

ORDINANCE #2013- 37

AN ORDINANCE OF THE CITY OF DORAL, FLORIDA, CREATING CHAPTER 63 AND AMENDING CHAPTERS 71, 74, 77 and 86 OF THE CITY'S LAND DEVELOPMENT CODE; ADDING GREEN BUILDING INCENTIVES; PROVIDING FOR GREEN ACCESSORY STRUCTURES; INCORPORATING CRITERIA FOR WALKABLE AND HEALTHLY STREETS; PROVIDING FOR RENUMBERING, PROVIDING FOR EXEMPTION, SEVERABILITY, CONFLICT, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, Doral prepared and adopted its awards-winning '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 last year to add a Green Element containing objectives and policies to guide Doral's future based on the Green Master Plan;

WHEREAS, a number of policies in the adopted Green Element commits Doral to the establishment of the a "Green " Land Development Code;

WHEREAS, after careful review, staff has determined that these Code amendments are consistent with the adopted Doral Comprehensive Plan and Green Master Plan;

WHEREAS, the City's Environmental Board has reviewed the subject Code amendments and issued its recommendation:

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA THAT:

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, green roofs and accessory structures, walkable and healthy streets, building orientation, pervious parking lots and rainwater harvesting features. Underlined provisions are to be added and text stricken-through deleted.

* * * * *

Chapter 63 – Green Building Incentives

Article I – Green Buildings

Section 63-61. Intent.

It is the intent of this article to require the construction of larger buildings and land development projects that meet the nationally-recognized ‘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.

Section 63-62. Applicability.

This article applies to all developers or landowners proposing to construct a new building or land 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 63-64 herein. Also, all buildings and projects incorporating the ‘green’ standards and certifications referenced herein will be eligible for the incentives specified in this Ordinance.

Section 63-63. Application.

Developers or landowners meeting the applicability standard in Section 63-62 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.

Section 63-64. 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.

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.

Section 63-65. Decision by the Building Official

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 63-64 above, as certified by the project engineer or architect, then the Building Official will apply the incentives in Section 63-66. Once a complete application is received, the Building Official shall have a reasonable time to render a decision.

Section 63-66. Incentives

If an application qualifies for 'green' incentives under this Ordinance, then the value of the incentives provided to that application shall be \$300 per home, \$1000 per non-residential, multi-family, institutional or mixed-use building, and \$2500 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.

Chapter 71, Article IV – Green Roofs

For multi-family, non-residential uses and mixed-uses, the area of a ‘green roof’ may be counted as open space for the purpose of meeting the open space requirements herein. Green roof area may be substituted for ground level open space at a ratio of 1 square foot of open space for 1.5 square feet of green roof area. A ‘green roof’ is defined as the area of a roof covered with soil and planted with landscape material.

Chapter 74, Article II, Division 3 – Green Accessory Structures

Section 74-105. Renewable Energy Devices.

Noncommercial renewable energy devices, including solar collector panels, wind turbines, clotheslines and other energy devices using renewable resources, shall be permitted as an accessory use in all zoning districts, provided that: (i) the device installation complies with all site development standards of this subsection, complies with the applicable zoning district and complies with the City’s landscape standards and provided that; (ii) any sell-back of energy shall be made only as authorized by law, and further provided that the following conditions are met:

(1) The device installation shall not create a nuisance as determined by the Building Official. For purposes of this subsection, nuisance shall be defined as levels of noise or dust exceeding applicable standards contained in the Doral Code of Ordinances;

(2) The device installation shall not interfere with any existing broadcast, transmission or reception antenna, including, but not limited to, the City's emergency communication system;

(3) The device or devices shall be installed in a manner to avoid glare or reflection onto adjacent properties and adjacent roadways and shall not interfere with traffic or create a safety hazard;

(4) The device or devices shall not be mounted on or supported by building walls unless approved by the Building Official;

(5) No signage, advertising, pennants, ribbons, balloons, flags, banners or similar material shall be placed on any renewable energy device;

(6) The device installation shall not be placed on patio or balcony railings in condominiums, cooperatives or apartments;

(7) The device installation shall comply with all applicable building, fire and life safety codes and regulations, as evidenced by obtaining all necessary permits prior to installation;

(8) Wind turbines shall not exceed a height of 18 feet above the main roofline or the manufacturer's recommended height for the particular model to be installed, whichever is lower;

(9) Roof-mounted wind turbines and other related rooftop equipment and structures shall not occupy more than five percent of the roof area;

(10) Wind turbines shall be painted a non-reflective, non-obtrusive color that conforms to the environment and architecture of the community;

(11) Solar collector panels shall not project above the ridge of a sloped roof and shall not project more than five feet above the finished slope of the roof surface or more than five feet above the deck or parapet of a flat roof. No part of the device shall extend beyond the edge of the roof. All mounting hardware, electrical and other connections required for operation of the panels shall be screened from view;

(12) No lighting of a renewable energy device is permitted, except as permitted by the Federal Aviation Administration or other agency having jurisdiction;

(13) Ground installations shall comply with the site development criteria of the applicable zoning district except encroachment into side setback areas by up to 50% and rear setback to within 5 feet of the property line may be permitted if necessary upon approval of the Planning and Zoning Director.

(14) Any renewable energy device found to be unsafe by the Building Official shall be repaired by the property owner to meet all federal, state and local safety standards or shall be removed within 30 days of such determination of the Building Official;

(15) If any renewable energy device is not operational for a period of 6 consecutive months or more, the device shall be removed by the property owner immediately after receipt of written notice by the City to remove such device, unless additional time is needed to complete the permit process. In such case additional time may be granted by the Building Official.

(16) Waivers. A waiver to provide relief from the requirements of this subsection, or any other applicable development standards of this Code, may be granted in those cases where strict application of such requirements would have the effect of prohibiting the operation and functionality of a renewable energy device. It is acknowledged that emerging technologies in renewable energy devices may also require and justify a waiver of provisions of this subsection.

Chapter 74 – Miscellaneous and Supplementary Regulations

Article XIV - Rainwater Harvesting Facilities.

All buildings are allowed to incorporate structural rainwater harvesting facilities such as cisterns and rain barrels. Existing buildings may also be retrofitted with these types of facilities. Encroachment into side setback areas by up to 50% and rear setback to within 5 feet of the property line may be permitted if necessary upon approval of the

Planning and Zoning Director.

Article XV – Energy-efficient Lighting for Commercial Buildings and Sites.

All commercial buildings and associated sites shall utilize LED lighting fixtures for all external lighting.

Article XVI – Low Impact Development Practices.

New buildings and redevelopment sites must make every effort to incorporate the following low impact development (LID) practices into project design, site and building plans:

- a.) Identify and preserve sensitive areas that affect site hydrology.
- b.) Evaluate potential site development options to reduce, minimize and disconnect total impervious area.
- c.) Employ integrated management practices (IMPs) to allow for distributed control of stormwater throughout entire site.
- d.) First minimize and then mitigate the hydrologic impacts of land use activities at or close to the source of generation.
- e.) Integrate stormwater controls into multifunctional landscape features such as bioretention cells where runoff can be micromanaged and controlled at the source.
- f.) Limit clearing and grading to minimize hydrologic impacts on existing site land cover.
- g.) Use site drainage and hydrology as a design element.
- h.) Modify and increase drainage flow path.

Chapter 77 – Roads and Vehicular Use Areas

Section 77-1. Purpose and Intent.

(9) Promote walkable community streets and healthy street design.

Section 77-47. Intersection Improvements.

3) Provide clear and understandable street crossing mechanisms to accommodate persons with physical limitations such as the elderly, and persons with disabilities.

(4) Place signalization in intersection forewarning pedestrians and motorists of potential left-turn hazards.

(5) Design lighting to provide clear visibility of pedestrians approaching intersection crosswalks at night.

Section 77-195. Pervious or Heat-reflective Parking Surfaces.

A minimum of 20% of all required surface parking on a non-residential development site must be constructed using pervious or heat-reflective material with a solar reflective index (SRI) not exceeding 28 such as open cell pavers, managed turf, porous pavement and/or other proven materials. For residential development, this standard shall only apply to guest parking in multi-family projects.

Section 77-258. Required.

All new development shall be required to provide for pedestrian and bicycle access in accordance with the bikeway network master plan and this article. Such access shall be coordinated with general vehicular traffic and directed to provide safe access to bicycle parking areas, main entrances, and other appropriate focal points. Convenient mobility options must also be provided for individuals not able to drive.

Section 77-260. Sidewalks.

(c) Vehicular Back Out. Eliminate situations where cars back out into pedestrian walking areas such as sidewalks.

(d) Sustainable Developments. Project must have a mix of pedestrian-friendly paths integrating the uses with public spaces. This includes safe and comfortable paths within 5 to 10 minute walking distance without crossing dangerous intersections.

Chapter 86-2. Ancillary design regulations.

* * *

g) All buildings and associated landscaping must be oriented and placed to minimize direct daily sunlight on walls and windows during the May-October period, and maximize solar exposure of the roof area year-round.

* * * * *

Section 3. Exemption. 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. Renumbering. To the extent necessary, the sections of the Land Development Regulations, as well as provisions of previously approved Ordinances to be included within the codified Land Development Regulations, may be renumbered or re-lettered to accomplish the codification authorized herein.

Section 5. Severability. 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 6. Repeal of Conflicting Provisions. 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 7. Inclusion in Code. 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 8. Effective Date. This Ordinance shall be effective upon adoption on second reading.

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

Mayor Luigi Boria	Yes
Vice Mayor Sandra Ruiz	Yes
Councilman Pete Cabrera	Yes
Councilwoman Christi Fraga	Yes
Councilwoman Ana Maria Rodriguez	Yes

PASSED AND ADOPTED on FIRST READING this 17th day of September, 2014.

PASSED AND ADOPTED on SECOND READING this 3rd day of December, 2014.



LUIGI BORIA, MAYOR

ATTEST:



BARBARA HERRERA, CITY CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY FOR THE SOLE USE
OF THE CITY OF DORAL.


