

Issue: DS 2020-062: The petitioner Todd W. Schlemmer, is seeking a declaratory statement on whether the uninhabited communication towers or structures in Projects 1-4 are defined or classified as Threshold Buildings?

Petitioner seeks clarifications of the following questions:

Question 1: Is the uninhabited communication tower or structure in Project 1 defined or classified as a Threshold Building?

Question 2: Is the uninhabited communication tower or structure in Project 2 defined or classified as a Threshold Building?

Question 3: Is the uninhabited communication tower or structure in Project 3 defined or classified as a Threshold Building?

Question 4: Is the uninhabited communication tower or structure in Project 4 defined or classified as a Threshold Building?

Background:

UCI2 Construction Services, LLC specializes in wireless communication infrastructure construction services for the major wireless cellular service providers and tower developers throughout the State of Florida. UCI2 holds a Florida Certified Tower Specialty Contractor license, SCC131152079. The DPBR Construction Industry licensing Board created this license to separate this from a typical Certified General Contractor license.

UCI2 currently has the following projects involving uninhabited communication towers located around the State of Florida.

Project 1: This will involve the construction of a 180 ft. uninhabited monopole tower and foundation. The monopole is tapered pole sections slipped over top of each section. This starts with a base section bolted to a caisson foundation. Please see Exhibit A for more details.

Project 2: This will involve the construction of a 250 ft. uninhabited self-support tower and foundations. This is a lattice steel tapered structure which is assembled in sections. Then the sections are bolted on top off each other. The bottom section is bolted to 3 separate caisson foundations. Please see Exhibit B for more details.

Project 3: This will involve the construction of a 140 ft. uninhabited monocross tower and foundation. The monocross is tapered pole sections slipped over top of each section with a base section bolted to a caisson foundation. The upper sections are bolted to a transition piece along with the cross arms to form the cross. Please see Exhibit C for more details.

Project 4: This will involve the construction of a 600 ft. uninhabited guyed tower and foundations. This is a straight lattice steel structure fabricated in sections to be bolted on top of each other. As the tower is constructed it is attached to guy wires which are attached to guy anchors for support. The tower base is bolted to a foundation. The guy anchors are imbedded into foundation blocks. Please see Exhibit D for more details.

UCI2 is seeking clarification on each of the projects if the uninhabited communication tower or structure falls under the definition of a Building or more importantly a Threshold Building. Further clarification is needed on the definitions for uniform interpretation of the code and application of the Florida Statue 553. The code definition interpretations and application of the Florida Statue 553 conflict with the purpose of the Certified Tower Specialty license.

7th Edition (2020) Florida Building Code (FBC), Building Chapter 2
6th Edition (2017) Florida Building Code (FBC), Building Chapter 2

[A] BUILDING. Any structure used or intended for **supporting or sheltering any use or occupancy.**

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.

7th Edition (2020) Florida Building Code, Building Chapter 1

110.8 Threshold building.

110.8.1 **During new construction** or during repair or restoration projects in **which the structural system or structural loading of a building** is being modified, the enforcing agency shall require a special inspector to perform structural inspections on a threshold building pursuant to a structural inspection plan prepared by the engineer or architect of record. The structural inspection plan must be submitted to the enforcing agency prior to the issuance of a building permit for the construction of a threshold building. The purpose of the structural inspection plans is to provide specific inspection procedures and schedules so that the building can be adequately inspected for compliance with the permitted documents. The special inspector may not serve as a surrogate in carrying out the responsibilities of the building official, the architect, or the engineer of record. The contractor's contractual or statutory obligations are not relieved by any action of the special inspector.

110.8.5 **No enforcing agency may issue a building permit** for construction of any threshold building except **to a licensed general contractor, as defined in Section 489.105(3)(a), Florida Statutes**, or to a licensed building contractor, as defined in Section 489.105(3)(b), *Florida Statutes*, within the scope of her or his license. The named contractor to whom the building

permit is issued shall have the responsibility for supervision, direction, management and control of the construction activities on the project for which the building permit was issued.

6th Edition (2017) Florida Building Code, Building Chapter 1

110.8 Threshold building.

110.8.1 The enforcing agency shall require a special inspector to perform structural inspections on a threshold building pursuant to a structural inspection plan prepared by the engineer or architect of record. The structural inspection plan must be submitted to the enforcing agency prior to the issuance of a building permit for the construction of a threshold building. The purpose of the structural inspection plans is to provide specific inspection procedures and schedules so that the building can be adequately inspected for compliance with the permitted documents. The special inspector may not serve as a surrogate in carrying out the responsibilities of the building official, the architect, or the engineer of record. The contractor's contractual or statutory obligations are not relieved by any action of the special inspector.

110.8.5 No enforcing agency may issue a building permit for construction of any threshold building except to a licensed general contractor, as defined in Section 489.105(3)(a), *Florida Statutes*, or to a licensed building contractor, as defined in Section 489.105(3)(b), *Florida Statutes*, within the scope of her or his license. The named contractor to whom the building permit is issued shall have the responsibility for supervision, direction, management and control of the construction activities on the project for which the building permit was issued.

7th Edition (2020) Florida Building Code, Building Chapter 3

SECTION 312

UTILITY AND MISCELLANEOUS GROUP U

312.1 General. Buildings and structures of an accessory character and miscellaneous structures not classified in any specific occupancy shall be constructed, equipped and maintained to conform to the requirements of this code commensurate with the fire and life hazard incidental to their occupancy. Group U shall include, but not be limited to, the following:

Agricultural buildings Aircraft hangars, accessory to a one- or two-family residence (see Section 412.5)

Barns

Carports

Communication equipment structures with a gross floor area of less than 1,500 square feet (139 m²).

Fences more than 6 feet (1829 mm) in height

Grain silos, accessory to a residential occupancy

Greenhouses

Livestock shelters

Private garages

Retaining walls

Sheds

Stables
Tanks
Towers

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

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Greenhouses
Livestock shelters
Private garages
Retaining walls
Sheds
Stables
Tanks
Towers

Staff Analysis

Option #1/Petitioner:

Question 1: Is the uninhabited communication tower or structure in Project 1 defined or classified as a Threshold Building?

Question 2: Is the uninhabited communication tower or structure in Project 2 defined or classified as a Threshold Building?

Question 3: Is the uninhabited communication tower or structure in Project 3 defined or classified as a Threshold Building?

Question 4: Is the uninhabited communication tower or structure in Project 4 defined or classified as a Threshold Building?

Answer:

Petitioner respectfully believes the answer is no for all the questions. However, this does not mean the uninhabited communication tower or structure would still not require a special inspection depending upon the jurisdiction. The Threshold Building definition, Threshold inspection, and permit issuance requirement in the Florida Statutes conflicts with the purpose and intent of the Florida

Certified Tower Specialty license. It is imperative that a clear and concise interpretation that uninhabited communication towers or structures are not Threshold Buildings. This clarification would seem reasonable to ensure that the code and statutes are uniformly interpreted.

Option #2/Staff:

Question 1: Is the uninhabited communication tower or structure in Project 1 defined or classified as a Threshold Building?

Answer:

The answer to the Petitioner's question is yes. As per the definition of the terms "Building" and "Threshold Building" of the FBC, Building, the uninhabited communication tower or structure in Project 1 is a threshold building.

Question 2: Is the uninhabited communication tower or structure in Project 2 defined or classified as a Threshold Building?

Answer:

The answer to the Petitioner's question is yes. As per the definition of the terms "Building" and "Threshold Building" of the FBC, Building, the uninhabited communication tower or structure in Project 2 is a threshold building.

Question 3: Is the uninhabited communication tower or structure in Project 3 defined or classified as a Threshold Building?

Answer:

The answer to the Petitioner's question is yes. As per the definition of the terms "Building" and "Threshold Building" of the FBC, Building, the uninhabited communication tower or structure in Project 3 is a threshold building.

Question 4: Is the uninhabited communication tower or structure in Project 4 defined or classified as a Threshold Building?

Answer:

The answer to the Petitioner's question is yes. As per the definition of the terms "Building" and "Threshold Building" of the FBC, Building, the uninhabited communication tower or structure in Project 4 is a threshold building.