

**TOWN OF COTTAGE GROVE  
BOARD ORDINANCE 2016-04**

**AMENDING THE  
TOWN OF COTTAGE GROVE COMPREHENSIVE PLAN**

**WHEREAS**, on October 28, 2015, the Town of Cottage Grove Board adopted an updated Town of Cottage Grove Comprehensive Plan (hereinafter "Plan"), under Section 66.1001(4), Wisconsin Statutes, in two volumes, with one volume titled Conditions and Issues and the second volume titled Vision and Directions; and

**WHEREAS**, Section 66.1001(4), Wisconsin Statutes; Section 15.20.2 of the Town Code of Ordinances; and Chapter 7 of the Vision and Directions volume of the Plan establish the required procedure for the Town to amend its comprehensive plan once updated; and

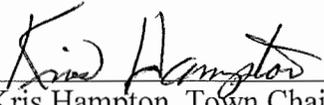
**WHEREAS**, the Town of Cottage Grove Plan Commission has the authority and responsibility to recommend amendments to the Plan to the Town Board, and the Town Board to approve amendments, under Section 66.1001(4); and

**WHEREAS**, on July 27, 2016, the Plan Commission adopted a resolution recommending the amendments to the Vision and Directions volume in the Plan, including amendments to Map 10: Future Land Use in Exhibit A and amendments to figures within the Land Use chapter in Exhibit B (amended language crossed out or underlined).

**NOW, THEREFORE, BE IT RESOLVED** that the Town Board of the Town of Cottage Grove hereby approves the amendments to the 2015 Town of Cottage Grove Comprehensive Plan, Vision and Directions volume, indicated in Exhibits A and B.

The above and foregoing Ordinance was duly adopted at a meeting of the Town Board of the Town of Cottage Grove held on the 1<sup>st</sup> day of August, 2016, by a vote of 4 in favor and 0 opposed.

**TOWN OF COTTAGE GROVE**

  
\_\_\_\_\_  
Kris Hampton, Town Chair

Attested by:

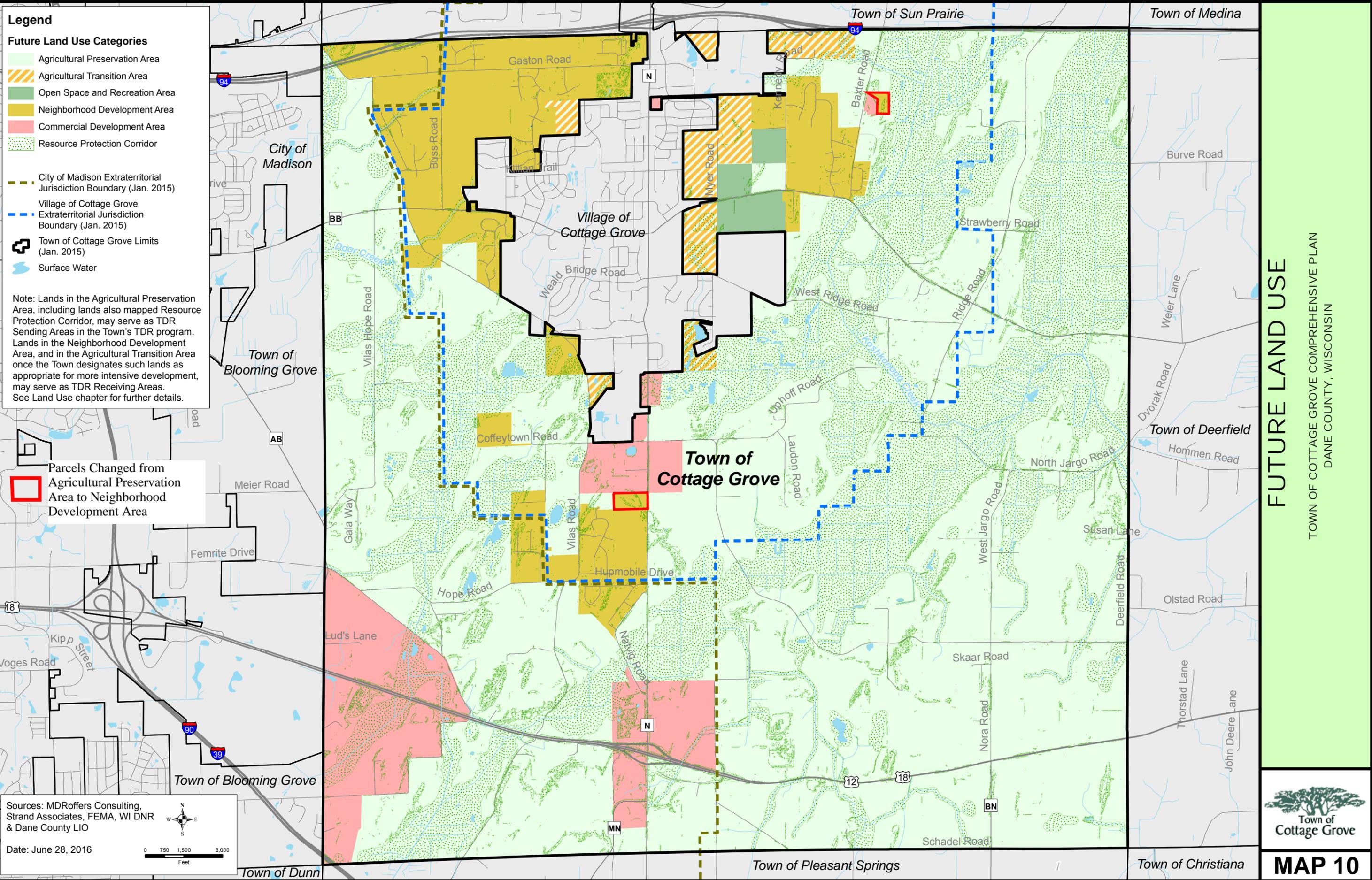
  
\_\_\_\_\_  
Kim Banigan, Town Clerk

**Incorporated by Reference:**

Exhibit A: Map Amendments, Comprehensive Plan, Vision and Directions Volume

Exhibit B: Text Amendments, Comprehensive Plan, Vision and Directions Volume

EXHIBIT A: MAP AMENDMENTS, COMPREHENSIVE PLAN, VISION AND DIRECTIONS VOLUME



**Legend**

**Future Land Use Categories**

- Agricultural Preservation Area
- Agricultural Transition Area
- Open Space and Recreation Area
- Neighborhood Development Area
- Commercial Development Area
- Resource Protection Corridor

City of Madison Extraterritorial Jurisdiction Boundary (Jan. 2015)

Village of Cottage Grove Extraterritorial Jurisdiction Boundary (Jan. 2015)

Town of Cottage Grove Limits (Jan. 2015)

Surface Water

Note: Lands in the Agricultural Preservation Area, including lands also mapped Resource Protection Corridor, may serve as TDR Sending Areas in the Town's TDR program. Lands in the Neighborhood Development Area, and in the Agricultural Transition Area once the Town designates such lands as appropriate for more intensive development, may serve as TDR Receiving Areas. See Land Use chapter for further details.

Parcels Changed from Agricultural Preservation Area to Neighborhood Development Area

Sources: MDRoffers Consulting, Strand Associates, FEMA, WI DNR & Dane County LIO

Date: June 28, 2016

FUTURE LAND USE

TOWN OF COTTAGE GROVE COMPREHENSIVE PLAN  
DANE COUNTY, WISCONSIN



MAP 10

Figure 2: Residential Density Unit (RDU) System

**Purpose and Definition**

A Residential Density Unit (RDU) is defined as the ability of a property owner in the Town to develop or maintain one housing unit on the same property, subject to the density and other policies in this *Plan*. Properties are allocated RDUs based on their area. The Town enables RDUs to be:

- Developed on the same parcel where they originated, in which case one RDU may be used to construct a single family residence, two RDUs may be used for one duplex, etc., based on *Plan* policies and zoning district rules;
- Transferred from that parcel to another parcel where consistent with the Town’s Transfer of Development Rights (TDR) program, described in Figure 3, in which case the number of permitted [dwelling-housing](#) units per RDU may be multiplied per the designated TDR transfer ratio; or
- Some combination of on-site use or transfer, if there are a sufficient number of RDUs remaining on the parcel.

**Residential Density Unit (RDU) Allocation**

1. All parcels that are at least 35 acres and not planned as a Commercial Development Area on Map 10: Future Land Use are assigned RDUs based on the following schedule:

Gross Area of May 15, 1982 Parcel	RDUs
35 acres or more but less than 70 acres	1
70 acres or more but less than 105 acres	2
105 acres or more but less than 140 acres	3
140 acres or more but less than 175 acres	4
175 acres or more but less than 210 acres	5
210 acres or more but less than 245 acres	6
245 acres or more but less than 280 acres	7
280 acres or more but less than 315 acres	8

2. The size of the parcel shall be expressed in whole numbers, allowing rounding of fractional amounts of ½ or greater. For example, if a property owner has 69.50 acres, it is considered 70 acres for the purpose of allocating RDUs under subsection 1 above. But if an owner has 69.49 acres, it is considered 69 acres.
3. Gross area of parcels shall be used when calculating RDUs, which may include roads, utility easements, and navigable waterways. Gross area will be determined using the most accurate source of parcel size information available, with Dane County digital parcel data being the preferred source in the event of disagreement.
4. RDUs shall be determined for each parcel of land in contiguous single ownership as it existed on May 15, 1982, and shall run with that parcel going forward regardless of change of ownership or division. Land transfers occurring after May 15, 1982 do not result in new allotments of RDUs.
5. Once the RDUs associated with a particular May 15, 1982 parcel are used, no further [dwelling-housing](#) units may be built upon or transferred from that parcel. The Town will require a deed restriction prohibiting further residential development on that portion of the parcel owned by the petitioner requesting the final split(s)/[dwelling-housing](#) unit(s). The Town will also require a deed notice document be placed on all other parcels comprising the May 15, 1982 parcel.
6. Because RDUs “run with the land” and not the owner, a person purchasing land should verify whether the sale does or can include any RDUs, or if the seller or a previous owner has already used them. Verification may take the form of a sales contract, deed, affidavit, or written agreement. When land sales after May 15, 1982 are not accompanied by such verification, at the time of a development proposal the Town will attempt to determine the intent of the land sale by requesting testimony from all affected landowners. The Town may also consider site characteristics to determine if a land transfer included an RDU, such as road access, soil suitability, farming history, and environmental features. The Town will share this information with the County Department of Planning and Development, and may request that an agreement or affidavit be filed with the Register of Deeds clarifying the status of remaining RDUs. In all cases, the Town requires the applicant to obtain a County Density Study.
7. See Figures 4 through 9 for particular areas of the Town and types of land use where RDUs do not apply. See the “Relationship to Town’s TDR Program” and “Development Policies for Agricultural Preservation Area” sections of Figure 4 for a description of the relationship between RDUs and older lots and farm residences, including their separation from the farm.



Figure 3: Transfer of Development Rights (TDR) Program

### TDR Program Purpose

The Town of Cottage Grove has adopted and utilizes a transfer of development rights (TDR) program, which has the following purposes:

- Maintain the Town's rural, agricultural character.
- Preserve large viable areas of farmland with a minimum of non-farm divisions.
- Allow farmers to collect a reasonable non-farm value on their land without dividing lots.
- Transfer RDUs towards areas of existing development and services.

### TDR Program Procedures

1. Town participation in the Dane County TDR Program is established through Section 15.15 of the Town Land Division and Planning Code and Sections 10.158 and 10.159 of the Dane County Zoning Ordinance. These County zoning ordinance sections have procedures for implementing the Town's TDR program, beyond those listed below.
2. The Town maintains a list of owners interested in selling RDUs under the TDR program. To be included on that list, an interested property owner should contact the Town Clerk, indicating the number of RDUs he/she would potentially be interested in selling/transferring from the property. That number will be subject to confirmation by a density study performed by Dane County, based on remaining RDUs on the land.
3. Lands within each TDR Receiving Area will require rezoning to a rural homes or residential underlying zoning district, along with a TDR-R Receiving Area Overlay Zoning District. In an effort to facilitate use of the TDR program, the Town and County in 2011 completed a blanket rezone of numerous areas within the planned Agricultural Preservation Area to the TDR-S Sending Area Overlay Zoning District. If, however, the TDR Sending Area parcel was not among those rezoned to TDR-S in 2011, the Sending Area parcel would need to be zoned into the TDR-S district.
4. Prior to each rezoning and land division/subdivision application associated with a TDR transaction, the Town encourages the Receiving Area developer to first secure an option to purchase (or another legally recognized tool) to enable the future purchase of RDUs from a Sending Area owner. The developer is encouraged to not to complete the final transaction to acquire RDUs at this time, in the event that not all required development approvals can be secured after this time for whatever reason.
5. To assure that the conveyance of RDUs is properly tracked on each Sending Area property, RDUs are in fact conveyed, and the sending area property is restricted, a "Grant of Limited Conservation Easement, Transfer of Development Rights" ("TDR Easement") shall be executed and recorded over the Sending Area property each time an RDU is sold or transferred under the TDR program. The TDR Easement must meet, at a minimum, all of the requirements of Sections 10.01(75m) and 10.158(3)(b) of the Dane County Zoning Ordinance.
6. To note the use of RDUs within the Receiving Area, a "TDR Notice Document" shall be recorded against all new lots in the Receiving Area. The TDR Notice Document must, at a minimum, meet all of the requirements of Sections 10.01(41m) and 10.159(3)(c) of the Dane County Zoning Ordinance. It may also indicate remainder housing units, if any, as provided in Section 5 of the "TDR Receiving Areas" section of this Figure 3.
7. County zoning will become effective and the subdivision plat or CSM may be recorded only after evidence is provided to the Town and the Dane County Zoning Administrator that the required TDR Easement is recorded against the Sending Area parcel(s). Also, before obtaining zoning and building permits for new development in the Receiving Area, the developer must provide all of the following to the Town and to the Dane County Zoning Administrator:
  - a. Recorded TDR Notice Dedocument on the affected Receiving Area lot.
  - b. A letter or minutes from the Town of Cottage Grove Plan Commission indicating that the TDR transaction is consistent with transfer ratios, siting criteria, and all other applicable policies of the *Town of Cottage Grove Comprehensive Plan* and applicable ordinances.
  - c. A letter from the Dane County Department of Planning and Development, Planning Division indicating that the TDR transaction is consistent with the Dane County Comprehensive Plan and Zoning Ordinance.



TDR Sending Areas	TDR Receiving Areas
<ol style="list-style-type: none"> <li>1. TDR Sending Areas are lands from which development rights (RDUs) could be transferred away through (a) the rezoning of such lands to the County's TDR-S Overlay Zoning District, (b) the recording of a TDR Easement against such lands. The <a href="#">Town's 2011 blanket</a> rezoning zoned most, <a href="#">but not all</a>, eligible properties <a href="#">to TDR-S already</a>.</li> <li>2. To qualify as a Sending Area, the land must be planned as an Agricultural Preservation Area on Map 10: Future Land Use and have at least one RDU to transfer.</li> <li>3. At the time of an RDU transfer, the Sending Area land must be zoned A-1(EX) or A-4 and also be rezoned into Dane County's TDR-S Overlay Zoning District (if not already) and be subject to a TDR Easement, which will not alter the underlying A-1(EX) or A-4 zoning.</li> </ol>	<ol style="list-style-type: none"> <li>1. TDR Receiving Areas are those areas to which development rights (RDUs) may be transferred, enabling greater development density than would otherwise be allowed in exchange for the permanent protection of lands within a TDR Sending Area.</li> <li>2. To qualify as a Receiving Area, land must be planned in either <a href="#">in</a> a Neighborhood Development Area or Agricultural Transition Area on Map 10: Future Land Use. Additional Receiving Areas in the Town may be designated as <a href="#">through</a> a future Town Plan amendment. TDR Receiving Areas may also be adjusted in response to intergovernmental agreements.</li> <li>3. Within Town Receiving Areas, the Town Plan Commission and Town Board will consider petitions by landowners to rezone all or part of their property to a residential zoning district and the TDR-R Receiving Area Overlay Zoning District. The Town Board will support petitions to rezone and subdivide Receiving Areas based on the following criteria: <ol style="list-style-type: none"> <li>a. Consistent with vision, goals, objectives, and policies of this <i>Comprehensive Plan</i>.</li> <li>b. Meets the purpose of the TDR-R district in 10.159(1) of the County Zoning Ordinance.</li> <li>c. Minimizes the amount of land taken out of agricultural production.</li> <li>d. Avoids <a href="#">developing</a> lands in the Resource Protection Corridor in Map 10: Future Land Use.</li> <li>e. Meets all policies applicable to the future land use category mapped over the land.</li> <li>f. Creates a logical development pattern.</li> <li>g. Avoids or minimizes <a href="#">land use conflicts</a>.</li> <li>h. Has <a href="#">identified and ultimately</a> secured a sufficient number of RDUs to create the number of lots proposed.</li> </ol> </li> <li>4. A transfer ratio incentive is built in so that landowners and RDU buyers have an incentive to transfer RDUs to a Receiving Area where compact development will be more appropriate. The incentive is that someone can buy one RDU from a Sending Area and develop more than one <a href="#">dwelling housing</a> unit with that RDU in the Receiving Area. Based on technical review and public input, the Town of Cottage Grove has determined that an economically reasonable transfer ratio is eight. A transfer ratio of eight means that, for each RDU transferred from a Sending Area to Receiving Area, the Receiving Area developer would be able to develop eight housing units above the number of housing units allocated to the May 15, 1982 parcel <a href="#">(see Figure 2)</a>, provided that the developer met all other applicable regulations and policies.</li> <li>5. RDUs must either be used on-site or transferred from a specific Sending Area parcel to a specific Receiving <a href="#">Area</a> parcel. Where <a href="#">RDUs are</a> legally transferred, but not immediately used for the development <a href="#">of housing units</a> on a Receiving Area parcel, <a href="#">RDUs will the ability to construct such housing units may either</a>: <ol style="list-style-type: none"> <li>a. <a href="#">Remain with that Receiving Area parcel for future use there. For example, if a Receiving Area parcel acquired two RDUs from a Sending Area parcel, but did not initially subdivide lots for all of the 16 additional housing units enabled by the transfer, he or she could hold to a later date the ability to build the remaining housing units on the Receiving Area parcel.</a></li> </ol> </li> </ol>



a.b. \_\_\_\_\_ Be transferred by the Receiving Area parcel owner to a different Receiving Area parcel, whether or not the different parcel is owned by the same entity. For example, if a Receiving Area parcel owner acquired two RDUs from a Sending Area parcel, but does not subdivide lots for all of the 16 additional housing units enabled by this initial transfer, the Receiving Area parcel owner may transfer the rights to build the unused housing units to another Receiving Area parcel. All applicable policies and transfer procedures in this figure shall apply in the event of such a Receiving Area-to-Receiving Area transfer of unused housing units.

### Limited Additional RDU Transfer Opportunity

Outside of the main TDR program as described earlier in this figure, the Town may allow limited transfers of RDUs between any two contiguous or non-contiguous parcels under single ownership at the time of transfer under the following conditions:

1. Both parcels must be within the Agricultural Preservation Area on Map 10 ~~Future Land Use~~, except as allowed in Figure 5 for Agricultural Transition Areas and Figure 6 for Open Space and Recreation Areas.
2. The parcel(s) from which the RDU is proposed to be transferred must clearly have a sufficient number of RDUs left to transfer under the Town's policy. For each RDU transferred, the receiving land owner would be able to develop one housing unit above the number of housing units allocated to the May 15, 1982 parcel, provided that all other applicable regulations and policies are met. There is no transfer ratio incentive.
3. The parcel to which the RDUs is to be transferred must be less suitable for agricultural use than the parcel from which the RDU is to be transferred, as determined through an evaluation of the County Land Conservation soil groupings, unless no other acceptable ~~options~~ locations are available. The parcel to which the RDU(s) are transferred is not a "TDR Receiving Area" as that term is defined in this Comprehensive Plan, because it is not within a Neighborhood Development Area or Agricultural Transition Area on Map 10.
4. The overall development density of the parcel to which the RDUs are to be transferred shall be consistent with the purpose of the future land use category mapped over the receiving property.



Figure 4: Agricultural Preservation Area Purpose and Policies

Purpose	
<ul style="list-style-type: none"> <li>• Preserve productive agricultural lands and farming in the long-term.</li> <li>• Protect existing farm operations from encroachment by incompatible uses. Farming often involves noise, dust, odors, heavy equipment, use of chemicals, and long hours of operation.</li> <li>• Promote prior and continued investments in farming.</li> <li>• Maintain farmer eligibility for incentive programs, such as state income tax credits.</li> <li>• Mapped mainly over lands actively used for farming, with productive agricultural soils, and/or with topographic and other conditions suitable for farming.</li> <li>• Also mapped over open lands and woodlots, farmsteads, and agricultural-related uses.</li> <li>• Allow limited single-family residential development at densities at or below one home per 35 acres. See "Development Policies" below and Figure 2: Residential Density Unit (RDU) Principle. This one <u>dwelling-housing</u> unit per 35 acre policy does <u>not</u> mandate or even allow the creation of 35+ acre residential lots.</li> </ul>	
Typical Implementing Zoning Districts	New Lot Sizes
<p>For agricultural uses, the A-1(EX) Exclusive Agricultural or A-4 Small Lot Agricultural districts. Where a new farm residence is proposed, a conditional use permit is required by Dane County and criteria in Section 10.123(4) of the Dane County Zoning Ordinance shall be met.</p> <p>For other new residential lots, the R-1, R-1(A), R-2, R-3, RH-1, A-2, and other districts that allow non-farm residences. Any rezoning away from A-1(EX) or A-4 must be consistent with applicable development and density policies below, the land must be better suited for a use not allowed in A-1(EX) or A-4 district, and the rezoning may not substantially impair or limit current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.</p>	<p>Where land is to remain in agricultural use, the A-1(EX) district has a 35 acre minimum and the A-4 district has a 5 acre minimum and 35 acre maximum.</p> <p>For new lots intended for new residences:</p> <ul style="list-style-type: none"> <li>• Minimum lot size is 20,000 square feet, provided that soil tests determine that the lot is suitable for an on-site waste treatment system (holding tanks not recommended).</li> <li>• Maximum lot size is 2 acres, except that the Town Board may approve a greater size due to unusual land configuration, to better protect farmland, for commercial uses, and/or to enhance rural or scenic character.</li> </ul> <p>For new lots for a farm residence and/or farm building(s) that existed as of May 15, 1982:</p> <ul style="list-style-type: none"> <li>• Minimum lot size is 20,000 square feet, provided that soil tests determine that the lot is suitable for an on-site waste treatment system (holding tanks not recommended).</li> <li>• Maximum necessary to encompass the farm residence and all farm buildings, but no greater than 10 acres.</li> </ul>
Relationship to Town's TDR Program	
<ol style="list-style-type: none"> <li>1. See Figure 3: Transfer of Development Rights (TDR) Program for TDR program description.</li> <li>2. Lands in the Agricultural Preservation Area qualify as TDR Sending Areas, provided that an RDU is available to transfer.</li> <li>3. There may also be transfers of RDUs between lands within the Agricultural Preservation Area, per the "Limited Additional RDU Transfer Opportunity" in Figure 3.</li> <li>4. Legally created lots zoned residential prior to January 1, 1981 may be developed with residences and divided without having to meet the Town's RDU and TDR requirements.</li> </ol>	



Development Policies for Agricultural Preservation Area

1. **Density:** Permit residences in the Agricultural Preservation Area per the standard of one [dwelling-housing](#) unit per 35 acres owned, as further described in Figure 2: Residential Density Unit (RDU) Principle.
2. **Farm Residences:** A farm residence built before May 15, 1982 shall not count against this density policy, even if separated from the 1982 parcel. Separation and sale of the farm residence must meet all zoning and other requirements. One-time replacement of the existing farm residence with a new residence for the farm operator shall be allowed without counting against this policy either, provided that the pre-existing farm residence will be demolished. The one-time limitation does not apply when a farm residence or its replacement is destroyed by wind, fire, and other acts of God. Separation and retention of one lot for a new residence for the farm operator when he or she sells the whole farm shall also be allowed, unless no RDUs remain on the 1982 parcel. These separated lots will count against the one [dwelling-housing](#) unit per 35 acre density policy. If the farm operator chooses to retire in the existing residence, a new farm residence will be allowed for the new operator, unless no RDUs remain on the 1982 parcel. New farm residences, as described in Section 10.123(4) of the County zoning ordinance, shall be allowed if conditional use standards and other applicable requirements are met. Aside from any replacement farm residence, any residence built after May 15, 1982 shall be considered one [dwelling-housing](#) unit for the purposes of this density policy. In other words, new farm residences (but not pre-1982 farm residences or their replacements) count against the one [dwelling-housing](#) unit per 35 acres policy.
3. **Rezoning to A-4:** The number of permitted [dwelling-housing](#) units conferred under this density policy shall not be reduced by rezonings to the County's A-4 district.
4. **Commercial and Other Land Uses:** The Town generally will not support rezoning of lands for commercial use within the Agricultural Preservation Area, except for the expansion of existing businesses at the discretion of the Town Board. In such case, the A-B Agricultural Business, RE-1 Recreational, or preexisting commercial zoning district is generally appropriate. Non-residential uses shall not count against the one [dwelling-housing](#) unit per 35 acre density policy; in other words, an RDU as described in Figure 2 is not required for non-residential uses.
5. **Subdivision Plats:** Subdivision plats (5+ lots within 5-year period) are allowed within the Agricultural Preservation Area where the number of lots is consistent with the density policy in this section. For example, a 240-acre parcel may be allowed six lots/[dwelling-housing](#) units under the density policy, which would require a subdivision plat.
6. **Substandard Lots:** Allow pre-existing uses on parcels of less than 35 acres as of May 15, 1982 (i.e., substandard lots in A-1(EX) zoning district) to continue. Substandard lots may be divided as determined on a case-by-case basis at the discretion of the Town Board. No parcel less than 35 acres shall be made into a residential lot.
7. **Existing Residentially Zoned Lands:** Residentially zoned parcels which existed prior to January 1, 1981 and meet all Town, County, and state requirements related to land division are eligible for home construction and potential further division. These parcels are not subject to TDR or the RDU requirements as described in Figures 2 and 3. By extension, such parcels do not have RDUs for transfer, and RDUs may not be transferred to these parcels. The intent of this policy is to facilitate residential infill and increased density residential development that is consistent in character to the existing residentially zoned area. To this end, division of such lands shall result in the creation of lots with similar area, road frontage, and width-to-depth ratio as a majority of the adjacent parcels. Lot sizes may be different from the minimum and maximum in the above "New Lot Sizes" section, based on the sizes of adjacent parcels, unusual land configuration, to better protect farmland, and/or to enhance rural or scenic character.
8. **Residential Development Siting:** The applicant for any rezoning and/or land division approval request that enables a new non-farm residence shall submit, along with the rezoning and CSM/plat approval application, a site plan showing the relationship of each proposed residence to the proposed lot (i.e., buildable area), all proposed residences and lots to the rest of the parcel, and all proposed residences and lots to the features indicated below. At least 80% of the following standards shall be met:
  - a. Direct new non-farm residences and their driveways away from Group I or II soils, depicted on Map 2 of the Conditions and Issues volume, unless no other alignment is possible or all soils on the parcel are so classified.
  - b. Divide all new lots to have frontage on a public road per subdivision regulations; minimize use of flag lots except to achieve other standards in this section.
  - c. Site residences adjacent to tree lines where available and at the edge of open fields rather than the middle.
  - d. Site residences to minimize visibility from public roads, such as through thoughtful placement with respect to existing vegetation and topographic changes.
  - e. Avoid multiple home sites side-by-side along existing roads with multiple driveways and modest building setbacks.
  - f. Limit tree clearance in wooded areas to the area required for the residence, a yard area not exceeding 20,000 square feet, and an area for the driveway.
  - g. If located near the top of a hill or ridge, site the residence so that its roof line is below the hilltop or ridgeline.
  - h. Incorporate home design that either reflects agricultural farmstead architecture or blends with the agricultural or natural environment.
  - i. Place new lots to allow for driveways suitable in length, width, design, and slope for emergency vehicle travel, per the Town's driveway ordinance.
  - j. Avoid building placement within the Resource Protection Corridor, as described in Figure 9 and mapped on Map 10: Future Land Use.

Figure 5: Agricultural Transition Area Purpose and Policies

**Purpose**

- Includes lands anticipated for non-agricultural use and development within the next 15 years, and are as a result generally zoned in the County’s A-3 zoning district.
- Preserves land in agricultural or open space use until more intensive future development, such as inclusion in an urban service area, or is appropriate.
- Prior to more intensive future development, enable limited single-family residential development at densities at or below one dwelling per 35 acres (see “Agricultural Preservation Area” development policies and Figure 2: Residential Density Unit (RDU) Principles).
- Coordinate growth and development planning between the Town and adjacent incorporated municipalities.

**Typical Implementing Zoning Districts**

Prior to Town determination that land is ripe for more intensive development, the A-3 Agriculture district, along with the RH-1, A-2, and other districts that allow non-farm residences, per “Agricultural Preservation Area” development policies and Figure 5. After such a determination, any of a number of residential or non-residential zoning districts, depending on development plan.

**New Lot Sizes**

Same as “Agricultural Preservation Area” prior to the Town’s determination that land is ripe for more intense development. After such a determination per the policies below, same as Neighborhood Development Area. Smaller lot sizes possible where public sewer and water service will be provided.

**Relationship to Town’s TDR Program**

1. See Figure 3: Transfer of Development Rights (TDR) Program for TDR program description.
2. Lands in the Agricultural Transition Area may qualify as TDR Receiving Areas, per the policies in Figure 3, once the Town designates such lands as appropriate for more intensive development per the “Development Policies” below.
3. **Prior to such designation, there may** be RDU transfer between and within Agricultural Preservation Area/Agricultural Transition Area, per “Limited Additional RDU Transfer Opportunity” in Figure 3.

**Development Policies for Agricultural Transition Area**

1. Designation of lands in the Agricultural Transition Area on Map 10: Future Land Use does not guarantee that that area will develop or is even buildable; there may be challenges to building, including soil limitations and other environmental constraints.
2. For all lands designated as Agricultural Transition Areas near city/village and town limits, pursue intergovernmental boundary agreements or cooperative boundary plans to further determine the type, timing, jurisdiction, services, and other aspects of future development.
3. Prior to the Town’s determination that lands in an Agricultural Transition Area are ripe for more intensive development:
  - a. Follow all development policies applicable to the Agricultural Preservation Area in Figure 4.
  - b. Require that all development projects be designed not to impede the orderly future development of the surrounding area with more intensive future development.
  - ~~b-c.~~ **Allow RDU transfers, but only per the “Limited Additional RDU Transfer Opportunity” in Figure 3.**
4. The Town Board will consider the following factors when determining whether and when lands in the Agricultural Transition Area are ripe for more intensive development:
  - a. Applicable comprehensive plans, zoning regulations, and intergovernmental agreements.
  - b. The submittal and detailed understanding of a specific development proposal.
  - c. The desire to promote an orderly, sequential pattern of land use to ensure that the provision of public services, roads, and utilities keep pace with development.
  - d. The availability of public infrastructure such as road capacity, utility availability or capacity, and other public facilities to serve the proposed development.
  - e. If such public infrastructure is unavailable, the projected timing of and funding for public infrastructure improvements to serve the proposed development.
  - f. The ability of local governments and the school district to cost-effectively provide community services to the proposed development.
5. The Town does not intend to require an amendment to this *Plan* if and when it determines that land in a mapped Agricultural Transition Area is ripe for more intensive development. Policies within either or both of the “Neighborhood Development Area” or “Commercial Development Area” will be followed upon a finding of “ripeness.”



Figure 6: Open Space and Recreation Area Purpose and Policies

Purpose	
<ul style="list-style-type: none"> <li>• Maintain permanent open space and assist with community separation</li> <li>• Preserve natural areas, productive agricultural lands, and farming in the long-term.</li> <li>• Maintain farmer eligibility for incentive programs, such as state income tax credits.</li> <li>• Allow limited single-family residential development at densities at or below one home per 35 acres. See “Development Policies” below and Figure 2: Residential Density Unit (RDU) Principle. This one <a href="#">dwelling-housing</a> unit per 35 acre policy does <u>not</u> mandate or even allow the creation of 35+ acre residential lots.</li> </ul>	
Typical Implementing Zoning Districts	New Lot Sizes
<p>For open space uses, CON Conservancy.</p> <p>For agricultural uses, the A-1(EX) Exclusive Agricultural or A-4 Small Lot Agricultural districts. Where a new farm residence is proposed, a conditional use permit is required by Dane County and criteria in Section 10.123(4) of the Dane County Zoning Ordinance shall be met.</p> <p>For other new residential lots, the R-1, R-1(A), R-2, R-3, RH-1, A-2, and other districts that allow non-farm residences. Any rezoning away from A-1(EX) or A-4 must be consistent with applicable development and density policies below, the land must be better suited for a use not allowed in A-1(EX) or A-4 district, and the rezoning may not substantially impair or limit current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.</p>	<p>Where land is to remain in open space or agricultural use, the A-1(EX) district has a 35 acre minimum and the A-4 district has a 5 acre minimum and 35 acre maximum.</p> <p>For new lots intended for new residences:</p> <ul style="list-style-type: none"> <li>• Minimum lot size is 20,000 square feet, provided that soil tests determine that the lot is suitable for an on-site waste treatment system (holding tanks not recommended).</li> <li>• Maximum lot size is 2 acres, except that the Town Board may approve a greater size due to unusual land configuration, to better protect farmland, for commercial uses, and/or to enhance rural or scenic character.</li> </ul> <p>For new lots for a farm residence and/or farm building(s) that existed as of May 15, 1982:</p> <ul style="list-style-type: none"> <li>• Minimum lot size is 20,000 square feet, provided that soil tests determine that the lot is suitable for an on-site waste treatment system (holding tanks not recommended).</li> <li>• Maximum necessary to encompass the farm residence and all farm buildings, but no greater than 10 acres.</li> </ul>
Relationship to Town’s TDR Program	
<ol style="list-style-type: none"> <li>1. See Figure 3: Transfer of Development Rights (TDR) Program for TDR program description.</li> <li>2. Lands in the Open Space and Recreation Area qualify as TDR Sending Areas, provided that an RDU is available to transfer.</li> <li>3. There may also be transfers of RDUs between lands within the Open Space and Recreation Area, per the “Limited Additional RDU Transfer Opportunity” in Figure 3.</li> <li>4. Legally created lots zoned residential prior to January 1, 1981 may be developed with residences and divided without having to meet the Town’s RDU and TDR requirements.</li> </ol>	
Development Policies for Open Space and Recreation Area	
<p>Same as “Agricultural Preservation Area”—see Figure 4.</p>	



Figure 7: Neighborhood Development Area Purpose and Policies

Purpose	
<ul style="list-style-type: none"> <li>• Map over and near pre-existing areas of rural residential subdivisions and use (see Map 10), for residential uses served by private waste treatment systems.</li> <li>• Promote sustainable residential development by encouraging infill around existing development and incorporating principles of conservation neighborhood design.</li> <li>• Provide opportunities for a range of single family housing choices, including estate and affordable single family housing.</li> <li>• Enable limited neighborhood-serving, small-scale commercial and institutional uses.</li> </ul>	
Typical Implementing Zoning Districts	New Lot Sizes
<p>R-1, R-1(A), R-2 Residential</p> <p>B-1 Local Business, LC-1 Limited Commercial (limited use of these districts, for neighborhood-serving commercial sites)</p> <p>Existing commercial uses/zoning districts may be expanded to include additional land.</p>	<p>Minimum lot size is 20,000 square feet, provided that soil tests determine that the lot is suitable for an on-site waste treatment system (holding tanks not recommended).</p> <p>Maximum lot size is 1 acre, except to the minimum greater size necessary due to unusual land configuration, to better protect farmland, for commercial uses, and/or to enhance rural or scenic character, as determined by the Town Board.</p>
Relationship to Town's TDR Program	
<ol style="list-style-type: none"> <li>1. See Figure 3: Transfer of Development Rights (TDR) Program for TDR program description.</li> <li>2. Lands in the Neighborhood Development Area may qualify as TDR Receiving Areas, per the policies in Figure 3.</li> <li>3. For each Residential Density Unit (RDU) transferred from a TDR Sending Area to a Neighborhood Development Area, the developer is able to develop eight housing units above the number of housing units allocated to the May 15, 1982 parcel, provided that the developer met all other applicable regulations and policies. <a href="#">See policy 5 under the "TDR Receiving Areas" section of Figure 3 for alternatives for unused housing units following such a transfer.</a></li> <li>4. <a href="#">To build one or more residences on any <del>For</del> new <del>all</del> lots zoned residential and created after January 1, 1981, <del>a</del> the parcel owner must have a RDU based on the acreage <del>they</del> he or she owns as further described in Figure 2: Residential Density Unit (RDU) Principle, <del>or</del> obtain an RDU originating from a TDR Sending Area, <del>or both</del>. For each RDU assigned to the Neighborhood Development Area parcel per Figure 2, one housing unit will be allowed, subject to compliance with other applicable policies of this <i>Plan</i> and Town ordinances. For each RDU obtained from a TDR Sending Area, the transfer ratio incentive in Figure 3 shall apply. So, for example, an owner of an undeveloped 80 acres in the Neighborhood Development Area who acquires two RDUs from a TDR Sending Area is allowed 16 housing units from the transferred RDUs (2 transferred RDUs x transfer ratio incentive of 8), plus two additional housing units assigned to the 80-acre parcel land area <u>as a base under the RDU principle in Figure 2, for a maximum of 18 housing units.</u></a></li> <li>5. Legally created lots zoned residential prior to January 1, 1981 may be developed with residences and divided without having to meet the Town's RDU and TDR requirements.</li> </ol>	

### Development Policies for Neighborhood Development Area

1. Designation of lands in the Neighborhood Development Area on Map 10: Future Land Use does not imply that an area is immediately appropriate for rezoning or guarantee that that area will develop or is even buildable. There may be challenges to building, including soil limitations and other environmental constraints.
2. For all lands designated as Neighborhood Development Area near city/village and town limits, pursue intergovernmental boundary agreements or cooperative boundary plans to further determine the type, timing, jurisdiction, services, and other aspects of future development.
3. Residentially zoned parcels which existed prior to January 1, 1981 and meet all Town, County, and state requirements related to land division are eligible for home construction and potential further division. These parcels are not subject to TDR or RDU requirements as described in Figures 2 and 3. By extension, such parcels do not have RDUs for transfer, and RDUs may not be transferred to these parcels. The intent of this policy is to facilitate residential infill development that is consistent in character to the existing residentially zoned areas. To this end, division of such lands shall result in the creation of lots with similar area, road frontage, and width-to-depth ratio as a majority of the adjacent parcels.
4. Parts of the Neighborhood Development Area, particularly near crossroads and in other locations with heavier traffic, may be appropriate for a limited range of commercial service, retail, and office uses that are compatible with a predominately residential setting. Non-residential uses, rezonings, conditional use permits, and land divisions shall not require an RDU as described in Figure 2.
5. Follow applicable requirements of the Town's ~~Subdivision~~ Land Division and Planning Code and Town Site Plan Review Ordinance for the development of lands within the Neighborhood Development Area.
6. Meet Town driveway ordinance requirements and permit safe access by fire trucks, ambulances, and any other emergency vehicles. The Town Board or Plan Commission may require notification of the fire chief or other emergency service provider, as well as require their approval of any driveway configuration.
7. Direct the development of private lots to areas outside of the Resource Protection Corridor on Map 10: Future Land Use and to locations that support the safe construction of on-site waste treatment systems, unless public sewer service is extended to the area.
8. Meet at least 80% of the following conservation neighborhood design standards in the development of new residential subdivisions, at the Town Board's decision:
  - a. Minimize visibility of development from main roads through natural topography, vegetation (e.g., tree lines, wooded edges), and setbacks. Minimize placement of lots in open fields.
  - b. Back lots onto county, state, and federal highways, designing deeper lots and landscape bufferyards into these areas.
  - c. Preserve mature trees and tree lines wherever possible.
  - d. Include an interconnected network of streets meeting Town road standards.
  - e. Design streets and lot layouts to blend with natural land contours.
  - f. Limit cul-de-sacs except where topography, environmentally sensitive areas, or the pre-existing development pattern in the area necessitates their use.
  - g. Integrate natural resources into the subdivision design as aesthetic and conservation landscape elements.
  - h. Restore the quality and continuity of degraded environmental areas within the subdivision, such as streams and wetlands.
  - i. Encourage stormwater management treatment systems that focus on Best Management Practices (BMPs). BMPs may include overland transfer, natural landscaping to increase infiltration and reduce runoff, bio-infiltration systems, and maximum impervious surface ratios for development sites.
  - j. Provide vegetative buffers of at least 75 feet between building sites and wetlands and streams.
  - k. Provide wide areas for public access to parks and common open spaces.
  - l. Maximize common open space in the neighborhood through public dedication and/or private management through a homeowner's association with conservation easements.
  - m. Create pedestrian trails through open space areas, allowing for future connections to other parcels and parts of the Town.
  - n. Require new homes to meet Energy Star standards or otherwise incorporate specific energy efficiency techniques into the development.

Figure 8: Commercial Development Area Purpose and Policies

Purpose	
<ul style="list-style-type: none"> <li>• Enable a range of agricultural business, retail, commercial service, storage, light assembly, institutional, health care, research and development, institutional, and recreational uses.</li> <li>• Require that new development meet high standards for site, building, landscape, lighting, stormwater, and signage design per Town and County ordinance requirements.</li> <li>• Support development of an agricultural business center, to rural research and production opportunities and build off similar initiatives in the area.</li> <li>• Provide logical locations for highway-oriented commercial development consistent with the Town’s character, population, needs, and public service capabilities.</li> <li>• Minimize uses that may someday require extensive public services and utilities.</li> </ul>	
Typical Implementing Zoning Districts	New Lot Sizes
B-1 Local Business C-1 Commercial C-2 Commercial LC-1 Limited Commercial A-B Agricultural Business	Minimum lot size is one acre, provided that soil tests determine that the lot is suitable for an on-site waste treatment system. New holding tanks not permitted.
Relationship to Town’s TDR Program	
Non-residential development—and land divisions, rezonings, and conditional use permits for such development—may occur without having to meet the Town’s RDU and TDR requirements.	

### Development Policies within Commercial Development Area

1. Encourage growth within Commercial Development Areas to enhance the tax base and job opportunities within the Town, making agricultural preservation elsewhere more feasible. Proposed development should not have a substantial adverse effect upon adjacent property (including values), the character of the area, or the public health, safety, and general welfare. Because of the intensity of anticipated non-residential uses in the Commercial Development Area, rezonings that would enable new residential development are discouraged.
2. Attempt to focus the three distinct Commercial Development Areas shown on Map 10: Future Land Use as follows:
  - a. Highway 12/18/N Interchange. This modern interchange provides a well-placed opportunity for easily accessed development for businesses that enhance, promote, and support the continuation of agricultural production in the Town and in the region. Uses may be dedicated to local food production, agricultural research and experimental facilities, and sustainable non-agricultural uses. Other commercial uses may also locate in this area.
  - b. Southwest Corner of Town. Town Line/City of Madison ETJ. The western edge of the Town benefits from proximity to Interstate 39/90 and growth associated with the City of Madison. This may be an appropriate location for commercial development geared to the traveling public and for distribution uses. Expansion of the Central Urban Service Area would facilitate larger-scale industrial operations here. The Town will monitor and potentially build off of activities of the Ho-Chunk Nation in this area.
  - c. Town/Village Limits along N. The Village of Cottage Grove meets the Town boundary in such a way that promoting commercial growth provides opportunities and benefits for both communities and future growth in the area. Expansion of the Cottage Grove Urban Service Area would facilitate larger-scale commercial operations here.
3. Recognizing that all three of these areas are in the extraterritorial jurisdiction of either the City of Madison or Village of Cottage Grove, communicate with the respective incorporated communities concerning development prospects in these areas. Given its distance from both municipalities and its location, the Highway 12/N Interchange area may be the most promising location for future commercial development. The Town will consider a TID district in this area, following the lead of the Towns of Windsor, Springfield, and others that have taken advantage of Town TIDs under State law.
4. For new non-residential development, with each application for rezoning or conditional use permit approval, require submittal and review of conceptual site and building plans. For new non-residential development, prior to rezoning, conditional use permit, and building permit issuance, require that a detailed site and building plan be submitted that as laid out in accordance with Section 12.08 of the Town's Town Site Plan Review Ordinance and this figure. As the Commercial Development Area is predominately mapped near main community entryways and other highly visible locations, the Town is particularly concerned that it contribute to the Town's aesthetic quality. Views to and from highways like 12, N, and AB are of particular importance to the Town.
5. Jointly work with the State Department of Transportation, the Dane County Highway and Transportation Department, and developers to ensure that adequate rights-of-way for future roadway expansions are provided and that proper controls on vehicle access (especially the number, design and location of access driveways and intersecting local roadways) are provided. Driveway cuts that impede the efficient and safe operations of roadways are prohibited. Shared driveways and frontage road access may be required. Off-street parking shall be delineated on the site plan, in accordance with the provisions of the Dane County Zoning Ordinance.
6. Require developments to address off-site traffic, environmental, and neighborhood impacts.
7. If the business requires levels of service or roads greater than what the Town can provide, the proposal will have to be modified or it may be rejected.
8. As necessary, apply appropriate limitations preventing unacceptable future commercial or industrial uses of the site through a deed restriction.
9. Do not permit parking or storage of vehicles within the public road easement or right-of-way.
10. If the business is located within 100 feet of an adjacent residence or residential zoning district, buffer the side of the business site facing the residence.
11. Assure that development provides access and an attractive rear yard appearance and existing and future development behind these sites.
12. If the business is to operate at night, design all outdoor lighting so as not to create glare or shine directly on neighboring residences.

