



## MEMORANDUM

**To:** Mayor and City Council

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

**Date:** July 14, 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 subsequently presented to the City Council on March 10 and April 21, 2014. During those meetings additional discussion on the amendment took place and public comments were received. During the last meeting staff was asked by the City Council to incorporate a ‘waiver’ process into the ordinance and bring it back for further consideration.

### **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**



In response to the request from Council to incorporate a waiver request, staff has provided with this report a proposed waiver process. In researching the waiver process, staff contacted the International Code Council and inquired as to what types of changes or construction methods would be considered acceptable exchanges for waiving steel frame or concrete construction requirements (Type I and Type II).

In response to our direct question about alternatives, no specific response was offered and no alternative construction methods were suggested. One possibility that was discussed with them and others that the City Council might consider are listed below.

- Fire Retardant Treated Wood
- Expanded sprinkler coverage
- Concrete block stairwells

In addition to the waiver process, staff has modified the last presented amendment as follows:

1. Increased the GFA threshold for the requirement from 100,000 sq. ft. to 200,000 sq. ft.
2. Revised the amendment to be applicable to the GFA of an independent principle building on a site, as well as, the aggregate GFA of multiple principle buildings on a site.

These changes will allow smaller scale development to be constructed under the current building codes while applying the new requirement evenly to single or multiple buildings.

A new submittal and review by the Department of Community Affairs will be required due to the comprehensive nature of the changes since the last review. This will include a new 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.

As with previous versions of this proposal, the amendment will modify Chapter 8, Buildings and Building Regulations of the Code of Ordinances, specifically Section 8-1(e)(1) International Building Code by inserting new subparagraphs iii "Construction Classification and Building Height" and iv "Waiver". The changes amend 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 which individually or in aggregate with other principal buildings or structures on the same site exceeds 200,000 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.*

- (iv) Waiver. A waiver of the requirement for Type I or Type II construction in 'iii' above may be submitted to the City Council for consideration. All applications shall be submitted to the Community Development Department for processing and shall include all information identified by the department as necessary to the review of the request, including, but not limited to, construction methods and alternatives offered in exchange for the required construction materials. Fees as required for a commercial variance shall be paid for this application. A decision by the City Council shall be final.*

As revised, the new provisions will apply to sites with one principal buildings or sites containing more than one principal building over three stories in height and where the GFA of one or all principle buildings on the site exceed 200,000 sq. ft.

#### **RECOMMENDATION**

If the revised wording is acceptable to the City Council, staff will initiate the review process with the Department of Community Affairs. All input and direction is welcome.

**AN ORDINANCE AMENDING CHAPTER 8 OF THE CITY OF  
DUNWOODY CODE OF ORDINANCES BY REVISING THE  
BUILDING CODE TO INCLUDE NEW REQUIREMENTS FOR  
CLASSIFYING CONSTRUCTION BASED ON BUILDING HEIGHT**

**WHEREAS,** the City of Dunwoody is charged with preserving the health, safety and welfare of the citizens of the City; and

**WHEREAS,** the City of Dunwoody currently enforces building regulations as set out in Chapter 8 of the City of Dunwoody Code; and

**WHEREAS,** in order to create easily accessible development regulations that integrate other such regulations, the Mayor and Council wish to revise the building code provisions for increased building quality, sustainability, durability, and longevity while revitalizing the areas zoned for uses other than what is currently developed; and

**WHEREAS,** to create such lasting development, the Mayor and Council find it necessary to reclassify the materials of construction based on certain building heights, to require longer-lasting material in smaller building heights than currently required and, to that end, wish to revise the building code to require same.

**THEREFORE,** Mayor and City Council of the City of Dunwoody hereby **ORDAIN** as follows:

**Section 1:** Chapter 8 (Building Code) of the City of Dunwoody Code of Ordinances is hereby amended by revising Article I ("In General"), Section 8-1(e) by the addition of new subsection (iii) and (iv) to read as follows:

**Sec. 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 which individually or in aggregate with other principal buildings

or structures on the same site exceeds 200,000 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.

- (iv) Waiver. A waiver of the requirement for Type I or Type II construction in 'iii' above may be submitted to the City Council for consideration. All applications shall be submitted to the Community Development Department for processing and shall include all information identified by the department as necessary to the review of the request, including, but not limited to, construction methods and alternatives offered in exchange for the required construction materials. Fees as required for a commercial variance shall be paid for this application. A decision by the City Council shall be final.

**Section 2:** This Amendment shall become effective immediately upon its adoption by the City Council, and incorporated into the Code of the City of Dunwoody, Georgia. This Amendment hereby repeals any and all conflicting ordinances and amendments.

**SO ORDAINED AND EFFECTIVE**, this \_\_\_ day of \_\_\_\_\_, 2014.

Approved:

\_\_\_\_\_  
Michael G. Davis, Mayor

ATTEST:

Approved as to Form and Content:

\_\_\_\_\_  
Sharon Lowery, City Clerk  
(Seal)

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Cecil G. McLendon, City Attorney