

1 10.307. TDR-R (Transfer of Development Rights Receiving Area)  
2 Overlay Zoning District

3 (1) *Statement of purpose.* The purposes of the TDR-R overlay district are to:

- 4 (a) establish a county-wide framework which allows a participating municipality to
- 5 transfer development rights within or outside its jurisdiction;
- 6 (b) encourage the clustering of rural development;
- 7 (c) encourage the efficient provision of services by clustering residential units;
- 8 (d) encourage efficient transportation planning by encouraging compact development;
- 9 (e) support planning of development in areas which have less impact on key sources;
- 10 (f) preserve and enhance property rights;
- 11 (g) encourage rural housing that is adequate and affordable for persons from a range
- 12 of incomes;
- 13 (h) facilitate development in rural areas of towns already experiencing or seeking
- 14 development;
- 15 (i) encourage the efficient use of land that has no history of, or is no longer suitable
- 16 for, agriculture; and
- 17 (j) help Dane County and participating communities achieve the goals and objectives
- 18 contained in adopted plans

19 (2) *Areas affected.* This district is generally intended to apply to lands identified in adopted  
20 town and county comprehensive plans as suitable for:

- 21 (a) residential development at a density exceeding one dwelling unit per 35 acres; and
- 22 (b) receiving areas for a transfer of development rights program

23 (3) *Applicable zoning districts.* The TDR-R Overlay district shall only apply in the Rural  
24 Mixed-Use, Rural Residential, Residential and Hamlet zoning districts.

25 (4) *Applicability near incorporated municipalities.*

- 26 (a) The county board may not rezone to the TDR-R overlay district any parcel wholly or
- 27 partially within the extraterritorial plat review jurisdiction of an incorporated
- 28 municipality, as defined in s. 236.02(5), Wis. Stats., unless consistent with an
- 29 adopted town and county comprehensive plan.
- 30 (b) If there are inconsistencies between the comprehensive plans of the town and the
- 31 incorporated municipality with extraterritorial jurisdiction, prior to county board
- 32 action the town and municipal governments must resolve the inconsistencies,
- 33 following the dispute resolution process set forth in their respective comprehensive
- 34 plans as required by s. 66.1001(2)(g), Wis. Stats.

35 (5) *Permitted uses.* All permitted uses in the underlying zoning district, provided all of the  
36 following criteria are met:

- 37 (a) Each new dwelling unit is accompanied by transferred development rights from a
- 38 parcel or parcels in the TDR-S overlay district consistent with, and at a ratio

determined by, an adopted town and county comprehensive plan.

**(b)** All transferred development rights in (a) above are from TDR-S overlay districts within the same town as the proposed dwelling unit, unless inter-town transfers are expressly authorized in adopted town and county comprehensive plans for both the sending and receiving towns.

**(c)** The landowner records a notice document for each new dwelling unit that details the number of development rights transferred, describes the sending property or properties, and references the recorded document number of the TDR agricultural conservation easement required under s. 10.306(4)(b).

**(d)** Copies of any recorded notices and copies of recorded TDR agricultural conservation easements on the sending parcel or parcels in the TDR-S district, must be provided to the zoning administrator before zoning permits will be issued.

**(6) Conditional uses.** All conditional uses in the underlying zoning district, provided all of the following criteria are met:

**(a)** Any application for a conditional use permit in the TDR-R overlay district that would increase the number of permanent dwelling units, except for those uses listed in paragraph (b) below, is accompanied by transferred development rights from a parcel or parcels in the TDR-S overlay district consistent with, and at a ratio determined by, an adopted town and county comprehensive plan

**(b)** Exceptions. The following conditional uses are not considered an increase in the number of permanent dwelling units and do not require a transferred development right:

1. community living arrangements;
2. attached accessory dwelling units;
3. extended care facilities; and
4. nursing homes.

