

ORDINANCE O - 11 - 14

AN ORDINANCE CREATING SECTION 13-1-13(h) AND REPEALING AND RECREATING VARIOUS SECTIONS OF TITLE 13 OF THE MENASHA CODE OF ORDINANCES RELATING TO SHORELAND SETBACKS

Introduced by Mayor Merkes.

The Common Council of the City of Menasha does ordain as follows:

SEC.13-1-13 SITE REGULATIONS.

(h) SHORELAND USE AND DEVELOPMENT.

1) Shoreland Jurisdictional Area

This subsection shall apply to lands lying within the following distances of navigable waters, as defined under s.281.31(2)(d) Wisconsin Statutes:

- a) One thousand feet from a pond, lake or flowage. If the navigable water is a glacial pothole lake, this distance shall be measured from the high water mark of the lake.
- b) Three hundred feet from a river or stream or to the landward side of the floodplain, whichever distance is greater.

This subsection shall not apply to an artificially constructed drainage ditch, pond, or storm water retention basin if the drainage ditch, pond, or retention basin is not hydrologically connected to a natural navigable body of water.

2) Use and Development Standards

a) For parcels within the corporate boundaries of the City of Menasha prior to May 8, 1982 the following standards shall apply within the R-1, R-1A, R-2, and R-2A, zoning districts:

1) Shoreland setback area for a principal building - 50 feet as measured from the ordinary high-water mark.

b) For parcels annexed to the City of Menasha after May 7, 1982 the following standards shall apply within all zoning districts:

1) Shoreland setback area for a principal building - 50 feet as measured from the ordinary high water mark, except that a principal structure may be constructed or placed within the shoreland setback area if all of the following apply:

- a) The principal building is constructed or placed on a lot or parcel of land that is immediately adjacent on each side to a lot or parcel of land containing a principal building.
- b) The principal building is constructed or placed within a distance equal to the average setback of the principal building on the adjacent lots or 35 feet from the ordinary high-water mark, whichever distance is greater.

2) Maintenance of shoreland vegetation: Except as provided in subd. a & b, on properties containing vegetation a vegetative buffer zone shall be maintained along the entire shoreline and extending 35 feet inland from the ordinary high-water mark of the navigable water.

- a) If the vegetation in the vegetative buffer zone contains invasive species or dead or diseased vegetation, the owner of the shoreland property may remove the vegetation, except that if the owner removes all of the vegetation in the vegetative buffer zone , the owner shall establish a vegetative buffer zone with new vegetation.
- b) Owners maintaining or establishing a vegetative buffer zone may remove all of the vegetation in a part of that zone in order to establish a viewing or access corridor that is no greater than 30 feet wide for every 100 feet of shoreline frontage that extends no more than 35 feet inland from the ordinary high-water mark .

SEC. 13-1-24 A-1 AGRICULTURAL/HOLDING DISTRICT.

(h) **YARDS.**

(4) Shoreland Setbacks.

a) For parcels within the corporate boundaries of the City of Menasha prior to May 8, 1982 the following standards shall apply:

1) Shoreland setback area for a principal building - 50 feet as measured from the ordinary high-water mark.

b) For parcels annexed to the City of Menasha after May 7, 1982 the following standards shall apply:

1) Shoreland setback area for a principal building - 50 feet as measured from the ordinary high water mark, except that a principal structure may be constructed or placed within the shoreland setback area if all of the following apply:

a) The principal building is constructed or placed on a lot or parcel of land that is immediately adjacent on each side to a lot or parcel of land containing a principal building.

b) The principal building is constructed or placed within a distance equal to the average setback of the principal building on the adjacent lots or 35 feet from the ordinary high-water mark, whichever distance is greater.

SEC. 13-1-25 R-1 SINGLE FAMILY RESIDENCE DISTRICT.

(f) **STANDARDS.**

(11) ~~Minimum shoreyard — Fifty (50) feet for a principal dwelling or use.~~ Shoreland Setbacks.

a) For parcels within the corporate boundaries of the City of Menasha prior to May 8, 1982 the following standards shall apply:

1) Shoreland setback area for a principal building - 50 feet as measured from the ordinary high-water mark.

b) For parcels annexed to the City of Menasha after May 7, 1982 the following standards shall apply:

1) Shoreland setback area for a principal building - 50 feet as measured from the ordinary high water mark, except that a principal structure may be constructed or placed within the shoreland setback area if all of the following apply:

- a) The principal building is constructed or placed on a lot or parcel of land that is immediately adjacent on each side to a lot or parcel of land containing a principal building.
- b) The principal building is constructed or placed within a distance equal to the average setback of the principal building on the adjacent lots or 35 feet from the ordinary high-water mark, whichever distance is greater.

SEC. 13-1-26 R-2 TWO FAMILY RESIDENCE DISTRICT.

(f) **STANDARDS.**

(11) ~~Minimum shoreyard — Fifty (50) feet for a principal dwelling or use.~~ Shoreland Setbacks.

a) For parcels within the corporate boundaries of the City of Menasha prior to May 8, 1982 the following standards shall apply:

1) Shoreland setback area for a principal building - 50 feet as measured from the ordinary high-water mark.

b) For parcels annexed to the City of Menasha after May 7, 1982 the following standards shall apply:

1) Shoreland setback area for a principal building - 50 feet as measured from the ordinary high water mark, except that a principal structure may be constructed or placed within the shoreland setback area if all of the following apply:

a) The principal building is constructed or placed on a lot or parcel of land that is immediately adjacent on each side to a lot or parcel of land containing a principal building.

b) The principal building is constructed or placed within a distance equal to the average setback of the principal building on the adjacent lots or 35 feet from the ordinary high-water mark, whichever distance is greater.

SEC. 13-1-27 R-3 MULTI-FAMILY, MEDIUM DENSITY RESIDENCE DISTRICT.

(g) **GENERAL STANDARDS.**

(1) Setbacks.

g. Shoreland Setbacks.

a) For parcels annexed to the City of Menasha after May 7, 1982 the following standards shall apply:

1) Shoreland setback area for a principal building - 50 feet as measured from the ordinary high water mark, except that a principal structure may be constructed or placed within the shoreland setback area if all of the following apply:

a) The principal building is constructed or placed on a lot or parcel of land that is immediately adjacent on each side to a lot or parcel of land containing a principal building.

b) The principal building is constructed or placed within a distance equal to the average setback of the principal building on the adjacent lots or 35 feet from the ordinary high-water mark,

whichever distance is greater.

SEC. 13-1-28 R-4 MULTI-FAMILY, HIGH DENSITY RESIDENCE DISTRICT.

(g) GENERAL STANDARDS.

(1) Setbacks.

g. Shoreland Setbacks.

a) For parcels annexed to the City of Menasha after May 7, 1982 the following standards shall apply:

1) Shoreland setback area for a principal building - 50 feet as measured from the ordinary high water mark, except that a principal structure may be constructed or placed within the shoreland setback area if all of the following apply:

a) The principal building is constructed or placed on a lot or parcel of land that is immediately adjacent on each side to a lot or parcel of land containing a principal building.

b) The principal building is constructed or placed within a distance equal to the average setback of the principal building on the adjacent lots or 35 feet from the ordinary high-water mark, whichever distance is greater.

SEC. 13-1-29 C-1 GENERAL COMMERCIAL DISTRICT.

(f) GENERAL STANDARDS.

(6) Shoreland Setbacks.

a) For parcels annexed to the City of Menasha after May 7, 1982 the following standards shall apply:

1) Shoreland setback area for a principal building - 50 feet as measured from the ordinary high water mark, except that a principal structure may be constructed or placed within the shoreland setback area if all of the following apply:

a) The principal building is constructed or placed on a lot or parcel of land that is immediately adjacent on each side to a lot or parcel of land containing a principal building.

b) The principal building is constructed or placed within a distance equal to the average setback of the principal building on the adjacent lots or 35 feet from the ordinary high-water mark, whichever distance is greater.

~~(6)~~(7) Maximum Height. Forty-five (45) feet or three (3) stories, except as provided herein.

~~(7)~~(8) Maximum lot coverage of buildings shall not exceed thirty percent (30%). The Plan Commission, upon review, may reduce this requirement by up to fifty percent (50%).

~~(8)~~(9) If residential development is the principal use, then all requirements and standards of the applicable residential district apply.

~~(9)~~(10) Design Standards.

a. Permitted uses requiring conditional site plan approval shall comply with the requirements of Section 13-1-12.

b. The following shall apply to additions or expansions not required to obtain

site plan approval;

- i. The primary façade material for all additions or expansions shall be brick or natural stone. Where there is an addition or an expansion to an existing building, the façade materials on the portion of the building being altered or added must visually match or complement the appearance of the existing building. The Plan Commission may consider the use of alternative façade materials that are durable and of high quality for such additions or expansions.
- ii. Secondary façade materials may be used for architectural details or enhancements to additions or expansions. Such materials shall be high quality, durable, and cover not more than twenty-five percent (25%) of the building façade. The Plan Commission shall approve all secondary materials.

~~(10)~~(11)Screening. Permitted uses requiring conditional site plan approval shall comply with the requirements of Section 13-1-12.

~~(11)~~(12)Landscaping. Permitted uses requiring conditional site plan approval shall comply with the requirements of Section 13-1-12. Requirements set forth in Sec. 13-1-17 for commercial transitional landscaping areas shall apply to this district. If multi-family residential development is the principal use, then transitional area requirements apply.

~~(12)~~(13)Lighting. Permitted uses requiring conditional site plan approval shall comply with the requirements of Section 13-1-12.

~~(13)~~(14)Parking. The parking requirements listed in Section 13-1-51(b) shall apply to this district.

~~(14)~~(15)Loading. No loading shall be allowed in between any building and any street right-of-way. The loading requirements stated in Section 13-1-50 shall apply to this district.

SEC. 13-1-30 C-2 CENTRAL BUSINESS DISTRICT.

(g) GENERAL STANDARDS.

(6) Shoreland Setbacks.

a) For parcels within the corporate boundaries of the City of Menasha prior to May 8, 1982 the following standards shall apply:

1) Shoreland setback area for a principal building – 10 feet as measured from the ordinary high-water mark for parking and paved areas except for pedestrian paths or plazas as approved by the Plan Commission.

b) For parcels annexed to the City of Menasha after May 7, 1982 the following standards shall apply:

1) Shoreland setback area for a principal building - 50 feet as measured from the ordinary high water mark, except that a principal structure may be constructed or placed within the shoreland setback area if all of the following apply:

a) The principal building is constructed or placed on a lot or parcel of land that is immediately adjacent on each side to a lot or parcel of land containing a principal building.

b) The principal building is constructed or placed within a

distance equal to the average setback of the principal building on the adjacent lots or 35 feet from the ordinary high-water mark, whichever distance is greater.

~~(6)~~(7) Minimum height. Twenty-four (24) feet or two stories.

~~(7)~~(8) Maximum height. One hundred (100) feet or six (6) stories.

~~(8)~~(9) Parking.

- a. No off-street parking is required for the C-2 District; however, provisions for such parking are encouraged.
- b. If multi-family development is the principal use, parking shall be provided as required in Article E.
- c. If off-street parking is provided for, the parking design standards listed in Section 13-1-51 shall apply.

~~(9)~~(10) Screening. Permitted uses requiring conditional site plan approval shall comply with the requirements of Section 13-1-12.

~~(10)~~(11) Landscaping. Permitted uses requiring conditional site plan approval shall comply with the requirements of Section 13-1-12. The Plan Commission may reduce the landscaping requirement when the requirement cannot be reasonably met due to limitations unique to the site.

~~(11)~~(12) Lighting. Permitted uses requiring conditional site plan approval shall comply with the requirements of Section 13-1-12.

~~(12)~~(13) Design Standards.

- a. Permitted uses requiring conditional site plan approval shall comply with the requirements of Section 13-1-12.
- b. The following shall apply to additions or expansions not required to obtain site plan approval:
 1. The primary facade materials for all additions or expansions shall be brick or natural stone. Where there is an addition or expansion to an existing building, the facade materials on the portion of the building being altered or added must visually match or complement the appearance of the existing building. The Plan Commission may consider the use of alternative facade materials that are durable and of high quality for such additions or expansions. Vinyl siding, aluminum siding, enameled steel, and non-decorative concrete masonry units are prohibited as primary facade materials for any building elevation.
 2. Secondary facade materials may be used for architectural details or enhancements to additions or expansions. Such materials shall be high quality, durable, and not cover more than twenty-five (25) percent of the building facade. Vinyl siding, aluminum siding, enameled steel, and non-decorative concrete masonry units are prohibited as secondary facade materials for any building elevation. All secondary materials shall be approved by the Plan Commission.

SEC. 13-1-31 I-1. HEAVY INDUSTRIAL DISTRICT.

(e) **STANDARDS.**

(8) Shoreland Setbacks.

a) For parcels annexed to the City of Menasha after May 7, 1982 the following standards shall apply:

1) Shoreland setback area for a principal building - 50 feet as measured from the ordinary high water mark, except that a principal structure may be constructed or placed within the shoreland setback area if all of the following apply:

a) The principal building is constructed or placed on a lot or parcel of land that is immediately adjacent on each side to a lot or parcel of land containing a principal building.

b) The principal building is constructed or placed within a distance equal to the average setback of the principal building on the adjacent lots or 35 feet from the ordinary high-water mark, whichever distance is greater.

~~(8)~~(9)Maximum building height – One hundred (100) feet.

~~(9)~~(10)Maximum lot coverage of buildings shall not exceed sixty percent (60%). The Plan Commission, upon review, may reduce this requirement up to fifty percent (50%).

~~(10)~~(11)Minimum landscaping requirement.

a. Permitted uses requiring conditional site plan approval shall comply with the requirements of Section 13-1-12.

b. Requirements set forth in Sec. 13-1-17 for industrial transitional landscaping areas shall apply to this district.

c. The Plan Commission, upon review, may reduce the required landscaping area as set forth in 13-1-12 by up to fifty percent (50%) when the requirement cannot be reasonably met due to limitations unique to the site.

~~(11)~~(12)Parking and Loading. The parking and loading requirements listed in Article E shall apply to this district.

~~(12)~~(13)When the Heavy Industrial District is adjacent to a residential district or use, the transitional area requirements shall apply.

~~(13)~~(14)Lighting. Permitted uses requiring conditional site plan approval shall comply with the requirements of Section 13-1-12.

~~(14)~~(15)Screening. Permitted uses requiring conditional site plan approval shall comply with the requirements of Section 13-1-12.

~~(15)~~(16)Design Standards. Permitted uses requiring conditional site plan approval shall comply with the requirements of Section 13-1-12.

~~(16)~~(17)Residential use is prohibited.

SEC. 13-1-32 I-2 GENERAL INDUSTRIAL DISTRICT.

(f) **STANDARDS.**

(4) Shoreland Setbacks.

a) For parcels annexed to the City of Menasha after May 7, 1982 the following standards shall apply:

1) Shoreland setback area for a principal building - 50 feet as measured from the ordinary high water mark, except that a principal structure may be constructed or placed within the shoreland setback area if all of the following apply:

a) The principal building is constructed or placed on a lot or parcel of land that is immediately adjacent on each side to a lot or parcel

of land containing a principal building.

b) The principal building is constructed or placed within a distance equal to the average setback of the principal building on the adjacent lots or 35 feet from the ordinary high-water mark, whichever distance is greater.

~~(4)~~(5) Maximum building height -- One hundred (100) feet.

~~(5)~~(6) Maximum lot coverage -- Sixty percent (60%) for all buildings. The Plan Commission, upon review, may reduce this requirement by up to fifty percent (50%).

~~(6)~~(7) Minimum landscaping requirement.

a. Permitted uses requiring conditional site plan approval shall comply with the requirements of Section 13-1-12.

b. Requirements set forth in Sec. 13-1-17 for industrial transitional landscaping areas shall apply to this district.

c. The Plan Commission, upon review, may reduce the required landscaping area as set forth in 13-1-12 by up to fifty percent (50%) when the requirement cannot be reasonably met due to limitations unique to the site.

~~(7)~~(8) Parking and Loading. The parking and loading requirements listed in Article E shall apply to this district.

~~(8)~~(9) When the General Industrial District is adjacent to a residential district or use, the transitional area requirements shall apply.

~~(9)~~(10) Lighting. Permitted uses requiring conditional site plan approval shall comply with the requirements of Section 13-1-12.

~~(10)~~(11) Screening. Permitted uses requiring conditional site plan approval shall comply with the requirements of Section 13-1-12.

~~(11)~~(12) Design Standards. Permitted uses requiring conditional site plan approval shall comply with the requirements of Section 13-1-12.

~~(12)~~(13) Residential use is prohibited.

SEC. 13-1-33 PUD (PLANNED UNIT DEVELOPMENT) DISTRICT.

(c) **DESIGN STANDARDS.** Even though PUD's purpose is to permit flexibility of design, certain standards must be applied to insure compatibility of the project with the intent of this Chapter. These standards are:

(7) Shoreland Setbacks.

a) For parcels annexed to the City of Menasha after May 7, 1982 the following standards shall apply:

1) Shoreland setback area for a principal building - 50 feet as measured from the ordinary high water mark, except that a principal structure may be constructed or placed within the shoreland setback area if all of the following apply:

a) The principal building is constructed or placed on a lot or parcel of land that is immediately adjacent on each side to a lot or parcel of land containing a principal building.

b) The principal building is constructed or placed within a distance equal to the average setback of the principal building on the adjacent lots or 35 feet from the ordinary high-water mark, whichever distance is greater.

SEC. 13-1-35 R-2A MULTI-FAMILY, ZERO LOT LINE RESIDENCE DISTRICT

(h) SINGLE-FAMILY ATTACHED DWELLINGS.

~~(6) Minimum Shoreyard Setback. Fifty (50) feet for principal dwelling or use. Shoreland Setbacks.~~

~~a) For parcels within the corporate boundaries of the City of Menasha prior to May 8, 1982 the following standards shall apply:~~

~~1) Shoreland setback area for a principal building - 50 feet as measured from the ordinary high-water mark.~~

~~b) For parcels annexed to the City of Menasha after May 7, 1982 the following standards shall apply:~~

~~1) Shoreland setback area for a principal building - 50 feet as measured from the ordinary high water mark, except that a principal structure may be constructed or placed within the shoreland setback area if all of the following apply:~~

~~a) The principal building is constructed or placed on a lot or parcel of land that is immediately adjacent on each side to a lot or parcel of land containing a principal building.~~

~~b) The principal building is constructed or placed within a distance equal to the average setback of the principal building on the adjacent lots or 35 feet from the ordinary high-water mark, whichever distance is greater.~~

(i) ZERO LOT LINE ATTACHED DWELLINGS.

~~(6) Minimum Shoreyard Setback. Fifty (50) feet for principal dwelling or use. Shoreland Setbacks.~~

~~a) For parcels within the corporate boundaries of the City of Menasha prior to May 8, 1982 the following standards shall apply:~~

~~1) Shoreland setback area for a principal building - 50 feet as measured from the ordinary high-water mark.~~

~~b) For parcels annexed to the City of Menasha after May 7, 1982 the following standards shall apply:~~

~~1) Shoreland setback area for a principal building - 50 feet as measured from the ordinary high water mark, except that a principal structure may be constructed or placed within the shoreland setback area if all of the following apply:~~

~~a) The principal building is constructed or placed on a lot or parcel of land that is immediately adjacent on each side to a lot or parcel of land containing a principal building.~~

~~b) The principal building is constructed or placed within a distance equal to the average setback of the principal building on the adjacent lots or 35 feet from the ordinary high-water mark, whichever distance is greater.~~

SEC. 13-1-36 C-3 BUSINESS AND OFFICE DISTRICT.

(f) GENERAL STANDARDS.

~~(5) Shoreland Setbacks.~~

a) For parcels annexed to the City of Menasha after May 7, 1982 the following standards shall apply:

1) Shoreland setback area for a principal building - 50 feet as measured from the ordinary high water mark, except that a principal structure may be constructed or placed within the shoreland setback area if all of the following apply:

a) The principal building is constructed or placed on a lot or parcel of land that is immediately adjacent on each side to a lot or parcel of land containing a principal building.

b) The principal building is constructed or placed within a distance equal to the average setback of the principal building on the adjacent lots or 35 feet from the ordinary high-water mark, whichever distance is greater.

~~(5)~~(6) Maximum lot coverage: thirty percent (30%) covered by buildings.

~~(6)~~(7) Maximum building height: forty-five (45) feet or three (3) stories.

~~(7)~~(8) If residential development is the principal use, then all requirements and standards of the applicable residential district apply.

~~(8)~~(9) Design Standards.

a. Permitted uses requiring conditional site plan approval shall comply with the requirements of Section 13-1-12.

b. The following shall apply to additions or expansions not required to obtain site plan approval;

i. The primary façade material for all additions or expansions shall be brick or natural stone. Where there is an addition or an expansion to an existing building, the façade materials on the portion of the building being altered or added must visually match or complement the appearance of the existing building. The Plan Commission may consider the use of alternative façade materials that are durable and of high quality for such additions or expansions.

ii. Secondary façade materials may be used for architectural details or enhancements to additions or expansions. Such materials shall be high quality, durable, and cover not more than twenty-five percent (25%) of the building façade. The Plan Commission shall approve all secondary materials.

~~(9)~~(10) Screening. Permitted uses requiring conditional site plan approval shall comply with the requirements of Section 13-1-12.

~~(10)~~(11) Landscaping. Permitted uses requiring conditional site plan approval shall comply with the requirements of Section 13-1-12. Requirements set forth in Sec. 13-1-17 for commercial transitional landscaping areas shall apply to this district. If multi-family residential development is the principal use, then transitional area requirements apply.

~~(11)~~(12) Lighting. Permitted uses requiring conditional site plan approval shall comply with the requirements of Section 13-1-12.

~~(12)~~(13) Parking. The parking requirements listed in Section 13-1-51(b) shall apply to this district.

~~(13)~~(14) Loading. No loading shall be allowed in between any building and any street right-of-way. The loading standards stated in Section 13-1-50 shall apply to this district.

SEC. 13-1-37 C4 - BUSINESS PARK DISTRICT.

(f) GENERAL STANDARDS.

(5) Shoreland Setbacks.

a) For parcels annexed to the City of Menasha after May 7, 1982 the following standards shall apply:

1) Shoreland setback area for a principal building - 50 feet as measured from the ordinary high water mark, except that a principal structure may be constructed or placed within the shoreland setback area if all of the following apply:

a) The principal building is constructed or placed on a lot or parcel of land that is immediately adjacent on each side to a lot or parcel of land containing a principal building.

b) The principal building is constructed or placed within a distance equal to the average setback of the principal building on the adjacent lots or 35 feet from the ordinary high-water mark, whichever distance is greater.

~~(5)~~(6) Maximum lot coverage: thirty percent (30%) covered by buildings.

~~(6)~~(7) Maximum building height: forty-five (45) feet or three (3) stories.

~~(7)~~(8) Design Standards.

a. Permitted uses requiring conditional site plan approval shall comply with the requirements of Section 13-1-12.

b. The following shall apply to additions or expansions not required to obtain site plan approval:

i. The primary façade material for all additions or expansions shall be brick, natural stone or decorative concrete masonry units. Where there is an addition or an expansion to an existing building, the façade materials on the portion of the building being altered or added must visually match or complement the appearance of the existing building. The Plan Commission may consider the use of alternative façade materials that are durable and of high quality for such additions or expansions.

ii. Secondary façade materials may be used for architectural details or enhancements to additions or expansions. Such materials shall be high quality, durable, and cover not more than twenty-five percent (25%) of the building façade. The Plan Commission shall approve all secondary materials.

~~(8)~~(9) Screening. Permitted uses requiring conditional site plan approval shall comply with the requirements of Section 13-1-12.

~~(9)~~(10) Landscaping. Permitted uses requiring conditional site plan approval shall comply with the requirements of Section 13-1-12. Requirements set forth in Sec. 13-1-17 for commercial transitional landscaping areas shall apply to this district.

~~(10)~~(11) Lighting. Permitted uses requiring conditional site plan approval shall comply with the requirements of Section 13-1-12.

~~(11)~~(12) Parking. The parking requirements listed in Section 13-1-51(b) shall apply to this district.

~~(12)~~(13) Loading. No loading shall be allowed in between any building and any street right-of-way. The loading requirements stated in Section 13-1-50 shall apply to this district.

SEC. 13-1-38 TRADITIONAL NEIGHBORHOOD DEVELOPMENT

Section 3: Traditional Neighborhood Development Design Standards

- (c) **BUILDING SETBACKS AND LOT LINES.** Street layouts should provide for perimeter blocks that are generally in the range of two hundred (200) to four hundred (400) feet deep and four hundred (400) and eight hundred (800) feet long. A variety of lot sizes shall be provided to facilitate housing diversity and choice and meet the projected requirements of people with different housing needs.

(6) Shoreland Setbacks.

a) For parcels within the corporate boundaries of the City of Menasha prior to May 8, 1982 the following standards shall apply:

1) Shoreland setback area for a principal building - 50 feet as measured from the ordinary high-water mark.

b) For parcels annexed to the City of Menasha after May 7, 1982 the following standards shall apply:

1) Shoreland setback area for a principal building - 50 feet as measured from the ordinary high water mark, except that a principal structure may be constructed or placed within the shoreland setback area if all of the following apply:

a) The principal building is constructed or placed on a lot or parcel of land that is immediately adjacent on each side to a lot or parcel of land containing a principal building.

b) The principal building is constructed or placed within a distance equal to the average setback of the principal building on the adjacent lots or 35 feet from the ordinary high-water mark, whichever distance is greater.

SEC. 13-1-39 LOW DENSITY R-1A SINGLE- FAMILY RESIDENTIAL DISTRICT

- (f) **GENERAL STANDARDS.**

~~(10) Minimum shoreyard — Seventy five (75) feet for a principal dwelling or use.~~
Shoreland Setbacks.

a) For parcels within the corporate boundaries of the City of Menasha prior to May 8, 1982 the following standards shall apply:

1) Shoreland setback area for a principal building - 50 feet as measured from the ordinary high-water mark.

b) For parcels annexed to the City of Menasha after May 7, 1982 the following standards shall apply:

1) Shoreland setback area for a principal building - 50 feet as measured from the ordinary high water mark, except that a principal structure may be constructed or placed within the shoreland setback area if all of the following apply:

a) The principal building is constructed or placed on a lot or parcel of land that is immediately adjacent on each side to a lot or parcel of land containing a principal building.

b) The principal building is constructed or placed within a distance equal to the average setback of the principal building on the adjacent lots or 35 feet from the ordinary high-water mark,

whichever distance is greater.

SEC. 13-1-40 GU GOVERNMENT USE DISTRICT

(e). STANDARDS

- (1) Except as provided in subsection 3, there are no minimum lot area, setback, or lot width requirements and no lot coverage or height limitations. A site plan shall be submitted pursuant to Section 13-1-12. The Plan Commission may apply reasonable requirements concerning lot coverage, height of structures, parking, landscaping, and any other relevant requirements.
- (2) When adjacent to a residential use or district, the commercial transitional area requirements shall apply.
- (3) Shoreland Setbacks.
 - a) For parcels annexed to the City of Menasha after May 7, 1982 the following standards shall apply:
 - 1) Shoreland setback area for a principal building - 50 feet as measured from the ordinary high water mark, except that a principal structure may be constructed or placed within the shoreland setback area if all of the following apply:
 - a) The principal building is constructed or placed on a lot or parcel of land that is immediately adjacent on each side to a lot or parcel of land containing a principal building.
 - b) The principal building is constructed or placed within a distance equal to the average setback of the principal building on the adjacent lots or 35 feet from the ordinary high-water mark, whichever distance is greater.

Article H

Mobile Homes

SEC. 13-1-108 YARDS; OPEN SPACE ADJACENT TO DWELLING UNITS; SPACING OF DWELLING UNITS.

(e) SHORELAND SETBACKS.

- a) For parcels within the corporate boundaries of the City of Menasha prior to May 8, 1982 the following standards shall apply:
 - 1) Shoreland setback area for a principal building - 50 feet as measured from the ordinary high-water mark.
- b) For parcels annexed to the City of Menasha after May 7, 1982 the following standards shall apply:
 - 1) Shoreland setback area for a principal building - 50 feet as measured from the ordinary high water mark, except that a principal structure may be constructed or placed within the shoreland setback area if all of the following apply:
 - a) The principal building is constructed or placed on a lot or parcel of land that is immediately adjacent on each side to a lot or parcel of land containing a principal building.
 - b) The principal building is constructed or placed within a

distance equal to the average setback of the principal building on the adjacent lots or 35 feet from the ordinary high-water mark, whichever distance is greater.

~~(e)~~**(f) OCCUPANCY OF OPEN SPACE BY CARPORTS, RECREATIONAL SHELTERS, STORAGE STRUCTURES.**

- (1) A carport, enclosed for fifty percent (50%) or less of its total perimeter by attachment to the dwelling and by a wall at the inner end perpendicular to the attachment to the dwelling, may extend into any open space on the lot, required or other, that does not adjoin the outdoor living area on an adjacent lot or any common non-vehicular open space.
- (2) Enclosed storage facilities combined with and included within such carports or recreational shelters shall not exceed ten percent (10%) of the floor area of such carport or shelter. Separate storage structures not exceeding thirty (30) square feet in floor area or seven (7) feet in height may occupy any open space on the lot, required nor other, that is farther from a street or common non-vehicular open space than the nearest portion of the dwelling. Only one (1) such separate storage structure shall be permitted per dwelling unit.
- (3) Carports, recreational shelters and storage facilities for adjacent lots may be so located as to attach across lot lines, provided that as located and constructed they do not constitute undesirable impediments to view (including visibility at intersections of streets or the intersections of driveways with streets) or increase fire hazards.

~~(f)~~**(g)** As an alternative to providing required open space for each dwelling exposure on its own lot, where equivalent spacing can be assured in form appropriate to the exposures involved by decreasing clearance from the lot line on one (1) lot and increasing clearance on the adjacent lot, this arrangement may be permitted, provided that access for servicing and maintenance of dwellings involved can be assured and further provided that minimum open space depth for primary exposures shall be located on the same lot as the dwelling.

Passed and approved this _____ day of June, 2014.

Donald J. Merkes, Mayor

ATTEST:

Deborah A. Galeazzi, City Clerk