

M E M O R A N D U M

f  
fire safety

To: Standard Compliance Analysts

From: Joel Altschul *Joel*

Re: Third Floor Occupancy

Date: August 14, 2000

STATE OF NEW YORK  
DEPARTMENT OF MENTAL RETARDATION  
AUG 16 2000  
0008-4432

The Codes Division of the NY State Department of State issued a new ruling regarding height limitations of one and two family dwellings. A copy of the rule is attached. This amendment became effective on May 5, 1999.

Essentially, the change allows habitable space on the third floor in a sheathed (i.e. plaster or gypsum wall board) wood frame dwelling (NYS Code construction classification 5a) if the building is protected throughout with an automatic sprinkler system installed in accordance with NFPA 13D. Therefore, if a wood frame one and two family dwelling is fully sheathed and sprinklered throughout, then it is allowed to have a third story.

This does not apply to New York City.

cc: Jan Abelseth ✓  
Dave Picker  
Area and Regional Directors  
Mike Schongar

NYS Department of State

Code Enforcement and Administration

## HEIGHT LIMITATIONS - ONE- AND TWO-FAMILY DWELLINGS TEXT OF RULE

*New language is underlined; deleted language is in [brackets].*

Section 705.2 of Title 9 of the Official Compilation of Codes, Rules and Regulations of the State of New York is amended to read as follows:

### 705.2 Height and fire areas -- one- and two-family dwellings

- (a) The height, number of stories, and fire areas between exterior walls or between exterior walls and fire walls, indicated for each type or subtype of construction, shall not exceed those set forth in table I-705 of this Part.
- (b) Buildings of type 5 construction are permitted to have a maximum height of two stories above [finished grade where there is no basement or cellar, or above] a basement or cellar, or above finished grade where there is no basement or cellar [provided that the exterior walls of such basement or cellar are of masonry construction extending the full height of the basement or cellar. A combustible facing is permitted on the masonry. Wood facing shall have a minimum clearance to grade of 8 inches. For exception see Part 807 of this code].
- (c) Buildings of type 5a construction when equipped throughout with an automatic sprinkler system installed in accordance with NFPA 13D - Installation of Sprinkler Systems in One- and Two-Family Dwellings and Mobile Homes (reference standard RS 57-7) are permitted to have a maximum height of three stories above a basement or cellar, or above finished grade where there is no basement or cellar.