

## THREE DWELLINGS, OR TWO DWELLINGS PLUS AN ACCESSORY DWELLING UNIT (ADU) CODE REQUIREMENTS FOR CONVERSIONS

Converting a single-family home or duplex to a 3-unit dwelling (either a 3-plex or a duplex with an ADU) is a significant undertaking under the Minnesota Building Code. The building use changes from the International Residential Code (IRC) requirements to R2 Occupancy “apartment” rules under the 2020 Minnesota Building Code / Minnesota Conservation Code for Existing Buildings, Chapter 10.

<https://www.dli.mn.gov/business/codes-and-laws/2020-minnesota-state-building-codes>

While an architect is not mandated by state law for buildings less than 4 units, plans are required to demonstrate how compliance with code will be achieved. Most homeowners or contractors will need an architect to provide construction drawings that are complete enough to obtain the building permit.

When the proposal is to legalize existing construction that was built without permit, existing construction not in compliance with IBC requirements as well as inspection of existing concealed construction are added factors. Our office does recommend that if you are pursuing legalizing an unpermitted dwelling, you hire an architect to provide the construction documents.

Below is a list of some of the more common code considerations.

1. Zoning/ Land Use Review:  
Review for compliance with all Zoning regulations, including entrance locations, window requirements, parking area, and all other applicable codes.
2. 3-Story Buildings (including two story plus occupied attic): Buildings of three or more units (including ADU) are required to be of one-hour construction. Existing one and two-family homes are not one-hour construction. The alternative is to provide a sprinkler system throughout.
3. Buildings over 4500 square feet in area: Buildings when converted from 1 or 2 dwellings to 3 dwellings (including ADU) are required to be fully sprinkled. Note that most existing one or two-family homes do not exceed 4500 sq. ft. However, item #2 above would still apply if 3-story building.
4. Two exits: required for each occupant of a non-sprinklered buildings per IBC Table 1006.3.3(1)\*. The exception is when a private exit is provided at grade level (1006.3.3 Item 2)\*. This could be a direct exit from a first-floor unit, or a walk-out basement exit for example. When two exits are required they must be separated (50% of maximum diagonal) per 1007\*.
5. Unit Entry/Exit Doors: Per IBC 1010.1.1\* the exit door from the dwelling must provide 32” clear width between the face of the door and the stop when the door is open 90 degrees. This usually means a 36” wide door. Landings are required at stairs and doors per Chapter 10.

6. Stair requirements:

Existing stairs: 8" maximum rise, 9" minimum run (run measured face of nosing to face of nosing). Stair headroom: 6'-6". Existing stairs can be improved to meet this minimum.

New common stair construction (per Section 1011\*): 7" maximum rise, 11" minimum run, 6'-8" headroom. New private stairs within individual dwelling units require 7-3/4" maximum rise, 10" minimum tread. Winding, circular and spiral stairs each have specific requirements in the code. Landings are required both sides of stair doors with a few exceptions where doors do not swing over the stair. Provide construction plan with dimensions.
7. Stair Enclosures: Common stairways require 1-hour label doors and hardware.
8. Exit illumination (1008\*) and exit signs (1013\*): Common exit stairs require exit illumination. Exit signs may be required in common areas or when corridors are provided.
9. Guards (guardrails): Common area guards and exterior guards are required to be 42" minimum height and have openings less than 4". Interior guards within an individual dwelling may be 36" in height.
10. Ceiling height: Per IBC 1207\*, habitable or usable space in basements shall have a ceiling height of 7-6, except that kitchens, baths, storage, laundry and halls may be 7'-0". Alternates may be proposed if not meeting height minimums in some areas.
11. Emergency escape and rescue windows (per Section 1030): Each sleeping room shall have one complying emergency escape and rescue window (egress window).

Exception applies to fully sprinklered building when two exits are provided from each unit. See also Minnesota State Fire Code (MSFC) 1104.25 through 1104.25.5.2.

The well requires a minimum setback (zoning) of 2'-0" from interior side yard property lines.
12. Dwelling unit sound and fire separation: new dwellings require sound separation per 1206\* and fire separation per 708\* (fire partitions) and 420.2\* between the new dwelling and adjoining space. If existing drywall or plaster, option to add one layer 5/8" drywall over sound channel, or 1/2" type "X" or "C" drywall over sound channel at ceiling separating units and interior unit/common area walls.
13. Smoke and CO Detectors are required:
  - Sleeping rooms and hall or room outside of sleeping rooms require smoke alarms per Minnesota Building Code Chapter 1305 907.2.10.2\*
  - Carbon monoxide alarms required within 10 feet of each sleeping room, per Minnesota Building Code 1305 908.7\*
  - Also see MSFC Table 1103.8
14. Fire alarm: Compliant with the MSFC & NFPA-72

MSFC-1103.7.5 Required when any sleeping or dwelling unit is located two or more stories above the lowest level of exist discharge or located more than one story below the highest level of exit discharge.

Exceptions: (1) Fire alarm not required 1103.7.5.1-when there is no interior corridor serving dwelling/sleeping units and where each dwelling unit has an exit door opening directly to an exterior exit.

(2) Fire alarm not required when the building is protected throughout with an automatic sprinkler system
15. Newly insulated areas when or finishing space that exposes exterior wall cavities or roof/ceiling shall comply with energy code insulation values where possible.

16. Existing plumbing and mechanical installations installed without permit shall be evaluated for compliance by licensed plumbing and mechanical contractors. Permits will be required for any corrections or alterations, or for final inspection if no changes are needed.
17. Ventilation air per mechanical and energy code is required to be provided for the added dwelling or added ADU. Ventilation air is not permitted to pass between dwellings (this means a common furnace is not permitted). A licensed contractor will need to provide plans showing compliance with mechanical requirements.
18. Electrical is inspected by the state electrical section of the MN Department of Labor and Industry. Electrical code requirements for the dwelling and the procedure for review of existing installation are per their office.
19. All electrical, plumbing and mechanical work is to be performed by licensed contractors.
20. Sewer Access Charge and Park Dedication Fee:
  - SAC and Park Dedication fees will apply to the additional dwelling units (Accessory Dwelling Units exempted)
  - 2020 SAC rate: \$2485
  - 2020 Park Dedication rate: \$1614

[The Minneapolis Code of Ordinances](#) includes the Minneapolis Housing Maintenance Code. Some of the provisions that apply are included below.

21. Address numbers: are to be posted per 244.970 and 435.60.
22. Title 12, Article XV – Building Security: Includes requirements for locks at doors, windows and garages.
23. Fire extinguishers – Provide per 244.920.
24. Rental License: Article XVI beginning at 244.1800 describes rental license requirements
25. A certificate of occupancy will be required for the new dwelling units or ADU in three-dwelling or two-dwelling plus ADU buildings (Minneapolis Housing Maintenance Code and MN State Building Code).

Code sections noted\* refer to the 2020 MN Building Code (effective 3/31/2020)