

Current Section 28.03(2) Definitions, Madison General Ordinances

Family.

1. A family is an individual, or two or more persons related by blood, marriage or legal adoption, living together as a single housekeeping unit in a dwelling unit, including foster children, and not more than four (4) roomers, except that the term "family" shall not, in R1, R2, R2S, R2T, R2Y, R2Z, 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 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. 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 American With Disabilities Act (ADA)), are living as a single housekeeping unit because of their disability, and require assistance from a caregiver. Up to two (2) personal attendants who provide services for family members or roomers who, because of a disability (are disabled or handicapped under the Fair Housing Amendment Act (FHAA) or the Americans with Disabilities Act (ADA)), 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. (Am. by Ord. 9561, 8-11-88; ORD-06-00152, 11-23-06)
2. 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 100% interest in the fee simple shall nonetheless be considered owner occupied for the purposes of this definition in the following circumstances except as provided in Sec. 28.03(2)2.c.:
 - a. 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; (Am. by Ord. 12,418, 7-23-99)
 - b. where 100% interest in the fee simple is held by the following:
 - i. a nonstock corporation which has been organized under Chapter 181 of the Wisconsin Statutes and which has qualified as an exempt organization under Section 501(c)(3) of the Internal Revenue Code, or by a partnership in which such nonstick corporation is the sole general partner, and the unit is leased to or

- managed by a housing cooperative which has been organized under Chapter 185 of the Wisconsin Statutes to manage and control cooperative residential real estate provided, however, that all residents of the dwelling unit are members of the corporation and of the cooperative; or
- ii. a housing cooperative which has been organized under Chapter 185 of the Wisconsin Statutes to manage and control cooperative residential real estate, and which has qualified as an exempt organization under Section 501(c)(3) of the Internal Revenue Code, provided that all residents of the dwelling unit are members of the cooperative; or iii. a housing cooperative which has been organized under Chapter 185 of the Wisconsin Statutes to manage and control cooperative residential real estate provided, however, that all members of the cooperative are residents of the dwelling unit.
- c. In R1, R2, R2S, R2T, R2Y and R2Z residence districts dwelling units owned and occupied as provided in Section 28.03(2)2.b.i, ii. or iii. shall be prohibited.
 - d. In R3, R4A and R4L residence districts dwelling units owned and occupied as provided in Section 28.03(2)2.b.i, ii. or iii. shall be allowed only as a conditional use.
3. 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. (Am. by Ord. 8545, 3-18-85; Ord. 12,782, 3-28-01)