

**Alder Martinez-Rutherford Proposal – Allow Two Units in Cottage Court Developments**

**CITY OF MADISON, WISCONSIN**

AN ORDINANCE \_\_\_\_\_

Amending Sections within Chapters 16 and 28 of the Madison General Ordinances to create “Cottage Courts.”  
*Martinez-Rutherford Proposal*

PRESENTED  
REFERRAL(S)

October 28, 2025

Plan Commission Public Hearing (12/1/25), Housing Policy Commission (11/18/25); Common Council (12/9/25)

90557

Drafted by: Kate Smith

Date: November 26, 2025

SPONSOR(S): Martinez-Rutherford

DRAFTER’S ANALYSIS: This proposed change amends both the Zoning Code, MGO Chapter 28, and the Subdivision Regulations, MGO Sec. 16.23, to create a housing type called “Cottage Courts.” Cottage Courts are defined as a group of eight (8) or fewer single family detached dwellings on a single zoning lot with common management and/or access. Cottage courts are added as permitted uses in most of the residential zoning districts, as seen in Table 28C-1 in MGO Sec. 28.032(1). The proposed changes also create a supplemental regulation which lays out the requirements of a Cottage Court, including parking standards, setback and building separation requirements, and building form and site design.

The Martinez-Rutherford Proposal allows for Cottage Courts to include single-family detached dwellings, two-family dwellings – twins, or two-family dwellings, or a combination, so long as the total number of dwelling units in the Cottage Court does not exceed eight (8).

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

1. Subdivision (2) entitled “Definitions” of Section 16.23 entitled “Subdivision Regulations” of the Madison General Ordinances is amended by creating therein the following:

“Cottage Court. A group of eight (8) or fewer single family detached dwelling units on a single zoning lot with common management and/or access. Dwelling units may be single-family detached dwellings, two-family dwellings - twins or two-family dwellings - two-units or a combination.”

2. Subparagraph a. of Paragraph 2. of Subdivision (d) entitled “Lots” of Subsection (6) entitled “Design Standards” of Section 16.23 entitled “Subdivision Regulations” of the Madison General Ordinances is amended as follows:

“a. A lot, not fronting or abutting on a public street, may be included in a subdivision or land division provided said lot is in an a Cottage Court, approved Planned Multi-Use Site or a Planned Development District for which an approved specific implementation plan has been recorded and which is limited by a reciprocal land

**Approved as to form:**

use agreement or plan of plan of building placement, a reciprocal use off-street parking system, a cross access easement or a reciprocal ingress and egress system for buildings, loading and parking sites.”

3. Paragraph 3. of Subsection (6) entitled “Design Standards” of Section 16.23 entitled “Subdivision Regulations” of the Madison General Ordinances is amended as follows:

“3. Lot dimensions shall conform to the requirements of the Zoning Code in MGO Chapter 28. All lots shall have a minimum average depth of seventy-five (75) feet. No minimum depth shall be required for any lots in an approved Planned Multi-Use Site, ~~or Planned Development District,~~ or Cottage Court. Where not served by a public sewer, lot dimensions and areas shall in addition conform to the requirements of the State of Wisconsin. The lot width shall normally be measured at the rear line of the required front yard setback except that for deep residential lots and for triangular or gore shaped lots, where the setback line is noted on the plat or certified survey map and is greater than the required yard, the lot width shall be measured at the indicated setback line. The average lot depth for a deep residential lot shall not include the strip of land that connects a rear lot to the public street.”

4. Table 28C-1 entitled “Residential Districts” of Subsection (1) of Section 28.032 entitled “Residential District Uses” of the Madison General Ordinances is amended by amending therein the following:

“Table 28C-1

|                                                      | SR-C1 | SR-C2 | SR-C3 | SR-V1 | SR-V2 | TR-C1 | TR-C2 | TR-C3 | TR-C4 | TR-V1 | TR-V2 | TR-U1 | TR-U2 | TR-R | TR-P | Supplemental<br>Regulations Sec 28.151 |
|------------------------------------------------------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|------|------|----------------------------------------|
| Residential - Family Living                          |       |       |       |       |       |       |       |       |       |       |       |       |       |      |      |                                        |
| Residential building complex                         |       |       |       |       | C     |       |       |       |       |       | C     | C     | C     |      | C    | Y                                      |
| <u>Cottage court</u>                                 | P     | P     | P     | P     | P     | P     | P     | P     | P     | P     | P     |       |       | P    | P    | Y                                      |
| Single-family attached dwelling (3-4 dwelling units) |       |       |       | P     | P     |       |       |       |       | P     | P     | P     | P     |      | P    |                                        |

5. Subsection (1) entitled “Residential Zoning Lots” of Section 28.137 entitled “Zoning Lots and Planned Multi-Use Sites” of the Madison General Ordinances is amended as follows:

“(1) Residential Zoning Lots.

Except in the case of ~~multifamily cottage courts~~, residential building complexes and planned multi-use sites ~~within the Mixed-Use Center District~~, no more than one (1) principal detached residential building shall be located on a zoning lot, nor shall a principal detached residential building be located on the same zoning lot with any other nonresidential principal building or use.”

6. Table 28I-3 entitled “Off-Street Parking Requirements” of Subsection (4) entitled “Off-Street Parking Requirements, Applicability” of Section 28.141 entitled “Parking and Loading Standards” of the Madison General Ordinances is amended by amending therein the following:

“28I-3. Off-Street Parking Requirements.

| Use                         | Automobile Minimum | Automobile Maximum    | Transit Oriented Development (TOD) Overlay District Automobile Maximum | Bicycle Minimum                                                                    |
|-----------------------------|--------------------|-----------------------|------------------------------------------------------------------------|------------------------------------------------------------------------------------|
| Residential - Family Living |                    |                       |                                                                        |                                                                                    |
| Multi-family dwelling       | 1 per dwelling     | 2.5 per dwelling      | 1.5 per dwelling                                                       | 1 per unit up to 2-bedrooms, ½ space per add'l bedroom; 1 guest space per 10 units |
| <u>Cottage court</u>        | <u>0</u>           | <u>2 per dwelling</u> | <u>1.5 per dwelling</u>                                                | <u>0</u>                                                                           |
| Accessory dwelling unit     | 0                  | 2 per dwelling        | 1 per dwelling                                                         | 0                                                                                  |

7. Section 28.151 entitled “Applicability” of the Madison General Ordinances is amended by creating therein the following:

“Cottage Court.

(a) Lots.

1. Cottage courts shall be located on a single zoning lot. The zoning lot shall be a minimum of 10,000 square feet and a maximum of one (1) acre in area and shall meet required single-family detached dwelling lot width and lot coverage requirements of the zoning district.
2. There shall be no minimum lot area per dwelling unit.

(b) Permitted and Prohibited Uses within a Cottage Court.

1. A maximum of eight (8) ~~single-family detached dwellings~~ dwelling units are permitted on a single zoning lot, including any ~~single-family detached dwellings~~ single-family detached dwellings, two-family dwellings - twins or

- two-family dwellings - two-units constructed prior to January 1, 2026, and later incorporated into a cottage court.
2. Dwelling units may be single-family detached dwellings, two-family dwellings - twins, or two-family dwellings - two units.
  3. Accessory dwelling units are not permitted within a cottage court.
- (c) Setbacks and Building Separation Requirements.
1. Front, side and rear setbacks and yards of the zoning district shall apply only to the perimeter of the zoning lot.
  2. A minimum of six (6) feet of separation shall be provided between each principal building in a cottage court. If located on individual lots, the principal buildings shall be setback three (3) feet from the lot lines. No encroachments for or on principal buildings shall be allowed.
- (d) Building Form and Site Design.
1. The footprint of each ~~single family detached dwelling~~ principal building shall not exceed one thousand (1,000) square feet.
  2. The building form for cottage courts shall be Single-Family Detached Building, Two-Unit Building, or Two-Family Building - Twin, except where the form conflicts with standards specific to cottage courts, in which case cottage courts standards will apply.
  3. A cottage court shall have a single courtyard to be used for shared pedestrian access or open space. The courtyard shall not be occupied by automobile infrastructure or buildings and shall have minimum dimensions of twenty (20) feet by twenty (20) feet.
  4. The ~~single family detached dwellings~~ principal buildings closest to the street shall have an entrance oriented towards the street, except if they are setback at least seventy-five (75) feet from the street then an entrance may be oriented towards the street or the courtyard. All other ~~single family detached dwellings~~ principal buildings shall have an entrance oriented towards a single shared courtyard.
- (e) Parking Areas.
1. If automobile parking is provided, there shall be a single shared driveway and a single shared area for a parking structure or surface parking lot, detached garages, or carports. Individual principal buildings shall not have attached garages.
  2. Surface parking shall not be located between any street and the plane of the principal buildings closest to the street.
- (f) Miscellaneous.
1. Single-family detached dwellings, two-family dwellings - two units and two-family dwellings - twins constructed prior to January 1, 2026, and later incorporated into a cottage court shall be exempt from maximum footprint, shared parking, and entrance orientation requirements of cottage courts.
  2. Screening fences, walls, and hedges within the zoning lot building envelope shall not exceed six (6) feet in height.

8. Section 28.211 entitled "Definitions" of the Madison General Ordinances is amended by amending therein the following:

"Cottage Court. A group of eight (8) or fewer ~~single family detached dwellings~~ dwelling units on a single zoning lot with common management and/or access. They may be single-family detached dwellings, two-family dwellings - twins or two-family dwellings - two-units, or a combination."

"Residential Building Complex. A group of two (2) or more residential buildings on a single parcel or tract of land, ~~except Cottage Courts and lots with detached accessory dwelling units,~~ developed under single ownership and common management."