



VILLAGE PLAN COMMISSION AGENDA

Tuesday, August 19, 2025, at 5:00pm
Rick J. Hermus Council Chambers
515 W. Kimberly Ave.
Kimberly, WI 54136

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1. Call to Order
 2. Roll Call
 3. Moment of Silent Reflection, Pledge of Allegiance
 4. Approval of July 15, 2025, Meeting Minutes
 5. Public Hearing
 - a. Public Hearing Ordinance No. 5, Series 2025 Amending Chapter 525, Zoning Code of the Village of Kimberly Municipal Code related to Accessory Structures
 6. Unfinished Business for Consideration or Action
 - a. None
 7. New Business for Consideration or Action
 - a. Ordinance No. 5, Series 2025 Amending Chapter 525, Zoning Code of the Village of Kimberly Municipal Code related to Accessory Structures
 8. Adjournment

Plan Commission

Please join my meeting from your computer, tablet or smartphone.

<https://meet.goto.com/894788813>

You can also dial in using your phone.

Access Code: 894-788-813

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Any person wishing to attend the meeting who because of their disability is unable to attend, is requested to contact the ADA Coordinator at 920-788-7500 at least 48 hours prior to the meeting so that reasonable accommodations may be made.

**VILLAGE OF KIMBERLY
PLAN COMMISSION MINUTES
07/15/2025**

A meeting of the Village Kimberly Plan Commission was called to order on Tuesday, July 15, 2025, at 5:00pm in the Rick J. Hermus Council Chambers, 515 W. Kimberly Ave, by President Kuen.

Commissioners Present: President Chuck Kuen, Commissioners: Norb Karner, Michael Robach, Jeremy Freund, Nancy Bourassa, Dave Vander Velden and Todd Schneider

Commissioners Excused: None

Staff Present: Deputy Clerk Erica Ziegert, Administrator/Director of Public Works Danielle Block & Community Development Director Sam Schroeder

Approval of Minutes from the 06-17-2025 Meeting

Commissioner Karner moved, Commissioner Vander Velden seconded the motion to approve. Motion carried by unanimous vote.

Public Hearing

Commissioner Vander Velden moved, Commissioner Freund seconded the motion to convene to a public hearing. Motion carried by unanimous vote at 5:01pm.

With no comments brought forward, President Kuen called for a motion to close the hearing.

Commissioner Karner moved, Commissioner Vander Velden seconded the motion to close the Public Hearing and reconvene into the regular meeting. The motion carried by unanimous vote at 5:02pm.

Unfinished Business

None

New Business

Preservation of Topography Exception – 310 Rivers Edge Drive

Commissioner Karner moved, Commissioner Schneider seconded the motion to approve the preservation of topography exception for 310 Rivers Edge Dr as presented. Motion carried by unanimous vote.

Site & Architectural Review – Gathering Hub – 728 Schelfhout Ln

Commissioner Karner moved, Commissioner Vander Velden seconded the motion to approve the site plan and architectural components for Gathering Hub located at 728 Schelfhout Ln as presented, contingent upon the following: 1. A letter from MSA or the Fire Department is provided accepting a reduced occupancy shall be provided. 2. Occupancy shall be reduced to 200 (37 on-site stalls plus half of the 7 shared stalls divided by 20% similar to Community Center Use) or an official agreement acceptable to the Village staff shall be provided with a neighboring property for a minimum of 10 parking stalls at 250 occupancy load or more if exception is not granted in order to meet the max occupancy load. 3. Noise dampening materials shall be

considered in the buildout of the interior as well as the landscaping along the western property line shall be maintained. 4. Any outdoor lighting improvements shall be full cut off and meet code. Motion carried by unanimous vote.

Ordinance No. 2, Series 2025 Amending Chapter 525, Zoning Code of the Village of Kimberly Municipal Code related to Referenced Fees

Commissioner Vander Velden moved, Commissioner Karner seconded the motion to approve Ordinance No. 2, Series 2025 Amending Chapter 525, Zoning Code of the Village of Kimberly Municipal Code related to Referenced Fees. Motion carried by unanimous vote.

Ordinance No. 3, Series 2025 Amending Chapter 514, Subdivision Code of the Village of Kimberly Municipal Code related to Referenced Fees

Commissioner Vander Velden moved, Commissioner Karner seconded the motion to approve Ordinance No. 3, Series 2025 Amending Chapter 514, Subdivision Code of the Village of Kimberly Municipal Code related to Referenced Fees. Motion carried by unanimous vote.

Adjournment

Commissioner Freund moved, Commissioner Karner seconded the motion to adjourn. Motion carried by unanimous vote at 5:13pm.

Erica Ziegert
Deputy Clerk
Dated 07/16/2025



VILLAGE OF KIMBERLY

515 W. Kimberly Avenue

Kimberly, WI 54136

THE VILLAGE OF KIMBERLY NOTICE OF PUBLIC HEARING

TAKE NOTICE that the Village Board of the Village of Kimberly, Wisconsin (the “Board”) will hold a public hearing on a proposed text amendment to the Zoning Code, Chapter 525 of the Municipal Ordinance pertaining to Accessory Uses and Structures. The Board will be considering the amendment following a public hearing on Monday, August 25, 2025, at 5:00pm or shortly thereafter. An informal hearing will be considered as well at the Village Plan Commission meeting on Tuesday, August 19, 2025, at 5:00pm or shortly thereafter. Both hearings will take place at the Kimberly Municipal Complex, 515 W Kimberly Avenue, Kimberly, Wisconsin in the Council Chambers. Persons interested in this matter will be given an opportunity to comment and ask questions about the proposed determination.

THE VILLAGE OF KIMBERLY, WISCONSIN

Published: July 30th and August 6th, 2025



Village of Kimberly Request for Plan Commission Recommendation

ITEM DESCRIPTION: Ordinance No. 5, Series 2025, an Ordinance Amending Chapter 525, Zoning Code of the Village of Kimberly Municipal Code related to Accessory Structures.

REPORT PREPARED BY: Sam Schroeder, Community Development Director

REPORT DATE: August 19, 2025

EXPLANATION: In 2021, the Village updated several sections of code within the Zoning Code to better reflect the intent and/or desires of the community. With different administration interpreting the code and new projects being requested for the 2025 building season, staff brought forward a discussion of the ordinances related to accessory structures in May to ensure these interpretations and desires were consistent.

Based upon the feedback, attached herein is the drafted Ordinance No. 5, Series 2025, amending Sections 525-93 and 134. The proposed changes are as follows:

1. Section 525-93B.(1) – clarify that an attached garage and detached garage are both permitted on a single family and two-family property. The 2021 revision read as only an attached or detached garage were permitted, but not both. Historically there are several properties in the Village that have both.
2. Section 525-93B.(3) – removes the 1,400 square foot maximum of an attached garage and solely restricts the size of the garage to the footprint of the home. The footprint would be considered the first level of the home, with the exception of any living space above an attached garage.
3. Section 525-93B.(4) – similar to above, this section removes the 1,400 square foot maximum of a detached garage. All detached accessory structures including detached garages and utility sheds (less than 150SF) shall combined not exceed the footprint of the home as well as not exceed 30% of the rear yard.
4. Section 525-93B.(5) – is the same as numeral 3 above.
5. Section 525-134 – modifies the definition of Utility Structure to remove the reference to “gazebos”. With a simple landscape feature such as gazebos being listed in the definition, this would restrict an individual from having a gazebo on the property or a pergola over a patio as this would count towards the one allowed utility structure. In this instance someone that had a gazebo would not be allowed a shed.

RECOMMENDED ACTION: Staff recommends the Plan Commission approve Ordinance No. 5, Series 2025, an Ordinance amending Chapter 525 of the Zoning Code of the Village of Kimberly Municipal Code related to accessory structures.

**VILLAGE OF KIMBERLY
OUTAGAMIE COUNTY, WISCONSIN
ORDINANCE NUMBER 5, SERIES OF 2025**

**AN ORDINANCE AMENDING CHAPTER 525, ZONING CODE OF THE VILLAGE OF
KIMBERLY MUNICIPAL CODE RELATED TO ACCESSORY STRUCTURES**

BE IT ORDAINED by the Village Board of Trustees, Village of Kimberly, Outagamie County, Wisconsin as follows:

Section 1. Paragraph B, Section 525-93, Accessory Uses and Structures, ARTICLE XI, Chapter 525 of Municipal Code, is hereby amended and read as follows:

- B. Placement restrictions in residential districts and for residential uses in nonresidential districts. Accessory uses or structures and utility structures may be established, subject to the following regulations:
- (1) Accessory and utility structure number limits.
 - (a) Single-family dwellings: One attached garage, one detached garage ~~or accessory structure~~, and one utility structure.
 - (b) Two-family dwellings: One attached garage per dwelling unit, one detached garage ~~or accessory structure~~ per dwelling unit, and one utility structure per dwelling unit.
 - (2) Temporary structure and children's play structure limits. Temporary structures and children's play structures, regardless of materials or type of construction shall comply with the following:
 - (a) Must be less than 150 square feet;
 - (b) Shall not exceed 12 feet in height;
 - (c) Meet all zoning district setback requirements;
 - (d) Be in good working condition and visually pleasing to the eye;
 - (e) Shall not occupy any portion of the required front, street, or side yards;
 - (f) Temporary structures and children's play structures, including detached accessory structures, taken in total shall not occupy more than 30% of the required rear yard;
 - (g) Shall maintain a minimum of three feet to any other building or lot line;
 - (h) Temporary structures are limited to seven continuous calendar days of use and shall not exceed 30 days of use per calendar year;
 - (i) No more than one children's play structure is allowed per parcel, except a two family dwelling is allowed one per dwelling;
 - (j) No more than one temporary structure is allowed on any parcel;
 - (k) Temporary structures outside of these requirements may be allowed with an administrative permit, issued by the Zoning Administrator, and subject to conditions established by the Zoning Administrator.
 - (l) Children's play structures shall not be used for storage;
 - (m) Temporary structures and children's play structures shall not be constructed out of materials that would constitute a nuisance.

- (3) Attached accessory structures. All accessory structures which are attached to the principal building shall comply with the following:
- (a) Meet the setback requirements required of the principal building;
 - ~~(b) Structure area shall be the lesser of:~~
 - ~~[1] One thousand four hundred square feet;~~
 - [2](b) Attached accessory structures shall not exceed the footprint square footage of the principal use areas of the principal building; For the purpose of this Section, any living space above the attached garage shall be counted towards the footprint square footage of the principal use area.
 - (c) The height of an attached accessory building shall not exceed the height of the principal building.
- (4) Detached accessory and utility structures in rear yard. All detached accessory and utility structures shall comply with the following:
- (a) Shall not occupy any portion of the required front, street, or side yards.
 - (b) Maintain a minimum three-foot setback to the side and rear property lines;
 - (c) Shall not be located within three feet of any other principal or accessory building or lot line;
 - (d) Shall be less than 15 feet in height;
 - (e) Shall not exceed the height of the principal building;
 - (f) Detached accessory ~~structure area shall not exceed 1,400 square feet; and utility structures shall not exceed the footprint square footage of the principal use areas of the principal building.~~
 - (g) Detached accessory and utility structures, including temporary structures, taken in total shall not occupy more than 30% of the required rear yard.
- (5) Detached accessory and utility structures on corner lots. All detached accessory and utility structures shall comply with the following:
- (a) Front yard and side street (front yard) setbacks: The greater of 25 feet or the same as the principal structure;
 - (b) Side and rear yard setbacks: three-foot minimum setback;
 - (c) Setback to other accessory and utility structures: three-foot minimum setback;
 - (d) Shall be less than 15 feet in height;
 - (e) Shall not exceed the height of the principal building;
 - ~~(f) Detached accessory structure area shall be the lesser of:~~
 - ~~[1] One thousand four hundred square feet;~~
 - [2](f) Detached accessory structures shall not exceed the footprint square footage of the principal use areas of the principal building.
 - (g) Detached accessory and utility structures, including temporary structures, taken in total shall not occupy more than 30% of the ~~yard in which said structures are located; required rear yard.~~

Section 2. "Utility Structure" as defined under, Section 525-134, Definitions and Word Usage, ARTICLE XVI, Chapter 525 of Municipal Code, is hereby amended and read as follows:

UTILITY STRUCTURE

An uninhabited, subordinate structure, not exceeding 150 square feet, not attached to the principal structure or a detached accessory structure, the use of which is

incidental to and customary in conjunction with the principal use of the property, e.g., storage of lawn and garden equipment, ~~gazebo~~, potting shed, she shed, etc.

Section 3. Severability. The provisions of this Ordinance are declared to be severable, and if any provision of this ordinance is held to be invalid or unconstitutional, or if the application of this ordinance to any person or circumstances is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect any remaining provision or applications of this ordinances.

Section 4. Effective Date. This Ordinance shall take effect upon passage and publication as provided by law.

Date introduced, approved and adopted: August 25, 2025.

VILLAGE OF KIMBERLY

Charles A. Kuen, Village President

Jennifer Weyenberg, Village Clerk