

**NC Department of Insurance
Office of the State Fire Marshal - Engineering Division
1202 Mail Service Center, Raleigh, NC 27699-1202
919-661-5880**

Occupancy Type for Small Bakeries, Pizza, Delis, Coffee Shop, Etc.

Code: 2012 Building Code
Sections: 303.1, 304.1, and 306.1

Date: September 1, 2011

Question:

Is the customer seating for food consumption in these facilities considered an A-2 Assembly Occupancy if it seats less than 50 persons?

Answer:

No. Per the exceptions in Section 303.1 the customer seating area is considered a Business Occupancy if the occupant load is less than 50. The occupant load calculation for the seating area, however, would still be based on an assembly use even though it may be a Business occupancy type.

Question:

Is the food preparation area of a small bakery such as a pizza baking business that sells their product directly to the general public a Factory Industrial F-1 occupancy?

Answer:

No. Food preparation areas such as these are a Business Occupancy if it is selling the product directly to the general public.

For purposes of this interpretation “*small bakery*” is defined as a bakery type business with a total calculated occupant load less than 50 (including food preparation area, seating, storage and other accessory spaces) in the building or space and that sells the product directly to the general public.

This interpretation may be applied to similar facilities such as sandwich shops, delis and coffee shops.

Keywords:

Group A; Group M; Group B; Subway; restaurant