

From: [Dwight Veleker](#)
To: [Plan Commission Comments](#)
Subject: Registrar file #74885
Date: Friday, February 10, 2023 12:33:52 PM

Caution: This email was sent from an external source. Avoid unknown links and attachments.

I would like to register my support for Legistar #74885 Agenda Item 10. This is the proposed rezoning that would allow up to 5 unrelated adults to rent a single unit.

Dwight

From: [Larry and Ginny White](#)
To: [Mayor](#); [All Alders](#); gloria@reyesformayor.com; president@dmna.org; vicepresident@dmna.org; [Bannon, Katherine J](#); [Plan Commission Comments](#); zoning@dmna.org
Subject: We OPPOSE Change in Family Definition
Date: Friday, February 10, 2023 12:31:21 PM

Caution: This email was sent from an external source. Avoid unknown links and attachments.

We are longtime Madison residents, homeowners and rental property owners and we **oppose** the city's proposed redefinition of "family" for single-family homes. It may be a well-intentioned effort to improve equity, but it will have unintended negative consequences.

The city administration is promoting several wide-ranging changes simultaneously and paying only cursory attention to the concerns of residents and neighborhoods. We urge you to slow the process down and seek sincere engagement with the public.

Respectfully,

Ginny and Larry White
71 Oak Creek Trail
Madison, WI 53717
608-821-0056

From: [Will Stedden](#)
To: [Plan Commission Comments](#)
Subject: In support of agenda item 10 / legistar item 74885
Date: Friday, February 10, 2023 10:22:47 AM

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I'd like to voice an opinion in favor of removing the strict family requirements on housing in Madison. In addition to the excellent points raised about housing equity and the historical misuse of such an ordinance, I wanted to point out one personal reason for myself.

For many people in my generation, spacious suburban homes for a single family aren't as appealing as in previous generations and we see the value in staying in the city. However, with Madison's current housing stock and prices, it makes a lot of sense for me and my friends to attempt to co-own a home someday. This change would make it easier for us to navigate such a situation.

Thank you for considering this change,
Will Stedden, PhD

From: [jacob.richtman](#)
To: [Plan Commission Comments](#)
Subject: In Support Legistar File #74885 Change
Date: Friday, February 10, 2023 10:14:02 AM

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I am a resident of Madison and I support the change to the definitions of "family" under Legistar File #74885 to be discussed in the Plan Commission on 2/13, agenda item 10. The current zoning law defining "family" is outdated and should be updated to accommodate modern families. Many of whom are lower class or POC. I believe we should redefine "family", according to zoning law, to allow up to 5 adults to fit this legal definition.

Thank you.
Jacob Richtman
121 N Fair Oaks Ave, Madison, WI 53714

From: [Shawn Schey](#)
To: [Plan Commission Comments](#)
Subject: RE: February13th Agenda Item #74885 - Family Definition Ordinance Proposal
Date: Friday, February 10, 2023 9:40:54 AM

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Dear Plan Commission Members:

The Dudgeon-Monroe Neighborhood Association (DMNA) has adopted the following position on the proposed ordinance change to the zoning code.

"DMNA supports the City's goals of improving housing equity and choice. To insure the proposed new legislation achieves these goals, we request that City staff first evaluate data on the potential negative impacts of this ordinance change. The current proposed zoning modifications apply a one-size-fits-all occupancy option for both tenant and homeowner households city-wide. This is concerning for neighborhoods that already face significant pressure from conversions of owner-occupied homes to rentals. We support an overlay district covering the eastern portion of DMNA for those areas with the most pressure on owner-occupied homes, which would limit occupancy to 3 unrelated adults and their dependents, similar to what Greenbush, Vilas and Regent are proposing. We also support switching to a "functional family" definition which would treat non-traditional families more fairly and keep neighborhoods more affordable for families of all types."

Thank you!

Shawn Schey

Vice-President
Dudgeon-Monroe
Neighborhood Association

From: [Jeremy Cesarec](#)
To: [Plan Commission Comments; All Alders](#)
Subject: Plan Commission on 2/13/23 - 5:30 PM: register in support Agenda Item #10
Date: Friday, February 10, 2023 8:01:10 AM

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Hello,

I am a homeowner and resident of the Tenney-Lapham neighborhood, and a graduate of UW Madison.

I support the change being proposed to the family definition ordinance.

These regulations are outdated and old-fashioned and do not account for the massive changes that have occurred in the population of Madison since they were written, including rent prices, population density, new models of family, and climate change concerns.

As a community, we cannot both say we want to end homelessness and discrimination against non-traditional lifestyles, while continuing to uphold the old-fashioned rules that enable those issues to persist.

Excelsior,
Jeremy Cesarec
408 Sidney Street

From: [Nadia Steffan](#)
To: [Plan Commission Comments](#)
Subject: In Support of Zoning Text Amendment
Date: Thursday, February 9, 2023 6:26:26 PM

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Dear Plan Commission,

I'm writing to you to register my support of Agenda Item No. 10, 74885, the Zoning Text Amendment that will change the definition of "family" and widen the housing options of countless Madisonians.

Opponents to this change have tipped their hand by focusing their arguments not on how the *use* of housing will change but on *who* will now be allowed to obtain housing, namely "rowdy, disrespectful" college students. The nature of this argument reveals discriminatory intent and should not be considered valid.

Furthermore, the concerns expressed by affluent, single-family-homeowners are unfairly directed towards (mostly) college students and young professionals, whose need to move into single-family neighborhoods comes from a major Madison housing crisis. Maintaining current restrictions on who is allowed to live where will only exacerbate this issue as the city and university grow. If the opponents to this change truly felt concerned about low-income families the way they claim to, they would be supporting transit-oriented development, advocating against out-of-state, merciless landlords, and more.

The United States has a long history of discriminatory housing practices such as redlining and loan discrimination, and Madison is no exception to this behavior. We often claim a progressive identity, but now we have the opportunity to put our money where our mouth is, so to speak, and enact a change to reflect our values. The Zoning Text Amendment will simply allow more Madisonians — whether they be college students, young professionals, or low-income families — to access housing. Any argument against that must necessarily be founded in bias and NIMBYism.

I strongly urge the Plan Commission to support Item 74885, the Zoning Text Amendment for the progress of Madison.

Forward,

Nadia Steffan
they/them
442 Woodside Terrace
nads.steffan@gmail.com

--

Nadia Steffan
they/them

From: James Nahas <jnahas57@me.com>
Sent: Friday, February 10, 2023 9:26 AM
To: Tucker, Matthew <MTucker@cityofmadison.com>
Subject: Zoning

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Good Morning:

In the 70's Madison's residential zoning categories ranged from R1 to R6. The higher the number the more density was allowed. Most Madison single family home districts were zoned R-1 or R-2. Large apartment buildings (Hill Farms) and campus area neighborhoods were zoned R6. Dudgeon Monroe, much of Vilas, Tenney-Lapham and Willy Street were R3 and R4 where we had single family homes mixed with the frame 2&3 story apartments. Going out, Johnson and Gorham, Jennifer and Spaight Streets were R-4. In the 60's and 70's the University of Wisconsin had the worst record in terms of providing university housing for students. The UW relied on private housing operators more than any other university in the country. On campus housing was provided for less than half the student population. Baby boomers in the early 60's moved into the University Avenue, Dayton Street, Camp Randall, Johnson streets. Family housing and 2&3 story buildings occupied the area where Sellery and Witte now exist. In the mid 60's students moved into Mifflin area. By 1970, UW student enrollment grew from 15,000 to 35,000 students. Students came to occupy University Heights, Vilas, Williamson, East Johnson, Gorham to the Yahara River. 2-5 students were paying and living in one apartment. Families could not compete and moved out. Schools closed: Lincoln, Central High, Doty, Washington, Longfellow, Dudgeon, and Lapham. Whole areas depopulated by elimination of grade schools and high schools. New families would not move into the area because there were no neighborhood schools or the the schools were threaten with closure. Each section of R4 was vulnerable to this dynamic growth...so R4A was created. The difference between R4 and R4A...R4A did not allow for more than 2 unrelated people in a non-owner occupied house. Today it is a worse situation because 1) we are not just talking students and the campus. 2) young professionals have higher incomes to merge and pay higher rent 3) international companies are capitalizing on the US housing shortage and are becoming an interface between housing and the public. 4) Houses and apartments that are designed for single family will now – because of combined incomes—drive up the value of a house...and families will be forced out. The implications of revising the zoning ordinance go far beyond the students and the campus. The ECONOMICS of this zoning change is mammoth. The situation, now, is much worse then the 1960's: 1) a greater housing shortage. 2) we are not just talking about students, we are talking about all adults who will merge their salaries to pay high rents for residences, thus out-ricing families 3) International companies are capitalizing on the housing shortage. They will buy up properties and then rent them out. This well-intentioned but unrealistic amendment is going to make the situation worse: All families, regardless of income will be competing for housing with five unrelated people who can afford two to three times the rent than a couple of combined families with children. Purchasing single family home in Madison will become even more costly. There is another negative consequence of this proposal: Families looking for an affordable single family home will go the suburbs, thus encouraging more sprawl and environmental degradation. The proponents of the new ordinance are well intentioned seeking a way of making housing affordable for low and moderate income people. Unfortunately they have

not thought out the economics. History tells us that this proposal will drive up the cost of housing for the very people this proposal is designed to help. The nation real estate companies are already on to this. Perhaps recently you have seen TV ads from real estate companies, not locally based offering to buy homes for cash, no contingencies. They want your house, it will not go to some local family looking to rent or own. A local family cannot afford to match their offering price for your home. They will then rent the house to five unrelated adults, not to the families the ordinance is intended to help. Madison is at the cusp of repeating this zoning disaster. Do the right thing and vote against the "Revising Family Zoning Ordinance".

Thank You,

Jimmie
1908 Adams St
jnahas57@me.com
608-628-0955

From: [Doug Carlson](#)
To: [Plan Commission Comments](#)
Cc: [Evers, Tag](#)
Subject: Doug Carlson Public Comment on 74885
Date: Thursday, February 9, 2023 2:01:57 PM

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Dear Plan Commission:

My wife and I bought our home at 1018 Oakland Ave. in 2000 and have raised our two kids here. It's a modest, 3-bedroom home on a 3,600 sq. ft. lot and is very typical for this area. We bought it from a family that owned it for 35 years and raised four kids here. It's about half-way between Grant and Regent Streets and two blocks in from Mickey's Dairy Bar. Roughly one-half of the homes in this area are rentals and half are owner occupied. On my short block from Adams to the alley, three houses are rentals and three are owner-occupied. It's a diverse mix of families and students. It's a great location that allows me to walk to work on Regent St., my wife to bike to UW Hospital, and my son to walk to West High School and to work at Trader Joe's.

City staff claims that the proposed occupancy change will cause few owner-occupied houses to be converted to rentals because the economics don't make sense. However, I have seen no quantitative examples and don't believe this to be the case, so I ran the numbers on my house.

Home stats: Assessed at \$484,200 with a fair market value of about \$505,000.

Easy upgrade: The dining room becomes a bedroom by adding a wall, door, and outlets. <\$5,000.

The rental house across the street of the same size but with five bedrooms squeezed in rents for \$4,245/month (1544 Adams; Tallard) but does not have amenities and no garage. My house with four bedrooms, garage, storage shed, deck, etc. would conservatively rent for \$4,000/month plus utilities.

Using a rule-of-thumb of value at 12x annual gross rent = \$4,000 x 12 months x 12 = \$576,000. That is about a 15% premium over the current value as owner-occupied including costs to add a bedroom. Another calculation from Craig Stanley, a property investment consultant, calculated the following:

“Yes this works. I did some quick finance. Assuming 20% down and 6.5% interest rate with a 25-year amortization...you can make more than 6% return on your equity...basically a no brainer.”

Enough to get me to move tomorrow? No. Enough that a landlord would likely out-bid an owner when we sell? Probably. It is obvious that no young couple, like my wife and I were 23 years ago, could outbid a landlord for this house. As only the fourth owners of this 100-year old house, the thought that we would be the last owners to occupy it is heartbreaking.

Finally, to re-iterate my earlier comment: This is not a unique example. This is a very typical house for the area surrounding campus, and if the numbers scream “rental!” for my house, they also do for dozens of homes in my neighborhood and likely hundreds in close proximity to campus.

I encourage the Plan Commission to either:

<!--[if !supportLists]-->(1) <!--[endif]-->Re-refer your decision to June and emphasize the fact that more analysis is required, including quantitative evaluation of the impact on owner-occupied housing near campus. OR:

<!--[if !supportLists]-->(2) <!--[endif]-->Adopt an overlay surrounding campus to limit occupancy to two or three unrelated occupants aside from the dozens of homes already grandfathered.

Thank you for your consideration,

-Doug Carlson, 1018 Oakland Ave.

From: [VNA President](#)
To: [Plan Commission Comments](#)
Cc: [Evers, Tag](#)
Subject: Vilas Neighborhood Assn Statement on 74885
Date: Thursday, February 9, 2023 1:59:48 PM

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Dear Plan Commission (copy Alder Evers):

On behalf of the Vilas Neighborhood Association (VNA), I file the following comments in regards to the Plan Commission February 13, 2023 agenda item #10, File # 74885.

The VNA Council discussed the proposed changes to the occupancy limits as proposed in the aforementioned proposal in a January 4, 2023 meeting and we adopted the following statement:

The Vilas Neighborhood Association supports the City's goals of improving housing equity, affordability, and choice. We do not believe that the current proposal changing the definition of "a family" and occupancy requirements accomplishes these goals for the areas surrounding the UW and Edgewood campus. We encourage the city to conduct further analysis and present additional alternatives.

At the time of the VNA meeting, we believed that we had until June for the City to do further analysis and propose alternatives. The revised, accelerated schedule has allowed for minimal additional analysis and no alternate proposals have been developed. Our statement has not changed. We encourage further analysis and alternatives.

Thank you for your consideration,

-Doug Carlson, VNA President

From: [Allison Davidson](#)
To: [Plan Commission Comments](#)
Subject: comments on agenda items for plan commission meeting 2/13
Date: Thursday, February 9, 2023 12:19:16 PM

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I would like to voice my own personal reasons for why I support the effort to change this definition.

For many college students and recent graduates the cost of housing is much too high to live alone. There are a variety of reasons students and recent grads live together, but regardless, the steep rent prices in Madison, particularly for studios and 1 bedrooms, make it unrealistic to expect students and recent graduates to follow this zoning restriction.

The current definition as it stands is completely antiquated. In addition to completely disregarding the current economic climate that warrants multiple renters in one unit, it also uses a very outdated definition of family. What about LGBTQ+ folks or those living with their found family? In 2023 it has to be recognized that family goes far beyond blood and marriage.

Additionally, I have to mention the disproportionate impact this definition has on LGBTQ+ people, low income people, and people of color. These populations are more likely to make up renters that are living together unrelated. This definition further leaves these populations vulnerable to baseless complaints made against them because of their identities.

From: [Allison Davidson](#)
To: [Plan Commission Comments](#)
Subject: comments on plan commission agenda items
Date: Thursday, February 9, 2023 12:18:26 PM

Caution: This email was sent from an external source. Avoid unknown links and attachments.

I currently work at Madison Street Medicine (healthcare and housing for individuals experiencing homelessness). I just wanted to voice my support for the agenda item that involves redefining the definition of “family” as it pertains to zoning code (agenda item #10).

Many of the individuals experiencing homelessness we serve rely on staying with friends (or with each other) both long and short term while they try to obtain other housing. An ordinance that restricts how many unrelated people living in a single-family house negatively impacts the clients we serve. Individuals experiencing homelessness in Madison are doing their best to make a living on an extremely low income and being able to “double up” (or triple up or more) with each other in a single family home is a necessity to stay off the streets while searching for more permanent housing. For some of our clients, this is the most (if not the only) affordable housing option that they have. It is critical that ordinances like this one be redefined to match the needs of the homeless community, especially in light of the current economic landscape and housing market. Homelessness is a protected class in the city of Madison, and as such, individuals experiencing homelessness should not face eviction and other forms of retribution for simply living in the same household together.

This definition of family is clearly outdated and is being used to target populations that are supposed to be protected classes in this city. Myself, and my organization, strongly support this definition being changed.

From: [Mike Miller](#)
To: [Plan Commission Comments](#); [All Alders](#); [Mayor](#)
Subject: Re: Proposed change of family definition in zoning ordinance. Feb 28, 2023 vote
Date: Tuesday, February 7, 2023 12:02:47 PM

Caution: This email was sent from an external source. Avoid unknown links and attachments.

And if you vote this new proposal in, against the wishes of a large number of home owners, please also put some partner ordinance in place that protects us against overcrowded neighboring houses full of students (or others) who disrupt the peace and tranquility of our neighborhoods. Because as I noted, in our situation, numerous police calls didn't solve the problem, only the present zoning ordinance did.

On Fri, Feb 3, 2023, 11:41 AM Mike Miller <mrmiller2375@gmail.com> wrote:

Hello, my name is Michael Miller and my wife Rita and I have resided at 2375 West Lawn Ave, Madison since about 1990.

We and several of our neighbors are ADAMANTLY OPPOSED to the new proposed zoning change in the family definition for the following reason.

In 2006, a house 2 doors east of our side yard on Monroe St was purchased by a Mount Horeb resident/builder named Karls, acc to city assessors page, as a college house for his daughter and 4 unrelated students. That's when the nightmare began of nightly, including weeknight, parties til 2 or 3 AM which included the residents and their guests shouting and urinating on our bushes below our and our kids' bedrooms as well as leaving 1/2 full and empty beer cans and garbage in our yard. Neither our kids or us or our neighbors and their kids got any sleep. Several police calls and visits occurred, as well as dad coming over from Mount Horeb in the middle of the night frequently. Neither made a difference. This went on for at least a couple months. Finally, Thank God, our neighbor in between discovered the present ordinance and that Karls was in violation of said ordinance. Karls was informed by the council that he was in violation after they (you) received a petition from at least 7 surrounding neighbors complaining about the noise, trespassing and zoning violation. Karls moved out all but his daughter and one student to comply. He ultimately sold the house to a family at 2352 Monroe St, apparently because it was no longer a good financial investment. We have had quiet nights since.

Please vote down this proposed change for Dudgeon Monroe and other areas surrounding campus or create an overlay zone near campus to grandfather in the present ordinance. Without the protection of the present ordinance we could still be dealing with an intolerable situation.

Respectfully submitted.

From: [Claude Kazanski](#)
To: [Mayor](#); [Plan Commission Comments](#); [All Alders](#); [Bannon, Katherine J](#)
Subject: No on Proposed Definition of Family
Date: Tuesday, February 7, 2023 11:44:59 AM

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Dear Mayor Rhodes-Conway and Alders:

The current definition of “family” in the zoning changes you are now considering will not improve the availability of affordable housing for low income families. Economic realities suggest that the beneficiaries will be students seeking off campus housing, realtors, and student housing landlords.

It is difficult to believe this will not occur, particularly in areas that students find appealing. As currently written the definition will encourage new concentrations of student housing in what are now considered family oriented neighborhoods, without increasing the availability of housing for low income families. It should not be adopted.

Why not encourage multi-family buildings where one unit is owner occupied? Or, limit the number of unrelated occupants to three?

Please restructure the proposed definition to better encourage greater density and affordability for low income families.

Thank you for the opportunity to present my concerns.

Claude Kazanski
2233 West Lawn Ave
Madison

From: [Linda Szewczyk](#)
To: [Plan Commission Comments](#); [All Alders](#); [Mayor](#); [Bannon, Katherine J](#); [Tucker, Matthew](#)
Subject: Zoning Proposal to Change Family Definition
Date: Tuesday, February 7, 2023 4:47:12 PM

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Uh-Uh! I really cannot say enough my disagreement with this proposal. This will not provide affordable housing for those in need. With the areas directly involved it will just appeal to college student landlords and essentially those rental prices will be astronomical.

But more sadly this will destroy neighborhoods that still have high appeal. Madison is a beautiful city and is known for being a unique city. Please live up to what we have made it so far! Its already hard and discouraging to see how development has changed our cityscape and uniqueness!

Please listen to our voice.

Linda Szewczyk

From: [Mike Miller](#)
To: [Plan Commission Comments](#); [All Alders](#); [Mayor](#)
Subject: Re: Proposed change of family definition in zoning ordinance. Feb 28, 2023 vote
Date: Tuesday, February 7, 2023 12:02:47 PM

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Please vote down this proposed change for Dudgeon Monroe and other areas surrounding campus or create an overlay zone near campus to grandfather in the present ordinance. Without the protection of the present ordinance we could still be dealing with an intolerable situation.

Respectfully submitted.

From: [Claude Kazanski](#)
To: [Mayor](#); [Plan Commission Comments](#); [All Alders](#); [Bannon, Katherine J](#)
Subject: No on Proposed Definition of Family
Date: Tuesday, February 7, 2023 11:44:59 AM

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Dear Mayor Rhodes-Conway and Alders:

The current definition of “family” in the zoning changes you are now considering will not improve the availability of affordable housing for low income families. Economic realities suggest that the beneficiaries will be students seeking off campus housing, realtors, and student housing landlords.

It is difficult to believe this will not occur, particularly in areas that students find appealing. As currently written the definition will encourage new concentrations of student housing in what are now considered family oriented neighborhoods, without increasing the availability of housing for low income families. It should not be adopted.

Why not encourage multi-family buildings where one unit is owner occupied? Or, limit the number of unrelated occupants to three?

Please restructure the proposed definition to better encourage greater density and affordability for low income families.

Thank you for the opportunity to present my concerns.

Claude Kazanski
2233 West Lawn Ave
Madison

Heiser-Ertel, Lauren

Subject: FW: Family Definition Proposal

From: Evers, Tag <district13@cityofmadison.com>

Sent: Tuesday, February 7, 2023 9:56 AM

To: Bannon, Katherine J <KBannon@cityofmadison.com>; Tucker, Matthew <MTucker@cityofmadison.com>; Stouder, Heather <HStouder@cityofmadison.com>

Subject: Fwd: Family Definition Proposal

Sent from my iPhone

Begin forwarded message:

From: "Leopold, Madelyn" <madelyn.leopold@gmail.com>

Date: February 7, 2023 at 7:43:56 AM CST

To: All Alders <allalders@cityofmadison.com>

Subject: Family Definition Proposal

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Dear Decision Makers:

I think the question is how best to assure that the zoning changes will benefit low-income families.

A landlord renting to five students can charge more than one renting to a family of two working adults with young children. Wherever this practice becomes common, families will be priced out of the market--and this practice is likely to become common in areas that are attractive to students.

Can the rule be designed to promote neighborhood diversity in such areas while still increasing density?

Thank you for your consideration.

Madelyn Leopold
2233 West Lawn Ave.
Madison 53711



From: [Leopold, Madelyn](#)
To: [Evers, Tag](#); mayor@cityofmadison.com; [Bannon, Katherine J](#)
Cc: [Plan Commission Comments](#)
Subject: Family Definition Proposal
Date: Monday, February 6, 2023 11:24:01 PM

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Dear Decision Makers:

I think the question is how best to assure that the zoning changes will benefit low-income families.

A landlord renting to five students can charge more than one renting to a family of two working adults with young children. Wherever this practice becomes common, families will be priced out of the market--and this practice is likely to become common in areas that are attractive to students.

Can the rule be designed to promote neighborhood diversity in such areas while still increasing density?

Thank you for your consideration.

Madelyn Leopold
2233 West Lawn Ave.
Madison 53711

From: [Laura](#)
To: [Mayor](#); gloria@reyesformayor.com; [Bannon, Katherine J](#); [Plan Commission Comments](#); [Vidaver, Regina](#); district19@cityofmadison.com; president@dmna.org; zoning@dmna.org
Subject: Day no to the proposed change of the "Family Definition Zoning Proposal"
Date: Monday, February 6, 2023 4:30:30 PM

Caution: This email was sent from an external source. Avoid unknown links and attachments.

We would like to voice our disapproval to revising the "Family Definition Zoning Proposal"

Our neighborhoods are already too loud.

Laura Schwendinger
Menzie Chinn

2325 Keyes Ave, Madison

From: [Greta Casey](#)
Subject: Proposed "Family" Zoning Change - NO!
Date: Monday, February 6, 2023 2:55:53 PM

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Good Afternoon!

I want to express my strong opposition to the proposed Zoning change that would allow a greater number of non-related people to be renting together. While no-doubt well intentioned, this is a recipe for disaster. There is a reason that people have been attracted to Madison - because we have always done things our own way, not the way of bigger cities, not the way of absentee landlords. Madison values families, parks, homes.

I have been a homeowner in Eken Park for 20+ years - the homes that are rented to families are a joy and an asset to our community; the few that are currently (in non-compliance) inhabited by 4 or 5 friends are loud, trash-filled, with old furniture on the street until neighbors get exasperated and fill out the required on-line form to get the trash taken away, it brings down the whole neighborhood.

There is no quick fix for a lack of affordable housing.

Madison Politicians talk about homeownership equity as being a core value, but this proposition, if allowed, will not make it any easier for families of color to buy a property - it will just empower more and more family homes to be bought up by landlords and rented out. Don't do it!

BUILD HOMES - NOT HOUSING!!!!

Margaret Casey
Eken Park, Madison

From: [Gary Stebnitz](#)
To: [Plan Commission Comments](#)
Subject: Zoning change
Date: Monday, February 6, 2023 12:18:08 PM

Caution: This email was sent from an external source. Avoid unknown links and attachments.

I support this proposed change. Those near west and campus area's opposition is an example of student bias and the epitome of nimbyism.

Sent from my iPhone

From: [Neil McCallum](#)
To: [Mayor](#); gloria@reyesformayor.com; president@dmna.org; zoning@dmna.org; [Bannon, Katherine J](#); [Plan Commission Comments](#); [Evers, Tag](#); [Furman, Keith](#)
Cc: [Shirley McCallum](#)
Subject: Please preserve the City of Madison for "Families"
Date: Sunday, February 5, 2023 4:20:45 PM

Caution: This email was sent from an external source. Avoid unknown links and attachments.

We request that you oppose the proposed legislation that would allow 5 non related groups to occupy a house or an apartment! This action will destroy the fabric of our community. We understand that there is an affordable housing crisis in the city....but stuffing people in the available housing is not a solution to the problem! There are requirements on the books regarding who can live in a housing unit now but one of the reasons given for the change is to reduce the workload of the Zoning administrator. The zoning administrator will have a lot more work when the property values plummet due to increased people in a living unit owned by an absentee landlord! Zoning and Building codes are there for a reason.....PUBLIC SAFETY! Please respect what ordinances are on the book and don't mess with them.

Neil D. McCallum
Shilrey L. McCallum
2225 Keyes Ave
Madison, Wisconsin
608 257 1601

From: [Eric Hamilton](#)
To: [Plan Commission Comments](#)
Subject: Support amending family definition
Date: Sunday, February 5, 2023 1:50:44 PM

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Dear Plan Commission,

My name is Eric Hamilton and I live in District 6.

I encourage you to support amending the discriminatory ordinance that defines family differently for different people in Madison. We should not criminalize mundane living arrangements.

I have friends and loved ones who have in the past lived, or are currently living, illegally. Yet they are upstanding members of their communities and neighborhoods, and their landlords abetted this illegal behavior without communicating the potential risk to tenants. The risk, of course, is that landlords could feign "discovering" the illegal situation at any moment and evict their tenants for behavior the landlord themselves supported and benefitted from as retribution for voicing concerns or enforcing their rights as tenants.

The upshot is that, in a city where landlords already hold immense power due to low vacancy rates, it is vulnerable renters who are most harmed by the specter of state power breaking up perfectly normal living arrangements at arbitrary times. To my knowledge, this rarely if ever happens. But it should not be allowed to happen at all.

In addition, much has changed since 1966 when this ordinance was introduced. We now recognize the harms that stem from government attempting to control and define the living and family relationships of citizens. Just as it is no business of government who has sex with whom or who marries whom, it is no business of government to define what counts as a family or what living arrangements are acceptable among adults. We should all instinctively reject the notion that the City of Madison has the right to tell us who we can live with.

Unfortunately, even as proposed, the changes still have the City insisting they can define what a family is. That remains the wrong use of government power.

But you have a chance to remove the discrimination that singles out renters for a different definition of family. You should take that opportunity.

Lastly, I want to point out that, as usual, people are more motivated by negative emotion than positive emotion when engaging with local government. You will hear from people opposed to this commonsense change to a little-enforced part of city government, who think it will harm them. But how often do we hear from people who think a new change is positive? Less often, it seems.

But consider what is likely the majority opinion in a majority-renter city: That it's nonsensical to criminalize common living arrangements or to treat renters differently than we treat homeowners. Most renters, including those harmed by this statute, probably have no idea this law exists. Many may not know how to engage with local government and have their voice heard. But their needs should be taken into account even if we don't hear from them directly.

Please amend this outdated, discriminatory and invasive policy.

Thank you,

Eric

From: [Gregg Waterman](#)
To: [Plan Commission Comments](#); [All Alders](#); [Mayor](#); [Bannon, Katherine J](#); [Tucker, Matthew](#); [mononabayneighborhoodassoc@gmail.com](#); [madisonzoningproposal@gmail.com](#); [vnapresident@gmail.com](#); [shivabidarsielaff@gmail.com](#); [president@dmna.org](#); [jesse.j.czech@gmail.com](#); [jenn.morgan23@gmail.com](#); [tylerlark@gmail.com](#); [joelusson@gmail.com](#); [president@marquette-neighborhood.org](#); [MNABoard@marquette-neighborhood.org](#); [srj29@cornell.edu](#); [baycreek.contact@gmail.com](#)
Cc: [Mary Berrymanagard](#)
Subject: Zoning Proposal 74885 redefining family to increase occupancy limits
Date: Saturday, February 4, 2023 12:46:38 PM

Caution: This email was sent from an external source. Avoid unknown links and attachments.

I oppose Proposal 74885 for several reasons. First, it's too broadly drafted; it lacks provisions to accommodate the various characteristics of the 1/3 of the city's residential area it affects. Second, it lacks sufficient study; its perceived impacts are little more than hunches. Third, it's too rushed with voting by the Plan Commission and Council scheduled in February, both in the absence of adequate study and research of 74855's probable impacts. Fourth, there's little rationale and no empirical data to support the assertion the change will provide more equitable housing access. Consequently I think 74885 neglects the rights of affected property owners, particularly in near campus portions of neighborhoods between Midvale Avenue and John Nolen Drive, as well as pockets of affected east isthmus properties near the Yahara River.

The proposal may be a better fit in parts of the city farther from the isthmus and Lake Wingra. In its current draft and procedural status, however, 74885 deprives property owner rights without due process.

There may be hundreds of acres across many neighborhoods in which limits on unrelated occupancy increased from two persons to five, as 74885 proposes, could provide more equitable access to housing without diminishing the residential character, appeal, and liveability of the affected neighborhoods. Nonetheless 74885 fails to distinguish between vast residential swaths and the differing neighborhood characteristics contained in the affected 1/3 of the city.

I've owned four homes on Brittingham Place for the past 20 years, including the single family house where my wife and I reside. Our neighborhood is mixed in color, race, ethnicity and household income levels. Our neighbors include children, single adults, adult students, single professionals, married and unmarried couples, retirees, and blended and growing families, most of who've lived in the neighborhood for many years or decades. That stability fosters the appealing character of block after block of well-maintained mostly two story houses and well-tended yards surrounding them.

I also own a 3,000 square foot, six-bedroom house on Gilman Street near University Avenue, which was owner-occupied until 1989 when it was bought by upper income out-of-state parents for their child's undergraduate term. They sold it several years later to another short term owner, from whom I bought it. Since 1999 I've rented it to students – primarily undergraduates.

The locations on Brittingham and Gilman are less than a mile apart with west 'Miffland' and the Bassett District in between. The two neighborhoods my properties are in are strikingly different in character and composition. Proudfit Street marks a clear distinction between the two. The Monona Bay neighborhood consists substantially of single family homes occupied by long term residents of various ages and family structures.

The same character also is evident in other neighborhoods between Midvale Avenue and John Nolen Drive, as well as pockets of affected east isthmus properties near the Yahara River. The process to date in forwarding 74885 puts all those liveable neighborhoods at risk.

Currently Proposal 74885 is too broad for the purpose of providing more housing access to

unmarried couples, blended families, people of color and nontraditional and economically disadvantaged residents. Indeed it likely will have the opposite effect as higher occupancy limits will infill the affected near-downtown residential neighborhoods with a homogeneous demographic of students primarily from affluent traditional families. Without overlays or some provisions to maintain current occupancy limits, soon those neighborhoods will lose their identity and character as a transient demographic displaces long term residents. Proposal 74885 unduly jeopardizes and arguably denies the property rights of similarly situated long term residents, and particularly in areas near the UW and Edgewood campuses.

I notice 63 Op Atty Gen. 34 (1974) has been offered as legal support for Proposal 74885. That offer is misplaced because it overlooks that ordinances *can* be written in such a way to define family in terms of the number of unrelated persons who may live in the same single family dwelling. The opinion acknowledges many such ordinances that limit nonrelated occupancy with “restrictive definitions” of “family” – although susceptible to constitutional attack - “would be upheld”. Id. at 40.

The opinion responded to four questions asked by the Wisconsin Department of Social Services in the context of group foster home placement. Id. at 36. The questions arose because the department’s authority to carry out a group foster home program was being thwarted by ordinances restricting foster homes to areas zoned for hotel, commercial, or boarding house use – areas which are generally inappropriate for foster homes. Id at 35.

The opinion does not address an ordinance defining the word family in the context of Proposal 74885. In answering the Fourth Question, however, the opinion does consider the equal protection issue: Often such ordinances define “family” and/or “single family dwelling” in terms of the number of unrelated persons that may live in the same dwelling. Id. at 42.

For such ordinances the question becomes: (1) whether there is a reasonable nexus between limiting nonrelated occupancy of single family dwellings and the zoning purposes set out in [Wisconsin] Stats; and (2) whether a restrictive definition of “family” is an appropriate means to carry out the zoning objective if it is reasonable. Id.

If the city is concerned the current ordinance is susceptible to equal protection attack I suggest staff review and, if necessary, revise the ordinance to express such a reasonable nexus and zoning purpose. Without such diligence enacting 74885 exposes the action to an argument that 74885 deprives property owners without due process of law.

Sent from [Mail](#) for Windows

From: [Thanasorn C](#)
To: [Plan Commission Comments](#)
Cc: [All Alders](#)
Subject: I oppose plan 74885 increasing single family home occupancy limits by 250%
Date: Saturday, February 4, 2023 11:17:21 AM

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Since 2010 I've worked and invested years of sweat equity in my neighborhood near Monona Bay. I live there and am concerned because increasing occupancy limits so much will make it less affordable and less liveable.

From: [Mike Miller](#)
To: [Plan Commission Comments](#); [All Alders](#); [Mayor](#)
Subject: Proposed change of family definition in zoning ordinance. Feb 28, 2023 vote
Date: Friday, February 3, 2023 11:41:31 AM

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Hello, my name is Michael Miller and my wife Rita and I have resided at 2375 West Lawn Ave, Madison since about 1990.

We and several of our neighbors are ADAMANTLY OPPOSED to the new proposed zoning change in the family definition for the following reason.

In 2006, a house 2 doors east of our side yard on Monroe St was purchased by a Mount Horeb resident/builder named Karls, acc to city assessors page, as a college house for his daughter and 4 unrelated students. That's when the nightmare began of nightly, including weeknight, parties til 2 or 3 AM which included the residents and their guests shouting and urinating on our bushes below our and our kids' bedrooms as well as leaving 1/2 full and empty beer cans and garbage in our yard. Neither our kids or us or our neighbors and their kids got any sleep. Several police calls and visits occurred, as well as dad coming over from Mount Horeb in the middle of the night frequently. Neither made a difference. This went on for at least a couple months. Finally, Thank God, our neighbor in between discovered the present ordinance and that Karls was in violation of said ordinance. Karls was informed by the council that he was in violation after they (you) received a petition from at least 7 surrounding neighbors complaining about the noise, trespassing and zoning violation. Karls moved out all but his daughter and one student to comply. He ultimately sold the house to a family at 2352 Monroe St, apparently because it was no longer a good financial investment. We have had quiet nights since.

Please vote down this proposed change for Dudgeon Monroe and other areas surrounding campus or create an overlay zone near campus to grandfather in the present ordinance. Without the protection of the present ordinance we could still be dealing with an intolerable situation.

Respectfully submitted.

From: [Gregg May](#)
To: [Plan Commission Comments](#)
Subject: Support for Change in Family Definition
Date: Wednesday, February 1, 2023 1:31:29 PM

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Hello Plan Commission Members,

I am writing today in support of the proposed change to revise the family definition, which is an antiquated and discriminatory law that reinforces "traditional" families at the expense of unmarried couples, young professionals, blended families, retirees, students, low-income residents, and people of color.

For many years after graduating, I was able to afford to live here because I rented with three other non-related roommates. As someone who worked for a non-profit, my income was limited and this housing arrangement was the only way I could afford to live in my neighborhood. Although we were four young men renting a house, we contributed to the neighborhood. We volunteered to clean our nearby park and made friends with our adjacent neighbors, home-owners with young children. We loved our time in that neighborhood and it would not have been possible with enforcement of the current family definition.

I have now learned this current practice actually banned us from living in that home, which was in a TR-C3 zoned district in the Greenbush Neighborhood (410 S. Orchard Street). This was not weaponized against us. I suspect our privilege as four white men helped considerably.

Please change this language so that Madison can become a more inclusive community and that this rule can stop being enforced in discriminatory, racially-driven manner.

Thanks,
Gregg May
123 N. Blount Street #606

From: [John Flanery](#)
To: [Plan Commission Comments](#); [Vidaver, Regina](#); [Bannon, Katherine J](#); [Evers, Tag](#)
Subject: 74885 - Family Definition Proposal
Date: Tuesday, January 31, 2023 1:58:59 PM

Caution: This email was sent from an external source. Avoid unknown links and attachments.

I am opposed to this proposal. I am a long-time resident of the University Heights neighborhood just west of Camp Randall. My family moved here because we fell in love with the neighborhood, the families, the beautiful and well-maintained homes, the walking distance to local shops, etc. We have invested hundreds of thousands of dollars into our one-of-a-kind home, as have many of our neighbors who value this wonderful area. My daughter has many friends in the surrounding blocks, and my wife and I have built lasting friendships with so many of our neighboring families.

Your proposal will destroy this historical neighborhood invalidating everything that's been done for many years to build, conserve and protect it. A neighborhood is more than a collection of houses. This neighborhood is a collection of people who interact with each other - we have street parties, Halloween parades, Christmas decoration contests. We feel safe as we work in our yards, walk our dogs, say hello and catch-up with our friends as we see them walking by. We live here because it's a rare place in Madison full of wonderful homes and wonderful families within the city.

Your proposal will replace this thriving neighborhood of long-term young and old families, adults and children, with slum-lord housing and transient students. Homes will be sold to investment groups and families will be forced out to the sub-burbs. Look at any inner city housing area to preview what will happen.

I strongly oppose the careless destruction of single family neighborhoods.

From: [Tibi Light](#)
To: [Bannon, Katherine J](#); [Plan Commission Comments](#); [Evers, Tag](#); [Vidaver, Regina](#)
Subject: RE: Revising the Family Definition Proposal
Date: Tuesday, January 31, 2023 10:15:11 AM

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Hello Ms Bannon, the City of Madison Planning Commission, Mr Evers, and Ms Vidaver, I would like to register my belief that the proposal as it currently stands would not accomplish the goals of providing affordable housing for those who need it other than students. And would diminish the quality of mixed rental/owner owned communities. I would urge you to consider the 'overlay zone proposal to create a buffer zone to prevent high concentrations of students renters from displacing current residents in these neighborhoods. Please familiarize yourselves with the information put out by:

Neighbors from S Mills in the Greenbush Neighborhood

Contact us at: madisonzoningproposal@gmail.com

They have both research data and an alternative proposal. The development of our city is happening at an ever fast pace and populations are rising. The quality of our wonderful city is at stake. Wise and creative means are needed to address this growth, while meeting the needs of all parties concerned.

Thank you much,
Tibi Light
53yr resident, and 5th generation Madisonian.
2906 Arbor Drive

From: [Lucy Gibson](#)
To: [Plan Commission Comments](#); [All Alders](#); [Mayor](#); [Bannon, Katherine J](#); [Tucker, Matthew](#)
Subject: I agree that single family homes should be able to house more unrelated people
Date: Monday, January 30, 2023 8:22:46 PM

Caution: This email was sent from an external source. Avoid unknown links and attachments.

I just want to tell you that I agree with the proposal to allow up to 5 unrelated people to live in a single family home. I believe we are in a terrible housing crisis, and this is only one measure that will help somewhat to alleviate it.

We also need more government built and maintained housing, given that the private sector is currently going hog wild with raising rents such that people who newly have gained relief from poverty due to higher wages now have to turn over their gains to realtors and developers and landlords, thus falling back into poverty and possible homelessness. The thousands of homeless people, children, and families in Dane County are terrifying to me and anyone else who wants to live in a stable community, and also to not be afraid of losing their own housing at some point.

Sincerely,

Lucy Gibson
1610 Angel Crest Way
Madison WI 53716
608-221-3258

From: [Ann Reyes](#)
To: [Plan Commission Comments](#); [All Alders](#); [Mayor](#); [Bannon, Katherine J](#); [Tucker, Matthew](#)
Subject: zoning definition
Date: Saturday, January 28, 2023 8:48:59 AM

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Hello,

I am writing to express my support for the proposed changes to the definition of "family." As an educator in our community for the past 14 years, I am acutely aware of the changes in the average family in our society, as well as the discriminatory impact of the current definition of "family" as it relates to zoning. Madison has continually been shown to be a very different city for BIPOC and it is time we take action to fix this. If you support the message of Madison's Racial Equity & Social Justice Initiative (<https://www.cityofmadison.com/civil-rights/programs/racial-equity-social-justice-initiative>) then you must support this proposed change to the definition of "family!"

Racial Equity & Social Justice Initiative - Madison, Wisconsin

Establish racial equity and social justice as a core principle in all decisions, policies and functions of the City of Madison. Madison is known for its commitment to livability and sustainability, yet not all people, families and neighborhoods share in this experience.

www.cityofmadison.com

From: [tom Beck](#)
To: [Plan Commission Comments](#)
Subject: zoning change proposal
Date: Friday, January 27, 2023 10:40:26 AM

Caution: This email was sent from an external source. Avoid unknown links and attachments.

no, leave the definition of single families as is, not not change.

Thanks,
Tom
Protect our 1st. & 2nd. Amendment rights
Sent from my iPad

From: [Masaru Oka](#)
To: [Plan Commission Comments](#); [All Alders](#); [Mayor](#); [Bannon, Katherine J](#); [Tucker, Matthew](#)
Subject: proposed change to "single family" zoning
Date: Friday, January 27, 2023 12:50:18 AM

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Hi, I'm writing to strongly support the proposal to get rid of the 2 unrelated people in a house rule. This caused me and a friend a ton of grief back in 2013 when as young professionals we wanted to live in Dudgeon-Monroe. We wanted to be closer to downtown than Verona or the far west side (Walmart) because it's just so much livelier. But his girlfriend of several years would be joining us once she graduated, and that meant we technically were excluded from most of the housing we wanted. I can understand the people wanting a buffer zone maybe within a few blocks of Camp Randall. Those probably would get turned into student rentals. But just a little farther and you're looking at a lot of 20-something workers who want to live in a great neighborhood and are getting friends together to split the high rent.

From: [Lisa Miller](#)
To: [All Alders](#); [Plan Commission Comments](#); [Mayor](#); [Bannon, Katherine J](#); [Tucker, Matthew](#)
Subject: Zoning proposal to change family definition
Date: Thursday, January 26, 2023 2:20:03 PM

Caution: This email was sent from an external source. Avoid unknown links and attachments.

To all,
I oppose changing the zoning law to allow more than 2 unrelated persons to live in a house.
Lisa Miller
2513 Commonwealth Ave
Dudgeon/Monroe neighborhood

Sent from Lisa's iPad

From: netseek@tds.net
To: [All Alders](#)
Cc: [Plan Commission Comments](#); [Mayor](#); [Bannon, Katherine J](#); [Tucker, Matthew](#)
Subject: Proposed zoning changes
Date: Thursday, January 26, 2023 12:54:52 PM

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Please vote against the zoning change to allow 5 unrelated people in a single family zoned residence. I would support allowing 3 unrelated people in an area zoned for single family, but beyond that will push out single families in exchange for students who when combined can pay higher rent/costs than a single family.

Julie Blankenburg

From: [Alex Saloutos](#)
To: [Tucker, Matthew](#)
Cc: [council](#); [Mayor](#); [Bannon, Katherine J](#); [Plan Commission Comments](#); [Ledell Zellers](#); [All Alders](#); [Haas, Michael R](#); [Jason Hagenow](#); tony.fernandez5@gmail.com; sundevils98@yahoo.com; bacantrell@charter.net; klanespencer@gmail.com; mcsheppard@madisoncollege.edu; nicole.solheim@gmail.com
Subject: Discrimination in zoning code, equitable access to housing, and Wisconsin AG's opinion on definition of family
Date: Thursday, January 26, 2023 12:14:09 AM
Attachments: [63 Op. Att'y Gen. 34.pdf](#)

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Hi, Matt!

I support updating the zoning code so occupancy anywhere in the City of Madison is based on the number of adult members in a household and not a definition of family that is based on blood or marriage, which is inequitable and discriminatory. There are better, more nuanced ways to define a household and how many people can live in a home. It may take some time to wordsmith the definition of household to accomplish the intended goals but using a definition of family based on blood or marriage needs to go.

In support of this change, I call your attention to the opinion of the Attorney General of Wisconsin on this specific issue, “Zoning ordinances utilizing definitions of ‘family’ to restrict the number of unrelated persons who may live in a single-family dwelling are of questionable constitutionality.” 63 Op. Att’y Gen. 34 (Ops. Wis. Atty. Gen. 1974). A copy is attached for your reference. That was 1974. This is 2023.

It’s time for us to remove discriminatory language in our zoning code and make the zoning code fair and equitable for all.

Cheers,

--

A handwritten signature in black ink, appearing to be the letter 'A' with a horizontal stroke extending to the right.

Alex Saloutos

BHHS True Realty

Cell: (608) 345-9009

Email: asaloutos@tds.net

63 Op. Att'y Gen. 34

63 Op. Att'y Gen. 34 (Ops.Wis.Atty.Gen. 1974)

Decided Feb 19, 1974

February 19, 1974

Zoning; Foster Homes; Foster homes owned, operated or contracted for by the Department of Health and Social Services or a county agency are immune from local zoning ordinances. Foster homes owned, operated or contracted for by licensed child welfare agencies are not immune. All family operated foster homes are subject to local zoning. Municipal foster home licensing ordinances are unenforceable. Zoning ordinances utilizing definitions of "family" to restrict the number of unrelated persons who may live in a single family dwelling are of questionable constitutionality.

ROBERT W. WARREN, Attorney General

WILBUR J. SCHMIDT, *Secretary Department of Health and Social Services*

You have requested my opinion on four questions regarding a continuing conflict between municipal zoning and the authority of the Department of Health and Social Services to carry out a group foster home program.

The Children's Code, ch. 48, Stats., vests the Department of Health and Social Services (hereinafter, the Department) with extensive authority to regulate and facilitate foster care. The

³⁵ *35 Department may itself maintain foster homes pursuant to sec. 48.52, Stats., or license others to do so. Section 48.62, Stats., requires that all foster homes be licensed. A license may be obtained from the Department, a county agency, or a licensed (private) child welfare agency. But all licenses are issued pursuant to rules prescribed by

the Department under sec. 48.67, Stats. Moreover, the Department may inspect for and take action against standard violations irrespective of the source of a license. Sec. 48.74, Stats.

Although the term "group foster home" does not appear in ch. 48, Stats., the Department defines such a home as a foster home for which an exception has been made pursuant to sec. 48.64 (3), Stats., with respect to the number of unrelated children that may be placed in it. Making exceptions is governed by rules promulgated pursuant to sec. 48.67, Stats. [7 Wis. Adm. Code section PW-CY 40.62 (2) (g)]

As I understand it, the group foster home program involves the Department simply making systematic exceptions for up to eight unrelated children in a single facility. Presumably, the program is designed to better utilize (i.e., place more children in) highly successful family operated and agency operated homes.

Group facilities, like foster homes generally, are of two basic types. First, there is the family group foster home in which a married couple or single person make their own home available for the care of five to eight children. The second type of facility is the agency operated group foster home which is owned, operated or contracted for by the agency. The agency either employs married couples or single individuals to staff the home.

The purpose of foster home placement is, of course, to provide shelter and care for children in an environment that approximates a family setting. In keeping with that purpose, it is evidently essential that foster homes be located in normal

residential neighborhoods. The group foster home program is being thwarted, however, by local zoning ordinances which, if applicable, restrict them to areas zoned for boarding house, hotel, or commercial use. Such areas are generally inappropriate for foster homes.

In this context, you ask the following four questions: *36

"1. Given the strong State Statutory Policy mandating appropriate care and rehabilitation for children to what extent may local zoning ordinances restrict the establishment of these group foster homes in particular residential use districts of counties, cities, towns, and villages?"

"2. May a municipality require a group foster home to obtain a license or use permit issued by the municipality in addition to a State license issued pursuant to Chapter 48?"

"3. Do family group foster homes and agency-operated group foster homes both come within the same category for purposes of determining the residential nature of the home and its compliance with the residential nature and characteristics of particular residential use districts?"

"4. Can the Definition of Family in zoning ordinances of counties, cities, towns, and villages, be written in such a way as to exclude group foster homes of eight or less foster children?"

Questions One and Three

It is a well-established principle that the state and its agencies are not subject to general statutes or municipal ordinances unless a statute specifically provides otherwise. *Milwaukee v. McGregor* (1909), 140 Wis. 35, 121 N.W. 642; *State v. Milwaukee* (1918), 145 Wis. 131, 129 N.W. 1101; *Fulton v. State Annuity Inv. Board* (1931), 204 Wis. 355, 236 N.W. 120; *State ex rel. Martin v.*

Reis (1939), 230 Wis. 683, 284 N.W. 580; *Kenosha v. State* (1966), 35 Wis.2d 317, 151 N.W.2d 36. In my opinion, the zoning enabling statutes (e.g., secs. 59.97, 60.74, and 62.23 (7), Stats.) fall within the "general statute" category of the above rule. Moreover, the zoning regulations made possible by the enabling statutes are, of course, general municipal ordinances.

In *Milwaukee v. McGregor, supra*, the Supreme Court held that a building being constructed by the State Board of Normal School Regents for public use was immune from the city of Milwaukee's building code. In so holding, the court enunciated the classic sovereignty theory:

" . . . the people of the state, in their sovereign capacity, except as restrained by some constitutional limitation, . . . is [sic] as *37 exempt from mere general or local laws as the king was of old in the exercise of his sovereign prerogatives . . ." 140 Wis. at 37.

The court also alluded to what is sometimes called the "statutory theory" of state immunity from local police powers:

". . . express authority to a state agency to do a particular thing in a particular way supersedes any local or general regulation conflicting therewith . . ." 140 Wis. at 37.

One commentator asserts that in the majority of jurisdictions, where a state agency can find authority in a statute to do a certain act, and the act results in a conflict with local zoning, the courts hold the zoning ordinances inapplicable. Wolff, *The Inapplicability of Municipal Zoning Ordinances To Governmental Land Uses*, 19 Syr. L. Rev. 698 (1968).

In *Green County v. Monroe* (1958), 3 Wis.2d 196, 87 N.W.2d 827, the sole issue was whether the county was subject to city zoning ordinances in locating and constructing a county jail. The trial court relied on *McGregor, supra*, in holding the

county exempt from the city's zoning ordinances. In affirming the lower court, the Supreme Court applied the following general rules:

"Zoning restrictions cannot apply to the state or any of its agencies vested with the right of eminent domain in the use of land for public purposes.' 8 McQuillin, *Mun. Corp.* (3d ed.), p. 43, sec. 25.15.

** * *

"Most of the courts to which the question has been submitted, appear to have decreed that unless a different intention is *clearly* manifested, states, municipalities, the federal government, and other public subdivisions, are not to be bound by the requirements of a zoning ordinance, especially where the proposed use is not within a "nuisance" classification and where the buildings are used for "governmental" and not merely for "proprietary" uses." [Metzenbaum, 2 *Law of Zoning* (2d ed.)]. 3 *Wis.2d* 198-199.

38 Accordingly, the court held: *38

". . . The general words of the statutes conferring zoning powers on cities cannot be construed to include the state, or in this instance the county, when in conflict with special statutes governing the location and construction of a county jail." 3 *Wis.2d* at 202.

Green County, supra, is cited in the 1965 revision of 8 McQuillin, *Mun. Corp.* (3rd), for the following proposition:

"Municipal zoning regulations or restrictions usually do not apply to the state or any of its subdivisions or agencies, unless the legislature has clearly manifested a contrary intent. Thus, properties and the uses thereof may be immune or exempt from the operation of municipal zoning regulations where owned or controlled by counties . . ." See. 25.15 at 45.

In applying the general rule of state immunity from local police power to the group foster home program, I conclude that it does not extend to all group foster homes. Only facilities owned, operated or contracted for by the Department or a county agency are immune from local zoning by virtue of state immunity. Homes owned, operated or contracted for by private child welfare agencies licensed by the Department are not immune. Furthermore, all privately owned family operated homes are subject to local zoning.

A home owned, operated or contracted for by the Department or a county is, in essence, a state institution. Privately owned facilities, although subject to the licensing requirement and extensive state regulation, cannot by virtue of being licensed be considered state institutions. A license is merely a right or a permission granted by some competent authority to carry on a business or to do an act which, without such license, would be illegal. 53 C.J.S. *Licenses*, sec. 1, p. 445. Issuance of a license to private individuals allowing them to care for foster children in their home cannot be construed as a franchise or agency agreement vesting the licensee with sovereign prerogatives. See *State ex rel. Fairchild v. Wisconsin Auto Trades Asso.* (1949), 254 *Wis.* 398, 37 *N.W.2d* 98.

It must be noted, however, that the legislature recently narrowed the scope of state immunity somewhat by amending sec. 1 3.48 (1 3), Stats., making new construction of state facilities subject to local zoning. Ch. 90, sec. 2, Laws of 1973.

39 Consequently, local zoning *39 would apply to the construction of any new foster home facilities by the Department or a county agency.

Question Two

The general rule with respect to conflicts between municipal and state licensing is stated in 51 Am. Jur. 2d *Licenses And Permits*, sec. 100, at 97.

"Municipal corporations may not enact ordinances that infringe on the spirit of a state law or that are repugnant to the general policy of the state. And it has often been stated that a municipality may not forbid what the state legislature has expressly licensed, authorized, or permitted. In determining whether the provisions of a municipal ordinance conflict with the statute covering the same subject, the test is whether the ordinance prohibits an act that the statute permits, or permits an act that the statute prohibits"

Further, 51 Am. Jur. 2d *Licenses And Permits*, sec. 20, p. 27, states:

". . . where the state has not evidenced an intent to occupy a particular licensing field completely, inferior political units may, to some extent, enact and enforce their own legislation in the field"

In *Johnston v. Sheboygan* (1966), 30 Wis.2d 179, 140 N.W.2d 247, the issue presented was whether a local food retailing licensing ordinance was inapplicable to bakeries because bakeries were licensed by the state. The court upheld the ordinance, but noted:

". . . municipalities may enact ordinances in the same field and on the same subject covered by state legislation where such ordinances do not conflict with, but rather complement, the state legislation." [Citing *Milwaukee v. Childs Co.* (1928), 195 Wis. 48, 217 N.W. 703.] 30 Wis.2d at 184.

Section 48.62, Stats., precludes municipalities from licensing foster homes. The state has completely preempted the field of foster home licensing. See *Hartford Union High School v. Hartford* (1971), 51 Wis.2d 591, 187 N.W.2d 849. Accordingly, I conclude that municipal foster home licensing ordinances are unenforceable. Moreover, other municipal licensing ordinances with the effect of *40 prohibiting group foster homes would conflict with ch. 48, and therefore would be invalid to the extent they prohibited such homes under *Johnston, supra*.

Question Four

If an ordinance speaks only in terms of restricting single family dwellings to "families," there is authority for the proposition that the term "family" alone does not necessarily imply blood relationship. *Missionaries of La Salette v. Whitefish Bay* (1954), 276 Wis. 609, 66 N.W.2d 627. But many zoning ordinances include what I refer to as "restrictive definitions" of "family" that limit nonrelated occupancy of single family dwellings. As will be developed below, such ordinances are susceptible to constitutional attack, but it is possible that some would be upheld even though they have the effect of excluding group foster homes from certain use districts. Consequently, the unavoidable answer to this question is "yes."

The United States Supreme Court upheld local zoning as a valid exercise of a state's police power in *Euclid v. Ambler Realty Co.*, 272 U.S. 365, 47 S.Ct. 114, 71 L.Ed. 303 (1926), rejecting the argument that zoning restrictions constitute a deprivation of property without due process of law. The court stated, however, that zoning ordinances may not be ". . . clearly arbitrary and unreasonable, having no substantial relation to the public health, safety, morals or general welfare." 272 U.S. at 395. In addition to the requirement that zoning ordinances satisfy due process as enunciated by *Euclid, supra*, they may not discriminate in violation of the equal protection

clause of the Fourteenth Amendment. While some inequities may be tolerated, *Williamson v. Lee Optical Co.*, 48 U.S. 438, 75 S.Ct. 461, 90 L.Ed. 563 (1955), a law which might otherwise be upheld as a valid exercise of police power will be struck down where it classifies on the basis of impermissible criteria. *Reitman v. Mulkey*, 387 U.S. 369, 87 S.Ct. 1627, 18 L.Ed.2d 830 (1967).

Restrictive definitions of "family" for zoning purposes have been successfully attacked as being unreasonable in terms of the *Euclid* test in a number of jurisdictions. See *City of Des Plaines v. Trotter*, 34 Ill. 2d 432, 216 N.E.2d 116 (1966); *Gabe Collins Realty, Inc. v. City of Margate City*, 112 N.J. Super. 341, 271 A.2d 430 (1970); *Kirsch Holding Company v. Borough of Manasquan*, 59 N.J. 241, 281 A.2d 513 (1971). Moreover,
 41 definitions establishing the *41 number of unrelated persons that may live in the same dwelling have been successfully attacked as denials of equal protection (in that the number of related persons living in a single dwelling is not regulated) and, as undue infringements on such fundamental rights as freedom of association and the right to privacy. *Boraas v. Village of Belle Terre*, 476 F.2d 806 (1973). It is important to note, however, that identical arguments have failed in different factual circumstances. *Newark v.*
 42 *Johnson*, 70 N.J. Super. 381, 175 A.2d 500 (1961). [Following *Newark*, New Jersey enacted a statute exempting foster homes from local zoning.] *Palo Alto Tenants Union v. Morgan*, 321 F. Supp. 908 (N.D. Cal. 1970).

Our legislature has delegated extensive zoning authority to cities (sec. 62.23 (7), Stats.), counties (sec. 59.97, Stats.), and to towns under certain circumstances (sec. 60.74, Stats.). The delegation of authority to cities, albeit the most extensive, is substantially similar to the authority granted counties and towns. Subsection (7) of sec. 62.23 provides in part:

"(7) ZONING. (a) *Grant of power.* For the purpose of promoting health, safety, morals or the general welfare of the community, the council may by ordinance regulate and restrict . . . the density of population, and the location and use of buildings, structures and land for trade, industry, residence or other purposes . . .

"(b) *Districts.* For any and all of said purposes the council may divide the city into districts of such number, shape, and area as may be deemed best suited to carry out the purposes of this section; and within such districts it may regulate and restrict the erection, construction, reconstruction, alteration or use of buildings, structures or land . . .

"(c) *Purposes in view.* Such regulations shall be made in accordance with a comprehensive plan and designed to lessen congestion in the streets; . . . to promote health and the general welfare; . . . to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements. . . ."

*42

Pursuant to these provisions, many municipalities have created districts restricted to single family dwellings. Often such ordinances define "family" and/or "single family dwelling" in terms of the number of unrelated persons that may live in the same dwelling.

For such ordinances the question becomes: (1) whether there is a reasonable nexus between limiting nonrelated occupancy of single family dwellings and the zoning purposes set out in subsec. (7) of sec. 62.23, Stats.; and, (2) whether a restrictive definition of "family" is an appropriate means to carry out the zoning objective if it is reasonable.

Although the above questions can only be definitely answered by litigating specific ordinances, generally speaking, the breadth of impact of restrictive definitions of "family" suggests serious constitutional vulnerability. As stated in *Boraas, supra*:

"Even if the Belle Terre ordinance could conceivably have a legitimate zoning objective, the classification established may well be vulnerable as too sweeping, excessive and over-inclusive. See *Kirsch Holding Co. v. Borough of Manasquan*, 59 N.J. 241, 281 A.2d 513 (1971); cf. *Developments in the Law-Equal Protection*, 82 Harv. L. Rev. 1065, 1082-1087 (1969). For instance, if it were aimed at maintaining population density at the level of traditional family units, it would not limit the number of unrelated occupants to two (2) persons per one-family dwelling, which admittedly is smaller than the size of the average family. Assuming such a purpose, a more permissive ordinance would suffice. Furthermore, such an objective could be achieved more rationally and without discrimination against unrelated groups by regulation of the number of bedrooms in a dwelling structure, by restriction of the ratio of persons to bedrooms, or simply by limitation of occupancy to a single housekeeping unit." 476 F.2d 817.

Boraas was heavily relied upon by the United States District Court for the Eastern District of Wisconsin in its recent decision of *Timberlake v. Village of Shorewood*, 369 F. Supp. 456, (No. 72-C664 decided January 8, 1974) which held the following restrictive definition of "family" in Shorewood's zoning ordinance to be in violation of the Equal Protection Clause of the Fourteenth

43 Amendment: *43

"FAMILY shall mean an individual, or 2 or more persons related by blood, marriage or legal adoption, or a group of not more than 3 persons who need not be related by blood, marriage or legal adoption, living together in a dwelling unit; *included within the definition of a family shall be children placed with a family in a dwelling unit under the provisions of Ch. 48 Wis. Stats., whereby a foster home license is issued, provided that the number of children shall not exceed 4, unless all are in the relationship to each other of brother or sister.*" (Emphasis supplied.)

As in *Boraas*, the court ruled that the definition was not supported by any rational basis consistent with traditional zoning concepts and that there are less onerous means to achieve legitimate zoning objectives.

The effect of such ordinances on privately-owned family operated foster homes presents a prime example of an overly broad means to accomplish a questionable end. But since the language and impact of such definitions vary from municipality to municipality, their propriety may only be determined by the courts on a case by case basis. Accordingly, I cannot opine that such definitions may never legitimately preclude foster homes from certain use districts.

In summary, it is my opinion that foster homes owned, operated, or contracted for by the Department or a county agency are immune from local zoning ordinances by virtue of state immunity. Privately-owned foster homes and foster homes owned operated or contracted for by licensed child welfare agencies do not enjoy state immunity. Municipal foster home licensing ordinances are unenforceable. Zoning ordinances utilizing definitions of "family" to restrict the number of unrelated persons who may live in a single family dwelling are of questionable constitutionality.

44 RWW:WHW *44



From: [Ellie Feldman](#)
To: [Tucker, Matthew](#)
Cc: [Plan Commission Comments](#); [All Alders](#); [Mayor](#); [Bannon, Katherine J](#); [Bidar-Sielaff, Shiva](#)
Subject: Re: A Madison Real Estate Brokers Perspective on Redefining the Family Definition
Date: Thursday, January 26, 2023 9:48:29 AM

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Matt,

Thanks for your questions, we have a 2 week old baby at home so life is a bit crazy right now in terms of me doing specific address research but I hope this helps below.

I would be very curious who you interviewed- are they lifelong Madison residents who grew up and live in the neighborhoods surrounding campus, is a significant portion of their business done in the neighborhoods surrounding campus? Do they own investment properties in those areas? There are 2,300 agents in Madison and unfortunately the barrier to entry in real estate is extremely low. Anyone who knows the areas surrounding campus and does a lot of business would not answer those that way.

\$750K is nothing for families who would be the demographic to purchase an investment property here, who pay to send their kids to an out of state school, not to mention \$750K to coastal buyers is like \$250K to Buyers from the Midwest or South, they think our real estate values are cheap, same with tax rate. As mentioned, every listing I've had in these neighborhoods I've had out of state parents calling interested in zoning restrictions and purchasing for their child going to school at UW or Edgewood.

Maintenance costs higher here and normal wear and tear too expensive? That is honestly laughable and simply not true, maybe higher than the South? Also investors simply do not do the things that owner-occupied folks do to take care of these homes, again look at any previously single family home in Vilas or University Heights or Greenbush to see how the condition compares to single-family homes in those neighborhoods.

Our 1 bedroom under 600 square feet above our office at 2208 Regent St is rented for \$1,825/mo to a UW football player. Our tiny studio apartments about 2201-2207 that are under 300 square feet are rented for \$819/mo. Our 4 unit rents are similar, most all of our tenants are students- grad or undergrad. If I can buy a home for \$750K with 20% down at let's say 6.5% interest rate with 5 bedrooms, my mortgage would be \$3,397. I would rent each bedroom for a minimum of \$1,500/mo (conservative) or \$7,500/mo, and cash flow over \$4K/mo. When my kid finished college I would sell the property, for the great appreciation that we see in Madison, let's assume conservatively a 5% appreciation a year for 4 years, no brainer. Much smarter financial decision for me as a parent if I can afford it to do this versus put my kid up in these apartments that are \$2,000+/mo.

As for examples- One simply can look at the Lathrop area in University Heights and the North East Side of Vilas to see the difference between the areas that are rentals and single family owner occupied homes. There is a very distinct line that would immediately become blurred and extend into the primarily owner-occupied areas if this zoning proposal should pass. In college one of my friends lived at Madison and Oakland, which is primarily college rentals flanked by single-family homes, there are beer cans everywhere, homes are not taken care of, cars lining the streets, parties until 3a, kids passed out on the lawns. It would be very simple

for the city to reach out to neighbors in University Heights and Vilas to get their opinions on this- it really couldn't be more obvious, game day is an extreme example of this but it happens on smaller scales every Thurs-Sun specifically, and simply cannot be ignored.

One simply cannot ignore the fact that this zoning proposal would have a disproportionate negative impact on these neighborhoods, and they should 100% be exempt.

Ellie

On Tue, Jan 24, 2023 at 3:01 PM Tucker, Matthew <MTucker@cityofmadison.com> wrote:

We have checked with some other real estate professionals. Here is what we heard:

- Purchase of existing owner-occupied home in near-campus neighborhoods is highly unlikely.
 - Expensive cost. \$750k+ too steep for investment property returning on only a maximum 5 resident occupants, often in a 3-4 bedroom single family house.
 - Same about high tax rate, can't simply push it, on tenants as part of rent,
 - Maintenance costs in the upper midwest are high, also discourages this type of investment,
 - Normal wear-and-tear on an expensive houses in these areas discourages change to rental.
- Thousands of new units have been created in/around campus, catering to students. Likely renters of near-camps conversions (if there are any) will not be students.
- Thousands of new units have been built in the greater downtown and near downtown areas, catering to younger professionals retirees, with underground parking and on-site amenities. 5 unrelated rental in a 3-4 bedroom house with no amenities and limited parking seems unrealistic.

I would like to learn about specific recent examples you know of in the area where owner-occupied houses became rentals. We can then look into the economics and situation at these sites. Anywhere in Madison would be fine – not just the near campus neighborhoods.

Thanks for anything you might be able to provide to give this question more shape. Matt Tucker

From: Ellie Feldman <ellie@the608team.com>

Sent: Tuesday, January 24, 2023 1:02 PM

To: Tucker, Matthew <MTucker@cityofmadison.com>

Subject: Re: A Madison Real Estate Brokers Perspective on Redefining the Family Definition

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Thanks for the clarification, understood. My points still remain this would disproportionately affect the neighborhoods surrounding campus negatively, and not solve the issues it is aiming to solve, rather exacerbate them and create (and exacerbate) unintended consequences for the Madison real estate market which is a large part of our local economy.

On Tue, Jan 24, 2023 at 12:58 PM Tucker, Matthew <MTucker@cityofmadison.com> wrote:

Hi Ellie- Thanks for your comments. Just to clarify, the proposal is to treat the occupancy for dwellings equally regardless of owner occupancy or renter occupancy would apply city wide, not just for the neighborhoods surrounding the UW campus. About 1/3 of the land in the city favors owner-occupancy over renter occupancy, with the limitation to a maximum of "2 unrelated" in a renter occupied dwelling. Owner-occupied units are allowed up to five unrelated (or a family of related individuals plus four unrelated roomers) basically anywhere in the City. Matt Tucker

From: Ellie Feldman <ellie@the608team.com>

Sent: Tuesday, January 24, 2023 12:46 PM

To: Plan Commission Comments <pccomments@cityofmadison.com>; All Alders <allalders@cityofmadison.com>; Mayor <Mayor@cityofmadison.com>; Bannon, Katherine J <KBannon@cityofmadison.com>; Tucker, Matthew <MTucker@cityofmadison.com>

Cc: Bidar-Sielaff, Shiva <shivabidar@tds.net>

Subject: A Madison Real Estate Brokers Perspective on Redefining the Family Definition

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To Whom it May Concern,

My name is Ellie Feldman Colosimo and I'm writing to you to share my perspective on the zoning issues at hand for the neighborhoods surrounding campus. I grew up in Madison, in the Vilas neighborhood, on Van Buren Street where my parents still live today. Since graduating college from UW-Madison in

2013 I have been practicing real estate in the Madison area, with most of my business exclusively focused on the neighborhoods surrounding campus.

My husband and I live and are invested in the neighborhoods surrounding campus, owning and operating The 608 Team, A RE/MAX Lifestyle; the first and only RE/MAX luxury office in the state of Wisconsin. Personally, we own three buildings in University Heights; two commercial mixed-use buildings on Regent Street, a 4-unit residential building on Kendall Ave, and our primary residence in Dudgeon-Monroe.

In reviewing the zoning proposal for the neighborhoods surrounding campus, I am quite frankly shocked; not only do I believe the proposal lacks any ability to solve the problems which are a lack of sufficient and affordable housing, but it instead, exacerbates the fundamental issue we see in Madison today: an increasingly unaffordable housing market.

This zoning proposal attempts to address the scarcity of affordable housing for low-income residents in the campus area which are attributable to high density: there are more renters than there are rentals, more demand than supply, which is the engine for high and getting higher rents leaving renters fewer and fewer opportunities be part of our neighborhoods.

Rather than alleviating this problem, this proposal would allow this density issue to spread into what are now primarily single-origin family households in long-established Madison neighborhoods which has the unintended consequence of family households being priced out of their own neighborhoods by more lucrative investment opportunities for campus housing.

Over the last few years, we have seen countless locals priced out of their own neighborhoods; these are families with school-aged children who wanted the ability to walk to Randall, to walk to West High School, to be close to the hospital because they were surgeons on call at all hours of the night; the very fabric of society that makes Madison what it is, one of the top places to live.

The amount of cash offers we saw in the real estate market in the last few years would blow you away; the coastal money that is coming here, the great Midwest migration for a better life, is increasingly making housing unaffordable in Madison.

What happens when we now change the ordinance to allow five unrelated people to live in the neighborhood? The DEMAND for homes to purchase goes up, and this time it's not the (smaller) percentage of the population who is moving to Madison to work and grow their families here, it is an additional percentage of the population that has the money to spend to make a solid real estate investment.

Almost all listings I've had in the neighborhoods surrounding campus, I have had multiple phone calls from cash Buyers from other states, reaching out to see what the zoning restrictions are on the homes for sale to inquire about buying for their children going to college at Edgewood or UW. Why would a parent who has the money to buy an investment property near campus pay to have their kid in a 200

square foot apartment for \$2,000/mo when they can buy a house with cash or a loan that allows them to rent EACH bedroom in a 5 bedroom single-family home for \$2,000/mo? It is a no brainer, something I would do in a heartbeat in a market that appreciates the rate at which Madison appreciates.

A healthy balanced real estate market has 6 months worth of inventory, which means all homes that are on the market now would be sold in 6 months. Currently in Madison we have less than 1 month of inventory, .9 to be exact, which means in just .9 months all inventory on the market will have sold. If we don't have room for people to live in the quintessential neighborhoods in the heart of Madison, and those neighborhoods become dominated with real estate investors, we are eating away at the very fabric of what makes Madison, Madison.

In summary, while this proposal could temporarily allow for more bedrooms for renters to rent, it will NOT solve the issue of rental unaffordability, rather exacerbate it, all while exacerbating the issue of increasing un-affordability of home ownership; a lose-lose outcome.

As far as being a "free way" to increase the city's housing supply, there is nothing free about displacing permanent long-time residents in the near campus neighborhoods. There is no question that owner-occupied homes are better taken care of, see less turnover than, and help build community, over renter occupied homes. Is displacing permanent residents for wealthy real estate investors truly a "free" way of increasing housing supply? Decidedly, not.

What is the economic impact of exchanging home owners with real estate investors? Sure property taxes would increase as prices are driven up due to increasing un-affordability of ownership, but what about other sources of income and revenue? As we displace long term residents who live, work, and shop in our community 12 months out of the year we also disperse and displace the economic impacts of those community members in exchange for renters who may or may not live in these properties for even a full 12 months at a time before there is turnover.

If a long-term resident in Madison can no longer afford to live in the heart of our community where do they go? They disperse as well, which is what we have seen in the housing market, people having to move further and further from the city center to be able to afford a home to purchase. As they disperse, so do their jobs and their economic impact on the community. No longer are they shopping at the Hive on Monroe Street and getting their groceries at Trader Joes. No longer are they working at UW hospital or UW-Madison and commuting by bike to work. They are trading in the city for the suburbs because that is what they can afford, and at the same time, trading Trader Joes for Costco.

While I do not claim to know what the perfect solution is for housing affordability in Madison, I do know that the current zoning changes that are already in effect in the Regent Street corridor; the ability to now build higher; and the sheer number of proposed hundred plus unit developments on the city planning website, should be given time to work, before we enact a plan that deteriorates some of our most

loved neighborhoods. We should learn from history and look at the Greenbush Neighborhood Plan, to see what effect this zoning proposal would have on the neighborhoods surrounding campus. Rather than having to provide future TIF money to re-establish these neighborhoods as single family neighborhoods, let's continue to let them flourish as they are now.

In summary; while we do have a serious issue of housing affordability in both the rental market and the real estate market in Madison, this zoning proposal will exacerbate this problem rather than solve it.

Sincerely,

Ellie Feldman Colosimo

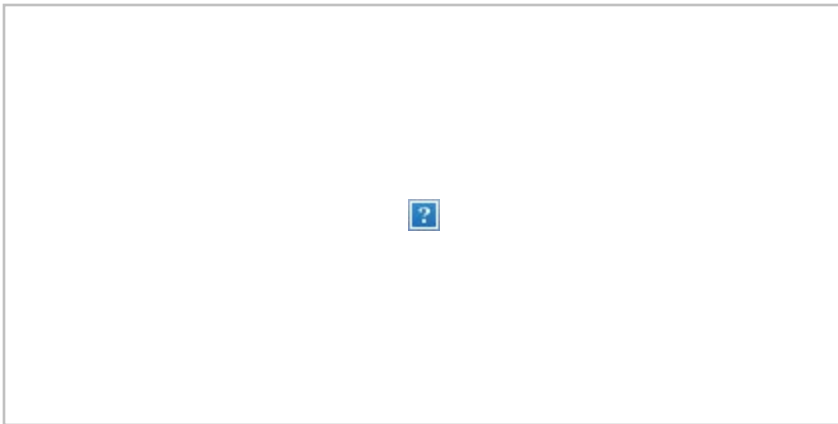
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From: [Teri Magennis](#)
To: [Bannon, Katherine J](#); [Evers, Tag](#); [Plan Commission Comments](#)
Subject: Maintain Current Occupancy limits or Omit Students in Revised Family Definition
Date: Wednesday, January 18, 2023 10:37:00 PM

Caution: This email was sent from an external source. Avoid unknown links and attachments.

I am writing to express my concerns regarding the “Revising the Family Definition” proposal to change the zoning code.

If this proposal is enacted, it will displace permanent residents in the near-campus neighborhoods (renters and homeowners alike) in favor of students. There is no evidence to support the idea that this will increase the density of the neighborhoods. Consequently, properties which were once cared for by long-term tenants or families will be subject to poor maintenance and lack of cosmetic or structural investments due to yearly turnover. Increasing occupancy limits in rentals near campus caters to students, who are demographically less likely to identify as people of color or low-income (81% White; 99% Middle Class or Upper Class). Student rentals drive up rent, making it unaffordable for low income residents and people of color to live in near-campus neighborhoods. Despite many new apartment buildings north of Regent St. and on State Street, students continue to occupy near-campus neighborhoods to the full extent possible. If students were migrating north, as has been argued, there would be a gradual transition from student housing to non-student housing. In reality, there is a clear dividing line between students and non-students, marked by the zoning border. There is a huge demographic of students who seek to live in houses in the near-campus neighborhoods, and oppose living in the new amenity-rich high-rise apartments due to their premium costs and occupancy limitations.

I am proposing the city establish an overlay zone in the neighborhoods immediately surrounding the UW-Madison campus that are uniquely impacted by this proposal, which could either maintain the current occupancy limits, or omit students from the revised family definition. A "buffer zone" around campus would protect near-campus neighborhoods from being converted into homogenous neighborhoods primarily consisting of student rentals.

Theresa Magennis
1832 Keyes Ave.
Madison, WI 53711

From: [Jill Barnes](#)
To: [Jill Barnes](#)
Subject: Issues with near campus neighborhoods
Date: Monday, January 16, 2023 9:22:31 PM

Caution: This email was sent from an external source. Avoid unknown links and attachments.

To Whom It May Concern:

I am writing to express my extreme concerns regarding the "Revising the Family Definition" proposal to change the zoning code. I love my Regent neighborhood, my neighbors, and living close to campus. We have an extremely delicate balance of students who seek to live in residential neighborhoods amongst single families and retirees. If this proposal is enacted, it will displace more permanent residents (like me) in the near-campus neighborhoods (renters and homeowners alike) in favor of students. There has been no credible data shown to support the idea that this will increase the density of the neighborhoods. Consequently, properties and historic homes which were once cared for by long-term tenants or families will be subject to poor maintenance and lack of cosmetic or structural investments due to yearly turnover. Increasing occupancy limits in rentals near campus caters specifically to students, who are demographically less likely to identify as people of color or low-income (81% White; 99% Middle Class or Upper Class). Student rentals drive up rent, making it unaffordable for low income residents and people of color to live in near-campus neighborhoods. Despite many new apartment buildings north of Regent St. and on State Street, students continue to occupy near-campus neighborhoods to the full extent possible. If students were migrating north, as has been argued, there would be a gradual transition from student housing to non-student housing. In my neighborhood we have seen long-term tenants sell their homes to student-oriented property management companies and quickly fall into disrepair. In reality, there is a clear dividing line between students and non-students, marked by the zoning border. There is a huge demographic of students who seek to live in houses in the near-campus neighborhoods, and oppose living in the new amenity-rich high-rise apartments due to their premium costs and occupancy limitations.

I am proposing to look to other cities who have dealt with this and establish an overlay zone in the neighborhoods immediately surrounding the UW-Madison campus that are uniquely impacted by this proposal, which could either maintain the current occupancy limits, or omit students from the revised family definition. A "buffer zone" around campus would protect historic near-campus neighborhoods from being converted into homogenous neighborhoods of student rentals. One of the draws to live in Madison is the historic neighborhoods around downtown and campus. Since I moved here in 2015, we have seen yearly turnover of long-term residents selling their homes to property management companies and students moving in. Within 2 blocks of my house, we have recently seen at least 4 historic homes be changed to exclusively student housing, causing some of the nearby neighbors to move out of the city entirely. Of note, our few blocks have lost diversity because several of these families were wonderful neighbors and also people of color.

Thank you for your time and consideration.

Jill

From: [Lutz](#)
To: [Plan Commission Comments](#)
Subject: Opposition to TOD Zoning Changes
Date: Monday, January 16, 2023 11:54:53 AM

Caution: This email was sent from an external source. Avoid unknown links and attachments.

We are writing to share our concerns regarding the zoning changes proposed in the Transit Overlay District. First, we feel there has been little transparency in communicating the implications of these changes with the neighborhoods that are most impacted by these zoning changes. We believe that these changes benefit developers at the expense of single family homeowners. We bought our modest home on Baltzell St. in the Dudgeon Monroe neighborhood because we wanted to live in an urban neighborhood of single family homes. We live on a close knit street where neighbors look after neighbors. By allowing developers to change single family homes into duplexes and renting to students, you are opening the doors that may displace permanent residents for a transient student population. **Increasing** the number of neighborhoods with stable, single-family homes should be the ultimate goal of the city. The zoning changes proposed for the Transit Overlay District risk destroying the aesthetic of some of Madison's neighborhoods. For many, the appeal to living in Madison is its unique urban neighborhoods. In your single-focused approach to adding additional housing, don't overlook the implications of how your decisions impact the urban aesthetic of Madison.

Please consider maintaining the current occupancy limits in the Dudgeon Monroe neighborhood to support a stable neighborhood with relatively high density single-family housing.

Thank you for your consideration,

Tammy Klaproth and Tim Lutz
730 Baltzell St.
Madison

From: [brian barnes](#)
To: [Plan Commission Comments](#)
Subject: Proposed Zoning Code Change
Date: Monday, January 16, 2023 9:25:34 AM

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Dear Planning Commission,
First, I would like to thank you for your efforts to date.

I am writing to express my concerns regarding the “Revising the Family Definition” proposal to change the zoning code.

I am proposing the city establish an overlay zone in the neighborhoods immediately surrounding the UW-Madison campus that are uniquely impacted by this proposal, which could either maintain the current occupancy limits or omit students from the revised family definition. A "buffer zone" around campus would protect near-campus neighborhoods from being converted into homogenous neighborhoods primarily consisting of student rentals.

Sincerely,
Brian Barnes
1718 Hoyt St.
Madison, WI 53726

From: [King, Rick](#)
To: [Plan Commission Comments](#)
Cc: [richard.King@aol](#)
Subject: REVISING THE FAMILY DEFINITION" PROPOSAL
Date: Sunday, January 15, 2023 4:59:55 PM

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Good evening City of Madison Planning Commission,

As a resident of the Regent neighborhood since 2009, I am writing to express my concerns regarding the "Revising the Family Definition" proposal to change the zoning code.

If this proposal is enacted, it will displace permanent residents in the near-campus neighborhoods (renters and homeowners alike) in favor of students. There is no evidence to support the idea that this will increase the density of the neighborhoods. Consequently, properties which were once cared for by long-term tenants or families will be subject to poor maintenance and lack of cosmetic or structural investments due to yearly turnover. Increasing occupancy limits in rentals near campus caters to students, who are demographically less likely to identify as people of color or low-income (81% White; 99% Middle Class or Upper Class). Student rentals drive up rent, making it unaffordable for low-income residents and people of color to live in near-campus neighborhoods. Despite many new apartment buildings north of Regent St. and on State Street, students continue to occupy near-campus neighborhoods to the full extent possible. If students were migrating north, as has been argued, there would be a gradual transition from student housing to non-student housing. In reality, there is a clear dividing line between students and non-students, marked by the zoning border. There is a huge demographic of students who seek to live in houses in the near-campus neighborhoods and oppose living in the new amenity-rich high-rise apartments due to their premium costs and occupancy limitations.

I am proposing the city establishes an overlay zone in the neighborhoods immediately surrounding the UW-Madison campus that are uniquely impacted by this proposal, which could either maintain the current occupancy limits, or omit students from the revised family definition. A "buffer zone" around campus would protect near-campus neighborhoods from being converted into homogenous neighborhoods primarily consisting of student rentals.

I think you for taking the time to read this message, and I appreciate your consideration of this proposal.

Rick King
1721 Van Hise Avenue
Madison, WI 53726
rlkindllc@aol.com
(608)358-2016

From: [Andy Mehle](#)
To: [Plan Commission Comments](#)
Subject: opposition to "Revising the Family Definition" proposal to change the zoning code
Date: Wednesday, January 11, 2023 5:30:01 PM

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Dear Planning Commission-

I am compiling below messages I shared with my Alder expressing concern about proposed changes to Madison such that they become part of the public record.

Dear Alder Vidaver-

I am writing to express my opposition to the proposed zoning changes that would redefine a "family" for housing purposes, and to ask for your position on this matter.

Affordable and accessible housing is a right. But this proposal does not address that concern, and if anything, will exacerbate the existing high rents and low inventory. Allowing up to 5 unrelated individuals to live in a property will encourage real estate and rental companies to purchase residences for investment, and not bring housing to new families. We have witnessed this in our neighborhood already. I live near the intersection of N Spooner and Van Hise. High density units were allowed in the 1980s or permitted for historical reasons, including one directly across from my our house. These units are not occupied by families, nor have they served as homes for families in the 11 years we've own our home. They are exclusively rentals to students. Given that students have access to low-interest student loans, landlords can charge premium rents that make these units unaffordable for working families. Allowing more of this type of housing will only encourage more of the same. The fact that just this week we received a flyer in the mail from a real estate trade organization encouraging housing reform along these lines, with a pre-filled postcard to be sent to the city, perhaps reveals some of the motivation behind these changes.

We have already seen real estate speculation on our street, where out-of-state parents purchase homes in their child's name, who then take on boarders to help cover the mortgage. To understand the consequences, one only need look at recurring complaints against 30 N Spooner St and the student "family" at this home. Allowing this change to accommodate even more boarders would further the problem and erode the neighborhood. Changes to the definition of "family" to become more inclusive and move away from historical heterotypical normals are welcomed. But, changes caused by adopting this new definition are not tailored for that and will be especially acute in neighborhoods like University Heights that are adjacent to the university, and has the potential to eliminate the character of this historic district.

I attended the neighborhood Zoom meeting with the zoning commission on Monday night (12/19). There was overwhelming opposition to these changes and the negative impact they will have on the neighborhoods surrounding the university.

It was frustrating that city official repeatedly said they "think" it will not affect the neighborhood, the character, the parking, the property values or nuisance issues. For something so large, it would seem we would need to move beyond opinions to a fact-based approach with external impact studies and well researched reports. Speakers in the Q&A referred to many studies from other university towns, although it did not appear the city was aware of these or consulted them. Clearly we are not the first city to consider a change like this, and it would be smart for us to understand how others handled proposed changes like this, and the consequences if they were enacted. It was not obvious if the city had done this or not. Looking at neighborhoods in the city, the references to Tenney-Lapham were poor comparators. That is a great neighborhood and a good example of how these initiatives can be successful,

But, Tenney-Lapham has always been mixed low- and high-density housing and is not near the university. Each neighborhood faces unique pressures, and a blanket approach does not work.

During the meeting the city appeared to anticipate that if these changes are enacted, it will cause issues in neighborhoods. The city representatives spent significant time discussing reporting and compliance, something our current situation under existing family definition rarely requires. All of the solutions that were given were reactive — report a noise complaint, file with the city for building issues, call the police for parties (but as noted by the city representatives, be aware that they might not come). These are not routine issues now, and nothing in the plan was proactive to prevent these issues. Moreover, this approach turns neighbors into enforcers, eroding trust and the sense of community that is a key part of our neighborhood.

I heard several proposals on how to prevent these new rules from completely changing the character of our neighborhoods. The simplest appeared to be to reject the new definition of family. But, given that different parts of Madison have different neighborhoods and needs, a one-size-fits-all might not be the most effective. To address the uniqueness of each neighborhood, a second proposal was to establish neighborhood-specific rules, or overlays. These type of rules currently exist, and there did not appear to be any impediment to applying them again. In our case, maintaining current family definitions and density limits would protect the neighborhood from owner-occupied homes being turned into high-density student rentals.

When is the last time you saw 100+ people attend a zoning information session on a Monday night? It shows how strongly the neighborhood opposes this proposed change.

I thank you for considering my position.

Sincerely-
Andrew Mehle

From: [Sandy Blakeney](#)
To: [Plan Commission Comments](#)
Subject: Agenda Item 74885
Date: Monday, January 9, 2023 4:44:43 PM

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To the Plan Commission:

As a resident of Madison and an active member of the LGBTQ community for almost 50 years (long before it was popular), I say it is about damn time Madison updated its definition of "family" in the General Ordinances! Please support this proposal.

There is a lot of concern that this change will open the floodgates in single-family residential areas to students, who apparently BY DEFINITION will be noisy, dirty, and generally disrespectful of their neighbors. There are existing ordinances regarding noise, property maintenance, etc., and those need to be enforced.

The answer to a hypothetical fear is not to hold steadfast to an outdated, discriminatory, and frankly APPALLING definition of "family." This change of definition is long overdue. I hope that you will support it.

Thank you,
Sandy Blakeney

From: [Nicholas Davies](#)
To: [Plan Commission Comments](#)
Cc: [Foster, Grant](#); [All Alders](#)
Subject: Yes on 74885: Remove discriminatory language!
Date: Sunday, January 8, 2023 5:23:54 PM

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Dear Plan Commission and alders,

I hope to join the Plan Commission meeting tomorrow, but I want to make sure you hear from me regardless.

Based on the experiences of people I know, it's really common to violate the city ordinance about who can form a household and/or family together. There are a lot of consenting adults living together--sinfully or not!--who have no idea this ordinance exists.

Whether three adults are living together out of friendship, in a committed relationship, or are just trying to get by in an expensive housing market, that is none of the government's business! I'm appalled that in the year 2023 we still have a restrictive, regressive definition of a family in city ordinance.

Maybe the effect of this ordinance today is primarily in segregating students from landed gentry. But let's call it what it is. It's discrimination against lower-income people, against unrelated immigrant and refugee households, against the queer community who were historically denied the institution of marriage, against low income people in general.

Removing this bigotry from our ordinances will not mean telling any property owner what to do with their property. Nor will it mean telling any household that they need to change the composition of that household. Exactly the opposite.

If mansion-owners on Summit Ave want to impose occupancy limits on their neighbor's properties, then that is a separate issue. They should have to meet the high bar involved in changing the zoning of a property that isn't your own. They should certainly not be allowed to do so by keeping discriminatory language in city-wide ordinance.

Furthermore, the city does need to be able to house more people, and allowing unrelated people to live together if they so choose is one way to do that. Splitting housing costs also helps those individuals save in order to purchase a home of their own later. This is not speculation, this is the experience of me and lots of my friends. So I would also not support an occupancy-limit overlay of certain neighborhoods. Especially not along the University/Campus Drive BRT corridor.

Thank you to the sponsors for bringing attention to this regressive ordinance, and working to remove it.

Sincerely,

Nick Davies
3717 Richard St

From: [Gib Clarke](#)
To: [Plan Commission Comments](#)
Subject: Revising the Family Definition Zoning Proposal
Date: Friday, January 6, 2023 7:49:23 AM

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Hello,

You have probably received similar emails to the one below, so I am putting **my own additional comments in bold**.

I am writing to express my concerns regarding the "Revising the Family Definition" proposal to change the zoning code.

If this proposal is enacted, it will displace permanent residents in the near-campus neighborhoods (renters and homeowners alike) in favor of students. **We have already lost two family homes in my immediate neighborhood (one on Spooner and one on Lathrop, both under questionable "family" circumstances) and it has made neighbors uncomfortable.**

There is no evidence to support the idea that this will increase the density of the neighborhoods. Consequently, properties which were once cared for by long-term tenants or families will be subject to poor maintenance and lack of cosmetic or structural investments due to yearly turnover. **It is no secret that the large management companies do not take the best care of their properties. Many house have more tenants living in them than are listed on the lease or who should be allowed to live there. Complaints made to management companies about noise and trash collecting on lawns are ignored or followed-up on very slowly.**

Increasing occupancy limits in rentals near campus caters to students, who are demographically less likely to identify as people of color or low- income (81% White; 99% Middle Class or Upper Class). Student rentals drive up rent, making it unaffordable for low income residents and people of color to live in near-campus neighborhoods. Despite many new apartment buildings north of Regent St. and on State Street, students continue to occupy near-campus neighborhoods to the full extent possible. If students were migrating north, as has been argued, there would be a gradual transition from student housing to non-student housing. In reality, there is a clear dividing line between students and non-students, marked by the zoning border. There is a huge demographic of students who seek to live in houses in the near-campus neighborhoods, and oppose living in the new amenity-rich high-rise apartments due to their premium costs and occupancy limitations (**these occupancy limitations are actually enforced, unlike the ones in near-campus houses**).

I am proposing the city establish an overlay zone in the neighborhoods immediately surrounding the UW-Madison campus that are uniquely impacted by this proposal, which could either maintain the current occupancy limits, or omit students from the revised family definition. A "buffer zone" around campus would protect near-campus neighborhoods from being converted into homogenous neighborhoods primarily consisting of student rentals.

Best,

Gib Clarke and Kerry Breit

Gib Cell: 206-484-6268
Kerry Cell: 206-650-2904

From: [Jim Lattis](#)
To: [Plan Commission Comments](#)
Subject: Opposition to "Revising the Family Definition"
Date: Thursday, January 5, 2023 6:22:24 PM

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Dear Planning Commission Members,

We are writing to express our opposition to the proposed rezoning measure known as "Revising the Family Definition". This proposal would increase population density, if at all, only by driving out families and other long-residents, including renters, in favor of student housing with the detrimental effects that follow from absentee landlords, short-term residents, annual turnovers, etc., which effects are undesirable outcomes for both current neighborhoods as well as low-income people who need housing. Competition with investment purchasers is already a problem for young families trying to purchase homes and live in the older, already relatively high-density parts of the city. Forcing these people to the suburbs does nothing to improve urban density.

Student housing is a perennial issue in Madison, but the needs have not been addressed by high-rise, high-rent apartments in town. Instead, those recent developments, which should have been required to include a range of rental scales, have increased pressure in campus area neighborhoods by reducing the availability of more affordable student housing. The proposed rezoning measure will undermine single family neighborhoods to the benefit of no one except investment property developers. Rezoning is not a substitute for coherent planning. Similarly, the undeniable need for low-income housing should be addressed by effective planning, not disruption of stable neighborhoods.

Creating an overlay or buffer zone in neighborhoods peripheral to the UW campus is preferable to uncontrolled conversion of family neighborhoods into student housing. Specifically omitting students from the definition of family would also be an improvement. But the housing needs of students and low-income residents affect the entire city and require more careful planning and longer-range thinking (such as motivating developers to create both affordable and luxury housing) than the "Revising the Family Definition" measure.

Jim Lattis & Jennifer Sloan Lattis
1824 Rowley Ave.
Madison

--

Rules for life:

1. *Do not waste human creativity.*
 2. *Avoid distress unless it would violate 1.*
 3. *Prefer pleasure unless it would violate 1 or 2.*
- . . . more like guidelines really.*

From: [w aylward](#)
To: [Bannon, Katherine J; Plan Commission Comments](#)
Cc: [Juliet Aylward; Vidaver, Regina](#)
Subject: opposition to "Revising the Family Definition" proposal to change the zoning code
Date: Thursday, January 5, 2023 2:28:28 PM

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Dear Zoning Administrator Kate Bannon and the City of Madison Planning Commission,

I live in the University Heights Neighborhood of District 5. I have lived in this neighborhood since 2012 (ten years) with my wife, Juliet Aylward, and family in the house at 1708 Summit Ave., which we own and maintain with loving care and in accordance with City of Madison regulations for historic properties. We live at the edge of a zoning boundary that separates single-family owner-occupied homes from rental properties occupied by students near campus, especially on Lathrop St. Therefore, we are very familiar with issues about students in rental properties in and around single-family owner-occupied homes.

I oppose the "Revising the Family Definition" proposal to change the zoning code, and I urge you to please advocate for families and reject the proposed change.

Many neighbors in my neighborhood and surrounding neighborhoods have argued that "enacting this proposal will displace permanent residents in the near-campus neighborhoods (renters and homeowners alike) in favor of students," and that "there is no evidence to support the idea that this will increase the density of the neighborhoods." They also argue that if the proposal is enacted, "properties which were once cared for by long-term tenants or families will be subject to poor maintenance and lack of cosmetic or structural investments due to yearly turnover. Increasing occupancy limits in rentals near campus caters to students, who are demographically less likely to identify as people of color or low-income (81% White; 99% Middle Class or Upper Class). Student rentals drive up rent, making it unaffordable for low-income residents and people of color to live in near-campus neighborhoods. Despite many new apartment buildings north of Regent St. and on State Street, students continue to occupy near-campus neighborhoods to the full extent possible. If students were migrating north, as has been argued, there would be a gradual transition from student housing to non-student housing. In reality, there is a

clear dividing line between students and non-students, marked by the zoning border. There is a huge demographic of students who seek to live in houses in the near-campus neighborhoods and oppose living in the new amenity-rich high-rise apartments due to their premium costs and occupancy limitations." (source:<https://www.madisonzoningproposal.com>).

Neighbors in my neighborhood and surrounding neighborhoods have proposed and argued in favor of "an overlay zone in the neighborhoods immediately surrounding the UW-Madison campus that are uniquely impacted by this proposal, which could either maintain the current occupancy limits, or omit students from the revised family definition" (see: <https://www.madisonzoningproposal.com>). They propose a "buffer zone" around campus that "would protect near-campus neighborhoods from being converted into homogenous neighborhoods primarily consisting of student rentals." This is a reasonable alternative to the "Revising the Family Definition" proposal to change the zoning code. I urge you to please advocate for families and reject the "Revising the Family Definition" proposal to change the zoning code.

Respectfully,

William Aylward
1708 Summit Ave.
Madison, WI 53726

From: [William Kolb](#)
To: [Plan Commission Comments](#)
Subject: New zoning proposal
Date: Wednesday, January 4, 2023 4:02:38 PM

Caution: This email was sent from an external source. Avoid unknown links and attachments.

I am writing to you based on the proposals before the committees and eventually the City Council with respect to eliminating the zoning restrictions in the surrounding neighborhoods in the vicinity of the UW campus. The near west side, near Breeze Terrace was once the home of families who maintained their homes and paid higher taxes in order to live near campus as opposed to being part of it. As landlords began to claim this first zone neighborhood we saw how properties were not maintained well, houses were subdivided, housing standards deteriorated, noise and trash increased and all because students began moving in. I have nothing against students. They make our city exciting and vibrant, but there are plenty of housing options available to them other than in-tact and vibrant neighborhoods such as the Regent Neighborhood.

To claim that opening up these close-in neighborhoods will attract people of color, low income individuals who cannot afford to own homes and those who need special accommodations is an ingenuous argument supported by well-meaning but ill-advised policy-makers. If this proposal goes forth, it will give wealthy students, who don't want to live in dorms, one more place to move and for landlords to squeeze high rents out of more students and squeeze long-term homeowners out of the neighborhood. Need I say that there are existing apartment buildings in these neighborhoods, but they are not occupied by the individuals whom you are attempting to address. They are occupied by small families or multiple individuals who cannot afford the high cost of living in the City of Madison. I see few disabled, people of color, or low income residents among these residents, though I do see a number of students who occupy these dwellings legally or illegally.

I support low-income housing in these neighborhoods, but this proposal is not going to solve the problem of housing low income residents. What it will do is displace long-term residents over time because single-families will not be able to compete with developers and landlords for this housing. As an alternative, why not have the City propose tearing down some of the dilapidated structures or this not well maintained and build low income housing? I would welcome those individuals to the area. Another possibility is to omit students from the proposed family definition. I believe that is called an "overlay" or something of that nature. This would eliminate the potential for unscrupulous landlords to buy up single-family homes, like what was done in the areas of Breeze Terrace, subdivide them, and rent them to students at exorbitant rates because these are not inexpensive neighborhoods. By following through on the proposal before the committees, which I believe is a knee-jerk one, you are not going to achieve the desired effect. Instead you will simply put close-in neighborhoods at risk of devaluation and flight to other areas.

I have lived in the Regent neighborhood for 40 years, having bought a home that was a little expensive for our family at the time, have seen the rising values and property taxes, have witnessed what happened to closer-in neighborhoods thanks to landlords, and that is not something I want to see happen here. We currently live next to a rental house whose owners will only rent to single families or to individuals who meet the definition of R-2a. We have had good neighbors and not so good neighbors; however, if that same house was to be rented out to five students, I would have a real problem and would challenge the taxes that I currently pay to live in my home now.

Thank you for your attention with respect to this issue.

William Kolb
1910 Rowley Ave.
Madison, WI 53726

Heiser-Ertel, Lauren

Subject: FW: [D13] Proposed zoning changes

From: mrmiller2375@gmail.com <mrmiller2375@gmail.com>

Sent: Wednesday, January 4, 2023 8:47 AM

To: Evers, Tag

Subject: [D13] Proposed zoning changes

Recipient: District 13, Tag Evers

Name: Michael Miller

Address: 2375 west lawn ave, Madison, WI 53711

Phone: 608-658-2350

Email: mrmiller2375@gmail.com

Would you like us to contact you? Yes, by email

Message:

My wife Rita and I are ADAMANTLY OPPOSED to allowing multiple unrelated individuals to occupy housing in our area. We had a real life experience with this when a father from Mount Horeb bought and housed 5 unrelated college students 2 houses away from us on Monroe St. The all night parties even on week nights included these students urinating and disposing of beer cans in our yard and loud music and shouting ALL night. Our kids couldn't sleep and neither could we. The present zoning is the only thing that got them out after several police calls and a signed complaint by at least 7 surrounding neighbors to the police and council. Please vote AGAINST this proposed change and share our experience with the council. Without the present zoning ordinance, we might still be dealing with this. Thank you

From: [David Wood](#)
To: [Plan Commission Comments](#)
Cc: [Bannon, Katherine J](#); [Vidaver, Regina](#)
Subject: "Revising the Family Definition"
Date: Tuesday, January 3, 2023 5:44:28 PM

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Hi,

I am writing to express my concerns about the "Revising the Family Definition" proposal.

As a 30+ year resident of University Heights who commuted almost daily by foot to campus for 28 of those years, it is pretty obvious where the zoning district changes from TR-C2 to TR-V1 even without ever having looked at a zoning map. With the proposed change, I believe I have a pretty clear idea on what would happen to our historic neighborhood. Namely, more student housing pushing further away from campus, with the noise and generally lower care for the housing stock that comes with it. When we moved to Madison in 1990, we considered a house in the 1700 block of Hoyt. We decided against buying that house in part because we did not want to raise children so close to the noisy, alcohol fueled, student parties that happen at that end of the neighborhood, especially on football Saturdays. Fast forward 20 years and one of my former students also considered buying a different house on that same block; he and his wife decided against buying that house for similar reasons. Applying this revision to University Heights will almost certainly make other young families make similar decisions on more blocks throughout the neighborhood, reducing the number of families with children, while doing nothing to improve housing affordability or housing equity.

While I am most familiar with University Heights, I know that others in near-campus neighborhoods have similar concerns. I urge you to consider the alternative of an overlay district for the near-campus neighborhoods to limit the spread of student housing.

— david

David A. Wood
david@wood-doughty.net

From: [Tom Richardson](#)
To: [Bannon, Katherine J](#); [Evers, Tag](#); [Vidaver, Regina](#); [Plan Commission Comments](#)
Cc: tomrichardson49@yahoo.com; barbandtomrich@sbcglobal.net
Subject: "Revising the Family Definition" proposal - NOT IN FAVOR OF CITY PROPOSAL
Date: Monday, January 2, 2023 3:06:37 PM

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Elders and City Zoning,

We are writing to express our concerns regarding the "Revising the Family Definition" proposal to change the zoning code.

If this proposal is enacted, it will displace permanent residents in the near-campus neighborhoods (renters and homeowners alike) in favor of students. There is no evidence to support the idea that this will increase the density of the neighborhoods. Consequently, properties which were once cared for by long-term tenants or families will be subject to poor maintenance and lack of cosmetic or structural investments due to yearly turnover. Increasing occupancy limits in rentals near campus caters to students, who are demographically less likely to identify as people of color or low-income (81% White; 99% Middle Class or Upper Class). Student rentals drive up rent, making it unaffordable for low income residents and people of color to live in near-campus neighborhoods. Despite many new apartment buildings north of Regent St. and on State Street, students continue to occupy near-campus neighborhoods to the full extent possible. If students were migrating north, as has been argued, there would be a gradual transition from student housing to non-student housing. In reality, there is a clear dividing line between students and non-students, marked by the zoning border. There is a huge demographic of students who seek to live in houses in the near-campus neighborhoods, and oppose living in the new amenity-rich high-rise apartments due to their premium costs and occupancy limitations.

We are proposing the city establishes an overlay zone in the neighborhoods immediately surrounding the UW-Madison campus that are uniquely impacted by this proposal, which could either maintain the current occupancy limits, or omit students from the revised family definition. A "buffer zone" around campus would protect near-campus neighborhoods from being converted into homogenous neighborhoods primarily consisting student rentals.

Tom and Barbara Richardson
1918 Adams Street
Madison, WI

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From: [Diane Bless](#)
To: [Plan Commission Comments](#)
Subject: Objection to amending residential zoning code in University Heights
Date: Tuesday, January 3, 2023 7:45:36 PM

Caution: This email was sent from an external source. Avoid unknown links and attachments.

I am writing to express my objection to amending the residential zoning code to permit 5 unrelated individuals to occupy any single family residential property in university Heights. It is my understanding that the impetus for this proposed change is to increase population diversity and density as well as to meet increased housing needs.

I have read and disagree with the comments on the Regent list serve suggesting that this change would lead to a more diverse neighborhood, that this would lead to family renters taking responsibility for the property or that a higher density is needed in this neighborhood. I support diversity but don't believe this is the way to achieve it. Obviously, there are many ways of looking at diversity such as age, income, color and ethnicity. By most of these measures University Heights' diversity is representative of the population of the city from low income students and retirees to higher income professionals from varying ethnic backgrounds. Further diversity only will come with increased diversity at the university in faculty, students and staff but will not be achieved with the proposed zoning change.

Second, in my opinion it is naive to believe that all rentals are the same. We have clear evidence of what happens when 5 unrelated persons rent a single unit as seen on Lathrop, Breese Terrace, Regent and University. These rentals are not the same as a coop where the unrelated people living in the same dwelling have a vested interest in the property and in the neighborhood. These renters are not the same as two families pooling resources to live together. The rentals are populated by transient students often limiting their rental to one year in any single place. Consequently they have no investment in the neighborhood. They do not take care of the yards and party whenever the weather permits resulting in an area that is not particularly attractive to families. There is no basis for believing that these zoning changes would result in anything different in University heights because of its location adjacent to Camp Randall.

Finally, the periphery of University Heights consists primarily of high density areas of student rentals and apartments. What is the justification for increasing density in this particular area at the probable sacrifice of a desirable neighborhood.

If the city wishes to continue to be listed as one of the Best Places to live and work, its leaders need to consider what makes it "best". Maintaining desirable neighborhoods is a major component. In order to help maintain this "best" status neighborhood areas impacted by the presence of the University and UW hospital should be excluded from the proposed change.

Diane Bless
101 Ely Place
608 438 7008
Sent from my iPad

From: [Marnie Harrigan](#)
To: [Plan Commission Comments](#); [Evers, Tag](#)
Subject: Revising the Definition of Family Proposal
Date: Tuesday, January 3, 2023 7:55:51 PM

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Hello,

We are writing to express our serious and urgent concerns regarding the "Revising the Family Definition" proposal to change the zoning code.

If this proposal is enacted, it will displace permanent residents in the near-campus neighborhoods (renters and homeowners alike) in favor of students. There is no evidence to support the idea that this will increase the density of the neighborhoods. Consequently, properties which were once cared for by long-term tenants or families will be subject to poor maintenance and lack of cosmetic or structural investments due to yearly turnover. Increasing occupancy limits in rentals near campus caters to students, who are demographically less likely to identify as people of color or low-income (81% White; 99% Middle Class or Upper Class). Student rentals drive up rent, making it unaffordable for low income residents and people of color to live in near-campus neighborhoods. Despite many new apartment buildings north of Regent St. and on State Street, students continue to occupy near-campus neighborhoods to the full extent possible. If students were migrating north, as has been argued, there would be a gradual transition from student housing to non-student housing. In reality, there is a clear dividing line between students and non-students, marked by the zoning border. There is a huge demographic of students who seek to live in houses in the near-campus neighborhoods, and oppose living in the new amenity-rich high-rise apartments due to their premium costs and occupancy limitations.

We propose the city establishes an overlay zone in the neighborhoods immediately surrounding the UW-Madison campus that are uniquely impacted by this proposal, which could either maintain the current occupancy limits, or omit students from the revised family definition. A "buffer zone" around campus would protect near-campus neighborhoods from being converted into homogenous neighborhoods primarily consisting student rentals.

We have resided at our current address for 31 years. If you enact this proposal, it will damage the stability and livability of our neighborhoods. We, along with many other other long time home owners, will suffer a dramatic reduction in the quality of life that we deserve to maintain.

Marnie Harrigan and Mark Salerno
509 S. Spooner St

From: [Joan Nugent](#)
To: [Bannon, Katherine J](#); [Evers, Tag](#); [Plan Commission Comments](#); [Vidaver, Regina](#)
Cc: [Doug Carlson](#); reganbotsford@gmail.com; wendy.fearnside@att.net; bonniegruber@mac.com; Cashdollarb@gmail.com; hiwayman@chorus.net
Subject: We Oppose change in revising the family definition/ zoning Vilas Neighborhood
Date: Tuesday, January 3, 2023 9:59:32 PM

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Hello all

We are residents/ home owners in the Vilas neighborhood for 40 years
The Vilas Neighborhood are good stewards of our surrounding environs, respectful of the neighbors, Wingra lake, Vilas park, and committed to the wellbeing of the larger community.

We **strongly oppose** revising the definition of family and changing the proposed zoning code.

Jon Standridge, a resident of Vilas, sent an email to the neighbor offering an Historical perspective:

"Having lived in the Vilas neighborhood for 45 years, and the Greenbush neighborhood for 5 years, I thought a little historical perspective might be of interest in this zoning change discussion.

The Vilas neighborhood portion that is west of Randall Avenue has hardly changed in the past 100 years. It is mostly single family, owner occupied, lower density housing, walkable and bikeable to the downtown and the University. Previous generations of homeowners, realizing what a special spot this is, have worked hard to keep the integrity and character of this wonderful place to live, for themselves and for future occupants. Portions of the Greenbush neighborhood between Park Street and Randall have not fared as well. In the 1970's, zoning was changed to allow houses to become rental properties. It was only a few short years until many family owned houses were converted to rentals and multi unit rentals. Student rentals became dominant and families sold their homes to landlords and moved out in droves. While population density increased, there were fewer families, more transient residents, the neighborhood school closed, along with Park Street businesses including a grocery, a restaurant and a drug store. In recent years efforts to restore some of these rental properties back to single family ownership have turned things around a bit. When this 1970's zoning change occurred, I don't think the intent was to chase out the owner occupants, but that in fact was the result. My family is one that chose to leave the 100 block of Erin St."

Many have realized that neighborhoods, where the owners occupy the housing, are better maintained, and neighborhood cohesiveness improves. They are places that people want to live their lives. A neighborhood stays intact when the edges of the neighborhood are protected. This concept is in fact the reason the VNA was started. The proposed change does in fact impact the edges of our neighborhood close to the bus routes. We really need to be careful of any decisions that make the edges of the district less desired by potential homebuyers.

The city needs to carefully consider the possible negative effects of the seemingly well intentioned proposal being considered. "

We agree with Johns analysis and also have seen some of these changes ourselves.

Once the zoning is changed, it will be very difficult to go back.

It would be good to note, that we share our neighborhood with the Vilas zoo, Vilas Park, UW Stadium, Edgewood College and all the auto and foot traffic it brings to our area.

Your consideration is appreciated.

Joan Nugen and Dan Anderson
1521 Vilas Avenue

From: [Mary Lindstrom](#)
To: [Plan Commission Comments](#)
Subject: Family Definition proposal
Date: Tuesday, January 3, 2023 2:25:40 PM

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Hi. I am writing to express my concerns regarding the “Revising the Family Definition” proposal to change the zoning code.

I live in the Vilas Neighborhood South-West of Grant St. This is a pretty homogeneous, white, wealthy neighborhood and it would be wonderful if we could increase diversity here. I support allowing more duplexes and other changes like a moderate number of family based rentals that might increase diversity. However I’m strongly opposed to allowing unregulated student type housing. There is no evidence to support the idea that this will increase the diversity of the neighborhoods.

Increasing occupancy limits in rentals near campus caters to students, who are demographically less likely to identify as people of color or low- income (81% White; 99% Middle Class or Upper Class). Student rentals drive up rent, making it unaffordable for low income residents to live in near-campus neighborhoods. Despite many new apartment buildings north of Regent St. and on State Street, students continue to occupy near-campus neighborhoods to the full extent possible. If students were migrating north, as has been argued, there would be a gradual transition from student housing to non-student housing. In reality, there is a clear dividing line between students and non-students, marked by the zoning border. There is a huge demographic of students who seek to live in houses in the near-campus neighborhoods, and oppose living in the new amenity-rich high-rise apartments due to their premium costs and occupancy limitations.

Thank you for your time,

Mary Lindstrom
1105 Van Buren St.

From: [Duane Wagner](#)
To: [Plan Commission Comments](#)
Subject: Zoning code proposed change
Date: Tuesday, January 3, 2023 2:25:20 PM

Caution: This email was sent from an external source. Avoid unknown links and attachments.



I am writing to express my concerns regarding the "Revising the Family Definition" proposal to change the zoning code.

If this proposal is enacted, it will displace permanent residents in the near-campus neighborhoods (renters and homeowners alike) in favor of students. There is no evidence to support the idea that this will increase the density of the neighborhoods. Consequently, properties which were once cared for by long-term tenants or families will be subject to poor maintenance and lack of cosmetic or structural investments due to yearly turnover. Increasing occupancy limits in rentals near campus caters to students, who are demographically less likely to identify as people of color or low-income (81% White; 99% Middle Class or Upper Class). Student rentals drive up rent, making it unaffordable for low-income residents and people of color to live in near-campus neighborhoods. Despite many new apartment buildings north of Regent St. and on State Street, students continue to occupy near-campus neighborhoods to the full extent possible. If students were migrating north, as has been argued, there would be a gradual transition from student housing to non-student housing. In reality, there is a clear dividing line between students and non-students, marked by the zoning border. There is a huge demographic of students who seek to live in houses in the near-campus neighborhoods, and oppose living in the new amenity-rich high-rise apartments due to their premium costs and occupancy limitations.

I am proposing the city establishes an overlay zone in the neighborhoods immediately surrounding the UW-Madison campus that are uniquely impacted by this proposal, which could either maintain the current occupancy limits, or omit students from the revised family definition. A "buffer zone" around campus would protect near-campus neighborhoods from being converted into homogenous neighborhoods primarily consisting student rentals.

Duane Wagner

From: [The Buckingham Inn](#)
To: [Vidaver, Regina](#); [Evers, Tag](#); [Bannon, Katherine J](#); [Plan Commission Comments](#)
Cc: [Tucker, Matthew](#); [Bidar-Sielaff, Shiva](#)
Subject: Proposed Zoning Change Revising the Family Definition
Date: Tuesday, January 3, 2023 1:05:22 PM

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Dear Alders Regina Vidaver and Tag Evers, Zoning Administrator Katie Bannon, and Members of the Plan Commission,

We are writing to express our opposition to the proposed zoning change that would allow up to five unrelated adults in a housing unit in all zoning districts that allow housing.

We operate and live in a licensed bed and breakfast on the corner of Summit Avenue and Lathrop Street, one block from UW campus. Based on our experience in the neighborhood and studies in other near-campus communities, we believe the proposed change will result in a less-diverse mix of residents in established historic neighborhoods near campus. The concentration of undergraduate student residents would increase. We support a buffer or overlay zone in these neighborhoods that would retain existing zoning provisions.

While additional higher-density housing is being constructed near campus, many students will choose a house that accommodates a larger group and has front and back yards and exterior porches. The location of established neighborhoods near campus, such as ours, is more convenient to many academic buildings and student activity centers than the newer higher-density apartments. Byproducts of a high concentration of undergraduates include late-night parties and noise, trash disposal issues, and parking complaints.

The current property next door to us on Lathrop Street houses 12 undergraduate students. We enjoy living near UW students and routinely get to know our immediate neighbors. We often help pick up trash or bring recycle and trash carts in from the curb. When we have issues with noise or trash, we try to resolve our concerns directly with the residents. Sometimes it is necessary to contact police or the landlord, a reactive and sometimes lengthy process with varied success.

When choosing our location to live and operate our business, we were fully aware of neighborhood housing patterns and existing zoning, and we are happy to be here. But we believe the proposed zoning change will displace longer-term residents and convert more houses to student rentals, reducing the existing diverse mix rather than improving it.

If the zoning change continues through the city's legislative process, we urge you to please act on our request and that of many neighbors to establish a buffer or overlay zone in the neighborhoods immediately surrounding the UW campus.

Thank you for your attention.

*Heidi and Tom Notbohm, resident owners and innkeepers in Regent Neighborhood
The Buckingham Inn Bed & Breakfast
1615 Summit Avenue
Madison, WI 53726*

cc: Building Inspection Division Director Matt Tucker, and Regent Neighborhood Association Board President Shiva Bidar

From: [Laura McClure](#)
To: [Plan Commission Comments](#)
Subject: Zoning change
Date: Tuesday, January 3, 2023 12:04:41 PM

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Hello,

I am writing to express my concerns regarding the “Revising the Family Definition” proposal to change the zoning code.

If this proposal is enacted, it will displace permanent residents in the near-campus neighborhoods (renters and homeowners alike) in favor of students. There is no evidence to support the idea that this will increase the density of the neighborhoods. Consequently, properties which were once cared for by long-term tenants or families will be subject to poor maintenance and lack of cosmetic or structural investments due to yearly turnover. Increasing occupancy limits in rentals near campus caters to students, who are demographically less likely to identify as people of color or low-income (81% White; 99% Middle Class or Upper Class). Student rentals drive up rent, making it unaffordable for low income residents and people of color to live in near-campus neighborhoods. Despite many new apartment buildings north of Regent St. and on State Street, students continue to occupy near-campus neighborhoods to the full extent possible. If students were migrating north, as has been argued, there would be a gradual transition from student housing to non-student housing. In reality, there is a clear dividing line between students and non-students, marked by the zoning border. There is a huge demographic of students who seek to live in houses in the near-campus neighborhoods, and oppose living in the new amenity-rich high-rise apartments due to their premium costs and occupancy limitations.

I am proposing the city establishes an overlay zone in the neighborhoods immediately surrounding the UW-Madison campus that are uniquely impacted by this proposal, which could either maintain the current occupancy limits, or omit students from the revised family definition. A "buffer zone" around campus would protect near-campus neighborhoods from being converted into homogenous neighborhoods primarily consisting student rentals.

With kind regards,

Laura McClure and Richard Heinemann
1722 Chadbourne Avenue
Madison, WI 3726

From: [Susan Ketchum](#)
To: [Bannon, Katherine J](#)
Cc: [Plan Commission Comments](#)
Subject: Proposed Zoning Change
Date: Tuesday, January 3, 2023 12:44:30 AM

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Dear Planning Commission,

As a homeowner in the Regent neighborhood since the early '70's, I need to express my concerns about the "Revising the Family Definition" proposal to change the zoning code. This misguided, simplistic zoning change proposal alone is not an appropriate change for our neighborhood nor will result in supporting healthy population diversity in our Madison neighborhood. It certainly doesn't address our housing crisis.

There are unique concerns with the near-campus areas — especially east of Allen Street and north of the Zoo — that must be addressed in order to prevent turning the Regent neighborhood into an environment like the southern half of Lathrop Street over time. Without other supporting initiatives, it will be destructive to our historic neighborhood by allowing inappropriate conversions of single family homes by exploitative landlords, as well as exacerbating noise and parking violations that erode our quality of life.

Concerns adjacent to the Camp Randall area should be addressed by rezoning several blocks to encourage new 3-6 story higher density rental apartments that step-back in height (e.g., 5-3 or 6-3 floors). Many of the apartment complexes along 'old' University Avenue, as well as Campus Drive, do add needed housing stock and are well-run. This is a much better alternative than allowing old single family houses to be broken up and monetized to the maximum. Some UW-Madison students currently live in converted single-family houses that have 15-25 people per house! This scenario does not happen in the well-run 3-6 story rental apartment complexes with 1-3 bed units.

At a minimum, Madison should establish an overlay zone in the neighborhoods immediately surrounding the UW-Madison campus that are uniquely impacted by this proposal, which could maintain the current occupancy limits and limit the number of unrelated undergraduate students, for example something like:

Unrelated: 5 adults* and their dependents.

Related: Family members plus 4 roommates*

*Where the number of undergraduate student adults or roommates that are age 21 or under cannot exceed 50% of the occupancy.

A "buffer zone" around campus would protect near-campus neighborhoods from being converted into homogenous neighborhoods primarily consisting of student rentals! Introduce zoning proposals to encourage new rental apartments with with mixed use, parking and 1-3 bed units and 3-6 story that step-back in height.

Sincerely,

Susan Ketchum
1926 Rowley Avenue
Madison, WI 53726

From: [Jason Beren](#)
To: [Plan Commission Comments](#)
Subject: Opposition to "Revising the Family Definition" proposal allows up to five unrelated adults and their dependents in a housing unit
Date: Monday, January 2, 2023 8:07:22 PM

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Dear Planning Commission Members,

I thought the goal was to convert rental properties into single family in the nearby university area, so this seems to be going in the opposite direction.

I'm am writing to express my concerns regarding the "Revising the Family Definition" proposal to change the zoning code.

If this proposal is enacted, it will displace permanent residents in the near-campus neighborhoods (renters and homeowners alike) in favor of students. There is no evidence to support the idea that this will increase the density of the neighborhoods. Consequently, properties which were once cared for by long-term tenants or families will be subject to poor maintenance and lack of cosmetic or structural investments due to yearly turnover. Increasing occupancy limits in rentals near campus caters to students, who are demographically less likely to identify as people of color or low- income (81% White; 99% Middle Class or Upper Class). Student rentals drive up rent, making it unaffordable for low income residents and people of color to live in near-campus neighborhoods. Despite many new apartment buildings north of Regent St. and on State Street, students continue to occupy near-campus neighborhoods to the full extent possible. If students were migrating north, as has been argued, there would be a gradual transition from student housing to non-student housing. In reality, there is a clear dividing line between students and non-students, marked by the zoning border. There is a huge demographic of students who seek to live in houses in the near-campus neighborhoods, and oppose living in the new amenity-rich high-rise apartments due to their premium costs and occupancy limitations.

I am proposing the city establishes an overlay zone in the neighborhoods immediately surrounding the UW-Madison campus that are uniquely impacted by this proposal, which could either maintain the current occupancy limits, or omit students from the revised family definition. A "buffer zone" around campus would protect near-campus neighborhoods from being converted into homogenous neighborhoods primarily consisting student rentals.

Jason Beren
1826 Chadbourne Ave
Madison, WI 53726
[608.770.4253](tel:608.770.4253)
jrberen@gmail.com

From: [John Penner](#)
To: [Plan Commission Comments](#)
Subject: Objection to the proposed "Revising the Family Definiton" proposal
Date: Monday, January 2, 2023 6:45:58 PM

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Hi

As a long-term resident of the east side of the Vilas Neighborhood, I would like to voice my strong opposition to the city's proposal to revise the family definition. As you know, this would allow up to five unrelated adults and their dependents to live in a housing unit. As a homeowner in an area already rife with students, I feel that the relaxing of the family definition will have a profoundly negative effect our quality of life, while at the same time decreasing our property values and the safety of the area for our children. This area has always had its fair share of student homes, but this has been balanced by the presence of many true families (couples and their children). The change would increase the population density and traffic in the areas, while also increase the likelihood of evening parties and some of the problems that can stem from such activities: noise, violence, propert damage, and the like.

I feel that the proposal to establish an overlay zone in the neighborhoods immediately surrounding the campus area, including the Vilas neighborhood, is a solid solution that allows the city to reap the benefits that it feels this change may offer to other areas of the city, while not negatively effecting the area that would be most negatively effected (by student overcrowding) should the family definition change be approved without the overlay zone.

Thank you for your time.

Sincerely,
John and Elizabeth Penner
1506 Chandler Street.

Sent from my iPhone

Sent from my iPhone

From: [Emily Kohlhase](#)
To: [Plan Commission Comments](#)
Subject: Please Oppose Proposed Zoning Change (Occupancy/Family Definition)
Date: Monday, January 2, 2023 11:10:03 AM

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Dear City of Madison Planning Commission,

I'm writing to urge you to oppose the proposed "Revising the Family Definition" zoning change.

While this proposed measure is intended to help solve Madison's housing crisis, it will cause unintended harm to the neighborhoods surrounding campus. Instead of increasing owner-occupancy and long-term local renters, this proposal would open up Regent, Greenbush, Vilas, and Dudgeon-Monroe neighborhoods to an influx of additional student renters. This is in direct opposition to the city's goal of increasing access for BIPOC and economically disadvantaged residents. The vast majority of the UW-Madison student body is white and middle- or upper-class. Students are attractive renters because they are backed by their parents' money; student renters raise prices and edge out long-term local residents. Despite the city's claims to the contrary, student demand to live in these areas is strong, as I have witnessed firsthand—first as a student renter myself, then as a community member/renter, and now as a community member/homeowner.

This proposed change would leave Madison's oldest neighborhoods more vulnerable to profit-driven developers, house flippers, and landlords. These are the groups who would truly benefit—not underrepresented or underserved community members. The language used to describe the proposal is carefully coded to paint those who support the change as liberal and inclusive and those who oppose it as conservative and exclusive, since the majority of Madison's residents are astute enough to know that the words "traditional family" often imply "straight, white, middle-class, and Christian" in a political context. In this case, however, phrases like "revising the outdated traditional family definition" distract from the problematic elements of this proposal. The number-one demographic of "new" renters near UW-Madison would be students, and the proposed zoning change would make near-campus neighborhoods a target for those who see real estate as a revenue-driven investment, not people who want to improve our community long term.

As an alternative, please establish an overlay zone for the Regent, Greenbush, Vilas, and Dudgeon-Monroe neighborhoods. This overlay zone should maintain the current renter occupancy limits and/or note that student renters do not constitute a family under any definition.

Please take action to safeguard near-campus neighborhoods from becoming homogenous student housing owned by those who do not live in the area.

Sincerely,
Emily Kohlhase
2115 Kendall Ave

From: [John McGuigan](#)
To: [Plan Commission Comments](#)
Subject: Proposed residential zoning change
Date: Monday, January 2, 2023 7:23:59 PM

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Dear Planning Commission,
I've lived at 2532 Chamberlain Ave in the Regent neighborhood for 18 years, and I strongly oppose revising the zoning rules for my neighborhood to increase the number of unrelated, non-owning renters from 2 to 5.

(I would be in favor of changing the definition of family to include unmarried couples and their respective children if that were a problem, but I believe this is already accounted for in the current language.)

I oppose the revision for neighborhoods near the University and the University Hospital for many reasons. While the goal of improving equity and diversity are noble ones that I share, there's not a single scenario where this zoning change will increase either in the Regent neighborhood. I also do not believe it will increase housing density to any measurable degree. Instead, it's effect in the short term is most likely to further drive up property values as investors snap up houses on the lower end of the market, because they can now reasonably charge much higher rents to recoup investment costs. 4-5 medical students can pay much more than two—and living near some I can assure you they're not an economically or racially diverse group. Many of them are nice enough people, but the transient nature of their time here—something true of nearly all renters—means they don't often invest in the life of the block or the neighborhood.

An additional fear is that barring some radical change to property tax formulas, increasing property values will drive even more long-established residents out as the property tax burden becomes unmanageable. The people who leave tend to be older residents who give these neighborhoods the wonderful age diversity that everyone benefits from.

So for neighborhoods like Regent, Vilas, Dudgeon Monroe, and others I'm sure I'm missing, I'm convinced the proposed zoning change from 2 to 5 unrelated individuals and their children will have the opposite effect from what is intended. And of course it has the potential to noticeably degrade the quality of life in the neighborhood, which is what I love so much about it right now.

I urge you to reconsider or modify the plan.

Thank you for your work. I imagine it's largely a thankless job, especially at times like this, but it's important work that has real effects on real people, so I do appreciate it.

All the best,

John McGuigan
2532 Chamberlain Ave

From: [Chris Shaw](#)
To: [Plan Commission Comments](#); kbannon@cityofmadison.com
Subject: Proposed Zoning Change: Revising the Family Definition
Date: Monday, January 2, 2023 1:34:46 PM

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Dear Planning Commission,

I am writing to express my concerns regarding the “Revising the Family Definition” proposal to change the zoning code. While providing for more diverse and affordable neighborhoods is certainly a laudable goal, it is not all clear that this proposed change will achieve that goal in the neighborhoods near the UW campus. Rather, if this proposal is enacted, it will displace permanent residents in the near-campus neighborhoods (renters and homeowners alike) in favor of students.

There is no evidence to support the idea that changing the family definition will create more affordability or diversity in near-campus neighborhoods. In fact, there is research showing that so-called "upzoning" can result in higher housing and rental costs, which fuels racial and economic displacement. [Guest column: Upzoning, affordability and equity \(heraldtimesonline.com\)](#) The concerns over the unintended consequences of upzoning are even more acute where, as is the case with the neighborhoods near the UW campus, students make up a large percentage of the rental market. In the neighborhoods near the UW campus, properties which were once cared for by long-term tenants or families will be subject to poor maintenance and lack of cosmetic or structural investments due to yearly turnover. Increasing occupancy limits in rentals near campus caters to students, who are demographically less likely to identify as people of color or low-income (81% White; 99% Middle Class or Upper Class). Student rentals drive up rent, making it unaffordable for low income residents and people of color to live in near-campus neighborhoods. Despite many new apartment buildings north of Regent St. and on State Street, students continue to occupy near-campus neighborhoods to the full extent possible. If students were migrating north, as has been argued, there would be a gradual transition from student housing to non-student housing. In reality, there is a clear dividing line between students and non-students, marked by the zoning border. There is a huge demographic of students who seek to live in houses in the near-campus neighborhoods, and oppose living in the new amenity-rich high-rise apartments due to their premium costs and occupancy limitations.

For these reasons, the city should establish an overlay zone in the neighborhoods immediately surrounding the UW-Madison campus that are uniquely impacted by this proposal, which could either maintain the current occupancy limits, or omit students from the revised family definition. A "buffer zone" around campus would protect near-campus neighborhoods from being converted into homogenous neighborhoods primarily consisting of student rentals.

Thank you for your consideration.

Sincerely,

Chris Shaw

From: [Lauren Craddock](#)
To: [Plan Commission Comments](#); [Vidaver, Regina](#)
Subject: Revising family definition proposal
Date: Monday, January 2, 2023 1:33:27 PM

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Hello,

I am writing to express my concerns regarding the "Revising the Family Definition" proposal to change the zoning code.

If this proposal is enacted, it will displace permanent residents in the near-campus neighborhoods (renters and homeowners alike) in favor of students. There is no evidence to support the idea that this will increase the density of the neighborhoods. Consequently, properties which were once cared for by long-term tenants or families will be subject to poor maintenance and lack of cosmetic or structural investments due to yearly turnover. Increasing occupancy limits in rentals near campus caters to students, who are demographically less likely to identify as people of color or low-income (81% White; 99% Middle Class or Upper Class). Student rentals drive up rent, making it unaffordable for low income residents and people of color to live in near-campus neighborhoods. Despite many new apartment buildings north of Regent St. and on State Street, students continue to occupy near-campus neighborhoods to the full extent possible. If students were migrating north, as has been argued, there would be a gradual transition from student housing to non-student housing. In reality, there is a clear dividing line between students and non-students, marked by the zoning border. There is a huge demographic of students who seek to live in houses in the near-campus neighborhoods, and oppose living in the new amenity-rich high-rise apartments due to their premium costs and occupancy limitations.

I am proposing the city establishes an overlay zone in the neighborhoods immediately surrounding the UW-Madison campus that are uniquely impacted by this proposal, which could either maintain the current occupancy limits, or omit students from the revised family definition. A "buffer zone" around campus would protect near-campus neighborhoods from being converted into homogenous neighborhoods primarily consisting student rentals.

Sincerely,
Lauren Craddock
1822 Chadbourne Ave.

From: [kathy_gerhardt](#)
To: [Plan Commission Comments](#)
Subject: Revising housing family definition
Date: Monday, January 2, 2023 3:09:26 PM

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Hello,

I am writing to express my concerns regarding the “Revising the Family Definition” proposal to change the zoning code. I oppose more density and promote maintaining the quality of life we have. We will never get back the quality we have once the revision is made. In California they limit growth and we should follow suite.

From: [Sheila Martin](#)
To: [Evers, Tag](#); [Vidaver, Regina](#); [Bannon, Katherine J](#); [Plan Commission Comments](#)
Subject: Rezoning of campus neighborhoods
Date: Sunday, January 1, 2023 3:27:39 PM

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Hello Alders and city planners,

As a 25 year resident of first Regent and now Dudgeon Monroe Neighborhood, I am writing to express my concerns regarding the "Revising the Family Definition" proposal to change the zoning code.

If this proposal is enacted, it will displace permanent residents in the near-campus neighborhoods (renters and homeowners alike) in favor of students. This actually has already occurred in my previous Regent Neighborhood home. It had always been a single family home, until the most recent purchasers bought it for their child, a UW student at the time. It has been a rental ever since. The inevitable outcome is that properties which were once cared for by long-term tenants or families will be subject to poor maintenance and lack of cosmetic or structural investments due to yearly turnover. Increasing occupancy limits in rentals near campus caters to students, who are demographically less likely to identify as people of color or low- income (81% White; 99% Middle Class or Upper Class). Student rentals drive up rent, making it unaffordable for low income residents and people of color to live in near-campus neighborhoods, which is the antithesis of the stated city leadership's objective. Despite many new apartment buildings north of Regent St. and on State Street, students continue to occupy near-campus neighborhoods to the full extent possible. I have heard that UW is struggling to house the number of freshman they accept, which means that demand is continuing to overflow into these existing neighborhood homes. Not everyone can afford to live in the Hub and other campus high rises, thus the demand for student housing in neighborhoods will continue. If students were migrating north, as has been argued, there would be a gradual transition from student housing to non-student housing. In reality, there is a clear dividing line between students and non-students, marked by the zoning border. There is a huge demographic of students who seek to live in houses in the near-campus neighborhoods, and oppose living in the new amenity-rich high-rise apartments due to their premium costs and occupancy limitations.

I am proposing the city establishes an overlay zone in the neighborhoods immediately surrounding the UW-Madison campus that are uniquely impacted by this proposal, which could either maintain the current occupancy limits, or omit students from the revised family definition. A "buffer zone" around campus would protect near-campus neighborhoods from being converted into homogenous neighborhoods primarily consisting student rentals.

Appreciative of your attention to this important neighborhood concern and exploration of compromise alternatives.

Warm regards,
Sheila Martin

Sent from my iPhone

From: [Juliet Aylward](#)
To: [Bannon, Katherine J](#); [Plan Commission Comments](#); [Evers, Tag](#); [Vidaver, Regina](#)
Subject: OBJECTION to "Revising the Family Definition" proposal
Date: Sunday, January 1, 2023 3:04:00 PM

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Hello Alders and City Officials

I am writing to express my concerns regarding the "Revising the Family Definition" proposal to change the zoning code.

If this proposal is enacted, it will displace permanent residents in the near-campus neighborhoods (renters and homeowners alike) in favor of students. There is no evidence to support the idea that this will increase the density of the neighborhoods. Consequently, properties which were once cared for by long-term tenants or families will be subject to poor maintenance and lack of cosmetic or structural investments due to yearly turnover. Increasing occupancy limits in rentals near campus caters to students, who are demographically less likely to identify as people of color or low-income (81% White; 99% Middle Class or Upper Class). Student rentals drive up rent, making it unaffordable for low income residents and people of color to live in near-campus neighborhoods. Despite many new apartment buildings north of Regent St. and on State Street, students continue to occupy near-campus neighborhoods to the full extent possible. If students were migrating north, as has been argued, there would be a gradual transition from student housing to non-student housing. In reality, there is a clear dividing line between students and non-students, marked by the zoning border. There is a huge demographic of students who seek to live in houses in the near-campus neighborhoods, and oppose living in the new amenity-rich high-rise apartments due to their premium costs and occupancy limitations.

I am proposing the city establishes an overlay zone in the neighborhoods immediately surrounding the UW-Madison campus that are uniquely impacted by this proposal, which could either maintain the current occupancy limits, or omit students from the revised family definition. A "buffer zone" around campus would protect near-campus neighborhoods from being converted into homogenous neighborhoods primarily consisting student rentals.

William and Juliet Aylward and our children...Sebastian, Damian, Zenon and Ginevra
1708 Summit Avenue

IN BEAUTIFUL UNIQUE HISTORIC UNIVERSITY HEIGHTS

From: [Juliet Aylward](#)
To: [Vidaver, Regina](#); [Bannon, Katherine J](#); [Plan Commission Comments](#); [Evers, Tag](#)
Subject: New zoning proposal abomination
Date: Sunday, January 1, 2023 2:59:29 PM

Caution: This email was sent from an external source. Avoid unknown links and attachments.

My husband, William Aylward, and I with our children live at 1708 Summit. I've lived here for almost 18 years. I personally put hundreds of thousands of dollars into my property both inside and out to be a good steward to this 110-year-old plus home and to make it a comfortable place for a family. I'm now just today learning about this zoning proposal, which would turn more of my neighbors' homes into party homes, full of short term transient student renters who have no concern for or investment in a historic neighborhood in a family oriented community. Already we have to deal with abandoned trash on curbs, uncared for properties, and loud and disrespectful behavior at any time of day and night and any day of the week. There's poor response from landlords and police. The disruptions to family life and our community get worse every year and have huge impact already. I am seeing my investment in my community, which is a beautiful historic neighborhood worth preserving, diminish with takeover by students and landlords. I am very concerned about this proposal which will exacerbate a challenging situation to the point that the neighborhood will lose its character and integrity. It will no longer be a community, but a party zone of transient students and greedy, self interested landlords. We are already dealing with that on a regular and progressively worsening basis, and this proposal will exacerbate the challenges we have and will be the death knell of our neighborhood. The straw that breaks the camels back of what we have been delicately and successfully balancing for years.

What are your thoughts on this and what do you expect will be happening? What can we do to keep a beautiful historic neighborhood intact? As families and as elderly community members who are long-time homeowners move out or pass on, properties will be bought by absentee landlords (trust me - we see this already) who will turn this beautiful historic University Heights neighborhood into a money-making enterprise for them by jamming multiple students into dwellings (most likely breaking any zoning cap on occupancy as they already do) and trashing previously cared for properties for paid tailgate spaces, paid athletic parking and party spaces for primarily underage drinkers/student renters. Already we see complete neglect after we residents call the police who regularly merely give numerous "friendly warnings" to those partygoers at student rentals ... these parties attract older non-students and we residents must cope with the resulting fights, drunk driving, and generally debauched behavior. We have managed this because we love this neighborhood so much but if this horrendous zoning proposal goes through, we cannot absorb more abuse of our rights and tenuous "peaceful" coexistence ... the neighborhood will crumble.

We oppose the "revising the family definition" proposal as it currently stands. We are asking you to create an overlay zone to protect near campus neighborhoods from being converted to student housing. We want a buffer zone to reduce high concentration of student renters in these neighborhoods.

Sent from my iPhone

From: [Jessica Pritchard](#)
To: [Plan Commission Comments](#); [Bannon, Katherine J](#)
Subject: Zoning proposal change (family definition)
Date: Friday, December 30, 2022 10:48:29 AM

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Hello,

I'm writing to express my concerns regarding the "Revising the Family Definition" proposal to change the zoning code.

If this proposal is enacted, it will displace permanent residents in the near-campus neighborhoods (renters and homeowners alike) in favor of students. There is no evidence to support the idea that this will increase the density of the neighborhoods. Consequently, properties which were once cared for by long-term tenants or families will be subject to poor maintenance and lack of cosmetic or structural investments due to yearly turnover. Increasing occupancy limits in rentals near campus caters to students, who are demographically less likely to identify as people of color or low-income (81% White; 99% Middle Class or Upper Class). Student rentals drive up rent, making it unaffordable for low income residents and people of color to live in near-campus neighborhoods. Despite many new apartment buildings north of Regent St. and on State Street, students continue to occupy near-campus neighborhoods to the fullest extent possible. If students were migrating north, as has been argued, there would be a gradual transition from student housing to non-student housing. In reality, there is a clear dividing line between students and non-students, marked by the zoning border. There is a huge demographic of students who seek to live in houses in the near-campus neighborhoods, and oppose living in the new amenity-rich high-rise apartments due to their premium costs and occupancy limitations.

I agree with others proposing the city establish an overlay zone in the neighborhoods immediately surrounding the UW-Madison campus that are uniquely impacted by this proposal, which could either maintain the current occupancy limits, or omit students from the revised family definition. A "buffer zone" around campus would protect near-campus neighborhoods from being converted into homogenous neighborhoods primarily consisting of student rentals. It would be my preference to simply see students excluded from the revised family definition, as I believe that truly could benefit POC and lower income individuals.

Thanks for your time,

Jessica

From: [Molly](#)
To: [Plan Commission Comments](#)
Subject: Madison Zoning Proposal
Date: Thursday, December 29, 2022 8:21:09 PM

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Hello,

I am emailing to express my concerns about the proposed zoning change.

We feel this zoning proposal makes sense for much of Madison but will have unintended consequences in the neighborhoods directly surrounding the UW campus. If this proposal is enacted, it will displace permanent residents in the near-campus neighborhoods (renters and homeowners alike) in favor of students. There is no evidence to support the idea that this will increase the density of the neighborhoods. Consequently, properties which were once cared for by long-term tenants or families will be subject to poor maintenance and lack of cosmetic or structural investments due to yearly turnover. Increasing occupancy limits in rentals near campus caters to students, who are demographically less likely to identify as people of color or low-income (81% White; 99% Middle Class or Upper Class). Student rentals drive up rent, making it unaffordable for low income residents and people of color to live in near-campus neighborhoods. Despite many new apartment buildings north of Regent St. and on State Street, students continue to occupy near-campus neighborhoods to the full extent possible. If students were migrating north, as has been argued, there would be a gradual transition from student housing to non-student housing. In reality, there is a clear dividing line between students and non-students, marked by the zoning border. There is a huge demographic of students who seek to live in houses in the near-campus neighborhoods, and oppose living in the new amenity-rich high-rise apartments due to their premium costs and occupancy limitations.

I am proposing the city establishes an overlay zone in the neighborhoods immediately surrounding the UW-Madison campus that are uniquely impacted by this proposal, which could either maintain the current occupancy limits, or omit students from the revised family definition. A "buffer zone" around campus would protect near-campus neighborhoods from being converted into homogenous neighborhoods primarily consisting student rentals.

More information can be found at www.madisonzoningproposal.com

Thanks,
Molly

From: [Maureen Kiley](#)
To: [Plan Commission Comments](#)
Subject: Zoning 5 unrelated people
Date: Monday, December 19, 2022 3:35:15 PM

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We are NOT in favor of this change, even though we are landlords on S. Orchard Street and own 3 townhouses.

There was a reason for this law in the first place.

We want it to stand, as is, so as to not have multiple groups of young students out this far from campus.

Thank you

From: [Pat Scheckel](#)
To: [Evers, Tag](#); [Plan Commission Comments](#)
Subject: Opposition to changing the family definition
Date: Monday, December 19, 2022 10:50:46 AM

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First, let me say that I'm not opposed to the TOD-related change that would allow duplexes. I've had renters next door on both sides and it's not an issue. I'm specifically concerned about the change to the family definition.

If you are friends with any real estate investors, you know that the assumption that existing Vilas homes are too expensive to convert to student housing is a false one. It is economically viable and it will happen. The only question is at what pace.

Our alder wrote in his blog on December 12th that the addition of "thousands of amenity-rich student-oriented rentals have been built close to UW's campus," implying that students will opt for those units instead of living in student housing in Vilas. This assumption ignores two market-related facts: One, the student population is growing at UW. They enrolled 8628 new freshmen this fall, a 30% increase over five years ago. Two, many students, including my son, who graduated from UW yesterday, are priced out of the \$1200-1500 per bedroom that high rises like The James and The Hub command. There is a huge delta between the neighborhood norms of \$600/student and that \$1500.

Our alder also wrote, "There are processes in place for managing [noise complaints](#) and [property negligence](#)." Well, these "processes" DO NOT WORK! Having spent 8 years on the VNA Council, I consistently heard that living next door to students is a major concern for many of our Vilas neighbors. I would not want to live next door to my son and four or five of his UW student friends. The assertion that there are mechanisms to deal with these problems is a weak one, because even with those so-called protections, it's an ever-present concern. As Vilas resident Ben Biltz described the situation on the most recent VNA Council meeting, the noise ordinance does little good because five minutes after the cops show up, the music is again blasting at full volume.

For some of my neighbors, living next to students is not a big deal and I respect their choice to do so. However, I don't believe that choice should be made for me by the city. In our neighborhood, changing the family definition will not make it more diverse, but it will make it more unstable as student houses replace single family homes.

If the city wants to increase density in Vilas and surrounding neighborhoods, why not do more to incentivize and promote the creation of multifamily residential units along the Regent, Park and Monroe Street corridors? Changing the family definition is blunt instrument that will have very negative effects on the neighborhood. If that's sounds hyperbolic, one need only look at what happened to Greenbush a few decades ago.

Pat Scheckel
1915 Jefferson St