



# Understanding the County Zoning Process

## Purpose:

The purpose of this document is to help a landowner or future landowner understand what is involved with the development of land in rural Dane County, specifically in the unincorporated towns outside of villages and cities.

Property descriptions and land features are very different than those in villages and cities. Most of the land is described using rudimentary descriptions. The land may contain various features that can make development unsuitable or even prohibited. Rural landowners are responsible for obtaining approvals for such things as wells, septic systems, drive access to public roads, storm water management, and compliance with floodplain, wetland, and shoreland regulations along with acquiring appropriate zoning.

If you are looking at purchasing or developing property, a person should be prepared to address the features found on the land, as well as, the necessary approvals from different agencies. Many times a new lot must be created and proper zoning assigned to allow for the specific development. Below is a guide to assist you with navigating the zoning process and creating a lot with a certified survey map.



## Research

Educate yourself by contacting the Dane County Zoning Division at (608)266-4266 to obtain information on the property. ???Ask questions about the property???

- ❑ What is the current zoning on the property? What land uses are acceptable on the property? Does the property contain deed restrictions?
- ❑ What zoning district is best suited for the proposed development? Will I need a [conditional use permit](#) in addition to a zoning district change?
- ❑ Are there any environmental features such as floodplain, wetlands, navigable waterways, or high quality soils? What are the restrictions in these areas? Do I need to hire a professional to identify these areas?
- ❑ Is the property a legal lot of record? Note: Some properties have been created in violation of zoning and land division regulations. A [parcel status determination](#) may be needed in order to verify the development potential of the property. **Caution should be used on small parcels of land described with metes and bounds descriptions.**
- ❑ Does the property contain development rights? Most towns participate in the State's Farmland Preservation Tax Credit Program. Development is limited as prescribed in the town's comprehensive plan. A [density study](#) may be needed in order to determine if the property has development potential.

## Town Comprehensive Plan

- ❑ Towns have adopted policies regarding the development of land and these policies are articulated in the town comprehensive plans which can be found at:  
[Town Component Plans | Dane County Planning & Development](#)
  - Review the plan policies under the headings such as agricultural preservation, land use, and resource protection areas to get an idea of the development guidelines. These policies will be used to make land use decisions on the proposed development.
- ❑ Look at the Land Use Map for the town. Does your proposal match the use for the area? What are the surrounding areas designated?
- ❑ Contact the Town Chair or the Town Clerk regarding development policies in their town and any specific submittals or approvals which may be required. Both the Town and the County will be reviewing the development proposal.

## View the Neighborhood

- ❑ Look at the neighboring properties using DCiMap:  
<https://dcimapapps.countyofdane.com/dcmaviewer/>
  - Review the neighboring land uses within  $\frac{1}{2}$  mile to 1 mile of the property. Are these acceptable land uses? What other uses would the existing zoning allow?

## Professional Services

- ❑ Professional services *MAY* be needed to develop your property.
  - Contact a licensed Land Surveyor to discuss costs involved with preparing maps for development.
  - Contact a Soil Tester or Plumber to discuss perc testing costs to see if the area is suitable for development of an on-site septic system.
  - Other professionals may be needed to determine boundaries of wetlands, locate flood hazard areas, or address requirements for shoreland regulations.



## Checklist in preparation to rezone property

- ❑ reviewed compliance with the Town Land Use Plan
- ❑ researched submittal requirements and approvals needed
- ❑ looked at the soils and historic crop production on the land
- ❑ researched access to public roads and the location of the driveway on the land
- ❑ addressed topography and aesthetic concerns
- ❑ addressed slopes and potential erosion concerns
- ❑ examined the land for a suitable septic site
- ❑ determined lot size and housing development rights



## Rezoning process

The process to change the zoning of a property takes approximately 4 months. An additional month should be expected if new lots are being created. Both the Town and County will be involved in the rezone approval process. See flow chart.

1. Talk to the Town Chair or Town Clerk to inform them of your proposed development. They may suggest that you have a preliminary meeting with the Plan Commission prior to submitting an application to the County. Ask for information regarding the Town's process of reviewing Dane County Zoning petitions.
2. Hire a surveyor to draw up a map of the proposed development area and create a legal description in order to have the necessary information for a rezoning application.
3. File a [rezoning application](#) (zoning map amendment) with Dane County Zoning Division. You will receive an official zoning petition number which the Town and County will act upon. The petition will be scheduled for a [public hearing](#) before the Dane County Zoning and Land Regulation Committee. (The County's public hearing will be approximately 8 weeks away.)
4. After you file your application with the County, the petition must be acted upon by the Town. Contact the Town Clerk as soon as possible to obtain information on the Town's zoning review process. Please note that there may be additional information required or fees associated with the Town review process.
5. The petition will be reviewed by the Town Plan Commission and/or the Town Board prior to the County Public Hearing date. In most cases the Town will make a recommendation prior to the County's public hearing date.
  - a. Be prepared to address questions on compliance with the Town land use policies, building placement, driveway access, driveway construction, soil types, historic agricultural production, slopes and erosion, animal units, and housing density right allocation.
6. A public hearing will be held before the Dane County Zoning and Land Regulation Committee (ZLR) on the [scheduled date](#). Neighbors within 300 feet will be notified of the proposal approximately three weeks prior to the meeting. All persons attending the meeting will have 5 minutes to present information or concerns on the proposal.

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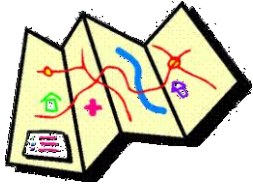
- a. Attendance by the applicant or agent is mandatory at the public hearing.
- b. At the meeting, the ZLR Chairperson will announce your petition and request that you or your agent speak on behalf of your petition. You will need to approach the podium and state your name, location of your property, the current zoning district of the property, the change requested, and reason for the change of zoning.
- c. Any other attendee will be allowed to speak in favor or opposition of the proposal.
- d. After hearing testimony, the ZLR Committee may recommend approval, postponement, or denial of your petition.

**NOTE:** If your petition is approved and a certified survey map is needed, it is strongly suggested that the applicant contact the Surveyor at this point to submit the certified survey map for review. (see below)

7. When the zoning petition is acted upon by the ZLR Committee (approved or denied), the petition will be passed onto the County Board and County Executive for final action. If the petition received unanimous approval by the ZLR Committee, you do not need to attend the County Board meeting. However, if the petition is controversial, it would be in your best interest to attend the Board meeting in case concerns arise.

**NOTE:** If a petition is denied by the County Board, this is the final action by the county. The petition may be appealed through circuit court.

8. After the County Board and County Executive have acted upon the petition, the petition may be passed back to the Town for confirmation. This only happens when a petition is changed/amended during the process or if conditions have been placed on the petition. The Town has 40 days to respond. If there is no response, the petition is deemed approved.
9. Once the county and town committees act on the petition, the Zoning Division will send a letter to the applicant and/or surveyor notifying them of necessary actions that are needed to finalize the zoning change. This is called the delayed effective date (DED) letter. The applicant will have 90 days to complete these actions. Most of the time, a certified survey map will need to be created or a deed restriction recorded on the property. If the actions are not completed within the 90-day time period, the petition may be rendered null and void.
10. The Zoning Division will verify that the necessary actions listed on the delayed effective date letter are completed. A letter will be sent to the applicant and the Town noting that the zoning is changed and the process is complete. Access Dane and the Zoning Maps will be updated within 2 weeks to reflect the change.



## Certified Survey Map (CSM) Process

In order to create a certified survey map, a person must hire a licensed land surveyor. The map will need to be reviewed by various agencies prior to recording. The process may take 45 days to 90 days to complete. (see attached flow chart)

- ❑ Prior to submitting an application for a certified survey map (CSM), appropriate zoning must first be verified for the land.
- ❑ Once zoning is verified, have a surveyor draw up a map of the property. Submit two copies of the map, the [application](#), and fees to Dane County Zoning. The cost is \$236 per lot.
- ❑ Rural lands within  $1\frac{1}{2}$  miles of villages /cities, or within 3 miles of Madison or Sun Prairie will fall within the Extra-territorial Jurisdiction (ETJ) of the municipality. Separate approvals may need to be obtained from the municipality. Please check with the Dane County Land Division Review Officer to see if the land will need ETJ approval by a village/city.

**NOTE:** At the end of the process, approval signatures will be need to be obtained from the landowner, mortgage holder, town clerk, county land division officer, and possibly a neighboring city or village. Please contact the individuals to see how signatures are obtained. Usually this is coordinated through your surveyor.

### REVIEW

1. The map will be reviewed administratively by the County. The review process will take approximately 30 days. The County will distribute a copy of the map to the Department of Health and the Highway Department. The agency recommendations will be part of the conditional approval letter. The County Surveyor will also review the proposed CSM for accuracy.
2. Approval will need to be obtained from the Town. The landowner or surveyor is responsible for obtaining approvals. Please contact the Town as soon as possible to understand the Town approval process.
3. Approval **MAY** be needed from the neighboring village or city. The landowner or surveyor is responsible for obtaining these approvals. Please contact the village or city as soon as possible to understand the approval process.
4. After the County review, the Land Division Review Officer will send out a conditional approval letter. The letter will contain corrections needed on the certified survey map and the necessary signatures needed on the certified survey map itself.

5. The final CSM is prepared and routed to the landowner, Town Clerk, and possibly the neighboring village or city for signatures. All signatures must be on the same document.
6. Once all signatures are obtained, the Land Division Review Officer will review the CSM for completeness and then sign the CSM.
7. The final CSM is then recorded with the Dane County Register of Deeds. Please note that there is a recording fee of \$30 for the CSM.

**NOTE:** If you would like a copy of the recorded document, there is an additional fee of \$2 for the first page and \$1 for each additional page. A self-addressed envelope will also be needed.



## Preparing to construct a new home

There are several permits that need to be obtained prior to the construction of a single-family residence.

- Sanitary Permit - A sanitary permit needs to be obtained from [Madison/Dane County Department of Health](#) (242-6515). A perc test needs to be performed by a licensed soils tester and an on-site septic system needs to be design by a licensed plumber. The information is submitted to the Health Department and the sanitary permit obtained.
- Driveway Permit - In order to access a public right-of-way, a driveway permit will need to be obtained from either the Town, County, or State, depending upon road jurisdiction.
- Erosion Control Permit - If you are constructing a driveway more than 125 feet long, disturbing more that 4,000 square feet of soil, or within the Shoreland area, an erosion control permit will be needed from [Dane County Water Resource Engineering Division](#) (224-3730).
- Shoreland Permit - If your development is within 300 feet of a navigable waterway or 1000 feet of a lake/pond, a [shoreland zoning permit](#) will need to be obtained from Dane County Zoning Division (266-9078).
- Floodplain Study/Wetland delineation - If your development is in close proximity to a flood hazard area or wetlands, consultants will need to be hired to determine the boundary of these areas.

Once the above mentioned permits are secured, a [Dane County Zoning Permit](#) may be obtained from Dane County Zoning Division and a building permit obtained from the local building inspector for the construction of the new single-family residence.