

**CITY OF CORAL GABLES, FLORIDA**

**ORDINANCE NO. 2019-04**

AN ORDINANCE OF THE CITY COMMISSION OF CORAL GABLES, FLORIDA PROVIDING FOR TEXT AMENDMENTS TO THE CITY OF CORAL GABLES OFFICIAL ZONING CODE, ARTICLE 5, "DEVELOPMENT STANDARDS," DIVISION 13, "MISCELLANEOUS CONSTRUCTION REQUIREMENTS," SECTION 5-1302, "SUSTAINABILITY STANDARDS", TO CLARIFY THE TIMELINE WITHIN WHICH GREEN CERTIFICATION MUST BE ACHIEVED FOR NEW CONSTRUCTION AND TO AMEND THE GREEN BUILDING BOND SUBMITAL REQUIREMENTS; PROVIDING FOR A REPEALER PROVISION, SEVERABILITY CLAUSE, CODIFICATION, ENFORCEABILITY, AND AN EFFECTIVE DATE.

**WHEREAS**, the environment is key to the health, safety, and welfare of Coral Gables residents, as well as to the natural beauty of the City; and

**WHEREAS**, the City is concerned about and dedicated to protecting the environment, and seeks to promote sustainability in all that it does; and

**WHEREAS**, on April 26, 2016, the City Commission adopted Ordinance No. 2016-29, amending the Official Zoning Code to incorporate "green" building standards on certain new construction projects; and

**WHEREAS**, the City Commission desires to clarify the timeline within which green certification must be achieved for new construction projects and desires to amend the Green Building Bonds submittal requirements;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF CORAL GABLES:**

**SECTION 1.** The foregoing "Whereas" clauses are hereby ratified and confirmed being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

**SECTION 2.** Article 5, Division 13, Section 5-1302 of the Zoning Code of the City of Coral Gables, Florida, is hereby amended as follows<sup>1</sup>:

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B. Green Building Requirements: The following new construction ~~that have not yet applied for Board of Architects' preliminary review~~ is required, within twenty-four (24) months after the issuance of a Certificate of Occupancy or Completion, whichever is less, to achieve no less than Leadership in Energy and Environmental Design (LEED) Silver

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<sup>1</sup> Words and figures underscored are additions to existing code; words and figures ~~struck through~~ are deletions.

certification under the latest applicable version of the LEED Green Building Rating System of the US Green Building Council (USGBC), or Silver certification by the Florida Green Building Coalition (FGBC), or under another nationally recognized certification program approved by the City Manager or City Manager's designee:

1. All buildings over 20,000 square feet not owned by the City of Coral Gables.
2. City of Coral Gables buildings and buildings constructed on City of Coral Gables property. This requirement may be waived by the City Manager or City Manager's designee if it can be demonstrated that compliance with this requirement would create an unreasonable burden on the construction project that would be inconsistent with furtherance of the economic development goals of the city.
3. Commercial and multi-family buildings where the developers of such property request a right-of-way encroachment (except for awnings and signs), abandonment or vacation of right-of-way, mixed use site plan review, planned area development or receiver site for Transfer of Development Rights, which requests require the review of the Planning and Zoning Board and approval of the City Commission.

Failure to comply with this subsection will result in a forfeiture of the Green Building Bond (as defined in subsection C below).

C. Green Building Bond.

1. Prior to the issuance of a ~~Building Permit~~ Temporary Certificate of Occupancy or Completion for a project that is subject to the requirement of this section, the developer/owner/contractor shall provide the City with a performance bond, cash or irrevocable letter of credit payment (Green Building Bond) in the amount of three (3%) percent of the master building permit construction cost value.
2. The City will hold the Green Building Bond for the time necessary for the green certification, or equivalent, to be issued or twenty-four (24) months after issuance of the Certificate of Occupancy or Completion; whichever is less. Upon receiving final documentation of certification from the developer/owner/contractor, the City shall release the full amount of the bond within thirty (30) days.
3. If the developer/owner/contractor is unable to provide proof of green certification, or equivalent, within twenty-four (24) months after issuance of the Certificate of Occupancy or Completion, the full amount of the Green Building Bond shall be forfeited to the City. Any proceeds from the forfeiture of the bond under this section shall be allocated toward funding Sustainability Master Plan initiatives.

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**SECTION 3.** All ordinances or parts of ordinances inconsistent or in conflict with the provisions of this Ordinance are hereby repealed.

**SECTION 4.** If any section, part of section, paragraph, clause, phrase, or word of this Ordinance is declared invalid, the remaining provisions of this Ordinance shall not be affected.

**SECTION 5.** It is the intention of the City Commission that the provisions of this Ordinance shall become and be made a part of the City Code, which provisions may be renumbered or re-lettered and the word ordinance be changed to “section”, “article”, or other appropriate word to accomplish such intention.

**SECTION 6.** If the City Code’s Tables of Contents, Supplemental History Table, or other reference portions are affected by these provisions, then changes are approved as a part of this Ordinance.

**SECTION 7.** This Ordinance shall become effective upon its passage and adoption herein.

PASSED AND ADOPTED THIS EIGHTH DAY OF JANUARY, A.D., 2019.

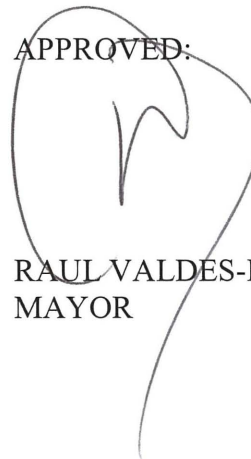
(Moved: Mena / Seconded: Lago)

(Yeas: Quesada, Keon, Lago, Mena, Valdes-Fauli)

(Unanimous: 5-0 Vote)

(Agenda Item: F-4)

APPROVED:



RAUL VALDES-FAULI  
MAYOR

ATTEST:



BILLY Y. URQUIA  
CITY CLERK

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:



MIRIAM SOLER RAMOS  
CITY ATTORNEY