

PROPOSED
ORDINANCE NO. 20-12

ORDINANCE NO. 19-12

AN ORDINANCE
TO BE ENTITLED:

AN ORDINANCE CREATING SECTIONS 14-1-291 THROUGH 14-1-320 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA; ESTABLISHING GREEN BUILDING REQUIREMENTS, GUIDELINES AND INCENTIVES; PROVIDING FOR SEVERABILITY; A REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY OF PENSACOLA, FLORIDA:

SECTION 1. Chapter 14-1-291 through 14- **Article XIII. - Green Building Certification**

Sec. 14-1-291. - Definitions.

- (a) City: the City of Pensacola, Florida.
- (b) Construction: any project associated with the creation, development, or erection of any building eligible for the program.
- (c) 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.
- (d) GHDS: acronym for the Green Home Designation Standard of the Florida Green Building Coalition, Inc.
- (e) Green Building: A designation given to buildings that have achieved the requirements of the green building rating system defined in this green building program.
- (f) Green Building Authority: The US Green Building Council (USGBC), the Florida Green Building Coalition (FGBC), the National Association of Home Builders (NAHB), Green Globes (operated by the Green Building Initiative), or equivalent certifying authority. Approved equal rating

systems will be determined by the City's LEED accredited staff.

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

(h) LEED: the Leadership in Energy and Environmental Design Rating System of the USGBC.

(i) NAHB: National Association of Home Builders.

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

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

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

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

(n) 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 quality of life.

Sec. 14-1-292. - Purpose.

The City of Pensacola finds that sustainable "green building" practices can significantly lower the energy and water consumption of buildings, operating costs, and the amount of solid waste generated while improving occupant health and productivity which are critical to public welfare. The purpose of this Ordinance is to define a certification-based "green building" program with incentives that will promote a more sustainable city in both the public and private sector.

Sec. 14-1-293. - Participation Requirements.

For all non-city sponsored projects, and for all projects upon the Florida constitutional homestead of an existing residence this program shall be voluntary. For any city-owned civic or office construction projects, the City is expected to participate in the program unless the Mayor determines that the cost (e.g. time, function, or funding) associated with participating in the program significantly outweighs the benefits of participating; however, the City shall ensure compliance with federal and state regulations. The Mayor or a designee shall develop parameters for the green building program.

The construction of any city-owned or sponsored new building(s), affordable housing units, and major additions, shall meet at least a minimum certification as designated by a Green Building Authority.

City-sponsored buildings include those projects where the City has donated property or provided monetary contributions. Adherence to the aforementioned "green building" ordinance shall be a condition to such sponsorship; however, this requirement may be waived or modified by the Mayor or his designee.

Sec. 14-1-294. - Designation of Responsibility for Administration and Implementation.

The program shall be jointly administered by Inspections Services, Planning Services, and the Office of Sustainability which shall be responsible for:

- (A) Funding the program through annual funds budgeted and appropriated by City Council;
- (B) Marketing the program to the Pensacola community by any reasonably effective means, including but not limited to print advertising, press releases, television advertising, or advertising in monthly mailers;
- (C) Developing any appropriate or necessary application procedures, including but not limited to, the program application form;
- (D) Providing an incentive award to any program participant who has successfully satisfied the requirements associated with that incentive; and
- (E) Resolving disputes that may arise from implementing the program.

Sec. 14-1-295. - Green Building Standards.

For city-constructed or sponsored buildings and developments the following certification shall apply based on project type:

(A) Neighborhood Developments that are owned, funded, or sponsored by the City shall satisfy the requirements associated with either:

1. the current Green Development Designation Standard of the FGBC; or
2. the current LEED for Neighborhood Development rating system program; or
3. the ICC 700 National Green Building Standard; or
4. an equivalent program using as a standard equivalent green building certification analysis.

(B) New residential projects that are owned, funded, or sponsored by the City shall satisfy the requirements associated with either:

1. the current Green Home Designation Standard of the FGBC; or
2. the current LEED for Homes® program; or
3. the current Hi-Rise Residential Standard of the FGBC for projects above three stories; or
4. the ICC 700 National Green Building Standard; or
5. an equivalent program using as a standard equivalent green building certification analysis.

(C) Additions and renovations of existing homes that are owned, funded, or sponsored by the City and exceed 50% of the just market value as listed on the Escambia County Property Appraisers website or from a certified appraisal shall meet requirements of either:

1. the current Green Home Designation Standard of the FGBC; or
2. the current LEED for Homes® program; or
3. the current Green Hi-Rise Residential Standard of the FGBC for projects above three stories.; or
4. the ICC 700 National Green Building Standard; or

5. an equivalent program using as a standard equivalent green building certification analysis.

(D) New commercial, industrial, and institutional buildings that are owned, funded, or sponsored by the City shall satisfy all of the requirements associated with either:

1. the current Green Commercial Building Standard of the FGBC; or
2. the current LEED for Core and Shell program; or
3. the current LEED for New Construction or derived USGBC LEED rating system (e.g., LEED for Schools, LEED for Health Care, LEED for Retail); or
4. an equivalent program using as a standard equivalent green building certification analysis.

(E) Additions and remodeling of existing commercial, industrial, and institutional buildings that are owned, funded, or sponsored by the City and exceed 50% of the just market value as listed on the Escambia County Property Appraisers website or from a certified appraisal shall satisfy all of the requirements associated with either:

1. the current Green Commercial Designation Standard of the FGBC; or
2. the current LEED for Existing Buildings: Operations & Maintenance program; or
3. the current LEED for Commercial Interiors program; or
4. an equivalent program using as a standard equivalent green building certification analysis.

(F) Rating system versions. City buildings or city-sponsored private buildings participating in the green building program shall be bound by the standard designated for the type of building 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's Inspections Services Department.

Sec. 14-1-296. - Voluntary Green Building Incentives.

The City offers assistance in the "green building" certification process, and encourages builders and developers to employ green building strategies that conserve water and energy, reduce the generation of solid waste, and improve occupant health and productivity. To encourage private builders and developers to voluntarily construct buildings as described in Sec. 14-1-295 *Green Building Standards* and receive the corresponding certification, the City shall provide incentives on the stipulation that the builder or developer furnish a copy of the project's green building certificate to the City's

Inspections Department. Incentives include fast track building permitting (5 day maximum for commercial, 2 days for residential), a 25% density bonus, recognition at a City Council meeting, inclusion of project details on the City's green building webpage, informative banners placed at the project site, and a 25% reduced parking requirement. The City shall offer a rebate to private, voluntary residential projects that covers the initial fee associated with applying for project **certification** until all allocated annual funding has been distributed. Additionally, for the purpose of publicly recognizing outstanding commitment to green building, the program shall provide an award called the Green Building Award to be awarded annually by the Mayor.

Sec. 14-1-297. - Certification.

At the time of preliminary concept review, the developer shall be required to submit a green building checklist to Inspections Services to serve as a good faith demonstration of the developer's intent to achieve certification and the methods that will be utilized to achieve said certification. The most recent LEED Scorecard, most recent version of the FGBC checklist, the ICC 700 National Green Building Standard Scoring Tool, or equivalent green building certificate checklist shall be submitted depending on the certification the developer is seeking. Each project shall be subject to certification by a qualified third party inspector or City Inspector who has been trained and certified as a certifier for the appropriate green building certification for which the builder or developer is seeking. For the purpose of this section of the program, "third party" means any person or entity authorized according to the requirements of the standard in Sec. 14-1-295 *Green Building Standards* for a particular project.

Sec. 14-1-298. - Education and Training.

(A) The City, in conjunction with a Green Building Authority, shall conduct at least one training workshop per year for the purpose of educating potential or current program participants, City staff, elected officials, and the general public about the program.

(B) The City shall make available a meeting space at a government facility for green building programs

offered by organizations that are of a general nature
(not product specific).

Secs. 14-1-299 through 14-1-320. - Reserved.

1-320 of the Code of the City of Pensacola, Florida,
is hereby created to read as follows:

SECTION 2. If any word, phrase, clause, paragraph, section or provision of this ordinance or the application thereof to any person or circumstance is held invalid or unconstitutional, such finding shall not affect the other provisions or applications of the ordinance which can be given effect without the invalid or unconstitutional provisions or application, and to this end the provisions of this ordinance are declared severable.

SECTION 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 4. This ordinance shall take effect on October 1, 2012.

Passed: August 9, 2010

Approved: s/Sam Hall
President of City Council

Attest:

s/Ericka L. Burnett
City Clerk

Legal in Form and Valid as Drawn:

s/James M. Messer
City Attorney