

**Dane County Board of Supervisors
Amending Chapter 10 of the Dane County Code of Ordinances
Zoning Map Amendment Petition 11958**

Dane County Board of Supervisors does ordain as follows:

The Zoning Districts Maps as referenced under Dane County Code of Ordinance Section 10.200(4) shall be amended as follows:

Town Map: Town of PERRY

Location: Section 3

Zoning District Boundary Changes

Rezone from FP-35 to RR-2

That part of the Southwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 3, Town 5 North, Range 6 East, Town of Perry, Dane County, Wisconsin, bounded and described as follows:

Commencing at the West $\frac{1}{4}$ corner of said Section 3; thence S89°56'53"E along the South line of the Northwest $\frac{1}{4}$ of Section 3, 275.40'; thence N00°09'14"W, 240.26' to the point of beginning; thence N00°09'14"W, 442.24'; thence S78°02'06"E, 399.00' to the Westerly right of way line of State Trunk Highway 78; thence Southwesterly, 192.46' along said right of way line and the arc of a curve to the right whose radius is 737.00' and whose chord bears S34°10'27"W, 191.91'; thence S41°39'19"W along said right of way line, 268.80'; thence N89°56'53"W, 102.69' to the point of beginning.
Contains 108,900 square feet or 2.50 acres.

Rezone from FP-35 to FP-1

That part of the Southwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 3 and the Southeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 4, Town 5 North, Range 6 East, Town of Perry, Dane County, Wisconsin, bounded and described as follows:

Beginning at the West $\frac{1}{4}$ corner of said Section 3; thence N00°37'09"E, 214.86'; thence N77°50'57"W, 188.53'; thence N02°29'24"E, 513.16'; thence S89°55'23"E, 192.73'; thence N00°37'09"E, 33.66'; thence S78°02'06"E, 672.63' to the Westerly right of way line of State Trunk Highway 78; thence Southwesterly, 67.52' along said right of way line and the arc of a curve to the right whose radius is 737.00' and whose chord bears S24°04'06"W, 67.50'; thence N78°02'06"W, 399.00'; thence S00°09'14"E, 442.24'; thence S89°56'53"E, 102.69' to the Westerly right of line of State Trunk Highway 78; thence Southwesterly, 274.88' along said right of way line and the arc of a curve to the left whose radius is 583.00' and whose chord bears S28°08'52"W, 272.35' to the South line of the Northwest $\frac{1}{4}$ of Section 3; thence N89°56'53"W, 248.96' to the point of beginning.
Contains 336,850 square feet or 7.73 acres.

CONDITIONAL ZONING

Conditional zoning is hereby imposed pursuant to Section 10.101(8)(d) of the Dane County Code of Ordinances. The rezoned area shall be subject to the following conditions.

1. Applicant shall record a shared driveway maintenance agreement with the Dane County Register of Deeds for the shared driveway.

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.**

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. A deed restriction shall be recorded on tax parcels 0506-032-9120-7 and 0506-032-8540-1 stating the following:
 - a. Further residential/nonfarm development is prohibited on the remaining FP-35 zoned land. The housing density rights for the original farm have been exhausted per the Town Comprehensive Plan density policies.

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.