

ADOPTIONS SECTION

COMMUNITY AFFAIRS

DIVISION OF CODES AND STANDARDS

Notice of Administrative Correction

Uniform Construction Code

N.J.A.C. 5:23-3.21

Take notice that the Department of Community Affairs (Department) discovered a textual error at N.J.A.C. 5:23-3.21 of the one- and two-family dwelling subcode of the Uniform Construction Code (UCC). This Notice of Administrative Correction seeks to revise an error, as follows:

1. N.J.A.C. 5:23-3.21(c)3i is amended to correct an outdated reference for the requirements for fire-resistance rating requirements for exterior walls based on the fire separation distance. Section R300.5 of the currently cross references Table 602, of the building subcode; however, the 2021 edition of the International Building Code (IBC) moved the contents of that table to Table 705.5. As such, this section is amended to properly reflect the correct codification of the required Table.

The Department has requested, and the Office of Administrative Law has agreed to, such correction be made administratively. This notice of administrative correction is published pursuant to N.J.A.C. 1:30-2.7.

Full text of the corrected rule follows (addition indicated in boldface **thus**; deletion indicated in brackets [thus]):

5:23-3.21 One- and two-family dwelling subcode.

(a) – (b) (No change.)

(c) The following chapters or sections of the IRC/2021 shall be modified as follows:

1. – 2. (No change.)

3. Chapter 3, Building Planning, shall be amended as follows:

i. Add new Section R300 as follows:

"R300 Height and Area Limitations

R300.1 General. Buildings of VB, unprotected wood framed construction, as that term is defined in Section 602 of the building subcode, shall be not more than two stories, not more than 35 feet in height, and not more than 4,800 square feet in area per floor. For the purpose of applying this subsection, a habitable attic shall not constitute a story in a two-story dwelling.

R300.2 Increases in height. The building shall be not more than three stories and not more than 55 feet in height where the building is equipped throughout with an automatic sprinkler system installed in accordance with the National Fire Protection Association (NFPA) Standard 13D or Section P2904.

R300.3 Increases in area. The area of a building may be increased as provided in Sections R300.3.1 and Section R300.3.2 below.

R300.3.1 Automatic sprinkler system. The area limitation shall be unlimited where a building is equipped throughout with an automatic sprinkler system installed in accordance with NFPA Standard 13D or Section P2904.

R300.3.2 Frontage. The area limitation shall be permitted to be increased two percent for each one percent of excess frontage where a building has more than 25 percent of the building perimeter fronting on a street or other unoccupied space. The unoccupied space shall be on the same lot or dedicated for public use, shall be not less than 30 feet in width, and shall have access from a street by a posted fire lane that is not less than 18 feet in width.

R300.4 Buildings of VA construction. Buildings of VA, protected wood framed construction, as that term is defined in Section 602 of the building subcode, shall be not more than three stories, not more than 40 feet in height, and not more than 10,200 square feet in area per floor.

R300.4.1 Increases in height. Buildings of VA construction greater than three stories in height shall be designed and constructed in accordance with the building subcode.

R300.4.2 Increases in Area. Buildings of VA construction shall be permitted to be increased in area in accordance with R300.3.

R300.5 Buildings of other types of construction. The height and area limits allowable for buildings of construction type VA shall apply to other construction types, as they are defined in Section 602 of the building subcode, provided that the fire ratings of building elements meet or exceed the requirements for type VA in Tables 601 and [602] **705.5** of the building subcode."

ii. – xlv. (No change.)

4. – 24. (No change.)

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Uniform Construction Code

N.J.A.C. 5:23-6.5, 6.6, and 6.7

Take notice that the Department of Community Affairs (Department) discovered table reference errors in the text of N.J.A.C. 5:23-6, Rehabilitation subcode. Specifically, the errors occur at N.J.A.C.5:23-6.5(e)11, 6.6(e)18, and 6.7(e)15 and concern incorrect table references that were not updated following the adoption of the 2021 International Residential Code. For accuracy, this Notice of Administrative Correction removes the incorrect reference numbers and inserts the correct numbers in their place.

The Department has requested, and the Office of Administrative Law has agreed to, such correction be made administratively. This notice of administrative correction is published pursuant to N.J.A.C. 1:30-2.7.

Full text of the corrected rule follows (addition indicated in boldface **thus**; deletion indicated in brackets [thus]):

SUBCHAPTER 6. REHABILITATION SUBCODE

5:23-6.5 Renovations

(a)–(d) (No change.)

(e) The following products and practices shall be required, when applicable:

1.– 10. (No change.)

11. When the work being performed creates or exposes the roof decking/sheathing or the framing of any wall, floor, ceiling, or roof assembly that is part of the building thermal envelope (encloses conditioned space), any accessible voids in insulation shall be filled using insulation meeting the R-values of Table [R402.1.2 (N1102.1.2)] **R402.1.3 (N1102.1.3)** of the residential energy code for wood framing and of Table R402.2.6 (N1102.2.6) of the residential energy code for metal framing equivalents or of Table 5.5-4 or 5.5-5 of the commercial energy code, as applicable.

i. (No change.)

12. – 15. (No change.)

(f) – (h) (No change.)

5:23-6.6 Alterations

(a) – (d) (No change.)

(e) The following products and practices shall be required, when applicable:

1. – 17. (No change.)

18. When the work being performed creates or exposes the roof decking/sheathing or the framing of any wall, floor, ceiling, or roof assembly that is part of the building thermal envelope (encloses conditioned space), any accessible voids in insulation shall be filled using insulation meeting the R-values of Table [R402.1.2 (N1102.1.2)] **R402.1.3 (N1102.1.3)** of the residential energy code for wood framing and of Table R402.2.6

(N1102.2.6) of the residential energy code for metal framing equivalents or of Table 5.5-4 or 5.5-5 of the commercial energy code, as applicable.

i. (No change.)

19. – 20. (No change.)

(f) – (l) (No change.)

5:23-6.7 Reconstruction

(a) – (d) (No change.)

(e) The following products and practices shall be required, when applicable:

1. – 14. (No change.)

15. When the work being performed creates or exposes the roof decking/sheathing or the framing of any wall, floor, ceiling, or roof assembly that is part of the building thermal envelope (encloses conditioned space), any accessible voids in insulation shall be filled using insulation meeting the R-values of Table [R402.1.2 (N1102.1.2)] **R402.1.3**

(N1102.1.3) of the residential energy code for wood framing and of Table R402.2.6

(N1102.2.6) of the residential energy code for metal framing equivalents or of Table 5.5-4 or 5.5-5 of the commercial energy code, as applicable.

i. (No change.)

16. – 22. (No change.)

(f) – (l) (No change.)

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Uniform Construction Code

N.J.A.C. 5:23-6

Take notice that the Department of Community Affairs (Department) has discovered incorrect terminology within N.J.A.C. 5:23-6.31, Change of use. Past code change had modified N.J.A.C. 6.15, Basic requirements – Group A-3 Churches, to the now current N.J.A.C. 6.15, Basic requirements – Group A-3 Places of Worship. When this change occurred, correlating changes should have been made within the Rehabilitation Subcode at N.J.A.C. 5:23-6.31, Change of use. Therefore, this Notice of Administrative Correction addresses this.

The Department has requested, and the Office of Administrative Law has agreed to, such correction be made administratively. This notice of administrative correction is published pursuant to N.J.A.C. 1:30-2.7.

Full text of the corrected rule follows (addition indicated in boldface **thus**; deletion indicated in brackets [thus]):

SUBCHAPTER 6. REHABILITATION SUBCODE

5:23-6.31 Change of use

(a) No change.

(b) Compliance with Basic Requirements: Compliance with the basic requirements shall be required as follows:

TABLE B

Relative Group Hazard

1 (highest)	H-1, H-2, H-3
2	A-1, A-2 Nightclubs, H-4, H-5, F-1, I-3, M, S-1
3	A-2 Other than Nightclubs, A-3, A-4, A-5, B,F-2, I-2, I-4, R-1, S-2
4	A-3 [Churches] Places of Worship , E, I-1, R-2 and R-4 buildings more than two stories in height or more than four dwelling units
5 (lowest)	R-2 and R-4 buildings two stories or fewer in height and four dwelling units or less, R-3, R-5, U

1. – 2. (No change.)

(c) – (d) (No change.)

(e) Height and Area Limitations: The following height and area limitations apply in a change of use.

TABLE E

Hazard Categories and Classifications

Height and Area

Relative Hazard

Use Classification

1 (highest)	A-2 Nightclubs, H-1, H-2, I-2, I-3, I-4
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2	A-1, A-2 Other than Nightclubs, A-3, A-4, E, F-1, H-3, H-4, H-5, I-1, M, S-1
3	A-3 [Churches] Places of Worship , B, R-1, R-2, R-4
4 (lowest)	F-2, R-3, R-5, S-2, U

1. – 4. (No change.)

(f) Exterior Wall Fire Resistance Ratings and Maximum Area of Exterior Wall Openings: The following exterior wall fire resistance ratings and maximum area of exterior wall openings apply in changes of use:

1. (No change.)
2. Exterior Wall Openings: If the group of a building is changed to a higher hazard classification in accordance with Table F, the requirements for exterior wall openings in the table below shall be met.

Group	Exterior Wall Requirements
H	No opening permitted with a fire separation distance of three feet or less. Protected openings required with a fire separation distance of 20 feet or less
A-1, A-2 Nightclubs, A-2 Other than Nightclubs, A-3, A-4, A-3 [Churches] Places of Worship , B, E, F-1, I-1, I-2, I-3, I-4, M, S-1, R-1	No openings permitted with a fire separation distance of three feet or less. Walls with a fire separation

distance of 10 feet or less, but more than three feet, are permitted to have unprotected openings with an aggregate area not exceeding 10 percent of the area of the wall. Openings in excess of 10 percent of the aggregate wall area shall be protected.

F-2, S-2

No openings permitted with a fire separation distance of three feet or less. Protected openings required with a fire separation distance of five feet or less.

i. – iii. (No change.)

(g) Automatic Sprinkler Systems: The following automatic sprinkler system requirements apply in changes of use.

TABLE G

Hazard Categories and Classifications Automatic Sprinkler Systems

Relative Hazard	Use Classification
1 (highest)	A-2 nightclubs, H, I
2	A-2 (other than nightclubs), R-1, R-2, R-3, R-4

3	A-1, A-3, A-4
4	F-1, M, S-1
5	A-3 [Churches] Places of Worship , E
6 (lowest)	A-5, B, F-2, R-5, S-2, U

1. – 4. (No change.)

(h) – (q) (No change.)