

ATTACHMENT 4

Lake County Green Building Ordinance

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2
3 **Summary of Ordinance**

4 The purpose of this ordinance is to establish a mandatory green building standards
5 program for Lake County building projects and to establish a voluntary program for
6 citizen building projects. The voluntary citizen program includes incentives to encourage
7 Lake County residents to comply with the green building initiative.
8

9 **ORDINANCE NO. _____**

10
11 **AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LAKE**
12 **COUNTY, FLORIDA; CREATING ARTICLE VIII, CHAPTER 6, LAKE**
13 **COUNTY CODE, ENTITLED GREEN BUILDING STANDARDS; CREATING**
14 **SECTIONS 6-106 THROUGH 6-117, LAKE COUNTY CODE; PROVIDING FOR**
15 **DEFINITIONS; PROVIDING FOR A TITLE; PROVIDING FOR PURPOSE AND**
16 **INTENT; PROVIDING FOR GOVERNMENT LEADERSHIP; DESIGNATING**
17 **RESPONSIBILITY FOR ADMINISTRATION AND IMPLEMENTATION;**
18 **PROVIDING FOR PROGRAM APPLICABILITY; PROVIDING FOR GREEN**
19 **BUILDING AND DEVELOPMENT COVERAGE; PROVIDING FOR GREEN**
20 **BUILDING AND DEVELOPMENT STANDARDS; PROVIDING FOR**
21 **INCENTIVES; PROVIDING FOR EDUCATION AND TRAINING; PROVIDING**
22 **FOR INDEX AND REPORTS; PROVIDING FOR PROGRAM REVIEW;**
23 **PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE AND AN**
24 **EFFECTIVE DATE.**

25
26 **WHEREAS,** on or about February 2008, the County Manager did put together a
27 group of employees from thirteen County department with expertise in environmental
28 issues for the purpose of identifying area in which the County could improve
29 environmental quality; and
30

31 **WHEREAS,** the employees have developed the Green Building Standards; and
32

33 **WHEREAS,** the Board of County Commissioners now desire to adopt such
34 standards and have found that they are in the best interests of the citizens of Lake County,
35 Florida.
36

37 **NOW, THEREFORE, BE IT ORDAINED** by the Board of County
38 Commissioners of Lake County, Florida that:
39

40 **Section 1. Recitals.** The foregoing recitals are true and correct and
41 incorporated herein by reference.
42

43 **Section 2. Creation.** Article VIII, Chapter 6, Lake County Code, entitled
44 **Green Building Standards, is hereby created to read as follows:**
45
46

1 *Florida Green Lodging:* A program by the Florida Department of Environmental
2 Protection to designate lodging establishments as “green” for following environmentally
3 sensitive operating procedures.
4

5 *FSEC:* Acronym for Florida Solar Energy Center. As the State of Florida’s energy
6 research institute, FSEC conducts research in building science, photovoltaics, solar
7 thermal, hydrogen and alternative fuels, fuel cells and other advanced energy
8 technologies.
9

10 *Florida Solar Energy System Incentives Program:* A program of state law providing for
11 rebates for the installation of qualified solar energy systems, codified at section 377.806,
12 Florida Statutes.
13

14 *Florida Water Star Program:* A third-party certification program offered by water
15 management districts to encourage water efficiency in household appliances, plumbing
16 fixtures, irrigation systems and landscapes.
17

18 *Florida Yard and Neighborhoods:* A University of Florida Extension Service program
19 that encourages homeowners and professionals to create and maintain Florida-friendly
20 landscapes that protect the natural environment for future generations. The program
21 consists of nine principles indicating how to locate the right plant in the right place, water
22 efficiently, fertilize appropriately, mulch, attract wildlife, manage pests responsibly,
23 recycle, reduce stormwater runoff and protect the waterfront.
24

25 *GBI:* Acronym for the Green Building Initiative, a not-for-profit organization whose
26 mission is to accelerate the adoption of building practices that result in energy-efficient,
27 healthier and environmentally sustainable buildings by promoting credible and practical
28 green building approaches for residential and commercial construction.
29

30 *GHDS:* Acronym for the Green Home Designation Standard of the Florida Green
31 Building Coalition, Inc.
32

33 *GHG:* Acronym for Greenhouse Gases
34

35 *Green Building:* A designation given to buildings that meet and are maintained to the
36 requirements of the green building rating system defined in this green building program.
37

38 *Green Building Program:* The program outlined in this ordinance for obtaining incentives
39 for green buildings and developments.
40

41 *Green Development:* A land use planning concept that includes consideration of
42 community-wide or regional environmental implications of development, as well as site-
43 specific green building concepts. This includes city planning, environmental planning,
44 architecture and community building. Green development is about constructing buildings
45 and landscapes in a more environmentally friendly manner. It is development that helps

1 to improve air and water quality, reduce greenhouse gas emissions and enhance the
2 neutral environment.

3
4 *Green Globes*: The U.S. commercial/institutional building rating system of the Green
5 Building Initiative.

6
7 *HERS® Index*: The Home Energy Rating System Index used as part of Florida's Home
8 Energy Rating system in which a home with a HERS Index of 100 represents the energy
9 use of the "American Standard Home" and an Index of zero (0) indicates that the rated
10 home uses no net purchased energy.

11
12 *Independent or Independent of Lake County*: not employed by, or acting as agents of,
13 Lake County.

14
15 *IBHS*: Acronym for the Institute for Business and Home Safety. An insurance and
16 reinsurance organization whose mission is to reduce the social and economic affects of
17 natural disasters and other property losses by conducting research and advocating
18 improved construction, maintenance and preparation practices..

19
20
21 *LEED*: The Leadership in Energy and Environmental Design Rating System of the U.S.
22 Green Building Council.

23
24 *NAHB*: Acronym for the National Association of Home Builders, a Washington-based
25 trade association whose mission is to enhance the climate for housing and the building
26 industry.

27
28 *Positively Green Project*: A building project that generates more energy on-site through
29 renewable sources than it uses on an annual basis while providing for its water needs
30 through typical annual rainfall, and meets all of the requirements of this jurisdiction's
31 green building program. To meet energy qualifications, residential applicants shall
32 achieve a HERS index of 0 or less, and non-residential shall achieve 100% energy
33 reduction from non-renewables using procedures in ASHRAE 90.1 Appendix G. rating
34 procedure.

35
36
37 *Program*: Lake County's Green Building and Development Program.

38
39 *Program Certification*: The final designation awarded to a program participant for
40 satisfying all requirements associated with the program for a particular project.

41
42 *Program Participant*: Any person or entity seeking program certification for a particular
43 project.

44
45 *Project*: Any construction associated with the creation, development or erection of any
46 building or development eligible for the program.

1
2 *Project Application Form*: The form submitted to Lake County indicating that a program
3 participant is interested in participating in the program for a particular project.
4

5 *Sub-program*: Means any area of construction covered by the program.
6

7 *Sustainable Construction*: The process of environmentally sensitive, resource efficient
8 site selection, preparation, design, construction and operation of buildings.
9

10 *Unit*: A residence permitted according to the Florida Building Code (FBC).
11

12 *USGBC*: Acronym for the United States Green Building Council, a non-profit
13 organization whose mission is to transform the way buildings and communities are
14 designed, built and operated, enabling an environmentally and socially responsible,
15 healthy and prosperous environment that improves the quality of life.
16

17 **Sec. 6-107. Title.**
18

19 The provisions of this Article shall be known as the "Lake County Green Building and
20 Development" Code.
21

22 **Sec. 6-108. Purpose and Intent.**
23

24 The purpose is to establish goals, programs and procedures that will help Lake County
25 become a more sustainable community. This program shall establish new environmental
26 goals for Lake County, define a certification-based green-building and development
27 program with incentives, and define new measurement parameters and reporting criteria
28 to track Lake County's performance toward its environmental goals. This program will
29 promote economic and environmental health in Lake County, through the design,
30 construction, operations and deconstruction of its own facilities and provide leadership to
31 both the private and public sectors in the arena of green building and development
32 practices including resource efficiency and disaster mitigation. Specific practices are
33 outlined below.
34

- 35 1) Promote a sustainable future that meets today's needs of a stable, diverse and
36 equitable economy without compromising the ability of future generations to
37 meet their needs by:
38
- 39 a. Protecting the quality of the air, water, land and other natural resources;
 - 40 b. Conserving native vegetation, wildlife and habitat;
 - 41 c. Minimizing human impacts on local ecosystems and ecosystems worldwide;
 - 42 and
 - 43 d. Reducing greenhouse gas emissions.
- 44
- 45 2) Become a leader in setting policies and practicing service delivery innovations
46 that promote environmental sustainability.

- 1
2 3) Create a sustainable jurisdiction by delivering renewable energy and energy-
3 efficient projects, developing green buildings and water-thrifty landscapes,
4 resource education, and utilizing recycling and environmentally sound solid-
5 waste services.
6
7 4) Establish a green building program to:
8
9 a. Improve the economic and environmental health of Lake County through
10 measurable objectives;
11 b. Track and analyze key indices to measure performance;
12 c. Commit Lake County to achieve green designations;
13 d. Provide incentives for voluntary compliance;
14 e. Provide green building educational opportunities for the Community; and
15 f. Execute a green building and development program to help local government
16 meet its overall goals of reducing emissions, reducing energy needs, and
17 water consumption consistent with the states' initiative.
18

19 **Sec 6-109. Government Leadership.**
20

21 To demonstrate Lake County's commitment to a green-building program, Lake County
22 shall comply with the green building programs established herein for all government
23 buildings, and shall:
24

- 25 1) Become and maintain an FGBC Local Government designation;
26
27 2) Track the government's monthly water and energy use; and
28
29 3) Produce an annual report that outlines Lake County's energy and water use and
30 greenhouse gas emission performance for the prior year and outlines a plan to
31 reduce it for the coming year.
32

33 **Sec. 6-110. Designation of Responsibility for Administration and Implementation.**
34

35 The program shall be administered by the Department of Conservation & Compliance,
36 which shall be responsible for, but not be limited to, the following:
37

- 38 1) Marketing the program to the community by any reasonably effective means;
39
40 2) Developing any appropriate or necessary application procedures, including but
41 not limited to, the program application form;
42
43 3) Writing policies and procedures for staff implementation of the green building
44 and development program;
45
46 4) Providing the certifications for use in the program;

- 1
- 2 5) Providing an incentive award to any program participant who has successfully
- 3 satisfied the requirements associated with that incentive; and
- 4
- 5 6) Resolving disputes that may arise from implementing the program.
- 6
- 7

8 **Sec. 6-111. Green Building and Development Program Applicability.**

- 9
- 10 1) For all private projects, the program shall be voluntary.
- 11
- 12 2) For any new building owned and constructed by or on behalf of the Lake County
- 13 Board of County Commissioners (BCC), the program shall be mandatory.
- 14
- 15 3) For any alteration of a government building owned by the Lake County BCC
- 16 undergoing a level III or greater alteration, per FBC, shall comply with this
- 17 program providing a positive cost analysis can demonstrate 100 percent pay
- 18 back within 10 years.
- 19

20 **Sec. 6-112. Green Building and Development Coverage.**

21

22 The program shall be comprised of the following sub-programs:

- 23
- 24 1) New residential construction;
- 25
- 26 2) Residential retrofitting/remodeling;
- 27
- 28 3) New commercial/non-residential construction;
- 29
- 30 4) Existing Commercial/non-residential construction; and
- 31
- 32 5) Land developments
- 33

34 **Sec. 6-113. Green Building and Development Standards.**

35

36 In addition to the Florida Building Code's minimum standards, the program shall be

37 administered using standards developed by the Florida Green Building Coalition, the U.S.

38 Green Building Council, the Green Building Initiative, or the National Association of

39 Home Builders. Programs shall stand alone and shall not be mixed. In order to qualify

40 for incentives set forth in Sec. 6-114, these standards shall apply to each sub-program as

41 follows:

- 42
- 43 1) New residential permitted projects: New residential projects shall satisfy all of
- 44 the requirements associated with one of the following:
- 45
- 46 a. The current Green Home Designation Standard of the FGBC;

- 1 b. The current USGBC LEED for Homes® program;
- 2 c. The current National Association of Home Builders National Green Home
- 3 program; or
- 4 d. The GBI new home designation including but not limited to, any monetary or
- 5 certification requirements.
- 6
- 7 2) Remodeling of existing homes: The participant shall meet requirements of
- 8 remodeling certification for one of the following:
- 9
- 10 a. The current Green Home Designation Standard of the FGBC;
- 11 b. The current LEED for Homes® program;
- 12 c. The current NAHB National Green Home program; or
- 13 d. The GBI including but not limited to, any monetary or certification
- 14 requirements. The home shall meet the requirements for “remodeling” or
- 15 “existing home” of the designation.
- 16
- 17 3) New commercial or institutional buildings: The program participant shall satisfy
- 18 all of the requirements associated with one of the following:
- 19
- 20 a. The current Green Commercial Designation Standard of the FGBC;
- 21 b. The current LEED for New Construction or derived USGBC LEED rating
- 22 system (e.g., LEED for Schools, LEED for Health Care); or
- 23 c. The Green Globes environmental assessment system for new designs
- 24 including but not limited to any monetary or certification requirements.
- 25
- 26 4) Existing commercial and institutional buildings: The program participant shall
- 27 satisfy all of the requirements associated with one of the following:
- 28
- 29 a. The current Green Commercial Designation Standard of the FGBC;
- 30 b. The current LEED for existing buildings or derived USGBC LEED rating
- 31 system (e.g., LEED for Schools, LEED for Health Care) program; or
- 32 c. The Green Globes environmental assessment system for existing designs,
- 33 including but not limited to any monetary or certification requirements.
- 34
- 35 5) Land Developments (Green Development): The participant shall satisfy all of
- 36 the requirements associated with one of the following:
- 37
- 38 a. The current Green Development Designation Standard of the FGBC;
- 39 b. The current LEED for Neighborhoods and Developments rating system
- 40 program; or
- 41 c. The NAHB development designation, including but not limited to any
- 42 monetary or certification requirements.
- 43
- 44 6) Review: For the purpose of this section of the program, a program participant
- 45 shall be bound by the standard designated for a particular sub-program unless
- 46 the program participant requests to be certified under a more current version of a

1 designated standard and the request is approved by the department administering
2 the particular program.

3
4 **Sec. 6-114. Incentives.**

5
6 The program shall include incentives designed to encourage the use of the program.

- 7
8 1) All sub-programs: For any voluntary program participant seeking a program
9 certification, Lake County shall provide the following fast track permitting
10 incentives:
11
12 a. Site and development plans for a proposed green development shall be
13 processed in twenty (20) business days. All such applications shall be
14 accompanied by the appropriate green building and development program
15 application form.
16 b. Building permit applications for residential green buildings shall be
17 processed within three (3) business days. All such applications shall be
18 accompanied by the appropriate green building and development program
19 application form.
20 c. Building permit applications for commercial green buildings shall be
21 processed in ten (10) business days. All such applications shall be
22 accompanied by the appropriate green building and development program
23 application form.
24
25 2) Green building award: For the purpose of publicly recognizing outstanding
26 commitment to "green building and development," the program shall provide for
27 an award called the "Green Building and Development Award" to be awarded
28 annually by Lake County to one program participant in each sub-program.
29
30 3) Special green contribution award: Lake County shall annually provide a special
31 recognition award to those contractors that donate significant reusable building
32 materials to non-profit local building organizations.
33

34 **Sec. 6-115. Education and Training.**

- 35
36 1) Lake County, in conjunction with FSEC, FGBC, Green Globes, NAHB or
37 USGBC shall conduct at least one (1) training workshop per year for the
38 purpose of educating potential or current program participants about the
39 program.
40
41 2) Lake County shall attempt to make available a meeting space at a government
42 facility when available for green building and development programs offered by
43 organizations that are of a general nature (not product specific). Organizations
44 shall contact the facilities staff to make arrangements.
45

46 **Sec. 6-116. Index and Report.**

1
2 The goals and objectives of the program and their status as outlined in Sec. 6-108 shall be
3 recorded, analyzed and reported to the Commission (BCC). The administrator/manager
4 shall be responsible for this indexing and reporting.

5
6 **Sec. 6-117. Program Review.**

- 7
8 1) Staff review: Lake County shall provide for a review of the program to
9 determine the need for changes in the program to increase it effectiveness.
10
11 2) Frequency: The program shall be subject to review one (1) year after the
12 effective date of this ordinance and thereafter at a frequency of not more than
13 once per year.
14
15 3) Purpose: The purpose of reviewing the program includes, but is not limited to,
16 updating program incentives, recommending program or marketing changes to
17 Lake County, reviewing suggestions made by program participants, and
18 annually awarding the green building and development awards of the program.
19

20 **Section 3. Inclusion in Code.** It is the intent of the Board of County
21 Commissioners that the provisions of this Ordinance shall become and be made a part of
22 the Lake County Code and that the sections of this Ordinance may be renumbered or
23 relettered and the word "ordinance" may be changed to "section", "article", or such other
24 appropriate word or phrase in order to accomplish such intentions.
25

26 **Section 4. Severability.** If any section, sentence, clause, or phrase of the
27 Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction,
28 then said holding shall in no way affect the validity of the remaining portion of this
29 Ordinance.
30

31 **Section 6. Effective Date.** This ordinance shall become effect as
32 provided for by law. This ordinance shall apply to buildings and developments, the
33 architectural / civil plans of which commenced after the Effective Date and to the
34 maximum degree practical to projects in process prior to that date.
35

36
37 Enacted this ____ day of _____, 2008.
38
39 Filed with the Secretary of State _____ 2008.
40
41 Effective _____.
42

43
44 Ordinance No. 2008-___:Creating Article VIII, Chapter 6, Lake County Code re: Green Building Standards
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ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF LAKE COUNTY, FLORIDA

Neil Kelly, Clerk of the
Board of County Commissioners
of Lake County, Florida

Welton G. Cadwell, Chairman

This _____ day of _____, 2008.

Approved as to form and legality:

Sanford A. Minkoff
County Attorney