

Florida Real Estate Journal

November 16-30, 2009

Sustainable Florida initiatives proliferate local codes in 2009

By Estrellita S. Sibila

Weiss Serota

The most recent boost to the Green building movement came on Oct. 5 when President Obama signed Executive Order 13154. That requires federal agencies to set a 2020 Greenhouse gas emission reduction target, and among other efforts, increase energy efficiency, conserve water, reduce waste and support sustainable communities.

At the local level, municipalities across

Florida have created Green building programs to encourage the development of resource- and energy-efficient buildings. In response to mandates by Governor Crist, the Florida Legislature and concurrent federal initiatives, resource- and energy-efficient building regulations have proliferated local



Estrellita Sibila

codes in 2009 and will continue to do so as the Green building movement continues to grow.

While some municipalities are providing incentives to encourage Green building, others have created baseline Green regulations requiring the incorporation of certain Green building and design concepts into new developments, while others are requiring upgrades to existing buildings to increase their efficiency and reduce their greenhouse gas emissions. Since each municipality has specific needs, a multitude of regulations have been adopted with the ultimate goal of resource conservation.

Land use planning

Decisions affecting land use directly affect energy use and the consequent production of greenhouse gases. This is due to the relationship between where we live and work, and our transportation needs.

GUEST COLUMN

Euclidean zoning encouraged the separation of incompatible uses by way of land use classification. The unwanted effect is what most consider urban sprawl, a major culprit for inefficient use of land and resources which creates greater distances between residential uses and commercial uses.

With these new energy efficiency goals in mind, municipalities will be updating their comprehensive plans - their most sophisticated long term planning tool - in order to promote energy efficient land use planning. Cities have focused on creating regional activity centers, encouraging urban infill and developments near existing public transportation nodes, developing regulations for transit-oriented developments, and allowing for mixed-use residential/commercial developments that will allow people to live, work and play within the same geographic area.

■ See INITIATIVES, Page 18

Locating housing closer to jobs and transportation choices and creating walkable communities can reduce commute times and cut millions of tons of global warming pollution, while improving quality of life.

Water efficiency

Dependable and ample access to water is critical for both communities and businesses. Although Florida is surrounded by water, our fresh water sources are limited and are subject to potential salt water intrusion, an issue already faced by South Florida communities primarily along the eastern coast.

Water reuse is actively promoted by the Florida Department of Environmental Protection since Florida law requires limited use of potable water for irrigation purposes.

Municipalities have adopted a wide range of water conservation initiatives aimed at reducing the utilization of potable water and increasing the reuse of reclaimed water.

Municipalities have utilized strategies such as encouraging retrofits of inefficient fixtures, capturing rain water for reuse, and revising landscape requirements to include a greater percentage of native, drought-tolerant species that consume far less water

than their non-native and exotic counterparts.

Local utilities have provided rebates for swapping older inefficient toilets to low-flow/no-flow toilets. Others have initiated shower head exchange programs. At a larger scale, some water utilities are providing recycled water through a "purple pipe" system, which delivers recycled water for non-potable uses at a discounted rate per gallon, yielding water and energy savings as well as cost savings on water bills. Some municipalities are encouraging on-site water collection and recycling to serve a building's non-potable needs.

Incentives

In exchange for designing and constructing a high-performing Green building, municipalities are offering a range of short-term and long-term incentives that translate to direct and indirect cost savings. Some municipalities offer lower permitting fees, shorter permitting time with expedited plan reviews, and some even offer a refund of the third-party certification costs associated with programs such as LEED.

Other municipalities offer reduced parking requirements resulting in lower upfront construction costs

or provide floor area increase incentives resulting increased leaseable/sellable floor area for the life of the building. The integrated design and major systems commissioning process associated with Green buildings yield long-term operating cost savings which will help bolster a building's return on investment (ROI).

As interest in sustainability and Green initiatives grow, municipalities will continue to utilize land use planning and land development regulations to further their sustainable initiatives. These new regulations will impact new developments as well as existing building stock. There are numerous incentive programs available to help defray some of the costs involved with energy efficient construction, retrofits, and the installation of renewable energy sources.

For the latest initiatives and incentives in your city, please contact your local municipality, utility providers and visit the Florida Energy Office Web site.

Estrellita S. Sibila (esibila@wsh-law.com) is an associate with the law firm of Weiss Serota Helfman Pastoriza Cole & Bomiske, P.L. and specializes in land use, zoning, real estate and sustainable development and Green building practices.