

ORDINANCE #25-01

**TO REPEAL AND RECREATE SECTION 48-108 OF THE MUNICIPAL CODE
RELATING TO ACCESSORY USE SETBACK AND CONSTRUCTION
REQUIREMENTS**

WHEREAS, the Village Board for the Village of Jackson adopted zoning regulations for the Village of Jackson and has amended such regulations from time to time; and

WHEREAS, the zoning regulations, as amended, are codified as Chapter 48 of the Village of Jackson municipal code, which is titled "Zoning;" and

WHEREAS, the Village of Jackson Plan Commission prepared a draft ordinance setting forth various revisions to requirements for construction and setback requirements for accessory structures and recommended approval of the same at their meeting on January 16, 2025; and

WHEREAS, the Village Board conducted a public hearing on February 11, 2025; and

WHEREAS, the Village Board finds that the recommended revisions to the Village's zoning regulations could potentially be interpreted to be a down zoning ordinance because it may decrease the development density of land or reduce the permitted uses of land, and therefore the super majority requirement in s. 66.10015, Wis. Stats, applies to this ordinance, requiring a vote in favor by two-thirds of the members-elect of the Village Board for passage and adoption; and

WHEREAS, the Village Board having determined that all procedural requirements and notice requirements have been satisfied, having given the matter due consideration, and having based its determination on the effect of the granting of such zoning amendments on the health, safety and welfare of the community, and the immediate neighborhood in which said use will be located, and having given due consideration to the municipal problems involved as well as the impact on the surrounding properties as to noise, dust, smoke and odor, and others, hereby determine that the zoning amendments will not violate the spirit or intent of the Zoning Code for the Village of Jackson, will not be contrary to the public health, safety or general welfare of the Village of Jackson, will not be hazardous, harmful, noxious, offensive and will not for any other reason cause a substantial adverse effect on the property values and general desirability of the neighborhoods within the Village and will be consistent with the Village of Jackson Comprehensive Plan.

NOW, THEREFORE BE IT RESOLVED, the Village of Jackson Village Board,
Washington County Wisconsin ORDAINS AS FOLLOWS:

Section 1. Repeal and recreate Section 48-108 to read as set forth below.

Sec. 48-108. Residential accessory structures.

(a) Definitions.

- (1) *Residential accessory structure*: Includes structures such as pergolas, patios, decks (*detached and attached*), swimming pools, hot tubs, fences, retaining walls, private sidewalks, driveways, and similar structures, which are incidental to the principal structure.
- (2) *Residential accessory building*: Includes roofed structures such as detached garages, sheds, pool houses, greenhouses, playhouses, gazebos, and similar buildings, the use of which is incidental to the principal structure.

(b) Generally. Residential accessory buildings and structures shall meet all applicable state and local code requirements, including the following:

- (1) Shall not be permitted unless a principal structure already exists or is under construction on the same parcel.
- (2) Shall comply with the requirements of Chapter 16 relating to floodplain development.
- (3) Shall not encroach within any utility, drainage, or access easement.
- (4) Except where a greater setback is required in this section, a minimum setback of three (3) feet to any property line shall be required.
 - a. Exception: Attached decks shall comply with the applicable side, front, and rear yard building setback requirements
- (5) Shall not be more than fifteen feet in height when measured from the bottom of the structure.

(c) Detached Accessory Buildings. Detached Accessory buildings shall meet all applicable state and local code requirements, including the following:

- (1) No more than two detached accessory buildings shall be permitted on any residential lot.
- (2) Shall be located in the side or rear yard only. Corner lots shall have two front yards in accordance with Sec. 48-1.
- (3) Shall have a minimum setback of 10 feet from any principal structure unless provided with $\frac{3}{4}$ -hour fire-resistive construction on the abutting wall(s).
- (4) The aggregate floor area of all detached buildings is limited to 880 square feet or 40 percent of the living space of the dwelling unit, whichever is greater. The floor area of any shed shall be included in the aggregate floor area calculation.
- (5) In zoning districts RT-10 and RT-11, accessory buildings shall have a minimum setback of 10 feet from any property line. In all other residential zoning districts,

accessory buildings shall have a minimum setback of three (3) feet from any property line.

(6) Membrane buildings shall not be permitted in any residential zoning district.

(d) Sheds. In addition to paragraph (c) above, sheds shall meet the additional requirements listed below:

- (1) No more than one shed shall be permitted on any residential lot.
- (2) Shall be located in rear yards only.
- (3) Shall be securely anchored to withstand wind uplift of 20 pounds per square foot.
- (4) In zoning districts RT-10 and RT-11, no shed shall have a floor area larger than 200 square feet and shall have a minimum setback of 10 feet from any property line. In all other residential zoning districts, no shed shall have a floor area larger than 150 square feet and shall have a minimum setback of three (3) feet from any property line.

Section 2. This ordinance shall be in full force and effect from and after its passage and posting or publication as provided by law.

Section 3. The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful, or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision and shall not affect the validity of any other provisions, sections, or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

Section 4. The Village Clerk and Village Administrator are authorized and directed to make all changes within the Village of Jackson Code of Ordinances necessary to reflect this Ordinance.

Adopted by a vote in favor by two-thirds of the members-elect of the Village Board, or more, this 11 day of Feb 2025.

Introduced by: B. Emrich

Seconded by: T. Engelhardt

Vote: 6 aye 0 nay

Passed and approved 2/11/2025

VILLAGE OF JACKSON

By: Brian J. Heckendorf
Brian J. Heckendorf, Village President

Attest:


Jacqueline Schuh, Village Clerk

Proof of Posting:

I, the undersigned, certify that I posted copies of this Ordinance on bulletin boards at the Jackson Municipal Complex, Post Office and one other location in the Village.


Village Official


Date