



# City of PALM COAST

Community Development Department  
Building Services Division

160 Lake Avenue  
Palm Coast, FL 32164  
386-986-3780

December 2, 2021

Mr. John O'Connor  
American Building Safety Associates  
P.O. Box 120488  
Clermont, FL 34712

**Re: City of Palm Coast Development Application No. 4779 – The Haven at Town Center Phase VI, Tract 23 / Determination by the City of Palm Coast Building Official regarding the classification of proposed buildings containing three and four dwelling units / Developers Petition for Binding Interpretation.**

Dear Mr. O'Connor,

This letter is to clarify the determination of occupancy classification of the buildings containing three and four dwelling units proposed for construction in The Haven at Town Center, Phase VI, Tract 23 – City of Palm Coast Florida. The statements the developer provided in the Petition for Binding Interpretation are essentially true and correct and the plan review comment made by the City's Fire Code Inspector under the Development Application that precipitated the Petition was per my instructions to him and based on provisions of the 2020 Florida Building Code-Residential (FBC-R) and Florida Building Code-Building (FBC-B).

As you may be aware, the definition of "townhouse" in the FBC-R and FBC-B are essentially the same and read:

**"TOWNHOUSE.** A single-family *dwelling unit* not exceeding three stories in height constructed in a group of two or more attached units with property lines separating such units in which each unit extends from the foundation to roof and with a yard or public way on not less than two sides."

The above definition establishes a requirement that townhouses be provided with "property lines" separating each dwelling unit. The proposed buildings in the Haven at Town Center do not contain any property lines separating dwelling units. There are no other code provisions contained in either the FBC-R or FBC-B that provide clarification or suggest a different interpretation of this definition. As such, the buildings cannot be classified as townhouses and therefore cannot be constructed using the FBC-R. Moreover, in the absence of any further direction in the Codes, the only other occupancy classification for these buildings is Group R-2 "apartment houses" per FBC-B Section 310.4 and pursuant to Section 903.2.8 any building containing a Group R fire area requires an automatic sprinkler system installed in accordance with Section 903.3. Based on the above the determination these are not townhouses was made.

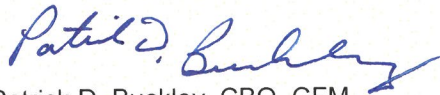
As you also may be aware, the definition of townhouse in the International Residential Code and International Building Code do not include the requirement that dwelling units be

separated by property lines. It has been my experience working in jurisdictions outside of Florida, to rely solely on the definition of "fire separation distance" and the fire-resistive construction provisions contained in IRC Section R302.2 for townhouses three stories or less above grade plane and IBC Section 706.4.1 for townhouses more than three stories above grade plane. As you know, these code provisions establish, among other things, that fire-resistive construction and structural independence are integral to safe townhouse buildings – not the presence of real estate property lines.

Based on the above, I am in support of the Petitioner's application for Binding Interpretation and am of the opinion, the reference to property lines in the definition, is inappropriate and convolutes, clear understanding and therefore, appropriate application, of the Florida Building Codes.

Please contact me should you have questions or need additional information.

Sincerely,

A handwritten signature in blue ink, reading "Patrick D. Buckley", with a stylized flourish at the end.

Patrick D. Buckley, CBO, CFM  
Chief Building Official  
City of Palm Coast  
386-986-3786  
[pbuckley@palmcoastgov.com](mailto:pbuckley@palmcoastgov.com)