

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF HOLLYWOOD, FLORIDA, AMENDING CHAPTER 151 OF THE CODE OF ORDINANCES ENTITLED "BUILDINGS" TO AMEND SECTION 151.158 TO REVISE MANDATORY GREEN BUILDING PRACTICES FOR NEW CONSTRUCTION AND MAJOR RENOVATIONS TO EXISTING STRUCTURES.

WHEREAS, on February 15, 2011, the City Commission passed and adopted Ordinance No. O-2011-06 which established mandatory green building practices for new construction and major renovations to existing structures; and

WHEREAS, since its implementation, the current practices have been evaluated by both City staff and the Green Team Advisory Committee and they have determined that certain provisions need to be revised; and

WHEREAS, the City Commission requests that the Green Team evaluate the impact of these changes and report back in two years; and

WHEREAS, the City Commission directs the Green Team to work with City staff and the business community to develop a customized program to allow developers with large projects to choose from a menu of green building practices for compliance;

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

Section 1: That Chapter 151 of the Hollywood Code of Ordinances entitled "Buildings" is hereby amended as follows:

TITLE XV: LAND USAGE

CHAPTER 151: BUILDINGS

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MANDATORY GREEN BUILDING PRACTICES

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(Coding: Words underscored are additions to existing law; words ~~struck through~~ are deletions.)

§ 151.158 LARGE DEVELOPMENTS.

(A) New construction of, and a major renovation to, a stand-alone building (other than a single family detached dwelling or duplex) with more than 20,000 square feet of total floor area ~~or one or more buildings within a development containing a total floor area (including all buildings within the development) in excess of 20,000 square feet~~ shall be certified under the ~~Leadership in Energy and Environmental Design (LEED)~~ LEED Green Building Rating System of the USGBC, certified by the FGBC as a Florida Green High Rise Residential Building or a Florida Green Commercial Building, or certified under another recognized certification program approved by the ~~city~~ City Manager or his/her designee.

(B) ~~The requirement of certification may be waived in an emergency situation or under documented circumstances in which~~ by the Planning and Development Board if the developer/owner/contractor demonstrates that compliance with the requirement ~~would be cost prohibitive~~, would create an unreasonable burden on the construction project, would have a negative impact on a historic structure, or would defeat the intent of certification. Any request for a certification waiver ~~must be accompanied by a specific reason for the waiver and be approved by the City Commission~~ set forth documentary evidence to substantiate the aforementioned elements for non-compliance with the requirement have been met. A waiver request must be submitted prior to building permit application. Under these circumstances, a reasonable effort will be made by the applicant to maximize In addition, the developer/owner/contractor must demonstrate that it has reasonably maximized the number of green building practices included in the development. The Planning and Development Board shall review the waiver request.

(C) If the developer/owner/contractor wishes to exceed the basic certification requirements, the following incentives shall be granted by the city:

(1) Priority site plan review, building plans review, and building permit processing, which provides priority review and processing of the proposed project ahead of other non-green building projects.

(2) Reduction in required parking. The developer shall provide a parking analysis justifying the parking reduction and showing that the then current code requirements are excessive. This incentive will be granted only if the developer obtains a variance under the city's Zoning and Land Development Regulations and only to the extent of such variance.

(3) Increased residential density by one unit per acre, but such increase shall not exceed the density allowed under the Future Land Use Element of the city's Comprehensive Plan unless flexibility units are applied. This incentive will require City Commission approval.

(4) Technical assistance by city staff on issues related to certification.

(D) Upon filing a building permit application for a large development, the developer/owner/contractor shall provide the city with proof of filing an application seeking green certification with a city-recognized certification program. A building permit application shall not be accepted in the absence of the required proof of filing.

(E) Prior to the issuance of a Certificate of Occupancy for a large development, the developer/owner/contractor shall provide the city with a performance bond, cash or irrevocable letter of credit payment in the amount of 1% of the master building permit construction cost value for the development or \$200,000; whichever is less. The city will hold the payment for the time necessary for the green certification to be issued or eighteen (18) months; whichever is less. A single extension of twelve (12) months may be granted by the Building Director for good cause shown.

If the green certification is achieved, the developer/owner/contractor shall furnish proof of certification to the Building Department. Upon providing such documentation, the bond, cash or irrevocable letter of credit payment will be released to the developer/owner/contractor. If the green certification is not achieved, but the developer/owner/contractor has obtained at least 85% of the credits or points required for certification, a portion of the bond, cash or irrevocable letter of credit payment shall be forfeited to the city based upon the following formula: credits or points remaining for certification/credits or points required for certification multiplied by the amount of full bond, cash or irrevocable letter of credit payment to total the amount forfeited. If a developer/owner/contractor fails to obtain at least 85% of the credits or points required for certification, the entire amount of the bond, cash or irrevocable letter of credit payment shall be forfeited to the city. Any proceeds from the forfeiture of the bonds, cash, or irrevocable letter of credit payment under this section shall be allocated toward providing green building incentives through a program developed by the City Manager or his/her designee.

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Section 2: That it is the intention of the City Commission that the provisions of this ordinance shall become and be made a part of the Code of Ordinances of the City of Hollywood, Florida, and the provisions of this ordinance may be renumbered to accomplish such intention.

Section 3: That if any word, phrase, clause, subsection or section of this ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of any remaining portions of this ordinance.

(ORDINANCE AMENDING CHAPTER 151 OF THE CODE OF ORDINANCES ENTITLED
"BUILDINGS" TO AMEND SECTION 151.158)

Section 4: That all sections or parts of sections of the Code of Ordinances, all ordinances or parts of ordinances, and all resolutions or parts of resolutions in conflict herewith be and the same are hereby repealed to the extent of such conflict.

Section 5: That this ordinance shall be in full force and effect immediately upon its passage and adoption.

ADVERTISED on _____, 2015.

PASSED on first reading this _____ day of _____, 2015.

PASSED AND ADOPTED on second reading this _____ day of _____, 2015.

PETER BOBER, MAYOR

ATTEST:

PATRICIA A. CERNY, MMC
CITY CLERK

APPROVED AS TO FORM & LEGALITY
for the use and reliance of the
City of Hollywood, Florida only:

JEFFREY P. SHEFFEL
CITY ATTORNEY