

STATE BUILDING CODE INTERPRETATION NO. I-05-00

January 28, 2000

The following is offered in response to your FAX communication in which you seek interpretations of the distinction between two-family dwellings and townhouses constructed under the 1999 State Building Code.

Question 1: “Please interpret the differences in construction and fire rating of dwelling unit separation assemblies for a Two Family Dwelling as defined by CABO 320.1 and Town Houses as defined by CABO 320.2 (1995).”

Answer 1: A two-family dwelling constructed under the 1995 CABO One and Two Family Dwelling Code portion of the 1999 State Building Code, which regulates Use Group R-4 residential buildings, is a single building that contains two dwelling units. The dwelling units must be separated from each other by fire separation assemblies (either walls or floor/ceilings) with a fireresistance rating of not less than one hour. There are no requirements for structural independence of the dwelling units.

A townhouse constructed under the same code is an individual building containing one dwelling unit that has property lines between it and adjacent units. The existence of the property line at the boundary between units results in a zero fire separation distance between units and requires that each unit have a one-hour fireresistance rated exterior wall. This results in two one-hour rated walls adjacent to each other. The rating on these walls is required for exposure from both sides (see Section 302.1). As an alternative to the two one-hour rated walls, the exception to Section 320.2 allows a common two-hour rated wall between the townhouses with limitations placed on the mechanical and electrical systems within such wall. In addition, townhouses attached side by side must be structurally independent from one another.

Since the CABO code only deals with unprotected wood frame construction, either two-family dwellings or townhouses may be constructed of such construction, keeping in mind the area limitation of 4800 square feet per floor and the height limitation of two stories and 35 feet in height, plus habitable attic set forth in Section 103.1.

Question 2: “Please interpret the differences between two freestanding single dwelling units (attached side by side) being defined as a Two Family or a Town House according to CABO, BOCA and the Connecticut Supplement with or without a property line at the common wall.”

Answer 2: Under the CABO portion of the code, two dwelling units attached side by side without a property line between them could only be determined to be a two-family

dwelling unit. If a property line existed between the two units, the determination must be that the units are townhouses. In the case of condominium ownership, other laws and regulations outside the purview of this office would have to be consulted to determine if a property line, in fact, existed between the dwelling units.

Under the BOCA National Building Code/1996 portion of the 1999 State Building Code, which regulates Use Group R-3 residential buildings, there is no reference to the term townhouse. The closest occupancy in the BOCA code to a townhouse is a multiple single-family dwelling, which is defined as a building or portion thereof containing more than two dwelling units, without reference to the existence of property lines. A two-family dwelling is defined in BOCA as: "A building containing two dwelling units with not more than five lodgers or boarders per family." The BOCA code relies on Table 503, as modified by Sections 503.0 and 504.0 to determine height and area limits dependant on Use Group and type of construction.

Using the BOCA code, two dwelling units attached side by side without a property line would be determined to be a two-family dwelling since the definition of multiple single-family dwelling requires more than two dwelling units for the designation to apply.

Two dwelling units attached side by side with a property line between them would have to be constructed under BOCA as two individual buildings each containing a single-family dwelling, with zero fire separation distance to the property line. This scenario would require one-hour rated exterior walls on each unit or a two-hour rated party wall between units, much the same as outlined for townhouses built under the CABO code as described above in answer one.