FUGLEBERG KOCH

174
DCA05-DEC-173

FILING AND ACKNOWLEDGEMENT
FILED, on this date, with the designated Agency Clerk, receipt of which is hereby acknowledged.

Miriam Snipes 9/16/05
Deputy Agency Clerk Date

September 16, 2005

Paula Ford
Florida Building Commission
2555 Shumard Oak Blvd.
Tallahassee, FL 32399

RE: Request for Declaratory Statement
Fax: (850) 922-2679

To Whom It May Concern:

The Florida Building Code-Building 2004 subchapter 13-2 Townhouse definition and the Florida Building Code-Residential definition are not the same. The change indicator bars in the margin of the definition in the Florida Building Code-Residential do not indicate the last line in the definition "roof and with open space on at least two sides" as a changed area and that is the specific language that is causing our project concern.

We have been working on a project for two years that is over 350 units of a product we call back to back townhouses. They are two story units that are arranged in a footprint of eight units to a building (see attached floor plan). The interior townhouses are open on one side only.

The changed definition wording indicating "open space on at least two sides" could, depending on the interpretation of what that means, put our center units in jeopardy.

We do not believe it was the intent to legislate ownership by restricting the design arrangement. Let me explain: we could build the product design exactly as we have designed it as a condo or apartment project. In fact, we could build it in a less expensive and less protective structure, which makes no sense. There is nothing gained in our opinion by any requirement or change in the definition other than restricting an ownership method. Additionally, if built entirely under the Florida Building Code-Building, the definition in that code does not have the restrictive language.

Here is a short comparison of the townhouse construction vs. condos:

Townhouse-Florida Building Code Residential
2hr demising walls between units
Independent structure between units
Fire rated plywood roof sheathing 4'-0" on either side of demising walls
Independent utilities to each unit with no crossovers or connections between units
Residential Structural load requirements

Condo/Apartment multi-family-Florida Building Code-Building
1 hr demising walls between units
Structure is connected and can share common bearing walls between units
No fire rated roof sheathing required
Utilities can run under units an throughout units in walls and attic as long as penetrations are sealed
Utility service is shared at the incoming source
Florida Building Code-Building, Structural requirements

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As you will note, at almost all life safety areas the condo/apartment construction is less restrictive and provides less unit to unit protection. It is our opinion that if the revised definition in the Florida Building Code Residential is applied in the most strict sense, it will effectively restrict ownership methods at the expense of what would be a more safe structure.

It also seems odd that although townhouses are list in section 705 of the Florida Building Code-Building, the term townhouse is not noted in Section 310. It would seem that you could build a townhouse apartment

In an effort to salvage two years of planning / design effort, keep the ownership of our project as townhomes and keep the fire ratings and other issues in the more restrictive environment, we would like to have your answer to the following so that we can relay it to the building department.

1. Can single family Townhouses of 8 units per building be constructed with the sole use of the Florida Building Code-Building for all requirements including Section 705.4.1 Townhouse fire separation requirements and the definition of Townhouse as listed in subchapter 13-2 and therefore not be required to meet the definition of Townhouses in the Florida Building Code-Residential?
2. If required to meet the Florida Building Code-Residential definition for Townhouse, is the "open on two sides" requirement met when the townhouse unit is two stories, since two wall faces: the second level wall and ground level wall are open?
3. Since the term "side" is not defined as to its extent, can a return wall side 90 degrees to and at the corner of the main side be determined as meeting the definition of the second side? See sketch.
4. Is or will the definition of Townhouse be changed to delete the added statement "and with open space on at least two sides"?

Thank you for your time and response.

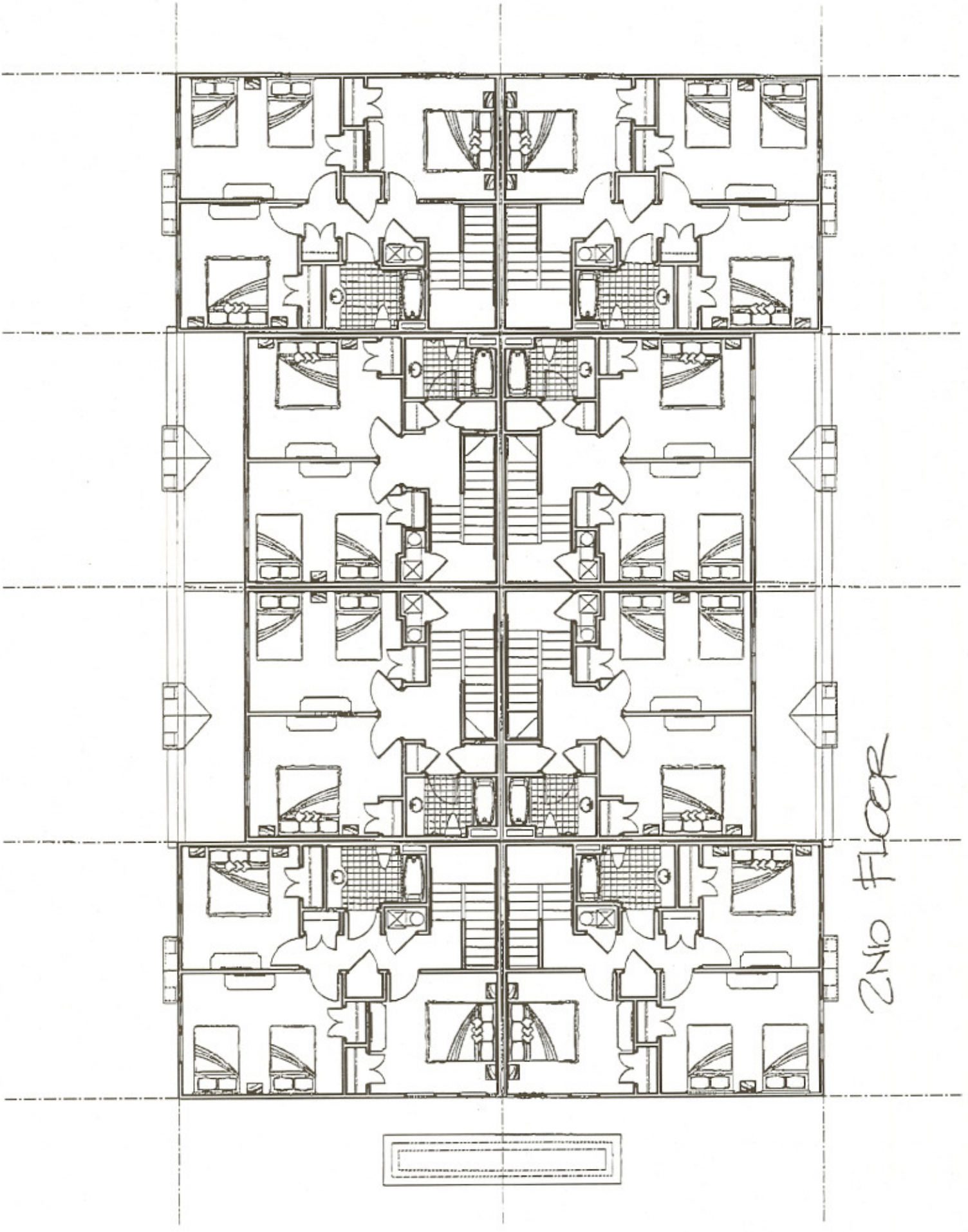
Sincerely,

FUGLEBERG KOCH ARCHITECTS
AAC000146

James E. Kelley, Jr. AIA
President/CEO

JEK:mp

Enclosure: Definitions pages for townhouse, floor plan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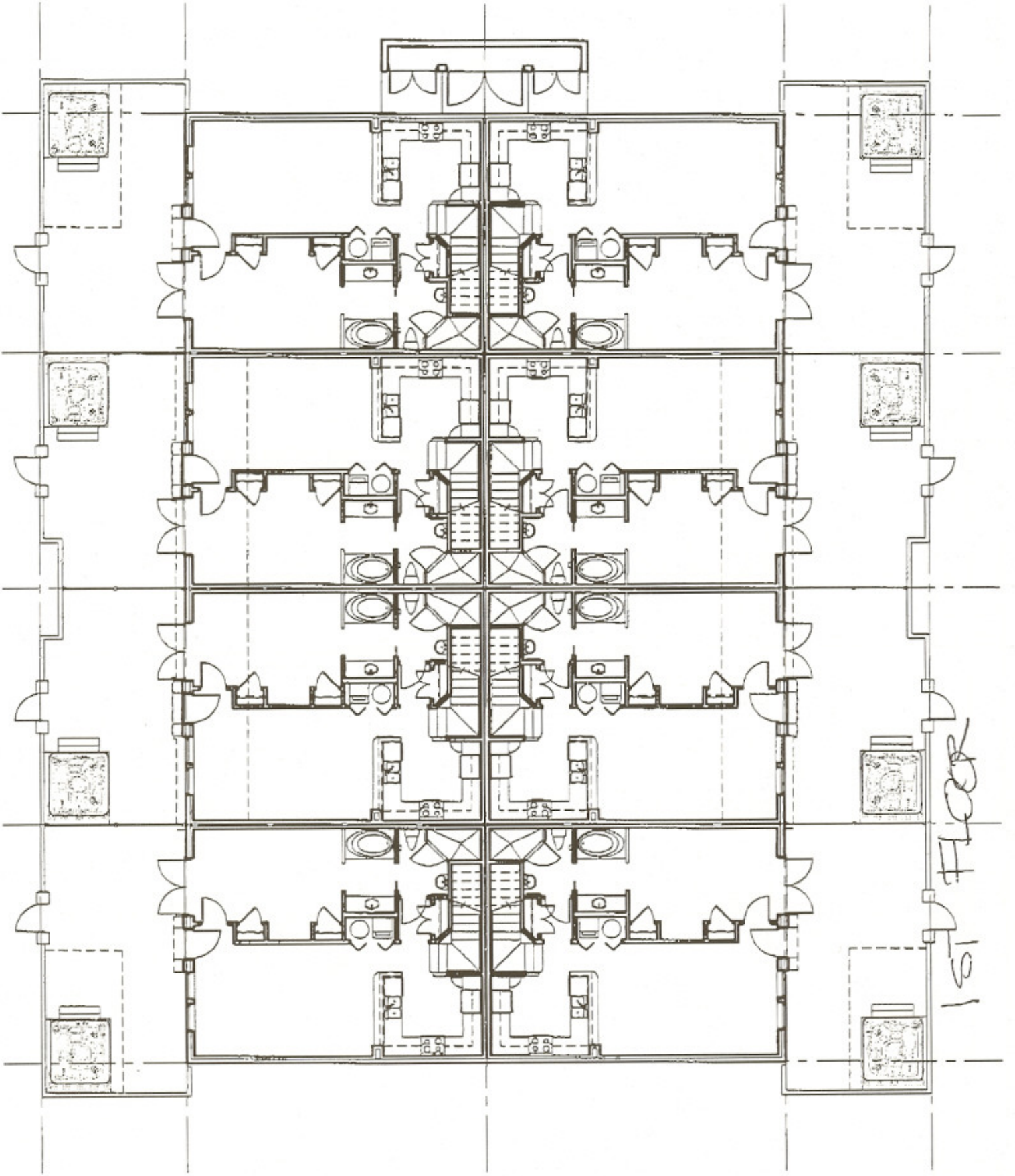

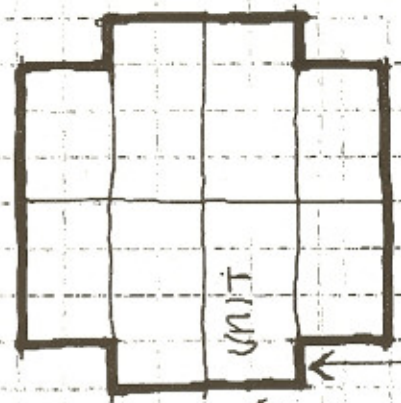

SKETCH OF
"2 OPEN SIDE" ALT.
TOWNHOUSE DEF.

Insertion Point: (, Base: (

Comments:

NOTES

Rev. No.	Date	Description
△		
△		
△		

Division:
Filename:
Path Name:
Plot Scale:
Project Name:
Project No:
Drawing Title:
Date: 9/16/05
Created:
Checked:
Approved:

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Drawing Number:
SKETCH

SPLIT SYSTEM. Air-conditioning system or heat pump with compressor and air handler in separate cabinets with the compressor typically located exterior to conditioned space.

STACK LOSSES. Unused heat energy escaping through a flue or chimney to the outdoors in a combustion heating system.

STEADY-STATE CONDITIONS (for gas- or oil-fired heating equipment). Equilibrium conditions as indicated by temperature variations of not more than 3°F (1.7°C) in the stack gas temperature for units equipped with integral draft diverters, or not more than 5°F (2.8°C) in flue gas temperature for units equipped with draft hoods, barometric draft regulators, or direct vent systems, in three successive temperature readings taken 15 minutes apart.

STEEL-FRAMED WALL. See "Wall."

STEEL-JOIST FLOOR. See "Floor."

STEM WALL CONSTRUCTION. A type of raised floor system consisting of a wood floor supported above grade by a continuous stem wall around its perimeter.

STORY. Portion of a building that is between one finished floor level and the next higher finished floor level or the roof, provided, however, that a basement or cellar shall not be considered a story

STRUCTURE. That which is built or constructed.

SUBSTANTIAL CONTACT. A condition where adjacent building materials are placed so that proximal surfaces are contiguous, being installed and supported so they eliminate voids between materials without compressing or degrading the thermal performance of either product.

SUN SPACE. A totally enclosed, unconditioned space which is built substantially of glass, attached to the conditioned space of the building, and designed primarily for winter space heating.

SUPPLEMENTARY HEAT. Heat provided, generally electric resistance heat, to make up the difference between heat provided by the refrigeration cycle of a heat pump and that required to meet the heating load at low temperatures. Supplementary heat shall not be construed as the heat required to provide 100-percent backup in case of system failure.

SWINGING DOOR. See "Door."

SYSTEM. A combination of equipment and auxiliary devices (e.g., controls, accessories, interconnecting means, and terminal elements) by which energy is transformed so it performs a specific function such as HVAC, service water heating or lighting.

SYSTEM, EXISTING. A system or systems previously installed in an existing building.

TANDEM WIRING. Pairs of luminaires operating with lamps in each luminaire powered from a single ballast contained in one of the luminaires.

TASK LIGHTING. Lighting designed to provide illumination over a relatively small task area without providing significant general surrounding lighting.

TERMINAL. A device by which energy from a system is finally delivered, e.g., registers, diffusers, lighting fixtures, faucets, etc.

THERMAL BLOCK. A collection of one or more HVAC zones grouped together for simulation purposes. Spaces need not be contiguous to be combined within a single thermal block.

THERMAL CONDUCTANCE. See "C-factor."

THERMAL RESISTANCE (*R*-VALUE). The reciprocal of the time rate of heat flow through a unit area induced by a unit temperature difference between two defined surfaces of material or construction under steady-state conditions. Units of *R* are h·ft²·°F/Btu.

THERMAL ENVELOPE. The primary insulation layer of a building; that part of the envelope that provides the greatest resistance to heat flow to or from the building.

THERMAL MASS. Materials with mass heat capacity and surface area capable of affecting building loads by storing and releasing heat as the interior and/or exterior temperature and radiant conditions fluctuate (see "Wall heat capacity").

THERMAL MASS WALL INSULATION POSITION

1. **Exterior insulation position:** A wall having all or nearly all of its mass exposed to the room air with the insulation on the exterior of that mass.
2. **Integral insulation position:** A wall having mass exposed to both room and outside air with substantially equal amounts of mass on the inside and outside of the insulation layer.
3. **Interior insulation position:** A wall not meeting either of the above definitions, particularly a wall having most of its mass external to an insulation layer.

THERMOSTAT. An automatic control device used to maintain temperature at a fixed or adjustable set point.

THERMOSTATIC CONTROL. An automatic control device or system used to maintain temperature at a fixed or adjustable set point.

TINTED. As applied to fenestration: bronze, green, blue, or gray coloring that is integral with the glazing material. Tinting does not include surface applied films such as reflective coatings, applied either in the field or during the manufacturing process.

TOWNHOUSE. A single-family dwelling unit constructed in a series or group of attached units with property lines separating such units. For the purpose of this code, townhouses shall be considered multiple-family dwellings.

TRANSFER GRILLE. A louvered or perforated covering for an opening in an air passage through a wall or door allowing transport of return air from a separated conditioned space of a building to the space containing the air distribution system's primary return.

TRANSFORMER. A piece of electrical equipment used to convert electric power from one voltage to another voltage.

(a) **Dry-type transformer:** A transformer in which the core and coils are in a gaseous or dry compound.

dedicated or deeded for vehicular use by the public and which can be used for access by fire department vehicles.

STRUCTURAL INSULATED PANELS (SIPS). Factory fabricated panels of solid core insulation with structural skins of oriented strand board (OSB) or plywood.

STRUCTURE. That which is built or constructed.

SUMP. A tank or pit that receives sewage or waste, located below the normal grade of the gravity system and that must be emptied by mechanical means.

SUMP PUMP. A pump installed to empty a sump. These pumps are used for removing storm water only. The pump is selected for the specific head and volume of the load and is usually operated by level controllers.

SUNROOM. A one-story structure added to an existing dwelling with an open or glazed area in excess of 40 percent of the gross area of the sunroom structure's exterior walls and roof. For the purposes of this code the term sunroom as used herein shall include conservatories, sunspaces, solariums, and porch or patio covers or enclosures.

SUNROOM ADDITION. A one-story structure added to an existing dwelling with a glazing area in excess of 40 percent of the gross area of the structure's exterior walls and roof.

SUPPLY AIR. Air delivered to a conditioned space through ducts or plenums from the heat exchanger of a heating, cooling or ventilating system.

SUPPORTS. Devices for supporting, hanging and securing pipes, fixtures and equipment.

SWEEP. A drainage fitting designed to provide a change in direction of a drain pipe of less than the angle specified by the amount necessary to establish the desired slope of the line. Sweeps provide a longer turning radius than bends and a less turbulent flow pattern (see "Bend" and "Elbow").

TEMPERATURE- AND PRESSURE-RELIEF (T AND P) VALVE. A combination relief valve designed to function as both a temperature-relief and pressure-relief valve.

TEMPERATURE-RELIEF VALVE. A temperature-actuated valve designed to discharge automatically at the temperature at which it is set.

THERMAL ISOLATION. A separation of conditioned spaces, between a sunroom addition and a dwelling unit, consisting of existing or new wall(s), doors, and/or windows.

THERMAL RESISTANCE, *R*-VALUE. The inverse of the time rate of heat flow through a body from one of its bounding surfaces to the other for a unit temperature difference between the two surfaces, under steady state conditions, per unit area ($h \cdot ft^2 \cdot °F/Btu$).

THERMAL TRANSMITTANCE, *U*-FACTOR. The coefficient of heat transmission (air to air) through a building envelope component or assembly, equal to the time rate of heat flow per unit area and unit temperature difference between the warm side and cold side air films ($Btu/h \cdot ft^2 \cdot °F$).

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 open space on at least two sides.

TRAP. A fitting, either separate or built into a fixture, that provides a liquid seal to prevent the emission of sewer gases without materially affecting the flow of sewage or waste water through it.

TRAP ARM. That portion of a fixture drain between a trap weir and the vent fitting.

TRAP PRIMER. A device or system of piping to maintain a water seal in a trap, typically installed where infrequent use of the trap would result in evaporation of the trap seal, such as floor drains.

TRAP SEAL. The trap seal is the maximum vertical depth of liquid that a trap will retain, measured between the crown weir and the top of the dip of the trap.

TRIM. Picture molds, chair rails, baseboards, handrails, door and window frames, and similar decorative or protective materials used in fixed applications.

TRUSS DESIGN DRAWING. The graphic depiction of an individual truss, which describes the design and physical characteristics of the truss.

TYPE L VENT. A listed and labeled vent conforming to UL 641 for venting oil-burning appliances listed for use with Type L vents or with gas appliances listed for use with Type B vents.

***U*-FACTOR, THERMAL TRANSMITTANCE.** The coefficient of heat transmission (air to air) through a building envelope component or assembly, equal to the time rate of heat flow per unit area and unit temperature difference between the warm side and cold side air films ($Btu/h \cdot ft^2 \cdot °F$).

UNCONFINED SPACE. A space having a volume not less than 50 cubic feet per 1,000 Btu/h (4.8 m^3/kW) of the aggregate input rating of all appliances installed in that space. Rooms communicating directly with the space in which the appliances are installed, through openings not furnished with doors, are considered a part of the unconfined space.

UNDERLAYMENT. One or more layers of felt, sheathing paper, nonbituminous saturated felt, or other approved material over which a roof covering, with a slope of 2 to 12 (17-percent slope) or greater, is applied.

UNUSUALLY TIGHT CONSTRUCTION. Construction meeting the following requirements:

1. Walls comprising the building thermal envelope have a continuous water vapor retarder with a rating of 1 perm [57.4 $ng/(s \cdot m^2 \cdot Pa)$] or less with openings therein gasketed or sealed.
2. Doors and openable windows meet the air leakage requirements of Chapter 13, Section 606 of the *Florida Building Code, Building*; and
3. Caulking or sealants are applied to areas such as joints around window and door frames between sole plates and floors, between wall-ceiling joints, between wall panels, at penetrations for plumbing, electrical and gas lines, and at other openings.

VACUUM BREAKERS. A device which prevents backsiphonage of water by admitting atmospheric pressure through ports to the discharge side of the device.

FUGLEBERG KOCH ARCHITECTS
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FILING AND ACKNOWLEDGEMENT
FILED, on this date, with the designated Agency Clerk, receipt of which is hereby acknowledged.
Miriam Snipes
Deputy Agency Clerk
9/16/05
Date

TRANSMITTAL LETTER

To: Florida Building Commission
2555 Shumard Oak Boulevard
Tallahassee, FL 32399

Attn: Ms. Paula Ford

Date: September 16, 2005
Project: TDSR Back-to-Backs
FKA No: 4540

Re: Request for Declaratory Statement

We are sending you via ☐ Regular Mail ☐ Express Mail ☐ Courier ☐ Others ☑ Fax # (850) 922-2679 8 Total pages including transmittal:

for ☐ Information ☐ Approval ☐ Comment ☐ Request ☐ Action Noted:
NE (No exception taken)
MC (Make corrections noted)
SS (Submit specified item)
RR (Revise and resubmit)
RE (Reject)

the following items:

ITEM	COPIES		ACTION
1	1	REQUEST FOR DECLARATORY STATEMENT	

Copy to: Ann Stanton (via fax - 4850-414-8436)

By: Marilyn for Jim Kelley