



MEMORANDUM
Office of the City Attorney

Legistar No. 060378

Phone: 334-5011/Fax 334-2229
Box 46

January 8, 2007

TO: Mayor and City Commission

DATE:

~~December 14, 2006~~

FROM: City Attorney

~~FIRST READING~~

SECOND READING

SUBJECT: Ordinance No. 0-06-133

An ordinance of the City of Gainesville, Florida, amending the City of Gainesville Code of Ordinances, amending section 6-12 relating to Incentives for Green Building Projects; amending the Buildings and Building Regulation section of Appendix A eliminating the reduction in permit fees in the Enterprise Zone; amending the Land Development Code section of Appendix A relating to development plan review fees; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an effective date in accordance with the schedule provided herein.

Recommendation: The City Commission adopt the proposed ordinance.

As of October 1, 2006, the Building Inspections Department is an Enterprise Fund, pursuant to Section 553.80(7), Florida Statutes. The user fees collected (permit fees) are to be used solely for carrying out the local government's responsibilities in enforcing the Florida Building Code. Fees may be used for: direct costs and reasonable indirect costs associated with review of building plans, building inspections, reinspections, and building permit processing, building code enforcement, and fire inspections associated with new construction. If fees are discounted, the City needs to cover the funding gap from another source.

The City has had in place for a number of years a fifty percent reduction in fees for green buildings and for buildings constructed in the Enterprise Zone. On August 21, 2006, the City Commission approved \$100,000 from the GRU transfer to cover the green building discounts. No funding source was identified to cover building permit fee reductions for developments in the Enterprise Zone. The Community Development Committee discussed this item on September 18, 2006, and the Gainesville Enterprise Zone Development Agency (GEZDA) discussed this issue on September 26, 2006.


Based on recommendations from the Community Development Committee and GEZDA, the City Commission at its October 23, 2006 meeting approved (1) shifting the green building discount to site plan fees for nonresidential and multi-family buildings, since these discounts would be within planning and would not have to be compensated from another fund; (2) continuing the green building discount for single-family residences, since no site plan fee is charged by planning for individual single-family residences, but

reduce the discount to 25% for single-family residences, and (3) discontinue permanently the 50% building permit discount in the Enterprise Zone due to funding constraints.

This ordinance amends the three sections of the City code necessary to accomplish the items approved by the City Commission.

This ordinance requires two public hearings. If adopted on first reading, second and final reading will be January 8, 2007.

Prepared by: 
Nicolle M. Smith,
Assistant City Attorney II

Approved and
Submitted by: 
Marion J. Radson,
City Attorney

MJR:NMS:sw

PASSED ON FIRST READING BY A VOTE OF 5-0.

ORDINANCE NO. 060378
0-06-133

An ordinance of the City of Gainesville, Florida, amending the City of Gainesville Code of Ordinances, amending section 6-12 relating to Incentives for Green Building Projects; amending the Buildings and Building Regulation section of Appendix A eliminating the reduction in permit fees in the Enterprise Zone; amending the Land Development Code section of Appendix A relating to development plan review fees; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an effective date in accordance with the schedule provided herein.

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 to be held in the City Commission Auditorium, City Hall, City of Gainesville; and

WHEREAS, the Public Hearings were held pursuant to the published notice described at which hearings the parties in interest and all others had an opportunity to be and were, in fact, heard.

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

Section 1. Subsection (1) of Section 6-12 of the Code of Ordinances is amended to read as follows:

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-

1 city construction, or new city owned civic or office construction, the city's general
2 government shall provide the following incentives:

- 3 a. Fast-track permitting for building permits.
- 4 b. Final project designation by the city.
- 5 c. For one and two-family residential projects, there shall be a reduced
6 building permitting fee, which shall equal 50 ~~seventy-five~~ percent (75%)
7 of the fee required for a non-program participant, subject to the
8 availability of funds; if program participant is building in a designated
9 enterprise zone, then the reduced permitting fee shall be 50 percent off the
10 usual permitting fee in the enterprise zone.
- 11 d. For all projects other than one and two-family residential projects, there
12 shall be a reduced development plan review fee, which shall equal fifty
13 percent (50%) of the fee required for a non-program participant.

14 **Section 2.** Paragraph (12) of Appendix A, relating to Buildings and Building
15 Regulation fees, is deleted in its entirety.

16 BUILDINGS AND BUILDING REGULATIONS

17 ~~(12) All building permit fees herein required which are for new construction, additions~~
18 ~~and renovation occurring in the area designated as the enterprise zone by~~
19 ~~Resolution R050296, shall be reduced by fifty (50) percent.~~

20
21 ~~(1213)~~ Board and seal permit fee (§ 6-20(e))82.75

22 **Section 3.** Subparagraph d of paragraph (2) *Planning*, of Appendix A, relating to Land
23 Development Code fees, is amended to read as follows:

1 LAND DEVELOPMENT CODE

2 (2) *Planning:*

3 *Land use and zoning changes:*

4 d.2. Amendments to a development plan which may
5 be authorized by the director of the department
6 of community development or designee.....727.75
7

8 A resubmittal/revision fee of 25 percent of the original fee amount
9 will be applied to all fee areas.

10
11 If a continuance is requested, the fee for the continuance will be
12 the actual cost of advertising.

13
14 All development plan review fees in subparagraphs d.1. and d.2
15 which are for a non-one or two-family residential project certified
16 under the Gainesville Green Building Program (Article I.5.) shall
17 be reduced by fifty percent (50%).
18

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

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

26 **Section 6.** All ordinances, or parts of ordinances, in conflict herewith are to the
27 extent of such conflict hereby repealed.

28 **Section 7.** This ordinance shall take effect immediately upon adoption;
29 provided however, the rates and charges as provided for herein shall be applicable to
30 applications for building permits and applications for development plan review that
31 are submitted on or after the effective date of this ordinance.

1
2
3
4
5
6
7
8
9
10
11
12
13
14

PASSED AND ADOPTED this 8th day of January, 2007.



PEGEEN HANRAHAN
MAYOR

ATTEST:



KURT M. LANNON
CLERK OF THE COMMISSION

Approved as to form and legality



MARION J. RADSON
CITY ATTORNEY

JAN 09 2007

This Ordinance passed on first reading this 11th day of December, 2006.

This Ordinance passed on second reading this 8th day of January, 2007.