

**Dane County Board of Supervisors
Amending Chapter 10 of the Dane County Code of Ordinances
Zoning Map Amendment Petition 12003**

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 Cottage Grove

Location: Section 26

Zoning District Boundary Changes

FP-35 to SFR-1

Located in the Northeast 1/4 of the Southeast 1/4 and the Southeast 1/4 of the Southeast 1/4 of Section 26, T7N, R11E, Town of Cottage Grove more fully described as follows: Commencing at the East 1/4 Corner of Section 26, thence S00°02'41"W, 879.53 feet, along the East line of the Southeast 1/4 of Section 26; thence S89°40'18"W, 366.16 feet along the centerline of Skaar Road; thence S00°02'14"W, 154.36 feet along the Centerline of Skarstinden Road; thence S89°52'44"E, 33.00 feet to the point of beginning and West right-of-way of Skarstinden Road; thence along said right-of-way S00°02'14"W, 489.54 feet; thence N89°58'07"W, 300.00 feet along the North line of Certified Survey Map No. 13349, thence N00°02'14"E, 490.01 feet; thence S89°52'44"E, 300.00 feet to the point of beginning. Containing 146,932 sq. ft. or 3.37 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. The TDR-R (Transfer of Development Rights – Receiving) overlay zoning district shall be applied to the two SFR-1 lots.

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. Owner shall record a deed restriction on the sending property (tax parcel 0711-361-9000-9) stating the following:
 - a. Residential development is prohibited on the remaining FP-35 zoned land (NE 1/4 of the NE 1/4, section 36, Town of Cottage Grove). The housing density rights for the original Steven and Gary Swalheim farm have been exhausted per the Town Comprehensive Plan density policies.
2. A deed notice document shall be recorded on the two SFR-1 lots being created by Certified Survey Map indicating the lots were created by a transfer of development rights.

Said restriction(s) shall run in favor of Dane County and the pertinent Town Board(s). 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.