

R E S O L U T I O N

No. 002

DATE: 05/19/20

To The Board of Supervisors of Winnebago County, Wisconsin:

AMENDATORY ORDINANCE 05/02/20

WHEREAS, it is desirable to amend the Zoning Ordinance of the Town of Clayton in accordance with the petition of the Town Board.

WHEREAS, the Winnebago County Planning and Zoning Committee has reviewed said amendments, has found no conflicts with county zoning jurisdiction or regulatory authority with them, and is hereby submitting those amendments of the Chapter 9, Personal Storage Units Code to the Winnebago County Board of Supervisors for final approval; and

WHEREAS, said amendments to the Town of Clayton, Chapter 9, Personal Storage Units Code are hereby attached and available on the County Clerks website.

www.co.winnebago.wi.us/county-clerk/meetings

AND BE IT FURTHER RESOLVED, by the Winnebago County Board of Supervisors that the enclosed Ordinance is hereby **ADOPTED** OR **DENIED**.

County Board Supervisor
(Town of Clayton)

COUNTY DISCLAIMER:

County Board approval does not include any responsibility for County liability for the legality or effectiveness of the Town Zoning Amendment or the Town Zoning Ordinance.

APPROVED BY WINNEBAGO COUNTY EXECUTIVE THIS ____ DAY OF _____,
2020.

Mark Harris



Winnebago County

Zoning Department

The Wave of the Future

MEMO FOR P & Z PLANNING MEETING AGENDA OF MAY 8, 2020

TO: Planning & Zoning Committee

FM: Zoning Administrator

RE: Review of Town of Clayton Zoning Ordinance Amendments

1. Review of Zoning Ordinance Amendments – Town of Clayton

The zoning office received a copy of the Town of Clayton's adopted zoning ordinance amendments. The amendments are related to personal storage units and an overlay where certain types of personal storage units may be prohibited. The adopted zoning ordinance amendments for the Town of Clayton must be approved by the County Board. There does not appear to be any conflicts with county zoning jurisdiction or regulatory authority.

RECOMMENDATION: Forward adopted zoning ordinance amendments to County Board for action.

Approved 5-0

**TOWN OF CLAYTON
ORDINANCE 2020-002**



**An Ordinance Amending the Town of Clayton Zoning Code of Ordinances relating to the
Creation of a Personal Storage Unit, Restrictive Overlay District, and the related
Boundary Map**

Whereas, The Town of Clayton, County of Winnebago, State of Wisconsin has an existing Zoning Code of Ordinances, CHAPTER 9, regulating Personal Storage Units, and

Whereas, The Plan Commission for the Town of Clayton, County of Winnebago, State of Wisconsin has reviewed the Town's Zoning Code of Ordinances, CHAPTER 9, regulating Personal Storage Units in the Town of Clayton; and

Whereas, The Plan Commission for the Town of Clayton, County of Winnebago, State of Wisconsin has recommended that the Town's Zoning Code of Ordinances, CHAPTER 9, regulating Personal Storage Units in the Town of Clayton be amended; and

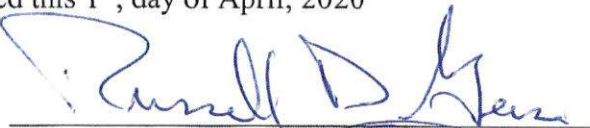
Whereas, The Plan Commission for the Town of Clayton, County of Winnebago, State of Wisconsin has prepared and recommended certain amendments to the Town's Zoning Code of Ordinances, CHAPTER 9 and the related Boundary Map, regulating Personal Storage Units in the Town of Clayton (see Attachments A-1 through A-3); and

Whereas, The Plan Commission for the Town of Clayton has reviewed, and held a Public Hearing on the regulations of Personal Storage Units and the Town Board for the Town of Clayton held two readings of the Town's revised Zoning Code of Ordinances, CHAPTER 9, regulating Personal Storage Units and the related Boundary Map in the Town of Clayton (see Attachments A-1 through A-3); and

NOW THEREFORE BE IT ORDAINED that the Town Board of the Town of Clayton, Winnebago County, does hereby approve the amendments to the Town's Zoning Code of Ordinances, CHAPTER 9, regulating Personal Storage Units and the related Boundary Map in the Town of Clayton as identified in Attachments A-1 through A-3; and

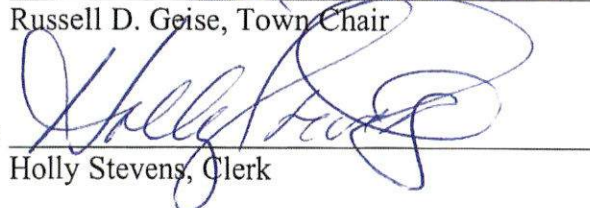
NOW THEREFORE BE IT FURTHERE ORDAINED that the Town Board of the Town of Clayton, Winnebago County, does hereby direct staff to submit the approved amendments to the Town's Zoning Code of Ordinances, CHAPTER 9, regulating Personal Storage Units and the related Boundary Map in the Town of Clayton to the County for its approval

Adopted this 1st, day of April, 2020



Russell D. Geise, Town Chair

Attest:



Holly Stevens, Clerk

Attachment A-1

Article 8 – Land Use

Chapter 9 – Town of Clayton Zoning Code of Ordinances

Text Version, Nov. 1, 2013. Town Adopted, Nov. 6, 2013. DATCP Certified, Nov. 19, 2013. County Adopted, Dec. 17, 2013. Amended May 15, 2019.

Exhibit 8-1. Land use matrix – continued

11	Government and Community Services - cont.	Review	Special Standards	Base Zoning District													
				A-1	A-2	R-1	R-2	R-3	R-4	R-8	P-I	B-1	B-2	B-3	M-1	I-1	I-2
11.08	Correctional facility	ZP,SP	9.08-358	-	-	-	-	-	-	-	-	C	-	-	-	-	-
11.09	Educational facility, pre-K through 12	ZP,SP	9.08-359	-	C	C	C	C	C	-	P	C	P	P	P	-	-
11.10	Educational facility, post-secondary	ZP,SP	9.08-360	-	-	-	-	-	-	-	P	C	P	P	P	C	-
11.11	Maintenance garage	ZP,SP	9.08-361	-	-	-	-	-	-	-	P	-	-	-	-	-	-
11.12	Park	ZP,SP	9.08-362	-	-	-	-	-	-	-	P	-	-	-	-	-	-
11.13	Public safety facility	ZP,SP	9.08-363	-	-	-	-	-	-	-	P	-	-	-	-	-	-
11.14	Recreation trail [10]	-	9.08-364	C	P	P	P	P	P	P	P	P	P	P	P	P	P
11.15	Worship facility [10]	ZP,SP	9.08-365	C	C	C	C	P	P	-	P	P	P	P	P	C	-
12	Telecommunications and Utilities [11]																
12.01	Solar energy system	ZP,SP	9.08-371	na	na	na	na	na	na	na	na	na	na	na	na	na	na
12.02	Stormwater management facility [1]	ZP,SP	9.08-372	C	P	P	P	P	P	P	P	P	P	P	P	P	P
12.03	Telecommunication facility, concealed [1]	ZP,SP	9.08-373	C	P	P	P	P	P	P	P	P	P	P	P	P	P
12.04	Telecommunication facility, unconcealed [1]	ZP,SP	9.08-374	C	C	-	-	-	-	-	C	C	C	C	-	P	P
12.05	Utility installation, major [1]	ZP,SP	9.08-375	C	C	C	C	C	C	C	C	C	C	C	C	C	C
12.06	Utility installation, minor [1]	ZP,SP	9.08-376	C	P	P	P	P	P	P	P	P	P	P	P	P	P
12.07	Utility maintenance yard	ZP,SP	9.08-377	-	C	-	-	-	-	-	C	-	-	-	-	P	P
13	Transportation																
13.01	Airport	ZP,SP	9.08-381	-	C	C	C	-	-	-	C	-	-	-	-	P	P
13.02	Bus storage facility	ZP,SP	9.08-382	-	C	-	-	-	-	-	C	-	C	C	C	P	P
13.03	Mass transit terminal	ZP,SP	9.08-383	-	-	-	-	-	-	-	C	-	P	P	P	C	-
13.04	Off-site parking lot	ZP,SP	9.08-384	-	-	-	-	-	-	-	C	C	P	P	P	C	-
13.05	Parking structure	ZP,SP	9.08-385	-	-	-	-	-	-	-	C	-	-	P	P	C	-
13.06	Park-and-ride lot	ZP,SP	9.08-386	-	C	C	C	C	C	-	C	C	P	P	C	C	C
13.07	Railroad line [1]	-	9.08-387	C	P	P	P	P	P	P	C	P	P	P	P	P	P
13.08	Street [1]	-	9.08-388	C	P	P	P	P	P	P	C	P	P	P	P	P	P
14	General Storage																
14.01	Bulk fuel storage	ZP,SP	9.08-401	-	-	-	-	-	-	-	-	-	-	-	-	P	P
14.02	Personal storage facility [27]	ZP,SP	9.08-402	-	C	-	-	-	-	-	-	-	-	C	-	P	C
14.03	Truck terminal	ZP,SP	9.08-403	-	-	-	-	-	-	-	-	-	-	-	-	P	P
14.04	Warehouse	ZP,SP	9.08-404	-	-	-	-	-	-	-	-	-	-	-	-	P	P
15	Industrial Uses																
15.01	Artisan shop	ZP,SP	9.08-411	-	C	-	-	-	-	-	-	C	C	P	P	P	C
15.02	Batching plant associated with a nonmetallic mine [12]	ZP,SP	9.08-412	C	C	-	-	-	-	-	-	-	-	-	-	C	C
15.03	Biofuels production plant	ZP,SP	9.08-413	C	C	-	-	-	-	-	-	-	-	-	-	-	C
15.04	Construction equipment repair	ZP,SP	9.08-414	-	-	-	-	-	-	-	-	-	-	C	-	P	P
15.05	Construction equipment sales and service	ZP,SP	9.08-415	-	-	-	-	-	-	-	-	-	-	C	-	P	P
15.06	Contractor yard	ZP,SP	9.08-416	-	-	-	-	-	-	-	-	-	-	-	-	P	C
15.07	Industrial, heavy	ZP,SP	9.08-417	-	-	-	-	-	-	-	-	-	-	-	-	-	P
15.08	Industrial, light	ZP,SP	9.08-418	-	-	-	-	-	-	-	-	-	-	-	-	P	P
15.09	Nonmetallic mine [13]	ZP,SP	9.08-419	C	C	-	-	-	-	-	-	-	-	-	-	C	C
15.10	Salvage yard	ZP,SP	9.08-420	-	-	-	-	-	-	-	-	-	-	-	-	-	C

continued on next page

Exhibit 8-1. Land use matrix – continued

17 Accessory Uses – continued	Review	Special Standards	Base Zoning District														
			A-1	A-2	R-1	R-2	R-3	R-4	R-8	P-1	B-1	B-2	B-3	M-1	I-1	I-2	
17.40 Temporary shelter [19]	ZP,SP	9.08-480	-	-	-	-	-	-	-	-	-	C	C	C	C	-	-
17.41 Utility cabinet	ZP	9.08-481	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
17.42 Yard shed [20]	ZP	9.08-482	P	P	P	P	P	P	P	P	P	P	P	P	P	-	-
18 Temporary Uses																	
18.01 Agricultural product sales, off-site	ZP	9.08-501	-	P	P	-	-	-	-	-	-	P	P	P	P	P	P
18.02 Agricultural product sales, on-site	ZP	9.08-502	P	P	P	-	-	-	-	-	-	-	-	-	-	-	-
18.03 Earth materials stockpile, off-site [21]	ZP,SP	9.08-503	-	C	-	-	-	-	-	-	C	-	-	-	-	C	C
18.03 Earth materials stockpile, on-site [22]	ZP,SP	9.08-503	-	P	P	P	P	P	P	P	P	P	P	P	P	P	P
18.04 Farmers market [23]	ZP,SP	9.08-504	P	P	P	-	-	-	-	-	C	C	P	P	P	C	-
18.05 General outdoor sales	ZP,SP	9.08-505	-	-	-	-	-	-	-	-	-	-	C	P	-	C	-
18.06 Model home	ZP	9.08-506	-	-	P	P	P	P	-	-	-	-	-	-	-	-	-
18.07 Off-site construction yard	ZP,SP	9.08-507	-	C	C	C	C	C	C	-	C	C	C	C	C	C	C
18.08 On-site construction office [24]	ZP	9.08-508	-	-	P	P	P	P	-	-	-	P	P	P	P	P	P
18.09 On-site construction yard [24]	ZP	9.08-509	-	-	P	P	P	P	-	-	-	P	P	P	P	P	P
18.10 Portable storage container	-	9.08-510	-	P	P	P	P	P	P	P	P	P	P	P	P	P	P
18.11 Relocatable building [25]	ZP,SP	9.08-511	-	-	-	-	-	-	-	-	P	C	C	C	C	-	-
18.12 Seasonal product sales	ZP,SP	9.08-512	C	C	C	-	-	-	-	-	-	C	P	P	P	C	-
18.13 Snow disposal site	ZP,SP	9.08-513	C	C	-	-	-	-	-	-	P	C	C	C	C	C	C
18.14 Special event	ZP,SP	9.08-514	-	C	C	C	-	-	-	-	-	-	-	-	-	-	-
18.15 Special event camping	ZP,SP	9.08-515	-	C	C	C	C	C	-	-	C	C	C	C	C	C	C
18.16 Special event concessions	ZP,SP	9.08-516	-	C	C	C	C	C	-	-	C	C	C	C	C	C	C
18.17 Special event parking	ZP,SP	9.08-517	-	C	C	C	C	C	-	-	C	C	C	C	C	C	C
18.18 Wind test tower	-	9.08-518	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
18.19 Yard sale [26]	-	9.08-519	P	P	P	P	P	P	P	P	P	P	P	P	P	-	-

Notes:

- Unless it qualifies under s. 91.44(1)(f) Wis. Stats, this use in the A-1 agribusiness zoning district may only be allowed as a conditional use and must be issued a permit in accordance with s. 91.46(4) or (5) Wis. Stats.
- In the A-1 agribusiness zoning district, a single-family dwelling may be located on a parcel not constituting a farm or on a parcel of land created after (EFFECTIVE DATE OF ADOPTION). Single-family dwellings in the A-1 agribusiness zoning district are subject to the density standards in Exhibit 8-2 and must comply with s. 91.46(2) Wis. Stats.
- See s. 9.08-27 for special provisions that may apply.
- See s. 9.08-28 for special provisions that may apply.
- A family day care home (4-8 children) is an accessory use and is therefore listed in Series 17.
- This use may be an accessory use when associated with a worship facility, community center, and the like.
- A bed and breakfast is an accessory use and is therefore listed in Series 17.
- A migrant labor camp in the A-1 agribusiness zoning district must be certified under s. 103.92 Wis. Stats.
- Veterinary clinics in the A-1 agribusiness zoning district must primarily treat livestock or comply with s. 91.01(1)(d) Wis. Stats.
- This use in the A-1 agribusiness zoning district must comply with s. 91.46(5) Wis. Stats.
- An amateur radio station is an accessory use and is therefore listed in Series 17.
- A batching plant when not associated with an approved nonmetallic mine is classified as heavy industrial (See 15.07). When it is associated with an approved nonmetallic mine in the A-1 agribusiness zoning district it must comply with s. 91.46(6) Wis. Stats.
- This use in the A-1 agribusiness zoning district must comply with s. 91.46(6) Wis. Stats.
- This use may only occur with a principal residential use or where the residential dwelling is occupied by the owner.
- This use in the A-1 agribusiness zoning district must comply with s. 91.01(1)(d) Wis. Stats.
- Backyard chickens are permitted on any parcel or lot in the A-1 agribusiness zoning district except for a nonfarm residence parcel or lot in which case a conditional use permit is required.
- This use may only occur with a principal residential use or with a group day care center.
- In addition to the zoning districts listed, this use may occur with a governmental or institutional use as a conditional use. This use may also be a principal use; see series 1 through 16.
- In addition to the zoning districts listed, this use may occur with a governmental or institutional use (e.g., school or church) as a permitted use.
- A zoning permit is not required for this use if less than 8 feet in height and occupies a horizontal area of not more than 100 square feet.
- Earth materials are obtained in whole or in part from another location.
- Earth materials are obtained on the parcel as part of the land development process.
- In addition to the zoning districts listed, this use may occur with a public park as a permitted use or with a governmental or institutional use (e.g., church, library or school) as a conditional use.
- When this use is in place for more than 365 days, it is considered a conditional use.
- This use may only occur with a governmental or institutional use (e.g., church, library, or school) as a conditional use.
- This use may only occur with a principal residential use or with a governmental or institutional use (e.g., church, library, or school).
- See s. 9.08-31 (Personal Storage Facility (PSF) Overlay District) and s. 9.08-402 for special provisions that may apply.

Attachment A-2

otherwise permitted in the zoning district in which it is located, he or she shall render a written determination that states the best available facts related to the development constraint and other reasoning as may be appropriate. Examples of development constraints include unfavorable topography, rock formations, shallow depth to bedrock, unstable or otherwise unsuitable soils, wetlands, stormwater runoff, inadequate drainage, and high groundwater. Once such a determination has been made, the zoning administrator, building inspector, or other governmental official or body shall not issue a development order or other approval authorizing the development in the area subject to the development constraint. Because a determination rendered by the zoning administrator pursuant to this section is an administrative decision, the property owner shall have the right to appeal such determination consistent with the procedures and requirements in article 7 of this chapter. The zoning administrator may reconsider his or her determination at any time and render a new determination if new or additional facts become known or if the facts upon which the determination was made are not accurate.

9.08-30 Map of conditional uses

The zoning administrator is authorized to prepare a map showing those properties that have an active conditional use permit and to amend the same from time to time.

9.08-31 Personal Storage Facility (PSF) Overlay District.

(a) **Purpose.** The purpose of the PSF Overlay District is to promote positive financial impacts to the recently established tax increment finance district (TID #1) and to promote the ability to fund required improvements within the district as shown by the Overlay District Map. In order to foster development that maximizes value and job creation in the overlay district, it is necessary to halt construction which may not promote the long-term value of the established TID district such as enhancing assessed values and increasing employment within the Town.

(b) **Applicability.** To meet the referenced purpose, the Town shall preclude the issuance of building permits for personal storage facilities for lease or rent which require significant land area but do not require utility services such as public water and sewer within the PSF Overlay Zoning District. The requirements of the PSF Overlay District shall apply to personal storage facilities as defined by Article 3, Section 14.02.

(c) Exemptions.

- (1) Personal storage facilities which are accessory to the principal use and are not for lease or rent.
- (2) Personal storage facilities previously approved through site plan approval.

~~9.08-32~~ 9.08-31 to 9.08-60 Reserved