

CITY OF BONITA SPRINGS, FLORIDA

ORDINANCE NO. 15-19

AN ORDINANCE CREATING THE CITY OF BONITA SPRINGS GREEN BUILDING PROGRAM; PROVIDING FOR INTENT AND PURPOSE; DEFINITIONS, DESIGNATION OF RESPONSIBILITY FOR ADMINISTRATION AND IMPLEMENTATION; PROGRAM; SCOPE; COVERAGE; STANDARDS; INCENTIVES; CERTIFICATION; TRAINING; PROGRAM REVIEW; PROVIDING FOR CONFLICTS OF LAW, SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, INCLUSION IN CODE, AND AN EFFECTIVE DATE.

WHEREAS, the City Council is the governing body in and for the City of Bonita Springs, a municipal corporation of the State of Florida; and

WHEREAS, Chapter 166, Florida Statutes, authorizes City Council acting for the City of Bonita Springs, Florida, to adopt Ordinances and Resolutions necessary for the exercise of its powers; and

WHEREAS, the City of Bonita Springs is pursuing steps toward becoming a Florida Green Local Government using the Green Local Government Standard developed by the Florida Green Building Coalition; and

WHEREAS, construction of any city building are mandated by Florida law to meet the requirements regarding construction of energy-efficient and sustainable buildings as further specified by Florida Statutes §255.251, et seq.; and

WHEREAS, City Council has found that the construction and maintenance of buildings within the city has a significant impact on the city's environmental sustainability, resource usage, waste management, and the health and productivity of the residents, workers and visitors driving the necessity for green development standards; and

WHEREAS, City Council wishes to define a certification – based “green building” program with incentives that will promote a green city in both the public and private sector; and

WHEREAS, the City of Bonita Springs shall adopt the Florida Green Building Coalition's green certification programs as the official minimum criteria for green standards for the city; and

WHEREAS, to further their intent, City Council hereby adopts this ordinance as a critical part of its sustainability strategy.

NOW, THEREFORE, THE CITY OF BONITA SPRINGS HEREBY ORDAINS:

SECTION ONE: TITLE AND CITATION

This Ordinance shall be known and cited as the “Green Building Program”.

SECTION TWO: PURPOSE AND INTENT.

The construction of any city owned new building(s), city constructed or sponsored affordable housing units or major addition construction projects will follow the program guidelines. All new government buildings and major renovations shall meet the requirements of FGBC Silver Certification. This program will be voluntary for all others. This program will promote sustainable and environmentally-friendly practices of construction and design thereby reducing building impacts on human health, the environment and the city.

SECTION THREE: 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.

City means the City of Bonita Springs, Florida.

City Council means the City Council of the City of Bonita Springs, Florida.

City-owned construction project means city-owned buildings providing a public gathering place or office facilities.

Construction means any project associated with the creation, development, or erection of any building eligible for the program.

Current means the standard in place at the time a program participant submits a project application form with the city.

FGBC means the Florida Green Building Coalition.

FSEC means Florida Solar Energy Center.

GHDS means the Green Home Designation Standard of the Florida Green Building Coalition.

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

Independent or independent of the city means not employed by, or acting as agents of, the city.

LEED means the Leadership in Energy and Environmental Design Rating System, of the U.S. Green Building Council.

Participant means private property owners.

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.

Program participant means any person or entity seeking program certification for a particular project.

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

Project application form means the form submitted to the building inspection department indicating that a program participant is interested in participating in the program for a particular project.

Structure means anything constructed or erected, the use of which requires permanent location on the ground. Among other things, structures include buildings or any parts thereof, walls fences, parking garages, parking lots, signs and screen enclosures.

Sub-program means any area of construction covered by the program.

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

USGBC means the U.S. Green Building Council.

SECTION FOUR: DESIGNATION OF RESPONSIBILITY FOR ADMINISTRATION AND IMPLEMENTATION.

The program shall be administered by the City Manager or designee(s), 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, electronic mailers, social media; and
- (b) Developing any appropriate or necessary application procedures, including but not limited to, the program application form; and
- (c) Writing policies and procedures for staff implementation of the green building program;

- (d) Assisting in the development of incentives to award to any project that successfully satisfied the requirements associated with the program; and
- (e) Resolving disputes that may arise from implementing the program.

SECTION FIVE: PROGRAM APPLICABILITY.

- (a) For all private and non-city projects, the program shall be voluntary; however, for projects voluntarily enrolled in the Green Building Program, Green Building certification by a third party certification organization and construction in accordance with the selected standard is mandatory.
- (b) Consistent with Florida Statutes §255.2575, the program shall be mandatory for any city-funded buildings involving new construction, major additions or city financed or sponsored affordable housing. The FGBC Silver commercial building standard shall be used as the official minimum criteria for new city constructed buildings.
- (c) All city-owned buildings, including new construction and major additions, shall install Florida-Friendly landscaping and efficient irrigation consistent with Florida-Friendly Landscaping Program Green Industries Best Management Practices and the Florida Green Building Coalition Standards. All invasive species on building grounds shall be removed and the City will implement Integrated Pest Management practices.

SECTION SIX: DEVELOPMENT STANDARDS.

In addition to the Florida Building Code's minimum standards and the Land Development Code, projects shall qualify for incentives using standards developed by the U.S. Green Building Council, the Florida Green Building Coalition, Energy Star or a nationally recognized, high-performance green building rating system as approved by the City Manager or designee. 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 a nationally recognized green building rating system or a national model green building code such as:
 - 1. The current Green Home Designation Standard of the FGBC, or
 - 2. The current USGBC LEED for Homes® program, or
 - 3. The current Energy Star Certified New Homes requirements, or
 - 4. An equivalent program using a standard equivalent green building certification analysis.
- (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 a nationally recognized green building rating system or a national model green building code such as:
 - 1. The current LEED for Homes® program, or

2. The current Green Home Designation Standard of the FGBC, The home shall meet the requirements for "remodeling" or "existing home" of the designation.
3. An equivalent program using a standard equivalent green building certification analysis.

(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 a nationally recognized green building rating system or a national model green building code such as:

1. The current Green Commercial Designation Standard of the FGBC or,
2. 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
3. An equivalent program using a standard equivalent green building certification analysis.

(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 a nationally recognized green building rating system or a national model green building code such as:

1. The current Green Commercial Designation Standard of the FGBC, or
2. The current LEED for Existing Buildings: Operations and Maintenance program, or
3. The current LEED for Commercial Interiors program, or
4. An equivalent program using a standard equivalent green building certification analysis.

(e) *Green developments*: The participant shall satisfy all of the requirements including, but not limited to, any monetary or certification requirements associated with a nationally recognized green building rating system or a national model green building code such as:

1. The current Green Development Designation Standard of the FGBC; or
2. The current LEED for Neighborhoods & Developments rating system program, or
3. An equivalent program using a standard equivalent green building certification analysis.

SECTION SEVEN: INCENTIVES AND REQUIREMENTS.

The city encourages builders and developers to employ green building practices that: conserve natural resources, reduce energy and the generation of solid waste, and improve occupant health and the collective environment.

(a) To encourage voluntarily construction of green buildings and third party certification, the following incentives shall be provided:

1. *Fast track development review*: development services, including site plan review, submitted or resubmitted for review, for Green Building Program

projects shall be given priority over projects which are not in the Green Building program.

2. *Priority status*: applicants who obtain priority status pursuant to this section shall provide proof of certification to the City within 180 days of construction completion. Application forms for green 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 green building certification may be denied future priority status by the City Manager, or designee.
3. *Designation*: the city shall coordinate a program of recognition, on the City website or by other additional means, identifying and publicizing permitted construction as a green building project with benefits to the community and the environment.
4. *Permit rebates*: the city shall offer the following minimum permit fee rebates to projects that receive certification as outlined below:
 1. \$300 for new residential construction and residential retrofitting/remodeling (per unit); or
 2. \$300 for new affordable housing construction and affordable housing retrofitting/remodeling (per unit); or
 3. \$1,000 for new commercial construction and commercial construction retrofitting/remodeling(per building); or
 4. \$2,500 for green development projects (per overall development, which is in addition to the rebates above).

Applicants who obtain green building certification shall provide proof of certification to the City within 180 days of construction completion in order to be eligible for permit rebates.

(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; such plaque shall be treated as a governmental information sign exempt from permitting;
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" shall be awarded annually to one program participant for best overall project. Notwithstanding, nothing precludes the City from creating additional green awards for additional participants in the program.

- (c) Prior to filing an application for a building permit, or any award of incentives, the participant should submit a green building checklist to serve as a good faith demonstration of the participant's intent to achieve certification and the methods that will be utilized to achieve said certification. The participant is encouraged to attend a pre-application meeting with the Community Development department at no cost to the applicant. The most recent LEED Scorecard, most recent version of the FGBC checklist, or equivalent green building certificate checklist should be submitted depending on the certification rating system the participant is seeking.

SECTION EIGHT: CERTIFICATION.

Projects that are voluntarily enrolled in the program and pursuing certification shall be certified by an independent third party in accordance with the standards for the rating program indicated in the project application. It is up to the applicant to select and obtain the certification independently of the city. 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. Examples include, but are not limited to: Energy Star, LEED, USGBC, etc.

SECTION NINE: EDUCATION AND TRAINING.

The Community Development department in conjunction with FSEC, FGBC, USGBC, or other green building organizations shall conduct at least one training workshop per year for the purpose of educating potential or current program participants, the public and private sector, elected officials and the general public about the program. Certified building and planning staff (inspectors, reviewers and supervisors) shall attend at least eight (8) hours of CEU approved green building/design training per year if available and funded. The city finds it to be a public purpose to make available meeting spaces at a government facility for green building programs offered by organizations that are of a general nature (not product specific).

SECTION TEN: PROGRAM REVIEW.

- (a) Staff review. The Community Development department shall initiate 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 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.

SECTION ELEVEN: CONFLICTS OF LAW

Whenever the requirements or provisions of this ordinance are in conflict with the requirements or provisions of any other lawfully adopted ordinance or statute, the most restrictive requirements shall apply.

SECTION TWELVE: SEVERABILITY

If any part, section, subsection, or other portion of this ordinance or any application thereof to any person or circumstance is declared void, unconstitutional or invalid for any reasons, such part, section, subsection, or other portion or the prescribed application thereof, shall be severable, and the remaining provisions of this ordinance, and all applications thereof not having been declared void, unconstitutional or invalid, shall remain in full force and effect. The City declares that no invalid or prescribed provision or application was an inducement to the enactment of this ordinance, and that it would have enacted this ordinance regardless of the invalid or prescribed provision or application.

SECTION THIRTEEN: CODIFICATION, INCLUSION IN CODE AND SCRIVENER'S ERRORS

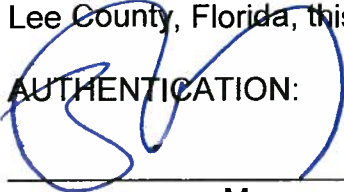
It is the intention of the City Council for the City of Bonita Springs that the provisions of this ordinance shall become and be made a part of the Bonita Springs City Code, and that sections of this ordinance may be renumbered or re-lettered and that the word "ordinance" may be changed to "section", "article", or such other appropriate word or phrase in order to accomplish such intention, and, regardless of whether such inclusion in the code is accomplished, sections of this ordinance may be renumbered or re-lettered and typographical errors which do not affect the intent may be authorized by the City Manager, or the City Manager's designee, without need of public hearing, by filing a corrected or re-codified copy of same with the City Clerk.

SECTION FOURTEEN: EFFECTIVE DATE


The effective date of this ordinance shall be thirty (30) days from the adoption date.

DULY PASSED AND ENACTED by the City Council of the City of Bonita Springs, Lee County, Florida, this 7th day of October, 2015.


AUTHENTICATION:



Mayor



City Clerk



City Attorney

APPROVED AS TO FORM:

Vote:

Nelson	Aye	Simmons	Aye
McIntosh	Aye	Gibson	Aye
Martin	Absent	Lonkart	Aye
Slachta	Aye		

Date filed with City Clerk: 10/12/15