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March 20, 2002

FOR IMMEDIATE RELEASE

MECKLENBURG COUNTY TAKES THE LEAD IN "REHAB CODE" FOR OLDER BUILDINGS

New Rules Will Promote Restoration and Affordable Housing

Charlotte, NC – Now that Mecklenburg County has turned the corner into the 21st century, new construction rules will make it easier and more affordable to retain memories of the 20th century. Instead of tearing down older buildings – buildings with character, history and a story to tell – developers will be allowed to rehabilitate them using a construction code tailored to older buildings and their needs.

On Tuesday, March 19, 2002, the Mecklenburg Board of County Commissioners adopted the North Carolina Pilot Rehab Code, developed by Mecklenburg County Code Enforcement. The new rules are based on a set of regulations already in use in New Jersey and Maryland, states that have demonstrated great success in restoring older buildings and neighborhoods. Legislation passed by the N.C. General Assembly in 2001 provided that Mecklenburg County would take the lead in developing the regulations for the entire state of North Carolina. With the development process now complete, the rehab code is ready to be used by developers, contractors and home re-modelers. The code is available to the public at Mecklenburg County Code Enforcement, Hal Marshall Services Center, 700 North Tryon Street, Charlotte. It can also be viewed at www.ncrehabcode.com.

Previously, developers wishing to rehabilitate an older building were forced to adhere to either modern-day building regulations or the very cumbersome North Carolina Existing Building Code. But that can often cost more than demolishing the structure and rebuilding on the site, leading many developers to opt for demolition. The new regulations will give local buildings inspectors more latitude to accept alternative code measures in rehabilitation projects without compromising safety. The rules are designed to encourage investment in existing neighborhoods and older buildings and will:

- Provide additional compliance tools for historic buildings.
- Promote affordable housing
- Promote strong downtown areas and "Main Streets"
- Focus development on existing infrastructure, reducing the need for new streets, water and gas lines, etc.

The rules are supported by a coalition including the Charlotte Chamber of Commerce, the Sierra Club and the Real Estate and Building Industry Coalition. Mecklenburg County Code Enforcement will report back to the N.C. General Assembly in 2006 on the effectiveness of the regulations.

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FAQs - General Information About the Code

Q: How usable is the NCRC compared to the current NC Existing building Code (Volume IX)?

NCRC availability is to the full range of building occupancy types or uses.

- NCSBC Vol. IX excludes seven uses or building types
- The Rehab code excludes no uses, and perhaps most importantly may be applied to 1&2 family residential.

Q: How does the NCRC help historic projects?

Historic flexibility:

- The Rehab Code extends eligibility to certified contributing buildings or buildings in locally designated historic districts, not just certified historic buildings.
- More specific historic exceptions and alternate provisions are offered than in Vol. IX, focusing on compliance with the intent of the code, especially with regard to historic change of occupancy.

Q: How does the NCRC aid on change of use/occupancy flexibility?

- Rehab Code hazard tables are more flexible, penalizing you less often for a switch to another use.
- Volume IX requires the use of a complicated building evaluation/score process on a change to higher hazard; the Rehab Code requires compliance with reconstruction criteria, which is more user friendly, especially on small projects.

Q: What does the NCRC mean by "gradual increase of requirements"?

The Rehab Code encourages investment in property by gradually ratcheting up the code requirements, through 6 stages, as the scope of work increases. As projects become larger, their capacity to invest in code compliance increases and the requirements increase; for example, work in 50% of a floor area typically triggers another level of compliance, referred to as "supplemental requirements".

Q: How does NCRC compare to Volume IX use of "equal methods", on atypical situations?

- Volume IX offers alternate materials and methods as a "catch all" to solve problems; here alternate strategies must be equal.
- The Rehab Code places a greater emphasis on complying with the "intent" of the code, recognizing the wide array of problems in older buildings does not lend itself well to literal equal status in solutions. The Rehab Code relies on the local code official to evaluate solutions on local problems, focusing on the "intent" of the code rather than the strict equality.

Q: What about NC Vol. IX technical dimensions requirements?

- Volume IX relies heavily on hard dimensional widths, distances and other measures.
- The Rehab Code focuses on scope and location of building safety features, emphasizing sufficiency to accommodate the user or occupant load, rather than dimensions. As the work area increases, scope increases.

Q: How do either the NC Vol. IX or NCRC effect residential?

- Volume IX is not applied to single family residential.
- Some of the greatest benefits of the Rehab Code are in residential, leading to more affordable housing in renovation. The code offers greater flexibility, again focusing on intent rather than dimensions. Provisions allow the recognition of hardships, and consideration of alternates by the local code official. The effect, as suggested by HUD and supported by the State of New Jersey, is a significant savings in construction cost.

Q: Does the NCRC degrade minimum life safety requirements?

No. The purpose of the Rehab Code is to permit use or continued reuse of existing buildings while maintaining or improving the health and safety of buildings.

- The vast majority of existing buildings were constructed under a previous code, achieving the agreed on minimum safety level at that time.
- For those buildings constructed prior to codes, such as historic structures, the Rehab Code seeks compliance by focusing on the "intent of the code", which would address minimum life safety.

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Q: Does NCRC allow additions to buildings over the allowable area permitted for new construction, without fire separation?

The Rehab Code allows an increase of 25% in allowable area, for 1 & 2 story buildings only, before separation is required. This recognizes that the building code allowable area tables have historically been all over the map, rarely being based on hard "loss of life" data; more often these tables are the "best guess" of what is safe, at any given time, and the source of many differing opinions among code officials.

Q: Under NCRC, do existing building hazardous conditions have to be addressed if an addition is constructed?

- The Rehab Code specifically states it does not supercede addressing dangerous or unsafe buildings.
- It also stipulates existing building, which do not conform, may continue if they are not hazardous to life.

Q: Does NCRC contain requirements for moved or relocated structures?

- New foundations would be required to comply with the current building code.
- The balance of the code compliance work would be determined by the extent of any improvements proposed. In those work areas, the appropriate Rehab Code criteria would be applied (most often modification or reconstruction) with all new work complying with the current building code.

Q: Doesn't NCRC succeed by using vague language open to unacceptable levels of interpretation?

The Rehab Code language is not vague. In fact, the Rehab Code is constructed as a prescriptive code, with very specific instructions on what scope is required (or not) in certain situations. It backs this up by general requirements that the work may not make a building less compliant.

The Rehab Code does put more emphasis on scope requirements than technical requirements; in doing so, it asks for compliance with the "intent of the code", rather than imposing new construction standards on existing elements. The Rehab Code supports this approach by requiring preliminary meetings to confirm the project scope. In addition, it provides the local code official with the option of requiring a detailed building evaluation by a licensed North Carolina Architect or Engineer, focusing on non-conformities and their impact on building performance with respect to the proposed changes.

Q: Does the NCRC allow slide scapes and chutes as acceptable means of exiting?

Only if the separate Building Code or Fire Prevention Code allows them.

Q: No evaluation method is provided to deal with unique structures and uses?

We propose the Rehab Code as an another option to, not a replacement of Volume IX. Customers would still have the Vol. IX - Chapter 6 evaluation method available if a "unique structure" or use so dictated.

Again, if a customer elects to use the Rehab Code, they are required to execute a preliminary meeting with the local code official, who has the option of requiring an evaluation of the existing building by a licensed Architect or Engineer.

Q: How does NCRC address exit stair penetrations to remain, such as HVAC ducts.

The Rehab Code does not require existing systems outside the work area to be torn out, unless they are hazardous or dangerous. Under reconstruction criteria, it does require exit enclosures to be sealed, providing an array of exemptions if the building is small and sprinkled.

Again, as the scope of work increases, the code requirements expand, however, the code official always has the option of addressing dangerous conditions.

Q: Are all occupancies allowed to use the NCRC without restriction?

Yes! We see no reason to exclude certain occupancies in existing buildings from using this code compliance tool. This exclusion discourages investment, or encourages "bootlegging" of non-compliant work, and in the long run defeats the goal of elevating building public safety, if by a step-by-step process.

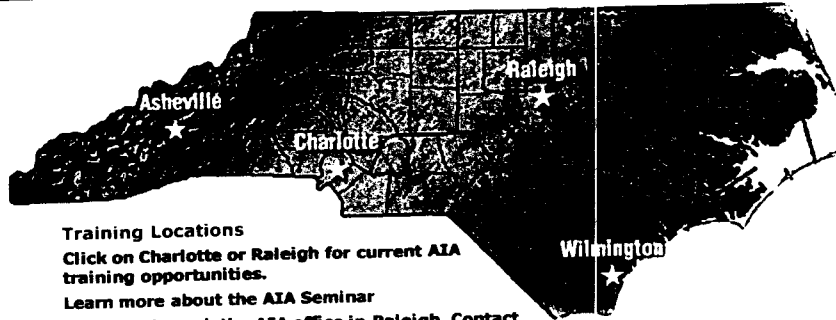
Q: Does the Rehab Code allow the elimination of an existing exit, in order to gain usable space by applying the single exit provisions.

- The Rehab Code clearly indicates work shall not make the building less conforming to the current building code.
- Both Volume IX and the Rehab Code provide several exceptions for single exit application. The Rehab Code also sites several cases where existing single exits are permitted to continue.

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Introducing the New NC Rehabilitation Code

On August 17, 2001, Governor Easley signed into law the North Carolina Rehabilitation Pilot Code. This new North Carolina version of the Rehabilitation Code will be based heavily on the New Jersey Rehabilitation Code, which has a strikingly successful 4-year track record.

North Carolina's new Rehabilitation Code provides a framework wherein code requirements on renovations of existing structures gradually increase as a project's scope of work increases.

The new code addresses six categories of work:

1. repair: patching and minor replacement
2. renovation: refinish and replacement, but no space reconfiguring
3. alteration: reconfiguring space less than 50% of the area
4. reconstruction: reconfiguring space effecting exits or exit access
5. change of occupancy: change in use requiring change in applicator of the code
6. addition: increase in building area

In general, the code is:

- friendlier to small rehab projects, encouraging rather than discouraging the upgrading of buildings
- supports affordable housing efforts
- more flexible for historic building projects

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NC Rehab Code Case Study

Cheerwine Building

January 17, 2002; rev 4/12/02

PART A: Project Data and Classification

1. Project name & location

Renovation of the Cheerwine Building, 322 East Council St., Salisbury, NC

2. Project description

The building footprint is relatively small; 7500 sq ft on the 1st and 2nd floor, plus a 7000 sq ft 1 story building to the east. There is a 3750 sq ft partial basement under the 2 story portion. Construction is IBC Type IV (SBC Type III, heavy timber) for both structures.

The original use was "F" for factory soda production, so the existing plan is open factory space, with a limited amount of existing partitions. The proposed plan use calls for:

- 5 commercial office spaces on the West 1st floor
- 5 residential units on the West 2nd floor
- parking and storage in the East structure

All framing, systems and finish will be new.

The Cheerwine building is listed as a contributing building on the National Register of Historic Places.

3. Plan availability

Both existing and proposed plans are attached.

4. Scope declaration and justification

The work is extensive, involving radical plan change by subdividing the open space into office and residential space. In doing so, inputting means of egress components and other life safety features is an integral part of the work. Occupancy permits will be required for the new office and residential units

The proposed scope is CHANGE OF USE and RECONSTRUCTION for a HISTORIC building.

(Continued)