



TO: Development Services Customers

SUBJECT: **INFORMATION BULLETIN 225**
Multiple Dwelling Units on One or More Lots

DATE: August 15, 2016/*Revised Sept 12, 2016*

CREATED BY: Plan Review Division

Purpose:

The purpose of this Information Bulletin is to clarify how the Development Services Department (DSD) defines, interprets, permits and inspects dwelling units. The Information Bulletin focuses on multiple dwelling unit development, and when “commercial” reviews are required to fully review and inspect for all code requirements. This bulletin has been revised to attach a flowchart to better understand the process.

The difference between single family dwelling units and multi family dwelling units may cause confusion with customers, neighbors to development, and city staff concerning types of development. More and more differing styles of dwelling units are being designed, permitted and lived in. The Unified Development Code (UDC), the International Residential Code (IRC), and the International Building Code (IBC) do not view single family and multifamily dwelling units the same way. This should be expected since the UDC and various planning and zoning overlays are concerned about land use and how the look and feel of a development fit into a neighborhood, while the building codes are concerned about fire and life safety of occupants and surrounding property. Customers, including developers, designers, and contractors, and city staff, tend to view single family and multifamily based on whether they are more familiar with the building codes or whether they are more familiar with the UDC/Overlay codes.

Scope:

The following sections describe the process DSD uses in permitting multiple dwelling units either on a single lot or on multiple lots.

Question 1. Should a customer choose the IRC or the IBC for design and submittal of dwelling units – attached or detached, on a single lot or on multiple lots?

It is the customer’s choice for all dwelling unit structures allowed by the IRC. Under the building codes definitions, customers may choose to design, permit and build under the International Residential Code (IRC) or the International Building Code (IBC) for all dwelling units defined and within the scope of the IRC: either one-family detached dwelling unit, two-family (duplex) attached single family, or townhomes (townhouse). To be designed under the IRC, dwelling units must be three stories or less with separate means of egress and open on at least two sides. Open on two sides means that at least two of the four sides of the dwelling unit

are open to a yard or public way (street or alley). Separate means of egress, means that in an emergency/fire, people leaving each dwelling unit have an exit door leading directly to an open area with access to a public way; unlike typical apartment design where an exit door out of a dwelling unit exits into a common corridor, breezeway, common interior or exterior stairway, etc. before an occupant reaches an open area with access to a public way.

A two-family duplex is a standard allowable design under the IRC. A triplex and quadraplex may be allowed under the IRC if built under the townhouse provisions. The definition of a townhouse under the IRC, and copied into the UDC, includes the triplex and quadraplex style dwelling units as defined in the UDC, as long as each dwelling unit extends from the foundation to roof and common walls between dwelling units are built with code compliant construction including fire-resistance ratings. If designed this way, triplex and quadraplex will be treated as a townhouse for review, permitting and inspections.

The decision to use the IRC or the IBC is not dependent on the zoning of the lot(s), or the definitions of the Unified Development Code. The decision is not dependent on multiple dwelling unit development on one lot versus development on multiple lots. The decision is not based on whether dwelling units are for rent, or purchase, whether the land under the dwelling unit is sold or held under some sort of "association". The decision to design under the IRC or IBC is only dependent on which building code requirements the customer chooses to follow. This is valid as long as the structure fits into the scope of the IRC, and the use of the building does not require compliance with IBC design. (See Note 1. for an example)

Question 2. Should a customer use the Residential Building Permit Application or a Commercial Building Permit Application for multiple dwelling units on a lot?

The application to use, and the permit to be issued, coincides with the design chosen for purposes of fees, reviews and inspection of the structure itself. The DSD splits permits into residential or commercial based on the IRC or IBC respectively.

Residential Application

If a customer designs a dwelling unit under the IRC (either single unit or multiple units on a lot), then the structure itself, whether single family, duplex, and/or townhomes, will be brought in for permitting as a residential building permit using the Residential Building Permit application. This would include a submittal for a triplex or quadraplex if the design meets the IRC definition of townhomes. All structures designed under the IRC require the applicant to be the landowner, or a City of San Antonio registered home builder.

Commercial Application

A Commercial application would be required for any of the following reasons:

- An IBC design is chosen by the owner/architect for a dwelling unit even if that dwelling unit would fit within the scope of the IRC.
- One or more attached dwelling units are only open on one side, or there is no separate means of egress for each dwelling unit. The department would review these like a typically apartment building/commercial building regardless of other factors such as how the development is categorized by the UDC, zoning requirements, or definitions in the UDC.
- A dwelling unit is 4-stories or higher (story as defined in the IRC and IBC).
- A dwelling unit is designed outside the prescriptive tables of the IRC and requires a specialized design under the IBC.

- Some types/uses of dwelling units would not allow construction under the IRC even if brought in under a residential application. Section 310 of the IBC defines the Occupancy Classification “Residential Group R” and many of the subcategories of Group R require an IBC design (see Note 1 for exceptions). For Occupancy Classifications that require design under the IBC, even if designed and submitted under the IRC/Residential application, the applicant would be required to re-apply using the correct design and application.

Commercial Reviews for Dwelling Units

An IBC design and use of the commercial application for dwelling units does not necessarily mean that the site will be treated as a commercial development (commercial related to type of permit and types of plan review, not commercial as defined by the UDC). Whether the site has “commercial reviews” is related to Question 4 and Question 5 below. Commercial reviews of plans for the site includes automatic requirements for storm water/drainage, traffic, fire protection and tree protection/canopy/landscaping submittals and reviews, as well as other specialized reviews such as disability, SAWS (for Edward Aquifer protection), historic to name a few.

Mechanical Electrical and Plumbing

The insertion of mechanical, electrical and plumbing (MEP) reviews of MEP construction plans typically do not occur for a dwelling unit designed and submitted under the IRC and the residential application. In contrast, dwelling units required to be designed under the IBC (including apartments) does require MEP construction documents to be submitted. However if the use of the IBC for design is only by choice (the dwelling unit is within the scope of the IRC), then MEP construction drawings and MEP reviews are not required. However if MEP plans are submitted, MEP reviews would be performed.

Historic, Flood

Some reviews occur due to the presence of zoning overlay districts, or floodplains and are not related to the residential or commercial decision.

Question 3. When there is more than one dwelling unit (attached or detached) on a single lot, when is the development considered “Single Family” versus “Multi-Family”?

Five or more attached or detached dwelling units on one lot are defined as multi-family by city ordinance chapter 35 (Unified Development Code or “UDC”). This UDC definition is used when reviewing proper use based on the base zoning. This definition is unrelated to how the structures are designed (IRC versus IBC) and which permit application is used (Commercial versus Residential).

The UDC definitions make it critical in development planning and design in areas of platting and zoning which greatly impacts allowed use and site design. Per the UDC definitions, up to four attached or detached dwelling units on a single lot are defined as “single family development”, or to be more precise, not defined as multi-family. The UDC defines the following types of “single family development”:

- Where dwelling units are detached, single-family (single family detached)
- Where dwelling units are attached, either, two family (duplex), three-family (triplex), or four-family (quadraplex)

Townhouses

Under the definition of a “Dwelling, single-family attached (townhouse)”, the UDC defines townhome as 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 or public way on not less than two sides. This definition, copied from the IRC, does not require a townhouse development to have a platted lot for each dwelling unit. This “row of townhouses” on one lot is further allowed under the UDC definition of “Single Family Residential Development”. Under the UDC though, if there are 5 or more attached dwelling units, designed as townhomes on one lot, the development is defined as multi-family. Under the UDC the same number of dwelling units, each of which is built on its own lot, is defined as single family.

By design townhouses often have one common foundation. For this reason, the UDC defines these multiple attached dwelling units as one building. This is very different from the building codes that may establish a structure on one foundation as being several buildings (see Note 2. for more information). Regardless of the UDC defining buildings by foundations, a townhouse development with three or four dwelling units on one lot, even if one building by the UDC, is considered single family development and a townhouse development with five or more dwelling units on one lot is considered a multi-family development for zoning purposes.

The building codes do not have a definition for “multi-family”, but simply looks at fire safety in exiting a dwelling unit in a fire event, and uses the concept of occupancy classification and building use to place structures into categories of least risk to highest risk in terms of fire safety and corresponding levels of passive and active building and fire safety systems.

The zoning district of a lot determines the use allowed by right. The base zoning defines the permitted use, and then overlay districts are used to determine more specific requirements based on that use. It is important to know the UDC definitions, the base zoning and associated permitted uses, as well as any further requirements that are imposed on a development due to an overlay to the base zoning.

Question 4. A residential project is planned and submitted with more than one attached or detached dwelling units proposed on a single platted lot. Alternatively a residential project is planned and submitted with multiple dwelling units, each on its own platted lot, but each lot fronts an ingress egress easement rather than a public or private street (which is allowed if zoned Infill Development - IDZ). In both cases, the structures are being designed under the IRC with no intent or requirement to submit a commercial building permit application. Are there any site work requirements and permits that would be required in addition to the residential permit application(s)?

Yes, depending on the project variables indicated below, a Commercial Site Work permit application may be required in addition to residential permit application(s) for the dwelling unit(s). (If the project is designed under the IBC and required to be submitted under a commercial building permit, the sitework reviews are included in the commercial building application. A separate sitework is not required. See Question 5 for the exception.)

Typically a sitework permit is required only for a development consisting of multiple dwelling units on a single lot (excluding duplexes), but there are cases where a development consisting of single dwelling units, each on their own lots requires a commercial sitework permit.

The following indicates variables in a project design that require a Commercial Sitework Permit:

1. The UDC defines the project as multi-family
Multi-family projects automatically create “commercial” submittal requirements. If designed and submitted under the IBC, commercial construction documents and reviews are already automatic. If designed and brought in under the IRC, separate sitework permit applications with site design documents are required. The UDC defining a project as multi-family also brings in other reviewing agencies such as:
 - a. SAWS reviewing for TCEQ. A sitework permit is required for a SAWS review for projects over the Edwards Recharge Zone District.
 - b. Tree Landscape Irrigation - The project defined as multi-family by the UDC requires a sitework permit since requirements such as Tree Canopy and Tree Preservation as well as landscaping and irrigation requirements change from residential to commercial including tree preservation and tree canopy.
2. Traffic
 - a. Does each dwelling unit have its own designated off street parking (separate driveway, garage, carport), or is there going to be shared parking spaces (with or without a separate parking lot) for all the dwelling units? Shared parking requires a commercial sitework permit.
 - b. Is the project defined as multi-family per the UDC definition? If yes, a traffic review is required under a commercial sitework permit application.
 - c. Are the lots fronting an ingress/egress easement rather than a public or private street (typically zoned Infill Development Zone, IDZ)? If yes, a traffic review is required under a commercial sitework permit application.
3. Fire
 - a. Are the lots fronting an ingress/egress easement rather than a public or private street (typically zoned Infill Development Zone, IDZ)? If yes, a fire protection site plan is required to be submitted under a commercial sitework permit application.
 - b. Will there be a single underground fire line that will serve multiple dwelling units to provide water for fire sprinkler systems? If yes, then a commercial sitework permit application is required.
3. Drainage / Low Impact Design (LID) Features
 - a. A proposal to have LID features in the project creates a requirement for a commercial sitework permit to review LID by TCI Storm Water.
 - b. Any project with three or four dwelling units on one lot (single family) would require a Drainage/Storm Water review and would be added to an application for residential permits. For five or more dwelling units on one lot (multi-family) a separate commercial sitework permit is required which includes the storm water review.
4. Electric, Sewer, Water Service
 - a. Does each dwelling unit tie into public utilities or does each dwelling unit tie into private utilities; electrical, sewer and/or water? If the dwelling units tie into private utilities, there needs to be a commercial sitework permit set up as a parent for the child electrical, and/or plumbing permits. DSD inspectors would need to have approved electrical and/or plumbing plans to inspect construction of the shared sewer or water lines, and/or the shared electrical service.

Question 5. A single-family, two-family duplex, or townhome development is planned and submitted, each dwelling unit built on its own platted lot, but the design is “unique” and does not follow the prescriptive design methods of the IRC, thereby requiring architectural and/or engineered design under the IBC. The development has no other variables that require a commercial application or a sitework permit (see Question 4). Although there is a requirement to submit the commercial application, will there be automatic standard “commercial reviews” added to the project requiring submittal of additional design documents and additional reviews? Are there any site work requirements that would be required in addition to the commercial permit application?

No, there is no requirement to submit a separate commercial sitework permit, and there will be no “commercial reviews” added to the commercial permit. The project is still a “single family use” with one structure on one lot. The permit is commercial only for the design, review and inspections of the structure itself and for no other reason. The only required submittal and reviews of construction documents relate to building and tree protection reviews. The building review would be a commercial review but the tree review would be residential, reviewed under the UDC residential tree protection and tree canopy requirements.

There will be no requirements for MEP submittal documents or MEP reviews, however if MEP construction documents were submitted, MEP reviews would be performed.

Additional reviews would be added like other “single family” IRC designed and submitted structure under the residential permit application; these additional reviews are typically historic review or flood review for land in historic districts or floodplains.

Notes

- Note 1 - If a dwelling unit is not strictly used for single family occupancy, but for “commercial” purposes, then the structure is required to be designed and classified under the IBC. The following exceptions are two of the R-3 Occupancy Classifications which may be designated under the IRC:
 - Care Facilities with 5 or fewer persons receiving care within a single-family dwelling unit with a sprinkler system
 - Owner Occupied Lodging Houses with 5 or fewer guest rooms. The intent of the IBC is that Owner Occupied Lodging Houses are also built with a fire sprinkler system.

- Note 2 - The UDC defines a building by a common foundation regardless of what is happening above the foundation. The building codes define a building by the area enclosed by appropriate construction of the walls between two buildings even if the buildings are on one foundation on one or multiple lots. For a duplex, triplex, quadraplex or townhomes on a single lot, DSD addressing would assign appropriate residential addresses off of the main street regardless of being considered “one building” by UDC definition. This “one building” concept is more of an issue with commercial buildings, especially where there is one foundation on one lot, split into multiple buildings by fire walls/rated wall construction. So it is important to provide correct information in the planning stages to the DSD Addressing section to assign proper addresses to the separate buildings prior to obtaining permits. This ensures that permits are set up correctly, inspections are smooth, and that all Certificate of Occupancies are properly issued.

Definitions: This section lists building code and UDC definitions for convenience

IRC/IBC

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.

Dwelling – A building that contains one or two dwelling units used, intended or designed to be used, rented, leased, let or hired out to be occupied for living purposes.

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 or public way on not less than two sides.

Scope of the IRC: “The provisions of the International Residential Code for One- and Two-Family Dwellings shall apply to the construction, alteration.....of detached one- and two-family dwellings and townhouses not more than three stories above grade plane in height with separate means of egress and their accessory structures.....”

Commentary: The IRC may be used for one- and two-family dwellings. Townhomes are three dwelling units by definition. By following required wall construction and fire ratings, with parapets, between townhomes, every dwelling unit is considered one building. If designed and built correctly, any group of up to four dwelling units may be attached with code compliant walls and parapets, each unit being considered one building per the building codes.

UDC

Dwelling Unit - One (1) or more rooms providing complete living facilities for one (1) family, including kitchen facilities or equipment for cooking or provisions for the same, and including room or rooms for living, sleeping, bathing and eating.

Dwelling, single-family detached - A one-family dwelling that is not attached to any other dwelling by any means and is surrounded by open space or yards.

Dwelling, two-family (duplex) - A detached house designed for and occupied exclusively as the residence of not more than two (2) families, each living as an independent housekeeping unit.

Dwelling, three-family (triplex) - A detached house (on a platted single lot) designed for and occupied exclusively as the residence of not more than three (3) families, each living as an independent housekeeping unit.

Dwelling, four-family (quadraplex) - A detached house with common walls between the units, designed for and occupied exclusively as the residence of not more than four (4) families, each living as an independent housekeeping unit.

Dwelling, multi-family - A dwelling or group of dwellings on one (1) lot containing separate living units for five (5) or more families, but which may have joint services or facilities.

Dwelling, single-family attached (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 or public way on not less than two sides.

Single-family residential development - A development consisting of a lot or lots, containing only one (1) dwelling unit. The dwelling unit may be detached or attached, townhouse, small lot, home, manufactured home, or mobile home.

Commentary: The UDC definition for a Townhouse was updated by Ordinance 20150-12-17-1077. As of the date of the writing of this IB, the ordinance and definition has not been incorporated into Municode, so it is possible and probably that the old definition would be found on-line. In addition, the UDC has the definition for townhouse in two places which may or may not match once the new ordinance is incorporated into the old text by Municode.

Summary: This Information Bulletin is for informational purposes only.

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