

**Attachment 2: Staff-Proposed Language for Art. 4.2(C) and (D) per Council Request on 5/14/19**

C. – Residential occupancy standards.

Residential dwelling units may be occupied by a family, a "functional family" consistent with the criteria established by this ordinance, or any one (1) of the following groups or persons, where one (1) or more of whom is not related by blood, marriage, adoption, or guardianship, including foster children:

- (1) A number of persons in accordance with the provisions of T.C.A. 13-24-102;
- (2) Two (2) persons and any of their children by blood, marriage, guardianship, including foster children, or adoption;
- (3) Up to three (3) persons in the ~~A-1 AG~~, ~~R-1 RN-1~~, ~~R-1ARN-2~~, ~~R-1E~~, or ~~R-1ENEN~~, ~~TND-1~~ zone districts and in houses, attached houses, and duplexes within SW-1, ~~RN-4~~, ~~RN-5~~, ~~RN-6~~, or ~~RN-7~~ and any ~~RP~~ zone district and any other zone district or planned development that allows residential uses;
- (4) Up to four persons in condominium multi-dwelling structures within any ~~R-1ENEN~~, ~~RN-3~~, ~~RN-4~~, ~~R-2RN-5~~, ~~R-3RN-6~~, ~~R-4RN-7~~, ~~C-RTC-1~~, or SW-1 through SW-7 ~~or RP~~ zone districts and any other zone district or planned development that allows residential uses, according to the following schedule
  - a. Up to two (2) people in one- or two-bedroom dwelling units;
  - b. Up to three (3) people in a three-bedroom dwelling unit; and
  - c. Up to four (4) people in a four- or more bedroom dwelling unit; or
- (5) Up to five (5) persons in the ~~RN-3~~, ~~RN-4~~, ~~R-2RN-5~~, ~~R-3RN-6~~, or ~~RN-7~~ ~~or R-4~~ zone districts and in multi-dwelling structures or developments (except condominium multi-dwelling structures) within any SW-1 through SW-7 ~~TC-1 or RP~~ zone district and any other zone district or planned development that allows residential uses.

Any nonconforming use created by the adoption of these standards which was a legal use at the time of adoption shall be permitted to continue through July 31, 2007. After which date, the use of such dwelling shall be in compliance herewith. Any use established prior to or subsequent to the adoption of these standards, which use did violate and continues to violate the standards of this chapter, is illegal, not nonconforming, and shall be handled in accordance with Article VII (Administration and Enforcement).

D. - Criteria for functional family determination.

A functional family may be up to five persons, one or more of whom are unrelated by blood, marriage, adoption, or guardianship, including foster children, who are living as a household (and any domestic employees thereof), in all zone districts allowing residential uses, and must meet the following criteria:

- (1) The occupants must share the entire dwelling unit. A dwelling unit in which the various occupants act as separate roomers cannot be deemed to be occupied by a functional family.
- (2) The household must have stability with respect to the purpose of this section. Evidence of stability includes the following:
  - a. Extended family or minor dependent children reside in the household, and school age children are enrolled in local schools.
  - b. Proof of the sharing of expenses for food, rent or ownership costs, utilities and other household expenses and sharing in the preparation, storage and consumption of food.
  - c. Members of the household are not legally dependent on others not part of the household.

**Attachment 2: Staff-Proposed Language for Art. 4.2(C) and (D) per Council Request on 5/14/19**

- d. Members of the household have the same address for purposes of:
    - 1. Voter registration
    - 2. Drivers licenses
    - 3. Motor vehicular registration
    - 4. The filing of taxes
  - e. Common ownership of the dwelling unit or furnishings among members of the household.
  - f. Employment of householders in the local area.
  - g. Members of the household share a strong common bond or commitment (e.g. religious group or organization)
  - h. Any other factor reasonably related to whether or not the group or persons is the functional equivalent of a family.
- (3) Adequate parking must be demonstrated. Additional parking spaces may be required if any of the following conditions are evident:
- a. The property is located more than three hundred (300) feet from access to public transportation.
  - b. Street parking available for visitor parking is limited.
  - c. The petitioner intends to park more than two (2) vehicles regularly on the site and there is limited area available for tandem parking in a driveway. In order to determine if adequate parking will be provided, the petitioner must submit a plan indicating the location of proposed off-street parking and an analysis of public parking and transit facilities provided within a three-hundred-foot radius of the parcel.
- (4) Functional family does not include any society, club, fraternity, sorority, association, lodge, organization, groups of students, or other individuals where the common living arrangement or basis for the establishment of the household is temporary, or any group of individuals who are in a group living arrangement as a result of criminal offenses.
- (5) Determination of functional family status shall be made annually by the appropriate permitting official. The burden will rest upon the individuals claiming functional family status to submit information to the office to substantiate their claim. Any person aggrieved by any administrator's determination may appeal as provided in this Code.