



PLANNING DESIGN SURVEYING ENGINEERING CONSTRUCTION

FILED
Department of Business and Professional Regulation
Senior Deputy Agency Clerk
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Date: 5/24/2023
File #:

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

Company: Rizzzo Self Storage of Alachua, LLC
Address: 16395 Brookfield Estates Way
Delray Beach, FL 33446

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DS 2023-025

Petitioner's Attorney or Representative: Mitchell Mason, PE
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Statute(s), Agency Rule(s), Agency Order(s) and/or Code Section(s) on which the Declaratory Statement is sought:

2020 Florida Building Code, Building, 7th Edition
Chapter 29

Background:

Rizzzo Self Storage of Alachua, LLC is seeking clarification from the Florida Building Commission on section 2902.3 of Chapter 29 of the Florida Building Code, Employee and public toilet facilities, and the applicability of the exceptions therein to a proposed unattended self-storage facility with no employees, to determine whether toilet facilities are required for such a development. The developer is proposing a gated, fenced storage facility comprised of 12 single-story buildings with associated drive aisles for vehicular access, and exterior access to all storage units. The proposed buildings contain a cumulative total of ±56,000 SF of building area, resulting in 518 units of varying sizes, including a mixture of 5'x5' units, 5'x10' units, 10'x10' units, 10'x15' units, and 10'x20' units. Access to the property is limited to patrons who are given a code to bypass the gate and access their storage units, and the site is not attended by any employees.

Chapter 29

Section 2902.3 – Employee and public toilet facilities.

For structures and tenant spaces intended for public utilization, customers, patrons and visitors shall be provided with public toilet facilities. Employees associated with structures and tenant spaces shall be provided with toilet facilities. The number of plumbing fixtures located within the required toilet facilities shall be provided in accordance with Section 2902 for all users. Employee toilet facilities shall be either separate or combined employee and public toilet facilities.

Exception: Public toilet facilities shall not be required for:

1. Parking garages where operated without parking attendants. (emphasis added)
2. Structures and tenant spaces intended for quick transactions including takeout, pickup and drop-off, having a public access area less than or equal to 300 square feet (28 m2).

Question: Are employee or public toilet facilities required for a self-storage facility with no attending employees and access restricted only to those renting storage units?

Summary

The petitioner respectfully believes the answer is "NO". The proposed self-storage facility is to be operated without an onsite employee or attendant. The facility is intended for quick transactions by renters who drop off or pick up their stored items. The site is gated and accessible only to renters via a phone and web application. The petitioner believes that it is reasonable to interpret the exceptions as applicable to the proposed site. If the Florida Building Code would agree, the petitioner believes omitting the toilet facility does not compromise public safety, health, or welfare and would provide the petitioner with a more reasonable cost to construct the storage facility.

Respectfully submitted,

Rizzo Self Storage of Alachua, LLC

By: 
Kevin F. Martin

Date: 5/24/23