

FILED
Department of Business and Professional Regulation
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File #

Petition for Declaratory Statement before the Florida Building Commission

Company: City of Oviedo
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DS 2014-043

Petitioner's Attorney or Representative: None

Statute(s), Agency Rule(s), Agency Order(s), and/or Code Section(S) on which the Declaratory Statement is sought:

2010 Florida Residential Code, Chapter 1 - R101.2, Chapter 2 - Definitions
2008 National Electric Code, 230.2 Number of Services, 250.50 Grounding Electrode System

Background:

The City of Oviedo has a townhouse project "The Hampton" starting soon. Townhouse are consider single family resident. This project has the electric services and A/C units not attached to the single townhouse but rather a bank of electric services and grouping of the A/C units on common property. They are proposing to install chases with an easement under each dwelling unit though the next unit until the end unit at which time they will be placed outside in a common area of the "building". This "easement" will be under the each unit crossing their property line. These are fee simple townhouse.

BOAF Informal Interpretation # 5195 indicates that this would not be allowed.

R101.2 Scope The provisions of the Florida Building Code, Residential shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal and demolition of detached one- and two-family dwellings and townhouses not more than three stories above grade plane in height with a separate means of egress and their accessory structures.

TOWNHOUSE. A single-family dwelling unit constructed in a group of three or more attached units with property lines separating each unit in which each unit extends from foundation to roof and with a yard or public way on at least two sides.

230.2 Number of Services. A building or other structure served shall be supplied by only one service unless permitted in 230.2(A) through (D). For the purpose of 230.40, Exception No. 2 only, underground sets of conductors, 1/0 AWG and larger, running to the same location and connected together at their supply end but not connected together at their load end shall be considered to be supplying one service.

250.50 Grounding Electrode System. All grounding electrodes as described in 250.52(A)(1) through (A)(7) that are present at each building or structure served shall be bonded together to form the grounding electrode system. Where none of these grounding electrodes exist, one or more of the grounding electrodes specified in 250.52(A)(4) through (A)(8) shall be installed and used.

Questions

Since a townhouse unit is consider a single family dwelling unit with zero lot lines, must each townhouse unit have their own separate utilities including the electric, fire sprinkler system if required, and water/sewer service contain within their own property?


Summary

The Petitioner respectfully believes the answer is yes to the question outlined above. This type of installation of the electrical service along with the A/C units, water/sewer and fire sprinkler system as proposed would typically be seen in a condo or apartment complex situation but not a single family home. The owners will not have total control of their services and/or equipment since they are not on their property. It is imperative that a clear and concise interpretation by the Commission be made as to the intent and application of the codes. Section 553.775(1), Florida Statutes states: "It is the intent of the Legislature that the Florida Building Code be interpreted by building officials, local enforcement agencies, and the commission in a manner that protects the public safety, health, and welfare at the most reasonable cost to the consumer by ensuring uniform interpretations throughout the state and by providing processes for resolving disputes regarding interpretations of the Florida Building Code which are just and expeditious."

Respectfully submitted,

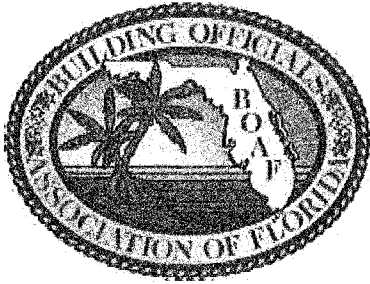
City of Oviedo

By:



Donald L. Fuchs Jr.

Building Official, City of Oviedo



Florida Building
Code
Informal
Interpretation



Date: Sun Jul 1 2007

Report #: 5195

Code: Electrical

Section: 230.2, 230.70 (A)1

Question:

Is it the intent of the electric code to require that each individual townhome in a group of townhomes be served by a separate service and service equipment located on each individual townhome? Conversely, would it be permitted per the electrical code to "bank" the several meters and associated service equipments at the end of each group of townhomes?

Answer:

No to both questions, based on the following commentary.

Commentary:

Townhomes by Florida definition are separate buildings(see Florida statute 481.203(7)), therefore requiring separate permits and COs and utility services. NEC 230.70(A)(1) and 240.24(B) require the disconnecting means to be readily accessible. If not on the individual townhome, the disconnect could be mounted on someone else's property and not considered readily accessible. Further, the electrical code does not speak to where the service is on a townhome, or other structure, merely that it is to be readily accessible. The problem that arises is the fee simple property owner owns the dirt under the unit and the sky above it. The fee simple owner does not own any common property under, over or through another unit. If individual A owns a unit, and desires to dig up the floor to install a sunken living room or hot tub, or just because he wants to, he may. This could cut any utility feeds or sewer lines under the slab. The affected party would have no recourse. This is not the same as a condo where the owner only has control of the area inside of the unit, and not the structure. Therefore each unit must have its own service located on the unit.

Notice:

The Building Officials Association of Florida, in cooperation with the Florida Building Commission, the Florida Department of Community Affairs, SBCCI, and industry and professional experts offer interpretations of the Florida Building Codes in the interest of consistency in their application statewide. They are informal, non-binding and subject to acceptance and approval by the local building official.