



TO: John McDonough, City Manager
FROM: Jim Tolbert, Assistant City Manager
DATE: August 2, 2016, for submission onto the August 16, 2016 Mayor and City Council Meeting Agenda
ITEM: Approval of an Ordinance to amend Section 105-19 of the Code relating to Construction Classification Building Height

Background:

The City of Sandy Springs currently enforces building regulations as set out in Chapter 105 of the City of Sandy Springs Code, which incorporates by adoption certain State Minimum Standards. The building code provisions may be revised to promote increased building quality, sustainability, durability, and longevity while revitalizing areas zoned for uses other than what is currently developed. In order to preserve the safety of persons inhabiting buildings above a certain height, many cities have instituted a requirement for construction with enhanced quality materials that increase the durability and longevity of the buildings.

Discussion:

The attached ordinance would amend the Sandy Springs Building Code to require that any building or structure over three stories and exceeding 100,000 square feet Gross Floor Area (GFA) be of a Type I or Type II construction as defined in Chapter 6 of the 2012 International Building Code as amended by the State of Georgia ("IBC"). Section 602.2 of the IBC defines Types I and II construction as those types of construction in which certain enumerated building elements (including the structural frame, load bearing walls, etc.) are to be made of noncombustible materials.

The text of the ordinance was transmitted to the Georgia Department of Community Affairs for review. A letter was received from the department management stating that DCA had no comments on the proposal and it was a local decision whether to adopt the amendment.

The ordinance has an immediate effective date but does not apply to any project with an active Land Disturbance Permit provided that any such project apply for a building permit no later than February 16, 2017.

Alternatives:

The City could decide not to approve the Ordinance or could modify the effective date.

Attachments:

- Ordinance

STATE OF GEORGIA

COUNTY OF FULTON

AN ORDINANCE AMENDING CHAPTER 105 OF THE SANDY SPRINGS CODE OF ORDINANCES BY REVISING THE BUILDING CODE TO INCLUDE NEW REQUIREMENTS FOR CLASSIFYING CONSTRUCTION BASED ON BUILDING HEIGHT

WHEREAS, the City of Sandy Springs is charged with preserving the health, safety and welfare of the citizens of the City; and

WHEREAS, the Mayor and City Council find that in order to preserve the safety of persons inhabiting buildings above a certain height, the Council wish to institute a requirement for construction with enhanced quality materials that increase the durability and longevity of the buildings; and

WHEREAS, the City of Sandy Springs currently enforces building regulations as set out in Chapter 105 of the City of Sandy Springs Code, which adopts the state minimum standard building codes; and

WHEREAS, in order to create easily accessible development regulations that integrate the adopted state regulations, the Mayor and Council wish to locally amend the state minimum standard building code to provide for increased building quality, sustainability, durability, and longevity while revitalizing the areas zoned for uses other than what is currently developed; and

WHEREAS, the City Council has found that local climatic, geologic, topographic and public safety conditions justify the proposed amendment; and

WHEREAS, the proposed amendment provides requirements not less stringent than those specified in the state minimum standard codes for the protection of life and property; and

WHEREAS, pursuant to O.C.G.A. §8-2-25, the City of Sandy Springs has transmitted the text of the amendment to the Georgia Department of Community Affairs for review; and

WHEREAS, the Georgia Department of Community Affairs has informed the City of Sandy Springs that the Department has no comments on the proposal and it is a local decision whether to adopt the amendment.

THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Sandy Springs, Georgia that the City's Code of Ordinances be amended by adding Subsection (e) to Section 105-19 in Article 2 of Chapter 105 relating to the Building Code.

ORDINANCE NO. 2016-08-XX

SECTION I: Subsection (e) is added to Sect. 105-19 as follows:

Sec. 105-19 – State Minimum Standards Adopted

...

(e) 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 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 Sandy Springs, 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.

SECTION II: This ordinance shall become effective immediately upon its adoption, and shall not apply to any project for which a Land Disturbance Permit application has been submitted to the City of Sandy Springs on or prior to August 16, 2016, provided that any such project applies for a building permit no later than February 16, 2017, after which the ordinance shall apply to those projects.

SECTION III: All ordinances and parts of ordinances in conflict herewith are hereby repealed.

PASSED AND APPROVED the 16th day of August, 2016.

CITY OF SANDY SPRINGS, GEORGIA

By: _____

Russell K. Paul, Mayor

Attest:

Michael D. Casey, City Clerk

(SEAL)

July 25, 2016

Honorable Russell K. Paul, Mayor, City of Sandy Springs
7840 Roswell Road, Building 500
Sandy Springs, Georgia 30350

Dear Mayor Paul:

This letter acknowledges receipt of City of Sandy Springs letter dated June 27, 2016 with proposed local ordinance amending the state adopted mandatory *2012 International Building Code*, Section 602 Construction Classification, Subsection 602.2 Types I and II (see attached). You have requested the Department of Community Affairs (DCA) review the proposed amendment and comment in accordance with the Official Code of Georgia Annotated (O.C.G.A.), Title 8, Chapter 2, Article 1, and 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 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: (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.

City of Sandy Springs
Page 2
July 25, 2016

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

Section 602 Construction Classification, Subsection 602.2 Types I and II; 2012 International Building Code:

- 1) Regarding Section 602.2 Construction Classification, Type I and II, the Department has no comment.

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

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
Director,
Office of Construction Codes & Research

Attachment

cc: Michelle Alexander, City of Sandy Springs,
Community Development Director

cc: Christopher Nunn,
Deputy Commissioner

cc: Rusty Haygood,
Division Director, Community Development



June 22, 2016

RECEIVED

BY:

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

Re: Proposed Text Amendment to City of Sandy Springs Building and Building Regulations Ordinance

Mr. Miltiades:

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

When the City of Sandy Springs began the Zoning/Land Development Code Rewrite, 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 City Council, 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 finding before Mayor and Council on June 21, 2016, whereby consensus was achieved directing staff to transmit the proposed text amendment to the building code to DCA for comment and review.

As previously reported, numerous structures built prior to incorporation by the City of Sandy Springs range from three to five stories in height and are stick-built. While the newer structures constructed under the standard of Fulton County and the current Sandy Springs 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 current amendment to the Buildings and Building Regulation Ordinance will require any building; commercial, office, apartment, condominium, or other building greater than three (3)-stories in height and exceeding 100,000 sq. ft. GFA, individually or in aggregate, to be framed with noncombustible materials such as metal and/or concrete (Type I or Type II 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 100,000 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 in proposed in RED 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 which individually or in congregate with other principal buildings/structures on the same site exceeds 100,000 sq. ft. of Gross Floor Area (FGA), 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 Sandy Springs, Georgia, be 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 sued to relax or reduce any requirement in Table 503, Allowable Building Heights and Areas, or any other section the current adopted International Building Code.

If you have any questions, please contact me at (770) 730-5600.

Sincerely,



Russell K. Paul
Mayor, City of Sandy Springs

cc: Department of Community Affairs, Codes and Industrialized Building Section

Enclosure(s).
City of Sandy Springs Application
Resolution

GEORGIA DEPARTMENT OF COMMUNITY AFFAIRS

LOCAL CODE AMENDMENT FORM (For Local Government Use Only)

Item # :	(For DCA use only)			Page:	1	of	1
Local Government:	City of Sandy Springs			Date:	June 22, 2016		
Official's Name and Title:	Michelle Alexander, Community Development Director			Phone:	(770) 206-1574		
Address:	7840 Roswell Road, Building 500 Sandy Springs, Georgia 30350			Fax:	(770) 206-1420		
				Email:	malexander@sandvspringsga.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:		
LINE THROUGH MATERIAL TO BE DELETED:				<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 congregate with other principal buildings/structures on the same site exceeds 100,000 sq. ft. of Gross Floor Area (FGA), 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 Sandy Springs, Georgia, be 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 sued to relax or reduce any requirement in Table 503, Allowable Building Heights and Areas, or any other section 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

STATE OF GEORGIA
COUNTY OF FULTON

A RESOLUTION AUTHORIZING THE MAYOR OF SANDY SPRINGS TO SUBMIT FOR REVIEW TO THE GEORGIA DEPARTMENT OF COMMUNITY AFFAIRS A PROPOSED ORDINANCE AMENDING CHAPTER 105 OF THE SANDY SPRINGS CODE OF ORDINANCES AND REVISING THE BUILDING CODE TO INCLUDE NEW REQUIREMENTS FOR CLASSIFYING CONSTRUCTION BASED ON BUILDING HEIGHT

WHEREAS, the City of Sandy Springs is charged with preserving the health, safety and welfare of the citizens of the City; and

WHEREAS, the Mayor and City Council find that in order to preserve the safety of persons inhabiting buildings above a certain height, the Council wish to institute a requirement for construction with enhanced quality materials that increase the durability and longevity of the buildings; and

WHEREAS, the City of Sandy Springs currently enforces building regulations as set out in Chapter 105 of the City of Sandy Springs Code, which adopts the state minimum standard building codes; and

WHEREAS, in order to create easily accessible development regulations that integrate the adopted state regulations, the Mayor and Council wish to locally amend the state minimum standard building code to provide for increased building quality, sustainability, durability, and longevity while revitalizing the areas zoned for uses other than what is currently developed; and

WHEREAS, the City Council has found that local climatic, geologic, topographic and public safety conditions justify the proposed amendment; and

WHEREAS, the proposed amendment provides requirements not less stringent than those specified in the state minimum standard codes for the protection of life and property; and

WHEREAS, pursuant to O.C.G.A. §8-2-25, the City of Sandy Springs must submit for review to the Georgia Department of Community Affairs any proposed local amendment to the state minimum standard codes sixty (60) days prior to the adoption of such amendment.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SANDY SPRINGS, GEORGIA

That the Mayor is hereby authorized to submit for review to the Georgia Department of Community Affairs the following proposed amendment to the City's Code of Ordinances, adding Subsection (e) to Section 105-19 in Article 2 of Chapter 105 relating to the Building Code.

SECTION I: Subsection (e) is added to Sect. 105-19 as follows:
Sec. 105-19 – State Minimum Standards Adopted

RESOLUTION NO. 2016-06-77

(e) 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 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 Sandy Springs, 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.

The Mayor and City Manager are authorized to execute any documents necessary to further the intent of this Resolution.

RESOLVED this the 21st day of June, 2016.

Approved:


Russell K. Paul, Mayor

Attest:


Michael D. Casey, City Clerk

(Seal)



August 1, 2016

Ms. Michelle Alexander
Community Development Director
City of Sandy Springs
7840 Roswell Road
Sandy Springs, GA 30350

RE: Resolution 2016-06-77- Seeking to Prohibit Wood Frame Construction in Mid-Rise Buildings in Sandy Springs

Dear Ms. Alexander:

On behalf of the undersigned organizations, we urge you to reconsider and reject the above-referenced proposed ordinance that would prohibit wood frame mid-rise buildings in Sandy Springs. We believe adoption of such an ordinance is without technical justification and would certainly have unintended consequences for the citizenry of Sandy Springs. Wood construction is progressive both environmentally and economically, and it is safe. Because of these attributes, its popularity is increasing. Its prohibition will not have the desired effect.

In regard to safety, please consider the following:

- The material considerations and building size limits of the Georgia Building code are based on those of the International Building Code (IBC), which reflect the best consensus of thousands of building and fire officials from across the country. Only governmental code officials vote on the final content of the IBC, ensuring avoidance of conflicts of interest.
- The Georgia Building Code establishes requirements for buildings, and is written to ensure equivalent performance, regardless of structural materials selected, for fire safety and durability.
- Allowable heights and areas for buildings of the traditional building materials have been the subject of extensive consideration, not only by the members of the International Code Council, but also the National Fire Protection Association (NFPA). NFPA's own model building code, the *NFPA 5000 Building Construction and Safety Code*, has the same size and height limits for wood frame structures as the IBC.
- NFPA statistics show that structure fires, deaths, and injuries due to fires in commercial buildings have been in steady decline in recent decades.¹
- Life safety is comprehensively addressed in the Georgia Building Code through required life safety systems, such as automatic sprinklers and detection systems, protected exits, and built-in fire resistance to protect the building and adjacent properties. Fire resistance is distinct from combustibility, and is quantified through standardized testing of building elements such as walls and floors. Wood frame structures can excel in fire

resistance with the protection of gypsum, among other means, and can achieve fire performance superior to other materials which may fail quickly in a hot fire.

Because of the above, and the good historic performance of buildings constructed under current provisions of the International Codes, restrictions such as those proposed by Sandy Springs are unjustified. Not only will design freedom be sacrificed, but deviations from strong consensus building codes often results in much higher development and construction costs.

Consider further that Atlanta, and moreover all of Georgia, is in the heart of one of our nation's greatest national resources—the well-managed forests of the Southeast. Wood is local, renewable, sustainable, and environmentally friendly, especially compared to alternative building materials. Independent life cycle assessment reports consistently show the manufacturing of wood products uses less energy than steel or concrete, and also sequesters carbon which has been removed from the atmosphere during forest growth. From an environmental standpoint, wood is the only construction material that contributes to a reduction in climate change. This city and metropolitan area has been a leader in environmental sensitivity and the environmental benefits of wood over other construction materials are globally recognized. Just last week, the United Nations Food and Agriculture Organization stated that, "Forests are at the heart of the transition to low-carbon economies, not only because of their double role as sink and source of emissions, but also through the wider use of wood products to displace more fossil fuel intense products."²

It does not make sense to prohibit development and use of this resource when state-of-the-art codes support its use and it has lower environmental impacts than fossil-fuel intensive products that will be substituted for it. The importance of wood to the State of Georgia cannot be understated, as in Georgia alone the wood products industry employs over 16,000 people, with an annual payroll approaching \$790 million.

We ask that you please reconsider your decision on Resolution 2016-06-77.

Respectfully,

American Forest Foundation
American Wood Council
Anthony Forest Products Company
APA- The Engineered Wood Association
Atlanta Apartment Association
Forest Landowners Association
Georgia Forestry Association
Georgia-Pacific
Greater Atlanta Homebuilders Association

Huber Engineered Woods
Interfor U.S. Inc.
National Alliance of Forest Owners
Southeastern Lumber Manufacturers Association
West Fraser
Westervelt
Weyerhaeuser

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1. *Fire Loss in the United States in 2014*, Haynes, Sept. 2015, NFPA; also *Trends and Patterns of U.S. Fire Loss*, Ahrens, Feb. 2016, NFPA.
 2. *Forestry for a low-carbon future: Integrating forests and wood products in climate change strategies*, Food and Agriculture Organization of the United Nations, Rome, 2016.