



# DANE COUNTY PLANNING & DEVELOPMENT

Room 116, City-County Building, Madison, Wisconsin 53703  
Phone (608) 266-4266 Fax (608) 267-1540

TO: ZLR Committee members  
FROM: Roger Lane, Dane County Zoning Administrator  
SUBJECT: Issues occurring on recent house designs  
DATE: March 31, 2022

---

Over the last year, the Zoning Division has been experiencing a rising trend in the way single-family houses are designed. Proposed houses are being submitted showing separate living spaces which include duplicate kitchens, living spaces, bathrooms, and laundry facilities. At first glance, the building appears to be designed as a two-family dwelling (duplex), which would not be a permitted use in the single-family zoning district. In taking a closer look at the plans, the designs generally have a single doorway that would allow a connection between the two separate spaces, technically making it one living space.

As part of the zoning permit review, Staff must evaluate the plans and determine the use of proposed buildings. The zoning ordinance provides definitions for types of uses such as single-family and duplex land uses. However, the definitions are very simple and are subject to quite a bit of interpretation. See below:

**Single family residential** - Land use characterized by individual, standalone dwellings designed for and occupied for a period of more than 30 days, exclusively by one family.

**Duplex** - A dwelling designed or intended to be occupied by two families, but without a shared entrance.

**Family** - A single housekeeping unit, living together on the premises, comprised of either: (a) Any number of individuals related by blood, adoption, foster care, domestic partnership or marriage, or (b) No more than five unrelated individuals.

Conflicts are starting to occur between Zoning staff and builders on building designs. Builders are claiming that buildings which have the appearance of 2 separate living spaces are actually single-family residences and meet the definition in the ordinance. Given the current definitions, it is difficult to make the determination.

Zoning Staff are very concerned that these house designs can be easily be used for other purposes than a single-family residence.

To address this issue, a policy has been instituted in order to assist zoning inspectors in distinguishing single-family residences and duplexes. The policy is helpful in addressing the issue, however it is subject to administrative appeal. Currently, the Zoning Division is placing notes on the zoning permit regarding the limitations of the use of the builder if there is a concern. Staff feel that this is ineffective due to future homebuyers not having easy access to the original zoning permit.

## Discussion

The Zoning Division is seeing a rising trend of single-family houses being designed for multi-generational purposes. Separate spaces are being incorporated into the designs for parents and adult children. If the house is used just for “one-family”, the structure will comply with the ordinance. However, if the space is rented out to other people, the land use would be considered a two-family unit and would be in violation of the zoning ordinance.

The new Zoning Ordinance has provisions for a separate living unit that could be attached to a single-family residence. They are called accessory dwelling units. The accessory dwelling unit require a conditional use permit. The accessory dwelling units tend to be not as palatable to landowners due to limitations on size and the CUP process. (Accessory dwelling units may on be 800 square feet).

## Options

In order to address the concern, the Zoning Division is suggesting some possible changes to the zoning ordinance to ease plan review issues and better inform the public of the limitation of a structure. Possible changes are:

1. The definition of a single-family residential land use could be refined. Language could be added to the ordinance to include such requirements as a single main entrance, a single garage, or limits on laundry facilities. This may be difficult given the varying designs of houses.
2. Continue with the current policy by the placement of conditions on the zoning permit. However, zoning permits are not required for interior remodeling projects. Future home buyers may purchase problems if alterations are made to the building.
3. Amend the zoning ordinance to allow the Zoning Division to require a deed restriction to be placed on the property that identifies the use of the building. This will ensure that future homebuyers are informed that the dwelling may only be used for single-family purposes.

EXAMPLE of a Single-family (duplex) design issue

Note that the dwelling has two separate living spaces that are connected by a single door opening.

