

Issue: DS 2024-029: The petitioner Leon Wright of Dixie County is seeking a declaratory statement to clarify whether unwalled/open structures required to comply with sections R322.1(5) and R322.3.2(4) of the 8th Edition (2023) Florida Building Code, Residential.

Petitioner seeks clarification of the following questions:

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?

Background:

The Petitioner provides for the following:

- Citizens, constituents and contractors within Dixie County 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.
- I ask the Commission to declare that the federal flood requirements codified in R322.2.1 and R22.3.2 are applicable to structures meeting the definition of “Accessory Structures” pursuant to FEMA definition as codified in the Code of Federal Regulations. To be considered an accessory structure, such structure must have at least two outside rigid walls and a fully secured roof.

8th (2023) Florida Building Code, Residential

R322.2 Flood hazard areas (including A Zones). Areas that have been determined to be prone to flooding and that are not subject to high-velocity wave action shall be designated as flood hazard areas. Flood hazard areas that have been delineated as subject to wave heights between 1 1/2 feet (457 mm) and 3 feet (914 mm) or otherwise designated by the jurisdiction shall be designated as Coastal A Zones and are subject to the requirements of Section R322.3. Buildings and structures constructed in whole or in part in flood hazard areas shall be designed and constructed in accordance with Sections R322.2.1 through R322.2.3.

R322.2.1 Elevation requirements.

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 Coastal high-hazard areas (including V Zones and Coastal A Zones, where designated). Areas that have been determined to be subject to wave heights in excess of 3 feet (914 mm) or subject to high-velocity wave action or wave induced erosion shall be designated as coastal high-hazard areas. Flood hazard areas that have been designated as subject to wave heights between 1 1/2 feet (457 mm) and 3 feet (914 mm) or otherwise designated by the jurisdiction shall be designated as Coastal A Zones. Buildings and structures constructed in whole or in part in coastal high-hazard areas and coastal A Zones, where designated, shall be designed and constructed in accordance with Sections R322.3.1 through R322.3.10.

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.

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ACCESSORY STRUCTURES

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.

1. **Accessory structures are considered walled and roofed where the structure includes at least two outside rigid walls and a fully secured roof.**

2. Examples of accessory structures include but are not necessarily limited to two-car detached garages (or smaller), carports, storage and tool sheds, and small boathouses.

3. For floodplain management purposes, accessory structures must be used for **parking or storage.**

Staff Analysis

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?

Answer:

The answer to the Petitioner's question is no. Unwalled/open structures (i.e., pole barns, gazebos, docks, platforms, boat shelters, and covers) are not required to meet the requirements of sections R322.2.1(5) and R322.3.2(4) of the 8th Edition (2023) FBC, Residential.