

EXHIBIT "A"
**Minimum Standards
Commercial Green Building Program**

Energy Conservation

100% of all roof areas shall comply with the specifications of the Environmental Protection Agency's Energy Star Cool Roof Program, as it exists or may be amended. Alternatives that are equivalent to this standard will be considered for approval by the Chief Building Official.

Mitigation of Heat Island Effect & Creation of Pedestrian Environment

Shade trees shall be planted along the front façade of non-residential and multifamily structures in accordance with the City of Frisco's Landscape Ordinance as it exists or may be amended.

Water Conservation

Potable water consumption for landscape irrigation shall be reduced a minimum of fifty percent (50%) over conventional developments.

Construction & Demolition Waste Recycling

No waste concrete or metal shall be disposed of in a landfill.

1. All unused concrete shall be separated from other waste materials, transported and delivered to a City-approved recycling facility.
2. All unused metal shall be kept clean and stored in a separate onsite container and delivered to a City-approved recycling facility.

Green Building Education Programs

The City of Frisco Planning & Development Services Department will host accredited education programs concerning Commercial Green Building Initiatives.

AN ORDINANCE OF THE CITY OF FRISCO, TEXAS, AMENDING THE ENERGY CONSERVATION REGULATIONS SECTION OF EXHIBIT "A" (MINIMUM STANDARDS/COMMERCIAL GREEN BUILDING PROGRAM) OF ORDINANCE NO. 06-10-110, OF FRISCO'S CODE OF ORDINANCES; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES; PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

WHEREAS, the City Council of the City of Frisco, Texas ("City Council") has investigated and determined that it would be advantageous and beneficial to the citizens of the City of Frisco, Texas ("Frisco") to amend the Energy Conservation Regulations section of Exhibit "A" (Minimum Standards/Commercial Green Building Program) of Ordinance No. 06-10-110, as set forth below.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FRISCO, TEXAS:

SECTION 1: Findings Incorporated. The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2: Amendment to the Energy Conservation Regulations section of Exhibit "A" (Minimum Standards/Commercial Green Building Program) of Ordinance No. 06-10-110. Amendment to the Energy Conservation Regulations section of Exhibit "A" (Minimum Standards/Commercial Green Building Program) of Ordinance No. 06-10-110, is hereby amended to read as follows:

"Energy Conservation Regulations

100% of all roof areas shall comply with the specifications of the Environmental Protection Agency's Energy Star Cool Roof Program, as it exists or may be amended. Alternatives that are equivalent to this standard will be considered for approval by the Chief Building Official."

SECTION 3: Saving/Repealing Clause. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal

prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

SECTION 4: Penalty Provision. Any person, firm, corporation or entity violating this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction therefore, shall be fined a sum not exceeding Five Hundred Dollars (\$500.00) or fined a sum not exceeding Two Thousand Dollars (\$2000.00) for violations related to public health, public sanitation, or refuse dumping, and each and every day that such violation continues shall be considered a separate offense; provided, however, that such penal provision shall not preclude a suit to enjoin such violation. Frisco retains all legal rights and remedies available to it pursuant to local, state and federal law.

SECTION 5: Severability. Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. Frisco hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases be declared unconstitutional or invalid.

SECTION 6: Effective Date. This Ordinance shall become effective from and after its adoption and publication as required by the City Charter and by law.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF FRISCO, TEXAS, on this 21st day of October, 2008.



Maher Maso
Maher Maso, Mayor

ATTESTED AND CORRECTLY RECORDED:

APPROVED AS TO FORM:

J. Barrera for Ron Patterson
Ron Patterson,
Interim City Secretary

Claire E. Swann
Abernathy Roeder Boyd & Joplin P.C.
Claire E. Swann, City Attorneys

Dates of Publication October 24 & 31, 2008, Frisco Enterprises

AN ORDINANCE OF THE CITY OF FRISCO, TEXAS, AMENDING SECTION 18.168 OF FRISCO'S CODE OF ORDINANCES, REPEALING ORDINANCE NO. 04-05-41, AND CREATING THE COMMERCIAL GREEN BUILDING PROGRAM AND REGULATING THE ENERGY EFFICIENCY, MITIGATION OF URBAN HEAT ISLAND EFFECT, CREATION OF PEDESTRIAN ORIENTED ENVIRONMENTS, IMPACT ON AIR QUALITY, CONSERVATION OF WATER, AND RECYCLING OF CONSTRUCTION AND DEMOLITION WASTE MATERIALS FOR ALL NON-RESIDENTIAL AND MULTIFAMILY DEVELOPMENTS IN THE CITY OF FRISCO, TEXAS; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES; PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

WHEREAS, the City Council of the City of Frisco, Texas ("City Council") has investigated and determined that it would be advantageous and beneficial to the citizens of the City of Frisco, Texas ("Frisco") to create the Commercial Green Building Program; and

WHEREAS, the City Council has investigated and determined that it would be advantageous and beneficial to the citizens of Frisco to amend Section 18.168 of Frisco's Code of Ordinances; and

WHEREAS, the City Council has investigated and determined that it would be advantageous and beneficial to the citizens of Frisco to repeal Ordinance No. 04-55-44; and

WHEREAS, commercial buildings consume approximately 35% of all electricity produced annually in the United States; and

WHEREAS, commercial buildings account for approximately 10.5 % of global carbon dioxide (CO₂) emissions from fossil fuel energy used directly or as electricity to power equipment and condition the air (including both heating and cooling); and

WHEREAS, cool roof systems with high reflectance and emittance stay up to 70°F (39°C) cooler than traditional materials during peak summer weather, reducing building heat-gain and saving on air conditioning expenditures; and

WHEREAS, by minimizing energy use, cool roofs also reduce the demand for electric power and resulting air pollution and greenhouse gas emissions; and

WHEREAS, the year 2005 was the driest year on record since the 1950's and North Central Texas is in a state of extreme and persisting drought conditions; and

WHEREAS, in every decade of the last century, Texas was a victim of one or more serious droughts causing agricultural crop failure, wildlife and livestock malnourishment, land value decline, human and industry shortages, unemployment, decline in water quality, and increased wildfires; and

WHEREAS, of the total water used for irrigation purposes, 33% is consumed by the non-residential sector; and

WHEREAS, many landscapes are not designed or managed efficiently which increases maintenance costs and wastes potable water; and

WHEREAS, commercial construction waste accounts for 18,653 tons of total waste generated per annum by the City of Frisco disposed of in the landfill; and

WHEREAS, diversion of concrete and metal conserves valuable resources and landfill capacity; and

WHEREAS, education holds great potential to benefit individuals and communities as environmental disturbances pose continually greater threats to the health, safety, and welfare of citizens.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FRISCO, TEXAS:

SECTION 1: Findings Incorporated. The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2.: Ordinance No. 04-05-44 Repealed. Frisco Ordinance No. 04-05-44 is repealed in its entirety and replaced by this Ordinance. The effective date of the repeal discussed in this Section shall not occur until the effective date of this Ordinance at which time Ordinance No. 04-05-44 shall be repealed. Such repeal shall not abate any pending prosecution and/or lawsuit or prevent any prosecution and/or lawsuit from being commenced for any violation of Ordinance No. 04-05-44 occurring before the effective date of this Ordinance.

SECTION 3: Amendment to Section 18-168 of the Code of Ordinances; Commercial Green Building Program Adopted. The Commercial Green Building Program shall set the minimum standards for energy efficiency, mitigation of urban heat island effect, conservation of water, and construction waste recycling for all non-residential buildings and multifamily developments submitted by preliminary and/or final site plan on or after November 27, 2006 ("Minimum Standards"). The Minimum Standards required for all non-residential and multifamily buildings are set forth in Exhibit A, which is attached hereto and incorporated as fully set forth herein. Section 18-168 shall be amended to reflect the information contained herein.

SECTION 4: Saving/Repealing Clause. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

SECTION 5: Penalty Provision. Any person, firm, corporation or entity violating this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction therefore, shall be fined a sum not exceeding Five Hundred Dollars (\$500.00) or fined a sum not exceeding Two Thousand Dollars (\$2000.00) for violations related to public health, public sanitation, or refuse dumping, and each and every day that such violation continues shall be considered a separate offense; provided, however, that such penal provision shall not preclude a suit to enjoin such violation. Frisco retains all legal rights and remedies available to it pursuant to local, state and federal law.

SECTION 6: Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason, held to be unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. Frisco hereby declares that it would have passed this Ordinance, and each section,

subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases be declared unconstitutional.

SECTION 7: Effective Date. This Ordinance shall become effective from and after its adoption and publication as required by the City Charter and by law.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF FRISCO, TEXAS, on this 17th day of October, 2006.



E. Michael Simpson
E. MICHAEL SIMPSON, Mayor

**ATTESTED AND CORRECTLY
RECORDED:**

APPROVED AS TO FORM:

Nan Parker
NAN PARKER, City Secretary

Julie Y. Fort
ABERNATHY, ROEDER, BOYD & JOPLIN, P.C.
Julie Y. Fort, City Attorneys

Dates of Publication October 20 & 27, 2006, Frisco Enterprises

EXHIBIT "A"
Minimum Standards
Commercial Green Building Program

Energy Conservation

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