

Issue DS 2019-043: The petitioner Robert R. Sheppard is seeking a declaratory statement on when the aforementioned 2-Family Dwellings are designed and constructed as described, are the requirements for "separate means of egress" satisfied by the shared deck and single staircase with point of exit discharge at the "yard"?

Background:

The Petitioner is a licensed municipal Plans Examiner employed by the City of Marathon, Monroe County, Florida. The Petitioner is charged with determining compliance with minimum means of egress travel requirements in accordance with the 2017 Florida Building Code, Residential. The Petitioner is currently performing a plan review for new 2-Family Dwellings that is designed under the 2017 Florida Building Code, Residential.

Each dwelling unit is provided with a single hinged egress door. There are no other doors provided. **The egress doors open to a shared non-separated wood "deck" that has 4 sides and is elevated 9' above the surrounding yard. The shared deck is attached at one side to the wall of the building that contains both egress doors. The remaining three sides of the deck are provided with the required guardrail barrier.**

The shared deck has an outside dimension of 10' by 13' and is provided with a 2 X 6 guardrail cap that reduces the interior dimension according to the nominal width of the cap. At a portion of one side of the deck is a 4' wide opening providing access to a 4' wide stairway that is shared by the dwelling units.

Stairway construction includes an integral 8' long by 4' wide landing located midway between the elevated deck and grade level. The landing changes the stairway direction of travel 180 degrees. The grade level exist discharge from the shared stairway exits to a "yard" that opens to a "public way."

6th Edition (2017) Florida Building Code, Residential Chapter 1 Scope and Administration

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 not more than three stories above grade plane in height.

Exceptions:

1. Live/work units located in townhouses and complying with the requirements of Section 419 of the Florida Building Code, Building shall be permitted to be

constructed in accordance with the Florida Building Code, Residential. Fire suppression required by Section 419.5 of the Florida Building Code, Building where constructed under the Florida Building Code, Residential shall conform to Section P2904

2. Owner-occupied lodging houses with five or fewer guestrooms shall be permitted to be constructed in accordance with the Florida Building Code, Residential where equipped with a fire sprinkler system in accordance with Section P2904.

3. Existing buildings undergoing repair, alteration, additions or change of occupancy shall comply with the Florida Building Code, Existing Building.

6th Edition (2017) Florida Building Code, Residential Chapter 3 Building Planning

R311.1 Means of egress.

Dwellings shall be provided with a means of egress in accordance with this section. The means of egress shall provide a continuous and unobstructed path of vertical and horizontal egress travel from all portions of the dwelling to the required egress door without requiring travel through a garage. The required egress door shall open directly into a public way or to a yard or court that opens to a public way.

6th Edition (2017) Florida Building Code, Residential Chapter 2 Definitions

YARD. An open space, other than a court, unobstructed from the ground to the sky, except where specifically provided by this code, on the lot on which a building is situated.

COURT. A space, open and unobstructed to the sky, located at or above grade level on a lot and bounded on three or more sides by walls or a building.

2015 International Residential Code Commentary

[RB] COURT. A space, open and unobstructed to the sky, located at or above *grade* level on a *lot* and bounded on three or more sides by walls or a building.

An exterior area is a court if it is enclosed on at least three sides by exterior walls of the building or other enclosing elements and is open and unobstructed to the sky above. By virtue of being substantially open to the exterior and to the sky, a court may be used to obtain natural light and ventilation for the building.

PUBLIC WAY. Any street, alley or other parcel of land open to the outside air leading to a public street, that has been deeded, dedicated or otherwise permanently appropriated to the public for public use and that has a clear width and height of not less than 10 feet (3048 mm).

Staff Analysis

Question:

When the aforementioned 2-Family Dwellings are designed and constructed as described, are the requirements for "separate means of egress" satisfied by the shared deck and single staircase with point of exit discharge at the "yard"?

Answer:

The answer to Petitioner's question is yes. The shared deck of the project in question is considered a "court" as defined in section R202, Florida Building Code, Residential, 6th Edition (2017). The proposed shared deck and single staircase with point of exit discharge at the "yard" would therefore satisfy the requirement of section R101.2, Florida Building Code, Residential, 6th Edition (2017), for a separate means of egress.