

## **Land Divisions**

### **Introduction**

A land division occurs when a portion of a parcel of land is sold or transferred to a new owner and the division creates a new parcel equal to or less than 80 acres, except in those cases exempted in section 1.03 of the Town of Prairie du Sac's Land Division Ordinance. Farm consolidations are considered a land division and must follow the approval procedures for a land division. Property line adjustments between adjacent landowners are not considered a land division; however, the adjustments require approval of the Town and County. Property line adjustments may be made between a non-complying lot or lots (less than 35 acres) but may not result in the creation of an additional cluster density credit.

All land divisions require the approval of the Town and Sauk County. The Town's requirements for land divisions are found in the Sauk Prairie Comprehensive Plan and the Town's Land Division Ordinance. The County's requirements are found in the Sauk County Code of Ordinances, Chapter 7 (Sauk County Zoning Ordinance), and Chapter 22 (Land Division and Subdivision Regulations). Copies of these documents are available at the Town and County. The Comprehensive Plan is also available at the village libraries in Sauk City and Prairie du Sac.

Before applying for a land division, you may want to meet with the Town's Planning Commission for informal discussion of your plans. The Commission can give you information and advice on the application process and requirements for land divisions. The Commission meets on the third Thursday of the month as needed. This informal meeting is not an official request to the Town and the Town will not act without an application being filed and the proper fee paid. Application forms, information, and Town contacts may be obtained from the Town Clerk, Dick Nolden, at (608) 544-2406. Some information is also available on the Town web page, [www.townofprairiedusac.org](http://www.townofprairiedusac.org). Informal contacts can also be made with Sauk County Planning and Zoning at (608) 355-3285.

Be aware that it is possible to create a parcel of land that will not meet the requirements for a building or driveway permit. The Comprehensive Plan and the Land Division Ordinance discourage land divisions and uses that conflict with agricultural operations. Any request that unduly conflicts with this objective may be denied.

### **Application for Approval of a Land Division**

The Town's Land Division Ordinance contains the requirements for and defines the terms used in the land division process. The procedures to follow for approval of a land division are detailed on pages five and six of the Town's Land Division Ordinance. The instructions for submitting an application for a land division include a requirement for including several attachments. Descriptions of those attachments are located in the Glossary. The Glossary definitions also include sources for the attachments.

Note that the first point of contact when formally applying for a land division is Sauk County Planning and Zoning, the best source for the maps and information that will be needed for both County and Town application and approval.

The first Town contact will be the Town Clerk who will provide the necessary application form, collect any applicable fees, and check for the needed maps and attachments. You may ask the Town Clerk to arrange for the meeting with the Planning Commission, or you may contact the Commission Chair, Dennis Porter, at (608) 643-4331.

The next Town contact will be with the Planning Commission which meets on an as-needed basis on the third Thursday of the month. Requests for a meeting need to be made at least one week prior to the meeting date desired to allow time for scheduling, and agenda and meeting notices to be prepared. The Commission will review the request, inspect the site if needed, and make a recommendation to the Town Board regarding approval of the application. The recommendation may advise that neighbors be notified of the request and that a public hearing be held. Follow-up meetings may be required if the applicant wants to change the proposal or if additional information is needed.

The next Town contact will be with the Town Board. The Board will consider the application for land division only if the Planning Commission has made a recommendation to approve, conditionally approve, or deny your request. After consideration, the Board will approve, conditionally approve, or deny your request. If approved, the Board will issue you a Land Division Approval.

It is necessary that you or your agent attend the Planning Commission and Town Board meetings on your proposal and any viewing of your site.

### **Neighbor Notification and Public Hearing**

After it receives the recommendation regarding your proposed land division from the Planning Commission, the Town Board, at its discretion, may send a neighbor notification form to all nearby landowners. The Town Board will then schedule its review of the land division application at its next meeting following the 10-day notification period called for by the neighbor notification requirement.

Before making its decision on the application, the Town Board, at its discretion, may hold a public hearing to allow you to formally present your intentions for the land division. It is also the opportunity for neighbors and other residents of the community to express their concerns and to present other pertinent information to the Town Board. Questions from the Board as well as other residents may be posed to the applicant at this time.

Note that interactions with the County are also required at various times during the Town review and approval process depending on the type of land division. Land divisions with a Planned Unit Development require a Conditional Use Permit from the County and require interactions with the County throughout the approval process. The procedures to follow for approval of a land division are detailed on pages five and six of the Town's Land Division Ordinance.

### **Other Requirements**

A certified survey will be required for a land division. The Town's approval will be contingent on compliance with the instructions in the Land Division Ordinance on "Division by Certified Survey."