**TOWN OF COTTAGE GROVE**
**BOARD ORDINANCE 2026-11-16**

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

**WHEREAS,** on July 5, 2022, 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 and Chapter 7 of the Vision and Directions volume of the Plan establish the required procedure for the Town to amend its Plan; and

**WHEREAS,** on September 23, 2026, as a result of its periodic consideration of amendments to the Plan, the Town of Cottage Grove Plan Commission (hereinafter "Commission") adopted its Resolution 2026-09-23, recommending that the Town Board amend the Vision and Directions volume of the Plan as reflected in the attached Exhibits A, B, and C, with the Exhibit C amendment subject to the conditions advised below; and

**WHEREAS,** on November 16, 2026, the Town Board of the Town of Cottage Grove (hereinafter, "Board") conducted a public hearing on the attached Plan amendments preceded by a Class 1 notice published at least 30 days in advance, per Section 66.1001(4), Wisconsin Statutes, and has considered comments received at the public hearing and the recommendation of the Commission.

**NOW, THEREFORE, BE IT RESOLVED** that the Board hereby approves the amendments to the Town of Cottage Grove Comprehensive Plan, as indicated in Exhibits A and B to this Ordinance, effective immediately.

The above and foregoing Ordinance was duly adopted at a meeting of the Town Board of the Town of Cottage Grove held on the 16th day of November, 2026, by a vote of 5 in favor and 0 opposed.

**TOWN OF COTTAGE GROVE**

Steven Anders, Town Chair

***Attested by:***

Kim Banigan, Town Clerk

**Incorporated by Reference**

Exhibit A: Text Amendments to Town of Cottage Grove Comprehensive Plan

Exhibit B: Amended Map 16 for Town of Cottage Grove Comprehensive Plan (General)

Exhibit A

## Figure 3: 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. Except to the extent limited by an intergovernmental agreement including the Town and this *Plan*, 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 4, where in some cases the number of permitted housing units per RDU may be multiplied per a 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 16: Future Land Use and Transportation 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 acre | 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 of 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 housing units may be transferred from that parcel, or built upon it except where permitted under the Town's TDR program described in Figure 4. The Town will require a deed restriction prohibiting further residential development on that portion of the parcel owned by the petitioner using the final RDU. 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. Except within the "Commercial Development Area" on Map 16, residentially zoned lots that were legally divided and existed prior to January 1, 1981 ("older lots") are eligible for new home construction and potential further division, provided all associated Town, County, state and intergovernmental agreement requirements are met. (These include the Madison agreement limitations repeated in Development Policy 1. of Figure 5 if the lot is in the Potential Madison Expansion Area on Map 16.) Such older lots are not subject to the RDU requirements in this figure, do not have RDUs for transfer, and are not eligible for RDU transfers to them (i.e., transferred development rights not required). This policy is intended to facilitate residential infill that is consistent in character to the surrounding area. Division of such older lots shall result in the creation of new lots with comparable area, road frontage, and width-to-depth ratio of nearby residentially-developed parcels, as determined by the Plan Commission. As such, new lot sizes may be different from the minimum and maximum in the applicable "New Lot Sizes" section of Figures 5-8.

~~1.~~8. See Figures 5 through 10 for other particular areas of the Town ~~and~~or types of land use where RDUs do not apply. See the "~~Relationship to Town's TDR Program" and~~ "Development Policies for Agricultural Preservation Area" section~~s~~ of Figure 5 for a description of the relationship between RDUs ~~and older lots~~ and farm residences, including their separation from the farm.

Exhibit A

## Figure 5: Agricultural Preservation Area Purpose and Policies (two-page figure)

### Purpose

- Preserve productive agricultural lands and farming in the long-term (i.e., greater than 15 years at least as defined by State farmland preservation law).
- 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.
- Promote prior and continued investments in farming.
- Maintain farmer eligibility for incentive programs, such as state income tax credits.
- Mapped mainly over lands actively used for farming, with productive agricultural soils, and/or with topographic and other conditions suitable for farming.
- Also mapped over open lands and woodlots, farmsteads, and agricultural-related uses.
- Allow limited single-family residential development at densities at or below one home per 35 acres. See "Development Policies" below and Figure 3: Residential Density Unit (RDU) Principle. This one housing unit per 35 acre policy does not mandate or even allow the creation of 35+ acre residential lots.

### Typical Implementing Zoning Districts

For agricultural uses, the FP-35 General Farmland Preservation or FP-1 Small Lot Farmland Preservation districts are typically used. Where a new farm residence is proposed, a conditional use permit is required by Dane County and the requirements and standards in Section 10.101(7)(d) of the Dane County Zoning Ordinance shall be met.

For other new residential lots, the RR-1, RR-2, SFR-1, SFR-08, AT-5, and other districts that allow non-farm residences may be used.

Any rezoning away from FP-35 or FP-1 must be consistent with applicable development and density policies below, the land must be better suited for a use not allowed in FP-35 or FP-1 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. Further, not less than 80% of the Agricultural Preservation Area Town-wide ought to be zoned something other than FP-1 or FP-35 (see associated program in the Agricultural, Natural, and Cultural Resources chapter).

### New Lot Sizes

Where land is to remain in agricultural use, the FP-35 district has a 35 acre minimum and the FP-1 district has a 1 acre minimum and 35 acre maximum.

For new lots intended for new residences:

- 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 allowed).
- 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, and/or to enhance rural or scenic character.

For new lots for a farm residence and/or farm building(s) that existed as of May 15, 1982:

- 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).
- Maximum necessary to encompass the farm residence and all farm buildings, but no greater than 10 acres.

### Relationship to Town's TDR Program

1. See Figure 4: Transfer of Development Rights (TDR) Program for TDR program description.
2. Lands in the Agricultural Preservation Area qualify as TDR Sending Areas, provided that an RDU is available to transfer.
3. There may also be transfers of RDUs between lands within the Agricultural Preservation Area, at a 1-to-1 transfer ratio per applicable policies in Figure 4.
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~~ See "Residential Density Unit (RDU) Allocation" policy 7 in Figure 3 for an exception to RDU and TDR requirements for residentially zoned lots that existed prior to January 1, 1981.

## Development Policies for Agricultural Preservation Area

1. **Density:** Permit residences in the Agricultural Preservation Area per the standard of one housing unit per 35 acres owned, as further described in Figure 3: Residential Density Unit (RDU) Principle and to enable RDU transfers under Figure 4: Transfer of Development Rights (TDR) Program. Further, within the Potential Madison Expansion Area on Map 16, no more than two single-family residences on each contiguous single ownership as of May 17, 2022 are permitted by intergovernmental agreement between the Town and City.
2. **Farm Residences:**
    a. A farm residence built before May 15, 1982 shall not count against this density policy as long as such residence is not separated from the farm as it existed on May 15, 1982, but shall count among the maximum two single-family residences if in the Potential Madison Expansion Area. Separation of the farm residence from the 1982 parcel requires use of one RDU as described in Figure 3 and all zoning and land division requirements must be met.
    b. One-time replacement of a farm residence with a new residence for the farm operator shall be allowed without counting against this density policy, provided that the pre-existing farm residence will be demolished. This one-time limitation does not apply when a farm residence or its replacement is destroyed by wind, fire, or other acts of God. Any replacement counts as one of the permitted residences in the Potential Madison Expansion Area.
    c. Separation and retention of one lot for a new residence for the farm operator when he or she sells the whole farm shall be allowed, but requires use of one RDU. These separated lots will count against the density policy described in paragraph 1 above.
    d. New farm residences, as described in Section 10.103(11) of the County zoning ordinance shall be allowed if conditional use standards and other applicable requirements are met, and count against the one housing unit per 35 acres policy. If the farm operator chooses to retire in the existing residence, a new farm residence will be allowed for the new operator, but will require use of one RDU.
    e. Aside from any replacement farm residence under policy 2b, any residence built after May 15, 1982 shall be considered one housing unit for the purposes of this density policy (i.e., require one RDU) regardless of occupant.
3. **Rezonings to FP-1:** The number of permitted housing units conferred under this density policy shall not be reduced by rezonings to the County's FP-1 district.
4. **Commercial and Other Land Uses:** The Town generally will not support rezoning of lands for commercial or industrial use within the Agricultural Preservation Area, except for the expansion of existing businesses at the discretion of the Town Board. In such case, the FP-B Farmland Preservation Business, RE Recreational, or preexisting commercial zoning district is generally appropriate. By intergovernmental agreement, there may be no rezoning for non-residential use within the Potential Madison Expansion Area. In other locations, ~~N~~non-residential uses shall not count against the one housing unit per 35 acre density policy; in other words, an RDU as described in Figure 3 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/housing units under the density policy, which would require a subdivision plat. The Agricultural Preservation Area within the Potential Madison Expansion Area on Map 16 is excluded.
6. **Substandard Lots:** Allow pre-existing uses on parcels of less than 35 acres as of May 15, 1982 (i.e., substandard lots in FP-35 zoning district) to continue. Substandard lots may be divided as determined on a case-by-case basis at the discretion of the Town Board, in a manner consistent with this *Plan* and any intergovernmental agreement to which the Town is a party. No parcel less than 35 acres shall be made into a residential lot.
7. ~~**Existing** **Older** **Residentially Zoned** **Lots** **Lands**~~**:** See "Residential Density Unit (RDU) Allocation" policy 7 in Figure 3 for unique development policies applicable to residentially zoned lots that existed prior to January 1, 1981.~~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, subject to the above limitations if in the Potential Madison Expansion Area. These parcels are not subject to TDR or the RDU requirements as described in Figures 3 and 4. 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. In the Potential Madison Expansion Area, the residences must be on lots that are contiguous to each other. Within the Agricultural Preservation Area throughout the Town, 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.

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|---|
| j. Avoid building placement within the Resource Protection Corridor, as described in Figure 10 and mapped on Map 16. |

## Figure 6: 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 or should be zoned in the County's AT-35 zoning district.
- Preserves land in agricultural or open space use until more intensive future development, such as inclusion in an urban service area, 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 Figure 5: "Agricultural Preservation Area" development policies and Figure 3: Residential Density Unit (RDU) Principles).
- Coordinate growth and development planning between the Town and adjacent incorporated municipalities.

| Typical Implementing Zoning Districts | New Lot Sizes |
|---|---|
| Prior to Town determination that land is ripe for more intensive development, the AT-35 Agricultural Transition district is typically used, along with the RR-1, RR-2, SFR-1, SFR-08, AT-5, RM-8, RM-16, and other districts that allow non-farm residences, per "Agricultural Preservation Area" development policies and this Figure 6. After such a determination, any of a number of residential or non-residential zoning districts, depending on development plan. | 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 4: Transfer of Development Rights (TDR) Program for TDR program description.
2. Once the Town designates an Agricultural Transition Area tax parcel that is mostly further than ¼ mile from the Village of Cottage Grove ~~as of July 5, 2022~~ as appropriate for more intensive development per policy #4 below, such parcel may qualify as a TDR Receiving Area with a 10-to-1 transfer ratio. Where the majority (greater than 50%) of an Agricultural Transition Area tax parcel designated as appropriate for more intensive development is instead within ¼ mile from that Village's boundary ~~as of July 5, 2022~~, transferred RDUs are not required to obtain Town approval for development of that parcel with more than the number of housing units (RDUs) allocated to the May 15, 1982 tax parcel. Map 16 shows that ¼-mile radius. Regardless of location, the Town and County may need to rezone any such parcels away from the TDR-R Receiving Area Overlay Zoning District to the extent they are already zoned in that manner.
3. Prior to such designation, there may be RDU transfers with a 1-to-1 transfer ratio between and within Agricultural Preservation Areas/Agricultural Transition Areas, per applicable policies and limitations in Figure 4.

### Development Policies for Agricultural Transition Area

1. Designation of lands in the Agricultural Transition Area on Map 16: Future Land Use and Transportation 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, refer to or pursue intergovernmental agreements or cooperative boundary plans to further determine the type, timing, jurisdiction, services, and other aspects of future development. Within the Potential Madison Expansion Area on Map 16, the Agricultural Transition Area will be "intensively developed" as described in this figure only following annexation to the City and provision of municipal sanitary sewer and water services, per the Town-City intergovernmental agreement.
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 5.
    b. Require that all development projects be designed not to impede the orderly future development of the surrounding area with more intensive future development.
    c. Generally allow RDU transfers with a 1-to-1 transfer ratio, but only per the applicable policies in Figure 5.
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. (If prescribed in an intergovernmental agreement to which the Town is a party, the incorporated municipality may determine "ripeness.")
    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 7: Open Space and Recreation Area Purpose and Policies

### Purpose

- Maintain permanent open space and assist with community separation.
- Preserve natural areas, productive agricultural lands, and farming in the long-term.
- Provide recreational opportunities to Town residents.
- Maintain farmer eligibility for incentive programs, such as state income tax credits.
- Allow limited single-family residential development at densities at or below one home per 35 acres. See "Development Policies" below and Figure 3: Residential Density Unit (RDU) Principle. This one housing unit per 35 acre policy does not mandate or even allow the creation of 35+ acre residential lots.

### Typical Implementing Zoning Districts

For open space uses, NR-C Natural Resource Conservancy is the typical zoning district.

For recreational uses, RE Recreational Zoning is the typical zoning district.

For agricultural uses, the FP-35 General Farmland Preservation or FP-1 Small Lot Farmland Preservation districts are typically used. Where a new farm residence is proposed, a conditional use permit is required by Dane County and the requirements and standards in Section 10.101(7)(d) of the Dane County Zoning Ordinance shall be met.

For other new residential lots, the RR-1, RR-2, SFR-1, SFR-08, AT-5, and other districts that allow non-farm residences may be used. Any rezoning away from FP-35 or FP-1 must be consistent with applicable development and density policies below, the land must be better suited for a use not allowed in FP-35 or FP-1 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.

### New Lot Sizes

Where land is to remain in open space or agricultural use, the FP-35 district has a 35 acre minimum and the FP-1 district has a 5 acre minimum and 35 acre maximum. Where appropriate, the RE district has a 1/3 acre minimum.

For new lots intended for new residences:

- 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 allowed).
- 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.

For new lots for a farm residence and/or farm building(s) that existed as of May 15, 1982:

- 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).
- Maximum necessary to encompass the farm residence and all farm buildings, but no greater than 10 acres.

### Relationship to Town's TDR Program

1. See Figure 4: Transfer of Development Rights (TDR) Program for TDR program description.
2. Lands in the Open Space and Recreation Area qualify as TDR Sending Areas, provided that an RDU is available to transfer.
3. There may also be transfers of RDUs with a 1-to-1 transfer ratio between and within lands within the Open Space and Recreation Area/Agricultural Preservation Area, per the applicable policies in Figure 4.
4. See "Residential Density Unit (RDU) Allocation" policy 7 in Figure 3 for an exception to RDU and TDR requirements for residentially zoned lots that existed prior to January 1, 1981.~~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.~~

### Development Policies for Open Space and Recreation Area

Same as "Agricultural Preservation Area"—see Figure 5, except the Town Board may apply different policies for lands intended for recreational uses.

## Figure 8: Neighborhood Development Area Purpose and Policies (two-page figure)

### Purpose

- Generally map over and near pre-existing areas of rural residential subdivisions and use, as shown on Map 16. For a description of the "Rural Neighborhood Expansion Area" symbology on Map 16, see "General Land Use" policy 6.
- Promote sustainable residential development by encouraging infill around existing development and incorporating principles of conservation neighborhood design.
- Provide opportunities for a range of single family housing choices, including estate and affordable single family housing.
- Enable limited neighborhood-serving, small-scale commercial, institutional, and two- and multiple-family residential uses.

| Typical Implementing Zoning Districts | New Lot Sizes |
|---|---|
| SFR-08 Single-Family Residential and HAM-R Hamlet Residential are typical.<br><br>HAM-M Hamlet Mixed Use, LC Limited Commercial, TFR-08 Two-Family Residential, and MFR-08 Multi-Family Residential may be used on a limited basis for neighborhood-serving commercial, institutional, and higher-density residential sites.<br><br>Existing commercial uses/zoning districts may be expanded to include additional land. | 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 allowed). A larger minimum lot size may be required for commercial, institutional, and two- and multi-family residential uses.<br><br>Maximum lot size is 1 acre, except to the minimum greater size necessary due to unusual land configuration; to better protect farmland; for commercial, institutional, and two- and multi-family residential uses; and/or to enhance rural or scenic character, as determined by the Town Board. |

### Relationship to Town's TDR Program

1. See Figure 4: Transfer of Development Rights (TDR) Program for TDR program description.
2. Lands in the Neighborhood Development Area may qualify as TDR Receiving Areas, per the policies in Figure 4.
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 (RDUs) allocated to the May 15, 1982 parcel, provided that the developer meets all other applicable regulations and policies. However, if any part of a tax parcel in the Neighborhood Development Area is within ¼ mile from the Village of Cottage Grove boundary as of July 5, 2022, transferred RDUs are not required to obtain Town approval of a residential development that is above the number of housing units (RDUs) allocated to that May 15, 1982 tax parcel. The Town and County may need to rezone such parcels away from the TDR-R Receiving Area Overlay Zoning District to the extent they are already zoned in that manner.~~

4.3. To build one or more residences on any new lot zoned residential and created after January 1, 1981, the parcel owner must have assigned an Residential Density Unit (RDU) based on the acreage he or she owns as further described in Figure 3~~: Residential Density Unit (RDU) Principle~~, obtain and transfer an RDU originating from a TDR Sending Area, or some combination~~both, except transferred RDUs are not required where the majority the tax parcel is within ¼ mile of the Village of Cottage Grove as of July 5, 2022 (with such ¼-mile radius shown on Map 16)~~. For each RDU assigned to the Neighborhood Development Area parcel per Figure 3, one housing unit will be allowed, subject to compliance with other applicable policies of this Plan and Town ordinances. For each RDU obtained and transferred from a TDR Sending Area, the 10-to-1 transfer ratio incentive described in Figure 4 shall apply, except that where the majority (greater than 50%) of a Neighborhood Development Area tax parcel is within ¼-mile of the Village of Cottage Grove, transferred RDUs are not required to obtain Town approval of a residential development on that tax parcel. So, ~~for~~ as one example where the Neighborhood Development Area is ¼-mile or greater from the Village, an owner of an undeveloped 80 acres ~~in the Neighborhood Development Area sufficiently distant from the Village of Cottage Grove~~ who acquires two RDUs from a TDR Sending Area is allowed 20 housing units from the transferred RDUs (2 transferred RDUs x transfer ratio incentive of 10), plus two additional housing units originally assigned to the 80- acres ~~parcel land area as a base~~ under the RDU principle in Figure 3, for a maximum of 22 housing units.

5.4. ~~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.~~ See "Residential Density Unit (RDU) Allocation" policy 7 in Figure 3 for an exception to RDU and TDR requirements for residentially zoned lots that existed prior to January 1, 1981.

## Development Policies for Neighborhood Development Area

1. Designation of lands in the Neighborhood Development Area on Map 16: Future Land Use and Transportation 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. See "Residential Density Unit (RDU) Allocation" policy 7 in Figure 3 for unique development policies applicable to residentially zoned lots that existed prior to January 1, 1981~~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 that are described in Figures 3 and 4. 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 3.
5. Follow applicable requirements of the Town's Land Division and Planning Code and Town Design 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 16 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.
9. Require submittal and recording of a declaration of covenants with each residential subdivision plat, including matters such as continued maintenance of shared private facilities and exterior lighting provisions intended to preserve the dark night sky.

- **Other Land Use Actions**: In general, the Town Board, following a recommendation from the Plan Commission, will take all other actions related to land use. These include amendments and updates to this *Plan*; annexations, incorporations, or consolidations affecting the Town; amendments to urban service areas affecting the Town; and potential Town acquisition or disposition of land.

Before submitting a formal application to the Town and/or County for approval of any of the requests listed above, the Town urges petitioners to discuss the request conceptually and informally with the Town Plan Commission. Conceptual review almost always results in an improved development product and can save the petitioner time and money.

## PLAN AMENDMENTS

Amendments to this *Comprehensive Plan* may be appropriate in the years following ~~initial~~ each 10-year *Plan* ~~adoption~~update ~~and in instances where the *Plan* becomes irrelevant or contradictory to emerging policy or trends~~. As opposed to a 10-year *Plan* update, "~~Amendments~~amendments" are ~~defined as~~typically targeted, minor changes to certain parts of the *Plan* maps or text.

The *Plan* will be specifically evaluated for potential amendments once every ~~other~~ three years ~~in even numbered years~~ starting in 2029, with the process starting in February. Between February 15 and March 15 of each ~~even numbered~~such year, the Town will accept requests from property owners, potential developers, and other interested stakeholders for *Plan* amendments. Next, the Plan Commission will evaluate any amendment requests (including those generated by Commission or Board members or Town staff/consultants), and recommend appropriate amendments to the Board. The Town Board reserves the right to direct a *Plan* amendment in a different timeframe to capture a unique opportunity, avoid a potential problem, or correct an obvious and important mistake.

It the evaluation, recommendation, and potential adoption of each proposed *Plan* amendment, the Commission and Board will utilize the following *Plan* amendment criteria:

- The extent to which the proposed *Plan* amendment is consistent with, or even advances, the Town's vision listed in Chapter 1 and goals and objectives listed in subsequent chapters of the *Plan*.
- The degree to which the *Plan* component being sought for amendment has become irrelevant or contradictory to emerging policy, initiatives, conditions, or trends.
- Whether the proposed amendment is addressing a policy matter (which would be viewed with heightened scrutiny) or clarifying the *Plan* with a policy-neutral impact or addressing an internal inconsistency (which would be viewed with lower scrutiny).
- If the proposed *Plan* amendment is to Map 16: Future Land Use and Transportation, or to written development policies in this *Plan*, in a manner that would provide more non-farm development opportunities to one or more land owners:
    - Whether potential public benefits of the proposal will outweigh potential adverse impacts, after taking into consideration the applicant's proposal and any provisions to ameliorate such impacts.

- The extent to which the proposal is addressing an unmet or inadequately met need in the Town.
- The number of other vacant, developable parcels in the Town for similar types and densities of development as proposed, and the likelihood of those parcels developing before the next scheduled *Plan* update.
- Whether the proposed *Plan* amendment is linked to a particular and likely development proposal (ideally supported by a thoughtful conceptual development plan), versus being proposed for speculation/to increase the future sale price of the land (which would be viewed with heightened scrutiny).

The State comprehensive planning law requires that the Town use the same basic process to amend, add to, or update the *Comprehensive Plan* as it used to adopt the *Plan*. Adoption or amendment of the *Comprehensive Plan* shall comply with the procedures set forth in sec. 66.1001(4)a, Stats. The Town intends to use the following procedure to amend~~, add to, or update~~ the *Comprehensive Plan*:

a. The Plan Commission or Town Board initiates the proposed *Comprehensive Plan* amendment. This will usually occur as a result of Plan Commission review of the *Plan* per the above schedule.

b. Following an opportunity for public and Dane County Planning and Development Department input on the proposed *Plan* amendment, the Plan Commission recommends Town Board approval (or rejection or modification) of the amendment via resolution.

c. Following passage of the Plan Commission resolution recommending the amendment, the Town Clerk schedules a formal public hearing on the *Plan* amendment in front of the Town Board and publishes a Class 1 notice at least 30 days before the hearing. The Class 1 notice shall contain the date, time, and place of the hearing, a summary of the proposed *Comprehensive Plan* amendment, the name of a Town employee to be contacted to provide information about the amendment, the location and time wherein the amendment can be inspected before the hearing, and information about how a copy can be obtained. Also, at least 30 days before the hearing, the Clerk provides written notice to those entities that qualify under secs. 66.1001(4)(e) and (f), Stats.

d. Following the public hearing, the *Plan* amendment may be enacted by the Town Board in the form of an ordinance adopted by majority vote of all the members of the Town Board (not a simple majority of a quorum).

e. Following Town Board approval of the amendment, the Town Clerk sends copies of the adopted *Plan* amendment to the Dane County Planning and Development Department for incorporation in the Dane County Farmland Preservation Plan and/or County Comprehensive Plan.

f. Following Dane County action, the Town Clerk sends ~~copy~~ copies of the approved ordinance and *Plan* amendment to the Pinney Branch of the Madison Public Library, Wisconsin Department of Administration (Division of Intergovernmental Relations), Dane County Clerk, Capital Area Regional Planning Commission,

**2021 Community Survey Response**

*"Thank you for seeking our input as residents of the Town. I am so grateful for our Town Board's experienced leadership!"*

Village of Cottage Grove, City of Madison, Village of McFarland, and Towns of Sun Prairie, Medina, Deerfield, Christiana, Pleasant Springs, Dunn, Blooming Grove (before October 1, 2027), and Burke.

## Plan Update

State statute requires that this *Comprehensive Plan* be updated at least once every ten years. As opposed to an amendment, an update is a substantial re-write of the plan document and maps. Based on this deadline, the Town intends to complete a full update of its *Comprehensive Plan* by the year 2032 (i.e., ten years after 2022) at the latest.

## Consistency Among Plan Elements

State statute requires that the implementation element "describe how each of the elements of the comprehensive plan shall be integrated and made consistent with the other elements of the comprehensive plan." Preparing the various elements of the *Town of Cottage Grove Comprehensive Plan* simultaneously has ensured that there are no known internal inconsistencies between the different elements of this *Plan*.

## Interpretation

The Town intends that this *Plan* should be interpreted reasonably to achieve its overall goals, and not in a narrow sense which frustrates or delays realization of its goals. If there is a question as to the interpretation of a provision of the *Plan*, the Town Board shall be empowered to adopt an interpretation of the *Plan,* which shall resolve the issue and may be appended to this *Plan*. The Town Board shall be the only body authorized to interpret this *Plan*.

# Exhibit B--Amended Map 16 for Town of Cottage Grove Comprehensive Plan (General)

## Legend

**Future Land Use Categories[1]**

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

- Rural Neighborhood Expansion Area
- Existing Off-Street Trails
- Planned Trails
- Conceptual Future Roads
- Preliminary Highway 12/CTH AB Interchange Design
- 1/4-mile radius from 2022 Village limits[2]
- Parcels (Sept. 2024)
- Potential Madison Expansion Area (per 2022 intergovernmental agreement)
- Town of Cottage Grove Limits (Sep 2024)
- Surface Water

Notes:
1. 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 the primary TDR Receiving Areas. The Town may also allow limited transfer of Residential Density Units (RDUs) between parcels in the Agricultural Preservation Area. See Land Use chapter for details and limits.
2. ~~If the majority of a tax parcel designated as a Neighborhood Development Area or Agricultural Transition Area is within ¼ mile from the Village of Cottage Grove boundary and tax parcels as of July 5, 2022 (with such ¼-mile radius shown on this map), transferred RDUs are not required to obtain Town approval of a development on that parcel with greater than the number of housing units (RDUs) allocated to the May 15, 1982 tax parcel.~~

Remove 1/4 mile radius legend entry

Remove 1/4 mile radius from map

Remove note 2 entirely.

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

Date: October 15, 2024

0 750 1,500 3,000 Feet

Town of Sun Prairie
Town of Medina
City of Madison
Village of Cottage Grove
Town of Cottage Grove
Town of Blooming Grove
Town of Deerfield
Village of McFarland
Town of Dunn
Town of Pleasant Springs
Town of Christiana

Alignment A2
Alignment B
Alignment A1

FUTURE LAND USE AND TRANSPORTATION
TOWN OF COTTAGE GROVE COMPREHENSIVE PLAN
DANE COUNTY, WISCONSIN

Town of Cottage Grove

MAP 16



Path: S:\MAD\3600--3699\3688\003\Data\GIS\Figures\Map 16 Future Land Use Sept 2024 11x17.mxd User: danc Date: 10/14/2024 Time: 4:03:55 PM