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PLI Code Bulletin - Nonresidential Use
within a Single-Family Dwelling or Two-
Family Dwelling

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SUBJECT OF INTERPRETATION

This Bulletin addresses the options for demonstrating compliance with building code requirements to operate a business, or nonresidential use, within a single-family dwelling or two-family dwelling. Examples of the types of businesses include, but are not limited to, small stores, artists' studios, beauty parlors, nail salons, professional offices, and food related businesses (cooking/baking/food processing) such as cottage food businesses. Please note that all terms enclosed in quotations within this bulletin are terms that are defined by the referenced subject code and are identified by italicized text in the subject code. The code definitions are included for reference at the end of this Bulletin.

APPLICABILITY

This interpretation shall apply to all occupancy-only permits and/or building permits within the City of Pittsburgh that include approval to operate a business or nonresidential use within a single-family dwelling or two-family dwelling. The Bulletin shall apply to this topic, including under subsequent versions of the referenced code/standard, until the current PLI Building Code Official (BCO) modifies and/or rescinds the interpretation.

INTERPRETATION

The *International Residential Code (IRC)* is limited to construction and use of “dwellings”.¹ Nonresidential uses are excluded from the *IRC* and are subject to the *International Building Code (IBC)*.² The *IBC* requires building use to be classified per code defined occupancy groups.³ When more than one use is present in a building, the mixed use and occupancy provisions are applicable.⁴ These provisions identify options for regulating the mixed uses and/or occupancies present in a building. Additionally, the “live/work unit” standard is an option for regulating mixed uses and/or occupancies in a building, specific to “dwellings”.⁵ This standard allows nonresidential uses within a “dwelling” if the proposed nonresidential use meet the associated limitations and requirements.⁶ Therefore, businesses or nonresidential uses shall comply with either the mixed use and occupancy or the “live/work unit” requirements of the *IBC*.

BASIS FOR INTERPRETATION

The first issue to resolve is the code applicable to this type of use. To determine this, the scoping provisions of both the *IRC* and *IBC* shall be reviewed. The *IRC* scoping identifies that this code is applicable to:

...the construction, *alteration*, movement, enlargement, replacement, repair, *equipment*, use and occupancy, location, removal and demolition of detached one- and two-family dwellings and *townhouses* not more than three stories above *grade plane* in height...¹

“Dwellings” as defined by the code are to be occupied for living purposes.⁷ Additionally, “live/work units” in “townhouses” may be constructed per the *IRC* if compliant with associated *IBC* requirements, as authorized by exception.⁸ “Live/work units” are defined by the code as portions of a dwelling used for nonresidential uses.⁷ The *IBC* scoping identifies that this code is applicable to:

...the construction, *alteration*, relocation, enlargement, replacement, *repair*, equipment, use and occupancy, location, maintenance, removal and demolition of every building or structure...²

¹ 2018 *IRC* Section R101.2

² 2018 *IBC* Section 101.2

³ 2018 *IBC* Section 302.1

⁴ 2018 *IBC* Section 508.1

⁵ 2018 *IBC* Sections 508.1 exception 3

⁶ 2018 *IBC* Section 419

⁷ 2018 *IBC* Section 202

⁸ 2018 *IRC* Section R101.2 Exception 1

The *IBC* then identifies that the *IRC* is applicable to detached one- and two-family dwellings and “townhouses” 3 stories or less above “grade plane”.⁹ Given that “live/work units” are only permitted under the *IRC* by exception, clearly the intent is to limit *IRC* to only residential uses i.e., “dwellings” and that the *IBC* is intended to regulate all other uses.

As the appropriate code, *IBC*, has been determined, the next step is to review possible options for regulating this type of use. The *IBC* identifies that building use is to be classified per code defined occupancy groups.¹⁰ When multiple uses are present then the mixed use and occupancy provisions are applicable.¹¹ The mixed use and occupancy provisions are the first option for businesses or nonresidential uses operating within a “dwelling” to demonstrate compliance. This requires classifying occupancy groups for the dwelling and the business or non-residential use. Then selecting to regulate these uses as nonseparated uses or as separated uses¹² and documenting compliance with associated requirements.

“Live/work units” are identified as an option specific to “dwellings” for regulating mixed uses and/or occupancies.¹³ This standard allows nonresidential uses within a “dwelling”.¹⁴ The “live/work units” standard is applicable only if the nonresidential use complies with limitations on area, location within the building, and number of workers.¹⁵ If these limitations are met, the “live/work units” standard is the second option for businesses or nonresidential uses operating within a “dwelling”. Note compliance with all associated requirements, including but not limited to providing a suppression system,¹⁶ is required.

The “Live/work units” provisions exempt home offices that are 10% or less of the area of the “dwelling.”¹⁷ This serves as the third option for nonresidential uses, if used as a home office and the area associated with this use complies the area limitation. Alternate uses and/or larger areas require compliance with the “live/work units” provisions.

⁹ 2018 *IBC* Exception to Section 101.2

¹⁰ 2018 *IBC* Section 302.1

¹¹ 2018 *IBC* Section 508.1

¹² 2018 *IBC* Sections 508.2, 508.3, and 508.4

¹³ 2018 *IBC* Sections 508.1 exception 3

¹⁴ 2018 *IBC* Section 419

¹⁵ 2018 *IBC* Section 419.1.1

¹⁶ 2018 *IBC* Section 419.5

¹⁷ 2018 *IBC* Exception to 419.1

REFERENCED SUBJECT CODE DEFINITIONS¹⁸

DWELLING. Any building that contains one or two *dwelling units* used, intended, or designed to be built, used, rented, leased, let or hired out to be occupied, or that are occupied for living purposes.

DWELLING UNIT. A single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

LIVE/WORK UNIT. A *dwelling unit* or *sleeping unit* in which a significant portion of the space includes a nonresidential use that is operated by the tenant.

¹⁸ 2018 IRC R202, 2018 IBC 202