

ORDINANCE 2026-002

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_____

Russell 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.

EXHIBIT A
PLAN COMMISSION RESOLUTION