



MIKE CAUSEY
INSURANCE COMMISSIONER

BRIAN TAYLOR
STATE FIRE MARSHAL

February 2, 2024

Mr. Daniel S. Priest
3329 Commonwealth Avenue
Charlotte, NC 28205

RE: 2018 NCRC Sections R101.2 Scope and Table R302.1 Exterior Walls

Mr. Priest:

This letter is in response to your request dated and received September 13, 2023 for a formal interpretation from the Office of State Fire Marshal (“OSFM”). Requests are addressed below in the order in which they are posed.

Stated in relevant parts:

- “1. Can a one dwelling unit building (*commonly known as a one-family dwelling*) and a two dwelling unit building (*commonly known as a two-family dwelling*) be constructed on the same parcel of land under the NC Residential Code?
2. Can multiple one and two dwelling unit buildings on a single parcel of land be constructed under the NC Residential code?
3. Does Table R302.1 [Exterior Walls] apply when determining the required fire-resistance rating of the wall/walls separating the one and two dwelling unit buildings.
4. What is the required separation for the wall/walls of a one dwelling unit building and a two dwelling unit building that have 0'-0" assumed property line distance?”

Background and commentary:

Attachment A is comprised of the request for formal interpretation as well as all supporting information submitted with the request.

Code Analysis: Effective 1/1/25, the scope of the North Carolina Residential Code (NCRC) includes one or more detached one-and-two-family dwellings and townhouses located on a parcel not more than three stories above grade plane in height with a separate means of egress and their accessory structures not more than three stories above grade plane in height.

OFFICE OF STATE FIRE MARSHAL

1202 MAIL SERVICE CENTER I RALEIGH NC 27699-1202 I TEL 919.647.0500 I Fax

866.851.6508

2018 NC Residential Code
R101.2 Scope (220315 Item B-4)

R101.2 Scope. The provisions of the *International Residential Code for One- and Two-family Dwellings* shall apply to the construction, *alteration*, movement, enlargement, replacement, *repair*, *equipment*, use and occupancy, location, removal, and demolition of one or more detached one- and two-family *dwellings* and *townhouses* located on a parcel not more than three stories above *grade plane* in height with a separate means of egress and their *accessory structures* not more than three stories above *grade plane* in height. Single family *dwellings* otherwise permitted by this Code shall include *bed and breakfast homes*.

Exceptions:

1. *Live/work units* complying with the requirements of Section 419 of the *International Building Code* shall be permitted to be built as one- and two- family *dwellings* or townhouses. Fire suppression required by Section 419.5 of the *International Building Code* where constructed under the *International Residential Code for One- and Two-family Dwellings* shall conform to Section P2904.
2. Deleted.

The delayed effective date of this Rule is January 1, 2025.

The Statutory authority for Rule-making is G. S. 143-136; 143-138.

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Code Analysis: Effective 1/1/25, fire-resistance rated exterior walls are required for a fire separation distance of less than 5 feet for multiple family-dwelling unit buildings on the same parcel of land. Of note, a lot is a portion or parcel of land considered as a unit.

R302.1 Exterior Walls. Construction, projections, openings and penetrations of *exterior walls of dwellings* and accessory buildings shall comply with Table R302.1.

Exceptions:

1. Walls, projections, openings or penetrations in walls perpendicular to the line used to determine the *fire separation distance*. *Townhouse* eave projections shall comply with Sections R302.2.5 and R302.2.6.
2. Walls of *dwellings* and *accessory buildings* located on the same lot.
3. Detached tool sheds and storage sheds, playhouses and similar structures exempted from permits are not required to provide wall protection based on location on the *lot*. Projections beyond the *exterior wall* shall not extend over the *lot line*.
4. Detached garages accessory to a *dwelling* located within 2 feet (610 mm) of a *lot line* are permitted to have roof eave projections not exceeding 4 inches (102 mm).
5. Foundation vents installed in compliance with this code are permitted.

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2018 NC Residential Code
 Table R302.1 EXTERIOR WALLS (220315 Item B-4)

**TABLE R302.1
 EXTERIOR WALLS**

EXTERIOR WALL ELEMENT		MINIMUM FIRE-RESISTANCE RATING	MINIMUM FIRE SEPARATION DISTANCE
Walls	Fire-resistance rated	1 hour—tested in accordance with ASTM E 119 or UL 263 with exposure from both sides	< 3 feet < 5 feet ^a
	Not fire-resistance rated	0 hours	≥ 3 feet > 5 feet ^a
Projections	Fire-resistance rated	1 hour on the underside	< 3 feet < 5 feet ^a
	Not fire-resistance rated	0 hours	≥ 3 feet > 5 feet ^a
Openings in walls	Not allowed	N/A	< 3 feet < 5 feet ^a
	Unlimited	0 hours	≥ 3 feet > 5 feet ^a
Penetrations	All	Comply with Section R302.4	< 3 feet < 5 feet ^a
		None required	≥ 3 feet > 5 feet ^a

For SI: 1 foot = 304.8 mm.

N/A = Not Applicable.

a. Fire separation distance requirement for multiple dwellings on a single parcel.

The delayed effective date of this Rule is January 1, 2025.

The Statutory authority for Rule-making is G. S. 143-136; 143-138.

....

Conclusions:

1. Effective 1/1/25, a one-family dwelling unit building and a two-family dwelling unit building can be constructed on the same parcel of land per the 2024 NCRC.
2. Effective 1/1/25, multiple one-and-two family dwelling unit buildings can be constructed on a single parcel of land per the 2024 NCRC.
3. Exception #2 of 2018 and 2024 NCRC R302.1 Exterior Walls only applies to single one-and-two-family dwellings and accessory buildings on the same lot and does not apply to multiple one-and-two-family dwelling buildings located on the same parcel. Effective 1/1/25, fire-resistance rated exterior walls are required for a fire separation distance of less than 5 feet per 2024 NCRC Table R302.1 Exterior Walls for exterior walls of multiple one-and-two dwelling unit buildings on the same lot or parcel.

4. Effective 1/1/25, a minimum fire-resistance rating of 1 hour, tested in accordance with ASTM E 119 or UL 263 with exposure from both sides as per 2024 NCRC Table R302.1 Exterior Walls is the required separation for walls of a one-family dwelling unit building and a two-family dwelling unit building that have an 0'-0" assumed (imaginary) property line distance on the same lot or parcel.

5. Until the aforementioned permanent rules become effective 1/1/25 using the 2024 NCRC, a one-family dwelling unit building and a two-family dwelling unit building cannot be constructed on a single lot or parcel of land per the 2018 NCRC unless the use of 2018 NC Administrative Code and Policies, Section 102.5 Interim use of approved rules and Section 105 Alternate Material, Design or Methods by the permit holder is accepted by the code enforcement official.

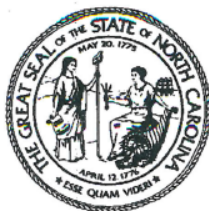
Sincerely,

A handwritten signature in black ink that reads "D.B. Rittlinger". The signature is written in a cursive, flowing style.

David B. Rittlinger, PE, LEED AP
Division Chief – Codes & Interpretations
North Carolina Office of State Fire Marshal

cc: Bridget Herring, Chair – BCC
 Mark Matheny, Vice-Chair – BCC
 Rob Howard, Chair, Residential Super Committee - BCC
 Nathan Childs, Esq., NCDOJ, counsel for NC Building Code Council, nchilds@ncdoj.gov
 Sean Cullen, Vice President of Development – River Rock

ATTACHMENT A



APPENDIX E
APPEALS
NORTH CAROLINA
BUILDING CODE COUNCIL
1429 Rock Quarry Road, Suite 105
Raleigh, North Carolina 27610
(919) 647-0008
david.rittlinger@ncdoi.gov

APPEAL TO NCDOI/NCBCC Hearing Date ___/___/___
GS 153A-374, GS 160A-434 | GS 143-140, GS 143-141
Formal Interpretation by NCDOI | Appeal of Local Decision to NCBCC
Appeal of Local Decision to NCDOI | Appeal of NCDOI Decision to NCBCC

APPELLANT Daniel S. Priest PHONE (980) 253 - 8600 x
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North Carolina State Building Code, Volume NC Residential Code - Section (R101.2) (R302.1) (R302.3)

REQUEST ONE: [X] Formal Interpretation by NCDOI [] Appeal of Local Decision to NCBCC
[] Appeal of Local Decision to NCDOI [] Appeal of NCDOI Decision to NCBCC

Type or print. Include all background information as required by the referenced General Statutes and the attached policies. Attach additional supporting information.

- 1. Can a one dwelling unit building (commonly known as a one-family dwelling) and a two dwelling unit building (commonly known as a two-family dwelling) be constructed on the same parcel of land under the NC Residential Code?
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REASON:

This request for formal interpretation is to determine how the wall/walls of a one and two dwelling unit building on the same parcel of land are to be constructed.

Signature [Signature] DATE: 9/13/23 APPEAL TO NCDOI/NCBCC FORM 3/14/17