zoning shall be single-family detached housing that is compatible with existing residential. The mid-block portion of the block may transition up to four stories not to exceed 56 feet with the following provisions:

   (a) **Setbacks.** The setback shall be determined by the existing residential uses that are facing the proposed residential uses. The setback may be varied up to five feet from the average of the existing residential units. The structures that are more intense than single-family housing shall follow the appropriate development block as detailed in these design standards.

   (b) **Landscape buffer.** A landscape buffer of 20 feet may be required as determined by the administrative official or his designee.

   (c) **Lighting.** The proposed development shall also control the effects of lights from automobiles or other sources. Where the site plan indicates potential adverse effects from parking or from other sources on the lot on which the nonresidential use is to be located, such effects shall be illuminated, or at a minimum, prevented so that lights do not illuminate adjacent residential property below a height of five feet at the residential property line, or from shining into any residential window if there is to be nonresidential parking on the premises after dark.

   (d) **Rear yard setback.** When a nonresidential use or multifamily (apartment) use is abutting any single-family residential property, there shall be an additional setback required for any yard of that use which is contiguous to the residential property, as follows:

      i. When the rear side of a single-story structure equal to or less than 25 feet in height abuts single-family residential zoned property, that portion of the structure(s) shall be set back at a minimum 20 feet from the rear property line.

      ii. When a single-story structure equal to or less than 25 feet in height abuts the side of a single-family residential zoned property, the structures shall be a minimum of 20 feet apart.

      iii. Trash receptacles and loading facilities may not be permitted in the rear of the property. Service areas shall be located on the side. Exceptions to the location shall be determined by the location of the adjacent single-family residential use.
iv. When any side of a structure greater than one story or 25 feet in height abuts residential property, that portion of the structure shall be set back at a minimum of 30 feet from the property boundary.

v. The side of the building that is facing or backing up to any residential development must be treated with the same architectural design standards as the front of the building.

6. **Infill development.** The infill development illustration, figure K, illustrates a single building within an existing built-out block.

   (a) **Setbacks.** The setback shall be determined by the existing adjacent structure(s). It will be permitted to vary the setback up to five feet from the average of the existing structure.

(Ord. No. 4045, Sec. 1, 4-9-07)
Sec. 38-204. Criteria for activity or project investment.

Upon submittal of an application or response to a County-issued Request for Proposals, the County shall consider investing in eligible activities or projects based upon the extent to which the activity or project achieves the following:

1. Promoting a sustainable community by supporting one or more of the following smart growth goals:
   a. Preserving and strengthening existing communities;
   b. Providing for a variety of land uses and lifestyles to support residents of diverse ages, incomes, and family sizes;
   c. Reducing automobile trips;
   d. Creating efficiency in planning and provision of infrastructure;
   e. Conserving water and energy;
   f. Encouraging green building and development;
   g. Preserving significant environmental resources;
   h. Promoting redevelopment and infill; and
   g. Balancing jobs with housing.

(Ord. No. 2007-016, § 2, 1-10-2007)
ARTICLE 4. ZONING DISTRICTS

4.10 Special Purpose Overlay Districts.

4.10.7. Conditions for Development Approval in the East Venice Avenue Overlay.

a. Intent.

1. All development within the East Venice Avenue Overlay shall comply with this section. Section 4.10.7(f) is applicable to applicants who receive Comprehensive Plan land use changes subsequent to the date of this Ordinance, but may also be implemented by owners seeking rezonings or special exceptions under current land use designations.

b. Applicability. All new development or redevelopment within the Overlay shall comply with this section with regard to:

1. Any Comprehensive Plan Amendment.
2. Any Rezoning or Special Exception.
3. Any Site and Development or Preliminary Plan application.

c. Boundaries of the Overlay. The boundaries of the East Venice Avenue Overlay are as follows:

That part of Sections 1, 2, 10, 11, 12, Township 39 South, Range 19 East and Sections 6, 7, Township 39 South, Range 20 East Sarasota County, Florida, being more particularly described as follows:

Begin at the intersection of the westerly Right-of-Way line of North River Road and the south line of said Section 7; thence run westerly along the said southerly line of Section 7 and the southerly line of said Sections 12, 11 and 10 for a distance of 15,200 feet, more or less to the intersection with the easterly Right-of-Way line of Jacaranda Boulevard; thence run northeasterly and thence northerly along said easterly Right-of-Way line of Jacaranda Boulevard for a distance of 6,000 feet more or less to the intersection with the southerly Right-of-Way line of Interstate 75 being Interstate Exit number 193; thence run easterly along said southerly Right-of-Way line of I-75 for a distance of 12,000 feet, more or less to the intersection with the westerly Right-of-Way line of North River Road and being Interstate Exit number 191; thence run southeasterly along said westerly Right-of-Way line of North River Road for a distance of 6,200 feet, more or less to the intersection with the south line of said Section 7 and also being the Point of Beginning.
f. **Land Use Map Amendments.** If the land use density or intensity of a parcel is changed by amendments to the Comprehensive Plan after December 1, 2006, then the property may only be rezoned to a Planned Development District or a district associated with the special mixed use standards found in this Code. The following additional requirements shall be incorporated into rezone and special exception applications for the properties:

1. A master Development Concept Plan ("Master Plan") shall be developed for Blocks or Partial Blocks and must include all properties within the defined Block area. The Master Plan shall address roadway, drainage, central water, and central sewer infrastructure for the entire block and incorporate the requirements of Article 4.10.7.

2. Blocks shall meet the following standards:
   
i. Partial Blocks fronting East Venice Avenue shall consist of a minimum of 19 acres.
   
   ii. North Blocks utilizing the Partial Block configuration for parcels adjacent to East Venice Avenue shall include all parcels between the adjacent North/South Platted Roads and may include portions of the remaining block, but in no case shall any North Blocks be configured to leave a remainder of fewer than 19 acres.
   
   iii. Blocks north of Hardee Road shall be planned as Full Blocks only.
   
   iv. North Blocks located on opposite sides of Platted Roads may be combined for planning and development purposes as long as the Blocks on either side of the Platted Road meet the minimum Block requirements, and the Platted Road network remains intact.
   
   v. South Blocks shall consist of a minimum of 19 acres. South Block configuration will be determined on a case-by-case basis.

3. All property owners within the Block shall be invited to participate in the planning exercise, although they do not have to contribute to the planning process or develop their property.

4. Planning shall involve--from the outset--both the Block residents and the community-wide residents within the Overlay Area. The applicant shall invite all residents and landowners in the Overlay Area to a workshop very early in the evaluation process, prior to the development of a development concept or engineering plan and shall continue to keep the residents and landowners involved and informed through workshops.

5. The applicant shall follow the notification procedures outlined in Section 4.10.7.e.1(iv)(c) for all workshops.

6. The Master Plan shall identify, protect and, where possible, enhance the environmental, recreational, aesthetic and historical assets of the project site.

7. The Master Plan shall incorporate principles of sustainability and smart growth planning and provide for a compact and walkable neighborhood.

8. Commercial and more intensive nonresidential uses and higher density uses--other than rural, farm-oriented or other uses allowed in residential zoning districts--shall be located on or
near East Venice Avenue. Uses along East Venice Avenue shall be stepped down in land use intensity from the lots fronting East Venice Avenue. The Plan shall incorporate performance standards and sufficient design solutions for increasing compatibility and transitioning uses into existing neighborhoods.

9. The Master Plan shall accommodate property owners who do not wish to develop their properties and shall include substantial efforts to identify strategies for integrating new development with existing conditions. This may involve, but is not limited to, additional notification for new residents, timing mechanisms for infrastructure, transitional zoning, access modification and the like. Buffers are discouraged in planning for integrated uses, but interim buffers may be allowed in these instances. To encourage local organic agriculture, Florida Friendly Yard and Least Toxic Pest Control standards should be incorporated to protect agricultural neighbors.

10. All development proposals shall incorporate Low Impact Design (LID) standards and applicable provisions of the Florida Green Building Coalition (FGBC) standards, or better, for green buildings and FGBC development standards, or better, for green developments. Where possible, developers and builders should seek the Leadership in Energy and Environmental Design (LEED) certification for major buildings.

11. Full or Partial Block properties fronting East Venice Avenue shall incorporate two or more different land use categories with one category consisting of residential. In addition, civic uses shall comprise at least five percent of the development. The mix of uses shall be determined on a case by case basis, based on existing County regulations regarding mixed use projects.

12. The Master Plan for mixed-use or nonresidential uses may include creative ways of incorporating the project into the streetscapes of East Venice Avenue and the Platted Roads. For example, a public plaza or park, an architecturally significant building, or public art may not be consistent with these regulations’ buffer requirements, but may produce a more desirable outcome than traditional buffering.

13. Architectural design elements and style for each Block shall be governed by a master architectural design palette created by the developer as part of the community workshops.

14. Applicants shall demonstrate that appropriate hurricane/disaster shelter is provided for the future residents of the property.

15. A public meeting space or clubhouse shall be required for each residential development.

16. Residential developments shall provide a public park, civic space, or playground, within 1,000 feet of every residential unit. The public park, civic space, or playground shall be accessible by sidewalk or foot path.

17. Waivers or modifications to this subsection may be requested with written justification at the time of rezoning or special exception application.

18. Integrated water management systems, such as on-site reuse and treatment and green roofs, are strongly encouraged.

ARTICLE XVI. SOUTH DAYTONA GREEN BUILDING PROGRAM

Sec. 5-314. Definitions--Green building program.

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:

(1) **ASH RAE:** Acronym for the American Society of Heating, Refrigerating and Air Conditioning Engineers.

(2) **ASH RAE 90.1 Appendix G:** The standard developed by the American Society of Heating Refrigerating and Air Conditioning Engineers ASH RAE 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 ASH RAE Standard 90.1 "Energy Standard for Buildings Except Low Rise Residential Structures".

(5) **Conservation subdivision:** A residential development where a portion of the developable land is designated as undivided permanent open space, which is permanently protecting agriculturally environmentally or historically significant areas within the parcel. The remaining developable land is subdivided into buildable lots while allowing for the maximum number of residences under current community zoning and subdivision regulations.

(6) **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 of efficiency.

(9) **ECHO:** Acronym which stands for the Volusia County Environmental Cultural Historic and Outdoor grant program.

(11) **Energy Star:** A joint program of the U.S. Environmental Protection Agency and the U.S. Department of Energy to encourage use of energy efficient products and practices. Qualified projects may receive Energy Star certification.

(12) **FGBC:** An 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.

(13) **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 gold, silver, bronze, and certified can be achieved.
(14) **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.

(15) **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.

(16) **Florida friendly landscaping**: Nine (9) principles to guide Florida Yard and Neighborhood programs. The nine (9) 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.

(17) **Florida Green Lodging**: A program by the Florida Department of Environmental Protection to designate lodging establishments as "green" for following environmentally sensitive operating procedures.

(18) **Florida Solar Energy System Incentives Program**: A program of state law providing for rebates for the installation of qualified solar energy systems codified at F.S. § 377.806.

(19) **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.

(20) **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.

(21) **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.

(22) **GHDS**: An acronym for the Green Home Designation Standard of the Florida Green Building Coalition, Inc.

(23) **Green architecture**: A building and structure design philosophy that aims at minimal use of nonrenewable and/or polluting materials and resources in the construction and use of an energy efficient facility.

(24) **Green building**: A designation given to buildings that have achieved the requirements of the green building rating system defined in this green building program.

(25) **Green building program**: The program outlined in this article for obtaining incentives for green buildings and developments.

(26) **Green development**: A development approach that goes beyond conventional development practice by integrating the following elements: sustainability, environmental responsiveness, resource efficiency, sensitivity to existing culture and community.

(27) **HERS Index**: The Home Energy Rating System Index used as part of Florida's Home Energy System in which a home with a HERS Index of one hundred (100) represents the energy use of the American Standard Home and an index of zero (0) indicates that the rated home uses no net purchase energy.

(33) **Program**: The city's green building program.

(34) **Program certification**: The final designation awarded to a program participant for

. . .

(39) **Sustainable construction**: The process of environmentally sensitive resource efficient site selection, preparation, design, construction and operation of buildings.

. . .

(41) **USGBC**: An acronym for the United States Green Building Council a nonprofit 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.

(Ord. No. 09-09, § I, 6-9-09)

**Sec. 5-315. 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 goals of the South Daytona Green Building Program are:

(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; and
   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; and
   e. Provide green building educational opportunities for the community.

(Ord. No. 09-09, § I, 6-9-09)

Sec. 5-316. Government leadership.

To demonstrate the city's commitment to a green building program the city shall:

(1) Become and maintain a Gold level FGBG Local Government designation for any civic or office project undertaken by the jurisdiction. The jurisdiction is expected to participate in the green development program.

(2) Commit to sign the U.S. Mayors Climate Protection Agreement (As endorsed by the 73rd Annual U.S. Conference of Mayors meeting, Chicago, 2005).

(3) Track and report the governments monthly water and energy use; and

(4) Publish an annual report that outlines the jurisdiction's energy and water use for the prior year and outlines methodologies for potential reductions in the subsequent year.

(Ord. No. 09-09, § I, 6-9-09)

Sec. 5-317. Designation of responsibility for administration and implementation.

This program shall be administered by the jurisdiction's community development department, which shall be responsible for:

(1) Funding the program through annual funds budgeted and appropriated by the jurisdiction council or funds generated through resource conservation fees assessed through local water or energy utility bills.

(2) 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.

(3) Developing any appropriate or necessary application procedures, including but not limited to the program application form.

(4) Writing policies and procedures for staff implementation of the green building program.

(5) Providing the certifications for use in the program.
(6) Providing an incentive award to any program participant who has successfully satisfied the requirements associated with that incentive; and

(7) Resolving disputes that may arise from implementing the program.

(Ord. No. 09-09, § I, 6-9-09)

**Sec. 5-318. Green building program applicability.**

(a) For all private projects the program shall be voluntary.

(b) For any new jurisdiction owned or leased property, the program shall be mandatory complying with F.S. § 255.2575(2).

(c) For any renovation of a government building owned or leased by the jurisdiction undergoing a level III alteration per FBC, shall comply with this program.

(Ord. No. 09-09, § I, 6-9-09)

**Sec. 5-319. Green building coverage.**

The program shall be comprised of the following subprograms:

(1) New residential construction;

(2) Residential retrofitting/remodeling;

(3) New commercial/nonresidential construction;

(4) Existing commercial/nonresidential construction; and

(5) Land developments.

(Ord. No. 09-09, § I, 6-9-09)

**Sec. 5-320. Green building standards.**

In addition to the Florida Building Code's minimum standards and Volusia County's Water Wise Ordinance (No. 2004-20 section V, 12-16-04) the program shall be administered using standards developed by the Florida Green Building Coalition or the U.S. Green Building Council. These standards shall apply to each subprogram as follows:

(1) **New residential permitted projects:** New residential projects shall satisfy all of the requirements associated with either:
   
a. The current green home designation standard of the FGBC.
   
b. The current USGBC LEED for Homes program, including but not limited to any monetary or certification requirements.

(2) **Remodeling of existing homes:** The participant shall meet requirements of remodeling certification for either:
   
a. The current green home designation standard of the FGBC.
   
b. The current LEED for Homes program, including but not limited to any monetary or certification requirements. The home shall meet the requirements for "remodeling" or "existing home" of the designation.
(3) **New commercial or institutional buildings:** The program participant shall satisfy all of the requirements associated with the:

a. Current green commercial designation standard of the FGBC or

b. Current LEED for new construction or derived USGBC LEED rating system (e.g. LEED for schools, LEED for health care), including but not limited to any monetary or certification requirements.

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

a. The current green commercial designation standard of the FGBC or

b. The current LEED for existing buildings or derived USGBC LEED rating system (e.g. LEED for schools, LEED for health care) program, including but not limited to any monetary or certification requirements.

(5) **Review:** For the purpose of this section of the program a program participant shall be bound by the standard designated for a particular subprogram 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.

(6) **Green practices supersede conflicting covenants and deed restrictions:** Installation of energy devices based on renewable resources shall not be restricted in compliance with F.S. § 163.04 (Energy devices based on renewable resources).

(Ord. No. 09-09, § I, 6-9-09)

**Sec. 5-321. Tiered qualification.**

A project certified by the Florida Green Building Coalition may qualify for one (1) of four (4) levels; certified, bronze, silver, or gold. A project certified by the U.S. Green Building council may qualify for one (1) of four (4) levels: certified silver, gold or platinum. Incentives will correspond to the certification level achieved.

(Ord. No. 09-09, § I, 6-9-09)

**Sec. 5-322. Incentives.**

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

(1) **All subprograms:** For any program participant seeking program certification for new residential construction, residential retrofitting, remodeling new commercial construction, the city’s general government shall provide the following incentives:

a. Fast track permitting for building permits building permit applications for green buildings shall be accompanied by the appropriate green building program application form.

b. Reduced fees: For all projects including one- and two-family residential and excluding condominium projects, the city shall provide the following rebate of the development plan review fees after certification and city approval:

   1. A rebate of sixty (60) percent for FGBC "Gold", USGBC "Platinum", or four (4) Green Globes certification;
   2. A rebate of fifty (50) percent for FGBC "Silver", USGBC "Gold", or
three (3) Green Globes certification;
3. A rebate of forty (40) percent for FGBC "Bronze", USGBC "Silver", or two (2) Green Globes certification; and

c. Expedited land development plan review applications for green building projects shall be accompanied by the appropriate green building program application form.
d. Final project designation by the city; and
e. To receive the benefits of these incentives all applications shall be complete.

(2) Marketing for all subprograms: For any program participant seeking program certification for new residential construction, residential retrofitting, remodeling, new commercial 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; and
d. Press releases.

(3) Green building award: For the purpose of publicly recognizing outstanding commitment to green building the program shall provide for an award called the South Daytona Green Building Award to be awarded annually by the city's general government to one (1) program participant in each subprogram.

(4) Signage: The City of South Daytona, Florida, shall allow the following bonuses to the currently allowed signage regulations:

a. A builder may install one (1) temporary construction sign that notes that, this project is a City of South Daytona Green Certified Project, by company name.
b. A developer must meet the City of South Daytona Florida signage regulations but may add the notation, City of South Daytona Green Certified Project in four (4) inch letters on project entry monument signage. The addition of this note supplements the space requirements of the City of South Daytona Florida's current signage regulations.

(5) Additional incentives: The city council may establish additional incentives by resolution.

(Ord. No. 09-09, § I, 6-9-09)

Sec. 5-323. Certification.

The program shall be subject to certification by a qualified third party who has been trained and certified as a green building certifier by either the Florida Green Building Coalition or the U.S. Green Building Council. For the purpose of this section of the program "third party" means any person or entity authorized according to the requirements of the Florida Green Building Coalition or the U.S. Green Building Council.

(Ord. No. 09-09, § I, 6-9-09)
Sec. 5-324. Jurisdiction participation.

For any civic or office project undertaken by the City of South Daytona, Florida, the City of South Daytona, Florida, shall participate in the South Daytona Green Building Program.

(Ord. No. 09-09, § I, 6-9-09)

Sec. 5-325. Education and training.

(a) The city in conjunction with FGBC or USBGC shall conduct at least one (1) training workshop per year for the purpose of educating potential or current program participants about the program.

(b) The city 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) The personnel of the community development department shall be encouraged to attend at least four (4) hours of green building training a year.

(Ord. No. 09-09, § I, 6-9-09)

Sec. 5-326. Index and report.

The goals and objectives of the program listed in section 5-315, and their status shall be recorded, analyzed, and reported to the elected governing body of the jurisdiction. The Building Official for the City of South Daytona shall be responsible for this indexing and reporting.

(Ord. No. 09-09, § I, 6-9-09)

Sec. 5-327. Program review.

(a) Staff review: The city 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 formally reviewed one (1) 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.

(Ord. No. 09-09, § I, 6-9-09)

Sec. 5-328. Green practices supersede conflicting covenants and deed restrictions.

Local developers and homeowner association covenant and deed restrictions shall not constrain or be contrary to the relevant items on the FGBC or LEED green building checklist. In any cases where conflicts may be determined the conflicting covenants and deed restrictions shall be revised to be consistent with this article.

(Ord. No. 09-09, § I, 6-9-09)

(a) Created. There is hereby created a green task force for the city. The task force shall consist of seven (7) members: one member from the environmental review and preservation board; one from the planning board; one from the historic preservation board; one local developer; and three (3) residents from the City of South Miami. Each of the boards shall recommend from its membership a representative to the mayor and commission to become a member of the green task force. The mayor shall appoint the board's representatives, the local developer and three (3) residents with the consent of the city commission. The members of the task force shall annually select a chairperson and vice-chairperson.

(b) Staff support. The city manager or his/her designee shall serve as the executive secretary to the task force.

(c) Appointment and terms of members. Members of the task force shall be appointed by the mayor with advice and consent of the city commission to two-year terms or until their successor is appointed. The members may serve up to three (3) consecutive terms. Staggered terms will be implemented with the 2009 task force.

(d) Resignation and vacancies. If a vacancy occurs on the task force for any reason, the mayor shall nominate a replacement for the unexpired portion of the term.

(e) Attendance. A member missing three (3) consecutive meetings or five (5) nonconsecutive meetings per calendar year will result in removal from the task force.

(f) Quorum. A quorum shall be four (4) members. An affirmative vote of the majority of the members present shall be required to pass upon any matter the committee recommends.

(g) Duties. The duties of the task force shall include, but are not limited to:

1. Development of goals, criteria and strategies for maximizing green building design and energy and water efficient construction in the City of South Miami for future residential and commercial development consistent with LEED certification standards;

2. Coordination of green building issues and policy development with city departments;

3. Support for the integration of green building and energy and water efficient practices into city departments;

4. Coordination of the technical review of the city tree master plan and participation of the planning department in the preparation of programs and plans that support green design and energy and water efficient practices as well as cultural and economic policies that protect our natural resources and quality of life;

5. Develop and oversee a green building and energy and water efficient training program for city departments;

6. Develop potential local incentives to promote LEED certification; and

7. Develop a green building compliance guide.

(h) Compensation. Task force shall not receive compensation for their services.

(Ord. No. 1927, § 2, 9-4-07; Ord. No. 1936, § 1, 1-8-08)
16.90.020.3. Definitions.

For the purposes of this Chapter, the following terms and words shall be interpreted or defined as follows. Unless the context clearly indicates otherwise, terms not defined herein shall be interpreted in the following manner: (1) by reference to the relevant provisions of the Local Government Comprehensive Planning and Land Development Regulation Act, if specifically defined therein, or in other relevant and appropriate state statutes or rules; (2) according to the relevant provisions of the City Code, the rules for interpretation of this Comprehensive Plan, or in other relevant City ordinances relating to land development regulations. (3) by reference to generally accepted engineering, planning, or otherwise professional terminology if technical; and, (4) otherwise according to common usage. Except as otherwise noted, all other words shall have the meaning normally attributed to them.

The words "shall," "must," or "will" are mandatory.

The words "should" or "may" are discretionary or permissive and not mandatory. The present tense includes the future tense. The particular shall control the general.

The singular number includes the plural; and the plural, the singular.

Words in the masculine gender can include the feminine and neuter and vice versa.

The word "includes" shall not limit a term to the specific examples, but is intended to extend its meaning to all other instances or circumstances of like kind or character.

The word "state" means the State of Florida, the word "county" means Pinellas County; and, the word "city" means the City of St. Petersburg, Florida.

The terms Community Preservation Commission, Development Review Commission, Planning and Visioning Commission, and other similar terms shall mean the respective commissions of the City. The use of the term "City Council" or "council" shall mean the St. Petersburg City Council. The use of the term "development services department" shall mean the development services director and the employees of the department and shall include any successor department charged with administering this Chapter.

If there is any difference of meaning or implication between the text of the Land Development Code and the Comprehensive Plan, the development services department may prepare a written interpretation and/or a proposed amendment to this Chapter.

Any reference to an agency or official includes any designee of the agency or official.

Any reference to a specific code, section, subsection, article, chapter, etc. of the City or state shall mean and include, as amended.

All descriptive headings of goals, objectives, or other sections in the Comprehensive Plan are inserted for convenience of reference only and shall not affect the construction or interpretation thereof.

This chapter includes graphics, illustrations and pictures along with text. The purpose of the graphics, illustrations and pictures is to explain the meaning of the text. They are included for convenience. In the event of an inconsistency between a graphic, illustration or picture and the text, the text controls.

Green Building means a whole systems approach to the design, construction, and operation of buildings that helps mitigate the environmental, economic, and social impacts of buildings. Green building practices recognize the relationship between natural and built environments and seek to minimize the use of energy, water, and other natural resources and provide a healthy, productive indoor environment.
LEED™ Green Building Rating System means the most recent version of the Leadership in Energy and Environmental Design (LEED™) Commercial Green Building Rating System, or other related LEED™ Rating System, approved by the USGBC. The Rating System is based on points that are awarded for sustainability techniques.

Sustainable development means development and construction practices designed to use natural resources in a manner that does not eliminate, degrade, or diminish their usefulness for future generations.

4.05.00 ST. LUCIE COUNTY RURAL LAND STEWARDSHIP AREA OVERLAY ZONE

4.05.08. SRA Designation.

Lands within the RLSA Overlay Zone may be designated as an SRA pursuant to the requirements of this section.

A. Lands within the RLSA Overlay Zone that may be designated as an SRA. Any privately owned land within the RLSA Overlay Zone that meets the suitability criteria may be designated as an SRA, except land delineated on the RLSA Overlay Map (RLSA Figure 1) as HYSA, HSA, or designated as an SSA. WRAs may be located within the boundaries of an SRA and may be incorporated into an SRA Master Plan to provide water management functions for properties within such SRA, as permitted by SFWMD, and may also be used for Open Space, habitat and passive recreation.

G. Design Criteria. Criteria are hereby established to guide the design and development of SRAs. The size and base density of each form of SRA shall be consistent with the standards set forth below. The base residential density is calculated by dividing the total number of residential units in an SRA by the acreage therein that is entitled through Stewardship Credits. The base residential density does not restrict net residential density of parcels within an SRA. The location, size and density of each SRA will be determined on an individual basis, subject to the regulations below, during the SRA designation review and approval process.

6. Infrastructure Required. An SRA shall have adequate infrastructure available to serve the proposed development, or such infrastructure must be provided concurrently with the demand as identified in Chapter 5 of the St. Lucie County LDC. The level of infrastructure required will depend on the type of development, accepted civil engineering practices, and the requirements...
a. The capacity of infrastructure serving the SRA must be demonstrated during the SRA designation process in accordance with the provisions in Chapter 5 of the St. Lucie County LDC in effect at the time of SRA designation.

b. Infrastructure to be analyzed will include facilities for transportation, potable water, wastewater, irrigation water, stormwater management, solid waste, schools, parks and recreation, Fire Department, Emergency Management Services and Sheriff's Department.

c. Centralized or decentralized community water and wastewater utilities are required in RLSA Towns and RLSA Villages. Centralized or decentralized community water and wastewater utilities shall be constructed, owned, operated and maintained by St. Lucie County Utilities or another governmental utility provider per an interlocal agreement with the County. As the RLSA Overlay, pursuant to F.S. § 163.3177(11)(d), is outside the County’s urban services boundary, and RLSA Towns and RLSA Villages will therefore be outside the County’s urban services boundaries, such water and wastewater utilities shall be included in the County or other governmental utility service territory without the requirement to move the urban services boundary. Developer shall have the option of designing, permitting, and constructing the water and wastewater utility within the RLSA Overlay, for the benefit of the County, using innovative financing vehicles to fund or provide satisfactory reimbursement for the developer’s investment and unreimbursed expenses in design, permits, construction, infrastructure, impacts and requirements, including but not limited to community development districts, or voluntary assessment units. The water and wastewater utility shall be conveyed to the County upon receipt of the appropriate operating permits. The provision of water and wastewater utilities in the RLSA Overlay shall not be delayed by any potential future consolidation of utilities in St. Lucie County into a regional utility system. Innovative or alternative water and wastewater treatment systems, such as decentralized community treatments systems, shall not be prohibited by this policy, provided that they meet all applicable regulatory criteria. Individual potable water supply wells and septic systems, limited to a maximum of one hundred (100) acres, are permitted on an interim basis until services from a centralized/decentralized community system are available. Individual potable water supply wells and septic systems may be permitted in CRDs. Any potable water systems shall meet Department of Environmental Protection standards. Any septic systems shall meet Department of Health standards. Central water and wastewater services shall not be provided beyond the RLSA boundary except as authorized by the Comprehensive Plan.

d. Although water, sewer and other utilities may run through areas outside the RLSA boundary, or as part of a regional system, no connection to such services outside the RLSA Overlay is allowed unless those properties are also included in the RLSA boundary except as authorized by the Comprehensive Plan.

e. Although no restrictions shall be placed on adjacent lands not within the RLSA boundary, the County shall, within two (2) years of the adoption of the RLSA Overlay, establish additional incentives for property outside any SRA boundary, to provide buffers, greenways and other separations to any established SRA.

f. Individual potable water supply wells and septic systems to be used for construction and/or sale trailers and model homes only, are permitted on an interim basis within RLSA Towns, RLSA Villages or CRDs up to a maximum of ten thousand (10,000) gallons per day until services from a centralized/decentralized community system are available. Individual wells and septic tanks shall also be allowed for isolated guard house and/or comfort stations on a trail system or golf course up to two thousand (2,000) gallons per day.
g. Individual potable water supply wells and septic systems are permitted in CRDs.

h. As it is the goal of Rural Land Stewardship to protect and conserve natural resources and agriculture, applicants are encouraged to utilize environmentally-friendly infrastructure techniques ("green design/technology"), best practices and latest technology. Further, applicants will cooperate with St. Lucie County as it investigates green building technology and considers adopting green building standards.
Sec. 35.12. Energy and environmental building and site design standards.

All development in the Large Resort District shall comply with a minimum of two of the eight standards contained in section 39.9 relating to energy and environmental design for new construction and major renovation. Any project that exceeds the minimum requirements of this section 35.12 and any minimum standards required to obtain two or more of the green building and green development certifications listed in section 39.9 located in division 39 of this Code, shall be eligible for, and receive credits against, community improvement impact fees provided for in division 41 and pursuant to section 39.9 of this Code.

(Ord. No. 2008-11, § 1, 6-3-08)
Sec. 39.9. Energy and environmental design--New construction and major renovation.

(a) All development and redevelopment projects in the Community Redevelopment District shall be required to obtain certification for at least two of the eight standards listed below, as appropriate and applicable to the type of construction:

1. Certification by the Florida Green Building Coalition provided the site consists of more than one building and will meet the qualifications of a development. For more information go to www.floridagreenbuilding.org.


4. Certification by the Florida Green Building Coalition -- Residential Standard Certification for all new residential construction three stories or less in height.


6. Certification by the U.S. Green Building Council, LEED-EB (Leadership in Energy and Environmental Design -- Existing Buildings), or Green Building Rating System for Existing Buildings for existing buildings that are located on a buildable site that is partially being redeveloped. For more information go to www.usgbc.org.


8. Designated by the Florida Department of Environmental Protection as a Florida Green Lodge for all temporary lodging construction that is existing, new or undergoes a major renovation. For more information, go to http://www.dep.state.fl.us/greenlodging/.

(b) Any new or partial redevelopment project that is subject to payment of community improvement impact fees pursuant to division 41 of this Code shall be eligible for and receive a credit against those impact fees owed in accordance with the rating and scoring system for credits established as part of the community improvement impact fee ordinance. Such impact fees, the types of green standards and green improvements eligible for credits and the amount or percent of such credits shall be established in accordance with the principles and parameters established in Goal 1 and Section (j)3 of the Community Redevelopment District General Redevelopment Guidelines, Standards and Initiatives contained in the Future Land Use Element of the Comprehensive Plan.

(Ord. No. 2008-12, § 1, 6-3-08)
Sec 12-3. **Incentive for green building certification.**

Commercial and residential construction permit applications approved after February 22, 2007 are eligible for a partial refund of permit fees if the structure constructed is certified as a green structure. For residential construction, the structure must satisfy all the requirements of the current Green Home Designation Standard of the Florida Green Building Coalition. Upon receipt of sufficient evidence of this certification of the structure, the City will refund $300.00 of the permit fee paid. For commercial construction, the structure must satisfy all the requirements of the most current USGBC LEED standard. Upon receipt of sufficient evidence of this certification of the structure, the City will refund $1,000.00 of the permit fee paid. For development of vacant land of one acre or more, the structures and site must satisfy all the requirements of the most current USGBC LEED standard. Upon receipt of sufficient evidence of this certification of the structures and site, the City will refund $2,500.00 of the permit fee paid.

(Ord. No. 812-G, § 1, 2-15-07)
Sec. 6.10.14. Green development.

A. Purpose. The intent of this section is to provide a scope of measurement for the incorporation of green development standards and elements and to make available a mechanism whereby green building elements may be credited to new and renovation development within the city.

B. Standards. In the event that new development or renovation development projects meet or exceed the city's green development standards by designing, constructing, implementing and continuously maintaining the minimum points requirements based upon the LEED® points systems as outlined in table 6.10.14 B.1 below, such projects shall be granted incentive credit measure(s) identified at subsection 6.10.14C. of this Code, which shall be permitted subject to limitation by, and prior approval of the development director.

Table 6.10.14 B.1
Minimum points required to qualify for incentive credit measure(s)

<table>
<thead>
<tr>
<th>Type of Construction</th>
<th>City of Stuart Qualification Minimum Points Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>EXISTING (LEED-EB for Existing Buildings®) 1</td>
<td>17 LEED® points</td>
</tr>
<tr>
<td>NEW (LEED-NC for New Construction®) 2</td>
<td>14 LEED® points</td>
</tr>
<tr>
<td>RESIDENTIAL (LEED-H for Homes®) 3</td>
<td>26 LEED® points</td>
</tr>
<tr>
<td>NEIGHBORHOOD (LEED-ND for Neighborhood®) 4</td>
<td>21 LEED® points</td>
</tr>
<tr>
<td>COMMERCIAL INTERIORS (LEED-CI® for Commercial Interiors) 5</td>
<td>11 LEED® points</td>
</tr>
<tr>
<td>BUILDING SHELL (LEED-CS® for Core and Shell) 6</td>
<td>12 LEED® points</td>
</tr>
</tbody>
</table>

Notes:


C. Incentive credit measures: Incentive credits shall be granted subject to full documentary evidence being provided to the satisfaction of the development director, prior to submission for building permits. The city requires a pre-application meeting for the purposes of a "green review", and confirming through a development or other agreement, that the minimum required LEED® points will be incorporated into the development and
maintained in perpetuity, subject to the following:

1. For the purpose of allowing the orientation of a building to take full benefit of available natural resources, and to accommodate architectural variation and innovation, an administrative variance may be granted concurrently to a site permit subject to the requirements of section 10.02.11.

2. For the purpose of further expediting site plan permitting and building construction permitting review for projects and developments that qualify as "green developments" in accordance with the requirements of table 6.10.14 B.1, and which have completed a pre-application review with City of Stuart Building Official and Development Staff, the developer shall receive written confirmation that the project meets or does not meet the city's qualification requirements for green development and shall be furnished an anticipated expedited review timeline, within two working days of submittal.

(Ord. No. 2113-07, § 2, 7-23-07)

(Ord. No. 2113-07, § 1, 7-23-07)
Sec. 10.02.11. Administrative variance; adopted.

(a) Authority. The city development director is hereby granted the power and authority to vary the Land Development Code of the city, only as provide herein. Generally, this procedure is to provide for an efficient and effective review and approval process for certain minor aspects of development in the city. Pursuant to the following, the city development director may review and approve, approve with conditions, or deny:

1. **Yard setbacks.** Any yard setback variance request which does not exceed 110 percent of the code requirement. (For example: where a rear yard setback is 15 feet, and the variance request doesn't exceed 1.5 feet of relief or a reduction to a 13.5-foot setback.)

2. **Fences, walls and hedges.** Any variance request for a fence, wall or hedge height or location, or other buffer screening matter.

3. **Other minor code variances and minor site plan amendments.** Any other minor technical or land use code variance (but not including setback variances covered above) or any minor site plan revision or amendment for items including, but not limited to, those affecting drainage, easements, bulkheads, docks, flood elevation, curbing and curb-cuts, medians, solid waste collection, principal or accessory structures or lots, signage, landscape, lighting, parking, driveways, or utilities; and including a change of use from one permitted use to another permitted use.

   i. In the context of this section, a minor code variance or site plan revision is one in which the requested change:

   1. Does not increase or enlarge the density, intensity of use, footprint, or any dimension of the overall plan by more than five percent; and
2. Does not increase or enlarge the exterior “footprint” of commercial, industrial or multi-family residential buildings by more than 1,000 square feet of building, or more than 1,000 square feet of additional impervious area; or

3. Does not increase or enlarge the “footprint” of single family or small multi-family (four or fewer dwelling units) buildings by more than 360 square feet of building, or no more than 360 square feet of additional impervious area is requested; and

4. Where the scope and intent of any variance approved by the board of adjustment, or scope and intent of any site plan previously approved by the city commission is not violated.

(4) **Green development.**

i. In the context of this section a building or development that meets the criteria set out in section 6.10.00 [6.10.14] “Green development” of this Code qualifies for any or all of the following additional administrative variances:

1. **Yard setback area.** A variance to position the principal building within a yard setback area to an extent no greater than ten percent of the square footage of the principal building footprint to a maximum of 500 square feet.

2. **Stormwater.** Subject to the design approval of the city engineer up to 100 percent of stormwater runoff may be stored in underground storage structures for irrigation, cooling, or other appropriate reuse.

3. **Driveway width.** Subject to the design approval of the fire chief, the minimum width for a two-way residential driveway may be reduced to 18 feet provided any parking is restricted to one side of the driveway only.

4. **Architectural design.** Subject to the design approval of the city development director, a variance may be granted to depart from the strict architectural and building materials, design and location standards as contained in section 3.01.03, section 3.03.00 and section 6.09.00, in order to utilize architectural and design features that are consistent with green building principles and are required in order to facilitate compliance with green development criteria.

(5) **Further approval authority.** When authority to do so is conferred as a condition of zoning approval, plat approval, or site plan approval, by the city commission, the city development director may approve, approve with conditions or deny any final development plan.

(b) **City commission intent.** By adopting this section, the city commission intends that the city development director shall use the provisions of subsection 10.02.02.B. of this Code as a guide. Because the nature of the variances permitted herein is minor, the strict adherence to the hardship requirements for a code variance granted by the board of adjustment shall not pertain, and the city development director shall be free to use reasonableness, as well as an awareness of community needs and aesthetics, in addition to the criteria expressed in subsection 10.02.02.B., as a basis for all decisions.

(c) **Procedure not exclusive.** Nothing contained in this division shall require that an applicant submit any variance request to the city development director for consideration. It is the intent of the city commission that this procedure shall be summary in nature, and non-exclusive, and that any applicant shall be free to apply to the board of adjustment or use other available administrative or legal process. However, once issued, and following the time set for appeals (30 days), all administrative variances shall be recorded in the public records of Martin County, Florida. An appeal filed shall toll the time set for recording administrative variances.

(Ord. No. 2044-05, § 1, 11-14-05; Ord. No. 2113-07, § 3, 7-23-07)
Surfside, FL
ARTICLE VIII. LANDSCAPE REQUIREMENTS
Sec. 90-88. Installation of landscaping and irrigation.

All landscaping and irrigation shall be installed according to accepted horticultural planting procedures with the quality of plant materials as hereinafter described, including:

(1) Planting soil/topsoil shall be of the minimum quality as specified in the plant materials section of this Code. All trees, palms, shrubs, and ground covers shall be planted with a minimum of 12 inches or two times the root ball of planting soil around root ball. A minimum of three inches of shredded, approved arsenic-free, organic mulch or groundcover shall be installed around each tree planting for a minimum of 18 inches beyond its trunk in all directions, including palms, and throughout all hedge, shrub, and groundcover planting. The use of mulch obtained from Melaleuca, Eucalyptus, or other invasive plant species is encouraged in order to reduce their impact on the environment and to preserve the remaining native plant communities.

(2) All trees/palms shall be properly guyed and staked at the time of planting until one year from landscape final or establishment. The use of nails, wire or rope, or any other method which damages the trees or palm, is prohibited. All plants shall be installed so that the top of the root ball remains even with the soil grade or ten percent or the root flare is visible above the surrounding grade. All synthetic string, synthetic burlap, cords, or wire baskets shall be removed before planting.

(3) All parking islands, medians, and other landscape areas shall be installed with continuous Type "D" curbing to prevent damage to the plant material and the displacement of topsoil and mulch. Also, all landscape islands, divider medians, and planters shall be excavated of limerock and/or compacted soil to a depth of 30 inches and backfilled with specified planting mix to the top of curb. Additionally, all areas along buildings shall be excavated to a depth of 12 inches and backfilled with specified planting mix.

(4) Garage and rooftop landscaping. Not less than 50 percent of rooftop areas of buildings that are ancillary to and are visible from upper level dwelling or hotel units on the same site shall be screened or buffered through the use of landscaped horizontal trellis structure, shade or palm trees in irrigated planters, canopies, screening walls enclosing mechanical equipment and/or through the decorative surface treatments of float roof areas with patterns of gravel or other surfacing materials in varying shades and hues to create a graphic composition. Not less than 50 percent of open rooftop parking on garage structures adjacent to upper level residential and hotel units shall be screened through the use of trellis structures, canopies or shade or palm trees in irrigated planters. All parking structures require irrigated planters with plant material that screens and buffers the parking structures on all sides.

(5) All proposed multi-trunk trees shall have a minimum of three trunks with no more than five trunks of equal diameters originating from the base of the tree and with angles no greater than 45 degrees. NOTE: The town can require either multi-trunk or single trunk on certain trees.

(6) All proposed trees and palms shall not be planted under roof overhangs or balconies.

(7) All proposed trees and palms within or overhanging pedestrian areas shall have a clear trunk high enough to allow unobstructed pedestrian movement under or around.

(8) All proposed landscaping shall be installed with fertilizer which has trace minor elements in addition to a minimum six percent Nitrogen (N) - six percent Phosphorus (P) - six percent Potassium (K) of which 50 percent of the nitrogen must be derived from an organic source.

(9) All proposed tot lots or pools shall be required to have a minimum shade requirement to allow persons to seek refuge from the sun.

(10) Salt-tolerant plant species are encouraged in all areas of the town.

(11) The concepts of Green Building Design and LEED are encouraged to help reduce water consumption, decrease fossil fuel burning, channel breezes, assist in cooling, create more pervious areas for drainage and promote more environmentally conscious.
(12) All plant root ball sizes shall conform or exceed the minimum standards in the current edition of Florida Grades and Standards.

13. All landscape areas with the exception of H30A, H30B and H30C (for single-family and two-family only) shall be provided with an automatically operating, underground, and rust-free irrigation system designed to have 100 percent coverage with 100 percent overlap. Drip, trickle or other low-volume irrigation systems shall be permitted if designated on approved landscape plans and approved by the town. Irrigation systems shall be designed to minimize application of water to impervious areas. All PVC risers shall be painted flat black.
   a. Pursuant to F.S. § 373.62, any irrigation system installed after May 1, 1991, shall install a rain sensor device or switch which will override the irrigation cycle of the sprinkler system when adequate rainfall has occurred.
   b. Use of nonpotable water, including, but not limited to, water from a canal, lake or a treated water source, in the irrigation of landscaped areas is required when determined to be available and safe.
   c. Automatic controlling devices shall be used on all irrigation systems.
      1. Preserved native habitats or native plant communities shall not be irrigated unless required by the town.
      2. Recommend the use of a second water meter for irrigation to help reduce the cost of the watering the landscape. NOTE: The sewer usage cost is eliminated with this added meter.
      3. Encourage the use of rainwater cisterns to help save water, one of our greatest natural resources. Also, rainwater cisterns will help on reducing watering costs and the impacts of water restrictions on the landscaping. Cisterns shall be provided below grade and are permitted in all zoning districts.

(14) Inspections of sites for landscape and irrigation installation:
   a. A pre-inspection of the site with the landscape and irrigation contractor will be required to discuss all the town requirements, answer any questions and determines the conditions for appropriate use and selection of landscape material prior to installation.
   b. A final landscape and irrigation inspection will be required upon completion.

(Ord. No. 1491, § 2(Exh. A), 5-13-08)
ARTICLE VII. THE CITY OF TAMPA SUSTAINABILITY ORDINANCE

Sec. 17.5-201. Short title.

This section shall be known as the City of Tampa Sustainability Ordinance.

(Ord. No. 2008-112, § 2, 6-26-08)

Sec. 17.5-202. Definitions.

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

CGO is defined as the city's green officer.

FGBC is defined as the Florida Green Building Coalition.

Green building means any building which increases the efficiency with which it uses resources, such as energy, water, and materials, while reducing a buildings negative impact on human health and the environment, through better siting, design, construction, operation, maintenance, and removal, completing building life cycle.

USGBC is defined as the United States Green Building Council.
Sec. 17-5-203. City funded construction and renovation of structures to comply with LEED Silver Standard.

(a) All new construction of municipal buildings, regardless of the source of the funds, in excess of five thousand (5,000) square feet of air conditioned space, shall be built to satisfy, at a minimum, the most current USGBC LEED Silver standard.

(b) For any renovation of existing municipal buildings, all building materials replaced shall be done so with consideration of their energy efficiency ratings as recognized by the USGBC for their sustainable qualities, and with recycled products whenever available and appropriate.

(c) In the event that it is determined by the administration that it is not feasible to construct or renovate a building or structure to this standard, compliance with this section shall not be required and the CGO will identify the project in his/her report to city council.

Sec. 17-5-204. Incentives to encourage sustainable construction and redevelopment.

(a) As of October 1, 2008, a process will be instituted by the city for providing a grant which would provide a partial rebate of permit fees, if funds are made available through the budget process on a yearly basis. Property owners who receive a permit for single family or multi family homes or for commercial projects, after the date which this program is instituted, may be eligible if the structure constructed is appropriately certified as a green structure by the USGBC or FGBC.

(1) For newly constructed single family residential construction or for major renovation of an existing single family home, the structure must be built and satisfy all the requirements of the current Green Home Designation Standards of the Florida Green Building Coalition. Upon receipt of evidence of this certification, the city will rebate fifty (50) percent of the building permit fees paid.

(2) For newly constructed commercial and multifamily construction or for major renovations of such existing structures, the structure must be built and satisfy all the requirements of the most current (USGBC LEED (Leadership in Energy and Environmental Design) standard. Upon receipt of evidence of this certification of the structure, the city will rebate a percentage of the building permit fees paid as follows:

   a. LEED Platinum Certified --Eighty (80) percent.
   b. LEED Gold Certified --Sixty (60) percent.
   c. LEED Silver Certified --Forty (40) percent.
   d. LEED Certified --Twenty (20) percent.

(3) The city will designate within its budget a specific amount per year for residential projects and a specific amount per year for commercial projects. Grants will be awarded on a first-come-first-served basis as the funds allow.

Sec. 17-5-205. Green building initiatives for affordable housing.

All multifamily and single family homes constructed after October 1, 2008, through any of the city's
affordable housing programs will be encouraged to utilize the Florida Green Building Coalition's specifications for green building certification, Florida Energy Star and Florida Water Star appliances and principles. When evaluating the extent to which these specifications, appliances and principles can be used, consideration of federal and state rules, regulations, funding and programs will be included in the evaluation. If the administration determines that compliance with these specifications, appliances, and principles is not feasible for the affordable housing structure to attain, the administration may waive compliance with this section. The CGO will identify the project in his/her report to city council.

(Ord. No. 2008-112, § 6, 6-26-08)
Sec. 99-1. Purpose and intent.

The RMU district is intended to enable viable long-term mixed use development in areas along interstate transportation corridors of a magnitude in size, density and intensity to qualify as a development of regional impact (DRI). The district's uses and development standards encourage density and a spatial array of uses to support development in a manner appropriate to its location and consistent with the urban mixed use (UMU) land use designation, as set forth in the future land use element of the comprehensive plan. In order to ensure the appropriate development in these areas, the RMU district aims to accomplish the following objectives:

1. The RMU district provides flexibility for the development of a variety of building types, private and public spaces and a mix of uses.
2. The RMU district promotes compact development patterns.
3. Residences, retail establishments, workplaces and civic buildings are integrated within the district.
4. Development is oriented around a major interstate transportation corridor or limited access corridor, creating a regional activity center with a mix of active and supportive uses.
5. A hierarchy of streets serves the needs of the pedestrian, the bicycle, the automobile and other modes of transportation.
6. Squares, plazas, parks, public greens and promenades are interwoven into the district to provide places for public gathering, social activity and recreation.
7. The RMU district accommodates green building principles and practices and provides incentives accordingly.
8. Flexible development standards are expressly provided for herein and in chapters 74, 78, 82, 86, 90 and 94 of the Land Development Regulations, also known as subpart B of the Municipal Code of Ordinances.

(Ord. No. 2009-17, § 1(Exh. A.), 12-2-2008)

Sec. 99-2. Definitions.

The words, terms and phrases in this section shall apply only to Land Development Regulations in the RMU district. Where terms herein conflict with terms defined elsewhere in chapter 62, the terms defined herein shall control. Terms not defined herein shall take their meaning as set forth in section 62-1, or if not set forth in chapter 62, their commonly accepted meaning as defined by Webster's New Collegiate Dictionary (Merriam-Webster, Inc).
... **Green building** means the practice of creating structures and using processes that are environmentally responsible and resource-efficient throughout a building's life-cycle from siting to design, construction, operation, maintenance, renovation and deconstruction.

**Green building certification** means certification of a building under a rating system adopted by the U.S. Green Building Council, Florida Green Building Coalition, Green Globes Initiative or other commonly-recognized rating system for green building.

**Green development certification** means certification of a neighborhood or development project under a rating system adopted by the U.S. Green Building Council, Florida Green Building Coalition, Green Globes Initiative or other commonly-recognized rating system for green building.

...  

**Sec. 99-10. Development bonuses for encouraging community contributions.**

(a) **Density bonus.** A density bonus of up to five additional dwelling units per gross acre is available upon meeting the following criteria:

1. Workforce housing is provided as an integrated component of the mix of housing, not less than 13 percent. "Workforce housing" is defined, pursuant to F.S. § 420. 5095(3)(a), as "housing affordable to natural persons or families whose total annual household income does not exceed 140 percent of area median income, adjusted for household size (2 du/acre credits);

2. The community core, as identified by the town center subdistrict, is within one-fourth mile of the closest residential block of units that are not part of a vertical mixed use building (1 du/acre credit);

3. The community core, as identified by the town center subdistrict, exhibits vertical mixing of different uses in at least two buildings as opposed to different uses side by side at ground level (2 du/acre credits);

4. Public transportation or alternative fuel sources and connections are located within one-fourth mile of the community core, as identified by the town center subdistrict (1 du/acre credit);

5. Two or more structured multi-story parking buildings are provided within the master development

(b) **Height bonus for green buildings.** A height bonus of up to 25 feet is available for buildings in the town center subdistrict under the following conditions:

1. An applicant commits to developing a building or neighborhood development eligible and receiving green building certification under the various LEED rating systems provided by the U.S. Green Building Council, the applicable standards provided by the Florida Green Building Coalition, Green Globes Initiative, or any other commonly recognized standard for measuring energy-efficient buildings acceptable to the planning director.

2. If the net floor area ratio, as applied to the building lot, is greater than 5.0, an applicant shall provide structured parking for no less than the parking requirements associated with that portion of the building that exceeds the otherwise allowable height for the town center subdistrict.

3. The bonus is applied to that specific building that receives green building certification or to every building that is encompassed within a development project.
plan (1 du/acre credit).

receiving green development certification under the LEED-ND rating system or any other commonly recognized standard for measuring energy-efficient neighborhoods.

(Ord. No. 2009-17, § 1(Exh. A.), 12-2-2008)

Sec. 99-14. Conflicts with other chapters.

Where the terms, definitions, development parameters and review procedures contained herein conflict with those provisions provided elsewhere in the Code of the City of West Melbourne, the provisions of the RMU district, chapter 99 shall apply.

(Ord. No. 2009-17, § 1(Exh. A.), 12-2-2008)
DIVISION 9. EXTERIOR LIGHTING STANDARDS

Sec. 58-361. Purpose and intent.

The purpose and intent of this article is to ensure that exterior (outdoor) lighting positively enhances the visual impact of a building or project on adjacent buildings surrounding properties and uses. To that end, exterior lighting at a building or project shall be designed and installed in a consistent and coordinated fashion to provide safe, convenient and energy efficient lighting for customers, pedestrians and vehicles, and to avoid the creation of hot spots, glare, obtrusive light, light pollution, light trespass, and visual nuisance. Also, exterior lighting shall accentuate key architectural elements of the building or project, and highlight or otherwise emphasize landscape features.

(Ord. No. 2734-08, § 1, 3-24-08)

Sec. 58-362. Scope.

This article shall apply to all buildings and projects with exterior lighting in the city, except single family residences, duplexes, and triplexes. At religious institutions, this article shall apply only to paved parking areas; IESNA standards shall apply to non-paved parking areas.

(Ord. No. 2734-08, § 1, 3-24-08)

* * *

Sec. 58-365. Technical deviations.

(a) Any proposal which includes technical deviations from these lighting standards shall demonstrate the unique aesthetic and/or lighting design that meets or is within the spirit of these regulations. Such presentation shall include appropriate calculations and drawings or illustrations as necessary to explain the request or as may be required by the city.

(b) The building official shall make a determination whether to accept such proposed technical deviation. The cost of making such determination shall be borne by the party requesting the technical deviation.

(c) Alternate methods of lighting to accomplish green building standards or alternate decorative lighting such as gas lamps or lights shall be considered on a case by case basis but shall not violate the intent of this division.

(Ord. No. 2734-08, § 1, 3-24-08)
Comprehensive Plans
Stuart, FL

GOAL STATEMENT A
Maintain and enhance Stuart's quality of life, natural beauty and small-town waterfront character, its stable residential neighborhoods, and its status as the commercial/institutional hub for greater Martin County.

Objective A2. [St. Lucie River access and views.]
Enhance public access to and public views of the St. Lucie River waterfront through implementation of the following policies.

Policy A2.1. City development regulations to implement this objective shall continue to contain provisions which allow cluster development, planned unit developments, mixed uses, limitations on impervious surfaces, and other innovative land development techniques. Such techniques shall be designed to maintain existing open space for recreation, groundwater recharge, and waterfront views.

Policy A2.2. The City shall continue to seek funding for the development of river walks and acquisition of land to provide public access to the waterfront for both aesthetic purposes and to increase public fishing opportunities.

Policy A2.3. The City shall amend the land development regulations by 2000 to offer an incentive for the private provision of river walks.

Established residential neighborhoods shall be protected from the intrusion of competing intense uses through adherence to the Future Land Use Map, densities and intensities established in the Future Land Use Element, implementation of the City’s Land Development Regulations, and control of traffic and access for the protection of the established residential uses.

Policy A6.5. Stuart shall continue to incorporate the principles of sustainable communities and sustainable development in its short and long-range planning.

(Ord. No. 1867-02, 10-14-2002)
GOALS, OBJECTIVES AND POLICIES FUTURE LAND USE ELEMENT

GOAL: ENSURE THAT THE CHARACTER AND LOCATION OF LAND USES ALLOW FOR APPROPRIATE ECONOMIC BENEFIT AND SUPPORT THE ENJOYMENT OF NATURAL AND MAN-MADE RESOURCES BY CITIZENS WHILE MINIMIZING THE THREAT TO HEALTH, SAFETY AND WELFARE POSED BY HAZARDS, NUISANCES, INCOMPATIBLE LAND USES AND ENVIRONMENTAL DEGRADATION. THE COUNTY SHALL ELIMINATE OR REDUCE USES OF LAND WITHIN THE COUNTY WHICH ARE INCONSISTENT WITH THE COMMUNITY CHARACTER, ADJACENT EXISTING LAND USES, OR DESIRED FUTURE LAND USES. THE INTENT OF THE OBJECTIVES AND POLICIES IN THE ELEMENT INCLUDE A MEANS TO ASSESS THE ADEQUACY OF THE PLAN IN REGULATING LAND USES AND DEVELOPMENT AND TO PROVIDE THE COUNTY WITH GUIDANCE IN THE CREATION OF STANDARDS AND GUIDELINES TO MEET IDENTIFIED NEEDS.

OBJECTIVE 1: Future growth and development is managed and the implementation of the Plan Goals and Objectives through the preparation, adoption, implementation and enforcement of land development regulations. The changes to the existing land development regulations required to implement the objectives and policies in this Plan are an ongoing process directed by the following policies of the Plan:

Policy 1.1.

The land development regulations contain specific and detailed provisions required to implement the adopted Comprehensive Plan, and which at a minimum:

1. Regulate the subdivision of land;
2. Regulate the use of land and water consistent with this element, ensure the compatibility of adjacent land uses and provide for open space;
3. Protect the environmentally sensitive lands designated on the Future Land Use Map or referenced in the Conservation Element;
4. Regulate and protect the natural attributes of areas subject to periodic flooding and provide drainage and stormwater management;
5. Regulate land clearing and tree cutting associated with development;
6. Protect potable water wellfields and aquifer recharge areas;
7. Regulate signage;
8. Ensure safe and convenient on-site traffic flow and vehicle parking needs;
9. Provide that development orders and permits shall not be issued which result in a reduction of the level of services for the affected public County facilities below the level of service standards adopted in this comprehensive plan; and
10. Identify and preserve historically significant resources.

Policy 1.2.

The Future Land Use Map and the Land Development Codes adopted to implement this Comprehensive Plan shall be based on and be consistent with, the following land use classifications and density standards:
excess of two hundred (200) feet in length, may only be constructed on land specifically designated within this land use designation, provided that no such facility shall be constructed without an amendment to this plan that sets forth the exact location of the facility. The request for the amendment shall include a complete description of the facility and such other information as the land development codes require.

(3) **Density/Intensity Limitations.**

   (a) Development shall be allowed at a maximum floor-area ratio (FAR) of 0.4 where central water and sewer (including package plants) are available and 0.15 where not available.

(4) **Special Development Standards.**

   (a) Non-residential access to principal arterial roads shall be from frontage or service roads or from side streets rather than directly from the abutting arterial or collector road.

   (b) Commercial uses located along principal arterials shall be set back sufficiently to accommodate future right-of-way as identified in the Traffic Circulation Element.

   (c) Non-residential development in structures over five thousand (5,000) gross square feet in area shall have public water service and met minimum fire flow requirements identified in the County Land Development Code.

   (d) Schools, nursing facilities and all activities used by over fifty (50) persons at one time shall have central sewer facilities (including package plants.)

   (e) Industrial areas shall be buffered from adjoining development.

   (f) Proposed non-residential land uses shall be consistent with the FLUM and the existing and proposed character and nature of the area. Compatibility will be determined through staff technical review process and/or the public hearing process before the local planning agency and County Commission pursuant to policies identified in the County Land Development Code.

1.2.9. **Sustainable Community.**

   (1) **Description.** This mixed use designation promotes the creation of self-contained new communities in unincorporated Wakulla County. The designation provides for an integrated mix of land uses which address the social, environmental, economic, and infrastructure needs of the county into the next century. Distinguishable features of a Sustainable Community may include pedestrian and unpaved bicycle trails; public transit and alternative transportation modes; public open spaces; nature parks, conservation areas, environmental preserves and greenway linkages; facilities for public and higher education; police and fire protection services; building energy efficiency; crime prevention through environmental design (CPTED); affordable housing; and commercial and light industrial areas located in proximity to residential areas. The designation of Sustainable Community shall be applied by Wakulla County to further eight broad principles of sustainability:

   • **Restoring key ecosystems;**

   • **Achieving a more clean, healthy environment;**

   • Limiting urban sprawl;

   • Protecting wildlife and natural areas;

   • Protecting natural groundwater resources and aquifer recharge areas
• Advancing the efficient use of land and other resources;
• Creating quality communities and jobs;
• Minimizing external traffic impacts and maximizing internal capture rates.

A Sustainable Community is a development that will not customarily be built-out within less than a ten (10) year planning time frame. During this period, long-term sustainable development patterns will be promoted, as outlined in best Development Practices (DCA, March 1997) and Pedestrian and Transit Friendly Designs (FDOT March 1996 as updated).

(2) Permitted/Prohibited Uses.

(a) This is a mixed use designation in which suburban or exurban residential is the predominant use. Various types of residential and non-residential uses may be permitted at intensities consistent with the community character and the natural environment. Heavy industrial use and similarly incompatible uses shall be prohibited. This mixed-use designation is generally appropriate in areas where there are crossroads with good access near which development should be concentrated, such as in the county’s Enterprise Zones and urban service areas, where central sewer and water exist.

(b) Agricultural and forestry activities that produce odors or rely on unrestricted applications of pesticides or other similar materials shall be limited in proximity to residential areas.

(c) Disposal of residual solids from wastewater treatment or septic tanks shall be prohibited if odors would adversely affect the use of adjacent properties, or leeching would increase levels of nitrogen or phosphorus in ground or surface waters.

(d) Public land uses, including schools, may be permitted within this land use designation subject to staff review, public hearing, and approval process if compatible and consistent with the land use designation and established as a Conditional Use in the Wakulla County Land Development Code.

(3) Density/Intensity Limitations.

(a) Sustainable Community designations shall only be applied to areas of sufficient size to ensure that meaningful scale and mixture of use is achieved.

(b) Residential development outside the coastal high hazard area may be permitted at a density of 10 dwelling units per acre.

(c) Residential Development within the coastal high-hazard area, shall be permitted at densities not to exceed four (4) units per acre in areas where central water and sewer (including package plants) are available. However, a Sustainable Community Designation may not be approved within the coastal high-hazard area if it would result in an increase in residential development potential.

(d) Non-residential development shall be allowed at a maximum floor-area ratio (FAR) of 0.5 where central water and sewer are available.

(e) Each Development shall contain the following percentage distribution of mix of uses:

<table>
<thead>
<tr>
<th>Land Use Category</th>
<th>Density/Intensity</th>
<th>Distribution of Mix Min.-- Maximum %</th>
</tr>
</thead>
</table>

TABLE INSET:
**Open Space:** Within the Sustainable Community land use category, open space is intended to consist of naturally vegetated areas, and natural resource features such as wetlands, streams, habitats and karst features. Passive uses including nature trails, unpaved bike/pedestrian trails, paved bike/pedestrian trails not exceeding 6 feet in width, and habitat observation areas shall be allowed. Residential and non-residential uses including yards for such development shall be prohibited within areas designated as open space, with the exception of structures for the care taking and for management and maintenance of the areas.

(f) Each development shall ensure that the ratio of non-residential development providing job potential is approximately 1.5 jobs to 1 residential unit calculated based on the assumptions that commercial/retail and industrial result in approximately 1 job per 500 square feet, office results in approximately 1 job per 200 square feet and the average household size is approximately 2.57 persons; with an acceptable range of 1.0–1.7 to 1. The housing provided should include opportunities for a range of units affordable based on income wages earned associated with the provided non-residential uses.

(4) **Properties may only be developed or redeveloped after being rezoned to Planned Unit Development (PUD).** The Land Use Plan for each PUD shall identify all land uses, infrastructure, open space, recreational and common areas, phasing, alternate transportation modes, and environmental features and constraints. At the time of the initial PUD approval all common open space within the sustainable community shall be encumbered with a conservation easement. The Land Development Regulations shall be amended to address native plant species utilization, and requirements for identification and consideration of specific site characteristics.

(5) **Special Development Standards.**

(a) Concurrency exceptions or alternative LOS measures may be permitted through the use of techniques consistent with Chapter 163, Part II, Florida Statutes. An amendment to the comprehensive plan is necessary to establish a concurrency exemption or alternative LOS measure.

(b) Non-residential land uses may be permitted if the proposed use is not harmful to or inconsistent with the principles of sustainability set forth in Policy 1.2.9(1).

(c) Non-residential development should be clustered to provide open spaces and buffers and shall be subject to review and approval pursuant to the review procedures identified in the Land Development Code.

(d) Non-residential development of structures over 5,000 gross square feet in area shall meet fire flow concurrency pursuant to the Land Development Code.

(e) Commercial uses located along principal arteries shall be set back sufficiently to accommodate future right-of-way as identified in the Traffic Circulation Element and buffer zones as specified by the Land Development Code.

(f) Significant environmental areas such as wetlands and listed species habitat

<table>
<thead>
<tr>
<th>Residential</th>
<th>10 du/acre*</th>
<th>40%-48%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commercial (Retail/Office)</td>
<td>.5 FAR</td>
<td>7%-12%</td>
</tr>
<tr>
<td>Industrial</td>
<td>.5 FAR</td>
<td>0-15%</td>
</tr>
<tr>
<td>Open Space**</td>
<td>N/A</td>
<td>Minimum of 45%</td>
</tr>
</tbody>
</table>

* Except within Coastal High Hazard Areas.

** Open Space: Within the Sustainable Community land use category, open space is intended to consist of naturally vegetated areas, and natural resource features such as wetlands, streams, habitats and karst features. Passive uses including nature trails, unpaved bike/pedestrian trails, paved bike/pedestrian trails not exceeding 6 feet in width, and habitat observation areas shall be allowed. Residential and non-residential uses including yards for such development shall be prohibited within areas designated as open space, with the exception of structures for the care taking and for management and maintenance of the areas.
shall be conserved in their natural state. These areas may be deeded to non-profit organizations for preservation and conservation. Ownership may be public or made subject to deed restrictions. Where alteration cannot be avoided appropriate mitigation shall be required.

(g) Where areas exist which are habitat for state and federally listed species or locally significant ecological communities, contain isolated wetlands, or where lands are set aside as open spaces, the density of residential use shall be maintained, as addressed by transfer of development rights in the Land Development Code. Open space shall be planned to maximize connectivity among habitats, to maintain separations between urban and suburban areas, and rural areas, to minimize sprawl, to connect other open space, park or greenway corridors within and adjacent to the Sustainable Community, and to preserve viability of existing biological communities. Open space networks shall be identified and mapped. To the maximum extent possible, open space will be connected to existing public protected areas, existing conservation areas, and riparian or coastal buffers to establish and maintain large unfragmented areas of open space. Within the development, open space shall be contiguous, and shall maintain connectivity, to the maximum extent possible, with adjacent open space.

(h) Preference shall be given to preservation of quality native vegetation as landscaping in non-residential areas, rather than clearing and replanting.

(i) Native trees shall be conserved in accordance with the designation and criteria in the Land Development Code.

(j) The construction of all buildings shall be in compliance with the Florida Energy Efficiency Code and each developer must conference with County staff to discuss energy consumption reduction.

(k) Each development shall be supported by a needs analysis on a County-wide basis that assesses the current and future land use needs for both residential and non-residential uses.

(l) Each development shall prepare a Stormwater Management Plan and demonstrate that the cumulative impacts of development result in no net increase in nutrient loading for nitrates. If located within the Wakulla Springs Contribution Area as defined in exhibit B.1 or where there are special features such as high aquifer recharge areas, karst features, and sink holes, the development shall include a Stormwater Management Plan with special provisions to address these features.

(m) Each development shall participate in the Transit/TDM plan required by Transportation Policy (TCE policy) 1.5., shall be designed to result in a minimum internal capture rate of 15% for trips, and shall make provisions for implementing Transit/TDM measures. The Transit/TDM measures shall include, but not be limited to, provision of on-site park and ride facilities, implementation of measures identified in the Transit/TDM plan when developed, and incorporation of pedestrian and transit friendly design consideration.

(n) Each development shall be designed to incorporate an overall pedestrian/bikeway network which links open space, residential and non-residential development within the Sustainable Community, as well as connecting to other open space, and bike and pedestrian facilities off-site when feasible.

(o) Each sustainable development shall reduce water usage by implementing water conservation measures and requiring water flow reduction devices.

(p) A Landscape Management Plan shall be required as a pre-requisite for
approval of PUDs within the Sustainable Community land use category. The Landscape Management Plan shall minimize use of maintained turf, require predominant use of native vegetation, minimize the need for irrigation, fertilization, and chemical applications, provide for property owner education, implementation and enforcement and identify management practices to be implemented including maintenance responsibilities and any conservation easement requirements applying to open space.

(q) Each development shall be phased and monitored to ensure compliance with the adopted roadway levels of service as implemented through the Wakulla County concurrency management process.

(6) Administration. In recognition of the complexity of the Sustainable Community Designation the developer shall be required to provide an annual report to Wakulla County which addresses development which has occurred within the previous year, development anticipated in the upcoming year and compliance with the requirements identified herein. When requesting development permits the applicant shall demonstrate to the satisfaction of Wakulla County that all applicable requirements have been met.

(Ord. No. 2005-01, 1-3-05; Ord. No. 2005-59, 11-7-05)