

Effective Date: March 18, 2011

2/24/2011
2/8/2011

17-O-11

AN ORDINANCE

**Codifying and Amending Ordinance 14-O-09,
as Amended by Ordinance 124-O-09,
by Enacting a New Title 4, Chapter 25 of the City Code,
"Green Building Ordinance"**

**NOW BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY
OF EVANSTON, COOK COUNTY, ILLINOIS:**

SECTION 1: That Title 4 of the Evanston City Code of 1979, as amended, is hereby further amended by enacting a new Chapter 25 thereof, "Green Building Ordinance", to read as follows:

4-25-1: PURPOSE:

The purpose of this Chapter is to promote the public health, safety, and welfare by requiring that certain new construction projects, and the renovation of certain existing buildings, within the City of Evanston, employ sustainable design practices and/or building materials to promote energy conservation and improve environmental quality.

4-25-2: DEFINITIONS:

For the purpose of this Chapter, unless the context requires otherwise, the following terms shall have the following meanings:

ADDITION: Any portion added to an existing building.

BUILDING OFFICIAL: As defined in Section 4-2-2 of this Code.

COMMERCIAL: All uses as defined and included in the scope of the International Building Code as adopted by the City.

ESBMIR: The City of Evanston Sustainable Building Measures for Interior Renovations.

INTERIOR RENOVATION: Interior alteration, including remodeling, rehabilitation, or work otherwise contained mainly within the interior of a structure; this shall not include work for the sole purpose of improving a building system, such as HVAC, electrical, or plumbing.

LEED: The USGBC Leadership in Energy and Environmental Design Green Building Rating System™.

SQUARE FEET: The gross square footage being constructed or renovated as listed on the building permit.

USGBC: The United States Green Building Council.

4-25-3: NEW CONSTRUCTION AND ADDITION REQUIREMENTS:

New construction and additions ten thousand square feet (10,000 sq. ft.) or greater to City-owned or fully or partly City-financed buildings, and new construction and additions ten thousand square feet (10,000 sq. ft.) or greater to all commercial and multi-family buildings, shall employ, as specified hereinafter, either ESBMIR or the version of the LEED Rating System applicable to said project in effect one hundred eighty (180) days prior to the date of application for a building permit, and shall achieve the following:

- (A) for City-owned or City-financed facilities: LEED Silver Rating or higher;
- (B) for all commercial and multi-family buildings greater than twenty thousand square feet (20,000 sq. ft.): LEED Silver Rating or higher.
- (C) for all commercial and multi-family buildings ten thousand square feet (10,000 sq. ft.) to twenty thousand square feet (20,000 sq. ft.): LEED Silver Rating or higher, or employ fifteen (15) ESBMIR measures.

4-25-4: INTERIOR RENOVATION REQUIREMENTS:

Interior renovations of all City-owned or City-financed facilities, all commercial buildings, and all multi-family buildings shall:

- (A) employ the version of the LEED Rating System applicable to said project in effect one hundred eighty (180) days prior to the date of application for a building permit and that each project shall achieve Silver Rating or higher of LEED certification; or
- (B) employ the version of the ESBMIR, included herein as Appendix A to this Chapter, in effect one hundred eighty (180) days prior to the date of

application for a building permit and that each project shall employ no fewer than:

1. three (3) ESBMIR measures for projects less than five thousand square feet (5,000 sq. ft.);
2. five (5) ESBMIR measures for projects five thousand square feet (5,000 sq. ft.) to twenty thousand square feet (20,000 sq. ft.);
3. seven (7) ESBMIR measures for projects greater than twenty thousand square feet (20,000 sq. ft.).

4-25-5: DEVELOPER MEETINGS:

The City shall meet with developers of projects that will be covered by the terms of this Chapter to discuss possible incentives, including expedited plan review or financial assistance for the costs that may be associated with such a project. Such meetings shall occur prior to any such developer making a permit application.

4-25-6: SUBMISSIONS:

- (A) Any developer who proposes a project that, pursuant to this Chapter, must be certified LEED Silver or higher, shall submit to the Building Official, as a required part of any application for a building permit related to the project:
1. a proposed USGBC LEED credit checklist, signed by an accredited LEED Professional, that identifies the LEED credits the developer intends to pursue for the project, the parties responsible for each credit, and a brief description of how each credit shall be earned; and
 2. documentation that said project has been registered with USGBC.
- (B) Any developer who proposes project that employs ESBMIR instead of LEED shall submit to the Building Official, as a required part of any application for a building permit related to the project, a completed ESBMIR checklist that identifies the sustainable building measures the applicant shall employ.

4-25-7: POST-CONSTRUCTION REVIEW:

- (A) For any project that must be certified LEED Silver or higher pursuant to this Chapter, the developer shall submit to the Building Official a completed USGBC LEED Design Phase Review Approval letter before the Building Official may issue a Final Certificate of Occupancy ("FCO") for the project. The Building Official may request documentation related to the LEED credits earned prior to issuing the FCO.
- (B) For any project that employs ESBMIR measures pursuant to this Chapter, the developer shall submit sufficient documentation to the Building Official for him/her to ascertain which measures the developer actually employed before the Building Official may issue a Final Certificate of Occupancy ("FCO") for the project. The Building Official may withhold a Final Certificate of Occupancy ("FCO") if fewer measures were employed than required by this Chapter.

4-25-8: PENALTIES:**(A) USGBC-Certified Projects:**

1. For any project that must be certified LEED Silver or higher pursuant to this Chapter, the developer of said project shall demonstrate compliance with the applicable LEED requirements by means of an independent report provided by the USGBC. Should a project fail to obtain the required LEED certification, the developer of said project, or its agents, successors, or assigns, shall owe the City a penalty to be calculated by the following formula:

$$P = [(LSM-CE) / LSM] \times CV \times 0.75\%$$

P is the Penalty in dollars; LSM is the minimum credits needed to earn a LEED Silver rating, or LEED Silver Minimum; CE is the number of Credits Earned as documented in the USGBC report; and CV is the Construction Value as set forth in the building permit for the project.

2. Any such developer shall have two (2) years from the date of the issuance of the project's temporary certificate of occupancy to supply to the Building Official the independent report from the USGBC certifying the project's LEED certification. Should any such developer fail to submit such a report in the time allowed, it shall owe the City a penalty calculated pursuant to Section 8-(A) of this Chapter with a CE equal to zero (0).

3. If there is a dispute as to whether the project has complied with the applicable requirements set forth in this Chapter, or if the developer requires more time, the developer may appeal to the City Manager or his/her designee. The City Manager may reduce a penalty in whole or in part for good cause shown, taking into consideration the failure to comply with said requirements and the project's impact on the City.
- (B) The City shall invest any monies collected pursuant to this Section in the Sustainable Evanston Fund (the "Fund"). Monies deposited in the Fund shall be used exclusively to support the City's Office of Sustainability, provide technical assistance and plan review for proposed green buildings, support education, training and outreach to the public and private sectors on green-building practices, and other initiatives designed to support environmental sustainability. The City Manager shall administer the Fund in accordance with the City's investment policy.

4-25-9: HISTORIC PRESERVATION:

The terms of this Chapter shall neither limit nor prohibit the applicability of the terms of Title 2, Chapter 9 of the City Code, as amended (the "Historic Preservation Ordinance"), to any construction or renovation project.

4-25-10: RECOMMENDATIONS:

The City encourages ongoing training regarding green building practices for all City project managers, operation staff, and maintenance staff who supervise building design, construction, and operations, and the application of sustainable building practices to any construction or renovation project not subject to this Chapter, whenever such application is practicable

4-25-11: SEVERABILITY:

If any provision of this Chapter or application thereof to any person or circumstance is held unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this Chapter that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this Chapter is severable.

APPENDIX A: Evanston Sustainable Building Measures for Interior Renovations

Each bullet point below shall count for one measure unless otherwise noted below. Applicants may choose measures from various categories or several from one category.

Stormwater Management:

- All hardscape no less than 50% permeable.

Water Use:

- All plumbing fixtures - use WaterSense labeled as applicable.
- Install a greywater or stormwater harvesting system.

Lighting:

- Install automatic daylighting controls in no less than 50% of interior spaces within 15 feet of perimeter.
- Exceed the Lighting Power Density (LPD's) of the current City of Evanston Energy Code by no less than 5%. Compliance to be shown using COMcheck.

Mechanical:

- All warm air combustion furnaces: minimum Annual Fuel Utilization Efficiency (AFUE) of 90%.
- All Air Conditioners and Condensing Units < 65,000 btu/h: minimum SEER rating of 15.
- All Electronically Operated Unitary Air Conditioners and Condensing Units > 65,000 btu/h: minimum EER rating of 12.
- Commission the mechanical and lighting systems in accordance with ASHRAE guideline 0.
- Provide mechanical, lighting and miscellaneous electrical system monitoring with the capability to log the data for a minimum of 1 year.
- Perform Retro Commissioning under the Energy Star program for existing commercial building guidelines.
- Provide for 3% of the building annual energy use with onsite renewable energy production.
- Register and obtain Building Operator Certification via the Midwest Energy Efficiency Alliance (MEEA) Program.

Building Enclosure:

- Exceed the prescriptive envelope provisions of current City of Evanston Energy Code by no less than 17.5%. Compliance shall be shown using COMcheck.
- Exceed the prescriptive envelope provisions of current City of Evanston Energy Code by no less than 35%. Compliance shall be shown using COMcheck. (Worth 2 measures)

- Install an Energy Star-compliant roof.
- Provide a vegetative roof over no less than 20% of the roof area.

Materials and Resources:

- Building reuse – maintain no less than 75% of existing walls, floors and roof.
- Building reuse – maintain no less than 50% of non-shell elements.
- No less than 75% of all new wood to be Forest Stewardship Council (FSC) certified.
- Reuse of resources – no less than 10% of project materials (sell, donate, reuse)
 - a. Non-code windows for non-conditioned space;
 - b. Lumber, wood scraps, reusable forms;
 - c. Unused supplies;
 - d. Fixtures and appliances.
- Use of recycled content materials – no less than 10% of project materials.
- Use of recycled content materials – no less than 20% of project materials. (Worth 2 measures)
- Local/Regional Materials – No less than 10% of project materials or products that have been extracted, harvested or recovered, as well as manufactured, within 500 miles of the project site.
- Use 40 – 50 year material rated for roof replacements.
- Rapidly Renewable Materials - no less than 2.5% of the project.

Interior Finishes:

- Use low VOC finishes (Worth 1 measure for every 2 of the following):
 - a. All paints and coatings;
 - b. All field applied adhesives;
 - c. All carpeting;
 - d. All furniture systems - Greenguard Certified;
 - e. All composite wood shall be free from urea-formaldehyde.

SECTION 2: That all ordinances or parts of ordinances in conflict herewith are hereby repealed.


SECTION 3: That this ordinance shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

Introduced: February 14, 2011

Approved:

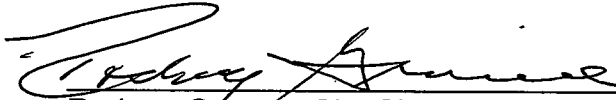
Adopted: February 28, 2011

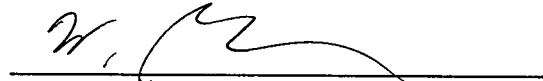
March 4, 2011


Elizabeth B. Tisdahl, Mayor

Attest:

Approved as to form:


Rodney Greene, City Clerk


W. Grant Farrar, City Attorney