

**Dane County Board of Supervisors  
Amending Chapter 10 of the Dane County Code of Ordinances  
Zoning Map Amendment Petition 10674**

Dane County Board of Supervisors does ordain as follows:

The Zoning Districts Maps as referenced under Dane County Code of Ordinance Section 10.03 shall be amended as follows:

**Town Map:** Town of Rutland

**Location:** Section 7

**Zoning District Boundary Changes**

**C-2 to C-2**

Lot 1 of Certified Survey Map #8936, Section 7, T5N, R10E, Town of Rutland, Dane County, Wisconsin except a 3,489 square foot section in the northwest corner.

**C-2 to RE-1**

Lot 1 of Certified Survey Map #5559, Section 7, T5N, R10E, Town of Rutland, Dane County, Wisconsin and a 3,489 square foot section in the northeast corner.

**CONDITIONAL ZONING**

Conditional zoning is hereby imposed pursuant to Section 10.255(3)(a)2.(b) of the Dane County Code of Ordinances. The rezoned area shall be subject to the following conditions.

**DEED RESTRICTION REQUIRED**

This amendment will be effective if within 90 days of its adoption by Dane County the owner or owners of the land record the following restriction(s) on said land:

1. The deed restrictions on the property shall be amended to permit the following specified land uses: Sales, rental and leasing, repair and service of new and used agricultural and landscaping implements and equipment; Sales, rental and leasing, repair and service of new and used lawn and garden equipment; Sales, rental and leasing, repair and service of new and used contractor's machinery, equipment and vehicles used in the operation of the business; Sales, rental and leasing, repair and service of new and used recreational equipment; Rental and leasing of new and used items not listed above; Related sales of incidental related items, and sales of agricultural and dairy products not produced on the premises and incidental sales of pop and candy; Storage and repair of equipment and materials related to a

landscaping business including but not limited to lawn care, snow removal, landscape contracting and sifting and re chopping of landscape materials; Retail of landscaping, lawn care, snow removal and landscape maintenance and design materials including nursery plants; Property landscape improvements and outdoor display to include but not limited to decorative rock and pavers, plantings, fencing and water features.

2. All outdoor equipment storage areas and outdoor material storage areas shall be screened from view at street level.
3. All outdoor lighting shall be downward shining.
4. There will be a recorded 33 foot wide easement in favor of the Town along the entire east side of the parcel for a possible future road.
5. The owner of the parcel will be responsible for a share of the cost of construction of a road on the easement if and when a road is developed. This share would be based on the front footage of each parcel.
6. Access to that future road shall replace the driveway to the property on State highway 138.

Said restriction(s) shall run in favor of Dane County and the pertinent Town Board(s) as well as the owners of land within 300 feet of the site. **Failure to record the restriction(s) will cause the rezone to be null and void. A copy of the recorded document shall be submitted to Dane County Zoning.**

#### **CERTIFIED SURVEY REQUIRED**

The above listed description/s is/are intended to describe land for which a certified survey map will be prepared for approval and recorded. Within 90 days of rezoning approval by Dane County, a *final* certified survey map that describes the land to be rezoned shall be prepared in accordance with all applicable provisions of Chapter 236 Wisconsin Statutes and Chapter 75 Dane County Code of Ordinances, and submitted to the Dane County Zoning Division. Upon submission of the final certified survey map, the Zoning and Land Regulation Committee, or its authorized representative, shall, within 30 days, approve, approve conditionally, or reject the certified survey map. **Failure to submit the final certified survey within the 90 day period and/or failure to record the survey with the Dane County Register of Deeds will cause the rezone to be null and void. Two copies of the recorded survey shall be submitted to Dane County Zoning.**