

ORDINANCE No. 2019-24

AN ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, APPROVING TEXT AMENDMENTS TO THE CITY OF DORAL LAND DEVELOPMENT CODE AMENDING CHAPTER 63 “GREEN BUILDING INCENTIVES”; CLARIFYING GREEN BUILDING INCENTIVES; INCORPORATING CRITERIA FOR THE ESTABLISHMENT OF A GREEN BUILDING BOND; PROVIDING FOR EXEMPTIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR INCORPORATION INTO THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City of Doral adopted its “Green Master Plan” in 2009 which directed that the City would provide incentives for development constructed utilizing green standards for energy efficiency and resource conservation; and

WHEREAS, the City formally amended its Comprehensive Plan in 2011 to incorporate a “Green Element” containing Goals, Objectives and Policies to guide Doral’s future based on the Green Master Plan; and

WHEREAS, several policies in the adopted Green Element commits Doral to the establishment of a green building incentives program in the Land Development Code; and

WHEREAS, further clarification was needed in order to enforce this section of the Land Development Code; and

WHEREAS, the City Council held a public hearing on August 28, 2019, at which hearing all interested persons were afforded an opportunity to be heard and this text amendment to the Land Development Code was approved on First Reading; and

WHEREAS, after careful review, staff has determined that the Text Amendments are consistent with the adopted City of Doral Comprehensive Plan and City of Doral Green Master Plan.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DORAL AS FOLLOWS:

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

Section 2. That the Land Development Code of the City of Doral shall be amended to include the following provisions addressing green building incentives. Underlined provisions are to be added and text stricken-through deleted. The Land Development Code of the City of Doral, Florida, is hereby amended to read as follows:

* * *

Chapter 63 - GREEN BUILDING INCENTIVES

ARTICLE I. - GREEN BUILDINGS

Sec. 63-1. - ~~Intent.~~ Purpose.

~~It is the intent of this article to require the construction of larger buildings and land development projects that meet the green certification programs specified herein. In addition, to encourage the incorporation of green practices and features in all new and redeveloped buildings and associated sites in Doral through the provision of incentives.~~

The City of Doral wishes to promote and encourage new development utilizing sustainable design and construction best practices. The intent is to create a significant reduction in energy consumption and greenhouse gas emissions generated by Doral’s built environment.

Sec. 63-2. - Applicability.

This article applies to all developers or landowners proposing to construct a new building, ~~or~~ land development project, government development project, or undertake a building reconstruction project comprising 25,000 square feet of interior space or more. All such buildings and associated sites must be designed to meet the nationally recognized green certification programs specified in section 63-4 herein. Also, all buildings and projects incorporating the green standards and certifications referenced herein to will be eligible for the incentives specified in this ordinance regardless of size.

Sec. 63-3. - Application.

Developers or landowners meeting the applicability standard in section 63-2 must submit a letter of intent to the Doral Building Official describing the proposed project,

including significant "green" features, and the certification program being sought. In addition, the following materials must also be submitted:

- (1) Site plan and property survey.
- (2) Building plans.
- (3) Consent from property owner.
- (4) Sealed architect or engineer's statement certifying that the proposed project is designed to meet the "green" certification standard being sought by the developer.
- (5) A report clearly showing how the proposed development complies with the "green" certification standard being sought by the developer or showing the project registered with a nationally recognized green building organization.

Sec. 63-4. - Development categories and standards.

- (1) Non-residential, multi-family institutional and mixed-use buildings: Must meet "green" certification standards of the Florida Green Building Coalition (FGBC), the Leadership in Energy and Environmental Design (LEED), National Association of Home Builder's National Green Building Standard or Green Globes System.
- (2) Single-family homes, duplexes and townhouses: Must meet "green" certification standards of the FGBC Green Homes Program or EPA Energy Star Program.
- (3) Other green certification programs essentially equivalent to those listed above may be utilized if approved by the ~~Building director~~ Official and the Planning and Zoning Director.
- (4) For purposes of this ordinance, a mixed-use land development project shall mean a project with a minimum of 25 percent per each use. Otherwise, it should be deemed a single-use project.

Sec. 63-5. - ~~Decision by the building official.~~ Green Incentives Determination.

The Building Official will determine the type and level of "green" incentives for each application submitted pursuant to this ordinance. If a building or project, meets the "green" certification standards in section 63-4 above, as certified by the project engineer or architect, then the Building Official will apply the incentives in section 63-6. Once a complete application is received, the Building Official shall have a reasonable time to render a decision.

Sec. 63-6. - Incentives.

If an application qualifies for "green" incentives under this Ordinance, then the value of the incentives provided to that application shall be \$300.00 per home, \$1,000.00 per non-residential, multi-family, institutional or mixed-use building, and \$2,500.00 per land development project. The following types of incentives may be considered by the Building Official:

- (1) Reduced permit, inspection and/or impact fees; and

(2) Expedited permitting

Sec. 63-7 Establishing the Green Building Bond.

- a. Prior to the issuance of a building permit the City is requiring the registrant to establish a Green Building Bond for a project that is subject to the requirements of this section.
- b. The developer/owner/contractor shall provide the City with a performance bond, cash, or irrevocable letter of credit payment ("Green Building Bond") in the amount of two (2%) percent of the master building permit construction cost value.
- c. The City will hold the Green Building Bond for the time necessary for the green certification, or equivalent, to be issued twenty-four (24) months after issuance of the Certificate of Occupancy or Completion; whichever is less. The Planning and Zoning Director may grant an extension upon receipt of supporting documentation showing the need for extra time. Upon receiving the final documentation from the Applicant, the City shall release the full amount of the bond within thirty (30) days.
- d. If the Applicant is unable to provide proof of green certification, or equivalent, within twenty-four (24) months after issuance of the Certificate of Occupancy or Completion, the full amount of the Green Building Bond shall be forfeited to the City. Any proceeds from the forfeiture of the bond shall be allocated toward funding initiatives specified under the Green Element in the Comprehensive Plan.

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Section 3. Developers and owners whose development has received site plan approval prior to the effective date of this Ordinance are exempt from the requirements of this Ordinance. All major project modifications after the effective date of this Ordinance shall comply with the requirements of this Ordinance.

Section 4. That if any section, subsection, sentence, clause, phrase, work or amount of this ordinance shall be declared unconstitutional or invalid by competent authority, then the remainder of the ordinance shall not be affected thereby and shall remain in full force and effect.

Section 5. That all ordinances or parts of ordinances or resolutions of the County Code made inconsistent or in conflict herewith shall be and they are hereby repealed in their entirety as there is conflict or inconsistency.

Section 6. It is the intention of the City Council and it is hereby ordained that the provisions of this Ordinance shall become and made a part of the City of Doral Code; that the sections of this Ordinance may be renumbered or relettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Section " or other appropriate word.

Section 7. This Ordinance shall be effective immediately upon passage by the City Council on second reading.

The foregoing Ordinance was offered by Vice Mayor Mariaca who moved its adoption. The motion was seconded by Councilmember Cabral upon being put to a vote, the vote was as follows:

Mayor Juan Carlos Bermudez	Yes
Vice Mayor Claudia Mariaca	Yes
Councilwoman Digna Cabral	Yes
Councilman Pete Cabrera	Yes
Councilwoman Christi Fraga	Yes

PASSED AND ADOPTED on FIRST READING this 28 day of August, 2019.

PASSED AND ADOPTED on SECOND READING this 25 day of September, 2019.



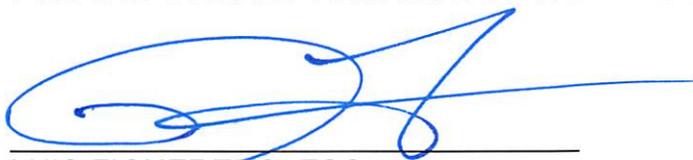
JUAN CARLOS BERMUDEZ, MAYOR

ATTEST:



CONNIE DIAZ, MMC
CITY CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY
FOR THE USE AND RELIANCE OF THE CITY OF DORAL ONLY:



LUIS FIGUEREDO, ESQ.
CITY ATTORNEY