

Use Specific Standards

5.16.1 Residential Uses

A. Residential Occupancy

1. Purpose

This section is intended to reasonably regulate the number of Persons who can live in a residential Dwelling Unit. The City finds that occupancy limits are needed to provide density control; preserve and enhance residential neighborhoods as stable, quiet places for citizens to live and raise children; protect safety and welfare; and maintain property values. Such limits are also needed to ensure that there are adequate public and private facilities including adequate off-street parking, utilities, and adequate Lot Area to accommodate the residents of each Dwelling Unit without impairing the character of the neighborhood. The City also finds there are a number of residential living arrangements other than the traditional biological Family arrangement. This section is intended also to accommodate those alternative living arrangements.

2. Limits on Occupancy of Dwelling Unit

A Dwelling Unit may be occupied by one of the following Family living arrangements:

- a. One or more Persons related by blood, marriage, adoption, or guardianship living as a single Housekeeping Unit, in all districts.
- b. A maximum of four Persons plus their Offspring living as a single Housekeeping Unit, in all districts.
- c. A maximum of six Persons living as a single Housekeeping Unit in Multiple-Family and mixed use districts only.
- d. A Functional Family living as a single Housekeeping Unit that has received a Special Exception Use permit pursuant to Section **Error! Reference source not found.**

3. Additional Standards for Functional Family

In addition to meeting the definition in Article VIII of this chapter and the Special Exception Use standards of Section **Error! Reference source not found.**, a permit for a Functional Family is subject to the following standards and regulations:

a. Required Parking

Two off-street Parking Spaces must be provided. Additional Parking Spaces may be required by the Planning Commission if any of the following conditions are met:

- i) The property is located more than 300 feet from a bus stop.
- ii) Street parking available for visitor parking is limited.
- iii) The Applicant intends to park more than two vehicles regularly on the Site and there is limited area available for tandem parking in a Driveway.

b. Parking Plan

In order for the Planning Commission to determine if adequate parking will be provided, the Applicant must submit a plan indicating the location of proposed off-street parking and an analysis of public parking and transit facilities provided within a 300-foot radius of the parcel.

c. Deferment of Required Parking

The Planning Commission may defer the provision of up to 40% of the required spaces if the required spaces are shown on the approved plan for the permit. If the Building Official determines that some or all of the deferred Parking Spaces are needed, these spaces must be installed. Any Person aggrieved by the Building Official's determination may appeal as provided in Section **Error! Reference source not found.**

d. Limited to Approved Functional Family Type

The permit shall apply only to the Functional Family type which obtained the permit and shall be limited to the number of Persons specified in the permit.

e. Contact Person

A contact Person shall be provided who will act as head of household in relating to the City.

4. Variance for Handicapped Person

The Zoning Board of Appeals may grant a variance from the standards of this section if it is reasonably necessary to give a handicapped Person (as defined in 42 USC Section 3602) equal opportunity to use and enjoy a dwelling.

5. Exceptions

The occupancy limits of this section do not apply to Group Housing, Fraternity or Sorority Houses, Student Cooperative Housing, Emergency Shelters, or convalescent homes.