

ARTICLE C

Zoning Districts

SEC. 13-1-20 ESTABLISHMENT OF DISTRICTS.

- (a) **DISTRICTS.** For the purpose of this Chapter, present and future, provision is hereby made for the division of the City of Menasha into the following 16 basic zoning districts:
- (1) A-1 Agricultural/Holding District
 - (2) R-1 Single-Family Residence District
 - (3) R-1A Low-Density Single Family Residence District
 - (4) R-2 Two-Family Residence District
 - (5) R-2A Multi-Family, Zero Lot Line Residence District
 - (6) R-3 Multi-Family, Medium Density Residence District
 - (7) R-4 Multi-Family, High Density Residence District
 - (8) C-1 General Commercial District
 - (9) C-2 Central Business District
 - (10) C-3 Business and Office District
 - (11) C-4 Business Park District
 - (12) I-1 Heavy Industrial District
 - (13) I-2 General Industrial District
 - (14) PUD Planned Unit Development District
 - (15) R-MH Mobile Home District
 - (16) TND Traditional Neighborhood Development
 - (17) GU Government Use District

SEC. 13-1-21 VACATION OF STREETS; ANNEXATIONS.

- (a) **VACATION OF STREETS.** Vacation of public streets and alleys shall cause the land vacated to be automatically placed in the same district as the abutting side to which the vacated land reverts.
- (b) **ANNEXATIONS.** Annexations to or consolidations with the City subsequent to the effective date of this Chapter shall be placed in the R-1 Single-Family Residential District, unless the annexation ordinance temporarily places the land in another district. Within six (6) months, the Plan Commission shall evaluate and recommend a permanent classification to the Common Council.

SEC. 13-1-22 ZONING MAP.

The location and boundaries of the districts established by this Chapter are set forth on the Official Zoning District Map (referred to as Zoning Map) which is hereby incorporated as part of this Code and which is on file with the Department of Community Development. The Zoning Map shall be at a scale of one (1) inch equals five hundred (500) feet on the ground.

SEC. 13-1-23 RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES.

Where uncertainty exists as to the boundaries of districts as shown on the Zoning Map, the

following rules shall apply:

- (a) Boundaries indicated as approximately following the centerlines of streets, highways or alleys shall be construed to follow such centerlines.
- (b) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- (c) Boundaries indicated as approximately following City boundaries shall be construed as following municipal boundaries.
- (d) Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
- (e) Boundaries indicated as following shorelines shall be construed to follow such shorelines and, in the event of change in the shoreline, shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the centerlines of streams, rivers, canals, lakes or other bodies of water shall be construed to follow such centerlines.
- (f) Boundaries indicated as parallel to or extensions of features indicated in the preceding shall be so construed. Distances not specifically indicated on the zoning map shall be determined by the scale of the map.

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

- (a) **PURPOSE.** The A-1 Agricultural/Holding District is intended to provide for the continuation of general farming and related uses in those areas of the City that are not yet committed to urban development. It is further intended for this district to protect lands contained therein from urban development until their orderly transition into urban-oriented districts is required.
- (b) **PERMITTED USES.**
 - (1) General farming, including agriculture, dairying, floriculture, forestry, grazing, hay, orchards, truck farming and viticulture (grape growing), provided, however, that farm buildings housing animals, barnyards and feed lots shall not be located in a floodland and shall be at least one hundred (100) feet from any navigable water or district boundary.
 - (2) Keeping and raising of domestic stock for agribusiness, show, breeding or other purposes incidental to the principal use of the premises and subject to the following limitations:
 - a. The keeping and raising of hogs or fur-bearing animals is prohibited.
 - b. Not more than one (1) head of livestock, including horses, or twenty (20) head of poultry shall be permitted for each two and one-half (2-1/2) acres.
- (c) **PERMITTED ACCESSORY USES.**
 - (1) Attached or detached private garages and carports accessory to permitted or permitted accessory uses.
 - (2) General farm buildings including barns, silos, sheds storage bins and including not more than one (1) roadside stand for the sale of farm products produced on the premises. Any such stand shall conform to the setback, sign and other provisions of this Chapter.
 - (3) One (1) farm dwelling.
- (d) **PERMITTED USES REQUIRING CONDITIONAL SITE PLAN APPROVAL.**
 - (1) Utility substations.
- (e) **CONDITIONAL USES.**
 - (1) Airports, airstrips and landing fields provided that the site is not less than twenty (20) acres.

- (2) Commercial feed lots, livestock sales facilities and fur farms.
 - (3) Drive-in establishments selling fruits and vegetables.
 - (4) Home occupations and professional offices.
 - (5) Housing for farm laborers and seasonal or migratory farm workers.
 - (6) Transmitting towers, receiving towers, relay and microwave towers without broadcast facilities or studios.
 - (7) Utilities.
 - (8) Veterinary clinics provided that no structure or animal enclosure shall be located closer than one hundred (100) feet to a property boundary.
- (f) **LOT AREA AND WIDTH.**
- (1) For principal structures hereafter erected, moved or structurally altered, there shall be required provision of a contiguous area of not less than five (5) acres, and no farm parcel shall be less than three hundred (300) feet in width.
 - (2) Existing residential structures and farm dwellings remaining after the consolidation of existing farms shall be provided with a lot area of not less than forty thousand (40,000) square feet and a lot width of not less than one hundred twenty (120) feet.
- (g) **BUILDING HEIGHT.** No building or parts of a building shall exceed sixty (60) feet in height.
- (h) **YARDS.**
- (1) There shall be a minimum building setback of fifty (50) feet from the street right-of-way.
 - (2) There shall be a side yard on each side of the principal structure not less than twenty-five (25) feet in width.
 - (3) There shall be a rear yard of not less than fifty (50) feet.
 - (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.

- (a) **INTENT.** This district is intended to provide for low density single-family residential development and to restrict the development of uses that generate high volumes of noise and traffic.
- (b) **PERMITTED USES.**
 - (1) Family day care home.

- (2) Single-family detached dwelling.
- (3) Tourist Rooming House.
- (4) Bed and Breakfast Establishments.
- (c) **PERMITTED USES REQUIRING CONDITIONAL SITE PLAN APPROVAL.**
 - (1) Utility substation.
- (d) **SPECIAL USES.**
 - (1) All commercial and public radio, microwave and television towers, and all private radio and television towers exceeding fifty (50) feet in height.
 - (2) Cemetery.
 - (3) Boarding or Rooming House.
 - (4) Church.
 - (5) Day care center/nursery school.
 - (6) Farm.
 - (7) Golf course.
 - (8) Landscape nursery or orchard provided no office or store is maintained on premises.
 - (9) Park or playground.
 - (10) Public building.
 - (11) Public library, museum, art gallery or community center.
 - (12) Railroad rights-of-way and uses essential to their operation.
 - (13) School.
 - (14) Single-family attached dwelling.
- (e) **GARAGES, ACCESSORY BUILDINGS AND USES.**
 - (1) One (1) detached garage. Such garage may be constructed in addition to the garage space within the principal structure.
 - (2) One (1) accessory building.
 - (3) Any of the following accessory uses:
 - a. One (1) private swimming pool.
 - b. One (1) private tennis court.
 - c. One (1) satellite antenna/dish.
 - d. One (1) detached solar structure.
- (f) **STANDARDS.**
 - (1) Minimum front yard setback -- Twenty-five (25) feet or the prevailing setback.
 - (2) Minimum side yard -- Six (6) feet and an aggregate minimum width on both sides of sixteen (16) feet.
 - (3) Minimum rear yard -- Thirty (30) feet.
 - (4) Maximum height -- Thirty-five (35) feet or two and one-half (2-1/2) stories.
 - (5) Minimum side yard and rear yard of detached garages, accessory buildings and uses that are eight (8) feet or more from the principal dwelling -- Three (3) feet side yard and three (3) feet rear yard.
 - (6) Minimum side yard and rear yard of detached garages, accessory buildings or uses that are less than eight (8) feet from the principal dwelling -- Six (6) feet side yard and eight (8) feet rear yard.
 - (7) Minimum lot size -- Seven thousand two hundred (7,200) square feet per dwelling.
 - (8) Minimum lot width -- Sixty (60) feet.
 - (9) Parking -- Refer to Article E.
 - (10) Keeping of not more than two (2) boarders and/or roomers by resident family.
 - (11) 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.
- (12) Minimum roof pitch -- All single family dwelling units constructed in this district after the effective date of this ordinance shall have a roof pitch of 4/12ths or greater.
- (13) **GARAGES REQUIRED.** On all parcels where a new dwelling unit is to be constructed building plans shall make provision for an attached or detached garage meeting the minimum requirements of subsection (a) of this section. No attached garage may be converted from garage to living space unless a garage meeting the requirements of these subsections exists or is constructed on the lot.
 - (a) The minimum dimensions for an attached or detached garage shall be 22 feet wide and 22 feet deep accessed by a garage door not less than 16 feet wide and 7 feet high for a single door, or two doors not less than 9 feet wide and 7 feet high.

No occupancy permit shall be granted for a newly constructed dwelling unit until final inspection of a detached garage has been completed and approved by the building inspector.

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

- (a) **INTENT.** The purpose of this district is to provide low density development containing single family and two (2) family dwelling units. It is also intended that uses generating noise and high traffic volumes be restricted.
- (b) **PERMITTED USES.**
 - (1) Any use permitted in the R-1 Single Family Residential District.
 - (2) Two (2) family dwelling units.
- (c) **PERMITTED USES REQUIRING CONDITIONAL SITE PLAN APPROVAL.**
 - (1) Utility substation.
- (d) **SPECIAL USES.**
 - (1) Boarding or Rooming House.
 - (2) Cemetery.
 - (3) Church.
 - (4) Day care center/nursery school.
 - (5) Farm.
 - (6) Golf course.
 - (7) Landscape nursery or orchard provided no office or store is maintained on premises.
 - (8) Park or playground.
 - (9) Public building.

- (10) Public library, museum, art gallery or community center.
 - (11) Railroad rights-of-way and uses essential to their operation.
- (e) **GARAGES, ACCESSORY BUILDINGS AND USES.**
- (1) One (1) detached garage per dwelling unit. Such garage may be constructed in addition to the garage space within the principal structure.
 - (2) Any of the following accessory uses per dwelling unit:
 - a. One (1) private swimming pool.
 - b. One (1) private tennis court.
 - c. One (1) satellite antenna/dish.
 - d. One (1) detached solar structure.
- (f) **STANDARDS.**
- (1) Minimum front yard setback -- Twenty-five (25) feet or the prevailing setback.
 - (2) Minimum side yard -- Six (6) feet and an aggregate minimum width on both sides of sixteen (16) feet.
 - (3) Minimum rear yard -- Thirty (30) feet.
 - (4) Maximum height -- Thirty-five (35) feet or two and one-half (2-1/2) stories.
 - (5) Minimum side yard and rear yard of detached garages, accessory buildings and uses that are eight (8) feet or more from the principal dwelling -- Three (3) feet side yard and three (3) feet rear yard.
 - (6) Minimum side yard and rear yard of detached garages, accessory buildings or uses that are less than eight (8) feet from the principal dwelling -- Six (6) feet side yard and eight (8) feet rear yard.
 - (7) Minimum lot size -- Seven thousand two hundred (7,200) square feet total and not less than three thousand six hundred (3,600) square feet per dwelling unit.
 - (8) Minimum lot width -- Sixty (60) feet.
 - (9) Parking -- Refer to Article E.
 - (10) Keeping of not more than two (2) boarders and/or roomers by resident family.
 - (11) 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.
 - (12) Minimum roof pitch -- All single or two-family dwelling units constructed in this district after the effective date of this ordinance shall have a roof pitch of 4/12ths or greater.
 - (13) **GARAGES REQUIRED.** On all parcels where a new dwelling unit is to be constructed building plans shall make provision for an attached or detached

garage meeting the minimum requirements of subsection (a) of this section. No attached garage may be converted from garage to living space unless a garage meeting the requirements of these subsections exists or is constructed on the lot.

- (a) The minimum dimensions for an attached or detached garage shall be 22 feet wide and 22 feet deep accessed by a garage door not less than 16 feet wide and 7 feet high for a single door, or two doors not less than 9 feet wide and 7 feet high.

No occupancy permit shall be granted for a newly constructed dwelling unit until final inspection of a detached garage has been completed and approved by the building inspector.

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

(a) **INTENT.**

The purpose of this district is to create medium density residential areas generally located on the fringes of one (1) and two (2) family residential neighborhoods. Uses that generate high volumes of traffic, noise, and other disruptions are generally restricted.

(b) **PERMITTED USES.**

- (1) Any use permitted in the R-2a Multi Family Residential District.
- (2) Multi-family dwellings.

(c) **PERMITTED USES REQUIRING CONDITIONAL SITE PLAN APPROVAL.**

- (1) Utility substation.

(d) **SPECIAL USES.**

- (1) Airport/ heliport.
- (2) All commercial and public radio, microwave and television towers and all private radio and television towers exceeding sixty (60) feet in height.
- (3) Boarding or Rooming House.
- (4) Church.
- (5) Hospital
- (6) Mobile home park.
- (7) Nursing home.
- (8) Park or playground.
- (9) Private club, fraternity, or lodge.
- (10) Public library, museum, art gallery, or community center.
- (11) Railroad right-of-way and uses essential to their operation.
- (12) School.

(e) **SITE, ARCHITECTURAL, LANDSCAPING AND LIGHTING REVIEW**

- (1) Review shall be required for projects and uses listed in 13-1-12(b)

(f) **GARAGES ACCESSORY BUILDINGS AND USES.**

- (1) Not more than one (1) nor more than three (3) garage stalls per dwelling unit.
- (2) Not more than one (1) accessory building per lot or per principal structure if more than one principal structure is located on a lot.
- (3) Not more than one of the following accessory uses per lot or per principal structure if more than one principal structure is located on a lot:
 - a. Private swimming pool.
 - b. Private tennis court.
 - c. Satellite antenna dish.

- d. Detached solar structure.

(g)

GENERAL STANDARDS.

(1) Setbacks.

- a. Minimum front yard setback – Twenty (20) feet or the prevailing setback.
- b. Minimum side yard – Eight (8) feet on each side. For a single or two (2) family dwelling, minimum side yards are the same as the R-1 District requirements.
- c. Minimum rear yard – Twenty-five (25) feet.
- d. Maximum height – Forty-five (45) feet or three (3) stories.
- e. Minimum side and rear yard of detached garages, accessory buildings and uses – Three (3) feet side yard and three (3) feet rear yard.
- f. Minimum lot size – Seven thousand two hundred (7,200) square feet for a single family dwelling, not less than three thousand six hundred (3,600) square feet per unit for a two (2) family dwelling and not less than two thousand four hundred (2,400) square feet per unit for a three (3) or more family dwelling unit.
- 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.

(2) 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.

- (3) Screening. Permitted uses requiring conditional site plan approval shall comply with the requirements of Section 13-1-12.
- (4) Landscaping. Permitted uses requiring conditional site plan approval shall comply with the requirements of Section 13-1-12.
- (5) Lighting. Permitted uses requiring conditional site plan approval shall comply with the requirements of Section 13-1-12.
- (6) Parking. The parking requirements listed in Section 13-1-51(b) shall apply to this district.
- (7) **GARAGES REQUIRED.** On all parcels where a new dwelling is to be constructed building plans shall make provision for an attached or detached garage meeting the minimum requirements of subsection (a) of this section for one or two family dwelling units. For dwellings with 3 or more units in a structure building plans shall make provisions for an attached or detached garage meeting the minimum requirements of subsection (b) of this section for each unit. No attached garage may be converted from garage to living space unless a garage meeting the requirements of these subsections exists or is constructed on the lot.
 - (a) The minimum dimensions for an attached or detached garage shall be 22 feet wide and 22 feet deep accessed by a garage door not less than 16 feet wide and 7 feet high for a single door, or two doors not less than 9 feet wide and 7 feet high.
 - (b) For newly constructed dwellings with 3 or more units in a structure the minimum dimensions of garage spaces within an attached or detached garage shall be 12 feet wide and 22 feet deep accessed by a garage door not less than 9 feet wide and 7 feet high for each unit.

No occupancy permit shall be granted for a newly constructed dwelling unit until final inspection of a detached garage has been completed and approved by the building inspector.

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

- (a) **INTENT.**
The purpose of this district is to create high-density residential development that is readily accessible to thoroughfares, shopping and employment. Similar to the R-3 District, it is the intent to restrict uses that generate high volumes of traffic and noise.
- (b) **PERMITTED USES.**
Any use permitted in the R-3 Multi-Family Residence District.
- (c) **PERMITTED USES REQUIRING CONDITIONAL SITE PLAN APPROVAL.**
Utility substation.
- (d) **SPECIAL USES.**
 - (1) Airport/ heliport.
 - (2) All commercial and public radio, microwave and television towers and all private radio and television towers exceeding sixty (60) feet in height.
 - (3) Boarding or Rooming House.
 - (4) Church.
 - (5) Daycare center/ nursery school.
 - (6) Hospital
 - (7) Mobile home park.
 - (8) Multi-family dwelling containing units of less than five hundred fifty (550) square feet of gross area.
 - (9) Nursing home.

- (10) Park or playground.
- (11) Private club, fraternity, or lodge.
- (12) Public library, museum, art gallery, or community center.
- (13) Railroad right-of-way and uses essential to their operation.
- (14) School.

(e) SITE, ARCHITECTURAL, LANDSCAPING AND LIGHTING REVIEW

- (1) Review shall be required for projects and uses listed in 13-1-12(b)

(f) GARAGES ACCESSORY BUILDINGS AND USES.

- (1) Not more than one (1) nor more than three (3) garage stalls per dwelling unit.
- (2) Not more than one (1) accessory building per lot or per principal structure if more than one principal structure is located on a lot.
- (3) Not more than one of the following accessory uses per lot or per principal structure if more than one principal structure is located on a lot:
 - a. Private swimming pool.
 - b. Private tennis court.
 - c. Satellite antenna dish.
 - d. Detached solar structure.

(g) GENERAL STANDARDS.

(1) Setbacks.

- a. Minimum front yard setback – Twenty (20) feet or the prevailing setback.
- b. Minimum side yard – Eight (8) feet on each side. For a single or two (2) family dwelling, minimum side yards are the same as the R-1 District requirements.
- c. Minimum rear yard – Twenty-five (25) feet.
- d. Maximum height – Forty-five (45) feet or three (3) stories.
- e. Minimum side and rear yard of detached garages, accessory buildings and uses – Three (3) feet side yard and three (3) feet rear yard.
- f. Minimum lot size – Six thousand (6,000) square feet for a single-family dwelling; three thousand (3,000) square feet per unit for a two (2) family unit; one thousand five hundred (1,500) square feet per unit for a three (3) or more family unit; and seven hundred fifty (750) square feet per unit for a dwelling unit containing less than five hundred fifty (550) square feet.

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.

(2) 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.
- (3) Screening. Permitted uses requiring conditional site plan approval shall comply with the requirements of Section 13-1-12.
- (4) Landscaping. Permitted uses requiring conditional site plan approval shall comply with the requirements of Section 13-1-12.
- (5) Lighting. Permitted uses requiring conditional site plan approval shall comply with the requirements of Section 13-1-12.
- (6) Parking. The parking requirements listed in Section 13-1-51(b) shall apply to this district.
- (7) **GARAGES REQUIRED.** On all parcels where a new dwelling is to be constructed building plans shall make provision for an attached or detached garage meeting the minimum requirements of subsection (a) of this section for one or two family dwelling units. For dwellings with 3 or more units in a structure building plans shall make provisions for an attached or detached garage meeting the minimum requirements of subsection (b) of this section for each unit. No attached garage may be converted from garage to living space unless a garage meeting the requirements of these subsections exists or is constructed on the lot.
 - (a) The minimum dimensions for an attached or detached garage shall be 22 feet wide and 22 feet deep accessed by a garage door not less than 16 feet wide and 7 feet high for a single door, or two doors not less than 9 feet wide and 7 feet high.
 - (b) For newly constructed dwellings with 3 or more units in a structure the minimum dimensions of garage spaces within an attached or detached garage shall be 12 feet wide and 22 feet deep accessed by a garage door not less than 9 feet wide and 7 feet high for each unit.

No occupancy permit shall be granted for a newly constructed dwelling unit until final inspection of a detached garage has been completed and approved by the building inspector.

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

- (a) **INTENT.** The purpose of this district is to accommodate a wide range of retail and commercial service and product establishments. It is also intended to accommodate the development of mixed land uses which will allow the association of commercial and residential land uses in the same zoning district.
- (b) **PERMITTED USES.**
 - (1) All permitted uses in the R-2 Two Family Residence District.
 - (2) Administrative, management, and support services.

- (3) Arts, entertainment, and recreation facilities and services, indoor only.
- (4) Construction services and contractor offices.
- (5) Day care facilities.
- (6) Education services and schools serving thirty (30) students or less.
- (7) Financial and insurance services.
- (8) Food services and drinking establishments.
- (9) Health, medical and social services.
- (10) Hotels and motels.
- (11) Parks and playgrounds.
- (12) Personal services.
- (13) Professional, scientific, and technical services.
- (14) Public administration buildings.
- (15) Real estate services.
- (16) Religious, grant making, civic, professional, and similar organizations.
- (17) Rental and leasing services, excluding mini-warehousing.
- (18) Retail trade:
 - a. Automotive, truck, recreational vehicle, and heavy equipment parts and accessory stores, excluding facilities with repair or maintenance facilities.
 - b. Furniture and home furnishings stores.
 - c. Electronics and appliance stores.
 - d. Building material, garden equipment and supplies dealers, indoor only.
 - e. Food and beverage stores.
 - f. Health and personal care stores.
 - g. Clothing and clothing accessories stores.
 - h. Sporting goods, hobby, book, music, and similar stores.
 - i. General merchandise and retail stores.
- (19) Repair services, excluding automotive, truck, recreational vehicle, and heavy equipment repair and maintenance services.
- (20) Utility substations.
- (21) Other permitted uses.
 - a. Adult establishments which are more than five hundred (500) feet from schools, churches, community living arrangements, day care centers, nursery schools, family day care homes, parks, playgrounds, other community facilities, and other adult establishments.
 - b. Uses not explicitly enumerated in the section as permitted uses, but determined by the Community Development Director to be closely similar thereto provided that these uses are not specified elsewhere as requiring a special use permit.

(c) **SPECIAL USES.**

- (1) Airport/heliport.
- (2) Amusement and recreation facilities, outdoor only.
- (3) Automotive, truck, recreational vehicles, and heavy equipment sales, rental, and leasing.
- (4) Automotive, truck, recreation vehicle, and heavy equipment repair and maintenance services.
- (5) Bed and breakfast facilities.
- (6) Building and garden equipment and supply dealers with outdoor displays.
- (7) Gasoline stations.
- (8) Landscape nurseries, orchards, and commercial greenhouses.
- (9) Manufactured or mobile home dealers.

- (10) Multi-family uses permitted in the R-4 Multi-Family District.
- (11) Museums, historical sites, and similar institutions, outdoor only.
- (12) Radio and television broadcasting facilities.
- (13) Railroad right-of-way and uses essential to railroad operation.
- (14) RV Parks and recreational camps.
- (15) Schools serving more than thirty (30) students.
- (16) Spectator sport facilities, outdoor only.
- (17) Other uses requiring a special use permit:
 - a. Any use which utilizes outdoor storage or outdoor display of merchandise or equipment. This requirement does not apply to outdoor display items which are removed each night.
 - b. Office buildings exceeding three (3) stories in height.
 - c. Major telecommunications facilities in accordance with 13-1-81.
- (18) Expansion of mini warehouse facilities in existence prior to January 1, 1991.
- (d) **SITE, ARCHITECTURAL, LANDSCAPING AND LIGHTING REVIEW**
 - (1) Review shall be required for projects and uses listed in 13-1-12(b)
- (e) **ACCESSORY BUILDINGS AND USES.**
 - (1) Accessory building and uses customary with and incidental to the principal use are permitted unless otherwise excluded by this chapter.
 - (2) Warehousing customarily incidental to any of the preceding permitted uses or special uses.
- (f) **GENERAL STANDARDS.**
 - (1) Minimum Lot Width. Eight (80) feet for lots established after the effective date of this ordinance.
 - (2) Minimum Lot Size. Nine thousand five hundred (9,500) square feet for lots established after the effective date of this ordinance.
 - (3) Minimum Front Yard Setback. Ten (10) feet for all structures, parking, and paving, except for points of ingress and egress approved by the Plan Commission. For properties abutting a residential district, the front yard setback requirement of the adjacent residential district shall apply.
 - (4) Minimum Side Yard. None, unless abutting a residential use or district, then transitional area requirements apply.
 - (5) Minimum Rear Yard. Ten (10) feet, unless abutting a residential use or district, then transitional area requirements apply.
 - (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.
 - (7) Maximum Height. Forty-five (45) feet or three (3) stories, except as provided herein.

- (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%).
- (9) If residential development is the principal use, then all requirements and standards of the applicable residential district apply.
- (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.
- (11) Screening. Permitted uses requiring conditional site plan approval shall comply with the requirements of Section 13-1-12.
- (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.
- (13) Lighting. Permitted uses requiring conditional site plan approval shall comply with the requirements of Section 13-1-12.
- (14) Parking. The parking requirements listed in Section 13-1-51(b) shall apply to this district.
- (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.
- (g) **NUISANCE CONTROL.** No operation, process, manufacturing, or building shall produce or create excessive noise, light, odor, smoke, vibration, heat, glare, dust, gas, electronic interference, toxic matter, industrial waste, or other external nuisance.
- (h) **SIGNS.** Refer to Article F.

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

- (a) **INTENT.** The purpose of this district is to provide a centrally located, pedestrian-oriented business district with a wide range of retail and commercial service and product establishments. It is also intended to accommodate the development of mixed land uses that will allow the association of commercial and residential uses in the same zoning district.
- (b) **PERMITTED USES.**

- (1) Administrative, management, and support services.
- (2) Arts, entertainment, recreation and sport facilities and services, indoor only.
- (3) Construction services and contractors offices.
- (4) Day care facilities.
- (5) Educational services and schools serving thirty (30) students or less at any one time.
- (6) Financial and insurance services.
- (7) Food services and drinking establishments.
- (8) Health, medical, and social services.
- (9) Hotels and motels.
- (10) Museums, historical sites, and similar institutions, indoor only.
- (11) Parks and playgrounds.
- (12) Personal services.
- (13) Professional, scientific, and technical services.
- (14) Public administration buildings.
- (15) Real estate services.
- (16) Religious, grant making, civic, professional, and similar organizations.
- (17) Rental and leasing services, excluding mini-warehousing.
- (18) Residential uses coincident with or secondary to the commercial use and occupancy of the premises; single-family and two-family dwelling units as a principal use are prohibited. Accessory structures coincident with or secondary to non-conforming residential structures existing at the date of adoption of this ordinance may be constructed in accordance with the setback regulations of the residential district most closely associated with the existing use of the property.
- (19) Retail trade:
 - a. Automotive, truck, recreational vehicle, and heavy equipment parts and accessory stores, excluding facilities with repair or maintenance facilities.
 - b. Furniture and home furnishings stores.
 - c. Electronics and appliance stores.
 - d. Building material, garden equipment and supplies dealers, indoor only.
 - e. Food and beverage stores.
 - f. Health and personal care stores.
 - g. Clothing and clothing accessories stores.
 - h. Sporting goods, hobby, book, music, and similar stores.
 - i. General merchandise and retail stores.
- (20) Repair services, excluding automotive, truck, recreational vehicle, and heavy equipment repair and maintenance services.
- (21) Utility substations.
- (22) Other permitted uses.
 - a. Adult establishments which are more than five hundred (500) feet from schools, churches, community living arrangements, day care centers, nursery schools, family day care homes, parks, playgrounds, other community facilities, and other adult establishments.
 - b. Uses not explicitly enumerated in the section as permitted uses, but determined by the Community Development Director to be closely similar thereto provided that these uses are not specified elsewhere as requiring a special use permit.

(c) **SPECIAL USES.**

- (1) Airport/heliport.
- (2) Arts, entertainment, recreation, and sport facilities and services, outdoor only.

- (3) Bed and breakfast facilities.
 - (4) Gasoline stations.
 - (5) Multi-family uses permitted in the R-3 Multi-Family District.
 - (6) Museums, historical sites, and similar institutions, outdoor only.
 - (7) Radio and television broadcasting facilities.
 - (8) Railroad right-of-way and uses essential to railroad operation.
 - (9) Schools serving more than thirty (30) students at any one time.
 - (10) Other uses requiring a special use permit:
 - a. Any use which utilizes outdoor storage or outdoor display of merchandise or equipment. This requirement does not apply to outdoor display items, which are removed each night.
 - b. Office buildings exceeding (3) three stories in height.
- (d) **USES REQUIRING CONDITIONAL SITE PLAN APPROVAL**
- (1) Any proposed new construction.
 - (2) Any proposed addition or expansion to a non-conforming lot, structure or use.
 - (3) Any proposed addition or expansion which exceeds five percent (5%) of the building square footage or five hundred (500) square feet, whichever is less.
 - (4) A change in occupancy; this requirement does not include a change in tenant or proprietorship of a substantially similar use to that which existed previously.
- (e) **SITE, ARCHITECTURAL, LANDSCAPING AND LIGHTING REVIEW**
- (1) Review shall be required for projects and uses listed in 13-1-12(b)
- (f) **ACCESSORY BUILDINGS AND USES.**
- (1) Accessory building and uses customary with and incidental to the principal use are permitted unless otherwise excluded by this chapter.
- (g) **GENERAL STANDARDS.**
- (1) Maximum front yard setback. Structures or additions constructed after the effective date of this ordinance shall be built no more than (10) feet from the front yard property line or at the prevailing setback. The Plan Commission may modify this requirement in instances where the structure would encroach into a vision control area, where a lot has multiple street frontages, when outdoor seating or plaza areas are proposed, or other similar instances as deemed appropriate by the Plan Commission.
 - (2) Minimum front yard setback. Five (5) feet for all parking and paved areas, except for pedestrian paths or plazas and points of ingress and egress approved by the Plan Commission.
 - (3) Minimum side yard. None, unless abutting a residential district, then transitional area requirements apply.
 - (4) Minimum rear yard. None, unless abutting a residential district, then transitional area requirements apply.
 - (5) Minimum waterfront setback. Ten (10) feet for parking and paved areas, except for pedestrian paths or plazas approved by the Plan Commission.
 - (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.
- (7) Minimum height. Twenty-four (24) feet or two stories.
 - (8) Maximum height. One hundred (100) feet or six (6) stories.
 - (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.
 - (10) Screening. Permitted uses requiring conditional site plan approval shall comply with the requirements of Section 13-1-12.
 - (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.
 - (12) Lighting. Permitted uses requiring conditional site plan approval shall comply with the requirements of Section 13-1-12.
 - (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.

- (h) **NUISANCE CONTROL.** No operation, process, manufacturing, or building shall produce or create excessive noise, light, odor, smoke, vibration, heat, glare, dust, gas, electronic interference, toxic matter, industrial waste, or other external nuisance.
- (i) **SIGNS.** Refer to Article F.

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

(a) **PERMITTED USES.**

- (1) Manufacture, assembly, compounding, processing and packaging of goods, materials and products (excluding automotive wrecking and junk yards).
- (2) Printing, publishing and engraving.
- (3) Research, laboratory and testing facilities.
- (4) Transportation, trucking facilities or terminals and enclosed repair facilities.
- (5) Wholesale, warehousing, storage and distribution.

(b) **PERMITTED USES REQUIRING CONDITIONAL SITE PLAN APPROVAL.**

- (1) Radio, microwave or television tower.
- (2) Railroad rights-of-way and uses essential to railroad operation.
- (3) Retail trade, finance, insurance, real estate, office and other services incidental and complementary to local industry.

(c) **SPECIAL USES.**

- (1) Public utility structures.
- (2) Commercial telecommunication facilities in accordance with Section 13-1-81.
- (3) Auto/Truck Sales and Service.

(d) **ACCESSORY BUILDING AND USES.**

- (1) Accessory buildings and uses customary with and incidental to the principal use are permitted unless otherwise excluded by this Code.
- (2) Dwellings for watchman.

(e) **STANDARDS.**

- (1) Minimum area to be zoned Heavy Industrial District – Twenty (20) acres.
- (2) Minimum lot size – One (1) acre.
- (3) Minimum lot depth – Two hundred thirty-five (235) feet.
- (4) Minimum lot width – One hundred eighty (180) feet.
- (5) Minimum front yard setback – Thirty (30) feet for buildings and ten (10) feet for parking.
- (6) Minimum side yard – Ten (10) feet.
- (7) Minimum rear yard – Ten (10) feet.
- (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.

- (9) Maximum building height – One hundred (100) feet.
- (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%).
- (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.
- (12) Parking and Loading. The parking and loading requirements listed in Article E shall apply to this district.
- (13) When the Heavy Industrial District is adjacent to a residential district or use, the transitional area requirements shall apply.
- (14) Lighting. Permitted uses requiring conditional site plan approval shall comply with the requirements of Section 13-1-12.
- (15) Screening. Permitted uses requiring conditional site plan approval shall comply with the requirements of Section 13-1-12.
- (16) Design Standards. Permitted uses requiring conditional site plan approval shall comply with the requirements of Section 13-1-12.
- (17) Residential use is prohibited.

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

- (a) **INTENT.** The purpose of this district is to encourage manufacturing, warehousing and other similar uses in areas already established for such uses.
- (b) **PERMITTED USES.**
 - (1) Insurance, real estate, office and other services incidental and complementary to local industry.
 - (2) Manufacture, assembly, compounding, processing and packaging of goods, materials and products.
 - (3) Printing, publishing and engraving.
 - (4) Research, laboratory and testing facilities.
 - (5) Transportation, trucking, facilities or terminals and enclosed repair facilities.
 - (6) Wholesale, warehousing, storage and distribution.
- (c) **PERMITTED USES REQUIRING CONDITIONAL SITE PLAN APPROVAL.**
 - (1) Public utility structures.
 - (2) Railroad rights-of-way and uses essential to railroad operations.
- (d) **SPECIAL USES.**
 - (1) Abattoir, stockyard, tannery, fertilizer manufacture, and garbage, rubbish, offal, dead animal reduction or dumping.
 - (2) Saw and grist mill.
 - (3) Explosives manufacture and storage.
 - (4) Fuel storage and refining.
 - (5) Junk yard.
 - (6) Glue manufacture.
 - (7) Mining, quarrying, etc., activities.
 - (8) Acid manufacture.
 - (9) Smelting of ferrous or nonferrous metals.

- (10) Commercial telecommunication facilities in accordance with Section 13-1-81.
- (11) Auto/Truck Sales and Service
- (e) **ACCESSORY BUILDINGS AND USES.**
 - (1) Dwellings for watchman.
 - (2) Accessory buildings and uses customary with and incidental to the principal use are permitted unless otherwise excluded by this Code.
- (f) **STANDARDS.**
 - (1) Minimum front yard setback -- Ten (10) feet.
 - (2) Minimum side yard -- None.
 - (3) Minimum rear yard -- Ten (10) feet.
 - (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.
 - (5) Maximum building height -- One hundred (100) feet.
 - (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%).
 - (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.
 - (8) Parking and Loading. The parking and loading requirements listed in Article E shall apply to this district.
 - (9) When the General Industrial District is adjacent to a residential district or use, the transitional area requirements shall apply.
 - (10) Lighting. Permitted uses requiring conditional site plan approval shall comply with the requirements of Section 13-1-12.
 - (11) Screening. Permitted uses requiring conditional site plan approval shall comply with the requirements of Section 13-1-12.
 - (12) Design Standards. Permitted uses requiring conditional site plan approval shall comply with the requirements of Section 13-1-12.
 - (13) Residential use is prohibited.

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

- (a) **INTENT.** It is the intent of the City of Menasha that planned development be encouraged for those areas of the community now undeveloped or undergoing redevelopment, and in those areas which, in time, would be annexed to the City. More specifically, it is the intent to:
- (1) Promote and permit flexibility that will encourage a more creative and imaginative approach in development and result in a more efficient, aesthetic, desirable and economical use of land, while maintaining intensity of use consistent with the adopted comprehensive plan.
 - (2) Provide minimal effect upon adjacent properties and existing development. To this end, the Plan Commission may make appropriate requirements.
 - (3) Promote development that can be conveniently, efficiently and economically served by existing municipal utilities and services or by their logical extension.
 - (4) Promote flexibility in design, placement of buildings and use of open space, pedestrian and vehicular circulation facilities and off-street parking areas in a manner that will best utilize the potential of sites characterized by special features of geography, geology, topography, size or shape.
 - (5) Provide, where it is shown to be in the public interest, for the preservation of historical features and such natural features as streams, drainage ways, floodplains, ponds/lakes topography, rock outcroppings, unique areas of vegetation, stands of trees and other similar natural assets.
 - (6) Provide for more adequate recreational facilities and other public and common facilities than would otherwise be provided under conventional land development.
 - (7) Provide for the enhancement of the natural setting through careful and sensitive placement of man-made facilities and plant materials.
- (b) **REVIEW AND APPLICATION PROCEDURE.** The review and processing of any proposed PUD shall be as follows:
- (1) Preapplication Conference. Prior to any application for PUD plan approval, contact shall be made with the Department of Community Development for a preapplication conference. The conference should occur prior to any extensive financial expenditure on the part of the developer. The purpose of the meeting is to inform appropriate City staff of the proposed development and to inform the developer about various City codes, applicability of the proposed development, timing and procedure, and any other pertinent information appropriate to the proposal. To this end, the developer must outline the proposal in schematic and/or written form for discussion purposes. Areas of consideration include, but are not limited to:
 - a. General discussion of project, building types, timing of development;
 - b. Proposed land uses and density ranges;
 - c. Conformance to the comprehensive plan;
 - d. Utility and street arrangements and patterns; and
 - e. Proposed open space and recreational facilities and review of natural amenities to be preserved such as hill forms, wetlands, wooded areas and water courses.Subsequent to the meeting, the developer will be furnished, as appropriate, any comments regarding the meeting, including recommendations to assist the developer in processing the proposed plan. No oral, written or schematically illustrated statements made during the course of the conference shall be held as legally binding.
 - (2) Application for PUD Plan Approval. After the preapplication conference, application for PUD plan approval may be made on forms obtained from the Department of Community Development. Upon receipt, the application will be forwarded to the Plan Commission for review and recommendation. Such

recommendations shall be forwarded to the Common Council within sixty (60) days. Upon written request and approval by the Common Council, an additional sixty (60) days may be granted for a recommendation. The application shall include the following written and visual materials:

- a. A written statement concerning the proposed development, including the nature of the project, proposed land uses, building types, density ranges, conformance with the comprehensive plan and description of the open space and recreational system.
- b. A site development plan containing the following:
 1. Legal description of the total site being developed along with the name(s) of the owner(s) and seal of the registered land surveyor making the plat;
 2. A topographical survey of the site at an interval of not more than five (5) feet, unless characteristics of the site indicate a greater or shorter interval appears appropriate;
 3. Dimensions and bearings of external property boundaries;
 4. The location of all existing structures, easements, utilities, proposed utilities and public dedications, either contained upon or adjacent to the site;
 5. The existing and proposed public and/or private street and sidewalk system; and
 6. A statement of quantitative data including total number and types of structures to be constructed on the site, individual parcel sizes, lot coverages, gross and net residential densities, areas reserved for open space and recreation and off-street parking areas.
- c. Supporting information, if required by the Department of Community Development, including:
 1. Any water course areas.
 2. Unique natural features.
 3. Unique historical sites.
 4. General vegetation cover.
 5. Soil suitability.
- d. A landscape plan delineating the proposed treatment of the site.
- e. Representative floor plans and exterior elevations of proposed structures and buildings.

(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:

- (1) Permitted Uses. Uses eligible for inclusion in the PUD include any use listed as a permitted use or special use in the zoning district that the subject property (ies) was (were) located within immediately prior to the requested zoning classification change to PUD.
- (2) Harmony With Surrounding Uses: The uses and design of the PUD will be harmonious with the character or the surrounding area in terms of density, intensity of use, size and heights of buildings, architecture and other impacts.
- (3) Tract. Size. The minimum size tract for a PUD is one (1) acre.
- (4) Parking. All parking shall generally comply with the requirements as set forth in Article E. Any variation from these requirements shall be noted on the PUD plan and any subsequent approval thereof. Parking lot design consideration shall be as follows:

- a. Parking areas shall be treated as an integral part of the development in scale, location and character;
 - b. Parking areas shall be so arranged to discourage through traffic;
 - c. As appropriate, parking areas shall be screened from adjacent structures and streets with hedges, plantings, fences, earth berms, changes in grade and/or other similar examples; and
 - d. Parking areas shall be so designed to allow for drainage of surface water without erosion, flooding and other inconveniences.
- (5) Open Space. A major portion of any PUD is its open space. The desirability is closely tied to the integration of open space with the total development. The intent statement of this Section sets forth the overall objective desired for PUDs. Therefore, no quantitative standards are stated in this Section. Quality standards acknowledge the separate and multiple functions of open space: active recreation, passive recreation and preservation of natural site amenities. In designing the PUD, consideration shall be given to such functions.
- (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.
- (d) **DESIGNATION OF THE PUD DISTRICT.** If the Common Council approves the PUD plan, then the land may be designated as a PUD District in accordance with the rezoning procedures described in this Code. Thereafter, building permits may be issued in accordance with the approved PUD plan.
- (e) **CHANGES IN APPROVED PLAN.** Changes of a minor nature may be approved by the Department of Community Development. However, any proposed change of major consequence may only be authorized by the Common Council upon recommendation by the Plan Commission. Major changes shall include:
- (1) Non-conformance to the original approved overall statement of intent;
 - (2) Any increase in density, numbers and/or types of dwelling units; and
 - (3) Any change in maximum height or change in location of structures or buildings.
- If any proposed change is questionable, whether it is of major or minor consequence, such determination shall be made by the Common Council. A PUD plan runs with the land and is binding on any and all interested parties from and after the time a PUD is approved.
- (f) **GUARANTEE OF COMPLETION.** At the time of final approval of the PUD plan, the Plan Commission may require a contract, with safeguards satisfactory to the City Attorney, guaranteeing completion of the development prior to a present date. If the development is to be constructed in stages, the Plan Commission may require a contract, with safeguards satisfactory to the City Attorney, guaranteeing completion of any stage; such contract shall be signed prior to the issuance of building permits for any stage. The Plan Commission

shall notify the developer in writing, prior to preliminary plan approval of the Commission's intention to require a guarantee of completion for any stage.

SEC. 13-1-34 R-MH MOBILE HOME DISTRICT.

The requirements for property in the R-MH Mobile Home District shall be as provided in Article H of this Chapter.

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

- (a) **INTENT.** The purpose of this district is to provide small scale and moderate density multi-family development. This district is intended to serve in a transitional capacity between higher and lower intensity land uses.
- (b) **PERMITTED USES.**
 - (1) Any use permitted in the R-1 Single Family Residence District and the R-2 Two Family Residence District.
 - (2) Single family attached dwellings and zero lot line attached dwellings.
- (c) **PERMITTED USES REQUIRING SITE PLAN APPROVAL.**
 - (1) Structures with three or more units.
 - (2) Utility substation.
 - (3) Any use listed as requiring a special use permit.
- (d) **SPECIAL USES.**
 - (1) Boarding or Rooming House.
 - (2) Bed and breakfast.
 - (3) Cemetery.
 - (4) Church.
 - (5) Day care center/nursery school.
 - (6) Farm.
 - (7) Golf course.
 - (8) Park or playground.
 - (9) Public building.
 - (10) Public library, museum, art gallery, or community center.
 - (11) Railroad rights-of way and uses essential to their operation.
 - (12) Nursing home.
 - (13) School.
- (e) **SITE, ARCHITECTURAL, LANDSCAPING AND LIGHTING REVIEW**
 - (1) Review shall be required for projects and uses listed in 13-1-12(b)
- (f) **GARAGES, ACCESSORY BUILDINGS AND USES.**
 - (1) One (1) private garage per dwelling unit. Such garage may be constructed in addition to the garage space within the principal structure. A minimum of one garage or underground parking stall shall be provided for each unit.
 - (2) One (1) accessory building per lot.
 - (3) Any of the following accessory uses per lot:
 - a. One (1) private swimming pool.
 - b. One (1) private tennis court.
 - c. One (1) satellite antenna/dish.
 - d. One (1) detached solar structure.

(g) **GENERAL STANDARDS.**

- (1) Uses requiring special use permits shall comply with the requirements of 13-1-12.
- (2) The following design standards shall be applied to structures with three or more attached or zero lot line residential units:
 - a. Architecture. Architectural design shall be provided for all building facades. All side and rear elevations shall be given architectural treatment compatible with the front elevation of the building. Buildings shall be finished in an attractive manner in keeping with the accepted standards used for the type of building. Principal buildings shall be faced in stone, brick, or other decorative masonry material.
 - b. Screening. Permitted uses requiring conditional site plan approval shall comply with the requirements of Section 13-1-12.
 - c. Landscaping. Permitted uses requiring conditional site plan approval shall comply with the requirements of Section 13-1-12.
 - d. Lighting. Permitted uses requiring conditional site plan approval shall comply with the requirements of Section 13-1-12.
 - e. Parking. The parking requirements listed in Section 13-1-51 shall apply to this district.
- (3) Parking. Refer to Article E.
- (4) **GARAGES REQUIRED.** On all parcels where a new dwelling is to be constructed building plans shall make provision for an attached or detached garage meeting the minimum requirements of subsection (a) of this section for each dwelling unit. No attached garage may be converted from garage to living space unless a garage meeting the requirements of these subsections exists or is constructed on the lot.
 - (a) The minimum dimensions for an attached or detached garage shall be 22 feet wide and 22 feet deep accessed by a garage door not less than 16 feet wide and 7 feet high for a single door, or two doors not less than 9 feet wide and 7 feet high.

No occupancy permit shall be granted for a newly constructed dwelling unit until final inspection of a detached garage has been completed and approved by the building inspector.

(h) **SINGLE-FAMILY ATTACHED DWELLINGS.**

- (1) Maximum Density. Thirty-six hundred (3,600) square feet per dwelling unit.
- (2) Minimum Lot Width. Sixty (60) feet.
- (3) Minimum Front Yard Setback. Twenty (20) feet or the prevailing setback.
- (4) Minimum Side Yard Setbacks.
 - a. Eight (8) feet for the principal structure, parking lots, or attached garages.
 - b. Three (3) feet for detached garages and accessory buildings located eight (8) feet or more from the principal structure.
 - c. Six (6) feet for detached garages and accessory buildings located less than eight (8) feet from the principal structure.
- (5) Minimum Rear Yard Setbacks.
 - a. Thirty (30) feet for the principal structure.
 - b. Three (3) feet for detached garages and accessory buildings located eight (8) feet or more from the principal structure.
 - c. Eight (8) feet for detached garages and accessory buildings located less than eight (8) feet from the principal structure.
 - d. Eight (8) feet for parking lots.

- (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.
- (7) Maximum Height. Thirty-five (35) feet or two and one-half (2-1/2) stories for the principal structure.
- (8) Parking. Refer to Article E.

(i) **ZERO LOT LINE ATTACHED DWELLINGS.**

- (1) Maximum Density. One (1) dwelling unit per lot.
- (2) Minimum Lot Size. Thirty-six hundred (3,600) square feet.
- (3) Minimum Lot Width. Thirty (30) feet.
- (4) Minimum Front Yard Setback. Twenty (20) feet or the prevailing setback.
- (5) Minimum Side Yard Setbacks.
 - a. Principal Structure. Minimum side yard of zero (0) feet provided that:
 - 1. Not more than six (6) units may be attached in series. The required side yards for lots located on either end of such a series shall be ten (10) feet for that side which is not attached to the adjoining unit.
 - 2. The adjoining side yard setback of the lot adjacent to the zero (0) side yard is also zero (0).
 - 3. The adjacent lots with zero (0) side yards are held under the same ownership at the time of initial construction of the attached dwellings.
 - 4. All units of the attached dwelling are completed prior to occupancy of any unit.
 - 5. Restrictive covenants shall be recorded at the Calumet or Winnebago County Register of Deeds as determined by the location of the proposed development, providing declarations and/or bylaws similar to those typically recorded on a Declaration of Condominium. Said covenants shall provide for mediation of any and all disputes between owners of each unit and any third party with regard to construction, use, and maintenance of the real property. Furthermore, said covenants shall specifically state that the City of Menasha and all approving authorities shall not be held responsible for same, and that said covenants shall inure to all heirs and assigns.
 - b. Detached Garages and Accessory Structures.
 - 1. Minimum side yard of three (3) feet if located eight 9*0 feet or more

- (2) Light manufacturing and assembly.
 - (3) Outdoor recreational facilities.
 - (4) Printing and publishing.
 - (5) Radio or television stations.
 - (6) Retail.
 - (7) Multi-Family housing as permitted in the R-4 Multi-Family Residential District
- (d) **SITE, ARCHITECTURAL, LANDSCAPING AND LIGHTING REVIEW**
- (1) Review shall be required for projects and uses listed in 13-1-12(b)
- (e) **USES REQUIRING CONDITIONAL SITE PLAN APPROVAL**
- (1) Any proposed new construction.
 - (2) Any proposed addition or expansion to a non-conforming, lot, structure or use.
 - (3) Any proposed addition or expansion which exceeds five percent (5%) of the building square footage or five hundred (500) square feet, whichever is less.
 - (4) A change in occupancy; this requirement does not include a change in tenant or proprietorship of a substantially similar use to that which existed previously.
- (f) **GENERAL STANDARDS.**
- (1) Minimum lot size: 20,000 square feet.
 - (2) Minimum front yard setback: twenty-five (25) feet for structures, ten (10) feet for parking and paved areas.
 - (3) Minimum side yard: ten (10) feet for structures, parking and paved areas.
 - (4) Minimum rear yard: twenty-five (25) feet for structures, ten (10) feet for parking or paved areas.
 - (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.
 - (6) Maximum lot coverage: thirty percent (30%) covered by buildings.
 - (7) Maximum building height: forty-five (45) feet or three (3) stories.
 - (8) If residential development is the principal use, then all requirements and standards of the applicable residential district apply.
 - (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.
- (10) Screening. Permitted uses requiring conditional site plan approval shall comply with the requirements of Section 13-1-12.
 - (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.
 - (12) Lighting. Permitted uses requiring conditional site plan approval shall comply with the requirements of Section 13-1-12.
 - (13) Parking. The parking requirements listed in Section 13-1-51(b) shall apply to this district.
 - (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.
- (g) **NUISANCE CONTROL.** No operation, process, manufacturing, or building shall produce or create excessive noise, light, odor, smoke, vibration, heat, dust, gas, electronic interference, toxic matter, industrial waste, or other external nuisance.
 - (h) **SIGNS.** Refer to Article F.

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

- (a) **INTENT.** The purpose of this district is to accommodate a limited range of general business and light industrial uses. These provisions are intended to promote aesthetically pleasing and harmonious overall development by establishing a minimum standards for site development and building design.
- (b) **PERMITTED USES.**
 - (1) Administrative, management, and support services.
 - (2) Construction services and contractors offices.
 - (3) Educational services and schools serving thirty (30) students or less.
 - (4) Financial and insurance services.
 - (5) Light manufacturing and assembly.
 - (6) Medical, dental and other health services.
 - (7) Personal services.
 - (8) Printing and publishing.
 - (9) Professional, scientific, and technical services.
 - (10) Research, testing, and technology-based uses.
 - (11) Utility substations.
 - (12) Wholesale and distribution facilities.
 - (13) Uses not explicitly enumerated in the section as permitted uses, but determined by the Plan Commission to be closely similar thereto provided that these uses are not specified elsewhere as requiring a special use permit.
- (c) **SPECIAL USES.**
 - (1) Day care centers.
 - (2) Radio or television broadcasting facilities.

- (3) Recreation and fitness facilities.
- (4) Retail.
- (5) Expansion of mini warehouse facilities in existence prior to January 1, 1991.
- (d) **SITE, ARCHITECTURAL, LANDSCAPING AND LIGHTING REVIEW**
 - (1) Review shall be required for projects and uses listed in 13-1-12(b)
 - (2) Outdoor storage and outdoor display areas shall be prohibited.
- (e) **USES REQUIRING CONDITIONAL SITE PLAN APPROVAL.**
 - (1) Any proposed new construction.
 - (2) Any proposed addition or expansion to a non-conforming lot, structure, or use.
 - (3) Any proposed addition or expansion which exceeds five percent (5%) of the building square footage or five hundred (500) square feet, whichever is less.
 - (4) A change in occupancy; this requirement does not include a change in tenant or proprietorship of a substantially similar use to that which existed previously.
- (f) **GENERAL STANDARDS.**
 - (1) Minimum lot size: twenty thousand (20,000) square feet.
 - (2) Minimum front yard setback: twenty-five (25) feet for structures, ten (10) feet for parking and paved areas.
 - (3) Minimum side yard: ten (10) feet for structures, parking, and paved areas.
 - (4) Minimum rear yard: twenty-five (25) feet for structures, ten (10) feet for parking or paved areas.
 - (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.
 - (6) Maximum lot coverage: thirty percent (30%) covered by buildings.
 - (7) Maximum building height: forty-five (45) feet or three (3) stories.
 - (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.

- (9) Screening. Permitted uses requiring conditional site plan approval shall comply with the requirements of Section 13-1-12.
- (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.
- (11) Lighting. Permitted uses requiring conditional site plan approval shall comply with the requirements of Section 13-1-12.
- (12) Parking. The parking requirements listed in Section 13-1-51(b) shall apply to this district.
- (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.
- (g) **NUISANCE CONTROL.** No operation, process, manufacturing, or building shall produce or create excessive noise, light, odor, smoke, vibration, heat, glare, dust, gas, electronic interference, toxic matter, industrial waste, or other external nuisance.
- (h) **SIGNS.** Refer to Article F.

SEC. 13-1-38 TRADITIONAL NEIGHBORHOOD DEVELOPMENT

Section 1: Applicability and Purpose

- (a) **STATUTORY AUTHORITY.** This ordinance is adopted pursuant to the authority contained in section 62.23 and 66.1027 of the Wisconsin State Statutes.
- (b) **PURPOSE.** The purpose of this ordinance is to provide for the development and redevelopment of land in the City of Menasha consistent with the design principals of Traditional Neighborhoods. A traditional neighborhood is:
 - (1) Compact;
 - (2) Designed for the human scale;
 - (3) Provides for a mix of uses, including residential, commercial, civic, and open space in close proximity to one another within a neighborhood;
 - (4) Provides for a mix of housing types, and styles that will accommodate households of various ages, sizes, and incomes;
 - (5) Provides for a mix of transportation methods for motorists, bicyclists, and pedestrians in a compact pattern of narrow, interconnected streets;
 - (6) Consistent with the City of Menasha's comprehensive plan.
- (c) **APPLICABILITY.** This ordinance is an alternative set of standards for development within the City of Menasha for new developments and redevelopment, or infill developments generally incorporating an area of one hundred (100) acres or more.

Section 2: Definitions

The following definitions shall be observed and applied, except when the context clearly indicates otherwise.

- (a) **ACCESSORY BUILDING.** A subordinate building or a portion of the main building that is located on the same lot of parcel as the main building and the use of which is clearly incidental to that of the main building or the use of the premises. This definition

excludes private garages.

- (b) **AFFORDABLE HOUSING.** Housing in which mortgages, amortization, taxes, insurance, and condominium and association fee, if any, constitute no more than [28] percent of gross household income for a household of the size which may occupy the unit. In the case of dwelling units for rent, housing that is affordable means housing for which the rent and utilities constitute no more than [30] percent of gross annual household income for a household of the size that may occupy the unit.
- (c) **ARTERIAL.** A major street for carrying a large volume of through traffic in the area, normally controlled by traffic signs and signals.
- (d) **BLOCK.** A unit of land bounded by streets or by a combination of streets and public land, railroad right-of-ways, waterways, or any other barrier to the continuity of development.
- (e) **BUILDING SETBACK, FRONT.** The distance from the street right-of-way line to the closest point of the foundation of a building or projection thereof.
- (f) **COLLECTOR.** A street designed to carry moderate volumes of traffic from local streets to arterial streets or from arterial to arterial.
- (g) **COMMON OPEN SPACE.** A squares, greens, neighborhood parks, and linear environmental corridors owned and maintained by the city, or otherwise held for public use.
- (h) **CURB RADIUS.** The curved edge of streets at an intersection measured at the outer edge of the street curb or of the parking lane.
- (i) **ENVIRONMENTAL CORRIDORS.** Tracts of land intentionally left undeveloped to conserve natural environments for indigenous plants and animals.
- (j) **LOT.** A tract of land, designated by meters and bounds, registered land survey, or plat, and separated from other tracts of land by legal description approved by the City of Menasha and recorded in the office of the County Register of Deeds.
- (k) **LOT LINE.** A lot line that is the property line bounding a lot, except that where any portion of a lot extends into the public right of way or a proposed right or way, the line of such public right of way shall be the lot line.
- (l) **PRINCIPAL BUILDING.** A building in which the primary use of the lot on which the building is located is conducted.
- (m) **QUEUING LANE.** One lane on a local street that is reserved for parking, but may be used as a regular travel lane when not being used for parking.
- (n) **TRADITIONAL NEIGHBORHOOD.** A compact, mixed use neighborhood where residential, commercial, and civic buildings are within close proximity to each other.

Section 3: Traditional Neighborhood Development Design Standards

- (a) **NEIGHBORHOOD DESIGN.** To achieve the goals of Traditional Neighborhood Design, the development should be arranged to form neighborhoods centered on commercial and civic buildings. Areas designated as residential shall include opportunities for commercial use (i.e. coffee shops, bed and breakfasts, home businesses, etc.). With a design objective that every resident of that neighborhood is within a maximum ten-minute walk from such facilities. Traditional neighborhoods shall be designed to have a mix of residential, commercial, civic, and open space, as prescribed below:
 - (1) Mixed Residential Use. The following types of residential uses should be incorporated into traditional neighborhoods:
 - a. Single-family detached dwellings;

- b. Single-family attached dwellings, including duplexes, townhouses, and row houses;
 - c. Multi-family dwellings, including senior housing;
 - d. Secondary dwelling units (i.e. “granny flats,” “live/work” units that combine residential space with commercial space in the same building);
 - e. “Special needs” housing such as community living arrangements or assisted living facilities.
- (2) Mixed Use Areas. Incorporated into every neighborhood should be a mix of commercial (e.g. food services, retail stores, services, and accommodations, etc.), civic buildings (e.g. libraries, museums, city offices, places of worship, schools, etc.), residential, and open space.
 - (3) Open Space. Open (e.g. plazas) and/or green space (e.g. environmental corridors, parks, playgrounds, community squares, and storm water management areas) should be incorporated wherever possible. Larger outdoor recreational areas should be located at the periphery of the neighborhood rather than at the center.
- (b) **DEVELOPMENT DENSITY AND OPEN SPACE.** The number of residential, commercial, civic, and open space shall be determined as follows:
- (1) Mixed Residential Use:
 - a. The number of single-family attached and detached units shall be no more than 8 dwelling units per net acre;
 - b. The number of multi-family units shall be no more than eighteen (18) dwelling units per net acre;
 - c. Secondary dwelling units shall be permissible in addition to the number of dwelling units authorized under this section. However, the total number of secondary dwelling units shall not be more than ten (10) percent of the total number of single family attached and detached units.
 - d. For each affordable housing unit provided under this section, one additional dwelling unit shall be permitted, up to a maximum fifteen (15) percent increase in dwelling units.
 - e. All residential lots shall face parks or squares whenever possible, or local streets.
 - (2) Mixed Use Areas:
 - a. The number of single-family and multi-family dwelling units permitted shall be calculated the same as above plus an additional number of units not to exceed ten percent (10%) of the amount permitted above.
 - b. All dwelling units constructed above commercial uses shall be permissible in addition to the number of dwelling units authorized under this section. However, the total number of dwelling units shall not be increased by more than ten (10) dwelling units or ten percent (10%), whichever is greater.
 - c. The amount of nonresidential development should range from a minimum of one hundred twenty-five (125) square feet of commercial floor area per residential dwelling unit to a maximum of three hundred (300) square feet of commercial floor area per dwelling unit.
 - e. No commercial building shall exceed six thousand (6000) square feet.
 - f. Civic lots shall be within or adjacent to squares or parks, or on lots terminating street vistas.
 - (3) Open Space.
 - a. At least fifteen percent (15%) or two acres, whichever is greater, of the gross acreage of the Traditional Neighborhood Development must be open space. Each Neighborhood shall have at least one moderately sized open space for

public consumption.

- b. Open space may include undeveloped areas such as steep slopes, wetlands, and storm water management areas. At least twenty-five percent (25%) of the open space must be common open space dedicated to the public for parkland.
- c. Ninety percent (90%) of the lots within the areas devoted to mixed residential uses shall be within a one-fourth ($\frac{1}{4}$) mile or five (5) minute walk from common open space.
- d. Neighborhoods along waterfronts shall provide a park or square along the waterfront.

(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.

- (1) Lot Widths. Lot widths should create a relatively symmetrical street cross section that reinforces the public space of the street as a simple, unified public space.
- (2) Front Building Setback for Mixed Use Areas. Commercial buildings should abut the sidewalk. Civic buildings have no setback requirements.
- (3) Front Building Setback for Mixed Residential Areas. Single-family detached residences shall have buildings setback in the front of fifteen (15) feet. Single-family attached residence and multi-family residences shall have a building setback in the front of twenty (20) feet.
- (4) Rear Building Setback for Rear Mixed Residential Areas. The principal building on lots devoted to single-family detached residences shall be setback no less than thirty (30) feet from the rear lot line.
- (5) Side Setbacks. Provisions for zero lot-line single-family dwelling should be made, provided that a reciprocal access easement is recorded for both lots and townhouses or other attached dwellings, provided that all dwellings have pedestrian access to the rear yard through means other than the principal structure.
- (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.

- (d) **TRANSPORTATION.** The circulation system shall provide for different forms of transportation. The circulation system will allow for functional and visual links within the residential and mixed-use areas. Aside from providing adequate traffic capacity, the circulation system shall also provide pedestrian and bicycle routes. Lot access shall be off streets with low volumes of traffic.
- (1) Pedestrian transportation. Pedestrian walkways should minimize pedestrian-motor vehicle conflicts. All sidewalks shall be buffered from a parallel roadway by a parking lane and/or an evenly spaced row of trees or shrubs.
- a. Clear and well-lighted sidewalks, three (3) to five (5) feet in width shall connect all dwelling entrances to the adjacent public walkway in residential areas.
1. Clear and well-lighted walkways, a minimum of five (5) feet in width, shall connect building entrances to the adjacent public sidewalks and to associated parking areas in mixed use areas.
 2. Sidewalks shall comply with the applicable requirements of the Americans with Disabilities Act.
 3. Intersection of sidewalks with streets shall be designed with clearly defined edges as crosswalks. Crosswalks shall be well lit and clearly marked with contrasting materials at the edge or with striping.
- (2) Bicycle transportation. Pathways for bicycle transportation shall be provided either in combination with pedestrian routes, or on streets. Bicycle paths sharing street space shall be well marked and no less than four (4) feet wide.
- (3) Motor Vehicle Transportation. Motor vehicle transportation shall be designed to minimize conflicts with pedestrians and bicycles. Traffic calming features such as queuing streets, curb extensions, traffic circles, and medians may be used to encourage slow traffic speeds. Long vistas shall be interrupted whenever possible by civic buildings or gentle curves in the road whereby slowing traffic and giving civic buildings more prominence within the community. Streets design is outlined below as well as in Table 1.1.
- a. Each street within a traditional neighborhood development shall be classified according to the following (arterial streets should not bisect traditional neighborhood developments):
1. Collector. This street provides access to commercial or mixed use buildings, but is also part of the City of Menasha's major street network. On-street parking, whether diagonal or parallel, helps slow traffic;
 2. Subcollector. This street provides primary access to individual residential properties and connects streets of lower and higher function. Design speed is 25mph;
 3. Local street. This street allows primary access to individual residential properties. Traffic volumes are relatively low with a design speed of 25mph;
 4. Alley. These streets provide secondary access to residential properties where street frontages are narrow, where the street is designed with narrow width to provide limited on-street parking, or where alley access development is desired to increase residential densities. Alleys may provide delivery access or alternate parking access to commercial properties.

Table 1.0

	Collector	Subcollector	Local Street	Alley
Average Daily Trips	750 or more	750-1500	Less than 250	Not applicable
Right-of-Way	76-88 feet	48-72 feet	35 - 50 feet	12-16 feet
Auto Travel Lanes	Two or three 12' lanes	Two 10' lanes	Two 10' lanes, or one 14' (queuing) lane	Two 8' lanes for two-way traffic, or one 12' lane for one-way traffic
Bicycle Lanes	Two 6' lanes combined with parking lanes	4' lanes with no parking or 6' lanes combined with parking	None	None
Parking	Both sides 8'	None, one, or both sides, 8'	None or one side	None
Curb and Gutter	Required	Required	Not required	
Planting Strips	Minimum 6'	Minimum 6'	Minimum 6'	None
Sidewalks	Both sides 5' minimum	Both sides 3-5 feet	Both sides, 3-5 feet	None

- (4) Street Layout. All streets shall connect to other streets; streets shall terminate only in open spaces or civic buildings. Streets should follow the natural contours of the land, and whenever possible form a grid-like pattern.
- (5) Intersection. Intersections should be at right angles whenever possible, but in no case less than 75 degrees. Low volume streets may form three-way intersections with the through street receiving the precedence.
- (6) Corner Radii. A tangential arc shall round the roadway edge at street intersections with a maximum radius of fifteen (15) feet for local streets and twenty (20) feet for intersections involving collector or arterial streets. The intersection with local streets or allies shall have radii of ten (10) feet.
- (7) Curb Cuts. Curb Cuts for private driveways shall be prohibited along arterial streets. Curb cuts shall be limited to intersections with other streets or access drives to parking areas for commercial, civic, or multi-family residential uses. Vision clearance shall be maintained at intersection, as provided by Menasha ordinance.
- (8) Parking. Parking areas for community use should be encouraged.
 - a. In a mixed-use area, a parking lot shall be located at the rear or side of a building. If located at the side, the parking shall be screened by the use of a hedge or other barrier as described in section 3.6 of this ordinance.
 - b. In a mixed-use area, a commercial use must provide one parking space for every five hundred (500) square feet of gross building area.
 - c. Parking lots or garages shall not be adjacent to or opposite a street intersection.

- d. In parking areas, one bicycle parking space shall be provided for every ten (10) motor vehicle parking spaces.
- e. Multi-family uses must provide one and one half (1.5) parking space for every dwelling unit.

(e) ARCHITECTURAL DESIGN

(1) Existing Structures

- a. Existing structures, if determined to be historic or architecturally significant, shall be protected from demolition or encroachment by incompatible structures or landscape development.
- b. Renovation or restoration of the historic or significant building shall adhere to the U.S. Secretary of the Interior's Standards for Rehabilitation of Historic Properties.

(2) New Structures

- a. New structures within a Traditional Neighborhood Development shall be no more than three (3) stories for a single-family residential, or five (5) stories for commercial, multi-family residential, or mixed-use buildings.
- b. All commercial and multi-family buildings will comply with the requirements per the C-2 zoning ordinance. The primary façade materials shall be brick or natural stone. The Plan Commission shall consider alternative building materials that are durable and of high quality. Vinyl siding, aluminum siding, enameled steel, non-decorative concrete masonry units, and glass are prohibited as primary façade materials. Secondary façade materials will likewise be durable and of high quality material pending approval of the Plan Commission.

c. Configurations

- 1. The architectural features, materials, and articulation of a façade of a building shall be continued on all sides visible from a public street.
- 2. The front façade of the principal building on any lot shall face onto a public street. The front façade shall not be oriented to face directly toward a parking lot.
- 3. Porches, pent roofs, roof overhangs, hooded front doors, or other similar architectural elements shall define the entrance to all residences.
- 4. For commercial buildings, a minimum of fifty (50) percent of the front façade on the ground floor shall be transparent, consisting of window or door openings allowing views into and out of the interior.

(3) Garages and Secondary Dwelling Units. Garages and secondary dwelling units may be placed on a single-family detached residential lot within the principal building or an accessory building provided that the secondary dwelling unit shall not exceed eight hundred (800) square feet.

(4) Exterior Signage. In mixed-use areas, all exterior signs shall be wall-mounted, or projecting signs as per the C-2 zoning ordinance. Cantilever signs shall be mounted perpendicular to the wall and shall not exceed eight (8) square feet. Awnings or overhangs may extend over the sidewalk a maximum of six (6) feet and may also be used for advertisement purposes.

(f) LIGHTING AND LANDSCAPING

(1) Exterior Lighting

- a. Street lighting shall be provided along all streets. Numerous smaller lights are preferable to fewer high intensity lights. All lights shall be placed on both sides of the street at approximate intervals of seventy-five (75) feet. Street lighting

design should comply with the minimum standards of the Illumination Engineering Society.

- b. Exterior lighting shall be directed downward in order to reduce glare onto adjacent properties.
- (2) Street Trees. There shall be a minimum of one deciduous canopy tree per thirty (30) to thirty-five (35) feet of street frontage, or fraction thereof. Whenever possible, trees shall be planted in the landscaped area of a boulevard, or between the street right-of-way and the sidewalk.
- (3) Parking Area Landscaping and Screening.
 - a. All parking and loading areas fronting public streets, or abutting residential districts, shall have a landscaped area at least five (5) feet wide along the public street or sidewalk. Screening materials may consist of trees or shrubs, or architectural features such as walls or fences no less than five (5) feet in and no more than eight (8) feet in height. The use of barbwire shall be used only in areas that are not within public view.
 - b. The corners of parking lots and all other areas not used for parking or vehicular circulation shall be landscaped. Vegetation should include grasses or other perennial flowering plants, vines, shrubs, or trees. Such space may also include architectural features such as benches, kiosks, or bicycle parking.
 - c. In large parking lots containing more than two hundred (200) spaces, an additional landscaped area of at least three hundred (300) square feet shall be provided for each twenty five (25) spaces, containing one canopy tree and additional grasses, flowers, or shrubs.
- (4) Landscaping Materials. All plant material must meet minimum standards set by the American Association of Nurserymen. Landscape species shall be indigenous and proven adaptable to the climate, but shall not be invasive species.
- (5) Maintenance of Landscaping
 - a. All landscape material shall be installed to current industry standards.
 - b. Maintenance and replacement of landscape material shall be the responsibility of the property owner. Landscape maintenance should incorporate environmentally sound management practices, such as water and energy-efficient irrigation systems.
- (g) **STORMWATER MANAGEMENT**. All designs for Traditional Neighborhood Development shall indicate a stormwater management plan. This plan should minimize off-site stormwater runoff, promote on-site filtration, and minimize the discharge of pollutants to ground and surface water. Natural topography and existing land cover should be maintained/protected to the maximum extent practicable. New development and redevelopment shall meet the following requirements:
 - (1) Untreated, direct stormwater discharges to wetlands or surface waters are not permissible except where traditional neighborhood development is established as part of a re-development of infill project.
 - (2) Post development peak discharge rates should not exceed predevelopment conditions.
 - (3) Post development patterns of stormwater runoff should approximate predevelopment conditions.
 - (4) Erosion and sediment controls must be implemented to remove eighty percent (80%) of the average annual load of total suspended solids.
 - (5) Areas for snow storage should be provided unless a satisfactory alternative plan can be devised.
 - (6) Redevelopment stormwater management systems should improve existing

- conditions and meet standards to the extent practicable.
- (7) All treatment systems or BMPs must have operation and maintenance plans to ensure that systems function as designed.

Section 4: Application Procedures and Approval Process

- (a) **APPLICATION.** Applications for a Traditional Neighborhood Development shall follow the procedures as outlined in the Site Plan Review Guide.
- (b) **AMENDMENTS TO THE APPLICATION.** Minor changes to the Specific Implementation Plan adopted by the Common Council may be approved by the Planning Department, provided that the changes do not involve:
- (1) Increases or decreases or less than ten percent (10%) in floor area of structures or number of dwelling units.
 - (2) Change in exterior building material.
 - (3) Alteration of any conditions attached or modification to the Specific Implementation Plan made by the Common Council.
- (c) **SUBDIVISION OF LAND.** If the Traditional Neighborhood Development involves the subdivision of land as defined in the City of Menasha's subdivision ordinance, the applicant shall submit all required land division documents in accordance with the requirements of the subdivision ordinance and Chapter 236 of the Wisconsin Statutes. If there is a conflict between the design standards of the subdivision ordinance and the design guidelines of this ordinance, the provisions of this ordinance shall apply.
- (d) **OWNERSHIP AND MAINTENANCE OF PUBLIC SPACE.** Provisions shall be made for the ownership and maintenance of streets, squares, parks, open space, and other public spaces in Traditional Neighborhood Development by public dedication, or other means acceptable, to the City of Menasha.

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

- (a) **INTENT.** The purpose of this district is to provide for low-density single-family residential development and to restrict the development of uses that generate high volumes of noise and traffic.
- (b) **PERMITTED USES.**
- (1) Any use permitted in the R-1 Single-Family Residence District.
- (c) **PERMITTED USES REQUIRING CONDITIONAL SITE PLAN APPROVAL.**
- (1) Utility substation.
- (d) **SPECIAL USES.**
- (1) All commercial and public radio, microwave and television towers and all private radio and television towers exceeding sixty (60) feet in height.
 - (2) Cemetery.
 - (3) Boarding or Rooming House.
 - (4) Church.
 - (5) Daycare center/ nursery school.
 - (6) Farm
 - (7) Golf Course.
 - (8) Landscape nursery or orchard provided no office or store is maintained on premises.
 - (9) Park or playground.
 - (10) Public building.
 - (11) Public library, museum, art gallery, or community center.
 - (12) Railroad rights-of-way and uses essential to their operation.

(13) School.

(14) Single-family attached dwelling.

(e) **GARAGES ACCESSORY BUILDINGS AND USES.**

(1) One (1) detached garage. Such garage may be constructed in addition to the garage space within the principal structure.

(2) One (1) accessory building.

(3) Any of the following:

a. One (1) private swimming pool.

b. One (1) private tennis court.

c. One (1) satellite antenna dish.

d. One (1) detached solar structure.

(f) **GENERAL STANDARDS.**

(1) Minimum front yard setback – Twenty (25) feet or the prevailing setback.

(2) Minimum side yard – Six (6) feet and an aggregate width on both sides of sixteen (16) feet.

(3) Minimum rear yard – Thirty (30) feet.

(4) Maximum height – Forty-five (45) feet or three (3) stories.

(5) Minimum side and rear yard of detached garages, accessory buildings and uses – Three (3) feet side yard and three (3) feet rear yard.

(6) Minimum lot size – Ten thousand (10,000) square feet.

(7) Minimum lot width – Eighty (80) feet.

(8) Parking – Refer to Article E.

(9) Roomers/Boarders – No more than two (2) boarders and/or roomers shall be kept by resident family.

(10) 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.

(11) Minimum roof pitch – All single family dwelling units constructed in this district shall have a roof pitch of 4/12 or greater.

(12) **GARAGES REQUIRED.** On all parcels where a new dwelling unit is to be constructed building plans shall make provision for an attached or detached garage meeting the minimum requirements of subsection (a) of this section. No attached garage may be converted from garage to living space unless a garage meeting the requirements of these subsections exists or is constructed on the lot.

(a) The minimum dimensions for an attached or detached garage shall be 22 feet wide and 22 feet deep accessed by a garage door not less than 16 feet

wide and 7 feet high for a single door, or two doors not less than 9 feet wide and 7 feet high.

No occupancy permit shall be granted for a newly constructed dwelling unit until final inspection of a detached garage has been completed and approved by the building inspector.

SEC. 13-1-40 GU GOVERNMENT USE DISTRICT

(a). PURPOSE.

This district is intended to apply to those lands where federal, state and city governmental activities are conducted and where governments or quasi-governmental units hold title to such lands. Any lawful governmental activity is permissible in this district.

It is not the intent to classify all lands owned by government into this district but only those lands particularly and peculiarly related to public welfare and infrastructure. It is generally intended to use this district for “community facilities” and “public facilities”.

(b). PERMITTED PRINCIPAL USES AND STRUCTURES.

- (1) Parks, parkways, golf courses, playgrounds and the like.
- (2) Preserves, arboretums and the like.
- (3) Museums, libraries, and cultural and historic exhibits and the like.
- (4) Government administrative buildings.
- (5) Public navigation and flood control facilities and installations.
- (6) Public cemeteries.
- (7) Water supply facilities and installations.
- (8) Public parking facilities.
- (9) Public docks and piers.
- (10) Public Works and Maintenance facilities.
- (11) Public Protection Buildings

(c). SPECIAL USES.

- (1) Landfills and solid waste transfer stations.
- (2) Public power generating facilities and electrical substations.
- (3) Wastewater Treatment facilities.
- (4) Commercial telecommunications facilities in accordance with Section 13-1-81.
- (5) Public Schools, Colleges and Universities.

(d). PERMITTED ACCESSORY USES AND STRUCTURES.

Uses and structures which are customarily accessory and clearly incidental and subordinate to permitted and permissible uses and structures. (There shall be no height limitation for security fencing).

(e). STANDARDS

- (1) 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.

(f) SIGNS

No signs intended to be read from off the premises shall be permitted except identification, information or directional signs erected by public or quasi-public bodies in connection with permitted and permissible principal or accessory uses or for other public purposes.