

PETITION 233

Enter statement of the interpretation that the petitioner contends should be given to the provisions of the Florida Building Code and a statement supporting the petitioner's interpretation*

QUESTIONS:

QUESTION 1: Can the proposed attached dwelling units (two units, three units and four units) be classified as townhouse dwelling units subject to the requirements of the FBC-Residential volume using “imaginary” property lines? Yes or No

The petitioner believes that the answer should be YES. Whether the property line between units is actual or imaginary the life safety aspects of the FBC-Residential adequately provides the desired resistance to the spread of fire between units.

The Florida Building Code Building and Residential volumes do not define the term “property line”. However, it does indicate in the index that when the term “property line” as used in the code is meant to designate a point of reference for measuring the “fire separation distance” not to specify ownership.

The definition of a townhouse used in the Florida Building Code is unique to Florida. Language in the International Building Code Building volume, used as the basis for the Florida Building Code related to the definition of a townhouse, does not contain any reference to a property line. When the Florida Building Code was developed a definition of a townhouse already existed in Florida Statue 481. The definition was and is used to define an exemption to the scope of practice for an Architect. Because a definition already existed in state statute, that language was brought into the definition for a townhouse in the FBC-Building volume, and eventually into the FBC-Residential volume.

CODE CITATIONS:

FBC-B: 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 foundation to roof and with a yard or public way on not less than two sides.

FBC-R: 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 foundation to roof and with a yard or public way on not less than two sides

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

1. To the closest interior lot line.
2. To the centerline of a street, an alley or public way.
3. To an imaginary line between two buildings on the lot; or
4. For zero lot line developments to an imaginary line between two buildings on adjacent lots when the exterior wall of one building is located on a zero lot line where zero lot line developments are permitted by local regulations.

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

FBC-B Index: PROPERTY LINE (see FIRE SEPARATION DISTANCE)

FBC-R R101.2 Scope.

The provisions of the Florida Building Code, Residential shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal and demolition of detached one-and two-family dwellings and townhouses not more than three stories above grade plane in height with a separate means of egress and their accessory structures not more than three stories above grade plane in height.

Statute Citations

Fs.481.229 Exceptions; exemptions from licensure.—

(1) No person shall be required to qualify as an architect in order to make plans and specifications for, or supervise the erection, enlargement, or alteration of:

(a) Any building upon any farm for the use of any farmer, regardless of the cost of the building;

(b) Any one-family or two-family residence building, townhouse, or domestic outbuilding appurtenant to any one-family or two-family residence, regardless of cost;

Fs.481.203 Definitions.—As used in this part, the term:

(16) “Townhouse” means 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.