



Local Government Policy Examples: Fee Reductions and Waivers

SUMMARY

Best Practices Guide: Certification Program-Local Government Partnerships

BetterBuiltNW researched opportunities to accelerate adoption of energy efficiency in the Northwest's new homes sector. Research efforts led to the development of a [Best Practices Guide: Certification Program-Local Government Partnerships](#) (Guide), which examines the role of partnerships between local government and green building programs and the use of incentives as tools to stimulate green building and energy efficiency.

There is a large and diverse number of home certification programs available in the marketplace, and programs often deliver their offerings in close collaboration with other entities such as local governments, utilities, non-profits, and private sector companies. BetterBuiltNW examined 104 US local governments and their partnerships with a range of certification programs. In total, the partnerships incorporated more than 190 incentive options to promote energy efficient practices.

Fee Reductions and Waivers Overview

Municipalities nationwide have had success stimulating green building and energy efficiency by offering developmental incentives (such as fee reductions and waivers). Local Governments have been able to leverage economic and timeline enhancing incentives to promote green building standards and sustainable civic design.

These incentives provide cost cutting measures in the form of tax credit rebates and reduced permitting fees, in exchange for builder adoption of green building practices. These incentives directly increase owner, developer, and builder profits, sometimes translate into incentives for the buyer, and require little to no financial investment by local governments. Local governments also benefit from increased revenue from the increased development and residents within their jurisdictions.

The following sections display municipal code language that cites developed for fee reduction and waiver policies:

[Babylon, NY](#)
[New Albany, OH](#)
[San Diego County, CA](#)
[Miami Beach, FL](#)

BABYLON, NY

The city of Babylon in New York offers a range of property tax exemptions for properties meeting LEED certification standards. Individual year exemptions are based on the level of LEED certification and number of years post-improvement, given certain cost and building permit thresholds are first met. The goal of the program is leveraging local power to influence sustainability and green building design.

Ordinance Name/Number	Ordinance Web Location
Ordinance No. 19-2013	https://ecode360.com/28207696

Municipal Code:

Article XI: Green Building LEED Improvement Exemption

[ADOPTED 11-7-2013 BY L.L. NO. 19-2013]

§ 195-35 Statutory authority.

Pursuant to § 470 of the Real Property Tax Law of the State of New York, the Town Board of the Town of Babylon may grant a real property tax exemption for improvements to real property meeting LEED certification standards for green buildings as provided in this article, the green building initiative's green globes rating system, the American National Standards Institute, or substantially equivalent standards for certification using a similar program for green buildings as determined by the Town.

§ 195-36 Purpose.

The purpose of this legislation is to exercise this local power by granting real property tax exemptions to property owners who make improvements to real property that meet or exceed LEED certification standards or other equivalent certification standards as determined by the Town.

§ 195-37 Exemption granted.

Construction of improvements to real property initiated on or after the first day of January, 2013, meeting LEED certification standards for green buildings as provided in this section, the green building initiative's green globes rating system, the American National Standards Institute, or substantially equivalent standards for certification using a similar program for green buildings shall be exempt from taxation to the extent provided by this article.

§ 195-38 Extent of exemption.

- A. Real property which is certified under a LEED certification standard for the categories of certified silver, gold or platinum as meeting green building standards, as determined by a LEED-accredited professional, when found acceptable to the Assessor, shall be exempt as provided below for the respective percentages, provided that a copy of the LEED certification for a qualified category is filed with the Town Assessor's Office and is approved by the Assessor as meeting the requirements of this article:

LEED Exemption

Year	Certified/Silver	Gold	Platinum
1	100%	100%	100%
2	100%	100%	100%
3	100%	100%	100%
4	80%	100%	100%
5	60%	80%	100%
6	40%	60%	100%
7	20%	40%	80%
8	0%	20%	60%
9	0%	0%	40%
10	0%	0%	20%

- B. Such exemption shall be to the extent of any increase in assessed value resulting from the construction or reconstruction of a property meeting LEED certification.

§ 195-39 Criteria for eligibility.

- A. No such exemption shall be granted unless:
- (1) Such construction of improvements was commenced on or after the first of January, 2013;
 - (2) The value of such construction exceeds the sum of \$10,000; and
 - (3) Such construction is documented by a building permit and certificate of occupancy.
- B. For the purpose of this article, the term "construction of improvements" shall not include ordinary maintenance and repairs.
- C. Application for such exemption must be made by the owner to the Assessor.
- D. If the Assessor is satisfied that the applicant is entitled to an exemption pursuant to this section, he or she shall approve the application, and such real property shall thereafter be exempt from taxation as provided in this article, commencing with the assessment roll prepared after the taxable status date. The assessed value of any exemption granted pursuant to this section shall be entered by the Assessor on the assessment roll with the taxable property, with the amount of the exemption shown in a separate column.

§ 195-40 Maximum exemption amount.

The maximum exemption amount for the exemption provided by this article shall be \$250,000 of increased market value of the qualifying construction improvements.

§ 195-41 Effective date.

This article shall take effect immediately upon filing in the office of the Secretary of State of New York.

§ 195-42 Severability.

If any clause, sentence, paragraph, subdivision, section or other part of this article shall for any reason be adjudged by any court of competent jurisdiction to be unconstitutional or otherwise invalid, such judgment shall not affect, impair, or invalidate the remainder of this article, and it shall be construed to have been the legislative intent to enact this article without such unconstitutional or invalid parts therein.

NEW ALBANY, OH

The city of New Albany in Ohio provides, two-pronged fee reduction through incentivizing LEED certification on top of a locally developed efficiency program, Village Green Standards. The Village Green Standards are a set of guidelines that function as a menu of efficiency options. To receive a 20% building permit fee reduction, new buildings must satisfy 12 out to the 24 available measures. Combining these measures with LEED certification will reduce fees another 1%-5% based on level of certification.

Ordinance Name/Number	Ordinance Web Location
Ordinance No. 34-2008	https://library.municode.com/oh/new_albany/codes/code_of_ordinances?nodeId=PTTHIRTEENBUCO_TITFIVESTAD_CH1322GRBUINPR_1322.01GRBUINPR

Municipal Code:

1322.01 - Green Building Incentive Program.

- (a) Definitions. For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.
- (1) "Green building" means generally the resource-efficient design, construction, and operation of buildings by employing environmentally sensible construction practices, systems, and materials.
 - (2) "L.E.E.D. 2.2" means the Leadership in Energy and Environmental Design Rating System, Version 2.2, of the U.S. Green Building Council.
 - (3) "L.E.E.D. 2.2 certification" means that a qualified third party; the USGBC, or its designee, has certified the building's design and construction has satisfied all of the requirements associated with the standard.
 - (4) "USGBC" means the U.S. Green Building Council.
- (b) Intent and Purpose. The purpose of this program shall be to provide commercial offices and businesses with incentives to utilize green building efforts. This program will be voluntary for all participants. This program will promote sustainable and environmentally friendly practices of design and construction.
- (c) Scope. This program applies only to commercial projects within New Albany.
- (d) Green Standards. All standards must meet Village codes and design guidelines. New buildings must satisfy at least twelve (12) of the twenty-four (24) standards listed below and must satisfy at least one standard in every category. Renovations must meet at least three (3) standards, in any combination or category. Compliance with the standards is determined by the Village. Standards and measurements of the Village Green Standards will be based on information from the U.S. Green Building Council and other reputable sources.
- (1) New buildings.
 - A. HVAC.
 1. Use Energy Star rated appliances, furnaces, boilers, and water heaters.
 2. Install energy recovery ventilators for exhaust and make-up air systems.
 3. Install individual thermal comfort controls.

B. Lighting.

1. Install a mechanism so lights are turned off during non-essential times (interior or exterior); can be occupancy or daylight-related.
2. Install parking light cutoff fixtures to contain light on site.
3. At least ninety percent (90%) of fixtures use compact fluorescent bulbs or LED.

C. Plumbing.

1. At least ninety percent (90%) of fixtures are low flow fixtures.
2. Install all waterless urinals.
3. Install all dual-flush toilets.
4. Install no permanent irrigation and utilize native vegetation. Irrigation may be used to help establish plants.

D. Environment.

1. Preserve at least seventy-five percent (75%) of existing trees in healthy condition and are at least four (4) to six (6) inches in diameter.
2. Exceed the open lot coverage by twenty-five percent (25%).
3. Exceed parking lot and/or minimum tree requirements by at least twenty-five percent (25%).

E. Energy.

1. Use solar panels.
2. Use geothermal heating system.
3. Install windows with at least a U-factor of 0.40.
4. Purchase green power.
5. Use occupancy sensor power strips.
6. Exceed code energy regulations by LEED standards.
7. Install a full or partially vegetated or high albedo roof surface

F. Materials.

1. Use low-VOC or zero-VOC paints.
2. Use recycled materials for at least twenty-five percent (25%) of the entire.
3. Participate in recycling program; recycled construction waste, etc.

G. Other green strategies. Subject to approval by the Village.

(2) Existing building renovations.

A. HVAC.

1. Use Energy Star rated appliances, furnaces, boilers, and water heaters.
2. Install energy recovery ventilators for exhaust and make-up air systems.
3. Install individual thermal comfort controls.

B. Lighting.

1. Install a mechanism so lights are turned off during non-essential times (interior or exterior); can be occupancy or daylight-related.
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3. Participate in recycling program; recycled construction waste, etc.

G. Other green strategies. Subject to approval by the Village.

(e) Incentives. The program shall consist of incentives designed to encourage the use of the program and L.E.E.D. 2.2 certification through the following incentives:

- (1) New buildings. If the minimum Village standard is met, then the Village shall provide a twenty percent (20%) reduction in commercial building permit application fees.
- (2) Renovations. If the minimum Village standard is met, then the Village may award a twenty percent (20%) reduction in applications fees for minor renovations. For major renovations, the Village may award a twenty percent (20%) reduction in commercial building permit applications fees.
- (3) For full L.E.E.D. 2.2 certification, an additional fee reduction incentive between one percent and five percent (5%), in addition to the Village commercial building permit fee reduction, shall be awarded. Total percentages shall be awarded for each level of certification met, as follows:
 - Certified: twenty-one percent (21%) total reduction.
 - Silver: twenty-two percent (22%) total reduction.
 - Gold: twenty-three percent (23%) total reduction.
 - Platinum: twenty-five percent (25%) total reduction.

Therefore, a maximum of a twenty-five percent (25%) reduction in commercial building permit application fees may be awarded for each commercial building application.

SAN DIEGO COUNTY, CA

San Diego County in California offers a 7.5% plan and permitting fee reduction for buildings participating in the County of San Diego Green Building Program that also engage in additional energy conservation measures. To capture incentives, buildings must improve on the energy savings requirements in Title 24, or use significant percentages of renewable materials in the building process.

Ordinance Name/Number	Ordinance Web Location
Ordinance No. 9968	http://library.amlegal.com/nxt/gateway.dll?f=templates&fn=default.htm&vid=amlegal:sandiegoco_ca_mc

Municipal Code:

Article XX FEES AND CHARGES

SEC. 362.1. DEPARTMENT OF PLANNING AND DEVELOPMENT SERVICES.

(d) OTHER FEES, DEPOSITS, AND PROVISIONS

1. **PLAN REVIEW FEES FOR RESIDENTIAL TRACTS.** When a plan is registered with the Building Official as a Master Plan, all subsequent plan reviews for that Master Plan will be charged the fee listed in Item 1 of subsection (b), Schedule of Building Construction Permit Fees. The minimum fee will be charged for each unique floor plan in the phase regardless of the total number of dwelling units in the phase. If more than two hours is required to intake and review each unique floor plan, the time in excess of two hours will be charged at the Time and Material Rate described in subsection (e). Minor, nonstructural changes to Master Plans are acceptable, however, all additional staff time spent processing any plan changes will be added to the plan review fee.

2. **EXTENSION OF AN EXPIRED PLAN REVIEW.** When plans are submitted subsequent to plan review expiration, as permitted by Section 91.1.109.2.1, the plan review extension fee shall be 25 percent of the plan review fee prescribed above for newly submitted plans.

3. **PLAN CHANGES, ADDITIONS, REVISIONS OR INCOMPLETE PLANS.** Additional plan review required by plan changes, additions, or revisions to approved plans or because the plans are incomplete shall be charged at the time and material labor rate and the minimum charge shall be one-half hour.

4. **FEE REDUCTION FOR BUILDINGS USING SUSTAINABLE BUILDING PRACTICES.** For building permit applicants who voluntarily participate in the County of San Diego Green Building Program, as established by Board of Supervisors Policy F-50, the plan check and permit fees shall be reduced by 7.5%. To qualify for this fee reduction, the project shall use one of the following sustainable building practices:

Energy Conservation The project shall exceed California Energy Commission Standards by 15% or more for residential and 25% or more for commercial and industrial developments.

Natural Resource Conservation The project shall incorporate straw bale construction for all exterior walls or use recycled content in the building system. To be eligible for the fee reduction by using recycled content, the applicant must demonstrate to the satisfaction of the Building Official that 20% or more of the primary materials being used in the building system contain 20% or more post-consumer recycled content. Any reused materials will be found to satisfy the 20% post-consumer recycled content requirement. A fee reduction may also be approved when the applicant demonstrates to the satisfaction of the Building Official that at least one primary building material (e.g. roofing material) is 50% or more post-consumer recycled content.

Water Conservation The project shall include the installation of a graywater system. A permit is required from the Department of Environmental Health for the graywater system in addition to the building permit issued by Department of Planning and Development Services.

5. EXPEDITED PLAN REVIEW. When requested by the applicant and approved by the Building Official, staff may use overtime to expedite a plan review. An additional fee shall be charged for this service. The fee amount shall be determined using the time and material labor rate multiplied by the amount of time staff spends on expedited plan review.

6. INSPECTIONS OUTSIDE OF NORMAL BUSINESS HOURS. When the Building Official approves inspections outside of normal business hours the fee shall be charged hourly at the rate of one and one-half times the standard time and material labor rate described in subsection (e) of this section. The minimum time charged shall be two hours.

7. REFUNDS. An applicant who has paid the applicable plan review or permit fees in subsection (a) or subsection (b) of this section may withdraw the application by submitting a written request to the Director of Planning and Development Services. The Department shall discontinue work on such application within one working day from the receipt of said request, except that the Department may continue to process an application involving the violation of a County ordinance.

The Director of Planning and Development Services shall not authorize the refund of any building fee paid except upon written application filed by the original applicant, received not later than one year after the date of fee payment.

Fee refunds of \$25,000 or more must receive Board of Supervisor approval prior to payment.

Final permits and/or documents shall not be issued until all required fees/deposits are paid in full.

The Director of Planning and Development Services may authorize the full refund of any fee paid hereunder which is erroneously collected by the County.

Refund of fees described in subsection (b) of this section shall be made in accordance with San Diego County Code Section 91.1.109.6.

8. VIOLATIONS. When a violation of any County code includes or results from the failure to obtain a required permit, a violation fee may be assessed as prescribed in San Diego County Code Section 91.1.109.4.1. In all cases the additional violation fee or deposit amount shall be treated as a non-refundable flat fee, even if the initial amount is a deposit.

9. CHARGES FOR TECHNICAL REPORTS. Information, circulars, reports of technical work, and other reports prepared by the Department of Planning and Development Services when supplied to other government agencies, individuals or groups requesting copies of same may be charged for by the Department in a sum not to exceed the cost of publication and distribution of such documents.

10. HOMEOWNER AND BUSINESS OWNERS RELIEF - WAIVER OF PLAN REVIEW AND PERMIT FEES. Notwithstanding the fees otherwise specified in subsections (a) and (b) of this section, and San Diego County Code Section 91.1.109, the plan check review fee and the permit fee shall not be charged for the following improvements provided the improvement has not been previously identified as a violation by the County:

Cargo containers of 320 square feet or less, when used for storage.

Exterior siding or plastering.

Non-masonry fencing and free-standing walls.

Replacement of roofing material (no alteration to the existing roof structure).

Skylights that are ICBO approved.

Window replacements with the same net openable area. (Per State of California Energy Efficiency Standards, replacement windows must still meet the requirements for the applicable climate zone).

Door replacements that are not required to be fire-rated.

Replacement or repair of interior drywall when on a wall or ceiling which is not required to be fire rated.

Electric heat pump and air conditioner replacements provided there is no alteration to the electrical system which supplies power to the heat pump or air conditioning unit.

Residential photovoltaic electrical systems.

Residential Small Wind Turbine Systems.

Replacement hot water heater installation when there is no modification or alteration of the electrical or gas system which supplies the water heater.

Emergency repair of gas lines.

Lawn sprinkler systems.

Decommissioning of septic systems and connection to public sewer.

11. HOMEOWNER RELIEF WAIVER OF PLAN REVIEW FEES. Notwithstanding the fees otherwise specified in subsections (a) and (b), no fee shall be charged for the plan check review of the following improvements if the improvement is accessory to a single-family dwelling, a duplex, or a mobile home built pursuant to county standard plans and the improvement has not been previously identified as a violation by the County:

Carports over 300 square feet.

Patio covers over 300 square feet.

Fireplaces.

Retaining walls built to County standards.

12. HOMEOWNER RELIEF EXEMPTION FOR SEISMIC RETROFITS. Notwithstanding the fees otherwise specified in subsections (a) and (b) of this section, and San Diego County Code Sections 91.1.109.2 and 91.1.109.5.17, the plan check review fee and the application fee shall not be charged for a seismic retrofit to a single-family dwelling, a duplex or a mobile home built pursuant to County standard plans.

13. STANDARD HOURLY RATES. The fee for items not listed in the above fee subsections or those designated "Time and Materials" shall be determined by the actual costs incurred by the Department of Planning and Development Services. The cost will be determined by using the labor rates specified in subsection (e) Schedule of Standard Hourly Rates.

14. SURFACE MINING INSPECTION DEPOSIT. The deposit for conducting annual inspections of surface mining operations to review compliance with the Major Use Permit, Reclamation Plan and Interim Management Plan shall be \$2,000. The deposit shall be due within 60 days after the adoption of this ordinance and on July 1 of each year thereafter. The \$2,000 amount shall apply to all existing surface mining operations for the first year and for the first year of each new surface mining operation. Thereafter, the Director shall determine the appropriate amount of the deposit for each surface mining operation. Approval and inspections of an Interim Management Plan shall be an expense of the inspection deposit.

15. SIGNS - REFUNDABLE DEPOSIT. The refundable deposit required prior to the approval of any administrative sign permit or minor use permit, as prescribed in the County Zoning Ordinance Section 6207 b. 1. xiv., shall be \$1,000.

16. MISSED APPOINTMENT FEE. The Building Official may charge this fee when an applicant does not show up for a scheduled plan submittal appointment or cancels the appointment less than 24 hours in advance.

17. FEE WAIVER FOR STRUCTURES DAMAGED OR DESTROYED BY NATURAL DISASTER. Notwithstanding the fees otherwise specified in subsections (a) and (b) of this section, the plan check review fee and the permit fee may be waived for an applicant who is rebuilding legally built structures which have been damaged or destroyed by a wildfire or other natural disaster and which are located within the boundaries of a geographic area which has been declared by resolution of the Board of Supervisors to be eligible for this fee waiver. The fee waiver shall not apply to any portion of a new structure which exceeds the square footage of the structure which is being replaced.

18. FEE WAIVER FOR DISABLED VETERANS. Notwithstanding the fees otherwise specified in subsections (a), (b) and (c) of this section, and San Diego County Code sections 91.1.109.2 and

91.1.109.5.17, the plan check and building permit fees shall be waived for modifications made to the homes of disabled veterans.

MIAMI BEACH, FL

The City of Miami Beach in Florida requires a Sustainability Fee be paid for all new construction over 7,000 square feet and ground floor additions over 10,000 square feet. The Sustainability Fee is 5% of the total construction valuation of the building permit; the Fee can be paid via a posted bond or in full. To receive a refund on the bond/fee, buildings must obtain certification from an accredited sustainable design rating system (LEED, International Living Future Institute or Net Zero Energy). Based on the level of certification, different tiers of fee discount are available.

Ordinance Name/Number	Ordinance Web Location
Ordinance No. 2016-3993	https://library.municode.com/fl/miami_beach/codes/code_of_ordinances?nodeId=SPBLADERE_CH133SUR_E_ARTIIISUFEPR_S133-6SUFECA

Municipal Code:

Chapter 133 - Sustainability and Resiliency ARTICLE I. - IN GENERAL

Sec. 133-1. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning, or as may be amended from time to time:

- *Construction* means any project associated with the creation, development, or erection of any structure required to comply with this Chapter.
- *Enhanced stormwater quality and quantity improvements* means projects that augment water quality and quantity by: Reducing polluted runoff; advancing groundwater recharge, soil infiltration and erosion control; and restoring habitat.
- *Environmental monitoring* means periodic or continuous surveillance or testing to determine the level of compliance required by the Environmental Protection Agency (EPA), Florida Department of Environmental Protection (DEP), or Miami-Dade County Department of Regulatory and Environmental Resources (RER) and/or pollutant levels in various media (air, soil, water) or biota, as well as to derive knowledge from this process. Examples of environmental monitoring include, but are not limited to: Water quality sampling and monitoring, groundwater testing and monitoring, and habitat monitoring.
- *Environmental remediation* means clean-up of, or mitigation for, air, soil or water contamination for which the City is legally responsible for environmental clean-up or mitigation.
- *Environmental restoration* means the return of an ecosystem to a close approximation of its condition prior to disturbance.
- *Green infrastructure* means both the natural environment and engineered systems to provide clean water, conserve ecosystem values and functions, and provide a wide array of benefits to people and wildlife. Green infrastructure uses vegetation, soils, and natural processes to

manage natural resources and create healthier urban environments. Examples of green infrastructure practices include, but are not limited to: Right-of-way bio-swales, green roofs, blue roofs, rain gardens, permeable pavements, infiltration planters, trees and tree boxes, rainwater harvesting systems.

- *Green building* means generally the resource efficient design, construction, and operation of buildings by employing environmentally sensible construction practices, systems and materials.
- *Green building certification agency* means the United States Green Building Code (USGBC) or the International Living Future Institute, as may be selected by the eligible participants.
- *International Living Future Institute* means a non-profit organization that created an international sustainable building certification program called The Living Building Challenge. Certification types include Living Building Certification, Petals Certification and Net Zero Energy Building Certification.
- LEED means an effective edition of the Leadership in Energy and Environmental Design (LEED) Green Building Rating System for Building Design and Construction or Homes, as applicable, of the United States Green Building Council (USGBC).
- *Project* means any construction associated with the creation, development or erection of any building required to comply with this chapter.
- *Scorecard* means a guide provided by the green building certification agency to assist in determining the total project score and achievable credits and level of certification at the inception of a green building, as provided under this chapter.

USGBC means the United States Green Building Council.

(Ord. No. 2016-3993, § 1, 2-10-16)

Sec. 133-2. - Intent and purpose.

The purpose of this chapter shall be to promote sustainable development within the City of Miami Beach by supporting resilient design and construction practices. The City's intent is to establish a certification compliance schedule that incentivizes all qualifying projects to attain at a minimum LEED Gold certification, or similar green building program recognized in this chapter. Sustainable building practices will promote the economic and environmental health of the city, and ensure that the City continues to become environmentally resilient to combat sea level rise and help curb climate change. This chapter is designed to achieve the following objectives:

- (a) Increase energy efficiency in buildings;
- (b) Encourage water and resource conservation;
- (c) Reduce waste generated by construction projects;
- (d) Reduce long-term building operating and maintenance costs;
- (e) Improve indoor air quality and occupant health;
- (f) Contribute to meeting state and local commitments to reduce greenhouse gas production and emissions; and
- (g) Encourage sound urban planning principles.

(Ord. No. 2016-3993, § 1, 2-10-16)

ARTICLE II. - GREEN BUILDING REQUIREMENTS

Sec. 133-3. - Sustainability requirements.

- (a) Mandatory compliance with the requirements of this chapter shall be required for all applicants with building permit applications that meet the following criteria (hereinafter "eligible participants"):
- (1) All new construction that proposes over 7,000 square feet of construction of a structure; or
 - (2) Ground floor additions (whether attached or detached) to existing structures that encompass over 10,000 square feet of additional floor area.

(Ord. No. 2016-3993, § 1, 2-10-16)

Sec. 133-4. - Standards.

This chapter shall be administered using standards developed for and standards developed by the United States Green Building Council (USGBC) or the International Living Future Institute. All eligible participants who are certified as having satisfied all of the requirements of the green building certification agency, including, but not limited to, any monetary or certification requirements, are eligible for a partial or full refund of the sustainability fee identified in [Section 133-7](#), herein based upon the level of compliance with the regulations in this chapter.

(Ord. No. 2016-3993, § 1, 2-10-16)

ARTICLE III. - SUSTAINABILITY FEE PROGRAM

Sec. 133-5. - Generally.

A Sustainability Fee will be assessed for all eligible participants. The calculation of the fee, provisions for refunding all or portions of the fee, its purpose, and eligible uses are detailed within this article.

(Ord. No. 2016-3993, § 1, 2-10-16)

Sec. 133-6. - Sustainability fee calculation.

- (a) In order to obtain a Temporary Certificate of Occupancy (TCO), Certificate of Occupancy (CO), or Certificate of Completion (CC), whichever comes first, the eligible participant must first post a Sustainability Fee payment bond or issue full payment of the Sustainability Fee to the City. The Sustainability Fee shall be valued at five percent of the total construction valuation of the building permit. However, the eligible participant may be entitled to a refund or partial refund, of the bond, or payment of the Sustainability Fee, based upon achieving the program certification levels in the compliance schedule below:

Certification Compliance Schedule

Level of Certification Achieved	Sustainability Fee Reimbursement to Participant for Meeting Certain Green Building Certification Levels
Failure to obtain certification	0% refund of bond or payment of Sustainability fee
LEED Certified	50% refund of bond or payment of Sustainability fee
LEED Silver Certified	66% refund of bond or payment of Sustainability fee
LEED Gold Certified or International Living Future Institute Petals or Net Zero Energy Certified	100% refund of bond or payment of Sustainability fee
LEED Platinum Certified or International Living Future Institute Living Building Challenge Certified	100% refund of bond or payment of Sustainability fee

If the proof of green building certification is provided prior to the obtaining a TCO, CO, or CC, the "Sustainability Fee" shall be in the full amount identified above, minus the refund for the level of green building certification achieved identified in the Certification Compliance Schedule.

- (b) The Sustainability Fee shall be valued upon the eligible participant's submittal at time of application for Temporary Certificate of Occupancy (TCO), Certificate of Occupancy (CO), or Certificate of Completion (CC), whichever comes first, upon review by the planning department during zoning review of the certificate. The Sustainability Fee bond or full payment shall be provided by participant prior to obtaining a Temporary Certificate of Occupancy (TCO), Certificate of occupancy (CO) or Certificate of Completion, whichever comes first.
- (c) Refund of the Sustainability Fee or bond to the eligible participant may occur as provided for in subsection (a), above, provided the eligible participant complies with the certification compliance schedule within the timeframe identified in [Section 133-7\(b\)](#).
- (d) The entirety of the Sustainability Fee shall be forfeited to the City based upon Participant's failure achieve the applicable green building certification levels identified [in Section] [133-6\(a\)](#) within the timeframe identified in [Section 133-7\(b\)](#).

(Ord. No. 2016-3993, § 1, 2-10-16)

Sec. 133-7. - Review procedures.

- (a) Prior to obtaining a Temporary Certificate of Occupancy, Certificate of Occupancy (CO) or Certificate of Completion (CC), whichever comes first, the qualifying projects shall post a bond with the City, or in the alternative, provide a payment to the City, in the amount of the "Sustainability Fee" identified in [Section 133-6\(a\)](#).
- (b) Within one year from the receipt of a Certificate of Occupancy (CO) or Certificate of Completion (CC), the owner shall submit proof of green building certification for the development from the green building certification agency.
 - (1) The bond or payment provided, or percentage thereof, shall be refunded to program participants that have achieved a level of green building certification identified in the Certification Compliance Schedule in [Section 133-6](#).
 - (2) The Planning Director may approve, upon the request of the eligible participant, a one-time one (1) year extension, provided proof that the green building certification agency's review remains pending to determine final certification.
- (c) Building permit applications for a green building project submitted or resubmitted for review shall be given priority review over projects that are not green building projects by the City's departments reviewing such applications.
- (d) All building inspections requested for green building projects shall be given priority over projects that are not green building projects.

(Ord. No. 2016-3993, § 1, 2-10-16)

Sec. 133-8. - Deposit of funds; account.

- (a) The City has established a Sustainability and Resiliency Fund. The revenue generated through the Sustainability Fee Program shall be deposited in the Sustainability and Resiliency Fund.
 - (1) Interest earned under the account shall be used solely for the purposes specified for funds of such account.
 - (2) Sustainability fees deposited and credited to the Sustainability and Resiliency Fund account, and credited to the eligible participant, pursuant to [133-7](#), shall be identified, within the City's Sustainability and Resiliency Fund.

- (3) Appropriation of deposited funds in the Sustainability and Resiliency Fund shall not be permitted until the applicable refund period, established in [Section 133-7\(b\)](#), for those funds has lapsed.
- (4) Should the eligible participant provide a bond, rather than pay the sustainability fee, then, the City shall safeguard the bond, to ensure compliance with this Chapter. The City shall return the bond, or make a claim for a portion of the bond, depending on the eligible participant's compliance with [Section 133-7\(b\)](#) and [133-6\(a\)](#).
- (b) Earned fees in the Sustainability and Resiliency Fund shall be utilized to provide public improvements that increase the sustainability and resiliency of the City. Expenditures from these funds shall require prior City Commission approval. Prior to any expenditure, the City Manager shall provide a recommendation to the City Commission.
- (c) Such improvements that increase the resiliency of the City may include:
 - (1) Environmental restoration projects;
 - (2) Environmental remediation projects;
 - (3) Environmental monitoring;
 - (4) Green infrastructure;
 - (5) Enhanced stormwater quality and quantity improvements; and/or
 - (6) Sustainability planning efforts.