



Florida Division of State Fire Marshal

The Florida Fire Marshals and Inspectors Association,
"Organization" (§633.026)

Informal Interpretation

Date:

NFPA Document Number: NFPA 101 2015 Chapter 30

Paragraph Reference: NFPA 30.3.5.1

For purpose of this petition, pertinent factors do not include the name of the governmental agency or persons representing that agency. Petitioners are discouraged from making any personal assertions about an agency or agency official. If this involves an actual situation, briefly explain all of the pertinent factors.

Explain how the Petitioner's substantial interests are being affected by the LFO's interpretation of the NFPA citation above:

Builder submitted plans for a four (4) unit modular building that is two living stories on top of stilts. So 3 stories tall and four units long. The building has all four units OPEN under, no separation

Enter the Petitioner's question concerning an interpretation of the FFPC:

Would a 4 unit modular building that is two stories of living over a parking area which all 4 Parking areas are open be considered an APARTMENT BUILDING?

Pertinent documents below:

Summary

Parcel ID	00337180-000000
Account#	1414832
Property ID	1414832
Millage Group	50CM
Location Address	103-125 41ST St, MARATHON
Legal Description	BK 2 LT 4 AND LT 5 MARATHON BEACH PB2-21 G69-285 OR859-2130 OR1930-1956D/C OR1930-1957AFF OR2175-1629 OR2885-461/62
	<i>(Note: Not to be used on legal documents.)</i>
Neighborhood	10040
Property Class	MULTI FAMILY 10 OR MORE UNITS (0300)
Subdivision	MARATHON BEACH RESUB
Sec/Twp/Rng	10/66/32
Affordable Housing	No



Rulings herein expressed are not the formal position of the Florida State Fire Marshal's Office

Florida Fire Marshals and Inspectors Association | P. O. Box 325 Hobe Sound, FL 33475 | Tel 772-349-1507 | Fax 772-546-6675

Website: www.FFMIA.org | Email: info@ffmia.org | http://www.myfloridacfo.com/sfm/bfpr/bfpr_index.htm



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Building ID	63147	Exterior Walls	HARDIE BD
Style	STILT 2 STORY	Year Built	2018
Building Type	APARTMENTS / 03C	EffectiveYearBuilt	2018
Gross Sq Ft	7020	Foundation	CONC PILINGS
Finished Sq Ft	4680	Roof Type	HIP
Stories	3 Floor	Roof Coverage	METAL
Condition	EXCELLENT	Flooring Type	PLYWD/PR BD
Perimeter	0	Heating Type	FCD/AIR DUCTED
Functional Obs	0	Bedrooms	12
Economic Obs	0	Full Bathrooms	12
Depreciation %	2	Half Bathrooms	0
Interior Walls	DRYWALL	Grade	300
		Number of Fire Pl	0

Code	Description	Sketch Area	Finished Area	Perimeter
CPU	CARPORT UNFIND	2,340	0	198
FLA	FLOOR LIV AREA	4,680	4,680	396
TOTAL		7,020	4,680	594

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Answer: Yes

A townhouse is defined in the Florida Building Code-Residential as "A single-family dwelling unit constructed in a group of three or more attached units with property lines separating each unit in which each unit extends from foundation to roof and with a yard or public way on at least two sides." Furthermore, a "townhouse" must be separated by a common 2-hour fire resistance rated structurally independent wall constructed in accordance with R302.2 of the Florida Building Code-Residential. Unless the individual dwelling units meet the definition of a Townhouse, as described in the Florida Building Code-Residential, the units would be an Apartment Occupancy under NFPA 101/Florida Fire Prevention Code and an R-2 Occupancy under the Florida Building Code-Building. As described in the informal interpretation request, the 4 unit building would not meet the definition of a Townhouse under the FBC-Residential. The building would be classified as an Apartment Occupancy under NFPA 101/Florida Fire Prevention Code and an R-2 Occupancy under the Florida Building Code-Building.

Note: The Informal Interpretations Committee feels it is important to note that if this building, as described, has received a Certificate of Occupancy that is inconsistent with the FFPC/Florida Building Code-Building, the Certificate of Occupancy should be voided as it was issued in error and in direct conflict with the FBC-Building and the Florida Fire Prevention Code. (It is important to note that a local jurisdiction cannot waive the provisions of the Florida Administrative Code, as adopted by Florida Statutes Chapters 120, 553 and 633. The FBC-Building and the FFPC are part of the Florida Administrative Code. Only the Florida State Fire Marshal's Office and the Florida Building Commission can issue rule variances or waivers under Chapter 120.) The building would need to be re-permitted as the correct occupancy under the FFPC/FBC-Building, work completed to bring it into compliance with the FFPC/FBC-Building and a new Certificate of Occupancy is issued under the FBC-Building after successfully passing new final inspections. Until such time, the building would be considered an unsafe structure, warranting abatement, under the FBC-Building/FFPC and most local unsafe building abatement codes.

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Committee Answer Submitted by,
James Groff, Chairman
Informal Fire Code Interpretation Committee

Region 1: N/A

Region 2: Babette Ferris (NP)

Region 3: James Groff (yes) Alternate Robert Growick (yes)

Region 4: Philip Guglietti (yes) Alternate Cheryl Edwards (yes)

Region 5: Anthony Apfelbeck (yes) Alternate Tim Ippolito (yes)

Region 6: Robert Salvaggio (NR) Alternate Kathy Szostak (yes)

Region 7: Bryan Park (NR) Alternate Janet Washburn (yes)

- NP indicates no response to query

Region 1 - Delegate: Vacant
Alternate: N/A*

Region 2 - Delegate: Babette Ferris, Tallahassee Fire Department
Alternate: N/A*

Region 3 - Delegate: James Groff, Jacksonville F. R. (Committee Chair)
Alternate: Robert Growick

Region 4 - Delegate: Philip Guglietti, St. Petersburg F.R.
Alternate: Cheryl Edwards

Region 5 - Delegate: Anthony Apfelbeck, Altamonte Springs Building Department
Alternate: Tim Ippolito, Casselberry F. R.

Region 6 - Delegate: Robert Salvaggio
Alternate: Kathy Szostak, City of Naples

Region 7 - Delegate: C. Bryan Park, Broward County Board of Rules & Appeals
Alternate: Janet Washburn, City of Hollywood Fire Rescue

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Committee Region Map



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