



MEMORANDUM

To: Mayor and City Council

From: Steve Foote, AICP
Community Development Director

Date: September 8, 2014

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

HISTORY

This amendment was initially presented to the City Council during a meeting on July 8, 2013. As a result, 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. 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, and which was discussed at length, was to increase building quality, durability, sustainability, and longevity while revitalizing areas zoned for uses other than those that currently exist on the site. This coupled with the public safety concerns cited by Council in the past; City staff presented those findings before Mayor and City Council on July 8, 2013, whereby consensus was achieved directing staff to transmit the proposed text amendments to the building code to DCA for comment and review.

The first submittal to the DCA proposed changes to the Buildings and Building Regulations Ordinance that would have required 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 construction. Currently, the ordinance specifies anything 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. According to the DCA code changes are to be based on local "climate, geologic, topographic or public safety factors". If the Mayor and Council wish to explore this amendment further a transmittal resolution must be adopted, asking the Georgia Department of Community Affairs (DCA) to review and provide recommendations based



upon the revised 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. If the City Council directs staff to proceed with the proposed building code changes a resolution will be placed on the next City Council agenda of September 22, 2014.

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. A "no comment" response represents the DCA conclusion that there was "either no evidence of legislative findings and/or other supporting documentation justifying the requirement provided for the Department to make a decision...", or the requirement was "not code related."

The current 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 current revised wording is shown below. All stories above grade will be counted toward the height of the building whether used for parking or occupiable/habitable space.

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 which individually or in aggregate with other principal buildings/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 as defined in Chapter 6 of the 2012 International Building Code as amended by the State of Georgia. This regulation shall not be used to relax or reduce any requirement in Table 503, Allowable Building Heights and Areas, or any other Section of the current adopted International Building Code.

RECOMMENDATION

Staff has no recommendation at this time.



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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February 26, 2014

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



41 Perimeter Center East, Suite 250
 Dunwoody, Georgia 30346
 P (678) 382-6700 F (678) 382-6701
dunwoodyga.gov

September 9, 2014

Ted Miltiades, Director
 Department of Community Affairs
 Office of Construction Codes and Research
 60 Executive Park South, NE
 Atlanta, Georgia 30329-2231

RE: Proposed Text Amendment to City of Dunwoody Buildings and Building Regulations Ordinance

Mr. Miltiades:

This letter serves to outline the City of Dunwoody's request for Department of Community Affairs (DCA) review pursuant to O.C.G.A. § 8-2-25.

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, and which was discussed at length, was to increase building quality, durability, sustainability, and longevity while revitalizing areas zoned for uses other than those that currently exist on the site. This coupled with the public safety concerns cited by Council in the past, City staff presented those findings before Mayor and City Council on July 8, 2013, whereby consensus was achieved directing staff to transmit the proposed text amendments to the building code to DCA for comment and review.

As previously reported, numerous structures built prior to incorporation by the City of Dunwoody range from three to five stories in height and are stick-built. While the newer structures constructed under the standard of DeKalb County and the current Dunwoody Building Code have a lifespan of 20-50 years, the concern of Council reigns from the public safety factors in the inevitable deterioration of those structures until they reach the end of their useful lifespan and are demolished.

The original building code changes were forwarded to the Department of Community Affairs in January 2014 for comment and the DCA responded as required. However, since that time the city has continued to discuss and revise the proposed building amendment. Due to the significant nature of the latest changes, staff has determined that a new submittal is required and herewith requests the DCA review and comment on the proposed amendment contained herein to the City of Dunwoody Building Codes.

The current amendment to the Buildings and Building Regulations Ordinance will require any building; commercial, office, apartment, condominium, or other building greater than three (3)-stories in height and exceeding 200,000 sq. ft. GFA, individually or in aggregate, to be framed with noncombustible materials such as metal and/or concrete (Type I or Type II

Michael G. Davis Mayor

Denis Shortal City Council Post 1
 Jim Riticher City Council Post 2
 Doug R. Thompson City Council Post 3

Terry Nall City Council Post 4
 Lynn Deutsch City Council Post 5
 John Heneghan City Council Post 6



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construction). 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 (Type I and Type II construction). The change will allow lower-rise structures under three stories or those smaller scaled projects, less than 200,000 sq. ft., to continue to be safely constructed and maintained at the current standard of construction out of the Council's interest in financial feasibility and tempered public safety concerns for lower-rise construction, including egress, structural integrity, and fire safety, for instance.

The amendment to the City Ordinance is proposed in **RED** below:

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 congregate with other principal buildings/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. This regulation shall not be used to relax or reduce any requirement in Table 503, Allowable Building Heights and Areas, or any other Section of the current adopted International Building Code.

If you have any questions, please contact me at (678) 382-6700.

Sincerely,

Michael G. Davis
Mayor, City of Dunwoody

Attachments:
City of Dunwoody Application
Minutes from September 8, 2014 Mayor and City Council Meeting

Michael G. Davis Mayor

Denis Shortal City Council Post 1
Jim Riticher City Council Post 2
Doug R. Thompson City Council Post 3

Terry Nall City Council Post 4
Lynn Deutsch City Council Post 5
John Heneghan City Council Post 6

GEORGIA DEPARTMENT OF COMMUNITY AFFAIRS

LOCAL CODE AMENDMENT FORM

(For Local Government Use Only)

Item # :	(For DCA use only)			Page:	1	of	
Local Government:	City of Dunwoody			Date:	9/9/2014		
Official's Name and Title:	Steve Foote, Community Dev. Director			Phone:	678-382-6802		
Address:	41 Perimeter Center East, Suite 250 Dunwoody, GA 30346			Fax:	770-396-4828		
				Email:	steve.foote@dunwoodyga.gov		
Title of Code Book:	IBC	Code Book Edition:	2012	Code Section:	Section 602.2		
CHECK ONE:	<input type="checkbox"/>	Revise section to read as follows:			<input checked="" type="checkbox"/>	Add new section to read as follows:	
	<input type="checkbox"/>	Delete section and substitute the following:			<input type="checkbox"/>	Delete without substitution:	
<u>LINE THROUGH MATERIAL TO BE DELETED:</u>					<u>UNDERLINE MATERIAL TO BE ADDED</u>		

Code section with strike through and underline :

(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/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 as defined in Chapter 6 of the 2012 International Building Code as amended by the State of Georgia. This regulation shall not be used to relax or reduce any requirement in Table 503, Allowable Building Heights and Areas, or any other Section of the current adopted International Building Code.

Complete ordinance section containing local amendment:

**GEORGIA DEPARTMENT OF
COMMUNITY AFFAIRS**

**LOCAL CODE AMENDMENT FORM
INSTRUCTION SHEET**

1. A letter on official letterhead must accompany this form requesting the Department of Community Affairs to review the proposed local amendment(s) in accordance with OCGA 8-2-25, and in that letter all other required submitted documentation should be included as required by OCGA 8-2-25.
2. Please use a separate form for each proposed local code amendment.
3. "Sheet 1 of " indicates the number of sheets for each individual proposed code amendment, not the number of sheets for all the amendments submitted. If all of the amendment or ordinance section will not fit in the space provided on form please submit remaining parts on additional sheet.
4. Identify the code and code section that is the subject of the proposed local amendment.
5. The local government official's name, address, telephone, fax and email address must be filled out completely.
6. Be sure to indicate the type of recommended action in the space referred to as "Check One".
7. If the proposed amendment revises the language of the code section, deletes the entire code section, or deletes the entire code section and offers substitute language, include the language of the present code section and line through the language to be deleted and underline the language of the proposed amendment..
8. **All proposed local code amendments must be typed and completed in full and the original submitted to the Codes and Industrialized Buildings Section of the Department of Community Affairs.** An incomplete form will be sent back to the proponent for completion.
9. Information concerning submittal of code amendments can be obtained by contacting the Codes and Industrialized Buildings Section at (404) 679-3118. All proposed local code amendments should be submitted to:

The Department of Community Affairs
Codes and Industrialized Buildings Section
60 Executive Park South, NE
Atlanta, Georgia 30329-2231