

**ORDINANCE NO. 22-286**

**AN ORDINANCE OF THE TOWN OF MIAMI LAKES, FLORIDA; DELETING CHAPTER 4, ARTICLE V OF THE TOWN OF MIAMI LAKES CODE OF ORDINANCES, AND CREATING CHAPTER 13, ARTICLE VII, SECTION 13-1704 TITLED “GREEN BUILDING PROGRAM”; PROVIDING FOR INCLUSION INTO THE CODE; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE TOWN CODE; AND PROVIDING FOR AN EFFECTIVE DATE. (DIEGUEZ)**

**WHEREAS**, The Town of Miami Lakes has the authority to enact laws which promote health, safety and general welfare of its citizens; and

**WHEREAS**, it is in the best interest of the Town to promote the economic and environmental health of the Town through sustainable and environmentally friendly design and construction which reduces demand for energy and reduces greenhouse gas emissions; and

**WHEREAS**, through its strategic plan “Imagine Miami Lakes 2025” the Town of Miami Lakes has expressed a desire to embrace new technologies and sustainable practices; and

**WHEREAS**, an ordinance incentivizing green building practices was adopted in 2007 but was codified within Chapter 4, outside of the Land Development Code (“LDC”); and

**WHEREAS**, relocating the regulations to the LDC provides improved processes for implementation; and

**WHEREAS**, the Town Council appointed the Planning and Zoning Board as the Local Planning Agency (LPA) for the Town pursuant to Section 163.3174, Florida Statutes; and

**WHEREAS**, on October 5, 2021, after conducting a properly noticed public hearing, the Planning and Zoning Board, acting in its capacity as the Local Planning Agency, acted in accordance with state law, and in specific compliance with Section 163.3174, Florida Statutes and reviewed the proposed amendment and recommended approval to the Miami Lakes Town Council;

and

**WHEREAS**, on October 12, after conducting a properly noticed public hearing and considering the recommendations of the public, the Local Planning Agency, and the Administrative Official, the Town Council moved the proposed amendment on first reading for consideration of adoption; and

**WHEREAS**, The Town Council finds that the proposed amendment to is consistent with the Town of Miami Lakes Comprehensive Plan and the criteria for evaluation of an amendment to the LDRs found in Subsection 13-306(b) of the Town Code; and

**WHEREAS**, on January 11, 2022, after conducting a properly noticed public hearing and considering the recommendations of the public, the Local Planning Agency, and the Administrative Official, the Town Council finds it in the public interest to adopt the proposed ordinance.

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

**Section 1. Recitals.** Each of the above stated recitals are true and correct and are incorporated herein by this reference.

**Section 2. Adoption.** The Town Council hereby adopts the amendments to Article VII, of the Town LDC, which are attached as Exhibit A hereto and are incorporated herein<sup>1</sup>.

**Section 3. Repeal of Conflicting Provisions.** All provisions of the Code of the Town of Miami Lakes that are in conflict with this Ordinance are 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 Town Code.** It is the intention of the Town Council, and it is hereby ordained, that the provisions of this Ordinance shall become and be made part of the Town Code and that if necessary, the sections of this Ordinance may be renumbered or re-lettered to

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<sup>1</sup> Additions to the text are shown in underline and deletions from the text are shown in ~~strikethrough~~.

accomplish such intentions; and that the word “Ordinance” shall be changed to “Article”, “Division” or other appropriate word.

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

### FIRST READING

The foregoing ordinance was offered by Councilmember Dieguez who moved its adoption on first reading. The motion was seconded by Councilmember Rodriguez and upon being put to a vote, the vote was as follows:

Mayor Manny Cid	Yes
Vice-Mayor Luis Collazo	Yes
Councilmember Carlos O. Alvarez	Yes
Councilmember Josh Dieguez	Yes
Councilmember Tony Fernandez	Yes
Councilmember Jeffrey Rodriguez	Yes
Councilmember Marilyn Ruano	Yes

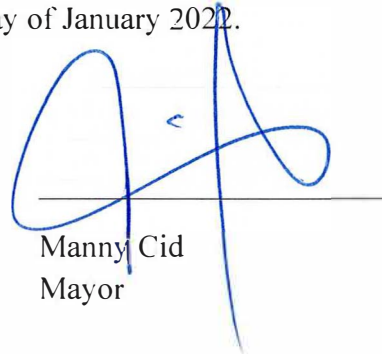
Passed on first reading this 12<sup>th</sup> day of October 2021.

**SECOND READING**

The foregoing ordinance was offered by Councilmember Dieguez who moved its adoption on second reading. The motion was seconded by Councilmember Fernandez and upon being put to a vote, the vote was as follows:

Mayor Manny Cid	Absent
Vice-Mayor Jeffrey Rodriguez	Yes
Councilmember Carlos O. Alvarez	Yes
Councilmember Josh Dieguez	Yes
Councilmember Tony Fernandez	Yes
Councilmember Jeffrey Rodriguez	Yes
Councilmember Marilyn Ruano	Absent

Passed and adopted on second reading this 11th day of January 2022.



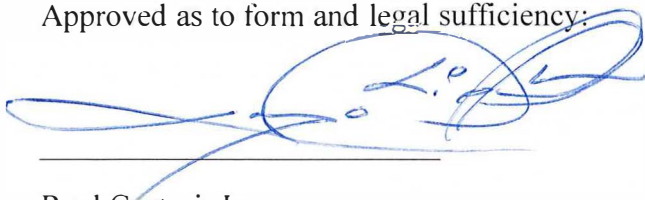
Manny Cid  
Mayor

Attest:



Gina M. Inguanzo  
Town Clerk

Approved as to form and legal sufficiency:



Raul Gastesi, Jr.  
Gastesi, Lopez and Mestre, PLLC  
Town Attorney

## EXHIBIT A

### Chapter 4 - BUILDINGS AND BUILDING REGULATIONS

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#### ARTICLE V. ENVIRONMENTALLY SENSITIVE (GREEN) BUILDINGS

##### **Sec. 4-105. 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:

- (1) ~~Definitions.~~ The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

*Current* means the standard in effect at the time an applicant applies to the Program.

*Green building* means a residential, office, commercial, or industrial building whose value exceeds \$50,000.00 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, alterations or repairs to existing buildings or accessory structures, which may otherwise qualify as green buildings, are included in the definition of green building.

*LEED* means the Leadership in Energy and Environmental Design Green Building 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.

*Program* means the Town of Miami Lakes Green Building Program.

- (2) ~~Administration.~~ The Program shall be administered by the Administrative Official or his designee, who shall be responsible for:
- a. 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;

- b. ~~Marketing the Program to the development community by advertising, press releases, television, monthly mailers, etc.;~~
  - e. ~~Developing any appropriate or necessary application procedures, including but not limited to, the Program application form;~~
  - d. ~~Awarding incentives pursuant to Subsection (2)e of this section to any applicant who qualifies as provided herein;~~
  - e. ~~Determining whether a building is eligible for participation in the Program;~~
  - f. ~~Providing technical assistance to any applicant attempting to obtain green building designation in the Program;~~
  - g. ~~Providing training workshops for the purpose of educating potential or current Program participants, as needed;~~
  - h. ~~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, subject to funding by the Town Council.~~
  - i. ~~Submitting an update on the status of implementation of the Green Building Program, including accomplishments for registered and certified projects, as part of the Annual Report to the Town Council.~~
- (3) ~~Eligibility criteria.~~ In determining whether a building is eligible for participation in the Program, the Administrative Official or designee shall apply the following criteria:
- a. ~~Private residential.~~
    - 1. ~~For new and remodeled private residential buildings, the building must satisfy the requirements associated with the appropriate and current LEED 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 LEED for Homes Rating System shall be maintained on file in the Planning and Zoning Department.~~
    - 2. ~~The owner of the private residential building shall provide the Administrative Official or designee with a LEED 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 knowledge and belief to the extent reasonably possible, the LEED 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 LEED form. The LEED 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):~~

~~b. — *Private commercial, office and industrial.*~~

~~1. — For commercial, office and industrial buildings, the building must satisfy the minimum requirements or higher associated with the LEED. A copy of the most current LEED shall be maintained on file in the Planning and Zoning Department.~~

~~2. — The owner of the private commercial, office or industrial building shall provide the Administrative Official or designee an executed LEED 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 knowledge and belief to the extent reasonably possible, the LEED 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 LEED form. The LEED 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):~~

~~e. — *Town buildings.* All new Town buildings constructed by the Town after the effective date of the Ordinance from which this article is derived and over 5,000 square feet in size shall at a minimum meet threshold basic LEED level certification as a green building and, if possible, achieve a higher certification. All Town building renovations exceeding \$200,000.00 shall also meet threshold Basic LEED 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 LEED.~~

~~d. — *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 percent of the cost of the building or renovation, then participation in the Program shall be mandatory as provided in this article.~~

~~(4) — *Incentives.* Any building designated as a green building in accordance with the Program, shall be eligible for:~~

~~a. — Express permitting for building permits;~~

~~b. — Development approval assistance;~~

~~c. — 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.;~~

~~d. — Recognition and inclusion in the Green Buildings Directory located on the Town of Miami Lakes' website; and~~



- e. ~~Residential financial grants and building permit fee rebates, if the grant or rebate application satisfies the respective program requirements and funding is available.~~

## CHAPTER 13 - LAND DEVELOPMENT CODE

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## ARTICLE VII. - ALTERNATIVE ENERGY SYSTEMS AND ENVIRONMENTAL REGULATIONS

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### **Sec. 13-1704. Town of Miami Lakes Green Building Program.**

It is the intent of the Town to implement its policy on sustainability and encourage participation in the Town of Miami Lakes Green Building Program as a means to minimize waste and provide for the efficient use, management and conservation of natural resources, for the benefit, use and enjoyment of present and future generations. Except for the provisions that apply to all construction, 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.

(1) *Definitions.* The following words, terms, and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

*Current* means the standard in effect at the time an applicant applies to the Program.

*Green building* means a residential, office, commercial, or industrial building whose value exceeds \$50,000.00 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, alterations or repairs to existing buildings or accessory structures, which may otherwise qualify as green buildings, are included in the definition of green building.

~~*Green roof* means a vegetated roofing system which is functionally integrated onto a roof area.~~

*LEED* means the Leadership in Energy and Environmental Design Green Building 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.

*Program* means the Town of Miami Lakes Green Building Program.

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

- a. Developing any appropriate or necessary application procedures, including but not limited to, the Program application form.
- b. Awarding incentives pursuant to Subsection (2)e of this section to any applicant who qualifies as provided herein. For projects subject to administrative development approvals, the administrative official shall award the incentives as applicable; for projects that require public hearings, the Administrative Official shall make a recommendation to the Town Council or Planning Board as applicable;
- c. Determining whether a building is eligible for participation in the Program.
- d. Submitting an update on the status of implementation of the Green Building Program, including accomplishments for registered and certified projects, as part of the Annual Report to the Town Council.

(3) Mandatory provisions all new construction or substantial remodel of commercial buildings above 20,000 square feet or multifamily residential buildings above 20 units, including substantial renovations to existing buildings, shall abide by the following regulations:

- a) ~~Provide a green roof over a minimum of 60 percent of any flat roof area. A maximum of 30 percent of the required open space may be credited to the green roof;~~
- b) a) Water conservation methods as appropriate, including high efficiency plumbing fixtures, and use of non-potable water for irrigation and cooling towers;
- e) ~~Rainwater capture and water reclamation system for irrigation purposes;~~
- d) b) All projects requesting a parking variance and all parking lots with 60 spaces or more, whether new construction or repaving, shall provide 50 percent of the parking spaces as permeable pavers. This provision shall not be applicable to accessible parking spaces or spaces adjacent to accessible routes.
- e) c) One Electric Vehicle Charging station per lot.

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

a. Private residential.

1. For new and remodeled private residential buildings, the building must satisfy the requirements associated with the appropriate and current LEED for Homes Rating System of the United States Green Building Council.
2. The owner of the private residential building shall provide the Administrative Official or designee with a LEED 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 knowledge and belief to the extent reasonably possible, the LEED 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 LEED form. The LEED 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).

b. *Private commercial, office and industrial.*

1. For commercial, office and industrial buildings, the building must satisfy the minimum requirements or higher associated with the LEED.

2. The owner of the private commercial, office or industrial building shall provide the Administrative Official or designee an executed LEED 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 knowledge and belief to the extent reasonably possible, the LEED 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 LEED form. The LEED 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).

c. *Town buildings.* All new Town buildings constructed by the Town after the effective date of the Ordinance from which this article is derived and over 5,000 square feet in size shall at a minimum meet threshold basic LEED level certification as a green building and, if possible, achieve a higher certification. All Town building renovations exceeding \$200,000.00 shall also meet threshold Basic LEED 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 LEED.

d. *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 percent of the cost of the building or renovation, then participation in the Program shall be mandatory as provided in this article.

(4) *Incentives.* Any building designated as a green building in accordance with the Program, may be eligible for some or all the following incentives, at the discretion of the Town Council:

a. Express permitting for building permits;

b. Development approval assistance;

c. Expedited site plan review;

d. Reduced mobility fees;

e. Up to 10 percent additional FAR or and additional story up to a maximum of seven stories, in order to accommodate a maximum 10,000 additional square feet or 10 percent additional units;

e. 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.;

f. Recognition and inclusion in the Green Buildings Directory located on the Town of Miami Lakes' website.

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