

Determining Code Applications for R-3 Dwelling Units

1. Step #1: Determine which code is applicable based on section R101.2 of the code. Please see specifically Chapter 1 of the Residential Code for exceptions.
2. Scope of Residential Code:

R101.2 Scope.

The provisions of the *Florida Building Code, Residential* shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal and demolition of detached one- and two-family dwellings and townhouses not more than three stories above *grade plane* in height with a separate means of egress and their *accessory structures*.

Exceptions:

1. Live/work units complying with the requirements of Section 419 of the *Florida Building Code, Building* shall be permitted to be built as one- and two-family *dwellings* or townhouses. Fire suppression required by Section 419.5 of the *Florida Building Code, Building* when constructed under the *Florida Building Code, Residential* shall conform to Section P2904.
2. Owner-occupied lodging houses with five or fewer guestrooms shall be permitted to be constructed in accordance with the *Florida Building Code, Residential* when equipped with a fire sprinkler system in accordance with Section P2904.
3. Existing buildings undergoing repair, alteration, addition or change of occupancy shall comply with the *Florida Building Code, Existing Building*.

R101.2.1

The provisions of Chapter 1, *Florida Building Code, Building*, shall govern the administration and enforcement of the *Florida Building Code, Residential*.

3. Please be sure to check if the structure is subject to any of the special occupancy requirements listed in Chapter 4 of the Building Code. If so, it is subject to the Building Code and not the Residential Code other than the exceptions noted above. For example, public lodging establishments are subject to section 455 of the Building Code and must meet the Building Code, not the Residential Building Code.

[Section 509 Florida Statutes](#) defines “public Lodging establishment”

(4)(a) “Public lodging establishment” includes a transient public lodging establishment as defined in subparagraph 1. and a nontransient public lodging establishment as defined in subparagraph 2.

1. “Transient public lodging establishment” means any unit, group of units, dwelling, building, or group of buildings within a single complex of buildings which is rented to guests more than three times in a calendar year for periods of less than 30 days or 1 calendar month, whichever is less, or which is advertised or held out to the public as a place regularly rented to guests.
2. “Nontransient public lodging establishment” means any unit, group of units, dwelling, building, or group of buildings within a single complex of buildings which is

rented to guests for periods of at least 30 days or 1 calendar month, whichever is less, or which is advertised or held out to the public as a place regularly rented to guests for periods of at least 30 days or 1 calendar month.

4. Section 509.242 defines “vacation rental” as

509.242 Public lodging establishments; classifications.—

(1) A public lodging establishment shall be classified as a hotel, motel, nontransient apartment, transient apartment, bed and breakfast inn, timeshare project, or **vacation rental** if the establishment satisfies the following criteria:

(c) **Vacation rental.**—A vacation rental is any unit or group of units in a condominium or cooperative or any individually or collectively owned single-family, two-family, three-family, or four-family house or dwelling unit that is also a transient public lodging establishment but that is not a timeshare project.

5. If subject to the Building Code, section 903.2.8 FBC requires all group R to have fire sprinklers. However, section 69A-43.018 Florida Administrative Code appears to be applicable as to the Fire Prevention Code. Section 69A-43.004 F.A.C. also has definitions but does not appear to have been updated since 5-23-94. Nonetheless, section 69A-43.011 would require standpipe and hose connections for transient occupancies. There are also other requirements in [69A-43](#) which should be enforced by the fire inspector. See informal interpretations #7956, #7191, and #6678 regarding some aspects of this. There does appear to be some discrepancies in interpretations regarding this and a decision statement should be requested as consistency does not seem to be apparent to me.