



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Jim Doyle, Governor
Matthew J. Frank, Secretary

101 S. Webster St.
Box 7921
Madison, Wisconsin 53707-7921
Telephone 608-266-2621
FAX 608-267-3579
TTY Access via relay - 711

December 14, 2010

Dear County Zoning Administrators:

The Department has reviewed the Minimum Shoreland Wetland Zoning Model Ordinance, dated June 3, 2010 and has revised the ordinance by fixing errors and reorganizing language to more clearly indicate the minimum requirements under Ch. NR 115, Wis. Adm. Code. We appreciate the feedback and corrections that many of you provided, which have helped us to develop this revised Model Ordinance.

In the revised Model Ordinance, we have corrected errors, eliminated the colored highlighting, standardized the numbering and moved a number of sections into a new Appendix A. In addition, we revised the mitigation section in 12.0 to more clearly reflect the requirements and intent of NR 115. As you will note in the revised model, the Department has identified whether the section was required under NR 115 or by a statute, such as Ch. 59, Wis. Stats. Although Counties are not required to adopt the references to statutes and the Code, the references may assist you in the development of your ordinance.

Any section or definition which was not specifically required by NR 115 or its enabling statute was placed in Appendix A and is identified as policy option in the model. As a policy option, Counties are not required to adopt the section, or definition, to have an ordinance that is compliant with the shoreland zoning standards under NR 115. However, the Department offers these policy options as suggested language that may ease the implementation of your local shoreland zoning ordinance.

The following two pages contain a list of the changes that were made to the model. The list includes the page where the section is located, the specific section in the Model, and a description of the change. The Department has also identified which sections were moved to Appendix A and the corrections made to those sections.

To avoid a large printing cost we are emailing the document out at this time and hope to place the revised document on our website shortly. As a reminder our website can be located at: <http://dnr.wi.gov/org/water/wm/dsfm/shore/local.htm>. Should you find any additional errors or have suggestions for future revisions to the model, please feel free to contact me at 608-261-6430 or at heidi.kennedy@wisconsin.gov.

As always, the Department appreciates all the work you do to help us protect the waters of Wisconsin.

Sincerely,

Heidi Kennedy
Shoreland Policy Coordinator

Corrections to Model Ordinance*

Page in Model 2.0	Section	Description of Corrections
6	2.14	Section listed twice. Second 2.14 modified to 2.15. Statutory reference incorrect, now 281.31(2m)
6	2.4	Incorrect statutory reference, 30.12(4)(a) should be s. 30.2022(1) Wis. Stats.
7	3.11	Incorrect reference to note in code, now NR 115.04(b)2.note
7	3.31	Incorrect reference to sections 8.32 and 8.33, now 8.31 and 8.32
8	3.33	Eliminated reference to section 10.2
8	3.33(1)(b)	Incorrect reference to section 8.52, now 3.52
9	3.33(3)(b)	Incorrect reference to section 8.33, now 3.33
9	3.4	Incorrect statutory reference, s. 59.97 Wis. Stats. is now s. 59.69 Wis. Stats.
10	3.53	Incorrect reference to section 9.52, now 3.52, & incorrect reference to s. 59.971(6) now 59.692(6)
11	4.22(2)	No section referenced, now references sections 5.2 and 5.3
11	4.22(4)	No section referenced, now references section 5.0
11	4.22(5)	No section referenced, now references section 7.2
11	4.23(1)	No sections referenced, now references section 4.22 and 13.1f
11-12	4.23(2)	Incorrect statutory reference, s. 59.97 Wis. Stats. now 59.69, missing section reference now 13.42
12	4.23(3)	No sections referenced, now references section 4.22
12	4.23(4)	No section referenced now references section 4.22
14	7.1	Sections 7.1 and 7.2 contain repetitive statements. Deleted statement from section 7.1
15	9.4(1)	Deleted specifications for mitigation found in NR 115.05(1)(e)3., now references standards in section 12.0, which contains the codified requirements for mitigation
15	9.5	Incorrect reference to section 9.2 and 9.3, now references 9.3 and 9.4, also modified wording to correct grammar and clarify applicability.
15	9.51	Added section to reflect the second note under NR 115.05(1)(e)4.
16	11.2	Incorrect statutory reference to ss. 59.69(10)(a) and 59.692(2)(a). Eliminated reference to s. 59.69(10m), but section does reference 59.692(1s), Wis. Stats. Removed “on or” and erased “March 2, 2006”, after legal review statute says “after October 14, 1997” which is what should be utilized in a shoreland zoning ordinance. Also removed condition 3. and put it as a policy option because this is not required under the statute.
16	11.5(4)	Deleted specifications for mitigation found in NR 115.05(1)(g)5., now references standards in section 12.0, which contains the codified requirements for mitigation
16	11.6	Incorrect reference to par. (b) 1., now references building setback under section 6.1
17	11.7(5)	Deleted specifications for mitigation found in NR 115.05(1)(g)6., now references standards in section 12.0, which contains the codified requirements for mitigation
17	12.0	Added sections of NR 115 where mitigation is mandatory and applicable, also added section of s. 59.692(1v) Wis. Stats., which also requires buffer restoration, and referenced applicable sections in the Model. The wording has been modified also to better reflect the standards found in NR 115.
18	13.1	Removed the word “all” in (1). It is up to the County to establish rules, in compliance with NR 115, that specify when a permit is required. Also an incorrect reference to section 11.0 in (6), now references section 13.2 and a reference to section 11.0 under (7) was deleted.
19	13.31	Replaced “your” for “the”
19	13.32	Replaced “conditional use” with “special exception” to be consistent throughout the document.

		Either term may be utilized in an ordinance but it should be consistent.
22	14.0	Incorrect statutory reference, s. 59.97(5)(e), now s. 59.69(5)(e), Wis. Stats.
22	14.1	Amendment misspelled and incorrect statutory reference, s. 59.97(5), now s. 59.69(5), Wis. Stats.
22	14.2	Amendment was misspelled
22	15.0	Incorrect statutory reference, s. 59.97(11), now s. 59.69(11), Wis. Stats.
22	16.2(4)	Incorrect statutory reference, s. 59.97(2)(a), now s. 59.69(2)(a), Wis. Stats.
23	16.2(12)	Incorrect statutory reference, s. 144.26(2)(d), now s. 281.31(2)(d), also s. 59.971 is now s. 59.692.
23	16.2(17)	Added definition of shoreland setback.

* Please note: many of the statutory and code references in the original model ordinance were incorrect. These have been corrected but are not listed because counties are not required to adopt these references. Also the formatting and numbering of the subsections were inconsistent throughout the ordinance. The Department has standardized the formatting and has modified the numbering to be sequential.

List of Policy Options in Appendix A and Corrections

Page in Model 2.0	Section	Description of Corrections
24	2.11	None
24	2.12	None
24	5.1	None
24	5.2	None
24	5.3	None
25	6.11	None
26	6.2	None
26	7.3	None
26	8.1-8.14	None
27	8.2-8.22	None
27	8.3-8.32	Reference to Soil Conservation Service in 8.31, was corrected to be the Natural Resources Conservation Service, and 8.32(1) incorrectly referenced 7.22, now 8.22.
27	8.4-8.47	Incorrect reference to section 7.2, 10.42 and 10.43, now references 8.2, 13.22 or 13.44. Also changed board of adjustment to county.
27	10.11	None
27	11.2(1)(c)	None
29	11.4	None
29	11.6	No changes made to the policy option, see 11.6 above for original changes
29	11.8	None
29	12.0-12.1	Modified the wording application requirements under the policy option.
30	13.24-27	None
30	15.0	None
31	16.0(1)	Combined definition of Accessory Structure, Building-Accessory and Structure-Accessory into 1 heading, allowing a choice between the options
32	16.0(2)	No changes to definition of “Building”
32	16.0(3)	Provided an additional definition of development.
32	16.0(4)	No changes to definition of “Drainage System”
32	16.0(5)	No changes to definition of “Replacement Construction”
32	16.0(6)	No changes to definition of “Special Exception (conditional use)”
32	16.0(7)	No changes to the definition of “Structural Alterations”
32	16.0(8)	Provided an additional definition of structure.
32	16.0(9)	Combined the definition of Principal Structure, Structure-Principal, and Building-Principal into 1 heading, allowing a choice between the options.
32	16.0(10)	No changes to the definition of “Structure, Temporary”
32	16.0(11)	No changes to the definition of “Variance”