



DATE: October 1, 2021
INTERPRETATION NO.: CI2021-0010
TITLE: Dwelling Unit Components
RELATED DEPT. & DIVISION: Development Services Department
TOPIC: Dwelling Unit
DECISION MAKER: Beth M. Culver, AIA, CBO, Building Official
Brent D. Lloyd, Development Officer

SUMMARY: In general, a structure or portion of a structure is a “dwelling unit” for purposes of the Land Development Code (Title 25) and applicable technical codes if it contains a habitable space, a full bathroom, and a sink or dishwasher outside of a full bathroom. A structure that meets these criteria must comply with all regulations applicable to a dwelling unit, including zoning, utility meter, internal access, occupancy, and address requirements.

CODE SECTIONS: 2021 International Residential Code (IRC)

- [Section R202 \(Definitions\)](#); Dwelling Unit

Land Development Code (LDC) – Title 25

- [LDC Section 25-1-21 \(Definitions\)](#); Dwelling Unit

CODE INTERPRETATION:

LDC Sec. 25-1-21(38) defines a “dwelling unit” as “a residential unit other than a mobile home providing complete, independent living facilities including permanent provisions for living, sleeping, eating, and cooking.” This interpretation describes structural features that make a residential unit a dwelling unit for purposes of the definition in LDC Sec. 25-1-21(38). Additionally, it highlights some of the more significant requirements that apply to dwelling units under the LDC and applicable technical codes.

1. **Components of a Dwelling Unit.** A structure that contains the following provisions for living constitutes a “dwelling unit” for purposes of the LDC, including applicable zoning regulations and technical code requirements:
 - a. A habitable space;
 - b. A full bathroom (consisting of a water closet, lavatory or sink, and a shower or bathtub, or shower/bathtub); and
 - c. A sink or dishwasher located outside of a full bathroom.

- 2. Effect of Separate Living Spaces.** A structure may constitute more than one dwelling unit if it includes multiple sets of independent living facilities that meet the criteria in Paragraph 1, above. In determining whether a structure contains more than one dwelling unit, the Building Official will consider the extent to which living facilities may function independently, including whether multiple sinks are located outside of a full bathroom and, if so, the intended or likely use of the sink based on its placement in relation to other living facilities and whether continuous internal access to the sink is provided through habitable space.
- 3. Requirements Applicable to Dwelling Units.** A dwelling unit, including an accessory apartment under LDC Section 25-2-901 (*Accessory Apartment*), must be properly permitted and must comply with all regulations applicable to dwelling units under the LDC, IRC, IPMC, and other applicable regulations. These regulations include the following:

Zoning. A dwelling unit must comply with applicable zoning regulations and may not be permitted in certain zoning districts or types of structures. Zoning regulations are codified in Chapter 25-2 of the LDC and in separately adopted ordinances applicable in specifically designated areas of the City.

Egress and Internal Access Requirements. A dwelling unit must meet applicable technical code requirements for egress (i.e., means of exiting a structure) and internal access within a structure, including Section R320 (*Visitability*), codified in [LDC Section 25-12-243](#) (*Local Amendments to the International Residential Code*); Section 702.1 (*General Requirements for Egress*), codified in [LDC Section 25-12-213](#) (*Local Amendments to the International Property Maintenance Code*); and [Section 311](#) (*Means of Egress*) of the IRC.

Occupancy Limits. A dwelling unit must comply, in aggregate, with the occupancy limits in [LDC Section 25-2-511](#) (*Dwelling Unit Occupancy Limit*) and, if an existing structure, the occupancy limits of [Section 404](#) of the International Property Maintenance Code, including local amendments and deletions codified in LDC [Chapter 12, Article 9](#) (*Property Maintenance Code*).

Utility Meters. No more than one electric, gas, and water meter is permitted for a dwelling unit.

Address Restrictions. In general, only a single address may be provided per dwelling unit. For additional information, email 911 Addressing at: addressing@austintexas.gov.



Beth M. Culver, AIA, CBO, Building Official



Brent D. Lloyd, Development Officer

Historical Note: To provide additional clarity and context, this interpretation updates an earlier interpretation issued by Jose G. Roig, Building Official, under interpretation no. 2018-0622, on June 22, 2018.