

Record and Return to:
City of Stuart
121 SW Flagler Avenue
Stuart, FL 34994

**BEFORE THE CITY COMMISSION
CITY OF STUART, FLORIDA**

ORDINANCE No. 2241-2012

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AMENDING THE STUART CODE OF ORDINANCE CHAPTER 10 RELATING TO EFFICIENT BUILDING DEVELOPMENT WITHIN THE CITY; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING CODIFICATION PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

WHEREAS, the City Commission has determined the need to expand its efficient building development initiative by creating further flexibility and incentives for participation in the construction of efficient buildings within the City; and

WHEREAS, the City Commission also finds that it is in the best interest of the health, safety and welfare of the residents and business interests in the city to provide these regulations and incentives.

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

SECTION 1: The City of Stuart Code of Ordinance Chapter 10, as amended, is hereby further amended by adding a Section 10-6. to Article I, IN GENERAL, Efficient Building Development, to read entirely as follows:

EFFICIENT BUILDING DEVELOPMENT

Sec. 10-6. Purpose and Intent.

(a) The purpose and intent of this article is to establish programs and procedures that will help the city become a more sustainable community, by promoting

the construction of energy efficient buildings that meet the needs of a stable, diverse and equitable economy without compromising the ability of future generations to satisfy energy demands. This article establishes environmental goals for construction in the city by defining a certification-based building and development program with incentives, and by defining new measurement parameters and reporting criteria to track performance toward these environmental goals. The voluntary program adopted herein promotes economic and environmental health in the city through the design, construction, operation and deconstruction of structures, and by providing leadership in the private and public sectors for efficient building development practices, including resource efficiency and disaster mitigation.

(b) Specific practices promoted and supported by this section are as follows:

- 1) Protecting the quality of the air, water, land and other natural resources;
- 2) Conserving native vegetation, wildlife and habitat;
- 3) Minimizing human impacts on ecosystems, from the local to the global;
- 4) Reducing greenhouse gas emissions by minimizing use of fossil fuels and chlorofluorocarbons (CFCs);
- 5) Setting policies and practices to encourage service delivery innovations which promote environmental sustainability;
- 6) Creating a sustainable jurisdiction by delivering renewable energy and energy-2 efficient projects, developing energy efficient buildings and water-thrifty landscapes, resource education, and utilizing recycling and environmentally sound solid-waste services;
- 7) Establishing an efficient building program to:
 - a. Improve the economic and environmental health of the city through measurable objectives;
 - b. Track and analyze key indices to measure performance;
 - c. Attract city residents to achieve tiered efficiency designations;
 - d. Provide incentives and rebates for voluntary compliance;
 - e. Provide efficient building educational opportunities for the community;
 - f. Help the city meet its overall goal of reducing emissions, reducing energy needs, and reducing water consumption, consistent with the State of Florida initiative, "Conserve Florida."

(c) 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.

Conserve Florida means the name of a statewide water conservation effort collectively sponsored and operated by the water management districts and Florida Department of Environmental Protection to develop and implement an accountable and measurable program to allow public water supply utilities to tailor cost-effective conservation programs to reflect their individual circumstances to achieve greater water-use efficiency.

Current, as in *current standard* means the standard, rule or law in place at the time an applicant submits a completed efficient development project application to the city development department.

Deciduous trees mean a tree(s) that drops all its leaves to survive a cold or dry season; not an evergreen tree.

Florida Yard and Neighborhoods means the University of Florida Extension Service program that encourages homeowners and professionals to create and maintain "Florida-friendly" landscapes that protect the natural environment for future generations. The program consists of nine principles indicating how to locate the right plant in the right place, water efficiently, fertilize appropriately, mulch, attract wildlife, manage pests responsibly, recycle, reduce storm water runoff and protect the waterfront.

Efficient building means a designation given to a building in the City of Stuart that meets or exceeds, and is maintained to, the requirements of one of the efficiency tiers contained in this article or in the alternative, meets or exceeds, and is maintained to the standards required for certification by a recognized green building certifying agency.

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

Efficient building program or the *program* means the city's Point system and incentives for efficient building construction and development as set forth in this article.

Efficient construction means any project associated with the creation, development or erection of any building or structure eligible for the city's efficient building development program; or in the alternative, certified by a recognized green building certifying agency.

Efficient development means a building or structural development using land use planning concepts that include consideration of community-wide or regional environmental standards of development, as well as site-specific efficient building concepts. This includes city planning, environmental planning, architecture and community building. Efficient development is consistent with constructing buildings and landscapes in a more environmentally friendly manner. It is efficient development that helps to improve air and water quality, reduce greenhouse gas emissions and enhance the natural environment.

Evergreen tree means a tree(s) with needles or leaves that remain alive and on the tree through the winter and into the next growing season; sometimes coniferous.

Florida Yard and Neighborhoods means the University of Florida Extension Service program that encourages homeowners and professionals to create and maintain "Florida-friendly" landscapes that protect the natural environment for future generations. The program consists of nine components indicating how to locate the right plant in the right place, water efficiently, fertilize appropriately, mulch, attract wildlife, manage pests responsibly, recycle, reduce storm water runoff and protect the waterfront.

High Efficiency Heat, Ventilation, and Air Conditioning (HVAC) Filter means a filter with the ability to stop particles of dust and other airborne contaminants from passing through. The higher the filter efficiency the better the filters will be at stopping dust, pollen and other particulates.

Independent or Independent of the City of Stuart means not employed by, or acting as agents of, the City of Stuart.

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 or participant means any person or entity seeking program certification for a particular project; or alternatively obtaining certification through a recognized green building certifying agency.

Project means construction associated with the creation, development or erection of any building or buildings, or any development eligible for the program, and shall include new development, renovation development and may include minor building retrofitting or renovations.

Project application form means the form prepared by the city development director to be completed and submitted to the city by a participant indicating a desire to have a

specific project considered under the program.

Recognized green building certifying agency means a firm or organization, including but not limited to the U.S. Green Building Coalition (LEED), the Florida Green Building Council (FGBC), the National Association of Home Builders (NAHB-ICC700), or other green building agency which designates high efficient building standards (and certifies projects) which are at least as stringent as those adopted by the City for this program. The City is not a recognized Green Building Certifying Agency.

Unit or dwelling unit means an individual dwelling unit or residence permitted according to the Florida Building Code (FBC).

Volatile Organic Compound (VOC) means a building construction or maintenance product such as a sealant, adhesive, paint or cleaner that contains VOCs. A Low-VOC or Zero-VOC refers to product that according to industry standards has very low or no Volatile Organic Compounds in its formulation.

(d) Administration; implementation.

The efficient building program shall be administered by the city development director, or designee, who shall at a minimum, be responsible for performing the following:

- 1) Encouraging community participation in this program;
- 2) Developing appropriate or necessary application procedures, including a program application form;
- 3) Writing policies and procedures for staff implementation of the program which do not conflict with this section;
- 4) Providing certificates for participation in the program;
- 5) Providing a rebate to any program participant who has successfully satisfied the program requirements.

(e) Applicability.

The program shall apply to all building and development projects, except government projects which are required to comply with green building requirements as provided by Florida law. The program shall be entirely voluntary and incentive based.

(f) Efficient Building Program.

The program shall be comprised of the following sub-elements:

- 1) New residential construction;
 - 2) Residential construction retrofitting or remodeling;
 - 3) New commercial or other non-residential construction;
 - 4) Existing commercial or other non-residential construction; and
- (g) Efficient Building Standards.

In addition to the Florida Building Code's minimum standards, the program, including each sub-element, shall be administered using the efficient building standards developed by the City of Stuart. In order to qualify for the program, a participant shall meet or exceed the point system set forth below :

Point Values for Use In the City's Efficient Building Development Program

RESIDENTIAL DEVELOPMENT

<u>Energy</u>	<u>Points</u>
Deciduous trees shading south side of building	1 ea
Deciduous trees shading east and west of building	1 ea
Washer and dryer outside of conditioned space	1 ea
Max 100W total fixtures in bathrooms	1
Tank-less water heater	2 ea
Pre-plumb for solar hot water	1
Solar hot water system	2
Insulate all hot water pipes	1
Energy-efficient clothes dryers	1
Energy Star® clothes washers	1

Ordinance No. 2241-2012
Efficient Development Regulations

Energy-efficient ovens/ranges	1
Energy efficient outdoor lights	1

Water

Low-flow shower heads (must be less than 2.5 gpm)	1
All lavatory sink faucets have flow rates of ≤ 2.0 gpm	1
High Efficiency Dual-flush or Single Flush Toilets (all toilets ≤ 1.28 gpf)	2
All fixtures meet or exceed Florida Water Star™ designation	5
Rainwater harvesting system installed with dedicated use	2

Landscaping

Drought-tolerant turf, with no turf in densely shaded areas	2
60%, 80%, 100%, of plants/trees from drought-tolerant list and compatible with local environment	2 - 4
Florida Friendly Landscape (Plants that are native to Florida)	2

Health

Detached garage/carport or air barrier between living space & garage	2
No air handler or ducts in garage, unless insulated space	1
Zero VOC paints, stains, and finishes	2
Low VOC paints, stains, and finishes	1
Low VOC sealants and adhesives	1
"Healthy" flooring	1
"Healthy" insulation	1
Protect ducts, range hood, and bath exhaust fans during construction	1
Integrated pest management plan	3
Central vacuum system installed with exhaust outdoor	1
Energy star® bath fans with timer or humidistat	1
Kitchen range hood vented to exterior	1
High Efficiency Heat, Ventilation, and Air Conditioning (HVAC) Filter 1 ea	
Window screens on all windows and doors	1
	1

Materials

Recycled content roof material	1
--------------------------------	---

Ordinance No. 2241-2012
Efficient Development Regulations

Recycled content siding or soffit material	1
Steel interior studs	1
Eco-friendly flooring material	1
Resource efficient wall system with integral insulation	3
Implement job site waste management (# of items implemented)	2 – 4
Large overhangs (eave and gables at least 24")	1
Siding and exterior trim primed all sides	1
Plants and turf minimum of 3 ft. from foundation	1
Shutters on southern and western exposure(Bahama, Plantation, etc.)	1
Spray-on expanding foam insulation	3

Disaster mitigation

Safe room	2
Unvented attic or no attic	2
Adhesive applied to roof sheathing	2

Chemical soil treatment avoided

Alternative Florida Building Code approved method of foundation protection	10
Treated wood products: all wood products serving structural or exterior finish purposes are borate or ACQ treated	12

COMMERCIAL DEVELOPMENT

<u>Energy</u>	<u>Points</u>
Design (measured in 5% increments) beginning with 15% more efficient than FLA Building Code requirements	1 - 12
All building HVAC systems free of HCFC's	1
Install a tank-less water heater	2ea
Pre-plumb for solar hot water	1
Install a solar water system	2 ea
Insulate all hot water pipes	1

Water Conservation and Usage

Landscape (measured in 10% increments) with 20% Drought Tolerant Plants	1 – 4
All plants, turf and irrigation lines minimum 3' from building exterior	1
Florida Friendly Landscape Designation	2
Reduce potable water consumption for irrigation on minimum of 50 or 75% of	

Ordinance No. 2241-2012
Efficient Development Regulations

area irrigated	1 – 2
Irrigation system to use no potable water or have no permanent system	4
Rainwater harvesting system installed with dedicated use	2
Reduce Potable water usage by at least 25% (measured in 5% increments) for flush fixtures	1 -3

Site Development

Any type of In-Fill Development	1
Project is within 1/4 mile of public transportation	1
Provide securing locations for bicycles, and showers and changing rooms for 5% of total occupants	2
Preferred parking for 3% of the parking capacity for the use of alternate fuel vehicles, including hybrid vehicles	2
Exceed minimum zoning requirements for open space by 25%(30% total)	1
No net increase in storm water runoff from pre-development conditions to post- development	2
Provide Energy Star Certified Roofing material (min. 75% of roof area)	2

Health

Systems shall be designed to monitor (CO2) within the building	1
Indoor Environmental Quality shall be protected during construction	2
Zero VOC paints, stains, and finishes	2
Low VOC paints, stains, and finishes	1
Low VOC sealants and adhesives	1
All carpet and carpet products meet the Carpet & Rug Institute Green Label Certification	1
All composite wood and agrifiber products will contain no added urea-formaldehyde	1
All Insulation products will be free of formaldehyde	1
Pest protection from a non-toxic integrated system	1
Provide a central dehumidification system	1
Provide natural daylight to 50 to 75% of interior spaces	1 - 2

Materials

Project must have infrastructure for recycling: paper, cardboard, glass, plastics, and metal	2
---	---

Ordinance No. 2241-2012
Efficient Development Regulations

Renovation project shall maintain 50% (25% increments) of existing shell (not including windows & doors)	1 – 3
Project must divert a minimum of 50% or 75% of all construction waste from landfill	1 or 2
Recycled content roof material	1
Recycled content siding or soffit material	1
Steel interior studs	1
Spray-on expanding foam	2
Project to purchase 20% (based on cost) of materials from a 700 mile radius from project site	1

TABLE Minimum Required Points for Incentives and Rebates

1) New single, duplex and multi-family residential projects:

Certification Level	Minimum Points Required
Tier 1	90
Tier 2	75
Tier 3	50
Tier 4	25

2) Remodeling of existing single family and duplex homes:

Certification Level	Minimum Points Required
Tier 1	80
Tier 2	60
Tier 3	40
Tier 4	20

3) New commercial, industrial or other non-residential buildings:

Certification Level	Minimum Points Required
Tier 1	80
Tier 2	70
Tier 3	60
Tier 4	50

4) Existing commercial, industrial or other non-residential buildings:

Certification Level	Minimum Points Required
Tier 1	60
Tier 2	50
Tier 3	40
Tier 4	30

(g) Project Review.

1) A program participant shall be bound by the point system designated for a particular sub-element at the time of application, unless the program participant requests to be certified under a more current version of the program. Sub-element participation reviews shall be accomplished by the participant submitting information regarding each point being sought and department staff designee reviewing the information for accuracy, completeness and relevance. If there is a dispute over the point value of a participant submittal, the decision of the department director shall be binding on all parties. A person may apply for program certificate up to 60 months following the date of C/O. However, no rebates shall be awarded retroactively.

2) A program participant may alternately elect to participate in and receive certification from a recognized green building certifying agency. Any participant who elects to certify using a recognized certifying agency shall receive credit within the city program at a tier appropriate to the level certified. If the certification by the certifying agency exceeds the City's Tier 1, then the City's certificate shall note that appropriately.

(h) Incentives, rebates and awards.

The program shall include incentives, rebates and awards designed to encourage the use of the program.

Incentive credits shall be granted subject to full documentary evidence being provided to the satisfaction of the development director. Point credits can be provided prior to or along with an application for building permits, or may be submitted not later than one (1) year after the issuance of a certificate of occupancy. The city requires a meeting with

the program applicant for the purposes of reviewing the application, and confirming an agreement, that the minimum required points will be or have been incorporated into the project and will be maintained in perpetuity, subject to the following:

1) For the purpose of allowing the orientation of a building to take full benefit of available natural resources, and to accommodate architectural variation and innovation, an administrative variance may be granted concurrently to a site permit subject to the requirements of section 10.02.11 of the Land Development Regulations as amended.

2) For the purpose of further expediting site plan permitting and building construction permitting review for projects and developments that qualify as "efficient building projects" in accordance with the requirements of rebate and incentive tables contained herein, and which have successfully completed an application review with building official and development staff designee, the developer shall receive written confirmation that the project meets or does not meet the city's qualification requirements for efficient building development and shall be furnished an anticipated expedited review timeline, within two working days of the application review.

3) The following plan review incentives are approved;

- a. Building permit applications for new single family and duplex residential buildings shall be processed within three (3) business days. All such applications shall be accompanied by the appropriate building and efficient building development program application form.
- b. Building permit applications for the renovation development or remodeling of existing single family or duplex residential buildings shall be processed within two (2) business days. All such applications shall be accompanied by the appropriate building and efficient building development program application form.
- c. Building permit applications for new commercial, industrial, and other non-residential buildings shall be processed in three (3) business days. All such applications shall be accompanied by the appropriate building and efficient building development program application form.
- d. Building permit applications for renovation of existing commercial, industrial and other non-residential buildings shall be processed in five (5) business days. All such applications shall be accompanied by the

Ordinance No. 2241-2012
Efficient Development Regulations

appropriate building and efficient building development program application form.

- e. Plumbing permit applications for new solar or tankless water heating shall be processed within two (2) business days. All such applications shall be accompanied by the appropriate building and efficient building development program application form.
- f. Electric permit applications for new solar electric systems shall be processed within two (2) business days. All such applications shall be accompanied by the appropriate building and efficient building development program application form.

Rebates:

To receive a program rebate, all work shall be completed as approved.

- 1) A rebate of permitting and plan review fees shall be in accordance with the tier level achieved by the project. The funding of this program is subject to an annual appropriation by the city commission, and shall consist of the rebate percentage provided in table below.

Table Project Rebate Rates.

Type of Construction	Permit Fee Rebate %	Plan Review Rebate %
New single family or duplex Residential	Tier 1	100%
	Tier 2	60%
	Tier 3	50%
	Tier 4	40%
Renovation of existing residential	Tier 1	100%
	Tier 2	60%
	Tier 3	50%
	Tier 4	40%
New commercial	Tier 1	60%
	Tier 2	40%
	Tier 3	30%

Ordinance No. 2241-2012
Efficient Development Regulations

	Tier 4	20%	20%
Renovation of existing commercial	Tier 1	60%	60%
	Tier 2	40%	40%
	Tier 3	30%	30%
	Tier 4	20%	20%
HVAC replacement 16 SEER or higher		100%	100%
Solar or tank-less water heating		100%	100%
Solar electric system		100%	100%

Program awards.

1) The "Meritorious Efficient Building Award." For the purpose of publicly recognizing commitment to efficient building and development, and the efficient building program, the city development director shall provide for an award certificate called the "Meritorious Efficient Building Award" to be awarded by the city to each program participant who satisfactorily completes a project, as certified by the Building Official, and indicating the tier level achieved by the project.

2) The "Outstanding Efficient Development Award." Periodically, and based upon merit, the city commission, upon the recommendation of the city manager, shall provide a special recognition award to those participants, design professionals, contractors, suppliers, or others, who make a significant contribution to this program by doing any of the following:

- a. contributing or donating significant reusable building materials to non-profit local building organizations;
- b. contributing or donating significant hours of professional time for the future development of the program;
- c. demonstrating an outstanding concern for green development by teaching, writing, or facilitating programs, seminars, meetings, or publications for participants or professionals;
- d. make some other recognizable, lasting, outstanding contribution to the green building movement.

A recommendation for this award may be initiated by a city employee or by a member of the public, and shall be on a form specified for this purpose by the development director. A completed recommendation form shall be reviewed for completeness and

sufficiency by an ad hoc committee of city staff and at least one independent person, and may include the building official, and the city development director. Thereafter, the ad hoc committee shall make a recommendation to the city manager regarding the award. If the city manager agrees that an award should be made, it shall be scheduled for consideration by the city commission.

(i) Education; training and program review.

1) The Development Director, using or reflecting on programs presented by Florida Green Building Council, the National Association of Home Builders or United States Green Building Council, or other recognized green building certifying agency, shall see to the conduct of at least one training workshop per year for the purpose of educating the public and city staff, including potential or current program participants, about the program.

2) Whenever feasible, the city manager shall make a city meeting space available for efficient building programs offered by non-profit organizations that are of a general nature (not product specific).

3) City development staff are encouraged to attend at least 6 hours of building efficiency or green building training a year.

4) The development director shall provide for a staff review of the program to determine the need for changes in the program to increase its effectiveness. The city development director shall review standards from time-to-time, and make recommendations to the city manager and city commission for updates or revisions, as needed.

SECTION 2: All ordinances or parts of ordinances herewith are hereby repealed to the extent of such conflict.

SECTION 3: If any word, clause, sentence, paragraph, section or part thereof contained in this Ordinance is declared to be unconstitutional, unenforceable, void or inoperative by a court of competent jurisdiction, such declaration shall not affect the validity of the remainder of this Ordinance.

SECTION 4: The provisions of Section 1. of this ordinance shall be codified.

Ordinance No. 2241-2012
Efficient Development Regulations

SECTION 5: This ordinance shall take effect upon adoption.

PASSED on First Reading this 27th day of February, 2012.

Commissioner McDonald offered the foregoing ordinance and moved its adoption. The motion was seconded by Commissioner Clarke and upon being put to a roll call vote, the vote was as follows:


JAMES A. CHRISTIE, Jr., MAYOR
EULA R. CLARKE, VICE MAYOR
KELLI GLASS-LEIGHTON, COMMISSIONER
JEFFREY A. KRAUSKOPF, COMMISSIONER
TROY A. McDONALD, COMMISSIONER

YES	NO	ABSENT
✓		
✓		
✓		
✓		
✓		

ADOPTED on Second Reading this 26 day of March, 2012.

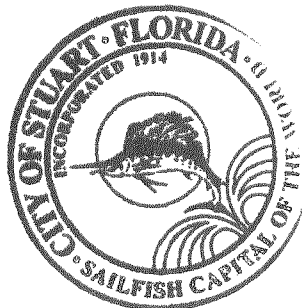
ATTEST:


CHERYL WHITE
CITY CLERK


JAMES A. CHRISTIE, Jr.
MAYOR

APPROVED AS TO FORM
AND CORRECTNESS:


MICHAEL D. DURHAM
CITY ATTORNEY



**CITY OF STUART, FLORIDA
CITY COMMISSION
AGENDA ITEM REQUEST**

*2nd
Read
3-12-12*

Meeting Date: 2/27/2012

Prepared by: Hoffkins, Nicoletti, O'Neil
Ordinance/Resolution No. 2241-2012

Title of Item:

Proposed "Energy Efficiency" amendments to the City's Code of Ordinances, Chapter 10 "Building & Building Regulations"

Summary Explanation/Background Information on Agenda Request:

Since 2007, the City's Land Development Code (LDC) has included fast-track review and permitting for participants in nationally-recognized green building programs. To date, only three projects, the Planet Ozone gas station and café on S. US-1, the new Children's Services Council facility on Central parkway and a new residence on Lark Avenue, have taken advantage of this incentive. In light of this disappointing track record, staff is proposing that the City adopt its own, local "Energy Efficiency Code" as a means of encouraging greater participation. The attached draft ordinance was developed over many months with input from green industry representatives, as well as the City's Local Planning Agency (LPA). In drafting the document, special care has been taken not to encroach on unique terminologies or methods used in "green" certification programs.

Features of the new Energy Efficiency Code include:

- Continues to fully recognize state & national "green certification programs"
- Provides for fast-track review and permitting
- Offers a rebate of permit fees, including smaller, discrete projects like retrofit installation of a solar hot water heater, or 16 SEER or above HVAC replacements or photo-voltaic electric systems
- Provides free infrared thermography (determines building energy efficiency) for participants
- Less paperwork intensive than other programs
- No cost to participate

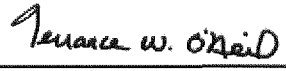
A copy of the ordinance has been distributed to participants in the earlier discussions. Several helpful suggestions from LPA Chair, Li Roberts, have been incorporated into the document. Finally, it should be noted that the proposed ordinance amends Chapter 10 of the City's Code of Ordinances as it pertains to "Building & Building Regulations" rather than the Land Development Code.

Funding Source:

Building Permit Fund

Recommended Action:

Approve Ord. 2241-2012 on First Reading.



O'Neil, Terry
Development Director



Durham, Michael
City Attorney



Nicoletti, Paul
City Manager

Record and Return to:
City of Stuart
121 SW Flagler Avenue
Stuart, FL 34994

**BEFORE THE CITY COMMISSION
CITY OF STUART, FLORIDA**

ORDINANCE No. 2241-2012

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AMENDING THE STUART CODE OF ORDINANCE CHAPTER 10 RELATING TO EFFICIENT BUILDING DEVELOPMENT WITHIN THE CITY; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING CODIFICATION PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

WHEREAS, the City Commission has determined the need to expand its efficient building development initiative by creating further flexibility and incentives for participation in the construction of efficient buildings within the City; and

WHEREAS, the City Commission also finds that it is in the best interest of the health, safety and welfare of the residents and business interests in the city to provide these regulations and incentives.

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

SECTION 1: The City of Stuart Code of Ordinance Chapter 10, as amended, is hereby further amended by adding a Section 10-6. to Article I, IN GENERAL, Efficient Building Development, to read entirely as follows:

EFFICIENT BUILDING DEVELOPMENT

Sec. 10-6. Purpose and Intent.

(a) The purpose and intent of this article is to establish programs and procedures that will help the city become a more sustainable community, by promoting

the construction of energy efficient buildings that meet the needs of a stable, diverse and equitable economy without compromising the ability of future generations to satisfy energy demands. This article establishes environmental goals for construction in the city by defining a certification-based building and development program with incentives, and by defining new measurement parameters and reporting criteria to track performance toward these environmental goals. The voluntary program adopted herein promotes economic and environmental health in the city through the design, construction, operation and deconstruction of structures, and by providing leadership in the private and public sectors for efficient building development practices, including resource efficiency and disaster mitigation.

(b) Specific practices promoted and supported by this section are as follows:

- 1) Protecting the quality of the air, water, land and other natural resources;
- 2) Conserving native vegetation, wildlife and habitat;
- 3) Minimizing human impacts on ecosystems, from the local to the global;
- 4) Reducing greenhouse gas emissions by minimizing use of fossil fuels and chlorofluorocarbons (CFCs);
- 5) Setting policies and practices to encourage service delivery innovations which promote environmental sustainability;
- 6) Creating a sustainable jurisdiction by delivering renewable energy and efficient projects, developing energy efficient buildings and water-thrifty landscapes, resource education, and utilizing recycling and environmentally sound solid-waste services;
- 7) Establishing a efficient building program to:
 - a. Improve the economic and environmental health of the city through measurable objectives;
 - b. Track and analyze key indices to measure performance;
 - c. Attract city residents to achieve tiered efficiency designations;
 - d. Provide incentives and rebates for voluntary compliance;
 - e. Provide efficient building educational opportunities for the community;
 - f. Help the city meet its overall goal of reducing emissions, reducing energy needs, and reducing water consumption, consistent with the State of Florida initiative, "Conserve Florida."

(c) 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.

Conserve Florida means the name of a statewide water conservation effort collectively sponsored and operated by the water management districts and Florida Department of Environmental Protection to develop and implement an accountable and measurable program to allow public water supply utilities to tailor cost-effective conservation programs to reflect their individual circumstances to achieve greater water-use efficiency.

Current, as in *current standard* means the standard, rule or law in place at the time an applicant submits a completed green development project application to the city development department.

Florida Yard and Neighborhoods means the University of Florida Extension Service program that encourages homeowners and professionals to create and maintain "Florida-friendly" landscapes that protect the natural environment for future generations. The program consists of nine components indicating how to locate the right plant in the right place, water efficiently, fertilize appropriately, mulch, attract wildlife, manage pests responsibly, recycle, reduce storm water runoff and protect the waterfront.

Efficient building means a designation given to a building in the City of Stuart that meets or exceeds, and is maintained to, the requirements of one of the efficiency tiers contained in this article or in the alternative, meets or exceeds, and is maintained to the standards required for certification by a recognized green building certifying agency.

Efficient building program or the *program* means the city's standards and incentives for efficient building construction and development as set forth in this article.

Efficient construction means any project associated with the creation, development or erection of any building or structure eligible for the city's efficient building development program; or in the alternative, certified by a recognized green building certifying agency.

Efficient development means a building or structural development using land use planning concepts that include consideration of community-wide or regional environmental standards of development, as well as site-specific efficient building concepts. This includes city planning, environmental planning, architecture and community building. Efficient development is consistent with constructing buildings and landscapes in a more environmentally friendly manner. It is efficient development that

helps to improve air and water quality, reduce greenhouse gas emissions and enhance the natural environment.

Independent or Independent of the City of Stuart means not employed by, or acting as agents of, the City of Stuart.

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 or participant means any person or entity seeking program certification for a particular project; or alternatively obtaining certification through a recognized green building certifying agency.

Project means construction associated with the creation, development or erection of any building or buildings, or any development eligible for the program, and shall include new development, renovation development and may include minor building retrofitting or renovations.

Project application form means the form prepared by the city development director to be completed and submitted to the city by a participant indicating a desire to have a specific project considered under the program.

Recognized green building certifying agency means a firm or organization, including but not limited to the U.S. Green Building Council (LEED), the Florida Green Building Coalition (FGBC), the National Association of Home Builders (ICC700), or other green building agencies which designates high efficiency building standards (and certifies projects) which are at least as stringent as those adopted by the City for this program.

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

Unit or dwelling unit means an individual dwelling unit or residence permitted according to the Florida Building Code (FBC).

(d) Administration; implementation.

The efficient building program shall be administered by the city development director, or designee, who shall at a minimum, be responsible for performing the following:

- 1) Encouraging community participation in this program;

Ordinance No. 2241-2012
Efficient Development Regulations

- 2) Developing appropriate or necessary application procedures, including a program application form;
- 3) Writing policies and procedures for staff implementation of the program which do not conflict with this section;
- 4) Providing certificates for participation in the program;
- 5) Providing a rebate to any program participant who has successfully satisfied the program requirements.

(e) Applicability.

The program shall apply to all building and development projects, except government projects which are required to comply with green building requirements as provided by Florida law. The program shall be entirely voluntary and incentive based.

(f) Efficient Building Program.

The program shall be comprised of the following sub-elements:

- 1) New residential construction;
- 2) Residential construction retrofitting or remodeling;
- 3) New commercial or other non-residential construction;
- 4) Existing commercial or other non-residential construction; and

(g) Efficient Building Standards.

In addition to the Florida Building Code's minimum standards, the program, including each sub-element, shall be administered using efficient building standards developed by the City of Stuart. In order to qualify for the program, a participant shall meet or exceed the standards set forth below for programs:

Point Values for Use In the City's Efficient Building Development Program

RESIDENTIAL DEVELOPMENT

<u>Energy</u>	<u>Points</u>
Deciduous trees shading south side of building (A term used to describe trees or shrubs that drop all their leaves to survive a cold or dry season; not evergreen.)	
House shaded on east and west by trees	1 ea
Washer and dryer outside of conditioned space	1
Max 100W total fixtures in bathrooms	1
Install tank-less water heater	2
Pre-plumb for solar hot water	1
Install a solar hot water system	2
Insulate all hot water pipes	1
Energy-efficient clothes dryers	1
Energy Star® clothes washers	1
Energy-efficient ovens/ranges	1
Energy efficient outdoor lights	1
<u>Water</u>	
Low-flow shower heads (must be less than 2.5 gpm)	1
All lavatory sink faucets have flow rates of ≤ 2.0 gpm	1
High Efficiency Dual-flush or Single Flush Toilets (all toilets ≤ 1.28 gpf)	2
All fixtures meet or exceed Florida Water Star™ designation	5
Rainwater harvesting system installed with dedicated use	2
<u>Landscaping</u>	
Drought-tolerant turf, no turf in densely shaded areas	2
60%, 80%, 100%, of plants/trees from drought-tolerant list and compatible with local environment	2 - 4
Florida Friendly Landscape (Plants that are native to Florida)	2
<u>Health</u>	
Detached garage/carport or air barrier between living space & garage, and no air handler or ducts in garage	3
Zero VOC paints, stains, and finishes (Low-VOC or zero-VOC refers to	

Ordinance No. 2241-2012
Efficient Development Regulations

paints and other products such as sealants, adhesives, and cleaners, that have a very low or no Volatile Organic Compounds (VOC).	2
Low VOC paints, stains, and finishes	1
Low VOC sealants and adhesives	1
Healthy flooring	1
Healthy insulation	1
Protect ducts, range hood, and bath exhaust fans during construction	1
Integrated pest management plan	3
Central vacuum system installed with exhaust outdoor	1
Energy star® bath fans with timer or humidistat	1
Kitchen range hood vented to exterior	1
Efficient HVAC filter (Filter efficiency is the filters ability to stop particles of dust and other airborne contaminants from passing through. The higher the filter efficiency the better the filters will be at stopping dust).	1 – 2
Install screens on all windows and doors	1

Materials

Recycled content roof material	1
Recycled content siding or soffit material	1
Steel interior studs	1
Eco-friendly flooring material	1
Resource efficient wall system with integral insulation	3
Implement job site waste management (# of items implemented)	2 – 4
Large overhangs (eave and gables at least 24")	1
Siding and exterior trim primed all sides	1
Plants and turf minimum of 3 ft. from foundation	1
Shutters (Bahama, Plantation, etc.)	1
Spray on expanding foam	2

Disaster mitigation

Safe room	2
Unvented attic or no attic	2
Adhesive applied to roof sheathing	2

Chemical soil treatment avoided

Alternative Florida Building Code approved method of foundation protection	10
Treated wood products: all wood products serving structural or exterior finish purposes are borate or ACQ treated	12

COMMERCIAL DEVELOPMENT

<u>Energy</u>	<u>Points</u>
Design (measured in 5% increments) beginning with 15% more efficient than FLA Building Code requirements	1 - 12
All building HVAC systems free of HCFC's	1
Install a tank-less water heater	2
Pre-plumb for solar hot water	1
Install a solar water system	2 ea
Insulate all hot water pipes	1

Water Conservation and Usage

Landscape (measured in 10% increments) with 20% Drought Tolerant Plants	1 - 4
All plants, turf and irrigation lines minimum 3' from building exterior	1
Florida Friendly Landscape Designation	2
Reduce potable water consumption for irrigation on minimum of 50 or 75% of area irrigated	1 - 2
Irrigation system to use no potable water or have no permanent system	4
Rainwater harvesting system installed with dedicated use	2
Reduce Potable water usage by at least 25% (measured in 5% increments) for flush fixtures	1 -3

Site Development

Any type of In-Fill Development	1
Project is within 1/4 mile of public transportation	1
Provide securing locations for bicycles, and showers and changing rooms for 5% of total occupants	2
Preferred parking for 3% of the parking capacity for the use of alternate fuel vehicles, including hybrid vehicles	2
Exceed minimum zoning requirements for open space by 25%(30% total)	1
No net increase in storm water runoff from pre-development conditions to post-development	2
Provide Energy Star Certified Roofing material (min. 75% of roof area)	2

Health

Ordinance No. 2241-2012
Efficient Development Regulations

Systems shall be designed to monitor (CO2) within the building	1
Indoor Environmental Quality shall be protected during construction	2
Zero VOC paints, stains, and finishes	2
Low VOC paints, stains, and finishes	1
Low VOC sealants and adhesives	1
All carpet and carpet products meet the Carpet & Rug Institute Green Label Certification	1
All composite wood and agrifiber products will contain no added urea-formaldehyde	1
All Insulation products will be free of formaldehyde	1
Pest protection from a non-toxic integrated system	1
Provide a central dehumidification system	1
Provide natural daylight to 50 to 75% of interior spaces	1 - 2

Materials

Project must have infrastructure for recycling: paper, cardboard, glass, plastics, and metal	2
Renovation project shall maintain 50% (25% increments) of existing shell (not including windows & doors)	1 - 3
Project must divert a minimum of 50% or 75% of all construction waste from landfill	1 or 2
Recycled content roof material	1
Recycled content siding or soffit material	1
Steel interior studs	1
Spray-on expanding foam	2
Project to purchase 20% (based on cost) of materials from a 700 mile radius from project site	1

TABLE Minimum Required Points for Incentives and Rebates

1) New single, duplex and multi-family residential projects:

Certification Level	Minimum Points Required
Tier 1	90
Tier 2	75
Tier 3	50
Tier 4	25

2) Remodeling of existing single family and duplex homes:

Certification Level	Minimum Points Required
Tier 1	80
Tier 2	60
Tier 3	40
Tier 4	20

3) New commercial, industrial or other non-residential buildings:

Certification Level	Minimum Points Required
Tier 1	80
Tier 2	70
Tier 3	60
Tier 4	50

4) Existing commercial, industrial or other non-residential buildings:

Certification Level	Minimum Points Required
Tier 1	60
Tier 2	50
Tier 3	40
Tier 4	30

(g) Project Review.

1) A program participant shall be bound by the standards designated for a particular sub-element at the time of application, unless the program participant requests to be certified under a more current version of the program. Sub-element participation reviews shall be accomplished by the participant submitting information regarding each point being sought and department staff designee reviewing the information for accuracy, completeness and relevance. If there is a dispute over the point value of a participant submittal, the decision of the department director shall be binding on all parties. A person may apply for program certificate up to 24 months

following the date of C/O. However, no rebates shall be awarded retroactively.

2) A program participant may alternately elect to participate in and receive certification from a recognized green building certifying agency. Any participant who elects to certify using a recognized certifying agency shall receive credit within the city program at a tier appropriate to the level certified. If the certification by the certifying agency exceeds the City's Tier 1, then the City's certificate shall note that appropriately.

(h) Incentives, rebates and awards.

The program shall include incentives, rebates and awards designed to encourage the use of the program.

Incentive credits shall be granted subject to full documentary evidence being provided to the satisfaction of the development director. Point credits can be provided prior to or along with an application for building permits, or may be submitted not later than one (1) year after the issuance of a certificate of occupancy. The city requires a meeting with the program applicant for the purposes of reviewing the application, and confirming an agreement, that the minimum required points will be or have been incorporated into the project and will be maintained in perpetuity, subject to the following:

- 1) For the purpose of allowing the orientation of a building to take full benefit of available natural resources, and to accommodate architectural variation and innovation, an administrative variance may be granted concurrently to a site permit subject to the requirements of section 10.02.11 of the Land Development Regulations.
- 2) For the purpose of further expediting site plan permitting and building construction permitting review for projects and developments that qualify as "efficient building projects" in accordance with the requirements of tables 6.06.06 and 6.06.06.A, and which have successfully completed an application review with building official and development staff designee, the developer shall receive written confirmation that the project meets or does not meet the city's qualification requirements for efficient building development and shall be furnished an anticipated expedited review timeline, within two working days of the application review.
- 3) The following plan review incentives are approved;

Ordinance No. 2241-2012
Efficient Development Regulations

- a. Building permit applications for new single family and duplex residential buildings shall be processed within three (3) business days. All such applications shall be accompanied by the appropriate building and efficient building development program application form.
- b. Building permit applications for the renovation development or remodeling of existing single family or duplex residential buildings shall be processed within two (2) business days. All such applications shall be accompanied by the appropriate building and efficient building development program application form.
- c. Building permit applications for new commercial, industrial, and other non-residential buildings shall be processed in three (3) business days. All such applications shall be accompanied by the appropriate building and efficient building development program application form.
- d. Building permit applications for renovation of existing commercial, industrial and other non-residential buildings shall be processed in five (5) business days. All such applications shall be accompanied by the appropriate building and efficient building development program application form.
- e. Plumbing permit applications for new solar or tankless water heating shall be processed within two (2) business days. All such applications shall be accompanied by the appropriate building and efficient building development program application form.
- f. Electric permit applications for new solar electric systems shall be processed within two (2) business days. All such applications shall be accompanied by the appropriate building and efficient building development program application form.

Rebates:

To receive a program rebate, all work shall be completed as approved.

- 1) A rebate of permitting and plan review fees shall be in accordance with the tier level achieved by the project. The funding of this program is subject to an annual appropriation by the city commission, and shall consist of the rebate percentage provided in table below.

Table Project Rebate Rates.

Type of Construction	Permit Fee Rebate %	Plan Review Rebate %
New single family or duplex Residential	Tier 1	100%
	Tier 2	60%
	Tier 3	50%
	Tier 4	40%
Renovation of existing residential	Tier 1	100%
	Tier 2	60%
	Tier 3	50%
	Tier 4	40%
New commercial	Tier 1	60%
	Tier 2	40%
	Tier 3	30%
	Tier 4	20%
Renovation of existing commercial	Tier 1	60%
	Tier 2	40%
	Tier 3	30%
	Tier 4	20%
HVAC replacement 16 SEER or higher	100%	100%
Solar or tank-less water heating	100%	100%
Solar electric system	100%	100%

Program awards.

1) The "Meritorious Efficient Building Award." For the purpose of publicly recognizing commitment to efficient building and development, and the efficient building program, the city development director shall provide for an award certificate called the "Meritorious Efficient Building Award" to be awarded by the city to each program participant who satisfactorily completes a project, as certified by the Building Official, and indicating the tier level achieved by the project.

2) The "Outstanding Efficient Development Award." Periodically, and based upon merit, the city commission, upon the recommendation of the city manager, shall provide a special recognition award to those participants, design professionals, contractors, suppliers, or others, who make a significant contribution to this program by doing any of the following:

- (a) a. contributing or donating significant reusable building materials to non-profit local building organizations;

- b. contributing or donating significant hours of professional time for the future development of the program;
- c. demonstrating an outstanding concern for green development by teaching, writing, or facilitating programs, seminars, meetings, or publications for participants or professionals;
- d. make some other recognizable, lasting, outstanding contribution to the green building movement.

A recommendation for this award may be initiated by a city employee or by a member of the public, and shall be on a form specified for this purpose by the development director. A completed recommendation form shall be reviewed for completeness and sufficiency by an ad hoc committee of city staff and at least one independent person, and may include the building official, and the city development director. Thereafter, the ad hoc committee shall make a recommendation to the city manager regarding the award. If the city manager agrees that an award should be made, it shall be scheduled for consideration by the city commission.

(i) Education; training and program review.

1) The Development Director, using or reflecting on programs presented by Florida Green Building Council, the National Association of Home Builders or United States Green Building Council, or other recognized green building certifying agency, shall see to the conduct of at least one training workshop per year for the purpose of educating the public and city staff, including potential or current program participants, about the program.

2) Whenever feasible, the city manager shall make a city meeting space available for available efficient building programs offered by non-profit organizations that are of a general nature (not product specific).

3) City development staff are encouraged to attend at least 6 hours of green building training a year.

4) The development director shall provide for a staff review of the program to determine the need for changes in the program to increase its effectiveness. The city development director shall review standards from time-to-time, and make recommendations to the city manager and city commission for updates or revisions, as needed.

Ordinance No. 2241-2012
Efficient Development Regulations

SECTION 2: All ordinances or parts of ordinances herewith are hereby repealed to the extent of such conflict.

SECTION 3: If any word, clause, sentence, paragraph, section or part thereof contained in this Ordinance is declared to be unconstitutional, unenforceable, void or inoperative by a court of competent jurisdiction, such declaration shall not affect the validity of the remainder of this Ordinance.

SECTION 4: The provisions of Section 1. of this ordinance shall be codified.

SECTION 5: This ordinance shall take effect upon adoption.

PASSED on First Reading this ____ day of _____, 2012.

Commissioner _____ offered the foregoing ordinance and moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a roll call vote, the vote was as follows:

JAMES A. CHRISTIE, Jr., MAYOR
EULA R. CLARKE, VICE MAYOR
KELLI GLASS, COMMISSIONER
JEFFREY A. KRAUSKOPF, COMMISSIONER
TROY A. McDONALD, COMMISSIONER

YES	NO	ABSENT

ADOPTED on Second Reading this ____ day of _____, 2012.

ATTEST:

CHERYL WHITE
CITY CLERK

JAMES A. CHRISTIE, Jr.
MAYOR

Ordinance No. 2241-2012
Efficient Development Regulations

APPROVED AS TO FORM
AND CORRECTNESS:

MICHAEL D. DURHAM
CITY ATTORNEY

**CITY OF STUART, FLORIDA
CITY COMMISSION
AGENDA ITEM REQUEST**

Meeting Date: 3/26/2012

Prepared by: Hoffkins, Nicoletti, O'Neil
Ordinance/Resolution No. 2241-2012

Title of Item:

Proposed "Energy Efficiency" amendments to the City's Code of Ordinances, Chapter 10 "Building & Building Regulations"

Summary Explanation/Background Information on Agenda Request:

Since 2007, the City's Land Development Code (LDC) has included fast-track review and permitting for participants in nationally-recognized green building programs. To date, only three projects, the Planet Ozone gas station and café on S. US-1, the new Children's Services Council facility on Central parkway and a new residence on Lark Avenue, have taken advantage of this incentive. In light of this disappointing track record, staff is proposing that the City adopt its own, local "Energy Efficiency Code" as a means of encouraging greater participation. The attached draft ordinance was developed over many months with input from green industry representatives, as well as the City's Local Planning Agency (LPA). In drafting the document, special care has been taken not to encroach on unique terminologies or methods used in "green" certification programs.

Features of the new Energy Efficiency Code include:

- Continues to fully recognize state & national "green certification programs"
- Provides for fast-track review and permitting
- Offers a rebate of permit fees, including smaller, discrete projects like retrofit installation of a solar hot water heater, or 16 SEER or above HVAC replacements or photo-voltaic electric systems
- Provides free infrared thermography (determines building energy efficiency) for participants
- Less paperwork intensive than other programs
- No cost to participate

A copy of the ordinance has been distributed to participants in the earlier discussions. Several helpful suggestions from LPA Chair, Li Roberts, have been incorporated into the document. Finally, it should be noted that the proposed ordinance amends Chapter 10 of the City's Code of Ordinances as it pertains to "Building & Building Regulations" rather than the Land Development Code.

The proposed ordinance was approved on first reading on February 27, 2012. Since then, a number of minor changes and clarifications have been made,

which are highlighted in red.

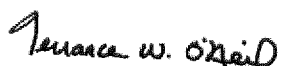
Mr. Kyle Abney, owner of Abney & Abney Green Solutions of Palm City, who spoke on the matter at first reading, has been provided a copy of the revised ordinance and informed of tonight's meeting. Mr. Abney has also been invited to meet with staff beforehand should he have any questions.

Funding Source:

Building Permit Fund

Recommended Action:

Approve Ord. 2241-2012 on Second Reading.



O'Neil, Terry
Development Director



Durham, Michael
City Attorney



Nicoletti, Paul
City Manager


White, Cherie

From: White, Cherie
Sent: Friday, March 30, 2012 3:53 PM
To: ords@municode.com; Kathy Grobe (kmg@municode.com)
Subject: Codify
Attachments: 2241-2012 Efficient Building 2nd Reading.docx

Please codify in the Code of Ordinance adopted on 03/26/2012



Cherie White, MMC, City Clerk ツ

 772-288-5306

PLEASE NOTE: Under Florida law, e-mail addresses are public records. If you do not want your email address released in response to a public-records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

 Please consider the environment before printing this e-mail.