

CASE: A-380, 8/09 Applicant: Staff

INFORMATIONAL ITEM

REQUEST: Zoning Text Amendment for Section 53.6 EXCEPTIONAL DESIGN ZONING DISTRICT (EDZD)

New Hanover County enthusiastically supports new development that protects and preserves the natural assets which make our County a desirable place to live, work and recreate. In order to provide opportunities for higher density projects within unincorporated New Hanover County, Planning Staff embarked on a process to develop a new zoning district referred to as the Exceptional Design Zoning District (EDZD). The intent of the EDZD is to provide design flexibility to achieve higher density projects in areas where appropriate urban features exist in order to discourage the negative impact of urban sprawl, preserve and protect natural resources and diminish the need for vehicular traffic.

The process taken to develop these standards was comprised of numerous staff meetings, a Planning Board Work Session and three meetings with area developers, engineers, architects, landscape architects, green builders and associated representatives from the development community. The Document was circulated to several members of our environmental community and our sunshine list. The result of the meetings is the text amendment being presented as Section 53.6 of the New Hanover County Zoning Ordinance.

PLANNING BOARD ACTION

At its August 6, 2009 meeting, the Planning Board voted 5-0 to recommend approval of this amendment. One change was recommended that a Traffic Impact Analysis be required in every case rather than just in those cases where a threshold of 100 peak hour trips is met. This recommendation has been included into the final draft. Email comments were received from a person in the Middle Sound community expressing concern that people in his neighborhood had not been adequately informed of the proposed change. No one from the public spoke on this item.

Action Needed:

No action is needed at this time. The information is presented today for discussion and for public comment.

Section 53.6 EXCEPTIONAL DESIGN ZONING DISTRICT (EDZD)

53.6-1: Intent- The Exceptional Design Zoning District (EDZD) provides opportunities for mixed use or high density projects within the unincorporated areas of the County where appropriate urban features are in place to support such projects without the negative impacts of urban sprawl. Through the conservation of water bodies, wetlands, floodplains and open space, it is intended that this district will prevent the degradation of water quality and foster the preservation of natural hydrology, habitat and biodiversity. In addition, the district is intended to provide design flexibility to achieve public and private spaces that advance a sense of community in a well-integrated service area that diminishes the need for vehicular traffic and encourages bicycle and pedestrian movements. The EDZD shall be located with respect to public and private facilities existing or clearly available by the time they are required within the development

Physical character of the site and relation to surrounding property - The site shall be suitable for development in the manner proposed without creating hazards to persons or property, on or off the district, and free from the probability of flooding, erosion, subsidence or slipping of the soil or other dangers. Condition of soil, groundwater level, drainage and topography shall all be appropriate to both the kind and pattern of use intended. If appropriate to the form and function of development, lands to be included in EDZD districts may be divided by streets, alleys, rights-of-way or easements, but shall be located, dimensioned and arranged as to permit unified planning and development and to meet all requirements in connection therewith, as well as to provide necessary protection against adverse relationships between uses in the district and uses in surrounding areas.

53.6.2: Applicability – Areas classified as Conservation on the current CAMA Land Classification Map are not eligible for residential density greater than 2.5 units per acre, and such acreage must be subtracted from the acreage upon which density on other portions of the district is calculated. All other areas of the unincorporated planning jurisdiction for New Hanover County are eligible for the EDZD.

53.6-3: Procedures for establishing Exceptional Design Zoning Districts

1) *Applications; procedures and materials to be submitted.* Approval for EDZD rezoning shall generally follow procedures for establishment of Planned Development Districts. Material submitted with the application as outlined below, or on subsequent request by the Planning Department, shall include all plans, maps, studies and reports which may reasonably be required to make the determinations called for in the particular case. Applicants are recommended to meet with staff before substantial investments are made towards the design of exceptional development projects and are required to meet with staff to review the exceptional development concept and criteria prior to submitting an application. Application shall be made on forms provided by the County and in accordance with the schedule of deadlines for Planning Board submissions. The following procedures must be met:

- a. Meet with staff
- b. Meet with owners and neighbors adjacent to the proposal and within 500 feet of the area to be considered (Section 111-2.1: Required community information meeting before consideration).

- c. Prepare application and submit by application deadline. The application shall include:
 - i. Survey map as well as metes and bounds description of the boundaries.
 - ii. Map showing location of existing public water and sewer lines, roadway classification, existing or planned bicycle and pedestrian facilities, schools, parks and shopping districts within a ½ mile radii of the outermost project boundary.
 - iii. Traffic Impact Analysis is required for all projects (based on proposed maximum density and intensity for the acreage).
 - iv. Narrative generally describing the reasons for seeking rezoning and outlining the anticipated development to be approved under separate permit at a later date, if known, and describing the adequacy of access to the site.
 - v. Inventory of the existing environmental, cultural, historical and natural site attributes.
 - vi. A conceptual plan that shows with reasonable certainty the type and intensity of use for the proposal.
 - vii. Summary of the meetings held with surrounding property owners.
 - viii. A checklist of the prerequisite standards that will be met.
 - ix. Application fee.
 - x. Calculations of the requested density/intensity and documentation supporting the award of points for any density bonus.
 - xi. Verifiable water and sewer expansion plans must be provided and allocation of capacity confirmed with the Cape Fear Public Utility Authority.
 - xii. Phasing schedule.
 - xiii. The project must meet all applicable requirements of the County Zoning Ordinance.
- d. Planning Board consideration and Board of Commissioners decision after public hearing.

53.6-4: District Regulations - Residential density and non-residential intensity within the EDZD shall be based upon the overall exceptional design score of the proposed development. The following regulations must also be met:

- 1) The applicant must be the owner or owners of all the property to be included in the district and must demonstrate that the property is jointly owned or be subject to a formal agreement for unified control.
- 2) A district must include the entirety of the parcel or parcels being considered.

- 3) A district may not extend across any major or minor arterial roadway unless the district proposes multiple, unified development phases of mixed uses having safe, signalized vehicular, pedestrian and bicycle facilities to connect the projects.
- 4) Density permitted by right for residential units in the district shall be six (6) units per acre.
- 5) Cumulative floor area ratio (FAR) for mixed use permitted by right in the district shall be 1.0.
- 6) All proposals seeking to exceed six (6) units per acre or FAR of 1.0 must accumulate exceptional design bonus points sufficient to qualify for the proposed densities or intensities.
- 7) Prerequisite standards as described in Table 53.6-7.
- 8) The Exceptional Design District Certification must be assured during the first phase of development or prior to completion of more than 24 units, whichever comes first.

53.6-5 Staff Recommendations - Planning staff, in consultation with other appropriate departments or personnel, shall prepare a written report to the planning board and board of commissioners, containing the following findings:

- 1) As to the suitability of the proposals for the general type of function, the physical characteristics of the land, and relation of the proposed development to surrounding areas and existing and probable future development.
- 2) As to the sufficiency of supporting evidence in the application showing that the proposed location can meet the basic criteria for exceptional design.
- 3) As to the relation to major roads and mass transit facilities, utilities and other facilities and services.
- 4) As to the adequacy of evidence on unified control and the suitability of any proposed agreements, contracts, deed restrictions, sureties, dedications, contributions, guarantees, or other instruments, or the need for such instruments, or for amendments in those proposed.
- 5) As to the suitability of plans proposed or the suggestion of conditions.
- 6) As to the consistency with the County's adopted Land Use Plan and other adopted plans for development in the vicinity, and suggesting how the rezoning might be reasonable and in the public interest if approved.

53.6-6 Actions by Planning Board; Board of Commissioners - Actions by the planning board shall be in the nature of a recommendation for or against the rezoning and may include suggested conditions of approval. The Board of Commissioners may grant the application in accordance with the EDZD regulations and other applicable local, state or federal requirements or may approve the application with conditions attached, or may deny the application.

53.6-7 Development to be in Accord with Approved Concept Plan and Related Regulations- If the rezoning is approved, the Board of Commissioners shall, approve the development concept plan as described in the application, or indicate required modifications in such approved plan, and such approval shall be binding in determinations concerning final development plans. If the rezoning is approved, the development shall be required to be in accord with approved concept plans and meet the

requirements of these and other regulations, as approved. The development shall also conform to any time limitations established by the board of commissioners or the applicant as to beginning and completion of the development as a whole, or in specified stages. Before development may proceed, agreements, contracts, deed restriction, sureties and other instruments involved shall be in a form approved by appropriate officers or agencies.

Underlying standards upon which to add the exceptional design criteria shall include:

- 1) Maximum Building height: within 200 feet of the district boundary, building height shall not exceed 40 feet.
- 2) Building setback and separation: Buildings located on the periphery of the district shall be set back a minimum of twenty (20) feet from the district boundary or as required in Section 69.11 of the zoning ordinance. All buildings shall be set back at least ten (10) feet from all pedestrian and bicycle paths, and fifty (50) feet along major or minor arterial roadways. No building shall encroach into the right-of-way of a proposed thoroughfare as designated by the Wilmington Area Thoroughfare Plan. In no case shall any part of a detached single family dwelling unit be located closer than ten (10) feet to any part of any other detached single family dwelling; and in no case shall any part of a multifamily dwelling unit be located closer than twenty (20) feet to any part of another multifamily unit or non-residential building.
- 3) Parking: Off-street parking shall be provided in accordance with Article VIII of the zoning ordinance. Projects that meet Additional Requirements 1, 2, 3 and 5 may reduce the minimum parking requirements by 10% within the commercial component of the project.
- 4) Signs: Signs shall comply with the standards in Article IX of the zoning ordinance. The developer shall be responsible for erecting and a property owners association shall be responsible for maintaining street name signs at all intersections within the district.
- 5) Landscaping and buffering shall be in accordance with Article 67.
- 6) Street Lights: Street lights shall be included at the rate of one fixture per 500 linear feet or less of roadway.
- 7) Conservation Resource Requirements shall be applicable.

53.6-8 Administrative Action for Approval of Final Plans

- 1) After an EDZD district has been established, no building permit shall be issued therein, unless and until the Technical Review Committee and the Planning Director have approved final plans and reports for the development as a whole or stages or portions as outlined upon approval. The form and content of such final plans and reports shall be as prescribed for the district, and in the rules of the county and other affected agencies. The final plan shall constitute the equivalent of preliminary plat approval under the New Hanover County Subdivision ordinance.

- 2) Approval of final plans and reports shall be based on compliance with zoning regulations applying at the time the land was zoned to EDZD status, including such specific conditions as were included by the Board of Commissioners in its rezoning action. The Planning Director shall certify that the conditions imposed by the board of commissioners have been met.
- 3) Upon approval of final plans and reports, building permits shall be issued in the same manner as for building permits generally, provided that any requirements relating to the order and location in which building permits are to be issued in the particular EDZD district shall be observed. Except as provided in this article, final plans and reports approval shall be binding on the applicants and any successor in title, so long as PD zoning is applied to the land.

53.6-9 Approval of Detailed Plans and Related Material is an Administrative Action

Approval of detailed plans and related material is an administrative action. No public notice or hearing is required in connection with approval proceedings of final plans or changes in approved plans, but the Technical Review Committee shall meet and approve the technical merits of the final plan, and when the Planning Director or his designee has certified that the plan approved by the Technical Review Committee meets all the requirements and conditions of the original approval, then signatures of the Planning Director and the Chairman of the Technical Review Committee shall be affixed to the approved final plan.

53.6-10 Restrictions on Permitted Uses

The principal uses in an Exceptional Design Zoning District shall be as set out and approved in the original approving action, unless otherwise amended by the Board of Commissioners. After the concept plan has been approved, changes in any principal use or accessory use shall constitute a change in the approved EDZD and shall require approval by the board of commissioners.

53.6-11 Effect of Approval

Any area designated as an Exceptional Design District shall thereafter be developed using only the exceptional design standards and proposed conditions under which the EDZD is approved. Any reduction in the prerequisite standards after approval shall be considered a violation of the terms and conditions of approval. In accordance with NCGS153A-344.1(c) and (d) , approval of the master plan shall establish a vested right. After 24 months from the date of original approval, if no construction activity has been permitted, the approval of the original concept plan and any approved final plan shall expire and new approvals based on standards existing for EDZD districts at that time shall be required. Extensions of vested rights beyond the first 24 months may be approved by the Technical Review Committee based on relevant circumstances, including but not limited to the size and phasing of development, the level of investment, the need for the development, economic cycles, and market conditions, but the total vesting period may not exceed 5 years.

53.6-12: Modifications – Site specific development plans may be modified upon review and approval of the Planning Director. Minor changes may be approved in the same manner as set forth in

Sec. 71-1(9). Major modifications, including additional density bonuses may be approved by the Planning Director or his designee and the TRC when the prerequisite standards are maintained and sufficient additional points accrue to support the request. However, modifications that conflict with small area neighborhood or corridor plans shall not be approved in this manner. Projects that remove components for which density or intensity bonuses have been awarded must modify the plan accordingly and submit for approval.

53.6-13 Exceptional Design District Standards Converted to Points - The following table includes the criteria that shall enable a project to be classified as an Exceptional Design District and allow for the density bonuses herein provided. The first six (6) criteria are required for any project to initially qualify for Exceptional Design review. In addition to the first six criteria, an additional twelve (12) points are required from the remaining ten (10) additional criteria. Planning Director will determine whether criteria are properly met.

CORE REQUIREMENTS	Points
<p>1. Smart Location <u>Option 1:</u> Locate project on an infill site</p> <p><u>Option 2:</u> Locate project on an adjacent site with pre-project connectivity.</p> <p><u>Option 3:</u> Locate project near existing or planned adequate transit service.</p> <p><u>Option 4:</u> Locate project near existing neighborhood shops, services, and facilities.</p> <p><u>Option 5:</u> Locate project within a transportation analysis zone for which the MPO demonstrates to have low Vehicle Miles Traveled (VMT).</p>	REQUIRED
<p>2. Proximity to Water and Wastewater Infrastructure <u>Option 1:</u> Locate project on a site served by existing water and wastewater infrastructure. Replacement of or other on-location improvements to existing infrastructure are considered existing for the purpose of achieving this option.</p> <p><u>Option 2:</u> Locate project within an area scheduled for water and sewer expansion where verifiable expansion plans can be provided and allocation of capacity can be confirmed with the Cape Fear Public Utility Authority.</p>	REQUIRED
<p>3. Significant Species and Ecological Communities <u>Option 1:</u> After consultation with the NC Natural Heritage Program map as found on the New Hanover County online mapping services, no species present or likely to be present that are listed under the federal Endangered Species Act, NC endangered species list or listed in the NC Natural Heritage Program as either Nationally, State or Regionally Significant.</p> <p><u>Option 2:</u> If initial consultation with the NC Natural Heritage Program map is inconclusive, then a qualified biological scientist performs biological surveys to determine the presence</p>	REQUIRED

<p>of endangered or significant species or the applicant consults with the NC Natural Heritage Program in Raleigh to receive a State determination.</p> <p>Option 3: If endangered or significant species are found, comply with an approved Habitat Conservation Plan (HCP) under the Endangered Species Act for each species or receive an approved mitigation plan from the NC Natural Heritage Program.</p> <p>Option 4: If endangered or significant species are found and no approved HCP exists, work with an appropriate authority to create and develop one or develop an approved mitigation plan with the NC Natural Heritage Program.</p>	
<p>4. Wetland and Water Body Conservation</p> <p>Option 1: Locate project on a site that includes no jurisdictional wetlands, water bodies (including but not limited to intermittent and perennial streams) or land within 100 feet of these areas.</p> <p>Option 2: Locate project such that pre-project jurisdictional wetlands, water bodies (including but not limited to intermittent and perennial streams), and land within 100 feet of such areas shall not experience significant destruction or lasting detrimental effects to water quality or other protected natural resources as a result of new development. Significant destruction shall include the construction, excavation, deposition, of materials in, over or on such land or any work that would affect the course, location, condition, or capacity of the receiving water body.</p>	REQUIRED
<p>5. Floodplain Avoidance</p> <p>Option 1: Locate on a site that does not contain any land within a 100-year floodplain.</p> <p>Option 2: Locate the project on an infill site or a previously developed site and comply with the NFIP requirements for developing portions of the site that lie within the floodplain.</p> <p>Option 3: Develop only on portions of the site that are not in a floodplain or on portions that have been previously developed.</p>	REQUIRED
<p>6. Stormwater Management</p> <p>Implement a comprehensive stormwater management plan for the project that infiltrates and reuses stormwater runoff. Stormwater shall be managed following the principles prescribed in the New Hanover County-City of Wilmington Joint Low Impact Development Manual and will enable a project to use the LID-EZ Spreadsheet Tool. A determination that a project qualifies as a Low Impact Development shall be made by the Technical Review Committee (TRC).</p>	REQUIRED
<p>ADDITIONAL REQUIREMENTS (MINIMUM OF 12 POINTS FROM THE CRITERIA LISTED BELOW IN ADDITION TO THE CORE REQUIREMENTS)</p>	
<p>1. Bicycle and Pedestrian Access</p> <p>Include a pedestrian or bicycle through-connection in at least 90% of any new cul-de-sacs, except where prohibited by topographical conditions. Provide bicycle parking and storage for developments that contain multifamily, retail and commercial development. Provide convenient access and off-site connections to all constructed or planned bicycle and pedestrian infrastructure networks.</p>	2 points

<p>2. Housing and Jobs/Commercial Opportunity Proximity Option 1: Include a residential component equaling at least 30% of the project’s total building square footage, and locate and/or design the project such that the geographic center is within a ½ mile walk distance of pre-project full-time equivalent jobs equal to or greater than the number of dwelling units in the project Option 2: Include a non-residential component equaling at least 30% of the project’s total building square footage</p>	<p>2 points</p>
<p>3. Diversity of Uses Include a residential component in the project that constitutes at least 25% of the project’s total building square footage and design or locate the project such that at least 50% of the dwelling units are within ½ mile walk distance of the number of diverse uses in the approved diversity of uses table. At least one use from two of the three diversity of uses list is required.</p>	<p>2-4 points</p>
<p>4. Conservation Management of Habitat or Wetlands Create a long-term management plan for new or existing on-site native habitats, and/or water bodies and wetlands and their buffers, and create a guaranteed funding source for management.</p>	<p>2 points</p>
<p>5. Transit Facilities Locate development within ¼ mile of an existing or planned transit route. Provide or identify covered and at least partially enclosed shelters, adequate to buffer wind and rain, with at least one bench, at each transit stop. Provide kiosks, bulletin boards, and/or signs devoted to providing local public transit information as part of the project, including basic schedule and route information at each public transit stop within or bordering the project.</p>	<p>4 points</p>
<p>6. Certified Green Building Design, construct, or retrofit one whole residential or non-residential building to be certified through: LEED, NAHB Green Building Standards, North Carolina Healthy Built Homes or Green Globes.</p>	<p>2 points</p>
<p>7. Minimum Building Energy Efficiency For non-residential building, mixed use buildings, and multifamily residential buildings four stories or greater, new buildings must be on average 10% better than ANSI/ASHRAE/IESNA Standard 90.1-2007. For new multifamily residential buildings three stories or fewer and new single-family residential buildings: 90% of new buildings must meet Energy Star criteria.</p>	<p>4 points</p>
<p>8. Water Efficient Landscaping Reduce potable water consumption for outdoor landscape irrigation by limiting turf to 25% or less, incorporating rainwater catchment system(s) such as rain barrels or cisterns into the project, installing drip irrigation and utilizing stormwater for landscape irrigation.</p>	<p>2 points</p>
<p>9. Building Orientation Design the project so that a minimum of 75 percent of the building sites are constructed with the longer dimension of the structure facing 0-30 degrees of south.</p>	<p>2 points</p>
<p>10. Affordable Housing Include a minimum of 15% of the dwelling units as rental and/or for-sale dwelling units priced for households earning below area median income (AMI). Rental units must be</p>	<p>2 points</p>

maintained at affordable levels for a minimum of 15 years.	
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**No partial points will be awarded. Points will not be awarded on a sliding scale.*

BONUS AWARDS:

Bonus points will accrue after satisfaction of the “Core + 12 points” minimum exceptional criteria above. When the project proposed has established the minimum criteria, any additional points derived from within the elective categories above may be applied toward density or floor area ratio bonuses. Points may not be double counted and no partial points will be awarded.

Density bonus shall be awarded at a rate of one (1) additional dwelling unit per acre for each additional point accrued over the minimum exceptional criteria or one tenth (1/10) additional FAR for each two additional points.

Diversity of Uses List

Use One: Retail

- Convenience Store
- Florist
- Hardware Store
- Pharmacy
- Supermarket
- Miscellaneous retail

Use Two: Services

- Bank
- Coffee Shop
- Hair care
- Health club
- Laundry/dry cleaner
- Medical/dental office
- Restaurant

Offices for private business and professional activities

Use Three: Civic/Community Facilities

- Child care (licensed)
- Civic/community center
- Place of worship in a building
- Police/fire station
- Post office
- Public library
- Public park
- School
- Senior care
- Social services facility

Diversity of Uses Table

Number of Uses	Points Earned
2	2
3-5	3

6 or more	4
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**Associated Technical Standards for Section 53.6 of the New Hanover County Zoning Ordinance,
Exceptional Design Zoning District**

Definitions

Infill Site is defined as a site where at least 75% of the perimeter of the property borders parcels that have been previously developed.

Previously Developed is defined as a site having pre-existing impervious coverage that would typically have required regulatory permitting to have been initiated.

Requirement 1: Smart Location

Pre-project connectivity may be met when connectivity is present of at least 150 intersections/sq. mile within a half circle radius centered on the midpoint of the adjacent portion of the project perimeter. The radius of the half circle must be ¼ mile, or the length of the adjacent portion of the perimeter, whichever is longer; and if the project contains streets, its connectivity cannot be less than the connectivity of the surrounding area measured within the half circle; and design and build the project with at least one through street and/or non-motorized right of way intersecting the project boundary at least every 800 feet.

Existing or planned adequate transit service: At least 50% of dwelling units and business entrances within the project must be located within ½ mile walk distance of existing or planned bus transit stops.

Location of project near existing neighborhood shops, services, and facilities: The project boundary must be within ¼ mile walk distance of at least five (5) or within ½ mile walk distance of at least seven (7), of the diverse uses in the Diversity of Uses List in Section 53.6 of the Ordinance. Uses must include at least one use from each of the three diverse use categories with the following limitations: a) uses may not be counted in two categories, e.g. a school or place of worship may be counted only once even if it also contains a daycare facility; b) a mixed use building containing several uses as distinctly operated enterprises with separate exterior entrances may count each as a separate use, but no more than half of the minimum number of diverse uses can be situated in a single building or under a common roof; c) a single retail store of any type may only be counted once even if it sells products associated with multiple use types.

Requirement 3: Significant Species and Ecological Communities

The Natural Area Inventory for New Hanover County shall be found on the New Hanover County Planning Department's website. The Inventory was designed to identify the highest quality natural areas and natural communities in New Hanover County. Only Significant species are determined to be regulated under this requirement.

Requirement 6: Stormwater Management

The New Hanover County-City of Wilmington Joint Low Impact Development Manual shall be downloaded from the New Hanover County Planning website. In order to meet this requirement, a determination that the project is in fact a Low Impact Development project, must be made by the County's Technical Review Committee (TRC). Representatives from the project are encouraged to meet with County Planning and Engineering staff prior to submittal of the project to the County's TRC.

Additional Requirement 1: Bicycle and Pedestrian Access

Bicycle Storage for Multifamily Residential: In order to meet this requirement, the project must provide secure bicycle racks on-site with at least one bicycle space per ten (10) dwelling units and no fewer than four (4) spaces per project site.

Bicycle Storage for Retail: The project must provide secure visitor, customer and/or employee bicycle racks on site, with at least one bicycle space per 5,000 square feet of retail space, but no fewer than one bicycle space per business or four bicycle spaces per project site, whichever is greater.

Bicycle Storage for Commercial Non-Retail: The project must provide secure employee and/or visitor bicycle racks on-site with at least one bicycle space per 10,000 square feet of commercial non-retail space but not fewer than four bicycle spaces per building.

Additional Requirement 4: Conservation Management of Habitat or Wetlands

Long-term management plan – This plan must be at least ten (10) years and include biological objectives consistent with habitat and/or water resource conservation. The plan should identify the following: a) procedures for maintaining the conservation areas and personnel to carry out those procedures, and b) estimated implementation costs and funding sources.

Additional Requirement 6: Certified Green Building

Building certification must be completed by the applicable program's third party certification program (i.e.: NAHB Green Building Certification must be conducted through the local NAHB certification program).

Additional Requirement 7: Minimum Building Energy Efficiency

For non-residential or mixed-use buildings, projects may document their building energy efficiency by producing a LEED for New Construction energy model demonstrated by a whole building project simulation using the Building Performance Rating Method in Appendix G of ANSI/ASHRAE/IESNA Standard 90.1-2007.

For multifamily residential buildings, projects may demonstrate compliance with Energy Star criteria either through the prescriptive requirements of a Builder Option Package, Home Energy Rating System (HERS) index, or a combination of the two. Energy Star certification is to be conducted by a 3rd party verification process.