

**D R A F T**

2-27-02 001584

ORDINANCE NO. 0-02-05

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**An ordinance of the City of Gainesville, Florida, creating a new Section in Chapter 6, consisting of sections 6-5 through 6-15 inclusive; and adding said sections to the Code of Ordinances of the City of Gainesville, relating to the "Gainesville Green Building Program;" providing for definitions; providing for the intent and purpose of the Program; providing for designation of responsibility for the administration and implementation of the Program; providing for voluntary and mandatory participation in the Program; providing for scope of the program; providing for Program standards; providing for incentives to use the Program; providing for certification; providing for training; providing for review of the Program; providing for resolution of disputes; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an effective date.**

**WHEREAS**, at least 10 days notice has been given once by publication in a newspaper of general circulation notifying the public of this proposed ordinance and of a Public Hearing in the Auditorium of City Hall in the City of Gainesville; and

**WHEREAS**, a Public Hearing was held pursuant to the published notice described at which hearing the parties in interest and all others had an opportunity to be and were, in fact, heard; and

~~**WHEREAS**, at its meeting of January 24, 28, (date was actually the 28<sup>th</sup>) 2002, the City Commission of the City of Gainesville adopted the "Gainesville Green Building Program" by Resolution No. 001835;~~

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



1 Section 1. A new Section in Chapter 6, consisting of subsections 6-5 through 6-15, inclusive, is  
2 created and added to the City of Gainesville Code of Ordinances to read as follows:

3 Sec. 6-5. Gainesville Green Building Program

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

7 (a) “City” means the City of Gainesville, Florida;

8 (b) “City Commission” means the City Commission of the City of Gainesville, Florida;

9 (c) “City-owned civic or office construction project” means City owned buildings  
10 providing a public gathering place or office facilities for City employees (added to  
11 define one term and to use it consistently throughout the ordinance)

12 (d) “construction” means any project associated with the creation, development, or  
13 erection of any building eligible for the Program;

14 (e) “FGBC” means the Florida Green Building Coalition;

15 (f) “green building” means generally the resource efficient design, construction, and  
16 operation of buildings by employing environmentally sensible construction practices,  
17 systems, and materials;

18 (g) “GHDS” means the Green Home Designation Standard of the Florida Green Building  
19 Coalition;

20 (h) “independent” or “independent of the City” means not employed by, or acting as  
21 agents of, the City of Gainesville, Florida;

22 (i) “L.E.E.D. 2.0” means the Leadership in Energy and Environmental Design Rating  
23 System, Version 2.0, of the U.S. Green Building Council;

# D R A F T

2-27-02

1 (j) “municipal” means owned by the City of Gainesville, Florida;

2 (k) “private” means property not owned by the City of Gainesville, Florida;

3 (l) “Program” means the Gainesville Green Building Program;

4 (m) “program certification” means the final designation awarded to a program participant  
5 for satisfying all requirements associated with the Program for a particular project;

6 (n) “program participant” means any person or entity seeking program certification for a  
7 particular project;

8 (o) “project” means any construction associated with the creation, development, or  
9 erection of any building eligible for the Program;

10 (p) “Project Application Form” means the form submitted to the Building Inspection  
11 Department indicating that a program participant is interested in participating in the  
12 Program for a particular project.

13 (q) “Review Committee” means the Gainesville Green Building Program Review  
14 Committee;

15 (r) “sub-program” means any area of construction covered by the Program;

16 (s) “USGBC” means the U.S. Green Building Council<sup>1</sup>;

## 17 **Sec. 6-6. Intent and Purpose.**

18 The purpose of the Program shall be to provide the City of Gainesville community with a  
19 certification-based “green building” program, which is mandatory for City owned civic or office  
20 construction projects, and voluntary for all others (added for consistency with 6-8 below). This  
21 program will promote sustainable and environmentally-friendly practices of construction and  
22 design.

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<sup>1</sup> For more information, see U.S. Green Building Council’s website at <<http://www.usgbc.org>>.

1 **Sec. 6-7. Designation of Responsibility for Administration and Implementation.**

2 The Program shall be jointly administered by the Building Inspection Department and  
3 Gainesville Regional Utilities, which shall be responsible for:

4 (a) funding the Program through annual funds budgeted and appropriated by the City  
5 Commission;

6 (b) marketing the Program to the Gainesville community by any reasonably effective  
7 means, including but not limited to print advertising, press releases, television  
8 advertising, or advertising in monthly mailers;

9 (c) developing any appropriate or necessary application procedures, including but not  
10 limited to, the Program Application Form;

11 (d) providing an incentive award to any program participant who has successfully  
12 satisfied the requirements associated with that incentive; and

13 (e) resolving disputes that may arise from implementing the Program.

14 **Sec. 6-8. Program.**

15 (a) For any ~~private or non-municipal construction project~~ all non-city projects (**previous**  
16 **wording leaves out State and Federal**), the Program shall be voluntary.

17 (b) ~~(b)~~ For any municipal city-owned (**for consistency as noted above**) civic or office  
18 construction project, the Program shall be mandatory. For the purpose of this section  
19 of the Program, "mandatory" means that the City must participate in the Program  
20 unless the City Commission determines that the cost associated with participating in  
21 the Program significantly outweighs the benefits of the ~~project~~ of participating in the  
22 program (**to clarify between the construction project and the Green Buildings**  
23 **Program**) to the City.

1 (c) The City Manager and the General Manager for Utilities or their designees shall  
2 develop policies and procedures to implement the Green Building Program (the  
3 authority to implement the program was not included in the original ordinance).

4 **Sec. 6-9. Scope.**

5 The Program shall be administered on a per-unit basis. For the purpose of this section of  
6 the Program, "per-unit" means each unit built, except that any multi-family dwelling or similarly  
7 clustered structure may count as one unit, as determined by the City Manager or General  
8 Manager for Utilities (since the multi-family pertains to the GRU part of the program we  
9 should have a say in the matter) or their designee(s).

10 **Sec. 6-10. Coverage.**

11 The Program shall be comprised of the following sub-programs:

12 (a) new residential construction;

13 (b) residential retrofitting/remodeling;

14 (c) new commercial/~~non-municipal~~ city construction, not including any expansions or  
15 remodeling; and

16 (d) ~~new municipal~~ City-owned (consistency as noted above) civic or office  
17 construction, not including any expansions or remodeling.

18 **Sec. 6-11. Standards.**

19 The Program shall be administered using standards developed by the City of Gainesville  
20 for certification of retrofitting/remodeling of existing residential units and standards developed  
21 by (retrofit/remodeling standards should be separate from the new construction standards)  
22 1) the Florida Green Building Coalition and 2) the U.S. Green Building Council for certification

1 of all other building certifications.(grammatical change for the above change): These  
2 standards shall apply to each sub-program as follows:

3 (a) GHDS. For any program participant seeking program certification for new residential  
4 construction ~~or residential retrofitting/remodeling, (as noted above)~~ the program  
5 participant must satisfy all of the requirements associated with the current Green Home  
6 Designation Standard of the FGBC, including but not limited to, any monetary or  
7 certification requirements.<sup>2</sup> For the purpose of this section of the Program, “current”  
8 means at the time a program participant submits a Project Application Form with the  
9 Building Inspection Department. A set of standards developed by the City of Gainesville  
10 will be used for certification of residential retrofitting/remodeling (same as above).

11 (b) L.E.E.D. 2.0. For any program participant seeking program certification for new  
12 commercial/~~non-municipal~~ city construction or new municipal civic or office  
13 construction, the program participant must satisfy all of the requirements associated with  
14 the L.E.E.D. 2.0, including but not limited to any monetary or certification requirements.<sup>3</sup>

15 (c) Review. For the purpose of this section of the Program, a program participant shall  
16 be bound by the standard designated for a particular sub-program unless the program  
17 participant both requests to be certified under a more current version of a designated  
18 standard and the request is approved by the ~~Building Inspection Department~~ City  
19 department responsible for administering the particular program (this gives GRU some  
20 say in the matters that pertain to the part we are involved in).

21 **Sec. 6-12. Incentives.**

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<sup>2</sup> The purpose of this clause is to alleviate the need to list every requirement of the program and to indicate to potential program participants that additional financial obligations and other important requirements may exist.  
<sup>3</sup> See FN 4 above.

# D R A F T

2-27-02

1 The Program shall consist of incentives designed to encourage the use of the Program.

2 (a) All sub-programs. For any program participant seeking program certification for new  
3 residential construction, residential retrofitting/remodeling, new commercial/non-  
4 municipal city construction, or new municipal city owned civic or office construction, the  
5 Program- the City's General Government shall provide the following incentives:

6 1. fast-track permitting for building permits;

7 2. reduced permitting fee, which shall equal fifty (50) % of the fee required for a  
8 non-program participant, subject to availability of funds; if program participant is  
9 building in a designated Enterprise Zone, than the reduced permitting fee shall be  
10 fifty (50) % off the usual permitting fee in the Enterprise Zone.

11 3. final project designation by the City.

12 (b) Sub-program of retrofitting/remodeling. For aAny program participant-seeking  
13 meeting program certification criteria program certification for multi-family residential  
14 retrofitting/remodeling, the Program shall be eligible for provide the following incentives  
15 provided by GRU (clarification that the participant has to meet the certification  
16 criteria before we give them the cash incentive):

17 1. a cash renovation incentive, subject to availability of funds; and

18 2. a solar water heater incentive, subject to availability of funds and meeting  
19 other solar rebate program requirements (there are other solar rebate requirements  
20 involved).

21 (c) Marketing for all sub-programs. For any program participant seeking program  
22 certification for new residential construction, residential retrofitting/remodeling, new  
23 commercial/non-municipal construction, or new municipal, city owned civic or office



# D R A F T

2-27-02

1 construction projects, the City's General Government shall provide the following  
2 marketing incentives, including but not limited to:

3 1. the erection of building site signs designating a project under the Program;

4 2. the inclusion of program participants on a City webpage dedicated to the  
5 Program;

6 3. the creation of promotional packages such as a program logo for a program  
7 participant's advertisements or brochures;

8 4. press releases;

9 5. articles in the local news media; and

10 6. information about available financial programs, including but not limited to,  
11 those associated with Fannie Mae/Freddie Mac.

12 (d) Green Building Award. For the purpose of publicly recognizing outstanding  
13 commitment to "green building," the Program shall provide for an award called the  
14 "Green Building Award" to be awarded annually by the City's General Government to  
15 one program participant in each sub-program.

## 16 Sec. 6-13. Certification.

17 The Program shall be subject to certification by a qualified third party who has been  
18 trained and certified as a Green Building rater. ~~is under contract with the City as an independent~~  
19 ~~contractor.~~ For the purpose of this section of the Program, "third party" means any person or  
20 entity authorized by the FGBC or the USGBC to verify that a program participant has satisfied  
21 any or all of the requirements associated with the standard designated for a particular project. ~~and~~  
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**D R A F T**

2-27-02

1 ~~who enters into a written agreement with the City.~~ (we envision the rater being like an Energy

2 Star rater who is qualified and certified, but not under contract with GRU or the City)

3

1 Sec. 6-14. Training.

2 The Building Inspection Department in conjunction with FGBC shall conduct at least one  
3 training workshop per year for the purpose of educating potential or current program participants  
4 about the Program.

5  
6 Sec. 6-15. Program review.

7 (a) Review-committee Staff review. The Building Inspection Department shall initiate a  
8 review of the Program with the assistance of GRU as necessary to determine the need for  
9 changes in the program to increase it effectiveness. ~~by the Gainesville Green Building~~  
10 Program Review Committee, which shall be comprised of one member of the Community  
11 Development Committee, one member of the Regional Utilities Committee, one member  
12 of the Gainesville Energy Advisory Committee, and one member of the City Plan Board,  
13 with the total number of committee members set at four.

14 (b) Frequency. The Program shall be subject to review one year after the effective date  
15 of this ordinance and thereafter at a frequency of no more than once per year (once a year  
16 reviews or more is overkill) at least once per year.

17 (c) Purpose. The purpose of reviewing the Program includes but is not limited to  
18 updating program incentives, recommending program or marketing changes to the City,  
19 recommending program changes to any independent "green building" entity or program  
20 referenced or adopted in the Program, (again overkill on the recommendations for  
21 program changes) reviewing suggestions made by program participants, and annually  
22 awarding the Green Building Award in accordance with section 6-12(d) of the Program.

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**D R A F T**

2-27-02

1 **Section 2.** It is the intention of the City Commission that the provisions of Section 1 of this  
2 Ordinance shall become and be made a part of the Code of Ordinances of the City of Gainesville,  
3 Florida, and that the Sections and Paragraphs of this Ordinance may be renumbered or relettered  
4 in order to accomplish such intentions.

5  
6 **Section 3.** If any section, sentence, clause or phrase of this ordinance is held to be invalid or  
7 unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect  
8 the validity of the remaining portions of this ordinance.

9  
10 **Section 4.** All ordinances or parts of ordinances in conflict herewith are to the extent of such  
11 conflict hereby repealed.

12  
13 **Section 5.** This ordinance shall become effective on \_\_\_\_\_, 2002.

14  
15 **PASSED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2002.

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18  
19 \_\_\_\_\_  
20 THOMAS D. BUSSING, MAYOR

21 ATTEST:

22 Approved as to form and legality

23 \_\_\_\_\_  
24 KURT M. LANNON  
25 CLERK OF THE COMMISSION

26 \_\_\_\_\_  
27 MARION J. RADSON, CITY ATTORNEY

28 This Ordinance passed on first reading this \_\_\_\_ day of \_\_\_\_\_, 2002.

This Ordinance passed on second reading this \_\_\_\_ day of \_\_\_\_\_, 2002.

CODE: Words ~~stricken~~ are deletions; words underlined are additions.