

**Town of Springdale
Dane County, WI
Building Ordinance – Residential Accessory Buildings**

1.01 PURPOSE

The purpose of this Ordinance relating to residential accessory buildings within the Town of Springdale is to: assure that the size and location of residential accessory buildings do not diminish the property values and view sheds of Town residents; preserve agricultural land; insure adequate light and air; help to reduce dangers from structure fires; and enforce the goals and policies set forth in the Town of Springdale Land Use Plan.

1.02 JURISDICTION

Jurisdiction of these regulations shall include all Residential 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. 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.

(2) 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.

(3) Commercial accessory building. An accessory building used for business or commercial purposes, and not used for residential purposes. For purposes of this Ordinance, a commercial accessory building, would include, but not be limited to, any accessory building that is considered or regulated as a commercial structure or building under any applicable federal, state, or local statute, law, regulation, code, or ordinance.

(4) Residential Accessory Building. Any structure or building permanently affixed to the ground that is subordinate or supplemental to a residence, but which cannot be occupied as a residence,

or an addition or additional story to an existing Residential Accessory Building, and is not an agricultural or commercial accessory building.

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

(6) Town Board. The Town of Springdale Board of Supervisors.

(7) Town Clerk. Clerk of the Town of Springdale.

(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 Residential Accessory Buildings.

(9) Square Feet. For the purpose of this Ordinance, square feet means the square footage of the exterior boundary or wall of the Residential Accessory Building.

1.05 APPLICATION REQUIREMENTS AND APPROVAL PROCEDURES

(1) Who must apply. Any person or entity that proposes to either: (a) construct or install a Residential Accessory Building that exceeds 120 square feet; or (b) construct or install Residential Accessory Buildings that will result in the total square footage of all Residential Accessory Buildings on a lot or parcel of land to exceed 1500 square feet, must obtain a Residential Accessory Building Permit from the Town. In the event a person or entity is not required to apply for and obtain a Residential Accessory Building Permit pursuant to this Ordinance, any Residential Accessory Building constructed or installed will still need to comply with all other applicable state, county and town statutes, laws, regulations, codes and ordinances including, but not limited to applicable setbacks.

(2) Application Forms. The Residential Accessory Building Permit Application is available from the Town Building Inspector and/or Town Clerk.

(3) Supporting Documents. A complete application for a Residential Accessory Building Permit must include the following documents, and must be submitted to the Town Building Inspector before a Residential Accessory Building Permit will be reviewed or any related public meetings are held.

- (a) Site Plan showing the location and size of the proposed Residential Accessory Building.
- (b) County Erosion Control Plan (for the building site), if required by the county.
- (c) Completed Driveway Inspection Report and permit (if a driveway is needed).
- (d) County Building and Zoning Permits (if required).
- (e) Wisconsin Administrative Building Permit Application (if required).

(4) Approval Process.

- (a) Greater than 120 square feet. Proposed Residential 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 Building Inspector.

(b) Exceeds 1500 square feet. Proposed Residential Accessory Buildings that are either larger than 1500 square feet or would result in the total size of all Residential 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 receiving the recommendation of the Town Plan Commission.

(5) Site Inspections. Site inspections may be conducted to ensure compliance with this or any other controlling Ordinance and the Town of Springdale Land Use Plan.

(6) Revocation of Permit. All Building Permits are issued conditionally. After notice, any site preparation and construction on the residential 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 Residential Accessory Building Permit is not transferable from one place to another or from one owner to another.

1.06 STANDARDS

A Residential Accessory Building Permit will be issued in the Town of Springdale only if all of the following standards are satisfied.

(1) The Residential Accessory Building construction project will not interfere with or fail to comply with the goals, standards, and policies set forth in the Town of Springdale Land Use Plan.

(2) The Town will not approve a Residential Accessory Building Permit that does not comply with all applicable County, State, and Town codes, statutes, laws, regulations and ordinances.

(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 Residential Accessory Building Permit shall be located, sized and constructed in a manner consistent with the Goals and Objectives of the Town of Springdale Land Use Plan, including but not limited to, minimizing impact on agricultural land, enhancing the rural character of the Town, and limiting uses for residential purposes unless appropriate Conditional Use Permits or rezonings are obtained from the Town of Springdale and Dane County.

(5) The total footprint area of all Residential Accessory Buildings located on a lot or parcel of land, shall not exceed 1,500 square feet unless the Residential Accessory Building Permit is approved by the Town Board.

(6) The Residential Accessory Building shall be located in a building envelope, if designated, on the parcel or lot of land.

1.07 EXCEPTIONS

Where the Town Board finds that an undue hardship may result from strict compliance with the provisions of this chapter, 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 chapter and provided that the Town Board shall making findings based upon information presented to it in each specific request that all the following are applicable:

- (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 residence or physical surroundings or topographical conditions of the specific property involved, an undue hardship to the property owner would result, as distinguished from a mere inconvenience or financial considerations, if the strict letter of the regulations were enforced.
- (4) **Measures of Protection Provided.** The exception shall include measures to provide an equivalent level of health, safety, and environmental protection as the chapter provision being varied and shall under no circumstances prevent access of public safety vehicles and equipment to structures on the property.
- (5) **Agricultural Land and Rural Character.** The increased size of the proposed Residential Accessory Building does not displace agricultural land or diminish the rural character of the town.
- (6) **Nearby Properties.** The increased size and location of the proposed Residential Accessory Building does not substantially interfere with the uses, enjoyment, and/or viewscapes of nearby properties.
- (7) **Land Can Accommodate Larger Size Accessory Building.** The size and other characteristics of the lot on which the proposed accessory building is to be built can accommodate a larger Residential 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.

1.08 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 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.

1.09 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 a Residential Accessory Building permit, warranty 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.

(1) Town Board Approval. This Ordinance was adopted by the Town Board on this 17th day of March, 2014.

Ed Eloranta, Chairman

Richard Schwenn, Supervisor

Jeff Smith, Supervisor

Attest: Vicki Anderson, Town Clerk
Posted: March 18, 2014, Published: March 27, 2014
Signed Copy on File