

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. 2016-29

AN ORDINANCE OF THE CITY COMMISSION OF CORAL GABLES, FLORIDA PROVIDING FOR TEXT AMENDMENTS TO THE CITY OF CORAL GABLES OFFICIAL ZONING CODE, ARTICLE 5, "DEVELOPMENT STANDARDS," DIVISION 13 "MISCELLANEOUS CONSTRUCTION REQUIREMENTS," CREATING SECTION 5-1302, "SUSTAINABILITY STANDARDS," ESTABLISHING CRITERIA FOR NEW BUILDING CONSTRUCTION TO ACHIEVE LEADERSHIP IN ENERGY AND ENVIRONMENTAL DESIGN ("LEED") CERTIFICATION OR EQUIVALENT; PROVIDING POSTING OF BOND TO ENSURE COMPLIANCE WITH LEED CERTIFICATION OR EQUIVALENT; PROVIDING FOR A REPEALER PROVISION, SEVERABILITY CLAUSE, CODIFICATION, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, a green building, also known as a sustainable building, is a structure that is designed, built, renovated, operated, or reused in an ecological and resource-efficient manner; and

WHEREAS, the Leadership in Energy and Environmental Design ("LEED") Green Building Rating System, developed by the U.S. Green Building Council ("USGBC") provides standards for environmentally sustainable construction; and

WHEREAS, since its inception in 1998, LEED has grown to encompass over 14,000 projects in 50 U.S. States and 30 countries covering 1.062 billion square feet of development area; and

WHEREAS, the City of Coral Gables has documented at least 56 buildings, which have achieved LEED certification from 2009 to 2015; and

WHEREAS, the USGBC reports the following benefits of green building construction:
Environmental benefits: enhance and protect ecosystems and biodiversity, improve air and water quality, reduce solid wastes, conserve natural resources; and
Economic benefits: Reduce operating costs, enhance asset value and profits improve employee productivity and satisfaction, optimize life-cycle economic performance; and
Health and community benefits: improve air, thermal, and acoustic environments, enhance occupant comfort and health, minimize strain on local infrastructure, and contribute to overall quality of life; and

WHEREAS, the City Commission has determined that due to the benefits determined by the USGBC above and otherwise documented by that organization, it is in the public health, safety and welfare of the citizens, residents and workers in Coral Gables that all new construction (1) requiring discretionary review by the City; (2) for non-City projects in excess of 20,000 sq. ft.; and (3) for City-owned property within the City be required to obtain LEED Silver certification as provided below, and this ordinance is hereby adopted to impose such requirement for the reasons herein stated; and

WHEREAS, the City finds that the exercise of its police power is warranted to protect the environment by requiring buildings with a larger size and impact to be LEED Silver or equivalent; and

WHEREAS, City Staff is requesting a Zoning Code text amendment to incorporate certain “green” building standards on certain new construction projects; and

WHEREAS, the environment is key to the health, safety, and welfare of Coral Gables residents, as well as to the natural beauty of the City; and

WHEREAS, the City is concerned about and dedicated to protecting the environment, and seeks to promote sustainability in all that it does; and

WHEREAS, after notice was duly published, a public hearing was held before the Planning and Zoning Board on February 10, 2016, at which hearing all interested parties were afforded the opportunity to be heard; and

WHEREAS, the Board was presented with the text amendment to the Official Zoning Code, and after due consideration, recommended approval (vote: 5-0) of the text amendment; and

WHEREAS, after notice duly published, a public hearing for First Reading was held before the City Commission on April 12, 2016, at which hearing all interested parties were afforded the opportunity to be heard; and

WHEREAS, the City Commission was presented with a text amendment to the Zoning Code, and after due consideration and discussion, approved the amendment on First Reading (vote: 5-0);

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

SECTION 1. The foregoing “**WHEREAS**” clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

SECTION 2. Section 5-1302 of the Official Zoning Code of the City of Coral Gables is hereby created to read as follows:

Article 5 - Development Standards

Division 13. Miscellaneous Construction Requirements

Section 5-1302. Sustainability Standards.

A. Purpose and applicability.

1. The City of Coral Gables wishes to promote and encourage new development utilizing sustainable design and construction best practices. It recognizes the positive environmental impacts of energy efficient building designs, construction, operation and maintenance methods and materials. It also strives to combat the depletion of natural resources such as clean air, water and natural light.
2. The City of Coral Gables has established a Sustainability Master Plan (SMP) to serve as a strategic roadmap to guide efforts and decision making in order to make the City a more sustainable and resilient community. In addition, the Green Elements of the City's Comprehensive Plan (CP) establish goals for certified green building development. The sustainable design and construction standards contained in this section are derived from the SMP and CP conservation measures and management policies and shall also be in full compliance with the Florida Building Code currently in effect.

B. Green Building Requirements: The following new construction that have not yet applied for Board of Architects' preliminary review is required to achieve no less than Leadership in Energy and Environmental Design (LEED) Silver certification under the latest applicable version of the LEED Green Building Rating System of the US Green Building Council (USGBC), or Silver certification by the Florida Green Building Coalition (FGBC), or under another nationally recognized certification program approved by the City Manager or City Manager's designee:

1. All buildings over 20,000 square feet not owned by the City of Coral Gables.
2. City of Coral Gables buildings and buildings constructed on City of Coral Gables property. This requirement may be waived by the City Manager or City Manager's designee if it can be demonstrated that compliance with this requirement would create an unreasonable burden on the construction project that would be inconsistent with furtherance of the economic development goals of the city.
3. Commercial and multi-family buildings where the developers of such property request a right-of-way encroachment (except for awnings and signs), abandonment or vacation of right-of-way, mixed use site plan review, planned area development or receiver site for Transfer of Development Rights, which requests require the review of the Planning and Zoning Board and approval of the City Commission.

C. Green Building Bond.

1. Prior to the issuance of a Building Permit for a project that is subject to the requirement of this section, the developer/owner/contractor shall provide the City with a performance bond, cash or irrevocable letter of credit payment (Green Building Bond) in the amount of three (3%) percent of the master building permit construction cost value.
2. The City will hold the Green Building Bond for the time necessary for the green certification, or equivalent, to be issued or twenty-four (24) months after issuance of the Certificate of Occupancy or Completion; whichever is less. Upon receiving final documentation of certification from the developer/owner/contractor, the City shall release the full amount of the bond within thirty (30) days.
3. If the developer/owner/contractor is unable to provide proof of green certification, or equivalent, within twenty-four (24) months after issuance of the Certificate of Occupancy or Completion, the full amount of the Green Building Bond shall be forfeited to the City. Any proceeds from the forfeiture of the bond under this section shall be allocated toward funding Sustainability Master Plan initiatives.

SECTION 3. All ordinances or parts of ordinances inconsistent or in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 4. If any section, part of section, paragraph, clause, phrase or word of this Ordinance is declared invalid, the remaining provisions of this Ordinance shall not be affected.

SECTION 5. It is the intention of the City Commission that the provisions of this Ordinance shall become and be made a part of Ordinance No. 2007-01 as amended and known as the "Zoning Code" of the City of Coral Gables, Florida, which provisions may be renumbered or re-lettered and the word ordinance be changed to "section", "article", or other appropriate word to accomplish such intention.

SECTION 6. If the Official Zoning Code of the City of Coral Gables Tables of Contents or other reference portions is affected by these provisions, then changes are approved as a part of this Ordinance.

SECTION 7. This ordinance shall become effective upon the date of its passage and adoption herein.

2016. PASSED AND ADOPTED THIS TWENTY-SIXTH DAY OF APRIL, A.D.,

(Moved: Lago / Seconded: Slesnick)
(Yeas: Keon, Lago, Quesada, Slesnick, Cason)
(Unanimous: 5-0 Vote)
(Agenda Item: E-2)

APPROVED:



JIM CASON
MAYOR

ATTEST:



WALTER J. FOEMAN
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:



CRAIG E. LEEN
CITY ATTORNEY