

# Town of Black Earth Zoning & Land Division Guide

Town of Black Earth  
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This guide is designed to provide you with an outline of the information necessary to rezone, divide, or develop land within the Town of Black Earth. If you are interested in pursuing any of these applications or initiating the process, please contact the Town Clerk for the appropriate application(s).

The Town of Black Earth has adopted local regulations depending on the intent and goals of your project. All adopted Town policies are outlined in the Town's Comprehensive Plan and local Code of Ordinances. Please be aware that each process and the required materials differ depending on the action requested. It is important to note that the Town is under the jurisdiction of Dane County. It is recommended that you consult with the Dane County Department of Planning and Development prior to initiating any formal process in the Town. The County has an individual process for each of these activities and will require separate approvals. The Town's guidelines are subject to change at any time.

To initiate a formal process in the Town, please contact the Town Clerk. The Clerk will initiate the proper process with the Town's Planning Commission and assist you in obtaining the proper applications. The first step of any process is to meet with the Planning Commission for an informational overview of the project that you are interested in pursuing. The objective of the Commission is to provide you with valuable information and assistance. The information they provide is intended to help you avoid unnecessary problems, expenses, and delays. The Planning Commission meets on the first Tuesday of each month, as necessary, in the lower level of the MBE CPA Accounting Building located at 1116 Mills Street in the Village of Black Earth.

## Things to Consider

Common questions to ask when purchasing land or considering land development within the Town include:

- a. Are the soils suitable for a septic system? Most soils in the Town pose a severe limitation for septic system installations. Limiting factors include soil permeability, depth of bedrock or water table, and susceptibility to flooding in some cases. In addition, the slope of the land affects the layout and construction difficulties as well as the risk of erosion and water runoff. It is best to obtain several soil samples to understand the suitability of your land.
- b. Is the site susceptible to erosion? Scenic hillside sites are often susceptible to erosion. Following basic erosion control measures, such as minimizing earth movement, following natural contours, and maintaining vegetative cover, will reduce the risk of erosion and make future maintenance easier and less expensive.
- c. What services does the Town provide? The Town of Black Earth provides basic services to residences. These services include snow removal from Town road and emergency services. Sanitary-recycling facilities are available for a fee.

- d. What kind of zoning is required? Nearly all the undeveloped land in the Town is zoned Farmland Preservation under Dane County zoning regulations. Thus, rezoning is required for home construction. The Town of Black Earth requires a minimum of two (2) acres of land area to create a residential lot. Each rezoning request is considered and decided upon individually.

### **Be Aware of Town Development Policies**

The Town has adopted several policies to ensure land development patterns occur in a manner that protects landowners, promotes public health and safety, and protects the natural environment. The Town and Dane County review all applications for land use or land divisions based on these adopted policies. For a full list, please refer to the Town's adopted Comprehensive Plan and Code of Ordinances. Some of these policies include the following:

- a. Residential lots to be served by a private sewage system must meet the rules of the Wisconsin Department of Industry, Labor, and Human Relations. The Town of Black Earth prohibits the use of holding tanks.
- b. Residential parcel size must be a minimum of one (1) acre.
- c. The Town of Black Earth prohibits mobile homes.
- d. Multi-unit residential development is prohibited.
- e. The Town follows the policies contained in Chapter 4 of the Code of Ordinances when approving driveway permits.

### **Rezoning Approval Process**

All rezoning within the Town is governed by the Dane County Zoning Ordinance and the Town of Black Earth Comprehensive Plan and administered by the Dane County Zoning Department. All applications must be consistent with these Ordinances and Plans to be approved at the local and County levels. Town approval is the basis for County action. Rezoning is a lengthy process, usually taking several months. Public hearings are held at both the Town and County levels. While this outline intends to identify the standard procedures for rezoning a parcel in the Town of Black Earth, additional steps or information may be required by the Town Board or Dane County. Please refer to the Town and County Ordinances for more detailed outlines of the materials and process required for approval of rezoning, conditional use permits, and land divisions.

1. Contact the Town Clerk to have your petition placed on the agenda for the Planning Commission to consider. As stated above, the Planning Commission can help with some of your questions and concerns. It is recommended that a property owner or developer have an informational meeting with the Planning Commission prior to filing a formal application. At this meeting, please be prepared to present a conceptual plan of your proposal. This conceptual plan must include a preliminary site plan that demonstrates how it meets the Town's adopted policies. The more detailed the information presented, the better feedback the Town will be able to provide.
2. After the initial meeting with the Planning Commission, the applicant shall submit a petition to rezone property to the Dane County Zoning Department. Depending on when you go to the County with your petition, it may be several months before it is placed on the Dane County agenda.
3. Dane County will then send a notification to the Town Clerk of the petition filed by the applicant. It is recommended that the applicant provide a copy of the County materials to the Town Clerk in order to expedite the process at the local level. The Planning

Commission will meet again on the petition and make its recommendation to the Town Board. The Town requires two (2) full weeks' notice before the material is placed on the agenda for the Planning Commission or the Town Board. This time is necessary to accommodate the required public notification for all public hearings. The Planning Commission meets on the first Tuesday of the month, as needed. The Town Board also meets on the first Tuesday of each month.

4. After the Planning Commission holds a public hearing and has all the necessary information, it will act and make a recommendation to the Town Board. Each project is evaluated individually, and recommendations include approval, approval with conditions, or denial.
5. The Town Board will act on the petition at its monthly meeting upon receiving a recommendation from the Planning Commission. At this time, the Town Clerk will also notify the County of approval, approval with conditions, or denial of the application. Any restrictions must be satisfied and agreed to prior to the Town Board granting full approval.
6. Upon receiving the Town's recommendation, Dane County will hold a public hearing. The Town's recommendation is taken into consideration at this time. The County Board will then act upon the petition at its next meeting. Upon County Board approval, the Zoning Department will recognize a zoning change for the property.

### **Land Divisions**

Consistent with the rezone and conditional use process, all land divisions are regulated and approved by Dane County. Certified Survey Maps (CSMs) are necessary when creating fewer than five (5) lots and can be approved by a Dane County Land Division Review Officer. Preliminary and final plats are required when creating more than five (5) lots and require review and recommendation by the Dane County Zoning and Land Regulation Committee to the County Board. A lot is not legally created until the approved CSM or final plat is signed by all approving authorities and recorded at the Register of Deeds Office. The process for dividing land within the Town of Black Earth is outlined in [Chapter 6](#) of the Town's Code of Ordinances. If you are interested in dividing land in the Town, please contact the Clerk for the appropriate applications and to schedule an informational presentation for the next Planning Commission agenda.

### **Fees**

The fees for zoning and land division applications are as follows:

- Rezoning: \$500
- Land Divisions, if more than 3 lots are requested: \$250 + \$50/lot
- Conditional Use Permit: \$500

Any application submitted for a zoning permit and land division simultaneously will be required to pay both fees.