

ORDINANCE NO. 2021-10-1

Amending Town of Springdale Ordinance No. 2018-05-1, Accessory Building Ordinance

The Town Board of the Town of Springdale does hereby amend the Town of Springdale Accessory Building Ordinance and does ordain as follows:

1. Section 1.10 is hereby amended as follows:

Section 1.06 STANDARDS

A Permit will not be issued by the Town unless all of the following standards are satisfied:

- (1) The accessory building shall be located, sized and constructed in a manner consistent with the goals, standards, and policies set forth in the Town of Springdale Land Use Plan, including but not limited to, minimizing impact on agricultural land and neighboring view sheds and enhancing the rural character of the Town.
- (2) The accessory building complies with all applicable County, State, and Town codes, statutes, laws, regulations and ordinances including, but not limited, to this ordinance.
- (3) The Applicant agrees to install, provide, and maintain measures at the site during construction, which are sufficient to prevent a public health hazard, public nuisance, dust, noise, littering, erosion and pollution.
- (4) The accessory building shall be limited to those uses permitted in the zoning district in which the parcel is located or those uses permitted by a Conditional Use Permit.
- (5) The total footprint area of all accessory buildings located on a lot or parcel of land, shall not exceed 1,500 square feet unless the Permit is approved by the Town Board.
- (6) The accessory building is located in a building envelope, if designated, on the parcel or lot of land.
- (7) As much as possible, the accessory building shall be accessible via the main driveway to facilitate the provision of emergency services. In the event that driveway access to the accessory building is not possible due to cost, topography or other prohibiting factor, the applicant understands that emergency services may be hindered by such placement. (See 1.07 Exceptions)

Section 1.07 EXCEPTIONS

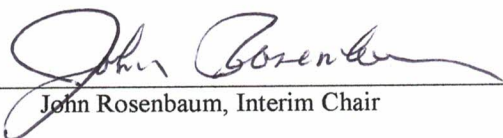
Where the Town Board finds that an undue hardship may result from strict compliance with the provisions of this ordinance, it may consider granting an exception to one or more provisions so that substantial justice may be done and the public interest secured, provided that any such exception shall not have the effect of nullifying the purpose and intent of this ordinance and provided that the Town Board shall make findings based upon information presented to it in each specific request that all the following standards are met:

- (1) **Safety.** The granting of the exception will not be detrimental to the public safety, health or welfare.
- (2) **Uniqueness.** The conditions upon which the exception request is based are unique to the property for which the exception is sought and are not generally applicable to other properties.
- (3) **Hardship.** Because of the particular characteristics of the associated principal structure or physical surroundings or topographical conditions of the specific property involved, an undue hardship to the property owner would result, as distinguished from an inconvenience or financial impact, if the strict letter of the regulations were enforced.
- (4) **Measures of Protection Provided.** The request for an exception ~~includes~~ shall include measures to provide an equivalent level of health, safety, and environmental protection as the ordinance provision being varied and shall under no circumstances prevent access of public safety vehicles and equipment to structures on the property. The Town recommends that public health and safety personnel be consulted by the applicant and that a plan be implemented to ensure adequate protection of the property in the event of an emergency.
- (5) **Agricultural Land and Rural Character.** The requested exception will not result in the displacement of agricultural land or diminish the rural character of the town.
- (6) **Land Can Accommodate Larger Size Accessory Building.** If the request is for a larger accessory building, the size and other characteristics of the parcel on which the proposed accessory building is to be built can accommodate a larger accessory building.

Any exception thus granted shall be entered in the minutes of the Town Board, setting forth the reasons which, in the judgment of the Town Board, justified the modification or exception.

Adopted this 19th day of October, 2021.

Town of Springdale Town Board

By: 
John Rosenbaum, Interim Chair


Wayne Hefty, Supervisor 1


Richard Schwenn, Supervisor 2

Attest: 
Jackie Arthur, Admin/Clerk