

Topic:	Green Buildings & Energy Efficiency
Resource Type:	Regulations
State:	Maine
Jurisdiction Type:	Municipal
Municipality:	City of Portland
Year (adopted, written, etc.):	Unknown
Community Type - applicable to:	Urban; Suburban
Title:	City of Portland Green Building Code
Document Last Updated in Database:	August 27, 2016

Abstract

Under its Green Building Code, the City of Portland, Maine requires all new construction and renovation projects having total construction costs of greater than \$250,000 to attain United States Green Building Council's (USBC) Leadership in Energy and Environmental Design (LEED) certification at the Silver level, if the project is either: (1) to be owned or occupied by the City and is of at least 5,000 square feet in floor area; or (2) to be funded in whole or in part by the City and is of at least 10,000 square feet in floor area. Buildings must also earn the minimum number of points necessary under the LEED "Optimize Energy Performance" credit to meet the targets of the 2030 Challenge established by Architecture 2030.

The Green Building Code also contains a number of submittal requirements both at the beginning and end of the development process. Upon submission of a building permit application, applicants falling under this regulation must also submit a LEED checklist and a narrative description detailing how the selected points will be achieved (including the points necessary to meet the 2030 Challenge). In order to receive a certificate of occupancy, a copy of the final LEED documentation submitted to the USGBC must also be submitted to the certifying municipal entity. If necessary, a temporary certificate of occupancy may be issued until final documentation is submitted to the USGBC.

Developers may waive the LEED certification requirement in an emergency situation or under documented circumstances showing that compliance would be cost prohibitive 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. However, if a waiver is granted, a reasonable effort must still be made to maximize the number of LEED points attained by the project.

Resource

CODE OF ORDINANCES - CITY OF PORTLAND, MAINE
Chapter 6: Buildings and Building Regulations

ARTICLE VII. GREEN BUILDING CODE
§ 6-165 to § 6-172

§ 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.

§ 6-166. Definitions

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

Funding 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.

§ 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 5,000 square feet in floor area or greater and 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.

§ 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 6-167, the applicant

shall also submit a LEED checklist, along with a narrative description detailing how the LEED points will be achieved, including the points necessary to meet the 2030 challenge.

§ 6-169. Certificate of Occupancy.

A copy of the final submission of LEED documentation to the 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 6-167.

A temporary certificate of occupancy may be issued by the city if necessary prior to the submission of final LEED documentation to the USGBC.

§ 6-170. Waivers.

The requirement of LEED certification 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. Any request for waiver of LEED certification 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.

§ 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 appealable.

§ 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 City of Portland Buildings and Building Regulations Code of Ordinances Chapter 6 Sec. 6-172 Rev. 5-6-09 permit applications (not associated with an approved site plan), or funding assistance requests are submitted on or after the effective date of this ordinance.