

1 10.306. TDR-S (Transfer of Development Rights Sending Area)  
2 Overlay Zoning District

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

4 (a) Support Transfer of Development Rights, as follows:

- 5 1. establish a county-wide framework which allows a participating municipality to
- 6 transfer development rights within or outside its jurisdiction;
- 7 2. reduce spot development of rural land;
- 8 3. encourage efficient transportation planning by reducing truly scattered
- 9 development;
- 10 4. encourage environmental preservation by enhancing open space;
- 11 5. preserve and enhance property rights;
- 12 6. provide support and input into the agricultural community by encouraging the
- 13 preservation of large intact agricultural areas in some locations and individual
- 14 farms in other areas;
- 15 7. direct development in rural areas away from areas planned for long-term
- 16 agricultural use;
- 17 8. provide a potential for compensation for individuals who do not want to develop
- 18 their property or who live in communities which wish to restrict development;
- 19 9. help Dane County and participating communities achieve the goals and objectives
- 20 contained in adopted plans;
- 21 10. facilitate purchase of development rights programs to protect high-priority
- 22 natural or agricultural resources; and
- 23 11. allow for towns, villages and cities to serve as a clearinghouse for development
- 24 rights in accordance with adopted land use and comprehensive plans.

25 (b) *Protect property rights.* Nothing in this section is intended to restrict, curtail or  
26 abridge the rights of property owners to use their property as currently permitted  
27 under ordinance, to petition the county board to rezone property or to apply for  
28 conditional use permits under ss. 59.69, 91.46 or 91.48, Wis. Stats., or this  
29 ordinance. A development proposal which is consistent with adopted plans is not  
30 objectionable on the grounds that it is not being undertaken with transferred  
31 development rights.

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

- 34 (a) long-term or permanent agricultural, conservation or natural resource use;
- 35 (b) limited or no non-farm development; and
- 36 (c) sending areas for a transfer or purchase of development rights program.

37 (3) *Applicable zoning districts.* The TDR-S Overlay district shall only apply in the FP-35 and  
38 NR-C zoning districts

39 (4) Permitted uses.

40 (a) All permitted uses in the underlying zoning district.

41 (b) Transfer of development rights consistent with, and at a ratio determined by, an  
42 adopted town and county comprehensive plan.

43 1. Any transferred development rights must be accompanied by a recorded TDR  
44 agricultural conservation easement placed on the sending property.

45 2. The recorded easement must include a legal description of the sending property  
46 in accordance with adopted town and county comprehensive plan guidelines,  
47 must detail the number of rights transferred or sold, and must describe any  
48 receiving property or properties.

49 3. TDR agricultural conservation easements must list, at a minimum, the county and  
50 the town as parties with enforcement rights and must require, at a minimum, the  
51 county, the town and the landowner to agree to any amendment of the  
52 agricultural conservation easement in writing and after at least one public hearing  
53 held by the zoning committee. All such amendments shall be recorded.

54 4. No third parties with enforcement rights may be added without approval of the  
55 Town and the County.

56 (5) Conditional uses. All conditional uses in the underlying zoning district.

57 (6) Area regulations. All lots in the TDR-S overlay district must meet the minimum lot size of  
58 the underlying zoning district  
59

