

GENERAL ORDINANCE NO.3-2013

BY COUNCIL PRESIDENT LESNICK, MAJORITY LEADER TERRERO,  
MINORITY LEADER LARKIN, COUNCILMEMBERS JOHNSON,  
SABATINO, SHEPHERD AND BREEN:

A GENERAL ORDINANCE AMENDING PART V OF THE YONKERS  
CITY CODE BY ADDING CHAPTER 50 ENTITLED "YONKERS GREEN  
BUILDINGS"

Be it ordained by the City Council of the City of Yonkers, as follows:

Section 1. Part V of the Code of the City of Yonkers entitled "Land Use" is hereby amended in part by adding a new Chapter 50 entitled "Yonkers Green Buildings" to read as follows:

§ 50-1. Short title; statement of purpose and legislative findings.

- a. This Chapter shall be known as "the Yonkers Green Buildings Code."
- b. The purpose of this legislation is to establish a City of Yonkers policy to plan, design, construct, manage, renovate, and maintain its facilities and buildings to be sustainable and to encourage certain commercial and residential developers to do the same.
- c. Legislative Findings:
  - (1) The City of Yonkers is dedicated to the mutually compatible goals of economic vitality, social equality and environmental stewardship.
  - (2) The City of Yonkers is dedicated to the environmental health and safety of its employees, and to efficient and effective work.
  - (3) Municipal governments should assume the role of leadership in promoting the efficient use of natural resources providing for the long-term protection and enhancement of our environment, our economy and the health of our citizens and future generations.
  - (4) Buildings are one of the heaviest consumers of natural resources and account for a significant portion of the

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greenhouse gas emissions that affect climate change. In the United States, buildings account for 38% of all CO<sub>2</sub> emissions. Buildings represent 73% of electricity consumption.

- (5) The Yonkers Green Development Standards will address specific environmental impacts of development in Yonkers. Use of these standards will conserve natural resources, increase energy and water efficiency and improves indoor air quality to maintain long terms value, reduce operating costs, and ensure more comfortable and healthy buildings in Yonkers.
- (6) It is in the best interest of the people of Yonkers that all municipal buildings constructed, expanded, or renovated should be modern facilities, combining the most energy-efficient design, the most environmentally sustainable systems, with maximum access and benefit to employees and the public.
- (7) The City of Yonkers should encourage the use of the Yonkers Green Building Standards in certain commercial and residential developments.

### § 50-2. Definitions

- a) "City" means the City of Yonkers and its departments, offices, including the Yonkers City School District.
- b) "Commissioner" means the Commissioner of the Yonkers Department of Planning and Development.
- c) "Covered Public Project" means a construction project involving real property including land and/or buildings which meet the terms of subparagraphs (1) and (2) of this paragraph:
  - 1) The City is the record owner of said real property including land and/or buildings or related improvements which are used for municipal or school purposes; and
  - 2) Which involve (A) new construction, or (B) renovation of an existing building or the expansion of an existing building provided that this ordinance shall apply only to the extent of the improvements: i) necessary for the

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renovation or rehabilitation of a portion of an existing building, or ii) necessary for the expansion of an existing building, the applicable green building standards shall apply only to such portion of an existing building being renovated or rehabilitated or to the actual expansion of the existing building respectively; and iii) where such rehabilitation or renovation includes separate specifications for the following four subdivisions of the work to be performed: a) plumbing; b) heating, ventilation and air conditioning; c) electric wiring; and d) general contracting.

- d) "Department" means the Department of Planning and Development.
- e) "Public Building" means any real property and buildings and/or improvements thereon owned by the City of Yonkers and used for municipal and public purposes.
- f) "Yonkers Green Building Standards" shall mean the standards developed and approved by the Commissioner designed to conserve natural resources, increase energy and efficiency and improve indoor air quality.

### § 50-3. Yonkers Green Building Standards.

The Commissioner shall implement the Yonkers Green Building Standards within thirty days after passage of this legislation by the Yonkers City Council. The Commissioner shall cause said standards to be reviewed on an annual basis and provide an annual report to the City Council.

### § 50-4. Public Buildings.

- a) Green Building Standards.

All Covered Public Projects entering the design phase 90 or more days after the effective date of this legislation shall be designed, constructed and certified to at least the Yonkers Green Building Standards.

- b) Exemptions.

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A Covered Public Project does not have to meet the Yonkers Green Building Standard or comparable standard if the Commissioner determines that:

- 1) There is no appropriate Yonkers Green Building Standard or comparable standard for that type of building or renovation project. In such case, the Department may set lesser green building standards that are appropriate to the project.
  - 2) There is no practical way to apply the Yonkers Green Building standard to a particular building or renovation project. In that case, the Department may set different green building standards that are appropriate to the project.
- c) Any determinations made by the Commissioner as to exemptions under this section shall be detailed in writing and made part of the Department's record.

§ 50-5. Green Buildings Survey.

All new non-residential development site plan applications for projects greater than 15,000 square feet and residential development site plan applications for projects greater than 25 units shall include a Green Buildings survey in a form to be approved by the Commissioner.

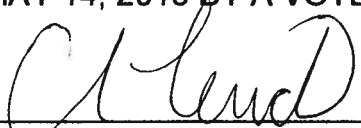
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Section 2.


This Ordinance shall take effect immediately, subject to the provisions of § 50-4(a) contained herein.

MOTION BY COUNCILMEMBER JOHNSON, SECONDED BY COUNCILMEMBER SABATINO TO MAKE A FRIENDLY AMENDMENT TO THE ABOVE LEGISLATION. THIS MOTION WAS CARRIED UNANIMOUSLY

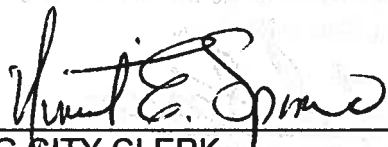
THIS GENERAL ORDINANCE WAS ADOPTED BY THE CITY COUNCIL AT A STATED COUNCIL MEETING HELD ON TUESDAY, MAY 14, 2013 BY A VOTE OF 7-0.

  
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COUNCIL PRESIDENT                      5-15-13  
DATE

SENT TO MAYOR      5-17-13  
DATE

  
\_\_\_\_\_  
MAYOR                                      APPROVED 5/22/13  
DATE

ATTEST:

  
\_\_\_\_\_  
ACTING CITY CLERK                      5/22/13  
DATE