

Order 103-11/12

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Public Hearing and Passage 2/6/12 9-0

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CITY OF PORTLAND
IN THE CITY COUNCIL

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AMENDMENT TO PORTLAND CITY CODE
CHAPTER 6 (BUILDINGS AND BUILDING REGULATIONS)
ARTICLE VII. GREEN BUILDING CODE
SECTIONS 6-165 through 6-171

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORTLAND, MAINE IN CITY COUNCIL ASSEMBLED AS FOLLOWS:

1. That Sections 6-165 through 6-171 are hereby amended to read as follows:

Sec. 6-165. Purpose.

The purpose of this article is to ~~promote standards for construction that result in buildings that are environmentally responsible, energy efficient, provide healthy places to work consume less energy and create fewer emissions.~~ establish the energy performance requirements for constructing and renovating city buildings and certain publicly-funded building projects with the goal of planning, designing, constructing, and managing to maximize energy performance, minimize adverse environmental impacts, provide healthy work places, conserve natural resources, and promote sustainable development in Portland.

(Ord. No. 187-08/09, 4-6-09)

Sec. 6-166. Definitions.

The following words and phrases shall be defined as set forth below, for use in this article.

Funded in whole or in part: (a) Receipt of tax increment financing in an amount greater than two hundred thousand dollars (\$200,000); or (b) Receipt of grants by the City, HOME loans, Community Development Block Grant loans or Neighborhood Stabilization Program loans, the sum of which is greater than ~~twenty-five two hundred~~ two hundred thousand dollars (\$~~25~~200,000.00).

Renovation:

(a) At the time of the application, the total construction cost is greater than or equal to the market value of the property as determined by the city's tax assessor; or

(b) A conversion from non-conditioned to conditioned space; or

(c) An addition of building gross square footage greater than or equal to the gross square footage of the existing building.

~~(d) A change of use.~~

(Ord. No. 187-08/09, 4-6-09)

Sec. 6-167. Standards for new buildings and renovation projects.

All new construction and renovation projects to be owned, or occupied by the city of Portland that are of 52,000 square feet in floor area or greater shall be certified to the U.S. Green Building Council's ("USGBC") Leadership in Energy and Environmental Design ("LEED") Silver Standard. All new construction and renovation projects to be funded in whole or in part by the city of Portland that are of 10,000 square feet in floor area or greater have a total construction cost of greater than \$250,000.00 and all new construction and renovation projects to be funded in whole or in part by the city of Portland that are of 10,000 square feet in floor area or greater and have a total construction cost of greater than \$250,000 shall be certified to the U.S. Green Building Council's ("USGBC") Leadership in Energy and Environmental Design ("LEED") Silver Standard, and shall achieve the minimum LEED optimize energy performance points necessary to meet the targets of the 2030 challenge as published by Architecture 2030. shall demonstrate, under any third-party certification system (e.g. LEED or Green Globes) or energy model signed by a licensed engineer, a certain percentage improvement in the proposed energy performance of the building compared to the baseline performance rating per ASHRAE Standard 90.1 or equivalent standard if the ASHRAE Standard 90.1 is not applicable to the project. Such percentage improvement shall be thirty percent (30%) for new construction, twenty-five percent (25%) for existing buildings, and twenty percent (20%) for historic buildings.

(Ord. No. 187-08/09, 4-6-09)

Sec. 6-168. Submissions of LEED checklist.

Upon submission of an application for a building permit for new construction or renovation projects that are required to meet the standards set forth in section 6-167, the applicant shall also submit a LEED checklist or a preliminary energy model, along with a statement of certification from a licensed engineer that the project meets the standards a narrative description detailing how the LEED points will be achieved, including the points necessary to meet the 2030 challenge.

(Ord. No. 187-08/09, 4-6-09)

Sec. 6-169. Certificate of Occupancy.

A copy of the final submission of LEED documentation to the USGBC or a statement of final certification from a licensed engineer indicating that the project meets the standards along with any amendment to the preliminary energy model shall be submitted to the city's department of planning and urban development prior to the issuance of a certificate of occupancy for new construction or renovation projects that are required to meet the standards set forth in section 6-167. A temporary certificate of occupancy may be issued by the city if necessary prior to the submission of final LEED documentation to the USGBC.

(Ord. No. 187-08/09, 4-6-09)

Sec. 6-170. Waivers.

~~The requirement of LEED certification standards set forth in section 6-167 may be waived in an emergency situation or under documented circumstances showing that compliance with this requirement the standards would be cost prohibitive and/or create an unreasonable financial burden on the construction project or city; have a negative impact on an historic structure require alterations to an historic building that would compromise its historic character; or, if due to specific circumstances, would defeat the intent of LEED certification the standards.~~ For purposes of this section, an unreasonable financial burden means that compliance with the standards would result in a cost increase to the project (including the cost of LEED certification, but not including land costs) of greater than three percent (3%) above the development costs prior to meeting the standards. Any request for waiver of ~~LEED certification the standards~~ must be accompanied by specific reasons for the waiver and approved by the director of planning and urban development. If a waiver is granted, the applicant must demonstrate all possible effort to maximize building performance according to the standards set forth in section 6-167a ~~reasonable effort must still be made to maximize the number of LEED points attained by the project.~~

(Ord. No. 187-08/09. 4-6-09)

Sec. 6-171. Appeals.

Any applicant aggrieved by the decision of the director of planning and urban development may appeal that decision to the city council zoning board of appeals. ~~by filing an administrative appeal within twenty one (21) days of the issuance of the decision. The city council shall place the appeal on its next regularly scheduled meeting. The appeal shall be de novo and public comment shall be~~

~~accepted. The decision of the city council shall be in writing,
final and non-appealable.~~

(Ord. No. 187-08/09, 4-6-09)