

2 TOWN OF CLAYTON PLAN COMMISSION  
RESOLUTION 2026-002

A RESOLUTION RECOMMENDING THE ADOPTION OF THE AMENDMENTS TO TOWN  
OF CLAYTON COMPREHENSIVE PLAN 2040 AND ZONING CODE OF ORDINANCES

WHEREAS, the Comprehensive Plan 2040 (the “**Comprehensive Plan**”) for the Town of Clayton, County of Winnebago, State of Wisconsin’s (the “**Town**”) explicitly places zoning control over shoreland areas with Winnebago County; and

WHEREAS, the Town Zoning Code of Ordinances, Chapter 9 (the “**Zoning Code**”) explicitly excludes from its jurisdiction shoreland areas governed by ch. 27 of the general code of Winnebago County; and

WHEREAS, the Winnebago County Board of Supervisors (the “**County**”) has amended Chapter 27 of the County Code, effective November 21, 2025, whereby the County relinquishes general zoning authority over shoreland areas within Winnebago County, but will continue to administer shoreland overlay zoning (the “**County Amendment**”); and

WHEREAS, under the current Comprehensive Plan and Zoning Code, the County Amendment would result in shoreland areas having no applicable general zoning; and

WHEREAS, amendments to both the Comprehensive Plan and Zoning Code are needed to expand the Town’s zoning control and jurisdiction to include those previously excluded shoreland areas; and

WHEREAS, a public hearing was held on January 14, 2026 (the “**Public Hearing**”) wherein the Town Plan Commission discussed the amendments attached hereto and made a part hereof as **Exhibit A** (Comprehensive Plan) and **Exhibit B** (Zoning Code) (collectively, the “**Amendments**”); and

WHEREAS, by adopting this resolution, the Plan Commission recommends that the Town Board of Supervisors (the “**Board**”) adopt the Amendments, thereby amending the Comprehensive Plan and Zoning Code accordingly; and

NOW THEREFORE BE IT RESOLVED by the Town of Clayton Plan Commission hereby recommends that the Board adopt the Amendments.

Vote: Yes \_\_\_\_\_ No: \_\_\_\_\_ Absent: \_\_\_\_\_ Abstain: \_\_\_\_\_

Signed: \_\_\_\_\_  
Dick Knapinski, Plan Commission Chair

Date:

Attest: \_\_\_\_\_  
Keley Faust-Kubale, Town Clerk

Date:

**EXHIBIT A**  
**Comprehensive Plan 2040 Amendment**

**AN ORDINANCE AMENDING THE TOWN OF CLAYTON COMPREHENSIVE PLAN  
2040 TO EXPAND TOWN ZONING CONTROL TO SHORELAND AREAS**

WHEREAS, the Comprehensive Plan 2040 (the “**Comprehensive Plan**”) for the Town of Clayton, County of Winnebago, State of Wisconsin’s (the “**Town**”) explicitly places zoning control over shoreland areas with Winnebago County; and

WHEREAS, the Winnebago County Board of Supervisors (the “**County**”) has amended Chapter 27 of the County Code, effective November 21, 2025, whereby the County relinquishes general zoning authority over shoreland areas within Winnebago County, but will continue to administer shoreland overlay zoning (the “**County Amendment**”); and

WHEREAS, under the current Comprehensive Plan, the County Amendment would result in shoreland areas having no applicable general zoning; and

WHEREAS, this amendment to the Comprehensive Plan (this “**Amendment**”) would expand the Town’s zoning control to include those previously excluded shoreland areas; and

WHEREAS, concurrently with this Amendment, the Town Zoning Code of Ordinances shall also be amended to encompass shoreland areas within its jurisdiction; and

WHEREAS, following a public hearing on January 14, 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 \_\_\_\_\_, 20\_\_\_\_\_

\_\_\_\_\_  
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 passing thereof complies with the procedures provided in Wis. Stat. 66.1001(4).
2. **Effect of the Amendment.** The Town shall exercise general zoning authority over all shoreland areas, as that term is defined by the Town Zoning Code of Ordinances, within its jurisdiction. Shoreland overlay zoning regulations, as administered by Winnebago County pursuant to Chapter 27 of the Winnebago County Code and NR 115, Wis. Admin. Code, shall continue to apply concurrently. All development and land use within shoreland areas shall comply with both the Town’s general zoning regulations and the County’s shoreland overlay requirements. All references in the Comprehensive Plan to zoning authority over shoreland areas are hereby updated to reflect the Town’s expanded jurisdiction, subject to concurrent shoreland overlay zoning administered by Winnebago County.

Except as expressly provided in this Amendment, all of the terms and provisions of the Comprehensive Plan are and will remain in full force and effect and are hereby ratified and confirmed by the parties hereto.

3. **Amendment.** The Comprehensive Plan is hereby amended as follows (for clarity, all text appearing in bold reflects changes made by this Amendment, while unbolded text is reproduced verbatim from the original Comprehensive Plan):

**Section 1.** That Chapter 1, page 7 is hereby amended and restated in its entirety as follows:

**Town Zoning Installation.** Zoning has long been recognized as a fundamental tool in implementing a comprehensive plan, specifically the intentions of the Future Land Use Plan Map. 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. This ordinance also received certification through the Department of Agricultural Trade and Consumer Protection (DATCP), to allow farm tax credit opportunities. **It should be noted that, while the Town holds general zoning control over shoreland areas (300’ of a navigable stream and 1000’ from a lake or impoundment), Winnebago County maintains shoreland overlay zoning control over such areas.**

**Section 2.** That Chapter 8, page 7, Section “Wetlands,” paragraph 4 is hereby amended 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 describes 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 3.** That Chapter 11, page 27 is hereby amended and restated in its entirety as follows (amended text highlighted below for emphasis):

**Land Use Plan and Zoning Consistency.** Of particular importance is consistency between the Future Land Use Plan and the Zoning Map. Because zoning reflects the current situation and the Future Land Use Plan map reflects the preferred land use, the two maps initially may not be consistent. The objective is that these two maps would become consistent over a period of time. 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 1000' from a lake or impoundment), Winnebago County maintains shoreland overlay zoning control over such areas.**

**Section 4.** That Chapter 11, page 30 is hereby amended 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 Winnebago County still maintains zoning control with shoreland areas (300' of a navigable stream and 1000' from a lake or impoundment).**

**Section 5.** That Chapter 11, page 30 hereby amended and restated in its entirety as follows:

**Shoreland-Wetland Zoning Ordinance.** As noted earlier, the regulation of land use in shoreland and wetland areas is covered by the Shoreland District Overlay of the Winnebago County Zoning Ordinance, **with the Town providing general zoning regulation through the Town's Zoning Code.** The Ordinance is administered and enforced by the Winnebago County Planning and Zoning Department. The regulations apply to areas within 1,000 feet of the ordinary high water mark of a lake, pond, or flowage, and 300 feet from the ordinary high water mark of a river or stream, or the landward side of the floodplain, whichever is greater.

**Section 6.** that Comprehensive Plan 2040 Amendments table in Appendix F shall be amended by inserting in the second row of the table the following:

Version 1.0	[DATE]	Expansion of plan zoning control to encompass shoreland areas. Ordinance 2026-[###]
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**EXHIBIT B**  
**Zoning Code of Ordinances Amendment**

**AN ORDINANCE AMENDING THE TOWN OF CLAYTON ZONING CODE OF  
ORDINANCES TO INCLUDE SHORELAND AREAS**

WHEREAS, the Zoning Code of Ordinances (the “**Zoning Code**”) for the Town of Clayton, County of Winnebago, State of Wisconsin’s (the “**Town**”) explicitly excludes from the Zoning Code’s jurisdiction those shoreland areas governed by Chapter 27 of the general code of Winnebago County; and

WHEREAS, the Winnebago County Board of Supervisors (the “**County**”) has amended Chapter 27 of the County Code, effective November 21, 2025, whereby the County relinquishes general zoning authority over shoreland areas within Winnebago County, but will continue to administer shoreland overlay zoning (the “**County Amendment**”); and

WHEREAS, under the current Zoning Code, the County Amendment would result in shoreland areas having no applicable general zoning; and

WHEREAS, this amendment to the Zoning Code (this “**Amendment**”) would expand the jurisdiction of the Zoning Code to include those previously excluded shoreland areas; and

WHEREAS, concurrently with this Amendment, the Town’s Comprehensive Plan 2040 shall also be amended to include shoreland areas within its jurisdiction, thereby allowing this amendment to be made without violating said Comprehensive Plan 2040; and

WHEREAS, following a public hearing on January 14, 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. §§ 60.61 and 66.1001, and the Town’s Zoning Code, 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 Zoning Code as described herein.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

\_\_\_\_\_  
Russ D. Geise, Town Chair

Attest: \_\_\_\_\_  
Kelsey Faust-Kubale, Clerk

1. **Authority.** This Amendment constitutes an exercise of the authority granted by Wis. Stat. 60.61(4) and Art. 7, Div. 1 of the Zoning Code.
2. **Effect of the Amendment.** The Town shall exercise general zoning authority over all shoreland areas, as that term is defined by the Zoning Code, within its jurisdiction. Shoreland overlay zoning regulations, as administered by Winnebago County pursuant to Chapter 27 of the Winnebago County Code and NR 115, Wis. Admin. Code, shall continue to apply concurrently. All development and land use within shoreland areas shall comply with both the Town's general zoning regulations and the County's shoreland overlay requirements. All references in the Zoning Code to zoning authority over shoreland areas are hereby updated to reflect the Town's expanded jurisdiction, subject to concurrent shoreland overlay zoning administered by Winnebago County.

Except as expressly provided in this Amendment, all of the terms and provisions of the Zoning Code are and will remain in full force and effect and are hereby ratified and confirmed by the parties hereto.

3. **Amendment.** This Amendment hereby amends the Zoning Code as follows:

**Section 1.** That Chapter 9, Zoning, §9.01-03 Jurisdiction, is hereby amended to read as follows:

Jurisdiction of these regulations shall include all lands, shorelands, and waters within the Town of Clayton.

**Section 2.** That Chapter 9, Zoning, §9.03-01 General definitions, is hereby amended by inserting the following new definition in the appropriate alphabetical order:

**Shoreland** Lands within the following distances from the ordinary highwater mark of navigable waters: 1,000 feet from a lake, pond or flowage; and 300 feet from a river or stream or to the landward side of the floodplain, whichever distance is greater.

**Shoreland Overlay District:** The zoning district comprising all lands within the shoreland area as defined by this Code, subject to additional regulations intended to protect water quality, habitat, and public interests in navigable waterways.