

ORDINANCE NO. _____

An ordinance amending Chapter 52, “Administrative Procedures for the Construction Codes,” Chapter 53, “Dallas Building Code,” and Chapter 57, “Dallas One- and Two-Family Dwelling Code,” of the Dallas City Code, as amended; amending the effective date and requirements of Phase 2 of the green building program; updating the name of the Green Built Texas program; providing a penalty not to exceed \$2,000; providing a saving clause; providing a severability clause; and providing an effective date.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That Subsection 102.3, “Definitions,” of Section 102, “Purpose of the Codes,” of Subchapter 1, “Title and Scope,” of Chapter 52, “Administrative Procedures for the Construction Codes,” of the Dallas City Code is amended to read as follows:

“**102.3 Definitions.** For the purpose of the codes:

BUILDING PERMIT means a permit issued to perform work described in Section 301, excluding permits to erect signs, barricade public property or public ways, or move or demolish structures.

BUILDING SERVICE EQUIPMENT means the plumbing, mechanical, electrical, and elevator equipment, including, but not limited to, wiring, fixtures, and other accessories that provide sanitation, lighting, heating, ventilation, cooling, refrigeration, fire-fighting, and transportation facilities essential for the occupation of the structure for its designated use and occupancy.

GREEN BUILT [NORTH] TEXAS means an initiative of the Homebuilders Association of Greater Dallas that provides climate-specific guidelines and verification systems for residential and multifamily green buildings.

~~[**GREEN BUILT NORTH TEXAS CERTIFIABLE** means a proposed project that is not required to be registered with the Home Builders Association of Greater Dallas but is planned, designed, and constructed to meet or exceed a certified rating using version 2.0 of the Green Built North Texas rating system.]~~

LEED means the Leadership in Energy and Environmental Design green building rating systems which are nationally accepted standards for green buildings developed by the USGBC.

~~[LEED-CERTIFIABLE means a proposed project that is not required to be registered with the USGBC but is planned, designed, and constructed to meet or exceed a certified rating using LEED NC (new construction) version 2.2, LEED CS (core and shell) version 2.0, LEED CI (commercial interiors) version 2.0, LEED for schools version 2007, LEED for healthcare, LEED for retail version 2, or LEED for homes.]~~

PROPOSED PROJECT means, for purposes of the green building program, the erection of any new structure for which a person, firm, or corporation is required to obtain a building permit.

USGBC means the U.S. Green Building Council, a nonprofit organization comprised of leaders from the building industry formed to encourage sustainability by promoting buildings that are environmentally responsible, profitable, and healthy places to live and work.”

SECTION 2. That Item 301.4.7.7.1, “Acceptable Standards,” of Subparagraph 304.4.7.7, “Green Building Standard Documentation,” of Paragraph 301.4.7, “Plans and Specifications,” of Subsection 301.4, “Application for Permits,” of Section 301, “Permits,” of Subchapter 3, “Permits and Inspections,” of Chapter 52, “Administrative Provisions for the Construction Codes,” of the Dallas City Code is amended to read as follows:

“301.4.7.7.1 Acceptable standards. The building official may accept documentation from LEED NC (new construction) version 2.2, LEED CS (core and shell) version 2.0, LEED CI (commercial interiors) version 2.0, LEED for schools version 2007, LEED for healthcare, LEED for retail version 2, LEED for homes, Green Built [North] Texas version 2.0, or another approved equivalent.”

SECTION 3. That Section 1001, “Purpose; Administration; Phases,” of Subchapter 10, “Green Building Program,” of Chapter 52, “Administrative Procedures for the Construction Codes,” of the Dallas City Code is amended to read as follows:

**“SECTION 1001
PURPOSE; ADMINISTRATION; PHASES**

1001.1 Purpose. The purpose of the green building program is to reduce the use of natural resources, create healthier and more sustainable living environments, and minimize the negative environmental impacts of development in Dallas and the North Texas region. The program addresses all new residential and commercial buildings within the city.

1001.2 Administration. The green building program is administered by the division [~~department~~] of building inspection.

1001.3 Phases. The green building program consists of two phases.

1001.3.1 Phase 1. Phase 1 becomes effective October 1, 2009, and includes requirements for energy efficiency, water conservation, and cool roofs for proposed projects affecting less than 50,000 square feet of floor area in a single 12 month period. Proposed projects affecting 50,000 or more square feet of floor area in a single 12 month period must meet the requirements of Section 4303.4 of the *Dallas Building Code*.

1001.3.2 Phase 2. Phase 2 become effective October 1, 2012 [~~2011~~]. Phase 2 applies to all proposed projects. [~~Proposed projects must be LEED certifiable, Green Built North Texas certifiable, or certifiable under an equivalent green building standard.~~]

SECTION 4. That Subsection 1003.1, “Expedited Plan Review of Green Building Projects,” of Section 1003, “Expedited Plan Review,” of Subchapter 10, “Green Building Program,” of Chapter 52, “Administrative Procedures for the Construction Codes,” of the Dallas City Code is amended to read as follows:

“1003.1 Expedited plan review of green building projects. An expedited plan review is available for proposed projects that meet the requirements of Sections 1003.1.1 and 1003.1.2. An applicant is not required to register a proposed project with the LEED or Green Built [~~North~~] Texas programs to receive an expedited plan review.

1003.1.1 Phase 1. In order to receive an expedited plan review, an applicant must provide a checklist from LEED, Green Built [~~North~~] Texas, or another approved green building standard demonstrating the proposed project is eligible to obtain certification under the selected standard.

1003.1.2 Phase 2. In order to receive an expedited plan review, an applicant must provide a checklist demonstrating the project is eligible to obtain a LEED silver or higher certification, or an equivalent certification under another approved green building standard.”

SECTION 5. That Subchapter 35, “Referenced Standards,” of Chapter 53, “Dallas Building Code,” of the Dallas City Code is amended by amending the ASHRAE standards to read as follows:

“ASHRAE American Society of Heating, Refrigerating
and Air Conditioning Engineers, Inc.
1791 Tullie Circle, NE
Atlanta, GA 30329

Standard reference number	Title	Referenced in code section number
90.1— 2007 [2004]	Energy Standard for Buildings Except Low-Rise Residential Buildings, I-P Edition	4303.4.1[, 4304.2.1 ”

SECTION 6. That Subsection 4302.1, “Definitions,” of Section 4302, “Definitions,” of Subchapter 43, “Green Building Program,” of Chapter 53, “Dallas Building Code,” of the Dallas City Code is amended to read as follows:

“4302.1 Definitions. The following terms used in this chapter shall have the meanings indicated in this section:

ENERGY SYSTEMS LABORATORY. An agency established by the Texas Legislature to assist communities in evaluating code amendments to the *International Residential Code* and the *International Energy Conservation Code* which now define the minimum energy efficiency standards for the State of Texas.

GREEN BUILDING. Structures and their surrounding landscapes designed, constructed and maintained to decrease energy and water usage and costs, to improve the efficiency and longevity of building systems and to decrease the burdens imposed on the environment and public health.

GREEN BUILT [NORTH] TEXAS. An initiative of the Homebuilders Association of Greater Dallas that provides climate-specific guidelines and verification systems for residential and multifamily green buildings.

~~[GREEN BUILT NORTH TEXAS CERTIFIABLE. A proposed project that is not required to be registered with the Home Builders Association of Greater Dallas, but is planned, designed and constructed to meet or exceed a certified rating using version 2.0 of the Green Built North Texas rating system.]~~

LEED. The Leadership in Energy and Environmental Design green building rating systems are nationally accepted standards for green buildings developed by the USGBC.

~~[LEED CERTIFIABLE. A proposed project that is not required to be registered with the USGBC, but is planned, designed and constructed to meet or exceed a certified rating using LEED NC (new construction) version 2.2, LEED CS (core and shell) version 2.0, LEED CI (commercial interiors) version 2.0, LEED for schools version 2007, LEED for healthcare, LEED for retail version 2 or LEED for homes.]~~

PROPOSED PROJECT. The erection of any new structure for which a person, firm or corporation is required to obtain a building permit.

SOLAR REFLECTANCE. The fraction of solar flux reflected by a surface expressed as a percent or within the range of 0.00 and 1.00.

USGBC. The U.S. Green Building Council, a nonprofit organization comprised of leaders from the building industry formed to encourage sustainability by promoting buildings that are environmentally responsible, profitable and healthy places to live and work.”

SECTION 7. That Paragraph 4303.3.1, “Checklist Required,” of Subsection 4303.3, “New Commercial Construction Under 50,000 Square Feet of Floor Area,” of Section 4303, “Phase I,” of Subchapter 43, “Green Building Program,” of Chapter 53, “Dallas Building Code,” of the Dallas City Code is amended to read as follows:

“**4303.3.1 Checklist required.** An applicant must submit a checklist from a selected green building standard, although a minimum number of points or formal certification by the USGBC, Green Built [North] Texas or an equivalent entity is not required.”

SECTION 8. That Paragraph 4303.4.2, “Multifamily Developments,” of Subsection 4303.4, “New Construction with 50,000 or More Square Feet of Floor Area,” of Section 4303, “Phase I,” of Subchapter 43, “Green Building Program,” of Chapter 53, “Dallas Building Code,” of the Dallas City Code is amended to read as follows:

“**4303.4.2 Multifamily developments.** Multifamily developments have the option of using LEED NC, LEED for homes, Green Built [North] Texas, or an equivalent green building standard.”

SECTION 9. That Section 4304, “Phase 2,” of Subchapter 43, “Green Building Program,” of Chapter 53, “Dallas Building Code,” of the Dallas City Code is amended to read as follows:

**“SECTION 4304
PHASE 2**

4304.1 General. The provisions of Section 4304 become effective on October 1, 2012 [2014]. Phase 2 applies to all [new] proposed projects.

4304.2 All new construction. Except as provided in Section 4304.3, a[A]ll proposed projects must comply with the requirements of Section 4303. [~~be LEED certifiable, Green Built North Texas certifiable or certifiable under an equivalent green building standard, although formal certification by the USGBC, Green Built North Texas or an equivalent entity is not required. Each proposed project may apply for compliance under any of the following LEED rating system products: LEED NC (new construction), LEED for schools, LEED for retail, LEED for healthcare, LEED CS (core and shell) or LEED for homes.~~]

4304.2.1 Point total. Proposed projects must achieve:

1. ~~1 point under the water efficiency credit titled “Water Use Reduction (20% Reduction).”~~
2. ~~A minimum of 3 points (17.5 percent better than ASHRAE 90.1 2004) under the energy and atmosphere credit titled “Optimize Energy Performance.”~~

4304.2.2 Multifamily developments. Multifamily developments have the option of using ~~LEED NC, LEED for homes, Green Built North Texas or an equivalent green building standard.]~~

4304.3 Water use. Proposed projects must reduce water usage by 20 percent. This may be accomplished by:

1. using the water efficiency requirements of Green Built Texas, LEED NC, LEED CS, LEED CI, LEED for schools, LEED for healthcare, or LEED for retail, or
2. using 20 percent less water than the water use baseline calculated for the building’s total interior water fixture use as required by the *Dallas Plumbing Code*.”

SECTION 10. That Section R202, “Definitions,” of Subchapter 2, “Definitions,” of Chapter 57, “Dallas One- and Two-Family Dwelling Code,” of the Dallas City Code is amended by amending or deleting the following definitions to read as follows:

“GREEN BUILT [NORTH] TEXAS. An initiative of the Homebuilders Association of Greater Dallas that provides climate-specific guidelines and verification systems for residential and multifamily green buildings.

~~**[GREEN BUILT NORTH TEXAS CERTIFIABLE.** A proposed project that is not required to be registered with the Home Builders Association of Greater Dallas, but is planned, designed and constructed to meet or exceed a certified rating using version 2.0 of the Green Built North Texas rating system.~~

~~**LEED-CERTIFIABLE.** A proposed project that is not required to be registered with the USGBC, but is planned, designed and constructed to meet or exceed a certified rating using LEED NC (new construction) version 2.2, LEED CS (core and shell) version 2.0, LEED CI (commercial interiors) version 2.0, LEED for schools version 2007, LEED for healthcare, LEED for retail version 2 or LEED for homes.]”~~

SECTION 11. That Section 326, “Green Building Program,” of Subchapter 3, “Building Planning,” of Chapter 57, “Dallas One- and Two-Family Dwelling Code,” of the Dallas City Code is amended to read as follows:

**“SECTION 326
GREEN BUILDING PROGRAM**

326.1 Purpose. The purpose of this section is to establish green building standards to help reduce the use of natural resources, create a healthier and more sustainable living environment and minimize the negative environmental impacts of development in Dallas and the North Texas region.

326.2 Phases. The green building program consists of two phases.

326.2.1 Phase 1. Phase 1 becomes effective October 1, 2009, and includes requirements for energy efficiency and water conservation for proposed projects. An applicant must submit a checklist from a selected green building standard, although a minimum number of points or formal certification by the USGBC, Green Built [North] Texas or an equivalent entity is not required.

326.2.1.1 Energy use. Proposed projects must use 15 percent less energy than the minimum provisions of Chapter 11 of this code or Chapter 4 of the *Dallas Energy Conservation Code* as shown by:

1. Use of the International Code Compliance Calculator (IC3) software by the Energy Systems Laboratory;
2. The use of accredited energy code compliance software and the result of a HERS index of 85 or less; or
3. Installing systems that have been certified by a national, state or local accredited energy efficiency program and approved by the Energy Systems Laboratory. The United States Environmental Protection Agency's ENERGY STAR Program certification of energy code equivalency shall be considered an approved program.

326.2.1.2 Water use. Proposed projects must meet water reduction strategies that include installing high-efficiency (low-flow) fixtures or fittings which meet at least four of the following requirements:

1. The average flow rate for all lavatory faucets must be 2.0 gallons per minute.
2. The average flow rate for all showerheads must be 2.0 gallons per minute.
3. The average flow rate for all toilets must:
 - 3.1. be 1.3 gallons per flush; or
 - 3.2. be dual-flush and meet the requirements of ASME A112.19.14; or
 - 3.3. meet the United States Environmental Protection Agency WaterSense specification and be certified and labeled accordingly.
4. Utilize ENERGY STAR labeled dishwashers that use 6.0 gallons or less per cycle.
5. Utilize ENERGY STAR labeled clothes washers with a modified energy factor (MEF) ≥ 2.0 and a water factor (WF) < 5.5 .
6. Utilize drip irrigation emitters for all bedding areas of the landscape plan.

326.2.2 Phase 2. Phase 2 becomes effective October 1, 2012 [2014]. Phase 2 applies to all proposed projects.

326.2.2.1 All new construction. Except as provided in Section 326.2.2.2, a[A]ll proposed projects must comply with the requirements of Section 326.2.1. [be LEED-certifiable under the LEED for homes standard, Green Built North Texas certifiable, or meet an equivalent minimum green building standard certification level as determined by the building official, although formal certification by the USGBC, Green Built North Texas or an equivalent entity is not required.

~~326.2.2.1.1 LEED.~~ ~~For proposed projects utilizing LEED for homes, the point total must include:~~

- ~~1. 1 point under the water efficiency credit titled "Indoor Water Use."~~
- ~~2. A minimum of 4 points (performance of ENERGY STAR for homes with a HERS rating of 83 or less) under the energy and atmosphere credit titled "Optimize Energy Performance."~~

~~326.2.2.1.2 Green Built North Texas.~~ ~~For proposed projects utilizing the Green Built North Texas standards, energy use requirements must be met by:~~

1. ~~Providing an International Code Compliance Calculator (IC3) Energy Systems Laboratory certificate to the building official showing 17.5 percent less energy consumption than the minimum requirements of Chapter 11 of this code or Chapter 4 of the *Dallas Energy Conservation Code*; or~~
2. ~~A HERS index of 83 or less.]~~

326.2.2.2 Water use. Proposed projects must reduce [meet] water usage by 20 percent. This may be accomplished by [reduction strategies that include installing high efficiency (low flow) fixtures or fittings which meet at least four of the following requirements]:

1. using the water efficiency requirements of Green Built Texas, LEED for homes or the *International Green Construction Code*, or [The average flow rate for all lavatory faucets must be 2.0 gallons per minute.]
2. using 20 percent less water than the water use baseline calculated for the building's total interior water fixture use as required by the *Dallas Plumbing Code*. [The average flow rate for all showerheads must be 2.0 gallons per minute.
3. ~~The average flow rate for all toilets must:~~
 - 3.1 ~~be 1.3 gallons per flush;~~
 - 3.2 ~~be dual flush and meet the requirements of ASME A112.19.14; or~~
 - 3.3 ~~meet the United States Environmental Protection Agency WaterSense specification and be certified and labeled accordingly.~~
4. ~~Utilize ENERGY STAR labeled dishwashers that use 6.0 gallons or less per cycle.~~
5. ~~Utilize ENERGY STAR labeled clothes washers with a modified energy factor (MEF) \geq 2.0 and a water factor (WF) $<$ 5.5.~~
6. ~~Utilize drip irrigation emitters for all bedding areas of the landscape plan.]”~~

SECTION 12 That the ASME standards of Subchapter 43, “Referenced Standards,” of Chapter 57, “Dallas One- and Two-Family Dwelling Code,” of the Dallas City Code are amended by amending the following standard to read as follows:

“A112.19.14—06 Six-Liter Water Closets Equipped with a Dual Flushing Device326.2.1.2[~~326.2.2.2~~]”

SECTION 13. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000. No offense committed and no liability, penalty, or forfeiture, either civil or criminal, incurred prior to the effective date of this ordinance will be discharged or affected by this ordinance. Prosecutions and suits for such offenses, liabilities, penalties, and forfeitures may be instituted, and causes of action pending on the effective date of this ordinance may proceed, as if the former laws applicable at the time the offense, liability, penalty, or forfeiture was committed or incurred had not been amended, repealed, reenacted, or superseded, and all former laws will continue in effect for these purposes.

SECTION 14. That Chapters 52, 53, and 57 of the Dallas City Code, as amended, will remain in full force and effect, save and except as amended by this ordinance. Any existing structure, system, development project, or registration that is not required to come into compliance with a requirement of this ordinance will be governed by the requirement as it existed in the former law last applicable to the structure, system, development project, or registration, and all former laws will continue in effect for this purpose.

SECTION 15. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

SECTION 16. That this ordinance shall take effect immediately from and after its passage and publication, in accordance with the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

THOMAS P. PERKINS, JR., City Attorney

By _____
Assistant City Attorney

Passed _____

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