

Staff Analysis for Declaratory Statement Request DS2016-081

Issue: The Petitioners [Alan Gremillion of GL Homes, Inc. and Douglas Buck of Florida Home Builders Association (FHBA)] seek clarification regarding the definition of townhouses and zero-lot line developments and the application of Section 302 of the 5th Edition (2014) Florida Building Code, Residential. Specifically, the Petitioners requesting an interpretation to provide for the following:

1. That the added language to the definition of Fire Separation Distance (Item 4) and the reinstatement of the Exception to the fire resistance rating requirements for exterior walls (R302.1 Exception 7) are **not** applicable to attached single-family dwellings separated by a property line.
2. That the added language to the definition of Fire Separation Distance (Item 4) and the reinstatement of the Exception to the fire resistance rating requirements for exterior walls (R302.1 Exception 7) are intended to apply to subdivisions or developments permitted by local ordinances to be “zero lot line” developments.
3. Attached single-family dwellings separated by a property line meet the statutory definition of townhouse and may be constructed as provided for townhouses in the Florida Building Code-Residential, 5th Edition (2014) with no regard to the number of units.

Question 1: Does the definition of Fire Separation Distance Item 4 apply to an attached single-family dwelling separated by a property line?

Question 2: Does Exception 7 to FBC-R, 5th Edition (2014), Section R302.1 Exterior Walls apply to an attached single-family dwelling separated by a property line? The Petitioners request the Florida Building Commission respond affirmatively to the following questions:

Question 3: If the answers to Questions 1 and 2 are no, do the fire separation provisions of Table R302.1(1) prevail?

Question 4: Does the definition of the term “townhouse” of Ch. 481.203(7), F.S, prevail over the definition of the term “townhouse” of the FBC-R, 5th Edition (2014)?

Question 5: May an attached single-family dwelling consisting of two dwelling units separated by a property line be designed and constructed in accordance with the FBC-R, 5th Edition (2014), provisions for “townhouses”? (FBC-R, 5th Ed, §R302.2)

Background:

Project Information

- The Project name is Valencia Lakes.
- The questions relate to Lots 103 and 104 of Valencia Lakes Tract “N” according to plat thereof as recorded in Plat Book 125, Page 44 of Public Records of Hillsborough County,

Florida.

- Construction for Lots 103 and 104 is in the planning stage and there has been no application for Building Permits for the dwellings to be constructed.
- The Project is a gated 55+ residential community with approximately 1,650 lots consisting of detached single-family and attached single-family dwellings.
- The attached single-family dwellings of two units are separated by a property line.
- The specific questions relate to the attached single-family dwellings with a property line between units and do not concern the detached units.
- The project meets the statutory definition of townhouse.
- The project does not meet the Florida Building Code-Residential, 5th Edition (2014), definition of townhouse.

**2016 Supplement “Code Fixes to the 5th Edition (2014) Florida Building Code – Supplement 1
5th Edition (2014) Florida Building Code, Residential
Section R202 - Definitions**

FIRE SEPARATION DISTANCE. The distance measured from the building face to one of the following:

1. To the closest interior *lot line*; or
2. To the centerline of a street, an alley or public way; or
3. To an imaginary line between two buildings on the *lot*; or
4. To an imaginary line between two buildings when the exterior wall of one building is located on a zero lot line.

The distance shall be measured at a right angle from the face of the wall.

**5th Edition (2014) Florida Building Code, Residential
Section R202 - Definitions**

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.

DWELLING. Any building that contains one or two dwelling units used, intended, or designed to be built, used, rented, leased, let or hired out to be occupied, or that are occupied for living purposes.

DWELLING UNIT. A single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation. DWV. Abbreviated term for drain, waste and vent piping as

2016 Supplement “Code Fixes to the 5th Edition (2014) Florida Building Code – Supplement 1

5th Edition (2014) Florida Building Code, Residential
SECTION R302 FIRE-RESISTANT CONSTRUCTION

R302.1 Exterior walls. Construction, projections, openings and penetrations of *exterior walls of dwellings* and accessory buildings shall comply with Table R302.1(1); or *dwellings* equipped throughout with an *automatic sprinkler system* installed in accordance with Section P2904 shall comply with Table R302.1(2).

Exceptions:

1. Walls, projections, openings or penetrations in walls perpendicular to the line used to determine the fire separation distance.
2. Walls of dwellings and accessory structures located on the same lot.
3. Detached tool sheds and storage sheds, playhouses and similar structures exempted from permits are not required to provide wall protection based on location on the lot. Projections beyond the exterior wall shall not extend over the lot line.
4. Detached garages accessory to a dwelling located within 2 feet (610 mm) of a lot line are permitted to have roof eave projections not exceeding 4 inches (102 mm).
5. Foundation vents installed in compliance with this code are permitted.
6. Screen enclosure walls of insect screening with a maximum of 25-percent solid flexible finishes.

7. Openings and roof overhang projections shall be permitted on the exterior wall of a building located on a zero lot line when the building exterior wall is separated from an adjacent building exterior wall by a distance of 6 feet or more, and the roof overhang projection is separated from an adjacent building projection by a distance of 4 feet or more, with 1 hour fire resistive construction on the underside of the overhang required, unless the separation between projections is 6 feet or more.

R302.2 Townhouses. Each townhouse shall be considered a separate building and shall be separated by fire-resistance rated wall assemblies meeting the requirements of Section R302.1 for exterior walls. Exception: A common 2-hour fire-resistance-rated wall assembly tested in accordance with ASTM E 119 or UL 263 is permitted for townhouses if such walls do not contain plumbing or mechanical equipment, ducts or vents in

2016 Supplement “Code Fixes to the 5th Edition (2014) Florida Building Code – Supplement 1
5th Edition (2014) Florida Building Code, Residential
Table R302.1(1)

TABLE R302.1(1) EXTERIOR WALLS

| ELEMENT | EXTERIOR WALL | MINIMUM FIRE-RESISTANCE RATING | MINIMUM FIRE SEPARATION |
|---------|---------------|--------------------------------|-------------------------|
| | | | |

| | | | |
|-------------------|---------------------------|---|----------|
| Walls | Fire-resistance rated | 1 hour—tested in accordance with ASTM E 119 or UL 263 with exposure from both sides | 0 feet |
| | Not fire-resistance rated | 0 hours | 3 feet |
| Projections | Not allowed | N/A | < 2 feet |
| | Fire-resistance rated | 1 hour on the underside | 2 feet |
| | Not fire-resistance rated | 0 hours | 3 feet |
| Openings in walls | Not allowed | N/A | < 3 feet |
| | Unlimited | 0 hours | 3 feet |
| Penetrations | All | Comply with Section R302.4 | < 3 feet |
| | | None required | 3 feet |

For SI: 1 foot = 304.8 mm.

N/A = Not Applicable

**5th Edition (2014) Florida Building Code, Residential
Section R302.1, Table R302.1(2)**

For SI: 1 foot = 304.8 mm. N/A = Not Applicable.

**TABLE R302.1(2)
EXTERIOR WALLS – DWELLINGS WITH FIRE SPRINKERS**

| EXTERIOR WALL | | MINIMUM FIRE-RESISTANCE RATING | MINIMUM FIRE PENETRATION |
|---------------|-----------------------|--|--------------------------|
| Walls | Fire-resistance rated | 1 hour—tested in accordance with ASTM E 119 or UL 263 with | 0 feet |
| | Not fire-resistance | 0 hours | 3 feet ^a |
| Projections | Fire-resistance rated | 1 hour on the underside | 2 |
| | Not fire-resistance | 0 | 3 feet |
| Openings in | Not allowed | N/A | < 3 feet |
| | Unlimited | 0 | 3 |
| Penetrations | All | Comply with Section R302.4 | < 3 |
| | | None required | 3 |

For SI: 1 foot = 304.8 mm. N/A = Not Applicable.

- a. For residential subdivisions where all dwellings are equipped throughout with an automatic sprinkler systems installed in accordance with Section P2904, the fire separation distance for nonrated exterior walls and rated projections shall be permitted to be reduced to 0 feet, and unlimited unprotected openings and penetrations shall be permitted, where the adjoining lot provides an open setback yard that is 6 feet or more in width on the opposite side of the property line.

Florida Statute 481.203(7)

Definitions.—As used in this part:

(7) “Townhouse” is a single-family dwelling unit not exceeding three stories in height which is constructed in a series or group of attached units with property lines separating such units. Each townhouse shall be considered a separate building and shall be separated from adjoining townhouses by the use of separate exterior walls meeting the requirements for zero clearance from property lines as required by the type of construction and fire protection requirements; or shall be separated by a party wall; or may be separated by a single wall meeting the following requirements:

- (a) Such wall shall provide not less than 2 hours of fire resistance. Plumbing, piping, ducts, or electrical or other building services shall not be installed within or through the 2-hour wall unless such materials and methods of penetration have been tested in accordance with the Standard Building Code.
- (b) Such wall shall extend from the foundation to the underside of the roof sheathing, and the underside of the roof shall have at least 1 hour of fire resistance for a width not less than 4 feet on each side of the wall.
- (c) Each dwelling unit sharing such wall shall be designed and constructed to maintain its structural integrity independent of the unit on the opposite side of the wall.

Staff Analysis:

The Petitioners request the Florida Building Commission respond in the negative to the following questions:

Question 1) Does the definition of Fire Separation Distance Item 4 apply to an attached single-family dwelling separated by a property line?

Answer:

Option #1/Petitioner: No.

Option #2/Staff: No. Item 4 of the definition of “Fires Separation Distance” of Section R202 of the 5th Edition (2014) Florida Building Code, Residential is more applicable to zero lot line development.

Question 2) Does Exception 7 to FBC-R. 5th Edition (2014), Section R302.1 Exterior Walls apply to an attached single-family dwelling separated by a property line?

Answer:

Option #1/Petitioner: No.

Option #2/Staff: No. Section R302.1 (Exception 7) of the 5th Edition (2014) Florida Building Code, Residential is more applicable to zero lot line development.

The Petitioners request the Florida Building Commission respond affirmatively to the following questions:

Question 3) If the answers to Questions 1 and 2 are no, do the fire separation provisions of Table R302.1(1) prevail?

Answer:

Option #1/Petitioner: Yes.

Option #2/Staff: Yes. The fire separation provisions of Table R302.1(1) of the 5th Edition (2014) Florida Building Code, Residential do apply to the project in question.

Question 4) Does the definition of the term “townhouse” of Ch. 481.203(7), F.S, prevail over the definition of the term “townhouse” of the FBC-R, 5th Edition (2014)?

Option #1/Petitioner: Yes.

Option #2/Staff: Answer is not possible as the Commission has no authority to interpret Section 481.203(7), Florida Statute.

Question 5) May an attached single-family dwelling consisting of two dwelling units separated by a property line be designed and constructed in accordance with the FBC-R, 5th Edition (2014), provisions for “townhouses”? (FBC-R, 5th Ed, §R302.2)

Option #1/Petitioner: Yes.

Option #2/Staff: No. Based on the definition of the term “Townhouse” [see Section R202 Definition of the 5th Edition (2014) Florida Building Code (FBC), Residential], the project in question cannot be classified as townhouses and therefore it cannot be designed and constructed in accordance with Section R302.2 of the 5th Edition (2014) FBC, Residential.