



City of Madison

City of Madison
Madison, WI 53703
www.cityofmadison.com

Master

File Number: 51583

File ID: 51583

File Type: Ordinance

Status: Passed

Version: 1

Reference:

Controlling Body: Attorney's
Office/Approval
Group

Lead Referral: BUILDING CODE, FIRE
CODE, CONVEYANCE
CODE AND
LICENSING APPEALS
BOARD

File Created Date : 05/08/2018

File Name: Family definition

Final Action: 10/16/2018

Title: Amending Section 27.03(2) of the Madison General Ordinances to conform the
definition of "Family" to that defined in Section 28.211, MGO.

Notes: 6103family
MAYOR APPROVAL DATE 10/18/2018

CC Agenda Date: 10/16/2018

Agenda Number: 47.

Sponsors: Michael E. Verveer

Effective Date: 10/24/2018

Attachments:

Enactment Number: ORD-18-00102

Author: Lana Mades

Hearing Date:

Entered by: dalthaus@cityofmadison.com

Published Date: 10/23/2018

Approval History

Version	Date	Approver	Action
1	05/08/2018	Michael May	Approved as to Form
1	05/09/2018	Brent Sloat	Approve

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Attorney's Office/Approval Group	05/08/2018	Referred for Introduction				
	Action Text:		This Ordinance was Referred for Introduction				
	Notes:		Building Code, Fire Code, Conveyance Code & Licensing Appeals Board				

1 COMMON COUNCIL 05/15/2018 Refer BUILDING CODE, 09/18/2018 Pass
FIRE CODE,
CONVEYANCE
CODE AND
LICENSING
APPEALS BOARD

Action Text: A motion was made by Baldeh, seconded by Carter, to Refer to the BUILDING CODE, FIRE CODE, CONVEYANCE CODE AND LICENSING APPEALS BOARD. The motion passed by voice vote/other.

Notes:

1 BUILDING CODE, FIRE 07/17/2018 Reconsider
CODE, CONVEYANCE
CODE AND LICENSING
APPEALS BOARD

Action Text: The Board wanted documents showing exactly what was changed and why it was changed.

The motion to defer was made by Starkweather; seconded by Brown. The motion carried.

Notes:

1 BUILDING CODE, FIRE 09/18/2018 RECOMMEND TO
CODE, CONVEYANCE COUNCIL TO
CODE AND LICENSING ADOPT - REPORT
APPEALS BOARD OF OFFICER

Action Text: A motion was made by Starkweather to recommend adoption of the amendment to MGO 27.03(2). The motion was seconded by Riphon. The motion carried unanimously.

1 COMMON COUNCIL 10/16/2018 Adopt Pass

Action Text: A motion was made by Baldeh, seconded by Carter, to Adopt. The motion passed by voice vote/other.

Notes:

Text of Legislative File 51583

Fiscal Note

No City appropriation required.

Title

Amending Section 27.03(2) of the Madison General Ordinances to conform the definition of "Family" to that defined in Section 28.211, MGO.

Body

DRAFTER'S ANALYSIS: This amendment is designed to conform the definition of "Family" within the Minimum Housing and Property Maintenance Code to the definition of "Family" in the Zoning code.

The Common Council of the City of Madison do hereby ordain as follows:

The Common Council of the City of Madison do hereby ordain as follows:

1. Subsection (2) of Section 27.03, entitled "Rules and Definitions" of the Madison General Ordinances is amended to read as follows:

(2) Family. ~~A family is an individual, or two (2) or more persons related by blood, marriage or legal adoption living together as a single housekeeping unit in a dwelling unit, including foster children, domestic servants and not more than four (4) roomers, except that the term family shall not, in R1, R2, R3, R4A and R4L residence districts, include more than one roomer except where such dwelling unit is owner occupied. In any residence district, a family may consist of two unrelated adults and the minor children of each. Such family~~

~~may not include any roomers except where the dwelling unit is owner-occupied. For the purpose of this section, "children" means natural children, grandchildren, legally adopted children, stepchildren, foster children, or a ward as determined in a legal guardianship proceeding. Up to two (2) personal attendants who provide services for family members or roomers who, because of advanced age or a physical or mental disability, need assistance with activities of daily living shall be considered part of the "family". Such services may include personal care, housekeeping, meal preparation, laundry or companionship. See definition of "Family" in Sec. 28.211, MGO.~~

EDITOR'S NOTE: Section 28.211, "Family" currently reads as:

"Family.

- (a) A family is an individual, or two (2) or more persons related by blood, marriage, domestic partnership, or legal adoption, living together as a single housekeeping unit in a dwelling unit, including foster children, and up to four (4) roomers, with the following exceptions:
 - 1. Within the SR-C1, SR-C2, SR-C3, TR-C1, TR-C2, TR-C3, TR-C4, TR-R and TR-P residential districts, dwellings that are not owner-occupied are limited to one (1) roomer.
 - 2. In any residence district, a family may consist of two (2) unrelated adults and the minor children of each. Such a family may not include any roomers except where the dwelling unit is owner-occupied. For the purpose of this section, "children" means natural children, grandchildren, legally adopted children, stepchildren, foster children, or a ward as determined in a legal guardianship proceeding.
 - 3. In any district, a family also may consist of up to four (4) unrelated persons who have disabilities/are disabled or handicapped under the Fair Housing Amendment Act (FHAA) or the Americans with Disabilities Act (ADA), are living as a single household because of their disability and require assistance from a caregiver.
 - 4. In any district, up to two (2) personal attendants who provide services for family members or roomers who are disabled or handicapped under the FHAA or ADA and need assistance with the activities of daily living shall be considered part of a family. Such services may include personal care, house-keeping, meal preparation, laundry or companionship.
- (b) For the purpose of this definition, an owner-occupied dwelling unit shall mean any dwelling unit where an individual or two or more persons who reside in such unit constitute one hundred percent (100%) of the owners of either the entire fee simple interest or the entire land contract vendee's interest in said dwelling unit. Provided, however, dwelling units occupied by owner-occupants holding less than one hundred percent (100%) interest in the fee simple shall nonetheless be considered owner-occupied for the purposes of this definition where the remainder of said interest is held by an investor pursuant to a shared equity purchase arrangement and the owner-occupant has continuously resided in said dwelling unit for at least four (4) years;
- (c) Absence of any owner from the dwelling unit for health reasons or by virtue of a marital separation or divorce or any temporary absences of any owner from the dwelling unit shall not constitute a reduction in the number of owners who reside in such unit for the purpose of determining whether such unit continues to be owner-occupied."

CITY OF MADISON, WISCONSIN

AN ORDINANCE _____

PRESENTED
REFERRED

May 15, 2018
BC, FC, CC & LAB

Amending Section 27.03(2) of the Madison
General Ordinances to conform the definition of
"Family" to that defined in Section 28.211, MGO.

Drafted by: Lana J. Mades

Date: May 7, 2018

SPONSOR: Alder Verveer

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1. Within the SR-C1, SR-C2, SR-C3, TR-C1, TR-C2, TR-C3, TR-C4, TR-R and TR-P residential districts, dwellings that are not owner-occupied are limited to one (1) roomer.
 2. In any residence district, a family may consist of two (2) unrelated adults and the minor children of each. Such a family may not include any roomers except where the dwelling unit is owner-occupied. For the purpose of this section, "children" means

Approved as to form:

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3. In any district, a family also may consist of up to four (4) unrelated persons who have disabilities/are disabled or handicapped under the Fair Housing Amendment Act (FHAA) or the Americans with Disabilities Act (ADA), are living as a single household because of their disability and require assistance from a caregiver.
 4. In any district, up to two (2) personal attendants who provide services for family members or roomers who are disabled or handicapped under the FHAA or ADA and need assistance with the activities of daily living shall be considered part of a family. Such services may include personal care, house-keeping, meal preparation, laundry or companionship.
- (b) For the purpose of this definition, an owner-occupied dwelling unit shall mean any dwelling unit where an individual or two or more persons who reside in such unit constitute one hundred percent (100%) of the owners of either the entire fee simple interest or the entire land contract vendee's interest in said dwelling unit.
Provided, however, dwelling units occupied by owner-occupants holding less than one hundred percent (100%) interest in the fee simple shall nonetheless be considered owner-occupied for the purposes of this definition where the remainder of said interest is held by an investor pursuant to a shared equity purchase arrangement and the owner-occupant has continuously resided in said dwelling unit for at least four (4) years;
- (c) Absence of any owner from the dwelling unit for health reasons or by virtue of a marital separation or divorce or any temporary absences of any owner from the dwelling unit shall not constitute a reduction in the number of owners who reside in such unit for the purpose of determining whether such unit continues to be owner-occupied."