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Memorandum

June 5, 2015

To: Ordinances and Licenses Committee
From: Brian Running
Re: Revisions to Zoning Code Concerning Kitchens

Mike Mazmanian, the Chief Building Inspector, tells us he's recently received a few applications for permits to build second kitchens in residences. Those applications have been denied, because Municipal Code §16.15 states, "There shall be only one kitchen per dwelling unit." This strikes us as an unnecessary restriction that prevents people from having what is an increasingly popular feature in homes.

"Kitchen" is defined in Mun. Code §22.05(116):

Kitchen. Any room in a building or dwelling unit which is used for cooking or the preparation of food.

"Dwelling Unit" is defined in Mun. Code §22.05(64):

Dwelling Unit. One or more rooms located within a dwelling designed, occupied or intended to be occupied as separate living quarters, with only one kitchen for cooking, sleeping, and sanitary facilities provided within the dwelling unit for exclusive use of a single family maintaining a household.

The reason for the limitation to only one kitchen is to try to prevent people from having a multi-family property in a single-family district. The kitchen is treated as the key feature that distinguishes a separate dwelling unit. Usually, the presence of a stove or range is the key element to a "kitchen."

While it is a valid concern that multi-family dwellings not be created in a single-family district, the current scheme prevents someone from having a stove and fridge in a



basement family room, for instance. Cooking facilities in rec rooms, media rooms, home theaters, etc., is an increasingly-desired feature in homes.

We propose changing the scheme so that the kitchen is not the defining feature of a dwelling unit, and instead, the overall intent to maintain one household for a single family is the definition. The household is determined by looking at cooking, sleeping, bathing, and sanitary facilities overall, not just the presence of a stove or range.

Therefore, we propose the following:

1. Repeal Mun. Code §16.15 entirely.

2. Amend Mun. Code §22.05(64):

64. Dwelling Unit. One or more rooms located within a ~~dwelling~~ Dwelling designed, occupied or intended to be occupied as separate living quarters, ~~with only one kitchen having facilities~~ for cooking, sleeping, bathing, and sanitary ~~facilities provided within the dwelling unit~~ use, for the exclusive use of a single family maintaining a household.

3. Amend Mun. Code §22.05(69):

69. Family. One or more persons related by blood, adoption or marriage; ~~or a group of no more than three adults regardless of relation; who live~~ ing, ~~sleep~~, and ~~eat~~ cooking together, ~~maintaining as~~ a single ~~housekeeping~~ household unit. ~~A number of adults, but not to exceed three unless it is a group of more than three adults who are not related by blood, adoption or marriage shall be deemed a family if necessary to exceed three to comply with applicable Federal or State law.~~ ing together as a single housekeeping unit, though not related by blood, adoption or marriage, shall be deemed to constitute a family. Related by adoption, as used herein, Adoption as herein defined means persons who are in a bona fide process of adoption or includes foster children.

These changes will result in multi-family still being prohibited and enforceable in single-family districts, while allowing reasonable uses of single-family residences.

Please let me know if you have any questions about this proposal.

