

ORDINANCE 2026-005
AN ORDINANCE CORRECTING THE AMENDMENTS TO THE TOWN OF
CLAYTON COMPREHENSIVE PLAN 2040 MADE BY ORDINANCE 2026-001

WHEREAS, the Comprehensive Plan 2040 (the “**Comprehensive Plan**”) for the Town of Clayton, County of Winnebago, State of Wisconsin (the “**Town**”) was amended by Ordinance 2026-001, adopted by the Town Board on January 21, 2026, to expand the Town’s general zoning authority over shoreland areas (the “**Prior Amendment**”); and

WHEREAS, following adoption of the Prior Amendment, a review of the Comprehensive Plan as amended identified three errors requiring correction: (a) a subject-verb agreement defect in the amendment to Chapter 8, page 7, introduced by Section 2 of the Prior Amendment; (b) the reproduction of pre-existing, unamended Comprehensive Plan text in the amendment to Chapter 11, page 30, made by Section 4 of the Prior Amendment; and (c) unfilled drafting placeholders in the amendment to Appendix F made by Section 6 of the Prior Amendment; and

WHEREAS, this corrective amendment to the Comprehensive Plan (this “**Amendment**”) is necessary to correct those three errors and ensure the Comprehensive Plan accurately reflects the intent of the Town Board as expressed in the Prior Amendment; and

WHEREAS, following a public hearing on August 12, 2026, the Town Plan Commission passed a resolution whereby it recommended the adoption of this Amendment by the Town Board, as demonstrated by the Plan Commission Resolution attached hereto and made a part hereof as **Exhibit A**; and

WHEREAS, all public notice and hearing requirements set forth in Wis. Stat. § 66.1001(4) have been satisfied with respect to this Amendment, including publication, posting, and the conduct of a public hearing before the Plan Commission; and

NOW THEREFORE BE IT ORDAINED that the Town Board of the Town of Clayton, Winnebago County, does hereby approve and adopt the Amendment to the Comprehensive Plan as described herein.

Adopted this ____ day of _____, 2026

Russ D. Geise, Town Chair

Attest:

Kelsey Faust-Kubale, Clerk

1. **Authority.** This Amendment constitutes an exercise of the Town's authority granted by Wis. Stat. § 66.1001, and the adoption thereof complies with the procedures provided in Wis. Stat. § 66.1001(4).
2. **Effect of the Amendment.** This Amendment corrects three drafting errors in the amendments to the Comprehensive Plan made by the Prior Amendment. No new zoning authority is created or modified by this Amendment. The substantive expansion of the Town's general zoning authority over shoreland areas was fully effected by the Prior Amendment, which remains in force as corrected hereby. Except as expressly provided herein, all terms and provisions of the Comprehensive Plan, as previously amended, are and will remain in full force and effect and are hereby ratified and confirmed.
3. **Amendment.** The Comprehensive Plan is hereby amended as follows (for clarity, all text appearing in bold reflects changes from the original Comprehensive Plan, whether made by this Amendment or by Ordinance 2026-001; unbolded text is reproduced verbatim from the original Comprehensive Plan):

Section 1. That the amendment to Chapter 8, page 7, Section "Wetlands," paragraph 4, made by Section 2 of Ordinance 2026-001, is hereby corrected and restated in its entirety as follows:

A complex set of regulations by various local, state, and federal agencies places numerous limitations on the development and use of wetlands and shoreland. **The Town's Zoning Code and** Chapter 27 of the Winnebago County Zoning Code **describe** permitted uses of wetlands provided there is no filling, flooding, tiling, draining, ditching, dredging, or excavating, some of which include development of silviculture, hiking, fishing, trapping, harvesting of wild crops, and the cultivation of agricultural crops. The Wisconsin Department of Natural Resources regulates the placement of structures and other alterations below the ordinary high water mark of navigable streams, lakes, and wetlands. The Corps of Engineers has authority over the placement of fill materials in virtually all wetlands associated with waters of the United States. The U.S. Department of Agriculture incorporates wetland preservation criteria into its crop price support program. Prior to placing fill or altering wetland resources, the appropriate agencies should be contacted to receive authorization.

Section 2. That the amendment to Chapter 11, page 30, Section "Zoning Ordinance," made by Section 4 of Ordinance 2026-001, is hereby corrected and restated in its entirety as follows:

Zoning Ordinance. Zoning has long been recognized as a fundamental tool in implementing a comprehensive plan, specifically the intentions of the Future Land Use Plan. The Town of Clayton took a significant step toward providing more local control over land use decisions by removing town wide zoning control through Winnebago County. On December 17, 2013, the Town developed and adopted The Town of Clayton Zoning Code of Ordinances. It should be noted that, **while the Town holds general zoning control over**

shoreland areas (300' of a navigable stream and 1,000' from a lake or impoundment), Winnebago County maintains shoreland overlay zoning control over such areas.

Section 3. That the Comprehensive Plan 2040 Amendments table in Appendix F, as amended by Section 6 of Ordinance 2026-001, is hereby corrected to reflect the following row in place of the row as adopted:

Version	Date	Description
1.0	January 21, 2026	Expansion of plan zoning control to encompass shoreland areas. Ordinance 2026-001

EXHIBIT A
PLAN COMMISSION RESOLUTION