



October 15, 2019

Mr. Paul Thomas, CBO, CFM  
Building Official  
Ft. Pierce Building Department  
100 North US 1  
Fort Pierce, FL 34950

Dear Mr. Thomas:

I am writing you this letter in response to a letter I received from my client who is trying to open a Vacation Rental By Owner in your jurisdiction at 715 South Ocean Drive Unit D. In your letter, you stated your position is the proposed permit application would require the change of use from R-2 to R-3 in accordance with Sections 310.4 and Section 310.5 of the Florida Building Code, 6<sup>th</sup> edition (Extracted from website [https://codes.iccsafe.org/content/FBC2017/chapter-3-use-and-occupancy-classification#FBC2017\\_Ch03\\_Sec310](https://codes.iccsafe.org/content/FBC2017/chapter-3-use-and-occupancy-classification#FBC2017_Ch03_Sec310).)

**310.4 Residential Group R-2.**

Residential Group R-2 occupancies containing *sleeping units* or more than two *dwelling units* where the occupants are primarily permanent in nature, including:

- Apartment houses
- Boarding houses* (nontransient) with more than 16 occupants
- Congregate living facilities* (nontransient) with more than 16 occupants
- Convents
- Dormitories*
- Fraternities and sororities
- Hotels (nontransient)
- Live/work units*
- Monasteries
- Motels (nontransient)
- Vacation timeshare properties

**310.5 Residential Group R-3.**

Residential Group R-3 occupancies where the occupants are primarily permanent in nature and not classified as Group R-1, R-2, R-4 or I, including:

- Buildings that do not contain more than two *dwelling units*
- Boarding houses* (nontransient) with 16 or fewer occupants
- Boarding houses* (transient) with 10 or fewer occupants
- Care facilities that provide accommodations for five or fewer persons receiving care
- Congregate living facilities* (nontransient) with 16 or fewer occupants
- Congregate living facilities* (transient) with 10 or fewer occupants
- Lodging houses* with five or fewer *guest rooms*

My concern is when you look at the examples for R-2, you find the last example is "Vacation timeshare properties" which is what we are seeking to get approved. Also, within the main definition, it is quoted, "Residential Group R-2 occupancies containing sleeping units or more than two dwelling units..." which is the case at the above referenced address. The building in question has more than two dwelling units attached.

In addition, when you look at the examples for R-3 occupancies, the first example is “Buildings that do not contain more than two dwelling units.” Again, this property has more than two dwelling units attached.

Finally, you quote in your letter “where occupants are permanent in nature.” However, upon review, the word “primarily” was left out and should have been quoted, “where occupants are primarily permanent in nature.” The same language is found in the definition for R-3 occupancy type.

Based on this analysis, it is my professional engineering opinion that the permit application for the referenced address should remain as an R-2 occupancy and there is no change of use. I understand and agree that you are the ultimate authority to interpret the Florida Building Code for the City of Fort Pierce. However, I would request you reconsider your opinion. If it helps, I recommend referring to the informal non-binding interpretations 7875, 7956, and 8027 issued by the Building Officials Association of Florida and DBPR.

Please feel free to call me and we can discuss any concerns you may have regarding my opinion. I can be reached at (561)723-3225. In addition, I intend to inspect the property for compliance with the Florida Fire Prevention Code, 6<sup>th</sup> edition, I will identify any deficiencies I find, and I will recommend remedies for compliance.

Sincerely

Jeffrey P. Collins, MS, PE  
361 Mulberry Grove Road  
Royal Palm Beach, FL 33411