

CITY OF WAUSAU

407 Grant Street
Wausau, WI 54401

AN ORDINANCE: Plan Commission

Re: Creating Chapter 23.54 of the Wausau Municipal Code, Well Head Protection Overlay District.

FILE NO. 97-0920

Ordinance No. 61-4988

Introduced 9-9-97

Referred

Reported Back

Adopted 9-9-97

Other

Committee/Commission Action

Plan Comm Approved 5 - 0

AN ORDINANCE

The Common Council of the City of Wausau do ordain as follows:

Section 1. Chapter 23.54 of the Wausau Municipal Code is hereby created to read as follows:

CHAPTER 23.54

WH-WELL HEAD PROTECTION OVERLAY DISTRICT

Sections:

23.54.010	Purpose.
23.54.020	General Provisions.
23.54.030	Establishment of Districts.
23.54.040	Permitted and Prohibited Uses.
23.54.050	Conditional Uses.
23.54.060	Nonconforming Uses.

23.54.010. Purpose. The consequences of certain land use activities, whether intentional or accidental, can seriously impair groundwater quality. The purpose of the Well Head Protection Overlay District (WH) is to help protect municipal well groundwater resources from contamination by certain land use activities. This is accomplished by imposing certain land use restrictions upon the area located within the approximate groundwater recharge area of the City of Wausau municipal wells. The restrictions imposed upon the property within this overlay district are in addition to the regulations governing the underlying residential, commercial, industrial or other zoning districts or any other provisions of the zoning ordinance.

23.54.020 General Provisions.

(a) The regulations established by this overlay district are intended to either prohibit certain land uses that might otherwise be permitted in the underlying zoning districts or to allow certain activities as a conditional use that might otherwise be permitted in the underlying zoning district.

(b) The uses prohibited in the Well Head Protection Overlay District are activities that, as a result of normal operations or accidents, may impair groundwater quality. These prohibitions are intended to provide a reasonably high degree of assurance that, within the municipal well recharge area, discharges of contaminants into the groundwater supply will be minimized. These preventive measures are important since groundwater clean-up is often prohibitively expensive, and liability for such clean-up is often hard or impossible to establish.

(c) The uses prohibited within a Well Head Protection Overlay District are prohibited based upon the pollution experience of the individual uses, the operational methods and technology generally employed by that type of use, or the materials or products commonly handled by these uses. As the technology of identified uses changes to non-risk materials or operational methods, the list of prohibited land uses may be amended to reflect these changes.

23.54.030. Establishment of Districts. For purposes of minimizing the potential for groundwater contamination in close proximity to the municipal wells, two zoning districts are established: The Well Head Zone A (WH-A) and the Well Head Zone B (WH-B).

(a) Zone WH-A is identified as the primary source of water for recharge of the municipal well aquifer and as the area from which groundwater contaminants are most likely to be transmitted to the municipal wells. Zone WH-A is more restrictive than Zone WH-B.

(b) Zone WH-B is identified as a secondary source of water for recharge of the municipal well aquifer and as an area where there is a lower probability of surface contaminants reaching the municipal well fields. Zone WH-B is less restrictive than Zone WH-A.

23.54.040. Permitted and Prohibited Uses. (a) Well Head Zone A (WH-A): All principal and accessory uses which are permitted uses within the underlying zoning districts are permitted within Zone A of the Well Head Protection Overlay District except the following uses, which are specifically **prohibited** and those uses identified as conditional uses in 23.54.050:

- (1) Areas for dumping or disposal of garbage, refuse or trash.
- (2) Asphalt products manufacture.
- (3) Automobile service stations.
- (4) Building materials and products sales.
- (5) Cartage and express facilities.
- (6) Car washes.
- (7) Cemeteries.
- (8) Chemical processing and manufacturing.
- (9) Contractor or construction shops or yards.
- (10) Demolition and construction material disposal sites.
- (11) Dry cleaning establishments.
- (12) Electroplating.
- (13) Exterminating shops or businesses.
- (14) Feed and seed sales.
- (15) Foundries and forge plants.
- (16) Fuel and ice sales.
- (17) Garages for repair and servicing of motor vehicles, including body repair, painting or engine rebuilding.
- (18) Garden supply, tool and seed stores.
- (19) Greenhouses and nurseries.
- (20) Heavy machinery production.
- (21) Industrial liquid waste storage areas.
- (22) Junk yards and auto graveyards.

- (23) Leather tanning or processing.
- (24) Linoleum manufacturing.
- (25) Machine shop.
- (26) Metal reduction and refinement.
- (27) Metal stamping.
- (28) Mining operations.
- (29) Motor freight terminals.
- (30) Outdoor kennels.
- (31) Paint products manufacture.
- (32) Paper products manufacture.
- (33) Petroleum products storage or processing.
- (34) Photography studios which include the developing of film and pictures.
- (35) Plastics manufacture.
- (36) Printing and publishing establishments.
- (37) Rubber processing or manufacture.
- (38) Sewage treatment plants.
- (39) Soap manufacture.
- (40) Steel manufacture.
- (41) Stone products manufacture.
- (42) Underground petroleum products storage tanks for industrial, commercial, residential or other uses.
- (43) Woodworking and wood products.

(b) Well Head Zone B (WH-B): All principal and accessory permitted uses within the underlying zoning districts are permitted within Zone B of the Well Head Protection Overlay District except those uses identified as conditional uses in 23.54.050 and underground petroleum products storage tanks for residential use. Said tanks are specifically prohibited in Zone B.

23.54.050 Conditional Uses.

(a) The following conditional uses may be allowed in the WH-A zone subject to the provisions of Chapter 23.72:

Any other business or industrial use which is not listed as a prohibited use in Section 23.54.040(a) provided that the proposed use is a permitted or conditional use in the underlying zoning district.

(b) The following conditional uses may be allowed in the WH-B zone subject to the provisions of Chapter 23.72:

- (1) Underground petroleum products storage tanks for industrial, commercial or other non-residential uses.
- (2) Any business or industrial use provided that the proposed use is a permitted or conditional use in the underlying zoning district.

23.54.060 Nonconforming Uses. Any lawfully existing building, structure or use which does not conform to the regulations of a mapped Well Head Protection Overlay District may be continued subject to the following provisions:

- (a) For nonconforming buildings, structures or uses which were nonconforming prior to being designated as part of a Well Head Protection Overlay District, the regulations in Chapter 23.70 apply.
- (b) For nonconforming buildings, structures or uses which are made nonconforming through establishment of a Well Head Protection Overlay District, the regulations identified in Chapter 23.70 also apply; however, these regulations may be modified to meet the particular circumstances surrounding the particular building, structure, or use through the conditional use process as identified in Chapter 23.72.

Section 2. The provisions of any part of the ordinance codified in this chapter are severable. If any provisions or subsection hereof, or the application thereof to any person or circumstances, is held invalid, the other provisions, subsections and applications of such ordinance to other persons shall not be affected thereby. It is declared to be the intent of the ordinance codified in this chapter that the same would have been adopted had such invalid provisions, if any, not been included herein..

Section 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 4. This ordinance shall be in full force and effect from and after its date of publication.

Adopted: 9/9/97
 Approved: 9/9/97
 Published: 9/15/97
 Attest: 9/10/97

Approved:

/s/ John D. Hess
 John D. Hess, Mayor

Attest:

/s/ Gary Lee Klingbeil
 Gary Lee Klingbeil, Clerk