

RESOLUTION NO. 2022-018

**TOWN OF CLAYTON
WINNEBAGO COUNTY, WISCONSIN**

**A RESOLUTION TO ENACT A MORATORIUM ON THE APPROVAL OF
USES THAT COMBINE STORAGE, WAREHOUSING, LIGHT MANUFACTURING
OR PROCESSING WITH OFFICE OR RETAIL USE TO CONDUCT GENERAL
SERVICES WITHIN THE TOWN OF CLAYTON**

WHEREAS, the Town of Clayton (the “**Town**”) has adopted the Zoning Code of Ordinances (the “**Code**”), as amended; and

WHEREAS, the Town has adopted the Comprehensive Plan 2016-2023, as amended; and

WHEREAS, the Town has experienced substantial growth, has added a tax increment finance district, and has added sewer and water service to the Town; and

WHEREAS, the foregoing changes in the demand for and use of land within the Town and the anticipated governance changes has prompted a desire to consider changes to the Town’s Code; and

WHEREAS, the Town Board desires to review the uses permitted under the Code so that the long-term value of land located within the Town boundaries (the “**Review Area**”) is maximized to promote the highest value use for purposes of enhancing assessed values and employment within the Town; and

WHEREAS, the Town Board has determined that it is necessary to provide direction, process and context for the future of the Town’s Zoning Districts of A-2, B-3, I-1 and I-2 (the “**Zone**”) with stakeholder and community involvement; and

WHEREAS, the Board has requested that the Town of Clayton Planning Commission along with its Development Director, formulate and issue a plan (the “**Plan**”) for use of storage facilities, warehouses, “flex space”, “flex warehouses”, and other uses that combine storage, warehousing, light manufacturing or processing with office or retail use in the Zone specifically in regards to conducting general services (a “**Controlled Use**”); and

WHEREAS, the Board anticipates that the formulation of the Plan will take an approximate period of six months coupled with the enactment of zoning ordinance amendments; and

WHEREAS, the Board has received confirmation from the Planning Commission that the promotion of the health, safety and the general welfare of the Town warrants the prompt formulation of a Plan and enactment of updated zoning provisions for the Code; and

WHEREAS, the Board has concluded that, in order to foster the development that maximizes value and job creation in the Zone, it is necessary to halt construction and use which

may not be compatible with the standards and requirements of the anticipated Plan and its related zoning implementation now in progress.

WHEREAS, the Town Board has deemed it in the best interests of the Town to temporarily preclude the issuance of building permits for developments of which 10,000 square feet or more may be used for a Controlled Use within the Review Area, where they are not sought as part of a Review Area rezoning, the approval of a subdivision or other division of land by plat or certified survey map as provided for by Wis. Stats. §66.1002 (1) (b).

NOW, THEREFORE, BE IT RESOLVED, that the Town of Clayton Town Board hereby makes the following determinations:


1. All of the above WHEREAS clauses are adopted and incorporated in this resolution as findings of the Town Board.
2. This resolution constitutes an exercise of the authority granted by Wis. Stat. §62.23(7)(am) and Wis. Stat. §60.10(2)(h) which in part states:

Exercise of certain zoning authority. In a town located in a county which has enacted a zoning ordinance under Wis. Stat. §59.69, authorize, under Wis. Stat. §60.62(2), the town board to enact town zoning ordinances under Wis. Stat. §61.35.

3. This resolution does not invoke or rely on the authority of Wis. Stat. §66.1002.
4. This resolution hereby declares and establishes a *moratorium* until May 1, 2023 on the issuances of building permits for storage, warehousing, "flex space" facilities which may be built or modified for a Controlled Use, located within the Zone by Town agents where they are not sought as part of a rezoning, the approval of a subdivision or other division of land by plat or certified survey map as provided for by Wis. Stat. §66.1002(1)(b). This moratorium may be terminated before its expiration date, or extended, depending on the adoption of the anticipated amendment(s).

The above Resolution was duly adopted at the meeting of the Town Board of the Town of Clayton on the 19th day of October, 2022.

APPROVED:

By: 
Russ Geise, Town Chairman

ATTEST:

By: 
Kelsey Faust-Kubale, Town Clerk

Town Board

Roll Call Vote Tally

Meeting Date: October 19, 2022

Agenda Item: Town Board review and consideration of the adoption of a Resolution placing a moratorium on the issuances of building permits for storage, warehousing, "flex space" facilities which may be built or modified for a Controlled Use, which is a use of storage facilities, warehouses, "flex space", "flex warehouses", and other uses that combine storage, warehousing, light manufacturing or processing with office or retail use in the Town's Zoning Districts of A-2, B-3, I-1 and I-2 specifically in regards to conducting general services.

Motion by: SR

Second by: PC

MOTION: Motion to approve Resolution 2022-018 A Resolution to Enact a Moratorium on the Approval of Uses That Combine Storage, Warehousing, Light Manufacturing or Processing with Office or Retail Use to Conduct General Services Within the Town of Clayton.

Supervisor Vote:	Aye	Nay	Abstain
② Chair Geise	<u>1</u>	<u> </u>	<u> </u>
① Supervisor Reif	<u>1</u>	<u> </u>	<u> </u>
⑤ Supervisor Lettau	<u>1</u>	<u> </u>	<u> </u>
④ Supervisor Grundman	<u>1</u>	<u> </u>	<u> </u>
③ Supervisor Christianson	<u>1</u>	<u> </u>	<u> </u>