



MEMO

PLANNING & COMMUNITY DEVELOPMENT

To: Common Council
From: Adrienne Nelson, Associate Planner
Date: August 27, 2026
Re: Covenant Modernization/Codification Introduction

Introduction:

The City of Kaukauna has five business/industrial parks governed by protective covenants:

- **South Industrial Park**
 - Established in 1975.
 - Zoned Industrial Park District, and therefore also falls under requirements outlined in [17.26](#) and [17.52\(5\)](#) of the Municipal Code.
- **North Industrial Park Phase I**
 - Established in 1998.
 - Zoned Industrial District, and therefore also falls under requirements outlined in [17.25](#) and [17.52\(5\)](#) of the Municipal Code.
- **North Industrial Park Phase II**
 - Established in 2000.
 - Zoned Industrial District, and therefore also falls under requirements outlined in [17.25](#) and [17.52\(5\)](#) of the Municipal Code.
- **NEW Prosperity Center**
 - Established in 2006.
 - Zoned Industrial District, and therefore also falls under requirements outlined in [17.25](#) and [17.52\(5\)](#) of the Municipal Code.
- **Commerce Crossing Business Park**

- Established in 2007.
- Zoned Commercial Highway District, and therefore also falls under requirements outlined in Sections [17.22](#), [17.52\(4\)](#), and [17.53\(3\)\(a\)](#) of the Municipal Code.

Due to ongoing issues with covenant language and enforcement, staff is recommending either modernizing the covenants or doing away with them and instead codifying applicable rules in City ordinance instead.

Covenants vs. Ordinances

Some key differences between the City's protective covenants and zoning ordinances are as follows:

- Protective covenants are often (but not always) more restrictive than zoning code in regards to building setbacks, parking, façades, fences, and storage requirements. This helps the park achieve a specific aesthetic appearance.
- For the industrial parks, covenants run with the land and automatically renew every ten years. In the Commerce Crossing Business Park, covenants are set to terminate in 2037, but can be extended.
- Covenant amendments require the majority of property owners, as well as the Common Council, to vote in favor of any change. Zoning code updates require a public hearing, but the decision ultimately remains up to the Common Council and is not dictated by property owners.

Community Comparison:

Staff looked at nearby communities to see which ones utilized covenants.

Communities that utilize covenants:

- [City of Appleton](#)
- [Village of Harrison](#)
- [Village of Little Chute](#)

Communities that do not utilize covenants:

- [City of Menasha](#)
- [Village of Kimberly](#)
- [Village of Wrightstown](#)

Staff Recommendation:

Staff is requesting direction from the Common Council on whether to pursue covenant updates or do away with established covenants.

