



VILLAGE PLAN COMMISSION AGENDA

Tuesday, April 14, 2026, 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 March 17, 2026, Meeting Minutes**
5. **Public Hearing**
 - a. Ordinance No. 1, Series 2026, an Ordinance Amending Chapter 525, Zoning Code of the Village of Kimberly Municipal Code related to Protest Petitions
 - b. Ordinance No. 2, Series 2026, an Ordinance Amending Chapter 514, Subdivision Code of the Village of Kimberly Municipal Code related to Condominium Developments
6. **Unfinished Business for Consideration or Action**
 - a. None
7. **New Business for Consideration or Action**
 - a. Certified Survey Map – Lot Reconfiguration – Parcels 250-001900, 250-002000, and 250-002100 (408 N Main Street)
 - b. Ordinance No. 1, Series 2026, an Ordinance Amending Chapter 525, Zoning Code of the Village of Kimberly Municipal Code related to Protest Petitions
 - c. Ordinance No. 2, Series 2026, an Ordinance Amending Chapter 514, Subdivision Code of the Village of Kimberly Municipal Code related to Condominium Developments
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
03/17/2026**

A meeting of the Village Kimberly Plan Commission was called to order on Tuesday, March 17, 2026, at 5:00pm in the Rick J. Hermus Council Chambers, 515 W. Kimberly Ave, by Commissioner Norb Karner.

Commissioners Present: Commissioners: Michael Robach, Jeremy Freund, Norb Karner, Todd Schneider, and Nancy Bourassa

Commissioners Excused: President Chuck Kuen and Commissioner Dave Vander Velden

Staff Present: Deputy Clerk Erica Ziegert and Community Development Director Sam Schroeder

Approval of Minutes from the 02-17-2025 Meeting

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

Public Hearing

None

Unfinished Business

None

New Business

Site Plan and Architectural Review – 222 Main Street – Conversion to Single-Family Residential

Commissioner Robach moved, Commissioner Freund seconded the motion to allow the conversion of the existing building into a single-family residential building as presented with the following conditions:

1. No work shall commence before building permits have been approved.
2. Phase 2 being the detached garage including the grading and drainage of the property and removal of asphalt shall be reviewed and approved by the Village.

Motion carried by unanimous vote.

Condominium Plat Review – Ginger Belle Condominium – Lot 27 of the Rivers Edge Subdivision

Commissioner Schneider moved, Commissioner Karner seconded the motion to approve the Ginger Belle Condominium Plat pertaining to Lot 27 of the Rivers Edge Subdivision with the following conditions:

1. Garbage and Recycling services shall either be privately managed with any common refuse areas being screened, or a separate agreement shall be executed with the Village in regards to the pick up on a private road and release of liability.
2. Developer shall install the street sign and the no parking signs per Village standards.

3. Developer shall work with the United States Postal Service for an acceptable mailbox design and location.
4. Minor modifications may be approved by Village staff.

Landscape Plan – Planned Unit Development – Lot 27 of the Rivers Edge Subdivision

Commissioner Robach moved, Commissioner Schneider seconded the motion to approve the proposed landscape plan as it is directly related to the planned unit development with the requirement that the initial planting shall be no less than 5 feet in height. Motion carried by unanimous vote.

Adjournment

Commissioner Freund moved, Commissioner Karner seconded the motion to adjourn. Motion carried by unanimous vote at 5:17pm.

Erica Ziegert
Deputy Clerk
Dated 03/18/2026



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 525-127 of the Municipal Ordinance pertaining to Protest Petitions. The Board will be considering the amendment following a public hearing on Monday, April 27, 2026, at 5:00pm or shortly thereafter. An informal hearing will be considered as well at the Village Plan Commission meeting on Tuesday, April 14, 2026, 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: April 1st and April 8th, 2026



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 Subdivision Code, Chapter 514 of the Municipal Ordinance pertaining to Condominium Developments. The Board will be considering the amendment following a public hearing on Monday, April 27, 2026, at 5:00pm or shortly thereafter. An informal hearing will be considered as well at the Village Plan Commission meeting on Tuesday, April 14, 2026, 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: April 1st and April 8th, 2026



Village of Kimberly Request for Plan Commission Recommendation

ITEM DESCRIPTION: Certified Survey Map – Lot Reconfiguration – Parcels 250-001900, 250-002000, and 250-002100 (408 N Main Street)

REPORT PREPARED BY: Sam Schroeder, Community Development Director

REPORT DATE: April 14, 2026

EXPLANATION: The Village of Kimberly has been working with the property owners of 408 N Main Street over the past year. The owners are desirous to add a large addition onto the home which would include an attached garage and living space above the garage as well as converting the existing garage into living quarters. Their property is currently made up of three legal non-conforming lots. The proposed addition is current proposed to extend over an existing property line which requires the reconfiguration of these lots.

The proposed certified survey map (CSM) looks to reconfigure three non-conforming lots into one conforming lot and one reduced non-conforming lot. The larger conforming lot is designed as to provide the minimum side setbacks needed for the home and the addition. It would be staffs opinion that the remaining non-conforming lot would technically still be considered “buildable” in the future as the non-conformity has been reduced. Buildable is used in quotations as it still would be a unique and custom home that would need to fit on a lot this size and located on a corner.

The owner, however, has no intention on selling any of these properties.

RECOMMENDED ACTION: Staff recommends approval of the proposed two lot Certified Survey Map reconfiguring Parcels 250-001900, 250-002000, and 250-002100 as presented.

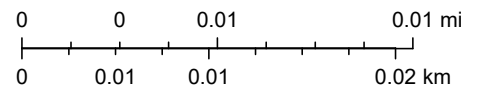
Outagamie County GIS Map



4/9/2026, 7:48:28 AM

1:564

- Tax Parcel Information
- PLSS Sections
- Plat Boundary Lines
- Plat Boundary
- Property Address
- Streets
- LOCAL
- Highway Labels



CLIENT:
FRANK VANDENBRANDON
408 N. MAIN ST.
KIMBERLY, WI 54136

PLAT OF SURVEY / SITE PLAN

ALL OF LOTS 1, 2, 3, AND 4 IN BLOCK 1 OF GILMORE'S PLAT, LOCATED IN GOVERNMENT LOT 4 OF SECTION 27, TOWNSHIP 21 NORTH, RANGE 18 EAST, VILLAGE OF KIMBERLY, OUTAGAMIE COUNTY, WISCONSIN.

LEGEND

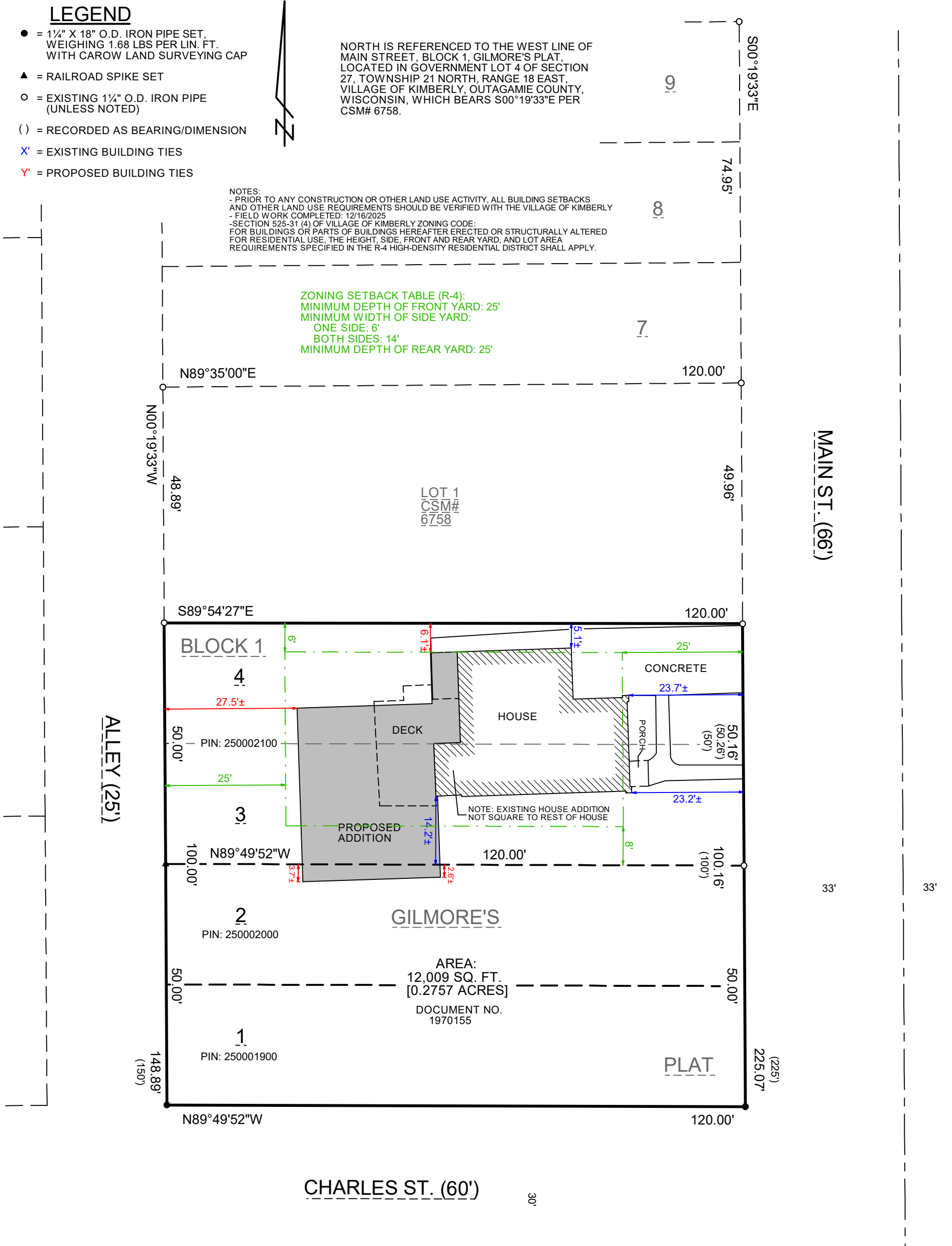
- = 1 1/2" X 18" O.D. IRON PIPE SET, WEIGHING 1.68 LBS PER LIN. FT. WITH CAROW LAND SURVEYING CAP
- ▲ = RAILROAD SPIKE SET
- = EXISTING 1 1/2" O.D. IRON PIPE (UNLESS NOTED)
- () = RECORDED AS BEARING/DIMENSION
- X = EXISTING BUILDING TIES
- Y = PROPOSED BUILDING TIES



NORTH IS REFERENCED TO THE WEST LINE OF MAIN STREET, BLOCK 1, GILMORE'S PLAT, LOCATED IN GOVERNMENT LOT 4 OF SECTION 27, TOWNSHIP 21 NORTH, RANGE 18 EAST, VILLAGE OF KIMBERLY, OUTAGAMIE COUNTY, WISCONSIN, WHICH BEARS S00°19'33"E PER CSM# 6758.

NOTES:
- PRIOR TO ANY CONSTRUCTION OR OTHER LAND USE ACTIVITY, ALL BUILDING SETBACKS AND OTHER LAND USE REQUIREMENTS SHOULD BE VERIFIED WITH THE VILLAGE OF KIMBERLY
- FIELD WORK COMPLETED: 12/16/2025
- SECTION 525-31 (4) OF VILLAGE OF KIMBERLY ZONING CODE:
FOR BUILDINGS OR PARTS OF BUILDINGS HEREAFTER ERECTED OR STRUCTURALLY ALTERED FOR RESIDENTIAL USE, THE HEIGHT, SIDE, FRONT AND REAR YARD, AND LOT AREA REQUIREMENTS SPECIFIED IN THE R-4 HIGH-DENSITY RESIDENTIAL DISTRICT SHALL APPLY.

ZONING SETBACK TABLE (R-4):
MINIMUM DEPTH OF FRONT YARD: 25'
MINIMUM WIDTH OF SIDE YARD:
ONE SIDE: 6'
BOTH SIDES: 14'
MINIMUM DEPTH OF REAR YARD: 25'



LOT 1
CSM#
6758

BLOCK 1

4

3

2

1

GILMORE'S

AREA:
12,009 SQ. FT.
[0.2757 ACRES]
DOCUMENT NO.
1970155

PLAT



I HEREBY CERTIFY THAT THE ABOVE DESCRIBED PROPERTY WAS SURVEYED AND MAPPED IN ACCORDANCE WITH AE-7 OF THE WISCONSIN ADMINISTRATIVE CODE AND IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

Christopher E. Perreault
12/22/2025
CHRISTOPHER E. PERREAULT, PLS-2249 DATED

A2512.23



SCALE: 1" = 20'

CAROW LAND SURVEYING & ENVIRONMENTAL		
615 NORTH LYNNDALE DRIVE		
APPLETON, WI 54914		
DATE: 12/22/2025	SCALE: 1" = 20'	DRAWN BY: FNZ

CERTIFIED SURVEY MAP NO. _____

BEING ALL OF LOTS 1, 2, 3, AND 4 OF BLOCK 1 OF "GILMORE'S PLAT" LOCATED IN THE GOVERNMENT LOT 4 OF SECTION 27, TOWNSHIP 21 NORTH, RANGE 18 EAST, VILLAGE OF KIMBERLY, OUTAGAMIE COUNTY, WISCONSIN.

OWNER(S) OF RECORD:

FRANK & JAIME A. VANDENBRANDEN

PARCEL NO.(S):

250001900
250002000
250002100

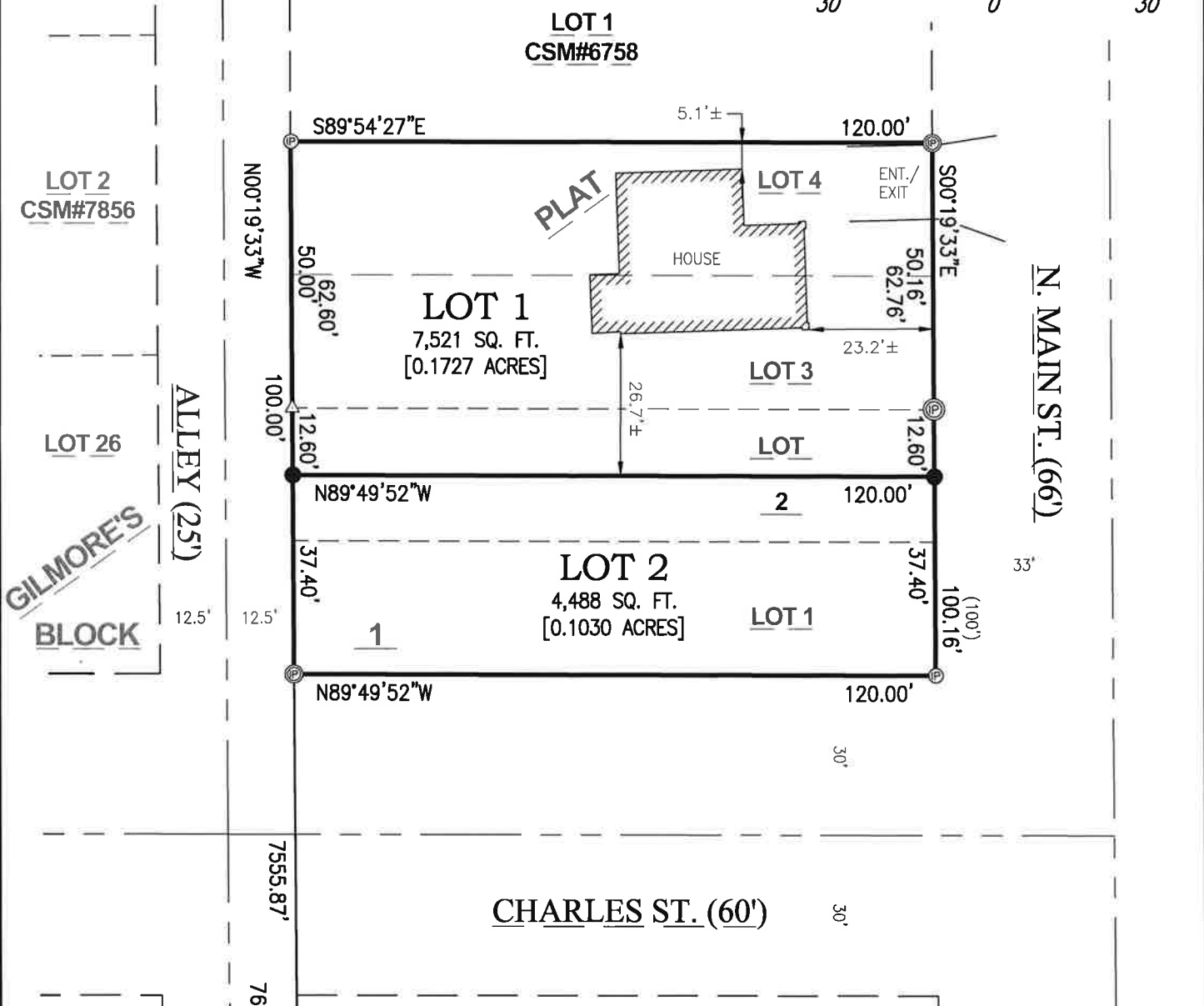
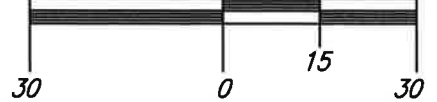
DOCUMENT NO.(S):

1970155

LEGEND:

- = 1 1/4" X 18" O.D. ROUND IRON PIPE SET, WEIGHING 1.68 LBS. PER LIN. FT.
- ⊕ = 1" O.D. ROUND IRON PIPE FOUND
- ⊙ = 1 1/4" O.D. ROUND IRON PIPE FOUND
- △ = RAILROAD SPIKE FOUND
- ⊙ = BERNTSEN MONUMENT FOUND
- = 8" X 8" STONE MONUMENT
- () = RECORDED AS BEARING OR DISTANCE

GRAPHIC SCALE: 1" = 30'

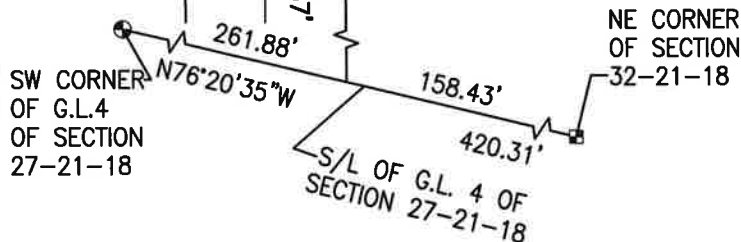


GILMORE'S BLOCK

ALLEY (25')

NOTES:

- THIS MAP DOES NOT TRANSFER PROPERTY OWNERSHIP OF THE LOTS HEREON. SALE OR TRANSFER OF THE LOTS REQUIRES A DEED.
- FIELD SURVEY DATE: 12/22/2025
- PRIOR TO ANY CONSTRUCTION OR OTHER LAND USE ACTIVITY, ALL BUILDING SETBACKS AND OTHER LAND USE REQUIREMENTS SHOULD BE VERIFIED WITH THE VILLAGE OF KIMBERLY.



Christopher E. Perreault
CHRISTOPHER E. PERREAULT, PLS-2249 DATED
CAROW LAND SURVEYING & ENVIRONMENTAL
615 N. LYNNDAL DR., APPLETON, WI 54914
N5841 STATE HIGHWAY 47-55, SHAWANO, WI 54166
PHONE: (920)731-4168
A2512.23 DATED:3/19/2026 DRAFTED BY:cwm/fnz - NJO



NORTH IS REFERENCED TO THE SOUTH LINE OF THE GOVERNMENT LOT 4 OF SECTION 27, TOWNSHIP 21 NORTH, RANGE 18 EAST, VILLAGE OF KIMBERLY, OUTAGAMIE COUNTY, WISCONSIN, WHICH BEARS N76°20'35"W PER THE WISCONSIN COUNTY COORDINATE SYSTEM (OUTAGAMIE COUNTY)

CERTIFIED SURVEY MAP NO. _____

BEING ALL OF LOTS 1, 2, 3, AND 4 OF BLOCK 1 OF "GILMORE'S PLAT" LOCATED IN THE GOVERNMENT LOT 4 OF SECTION 27, TOWNSHIP 21 NORTH, RANGE 18 EAST, VILLAGE OF KIMBERLY, OUTAGAMIE COUNTY, WISCONSIN.

SURVEYOR'S CERTIFICATE:

I, CHRISTOPHER E. PERREAULT, PROFESSIONAL LAND SURVEYOR, WISCONSIN REGISTRATION NO. PLS-2249, DO HEREBY CERTIFY THAT I HAVE SURVEYED, DIVIDED, AND MAPPED ALL OF LOTS 1, 2, 3, AND 4 OF BLOCK 1 OF "GILMORE'S PLAT" LOCATED IN THE GOVERNMENT LOT 4 OF SECTION 27, TOWNSHIP 21 NORTH, RANGE 18 EAST, VILLAGE OF KIMBERLY, OUTAGAMIE COUNTY, WISCONSIN. SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD.

THAT I HAVE MADE SUCH SURVEY UNDER THE DIRECTION OF FRANK VANDENBRANDEN, 408 N. MAIN ST., KIMBERLY, WISCONSIN, 54136.

THAT THIS MAP IS A CORRECT REPRESENTATION OF THE EXTERIOR BOUNDARY LINES OF THE LAND SURVEYED AND THE DIVISION OF THAT LAND.

THAT I HAVE FULLY COMPLIED WITH THE PROVISIONS OF CHAPTER 236.34 OF THE WISCONSIN STATUTES AND THE SUBDIVISION ORDINANCE OF THE VILLAGE OF KIMBERLY.



Christopher E. Perreault
CHRISTOPHER E. PERREAULT, PLS-2249 DATED 9/29/26
CAROW LAND SURVEYING & ENVIRONMENTAL
615 N. LYNNDALE DRIVE, APPLETON, WI 54914
N5841 STATE HIGHWAY 47-55, SHAWANO, WI 54166
PHONE: (920)731-4168
A2512.23 (NJO) 03-19-2026

NOTES:

- 1) THIS CERTIFIED SURVEY MAP INCLUDES ALL OF TAX PARCEL(S): 250001900, 250002000, & 250002100
- 2) THE PROPERTY OWNER(S) OF RECORD IS (ARE): FRANK & JAIME A. VANDENBRANDEN.
- 3) THE PROPERTY IS DESCRIBED IN THE FOLLOWING RECORDED INSTRUMENT(S): DOCUMENT NO. 19701555

TREASURER'S CERTIFICATE:

I HEREBY CERTIFY THAT THERE ARE NO UNPAID TAXES OR UNPAID SPECIAL ASSESSMENTS ON ANY OF THE LAND INCLUDED ON THIS CERTIFIED SURVEY MAP.

VILLAGE TREASURER DATED COUNTY TREASURER DATED

VILLAGE BOARD OF KIMBERLY APPROVAL:

WE HEREBY CERTIFY THAT THIS CERTIFY THAT THIS CERTIFIED SURVEY MAP WAS APPROVED BY THE VILLAGE OF KIMBERLY ON THIS _____ DAY OF _____, 20 ____.

PRESIDENT DATED CLERK DATED

CERTIFIED SURVEY MAP NO. _____

BEING ALL OF LOTS 1, 2, 3, AND 4 OF BLOCK 1 OF "GILMORE'S PLAT" LOCATED IN THE GOVERNMENT LOT 4 OF SECTION 27, TOWNSHIP 21 NORTH, RANGE 18 EAST, VILLAGE OF KIMBERLY, OUTAGAMIE COUNTY, WISCONSIN.

OWNER'S CERTIFICATE:

AS OWNER(S), I (WE) CERTIFY THAT I (WE) CAUSED THE LANDS DESCRIBED ON THIS CERTIFIED SURVEY MAP TO BE SURVEYED, DIVIDED, AND MAPPED AS REPRESENTED HEREON. I (WE) FURTHER CERTIFY THAT THIS MAP IS REQUIRED BY S.236.10 OR S.236.12 OF THE WISCONSIN STATUTES TO BE SUBMITTED TO THE FOLLOWING FOR APPROVAL OR OBJECTION: VILLAGE OF KIMBERLY.

WITNESS THE HAND AND SEAL OF SAID OWNER(S) THIS ____ DAY OF _____, 20 ____.

FRANK VANDENBRANDEN

JAIME A. VANDENBRANDEN

STATE OF WISCONSIN)
)SS
COUNTY OF _____)

PERSONALLY CAME BEFORE ME THIS ____ DAY OF _____, 20 ____, THE ABOVE NAMED PERSON(S) TO ME KNOWN TO BE THE PERSON(S) WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THE SAME.

NOTARY PUBLIC
MY COMMISSION EXPIRES _____

[Handwritten Signature] 9/25/22

CHRISTOPHER E. PERREAULT, PLS-2249 DATED
CAROW LAND SURVEYING & ENVIRONMENTAL
615 N. LYNNDALE DRIVE, APPLETON, WI 54914
N5841 STATE HIGHWAY 47-55, SHAWANO, WI 54166
PHONE: (920)731-4168
A2512.23 (NJO) 03-19-2026





Village of Kimberly Request for Plan Commission Recommendation

ITEM DESCRIPTION: Ordinance No. 1, Series 2026, an Ordinance Amending Chapter 525, Zoning Code of the Village of Kimberly Municipal Code related to Protest Petitions

REPORT PREPARED BY: Sam Schroeder, Community Development Director

REPORT DATE: April 14, 2026

EXPLANATION: Attached herein is an Ordinance to remove Section 525-127 in its entirety from the Village Zoning Code related to Protest Petitions. A Protest Petition refers to the ability to force a favorable $\frac{3}{4}$ vote of the full Village Board to cause such adoption of a text amendment or zoning map amendment versus the typical simple majority. Prior to 2017, this was standard language all municipalities had in the State of Wisconsin.

In 2017, per Wisconsin Act 243, the law requiring this language was removed and gave the municipality the option.

In 2023, per Wisconsin Act 16, the statute was updated prohibiting anything other than a simple majority vote for rezoning. The Act came into effect January 1, 2025. With this, the Village is currently out of compliance as it relates to the protest petition specific to rezonings or map amendment.

Staff is recommending, similar to other communities, that this language be removed in its entirety.

RECOMMENDED ACTION: Staff recommends the Plan Commission approve Ordinance No. 1, Series 2026, an Ordinance amending Chapter 525 of the Zoning Code of the Village of Kimberly Municipal Code related to Protest Petitions

**VILLAGE OF KIMBERLY
OUTAGAMIE COUNTY, WISCONSIN
ORDINANCE NUMBER 1, SERIES OF 2026**

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

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

Section 1. Section 525-127, Protest, ARTICLE XIV, Chapter 525 of Municipal Code, is hereby deleted in its entirety:

§ 525-127 Reserved.-Protest.

~~A. In the event of a protest against amendment to the Zoning Map, duly signed and acknowledged by the owners of 20% or more either of the areas of the land included in such proposed change, or by the owners of 20% or more of the land immediately adjacent extending 100 feet therefrom, or by the owners of 20% or more of the land directly opposite thereto extending 100 feet from the street frontage of such opposite land, such changes or amendments shall not become effective except by the favorable vote of 3/4 of the full Village Board membership.~~

~~B. In the event of protest against amendment to the text of the regulations of this chapter, duly signed and acknowledged by 20% of the number of persons casting ballots in the last general election, it shall cause a three-fourths vote of the full Village Board membership to adopt such amendment.~~

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: April _____, 2026.

VILLAGE OF KIMBERLY

Charles A. Kuen, Village President

Jennifer Weyenberg, Village Clerk

Chapter 525. Zoning

Article XIV. Amendments

§ 525-127. Protest.

- A. In the event of a protest against amendment to the Zoning Map, duly signed and acknowledged by the owners of 20% or more either of the areas of the land included in such proposed change, or by the owners of 20% or more of the land immediately adjacent extending 100 feet therefrom, or by the owners of 20% or more of the land directly opposite thereto extending 100 feet from the street frontage of such opposite land, such changes or amendments shall not become effective except by the favorable vote of 3/4 of the full Village Board membership.
- B. In the event of protest against amendment to the text of the regulations of this chapter, duly signed and acknowledged by 20% of the number of persons casting ballots in the last general election, it shall cause a three-fourths vote of the full Village Board membership to adopt such amendment.



316 W. Washington Ave., Suite 600
Madison, WI 53703
Phone: 608-267-2380
Fax: 608-267-0645
Email: league@lwm-info.org
Website: lwm-info.org

OVERVIEW OF ACT 16

On June 22, 2023, the governor signed 2023 Wis. Act 16 into law. Act 16 is a housing bill that addresses: (1) the procedure for amending zoning ordinances, (2) approval of “permits” for residential housing developments, (3) judicial review of local residential development decisions, and (4) planned development district zoning,

Amending Zoning Ordinances – Wis. Stat. § 66.10015(3)(a)

2017 Wis. Act 243 repealed Wis. Stat. § 62.23(7)(d)2m.a., which required a three-fourths vote by the governing body to approve a proposed zoning amendment when a protest petition was filed. Although the statutory protest petition was eliminated, the League opined that municipalities could still enact local ordinances that established a protest petition process like the former Wis. Stat. § 62.23(7)(d)2m.a., because nothing in the law prohibited such ordinances. Under Act 16, state law now prohibits such a process from being established at the local level. Wisconsin Stat. § 66.10015(3)(a) provides that a zoning amendment only requires approval by a simple majority of a quorum of the members elect. However, a two-thirds vote may still be required for a down zoning ordinance pursuant to Wis. Stat. § 66.10015(3)(b) and for a zoning amendment when an airport protest petition is brought pursuant to Wis. Stat. § 62.23(7)(d)2m.

This new provision does not take effect until January 1, 2025. This delayed effective date is intended to give municipalities time to update any local ordinances that require a now-prohibited super-majority vote for proposed zoning amendments. The League encourages members to start this process now and work with your municipal attorney, if needed, to make any necessary changes.

Approval of Residential Housing Developments – Wis. Stat. § 66.10016

Zoning ordinances are generally used to specify permitted uses, conditional uses, and prohibited uses. A permitted use allows a landowner to use land in the specified manner as a matter of right. Act 16 addresses administrative approvals related to permitted uses for residential housing developments. Act 16 creates Wis. Stat. § 66.10016, which requires municipalities to grant applications for a “permit” related to a “residential housing development” if the permit is complete when submitted and meets all existing requirements that must be satisfied to obtain the permit at the time the application is filed.

“Permit” means any permit or administrative approval required to proceed with a residential housing development. “Permit” does not include a change to an existing zoning ordinance or zoning classification of land or an approval of a conditional use as defined under Wis. Stat. § 62.23(7)(de)1.a. “Residential housing development” means a development for single-family or multi-family housing for sale or rent.

While § 66.10016 is a new statute, it does not require municipalities to do anything they were not previously required to do. Rather, the law emphasizes that once a permitted use for a residential housing development is established, municipalities must grant related permits and administrative approvals when the applications meet all existing requirements the municipality has identified prior to submission. This requirement only

applies in the context of permitted uses and does not apply to legislative decisions (e.g., rezoning requests) or quasi-judicial decisions (e.g., conditional use permit applications).

If a municipality fails to approve a complete permit application that meets all existing requirements when submitted, the aggrieved applicant may seek relief through an action for mandamus. If the court finds the municipality improperly failed to approve the application, the court must issue a writ of mandamus ordering the municipality to approve the application.

Section 66.10016 does not take effect until January 1, 2025. Despite § 66.10016's delayed effective date, municipalities are currently required to grant permit applications for permitted uses when all existing requirements are met. However, municipalities may want to consider reviewing their zoning codes and local ordinances immediately to ensure they are satisfied with the current permitted uses for residential housing developments and related requirements that must be met for approval. The League encourages members to work with their municipal attorney, if needed, to make any necessary changes.

Judicial Review of Residential Development Decisions – Wis. Stat. § 781.10

Act 16 creates Wis. Stat. § 781.10, which establishes a new statutory certiorari review procedure for decisions on applications for a permit or authorization for building, zoning, driveway, stormwater, or other activity related to “residential development.” Under § 781.10, “residential development” means the development or redevelopment of land or buildings for the primary purpose of providing housing.

Section 781.10 limits the pool of parties that have standing to appeal such decisions to:

- (1) The person who submitted the application.
- (2) A person with an ownership interest in the real property that is the subject for an application for an approval.
- (3) A person that, because of the final decision on the application for an approval, sustains actual damages or will imminently sustain actual damages that are personal to the person and distinct from damages that impact the public generally. A person under this subdivision may not seek review under this section unless, prior to the final decision on the approval, the person provided a statement in writing on the approval to the political subdivision or agency of the political subdivision or appeared and provided an oral statement at a public proceeding held by the political subdivision or agency of the political subdivision at which the approval was considered.
- (4) Certain corporate bodies affiliated with a person under (1), (2), or (3).
- (5) A local governmental unit, as defined in Wis. Stat. § 66.0131(1)(a).
- (6) To the extent authorized by law, a state agency, as defined in Wis. Stat. § 20.931(1)(c), that is aggrieved by the final decision on the application for approval.

Section 781.10 also establishes an expedited timeframe for judicial review. An individual must file a complaint within 30 days of the municipality's final decision. Municipalities will have 45 days to file an answer or other responsive pleading to the complaint and must also transmit the record under Wis. Stat. § 781.03(1) no later than 30 days after an answer or other responsive pleading is filed. The court must require any additional pleadings, motions, and supporting papers to be filed within 90 days after the municipality's deadline to file an answer or other responsive pleading to the complaint. Additionally, the court may only supplement the record on review upon motion of a party for good cause. After the 90-day deadline, the court has 60 days to issue its decision.

Section 781.10 does not take effect until January 1, 2025. Following the effective date, the § 781.10 certiorari review procedure will apply to any complaint filed in response to a decision on an application for a permit or authorization for building, zoning, driveway, stormwater, or other activity related to “residential development.” Due to the expedited timeline for review, municipalities should become familiar with the new procedures now. Municipalities should also ensure there are adequate processes in place for developing full and complete records related to any decision subject to certiorari review under § 781.10, because the court will only supplement the record upon a showing of good cause.

Planned Development Districts – Wis. Stat. § 62.23(7)(b)

A planned development district (PDD), also known as planned unit development, is a type of zoning district designed to encourage the efficient and optimal use of land. Prior to Act 16, Wis. Stat. § 62.23(7)(b) ostensibly required a PDD to promote each of three specific purposes: (1) coordinated area site planning, (2) diversified location of structures, and (3) mixed compatible uses. Requiring a PDD to meet each purpose impaired the flexibility PDDs were intended to provide. Act 16 now clarifies that a PDD may be established even if it does not contain mixed compatible uses.



**Village of Kimberly
Request for
Plan Commission Recommendation**

ITEM DESCRIPTION: Ordinance No. 2, Series 2026, an Ordinance Amending Chapter 514, Subdivision Code of the Village of Kimberly Municipal Code related to Condominium Developments
REPORT PREPARED BY: Sam Schroeder, Community Development Director
REPORT DATE: April 14, 2026
<p>EXPLANATION: Attached herein is an Ordinance updating the Subdivision Code granting the authority to review and approve condominium developments in the Village of Kimberly. Prior to this, the code was silent and the Village could have been challenged on our authority to review any past or future condominium land divisions. Many of these reviews were in conjunction with a larger development agreement requiring the review.</p> <p>The Ordinance is summarized as follows:</p> <ol style="list-style-type: none"> 1. 514-5 Definitions: "Condominium Development" definition is added. 2. 514-6 General Provisions: Reference to condominiums and state statutes is added giving the Village the jurisdiction. 3. 514-12 Minor Land Divisions: this section is updated as it relates to the exception for administrative reviews of two lot certified survey maps (CSM's). 4. Article XI Condominium Development: this article is added, summarizing the review factor and process to consider a condominium development.
RECOMMENDED ACTION: Staff recommends the Plan Commission approve Ordinance No. 2, Series 2026, an Ordinance Amending Chapter 514, Subdivision Code of the Village of Kimberly Municipal Code related to Condominium Developments

**VILLAGE OF KIMBERLY
OUTAGAMIE COUNTY, WISCONSIN
ORDINANCE NUMBER 2, SERIES OF 2026**

AN ORDINANCE AMENDING CHAPTER 514, SUBDIVISION CODE OF THE VILLAGE OF KIMBERLY MUNICIPAL CODE RELATED TO CONDOMINIUM DEVELOPMENTS

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

Section 1. Section 514-5, Definitions of Terms, ARTICLE II, Definitions, Chapter 514 of Municipal Code, is hereby amended to add the following definition:

CONDOMINIUM DEVELOPMENT — A real estate development in which a condominium form of ownership pursuant to Wis. Stats. Ch. 703 (Wis. Stats. §703.01), is utilized.

Section 2. Paragraph A., Section 514-6, General Provisions, ARTICLE III, General Provisions, Chapter 514 of Municipal Code, is hereby amended to read as follows:

- A. Compliance. No person, firm or corporation shall divide any land located within the jurisdictional limits of these regulations which results in a condominium, subdivision, minor land division or a replat, as defined herein; no such subdivision, minor land division or replat, as defined herein, shall be entitled to recording; and no street shall be laid out or improvements made to land without compliance with all requirements of this chapter and the following:
- (1) The provisions of Ch. 236 and § 82.18, Wis. Stats.

...

- (9) The provisions of Ch. 703, Wis. Stats.

Section 3. Paragraph E., Section 514-6, General Provisions, ARTICLE III, General Provisions, Chapter 514 of Municipal Code, is hereby added:

- E. Applicability to condominiums. This Chapter is expressly applicable to condominium development within the Village's jurisdiction, pursuant to Wis. Stats. §703.27(1). For purposes of this Chapter, a condominium unit and any associated limited common elements shall be deemed to be equivalent to a lot or parcel created by the act of subdivision.

Section 4. Paragraph A.(1), Section 514-12, Minor Land Division (Certified Survey Map), ARTICLE IV, Plat Review and Approval, Chapter 514 of Municipal Code, is hereby amended to read as follows:

- (1) Exception: A certified survey map proposing to divide an existing parcel into no more than two parcels for single-family attached dwelling units, zero-lot-line duplexes, may be reviewed by the Zoning Administrator or designee. If the Zoning Administrator or designee approves the map, the Village Administrator shall cause the approval to be certified on the face of the original map and return the map to the subdivider. Excluding condominium land divisions when permitted by separate laws or regulations, said

owners certificate shall indicate that the building is constructed to meet separation requirements per Chs. SPS 320 through 325, Wis. Admin Code, that each unit has its own utility meters for gas, electric and water, and that each unit has separate water laterals from the public water main as required by the Public Service Commission.

Section 5. ARTICLE XI, Condominium Developments, Chapter 514 of Municipal Code, is hereby added:

ARTICLE XI
Condominium Developments

§ 514-38. Condominium Developments.

A. Purpose.

- (1) The village board hereby finds that certain issues arise in condominium developments that require limited applicability of this Chapter to condominium developments. The State legislature has recognized that subdivision ordinances may apply to condominiums but that subdivision ordinances shall not impose burdens upon condominiums that are different from those imposed on other property of a similar character not subject to a declaration of condominium.
- (2) The factor that makes this chapter applicable to a condominium development is the creation of multiple, distinct property entities at or near the ground surface, subject to property taxation as separate parcels, with each property entity having different ownership and management. The Village determines that this factor makes a condominium development dissimilar, both physically and in ownership, from developments in which the land and improvements are under unitary ownership, management, and control.
- (3) Thus, the Village Board hereby finds that new condominium developments can place impacts on community resources in the same manner as other new developments which are characterized by division of land into lots. These impacts include:
 - (a) Additional population density.
 - (b) Possibility of use of particular land in a manner unsuitable to the land's characteristics.
 - (c) Additional demands upon village area parks, recreation areas, utility facilities and schools.
 - (d) Additional traffic and street use.

B. Portions of Chapter applicable to condominium developments. The following sections of this Chapter shall apply to condominium developments:

- (1) Section 514-7 relating to land suitability and construction practices.
- (2) Sections 514-8 through 514-10 relating to preliminary plat approval. This stage of approval shall be the only approval required for a condominium development. The technical requirements for preliminary plats set forth in Section 514-14 shall not apply, since condominiums have separate technical standards set forth in

Wis. Stats. § 703.01 et seq.

- (3) Article X of this Chapter, relating to fees for review.
- (4) Article VI of this Chapter, relating to required improvements.
- (5) Article VII of this Chapter, relating to design standards for improvements.
- (6) Article VIII of this Chapter, relating to dedication requirements.

C. Exemptions. This section shall not apply to the following condominiums.

- (1) Any condominium plat recorded prior to the effective date of the ordinance from which this Chapter is derived.
- (2) Any conversion of a structure in existence on the effective date of the ordinance from which this Chapter is derived to a condominium after the effective date of the ordinance from which this chapter is derived.

Section 6. 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 7. Effective Date. This Ordinance shall take effect upon passage and publication as provided by law.

Date introduced, approved and adopted: April _____, 2026.

VILLAGE OF KIMBERLY

Charles A. Kuen, Village President

Jennifer Weyenberg, Village Clerk

ARTICLE II Definitions

§ 514-5. Definitions of terms.

The following definitions shall be applicable in this chapter:

ALLEY — A public right-of-way which normally affords a secondary means of vehicular access to abutting property.

ARTERIAL STREET — A street which provides for the movement of relatively fast or heavy traffic to, from or within the Village. It has a secondary function of providing access to abutting land.

BLOCK — An area of land within a subdivision that is entirely bounded by a combination or combinations of streets, exterior boundary lines of the subdivision, and streams or water bodies.

COLLECTOR STREET — A street which collects and distributes internal traffic within an urban area, such as a residential neighborhood, between arterial and local streets. It provides access to abutting property.

COMMISSION — The Plan Commission created by the Village Board pursuant to § 62.23, Wis. Stats.

COMPREHENSIVE DEVELOPMENT PLAN — A comprehensive plan, also called a master plan, prepared by the Village, indicating the general locations recommended for the various functional classes of land use, places and structures and for the general physical development of the Village and includes any unit or part of such plan separately adopted and any amendment to such plan or parts thereof.

CONDOMINIUM DEVELOPMENT — A real estate development in which a condominium form of ownership pursuant to Wis. Stats. Ch. 703 (Wis. Stats. §703.01), is utilized.

CUL-DE-SAC — A short street having but one end open to traffic and the other end being permanently terminated in a vehicular turnaround.

DIVISION OF LAND — Where the title or any part thereof is transferred by the execution of a land contract, an option to purchase, an offer to purchase and acceptance, a deed or a certified survey.

EASEMENT — The area of land set aside or over or through which a liberty, privilege or advantage in land, distinct from ownership of the land, is granted to the public or some particular person or part of the public.

EXTRATERRITORIAL PLAT APPROVAL JURISDICTION — The unincorporated area within 1 1/2 miles of a fourth-class city or a village and within three miles of all other cities.

FINAL PLAT — The final map, drawing or chart on which the subdivider's plan of subdivision is presented for approval and which, if approved, will be submitted to the County Register of Deeds.

FRONTAGE STREET — A minor street auxiliary to and located on the side of an arterial street for control of access and for service to the abutting development.

IMPROVEMENT, PUBLIC — Any sanitary sewer, storm sewer, open channel, curb and gutter, water main, roadway, park, parkway, public access, sidewalk, pedestrianway, planting strip or other facility for which the Village may ultimately assume the responsibility for maintenance and operation.

LOCAL STREET — A street of little or no continuity designed to provide access to abutting property and leading into collector streets. Also referred to as a "minor street."

LOT — A parcel of land having frontage on a public street or other officially approved means of access, occupied or intended to be occupied by a principal structure or use and sufficient in size to meet the lot

width, lot frontage, lot area, yard, parking area and other open space provisions of this chapter and any applicable zoning ordinance.

LOT AREA — The area contained within the exterior boundaries of a lot, excluding streets and land under navigable bodies of water.

LOT, CORNER — A lot abutting intersecting streets at their intersection.

LOT LINES — The peripheral boundaries of a lot as defined herein.

LOT, REVERSED CORNER — A corner lot which is oriented so that it has its rear lot line coincident with or parallel to the side lot line of the interior lot immediately to its rear.

LOT, THROUGH — A lot having a pair of opposite lot lines along two more or less parallel public streets and which is not a corner lot. On a "through lot," both street lines shall be deemed front lot lines.

LOT WIDTH — The width of a parcel of land measured along the front building line.

MAJOR STREET — A street used or intended to be used primarily for fast or heavy through traffic. Major thoroughfares shall include freeways, expressways and other highways and parkways, as well as arterial streets.¹

MINOR STREET — A street used or intended to be used primarily for access to abutting properties; also referred to as a "local street."

MINOR LAND SUBDIVISION — The division of land by the owner or subdivider resulting in the creation of not more than four parcels or building sites.²

OWNER — Includes the plural as well as the singular and may mean either a natural person, firm, association, partnership, private corporation, public or quasi-public corporation, or combination of these.

PEDESTRIAN PATHWAY — A public way, usually running at right angles to streets, which is intended for the convenience of pedestrians only; it may also provide public right-of-way for utilities.

PLAT — The map, drawing or chart on which the subdivider's plat of subdivision is presented to the Village for approval.

PRELIMINARY PLAT — The preliminary plat map, drawing or chart indicating the proposed layout of the subdivision to be submitted to the Plan Commission and Village Board for their consideration as to compliance with the Comprehensive Plan, Zoning Code and these regulations along with required supporting data.

PROTECTIVE COVENANTS — Contracts entered into between private parties or between private parties and public bodies pursuant to § 236.293, Wis. Stats., which constitute a restriction on the use of all private or platted property within a minor land division or subdivision for the benefit of the public or property owners and to provide mutual protection against undesirable aspects of development which would tend to impair stability of values.

REPLAT — The process of changing, or a map or plat which changes, the boundaries of a recorded subdivision plat or part thereof. The legal dividing of a large block, lot or outlot within a recorded subdivision plat or certified survey map without changing exterior boundaries of said block, lot or outlot is not a replat.

SHORELANDS — Those lands within the following distances: 1,000 feet from the high-water elevation of navigable lakes, ponds and flowages or 300 feet from the high-water elevation of navigable streams or to the landward side of the floodplain, whichever is greater.

SUBDIVIDER — Any person, firm or corporation or any agent thereof dividing or proposing to divide land resulting in a subdivision, minor subdivision (certified survey map) or replat.

SUBDIVISION — The division of a lot, outlot, parcel or tract of land by the owner thereof or his agent for the purpose of transfer of ownership or building development where the act of division creates five or more parcels or building sites of 1 1/2 acres or less in area, or where the act of division creates five or more

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parcels or building sites by successive division within a period of five years, whether done by the original owner or a successor owner.

WETLANDS — An area where water is at, near or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which has soils indicative of wet conditions. [Section 23.32(1), Wis. Stats.]

WISCONSIN ADMINISTRATIVE CODE — The rules of administrative agencies having rule-making authority in Wisconsin, published in a loose-leaf, continual revision system, as directed by § 35.93 and Ch. 227, Wis. Stats., including subsequent amendments to those rules.

ARTICLE III
General Provisions

§ 514-6. General provisions.

A. Compliance. No person, firm or corporation shall divide any land located within the jurisdictional limits of these regulations which results in a condominium subdivision, minor land division or a replat, as defined herein; no such subdivision, minor land division or replat, as defined herein, shall be entitled to recording; and no street shall be laid out or improvements made to land without compliance with all requirements of this chapter and the following:

- (1) The provisions of Ch. 236 and § 82.18, Wis. Stats.
- (2) The rules of the Department of Safety and Professional Services contained in Ch. Comm 85, Wis. Adm. Code, for minor land divisions and subdivisions not served by public sewer.³
- (3) The rules of the Department of Transportation contained in Ch. Trans233, Wis. Adm. Code, for subdivisions which abut a state trunk highway or connecting street.⁴
- (4) The rules of the Wisconsin Department of Natural Resources contained in the Wisconsin Administrative Code for a floodplain management program.
- (5) Comprehensive plans or components of such plans prepared by state, regional, county or municipal agencies and duly adopted by the Village Board.
- (6) All applicable local and county regulations, including zoning, sanitary, building and official mapping ordinances.
- (7) The Village of Kimberly Comprehensive Plan, or components thereof, and applicable ordinances of any city or village whose extraterritorial jurisdiction extends into the Village.
- (8) All applicable rules contained in the Wisconsin Administrative Code not listed in this subsection.

~~(8)~~(9) The provisions of Ch. 703, Wis. Stats.

B. Jurisdiction. Jurisdiction of these regulations shall include all lands within the corporate limits of the Village of Kimberly and the extraterritorial jurisdiction of the Village. The provisions of this chapter, as they apply to divisions of tracts of land into less than five parcels, shall not apply to:

- (1) Transfers of interests in land by will or pursuant to court order.
- (2) Leases for a term not to exceed 10 years, mortgages or easements.
- (3) The sale or exchange of parcels of land between owners of adjoining property if additional lots are not thereby created and the lots resulting are not reduced below the minimum sizes required by this chapter or other applicable laws or ordinances.
- (4) Cemetery plats under § 157.07, Wis. Stats.
- (5) Assessors' plats made under § 70.27, Wis. Stats., but such assessors' plats shall comply with §§ 236.15(1)(a) through (g) and 236.20(1) and (2)(a) through (c), Wis. Stats.

1. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

2. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

- C. Certified survey. Any division of land other than a subdivision as defined in § 236.02(12), Wis. Stats., shall be surveyed and a certified survey map prepared as provided in § 236.34, Wis. Stats.
- D. Building permits. The Village of Kimberly shall not issue any building permit relating to any parcel of land forming all or any part of lands included in a subdivision, land division, replat or certified survey map originally submitted to the Village of Kimberly on or after the effective date of this chapter until the applicant has complied with all of the provisions and requirements of this chapter.
- ~~D-E.~~ Applicability to condominiums. This Chapter is expressly applicable to condominium development within the Village's jurisdiction, pursuant to Wis. Stats. §703.27(1). For purposes of this Chapter, a condominium unit and any associated limited common elements shall be deemed to be equivalent to a lot or parcel created by the act of subdivision.

§ 514-12. Minor land division (certified survey map).

A. Use of certified survey map. When it is proposed to divide land into at least two but no more than four parcels or building sites or when it is proposed to divide any number of parcels greater than 1 1/2 acres in size (thus not constituting a "subdivision" as defined in this chapter), the subdivider shall prepare a certified survey map in accordance with this chapter and shall file 20 copies of the map and the letter of application with the Village Administrator at least 15 days prior to the meeting of the Plan Commission at which action is desired.

(1) Exception: A certified survey map proposing to divide an existing parcel into no more than two parcels for single-family attached dwelling units, zero-lot-line duplexes, may be reviewed by the Zoning Administrator or designee. If the Zoning Administrator or designee approves the map, the Village Administrator shall cause the approval to be certified on the face of the original map and return the map to the subdivider. ~~Added 2-21-2022 by Ord. No. 3-2022~~ Excluding condominium land divisions when permitted by separate laws or regulations, said owners certificate shall indicate that the building is constructed to meet separation requirements per Chs. SPS 320 through 325, Wis. Admin Code, that each unit has its own utility meters for gas, electric and water, and that each unit has separate water laterals from the public water main as required by the Public Service Commission.

~~(1)~~

B. Referral to Plan Commission. The Village Administrator shall, within two normal workdays after filing, transmit the copies of the map and letter of application to the Plan Commission.

C. Review by other Village agencies. The Plan Commission shall transmit a copy of the map to all affected Village boards, commissions or departments for their review and recommendations concerning matters within their jurisdiction. Their recommendations shall be transmitted to the Plan Commission within 10 days from the date the map is filed. The map shall be reviewed by the Plan Commission for conformance with this chapter and all ordinances, rules, regulations, comprehensive plans, comprehensive plan components and neighborhood plans.

D. Review and approval. The Plan Commission shall, within 30 days from the date of filing of the certified survey map, recommend approval, conditional approval or rejection of the map and shall transmit the map along with its recommendations to the Village Board. The Village Board shall approve, approve conditionally and thereby require resubmission of a corrected certified survey map, or reject such certified survey map within 90 days from the date of filing of the map unless the time is extended by agreement with the subdivider. If the map is rejected, the reason shall be stated in the minutes of the meeting and a written statement forwarded to the subdivider. If the map is approved, the Village Board shall cause the Village Administrator to so certify on the face of the original map and return the map to the subdivider.⁹

E. Recordation. The subdivider shall record the map with the County Register of Deeds within six months after the date of the last approval of the map and within 24 months after the first approval of the map. Failure to do so shall necessitate a new review and reapproval of the map by the Village Board.¹⁰

F. Copies. The subdivider shall file five copies of the certified survey map as recorded with the Village Administrator for distribution to the Village Engineer, Building Inspector, Assessor and other affected departments for their files.

ARTICLE XI
Condominium Developments

§ 514-38. Condominium Developments.

A. Purpose.

- (1) The village board hereby finds that certain issues arise in condominium developments that require limited applicability of this Chapter to condominium developments. The State legislature has recognized that subdivision ordinances may apply to condominiums but that subdivision ordinances shall not impose burdens upon condominiums that are different from those imposed on other property of a similar character not subject to a declaration of condominium.
- (2) The factor that makes this chapter applicable to a condominium development is the creation of multiple, distinct property entities at or near the ground surface, subject to property taxation as separate parcels, with each property entity having different ownership and management. The Village determines that this factor makes a condominium development dissimilar, both physically and in ownership, from developments in which the land and improvements are under unitary ownership, management, and control.
- (3) Thus, the Village Board hereby finds that new condominium developments can place impacts on community resources in the same manner as other new developments which are characterized by division of land into lots. These impacts include:
 - (a) Additional population density.
 - (b) Possibility of use of particular land in a manner unsuitable to the land's characteristics.
 - (c) Additional demands upon village area parks, recreation areas, utility facilities and schools.
 - (d) Additional traffic and street use.

B. Portions of Chapter applicable to condominium developments. The following sections of this Chapter shall apply to condominium developments:

- (1) Section 514-7 relating to land suitability and construction practices.
- (2) Sections 514-8 through 514-10 relating to preliminary plat approval. This stage of approval shall be the only approval required for a condominium development. The technical requirements for preliminary plats set forth in Section 514-14 shall not apply, since condominiums have separate technical standards set forth in Wis. Stats. § 703.01 et seq.
- (3) Article X of this Chapter, relating to fees for review.
- (4) Article VI of this Chapter, relating to required improvements.
- (5) Article VII of this Chapter, relating to design standards for improvements.
- (6) Article VIII of this Chapter, relating to dedication requirements.

C. Exemptions. This section shall not apply to the following condominiums.

- (1) Any condominium plat recorded prior to the effective date of the ordinance from which this Chapter is derived.
- (2) Any conversion of a structure in existence on the effective date of the ordinance from which this Chapter is derived to a condominium after the effective date of the ordinance from which this chapter is derived.