

STATE OF GEORGIA
COUNTY OF DEKALB
CITY OF DORAVILLE



ORDINANCE NO. 2016- 16

AN ORDINANCE TO AMEND CHAPTER 5, ARTICLE VI, SECTION 5-212 OF THE LEED ORDINANCE; TO AMEND SECTION 5-273 OF THE TREE PROTECTION ORDINANCE TO ADD PLANTING REQUIREMENTS IN PARKING LOTS; TO AMEND SEC. 5-81, OTHER BUILDING REGULATIONS; TO PROVIDE FOR REPEAL OF CONFLICTING ORDINANCES; TO PROVIDE FOR AN ADOPTION AND EFFECTIVE DATE; TO PROVIDE FOR CODIFICATION; AND TO PROVIDE FOR OTHER LAWFUL PURPOSES.

WHEREAS, the LEED ordinance (Chapter 5, Article VI of the City Code) was adopted into the City of Doraville municipal code on August 4, 2008 and subsequently amended in February 2, 2009; and

WHEREAS, the intent of the ordinance is to minimize the short-term and long-term negative impacts construction has on the environment and provide for more resource efficiency and energy conservation; and

WHEREAS, the intent of the ordinance is also to provide owners and occupants of commercial buildings, offices, industrial buildings, multiple residences and senior citizen multiple residences with energy and water savings, good indoor air quality and healthy, pleasant and productive surroundings.

WHEREAS, subsequent amendments to the International Building Code and Energy Code have increased resource efficiency and energy conservation since the adoption of this ordinance in 2008; and

WHEREAS, the LEED certification process required in the ordinance is difficult, lengthy and costly to pursue by applicants; and

WHEREAS, the LEED certification process extends the permitting process, affecting construction timing and possible project financing; and

WHEREAS, the LEED certification process entails review and certification by an outside organization and beyond the City's control to determine compliance with the City's LEED ordinance; and

WHEREAS, the City does not have the staff with the time nor the expertise to determine if a project is meeting the LEED requirements; and

WHEREAS, the City is proposing amendments to the ordinance to simplify the code requirements and streamline the permitting process in a manner that satisfies the intent the LEED ordinance to meet the City's sustainability goals; and

WHEREAS, it is in the best interest of the City of Doraville to amend the LEED ordinance in the furtherance of the public health, safety, general welfare and economic sustainability; and

NOW, THEREFORE, THE MAYOR AND THE COUNCIL OF THE CITY OF DORAVILLE, GEORGIA HEREBY ORDAINS as follows:

SECTION 1: Section 5-212 (Applicability), Chapter 5, Article VI, hereby amended to read as follows:

Sec. 5-212. Applicability.

This article adopts the U.S. Green Building Council's (USGBC) Leadership in Energy and Environmental Design (LEED-NC) Rating System, Version 2.2. Any future amendments thereto will be reviewed by the City before consideration is given to the adoption of such amendments. The LEED-NC system (for new construction) establishes several levels of environment achievement from certified rating to a platinum rating. The ratings are attained by earning LEED points in the categories of sustainable sites, water efficiency, energy and atmosphere, materials and resources, indoor environmental quality and innovation and design process.

~~This article shall be applicable to all *Developments with* new construction of a commercial building, office building, industrial building, multiple residence or senior citizen multiple-residence equal to or greater than twenty thousand (20,000) square feet of gross floor area space and the provisions of this article are mandatory for any building permit application for such structures containing gross floor area space of equal to or greater than twenty thousand (20,000) square feet which are received by the City on or after February 2, 2009. *are encouraged, but not required, to seek LEED certification.*~~ Furthermore, this article shall be applicable to all new construction of municipal buildings regardless of square footage.

SECTION 2: Chapter 5, Article III, Other Building Regulations, is hereby amended by adding new section 5-81, "Building roof surface," to read as follows:

Sec. 5-81. Building roof surface.

Installation of either of the following shall be required to reduce the heat island effect:

- (1) Solar reflective material for a minimum of 75 percent of the building roof surface area, except areas where there are roof penetrations or on-site renewable energy power systems installed, which shall achieve a minimum initial Solar Reflectance Index (SRI) of 78 for a low-sloped roof (less than or equal to 2:12) and a minimum initial SRI of 29 for a steep-sloped roof (more than 2:12); or
- (2) Vegetated roof for a minimum of 50 percent of the building roof area. Required documentation shall include roof construction plans with drainage and planting details.

SECTION 3: Section 5-273 (Tree Replacement and Planting) of Chapter 5, Article IX, Tree Protection Plan and Permit Requirements, is hereby amended by adding a new subsection (e) as follows:

Sec. 5-273. Tree Replacement and Planting.

....

- (e) Minimum landscaping requirements for surface parking lots. All new parking facilities for new multi-family and non-residential uses shall present a landscape plan to the Community Development Director for approval, indicating that the surface parking lot will meet the minimum barrier curb and landscaping requirements as follows:
 - (1) Barrier curbs or landscape strips shall be installed around the perimeter of the parking lot and around landscaped areas that are required in this article, except where the perimeter abuts an adjacent building or structure, at points of ingress and egress into the facility, and at points of stormwater runoff so as to prevent encroachment of vehicles onto adjacent property, rights-of-way and landscaped areas.

- (2) Barrier curbs or wheel stops shall be a minimum of six inches in height and a minimum of eight inches in width and permanent in nature. Barrier curbs and wheel stops shall be constructed of concrete or other durable material. Such curbs shall be securely installed and maintained in good condition.
- (3) Where the end of a parking space abuts a landscaped area, barrier curbs or wheel stops shall be placed in the parking space at a minimum of two feet from the end of the parking space adjacent to the landscaped area. This two-foot wide area may have the pavement removed and be developed as part of the required landscaped area.
- (4) Surface parking lots shall have a minimum landscaped area equal to at least 10 percent of the paved area of the lot.
- (5) A minimum of one drought tolerant, overstory tree per eight parking spaces shall be included in the required landscaped areas. For the purpose of satisfying this requirement, existing trees remaining that are two and one-half inches or more in DBH, and are located inside the proposed parking lot or adjacent to within 20 feet of the parking lot, shall be considered to be equivalent to one or more newly planted trees on the basis of one tree for each two and one-half inches of caliper.
- (6) In addition to trees, ground cover shall also be provided to protect tree roots and to prevent erosion. Ground cover shall consist of plants, organic mulch and other similar landscaping materials. Such ground cover shall be maintained at a maximum height of two and one-half feet, except where such shrubs are screening the parking surface from an adjacent residential use. Plants shall not be planted within the structural rootplate of trees; plantings within the critical root zone shall be dug by hand.
- (7) Trees planted in the interior of a parking lot shall comply with the minimum pervious root zone requirements noted in this article.
- (8) Continuous landscaped buffer strips shall be constructed along sidewalks and public rights-of-way where surface parking lots are adjacent to such sidewalks or public rights-of-way except at points of ingress and egress into the facility. Such landscaped buffer strips shall be a minimum of five feet in width and shall contain, in addition to ground cover, trees planted a maximum of 40 feet on center along the entire length. Trees shall be planted at a minimum of 30 inches from any barrier curb so as to prevent injury to trees from vehicle bumpers.
- (9) Where landscaped area is located adjacent to vehicle overhangs, the trees shall be planted in line with the side stripes between parking spaces in order to avoid injury to trees by vehicle bumpers.
- (10) All landscaped areas, including trees located in the public right-of-way that are counted in the fulfillment of this requirement, shall be properly maintained in accordance with approved landscape plans. If a tree or any plant material dies, it shall be replaced within six months so as to meet all requirements of this section and to allow for planting in the appropriate planting season.
- (11) The Community Development Director may allow a reduction of parking spaces up to 10 percent of the minimum required spaces to comply with the parking lot landscape requirements of this section.
- (12) Upon written application by any person subject to the provisions of this section, the Community Development Director is hereby authorized to grant administrative variances to the requirements of this section only upon making all of the following findings:

- i. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, topography, subsurface conditions, overhead structures or the existence of sufficient trees in the public right-of-way within ten feet and adjacent to the parking lot.
- ii. Such conditions are peculiar to the particular piece of property involved; and
- iii. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of this article and of Chapter 23 of this Code.

Section 4: All ordinances or parts of ordinances in conflict herewith are hereby expressly repealed.

Section 5: The Ordinance shall be codified in a manner consistent with the laws of the State of Georgia and the City of Doraville.

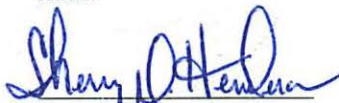
Section 6: It is the intention of the governing body, and it is hereby ordained that the provisions of this Ordinance shall become and be made part of the Code of Ordinances, City of Doraville, Georgia and the sections of this Ordinance may be renumbered to accomplish such intention.

Section 7: This Ordinance shall become effective on the date of adoption.

Effective this 15 day of AUG, 2016.

ADOPTED by the Doraville City Council AUG 15, 2016
APPROVED by the Mayor

Attest:



Sherry D. Henderson
Clerk, City of Doraville

1st read 8/15/2016
2nd read waived 8/15/2016



Cecil McLendon
Attorney, City of Doraville


HONORABLE DONNA PITTMAN
Mayor, City of Doraville

THE FOREGOING DECISION WAS OFFERED BY COUNCIL MEMBER R. Patrick WHO MOVED ITS APPROVAL WITH CONDITIONS. THE MOTION WAS SECONDED BY COUNCIL MEMBER P. Fleming. BEING PUT TO A VOTE, THE RESULTS ARE LISTED AS FOLLOWS:



	Yea	Nay		Yea	Nay
Pam Fleming	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Robert Patrick	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Shannon Hillard	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Dawn O'Connor	<u>ABSENT</u>	
M.D. Nasser	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Sharon Spangler	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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Ordinance 2016-16
Adopted 8/15/2016

An ordinance amending:

- The LEED ordinance
- The Tree Protection Ordinance
- Other Building Regulations



MEMORANDUM



TO: Doraville Mayor and City Council

FROM: Enrique Bascuñana, Community Development Director

SUBJECT: Code Amendments to the LEED Ordinance, Other Building Regulations Ordinance, Tree Ordinance, and the Livable Community Code, Parking Ordinance

DATE: August 15, 2016 City Council Meeting

AN ORDINANCE TO AMEND CHAPTER 5, ARTICLE VI, SECTION 5-212 OF THE LEED ORDINANCE; TO AMEND SECTION 5-273 OF THE TREE PROTECTION ORDINANCE TO ADD PLANTING REQUIREMENTS IN PARKING LOTS; TO AMEND SEC. 5-81, OTHER BUILDING REGULATIONS; TO PROVIDE FOR REPEAL OF CONFLICTING ORDINANCES; TO PROVIDE FOR AN ADOPTION AND EFFECTIVE DATE; TO PROVIDE FOR CODIFICATION; AND TO PROVIDE FOR OTHER LAWFUL PURPOSES.

BACKGROUND/ISSUES:

Recently, an applicant submitted plans to the City of Doraville to construct a new industrial building approximately 365,000 square feet in size. The applicant indicated a number of challenges in complying with the LEED ordinance requirements. Additionally, the City has identified other issues which also pose challenges for compliance. The following items highlight those challenges:

- 1) Difficult for developments to meet LEED requirements because of:
 - Unique building functions
 - Lack of clear LEED requirements applicable for certain types of uses
- 2) The LEED certification process is difficult, lengthy and costly to pursue, requiring applicants to hire a LEED certified expert to prepare the appropriate application paperwork to the US Green Building Council (USGBC) and review all potential applicable building codes that could qualify a project for certification. This can add 35,000 to 50,000 \$ dollars to the cost of a project because a LEED consultant must be hired to be involved in the goal setting and design charrettes, energy modeling, and construction process.
- 3) City building officials are not available to the architect in the early stages of a project, nor do we have the time or the expertise to determine if a project is meeting the required milestones. Furthermore, we cannot determine if the applicant's efforts will be certified, because that determination is made by an outside organization, the USGBC, a 501c(3) non-profit corporation.
- 4) The LEED certification process extends the permitting process, affecting construction timing and possible project financing. The city of Doraville does not have the staff with the knowledge and expertise to ensure that LEED requirements are being met.

- a. Evidence must be collected during the construction process to submit in a report to the USGBC. It's very involved, and requires the owner and architect's cooperation. The owner must agree to incorporate LEED into the scope of work, and the architect will command a premium from the owner to design to a LEED standard.
 - b. Placing this burden on a city building official, whose background does not include training as a design professional, is asking too much of city staff.
 - c. Understanding LEED and what to ask for during the design and construction process often requires multiple design professionals with specific LEED training in different disciplines.
- 5) The certification process can be further complicated when new developments do not have all of the building tenants identified.
- 6) Economic investment is discouraged in the City of Doraville as applicants may seek locations in other sister municipalities to avoid going through the LEED certification process. The majority of other nearby jurisdictions do not have LEED requirements. See attached list.

PROPOSAL:

The following code amendments are proposed to simplify the code requirements and streamline the permitting process in a manner that still addresses energy conservation and environmental issues.

- 1) Eliminate the LEED certification requirement, however, encourage applicants to seek certification.
- 2) Amend other city ordinances to require the following items to meet the intent of the LEED ordinance:
 - a. Reduce the heat island effect through:
 - i. Heat reflective roof materials
 - ii. Require either:
 - 1. Pavement materials for automobile surface parking lots of concrete or alternative pavement; or
 - 2. Minimum overstory tree plantings in parking lots to provide shade canopy coverage.
 - 3. Allow truck loading areas to remain as asphalt.
 - b. Energy conservation:
 - i. Minimum number of electric/alternative fuel vehicle charging stations and spaces at one (1) station for every 100 automobile parking spaces. Not to exceed 12 stations.
 - ii. Minimum bicycle parking/shower facilities
 - iii. Showering facilities for office buildings over 50,000 square feet in floor area.

STAFF RECOMMENDATION: APPROVAL.

PLANNING COMMISSION RECOMMENDATION: Deferred at the June 1st meeting. Case to be heard at the August 10th meeting. Commission recommendations to be presented at the August 15th Council meeting.

LEED Ordinance – Comparison with other local municipalities

City	Required/Optional	Threshold	Review
Doraville	Required	New construction over 20,000 sf	USGBC
Chamblee	Required	New construction over 20,000 sf	USGBC or Green Globes
Decatur	Required	Commercial – minimum 3,000sf	USGBC, Earthcraft or Green Globes
Optional. Only required if applicants want to increase their Square Footage allowance			
Atlanta	<ul style="list-style-type: none"> • <u>Optional</u> private sector: Buckhead village to obtain density bonus • Required for city facilities 	<ul style="list-style-type: none"> • City facilities over 5,000sf 	USGBC
DeKalb County	<u>Optional</u> to obtain density bonus	50% Density bonus in exchange for LEED	USGBC or Earthcraft
Gwinnett County	<u>Optional</u> to obtain a density bonus	-	USGBC
Norcross	<u>Optional</u> to obtain a density bonus	-	USGBC
Suwanee	<ul style="list-style-type: none"> • <u>Optional</u> for private sector • Required for City facilities 	City facilities over 10,000 sf	USGBC
Optional			
Athens-Clarke County	No ordinance	-	-
Avondale	No ordinance	-	-
Brookhaven	No ordinance	-	-
Cobb County	No ordinance	-	-
College Park	No ordinance	-	-
Dunwoody	No ordinance	-	-
East Point	No ordinance	-	-
Fulton County	No ordinance	-	-
Hapeville	No ordinance	-	-
Marietta	No ordinance	-	-
Macon County	No ordinance	-	-
Macon-Bibb County	No ordinance	-	-
Milton	No ordinance	-	-
Peachtree City	No ordinance	-	-
Rome	No ordinance	-	-
Roswell	No ordinance	-	-
Sandy Springs	No ordinance	-	-
Savannah	No ordinance	-	-
Smyrna	No ordinance	-	-
Woodstock	No ordinance	-	-