



TO: Mayor and City Council for the City of Sandy Springs, Georgia

FROM: John McDonough, City Manager

DATE: June 13, 2016, for submission onto the June 21, 2016 Mayor and City Council Meeting Agenda

ITEM: Approval of a Resolution to transmit the City Desire to the Department of Community Affairs to amend Section 105-19 of the Code relating to Construction Classification Building Height

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**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 resolution would authorize the Mayor to inform the Georgia Department of Community Affairs of the City intention to adopt an ordinance that 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.

**Alternatives:**

The City could decide not to approve the Ordinance.

**Attachments:**

- Resolution and Applicable State Code Section

**RESOLUTION NO. 2016-06-XX**

**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 MAYOR AND 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-XX**

(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 21<sup>st</sup> day of June, 2016.

CITY OF SANDY SPRINGS, GEORGIA

By: \_\_\_\_\_

Russell K. Paul, Mayor

Attest:

\_\_\_\_\_

Michael D. Casey, City Clerk

(SEAL)

West's Code of Georgia Annotated

Title 8. Buildings and Housing

Chapter 2. Standards and Requirements for Construction, Alteration, Etc., of Buildings and Other Structures (Refs & Annos)

Article 1. Buildings, Etc., Generally

Part 2. State Building, Plumbing, Electrical, Etc., Codes (Refs & Annos)

Ga. Code Ann., § 8-2-25

§ 8-2-25. Certain codes to have state-wide application; adoption of certain codes by municipalities and counties; local amendment of codes

Effective: May 1, 2012

[Currentness](#)

(a) On and after July 1, 2004, the state minimum standard codes enumerated in subdivisions (9)(A)(i)(I) through (9)(A)(i)(VIII) and (9)(B)(i)(I) through (9)(B)(i)(VIII) of [Code Section 8-2-20](#) shall have state-wide application and shall not require adoption by a municipality or county. The governing authority of any municipality or county in this state is authorized to enforce the state minimum standard codes enumerated in this subsection.

(b) The state minimum standard codes enumerated in subdivisions (9)(A)(i)(IX) through (9)(A)(i)(XIV) and (9)(B)(i)(IX) through (9)(B)(i)(XI) of [Code Section 8-2-20](#) shall not be applicable in a jurisdiction until adopted by a municipality or county. The governing authority of any municipality or county in this state is authorized to adopt and enforce the state minimum standard codes enumerated in this subsection in that subject area which is being regulated by the municipality or county, and a copy of the local ordinance or resolution adopting any such code shall be forwarded to the department in order that such municipality or county may be apprised of subsequent amendments in the state minimum standard code so adopted.

(c)(1) In the event that the governing authority of any municipality or county finds that the state minimum standard codes do not meet its needs, the local government may provide requirements not less stringent than those specified in the state minimum standard codes when such requirements are based on local climatic, geologic, topographic, or public safety factors; provided, however, that there is a determination by the local governing body of a need to amend the requirements of the state minimum standard code based upon a demonstration by the local governing body that local conditions justify such requirements not less stringent than those specified in the state minimum standard codes for the protection of life and property. All such proposed amendments shall be submitted by the local governing body to the department 60 days prior to the adoption of such amendment. Concurrent with the submission of the proposed amendment to the department, the local governing body shall submit in writing the legislative findings of the governing body and such other documentation as the local governing body deems helpful in justifying the proposed amendment. The department shall review and comment on a proposed amendment. Such comment shall be in writing and shall be sent to the submitting local government with a recommendation:

(A) That the proposed local amendment should not be adopted, due to the lack of sufficient evidence to show that such proposed local amendment would be as stringent as the state minimum standard codes and the lack of sufficient evidence to show that local climatic, geologic, topographic, or public safety factors require such an amendment;

(B) That the proposed local amendment should be adopted, due to a preponderance of evidence that such proposed local amendment would be as stringent as the state minimum standard codes and a preponderance of evidence that the local climatic, geologic, topographic, or public safety factors require such an amendment; or

(C) That the department has no recommendation regarding the adoption or disapproval of the proposed local amendments, due to the lack of sufficient evidence to show that such proposed local amendment would or would not be as stringent as the state minimum standard codes and the lack of sufficient evidence to show that local climatic, geologic, topographic, or public safety factors require or do not require such an amendment.

(2) The department shall have 60 days after receipt of a proposed local amendment to review the proposed amendment and make a recommendation as set forth in paragraph (1) of this subsection. In the event that the department fails to respond within the time allotted, the local governing body may adopt the proposed local amendment.

(3) In the event that the department recommends against the adoption of the proposed local amendment, a local governing body shall specifically vote to reject the department's recommendations before any local amendment may be adopted.

(4) No local amendment shall become effective until the local governing body has caused a copy of the adopted amendment to be filed with the department. A copy of an amendment shall be deemed to have been filed with the department when it has been placed in the United States mail, return receipt requested.

(5) Nothing in this subsection shall be construed so as to require approval by the department before a local amendment shall become effective.

(6) The department shall maintain a file of all amendments to the state minimum standard codes adopted by the various municipalities and counties in the state, which information shall be made available to the public upon request. The department may charge reasonable fees for copies of such information. An index of such amendments shall be included in each new edition of a state minimum standard code.

(7) At the time of issuing a building permit, the issuing county or municipality shall notify the holder of the permit of any local amendments to the state minimum standard codes which are in effect for that county or municipality and that any such amendments are on file with the department. A county or municipality may satisfy this notice requirement by posting or providing a summary of the topic of such local amendment or amendments and the address and telephone number of the department.

(d) Except as otherwise provided in subsection (c) of this Code section, building related codes or ordinances dealing with the subjects of historic preservation, high-rise construction, or architectural design standards for which a state minimum standard code does not exist may be adopted by a local jurisdiction following review by the department. The department's review shall be limited to a determination that the proposed code or ordinance is consistent with the approved state minimum standard codes when common elements exist and is not less restrictive than the requirement of said codes. Changes to all other state minimum standard codes shall be approved only pursuant to the provisions of this Code section regarding local amendments.

(e)(1) As used in this subsection, the term:

(A) “Agriculture,” “agricultural operations,” or “agricultural or farm products” has the meaning provided by [Code Section 1-3-3](#).

(B) “Farm” means real property or a portion thereof used for agricultural operations.

(C) “Farm building or structure” means a building or structure that is located on a farm and designed by the USDA Natural Resources Conservation Service (NRCS), not used for residential purposes, not intended primarily for public use, and used primarily for or in connection with agricultural operations for the sole purposes of manure storage and animal mortality composting or winter feeding and following the standards and specifications of NRCS practice codes 313--Waste Storage Facility and 317--Composting Facility as detailed in the USDA NRCS Field Office Technical Guide as such existed on January 1, 2011.

(2) Farm buildings or structures shall be exempt from the state minimum standard building codes provided for in subdivisions (9)(B)(i)(I) and (9)(B)(i)(IX) of [Code Section 8-2-20](#) and any amendment thereto adopted by the department pursuant to [Code Section 8-2-23](#) or by a municipality or county pursuant to this Code section.

#### **Credits**

Laws 1969, p. 546, § 5; Laws 1980, p. 1316, § 5; Laws 1982, p. 3, § 8; Laws 1989, p. 1659, § 7; Laws 1990, p. 1364, § 2; Laws 2000, p. 452, § 1; [Laws 2004, Act 534, § 5, eff. July 1, 2004](#); [Laws 2011, Act 87, § 1, eff. May 11, 2011](#); [Laws 2012, Act 684, § 8, eff. May 1, 2012](#).

Ga. Code Ann., § 8-2-25, GA ST § 8-2-25

Current through the Regular Session of the 2015 Legislative Session