

ORDINANCE NO. 15- 09

AN ORDINANCE AMENDING ARTICLE III, CHAPTER 62, OF THE CODE OF ORDINANCES OF BREVARD COUNTY, ENTITLED "THE 1988 COMPREHENSIVE PLAN", SETTING FORTH THE FIRST SMALL SCALE PLAN AMENDMENT OF 2015, 15S.01, TO THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN; AMENDING SECTION 62-501 ENTITLED CONTENTS OF THE PLAN; SPECIFICALLY AMENDING SECTION 62-501, PART XVI (E), ENTITLED THE FUTURE LAND USE MAP APPENDIX; AND PROVISIONS WHICH REQUIRE AMENDMENT TO MAINTAIN INTERNAL CONSISTENCY WITH THESE AMENDMENTS; PROVIDING LEGAL STATUS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 163.3161 et. seq., Florida Statutes (1987) established the Local Government Comprehensive Planning and Land Development Regulation Act; and

WHEREAS, Section 163.3167, Florida Statutes, requires each County in the State of Florida to prepare and adopt a Comprehensive Plan as scheduled by the Department of Economic Opportunity; and

WHEREAS, on September 8, 1988, the Board of County Commissioners of Brevard County, Florida, approved Ordinance No. 88-27, adopting the 1988 Brevard County Comprehensive Plan, hereafter referred to as the 1988 Plan; and

WHEREAS, Sections 163.3184 and 163.3187, and 163.3189, Florida Statutes, established the process for the amendment of comprehensive plans pursuant to which Brevard County has established procedures for amending the 1988 Plan; and

WHEREAS, Brevard County initiated amendments and accepted applicati6n for small scale amendments to the Comprehensive Plan for adoption in calendar year 2015 as Plan Amendment 15S.01; and

WHEREAS, Brevard County established Technical Advisory Groups consisting of County technical employees grouped according to their operational relationship to the subject of a plan element or sub-element being prepared or amended, and these Technical Advisory Groups have provided technical expertise for the Amendment 15S.01; and

WHEREAS, the Board of County Commissioners of Brevard County, Florida, have provided for the broad dissemination of proposals and alternatives, opportunity for written comments, public hearings after due public notice, provisions for open discussion, communication programs and consideration of and response to public comments concerning the provisions contained in the 1988 Plan and amendments thereto; and

WHEREAS, Section 62-181, Brevard County Code designated the Brevard County Planning and Zoning Board as the Local Planning Agency for the unincorporated areas of Brevard County, Florida, and set forth the duties and responsibilities of said local planning agency; and

WHEREAS, on April 6, 2015, the Brevard County Local Planning Agency held a duly noticed public hearing on Plan Amendment 15S.01, and considered the findings and advice of the Technical Advisory Groups, and all interested parties submitting comments; and

WHEREAS, on May 7, 2015, the Brevard County Board of County Commissioners held a duly noticed public hearing, and considered the findings and recommendations of the Technical Advisory Group, and all interested parties submitting written or oral comments, and the recommendations of the Local Planning Agency, and upon thorough and complete consideration and deliberation, approved for adoption Plan Amendment 15S.01; and

WHEREAS, Plan Amendment 15S.01 adopted by this Ordinance comply with the requirements of the Local Government Comprehensive Planning and Land Development Regulation Act; and

WHEREAS, Plan Amendment 15S.01 adopted by this Ordinance is based upon findings of fact as included in the data and analysis.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, as follows:

Section 1. Authority. This ordinance is adopted in compliance with, and pursuant to the Local Government Comprehensive Planning and Land Development Regulations Act, Sections 163.3184 and 163.3187, Florida Statutes.

Section 2. Purpose and Intent. It is hereby declared to be the purpose and intent of this Ordinance to clarify, expand, correct, update, modify and otherwise further the provisions of the 1988 Brevard County Comprehensive Plan.

Section 3. Adoption of Comprehensive Plan Amendments. Pursuant to Plan Amendment 15S.01 to the 1988 Comprehensive Plan, Article III, Chapter 62-504, Brevard County Code, 1988 Brevard County Comprehensive Plan is hereby amended as specifically shown in Exhibit A. Exhibit A is hereby incorporated into and made part of this Ordinance.

Section 4. Legal Status of the Plan Amendments. After and from the effective date of this Ordinance, the plan amendment, Plan Amendment 15S.01, shall amend the 1988 Comprehensive Plan and become part of that plan and the plan amendment shall retain the legal status of the 1988 Brevard County Comprehensive Plan established in Chapter 62-504 of the Code of Laws and Ordinances of Brevard County, Florida, as amended.


Section 5. Severability. If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate, or nullify the remainder of this Ordinance, but the effect thereof shall be confined to the section, paragraph,

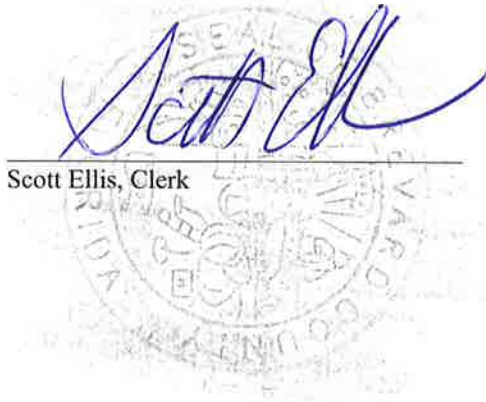
subdivision, clause, sentence or provision immediately involved in the controversy in which such judgment or decree shall be rendered.

Section 6. Effective Date. The effective date of this small scale plan amendment shall be 31 days after adoption, unless the amendment is challenged pursuant to Section 163.3187(3), Florida Statutes. If challenged, the effective date of this amendment shall be the date a final order is issued by the Department of Community Affairs, or the Administration Commission, finding the amendment in compliance with Section 163.3184, Florida Statutes. A certified copy of the ordinance shall be filed with the Office of the Secretary of State, State of Florida, within ten days of enactment.


DONE AND ADOPTED in regular session, this 7 day of May 2015.

ATTEST:

  
\_\_\_\_\_  
Scott Ellis, Clerk



BOARD OF COUNTY COMMISSIONERS  
OF BREVARD COUNTY, FLORIDA

By:   
\_\_\_\_\_  
Robin Fisher, Chairman

As approved by the Board on May 7, 2015.

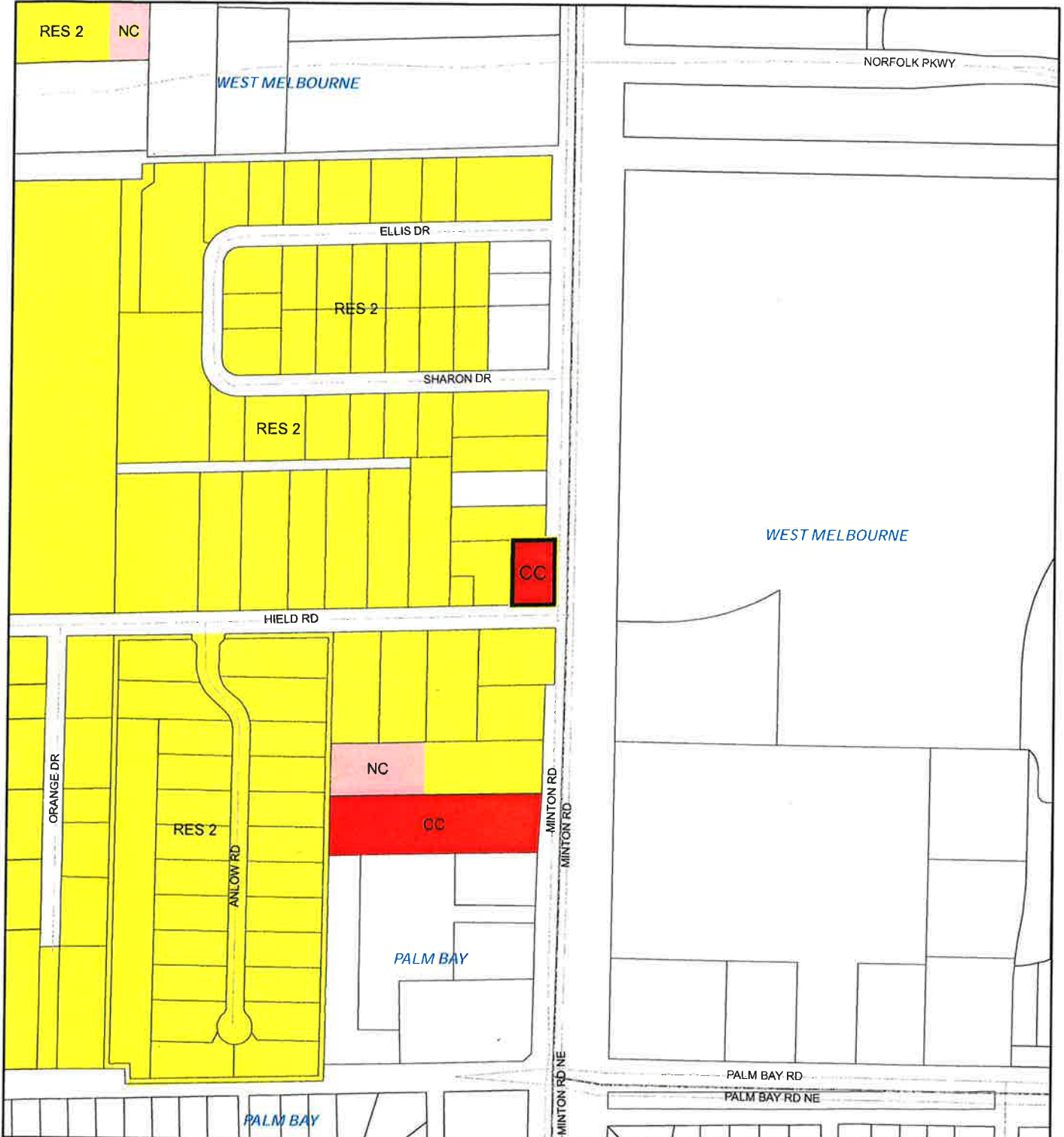
**EXHIBIT A**

**15S.01 SMALL SCALE  
COMPREHENSIVE PLAN AMENDMENT**



# FUTURE LAND USE MAP

BREVARD COUNTY

15PZ00005 and Small Scale Amendment 15S.01



1:4,800 or 1 inch = 400 feet

-  Subject Property
-  Parcels

This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by the Brevard County Planning and Zoning Office - GIS Section Date: 4/3/2015



**FLORIDA DEPARTMENT *of* STATE**

**RICK SCOTT**  
Governor

**KEN DETZNER**  
Secretary of State

May 13, 2015

Honorable Scott Ellis  
Clerk  
Board of County Commissioners  
Brevard County  
Post Office Box 999  
Titusville, Florida 32781-0999

Attention: Ms. Ashley Folsom, Recording Secretary

Dear Mr. Ellis:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Brevard County Ordinance No. 15-09, which was filed in this office on May 13, 2015.

Sincerely,

Ernest L. Reddick  
Program Administrator

ELR/lb

# B.2

t=2806930.8;s=18;c=1

DANA BLICKLEY, CPA - PROPERTY APPRAISER - BREVARD COUNTY, FLORIDA

Quick Search

7 Go



\$1.5K

33K

60K

60K

60K

\$65K

\$7.8K

\$1.68K



NORFOLK HWY

ADDRESS RD

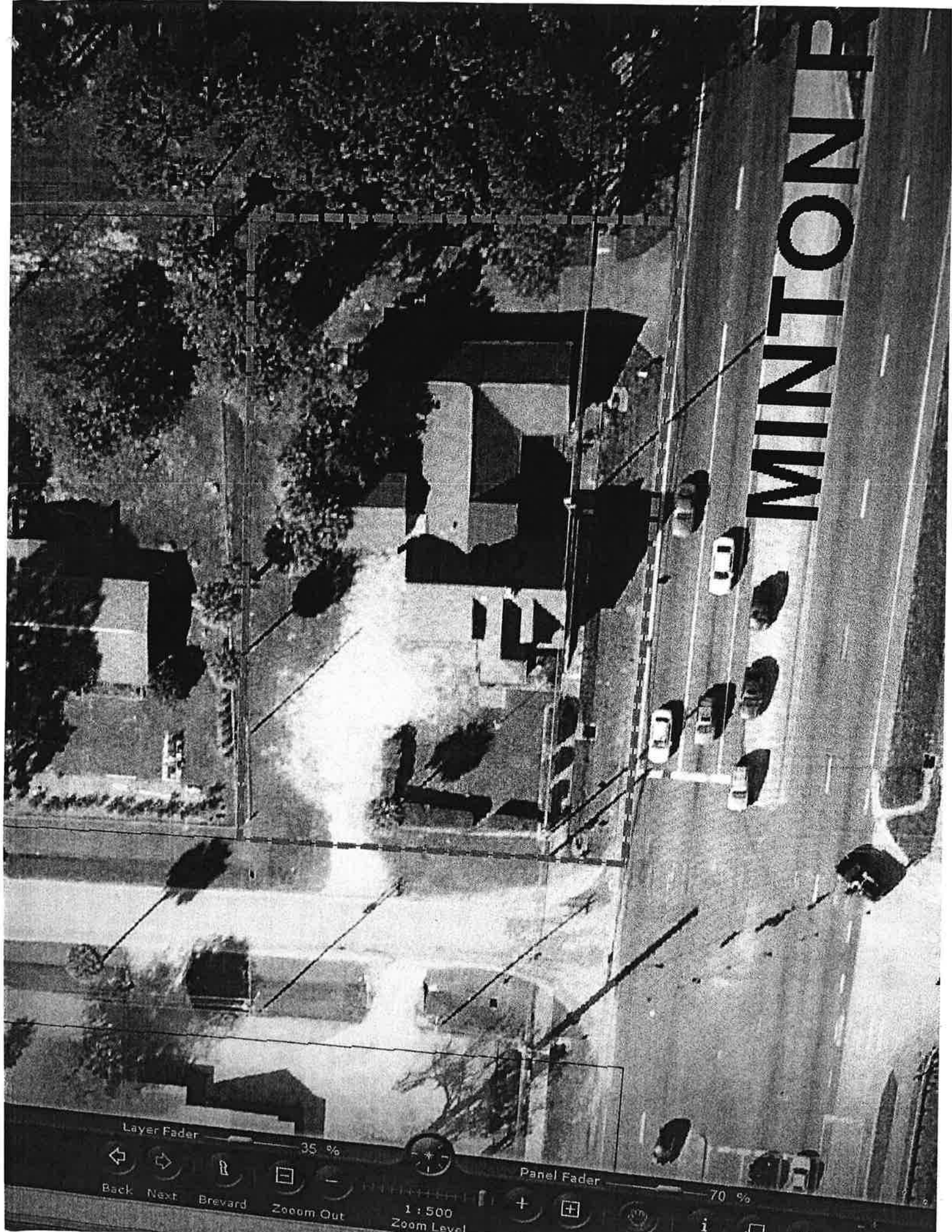
PELTM BAY RD

POLLUM BAY RD

WINDYWOOD ST

ADDRESS RD

\$1.68K



MINTON

Layer Fader

35 %

Panel Fader

70 %



Back Next Brevard



Zoom Out

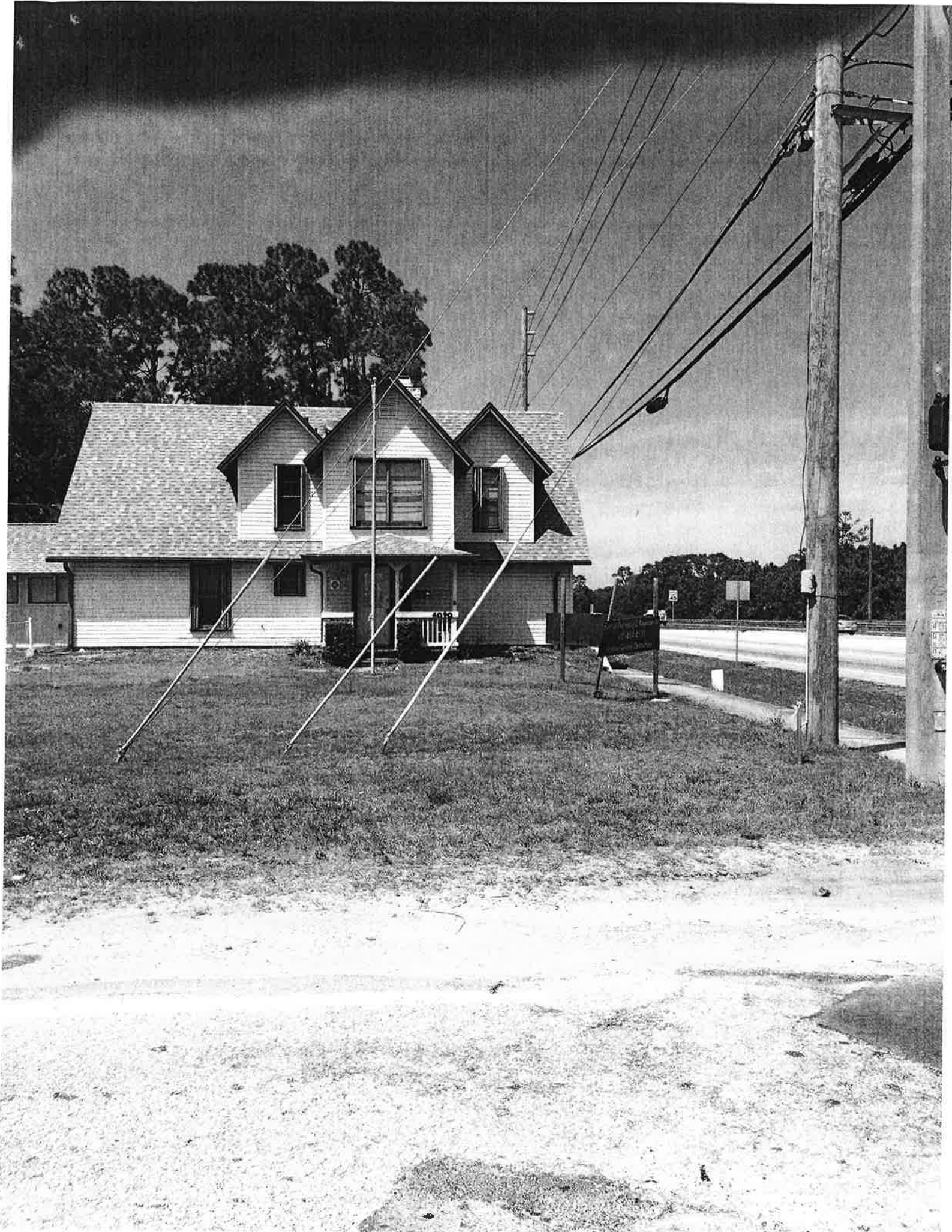
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Barfield Contracting & Associates Inc.  
321-454-4531  
Roofing/General Contractors

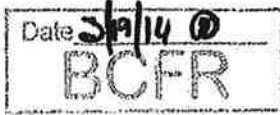
45











**Mission: To provide a safe, secure, loving, Christian home for neglected, abused, needy, or abandoned children.**



**Nana's House**  
P.O. Box 500885  
Malabar, FL 32950  
(321) 266-3829

*For in the day of trouble He will keep me  
safe in His dwelling. He will hide me in the shelter  
of His tabernacle and set me high upon a rock,  
Psalm 27:5*

March 19, 2014

Attn: Michael Bloom  
Brevard County

This letter is to inform you that I have received the Chapter 69A-41 uniform fire safety standards for residential child care facilities for 5 or fewer children, and the fire drill form. I agree to comply with all stated requirements that apply to our home located at 4090 Minton Road, Palm Bay, FL.

Thank you so much for attention to this matter and expect to receive our permit upon receipt of this letter. I truly appreciate your time.

Sincerely,

Kimberly Frodge  
Exec. Dir./ President  
Nana's Children's Home dba Nana's House

**Nana's House**  
where  
**Neglected, Abused, Needy or Abandoned**  
children can come and experience God's love



WARRANTY DEED

THIS INDENTURE, made this 8th day of June, 1990 A.D.,  
Between ROBERT L. HURD and NORMA HURD, his wife  
of the County of *Duval*, State of NC, GRANTORS,

and BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS  
a political subdivision of the State of Florida

whose address is:  
P.O. Box 1496, Titusville, Florida 32781  
of the County of Brevard, State of Florida, GRANTEES, whose  
respective Social Security Numbers are:

WITNESSETH that the GRANTORS, for and in consideration of the  
sum of \$10.00 and other good and valuable consideration to GRANTORS  
in hand paid by GRANTEES, the receipt whereof is hereby acknowledged,  
have granted, bargained and sold to the said GRANTEES and GRANTEES'  
heirs and assigns forever, the following described land, situate,  
lying and being in the County of BREVARD, State of Florida  
whose parcel identification number is 28-36-24-01-11.02  
to wit:

SEE ATTACHED LEGAL DESCRIPTION EXHIBIT "A"

Subject to restrictions, reservations, easements and covenants of  
record, if any. This reference to restrictions shall not operate  
to reimpose same.

*2*      *3*  
1.50  
9.00  
907.50  
50

and the GRANTORS do hereby fully warrant the title to said land,  
and will defend the same against lawful claims of all persons  
whomsoever. Subject to taxes for the year 1990, and all subsequent  
years.

IN WITNESS WHEREOF, the GRANTORS have hereunto set their hand and  
seal the day and year first above written. Signed, sealed and  
delivered in our presence:

*Quell B. Webb*  
\_\_\_\_\_  
(Witness)

*Robert L. Hurd*  
\_\_\_\_\_  
ROBERT L. HURD

*Elizabeth W. Meigs*  
\_\_\_\_\_  
(Witness)

*Norma Hurd*  
\_\_\_\_\_  
NORMA HURD

STATE OF North Carolina  
COUNTY OF *Duval*

I HEREBY CERTIFY that on this day before me, an officer duly  
qualified to take acknowledgements, personally appeared  
ROBERT L. HURD and NORMA HURD, his wife

to me known to be the person(s) described in and who executed the  
foregoing instrument and they acknowledged before me that they  
executed the same.

WITNESS my hand and official seal in the County and State last  
aforesaid this *11<sup>th</sup>* day of June, 1990.

This Document Prepared By:  
Dianne Cisarano  
GulfAtlantic Title Agency  
407 S. Washington Ave., Suite 300  
TITUSVILLE, FLORIDA 32796



*Elizabeth W. Meigs*  
\_\_\_\_\_  
(SEAL) NOTARY PUBLIC  
Commission Expires: 2-4-92

PAGE

850486

90 JUN 13 AM 11:43

RECORDED & VERIFIED



**BREVARD COUNTY BUILDING CODE**  
 2725 Judge Fran Jamieson Way, A115  
 Viera, FL 32940  
 (321) 633-2072 phone (321) 633-2087 fax

**DOCUMENT SUBMITTAL**

Permit #: 14BC02399 Date: 3-18-14  
 Site Address: 4090 Minton Rd. Melbourne, FL 32904  
 From: George Construction, Inc. 321-508-6394  
 Contractor/Owner Telephone

**SURVEYS**

- Form Board Survey\*
- Foundation/Floor Elevation Survey\*
- As-built Survey
- Final Survey for Lot Drainage

\* Inspections will not be scheduled until all required agencies approve the survey.

**PERMIT DOCUMENTS**

- Revised Construction Drawings\*  Revised plot plan
- \* If revision adds square footage, additional permits fees will be added based on the additional square footage.
- \*\* Additional fees may be charged by the One-stop Agencies
- Documents requested by Plans Examiner FRANK P.
- Documents requested by Zoning  Documents requested by Lot Drainage
- Documents requested by Natural Resources  Documents requested by Driveway
- Documents requested by Utilities  Documents requested by Fire

A brief description is required: specify all documents and changes. Changes on plans should be identified by clouds. Unidentified changes will be returned.

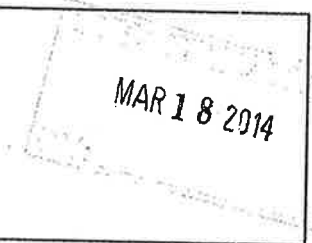
Scaled drawings and answers to comments as per letter dated March 14, 2014.

F. Mel George  
 PRINTED NAME of person submitting documents

F. P. George  
 SIGNATURE of person submitting documents

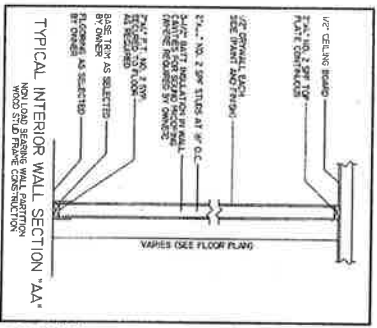
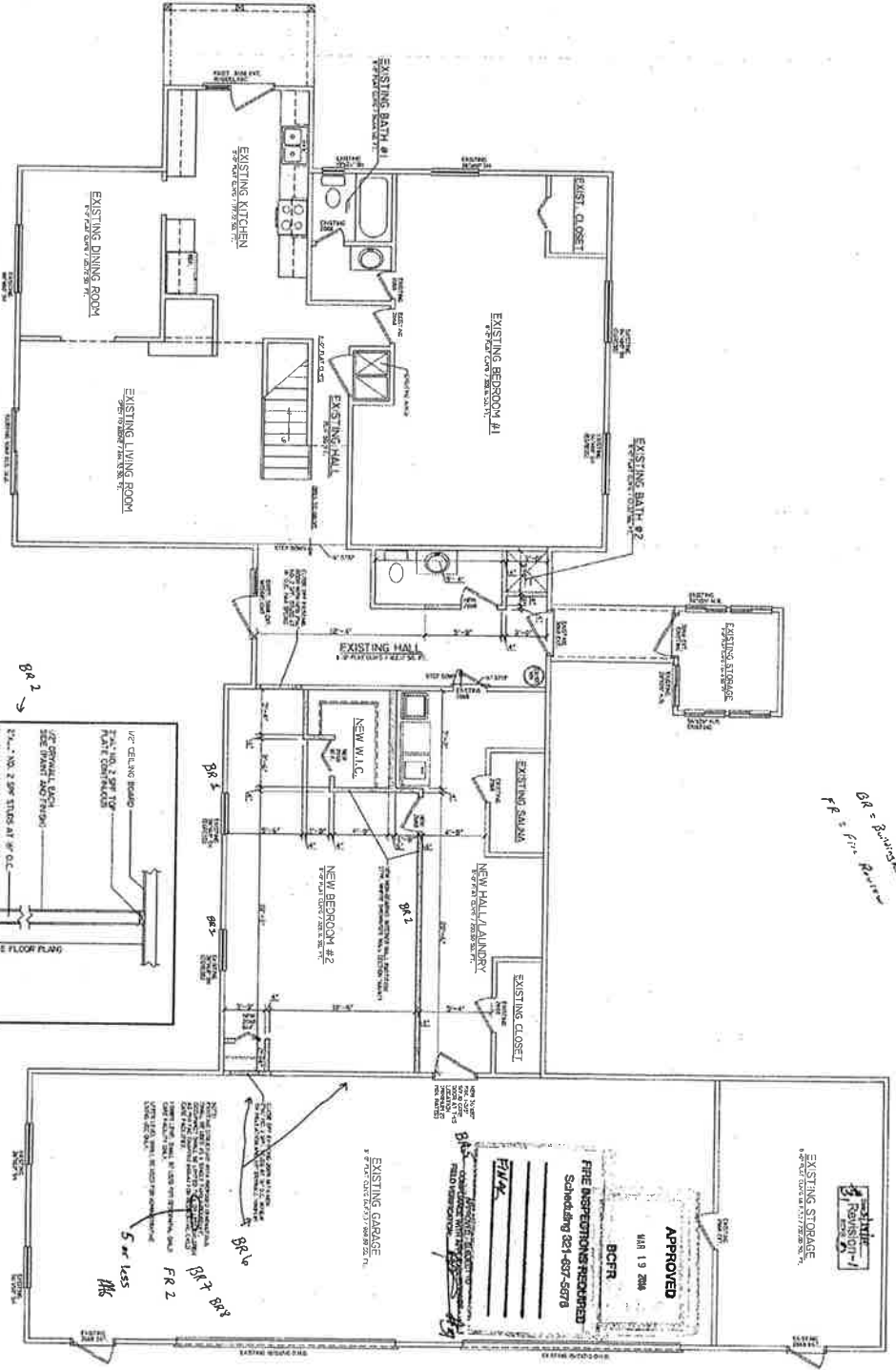
**OFFICE USE ONLY**

NOT ISSUED Accepted by: Vicli  
 ISSUED Fees due: \_\_\_\_\_  
 Collection # \_\_\_\_\_



TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF, THE FOLLOWING PLANS COMPLY WITH ALL APPLICABLE REQUIREMENTS OF THE 2010 FLORIDA RESIDENTIAL BUILDING CODE AND LATEST ADOPTED SUPPLEMENTS

1ST LEVEL FLOOR PLAN  
SCALE: 1/4"=1'-0"



REQUIRED FOR ROOMS WITH CEILING

CEILING	5/8\"
WALL	5/8\"
FLOOR	5/8\"
FOUNDATION	5/8\"
ROOF	5/8\"
TOTAL	4.588 SQ.FT.

**OFFICE**

LIVING	508 SQ.FT.
KITCHEN	85 SQ.FT.
ENTRY	45 SQ.FT.
EXISTING STORAGE	64 SQ.FT.
TOTAL	698 SQ.FT.

BR = Building Review  
FR = Fire Review

**APPROVED**  
1/18 19 2018  
BCFR

**FIRE INSPECTIONS REQUIRED**  
Scheduling 821-637-5278

**EXISTING STORAGE**  
EXISTING STORAGE

BR 6  
FR 2  
5 sq. less  
Mk

DATE: 1/18/18  
DRAWN BY: [Signature]  
CHECKED BY: [Signature]  
SCALE: 1/4"=1'-0"





P.O. Box 1862 Lake City, FL 32056

Ph: 386 752-2900—Fax: 800-891-2497

13448 CR 10-A Wellborn, FL 32094

**March 19, 2014**

**Michael Bloom  
Fire Safety Inspector/Investigator  
Brevard County Fire Rescue  
1040 S Florida Ave  
Rockledge, FL 32955**

**RE: Nana's Home**

**Dear Mr. Bloom,**

**Per Florida Statute 409.176, all FACCCA Facilities must meet the same fire standards as listed in Admin Code 69A-41. Part of our Inspection will include a completed Fire Inspection by your department prior to them being Registered by FACCCA under FS409.176 as a residential facility.**

**Should you have any questions, please do not hesitate to contact me. Thanking you in advance for your help with this matter.**

**For His Children,**



**Dr. Bryan "Buddy" Morrow, Jr.  
Executive Director**

**BBM/klt**

**III. PUBLIC HEARINGS (CONTINUED)****B. P&Z Recommendations of April 6, 2015****DISTRICT 4**

**III.B.1. (15PZ00003) – FMKT MEL OWNER, LLC – (Troy Cox) –** requests a Small Scale Plan Amendment (15S.02) to change the Future Land Use from PLNIP to CC, and a change of classification from PIP to BU-1 on 7.444 acres; and a change of classification from PIP to BU-2 on 9.957 acres, located on the east side of N. Wickham Rd., approx. 0.20 mile south of Pineda Court. (No assigned address. In the Melbourne area.)

**LPA Recommendation: Lawandales/Reed – Approved. Vote was unanimous.**

**P&Z Recommendation: Lawandales/Reed – Approved. Vote was unanimous.**

**DISTRICT 5**

**III.B.2. (15PZ00005) BREVARD COUNTY – (Bruce Moia) –** requests a Small Scale Plan Amendment (15S.01) to change the Future Land Use from Residential 2 to CC, and a change of classification from GML to BU-1 on 0.51 acres, located on the northwest corner of Minton Rd., and Hield Rd. (4090 Minton Rd., Melbourne)

**LPA Recommendation: Lawandales/Barber – Approved. Vote was unanimous.**

**P&Z Recommendation: Reed/McLellan – Approved with a BDP, limiting the use to a thrift store only. Vote was unanimous.**

**DISTRICT 1**

**III.B.3. (15PZ00013) – EMCORP, INC. AND DONALD W. RENFROE SR., TRUSTEE – (Robert E. Harmeyer) –** request a Small Scale Plan Amendment (15S.03) to change the Future Land Use Map from Residential 15 to CC on the western 428.53 ft. (2.5 acres); and requests a CUP for Commercial Entertainment and Amusement Enterprises, with a waiver to the requirement that no outdoor attraction or other commercial amusement as indicated in subsection (a) shall be permitted within 300 ft. of an existing residential development or an area designated by the County Comprehensive Land Use Plan for residential development (62-1921(b)), in BU-1 and BU-2 zoning classifications, on 10.23 acres, located on the west side of S. Range Rd., approx. 0.17 mile north of Pluckebaum Rd. (No assigned address. In the Cocoa area)

**LPA Recommendation: Barber/Reed – Denied. Vote was unanimous.**

**P&Z Recommendation: Barber/Lawandales – Denied. Vote was unanimous.**

**III.B.4. (15PZ00015) – BBC INVESTMENTS IV, LLC – (Steve Stevens) –** requests a change of classification from AU to BU-1-A on 1.31 acres, located on the east side of U.S. Hwy 1, approx. 0.19 mile north of Roundtree Dr. (No assigned address. In the Cocoa area.)

**P&Z Recommendation: Reed/Lawandales – Approved with a Binding Development Plan, limiting the use to drainage, on-site and off-site parking uses, solid waste receptacles and enclosure(s), driveway access, aisle and driveway connection to U.S. Hwy. 1, and maintaining the current vegetative buffer on the east side of the property. Vote was unanimous.**

2015 x 2.7 4355.69

In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons needing special accommodations or an interpreter to participate in the proceedings, please notify the County Manager's Office no later than 48 hours prior to the meeting at (321) 633-2010.

Assisted listening system receivers are available for the hearing impaired and can be obtained from SCGTV Staff at the meeting. We respectfully request that ALL ELECTRONIC ITEMS and CELL PHONES REMAIN OFF while the County Commission is in session. Thank you.

This meeting will be broadcast live on Space Coast Government Television (SCGTV) on Bright House Networks Cable Channel 499, Comcast (North Brevard) Cable Channel 51, and Comcast (South Brevard) Cable Channel 13. SCGTV will also replay this meeting during the coming month on its 24-hour video server nights, weekends, and holidays. Check the SCGTV website for daily program updates at <http://www.scgtv.org>.

The Advanced Agenda may be viewed at: <http://www.brevardcounty.us>.



## CHAPTER 69A-41

### UNIFORM FIRE SAFETY STANDARDS FOR RESIDENTIAL CHILD CARE FACILITIES

#### REQUIREMENTS FOR FACILITIES WITH 5 OR FEWER CHILDREN

**NFPA 101-2003 24.2.1 General** The provisions of Chapter 7 shall not apply to means of escape unless specifically referenced in this chapter.

**NFPA 101-2003 24.2.2 Number and Types of Means of Escape** Except that an approved means of escape shall be equivalent to an outside window or door which shall be openable from the inside, without the use of tools or a key and shall provide a clear opening of not less than 22 inches in the least dimension and a minimum of 5 square feet in area. The bottom of the opening shall be not more than 48" above the finished floor.

**NFPA 101-2003 24.2.2.1.1 Number of Means of Escape** In dwellings or dwelling units of two rooms or more, every sleeping room and every living area shall have not less than one primary means of escape and one secondary means of escape.

**NFPA 101-2003 24.2.2.1.2 Exceptions for Secondary Means of Egress** A secondary means of escape shall not be required where one of the following conditions are met:

- (1) The bedroom or living area has a door leading directly to the outside of the building at or to grade level.
- (2) The dwelling unit is protected throughout by an approved automatic sprinkler system in accordance with 24.3.5.

**NFPA 101-2003 24.2.2.2 Primary Means of Escape** The primary means of escape shall be a door, stairway, or ramp providing a means of unobstructed travel to the outside of the dwelling unit at street or ground level.

**NFPA 101-2003 24.2.2.3\* Secondary Means of Escape** The secondary means of escape, other than existing approved means of escape, shall

be one of the means specified in 24.2.2.3(A) through 24.2.2.3(C).

(A) It shall be a door, stairway, passage, or hall providing a way of unobstructed travel to the outside of the dwelling at street or ground level that is independent of and remote from the primary means of escape.

(B) It shall be a passage through an adjacent nonlockable space, independent of and remote from the primary means of escape, to any approved means of escape.

(C)\* It shall be an outside window or door operable from the inside without the use of tools, keys, and shall provide a clear opening of not less than 0.46m<sup>2</sup> (5.0 ft<sup>2</sup>) The width shall be not less than 558.8mm (22 in.) and the height shall be not less than 558.8mm (22 in.) The bottom of the opening shall be not more than 1219.2 mm (48 in.) above the floor. Such means of escape shall be acceptable where one of the following criteria are met: 69A-41.103(b)

- (1) The window shall be within 6100 mm (240 in.) of grade.
- (2) The window shall be directly accessible to fire department rescue apparatus as approved by the authority having jurisdiction.
- (3) The window or door shall open onto an exterior balcony.
- (4) Windows having a sill height below the adjacent ground level shall be provided with a window well meeting the following criteria:
  - (a) The window well shall have horizontal dimensions that allow the window to be fully opened.
  - (b) The window well shall have an accessible net clear opening of not less than 0.82 m<sup>2</sup> (9 ft<sup>2</sup>) with a length and width of not less than 915 mm (36 in.).
  - (c) A window well with a vertical depth of more than 1120mm(44 in.) shall be equipped with an approved permanently affixed ladder or with steps meeting the following criteria:
    - i. The ladder or steps shall not encroach more than 150 mm (6 in.) into the required dimensions of the window well.
    - ii. The ladder or steps shall not be obstructed by the window.

**Criteria 2:** The granting of the waiver will not be injurious to the other adjacent property,

**Just need to extend permit time on existing permit**

*Staff finds the property adjacent to the subject property to the south is vacant and zoned AU. The property to the north is zoned RU-2-10. The property adjacent to Highway 1 on the north and south is zoned BU-1. The property to the west is owned by this property owner and is a proposed subdivision known as Meadow Lakes.*

**Criteria 3:** The conditions upon which a request for waiver are based, are peculiar to the property and do not result from actions of the applicant,

**Need time to get FPL easement in place for overhead power lines.**

*Staff finds there is a powerline easement that now is being located within the plat where no easement was previously provided.*

**Criteria 4:** The waiver is consistent with the intent and purpose of the county zoning regulations, the county land use plan and the requirements of this section,

**Yes**

*Staff recognizes that the code does not make provisions for administrative extensions of time in instances where the final plat has not recorded. Staff has not made a finding of undue hardship and defers to the Board of County Commissioners.*

**Criteria 5 & 6:** Delays attributed to state or federal permits & natural disasters.

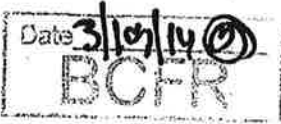
**No**

*Criteria not applicable to this application.*

**Criteria 7:** The county land development division and affected agencies concur that undue hardship was placed on the applicant.

**No**

*Staff defers to the Board of County Commissioners.*



**69A-41.105 (7) Fire Drill Records** The owner shall keep a record of each emergency egress and relocation drill on Form DFS-K4-1557, (rev. 03/20/03), Record of Emergency egress and relocation drill, which is hereby adopted and incorporated into these rules by reference. Copies of the form may be obtained by writing to the Department of Financial Services, Division of State Fire Marshal, Bureau of Fire Prevention, 200 East Gaines Street, Tallahassee, Florida 32399-0342. The record shall list as a minimum:

- (a) The date the drill was conducted.
- (b) The time of day the drill was conducted.
- (c) The amount of time, in minutes and seconds, that were required for all occupants to safely exit the building.
- (d) Any unusual circumstance, in narrative or outline form, affecting the safe, orderly and expeditious exit from the building.

**69A-41.106 (b) Heating** Fireplaces, heaters, radiators and other hot surfaces shall be shielded against accidental contact;

**69A-41.106 (d) Venting of Heating** All heating appliances and other heating devices shall be properly vented;

**69A-41.106 (e) Posting evacuation instructions** Emergency evacuation instructions must be posted in a conspicuous location;

**69A-41.106 (g) Combustible Storage** Be free of improperly stored combustible materials;

**69A-41.106 (h) Means of Egress Reliability** All exits and stairs shall be free of storage or obstructions affecting its use;

**69A-41.106 (i) Temporary wiring** Be free of temporary electrical wiring

**69A-41.106 (j) Flashlights** Have at least one working flashlight for each sleeping room;

**69A-41.107 Cooking Equipment; Exception** Notwithstanding any previous construction or interpretation of any law, rule, or code provision, any time a single domestic range or stove is used in an arrangement similar to that of a single family residence, the facility shall not be required to comply with NFPA 96, Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations, the edition as adopted in Rule 69A-3.012, F.A.C.

**69A-41.108 (1) Fire Extinguisher** Each facility shall have installed at least one portable fire extinguisher with a minimum rating of 2A-10BC.

**69A-41.108 (2) Unvented Fuel-Fired Heaters** No unvented fuel-fired heaters shall be permitted unless the heater is listed and approved for such use.

an approved independent testing laboratory, and shall be labeled to indicate compliance with the requirements of one of the following specification:

AAMA/WDMA/CSA 101/I.S.2/A440, or TAS 202 (HVHZ shall comply with TAS 202).

Exterior skylights shall be labeled with a permanent label, marking, or etching providing traceability to the manufacturer and product. The following shall also be required either on a permanent label or on a temporary supplemental label applied by the manufacturer: information identifying the manufacturer, the product model/series number, positive and negative design pressure rating, product maximum size, type and thickness of glass or glazing material, impact-resistance rating if applicable, Florida Product Approval number or Miami-Dade Product Approval number, applicable test standard(s), and approved product certification agency, testing laboratory, evaluation entity or Miami-Dade Product Approval.

Labels are limited to one design pressure rating per reference standard. The temporary supplemental label shall remain on the skylight until final approval by the building official.

### SECTION R309 GARAGES AND CARPORTS

**R309.1 Floor surface.** Garage floor surfaces shall be of approved noncombustible material.

The area of floor used for parking of automobiles or other vehicles shall be sloped to facilitate the movement of liquids to a drain or toward the main vehicle entry doorway.

**R309.2 Carports.** Carports shall be open on at least two sides. Carport floor surfaces shall be of approved noncombustible material. Carports not open on at least two sides shall be considered a garage and shall comply with the provisions of this section for garages.

**Exception:** Asphalt surfaces shall be permitted at ground level in carports.

The area of floor used for parking of automobiles or other vehicles shall be sloped to facilitate the movement of liquids to a drain or toward the main vehicle entry doorway.

**R309.3 Flood hazard areas.** For buildings located in flood hazard areas as established by Table R301.2(1), garage floors shall be:

1. Elevated to or above the design flood elevation as determined in Section R322; or
2. Located below the design flood elevation provided they are at or above *grade* on at least one side, are used solely for parking, building access or storage, meet the requirements of Section R322 and are otherwise constructed in accordance with this code.

**R309.4 Automatic garage door openers.** Automatic garage door openers, if provided, shall be listed in accordance with UL 325.

### SECTION R310 EMERGENCY ESCAPE AND RESCUE OPENINGS

**R310.1 Emergency escape and rescue required.** *Basements*, habitable attics and every sleeping room shall have at least one operable emergency escape and rescue opening. Where *basements* contain one or more sleeping rooms, emergency egress and rescue openings shall be required in each sleeping room. Where emergency escape and rescue openings are provided they shall have a sill height of not more than 44 inches (1118 mm) above the floor. Where a door opening having a threshold below the adjacent ground elevation serves as an emergency escape and rescue opening and is provided with a bulkhead enclosure, the bulkhead enclosure shall comply with Section R310.3. The net clear opening dimensions required by this section shall be obtained by the normal operation of the emergency escape and rescue opening from the inside. Emergency escape and rescue openings with a finished sill height below the adjacent ground elevation shall be provided with a window well in accordance with Section R310.2. Emergency escape and rescue openings shall open directly into a public way, or to a *yard* or court that opens to a public way.

#### Exceptions:

1. *Basements* used only to house mechanical equipment and not exceeding total floor area of 200 square feet (18.58 m<sup>2</sup>).
2. The emergency escape and rescue opening shall be permitted to open into a screen enclosure, open to the atmosphere, where a screen door is provided leading away from the residence.

**R310.1.1 Minimum opening area.** All emergency escape and rescue openings shall have a minimum net clear opening of 5.7 square feet (0.530 m<sup>2</sup>).

**Exception:** *Grade* floor openings shall have a minimum net clear opening of 5 square feet (0.465 m<sup>2</sup>).

**R310.1.2 Minimum opening height.** The minimum net clear opening height shall be 24 inches (610 mm).

**R310.1.3 Minimum opening width.** The minimum net clear opening width shall be 20 inches (508 mm).

**R310.1.4 Operational constraints.** Emergency escape and rescue openings shall be operational from the inside of the room without the use of keys, tools or special knowledge.

**R310.2 Window wells.** The minimum horizontal area of the window well shall be 9 square feet (0.9 m<sup>2</sup>), with a minimum horizontal projection and width of 36 inches (914 mm). The area of the window well shall allow the emergency escape and rescue opening to be fully opened.

**Exception:** The ladder or steps required by Section R310.2.1 shall be permitted to encroach a maximum of 6 inches (152 mm) into the required dimensions of the window well.

**R310.2.1 Ladder and steps.** Window wells with a vertical depth greater than 44 inches (1118 mm) shall be equipped with a permanently affixed ladder or steps usable with the window in the fully open position. Ladders or steps required by this section shall not be required to comply with Sections R311.7 and R311.8. Ladders or rungs shall have an inside width of at least 12 inches (305 mm), shall project at least 3