

ORDINANCE NO. 2008- 112

AN ORDINANCE OF THE CITY OF TAMPA, FLORIDA, MAKING REVISIONS TO CHAPTER 17.5, PLANNING AND LAND DEVELOPMENT CODE, OF THE CITY OF TAMPA CODE OF ORDINANCES; CREATING ARTICLE VII, THE CITY OF TAMPA SUSTAINABILITY ORDINANCE; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Tampa finds that the public welfare will be served by assuring that further commercial, City and other civic development is consistent with the City's desire to create a more sustainable community;

WHEREAS, the City finds that a policy of sustainability, which, at the municipal level of government, means a policy in which decision-making about municipal construction, purchasing and operations incorporates the fundamental philosophy that the needs of the present generation do not compromise the needs of future generations,

WHEREAS, the City finds that green building practices applied to the design, construction, and maintenance of buildings would achieve the following goals:

1. Encourage resource conservation;
2. Reduce the waste generated by construction projects;
3. Increase energy efficiency; and
4. Promote the health and productivity of residents, workers, and visitors to the City;

WHEREAS, the City finds that:

1. Green design and construction decisions made by the City in the construction and remodeling of City buildings can result in significant cost savings to the City over the life of the buildings;
2. In recent years, green building design, construction, and operational techniques have become increasingly widespread;
3. Many homeowners, businesses, and building professionals have voluntarily sought to incorporate green building techniques into their projects;

- 1                   4.     At the national level, the U.S. Green Building Council (USGBC),  
2                   developer of the Leadership in Energy and Environmental Design  
3                   (LEED®) Green Building Rating System, has become a leader in  
4                   promoting and developing green building practices and the Florida  
5                   Green Building Coalition has become a leader in promoting and  
6                   developing green building practices in Florida;  
7  
8                   5.     Requiring City-funded projects to utilize appropriate and feasible  
9                   USGBC and Florida Green Building coalition green building  
10                  standards is necessary and appropriate to achieve the benefits of  
11                  green buildings;  
12  
13                  6.     Providing incentives to the private sector to incorporate green  
14                  building standards is necessary and appropriate to achieve the  
15                  benefits of green buildings.  
16

17                  **WHEREAS**, the City of Tampa desires to continue to be recognized as a diverse,  
18                  progressive city celebrated as the most desirable place to live, learn, work, and play;  
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20                  **WHEREAS**, Green Building and Sustainability is an evolving, systematic  
21                  process that is and will continue to be of ongoing importance;  
22

23                  **WHEREAS**, this process must continuously adapt and improve itself as we  
24                  increase our scientific knowledge and more is learned about achieving and improving  
25                  upon local sustainability;  
26

27                  **WHEREAS**, government has a greater responsibility to lead by example and  
28                  create a sustainable City;  
29

30                  **WHEREAS**, Mayor Iorio has publicly declared our City's commitment to the  
31                  reduction of global warming pollutants by signing the U.S. Mayor's Climate Protection  
32                  Agreement;  
33

34                  **WHEREAS**, the City is committed to lead by demonstrating sustainable  
35                  stewardship that will yield cost savings to taxpayers by reducing City operating costs,  
36                  provide a healthy work environment for City staff and visitors, protect, conserve and  
37                  enhance the City's resources, and establish community standards of sustainable living  
38                  practices;  
39

40                  **WHEREAS**, the City is a member of the United States Green Building Council  
41                  (USGBC) and the Florida Green Building Coalition (FGBC); and  
42  
43

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL  
OF THE CITY OF TAMPA, FLORIDA:

Section 1. That “Article VII. The City of Tampa Sustainability Ordinance” is created as follows:

**“ARTICLE VII. THE CITY OF TAMPA SUSTAINABILITY ORDINANCE”**

Section 2. That “Sec. 17.5-201. Short Title.” is created as follows:

**“Sec. 17.5-201. Short Title.**

This section shall be known as the City of Tampa Sustainability Ordinance.”

Section 3. That “Sec. 17.5-202. Definitions.” is created as follows:

**“Sec. 17.5-202. Definitions.**

*Best Practices.* Best practices are defined as the techniques, methodologies, processes, practices, and systems identified by public and private organizations that performed exceptionally well utilizing available and appropriate resources. They are widely recognized as continuously improving an organization's performance and efficiency in specific areas that, through experience and research, have proven to reliably lead to a desired result.

*Green building.* Any building which increases the efficiency with which it uses resources, such as energy, water, and materials, while reducing a buildings negative impact on human health and the environment, through better siting, design, construction, operation, maintenance, and removal, completing building life cycle.

*Demolition.* The act of razing, dismantling or removal of a building or structure, or portion thereof, to the ground level.

*Administration.* The mayor of the City of Tampa or his or her designee.

*Permit.* An official document authorizing performance of a specific activity regulated by this chapter.

*Structure.* For the purposes of this chapter, means any principal and/or accessory building constructed or erected which requires a fixed location on the ground or attachment to something having a fixed location on the ground.

*Building:* Any structure designed or intended for the support, enclosure, shelter or protection of persons, animals, chattels or property.

1 Building, accessory: A subordinate building detached from, but located on the same lot  
2 as the principal building, the use of which is incidental and accessory to that of the  
3 principal building.  
4

5 Building, principal: A building or, where the context so indicates, a group of buildings,  
6 in which is conducted the principal use of the lot on which such building is located.  
7

8 Major renovation: Any construction, reconstruction, structural alteration, expansion,  
9 enlargement or remodeling conducted within any two-year period, the total cost of which  
10 exceeds fifty-one (51) percent of the assessed value of the property.  
11

12 New construction: The erection of a building or structure or the addition to a building or  
13 structure of greater than fifty (50) percent of the existing building size in square feet.  
14

15 CGO is defined as the City's Green Officer.  
16

17 FGBC is defined as the Florida Green Building Coalition.  
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19 USGBC is defined as the United States Green Building Council."  
20

21 **Section 4.** That **"Sec. 17.5-203. City Funded Construction and Renovation of**  
22 **Structures to Comply with LEED Silver Standard."** is created as follows:  
23

24 **"Sec. 17-5-203. City Funded Construction and Renovation of Structures to Comply**  
25 **with LEED Silver Standard,**  
26

27 a. All new construction of municipal buildings, regardless of the source of the funds, in  
28 excess of 5000 square feet of air conditioned space, shall be built to satisfy, at a  
29 minimum, the most current USGBC LEED Silver standard.  
30

31 b. For any renovation of existing municipal buildings, all building materials replaced  
32 shall be done so with consideration of their energy efficiency ratings as recognized by the  
33 USGBC for their sustainable qualities, and with recycled products whenever available  
34 and appropriate.  
35

36 c. In the event that it is determined by the Administration that it is not feasible to  
37 construct or renovate a building or structure to this standard, compliance with this section  
38 shall not be required and the CGO will identify the project in his/her report to City  
39 Council."  
40

41 **Section 5.** That **"Sec. 17.5-204. Incentives to Encourage Sustainable**  
42 **Construction and Redevelopment."** is created as follows:  
43

44 **"Sec. 17-5-204. Incentives to Encourage Sustainable Construction and**  
45 **Redevelopment.**  
46

1 a. As of October 1, 2008, a process will be instituted by the City for providing a grant  
2 which would provide a partial rebate of permit fees, if funds are made available through  
3 the budget process on a yearly basis. Property owners who receive a permit for single  
4 family or multi family homes or for commercial projects, after the date which this  
5 program is instituted, may be eligible if the structure constructed is appropriately certified  
6 as a green structure by the USGBC or FGBC.

7  
8 1. For newly constructed single family residential construction or  
9 for major renovation of an existing single family home, the  
10 structure must be built and satisfy all the requirements of the  
11 current Green Home Designation Standards of the Florida  
12 Green Building Coalition. Upon receipt of evidence of this  
13 certification, the City will rebate 50% of the building permit  
14 fees paid.

15  
16 2. For newly constructed commercial and multifamily  
17 construction or for major renovations of such existing  
18 structures, the structure must be built and satisfy all the  
19 requirements of the most current (USGBC LEED (Leadership  
20 in Energy and Environmental Design) standard. Upon receipt  
21 of evidence of this certification of the structure, the City will  
22 rebate a percentage of the building permit fees paid as follows:

- 23  
24 a. LEED Platinum Certified – 80%  
25 b. LEED Gold Certified – 60%  
26 c. LEED Silver Certified – 40%  
27 d. LEED Certified – 20%  
28

29 3. The City will designate within its budget a specific amount per  
30 year for residential projects and a specific amount per year for  
31 commercial projects. Grants will be awarded on a first-come-  
32 first-served basis as the funds allow.”

33  
34 **Section 6.** That **“Sec. 17.5-205. Green Building Initiatives for Affordable**  
35 **Housing .”** is created as follows:

36  
37 **“Sec. 17-5-205. Green Building Initiatives for Affordable Housing.**

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39 All multifamily and single family homes constructed after October 1, 2008, through any  
40 of the City’s affordable housing programs will be encouraged to utilize the Florida Green  
41 Building Coalition’s specifications for green building certification, Florida Energy Star  
42 and Florida Water Star appliances and principles. When evaluating the extent to which  
43 these specifications, appliances and principles can be used, consideration of federal and  
44 state rules, regulations, funding and programs will be included in the evaluation. If the  
45 Administration determines that compliance with these specifications, appliances, and  
46 principles is not feasible for the affordable housing structure to attain, the Administration

1 may waive compliance with this section. The CGO will identify the project in his/her  
2 report to City Council."

3  
4 **Section 7.** That should a court of competent jurisdiction declare any part of  
5 this Ordinance invalid the remaining parts hereof shall not, in any way, be affected by  
6 such determination as to the invalid part.


7  
8 **Section 8.** That all ordinances or parts of ordinances in conflict herewith are  
9 hereby repealed to the extent of any conflict.

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11 **Section 9.** That this ordinance shall take effect immediately upon becoming a  
12 law.

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15 PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF  
16 TAMPA, FLORIDA, ON JUN 26 2008.

17  
18 ATTEST:

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21 \_\_\_\_\_  
22 CHAIRMAN/CHAIRMAN PRO-TEM  
23 CITY COUNCIL

24  
25   
26 \_\_\_\_\_  
27 CITY CLERK/DEPUTY CITY CLERK

28 APPROVED BY ME ON JUL 02 2008

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31 \_\_\_\_\_  
32 PAM IORIO, MAYOR

33  
34 APPROVED AS TO LEGAL  
35 SUFFICIENCY BY:

36  
37  
38 \_\_\_\_\_ E/S  
39 JULIA MANDELL COLE  
40 SENIOR ASSISTANT CITY ATTORNEY

41  
42 K:/Debbie/Chapter17.5/Ordinance-Section 17.5-201.205