



## Legislation Details (With Text)

**File #:** 74885      **Version:** 2      **Name:** Chapter 28 Family Definition  
**Type:** Ordinance      **Status:** Passed  
**File created:** 11/29/2022      **In control:** EQUAL OPPORTUNITIES COMMISSION  
**On agenda:** 2/28/2023      **Final action:** 2/28/2023  
**Enactment date:** 3/11/2023      **Enactment #:** ORD-23-00022  
**Title:** AMENDED: Amending Supplemental Regulations within Section 28.151 MGO and Definitions within Section 28.211 of the Madison General Ordinances to Update Definitions of "Family".  
**Sponsors:** Regina M. Vidaver, Tag Evers  
**Indexes:**  
**Code sections:**

**Attachments:** 1. 74885-Body, 2. 74885-Body-Amended, 3. Public Comments\_12-19-22\_02-10-23.pdf, 4. Zoning Text Memo 2-13-23 Family Definition.pdf, 5. Family Definition - Plan Commission 2-13-23.pdf, 6. 2-10-23-Mayor Comments.pdf, 7. Joint Statement by Alders Vidaver and Evers.pdf, 8. Public Comments\_02-13-23.pdf, 9. 021423-022523\_CC\_public\_comments, 10. 022623-022823\_CC\_public\_comments, 11. 121322-021323\_CC\_public\_comments

Date	Ver.	Action By	Action	Result
2/28/2023	1	COMMON COUNCIL	Adopt with Amendment(s) and Close the Public Hearing	Fail
2/28/2023	2	COMMON COUNCIL	Adopt and Close the Public Hearing	Pass
2/28/2023	2	COMMON COUNCIL	Refer	Fail
2/13/2023	1	PLAN COMMISSION	RECOMMEND TO COUNCIL TO ADOPT - RECESSED PUBLIC HEARING	Pass
1/17/2023	1	PLAN COMMISSION	Refer	
1/17/2023	1	COMMON COUNCIL	Re-refer for Recessed Public Hearing	Pass
1/9/2023	1	PLAN COMMISSION	RECOMMEND TO COUNCIL TO RE-REFER - PUBLIC HEARING	Pass
12/6/2022	1	COMMON COUNCIL	Referred	
11/29/2022	1	Attorney's Office	Referred for Introduction	

### Fiscal Note

No City appropriation required

### Title

AMENDED: Amending Supplemental Regulations within Section 28.151 MGO and Definitions within Section 28.211 of the Madison General Ordinances to Update Definitions of "Family".

### Body

**DRAFTER'S ANALYSIS:** This proposed ordinance amends several sections of MGO Chapter 28 in order to change the current definition of "family" in the zoning code. The family definition restricts the number of people who can live in an apartment or house together based on the zoning district, their ownership status or their relational status. The original intent of the family definition was to protect single family neighborhoods from college student renter households and was added to Madison's zoning code in 1966. Today, the restrictive family definition negatively impacts Madison's goals of increasing housing supply and equity. This proposed ordinance change expands the definition of family in order to expand housing options and equity.

Currently, over one third of land area in Madison is zoned to prohibit more than two unrelated renters from living together. In these same areas, owner-occupied housing units can house up to five unrelated individuals. These zoning districts are primarily lower density districts with single family houses. Other zoning districts allow a maximum of five unrelated individuals. A family could also be related individuals with up to four unrelated roommates. People of color and lower income residents are disproportionately affected by the current zoning definition of “family” because they are more likely to be renters and more likely to need to share a housing unit to afford rent.

This proposed ordinance change removes the distinction between owner-occupied households and renter-occupied households; allows two related families with children/dependents to live together as one household; removes the distinction between some zoning districts and others by creating the same occupancy standard for all zoning districts which allow housing; and updates the family language discussing people with disabilities. Finally, references to “Dependency Living Arrangement” are removed throughout Chapter 28 since they are no longer needed with the change to the family definition. Dependency Living Arrangement allowed for two kitchens in a dwelling unit if not owner-occupied, but that carve-out is no longer needed as it will now be allowed.

The Amendment adds a definition of “Family” which applies to a specific area of the City of Madison and which will be in effect until January 1, 2026. Within that timeframe and area the definition of “family” retains all the changes in the original ordinance proposal but also establishes a distinction between owner and renter occupancy and limits the number of individuals in a dwelling that is not owner-occupied to three unrelated persons.

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**Please see Legistar File No. 74885 Body-Amended in Attachments.**