

NLMC 169.15 RENTAL HOUSING UNIT OCCUPANCY LIMITS

Cities' ability nationwide to control resident density has traditionally been accomplished through limitations on the number of non-family members living together, contemplated and utilized to address a traditional familial living situation. However, effective January 1, 2018, state law prohibits the use of family definitions to control rental unit occupancy. If left unaddressed by this ordinance, that change would likely lead to fundamental negative impacts to residential areas in the City caused by overpopulation of existing units and uncontrolled density of persons in new units. Potential impacts include increased noise, increased traffic and parking congestion, and stress on sanitary sewer and garbage collection systems that are designed and operated to serve defined population densities. To address these impacts, the definition of "Dwelling unit," only when applied to rental housing units, means any building or portion thereof which contains living facilities, including provisions for sleeping, eating, cooking, and sanitation, as required by this code, and additionally meets the following requirements:

1. Is occupied by no more than 3 adults in dwelling units up to 800 square feet in size, and up to 5 adults in dwelling units over 800 square feet in size; and
2. Is occupied by not more than 2 adults per bedroom; and
3. Has no more than 4 resident vehicles per unit; and
4. Provides enough parking spaces on the property to park all resident vehicles in spaces that meet code requirements including but not limited to size, location, and surfacing; and
5. Has a valid rental permit. See Chapter 146, "Housing Code," and Chapter 157, "Building Code."

Notes: "Adult" in this section is defined as any person over the age of 18.

"Resident Vehicle" means any vehicle owned or in use by any given tenant and parked at the rental unit.