

TOWN OF COTTAGE GROVE, DANE COUNTY, WISCONSIN

Adopted pursuant to Sec. 25.01 of the Town of Cottage Grove Code

ORDINANCE NO. 2007-03

Title: Minor Changes Requested by Dane County to ORDINANCE NO. 2007-01, AN ORDINANCE OF THE TOWN OF COTTAGE GROVE ADOPTING THE 2007 PHASE 1 AMENDMENT TO THE COMPREHENSIVE PLAN AS RECOMMENDED BY THE PLAN COMMISSION, INCORPORATING SAME INTO THE CURRENT COMPREHENSIVE PLAN, AND ADOPTING THE AMENDED COMPREHENSIVE PLAN AS "TOWN OF COTTAGE GROVE SMART GROWTH COMPREHENSIVE PLAN – 2028"

Ordinance Identification Number	<u>2007-03</u>
Code Section(s)	<u>None</u>
Presented to Board by	<u>Town Chair Kris Hampton</u>
Committee Review by	<u>Plan Commission (recommended 4-0)</u>
Date adopted	<u>December 17, 2007</u>
Vote	<u>3-0</u>
Date of posting of adoption of ordinance	<u>December 21, 2007</u>

WHEREAS, the Town Board previously adopted and approved *Ordinance 2007-01, an ordinance of the Town of Cottage Grove adopting the 2007 Phase 1 Amendment To The Comprehensive Plan As Recommended By The Plan Commission, Incorporating Same Into The Current Comprehensive Plan, And Adopting The Amended Comprehensive Plan As "Town Of Cottage Grove Smart Growth Comprehensive Plan – 2028,"* as approved in May 2007 and amended on December 17, 2007 ("Phase 1 Amendment"); and,

WHEREAS, following adoption of the Phase 1 Amendment, Dane County and the Town proposed minor revisions to the language of the Phase 1 Amendment; and

WHEREAS, the proposed minor revisions to the Phase 1 Amendment are attached as Exhibit A, *Changes to Phase 1 Amendment Made Following Town Board & ZLR Meeting on 12-10-2007 Are Highlighted in Yellow Below (pp J-12 & J-13)* ("Revisions"); and,

WHEREAS, the Town Plan Commission, by majority vote on December 17, 2007, approved an oral resolution recommending that the Town Board adopt the Revisions, and such vote was recorded in the Plan Commission minutes; and,

WHEREAS, the Town Board has considered these Revisions along with recommendations from the Town Plan Commission as well as input from the public, Town consultants, Dane County and other interested persons, and has determined that the Revisions are in the public interest, that they are needed to guide and accomplish the coordinated, adjusted and harmonious development of the Town in accordance with existing and future needs, that they best promote the public health, safety, convenience, prosperity and welfare, and promote the efficiency and economy of development; and,

NOW, THEREFORE, in consideration of the above recitals which are expressly incorporated herein, the Town Board of the Town of Cottage Grove, Dane County, Wisconsin does ordain as follows:

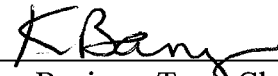
SECTION 1. The Phase 1 Amendment and the Town Of Cottage Grove Smart Growth Comprehensive Plan – 2028 are hereby amended to incorporate the changes as set forth in attached Exhibit A, a copy of which is attached hereto and incorporated by reference; and,

SECTION 2. That the Town Clerk shall send a copy of the Revisions to the Pinney Public Library, Wisconsin Land Council, Dane County, Community Analysis and Planning Division (CAPD) as successor to Dane County Regional Planning Commission, the City of Madison, the Village of Cottage Grove, and the towns of Sun Prairie, Medina, Deerfield, Christiana, Pleasant Springs, Dunn, Blooming Grove, and Burke, and other individuals set forth in Wis. Stats. § 66.1001(4)(e) and (f).

This ordinance was duly considered and adopted by the Town Board of the Town of Cottage Grove pursuant to a vote of 3 for, 0 against and 0 abstaining on this 17th day of December, 2007.


TOWN OF COTTAGE GROVE

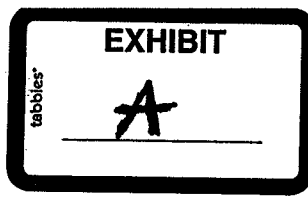

By: Kris Hampton, Town Chair

ATTEST: 
Kim Banigan, Town Clerk

Approved as to form this
17th day of December, 2007.

ANDERSON & KENT, S.C.


Constance L. Anderson
Cottage Grove Town Attorney



Changes to Phase 1 Amendment Made Following Town Board & ZLR Meeting on 12-10-2007 Are Highlighted in Yellow Below (pp J-12 & J-13)

TDR Program Procedures. The guidelines for implementing the TDR Program established by this Comprehensive Plan have been developed by the Town of Cottage Grove in consultation with the County. Implementation guidelines set forth procedures for property in the sending and receiving areas, miscellaneous provisions and draft documents that provide reasonable assurance of the following:

- (1) To assure that those interested in participating are more accessible, a list will be maintained at the Town Hall for owners interested in selling development rights under the TDR Program;
- (2) To assure that the conveyance of development rights is properly tracked on the sending area property, the development rights are in fact conveyed and the sending area property is deed restricted, a "Grant of Limited Conservation Easement, Transfer of Development Rights and Deed Restrictions" ("TDR Easement") shall be executed and recorded in the sending areas when a development right is sold under the TDR Program.
- (3) To assure that zoning and land division review is completed, review procedures shall be set forth for the receiving area property.
- (4) To assure that the sequence of approvals is appropriate, miscellaneous provisions shall be developed to make sure that the Plat is not approved without first obtaining the development rights and that the TDR Easement is recorded.

TDR Program procedures are set forth in Town of Cottage Grove Ordinances §§15.15.4 and 15.15.5.

Sending and Receiving Areas and Transfer Ratios

Possible Sending and Receiving Areas are shown in Table J-6, described in the Land Use Districts section below and identified on Land Use Plan Map J-4.

The transfer ratio establishes the needed incentive so that landowners and RDU buyers are motivated to transfer their RDUs from the Agricultural District to a district where compact development is more appropriate. The incentive for a developer is that the developer can buy one RDU from a Sending Area and develop more than one dwelling unit with that RDU in a Receiving Area. A property owner with 1 development right in the Agricultural District can sell and transfer it to a person owning land in a residential district who can build the number of dwelling units specified by the transfer ratio in the residential district. All other land use requirements must also be met, such as needed zoning approval and other subdivision approvals (including CSM, plat and extraterritorial approvals, as appropriate). The actual transfer ratio is set forth in Town of Cottage Grove Ordinance No. 2007-02, adopted on May 7, 2007, as codified in Section 15.15.3.1 of the Town of Cottage Grove Code of Ordinances. The transfer ratio set forth therein may be amended by ordinance of the Town Board, provided that a concurring resolution is obtained from the Dane County Board.