

M E M O R A N D U M

Date: December 1, 2025

To: Plan Commission

PC: All Alders
Lisa Marshall, Realtors Association of South Central Wisconsin
Chad Lawler, Madison Area Builders Association
Bill Connors, Smart Growth Madison

From: Alex Saloutos

Re: Concerns Regarding Proposed Cottage Court Ordinance, Agenda Item No. 8, December 1, 2025, Legistar ID Nos. [90557](#)

I write in support of cottage courts as a housing type and believe Madison should adopt legislation enabling their development. However, the proposed ordinance requires more careful consideration than the current approval timeline allows. While I appreciate the staff's work on this initiative, the legislation contains significant deficiencies that will undermine its stated goals and create unintended consequences for housing affordability, development feasibility, consumer acceptance, and neighborhood character.

Process Concerns and Professional Standards

The American Institute of Certified Planners (AICP) [Code of Ethics](#) establishes clear principles for planning processes. Section A.2 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."

The process used to develop this ordinance falls short of these professional standards. The legislation was drafted without public input, introduced with sufficient co-sponsors to ensure passage, and scheduled for rapid approval through a single Plan Commission meeting before Council action. This approach treats public hearings as procedural requirements rather than opportunities for substantive community engagement. The result is that meaningful public participation occurs only after the framework has been established and political commitments made, when the "cake is baked," as it were.

The [staff memo](#) dated December 1, 2025, which accompanies this ordinance, exemplifies these deficiencies. According to email correspondence with Planning Director Meagan Tuttle, staff reviewed ordinances from municipalities in the Pacific Northwest and Wisconsin, but does not maintain "a full list of every one we looked at." The memo references Portland, Oregon; Burlington, Vermont; and Stoughton, Wisconsin, and makes vague references to Oregon and Washington model codes. This falls far short of the Code's requirement that planners "provide timely, adequate, clear, accessible, and accurate information on planning issues to all affected persons, to governmental bodies, to the public, to clients and to decision makers."

By contrast, the National Association of Home Builders' comprehensive 2019 report on cottage courts and missing middle housing, [Diversifying Housing Options With Small Lots and Smaller Homes](#), analyzes ordinances from Ashland, Oregon; Raleigh, North Carolina; and numerous other jurisdictions, documenting specific provisions, built results, incentives, and challenges. That report makes clear that successful cottage court ordinances require careful attention to design standards,

dimensional requirements, and parking provisions—precisely the areas where Madison’s proposal shows the most significant weaknesses.

Substantive Issues with the Proposed Ordinance

Even a preliminary review reveals troubling provisions that suggest the ordinance has not been adequately vetted against best practices or tested for internal consistency. The following examples illustrate the types of problems that merit closer examination:

- **Inadequate courtyard size:** The ordinance requires only 400 square feet of common courtyard regardless of whether the development contains three units or eight units, with no per-unit minimum. Best practices from other jurisdictions typically require 400 square feet per dwelling unit or 10% to 20% of the lot size. Madison’s standard creates no meaningful outdoor gathering space and defeats a primary purpose of the cottage court typology.
- **Parking structures permitted by right with no standards:** The staff memo states that “parking areas may include surface parking, detached shared garages and carports,” making no mention of parking structures. However, the proposed [ordinance text](#) (Section 28.151(e)(1)) provides: “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.” Under Madison’s zoning code, a “parking structure” is defined as “an above- or below-grade structure used for the parking or storage of motor vehicles” ([MGO 28.211](#)). The ordinance text thus permits parking structures that the staff memo fails to disclose, and it provides no design standards, setback requirements, screening provisions, or dimensional limitations for these structures. This allows multi-story parking structures to be built by right in all residential zoning districts, except TR-U2 and TR-R, with no review of their compatibility with surrounding residential development.
- **Prohibition on dwelling units over garages:** The requirement for detached garages with no allowance for dwelling units above them artificially reduces density, increases development costs, and wastes buildable space that could provide additional housing.
- **Prohibition on attached garages:** The blanket ban on attached garages ignores market preferences and makes cottage courts less financially viable for both developers and buyers, thereby reducing the likelihood of this housing type being built. I have reviewed dozens of cottage court ordinances and am not aware of any other municipality with a similar climate to Madison that prohibits attached garages in cottage court developments.
- **No requirement for front porches:** Despite porches being a defining characteristic of cottage court design that encourages community interaction, the ordinance does not require them, undermining the social goals that justify allowing increased density.
- **Exclusion of two- and three-unit cottage buildings:** The ordinance limits each structure to single-family occupancy, missing an opportunity to provide gentle density increases and more affordable housing options within the cottage court framework.
- **Parking lots permitted by right:** A development with eight cottages could construct a 16-space parking lot (two spaces per unit) by right in all residential zoning districts except TR-U2 and TR-R. The ordinance provides inadequate screening and landscaping requirements for surface parking lots of this scale in residential areas.

- Insufficient specificity on implementation plan requirements: The ordinance references “reciprocal land use agreements” and “cross access easements” but provides no standards for their content or enforcement, creating potential legal and administrative problems.

These are merely examples drawn from an initial review. A thorough analysis comparing Madison's proposal to ordinances from municipalities with similar climates and to planning literature references on best practices, such as Ashland, Oregon; Redmond, Washington; Kirkland, Washington; and Raleigh, North Carolina, would likely reveal additional concerns. The fact that such an analysis has not been prepared and provided to the Plan Commission and Council before you are asked to vote represents a significant gap in the decision-making process.

Recommended Actions

I respectfully urge the Plan Commission to recommend that the Common Council delay action on this ordinance until the following steps have been completed:

First, staff should prepare a comprehensive comparative analysis of cottage court ordinances from municipalities that have successfully implemented this housing type. This analysis should document specific provisions related to dimensional standards, parking requirements, design elements, approval processes, and—critically—built results. The NAHB report and readily available ordinances from Ashland, Redmond, Kirkland, Portland, and other jurisdictions provide ample material for this analysis.

Second, the city should conduct a meaningful public engagement process that allows residents, developers, architects, and housing advocates to provide input before the ordinance framework is finalized. This engagement should include sufficient time for thoughtful review and substantive discussion, not merely three-minute public comment periods at a single meeting.

Third, staff should provide an analysis of how the proposed provisions would affect development feasibility, including a pro forma analysis of whether cottage courts, as currently drafted, would pencil out for small builders and developers most likely to undertake projects of this scale.

I support cottage courts and want Madison to create an ordinance that will actually result in this housing type being built. Rushing to approve legislation that has not been thoroughly vetted against best practices and stakeholder input risks creating an ordinance that sits unused on the books while failing to address our housing challenges. Taking the time to do this right will produce better results for the city, the development community, and residents who need more housing options.

If you have any questions or would like to discuss this, I can be reached at (608) 345-9009.

Thank you for your consideration.