
23-4E-7040 Dwelling Unit Occupancy Limit

- (A) **Maximum Occupancy.** Maximum six unrelated adults may reside in a dwelling unit, unless otherwise provided in this Section.
- (B) **Maximum Occupancy in a Two-Family Residential Use.** Maximum three unrelated adults may reside in a two-family residential use, except this Subsection does not apply to:
 - (1) Uses that were established or received a Building Permit before June 5, 2003 and have not been remodeled after June 5, 2003 to increase gross floor area more than 69 square feet unless to complete construction authorized before that date or to comply with the American Disabilities Act.
- (C) **Maximum Occupancy for a Site with an Accessory Dwelling Unit or Secondary Apartment Special Use.** Maximum four unrelated adults may reside in the principal structure and maximum two unrelated adults may reside in the accessory dwelling unit or secondary apartment, except this Subsection does not apply to uses that were established or received a Building Permit before November 18, 2004 and have not been remodeled after November 18, 2004 to increase gross floor area more than 69 square feet unless to complete construction authorized before that date or to comply with the American Disabilities Act.
- (D) **Maximum Occupancy Senior/Retirement Housing or Group Residential.**
 - (1) Maximum 10 unrelated adults may reside in a dwelling unit if:
 - (a) At least 51 percent of the adults are 60 years of age or older;
 - (b) The adults are self-caring and self-sufficient and participate in the daily operation of the dwelling unit; or
 - (c) The adults live together as a single, non-profit housekeeping unit.
 - (2) The Land Use Commission may approve a Conditional Use Permit to allow the occupancy of unrelated adults in excess of this Subsection.