

PETITION FOR DECLARATORY STATEMENT
BEFORE THE FLORIDA BUILDING CODE COMMISSION

07/12/2024

Dixie County, FL
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DS 2024-029

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RE 2023 FLORIDA RESIDENTIAL BUILDING CODE
CHAPTER 3 BUILDING PLANNING
SECTION R322 FLOOD-RESISTANT CONSTRUCTION
Provisions R322 2 1 and R322 3 2
(attached hereto for reference)

I am the current county building official having held said position for the previous 6 years (BU2033) and hold a current license as a plans examiner (PX4684) I am also the county flood plain administrator CFM license (#US-21-11844) My official capacity also requires that I serve as Dixie county's land administrator Additionally, I am the town of Horseshoe Beach's flood plain administrator

Discussion

The following are definitions found within our Florida Building Code and its adopted provisions of CFR 44 et seq , FEMA and NIFP publications

1 The 2023 Florida Building Code, Residential currently defines an Accessory Structure as

Accessory Structure A structure that is accessory to and incidental to that of the dwelling(s) and that is located on the same lot

Florida Building code Residential Chapter 2

2 The Federal Code of Regulations defines an Accessory Structure as

An **Accessory Structure** means a structure, as defined in 44 C F R § 59 1, that is on the same parcel of property as a principal structure and the use of

which is incidental to the use of the principal structure; an accessory structure specifically excludes structures used for human habitation.
a. **Accessory structures** are considered walled and roofed where the structure includes at **least two outside rigid walls and a fully secured roof.**

FEMA Policy #104-008-03 Date Issued: February 2020 – Emphasis added by author

This is in harmony with the further definition of structure in CFR 44.
Structure means, for floodplain management purposes, a walled and roofed building

CFR 44, 59 definitions. - Emphasis added by author

Need of Declaratory Statement

Citizens, constituents and contractors within my predominantly rural and coastal districts currently, and historically, have built pole barns, gazebos, docks, decks, platforms and covers on their property. These have been historically understood to be exempt from the provisional section R322 et seq., since these structures are not “walled” structures – rather they are “open” structures.

Recent interpretations have arisen over the applicability of these provisions and our citizens are in unrest for fear of losing their ability (or restriction of size) in construction of these structures. Property values, land sales and disagreements abound. I, (and others) as building officials, are in need of a formal declaratory statement.

Therefore, we ask the commission to declare that the Federal Flood requirements codified in R322.2.1 and R322.3.2 are applicable to structures meeting the definition of “Accessory Structures” pursuant to FEMA definition as codified in the Code of Federal Regulations as stated in Paragraph 2 above. To be considered an accessory structure, such structure must have at least two outside rigid walls and a fully secured roof.

Question:

Are the unwalled/open structures in question (I.e., pole barns, gazebos, docks, platforms, Boat shelters, and covers) required to comply with sections R322.2.1(5) and R322.3.2(4) of the 8th Edition (2023) Florida Building Code, Residential?



Respectfully Submitted,

Leon T. Wright, CBO, PX, CFM, BN, CRC
Dixie County

Attachments:

R322.2.1 Elevation requirements.

1. Buildings and structures in flood hazard areas not including flood hazard areas designated as Coastal A Zones, shall have the lowest floors elevated to or above the base flood elevation plus 1 foot (305 mm), or the design flood elevation, whichever is higher.
 2. In areas of shallow flooding (AO Zones), buildings and structures shall have the lowest floor (including basement) elevated to a height above the highest adjacent grade of not less than the depth number specified in feet (mm) on the FIRM plus 1 foot (305 mm), or not less than 3 feet (915 mm) if a depth number is not specified.
 3. Basement floors that are below grade on all sides shall be elevated to or above base flood elevation plus 1 foot (305 mm), or the design flood elevation, whichever is higher.
 4. Attached garages and carports shall comply with one of the following:
 - 4.1. The floors shall be elevated to or above the elevations required in Item 1 or Item 2, as applicable.
 - 4.2. The floors shall be at or above grade on not less than one side. Where an attached garage or carport is enclosed by walls, the walls shall have flood openings that comply with Section R322.2.2 and the attached garage or carport shall be used solely for parking, building access or storage.
 5. Detached **accessory structures** and detached garages shall comply with either of the following:
 - 5.1. The floors shall be elevated to or above the elevations required in Item 1 or Item 2, as applicable.
 - 5.2. The floors are permitted below the elevations required in Item 1 or Item 2, as applicable, provided such detached structures comply with all of the following:
 - 5.2.1. Are used solely for parking or storage.
 - 5.2.2. Are one story and not larger than 600 square feet (56 m²).
 - 5.2.3. Are anchored to resist flotation, collapse or lateral movement resulting from design flood loads.
 - 5.2.4. Have flood openings that comply with Section R322.2.2.
 - 5.2.5. Are constructed of flood damage resistant materials that comply with Section R322.1.8.
 - 5.2.6. Have mechanical, plumbing and electrical systems, if applicable, that comply with Section R322.1.6.
- Exception: Enclosed areas below the elevation required in this section, including basements with floors that are not below grade on all sides, shall meet the requirements of Section R322.2.2.

R322.3.2 Elevation requirements.

1. Buildings and structures erected within coastal high hazard areas and Coastal A Zones, shall be elevated so that the bottom of the lowest horizontal structural members supporting the lowest floor, with the exception of piling, pile caps, columns, grade beams and bracing, is elevated to or above the base flood elevation plus 1 foot (305 mm) or the design flood elevation, whichever is higher. Where stem wall foundations are permitted in Coastal A Zones in accordance with Section R322.3.3, the bottom of the lowest horizontal structural member supporting the lowest floor is the top of the foundation wall, or top of the portion of the foundation wall, supporting the slab.
2. Basement floors that are below grade on all sides are prohibited.

3. Attached garages used solely for parking, building access or storage, and carports shall comply with Item 1 or shall be at or above grade on not less than one side and, if enclosed with walls, such walls shall comply with Item 7.

4. Detached **accessory structures** and detached garages shall comply with either of the following:

4.1. The bottom of the lowest horizontal structural member supporting the floors shall be elevated to or above the elevation required in Item 1.

4.2. The floors are permitted below the elevations required in Item 1, provided such detached structures comply with all of the following:

4.2.1. Are used solely for parking or storage.

4.2.2. Are one story and not larger than 100 square feet (9.29 m²).

4.2.3. Are anchored to resist flotation, collapse or lateral movement resulting from design flood loads.

5. The use of fill for structural support is prohibited.

6. Minor grading, and the placement of minor quantities of fill, shall be permitted for landscaping and for drainage purposes under and around buildings and for support of parking slabs, pool decks, patios and walkways.

7. Walls and partitions enclosing areas below the elevation required in this section shall meet the requirements of Sections R322.3.5 and R322.3.6.