

ADVISORY COMMITTEE COMMENT FORM FOR PROPOSED CODE CHANGES (This form must be submitted electronically)

IRC-91, R202

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Proposed Code Change - Language

R202 Definitions

TOWNHOUSE. A single-family *dwelling unit* constructed in a group of three or more attached units in which each unit extends from foundation to roof and with a *yard* at least ten feet in width or public way on at least two sides.

Proposed Code Change – Need and Reason

The definition of townhouse includes regulation that states the structure must have a yard or public way on at least two sides. A public way is defined as:

PUBLIC WAY. Any street, alley or other parcel of land open to the outside air leading to a public street, which has been deeded, dedicated or otherwise permanently appropriated to the public for public use and that has a clear width and height of not less than **10 feet** (3048 mm).

A yard is defined as:

YARD. An open space, other than a court, unobstructed from the ground to the sky, except where specifically provided by this code, on the *lot* on which a building is situated.

While the width of a public way is defined as being not less than ten feet, no such dimension is a part of the definition for a yard. Therefore, the amount of space provided is subject to interpretation of the building official. This will result in a lack of uniformity.

A previous proposal to delete the open space requirement for townhouses was met with resistance by the Advisory Committee because of the lack of understanding or a reason of the need for the space. While it was pointed out that single and two family dwellings are not required in the IRC to provide this open space and that a two unit townhome could be constructed next to a two unit dwelling yet be faced with differing space requirements, the committee was reluctant to delete the requirement.

It was also pointed out that townhouses constructed under the Uniform Building Code, the legacy code used in Minnesota, did not have any open space requirements for townhouses or dwellings.

It is necessary to provide guidance to the building official over the intent of the code relative to “yard” in order to achieve uniformity. Also, users of the code can design buildings throughout Minnesota without fear of having varying definitions or dimensions applied to the term “yard”. Because a building official may not make the connection between the definition of “public way” and “yard”, the width of the yard could vary from an inch to twenty feet or more.

It is reasonable that the distance be established at 10 feet as this is the minimum distance that is required if the open space is a public way. It is reasonable that open space be the same whether it is a yard or public way. There is no reason to assume that they serve different purposes.

There is a companion code change to the definition of the term “dwelling” so that all residential structures constructed under the IRC are afforded equal protection and treatment.

Proposed Code Change – Cost/Benefit Analysis

This proposal will have no impact on the cost of construction.

Other Factors to Consider Related to Proposed Code Change

1. Is this proposed code change meant to:

change language contained in a published code book? If so, list section(s).
2012 IRC section R202 Definitions

change language contained in an existing amendment in Minnesota Rule? If so, list Rule part(s).

delete language contained in a published code book? If so, list section(s).

delete language contained in an existing amendment in Minnesota Rule? If so, list Rule part(s).

neither; this language will be new language, not found in the code book or in Minnesota Rule.

2. Is this proposed code change required by a Minnesota Statute or new legislation? If so, please provide the citation to the Statute or legislation.

No

3. Will this proposed code change impact other sections of a published code book or of an amendment in Minnesota Rule? If so, please list the affected sections or rule parts.

No

4. Will this proposed code change impact other parts of the Minnesota State Building Code? If so, please list the affected parts of the Minnesota State Building Code.

No

5. Who are the parties affected or segments of industry affected by this proposed code change?

Code officials, building designers, contractors, building owners

6. Can you think of other means or methods to achieve the purpose of the proposed code change? If so, please explain what they are and why your proposed change is the preferred method or means to achieve the desired result.

No

7. Are you aware of any federal requirement or regulation related to this proposed code change? If so, please list the regulation or requirement.

No