Provide structural stability for the party wall that is designed to allow collapse of the structure on either side without the collapse of the wall under fire conditions.

The design of this building creates a stepped configuration. A one-hour rating for the occupied roof assembly and supporting structure will satisfy the separation requirement.

CONCLUSIONS:

1. The building has four stories
2. The building is a R-3 occupancy subject to the Florida Building Code – B, P, E, M, FG, EC
3. The building shall be designated as a Threshold Building
4. The building does not require a fire protection (sprinkler) system
5. The building requires vertical separation between the dwelling units
6. The building requires horizontal separation between the 3-story dwelling and the occupied roof used by the occupants of the 4-story dwelling

OTHER OBSERVATIONS

1. Provide additional stair details (Open risers are limited to less than 4 inches, detail guards and handrails)
2. Provide additional elevator details demonstrating compliance with FBC-Building 3013
3. Provide product approval documentation for components and cladding

We would be glad to speak with you and/or the applicant regarding this project. We are available to do a complete plan review for this project and work with the applicant to achieve code compliance at your direction.

Thanks,

John

John O’Connor, CBO
President
407-353-0516
Plan Examiner – PX1016
2. The occupiable floor area has a ceiling height in accordance with Section R305.
3. The occupiable space is enclosed by the roof assembly above, knee walls (if applicable) on the sides and the floor-ceiling assembly below.

The fourth level cannot be called an unfinished attic because it has a floor/ceiling assembly.

The proper designation for this space as drawn would be a finished or unfinished story.

As a four-story building it cannot be designed in accordance with the FBC-Residential volume. This project must instead be designed in accordance with the FBC-Building, per FBC-R 101.2.

**THRESHOLD BUILDING DESIGNATION**

Florida statute establishes the criteria for threshold building designation and is included in the FBC-Building definitions chapter as follows:

**THRESHOLD BUILDING.** In accordance with Florida Statute, any building which is greater than 3 stories or 50 feet (15 240 mm) in height, or which has an assembly occupancy classification that exceeds 5,000 square feet (464.52 m²) in area and an occupant content of greater than 500 persons.

Since this building is four stories it must be designated as a threshold building.

As a threshold building, compliance with FBC-Building 110.8 is required.

A threshold plan must be prepared and submitted by the engineer of record.

A permit for a threshold building shall only be issued to a Certified General contractor or a Certified Building contractor.

**FIRE PROTECTION**

The building would be classified as an R-3 building which requires a fire protection system per FBC-B 903.2.8.2. Florida statute 553.895(2) however, provides an exception for one-and two-family residences. Since state statute has higher standing than the Florida Building Code, which is adopted as an administrative rule, a fire protection system is not required.

**VERTICAL AND HORIZONTAL SEPARATION**

The plans do not provide any indication for the location of rated assemblies or details for demonstrating fire time rated assemblies.

All provisions of FBC-Building Section 420 relating to the R-3 occupancy shall be applied as applicable. (Provide details for vertical separation walls between dwellings, and horizontal separation between the 3-story dwelling and the occupied roof accessed from the fourth story of the adjacent dwelling)

All provisions of FBC-Building Chapter 7 shall be applied as applicable. (Provide wall types and floor assembly details including rated support structure for the rated occupied roof assembly)
June 24, 2020

Bay County Builders Services Department
840 W 11th Street
Panama City, FL 32401

Attn: Rick Holmes, Building Official

Project: Two-family dwelling

Mr. Holmes,

Preliminary plan review for the proposed Mark House two-family dwelling to be built in Bay County Florida has been completed and we offer the following comments:

1. The plans are incomplete and require additional information to demonstrate compliance with the Florida Building Code
2. There are four issues of primary importance that are the focus of this review:
   A. The applicable code
   B. Threshold Building designation
   C. Fire protection (sprinklers)
   D. Horizontal and vertical separation between the individual dwellings

APPLICABLE CODE

The FBC-Building defines “story”:

STORY. That portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above (see “Basement,” “Building height,” “Grade plane” and “Mezzanine”). A story is measured as the vertical distance from top to top of two successive tiers of beams or finished floor surfaces and, for the topmost story, from the top of the floor finish to the top of the ceiling joists or, where there is not a ceiling, to the top of the roof rafters.

The FBC-Residential defines both “story” and “attic” as follows:

STORY. That portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above.

Based on the section view shown on Sheet A 11.1 the building has four (4) stories.

[RB]ATTIC. The unfinished space between the ceiling assembly and the roof assembly.

[RB]ATTIC, HABITABLE. A finished or unfinished area, not considered a story, complying with all of the following requirements:

1. The occupiable floor area is not less than 70 square feet (6.5 m²), in accordance with Section R304.
scope of the Residential volume of the Florida Building Code as designed.

In initial conversations between permit applicant and Senior Plans Examiner, the applicant agreed that the building was designed as a 4-story structure. It was only after the applicant was informed of the requirement to hire a Contractor and meet specific structural and life safety requirements that the applicant took issue with the determination.

The Building Official has yet to receive a complete set of construction documents from the applicant, the final set submitted dated June 8, 2020 are not certified for the structural portion and have yet to be classified by occupancy. The applicant has made multiple revisions and changes to the construction documents in an attempt to reclassify the structure as a 3-story dwelling unit, although the structure itself remains largely the same and still references 4 story elements and structural components.

Sincerely,

Rex Holmes, CBO
Building Official
Bay County Builders Services

Enclosures: Exhibit 1. Independent plan review
Exhibit 2. Construction documents submitted by permit applicant
the revised construction documents were not signed/sealed as required.

On June 23, 2020, the Building Official received notice that the applicant had submitted for a Declaratory Statement to the Florida Building Commission seeking a binding interpretation on definitions from the Residential volume of the Florida Building Code.

The applicant’s original argument was that the 4th story area met the Residential volume definition of “Attic, Habitable” and therefore was “not considered a story”:

**ATTIC, HABITABLE.** A finished or unfinished area, not considered a story, complying with all of the following requirements:

1. The occupiable floor area is not less than 70 square feet (6.5 m²), in accordance with Section R304.

2. The occupiable floor area has a ceiling height in accordance with Section R305.

3. The occupiable space is enclosed by the roof assembly above, knee walls (if applicable) on the sides and the floor-ceiling assembly below.

If the Residential volume of the definition “attic, habitable” is to be considered, the space in question is required to be “enclosed by the roof assembly”. The 4th floor does not meet this requirement as the space is not enclosed by the roof assembly. The 4th floor is enclosed at the sides by the exterior load-bearing walls that support a roof assembly.

Also, the space in question cannot qualify as meeting the Residential definition of “attic” as it is not located “between the ceiling assembly and the roof assembly”. The 4th floor area, as has already been shown, is enclosed by 9’ high exterior walls that support the roof assembly above.

**ATTIC.** The unfinished space between the ceiling assembly and the roof assembly.

**CONCLUSION**

At no point has the applicant been prohibited from building the home as originally designed. The applicant has merely been instructed that the building is required to comply with specific life safety and construction requirements as a 4-story building and that the building is outside of the
The 4th floor beams do not support, and are not connected to, the 4th floor ceiling-roof assembly. Each system is independent of the other and separated by exterior insulated concrete form (I.C.F.) vertical wall construction. The exterior I.C.F. walls extend upwards from the 4th floor beams 9’, the 4th floor ceiling-roof structure is supported at the top of the walls.

The construction documents were reviewed by the Building Official, Deputy Building Official, Senior Plans Examiner, and Building Plans Examiner. All concurred that the structure, as submitted, is a 4-story building. The Building Official also provided for an independent plan review (exhibit 1) of the submitted construction documents by American Building Safety Associates, Inc. (John O’Connor) that concurred with the original plan review performed by the Bay County Building Department, that the structure in question is a 4-story Threshold Building.

The following are depicted within the final set of submitted construction documents (exhibit 2) dated 06/08/2020:

Sheet S 100 shows the concrete foundation floor structure at the 1st story.
Sheet S 101 shows the 1st story wall construction.
Sheet S 102 shows the ceiling-floor subfloor structure at the 2nd story.
Sheet S 103 shows the 2nd story wall construction
Sheet S 104 shows the ceiling-floor subfloor structure at the 3rd story.
Sheet S 105 shows the 3rd story wall construction.
Sheet S 106 shows the ceiling-floor subfloor structure at the 4th story.
Sheet S 107 shows the 4th story wall construction
Sheet S 108 shows the ceiling-roof structure (attic) above the 4th story.
Sheet S 106 shows an opening for the elevator to access at the 4th floor ceiling-floor subfloor structure.
Sheet V 100 shows the elevator accessing all 4 stories of the dwelling unit.
Sheets S 107 & S 108 show an access opening to the adjacent unit’s roof (balcony) at the 4th story.
Sheet S 106 provides structural details for supporting a “hot tub area” at the adjacent balcony to the 4th story.
Sheet S 106 gives structural framing details for “floor joists” at the 4th story.

On June 19, 2020, the applicant was notified by the Senior Plans Examiner that the revised construction documents did not change the determination of the number of stories and that the required information requested in the original plan review had still not been met. Also, that
June 25, 2020

Dear Florida Building Commission

On April 30, 2020, a permit application for a new Two-Family dwelling to be located in Panama City Beach was submitted to the Bay County Building Department as an Owner/Builder application. The proposed building is comprised of a 3-story dwelling unit and adjacent 4-story dwelling unit. The 4-story side of the building was over 50’ in height. The construction documents submitted with the original permit application labeled the uppermost story as the “fourth floor” on sheets A 08, A 09, A10, E007, E008 and S007.

The 4th floor, over 1,700sf enclosed conditioned space, also provided access to the adjacent 3-story dwelling units’ roof which is designed to function as a “balcony” with a shade structure (covered area), wood guard railing and hot tub. All of which is depicted within the submitted construction documents. Access to the 4th floor was provided via elevator and stairway, the 3-story dwelling unit did not have access to the balcony area.

The plans examiner concluded, by both the number of stories and height, that the building met the definition of a Threshold Building and notified the applicant on May 14, 2020.

Over the next few weeks the applicant and the plans examiner traded emails on how to proceed with compliance as a Threshold Building. The applicant, not wishing to comply with the requirements of a Threshold Building, offered to lower the roof structure slope to meet the less than 50’ requirement. The applicant then offered to remove the interior walls only on the 4th floor which made up a bedroom, bathroom and closet.

The elevator and stairway access was not removed from the 4th floor. Also still indicated on the drawings is an opening from the 4th floor to the adjacent dwelling units’ roof (balcony). The 4th story area had been relabeled “attic space / storage”. The buildings structural framework remains largely the same with roof framing changes to lower the slope for height and infill framing for the floor joists where the stairway leading to the 4th floor was removed at a later revision.