



Florida Division of State Fire Marshal

The Florida Fire Marshals and Inspectors Association,
"Organization" (§633.026)

Informal Interpretation

Date: July 17, 2012

NFPA Document Number: NFPA 101

Edition: 2009

Paragraph Reference: 30.3.5.1

For purpose of this petition, pertinent factors do not include the name of the governmental agency or persons representing that agency. Petitioners are discouraged from making any personal assertions about an agency or agency official. If this involves an actual situation, briefly explain all of the pertinent factors.

Actual Situation Explanation:

We have prepared plans for a six (6) unit town home project in Pasco County Florida. The building contains 14,620 square feet. The building is founded on a concrete foundation with a concrete slab on grade. The exterior walls and party walls are CMU. The party walls have a two (2) hour rating. The elevated floor system is designed using pre-engineered wooden floor trusses (system 42) and 3/4" plywood or OSB. In the living areas over the attached garage the floor system has a one (1) hour rating. [T]he roof system consists of pre-engineered wooden roof trusses covered with 7/16" OSB or plywood. For a distance of four feet (4') on each side of the party walls, FRT [sheeting] is used. We are being told that the building must be protected with an approved fire sprinkler system. We content that town homes are to be considered as single family buildings with zero (0) lot lines and therefore sprinklers are not required.

Question (*should be worded so that it can be answered with either "Yes" or "No"*):

In line with the situation [explained] above and in accordance with section 30.3.5.1 of the Florida Fire Protection Code, does this building, or others similarly designed need fire sprinkler protection?

Answer: No

Justification:

The underlying issue to this question is: Is the described structure an "apartment" or is the structure a "one-and two-family dwelling as defined by the Florida Fire Prevention Code?"

If the structure is determined to be an "apartment," then it is regulated by Chapter 30 of the Life Safety Code and requires fire sprinkler protection. If the structure is determined to be a "one-and two-family

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dwelling," then it is regulated by Chapter 24 of NFPA 101 and does not require fire sprinkler protection.

NFPA 101 Section 3.3.32.3 defines an "Apartment Building" as: "A building or portion thereof containing three or more dwelling units with independent cooking and bathroom facilities." The annex explanatory text to this definition goes on to provide further guidance to the user by stating: "The Code specifies that, where ever there are three or more living units in the building, the building is considered an apartment building and is required to comply with either Chapter 30 or Chapter 31, as appropriate. *Townhouse units are considered to be apartment buildings if there are three or more units in the building. The type of wall required between units in order to consider them to be separate buildings is normally established by the authority having jurisdiction. If the units are separated by a wall of sufficient fire resistance and structural integrity to be considered as separate buildings, then the provisions of Chapter 24 apply to each townhouse.* Condominium status is a form of ownership, not occupancy; for example, there are condominium warehouses, condominium apartments, and condominium offices." (*Emphasis Added*)

NFPA 101 Section 3.3.61.1 defines a "One-and Two-Family Dwelling Unit" as: "A building that contains not more than two dwelling units with independent cooking and bathroom facilities."

NFPA 101 6.1.8.1.5 reiterates the definition of a "apartment building" but adds commentary to the text at the end of section 6.1.8.1.5. This commentary states in part "The definition of *apartment building* in 6.1.8.1.5 is copied from A.3.3.32.3. The text of A.3.3.32.3 clarifies that townhouse-type apartments - particularly those under condominium ownership - are to be classified as apartment buildings. It is often mistakenly believed that condominiums are a form of occupancy rather than a form of ownership."

The structure in question is not described as a condominium form of ownership. Therefore, based on these two definitions, if the "Townhouse" units are separated by a wall of sufficient fire resistance and structural integrity, then they can be considered separate buildings and regulated as one-and two-family dwellings under Chapter 24 of NFPA 101.

The key to both of these definitions is what rating and integrity of the separation wall is required to create separate buildings? NFPA 101 does not provide specific guidance on the rating or integrity of this wall. However, Section 1.1.16 "Areas Not Addressed" provides the user with some guidance as to why this issue is not addressed in NFPA 101 and where to look for guidance in answering this question.

Section 1.1.16 "Areas Not Addressed" states, in part:

"The *Code* does not address the following:

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- (1) General fire prevention or building construction features that are normally a function of the fire prevention and building codes."

The annex text to A.1.1.6(1) states as an explanation to the above sub (1): "The *Code* is intended to be adopted and used as par of a comprehensive program of building regulations that include building, mechanical, plumbing, electrical, fuel gas, fire prevention, and land use regulations."

The handbook commentary provided explanation to this text with the following:

"The *Code* is not intended to be either a building code or a fire prevention code." "The code intentionally excludes traditional building code topics such as wind loads, seismic consideration, and exterior exposure protection."

Therefore, it is reasonable to assume, by the NFPA 101 Life Safety Code not specifying a minimum rating and integrity of the wall needed to separate townhomes, that the code intended these requirements to be specified in a "traditional building code" adopted by the Authority Having Jurisdiction.

It is important to note that the "Authority Having Jurisdiction"(AHJ) can be an "organization, office, or individual responsible for enforcing the requirements of a code or standard, or for approving equipment, materials, an installation, or a procedure." (NFPA 101 3.2.2.) For the purposes of adopting a Building Code in the State of Florida and specifying the minimum type of separation between Townhouses to create separate buildings, in lieu of a specific requirement contained in NFPA 101, the AHJ is the Florida Building Commission under 553.77.

The Florida Building Commission has adopted the 2009 International Residential Code, with Florida specific amendments, to become the Florida Building Code-Residential. Section R302.2 contains specific separation requirements for the construction of a fire resistant structurally independent wall between two "Townhouse" units.

Section "R302.2 Townhouses" states in part:

"Each townhouse shall be considered a separate building and shall be separated by fire resistance rated wall assemblies meeting the requirements of R302.1 for exterior walls.

Exception: A common 2-hour fire-resistance-rated wall assembly tested in accordance with ASTM E 119 or UL 263 is permitted for townhouses if such walls do not contain plumbing or mechanical equipment. . ."

Section "R302.2.4 Structural independence" states in part:

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Each individual townhouse shall be structurally independent. . .”

Although the Florida Fire Prevention Code and the Florida Building Code are adopted under separate statutory authority by the State Fire Marshals Office and the Florida Building Commission, it was clearly the legislative intent that the two documents work together in regulating construction. There are numerous references contained in FS 553 and FS 633 directing the Building Commission and the State Fire Marshals Office to coordinate their adoptions and consider the actions of the other body in adopting the code. Specifically, the Florida Building Commission was directed to “coordinate efforts to provide consistency between the Florida Building Code and the Florida Fire Prevention Code and the Life Safety Code.” FS 553.779(1)(e). The State Fire Marshals Office is directed in FS 633.025(1) to have the “The Florida Fire Prevention Code and the Life Safety Code adopted by the State Fire Marshal, which shall operate in conjunction with the Florida Building Code. . .”

In considering how the code should be applied in dealing with the design of the fire separation wall separating two townhouse buildings, there is no conflict between the Florida Fire Prevention Code and the Florida Building Code. The codes are simply functioning as intended by the legislature and the NFPA 101 Technical Committee. Where the guidance provided in NFPA 101 ends, the guidance provided by the Florida Building Code picks up to provide very specific clarity as to the design and structural requirements of a wall required to consider townhomes as separate buildings. The design described by the requestor appears to be consistent with the design specified in the Florida Building Code for the townhouses to be considered as separate buildings and, therefore, not regulated by Chapter 30 of NFPA 101.¹

¹ The Interpretation Committee believes it is important to note that:

1. The provisions of the Florida Building Code-Residential, regarding the design of townhouse separation walls, are consistent with the provision of NFPA 5000 Building Code for townhouse separation.
2. The provisions of NFPA 101 section 8.2.1.3 infers that a 2-hour wall is appropriate to consider two different types of construction as two separate buildings.
3. NFPA 13D, 2010 edition now states in the handbook commentary that “One of the frequently asked questions regarding NFPA 13D is whether or not the document is appropriate to use for multiple townhouses. . .” “The answer depends on how the townhouses are designed. If the townhouses are constructed in accordance with the International Residential Code, then the use NFPA 13D is appropriate.” NFPA 13D is the Standard for the Installation of Sprinkler Systems in One-and Two-Family Dwellings and Manufactured Homes.

The references above are consistent with the interpretation decision issued by this committee.

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Committee Answer Submitted by,

Bart Wright, Chair
Informal Fire Code Interpretation Committee

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