



VILLAGE PLAN COMMISSION AGENDA

Tuesday, September 16, 2025, at 5:00pm
Rick J. Hermus Council Chambers
515 W. Kimberly Ave.
Kimberly, WI 54136

-
1. Call to Order
 2. Roll Call
 3. Moment of Silent Reflection, Pledge of Allegiance
 4. Approval of August 19, 2025, Meeting Minutes
 5. Public Hearing
 - a. Public Hearing Ordinance No. 7, Series 2025 Amending Chapter 525, Zoning Code of the Village of Kimberly Municipal Code related to Parking and Driveways
 6. Unfinished Business for Consideration or Action
 - a. None
 7. New Business for Consideration or Action
 - a. Site & Architectural Review – Freedom Fellowship Church – 724 S Railroad Street
 - b. Ordinance No. 7, Series 2025 Amending Chapter 525, Zoning Code of the Village of Kimberly Municipal Code related to Parking and Driveways
 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

United States (Toll Free): [1 866 899 4679](tel:18668994679)

United States: [+1 \(571\) 317-3116](tel:+15713173116)

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
08/19/2025**

A meeting of the Village Kimberly Plan Commission was called to order on Tuesday, August 19, 2025, at 5:00pm in the Rick J. Hermus Council Chambers, 515 W. Kimberly Ave, by Commissioner Vander Velden .

Commissioners Present: Commissioners: Michael Robach, Nancy Bourassa, Dave Vander Velden and Todd Schneider
Commissioners Excused: President Chuck Kuen and Commissioners Norb Karner and Jeremy Freund
Staff Present: Deputy Clerk Erica Ziegert, Administrator/Director of Public Works Danielle Block & Community Development Director Sam Schroeder

Approval of Minutes from the 07-15-2025 Meeting

Commissioner Schneider moved, Commissioner Robach seconded the motion to approve. Motion carried by unanimous vote.

Public Hearing

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

With no comments brought forward, Commissioner Vander Velden called for a motion to close the hearing.

Commissioner Bourassa moved, Commissioner Robach seconded the motion to close the Public Hearing and reconvene into the regular meeting. The motion carried by unanimous vote at 5:03pm.

Unfinished Business

None

New Business

Ordinance No. 5, Series 2025 Amending Chapter 525, Zoning Code of the Village of Kimberly Municipal Code related to Referenced Fees

Commissioner Schneider moved, Commissioner Robach seconded the motion to approve Ordinance No. 5, Series 2025 Amending Chapter 525, Zoning Code of the Village of Kimberly Municipal Code related to Accessory Structures. Motion carried by unanimous vote.

Adjournment

Commissioner Schneider moved, Commissioner Robach seconded the motion to adjourn. Motion carried by unanimous vote at 5:07pm.

Erica Ziegert
Deputy Clerk
Dated 08/20/2025



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 Parking and Driveways. The Board will be considering the amendment following a public hearing on Monday, September 22, 2025, at 5:00pm or shortly thereafter. An informal hearing will be considered as well at the Village Plan Commission meeting on Tuesday, September 16, 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: August 27th and September 3rd, 2025



Village of Kimberly Request for Plan Commission Recommendation

ITEM DESCRIPTION: Site & Architectural Review – Freedom Fellowship Church located at 724 S Railroad Street

REPORT PREPARED BY: Sam Schroeder, Community Development Director

REPORT DATE: September 16, 2025

EXPLANATION: MJI Building Services on behalf of Freedom Fellowship Church has submitted a site review application to convert the former Rusch's Bowling Alley at 724 S Railroad Street into a church and place of religious assembly. The building has been marketed for lease and/or sale for some time. The Applicant currently operates Freedom Fellowship Church in a facility they own and have outgrown in Kaukauna. Freedom Fellowship currently has an accepted offer on the property and has not yet closed.

The property totals 1.85 acres, zoned B-1, general business district. The building was constructed in 1970 and totals 13,546 square feet.

Upon acquisition and approval, according to the application, plans and narrative, the Applicant would look to transform the exterior and interior of the facility as its principal location including painting the entire exterior, improving the front façade, adding two large windows to the front and the back, and remodeling the entire interior which includes a large worship center, classrooms, kitchen, gathering hall, offices, and a 2-hour fire wall.

The Applicant also has plans to discuss future parking with the neighboring property to the south in the future. Nothing is agreed upon at this time.

Attached to this staff report includes:

1. Site Plan Review Application
2. Project Description
3. Plan Drawings

Scope of Project – Reference Project Description and Plans for additional insight.

1. 13,546 square foot church and religious assembly facility including a new 2-hour fire wall
2. Improved exterior – paint the existing façade and enhance the front entrance.
3. 61 total parking stalls – gravel in the rear to remain
4. Existing fencing/jersey barriers to remain
5. Add landscaping to the front of the building and landscape islands at the front entrances of the parking lot.

Staff has completed a review of the site for compliance with the Kimberly Municipal Code whereas the proposed project substantially meets code and notes the following:

1. **Outdoor Use.** There has been no indication of outdoor use of the property. Any on-going or consistent use of the area west of the building shall be further reviewed by the Village of Kimberly to ensure proper buffer and screening from the residential development.

2. **Accessory Structure.** The site plan does call for a small shed to be added to the property, location to be determined. Any future placement and development shall meet ordinance and a separate building permit application shall be submitted.
3. **Fire and Emergency Access.** The Village Fire Department has reviewed the proposed plans and noted that the three northern most parking stalls on the east side of the building will need to be removed or striped accordingly to avoid parking within the fire lane. The Fire Department also recommended removing all of the parking stalls west of the building to provide access to the rear of the building in case of a fire. They had noted without specifications on the gravel or this area being hard surfaced, the Fire Department would not maneuver a fire truck beyond the asphalt. These stalls are noted as being removed on the plan set.
4. **Lighting.** The Applicant has noted no change to the existing lighting with just a change of light bulbs. These existing fixtures have an exposed bulb, are in close proximity to residential and have the potential of exceeding the maximum footcandles at the property line. Due to the concerns of the proximity to residential staff is proposing new full cutoff fixtures shall be installed and meet the requirements of the Village Ordinance.
5. **Parking/Landscaping.** The proposed landscaping plan is a great improvement as to what is currently on the premise. At this point nothing is finalized between the Applicant and the neighboring property to the south. However, should future access be provided, further review by the Village and a cross-access easement would be required.
6. **Dumpster.** The proposed plans do not indicate any location for exterior refuse. Staff recommends that any dumpster pad or refuse location be located in the rear of the building and not visible to offsite view.
7. **Building Inspections and Approvals.** Building plan review and inspections will be completed by the Village of Kimberly. All necessary permits shall be applied for prior to additional work being done.

RECOMMENDED ACTION: Staff recommends approval of the site plan and architectural components for Freedom Fellowship Church located at 724 S Railroad Street as presented, contingent upon the following:

1. Parking is not permitted in the grass or gravel areas in the rear of the building. Any expanded parking beyond paving the gravel area for traffic flow, would require additional review. Furthermore, any future access between 724 S Railroad Street and the property to the south shall require review by the Village of Kimberly.
2. New outdoor lighting shall be installed within six months of occupancy and shall be full cutoff and meet Village ordinances.
3. Any future accessory structures shall meet ordinance and shall be submitted to the Village of Kimberly for approval.
4. Any dumpster or refuse shall be enclosed and out of view from off premise and shall be located in the rear of the building.



VILLAGE OF KIMBERLY
Site Review Application

Submit to:

Planning & Zoning
515 W. Kimberly Ave.
Kimberly WI 54136
920-788-7500

Applicant Information

Petitioner: MJJ BUILDING SERVICES LLC / Tim Carlson

Date: August 25, 2025

Petitioner Address: 620 N Lynndale Dr | Suite 110 City: Appleton State: WI Zip: 54914

Telephone #: (920) 422-5791 Fax: () email: tim@buildwithmji.com

Status of Petitioner (please check one): ☐ Owner ☒ Representative ☐ Tenant ☐ Prospective Buyer

Petitioner's Signature (required):

Owner Information

Owner(s): RUSCHS KIMBERLY BOWL INC / Tim Rusch

Date: March 25, 2025

Owner(s) Address: PO Box 157 City: Kimberly State: WI Zip: 54136

Telephone #: (920) 788-9338 Fax: () email:

Ownership Status (please check one): ☐ Individual ☐ Trust ☐ Partnership ☒ Corporation

Property Owner Consent (required):

By signature hereon, I/We acknowledge that Village officials and/or employees may, in the performance of their functions and duties, enter upon the property to inspect or gather other information necessary to process this application. I also understand that all meeting dates are tentative and may be postponed by the Village for incomplete submissions or other administrative reasons.

Property Owner's Signature:

Date:

8/15/25

Site Information

Address/Location of Proposed Project: 724 S RAILROAD STREET

Zoning: B-1

Proposed Project or Use: CHURCH / PLACE OF RELIGIOUS ASSEMBLY

Current or last Use of Property: BOWLING ALLEY (Indoor Recreational)

Land Uses Surrounding this Address: North: B-1 / 2-FAMILY RESIDENTIAL

South: B-1 / COMMERCIAL (BAR)

East: R-5 / MULTI-FAMILY RESIDENTIAL

West: R-2 / SINGLE-FAMILY RESIDENTIAL

- It is recommended that the applicant meet with Village Department staff prior to submittal to review the project and submitted materials.
- Application Fees must be submitted with the application.



"Where the Spirit of the Lord is, there is freedom." - 2 Corinthians 3:17

Lead Pastor: Pastor Landon Churchill - 112 Main Ave, Kaukauna, WI 54130

ComeToFreedom.com

SITE PLAN REVIEW – OWNER NARRATIVE

The existing property has been a Bowling Alley (Indoor Recreation Use) for 45 years and the new use will be a Church and Place of Religious Assembly.

For this project, we will be adding landscaping and landscaping islands on the east side of the parking lot adjacent to the sidewalk, painting the existing building siding and brick that will complement Tanners Grille and Bar adjacent and adding a large window at the building peak with a new wall-mounted decorative canopy close to the entrance after removing the existing tunnel entrance canopy. The existing exterior lighting will not change.

Freedom Fellowship will not affect neighboring properties as far as noise, glare, odor, fumes or vibrations and will not have any outdoor storage.

The hours of operation are proposed to be 8am to 6:30pm.

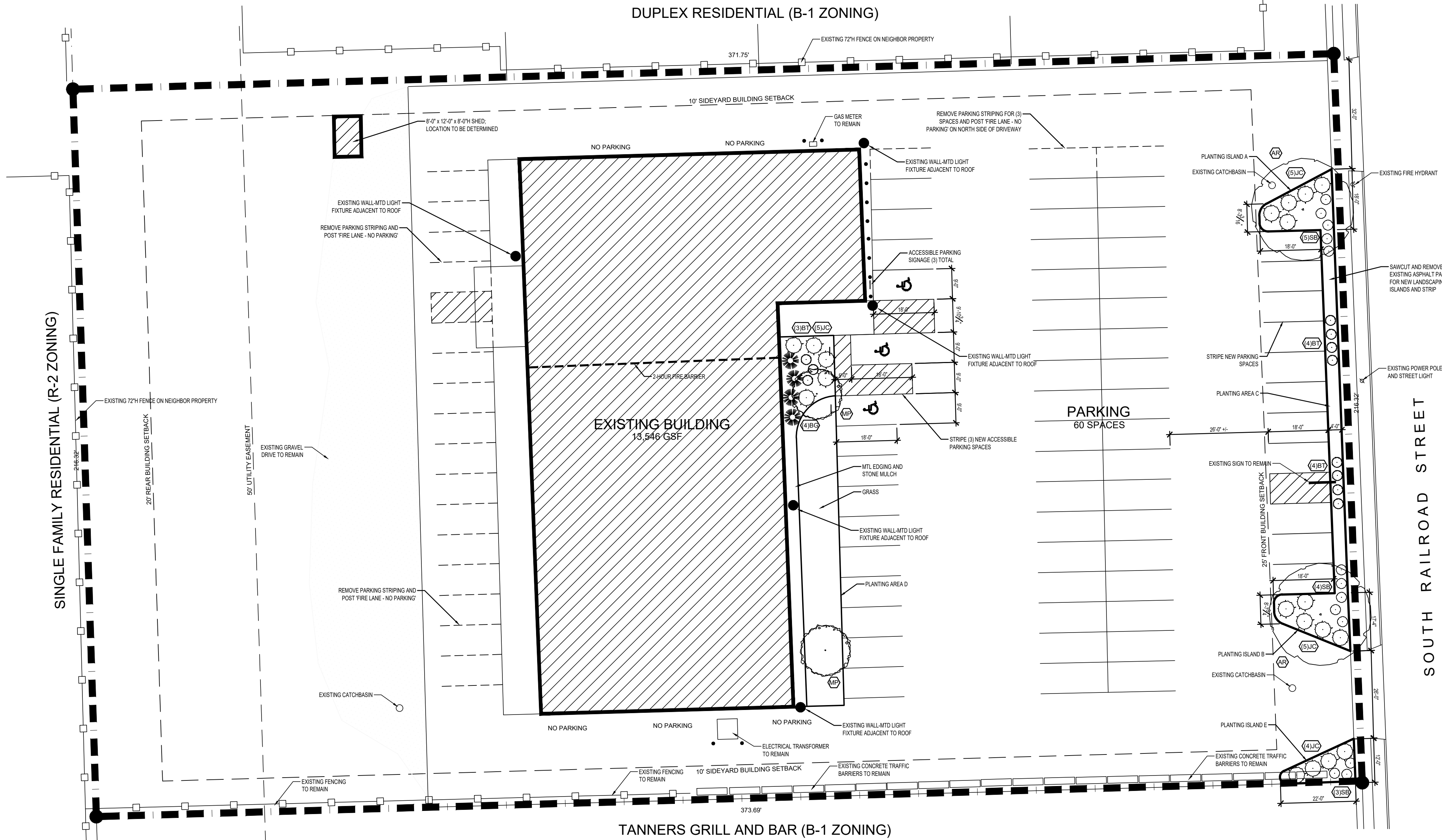
Traffic generated by Freedom Fellowship will be heaviest Sunday mornings 9am to noon, moderate (25-35 cars) Sunday evenings 5pm to 8:00pm, but significantly less in between those times.

A Church is a compatible use with adjacent residential and other properties in the area, being located along a prime street such as South Railroad Street near the corner of West Kennedy Avenue, another prime Village Street.

Freedom Fellowship is an exciting opportunity to bring a vibrant, Christ-centered gathering place to the heart of the Village of Kimberly. Our vision is to be more than a church building; we aim to be a hub of encouragement, service, and hope for the entire community.

Through worship services, family activities, community outreach events, and practical acts of service, we seek to strengthen the social and spiritual fabric of the area. Our programs will provide opportunities for people of all ages to connect, grow, and find support, whether through children's activities, youth mentorship, community meals, counseling services, or volunteer projects.

The leadership team is committed to working hand-in-hand with local leaders, schools, and organizations to meet community needs, promote positive values, and contribute to the well-being of Kimberly residents. We believe that Freedom Fellowship will enrich the community by fostering unity, encouraging healthy relationships, and providing a safe and welcoming space for all.



LANDSCAPE SCHEDULE						
		MARK	COMMON NAME botanical name	SIZE		QUANTITY
				INITIAL	MATURE	
DECIDUOUS TREES	TALL / SHADE	AR	RED MAPLE acer rubrum	1-1/4"	40'x20'	2
EVERGREEN	LOW	MP	PRAIRIE FIRE CRAB malus x 'prairie fire'	1-1/4"	15'x10'	2
DECIDUOUS	SHRUBS	BG	GREEN VELVET BOXWOOD, buxus x 'green velvet'	12"x12"	30"x30"	4
		JC	SARGENT GREEN JUNIPER juniperus chinensis 'sargent green'	12"x12"	12"x48"	19
DECIDUOUS	SHRUBS	SB	GOLDFLAME SPIREA spirea x bumalda 'Goldflame'	12"	30"x30"	13
		BT	CRIMSON PYGMY BARBERRY berberis thunbergii 'atropurpurea nana'	12"	24"x36"	11

STONE PLANTING BED
(AT PLANTING ISLANDS, ADJACENT TO SIDEWALK &
(36"W AT EAST FOUNDATION PLANTING)

ZONING DATA

CURRENT ZONING DISTRICT:

B-1 (GENERAL BUSINESS DISTRICT)

SITE/PROJECT INFORMATION

PROPERTY ADDRESS:
725 S RAILROAD STREET
KIMBERLY, WI 54136

PARCEL NUMBER: 095018

SITE PLAN

Front Yard Setback = 25 Feet
Rear Yard Setback = 20 Feet
Side Yard Setback = 10 Feet

Maximum Height = 45 Feet

LOT AREA = 80,586 SF (1.85 AC)

PARKING REQUIREMENTS

CHURCHES AND OTHER PLACES OF RELIGIOUS ASSEMBLY

Parking Spaces Required: 1 Space for every 5 seats.

57 PARKING SPACES REQUIRED

60 TOTAL PARKING SPACES PROVIDED

OWNER:

RUSCHS KIMBERLY BOWL INC
P.O. BOX 157
KIMBERLY, WI 54136
ATTN: TIM RUSCH
(920) 788-9338

APPLICANT:

MJI BUILDING SERVICES LLC
620 N LYNNDALE DR - SUITE 110
APPLETON, WI 54914
ATTN: TIM CARLSON AIA, NCARB
(920) 422-5791
tim@buildwithmji.com



MJI BUILDING SERVICES

620 N Lyndale Drive, Suite 110
Appleton, WI 54914
Phone: 920.462.4382
www.buildwithmji.com

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DRAWN: TGC	REVISIONS	1	2	3	4	5	6	7	8

INTERIOR / EXTERIOR ALTERATIONS FREEDOM FELLOWSHIP

724 RAILROAD ST | KIMBERLY, WISCONSIN

DATE	PROJECT NUMBER	CHECKED	MJI
25 AUGUST 2025	25-044	DRAWN	TGC

LANDSCAPING
PLAN AND SCHEDULE

L1.1

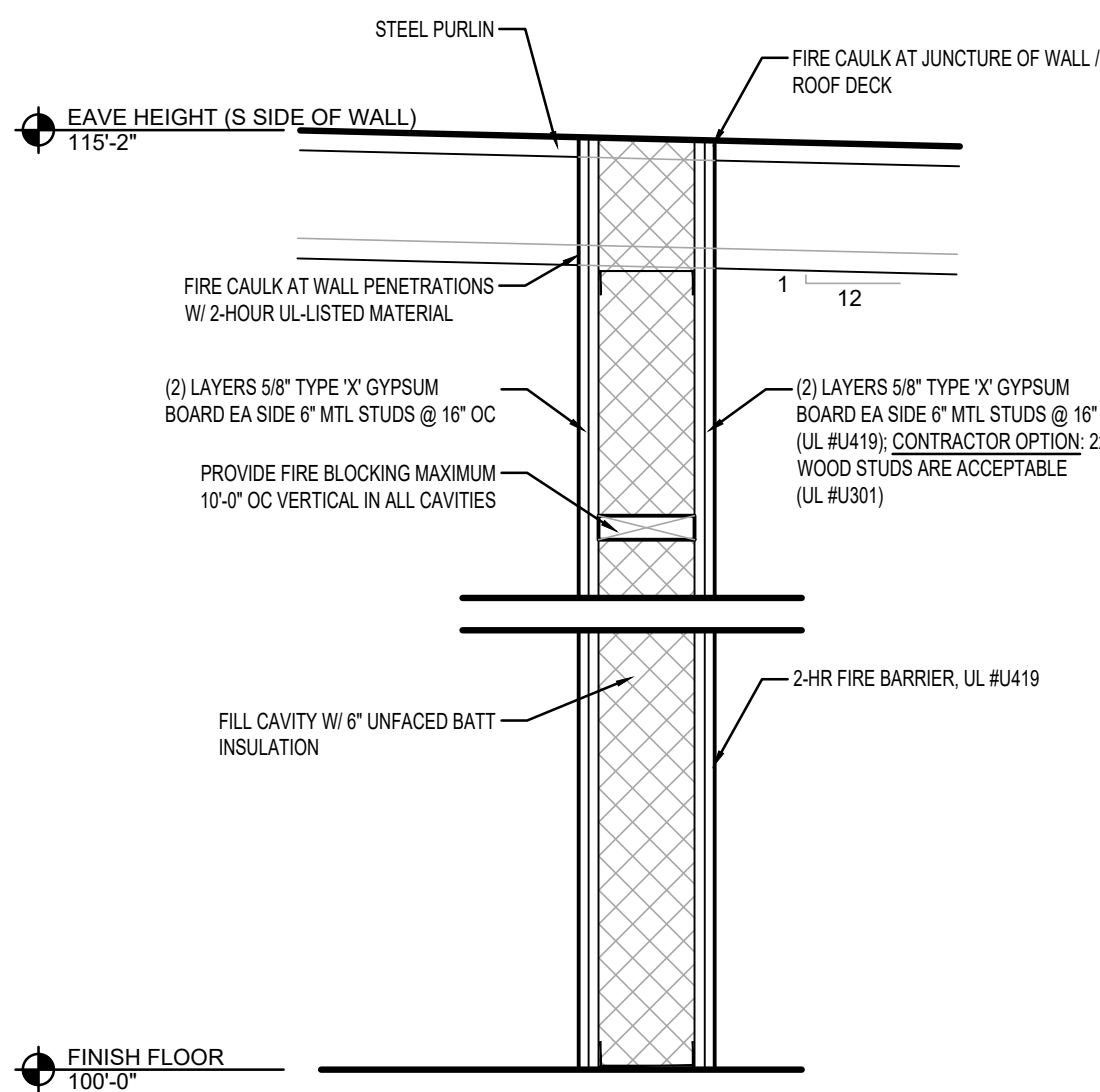
UL #U301 - 2 HR FIRE-RATED: (WOOD FRAMING)

1. NAILHEADS - EXPOSED OR COVERED WITH JOINT FINISHER.
2. JOINTS - EXPOSED OR COVERED WITH FIBER TAPE AND JOINT FINISHER.
3. NAILS - 6d CEMENT COATED NAILS 1-7/8 IN. LONG, 0.93 IN. SHANK DIA., 1/4 IN. DIAM HEADS, AND 8d CEMENT COATED NAILS 2-3/8 IN. LONG, 0.11 IN. SHANK DIA., 0.92 IN. DIAM HEADS.
4. WALLBOARD, GYPSUM - 5/8 IN. THICK, TWO LAYERS APPLIED EITHER HORIZONTALLY OR VERTICALLY. INNER LAYER AT 16" ON CENTER, STUDS IN 11 1/2 IN. SHANK NAILS SPACED 8 IN. OC. OUTER LAYER ATTACHED TO STUDS OVER INNER LAYER WITH THE 2-3/8 IN. LONG NAILS SPACED 8 IN. OC. VERTICAL JOINTS LOCATED OVER STUDS. ALL JOINTS IN FACE LAYERS STAGGERED WITH JOINTS IN BASE LAYERS. JOINTS OF EACH BASE LAYER OFFSET WITH JOINTS IN BASE LAYER ABOVE.

UL #419 - 2 HR FIRE-RATED: (STEEL FRAMING)

1. FLOOR AND CEILING RUNNERS - CHANNEL SHAPED, FABRICATED FROM MIN 25 MSG CORROSION-PROTECTED STEEL, MIN WIDTH TO ACCOMMODATE STUD SIZE, WITH MIN 1 IN. LONG LEGS, ATTACHED TO FLOOR AND CEILING WITH FASTENERS - 24 IN. OC MAX.
2. STEEL STUDS - CHANNEL SHAPED, FABRICATED FROM MIN 25 MSG CORROSION-PROTECTED STEEL, MIN WIDTH (2-HOUR) 1-5/8 IN. WITH MIN 1-1/4 IN. FLANGES AND 1/4 IN. RETURN, SPACED A MAX OF 24 IN. OC. STUDS TO BE 3/8 TO 3/4 IN. LESS THAN ASSEMBLY HEIGHT.
3. BATTIS AND BLANKETS (OPTIONAL) - MINERAL WOOL BATTIS, FRICTION FITTED BETWEEN STUDS AND RUNNERS.
4. WALL BOARD, GYPSUM - GYPSUM PANELS WITH BEVELLED, SQUARE OR TAPERED EDGES, APPLIED VERTICALLY OR HORIZONTALLY - VERTICAL JOINTS CENTERED OVER STUDS AND STAGGERED ONE STUD CAVITY ON OPPOSITE SIDES OF STUDS, VERTICAL JOINTS IN ADJACENT LAYERS (MULTILAYER SYSTEMS) STAGGERED ONE STUD CAVITY HORIZONTAL EDGE JOINTS AND HORIZONTAL BUTT JOINTS ON OPPOSITE SIDES OF STUDS STAGGERED A MIN OF 12 IN. HORIZONTAL HORIZONTAL BUTT JOINTS IN ADJACENT LAYERS (MULTILAYER SYSTEMS) STAGGERED A MIN OF 12 IN. THICKNESS AND NUMBER OF GYPSUM FOR 2 R HR RATIOS AS FOLLOWS:

2 HR 1 - 5/8 MIN STUD DEPTH | 2 LAYERS, 5/8 IN THICK GYPSUM PANELS | OPTIONAL INSULATION
5. FASTENERS - TYPE S OR S-12 SELF-DRILLING, SELF-TAPPING STEEL SCREWS USED TO ATTACH PANELS TO STUDS OR FURRING CHANNELS - TWO LAYER SYSTEM: FIRST LAYER - 1 IN. LONG FOR 5/8 IN. THICK PANELS SPACED 16 IN. OC. SECOND LAYER - 1-5/8 IN. LONG FOR 5/8 IN. THICK PANELS SPACED 16 IN. OC. WITH SCREWS OFFSET 8 IN. FROM FIRST LAYER.
6. FURRING CHANNELS - NOT USED.
7. JOINT TAPE AND COMPOUND - VINYL OR CASEIN, DRY OR PREMIXED JOINT COMPOUND APPLIED IN TWO COATS TO JOINTS AND SCREW HEADS OF OUTER LAYERS.
8. SIDING, BRICK OR STUCCO - NOT USED.
9. CAULKING AND SEALANTS (OPTIONAL) - A BEAD OF ACOUSTICAL SEALANT APPLIED AROUND THE PARTITION PERIMETER FOR SOUND CONTROL.



EXISTING EAVE HEIGHT: 114'-0"
EAVE AT PEAK: 119'-0"
EXISTING ROOF PITCH: 1:12

- ① 36" x 36" CLEAR INSIDE DIMENSION A.D.A. ACCESSIBLE "TRANSFER TYPE" SHOWER STALL WITH WALL MOUNTED SEAT. SEE SHEET A4.1.
- ② EXACT STU LOCATIONS MAY VARY. LOCATE NEW WINDOW IN SPACE NEAREST TO THAT SHOWN.
- ③ PROVIDE 20" x 30" ATTIC ACCESS PANEL IN CEILING. FINISH AND PAINT TO MATCH CEILING.
- ④ TYPICAL AT EXTERIOR WALL; GROUT AND/OR SMOOTH OUT TOP SURFACE OF FOUNDATION WALL TO CREATE CONSISTENT SURFACE WITH INTERIOR SLAB. PREP TO RECEIVE CONCRETE STAIN. MAINTAIN JOINT BETWEEN BOTH EXISTING POURS.
- ⑤ NEW 5'-0" x 6'-6" CONCRETE STOOP. SEE 2/A3.2.
- ⑥ NEW 5'-0" x 5'-0" CONCRETE STOOP. SIMILAR TO 2/A3.2.
- ⑦ EXPOSED FRAMING, NO INSULATION REQUIRED.
- ⑧ FURR OUT AS REQUIRED TO MATCH DEPTH OF EXISTING ADJACENT.
- ⑨ FURNISH AND INSTALL FIRE EXTINGUISHER IN SEMI-RECESSED WALL CABINET. SEE SHEET G1.1 FOR MOUNTING HEIGHT.
- ⑩ RELOCATED ELECTRICAL PANEL. COORDINATE WITH ELECTRICAL CONTRACTOR.

A schematic diagram showing a vertical wall labeled "2-HR FIRE BARRIER" separating two areas. The area to the left of the wall is labeled "PHASE 2" and the area to the right is labeled "PHASE 1". A door is shown in the wall, with a label "PHASE 1" pointing to the door frame on the right side.

THESE DOCUMENTS ARE BASED UPON THE BEST AVAILABLE INFORMATION AT THE TIME OF PRODUCTION; HOWEVER COMPLETE ACCURACY IS NOT GUARANTEED OR IMPLIED. ALL EXISTING DIMENSIONS AND CONDITIONS ARE TO BE VERIFIED BY CONTRACTOR BEFORE BEGINNING WORK AND PRIOR TO FABRICATION OR ORDERING OF ANY EQUIPMENT. IF DISCREPANCIES ARE FOUND BETWEEN THESE DOCUMENTS AND THE EXISTING CONDITIONS, NOTIFY THE ARCHITECT IMMEDIATELY FOR INSTRUCTIONS AND CLARIFICATION.

EXTERIOR WALLS ARE DIMENSIONED TO FACE OF SHEETING. INTERIOR WALLS ARE DIMENSIONED STUD TO STUD UNLESS NOTED OTHERWISE.

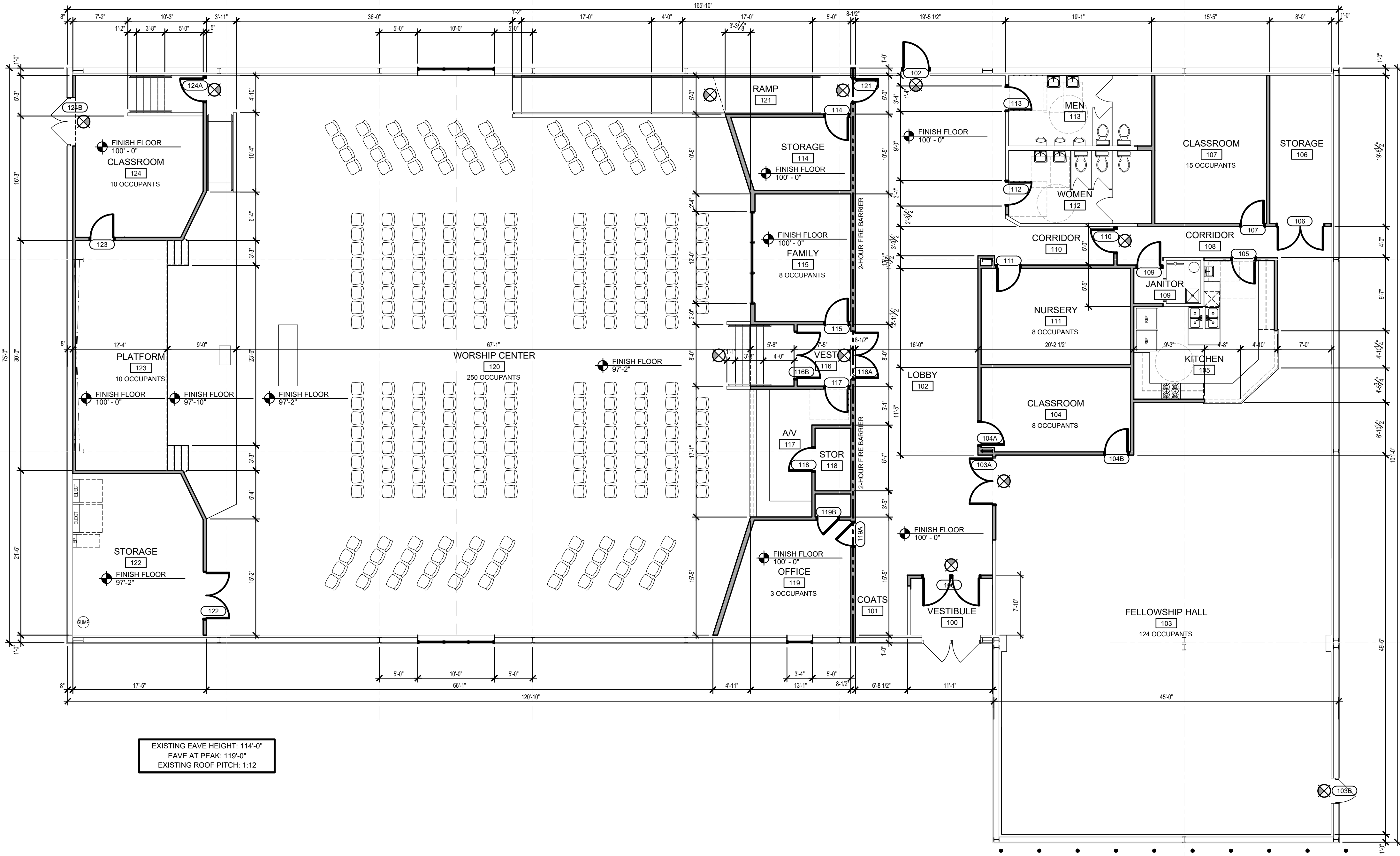
ALL INTERIOR PARTITIONS ARE TYPE 1 UNLESS NOTED OTHERWISE. SEE WALL TYPES.

SEE BUILDING SECTIONS AND WALL SECTIONS FOR EXTERIOR WALL CONSTRUCTION.

DO NOT SCALE THE DRAWINGS. WRITTEN DIMENSIONS OR NOTES SHALL DETERMINE IF THERE ARE MISSING DIMENSIONS OR DISCREPANCIES. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO CONTACT THE ARCHITECT PRIOR TO FABRICATION OR CONSTRUCTION.

PROVIDE BACKSIGHT/LOOKING AS REQUIRED FOR OWNER'S EQUIPMENT AS REQUIRED COORDINATE LOCATION WITH OWNER.

FURNITURE SHOWN ON PLAN IS FOR INFORMATIONAL PURPOSES ONLY. FINAL SELECTION OF CURTAINS, CHAIRS, TABLES, SEATING, ETC. TO BE COMPLETED BY OWNER/ FURNITURE SUPPLIER.



EXISTING SOUTH EAVE HEIGHT: 114'-0"
EXISTING NORTH EAVE HEIGHT: 110'-0"

2 2-HOUR FIRE BARRIER WALL
A1.1 1" = 1'-0"

1 FLOOR PLAN
A1.1 1/8" = 1'-0"

PRELIMINARY
NOT FOR CONSTRUCTION

INTERIOR / EXTERIOR ALTERATIONS
FREEDOM FELLOWSHIP
724 RAILROAD ST. KIMBERLY, WISCONSIN

724 RAILROAD ST | KIMBERLY, WISCONSIN

MJI BUILDING SERVICES

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www.buildwithmji.com

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DRAWN: TGC	
REVISIONS	
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DATE	25 AUGUST 2025
PROJECT NUMBER	25-044
DRAWN	CHECKED
TGC	MJI

FLOOR PLANS
WALLTYPES AND NOTES

A1.1



MJI
BUILDING SERVICES
TRANSPARENCY > TRUST > TEAMWORK

EXTERIOR FINISHES

①	EXISTING METAL TRIM / FASCIA. PAINT.
②	EXISTING MODULAR BRICK VENEER. PAINT.
③	EXISTING PRE-CAST CONCRETE SILL.
④	HORIZONTAL LP WOOD-GRAIN LOOK SIDING.
⑤	EXISTING VERTICAL METAL WALL PANEL. PAINT.

CONTRACTOR TO PROVIDE ALL FINISH SAMPLES TO OWNER FOR APPROVAL AND VERIFICATION OF MATCH PRIOR TO ORDERING AND INSTALLING.



MJI BUILDING SERVICES
620 N Lyndale Drive, Suite 110
Appleton, WI 54914
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www.buildwithmji.com

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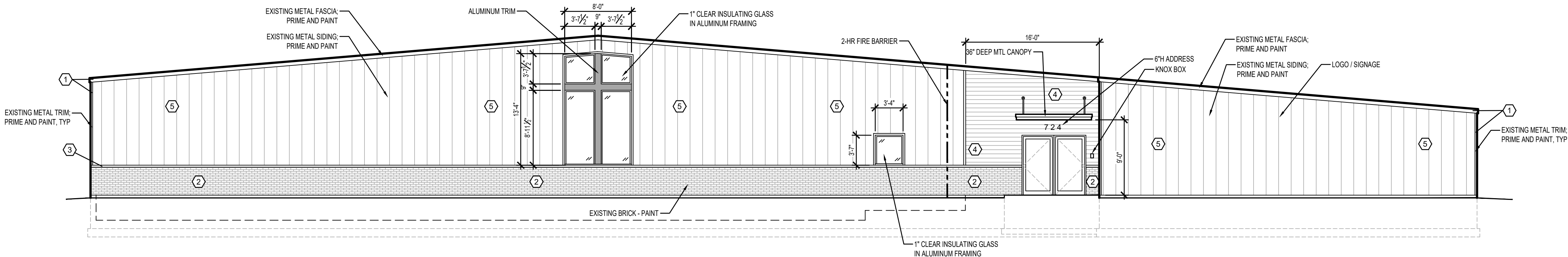
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INTERIOR / EXTERIOR ALTERATIONS
FREEDOM FELLOWSHIP
724 RAILROAD ST | KIMBERLY, WISCONSIN

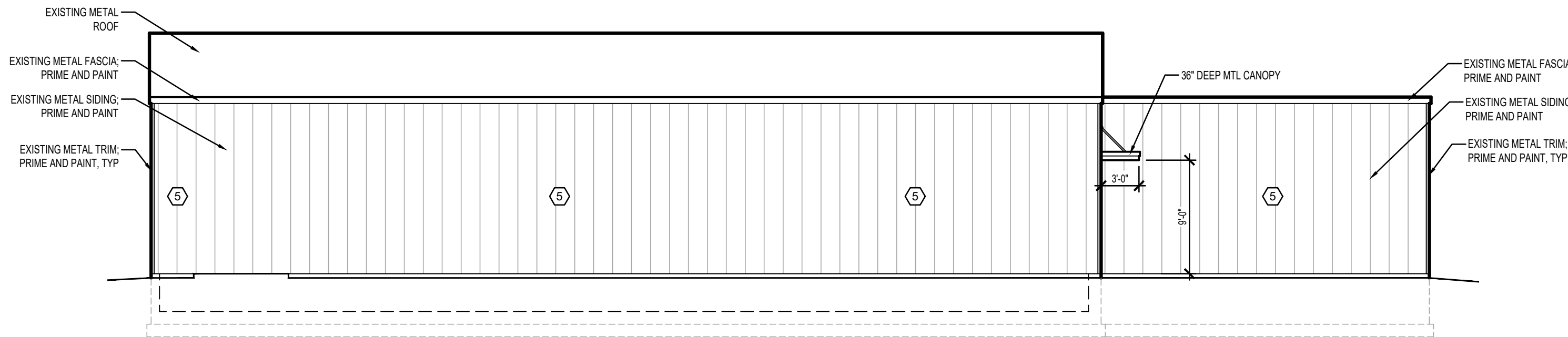
DATE	PROJECT NUMBER	DRAWN	CHECKED
25 AUGUST 2025	25-044	TGC	MJI

EXTERIOR ELEVATIONS

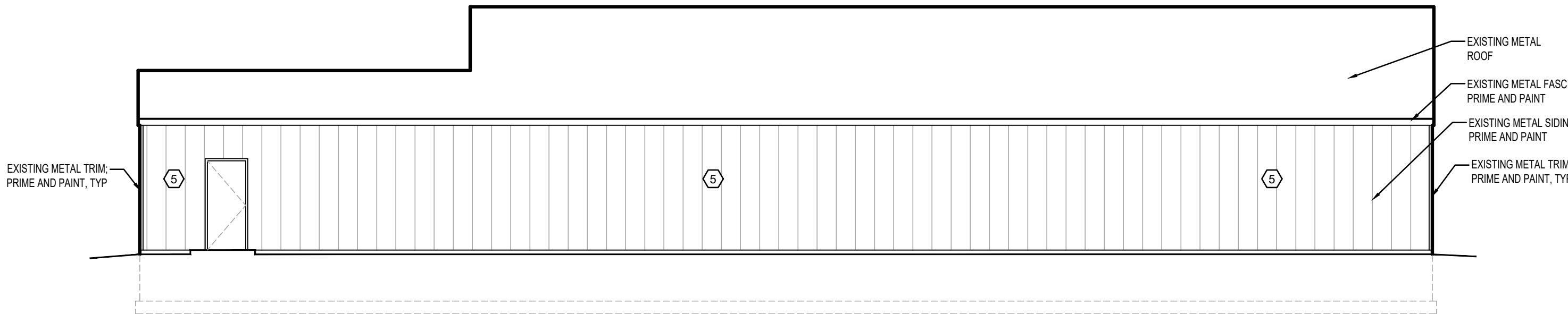
A2.1



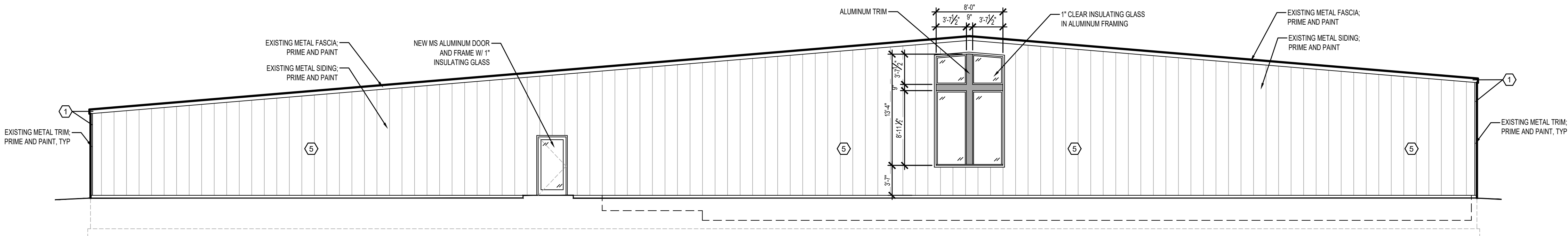
1 EAST ELEVATION
A2.1 1/8" = 1'-0"



2 SOUTH ELEVATION
A2.1 1/8" = 1'-0"



3 NORTH ELEVATION
A2.1 1/8" = 1'-0"



4 WEST ELEVATION
A2.1 1/8" = 1'-0"



Village of Kimberly Request for Plan Commission Recommendation

ITEM DESCRIPTION: Ordinance No. 7, Series 2025, an Ordinance Amending Chapter 525, Zoning Code of the Village of Kimberly Municipal Code related to Parking and Driveways

REPORT PREPARED BY: Sam Schroeder, Community Development Director

REPORT DATE: September 16, 2025

EXPLANATION: In reviewing the parking and driveway requirements both on private property and within the public right of way, much of the language overlapped and while there was an consistent intent it was difficult follow and at time to enforce. With that staff has reviewed and drafted two ordinances amending portions of the zoning code and the driveway code which more directly impacts the apron.

Attached herein is the drafted Ordinance No. 7, Series 2025, amending Sections 525-64 and 525-65. The proposed changes are as follows:

1. Section 525-64 – Revised to indicate “Nonresidential Parking Requirements” including multifamily developments. Residential parking and driveway requirements were rewritten and added as 525-65. Highway access, previously 525-65, was moved under Chapter 240 as this dealt with the right of way access.
2. Section 525-64B. – notes that parking may back out into the street as approved by the Village Plan Commission on the recommendation of the Director of Public Works. This type of parking is not uncommon within the community including west of Papermill Estates along Main Street.
3. Section 525-64D. – clarifies hard surface requirements and clearly reiterates, that gravel is strictly prohibited.
4. Section 525-E(.4) – increase screening height to a standard six feet as well as remove the one foot setback requirement as this isn’t required elsewhere and can lead to further maintenance issues.
5. Section 525-64G. – clarifies lighting standards for parking lots and reduces the amount of footcandles abutting a residential property from 3fc to 0.5fc.
6. Section 525-64I.(1) – adds Papermill Run as an exception to the parking requirements due to amount of on-street parking and the desired outcome of the development area.
7. Section 525-64K.(3) – removes the Village as a third party to a combined parking use agreement as well as remove the requirement that this be drafted by the Village Attorney.
8. Section 525-64N.(1) – clarifies off lot parking under the same ownership. This is different than the previous Section, 525-64K, restricting combination of parking.
9. Section 525-64N. – remove content based signage language that should be located under the sign code.
10. Section 525-65 – Add a completely new section for one and two family homes, removing these requirements from the comingling of Section 525-64 to add to clarity.
11. Section 525-65A. – defines access is restricted under Chapter 240.
12. Section 525-65B. – defines the width and location of driveways.
 - Limits the width of driveways to the width of the garage or carport with exceptions.
 - This does allow for driveways to extend up to 5 feet in front of the dwelling. Previously this was not permitted.

- Clarifies that driveways may extend no more than 12 feet beyond the garage or carport, but not closer than 5 feet to a sidewalk or right of way line on a corner lot.
- Defines the maximum width of a driveway when no garage or carport exists to 24 feet.
- Adds a clarification that driveways shall be tapered from the apron. I.e. a driveway should not extend along the sidewalk on private property if the apron is not also enlarged. A driveway may still be wider than the apron is just needs to taper away from the sidewalk/right of way.

13. Section 525-65C – clarifies hard surface requirements and clearly reiterates that gravel is strictly prohibited.

14. Section 525-65D. – clarifies that parking off the driveway in the front yard is strictly prohibited.

In association of the rewriting of the Zoning Code Sections 525-64 and 525-65, Village Staff is also proposing to clean up Chapter 240, Driveways to stay consistent with the changes of Chapter 525. This Section primarily associates with the location and regulations of the driveway apron located in the public right of way. Since this is not part of the Zoning Code, no public hearing is required and the Plan Commission does not need to provide an official recommendation. The full redline draft of these changes are included in the attachment. These additional changes which will be presented to the Board are summarized as follows:

- A. Reference the Zoning Administrator and/or Director of Public Works vs Building Inspector or Street Commissioner
- B. Remove the set fee structure and references the adopted Fee Schedule
- C. Allows the Director of Public Works to allow driveway aprons within 10 feet and for the relocation of utilities versus having an applicant needing to get Board approval.
- D. Clarifies the requirement of a right of way permit.
- E. Updates the max width of a commercial driveway to 40 feet.
- F. Updates the max width of a residential driveway to 40 feet or 40% of the lot whichever is less.
- G. Clarifies appeal process.

RECOMMENDED ACTION: Staff recommends the Plan Commission approve Ordinance No. 7, Series 2025, an Ordinance amending Chapter 525 of the Zoning Code of the Village of Kimberly Municipal Code related to Parking and Driveways.

**VILLAGE OF KIMBERLY
OUTAGAMIE COUNTY, WISCONSIN
ORDINANCE NUMBER 7, SERIES OF 2025**

**AN ORDINANCE AMENDING CHAPTER 525, ZONING CODE OF THE VILLAGE OF
KIMBERLY MUNICIPAL CODE RELATED TO PARKING AND DRIVEWAYS**

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

Section 1. Section 525-64, Parking Requirements, ARTICLE VII, Chapter 525 of Municipal Code, is hereby repealed and replaced to read as follows:

§ 525-64. Nonresidential Parking requirements.

All new nonresidential parking lots, including multifamily, in excess of four stalls and all alterations of existing lots shall be subject to the approval of the Plan Commission. Requests for said parking lots shall be accompanied with detailed plans on landscaping, lighting, parking layout, drainage provisions and driveway locations. In all districts, there shall be provided at the time any use or building is erected, enlarged, extended, or increased off-street parking stalls for all vehicles in accordance with the following:

- A. Access. Adequate access to a public street shall be provided for each parking space.
- B. Design standards.
 - (1) The size of each parking space shall be not less than 160 square feet, exclusive of the space required for ingress and egress.
 - (2) Minimum width of aisles providing access to stalls for one-way traffic shall be as follows: nine feet for thirty-degree parking and 18 feet for ninety-degree parking. Minimum width of aisles providing access to stalls for two-way traffic shall be 24 feet.
 - (3) No parking area of more than two spaces shall be designed as to require any vehicle to back into the public right of way unless approved by the Plan Commission on the recommendation of the Director of Public Works.
 - (4) Any parking area of more than five spaces shall be sufficiently screened in the form of a solid fence or shrubbery to protect adjacent residential uses.
 - (5) Large expanses of unchanneled parking areas shall be avoided by interior landscaping and safety islands.
- C. Location. Off-street parking is permitted in all yards of all districts but shall not be closer than five feet to a nonresidential side lot line, right-of-way line or rear lot line. No parking space or driveway, except in residential districts, shall be closer than 25 feet to a residential district lot line except as provided under Section E.(4) or

Section O. below.

- D. Surfacing. All off-street parking areas shall be hard-surfaced and capable of carrying a wheel load of 4,000 pounds (normally, a two-inch blacktop on a four-inch base or five inches of portland cement will meet this requirement). Any parking area for more than 10 vehicles shall have the aisles and spaces clearly marked. Gravel is strictly prohibited.
- E. Landscaping.
- (1) Accessory landscape area. All public and private off-street parking areas which serve four vehicles or more, are located within 15 feet of any lot line or public right-of-way, and are created or redesigned and rebuilt subsequent to the adoption of this Chapter shall be provided with accessory landscape areas totaling not less than 10% of the surfaced area. The minimum size of each landscape area shall not be less than 100 square feet.
 - (2) Location. Location of landscape areas, plant materials and protection afforded the plantings, including curbing, and provision for maintenance by the property owner shall be subject to approval by the Zoning Administrator.
 - (3) Plans. All plans for such proposed parking areas, at the discretion of the Zoning Administrator, shall include a topographic survey or grading plan which shows existing and proposed grades and location of improvements. The preservation of existing trees, shrubs and other natural vegetation in the parking area may be included in the calculation of the required minimum landscape area.
 - (4) Special residential requirements. Those parking areas for five or more vehicles, if adjoining a residential use, shall be screened from such use by a solid wall, fence, evergreen planting of equivalent visual density or other effective means, built and maintained at a minimum height of six feet.
- F. Repair and service. No motor vehicle repair work or service of any kind shall be permitted in association with parking facilities provided in residence districts.
- G. Lighting. Lighting used to illuminate off-street parking shall be full cutoff and have no direct source of light visible from a street or adjacent land. Any lighting used to illuminate off-street parking areas shall be directed away from residential properties and public streets in such a way as not to create a nuisance. However, in no case shall such lighting exceed three footcandles measured at the lot line of a nonresidential property or 0.5 footcandles of a residential property line.
- H. Curbs. Curbs or barriers shall be installed a minimum of two feet from a property line, including the right of way line, so as to prevent the parked vehicles from extending over any lot lines.
- I. Number of stalls. Except as follows, parking stalls shall be provided shown in the following table: [Amended 3-5-2012 by Ord. No. 3-2012; 2-21-2022 by Ord. No. 4-2022]

Use	Minimum Parking Required
Dwellings: single-family, two-family and mobile homes	2 stalls for each dwelling unit
Dwellings: multifamily	2 stalls for each dwelling unit
Housing for the elderly	0.75 space for each dwelling, with 1/2 of these spaces to be built before occupancy and the balance of which spaces shall be reserved until such time as the Village Board may order them installed
Hotels, motels	1 stall for each guest room plus 1 stall for each 2 employees
Sororities, dormitories, rooming houses and boardinghouses	1 for each 2 sleeping rooms plus 1 for each 2 employees
Retirement homes, orphanages, convents and monasteries	1 stall per 2,000 square feet of principal floor area
Hospitals, sanitariums, institutions, rest and nursing homes	1 stall for each 3 beds plus 1 stall for each 3 employees
Medical and dental clinics	5 stalls for each doctor or dentist
Theaters, auditoriums, community centers, sports arenas and other places of public assembly	1 stall for each 5 seats or spaces equal to 20% of capacity in persons, whichever is greater
Restaurants, bars, clubs and lodges, places of entertainment	1 stall for each 100 square feet of floor area
Office buildings and professional offices having less than 6,000 square feet of floor area	1 parking space per 150 square feet of floor area
Office buildings and professional offices having 6,000 square feet or more of floor area, banks and savings institutions	At least 1 parking space for each 200 square feet of floor area
Drive-in establishments	At least 1 parking space for each 15 square feet of floor area in the building
Manufacturing and processing plants (including meat and food processing), laboratories and warehouses	1 stall for every 2 employees; number of employees shall be construed to mean the maximum number on the premises at one time

Libraries, museums, art galleries, etc.	1 for each 3 employees, plus 1 for each 4 seats, plus 1 for each 500 square feet of floor area not having seats
Washing and cleaning establishments	1 for each 2 employees, plus 1 space for every wash machine or 1 for each 200 square feet of floor area, whichever is greater
Funeral homes, mortuaries and similar- type uses	1 for each 50 square feet of floor area in parlors or assembly rooms
Other business and commercial uses	1 for each 300 square feet of floor area
Churches and other places of religious assembly	1 for each 5 seats or 1 for each 90 linear inches of pew space
Cartage, express and parcel delivery, freight terminals	1 for each 2 employees (on the largest shift for which the building is designed) plus 1 for each motor vehicle maintained on the premises
Elementary and junior high schools	2 for each classroom plus 1 for every 8 seats in auditoriums or assembly halls
High schools, colleges, universities and other institutions of higher learning	1 for every 6 students plus 1 for each teacher, administrator and employee
Business, technical and trade schools	1 for each 5 students plus 1 for each 2 employees
Motor vehicle sales (new and used)	1 space for each 500 square feet of floor area used plus 1 space for each 300 square feet of outdoor display area for each motor vehicle to be displayed. (This requirement does not include service garages; see below.)
Repair shops, retail and service stores	1 space for each 150 square feet of net floor space
Automobile repair garages and service stations	1 space for each 2 employees plus 2 spaces for each service bay
Bowling alleys	4 spaces for each alley, plus additional spaces for affiliate uses

- (1) Exception. Nonresidential uses with street frontages located in the following defined areas are exempted from this requirement:
- (a) Kimberly Avenue between Railroad Street and Wilson Street; and
 - (b) Main Street north of Kimberly Avenue; and,
 - (c) Papermill Run between Sidney Street and Wilson Street.

- (2) When parking is provided for a use exempted by this subsection, the parking shall comply with all other applicable sections of § 525-64.
- J. Uses not listed. In the case of structures or uses not mentioned, the provision for a use which is similar shall apply. Floor space or area shall mean the gross floor area inside the exterior walls, where floor space is indicated above as a basis for determining the amount of off-street parking required.
- K. Combined uses. Combinations of any of the above uses shall provide the total of the number of stalls required for each individual use. Two or more uses may provide required off-street parking spaces in a common parking facility less than the sum of the spaces required for each use individually, provided such uses are not operated during the same hours. The following conditions must be met for any joint use:
- (1) The proposed joint parking space is within 400 feet of the use it will serve
 - (2) The applicant shall show that there is no substantial conflict in the principal operating hours of the two buildings or uses for which joint use of off-street parking facilities is proposed.
 - (3) A properly drawn legal instrument for joint use of off-street parking facilities shall be drafted, signed by all private parties involved, and recorded with the Outagamie County Register of Deeds upon the review and approval by the Zoning Administrator.
- L. Handicapped parking requirements. In addition to any other requirements relating to parking spaces contained in this Code, the provisions contained in §§ 101.13, 346.503 and 346.56, Wis. Stats., and any Wisconsin Administrative Code sections adopted pursuant thereto are hereby adopted by reference and made applicable to all parking facilities whenever constructed.
- M. Changes in buildings or use. Whenever a building or use is changed, structurally altered or enlarged to create a need for an increase of 25% or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change. Whenever a building or use is enlarged to the extent of 50% or more in the floor area, said building or use shall then comply with the parking requirements set forth in the district in which it is located.
- N. Off-lot parking.
- (1) Required off-street parking spaces shall be located on the same lot with the principal use or, when this requirement cannot be met, such parking spaces may be located off lot, provided the parking spaces are located in the same district. In cases where off-street parking facilities are permitted on land other than the same lot as the principal use, such facilities shall be in the same possession as the lot occupied by the use to which the parking facilities are accessory or in the possession of the controller of the principal use to which the parking facilities are accessory. Such possession indicating same ownership shall be by deed whereby the owner of the land on which the parking facilities are to be located shall be bound by a

covenant filed and recorded in the office of the Outagamie County Register of Deeds requiring such owner, their heirs or assigns to maintain the required facilities for the duration of the use served.

(2) Off-lot parking spaces for residential uses shall be within 250 feet of the principal entrance or the entrance for the individual occupants for whom the spaces are reserved while the farthest portions of a parking lot for all other uses shall be within 400 feet of the entrance of the establishment.

(3) Accessory parking may be located in residential districts, provided that said lots or property is immediately adjacent to a commercial, business or industrial zoning district.

O. All off-street parking lots adjoining lots zoned for residential use shall have a minimum setback of 10 feet from any interior lot line, except if the adjoining lot is used for legally conforming parking purposes.

P. Reduction of parking areas. Off-street parking spaces shall not be reduced in number unless said number exceeds the requirement set forth herein.

Section 2. Section 525-65, Highway Access, ARTICLE VII, Chapter 525 of Municipal Code, is hereby repealed and replaced to read as follows

§ 525-65. One- and Two-Family Residential Parking and Driveway Requirements.

All new or modified driveways for a single-family and two-family residential developments shall be subject to the approval of a permit at the time a building is erected, driveway is reconstructed or the driveway is expanded in accordance with the following:

A. Access. The location, design, and quantity of access points for a property shall conform to the requirements in Chapter 240, Driveways, of this Code.

B. Location and Design

(1) Driveways shall not exceed the width of the garage or carport it serves, except as follows:

(a) A driveway may be extended to no more than 5 feet in front of the residential dwelling. Circular driveways may be permitted beyond the 5 feet subject to the review and approval by the Village Board.

(b) A driveway may be extended to no more than 12 feet on the non-dwelling side of the garage or carport. On a corner lot, a driveway extension parallel to a secondary street, shall not be closer than 5 feet to the sidewalk and/or right-of-way line.

(c) Where a garage or carport does not exist, the maximum driveway width shall be no greater than 24 feet.

(d) The width of a driveway at the right-of-way line shall not exceed the width of the apron. The width of a driveway may be extended beyond the width of the apron into the property, however, said extension shall

be tapered at an angle or have a curved radii from the right-of-way as to provide a setback from the sidewalk and/or right-of-way line.

(e) A parking pad, separate from the driveway, may be permitted in the side or rear yard and are prohibited in the front yard.

C. Surfacing. All driveways and parking pads shall be hard surfaced with concrete, asphalt, brick pavers, or another permeable hard surface approved by the Director of Public Works or designee. Gravel material is strictly prohibited.

D. Parking. All vehicle wheels shall be located on a residential driveway surface in the front yard. Parking of a vehicle or trailer is permitted off a hard surfaced driveway or parking pad in the side or rear yard, provide it does not create a nuisance, and the vehicle is maintained in a road worthy condition including licensed, registered, operable, and in good repair.

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: September 22, 2025.

VILLAGE OF KIMBERLY

Charles A. Kuen, Village President

Jennifer Weyenberg, Village Clerk

**VILLAGE OF KIMBERLY
OUTAGAMIE COUNTY, WISCONSIN
ORDINANCE NUMBER 8, SERIES OF 2025**

**AN ORDINANCE AMENDING CHAPTER 240, DRIVEWAY CODE OF THE VILLAGE OF
KIMBERLY MUNICIPAL CODE RELATED TO DRIVEWAYS**

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

Section 1. Chapter 240, Driveways, of Municipal Code, is hereby repealed and replaced to read as follows:

§ 240-1. Driveway permit required.

- A. Purpose. For the safety of the general public, the Village shall determine the location, size, construction and number of access points to public roadways within the Village limits. It is the Village's intent to provide safe access to properties abutting public roadways suitable for the property to be developed to its highest and best use, provided that access is not deficient or dangerous to the general public.
- B. Permit required to construct, reconstruct, alter or enlarge. No person, firm or corporation shall construct, reconstruct, alter or enlarge any private driveway within the limits of the dedicated portion of any public street under the control and jurisdiction of the Village of Kimberly without first obtaining a permit therefor as provided by this Chapter.
- C. Application. Application for such permit shall be made to the Zoning Administrator on a form provided by the Village and shall be accompanied by a drawing accurately depicting the portion of the proposed private driveway to be constructed, reconstructed, altered or enlarged lying within the dedicated portion of the public street, the dimensions thereof and a statement of the materials proposed to be used. The applicant shall pay a fee as established by the Village Board and listed on the Village's Fee Schedule. Upon receipt of the application and the fee if required, unless the proposed private driveway is a part of construction for a building or other structure for which a building permit has been applied for, in which case no additional fee is required. The Zoning Administrator/Public Works Director or designee shall approve such application if the proposed driveway complies with the terms and conditions of this and any other applicable Village ordinance.
- D. Application provisions. All driveway permit applications shall contain the applicant's statement that:
 - (1) The applicant represents all parties in interest, and that such proposed driveway is for the bona fide purpose of securing access to their property and not for the purpose of parking or servicing vehicles, advertising, storage or merchandising of goods within the dedicated portion of the Village street, or for any other purpose.
 - (2) The Village, notwithstanding the construction of such driveway, reserves the right to make any changes, additions, repairs or relocations within the dedicated portion of the Village street at any time, including relocation, reconstruction, widening and maintaining the street, without compensating

the owner of such private driveway for the damage or destruction of such private roadway.

- (3) The permittee, their successors or assigns agree to indemnify and hold harmless the Village of Kimberly, its officials, officers, agents or employees against any claim or any cause of action for personal injury or property damage sustained by reason of the exercise of such permit.
- (4) The Village does not assume any responsibility for the removal or clearance of snow, ice or sleet or the opening of any windrows of such material upon such portion of such driveway and sidewalk within the dedicated portion of the Village street.

§ 240-2. Driveway location, design and construction requirements.

A. General requirements. The location, design and construction of driveways shall be in accordance with the following:

- (1) General design. Private driveways shall be of such width and so located that all of such driveways and their appurtenances are within the limits of the frontage abutting the street of the property served. Driveways shall not provide direct ingress or egress to or from any street intersection area and shall not encroach upon or occupy areas of the street right-of-way required for effective traffic control or for street signs or signals. A driveway shall be so located and constructed that vehicles approaching or using it shall have adequate sight distance along the street. Driveway approaches shall be at least 10 feet apart except by special permission from the Director of Public Works or designee, and driveways shall in all cases be placed wherever possible as not to interfere with utilities in place.
- (2) Number. The number of driveways to serve an individual property fronting on a street shall be one. In the case of a property with access from an alley, the number of driveway access shall be one, be it either from the street or from the alley. This rule shall apply to each property, except where deemed necessary and feasible by the Village Board for reasonable and adequate service to the property, considering the safety, convenience and utility of the street or alley.
- (3) Island terrace area. The island terrace area in the street right-of-way between successive driveways or adjoining a driveway and between the highway shoulder and right-of-way shall constitute a restricted area and may be filled in and graded only as provided in Subsection A(7).
- (4) Drainage. The surface of the driveway connecting with street cross sections shall slope downward and away from the highway shoulder a sufficient distance to preclude ordinary surface water drainage flowing onto the street roadbed.
- (5) Culverts. Driveways shall not obstruct or impair drainage in street ditches or roadside areas. Driveway culverts, where required, shall be adequate for surface water drainage along the street and shall not be less than the equivalent of a twelve-inch diameter pipe. The distance between culverts under successive driveways shall not be less than 10 feet except as such restricted area is permitted to be filled in pursuant to the provisions of Subsection A(7) hereof.
- (6) Reconstruction of sidewalks and curb and gutter. When the construction of a driveway requires the removal of a curb or gutter, removal of sidewalk or the disturbance of the area between the highway shoulder and right of way, such work requires a Right of Way Permit. The new connections shall be

of equivalent acceptable material and curb returns shall be provided or restored in a neat, workmanlike manner. The driveway surface shall be connected with the highway pavement and the sidewalk, if any, in a neat, workmanlike manner. The driveway construction shall include the replacement of such sidewalk areas which are inadequate or which are or may be damaged by means of vehicle travel across the sidewalk. All driveway entrances and approaches which are constructed across sidewalks shall be paved in accordance with the requirements for sidewalk construction in § 430-5 of this Code insofar as such requirements are applicable, including thickness requirements. Standard thickness of driveway approaches and sidewalks within the approach will be six inches thick.

- (7) Restricted areas. The restricted area between successive driveways may be filled in and graded only when the following requirements are complied with:
 - (a) The filling or draining shall be to grades approved by the Director of Public Works or designee and, except where highway drainage is by means of curb and gutter, water drainage of the area shall be directed away from the street roadbed in a suitable manner.
 - (b) Culvert extensions under the restricted area shall be of the same size and of equivalent acceptable material as the culvert under the driveway. Intermediate manholes adequate for cleanout purposes may be required where the total culvert length is excessive.
 - (c) Where no street side ditch separates the restricted area from the street roadbed, permanent provision may be required to separate the area from the street roadbed to prevent its use for driveway or parking purposes by construction of a border, curb, rail or posts as may be required by the Director of Public Works or designee.
- (8) Relocation of utilities. Any costs of relocating utilities shall be the responsibility of the property owner, with approval of the Director of Public Works necessary before any utility may be relocated and the driveway installed.¹
- (9) Variances. Any of the above requirements may be varied by the Village Board in such instances where the peculiar nature of the property or the design of the street may make the rigid adherence to the above requirements impossible or impractical.
- (10) Highway Access
 - (a) No direct private access shall be permitted to the existing or proposed rights-of-way of expressways nor to any controlled access arterial street without permission of the highway agency that has access control jurisdiction. No direct public or private access shall be permitted to the existing or proposed rights-of-way of freeways, interstate highways and their interchanges or turning lanes nor to intersecting or interchanging streets within 1,500 feet of the most remote end of the taper of the turning lanes (such as exit and entrance ramps). No driveway openings shall be permitted within 100 feet of the intersection of an arterial street right-of-way line.
 - (b) Access barriers, such as curbing, fencing, ditching, landscaping or other topographic barriers, shall be erected to prevent unauthorized vehicular ingress or egress to the above specified streets or highways.

- (c) Temporary access to the above rights-of-way may be granted by the Zoning Administrator after review and recommendation by the highway agencies having jurisdiction. Such access permit shall be temporary, revocable and subject to any conditions required and shall be issued for a period not to exceed 12 months
- B. Special requirements for commercial and industrial driveways. The following regulations are applicable to driveways serving commercial or industrial establishments:
 - (1) Width of drive. No part of a private driveway located within the dedicated area of a public street shall, except as hereinafter provided, have a width greater than 40 feet measured at right angles to the center line of said driveway, except as increased by permissible radii. In instances where the nature of the commercial or industrial activity or the physical characteristics of the land would require a driveway of greater width than herein specified, the Village Board, in its discretion, may permit a driveway of additional width.
 - (2) Angular placement of driveway. The angle between the center line of the driveway and the curbline shall not be less than 45°.
 - (3) Island terrace areas. Where the public sidewalk is adjacent to the curb, an island of a minimum length of 10 feet measured along the curbline shall be placed between each entrance to a Village street. The curb shall be left intact for the length of this island. Where the public sidewalk is remote from the curb, an island of a minimum length of 10 feet measured along the right-of-way line shall be maintained along each entrance to the Village street. All flares shall be tangent to the curbline. A curb length of not less than five feet shall be left undisturbed adjacent to each property line to serve as an island area in the event an adjoining property owner applies for a driveway permit to serve their property.
- C. Special requirements for residential driveways. The following regulations are applicable to driveways serving residential property:
 - (1) Width of driveways. Openings for vehicular ingress and egress shall be at least 10 feet wide at the property line for residential properties but shall not exceed 40% of the lot width or 40 feet whichever is less.
 - (2) Angular placement. The center line of the drive may be parallel to the property line of the lot where access is required or at right angles to the curbline.

§ 240-3. Appeals.

Any person feeling themselves aggrieved by the refusal of the Zoning Administrator or Director of Public Works to issue a permit for a private driveway may appeal such refusal to the Village Board within 20 days after such refusal to issue such permit is made.

§ 240-4. Prohibited driveways.

- A. No person, firm or corporation shall place, construct or locate, or cause to be placed, constructed or located, any obstruction or structure within the limits of any public road, highway or street in the Village of Kimberly except as permitted by this Chapter. As used herein, the word "structure" includes private driveway, a portion of which extends into any public road, highway or street, and which is in nonconformance with this Chapter.

- B. No driveway shall be closer than 10 feet to the extended street line at an intersection. At street intersections a driveway shall not provide direct ingress or egress to or from the street intersection area and shall not occupy areas of the roadway deemed necessary by the Village for effective traffic control or for highway signs or signals.
- C. The grade of that portion of any private driveway or pedestrian path located within the limits of any public road, highway or street shall be such as shall meet the grade of the existing public roadway at its edge and not cause an obstruction to the maintenance or clearing of such public roadway.
- D. No driveway apron shall extend out into the street further than the facing of the curb, and under no circumstances shall such driveway apron extend into any gutter area. All driveway entrances and approaches shall be constructed as not to interfere with the drainage of streets, side ditches or roadside areas, or with any existing structure on the right-of-way.
- E. No portion of any curb, parapet or retaining wall rising above the grade of the driveway, erected by the owner of the premises involved, shall extend beyond the culvert spanning the watercourse located in such public way.

Section 2. 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 3. Effective Date. This Ordinance shall take effect upon passage and publication as provided by law.

Date introduced, approved and adopted: September 22, 2025.

VILLAGE OF KIMBERLY

Charles A. Kuen, Village President

Jennifer Weyenberg, Village Clerk

§ 525-64. Nonresidential Parking requirements.

All new nonresidential parking lots, including multifamily, in excess of four stalls and all alterations of existing lots shall be subject to the approval of the Plan Commission. Requests for said parking lots shall be accompanied with detailed plans on landscaping, lighting, parking layout, drainage provisions and driveway locations. In all districts, there shall be provided at the time any use or building is erected, enlarged, extended, or increased off-street parking stalls for all vehicles in accordance with the following:

A. Access. Adequate access to a public street shall be provided for each parking space.

B. Design standards.

(1) The size of each parking space shall be not less than 160 square feet, exclusive of the space required for ingress and egress.

(2) Minimum width of aisles providing access to stalls for one-way traffic shall be as follows: nine feet for thirty-degree parking and 18 feet for ninety-degree parking. Minimum width of aisles providing access to stalls for two-way traffic shall be 24 feet.

(3) No parking area of more than two spaces shall be designed as to require any vehicle to back into a the public street right of way unless approved by the Plan Commission on the recommendation of the Director of Public Works.

(4) Any parking area of more than five spaces shall be sufficiently screened in the form of a solid fence or shrubbery to protect adjacent residential uses.

B.(5) Large expanses of unchanneled parking areas shall be avoided by interior landscaping and safety islands.

~~C.~~ Location.¹

~~(1)C.~~ Off-street parking is permitted in all yards of all districts ~~except in the front yards of single-family and two-family residence districts~~ but shall not be closer than five feet to a nonresidential side lot line, right-of-way line or rear lot line. No parking space or driveway, except in residential districts, shall be closer than 25 feet to a residential district lot line except as provided under Section E.(4) or Section O. below.

~~(2) Off-street parking in the single-family and two-family residence districts is permitted in the front yard in the driveway, even though closer than five feet to a side lot line, providing the driveway conforms to the requirements in Chapter 240, Driveways, of this Code.~~

D. Surfacing. All off-street parking areas, ~~except a single parking space accessory to a single-family dwelling,~~ shall be hard-surfaced and capable of carrying a wheel load of 4,000 pounds (normally, a two-inch blacktop on a four-inch base or five inches of portland cement will meet this requirement). Any parking area for more than 10 vehicles shall have the aisles and spaces clearly marked. Gravel is strictly prohibited.

E. Landscaping.

(1) Accessory landscape area. All public and private off-street parking areas which serve four vehicles or more, are located within 15 feet of any lot line or public right-of-way,

and are created or redesigned and rebuilt subsequent to the adoption of this ~~chapter~~ Chapter shall be provided with accessory landscape areas totaling not less than 10% of the surfaced area. The minimum size of each landscape area shall not be less than 100 square feet.

- (2) Location. Location of landscape areas, plant materials and protection afforded the plantings, including curbing, and provision for maintenance by the property owner shall be subject to approval by the Zoning Administrator.
- (3) Plans. All plans for such proposed parking areas, at the discretion of the Zoning Administrator, shall include a topographic survey or grading plan which shows existing and proposed grades and location of improvements. The preservation of existing trees, shrubs and other natural vegetation in the parking area may be included in the calculation of the required minimum landscape area.
- (4) Special residential requirements. Those parking areas for five or more vehicles, if adjoining a residential use, shall be screened from such use by a solid wall, fence, evergreen planting of equivalent visual density or other effective means, built and maintained at a minimum height of five-six feet. ~~Where a solidly constructed decorative fence is provided along the interior lot line, the minimum setback for the parking area shall be five feet from said lot line. Said fence shall be located a minimum of one foot from the said lot line.~~

~~(5)~~F. Repair and service. No motor vehicle repair work or service of any kind shall be permitted in association with parking facilities provided in residence districts.

~~(6)~~G. Lighting. Lighting used to illuminate off-street parking shall be full cutoff and have no direct source of light visible from a street or adjacent land. Any lighting used to illuminate off-street parking areas shall be directed away from residential properties and public streets in such a way as not to create a nuisance. However, in no case shall such lighting exceed three footcandles measured at the lot line of a nonresidential property or 0.5 footcandles of a residential property line.

~~(7) —Street setback area. No parking shall be permitted between the street right-of-way line and the building setback line prevailing in the zone in which the proposed parking area is to be located. The resulting open area shall be planted in grass or otherwise landscaped to create a permanent green area.~~

~~F.~~H. Curbs. Curbs or barriers shall be installed a minimum of two feet from a property line, including the right of way line, so as to prevent the parked vehicles from extending over any lot lines.

~~G.~~I. Number of stalls. Except as follows, parking stalls shall be provided shown in the following table: [Amended 3-5-2012 by Ord. No. 3-2012; 2-21-2022 by Ord. No. 4-2022]

Use	Minimum Parking Required
Dwellings: single-family, two-family and mobile homes	2 stalls for each dwelling unit
Dwellings: multifamily	2 stalls for each dwelling unit

Housing for the elderly

0.75 space for each dwelling, with 1/2 of these spaces to be built before occupancy and the balance of which spaces shall be reserved until such time as the Village Board may order them installed

Use	Minimum Parking Required
Hotels, motels	1 stall for each guest room plus 1 stall for each 2 employees
Sororities, dormitories, rooming houses and boardinghouses	1 for each 2 sleeping rooms plus 1 for each 2 employees
Retirement homes, orphanages, convents and monasteries	1 stall per 2,000 square feet of principal floor area
Hospitals, sanitariums, institutions, rest and nursing homes	1 stall for each 3 beds plus 1 stall for each 3 employees
Medical and dental clinics	5 stalls for each doctor or dentist
Theaters, auditoriums, community centers, sports arenas and other places of public assembly	1 stall for each 5 seats or spaces equal to 20% of capacity in persons, whichever is greater
Restaurants, bars, clubs and lodges, places of entertainment	1 stall for each 100 square feet of floor area
Office buildings and professional offices having less than 6,000 square feet of floor area	1 parking space per 150 square feet of floor area
Office buildings and professional offices having 6,000 square feet or more of floor area, banks and savings institutions	At least 1 parking space for each 200 square feet of floor area
Drive-in establishments	At least 1 parking space for each 15 square feet of floor area in the building
Manufacturing and processing plants (including meat and food processing), laboratories and warehouses	1 stall for every 2 employees; number of employees shall be construed to mean the maximum number on the premises at one time
Libraries, museums, art galleries, etc.	1 for each 3 employees, plus 1 for each 4 seats, plus 1 for each 500 square feet of floor area not having seats
Washing and cleaning establishments	1 for each 2 employees, plus 1 space for every wash machine or 1 for each 200 square feet of floor area, whichever is greater
Funeral homes, mortuaries and similar-type uses	1 for each 50 square feet of floor area in parlors or assembly rooms
Other business and commercial uses	1 for each 300 square feet of floor area
Churches and other places of religious assembly	1 for each 5 seats or 1 for each 90 linear inches of pew space

Use	Minimum Parking Required
Cartage, express and parcel delivery, freight terminals	1 for each 2 employees (on the largest shift for which the building is designed) plus 1 for each motor vehicle maintained on the premises
Elementary and junior high schools	2 for each classroom plus 1 for every 8 seats in auditoriums or assembly halls
High schools, colleges, universities and other institutions of higher learning	1 for every 6 students plus 1 for each teacher, administrator and employee
Business, technical and trade schools	1 for each 5 students plus 1 for each 2 employees
Motor vehicle sales (new and used)	1 space for each 500 square feet of floor area used plus 1 space for each 300 square feet of outdoor display area for each motor vehicle to be displayed. (This requirement does not include service garages; see below.)
Repair shops, retail and service stores	1 space for each 150 square feet of net floor space
Automobile repair garages and service stations	1 space for each 2 employees plus 2 spaces for each service bay
Bowling alleys	4 spaces for each alley, plus additional spaces for affiliate uses

(1) Exception. Nonresidential uses with street frontages located in the following defined areas are exempted from this requirement:

(a) Kimberly Avenue between Railroad Street and Wilson Street; and

(b) Main Street north of Kimberly Avenue; and,

~~(b)~~(c) Papermill Run between Sidney Street and Wilson Street

(2) When parking is provided for a use exempted by this subsection, the parking shall comply with all other applicable sections of § 525-64.

H.J. Uses not listed. In the case of structures or uses not mentioned, the provision for a use which is similar shall apply. Floor space or area shall mean the gross floor area inside the exterior walls, where floor space is indicated above as a basis for determining the amount of off-street parking required.

I.K. Combined uses. Combinations of any of the above uses shall provide the total of the number of stalls required for each individual use. Two or more uses may provide required off-street parking spaces in a common parking facility less than the sum of the spaces required for each use individually, provided such uses are not operated during the same hours. The following conditions must be met for any joint use:

(1) The proposed joint parking space is within 400 feet of the use it will serve.²

- (2) The applicant shall show that there is no substantial conflict in the principal operating hours of the two buildings or uses for which joint use of off-street parking facilities is proposed.
- (3) A properly drawn legal instrument ~~approved by the Village Board, executed by the parties concerned,~~ for joint use of off-street parking facilities shall be drafted, signed by all private parties involved, and recorded with the Outagamie County Register of Deeds upon the review and approval by the Zoning Administrator. filed with the Village Administrator. Said instrument may be a three-party agreement, including the Village and all private parties involved. Such instrument shall first be approved by the Village Attorney.

J.L. Handicapped parking requirements. In addition to any other requirements relating to parking spaces contained in this Code, the provisions contained in §§ 101.13, 346.503 and 346.56, Wis. Stats., and any Wisconsin Administrative Code sections adopted pursuant thereto are hereby adopted by reference and made applicable to all parking facilities whenever constructed.

K.M. Changes in buildings or use. Whenever a building or use is changed, structurally altered or enlarged to create a need for an increase of 25% or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change. Whenever a building or use is enlarged to the extent of 50% or more in the floor area, said building or use shall then comply with the parking requirements set forth in the district in which it is located.

L.N. Off-lot parking.

- (1) Required off-street parking spaces shall be located on the same lot with the principal use or, when this requirement cannot be met, such parking spaces may be located off lot, provided the parking spaces are located in the same district. In cases where off-street parking facilities are permitted on land other than the same lot as the principal use, such facilities shall be in the same possession as the lot occupied by the use to which the parking facilities are accessory or in the possession of the controller of the principal use to which the parking facilities are accessory. Such possession indicating same ownership shall be by deed whereby the owner of the land on which the parking facilities are to be located shall be bound by a covenant filed and recorded in the office of the Outagamie County Register of Deeds requiring such owner, ~~his~~their heirs or assigns to maintain the required facilities for the duration of the use served.³
- (2) Off-lot parking spaces for residential uses shall be within 250 feet of the principal entrance or the entrance for the individual occupants for whom the spaces are reserved while the farthest portions of a parking lot for all other uses shall be within 400 feet of the entrance of the establishment.
- (3) Accessory parking may be located in residential districts, provided that said lots or property is immediately adjacent to a commercial, business or industrial zoning district.

M.O. All off-street parking lots adjoining lots zoned for residential use shall have a minimum setback of 10 feet from any interior lot line, except if the adjoining lot is used for legally

conforming parking purposes.

~~N. Signs. Signs located in parking areas necessary for orderly operation of traffic movement shall be permitted in addition to others permitted in this chapter.~~

~~O. Lighting. Lighting used to illuminate off-street parking shall have no direct source of light visible from a street or adjacent land.~~

P. Reduction of parking areas. Off-street parking spaces shall not be reduced in number unless said number exceeds the requirement set forth herein.

~~P. —~~

§ 525-65. Highway accessOne- and Two-Family Residential Parking and Driveway Requirements.

~~No direct private access shall be permitted to the existing or proposed rights-of-way of expressways nor to any controlled access arterial street without permission of the highway agency that has access control jurisdiction. No direct public or private access shall be permitted to the existing or proposed rights-of-way of freeways, interstate highways and their interchanges or turning lanes nor to intersecting or interchanging streets within 1,500 feet of the most remote end of the taper of the turning lanes (such as exit and entrance ramps). No driveway openings shall be permitted within 100 feet of the intersection of an arterial street right-of-way line.~~

~~A. —~~

~~B. — Access barriers, such as curbing, fencing, ditching, landscaping or other topographic barriers, shall be erected to prevent unauthorized vehicular ingress or egress to the above specified streets or highways. Temporary access to the above rights-of-way may be granted by the Zoning Administrator after review and recommendation by the highway agencies having jurisdiction. Such access permit shall be temporary, revocable and subject to any conditions required and shall be issued for a period not to exceed 12 months.~~ All new or modified driveways for a single-family and two-family residential developments shall be subject to the approval of a permit at the time a building is erected, driveway is reconstructed or the driveway is expanded in accordance with the following:

A. Access. The location, design, and quantity of access points for a property shall conform to the requirements in Chapter 240, Driveways, of this Code.

B. Location and Design

(1) Driveways shall not exceed the width of the garage or carport it serves, except as follows:

(a) A driveway may be extended to no more than 5 feet in front of the residential dwelling. Circular driveways may be permitted beyond the 5 feet subject to the review and approval by the Village Board.

(b) A driveway may be extended to no more than 12 feet on the non-dwelling side of the garage or carport. On a corner lot, a driveway extension parallel to a secondary street, shall not be closer than 5 feet to the sidewalk and/or right-of-way line.

(c) Where a garage or carport does not exist, the maximum driveway width shall be no greater than 24 feet.

(d) The width of a driveway at the right-of-way line shall not exceed the width of the apron. The width of a driveway may be extended beyond the width of the apron into the property, however, said extension shall be tapered at an angle or have a curved radii from the right-of-way as to provide a setback from the sidewalk and/or right-of-way line.

(e) A parking pad, separate from the driveway, may be permitted in the side or rear yard and are prohibited in the front yard.

C. Surfacing. All driveways and parking pads shall be hard surfaced with concrete, asphalt, brick pavers, or another permeable hard surface approved by the Director of Public Works or designee. Gravel material is strictly prohibited.

C.D. Parking. All vehicle wheels shall be located on a residential driveway surface in the front yard. Parking of a vehicle or trailer is permitted off a hard surfaced driveway or parking pad in the side or rear yard, provide it does not create a nuisance, and the vehicle is maintained in a road worthy condition including licensed, registered, operable, and in good repair.

§ 240-1. Driveway permit required.

- A. Purpose. For the safety of the general public, the Village shall determine the location, size, construction and number of access points to public roadways within the Village limits. It is the Village's intent to provide safe access to properties abutting public roadways suitable for the property to be developed to its highest and best use, provided that access is not deficient or dangerous to the general public.
- B. Permit required to construct, reconstruct, alter or enlarge. No person, firm or corporation shall construct, reconstruct, alter or enlarge any private driveway within the limits of the dedicated portion of any public street under the control and jurisdiction of the Village of Kimberly without first obtaining a permit therefor as provided by this ~~chapter~~Chapter.
- C. Application. Application for such permit shall be made to the ~~Building Inspector~~Zoning Administrator on a form provided by the Village and shall be accompanied by a drawing accurately depicting the portion of the proposed private driveway to be constructed, reconstructed, altered or enlarged lying within the dedicated portion of the public street, the dimensions thereof and a statement of the materials proposed to be used. The applicant shall pay a fee ~~of \$5 as established by the Village Board and listed on the Village's Fee Schedule.~~ Upon receipt of the application and the fee if required, unless the proposed private driveway is a part of construction for a building or other structure for which a building permit has been applied for, in which case no additional fee is required, ~~the~~ The Building Inspector/Zoning Administrator/Public Works Director or designee shall approve such application if the proposed driveway complies with the terms and conditions of this and any other applicable Village ordinance.
- D. Application provisions. All driveway permit applications shall contain the applicant's statement that:
- (1) The applicant represents all parties in interest, and that such proposed driveway is for the bona fide purpose of securing access to ~~their~~his property and not for the purpose of parking or servicing vehicles, advertising, storage or merchandising of goods within the dedicated portion of the Village street, or for any other purpose.
 - (2) The Village, notwithstanding the construction of such driveway, reserves the right to make any changes, additions, repairs or relocations within the dedicated portion of the Village street at any time, including relocation, reconstruction, widening and maintaining the street, without compensating the owner of such private driveway for the damage or destruction of such private roadway.
 - (3) The permittee, ~~their~~his successors or assigns agree to indemnify and hold harmless the Village of Kimberly, its officials, officers, agents or employees against any claim or any cause of action for personal injury or property damage sustained by reason of the

exercise of such permit.

- (4) The Village does not assume any responsibility for the removal or clearance of snow, ice or sleet or the opening of any windrows of such material upon such portion of such driveway and sidewalk within the dedicated portion of the Village street.

§ 240-2. Driveway location, design and construction requirements.

A. General requirements. The location, design and construction of driveways shall be in accordance with the following:

- (1) General design. Private driveways shall be of such width and so located that all of such driveways and their appurtenances are within the limits of the frontage abutting the street of the property served. Driveways shall not provide direct ingress or egress to or from any street intersection area and shall not encroach upon or occupy areas of the street right-of-way required for effective traffic control or for street signs or signals. A driveway shall be so located and constructed that vehicles approaching or using it shall have adequate sight distance along the street. Driveway approaches shall be at least 10 feet apart except by special permission from the ~~Village Board~~Director of Public Works or designee, and driveways shall in all cases be placed wherever possible as not to interfere with utilities in place.
- (2) Number. The number of driveways to serve an individual property fronting on a street shall be one. In the case of a property with access from an alley, the number of driveway access shall be one, be it either from the street or from the alley. This rule shall apply to each property, except where deemed necessary and feasible by the Village Board for reasonable and adequate service to the property, considering the safety, convenience and utility of the street or alley.
- (3) Island terrace area. The island terrace area in the street right-of-way between successive driveways or adjoining a driveway and between the highway shoulder and right-of-way shall constitute a restricted area and may be filled in and graded only as provided in Subsection A(7).
- (4) Drainage. The surface of the driveway connecting with street cross sections shall slope downward and away from the highway shoulder a sufficient distance to preclude ordinary surface water drainage flowing onto the street roadbed.
- (5) Culverts. Driveways shall not obstruct or impair drainage in street ditches or roadside areas. Driveway culverts, where required, shall be adequate for surface water drainage along the street and shall not be less than the equivalent of a twelve-inch diameter pipe. The distance between culverts under successive driveways shall not be less than 10 feet except as such restricted area is permitted to be filled in pursuant to the provisions of Subsection A(7) hereof.
- (6) Reconstruction of sidewalks and curb and gutter. When the construction of a driveway requires the removal of a curb or gutter, removal of sidewalk or the disturbance of the area between the highway shoulder and right of way, such work requires a Right of Way Permit. ~~—t~~The new connections shall be of equivalent acceptable material and curb returns shall be provided or restored in a neat, workmanlike manner. The driveway surface shall be connected with the highway pavement and the sidewalk, if any, in a neat, workmanlike manner. The driveway construction shall include the replacement of such sidewalk areas which are inadequate or which are or may be damaged by means of vehicle travel across the sidewalk. All driveway entrances and approaches which are constructed across sidewalks shall be paved in accordance with the requirements for sidewalk construction in § 430-5 of this Code insofar as such requirements are applicable, including thickness requirements. Standard thickness of driveway

approaches and sidewalks within the approach will be six inches thick.

- (7) Restricted areas. The restricted area between successive driveways may be filled in and graded only when the following requirements are complied with:
- (a) The filling or draining shall be to grades approved by the ~~Street Commissioner~~Director of Public Works or designee and, except where highway drainage is by means of curb and gutter, water drainage of the area shall be directed away from the street roadbed in a suitable manner.
 - (b) Culvert extensions under the restricted area shall be of the same size and of equivalent acceptable material as the culvert under the driveway. Intermediate manholes adequate for cleanout purposes may be required where the total culvert length is excessive.
 - (c) Where no street side ditch separates the restricted area from the street roadbed, permanent provision may be required to separate the area from the street roadbed to prevent its use for driveway or parking purposes by construction of a border, curb, rail or posts as may be required by the ~~Street Commissioner~~Director of Public Works or designee.
- (8) Relocation of utilities. Any costs of relocating utilities shall be the responsibility of the property owner, with approval of the ~~Village Board~~Director of Public Works necessary before any utility may be relocated and the driveway installed.⁺

(9) Highway Access

- (a) No direct private access shall be permitted to the existing or proposed rights-of-way of expressways nor to any controlled access arterial street without permission of the highway agency that has access control jurisdiction. No direct public or private access shall be permitted to the existing or proposed rights-of-way of freeways, interstate highways and their interchanges or turning lanes nor to intersecting or interchanging streets within 1,500 feet of the most remote end of the taper of the turning lanes (such as exit and entrance ramps). No driveway openings shall be permitted within 100 feet of the intersection of an arterial street right-of-way line.
 - (b) Access barriers, such as curbing, fencing, ditching, landscaping or other topographic barriers, shall be erected to prevent unauthorized vehicular ingress or egress to the above specified streets or highways.
 - (c) Temporary access to the above rights-of-way may be granted by the Zoning Administrator after review and recommendation by the highway agencies having jurisdiction. Such access permit shall be temporary, revocable and subject to any conditions required and shall be issued for a period not to exceed 12 months
- (10) Variances. Any of the above requirements may be varied by the Village Board in such instances where the peculiar nature of the property or the design of the street may make the rigid adherence to the above requirements impossible or impractical.

~~— No direct private access shall be permitted to the existing or proposed rights-of-way of expressways nor to any controlled access arterial street without permission of the highway agency that has access control jurisdiction. No direct public or private access shall be permitted to the existing or proposed rights-of-way of freeways, interstate highways and their interchanges or turning lanes nor to intersecting or interchanging streets within 1,500 feet of the most remote end of the taper of the turning lanes (such as exit and entrance ramps). No driveway openings shall be permitted within 100 feet of the intersection of an arterial street right-of-way line.~~

~~(a) Access barriers, such as curbing, fencing, ditching, landscaping or other topographic barriers, shall be erected to prevent unauthorized vehicular ingress or egress to the above specified streets or highways.~~

~~Temporary access to the above rights of way may be granted by the Zoning Administrator after review and recommendation by the highway agencies having jurisdiction. Such access permit shall be temporary, revocable and subject to any conditions required and shall be issued for a period not to exceed 12 months~~

~~(9)~~

B. Special requirements for commercial and industrial driveways. The following regulations are applicable to driveways serving commercial or industrial establishments:

(1) Width of drive. No part of a private driveway located within the dedicated area of a public street shall, except as hereinafter provided, have a width greater than ~~30~~ 40 feet measured at right angles to the center line of said driveway, except as increased by permissible radii. In instances where the nature of the commercial or industrial activity or the physical characteristics of the land would require a driveway of greater width than herein specified, the Village Board, in its discretion, may permit a driveway of additional width.

(2) Angular placement of driveway. The angle between the center line of the driveway and the curbline shall not be less than 45°.

(3) Island terrace areas. Where the public sidewalk is adjacent to the curb, an island of a minimum length of 10 feet measured along the curbline shall be placed between each entrance to a Village street. The curb shall be left intact for the length of this island. Where the public sidewalk is remote from the curb, an island of a minimum length of 10 feet measured along the right-of-way line shall be maintained along each entrance to the Village street. All flares shall be tangent to the curbline. A curb length of not less than five feet shall be left undisturbed adjacent to each property line to serve as an island area in the event an adjoining property owner applies for a driveway permit to serve ~~his~~ their property.

C. Special requirements for residential driveways. The following regulations are applicable to driveways serving residential property:

(1) Width of driveways. Openings for vehicular ingress and egress shall be at least 10 feet wide at the property line for residential properties but shall not exceed 40% of the lot width or 40 feet whichever is less. 24 feet at the property line and 27 feet at the curb opening.

(2) Angular placement. The center line of the drive may be parallel to the property line of the lot where access is required or at right angles to the curbline.

§ 240-3. ~~Appeal from permit refusal.~~ Appeals.

Any person feeling ~~himself—themselves~~ aggrieved by the refusal of the ~~Village Administrator~~ Zoning Administrator or Director of Public Works to issue a permit for a private driveway may appeal such refusal to the Village Board within 20 days after such refusal to issue such permit is made.

§ 240-4. Prohibited driveways.

A. No person, firm or corporation shall place, construct or locate, or cause to be placed, constructed or located, any obstruction or structure within the limits of any public road, highway or street in the Village of Kimberly except as permitted by this ~~chapter~~ Chapter. As used herein, the word "structure" includes private driveway, a portion of which extends into any public road, highway or street, and which is in nonconformance with this ~~chapter~~ Chapter.

- B. No driveway shall be closer than 10 feet to the extended street line at an intersection. At street intersections a driveway shall not provide direct ingress or egress to or from the street intersection area and shall not occupy areas of the roadway deemed necessary by the Village for effective traffic control or for highway signs or signals.
- C. The grade of that portion of any private driveway or pedestrian path located within the limits of any public road, highway or street shall be such as shall meet the grade of the existing public roadway at its edge and not cause an obstruction to the maintenance or clearing of such public roadway.
- D. No driveway apron shall extend out into the street further than the facing of the curb, and under no circumstances shall such driveway apron extend into any gutter area. All driveway entrances and approaches shall be constructed as not to interfere with the drainage of streets, side ditches or roadside areas, or with any existing structure on the right-of-way.
- E. No portion of any curb, parapet or retaining wall rising above the grade of the driveway, erected by the owner of the premises involved, shall extend beyond the culvert spanning the watercourse located in such public way.