

ORDINANCE NO. 07- 92

AN ORDINANCE OF THE TOWN OF MIAMI LAKES, FLORIDA, AMENDING CHAPTER 8 "BUILDING CODE" OF THE TOWN CODE BY ADDING A NEW SECTION 8-15 ENTITLED "GREEN BUILDINGS"; PROVIDING FOR A GREEN BUILDINGS PROGRAM; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Section 8.3 of its Town Charter, the Town of Miami Lakes (the "Town") adopted the Miami-Dade County Code (the "Town Code") as its own, at the time of the Town's incorporation, which included Chapter 8 entitled "Building Code;" and

WHEREAS, the Town Council wishes to amend its Town Code to include policies and administrative procedures to become an environmentally and economically sustainable Town; and

WHEREAS, thru the adoption of a "Town of Miami Lakes Green Building Policy" as part of its "Sustainable Town" policy, the Town will minimize waste and provide for the efficient use, management and conservation of its natural resources, for the benefit, use and enjoyment of present and future generations; and

WHEREAS, the Town of Miami Lakes Green Building Policy will foster long-term social, economic, and environmental sustainability in building and development while making "Green Building" the standard practice in Miami Lakes and celebrating sustainability as a core value to the community; and

WHEREAS, the Town Council finds that it is in the best interests of the residents of the Town to adopt the following amendments to the Town Code.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, AS FOLLOWS:¹

Section 1. Recitals. The above recitals are true and correct and are incorporated herein by this reference.

Section 2. Chapter 8 Amendment. Chapter 8 of the Town Code is hereby amended to add a new Section 8-15, entitled “Town of Miami Lakes Green Building Program” to read as follows:

Sec. 8-15. Town of Miami Lakes Green Building Program.

It is the intent of the Town to implement its Policy on sustainability and encourage participation in its Town of Miami Lakes Green Building Program as a means to minimize waste and provide for the efficient use, management and conservation of its natural resources, for the benefit, use and enjoyment of present and future generations. Participation in the Town of Miami Lakes Green Building Program shall be mandatory for Town buildings and voluntary for all private buildings, such as residential, office, commercial and industrial, as provided herein.

(a) **Definitions.** As used in this Section, the following terms shall be defined as follows:

(1) “Current” shall mean the standard in effect at the time an applicant applies to the Program.

(2) “Green Building” shall mean a residential, office, commercial, or industrial building whose value exceeds \$50,000 and whose design, construction, and operation promote the preservation of resources and environmentally sensitive land by use of select construction practices, systems and materials. Additions, remodeling,

¹ / Additions to existing City Code text are shown by underline; deletions from existing City Code text are shown as ~~strikethrough~~.

alterations, repairs to existing buildings or accessory structures, which may otherwise qualify as Green Buildings, are included in the definition of Green Building.

(3) "L.E.E.D™" shall refer to the Leadership in Energy and Environmental Design Rating System, which is a nationally recognized standard, developed by the United States Green Building Council and used to rate the performance of buildings and guide project design.

(4) "Program" shall refer to the Town of Miami Lakes Green Building Program.

(b) Administration. The Program shall be administered by the Administrative Official or his/her designee, who shall be responsible for:

(1) Requesting funds to operate the Program during the Town's annual budget hearings, applying for available federal or state grants, and staffing the Program with consultants or Town staff as needed to implement the Program;

(2) Marketing the Program to the development community by advertising, press releases, television, monthly mailers, etc;

(3) Developing any appropriate or necessary application procedures, including but not limited to, the Program application form;

(4) Awarding incentives pursuant to Subparagraph (d) to any applicant who qualifies as provided herein;

(5) Determining whether a building is eligible for participation in the Program;

(6) Providing technical assistance to any applicant attempting to obtain Green Building designation in the Program;

(7) Providing training workshop(s) for the purpose of educating potential or current Program participants, as needed;

(8) Developing a grant program to award financial assistance to residential owners and a permit fee rebate program for commercial, office, and industrial building

owners. The grant program shall be used in recognition of residential owners' efforts to repair, remodel, renovate, or alter existing homes to be Green Buildings. The permit fee rebate program shall be used in recognition of a commercial, office or industrial building owner's efforts to construct Green Buildings. The grant and rebate programs shall be administered in phases, with an initial phase to begin the first quarter of FY 07-08, subject to funding by the Town Council.

(9) Submitting an update on the status of implementation of the Green Building Program, including accomplishments for registered/certified projects, as part of the Annual Report to the Town Council.

(c) In determining whether a building is eligible for participation in the Program, the Administrative Official or designee shall apply the following criteria:

(1) Private Residential. For new and remodeled private residential buildings, the building must satisfy the requirements associated with the appropriate and current L.E.E.D.TM for Homes Rating System of the United States Green Building Council in order to participate in the Program. A copy of the most recent version of L.E.E.D. for Homes Rating System shall be maintained on file in the Planning and Zoning Department.

The owner of the private residential building shall provide the Administrative Official or designee with a L.E.E.D.TM form. The form shall be submitted as a part of the documents submitted to the Town for a building permit application under the signature and seal of an architect, licensed in the State of Florida, along with a letter from the architect, under seal and signature, stating that to the best of his or her knowledge and belief to the extent reasonably possible, the L.E.E.D.TM form is accurate and if the home were constructed or remodeled pursuant to the permit documents, it would achieve the points set forth in the submitted L.E.E.D.TM form. The L.E.E.D.TM form shall set forth the minimum amount of points required in the

appropriate category for certification of a residential property as a Green Building (New Construction, Existing Buildings, Core and Shell, Commercial Interiors, Homes, Schools).

(2) Private Commercial, Office and Industrial. For commercial, office and industrial buildings, the building must satisfy the minimum requirements or higher associated with the L.E.E.D.TM. A copy of the most Current L.E.E.D.TM shall be maintained on file in the Planning and Zoning Department.

The owner of the private commercial, office or industrial building shall provide the Administrative Official or designee an executed a L.E.E.D.TM form. The form shall be submitted as a part of the documents submitted to the Town for a building permit application under the signature and seal of an architect, licensed in the State of Florida, along with a letter from the architect, under seal and signature, stating that to the best of his or her knowledge and belief to the extent reasonably possible, the L.E.E.D.TM form is accurate and if the building were constructed or remodeled pursuant to the permit documents, it would achieve the points set forth in the submitted L.E.E.D.TM form. The L.E.E.D.TM form shall set forth the minimum amount of points required in the appropriate category for Certification of a Green Building (New Construction, Existing Buildings, Core and Shell, Commercial Interiors, Homes, Schools).

(3) Town Buildings. All new Town buildings constructed by the Town after the effective date of this Ordinance and over 5,000 square feet in size shall at a minimum meet threshold Basic L.E.E.D.TM Level certification as a Green Building and if possible achieve a higher certification. All Town building renovations exceeding \$200,000 shall also meet threshold Basic L.E.E.D.TM Level certification as a Green Building and if possible achieve a higher certification. Any future Town residential

housing project shall satisfy the requirements associated with the current appropriate L.E.E.D.™

(4) Public-Private Partnerships. New buildings constructed by the Town in partnership with the private sector may be subject to mandatory participation in the Program. If the contribution of the Town exceeds 50% of the cost of the building or renovation, then participation in the Program shall be mandatory as provided in Subsection 3 above.

(d) Incentives. Any building designated as a Green Building in accordance with the Program, shall be eligible for:

- (1) Express permitting for building permits;
- (2) Development approval assistance;
- (3) Signage at the construction site, in addition to any previously permitted signage, designating the building as a Green Building and subject to approval by the Director of Planning and Zoning regarding size, color, etc.;
- (4) Recognition and inclusion in the Green Buildings Directory located on the Town of Miami Lakes' website; and
- (5) Residential financial grants and building permit fee rebates, if the grant or rebate application satisfies the respective program requirements and funding is available.

Section 3. Repeal of Conflicting Provisions. Any provision of the Code that conflicts with this Ordinance is hereby repealed.

Section 4. Severability. The provisions of this ordinance are declared to be severable and if any section, sentence, clause or phrase of this ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this ordinance but they shall remain in

effect, it being the legislative intent that this ordinance shall stand notwithstanding the invalidity of any part.

Section 5. Inclusion In The Code. It is the intention of the Town Council that the provisions of this ordinance shall become and be made a part of the Code of Miami Lakes, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 6. Effective Date. This Ordinance shall be effective immediately upon its adoption on second reading.

The foregoing Ordinance was offered by Councilmember Pulido, who moved its adoption on first reading with conditions. The motion was seconded by Councilmember Meador and upon being put to a vote; the vote was as follows:

| | |
|------------------------------|--------|
| Mayor Wayne Slaton | Absent |
| Vice Mayor Mary Collins | Yes |
| Councilmember Roberto Alonso | Yes |
| Councilmember Robert Meador | Yes |
| Councilmember Michael Pizzi | Yes |
| Councilmember Richard Pulido | Yes |
| Councilmember Nancy Simon | Yes |

PASSED AND ADOPTED on first reading this 13th day of March, 2007.

The foregoing Ordinance was offered by Councilmember Richard Pulido who moved its adoption on second reading. The motion was seconded by Councilmember Mary Collins, and upon being put to a vote, the vote was as follows:

Mayor Wayne Slaton yes
Vice Mayor Mary Collins yes
Councilmember Roberto Alonso yes
Councilmember Robert Meador yes
Councilmember Michael Pizzi yes
Councilmember Richard Pulido yes
Councilmember Nancy Simon yes

PASSED AND ADOPTED this 10th day of July 2007.

Wayne Slaton

Wayne Slaton
MAYOR

ATTEST:

Debra Eastman
DEBRA EASTMAN, MMC TOWN CLERK

APPROVED AS TO FORM AND LEGAL
SUFFICIENCY FOR USE ONLY BY THE
TOWN OF MIAMI LAKES:

W. Serota
WEISS, SEROTA, HELFMAN, PASTORIZA,
COLE & BONISKE
TOWN ATTORNEY