

# Memo

To: Planning Staff  
From: Sheila Stogsdill, Assistant Director  
CC: Linda Finger  
Date: April 6, 2001  
Re: Single Family Occupancy Issues

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A number of questions have been posed to Planning Staff as a result of the adoption of Ordinance No. 7323 revising the definition of family in RS districts and Ordinance No. 7324 requiring the registration of non-conforming uses created by Ord. No. 7323. After discussion with the Assistant City Manager/Legal Services Director and the Planning Director, the following determinations have been made.

1. *Does the occupancy limit (no more than 3 unrelated persons) apply to existing non-conforming dwelling units in the RS districts? For example, if a property owner has a duplex or multi-family structure that is a legal non-conforming use due to a previous downzoning, how many unrelated people may occupy each of those units?*

The legal non-conforming units may continue to be occupied by up to 4 unrelated persons. The definition of family that was in effect at the time the property became non-conforming will govern the occupancy.

2. *Does the pre-existing non-conforming use need to be registered?*

Not specifically. Owners may provide documentation regarding this non-conforming use so that we can be able to create a database and begin to map where these properties are located. There is not a specific form for them to fill out. If they choose, they may fill out the form recently created to provide property and property ownership information and should note on the top of the form that it is an existing non-conforming use. They do not need to provide occupancy information.

3. *Are the properties located in the older PUD areas which are zoned RS with PUD restrictions affected by the adoption of Ordinance No. 7323?*

It has been determined that the occupancy limitation of 3 unrelated persons will not apply to these areas. These properties may contain a mix of single family, duplex and multi-family structures constructed based upon an overall development plan and are not simply zoned RS. These districts are equivalent to PRD districts, therefore dwelling units in these areas may continue to have a maximum occupancy of 4 unrelated persons. These districts (RS with PUD restrictions) are mapped with a shaded color on the zoning maps.

c: Lee Smith  
David Corliss