

1 ORDINANCE 2023-03 ZONING AMENDMENT CREATING A CONDITIONAL USE FOR
2 TEMPORARY HOUSING FOR FARMWORKERS

3 ARTICLE ONE. Section 1.045 is amended as follows:

4 After the entry for “Farm Residence” insert:

5 Farmworker Temporary Housing.

6 The additional use is a conditional use in the Ag (1.0311), Exclusive Ag (1.0312) and Ag
7 Enterprise (1.0313).

8 ARTICLE TWO – Section 1.022 of Definitions, of the Town of Springfield Zoning Ordinance is
9 hereby amended by creating the following definitions to read as follows:

10 (45aa) Farmworker – A person principally employed for at least 32 hours per calendar week in
11 activities associated with agriculture and who earns at least 50 percent of their gross income from
12 the farm.

13 (45ab) Farmworker Dwelling Unit – A single-family dwelling unit occupied by a farmworker and
14 his or her family employed full-time and working for the same farm operation of which the lot on
15 which the dwelling unit is located, or who is employed on other land that is under the same
16 ownership or lease as the subject lot.

17 (45ac) Farmworker, Principally Employed – A person whose gross income from the farm exceeds
18 50 percent of their gross personal income, as reflected in a person’s previous annual income tax
19 return, or a farmworker whose income from activities associated with agriculture is reasonably
20 projected to be at least 50 percent of their gross personal income, as reflected in current
21 documentary evidence.

22 ARTICLE THREE. Section 1.059 is created to read:

23 1.059 FARMWORKER TEMPORARY HOUSING.

24 (1) The purpose of this section is to promote the development of, and to establish development
25 standards for, temporary housing which is available to farmworkers who are employed on a full-
26 time basis and their families.

27 (2) The Farmworker Dwelling Unit may be occupied only by farmworkers and their families.

28 (3) Subject to the terms and conditions stated in a conditional use permit and associated site plan,
29 a Farmworker and the Farmworker’s family may reside in a Farmworker Dwelling Unit.

30 (4) The owner of a farm who seeks permission to locate one or two Farmworker Dwelling Unit
31 shall file an application for a conditional use permit which includes information establishing how
32 the farm owner will comply with every requirement of this Ordinance. The application shall also
33 include a site plan which will show the location of the Farmworker Dwelling Unit on the farm
34 property. The site plan shall be drawn to scale, showing the location of the housing units, carports
35 or garages, vegetative screening of the houses, location of the water well and onsite wastewater
36 treatment system, driveways, and other physical features. The site plan shall show all distances

37 between the structures, and the property lines. The site plan shall be forwarded to the Zoning
38 Administrator. The Zoning Administrator may specify additional information which must be
39 provided for the Site Plan or application to be complete.

40 (5) As a condition of approval of every Farmworker Dwelling Unit, the Conditional Use Permit
41 shall require:

42 (a) that the Farmworker Dwelling Unit shall be occupied only by farmworkers who meet the
43 employment criteria in this section and their families, but in no event by more than eight persons,
44 including guests.

45 (b) A deed restriction in a form approved by the Town that runs with the land shall be recorded
46 with the Register of Deeds, prior to the issuance of a conditional use permit or a building permit
47 authorizing construction of a Farmworker Dwelling Unit. The Deed Restriction shall limit the use
48 and occupancy of such housing to Farmworker Dwelling Unit and set forth the conditions and
49 requirements applicable to such use. The deed restriction shall require that the property be
50 maintained in a proper and aesthetically acceptable condition. The deed restriction shall also allow
51 the Town to enter the farm property, after notice, to inspect the premises or remove the Farmworker
52 Dwelling Unit if the Town determines that the housing is being occupied in violation of this
53 ordinance, or, if the Conditional Use Permit has been revoked or expired.

54 (c) Farmworkers who are principally employed offsite in activities associated with agricultural
55 packing and storage facilities, and transportation of agricultural products to the market may not
56 occupy a farmworker dwelling unit. This subsection does not preclude Farmworkers who are
57 employed at least 32 hours per week in agricultural activities from other employment.

58 (d) The Conditional Use Permit shall be for an initial term of twenty years. Inspection by the
59 Town shall occur a minimum of every 5 years. The CUP may not be extended without town
60 permission.

61 (e) Upon the expiration or revocation of the Conditional Use Permit, the Farmworker Dwelling
62 Unit shall be removed, and the site restored to its previous condition.

63 (6) Employment Criteria for Farmworkers

64 (a) Farmworker Dwelling Units may be rented or provided under the terms of employment only to
65 farmworkers who are principally employed on a full-time (minimum of 32 hours per week and at
66 least 50 percent of their gross income from the farm) by the property owner or lessee of the farm
67 upon which the dwelling unit is located to work onsite or on other land in the Town that is under
68 the same ownership or lease as the farm on which the dwelling unit is located.

69 (b) Proof of qualifying employment for occupants of agricultural worker housing shall be provided
70 within 30 days of the issuance of the initial installation and upon any change in occupancy which
71 can be satisfied by providing a combination of at least two of the following documents, as
72 applicable:

- 73 1. Employee's income tax return.

- 74 2. Employee's pay receipts.
- 75 3. Employee's completed I-9 form.
- 76 4. Employee's W-4 form.
- 77 5. A sworn statement signed by both the employer and the employee, which states that the
78 occupant of the agricultural worker housing is employed in agriculture, and includes a description
79 of the employee's job duties.
- 80 (c) All employment related information provided to the Town shall be redacted to obscure social
81 security numbers, driver's license numbers, month and day of birth, and other information which
82 may expose the employee to identity theft.
- 83 (d) The Town shall have the discretion to determine that the information provided does not
84 constitute sufficient proof of full-time farm employment.
- 85 (7) The owner or lessee of the property, property management company, and/or designated agent
86 of the owner or lessee, shall submit any applicable Town-required verification fees as established
87 by resolution of the Board of Supervisors, and an annual employment verification declaration, no
88 later than July 15th of each year to the Town on a form prescribed by the Town, to verify that all
89 the Farmworker Dwelling Unit are occupied by persons who meet the employment criteria
90 established in this section. The completed verification declaration and supporting documentation
91 shall require the property owner to meet all the following requirements:
- 92 1. Verify and provide evidence that any permanent agricultural worker housing was occupied by
93 farmworkers and their families during the preceding calendar year.
- 94 2. Declare that any permanent agricultural worker housing will be occupied by farmworkers and
95 their families during the current calendar year; and,
- 96 3. Provide proof of qualifying employment for occupants of agricultural worker housing, upon
97 request by the Town, by using a combination of at least two of the documents listed in this section.
- 98 4. Provide a copy of all leases entered between the owner and the farmworkers.
- 99 (8) The provisions of this section shall be referenced or set forth in a deed restriction and/or
100 conditions of approval that shall be recorded in the subject property's chain of title. Violations of
101 this section may be enforced pursuant to sec. 1.097 or through any other available legal or equitable
102 relief.
- 103 (a) In addition to all other available enforcement and legal remedies, the Town may require
104 removal of a housing unit and restoration of the site (including any affected agricultural soils)
105 based on the unpermitted or unverified use of the Farmworker Dwelling Unit.
- 106 (9) All Farmworker Dwelling Units shall comply with the setback, lot coverage, height, and other
107 development standards applicable to the Single Family Residence zone and the following
108 development standards, whichever imposes the greater restriction.

109 (a) No Farmworker Dwelling Unit may be placed on a farm which is less than 80 acres in
110 contiguous area.

111 (b) No Farmworker Dwelling Unit may be placed on a farm which does not have an occupied farm
112 residence on the parcel.

113 (c) Each Farmworker Dwelling Unit shall meet the following criteria:

114 1. The home shall be a site-built home, or a manufactured/ modular home as defined in Wis. Stat.
115 sec. 101.91. No mobile homes are permitted as defined in 101.91(10). The home shall comply
116 with all applicable construction codes.

117 2. The home shall be not less than 1,000 nor more than 1,500 square feet in gross floor area,
118 including decks and porches.

119 3. There may be no more than one accessory building which may be a total of not more than 120
120 square feet in area.

121 4. Each dwelling unit must be not less than 32 feet wide. No mobile homes are permitted.

122 5. The dwelling units may be not less than 20 feet apart at their closest point.

123 6. There may be no more than 2 Farmworker Dwelling Units per farm.

124 7. Each Farmworker Dwelling Unit shall have parking for at least two vehicles in a carport or a
125 garage. No more than three vehicles may be parked at the Farmworker Dwelling Unit. No on-
126 street parking of vehicles of the occupants of the Farmworker Dwelling Unit is permitted.

127 8. The Farmworker Dwelling Unit shall be placed on a concrete pad or foundation but may not
128 have a basement. The installation shall comply with the installation requirements for the type of
129 modular housing which are required by the State of Wisconsin and the U.S. Department of Housing
130 and Urban Development.

131 9. The Farmworker Dwelling Unit shall be served by a well. A private onsite wastewater treatment
132 system which is not shared with the principal residence on the parcel is required.

133 10. There shall be a written lease between the owner and the Farmworker. All persons residing
134 in the Farmworker Dwelling Unit shall be listed on the lease. The lease shall provide that the lease
135 ends upon the termination of employment of the Farmworker.

136 (10) Site Plan and Approval.

137 (a) The site plan submitted with the application shall be part of the Conditional Use Permit issued
138 by the Town. Compliance with the site plan shall be required.

139 (b) The site plan shall be revised to reflect all changes requested by the Town Board. The farm
140 owner shall have an “as built” version of the site plan prepared after construction of each
141 Farmworker Dwelling Unit and provide a copy of the plans to the Town.

142 (c) The Farmworker Dwelling Unit shall be located to minimize its visibility from the road. The
143 Town may require planting vegetative screening.

144 (d) Before a home is located on the farm, the owner shall submit a floorplan of the proposed home
145 to the Town for review. The home may not be located on the farm until approved by the Town
146 Board.

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148 The amendment shall take effect upon its publication on the Town's website.

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150 Dated August 15, 2023.

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152 TOWN BOARD OF THE TOWN OF SPRINGFIELD

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