

**Dane County Board of Supervisors
Amending Chapter 10 of the Dane County Code of Ordinances
Zoning Map Amendment Petition 10755**

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 Christiana

Location: Section 2

Zoning District Boundary Changes

C-2 (with deed restrictions) to C-2 (with amended deed restrictions)

Lot 4 of Certified Survey Map No. 11614, located in part of the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 2, together with part of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$, Section 1, all in T6N, R12E, Town of Christiana, Dane County, Wisconsin.

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.

1. The deed restriction found under Dane County Register of Deeds document #4138178 shall be amended to the following restrictions:
 - a. The property shall be limited exclusively to the following land uses: Contractor's offices and indoor storage of contractor's equipment, vehicles, and construction materials. Units #5 and #6 are permitted to be used for the indoor storage of personally owned recreational vehicles, subject to Section 2, below. Warehousing of personal belongings in all other units is prohibited. Unit spaces shall not be used for living quarters or act as residences.
 - b. Outside storage of materials, equipment, bulk fuel tanks or vehicles is prohibited except for the specified areas as shown on the attached Site Development Plan (Part II) for the benefit of Unit #7 having dimensions of 100 x 40 feet and 30 x 80 feet. Business vehicles may be stored on the premises in the evening and during non-business hours.
 - c. The building layout shall comply with the attached Site Development Plan. Construction of additional buildings or expansion of buildings is prohibited, but remodeling of existing structures without a footprint increase is permitted.
 - d. There shall be a maximum of 8 condominium units located the property. The ownership units shall comply with boundary spaces as designated on the attached Site Development Plan. Unit spaces shall not be further divided or partitioned off to create separate ownership/rental spaces.
 - e. With respect to the 8 condominium units, there shall be no more than 5 owners of those 8 units. Further, there shall be no more than 5 businesses in operation at any time within those 8 units. "Business" is defined as an ongoing commercial concern operating out of one or more units. Leasing of units shall be permitted provided the land use of the tenant is consistent with the deed restrictions.
 - f. All Deed Restrictions shall terminate in the event that the subject property is annexed in the future to the Village of Cambridge, WI.

2. The Board of Directors or “Manager” of the JCL Condominium Association and Jolly Rogers of Cambridge, LLC, shall enter into an agreement with the Town of Christiana and Dane County acknowledging that occupants of Unit #1 and Unit #2 are in violation of the recorded deed restrictions for the property, subject to the following:
 - a. The coffee warehousing business found within Unit #1 may remain lawfully in operation at said Unit #1 for so long as the current coffee warehousing business remains an ongoing concern. Upon termination or sale of said business, Unit #1 shall no longer be permitted to house any business non-compliant with the generally applicable deed restrictions.
 - b. Further, the owner of Unit #2 shall cause the termination of the current lease of said unit with the current tenant trucking company, based on a 90-days notice of termination, and after said 90 days, the current tenant shall be removed from the premises. The owner of Unit #2 shall give tenant notice of termination within 5 days of final approval of the rezone petition by the Dane County Board. The Notice shall be submitted to the Town and Dane County concurrent therewith.

3. The Board of Directors or “Manager” of the JCL Condominium Association and the Benno C. Fischer Trust, shall enter into an agreement with the Town of Christiana and Dane County acknowledging that occupants of Unit #5 and Unit #6 are in violation of the recorded deed restrictions for the property, subject to the following: The personally owned recreational storage / use found within Unit #5 and #6 may remain lawfully in operation at said Units for so long as the current owner, or a related affiliate primarily owned by Mr. Ben Fisher, remains the owner. Upon sale of said Unit(s) to a party whose ownership is not primarily controlled by Ben Fischer, Unit #5 and #6, as applicable, shall no longer be permitted to house any business non-compliant with the generally applicable deed restrictions.

4. The Board of Directors or “Manager” of the JCL Condominium Association shall enter into an agreement with the Town of Christiana and Dane County acknowledging the following:
 - a. The exterior of the most easterly building (Unit 8) shall be reconstructed in the following manner: The 12 existing 9x9 overhead doors located on west side of the building shall be reduced to a maximum of 2 overhead doors (removal of 10 doors). All doors on the east side of the building shall remain at their present location. There may be a total of 2 walk-in service doors. The Unit will not be used for mini-warehouse purposes. The physical changes required shall be completed within one year of adoption.
 - b. The owner of Units #2, #7, and #8 shall have the right to store a single personal recreational vehicle (e.g. motor home, camper, trailer or the like) within any one of those units.

5. The declaration of condominium of JCL Condominium which was recorded on August 28, 2008 as Document No. 4463293 in the Dane County Register of Deeds office shall be amended in the following fashion:
 - a. The JCL Condominium Plat shall be amended to designate a maximum of eight (8) condominium units as shown on the attached Site Development Plan. The Declaration shall reflect the restrictions specific in section 1.e., above, limiting the condominium to 8 units, 5 owners, and 5 businesses.
 - b. The Area Reserved for future expansion shall be revised to state that no expansion is permitted so long as the property is within the jurisdiction of the Town of Christiana and subject to Dane County zoning.
 - c. Language shall be added to the declaration requiring Town approval for any future amendments made to the declaration until such time as the property is annexed into the Village of Cambridge.
 - d. The language as found under Section 7 of the Declaration shall be amended to the following:

Use of Property:

~~All property designated for commercial and business use consistent with the Dane County Ordinances and Town of Christiana Ordinances and shall be used and devoted exclusively to commercial and business uses. The property shall be limited exclusively to the following land uses: Contractor's offices and indoor storage of contractor's equipment, vehicles, and construction materials. Warehousing of personal belongings in all other units is prohibited. Outside storage of materials is prohibited except for designated areas as shown on the Site Development Plan. Unit spaces shall not be used for living quarters or act as residences. Uses consistent with the deed restrictions for Lot 1 of Certified Survey Map 11614 are permitted, and said restrictions should be referenced for additional information.~~ No such use may unreasonably interfere with the use and enjoyment of the Common Elements and their Units by other Unit Owner. There may be no storage or activity which increases the insurance rates of the Condominium.

6. The Town hereby stipulates that is aware of the current alleged violations of deed restrictions asserted by Dane County and that the Town agrees to the above-described changes in order to resolve the alleged violations affiliated with the subject property to its satisfaction.
7. The Town acknowledges that the enforceability of the above-described changes is contingent upon: (1) final approval of same by Dane County; and (2) dismissal by Dane County of Case No. 2015 CX 05.
8. The deed restrictions provided herein shall be enforceable at law or equity against any party who has or acquires any interest in the land subject to these restrictions by the following who are named as grantees and beneficiaries with enforcement rights:
 - a. The County Government of Dane County, Wisconsin provided that the lands are under the jurisdiction of the County zoning ordinance at the time the enforcement action is commenced, and;
 - b. The Town Government of the Town of Christiana, Dane County, provided that the lands are within the jurisdiction of said Town at the time the enforcement action is commenced.
 - c. The owner(s) of record of any lands that are located within 300 feet of the subject property.