

**PETITION FOR DECLARATORY STATEMENT
BEFORE THE FLORIDA BUILDING COMMISSION**

**Company: City of Cape Coral
Address: 1015 Cultural Ave
Cape Coral, FL 33990**

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DS 2024-002

Statute(s), Agency Rule(s), Agency Orr(s) and/or Code Section(s) on which the Declaratory Statement is sought:

**2023 Florida Building Code, Building Chapter 1, Section 107.3.5
Florida Statute 553.794 Local government residential master building permit program**

Background: I'm the new building official with the City of Cape Coral and am currently working on minimum plan review requirements for electrical, plumbing, mechanical, and gas plan reviews associated with residential (one- and two-family) projects.

When reading Fs553.794 Local government residential master building permit program, section (4)(e): states that the minimum plan review for master residential projects "Must contain a complete set of applicable electrical, plumbing, fuel gas, and mechanical plans".

When reading section 107.3.5 for the minimum plan review criteria as outlined for Residential (one- and two-family) projects. This section does not mention electrical, plumbing, mechanical, and gas reviews, which instead appear to be listed as part of the minimum criteria for Commercial Building reviews, contributing to the question of applicability.

107.3.5

Commercial Buildings:

Building:

Electrical:

Plumbing:

Mechanical:

Gas:

Demolition:

Residential (one- and two-family):

Exemptions:

When reading further into section 107.3.5, there are Exemptions from plans examination by the building official, none of which mention the exemption of electrical, plumbing, mechanical, and gas reviews from residential (one- and two-family) projects.

When reading BOAF informal interpretation #8820, the answer provided states that "Section 107.3.5 simply gives guidance for a minimum list of items that need to be submitted/ outlined in the package." With this understanding, the electrical, plumbing, mechanical, and gas minimum criteria appear to be required under 107.3.5 and are in addition to the Residential (one- and two- family) listed items?



107.3.5 Minimum plan review criteria for buildings.

The examination of the documents by the building official shall include the following minimum criteria and documents: a floor plan; site plan; foundation plan; floor/roof framing plan or truss layout; all fenestration penetrations; flashing; and rough opening dimensions; and all exterior elevations:

Commercial Buildings:

- **Building:**

1. Site requirements:

- Parking
- Fire access
- Vehicle loading
- Driving/turning radius
- Fire hydrant/water supply/post indicator valve (PIV)
- Set back/separation (assumed property lines)
- Location of specific tanks, water lines and sewer lines
- Flood hazard areas, flood zones, and design flood elevations

2. Occupancy group and special occupancy requirements shall be determined.

3. Minimum type of construction shall be **determined (see Table 504.3a)**.

4. Fire-resistant construction requirements shall include the following components:

- Fire-resistant separations
- Fire-resistant protection for type of construction
- Protection of openings and penetrations of rated walls
- Fire blocking and draftstopping and calculated fire resistance

5. Fire suppression systems shall include:

- Early warning smoke evacuation systems
- Schematic fire sprinklers
- Standpipes
- Pre-engineered systems
- Riser diagram.

6. Life safety systems shall be determined and shall include the following requirements:

- Occupant load and egress capacities
- Early warning
- Smoke control
- Stair pressurization
- Systems schematic

7. Occupancy load/egress requirements shall include:

- Occupancy load
- Gross
- Net
- Means of egress
- Exit access
- Exit
- Exit discharge
- Stairs construction/geometry and protection
- Doors
- Emergency lighting and exit signs
- Specific occupancy requirements
- Construction requirements
- Horizontal exits/exit passageways

8. Structural requirements shall include:

- Soil conditions/analysis
- Termite protection
- Design loads
- Wind requirements
- Building envelope
- Impact resistant coverings or systems
- Structural calculations (if required)
- Foundation

- Flood requirements in accordance with Section 1612, including lowest floor elevations, enclosures, flood damage-resistant materials
- Wall systems
- Floor systems
- Roof systems
- Threshold inspection plan
- Stair systems

9. Materials shall be reviewed and shall at a minimum include the following:

- Wood
- Steel
- Aluminum
- Concrete
- Plastic
- Glass
- Masonry
- Gypsum board and plaster
- Insulating (mechanical)
- Roofing
- Insulation

10. Accessibility requirements shall include the following:

- Site requirements
- Accessible route
- Vertical accessibility
- Toilet and bathing facilities
- Drinking fountains
- Equipment
- Special occupancy requirements
- Fair housing requirements

11. Interior requirements shall include the following:

- Interior finishes (flame spread/smoke development)
- Light and ventilation
- Sanitation

12. Special systems:

- Elevators
- Escalators
- Lifts

13. Swimming pools:

- Barrier requirements
- Spas
- Wading pools

14. Location and installation details. The specific location and installation details of each fire door, fire damper, ceiling damper and smoke damper shall be shown and properly identified on the building plans by the designer.

- **Electrical:**

- 1. Electrical:

- Wiring
 - Services
 - Feeders and branch circuits
 - Overcurrent protection
 - Grounding
 - Wiring methods and materials
 - GFCIs

- 2. Equipment

- 3. Special occupancies

- 4. Emergency systems

- 5. Communication systems

- 6. Low voltage

- 7. Load calculations

- 8. Design flood elevation

- **Plumbing:**

- 1. Minimum plumbing facilities

- 2. Fixture requirements

- 3. Water supply piping

- 4. Sanitary drainage

- 5. Water heaters

- 6. Vents

- 7. Roof drainage

- 8. Back flow prevention

- 9. Irrigation

- 10. Location of water supply line

- 11. Grease traps

- 12. Environmental requirements

- 13. Plumbing riser

- 14. Design flood elevation

- **Mechanical:**

- 1. Energy calculations

- 2. Exhaust systems:

- Clothes dryer exhaust
 - Kitchen equipment exhaust
 - Specialty exhaust systems

- 3. Equipment

- 4. Equipment location

5. Make-up air
6. Roof-mounted equipment
7. Duct systems
8. Ventilation
9. Combustion air
10. Chimneys, fireplaces and vents
11. Appliances
12. Boilers
13. Refrigeration
14. Bathroom ventilation
15. Laboratory
16. Design flood elevation

- **Gas:**

1. Gas piping
2. Venting
3. Combustion air
4. Chimneys and vents
5. Appliances
6. Type of gas
7. Fireplaces
8. LP tank location
9. Riser diagram/shutoffs
10. Design flood elevation

- **Demolition:**

1. Asbestos removal

- **Residential (one- and two-family):**

1. Site requirements:
 - Set back/separation (assumed property lines)
 - Location of septic tanks
2. Fire-resistant construction (if required)
3. Fire
4. Smoke detector locations
5. Egress:
 - Egress window size and location stairs construction requirements
6. Structural requirements shall include:
 - Wall section from foundation through roof, including assembly and materials connector tables wind requirements structural calculations (if required)
 - Flood hazard areas, flood zones, design flood elevations, lowest floor elevations, enclosures, equipment, and flood damage-resistant materials
7. Accessibility requirements:
 - Show/identify
 - Accessible bath

8. Impact resistant coverings or systems

• Exemptions:

- Plans examination by the building official shall not be required for the following work:
 1. Replacing existing equipment such as mechanical units, water heaters, etc.
 2. Reroofs
 3. Minor electrical, plumbing and mechanical repairs
 4. Annual maintenance permits
 5. Prototype plans:
 - Except for local site adaptations, siding, foundations and/or modifications.
 - Except for structures that require waiver.
 6. Manufactured buildings plan except for foundations and modifications of buildings on site.

553.794 Local government residential master building permit program.—

(1) MASTER BUILDING PERMIT PROGRAM CREATION.—If a local building code administrator licensed under part XII of chapter 468 receives a written request from a general, building, or residential contractor licensed under chapter 489 requesting the creation of a master building permit program, the applicable local government shall create such program within 6 months after receipt of the written request. The master building permit program is intended for use by builders who expect to construct identical single-family or two-family dwellings or townhomes on a repetitive basis. The master building permit program must be designed to achieve standardization and consistency during the permitting process and to reduce the time spent by local building departments during the site-specific building permit application process.

(4) GENERAL CONSTRUCTION PLAN.—The general construction plan submitted as part of a master building permit application:

(a) May be submitted in electronic or paper format, as required by the local building department. A plan submitted in paper format must be a minimum of 36 inches by 48 inches or must comply with requirements of the local building department.

(b) Shall include left-hand and right-hand building orientations, including floor plans.

(c) Shall include a model design which may include up to four alternate exterior elevations, each containing the same living space footprint. The model design:

1. May not contain more than three alternate garage layouts, with each garage layout limited to accommodating no more than three cars.

2. Must include a foundation plan.

3. Must contain a truss layout sheet for each exterior elevation that is compatible with the roof plan.

(d) Must show typical wall sections from the foundation to the roof.

- (e) Must contain a complete set of applicable electrical, plumbing, fuel gas, and mechanical plans.
- (f) Must contain window, door, and glazed opening impact protection device schedules, if applicable.
- (g) Must meet any other requirements of the local building department.

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QUESTION(s):

1. When reviewing the minimum plan review criteria for Residential (one- and two-family) projects under section 107.3.5, is the inclusion of the electrical, plumbing, mechanical and gas drawings required to be a part of the submittal package?
2. When reviewing the minimum plan review criteria for Residential (one- and two-family) projects under section 107.3.5, is the inclusion of the electrical, plumbing, mechanical and gas minimum plan review criteria required to be enforced?
3. When reviewing the minimum plan review criteria under section 107.3.5, is the enforcement of the minimum plan review criteria for electrical, plumbing, mechanical and gas able to be omitted by the Building Official from plan review in association to Residential (one- and two-family) projects?

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Summary: Based on the information provided, it appears that for residential (one- and two-family) projects, the minimum plan review criteria require the inclusion of electrical, plumbing, mechanical, and gas drawings. This requirement is enforced by a certified plan reviewer, who ensures compliance with these drawings during the plan review process. Additionally, for local government residential master building permit programs, the minimum plan review criteria, as stated in section Fs553.794(4)(e), also mandates the inclusion of electrical, plumbing, mechanical, and gas drawings, with a certified plan reviewer responsible for enforcing compliance to these drawings.

Respectfully submitted,

City of Cape Coral

By: 
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Shane Kittendorf
CAP Government