

ORDINANCE NO. 4857

AN ORDINANCE OF THE CITY OF SWEETWATER, FLORIDA, ESTABLISHING SUSTAINABILITY STANDARDS FOR NEW PROPERTY DEVELOPMENTS; PROVIDING FOR STANDARDS FOR ELECTRIC VEHICLE CHARGING STATIONS; PROVIDING FOR STANDARDS FOR CERTAIN CONSTRUCTION; PROVIDING FOR INCENTIVES; PROVIDING FOR PENALTIES; PROVIDING FOR DEFINITIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR EFFECTIVE DATE.

WHEREAS, The City of Sweetwater ("City") has the interest, responsibility, and authority to enact ordinances which promote the health, safety, and general welfare of its residents; and

WHEREAS, The City aims to promote and encourage new development utilizing sustainable design and construction best practices with the intent of creating a significant reduction in energy consumption and greenhouse gas emissions; and

WHEREAS, the *Sweetwater Sustainability Standards*, attached hereto and made part hereof as Exhibit A, advances the aforementioned; and,

WHEREAS, it is the City's interests to adopt the and implement the *Sweetwater Sustainability Standards*;

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

Section 1. The above preamble is incorporated herein by reference as set forth in full.

Section 2. Chapter 34 of the City Code of Ordinances, entitled *Environment*, is hereby amended by creation of Article VI, entitled *Sweetwater Sustainability Standards*, as provided in Exhibit A, attached hereto and made part hereof.

Section 3. All ordinances or portions of the Code of Ordinances of the City of Sweetwater in conflict with the provisions of this ordinance shall be repealed upon the effective date hereof.

Section 4. It is the intention of the Mayor and the City Commission that the provisions of this ordinance be incorporated into the Code of Ordinances; to effect such intention codifiers may change the words "ordinance" or "section" to other appropriate words.

Section 5. If any portion of this ordinance is held invalid by a court of competent jurisdiction, such invalidity shall not affect the remaining portions of the ordinance.

Section 6. This ordinance shall become effective upon its adoption by the City Commission and approval by the Mayor or, if vetoed, upon its reenactment by the City Commission as provided by the Charter of the City of Sweetwater.

PASSED on first reading this 11th day of July, 2022.

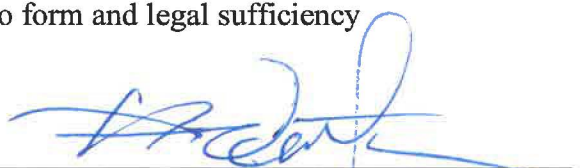
PASSED AND ADOPTED on second reading this 1st day of August, 2022.

Attest:


CARMEN GARCIA, CITY CLERK


ORLANDO LOPEZ, MAYOR

As to form and legal sufficiency


RALPH VENTURA, CITY ATTORNEY


SAUL DIAZ
COMMISSION PRESIDENT

VOTE UPON ADOPTION:

SAUL DIAZ, COMMISSION PRESIDENT
ISIDRO RUIZ, COMMISSION VICE PRESIDENT
IDANIA LLANIO, COMMISSIONER
JOSE MARTI, COMMISSIONER
REINALDO REY, JR., COMMISSIONER
IAN VALLECILLO, COMMISSIONER
MARCOS VILLANUEVA, COMMISSIONER

yes
yes
yes
yes
Absent
yes
yes

EXHIBIT A

Ord # 4857

Chapter 34 - ENVIRONMENT

ARTICLE VI. - SWEETWATER SUSTAINABILITY STANDARDS

Sec. 34-99. - Purpose.

The City of Sweetwater ("City") has the vested interest, responsibility, and authority to enact ordinances which promote the health, safety, and general welfare of its residents. The City aims to promote and encourage new development utilizing sustainable design and construction best practices with the intent of creating a significant reduction in energy consumption and greenhouse gas emissions for the benefit of current and future generations.

Sec. 34-100. - Definitions.

1. *Current* means the standard in effect at the time an applicant applies to qualify for incentives that are defined in this Ordinance.
2. *LEED* means the Leadership in Energy and Environmental Design Green Building Rating System, which is a nationally recognized standard, developed by the United States Green Building Council and used to rate the performance of buildings and guide project design.
3. *ENVISION Rating System* means the system of criteria and performance objectives, established by the Institute for Sustainable Infrastructure, that provides sustainability metrics for infrastructure such as roads, bridges, pipelines, railways, airports, levees, landfills, water treatment systems, and other civil infrastructure.
4. *ADA-compliant* means conforming with the Americans with Disabilities Act.
5. *Cool roof* means a roofing system that delivers higher solar reflectance (the ability to reflect the visible, infrared and ultraviolet wavelengths of the sun, reducing heat transfer to the building) and higher thermal emittance (the ability to radiate absorbed, or non-reflected solar energy) than standard designed roofing products.
6. *Permeable paver* means paving material that absorbs water or allows water to infiltrate through the paving material. Permeable pavement materials include porous concrete, permeable interlocking concrete pavers, concrete grid pavers, porous asphalt, and any other material with similar characteristics. Compacted gravel shall not be considered permeable pavement.
7. *Hurricane window* means a type of window designed to offer year-round protection from high winds and other perils. These windows are made with laminated glass that does not break into shards due to impact. Such windows contain two panels of glass that are bonded with a clear, ultra-strong interlayer.
8. *Developer* means the entity that qualifies for LEED certification or ENVISION verification and is entitled to the incentives in this Ordinance.

9. *Green building* means a structure that is designed, built, renovated, operated and reused in an ecological and resource-efficient manner that is eligible for incentives under the standards of LEED certification or ENVISION verification.

Sec. 34-101. - Sustainability Certification.

- (a) All developments within the City of Sweetwater such as, but not limited to, municipal buildings, public parks, medical campuses, public buildings, higher education institutions, mixed-use centers, commercial uses, large commercial centers, leisure destinations, and public garages shall be governed by LEED certification standards or ENVISION verification standards by incentive
- (b) To achieve LEED certification, a project earns points by adhering to prerequisites and credits that address carbon, energy, water, waste, transportation, materials, health and indoor environmental quality. Projects go through a verification and review process by the Green Business Certification, Inc. (GBCI) and are awarded points that correspond to a level of LEED certification:
 - (i) Certified: 40-49 points
 - (ii) Silver: 50-59 points
 - (iii) Gold: 60-79 points
 - (iv) Platinum: 80+ points.
- (c) ENVISION verification helps to instill community confidence that the project addresses their needs and concerns, demonstrates the sustainable achievements of the project are recognized and considered noteworthy by an independent, internationally recognized system, motivates project teams to collaborate to achieve better outcomes, and provides an objective measure of sustainable performance and draws attention to the good work being undertaken. Projects that complete the verification process and achieve sufficient points earn an Envision award. Award levels are based on the percentage of applicable points achieved:
 - (i) Verified: 20-29%
 - (ii) Silver: 30-39%
 - (iii) Gold: 40-49%
 - (iv) Platinum: 50% or more.
- (d) In order to qualify for the incentives in this Ordinance, the developer must show proof of either LEED certification or ENVISION verification to the City's Building Department.
- (e) The developer must follow the process of obtaining either LEED certification or ENVISION verification before petitioning the Building Department for this Ordinance's incentives.

Sec. 34-102. - Electric Vehicle Charging Stations.

All new developments or substantial remodeling or renovations shall include Electric Vehicle Charging Stations and dedicated parking spaces. It shall be required in accordance with the following provisions under Article IV Section 4.03.07 of the City of Sweetwater Land Development Code.

Sec. 34-103. - New City of Sweetwater Developments or Substantial Renovations.

- (a) *Standard for City-owned properties.* All new City developments, substantial renovations to existing City buildings, or developments constructed on City property are required to achieve no less than LEED Silver certification OR ENVISION Silver verification.
- (b) *Waiver process.* The Mayor or the Mayor's designee may petition to waive the preceding requirement if it can be demonstrated to the City Commission that compliance with such a requirement would create an unreasonable burden on the construction project that would be inconsistent with the furtherance of the economic development goals of the City. The Commission, by a majority vote, can accept the Mayor's petition to waive the requirement.

Sec. 34-104. - Construction Requirements of New Single Family or Multi-Family Residential Developments.

- (a) *EV charging stations.* All new construction of single family or multi-family residential buildings shall abide by the requirements in Sec. 34-102.
- (b) *Water conservation.* Water conservation methods as appropriate, including high efficiency plumbing fixtures, and use of non-potable water for irrigation and cooling towers are required for multi-family residential buildings that contain no less than twenty (20) units.
- (c) *Permeable pavers.* All multi-family residential projects requesting a parking variance shall provide 50 percent of the parking spaces as permeable pavers. This provision shall not be applicable to accessible parking spaces or spaces adjacent to accessible routes.
- (d) *Hurricane windows.* All new construction of single family or multi-family residential buildings are required to have hurricane windows installed. Such windows shall be in accordance with the Florida Building Code and require a building permit from the City's Building Department.
- (e) *Trees.* In accordance with Article IV, Subsection 4.06.06(A)(l) of the City's Land Development Code, a minimum of one tree shall be planted or preserved for every 1,500 square feet of area of a residential lot or fraction thereof.
- (f) *Cool roofs.* All roof surfaces in construction of both new single family residential buildings or one story multi-family residential buildings with a slope of 2:12 inches or less must meet the specifications of the United States Environmental Protection Agency's (EPA) ENERGY STAR qualified low-slope roof product requirements. To be considered an ENERGY STAR qualified low-slope roof product, a roof product must:
 - (i) be the uppermost part of the roof system that is in direct contact with solar radiation;
 - (ii) have an initial solar reflectance of equal to or greater than 0.65;

- (iii) have a solar reflectance of equal to or greater than 0.50 after 3 years; and
- (iv) have a manufacturer warranty for defects in materials and manufacturing where each company's warranty for reflective roof products must be equal in all material respects to the product warranty offered by the same company for comparable non-reflective roof products. A company that sells only reflective roof products must offer a warranty that is equal in all material respects to the standard industry warranty for comparable non-reflective roof products.

Sec. 34-105. - Requirements for New Commercial and Industrial Developments.

- (a) *EV charging stations.* All new commercial and industrial developments or substantial remodeling or renovations shall include Electric Vehicle Charging Stations and dedicated parking spaces. It shall be required in accordance with the following provisions under Article IV Section 4.03.07 of the City of Sweetwater Land Development Code.
- (b) *Cool Roofs.*
 - (i) All new commercial and industrial developments must be built with flat roofs, and they shall be of fire resistant material.
 - (ii) All roof surfaces in construction of new commercial and industrial developments with a slope must meet the specifications of the United States Environmental Protection Agency's (EPA) ENERGY STAR qualified low-slope roof product requirements. To be considered an ENERGY STAR qualified low-slope roof product, a roof product must:
 - (1) be the uppermost part of the roof system that is in direct contact with solar radiation;
 - (2) have an initial solar reflectance of equal to or greater than 0.65;
 - (3) have a solar reflectance of equal to or greater than 0.50 after 3 years; and
 - (4) have a manufacturer warranty for defects in materials and manufacturing where each company's warranty for reflective roof products must be equal in all material respects to the product warranty offered by the same company for comparable non- reflective roof products. A company that sells only reflective roof products must offer a warranty that is equal in all material respects to the standard industry warranty for comparable non-reflective roof products.
- (c) *Hurricane windows.* All new construction of single family or multi-family residential buildings are required to have hurricane windows installed. Such windows shall be in accordance with the Florida Building Code and require a building permit from the City's Building Department.

Sec. 34-106. - Recycling for Existing Commercial and Industrial Properties.

All new and existing commercial and industrial properties must deposit the following materials into designated recycling containers:

1. Concrete;
2. Bricks;
3. Glass;
4. Wood;
5. Gypsum;
6. Metals;
7. Plastics;
8. Asphalt;
9. Salvaged building materials such as windows, doors, and plumbing parts;
10. Natural debris from clearing sites such as trees, stumps, and rocks.

Sec. 34-107. - Incentives.

- (a) *Purpose.* It is the purpose of this Section to continue to promote sustainable infrastructure and environmentally sustainable construction practices and to outline incentives to entities who wish to engage in environmentally sustainable practices that have not previously been required in this Ordinance.
- (b) *Eligibility criteria.* In determining whether a building is eligible for the incentives in Subsection (c), the City's Building Department shall apply the following criteria:
 - (i) Private residential
 - (1) For new and remodeled private residential buildings, the building must satisfy the requirements associated with the appropriate and current LEED certifications or ENVISION verification.
 - (2) The owner of the private residential building shall provide the Building Department with a LEED form. The form shall be submitted as a part of the documents submitted to the City for a building permit application under the signature and seal of an architect, licensed in the State of Florida, along with a letter from the architect, under seal and signature, stating that to the best of his knowledge and belief to the extent reasonably possible, the LEED form is accurate and if the home were constructed or remodeled pursuant to the permit documents, it would achieve the points set forth in the submitted LEED form. The LEED form shall set forth the minimum number of points required in the appropriate category for certification of a residential property as a green building, as defined in Sec. 34-100 subsection (10).
 - (ii) Private commercial, office and industrial
 - (1) For commercial, office and industrial buildings, the building must satisfy the requirements associated with the appropriate and current LEED certifications or ENVISION verification.

- (2) The owner of the private commercial, office or industrial building shall provide the City's Building Department an executed LEED form. The form shall be submitted as a part of the documents submitted to the City for a building permit application under the signature and seal of an architect, licensed in the State of Florida, along with a letter from the architect, under seal and signature, stating that to the best of his knowledge and belief to the extent reasonably possible, the LEED form is accurate and if the building were constructed or remodeled pursuant to the permit documents, it would achieve the points set forth in the submitted LEED form. The LEED form shall set forth the minimum amount of points required in the appropriate category for certification of a green building.
- (iii) City properties and public-private partnerships
 - (1) All new City developments, substantial renovations to existing City buildings, or developments constructed on City property are required to achieve no less than LEED Silver certification OR ENVISION Silver verification, as defined in Sec. 34-103.
 - (2) If the contribution of the City exceeds 50 percent of the cost of a new building or substantial renovation of an existing building in partnership with a private sector entity, the new development or substantial renovation is subject to the provisions of Sec. 34-103.
- (c) *Green Building Incentive (GBI)*. Any building designated as a green building, with the City's Building Department having confirmed the building has been either LEED certified or ENVISION verified, shall be eligible for the some or all of the following incentives, as determined by the Building Department and the appropriate LEED Certification and ENVISION Verification:
 - (i) Express permitting for building permits;
 - (ii) Development approval assistance;
 - (iii) Expedited site plan review;
 - (iv) Up to ten (10) percent additional FAR or and additional story up to a maximum of seven stories, in order to accommodate a maximum 10,000 additional square feet or 10 percent additional units if the building achieves LEED Silver certification or ENVISION Silver verification, as defined in Sec. 34-103;
 - (v) Signage at the construction site, in addition to any previously permitted signage, designating the building as a green building;
 - (vi) For multi-family residential buildings, developers can bypass the 1.5 parking spaces per dwelling requirement, as defined in Article II Section 2.05.12(A)(l) and Article IV Section 4.03.02(A) of the Land Development Code to one (1) parking space per dwelling unit if the building achieves LEED Silver certification or ENVISION Silver verification, as defined in Sec. 34-103;

- (vii) For office uses, developers can bypass the one (1) parking space per 300 sq feet of gross floor space, as defined in Article IV Section 4.03.02(A) of the Land Development Code to one (1) parking space per 600 sq feet of gross floor space if the building achieves LEED Silver certification or ENVISION Silver verification, as defined in Sec. 34-103, AND if the building is within one (1) mile of public transit (e.g., City trolley, County bus);
- (viii) For retail uses, developers can bypass the one (1) parking space per 250 sq feet of gross floor space, as defined in Article IV Section 4.03.02(A) of the Land Development Code to one (1) parking space per 500 sq feet of gross floor space if the building achieves LEED Silver certification or ENVISION Silver verification, as defined in Sec. 34-103; AND if the building is within one (1) mile of public transit (e.g., City trolley, County bus).