



MEMORANDUM

To: Mayor and City Council

From: Steve Foote, AICP
Community Development Director

Date: March 10, 2014

Subject: First Reading – Amendment to City of Dunwoody
Chapter 8, Buildings and Building Regulations

HISTORY

This amendment was presented to the City Council during a meeting on July 8, 2013. The text of the amendment was forwarded to the Georgia Department of Community Affairs (DCA) on or about January 10, 2014 and accepted for their review. As stated below the DCA has 60 days to return comments to the City of Dunwoody. On February 18, 2014, staff forwarded a slight revision to the DCA for the purpose of clarifying the application of the amendment. This request was accepted by the State under the original application.

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.

According to the Uniform Codes Act, local governments may, under certain conditions, adopt local amendments to the state minimum standard codes so long as the requirements are more stringent. The list of procedures is attached for your reference. If the Mayor and Council wish to explore amendments further, then a transmittal resolution must be adopted, asking the Georgia Department of Community Affairs (DCA) to review and provide recommendations based upon our proposed text. After submittal of the proposed amendment, DCA will have 60 days to produce a non-binding recommendation, after which the Mayor and Council may proceed with formal adoption.



DISCUSSION

While DCA does not approve or disapprove any local amendment, the department does provide a recommendation in one of three ways: recommending adoption of the amendment, recommending the amendment not be adopted, or having no comment on the proposal. Following receipt of the DCA recommendation, the Mayor and Council may adopt the proposed local amendment. The DCA recommendation is non-binding. A response of "no comment" was received from the Department of Community Affairs on February 27, 2014.

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 revised wording sent to the State is shown below. Changes were made to clarify that all stories 'above plane grade' will be counted when determining the application of the new ordinance. Specifically, stories used partially or completely as parking decks/garages, will be included in the measurement. If the City Council concurs with this change the proposed Ordinance for 1st reading reflects this position and is ready for approval.

The proposed changes are 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 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 recommends approval of the proposed Ordinance as presented.