

**Town of Springdale
Dane County, WI**

**ORDINANCE NO. 2021-10-1
Accessory Buildings**

Adopted 5/21/2018, amended 10/19/2021

1.01 PURPOSE

The purpose of this Ordinance relating to accessory buildings within the Town of Springdale is to: assure that the type, size and location of accessory buildings do not significantly adversely affect the property values of Town residents; preserve agricultural land; insure adequate light and air; help to reduce dangers from structure fires spreading to nearby structures; and are consistent with the goals and policies set forth in the Town of Springdale Land Use Plan.

1.02 JURISDICTION

Jurisdiction of these regulations shall include all accessory buildings within the Town of Springdale.

1.03 AUTHORITY

These regulations are adopted as an exercise of the Town's police power and pursuant to Wisconsin statutes, including but not limited to, Sec. 60.10, 60.22, 61.32, 61.34, 61.35, and 62.23 and Chapter 101 of the Wisconsin Statutes.

1.04 DEFINITIONS

(1) **Accessory building.** Any structure which cannot be occupied as a residence, and includes an addition or an additional story to an existing accessory building. An accessory building is a subordinate or supplemental building or structure, the use of which is incidental to that of the main building on the same lot or parcel or the use of the premises on which it is located. The use is accessory if it is subordinate to the primary use and cannot exist independently of the primary use.

(a) **Residential accessory building.** An accessory building which does not meet the standards for an agricultural accessory building or a commercial building is a residential accessory building.

(b) **Agricultural accessory building.** An accessory building or structure used for agricultural uses as defined in Section 2 of the Town of Springdale Land Use Plan. Agricultural accessory buildings are limited to barns, sheds, silos and other structures that are clearly related to a permitted agricultural use.

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(2) **Portable agricultural structures.** For the purposes of this Ordinance, portable agricultural structures are defined as structures that can be moved with one vehicle, without being disassembled in any manner. Examples of such structures are loafing sheds, livestock feeders, chicken houses and other portable structures that by design are relocated on the land as part of the farm operation, are exempt from review by the Town per this Ordinance. Such structures shall comply with all applicable County, State and Town codes, statutes, laws, regulations and ordinances. Portable agricultural structures shall not be serviced on, by, or connected to permanent water, sewer, septic, or electric facilities. In the event the Town Chair receives a written complaint about a portable agricultural structure from an owner or resident of property adjacent to the property on which the portable agricultural structure is located, the Town Chair shall investigate such complaint, inform the Town Board of the complaint and work with affected parties to resolve the complaint.

(3) **Commercial building.** A building, or portion thereof, used for business or commercial purposes, and not used solely for residential or agricultural purposes. For purposes of this Ordinance, a commercial building, would include, but not be limited to, any building, or portion thereof, that is considered or regulated as a commercial structure or building under any applicable federal, state, or local statute, law, regulation, code, or ordinance. A commercial building shall be reviewed in conjunction with the Conditional Use Permit or rezoning for the property on which it is located.

(4) **Residence.** Any building or structure permanently affixed to the ground which is intended to be occupied as a residence, and includes an addition or additional story to an existing dwelling.

(5) **Square feet.** For the purpose of this Ordinance, square feet means the square footage of the exterior boundary or wall of the accessory building

(6) **Structure.** An item that is built or constructed and affixed permanently or temporarily to the ground and is intended to be used or occupied or accessed by humans or animals such as a building, barn, shed, or residence.

(7) **Town Board.** The Town of Springdale Board of Supervisors.

(8) **Town Building Inspector.** Any individual or entity appointed by the Town to review proposed building plans, monitor and inspect buildings under construction, and approve applications and issue building permits for accessory buildings.

(9) **Town Clerk.** Clerk of the Town of Springdale.

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1.05 APPLICATION REQUIREMENTS AND APPROVAL PROCEDURES

(1) **Who Must Apply.** Any person or entity that proposes to either: (a) construct or install an accessory building that exceeds 120 square feet; or (b) construct or install accessory buildings that will result in the total square footage of all accessory buildings on a lot or parcel of land to exceed 1500 square feet, must obtain an Accessory Building Permit, “Permit,” from the Town.

In the event a person or entity is not required to apply for and obtain a Permit pursuant to this Ordinance, any accessory building constructed or installed shall comply with all other applicable state, county and town statutes, laws, regulations, codes and ordinances including, but not limited to applicable setbacks.

(2) **Application Form.** The Accessory Building Permit Application, “Application,” is available from the Town Clerk and on the Town website.

(3) **Guide for the Construction of Accessory Buildings in the Town of Springdale.** The guide is available from the Town Clerk.

(4) **Application Submittal.** A complete Application for a Permit must include a site plan showing the location and size of the proposed accessory building and must be submitted to the Town Clerk before an Application will be reviewed or any related public meetings are held. The footprint (or the exterior boundary or wall) of the proposed accessory building shall be field staked for site inspection.

(5) **Approval Process.**

(a) Larger than 120 square feet. Proposed accessory buildings that are larger than 120 square feet but less than or equal to 1500 square feet, shall be reviewed and approved, conditionally approved, or denied by the Town Chair. The Town Chair may refer the Application to the Town Plan Commission and Town Board. Site inspections may be conducted to ensure compliance with this or any other applicable Ordinance and the Town of Springdale Land Use Plan.

(b) Exceeds 1500 square feet. Proposed accessory buildings that are either larger than 1500 square feet or would result in the total size of all accessory buildings on a lot or parcel of land to exceed 1500 square feet shall be reviewed and approved, conditionally approved, or denied by the Town Board, after a required site inspection and recommendation of the Town Plan Commission

(6) **Supporting Documents.** After Town approval, the applicant shall provide the following support documents to complete the permitting process.

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- (a) County Erosion Control Plan (for the building site), if required by the county.
 - (b) Completed Driveway Inspection Report and permit (if a driveway is needed).
 - (c) County Building and Zoning Permits (if required).
 - (d) Wisconsin Administrative Building Permit Application (if required).
 - (e) Town Building Permit.
- (7) **Revocation of Permit.** All Permits are issued conditionally. After notice, any site preparation and construction on the accessory building shall cease and upon notice and a hearing, the Town Board may revoke a Building Permit previously issued, in the event the Applicant fails to maintain compliance with the standards listed in section 1.06 of this Ordinance. The Permit is not transferable from one place to another or from one owner to another.

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)

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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 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.

1.8 PENALTIES

Any person or entity who violates this Ordinance shall, upon conviction, pay a forfeiture of \$100.00 plus applicable surcharges and court costs per violation. Each day that the violation

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continues to exist shall constitute a separate offense. This Ordinance may be enforced by a civil action. A violation of this Ordinance is deemed a public nuisance and may be enjoined.

1.9 SEVERABILITY

The provisions of this Ordinance shall be deemed severable. It is expressly declared that the Town Board would have passed the other provisions of this Ordinance irrespective of whether or not one or more provisions may be declared invalid. If any provision of this Ordinance is held invalid, the remainder of the Ordinance and the application of such provisions to other persons or circumstances shall not be affected thereby.

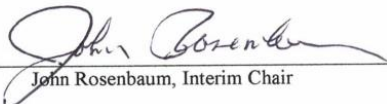
1.10 DISCLAIMER

The Town of Springdale does not, by issuing an Accessory Building Permit, warrant or make assurance of any kind whatsoever, specifically as to whether the building which is the subject of the permit is safe, suitable for its intended purpose, merchantable, or in compliance with any applicable codes or regulations.

1.11 EFFECTIVE DATE

This Ordinance shall take effect and be in force from and after the day after passage and publication as required by law. This Ordinance was originally adopted by the Town Board on May 21, 2018 and was amended on October 19, 2021. The amendment was posted on 10/20/21 at Town Hall and 11/12/21 on townofspringdale.org.

Town of Springdale Town Board

By: 
John Rosenbaum, Interim Chair


Wayne Hefty, Supervisor 1


Richard Schwenn, Supervisor 2

Attest: 
Jackie Arthur, Admin/Clerk