

From: [Alex Saloutos](#)
To: [All Alders](#)
Subject: Public comments on Agenda Item #16, Cottage Court Ordinance (Legistar ID 90557)
Date: Tuesday, December 9, 2025 7:10:48 PM
Attachments: [251209 LEGISTAR90553 COTTAGECOURT MEMORANDU V4.pdf](#)

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Dear Members of the Common Council,

I am unable to attend your meeting tonight. I have attached my comments regarding the cottage court ordinance scheduled for tonight's vote. I support cottage courts, but I respectfully oppose this ordinance in its current form.

I'd like you to read the memo, as it raises significant issues that have not been covered in other public comments. The ordinance permits parking ramps and 16-car surface lots by right in residential zoning districts—a provision the staff memo does not disclose. Additionally, park impact fees for cottage court homes are calculated the same as single-family homes, regardless of unit size, adding approximately \$2,300 per unit compared to ADU rates—nearly \$20,000 on an eight-unit development.

I urge the Council to refer this ordinance back to the Plan Commission for meaningful stakeholder engagement and revision.

Thank you for your consideration.

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M E M O R A N D U M

TO: Madison Common Council
FROM: Alex Saloutos
DATE: December 9, 2025
RE: Cottage Court Ordinance, Agenda Item #16, Legistar ID 90557

I support cottage court housing and believe Madison should adopt an ordinance enabling its development. However, I respectfully oppose the ordinance in its current form and urge the Council to refer it back to the Plan Commission for revision.

SUMMARY

The proposed cottage court ordinance contains significant deficiencies that will undermine its stated goals, create unintended consequences for residential neighborhoods, and likely result in legislation that fails to produce housing, much like Madison's accessory dwelling unit regulations.

The principal concerns are:

1. The ordinance creates low-density housing, not missing middle housing. Missing middle housing, as defined by Daniel Parolek and other experts, requires a minimum of 16 dwelling units per acre.^[1] This ordinance permits a maximum of eight units per development, which achieves 16 units per acre only on a half-acre lot.
2. The ordinance permits parking ramps and 16-car surface parking lots by right in residential neighborhoods, with no screening or landscaping requirements.^[2] The staff memo does not disclose that parking structures will be permitted by right.^[3]
3. Key provisions contradict best practices from municipalities that have successfully implemented cottage court housing, undermining goals for density, affordability, market acceptance, and neighborhood compatibility.
4. No meaningful stakeholder engagement occurred with builders, developers, or real estate professionals before the ordinance was introduced. This has a significant negative impact on market acceptance from builders, developers, and the public.

DISCUSSION

A. The Ordinance Does Not Create Missing Middle Housing

The staff memo states that cottage courts are "a 'missing middle' housing type."^[3] This is inaccurate. Parolek, who coined the term, defines missing middle housing as building types with densities of 16 to 35 dwelling units per acre.^[1] The City of Madison's Comprehensive Plan classifies 15 units per acre or fewer as "low-density residential."^[4]

This ordinance permits up to eight dwelling units on a lot up to one acre.^[5] On a one-acre lot, that yields eight units per acre—half the minimum threshold for missing middle housing. On a half-acre lot, it yields 16 units per acre. The ordinance establishes no minimum density, meaning a developer could build three cottages on an acre and call it a cottage court.

Lower density translates to higher per-unit land costs, undermining the affordability goals the ordinance purports to advance.

B. Parking Provisions Create Unintended Consequences

The ordinance text permits "a parking structure or surface parking lot" for cottage court developments.^[2] Section 28.211 of the Madison General Ordinances defines Parking Structure as: "A multi-level parking area, wherein one or more levels are supported above the lowest level, and is commonly called a parking garage or parking ramp."^[6]

The staff memo makes no mention of parking structures, stating only that "parking areas may include surface parking, detached shared garages and carports."^[3] The Council should understand that, as written, the ordinance will permit multi-story parking garages by right in most residential zoning districts.

An eight-unit development at the maximum parking allowance of two spaces per unit could construct a 16-car surface parking lot—or a parking ramp—with no screening, landscaping, or dimensional limitations.^[7]

Additionally, under MGO 28.142(2)(a), landscaping and screening requirements do not apply to "detached single-family and two-family dwellings and their accessory structures."^[8] Because cottage courts consist of single-family detached dwellings, they inherit this exemption. This exemption is reasonable for a traditional single-family home; it is not reasonable for a development with a 16-car parking lot. The ordinance should specify that cottage court developments must comply with MGO 28.141 and 28.142, notwithstanding the general exemption for single-family and two-family dwellings.

The ordinance places no limit on the number of cottage courts that can be developed on a single city block. Combined with the zero minimum parking requirement, this creates potential for serious unintended consequences. If multiple cottage courts are developed on a block and developers provide no on-site parking—as the ordinance allows—neighborhood street parking could become overwhelmed.

C. Key Provisions Contradict Best Practices

Courtyard size. The ordinance requires a courtyard of just 400 square feet—a 20-by-20-foot square, regardless of whether the development contains three or eight units.^[9] I have reviewed cottage court ordinances from dozens of municipalities and cannot find another that uses a fixed courtyard size regardless of unit count. Kirkland, Washington requires 300 to 400 square feet per unit.^[10] Washoe County, Nevada, requires 200 square feet per cottage.^[11] Madison's approach contradicts universal best practice.

Parking quantity. Parolek recommends no more than one parking space per unit.^[12] Madison's ordinance allows two spaces per unit, double the recommended maximum.^[7] The Knoxville-Knox County Planning Commission's missing middle housing study recommends capping parking at one space per unit for developments within 1,000 feet of a walkable center.^[13]

Parking clustering. Best practices call for grouping parking to minimize visual impact. The M-Group's cottage housing development guide recommends considering "whether parking should be distributed among small clusters on the site to minimize visual impact" and establishing "maximum contiguous spaces in each cluster and minimum separation between clusters."^[14] Madison's ordinance has no such provisions.

Attached garages. The ordinance prohibits attached garages.^[2] I am not aware of any other community with a climate similar to Madison's that bans attached garages in cottage court developments. Madison's January average daily minimum temperature is 11.8°F; Portland's is 36.2°F; Seattle's is 37.7°F.^[15] This prohibition will undermine market acceptance among seniors and empty nesters—the primary target market for cottage court housing.

Carriage houses. The ordinance prohibits carriage houses—dwelling units over garages. Carriage houses are a standard feature in cottage court developments that allow more efficient land use, add housing units, and reduce per-unit costs by sharing a foundation and roof with parking. Madison's ordinance misses this opportunity entirely, increasing costs.

Front porches. Ross Chapin, the architect who wrote the definitive book on pocket neighborhoods, identifies the front porch as "perhaps the key element in fostering neighborly connections."^[16] Front porches oriented toward the courtyard encourage residents to spend time outside, interact with neighbors, and build community. Madison's ordinance does not require them.

Courtyard visibility from the street. Opticos Design, the firm that coined the term "missing middle housing," describes the traditional bungalow court design as "small, detached structures arranged to define a shared court that is typically perpendicular to the street."^[17] The courtyard opens to the street, creating a welcoming pedestrian connection between the development and the public realm. Madison's ordinance has no such requirement—courtyards can be completely hidden from public view.

Common amenity buildings. The BSA Place Creation design guide emphasizes that "it is important to include a common building for use by all residents" and that "a common building fully equipped with a kitchenette, areas for exercise classes, and a common tool/gardening shed can increase the livability and marketability of these neighborhoods."^[18] Common buildings also enable cohousing—intentional communities where residents share meals, activities, and responsibilities. Madison's ordinance does not permit a common amenity building, foreclosing the cohousing model entirely.

Private outdoor space. The ordinance establishes no minimum private outdoor space for individual dwelling units. A minimum private outdoor space requirement—even a small one, like a 100-square-foot patio—would address households that want private space for gardening, pets, or children's play.

D. The Ochowicz Amendment Makes Sense

Alder Ochowicz proposed an amendment to establish an eight-foot rear setback for cottage courts rather than requiring them to meet the rear setback of the underlying zoning district, which ranges from 20 to 30 feet depending on the district.^[19]

Staff opposes this amendment, arguing it would "reintroduce setback inconsistency within a zoning district by creating a carveout for a single use."^[20] But this argument is circular. The entire point of creating a cottage court use is that it's a different form than single-family housing. If cottage courts were meant to follow all single-family standards, there would be no need for a new use category.

The reduced setback would provide a larger building envelope, allowing more homes to be built. This is precisely what an ordinance promoting housing production should do. The Plan Commission voted to recommend approval including this amendment.

E. Park Impact Fees Undermine Affordability

Park impact fees for cottage court homes are calculated the same as single-family homes, regardless of unit size.^[21] For homes under 1,000 square feet—the typical cottage court size—this adds approximately \$2,300 per unit compared to ADU rates.

This makes no sense. An 800-square-foot cottage generates less park demand than a 3,000-square-foot single-family home. The city already recognizes this principle for ADUs, which pay reduced impact fees reflecting their smaller size. Cottage court homes should receive the same treatment.

On an eight-unit development, the difference adds nearly \$20,000 to project costs—money that ultimately gets passed on to buyers or renters. If the goal is affordable housing, the ordinance should align impact fees with unit size.

F. The Planned Development Barrier

Cottage court projects exceeding eight units require quasi-judicial planned development approval rather than proceeding by right. This contradicts the ordinance's stated goal of providing "an easier path for cottage courts to be created."

The planned development process adds months to project timelines, requires discretionary approval by the Plan Commission, and introduces uncertainty that chills investment. Developers must hire additional consultants, attend multiple public hearings, and navigate a process where approval is not guaranteed.

Larger projects are often more financially viable. A twelve-unit cottage court on a one-acre lot yields 12 units per acre—closer to true missing middle density. But under this ordinance, that project requires the same approval process as a major commercial development.

If Madison wants cottage courts built, the ordinance should allow larger by-right developments—perhaps 12 or 16 units before triggering planned development review. The eight-unit threshold is arbitrary and counterproductive.

G. The Martinez-Rutherford Amendment Doesn't Go Far Enough

The Plan Commission approved an amendment by Alder Martinez-Rutherford to allow two-family dwellings (twins and two-units) within cottage courts, so long as total dwelling units don't exceed eight.^[22] Staff supports this amendment, and so do I, but it doesn't go far enough.

Standard practice in cottage court development allows three- and four-unit buildings set to the rear of the development. This adds density and housing units, makes projects more financially viable, and produces more affordable homes. Madison's ordinance should follow this practice rather than limiting structures to two units.

H. Process Concerns

The American Institute of Certified Planners Code of Ethics requires planners to "facilitate the exchange of ideas and ensure that people have the opportunity for meaningful, timely, and informed participation in the development of plans and programs that may affect them."^[23]

The ordinance was drafted without public input, introduced on October 28, and scheduled for a Council vote just six weeks later. The Madison Area Builders Association and the Realtors Association of South Central Wisconsin were not engaged before the drafting or introduction.

When asked about the comparative analysis underlying the ordinance, Planning Director Meagan Tuttle confirmed that staff does not maintain "a full list of everyone we looked at."^[24] The staff memo references only Portland, Oregon; Burlington, Vermont; and Stoughton, Wisconsin.^[3] This falls short of the comprehensive analysis a new housing type deserves.

I. The ADU Precedent

Madison adopted an accessory dwelling unit ordinance in 2013.^[25] Market uptake was so poor that the city has revised it multiple times. As of early 2022, only about two dozen ADUs had been approved citywide, and half had actually been built.^[26] The cottage court ordinance follows the same pattern: drafted without stakeholder input, rushed through approval, and designed around what planners think the market should want rather than what builders and buyers actually need.

CONCLUSION AND RECOMMENDATION

I respectfully request that the Common Council refer this ordinance back to the Plan Commission with direction to:

1. Conduct meaningful stakeholder engagement with the Madison Area Builders Association, the Realtors Association of South Central Wisconsin, and other groups that can provide insight into market viability.
2. Prepare a comprehensive comparative analysis of cottage court ordinances from municipalities that have successfully implemented this housing type, documenting specific provisions and built results.
3. Develop to-scale drawings showing realistic development scenarios, including relationships to adjacent properties.
4. Revise the ordinance to align with best practices, including: courtyard requirements that scale with unit count; parking limited to one space per unit with screening and clustering requirements; allowance for attached garages and carriage houses; front porch requirements; courtyard visibility from the street; allowance for common amenity buildings; private outdoor space minimums; design compatibility standards; and park impact fees proportional to unit size.
5. Specify that cottage court developments must comply with MGO 28.141 and 28.142, notwithstanding the general exemption for single-family and two-family dwellings.
6. Consider raising the by-right threshold above eight units to enable financially viable projects without requiring planned development approval.
7. Allow three- and four-unit buildings within cottage court developments, not just two-unit buildings.

I support cottage courts. Madison needs this housing type. Taking additional time for stakeholder engagement and revision will produce an ordinance that actually results in housing being built.

Thank you for your consideration.

Sources

- [1] Daniel Parolek, "Missing Middle Housing," 2014 presentation to NAHB. [Link](#)
- [2] Legistar File No. 90557, Body Version 2, Section 28.151(e)(1). [Link](#)
- [3] City of Madison Planning Division Staff Report, December 1, 2025.
- [4] City of Madison Comprehensive Plan, Part I, p. 20. [Link](#)
- [5] Legistar File No. 90557, Body Version 2, Sections 28.151(a)(1) and (b)(1). [Link](#)
- [6] Madison General Ordinances, Section 28.211. [Link](#)
- [7] Legistar File No. 90557, Body Version 2, Table 28I-3.
- [8] Madison General Ordinances, Section 28.142(2)(a). [Link](#)
- [9] Legistar File No. 90557, Body Version 2, Section 28.151(d)(3).
- [10] HUD User, "Kirkland, Washington: Cottage Housing Ordinance." [Link](#)
- [11] Washoe County, "Cottage Court Quick Info." [Link](#)
- [12] Daniel Parolek, Missing Middle Housing (Island Press, 2020).

- [13] Knoxville-Knox County Planning, "Missing Middle Housing Scan." [Link](#)
- [14] M-Group, "Cottage Housing Developments," March 7, 2017. [Link](#)
- [15] NCEI, "Normal Daily Minimum Temperature." [Link](#)
- [16] Ross Chapin, "Pocket Neighborhoods," Planetizen, May 14, 2015. [Link](#)
- [17] Opticos Design, "Missing Middle Housing Close Up: Bungalow Courts." [Link](#)
- [18] BSA Place Creation, "Pocket Neighborhoods." [Link](#)
- [19] Legistar File No. 90557, Ochowicz Proposal.
- [20] City of Madison Planning Division Staff Report, December 1, 2025, p. 2.
- [21] City of Madison Park Impact Fee Schedule; comparison to ADU rates.
- [22] Legistar File No. 90557, Martinez-Rutherford Proposal.
- [23] AICP Code of Ethics, Section A.2. [Link](#)
- [24] Email correspondence with Planning Director Meagan Tuttle, November 2025.
- [25] City of Madison ADU information. [Link](#)
- [26] Madison.com, January 14, 2025. [Link](#)