

**Dane County Board of Supervisors
Amending Chapter 10 of the Dane County Code of Ordinances
Zoning Map Amendment Petition 10605**

Dane County Board of Supervisors does ordain as follows:

The Zoning Districts Maps as referenced under Dane County Code of Ordinance Section 10.03 shall be amended as follows:

Town Map: Town of Burke

Location: Section 13

Zoning District Boundary Changes

A-1 to C-2

A part of the Southwest ¼ of the Southwest ¼ of Section 13, Township 8 North, Range 10 East, in the Town of Burke, Dane County, Wisconsin. More fully described as follows. Commencing at the West ¼ corner of said Section 13; thence S01°53'09"W 1322.60 feet along the West line of said ¼ ¼; thence N87°33'20"E 1243.55 feet along the South line of the First Addition to Smith's Crossing; thence S02°26'40"E 162.75 feet to the point of beginning; thence S07°03'47"E 219.00 feet; thence S82°56'13"W 220.00 feet; thence N07°03'47"W 219.00 feet; thence N82°56'13"E 220.00 feet to the point of beginning. Containing 48,180 Sq. Ft. or 1.10 Acres.

CONDITIONAL ZONING

Conditional zoning is hereby imposed pursuant to Section 10.255(3)(a)2.(b) of the Dane County Code of Ordinances. The rezoned area shall be subject to the following conditions.

DEED RESTRICTION REQUIRED

This amendment will be effective if within 90 days of its adoption by Dane County the owner or owners of the land record the following restriction(s) on said land:

1. A deed restriction shall be recorded on the property that limits the land uses in the C-2 Commercial Zoning District to: major repairs; sale, rental or leasing of new and used motor vehicles; and office uses. The deed restriction shall contain the following additional limitations: No additional outdoor lighting shall be installed on the property. Owners may install the minimum signage necessary to meet DOT requirements for the sales of motor vehicles. There shall be no outdoor storage of inventory vehicles or equipment. The building may not be increased, expanded, or enlarged. Future access from Emerson Street is prohibited. The owner shall maintain an auto dealer's license issued by Wisconsin DOT. If the owner fails to renew the license, the owner of the property is required to submit a zoning map amendment with Dane County to change the C-2 Commercial zoning on the property back to A-1 Agriculture.

Said restriction(s) shall run in favor of Dane County and the pertinent Town Board(s) as well as the owners of land within 300 feet of the site. Failure to record the restriction(s) will cause the rezone to be null and void. A copy of the recorded document shall be submitted to Dane County Zoning.

GRANT AS MODIFIED

DELAYED EFFECTIVE DATE

**Dane County Board of Supervisors
Amending Chapter 10 of the Dane County Code of Ordinances
Zoning Map Amendment Petition 10616**

Dane County Board of Supervisors does ordain as follows:

The Zoning Districts Maps as referenced under Dane County Code of Ordinance Section 10.03 shall be amended as follows:

Town Map: Town of Burke

Location: Section 24

Zoning District Boundary Changes

A-1 to C-2:

Units 1, 2, 3, 7 8, and 9, part of Units 4, 5, 6 and 10, and the common element of Maly Road of JAD Condominium, located in the Southeast 1/4 of the Southwest 1/4 and the Southwest 1/4 of the Southwest 1/4, Section 24, T8N, R10E, Town of Burke, Dane County, Wisconsin, described as follows: Commencing at the Southwest Corner of said Section 24; thence N00°53'15"E, 598.74 feet along the West line of said Southwest 1/4; thence N87°43'00"E, 60.09 feet to the East right of way line of Reiner Road and the point of beginning; thence N00°53'15"E, 720.00 feet to the Northwest corner of said condominium; thence N87°43'00"E, 1328.37 feet along the North line of said condominium to the Northeast corner thereof; thence S28°32'33"E, 105.62 feet along the Easterly line of said condominium; thence continuing along said Easterly line S28°32'33"E, 1320.85 feet to the North right of way line of Burke Road; thence S87°47'10"W, 483.07 feet along said North right of way line to the Southeast corner of said Unit 11; thence continuing along said North right of way line S87°47'10"W, 365.09 feet to the Southwest corner of Unit 11; thence N01°02'30"W, 279.33 feet along the West line of said Unit 11 to the Northwest corner thereof; thence N81°19'04"E, 357.51 feet along the North line of said Unit 11 to the Northeast corner thereof; thence N02°57'24"W, 40.56 feet; thence S87°01'35"W, 452.72 feet; thence S01°52'36"E, 354.16 feet to the said North right of way line; thence N87°47'10"E, 94.34 along said North right of way line to the said Southwest corner of Unit 11; thence continuing along said North right of way line, N87°47'10"E, 365.09 feet to the said Southeast corner of Unit 11; thence continuing along said North right of way line N87°47'10"E, 483.07 feet to the said Easterly line of the condominium; thence N28°32'33"W, 1320.85 feet along said Easterly line; thence S35°00'53"W, 784.75 feet to the North line of said Unit 10; thence S87°43'00"W, 939.58 feet along said North line to the said East right of way line of Reiner Road and the point of beginning; Containing 907,400 square feet, or 20.831 acres.

A-B to C-2:

Unit 11, JAD Condominium, located in the Southeast 1/4 of the Southwest 1/4 and the Southwest 1/4 of the Southwest 1/4, Section 24, T8N, R10E, Town of Burke, Dane County, Wisconsin, described as follows: Commencing at the Southwest Corner of said Section 24; thence N00°53'15"E, 598.74 feet along the West line of said Southwest 1/4; thence N87°43'00"E, 60.09 feet to the East right of way line of Reiner Road; thence N00°53'15"E, 720.00 feet to the Northwest corner of said JAD Condominium; thence N87°43'00"E, 1328.37 feet along the North line of said condominium to the Northeast corner thereof; thence S28°32'33"E, 1426.47 feet along the Easterly line of said condominium to the North right of way line of Burke Road; thence S87°47'10"W, 483.07 feet along said North right of way line to the Southeast

corner of said Unit 11 and the point of beginning; thence continuing along said North right of way line S87°47'10"W, 365.09 feet to the Southwest corner of said Unit 11; thence N01°02'30"W, 279.33 feet along the West line of said Unit 11 to the Northwest corner thereof; thence N81°19'04"E, 357.51 feet along the North line of said Unit 11 to the Northeast corner hereof; thence S02°57'24"E, 319.57 feet along the East line of said Unit 11 to the said North right of way line and the point of beginning; Containing 107,830 square feet, or 2.475 acres.

CONDITIONAL ZONING

Conditional zoning is hereby imposed pursuant to Section 10.255(3)(a)2.(b) of the Dane County Code of Ordinances. The rezoned area shall be subject to the following conditions.

1. The petitioner shall record a condominium removal document for the entire JAD Condominium Plat. The petitioner shall also remove the recorded storm water maintenance plan as note under Register of Deeds document #3760938.
2. A subdivision plat, pursuant to Wisconsin Statutes 236, shall be recorded with the Dane County Register of Deeds that defines the proposed lots as shown on the concept plan within 2 years.
3. The proposed "Maly Road" shall be dedicated to the public for road right-of-way. The road right-of-way shall extend from the eastern right-of-way line of Reiner Road to the north property line as depicted on the concept plan.

DEED RESTRICTION REQUIRED

This amendment will be effective if within 2 years of its adoption by Dane County the owner or owners of the land record the following restriction(s) on said land:

1. Lots 1 through 8 shall be deed restricted to limit the land uses to: Major repairs to motor vehicles inside buildings - Parking and storing of motor vehicles - Warehouses - Mini-warehouses - Medical, dental and veterinary clinics - Banks, offices, office buildings and condominium office buildings - Woodworking shops - Machine shops – Manufacturing and assembly plants – Rental businesses, except for motor vehicles and construction machinery/equipment - Distribution centers - Wholesale businesses – Warehousing and inside storage incidental to a permitted use - Indoor storage – Incidental indoor maintenance – Incidental parking for employees. Retail establishments and drive – in establishments are prohibited. All work performed and storage of materials shall be inside of a building. Conditional Uses that may be permitted are: Residence for a watchman or caretaker - Communication towers - Governmental uses - Agricultural uses.
2. Lot 10 shall be deed restricted to limit the land uses to: Retail sales limited to automotive parts and accessories - Major repairs to motor vehicles inside buildings - Warehouses - Mini-warehouses - Medical, dental and veterinary clinics - Banks, offices, office buildings and condominium office buildings - Woodworking shops - Machine shops - Manufacturing and assembly plants - Rental businesses, except for motor vehicles and construction machinery/equipment - Distribution centers - Wholesale businesses – Warehousing and inside storage incidental to a permitted use - Indoor storage – Incidental indoor maintenance – Incidental parking for employees. Conditional Uses that may be permitted are: Residence

for a watchman or caretaker - Communication towers - Governmental uses - Agricultural uses.

3. All property zoned C-2 within the subdivision plat shall be deed restricted to prohibit billboard signs.

Said restriction(s) shall run in favor of Dane County and the pertinent Town Board(s) as well as the owners of land within 300 feet of the site. Failure to record the restriction(s) will cause the rezone to be null and void. A copy of the recorded document shall be submitted to Dane County Zoning.

RECORDING OF AN APPROVED PLAT REQUIRED

The above listed description(s) is/are intended to describe land for which a subdivision plat conforming to all applicable provisions of Chapter 236 of Wisconsin Statutes and Chapter 75, Dane County Code of Ordinances will be prepared for approval and recorded. This amendment will become effective, if within two years of its approval by Dane County, a plat that described the land to be rezoned is recorded in the office of the Dane County Register of Deeds. **Failure to record the plat will cause this amendment to be null and void. A copy of the recorded plat shall be submitted to Dane County Zoning.**

GRANT AS MODIFIED

DELAYED EFFECTIVE DATE