



### Legislation Details (With Text)

**File #:** 04557      **Version:** 2      **Name:** 11/7 definition of family in zoning code  
**Type:** Ordinance      **Status:** Passed  
**File created:** 9/13/2006      **In control:** PLAN COMMISSION  
**On agenda:** 11/7/2006      **Final action:** 11/7/2006  
**Enactment date:** 11/23/2006      **Enactment #:** ORD-06-00152

**Title:** SUBSTITUTE - Amending the definition of "family" in Section 28.03(2) to recognize up to four (4) unrelated persons, who are disabled or handicapped pursuant to federal law and who require assistance from a caregiver, as a family in the zoning code.

**Sponsors:** Kenneth Golden

**Indexes:**

**Code sections:**

**Attachments:** 1. 04557 notice of public hearing.pdf

Date	Ver.	Action By	Action	Result
11/7/2006	2	COMMON COUNCIL	Adopt and Close the Public Hearing	Pass
10/31/2006	2	Attorney's Office/Approval Group	Approved As To Form	
10/31/2006	2	Attorney's Office	Fiscal Note Required / Approval	
10/31/2006	2	Finance Dept/Approval Group	Approved Fiscal Note By The Comptroller's Office (SUBSTITUTES)	
10/23/2006	1	PLAN COMMISSION	RECOMMEND TO COUNCIL TO ADOPT - PUBLIC HEARING	Pass
10/16/2006	1	PLAN COMMISSION	RECOMMEND TO COUNCIL TO RE-REFER - PUBLIC HEARING	Pass
9/19/2006	1	COMMON COUNCIL	Refer For Public Hearing	
9/13/2006	1	Attorney's Office/Approval Group	Approved As To Form	
9/13/2006	1	Attorney's Office	Fiscal Note Required / Approval	
9/13/2006	1	Finance Dept/Approval Group	Approved Fiscal Note By The Comptroller's Office	
9/13/2006	1	Attorney's Office	Referred for Introduction	

**Fiscal Note**

No expenditure required.

**Title**

SUBSTITUTE - Amending the definition of "family" in Section 28.03(2) to recognize up to four (4) unrelated persons, who are disabled or handicapped pursuant to federal law and who require assistance from a caregiver, as a family in the zoning code.

**Body**

DRAFTER'S ANALYSIS: This amendment makes up to four (4) unrelated persons who have disabilities pursuant to federal law and who require assistance from a caregiver, a family. By recognizing this number of unrelated handicapped or disabled individuals (per federal law) to be a family, such groups would be permitted to live in all Residential Districts as a single-family, without any zoning approval.

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

Subsection (2) entitled "Definitions" of Section 28.03 entitled "General Provisions" of the Madison General Ordinances is amended by amending therein the following:

"Family.

1. A family is an individual, or two or more persons related by blood, marriage or legal adoption, living together as a single housekeeping unit in a dwelling unit, including foster children, and not more than four (4) roomers, with the following exceptions. The term "family" shall not, in R1, R2, R2S, R2T, R2Y, R2Z, R3, R4A and R4L residence districts, include more than one roomer except where such dwelling unit is owner-occupied. In any residence district, a family may consist of two unrelated adults and the minor children of each. Such a family may not include any roomers except where the dwelling unit is owner-occupied. For the purpose of this section, "children" means natural children, grandchildren, legally adopted children, stepchildren, foster children, or a ward as determined in a legal guardianship proceeding. In any district, a family also may consist of up to four (4) unrelated persons who have disabilities (are disabled or handicapped under the Fair Housing Amendment Act (FHAA) or the American With Disabilities Act (ADA)), are living as a single housekeeping unit because of their disability, and require assistance from a caregiver. Up to two (2) personal attendants who provide services for family members or roomers who, because of ~~advanced age or a physical or mental~~ a disability (are disabled or handicapped under the Fair Housing Amendment Act (FHAA) or the American With Disabilities Act (ADA)), need assistance with activities of daily living shall be considered part of the "family". Such services may include personal care, housekeeping, meal preparation, laundry or companionship."