



Mo Madani/Betty Stevens
Building Codes and Standards Office
Florida Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

RE: Request for Declaratory Statement:

Dear Mr. Madani

We currently have a project in Jacksonville Florida located at 7945 103rd Street Jacksonville Florida Unit 1 permit number B09308917. We request a declaratory statement pertaining to section 403.2 of the 2007 Florida Building Code – Plumbing, provided below for reference.

403.2 Separate facilities. Where plumbing fixtures are required, separate facilities shall be provided for each sex.

Exceptions:

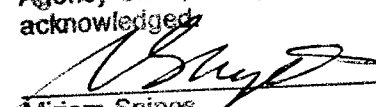
1. Separate facilities shall not be required for dwelling units and sleeping units.
2. Separate facilities shall not be required for food service establishments which seat 10 persons or less.
3. Separate facilities shall not be required in business and mercantile occupancies with a total floor area of 3,000 square feet (279 m²) or less.

Our Question is this:

This project is Restaurant with in a shopping center and has an area of less then 3,000 Square feet and an occupant load of less then 50. Section 309.1 of the Building Code allows restaurants with an occupant load of less then 50 to be

DCA09-DEC-130

FILING AND ACKNOWLEDGEMENT
FILED, on this date, with the designated
Agency Clerk, receipt of which is hereby
acknowledged.

 4/30/09
Date
Miriam Snipes
Deputy Agency Clerk

classified as a Mercantile Occupancy. This facility has an occupant load of 35 but has seating for 11.

The question then becomes does this restaurant meet exception 3 of section 403.2 allowing it to have a single toilet room or since it is a food service establishment does it require separate facilities since it seats more than 10 which is implied in exception 2.

Sincerely

James R. Schock P.E, C.B.O.
Building Inspection Division Manager
214 North Hogan Street
Jacksonville Florida 32202

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