

Order 187-08/09

Given first reading & referred to the Energy & Environmental Sustainability Committee on 3/16/09

Public Hearing, Amended & Passage 4/6/09 9-0

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**CITY OF PORTLAND**  
IN THE CITY COUNCIL

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**AMENDMENT TO PORTLAND CITY CODE  
CHAPTER 6, ARTICLE VII  
GREEN BUILDING CODE**

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

*That Chapter 6, Article VII is hereby enacted to read as follows:*

**ARTICLE VII. GREEN BUILDING CODE**

**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.

**Sec. 6-166. Definitions.**

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

*Funded in whole or in part:* Receipt of tax increment financing or a grant, HOME loan, Community Development Block Grant loan or Neighborhood Stabilization Program loan greater than Twenty-Five Thousand Dollars (\$25,000.00).

*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; or
- (d) A change of use.

**Sec. 6-1667. Standards for new buildings ~~or~~ and renovation projects.**

All new construction and renovation projects to be owned, or occupied by the City of Portland that are of 5,000 square feet in floor area or greater and have a total construction cost of greater than \$250,000, ~~or~~ and all new construction and renovation projects to be funded in whole or in part by the City of Portland that are of ~~5~~10,000 square feet in floor area or greater and have a total ~~project~~ 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.

**~~Sec. 6-167. Standards for new buildings or renovation projects less than 5,000 square feet.~~**

~~All new construction and renovation projects to be owned, occupied, or funded, in whole or in part, by the City of Portland that are less than 5,000 square feet or have a total project cost of less than \$250,000 will meet the Maine State Housing Authority Green Building Standards.~~

**Sec. 6-168. Submission 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 6-1667, the applicant shall also submit a LEED checklist, along with a narrative description detailing how the LEED ~~credits~~credits ~~points~~points will be achieved, including the ~~credits~~credits ~~points~~points necessary to meet the 2030 challenge.

**Sec. 6-169. Certificate of Occupancy.**

A copy of the final submission of LEED documentation to the USGBC ~~U.S. Green Building Council~~ ("USGBC") 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 6-1667. A temporary certificate of occupancy may be issued by the City if necessary prior to the submission of final LEED documentation to the USGBC.

**Sec. 6-170. Waivers.**

The requirement of LEED certification ~~or Maine State Housing Authority Green Building Standards~~ may be waived in an emergency situation or under documented circumstances showing that compliance with this requirement would be cost prohibitive and/or create an unreasonable burden on the construction project or City; have a negative impact on an historic structure; or, if due to specific circumstances, would defeat the intent of LEED Certification ~~or Maine State Housing Authority Green Building Standards~~. Any request for waiver of LEED certification or ~~Maine State Housing Authority Green Building 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, a reasonable effort must still be made to maximize the number of LEED points attained by the project.

**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 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 nonappealable.

**Sec. 6-172. Applicability.**

This ordinance shall apply to new construction and renovation projects to be owned, occupied, or funded in whole or in part by the City of Portland for which site plan applications, building permit applications (not

associated with an approved site plan), or funding assistance requests are submitted on or after the effective date of this ordinance.