

SUB. 1 TO ORD. AMDT. 21, 09-10

AMENDING CHAPTER 10 OF THE DANE COUNTY CODE OF ORDINANCES,  
REGARDING RESIDENCES IN THE EXCLUSIVE AGRICULTURE DISTRICT

The County Board of Supervisors of the County of Dane does ordain as follows:

ARTICLE 1. Unless otherwise expressly stated herein, all references to section and chapter numbers are to those of the Dane County Code of Ordinances.

ARTICLE 2. Section 10.04(1)(a)2. is amended to read as follows:

10.04 RESTRICTIONS UPON LANDS, BUILDINGS AND STRUCTURES. Except as otherwise herein provided:

(1) (a) *Principal buildings*. There shall not be more than one (1) principal building on a lot except as listed below:

2. On land in the A-1 exclusive agriculture district, secondary farm residences and single family dwellings or mobile homes occupied by parents or children of the farm operator are conditional uses as provided in s. 10.123 of this ordinance.

ARTICLE 3. Section 10.123(2)(b) is amended to read as follows:

10.123 A-1 EXCLUSIVE AGRICULTURE DISTRICT. (intro.) This district is in effect in those towns which make the election under sub. (1)(c) below.

(2) *Permitted uses*.

(b) Any residence lawfully existing as of [the effective date of this amendment - to be inserted by clerk] shall be considered a permitted use. Notwithstanding the provisions of secs. 10.21 and 10.23 regarding nonconforming uses, such structure may be added to, altered, restored, repaired, replaced or reconstructed, without limitation, provided all of the following criteria are met:

1. the use remains residential,
2. the structure complies with all building height, setback, side yard and rear yard standards of this ordinance; and
3. for replacement residences, the structure must be located within 100 feet of the original residence, unless site-specific limitations or town residential siting standards in town plans adopted by the county board require a greater distance. Proposals for a replacement residence that would exceed the 100 foot limitation must be approved by the relevant town board and county zoning committee.

ARTICLE 4. Section 10.123(2)(bm) is rescinded.

ARTICLE 5. Section 10.123(2)(c) is rescinded.

ARTICLE 6. Section 10.123(2)(e) is amended to read as follows:

(e) Day care for not more than 8 children, provided day care operations take place within a residence permitted under s. 10.123(2)(b) or (3)(b).

ARTICLE 7. Section 10.123(3)(b) is amended and (bm) and (br) created to read as follows:

(3) *Conditional uses in the A-1 Exclusive Agriculture District*.

(b) Residence for the farm owner and operator. Substantial income, as defined in section 10.123(11), must be derived from the farm operation.

(bm) On parcels with a primary residence permitted under s. 10.123(2)(b) or (3)(b), secondary farm residences which are occupied by a person who, or a family at least one member of which, earns a minimum of 20% of his or her livelihood from farm operations on the farm.

(br) On parcels with a primary residence permitted under s. 10.123(2)(b) or (3)(b), single family dwellings or mobile homes occupied by parents or children of the farm operator and including dependency living arrangements. Farm operator means a person who, or a family at least one member

of which, earns a substantial part of his or her livelihood from farm operations on the farm, as defined in section 10.123(11).

ARTICLE 8. Subsection 10.123(11) is created to read as follows:

(11) *Substantial income required for residential uses allowed as a conditional use.*

(a) Applicants for a Conditional Use Permit for a primary farm residence under section 10.123(3)(b) must provide evidence to the Town Board and County Zoning Committee that substantial income totaling a minimum of \$10,400 gross farm income / year for the past three (3) years is currently derived from the farming operation on the farm where the residential use is proposed. Rental income may not be used to met the income requirement. The following information must be submitted with a CUP application for a residential use in the A-1EX district:

i. Written description of the farm operation. The description should include the following details:

- Location of the farm
- Size of the farm operation in acres
- Crops grown and/or livestock raised
- Number of employees, if any, in addition to farm family members
- Summary of farm income derived from the farm operation

ii. Completed IRS form “Schedule F – Profit or Loss from Farming” for the past 3 tax years.

iii. Farm conservation plan obtained from the Land Conservation Division of the Dane County Land & Water Resources Department. All active farms in Dane County have a farm conservation plan detailing the types/location of crops grown, and any on-farm conservation measures (e.g., grass drainage swales, buffer strips, etc.).

iv. Map / site plan with aerial photograph showing the farm ownership boundaries. The map should clearly identify the location of the proposed new homesite and driveway access.

(b) The Zoning Committee shall include a “sunset” provision on any CUP for a residential use issued after [clerk to insert date of county board adoption of this amendment] in the A-1EX district stating that the CUP shall expire upon sale of the property to an unrelated 3<sup>rd</sup> party. Upon sale of the property to an unrelated 3<sup>rd</sup> party, a new Conditional Use Permit or rezoning application must be filed.

(c) Any Conditional Use Permit found to be in violation of this section may be revoked by the Zoning Committee, and a zoning change to an appropriate residential district shall be required to bring the property and residential use into compliance with the provisions of this ordinance.

(d) The Zoning Committee shall require the recording of a notice document with the Register of Deeds on the subject property notifying current and future owners of the provisions of paragraph (b) and (c) of this section.