

## **Petition #267 petitioned by J.J. Scott**

The client, Walton County, will be required to install a fire pump assisted sprinkler system into the renovated building (currently under construction) at a cost of over \$519,000, (Low Bid Proposal Attached) which is about 20% of the original renovation budget.

The client, Walton County, is renovating an existing S-1 occupancy building (clothing distribution facility) into a, S-1 (Vehicle Maintenance Facility). The client is upgrading existing restrooms to be compliant with FBC, Accessibility and performing some minor reconfiguration of space; A Level 2 Alteration. We understand that this alteration level (2) and proposed use (Motor Vehicle-related occupancies) via Chapter 1002 Special Use and Occupancy (1002.1) Must comply with FBC, Building, standards which states in Chapter 9 (Fire Protection Systems, 903 Automatic Sprinkler Systems, 903.2 Where Required, 903.2.9 Group S-1, 903.2.9.1 Repair Garages, 2.) that a repair facility of this size (29,320 SF) would require an Automatic Fire Sprinkler System. However, we contend that this project qualifies for the following exemption via FBC, Existing Building, Chapter 8 Alterations Level 2, (Section 804 Fire Protection, 804.2 Automatic Sprinkler System, 804.2.2 Groups ...S-1...) "If the building does not have sufficient municipal water supply...without installation of a fire pump, work areas shall be protected by an automatic smoke detection system throughout all occupiable spaces...". A recent flow test was conducted and found to have inadequate flow to support the system thus necessitating the installation of a fire pump system. To address the Building Official's email, we believed it is debatable that a warehouse full of clothing is a higher hazard than a repair garage where controls are to prevent fire are industry standard. Also, Please note, the purchase price of the building was greatly reduced and it is estimated that a building of this size, built today, would be over \$13,250,000. Considering the above, in association with the Project's close proximity (800 feet) to Liberty Fire Department and on-site hydrant, are reasons we believe granting this exemption will not only adequately protect the health, safety, and welfare of the occupants and the county owned property within the building, but it will also allow for the county to escape the undue financial burden of installing a pump assisted fire sprinkler system.

The following interpretation was provided by the building official via email 11/2/23, after the approved permit was issued 6/15/23. The design professional nor the contactor were provided official plans review comments of non-compliance. The following is a cut and paste copy of the body of the email.

### **Interpretation given by the Building Official:**

I have read the letter attached and the references provided. This building was built many years ago and I'm not sure what the Code stated back then, but the current Code requires all S-1 Occupancy classifications that are this large to be sprinklered. The reference that the Occupancy classification is a S-1 is correct, but there is also a separate section about repair garages. The Code also states that a change of Occupancy can occur within a Group, which is happening here. The hazard for a repair garage is much greater than a clothing warehouse, (which would also require a sprinkler system when it is this large). When a building is purchased for 3 million dollars and then 2.5 million dollars are spent on a renovation, then this is certainly a substantial improvement to that building. Based on this, I stand behind the requirement for a sprinkler system to be installed. If you desire to request a binding interpretation from the Building Commission and the State Fire Marshall's office, please feel free to do so. If that happens, I will need a letter from both parties stating that a sprinkler system is not required if

that happens to be their decision. If you decide to go this route, please make sure that the situation is explained in detail to them. Thanks!"

Please see the attached:

- 1) Check list provided to the contractor along with the approved permit.
- 2) Time line of events.
- 3) Cover sheet stating the building is unsprinkled and no Fire Sprinkler sheets listed in the index.
- 4) Screenshot of Email interpretation from Code Official

Ms. Russo,

To my knowledge, there has not been a check to verify the water supply capability. We have several buildings in the County that installed storage tanks to supplement the municipal water system in order to provide the Fire Protection required. The reason that this is being contested by the petitioner is that no one wants to pay for the system. My opinion is that this building needs the sprinkler system that is required because of the size and occupancy classification. If you need any more comments, please let me know. Thanks!

*Billy Bearden, CBO*

Building Official  
47 N. 6<sup>th</sup> Street  
DeFuniak Springs, FL 32435  
(850) 892-8160

## **7<sup>th</sup> Edition (2020) Florida Building Code – Existing Code**

**1001.2 Certificate of occupancy.** A change of occupancy or a change of occupancy within a space where there is a different fire protection system threshold requirement in Chapter 9 of the *Florida Building Code, Building* shall not be made to any structure without the approval of the *code official*. A certificate of occupancy shall be issued where it has been determined that the requirements for the change of occupancy have been met.

**1001.2.2 Change of occupancy classification or group.** Where the occupancy classification of a building changes, the provisions of Sections 1002 through 1012 shall apply. This includes a *change of occupancy* classification and a **change to another group within an occupancy classification.**

### **SECTION 1004 FIRE PROTECTION**

**1004.1 General.** Fire protection requirements of Section 1012 shall apply where a building or portions thereof undergo a *change of occupancy* classification or where there is a change of occupancy within a space where there is a different fire protection system threshold requirement in Chapter 9 of the *Florida Building Code, Building*.

## **CHAPTER 8 ALTERATIONS—LEVEL 2**

### **SECTION 804 FIRE PROTECTION**

**804.2.2 Groups A, B, E, F-1, H, I, M, R-1, R-2, R-4, S- 1 and S-2.** In buildings with occupancies in Groups A, B, E, F-1, H, I, M, R-1, R-2, R-4, S-1 and S-2, work areas that have exits or corridors shared by more than one tenant or that have exits or corridors serving an occupant load greater than 30 shall be provided with automatic sprinkler protection where all of the following conditions occur:

1. The *work area* is required to be provided with automatic sprinkler protection in accordance with the

*Florida Building Code, Building* as applicable to new construction; and  
2. The *work area* exceeds 50 percent of the floor area.

**Exception:** If the building does not have sufficient municipal water supply for design of a fire sprinkler system available to the floor without installation of a new fire pump, work areas shall be protected by an automatic smoke detection system throughout all occupiable spaces other than sleeping units or individual dwelling units that activates the occupant notification system.

## **7<sup>th</sup> Edition (2020) Florida Building Code – Building**

**311.2 Moderate-hazard storage, Group S-1.** Storage Group S-1 occupancies are buildings occupied for storage uses that are not classified as Group S-2, including, but not limited to, storage of the following:

Aerosol products, Levels 2 and 3

Aircraft hangar (storage and repair)

Bags: cloth, burlap and paper

Bamboos and rattan

Baskets

Belting: canvas and leather

Books and paper in rolls or packs

Boots and shoes

Buttons, including cloth covered, pearl or bone

Cardboard and cardboard boxes

Clothing, woolen wearing apparel

Cordage

Dry boat storage (indoor)

Furniture

Furs

Glues, mucilage, pastes and size

Grains

Horns and combs, other than celluloid

Leather

Linoleum

Lumber

Motor vehicle repair garages complying with the maximum allowable quantities of hazardous materials listed in Table 307.1(1) (see Section 406.8)

## **SECTION 903 AUTOMATIC SPRINKLER SYSTEMS**

**[F] 903.2.9.1 Repair garages.** An *automatic sprinkler system* shall be provided throughout **all buildings used as repair garages in accordance with Section 406, as shown:**

1. Buildings having two or more *stories above grade plane*, including basements, with a *fire area* containing a repair garage exceeding 10,000 square feet (929 m<sup>2</sup>).
2. Buildings not more than one *story above grade plane*, with a *fire area* containing a repair garage exceeding 12,000 square feet (1115 m<sup>2</sup>).
3. Buildings with repair garages servicing vehicles parked in basements.
4. A Group S-1 *fire area* used for the repair of commercial motor vehicles where the *fire area exceeds 5,000 square feet* (464 m<sup>2</sup>).

## **SECTION 406 MOTOR-VEHICLE-RELATED OCCUPANCIES**

**406.1 General.** All motor-vehicle-related occupancies shall comply with Sections 406.1.1 through 406.1.9.3. Private garages and carports shall also comply with Section 406.3. Open public parking garages shall also comply with Sections 406.4 and 406.5. Enclosed public parking garages shall also comply with Sections 406.4 and 406.6. Motor fuel-dispensing facilities shall also comply with Section 406.7. Repair garages shall also comply with Section 406.8.

**406.1.1 Automatic garage door openers and vehicular gates.** Where provided, automatic garage door openers

shall be listed and labeled in accordance with UL 325. Where provided, automatic vehicular gates shall comply with Section 3110.

**406.1.2 Clear height.** The clear height of each floor level in vehicle and pedestrian traffic areas shall be not less than 7 feet (2134 mm). Canopies under which fuels are dispensed shall have a clear height in accordance with Section 406.7.2.

**Exception:** A lower clear height is permitted for a parking tier in mechanical-access *open parking garages* where approved by the *building official*.

**406.1.3 Accessible parking spaces.** Where parking is provided, accessible parking spaces shall be provided in accordance with Chapter 11.

### **Staff Analysis**

#### **Question:**

Does the project in question qualifies for the application of Section 804.2.2 (Exception) of the 7<sup>th</sup> Edition (2020) Florida Building Code, Existing Building?

#### **Answer:**

The answer to the Petitioner's question is no. As per Section 1001.2.2 Change of occupancy classification or group of the 7<sup>th</sup> Edition (2020) Florida Building Code, Existing Building and Section 903.2.9.1 of the 7<sup>th</sup> Edition (2020) Florida Building Code, building, an automatic sprinkler system must be provided throughout the repair garage facility.