

**TOWN OF ATHELSTANE
LAND DIVISION & SUBDIVISION ORDINANCE
ORDINANCE NO. 5**

The Town Board of the Town of Athelstane, Marinette County, Wisconsin, does hereby ordain as follows:

1. Definition: The following terms shall have the following meanings:
 - a. "Land" shall mean all real property in the Town of Athelstane
 - b. "Shoreland Property" shall mean all land subject to the County of Marinette Shoreline zoning ordinance
 - c. "Off Water Land" shall mean all other land located within the Town of Athelstane
 - d. "Lease" shall be any lease of land for more than one year
2. Lot Size: No person shall sell, transfer, or lease any parcel of land that does not meet the following minimum size requirements:
 - a. Shoreland Property shall be not less than one and a half (1 ½) acres
 - b. Off water land shall be not less than three (3) acres
3. Requirement for Certified Survey Map: All tax parcels of nine (9) acres or less created in the Town of Athelstane shall be created by Certified Survey Map in accordance with Chapter 236 of the Wisconsin State Statutes. That portion of any parcel designated a road Right-of-Way shall be excluded in calculating the total parcel acreage.
4. Savings Clause:
 - a. The ordinance shall not apply to conveyances of land owned prior to the date of this ordinance; except no further division of such land may be made.
 - b. This ordinance shall not apply to non-conforming conveyances of land by certified survey map owned prior to the date of this ordinance provided that the certified survey map is filed in the office of the Register of Deeds for Marinette County on or before December 11, 2002.
 - c. This ordinance shall not apply to conveyances by a personal representative or trustee with respect to land owned by decedent dying on or before the effective date of this ordinance.
5. The Town Board of the Town of Athelstane may grant variances and/or exceptions to this ordinance for "hardship" as that term is defined by law.
6. Any conveyance in violation of this ordinance shall be void.
7. Any private person or land developer must submit a site plan to the Land Use Commission and Town Board for approval before a land division is started. Developer is required to provide road information, number of lots, and size of lots.

8. Specific regulations required for land divisions:
 - a. culverts, minimum 25 ft. long (or 24 ft. long as stated in the HIGHWAY /ROAD ORDINANCE) and 15 inch diameter
 - b. driveways, minimum 20 ft. wide
 - c. developer is responsible for roads, Certified Survey Map, perk test, utilities (telephone and electric)
 - d. ALL roads in a subdivision shall be brought up to town specs and finished with a layer of bituminous material not less than three (3) inches thick after completion.
 - e. Standard of one multi-family dwelling for human habitat per lot
 - f. On water lot frontages should be consistent with the Marinette County waterway classification system. All other lots should have a minimum road frontage of 200 feet.
 - g. All buildings must be seventy five (75) feet from the centerline of the road and one hundred ten (110) feet from the center line of a State or Federal road
 - h. Town of Athelstane maintenance crew to assist with proper location of access roads, culverts, road width, etc.
9. Land owners, who purchased their property prior to December 2002 may purchase adjoining lots that are less than three (3) acres to increase the size of the owner's parcel.
10. Building on a parcel that is less than three (3) acres and created after November 16, 2000, is prohibited.
11. Any person violating this ordinance shall forfeit to the Town of Athelstane, not less than one hundred (\$100) dollars nor more than five hundred (\$500) dollars for each offense plus the cost of prosecution. Each day that an individual is in violation of this ordinance shall be considered a separate violation for which a separate penalty shall be applied.

This ordinance adopted by the Town Board of the Town of Athelstane Athelstane on this 10th day of August, 2005.