

**MEMORANDUM**

**To:** Mayor and City Council

**From:** Steve Foote, AICP  
Community Development Director

**Date:** April 21, 2014

**Subject:** Discussion – Amendment to City of Dunwoody Ordinances  
Chapter 8, Buildings and Building Regulations

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**HISTORY**

This amendment was initially presented to the City Council during a meeting on July 8, 2013. Following that meeting, the text of the amendment was forwarded to the Georgia Department of Community Affairs (DCA) in January 2014 and accepted for their review. The DCA issued a formal response on the proposed change on February 26, 2014 of “no comment.” According to their procedures a response of “no comment” may be based on the following: 1) there was no evidence of legislative findings and/or other supporting documentation justifying the requirement, or 2) the requirement was an administrative procedure, or 3) the requirement was not code related.

The amendment was presented to the City Council a second time on March 10, 2014. During that meeting several groups spoke in opposition to the amendment. Staff was asked by the City Council to modify the proposal and bring it back for further consideration. No specific direction was provided on the expected modifications.

**BACKGROUND**

When the City of Dunwoody began the Zoning/Land Development Code Rewrite in early 2012, two of the primary objectives in undertaking the project were to (1) prepare development regulations (substantive standards and procedures) that are illustrated and as easy to use, administer and enforce as possible and (2) better integrate and reference other development regulations. In order to achieve these objectives, a notion, first raised by the Zoning Code Rewrite Sounding Board, was discussed at length to increase building quality, durability, sustainability, and longevity while revitalizing areas zoned for uses other than those that currently exist on the site. As such, changes to the Buildings and Building Regulations Ordinance that will require any commercial, office, apartment, or condominium building greater than three (3) stories in height to be framed with noncombustible materials such as metal and/or concrete are outlined for consideration. Currently, the ordinance specifies anything up to five (5) stories above grade can be framed with light frame materials, and any structures taller than five (5) stories above grade must be framed with more durable materials that typically include metal and/or concrete.

## **DISCUSSION**

Staff has considered the input and comments received from the Mayor and Council and rewritten the proposed draft ordinance. Due to the nature of the changes the review and comment process with the Department of Community Affairs will need to be re-initiated from the beginning with a new submittal and 60 day review period. Following receipt of the DCA recommendation, the Mayor and Council may adopt the proposed local amendment. The DCA recommendation is non-binding.

Proposed changes will modify Chapter 8, Buildings and Building Regulations of the Code of Ordinances, specifically Section 8-1(e)(1) International Building Code by inserting a new subparagraph iii "Construction Classification and Building Height". The change amends Chapter 6 of the 2012 International Building Code, Types of Construction, Section 602 Construction Classification. The latest draft for consideration is as follows:

*Section 8-1. State minimum standard codes.*

(e) *Amend the following adopted codes to reflect missing or jurisdictional information referenced through adoption:*

(1) *International Building Code:*

(iii) *Construction Classification and Building Height. Any new building or structure designed or intended to be more than three (3) stories in height in any respect, and in aggregate with other principal buildings or structures on the same site exceeds 100,000 sq. ft. of Gross Floor Area (GFA), within the confined exterior walls of the structures whether occupiable or non-occupiable, shall, irrespective of any conflicting allowances or provisions of any other standard, code or ordinance having force and effect in the corporate limits of the City of Dunwoody Georgia, be of Type I or Type II construction defined in Chapter 6 of the 2012 International Building Code as amended by the State of Georgia.*

As revised, the new provisions will apply to sites containing more than one principal building over three stories in height and where the aggregate GFA of all buildings on the site exceed 100,000 sq. ft. If the revised wording is supported by the City Council, staff will initiate the review process with the Department of Community Affairs.

The previous wording presented on March 10<sup>th</sup> is below.

(iii) *Construction Classification and Building Height. Any new building or structure designed or intended to be more than three (3) stories in height in any respect and to encompass or otherwise enclose habitable or otherwise occupiable space and including stories of parking decks/garages, "above grade plane", shall, irrespective of any conflicting allowances or provisions of any other standard, code or ordinance having force and effect in the corporate limits of the City of Dunwoody Georgia, be of Type I or Type II construction defined in Chapter 6 of the 2012 International Building Code as amended by the State of Georgia.*

## **RECOMMENDATION**

Staff seeks direction from the City Council on how to proceed with this request.