



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.

**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) to read as follows:

Sec. 8-1. State Minimum Standard Codes

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(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.

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)

Cecil G. McLendon, City Attorney



**GEORGIA DEPARTMENT OF
COMMUNITY AFFAIRS**

Nathan Deal
GOVERNOR

Gretchen Corbin
COMMISSIONER

February 26, 2014

Honorable Michael G. Davis
Mayor of City of Dunwoody
41 Perimeter Center East, Suite 250
Dunwoody, Georgia 30346

Dear Mayor Davis:

This letter acknowledges receipt of the City of Dunwoody's letter dated January 10, 2014, the City of Dunwoody's proposed local amendment and the email dated February 18, 2014 amending the original proposal (attached). You have requested that the Department of Community Affairs (DCA) review the amendment and comment in accordance with the Official Code of Georgia Annotated (O.C.G.A.), Title 8, Chapter 2, Article 1, Part 2.

The Uniform Codes Act, O.C.G.A. 8-2-25 (c) (1), requires such amendment(s) to be not less stringent than the State Minimum Standard Codes for Construction and that they be based on local climatic, geologic, topographic or public safety factors. The Act also requires the local government to demonstrate a local need by submitting in writing the legislative findings of the governing body and such other documentation it deems necessary/helpful in justifying the proposed amendment(s).

Legislative findings should take the form of analysis or special studies, conducted by the local government, which would support the need for a particular local code amendment. If such detailed material is not available, documentation of legislative findings must, at a minimum, consist of a resolution adopted by the governing authority which indicates that (a) the governing authority has reviewed the proposed local code amendment(s) being submitted to the Department; (b) the governing authority has found each of the proposed amendment(s) to be not less stringent than the State Minimum Standard Codes; (c) the reason(s) the local government feels each amendment is needed and which of the aforementioned localized factors (i.e., climate, geology, topography or public safety) is causing the need for the local amendment; and (d) the local government is requesting the Department to review the proposed local amendment(s) in accordance with the Act.

Accordingly, the Department may respond to your proposed amendment(s) in one of three ways: 1) the Department recommends adoption of the amendment; 2) the Department does not recommend adoption of the amendment; or 3) the Department has no comment. Whenever the Department has made no comment, there was either no evidence of legislative findings and/or other supporting documentation justifying the requirement provided for the Department to make a decision regarding the amendment or the requirement was an administrative procedure or the requirement was not code related.

Therefore, we have reviewed your amendment and we offer the following recommendations and comments for consideration by your local governing body.

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Honorable Michael G. Davis
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1) Regarding **Section 8-1 (e) (1) (iii), Construction Classification and Building Height**, The Department has no comment.

Per O.C.G.A. 8-2-25 (c) (4), Georgia law requires that no local amendment to the State Minimum Standard Codes shall become effective until the local governing body has caused a copy on the adopted amendment to be filed with this Department. We also request that you submit a copy of your adopting ordinance for our record.

If you have questions regarding this matter, please contact me at (404) 679-3106 or by email at ted.miltiades@dca.ga.gov.

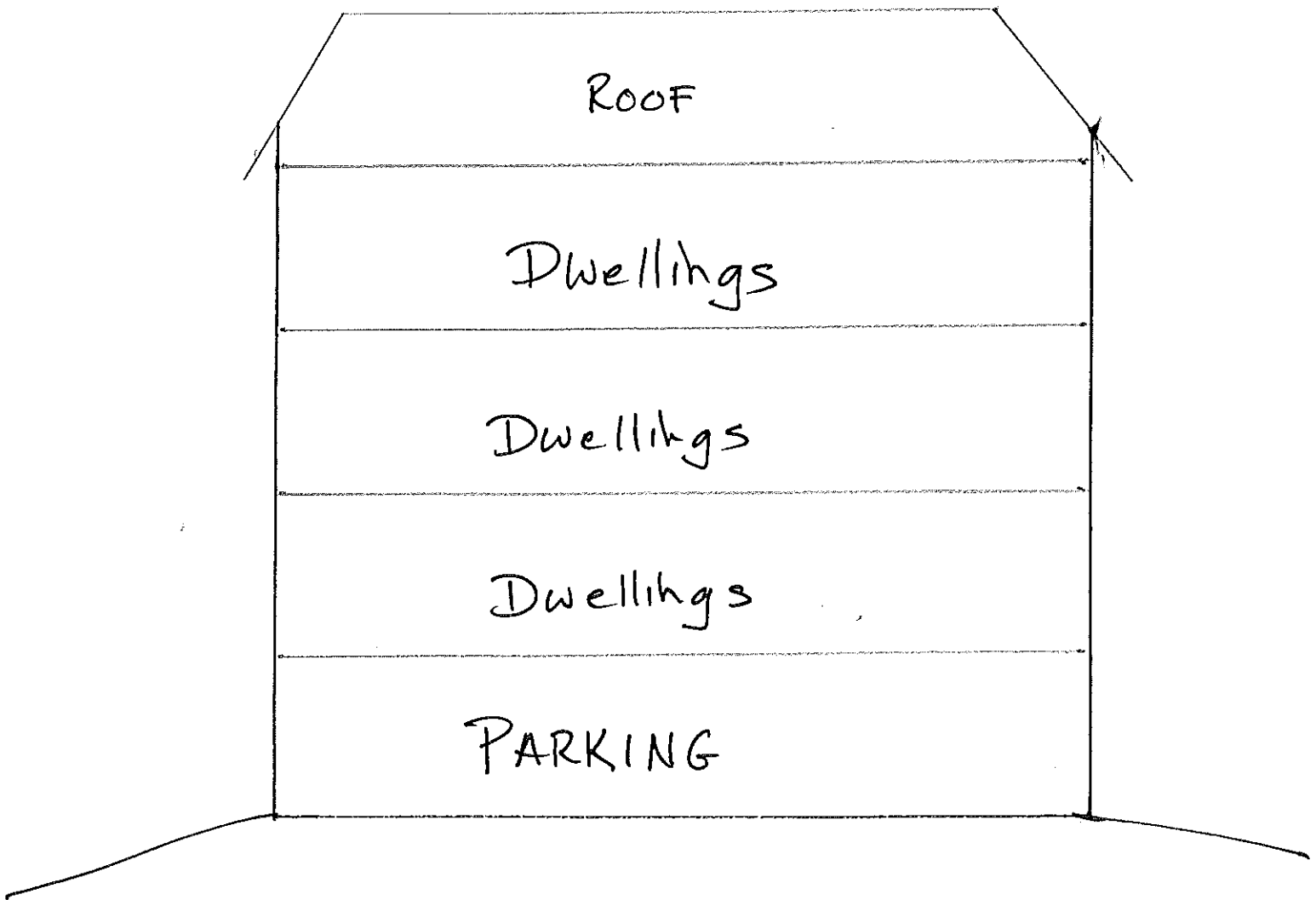
Sincerely,

Ted Miltiades

Ted Miltiades, Director
Office of Construction Codes and Research

TM/mr
Attachment

SAMPLE



Four (4) story Bldg