

Village of Kronenwetter, WI
Tuesday, April 14, 2015

Chapter 520. Zoning

Article XI. MW Municipal Well Recharge Area Overlay District

§ 520-65. Purpose; statutory authority.

- A. The residents of the Village of Kronenwetter (the "Village"), whether served by private wells or municipal supplies, depend exclusively on groundwater for a safe drinking water supply. Certain land use practices and activities can seriously threaten or degrade groundwater quality. The purpose of this article is to institute land use regulations and restrictions to protect the municipal water supplies of the Village of Kronenwetter and to promote the public health, safety and general welfare of the residents of the Village of Kronenwetter.
- B. Statutory authority of the Village to enact these regulations was established by the Wisconsin Legislature in 1983, Wisconsin Act 410 (effective May 11, 1984), which specifically added groundwater protection to the statutory authorization for municipal planning and zoning to protect public health, safety and welfare.

§ 520-66. Applicability.

The regulations specified in this article shall apply to the areas of the Village of Kronenwetter that lie within the recharge basin and are in addition to the requirements in the underlying zoning districts. If there is a conflict between this article and any applicable zoning ordinance, the more restrictive provision shall apply.

§ 520-67. Definitions.

As used in this article, the following terms shall have the meanings indicated:

ANIMAL CONFINEMENT FACILITIES

Locations of confinement of livestock at a density exceeding three of such livestock animals per acre, except as applies to dairy production facilities which incorporate areas for manure application (at rates not to exceed the nutrient requirements of the crops grown thereon) as an integral part of the operation.

AQUIFER

A saturated, permeable geologic formation that contains and will yield significant quantities of water.

CONE OF DEPRESSION

The area around a well in which the water level has been lowered at least 1/10 of a foot by pumping of the well.

FIVE-YEAR TIME OF TRAVEL (TOT)

The recharge area upgradient of the cone depression, the outer boundary of which is determined or estimated that groundwater will take five years to reach a pumping well.

PASTURE

Grazing animals, on growing vegetation, with no supplemental feed, at up to three grazing animals per acre; also rotational grazing systems (designed to periodically exceed three grazing animals per acre) which comply with the standards to be adopted by the Village of Kronenwetter.

RECHARGE AREA

Area in which water reaches the zone of saturation by surface infiltration and encompasses all areas or features that supply groundwater recharge to a well.

TWENTY-FIVE-YEAR TOT

The recharge area upgradient of the cone of depression, the outer boundary of which is determined or estimated that groundwater will take 25 years to reach a pumping well.

WELL FIELD

A piece of land used primarily for the purpose of locating wells to supply a municipal water system.

§ 520-68. Zone A restrictions.

- A. Intent. The portion of the WHPA in Zone A to be protected is the land primarily within 1,500 feet south, east and west of the Village municipal well sites and is defined by the five-year TOT zone upgradient of the well site to the south. These lands are subject to the most stringent land use and development restrictions because of close proximity to the wells and the corresponding high threat of contamination.
- B. Permitted uses. The following uses are permitted uses within Zone A. Uses not listed here or in § 520-68C below are considered prohibited uses unless a determination of similarity to a permitted or special exception use (based on potential for groundwater contamination) is made by the Village Zoning Administrator.
 - (1) Parks and playgrounds, provided there are no on-site waste, disposal or fuel storage tank facilities.
 - (2) Wildlife areas, provided there are no on-site waste disposal or fuel storage tank facilities.
 - (3) Nonmotorized and motorized trails, such as biking, skiing, nature, fitness, snowmobile, and ATV trails.
 - (4) Residential developments served by municipal sewer.
 - (5) Unsewered (single-family) residential development only on existing parcels of record on the effective date of this chapter served by a private sewage disposal system.
 - (6) Existing agricultural activities, including but not limited to pasture. Conduct and management of these activities shall be subject to a farm plan (based in the potential for groundwater contamination) utilizing standards established by the Village of Kronenwetter.
- C. Special exceptions. The following uses may be allowed as special exceptions within Zone A:
 - (1)

Commercial uses served by municipal sanitary sewer except those listed as prohibited in § 520-68D below.

- D. Prohibited uses. All other uses are prohibited uses within Zone A. These uses are prohibited based on the high probability that activities routinely associated with these uses (storage, use, and handling of potential pollutants) will cause groundwater contamination. These prohibited uses include, but are in no way limited to by way of enumeration, the following:

Animal confinement facilities (except such livestock production facilities which incorporate areas for manure application as an integral part of the operation)

Animal waste facilities

Any manufacturing or industrial business

Asphalt products manufacturing

Auto salvage yards

Automobile laundries

Basement heating fuel storage tanks

Building materials and product sales

Bulk fertilizer and/or pesticide facilities

Cartage, express deliver, truck, or bus facilities

Cemeteries

Chemical storage, sale, processing, or manufacturing plants

Dry cleaning establishments

Electric circuit assembly plants

Electroplating plants or facilities

Exterminating businesses

Foundries and forge plants

Hazardous and/or toxic materials storage

Hazardous and/or toxic waste facilities

Industrial liquid waste storage areas

Landfills or waste disposal facilities

Metal reduction and refinement plants

Mining operations

Motor and machinery service and assembly shops

Paint and coating manufacturing

Petroleum products storage and processing facilities

Petroleum product storage tanks

Plastics manufacturing

Printing and duplicating businesses

Pulp and paper manufacturing

Radioactive waste facilities

Recycling facilities

Repair shops

Retail liquid motor fuel dispensing facilities

Salt storage

Septage and/or sewage sludge spreading

Spray wastewater facilities

Vehicle repair establishments, including auto body repair, painting, or engine rebuilding

Wastewater treatment or disposal facilities

- E.

Proposed upgrade permit. Where any of the uses listed in § 520-68D above exist within Zone A on the effective date of this article, owners of these facilities will be allowed to upgrade the facilities to facilitate or enhance groundwater protection as provided herein and in § 520-71B. Plans for the proposed upgrade must be approved, and the appropriate permit issued by the Village prior to any work being initiated. Expansion of the prohibited use will not be allowed.

§ 520-69. Zone B restrictions.

- A. Intent. A secondary portion of the WHPA to be protected is the land which lies within the twenty-five-year TOT zone, upgradient from the municipal wells. Land use restrictions within Zone B are less restrictive than in Zone A because of longer flow times and a greater potential for remediation, dilution and attenuation. Agricultural best management practices (BMP) minimizing use of pesticides and fertilizers are strongly encouraged.
- B. Permitted uses. The following uses are permitted within Zone B. All other uses not listed here or in § 520-69D below are considered prohibited uses unless a determination of similarity to a permitted or special exception use (based on potential for groundwater contamination) is made by the Village Zoning Administrator.
 - (1) All uses listed as permitted uses in Groundwater Zone A.
 - (2) Agricultural activities.
 - (3) Aboveground petroleum product storage tanks up to 660 gallons.
 - (4) Basement heating fuel storage tanks.
 - (5) Commercial and/or industrial uses served by municipal sanitary sewer, except those listed as prohibited uses in § 520-69E, Prohibited uses.
 - (6) Unsewered (single-family) residential uses.
- C. Design and performance standards. The following standards and requirements shall apply to all uses permitted within Zone B.
 - (1) Minimum lot size for unsewered residential uses shall be two acres, except for a) existing lots of record on the effective date of this article; and b) developments which will be served by municipal sewer within five years of the approval of the development. In order to provide for efficiently serving these developments with municipal sewer, lots smaller than two acres can be approved, provided that sufficient land area will be maintained in an undeveloped state such that no more than one residence is allowed for each two acres of the overall development.
 - (2) All commercial and industrial uses are allowed a maximum of 50% of the lot area to be maintained in manicured lawn or grass. However, the area of the lot in manicured lawn or grass shall not exceed the area of impervious surfaces on the lot.
 - (3) Sewered residential uses are allowed to have a maximum area of manicured lawn or grass as shown below:

| Lot Area | Lawn Area (square feet) |
|--------------------|-----------------------------|
| 16,000 square feet | Entire lot may be manicured |
| 1/2 acre | Entire lot may be manicured |
| 3/4 acre | Entire lot may be manicured |

| Lot Area | Lawn Area (square feet) |
|--------------------|----------------------------|
| 1 acre | 33,000 |
| 1 1/2 acres | 33,000 |
| 2 acres or greater | 33,000 |

- (4) Unsewered residential uses are allowed to have a maximum area of manicured lawn or grass as shown below:

| Lot Area (acres) | Lawn Area (square feet) |
|---------------------|----------------------------|
| 2 | 33,000 |
| 3 | 33,000 |
| 4 | 33,000 |
| 5 | 33,000 |

- (5) Natural vegetative covers not requiring the use of pesticides or fertilizers after initial establishment are encouraged as an alternative to manicured lawn or grass.
- (6) All petroleum product storage tanks shall provide leakproof containment not less than 125% of the tank volume, except basement heating fuel storage tanks.
- (7) All storm drainage from commercial and industrial sites shall be retained on site or discharged to the municipally operated stormwater drainage system. If retained on site, stormwater shall be percolated through at least six inches of topsoil. Use of dry wells or other subsurface drains for stormwater drainage is prohibited.
- (8) Pesticide and fertilizer storage is permitted at the location of retail sales of these products, provided that the products are delivered in retail quantity containers and no repackaging and/or mixing is done on site.
- (9) Pesticide and fertilizer storage is permitted for on-farm use by the owner or farm operator.
- (10) Bulk liquid pesticide/fertilizer storage containers exceeding 55 gallons are permitted, providing the containers are located within a leakproof containment area not less than 125% of the volume of the largest container. ICC approved transport containers do not require containment.
- (11) Salt storage must conform to standards in Ch. Trans 277, Wis. Adm. Code.
- (12) Animal waste storage facilities must meet the standards of Chapter 441, Solid Waste, of the Code of the Village of Kronenwetter.
- (13) Animal waste shall not be applied at rates which exceed the nutrient requirements of the crops grown on the application site.
- (14) Conduct and management of agricultural activities shall be subject to a farm plan (based on the potential for groundwater contamination) utilizing standards adopted by the Village of Kronenwetter.
- D. Special exceptions. The following uses may be permitted on a case-by-case basis, provided adequate groundwater protection and monitoring measures, as determined by the Village, are instituted.
- (1) Nurseries for ornamental plants, greenhouses, and pesticide and fertilizer storage and use associated with retail sales outlets.

- (2) Cemeteries.
 - (3) Salt storage, including sand/salt combinations.
 - (4) Recycling facilities.
- E. Prohibited uses. All other uses, except as provided in § 520-69B and D above are prohibited uses within Zone B. These uses are prohibited based on the high probability that activities routinely associated with these uses (storage, use and handling of potential pollutants) will cause groundwater contamination. These prohibited uses include, but are in no way limited to by way of enumeration, the following:
- (1) Underground petroleum product storage tanks.
 - (2) Unsewered commercial and/or industrial development.
 - (3) Commercial pesticide and/or fertilizer storage, mixing and loading facilities.
 - (4) Septage and/or sewage sludge spreading.
 - (5) Retail liquid motor fuel dispensing facilities.
 - (6) Vehicle repair shops.
 - (7) Printing and duplicating businesses which use hazardous chemicals as defined by the EPA in their printing process.
 - (8) Bus or truck terminals.
 - (9) Landfills.
 - (10) Wastewater treatment facilities.
 - (11) Spray wastewater facilities.
 - (12) Auto salvage yards.
 - (13) Animal confinement facilities (except veterinary hospitals, clinics, and livestock production facilities which incorporate areas for manure application as an integral part of the operation).
 - (14) Asphalt products manufacturing.
 - (15) Dry cleaning facilities.
 - (16) Electroplating facilities.
 - (17) Exterminating shops.
 - (18) Paint and coating manufacturing.
 - (19) Hazardous and/or toxic materials storage.
 - (20) Hazardous and/or toxic waste facilities.
 - (21) Radioactive waste facilities.
 - (22) Garage and vehicular towing.
 - (23) Public and municipal maintenance garages.

F.

Where any of the uses listed in § 520-69E above exist within Zone B on the effective date of this article, owners of these facilities will be allowed to upgrade the facilities to facilitate or enhance groundwater protection as provided herein and in § 520-71B. Plans for the proposed upgrade must be approved and the appropriate permit issued by the Village prior to any work being initiated. Expansion of the prohibited use will not be allowed.

§ 520-70. Zone C restrictions.

- A. Intent. Zone C is the remainder of the recharge areas upgradient of Zone B and includes some of the surface water basins that may contribute to the Bull Junior Creek as well as the well recharge as shown on the map in the office of the Zoning Administrator. Management measures in this district are the least restrictive of the recharge districts. Agricultural BMP minimizing use of pesticides and fertilizers are strongly encouraged.
- B. Permitted uses. The Following uses are permitted within Zone C. Uses not listed here or in § 520-70C below are considered prohibited uses unless a determination of similarity to permitted or special exception use (based on potential for groundwater contamination) is made by the Village.
- (1) All uses permitted in Zones A and B.
 - (2) Salt storage, including sand/salt combinations.
 - (3) Aboveground petroleum product storage tanks.
- C. Special exceptions. The following uses may be permitted on a case-by-case basis, provided adequate groundwater protection and monitoring measures, as determined by the Village, are instituted.
- (1) Landfills.
 - (2) Animal confinement facilities.
 - (3) Wastewater treatment or disposal facilities.
 - (4) Auto salvage yards.
 - (5) Retail liquid motor fuel dispensing facilities.
 - (6) Commercial pesticide and/or fertilizer storage, mixing, and loading facilities.
 - (7) Asphalt products manufacture.
 - (8) Chemical manufacture/storage/sale.
 - (9) Dry cleaning facilities.
 - (10) Electroplating facilities.
 - (11) Extermination shops.
 - (12) Paint/coatings manufacturing.
 - (13) Printing/publishing facilities.
 - (14) Auto repair and body shops.
 - (15) Septage/sewer sludge land spreading.

- (16) Spray wastewater facilities.
 - (17) Recycling facilities.
 - (18) Underground petroleum product storage tanks.
 - (19) Unsewered commercial or industrial development.
 - (20) Bus or truck terminals.
 - (21) Public and municipal maintenance garages.
 - (22) Hazardous and/or toxic materials storage.
- D. Design and performance standards. The following standards and requirements shall apply to all uses permitted within Zone C.
- (1) Pesticide and fertilizer storage is permitted at the location of retail sales of these products, provided that the products are delivered in retail quantity containers and no repackaging and/or mixing is done on site.
 - (2) Bulk liquid pesticide/fertilizer storage containers exceeding 55 gallons are permitted, providing the containers are located within a leakproof containment area not less than 125% of the volume of the largest container. ICC approved transport containers do not require containment.
 - (3) Animal waste storage facilities must meet the standards of the Village.
 - (4) All storm drainage from commercial and industrial sites shall be retained on site or discharged to a municipally operated storm drain. If retained on site, stormwater shall be discharged to settling ponds where it will percolate through at least six inches of topsoil with vegetation. Use of dry wells or other subsurface drains for stormwater drainage is prohibited.
 - (5) Hazardous/toxic materials storage and use. Site plan review is required, including description of all materials, operational practices to prevent groundwater contamination, contingency plan for accidental discharges, and a proposed disposal plan for anticipated wastes.
 - (6) Salt storage must conform to standards in Ch. Trans 277, Wis. Adm. Code.
 - (7) Minimum lot size for unsewered, residential uses shall be two acres, except for existing lots of record, on the effective date of this article.
 - (8) Animal waste, septage, and sewage sludge shall not be applied at rates which exceed the nutrient requirements of the crops grown on the application site. Application of these materials (except animal waste) to frozen or snow covered ground is prohibited.
 - (9) Pesticide and fertilizer storage is permitted for on-farm use by the owner or operator.
- E. Prohibited uses. All other uses, except as provided in § 520-70B and C above are prohibited uses within Zone C. These uses are prohibited based on the high probability that activities routinely associated with these uses (storage, use and handling of potential pollutants) will cause groundwater contamination. These prohibited uses include, but are in no way limited to by way of enumeration, the following:
- (1) Hazardous/toxic waste facilities.
 - (2) Radioactive waste facilities.

§ 520-71. Administration and enforcement.

A. Boundary determinations.

- (1) **Boundaries.** The boundaries of the Well Head Protection Area ("WHPA") shall be as shown on the map titled "Final Recommended WHPA," dated May 10, 1996, a copy of which is located in the office of the Zoning Administrator and incorporated herein by reference. Boundary determinations for specific properties shall be made by the Village Zoning Administrator by scaling distances from these maps and for Zone A by reference to survey monuments.
- (2) **Appeals.** Appeals as to a boundary determination or any other administrative decision by the Village Zoning Administrator connected with this article shall be made as provided in § 520-23 of this chapter and shall be supported with appropriate technical documentation.

B. Special requirements for existing facilities.

- (1) **Definition.** "Existing facilities" shall mean all existing facilities which may cause or threaten to cause environmental pollution within the boundaries of the WHPA which include, but are not limited to, the Wisconsin Department of Natural Resources' draft list of "Inventory of Sites or Facilities Which May Cause or Threaten to Cause Environmental Pollution," Department of Industry, Labor and Human Relations list of "Underground Storage Tanks" and list of "Facilities with Hazardous, Solid Waste Permits," all of which are incorporated herein by reference.
- (2) **Requirements for existing facilities.**
 - (a) All existing facilities shall provide copies of all federal, state and local facility operation approvals or certificate and ongoing environmental monitoring results to the Village.
 - (b) All existing facilities shall provide additional environmental or safety structure/monitoring as deemed necessary by the Village which may include but are not limited to storm runoff management and monitoring.
 - (c) All existing facilities shall replace equipment or expand in a manner that improves the existing environmental and safety technologies already in existence; provided, however, that if such existing facility is a prohibited use within the meaning of this article, no expansion of the existing facility shall be allowed.
 - (d) All existing facilities shall have the responsibility of devising and filing with the Village a contingency plan satisfactory to the Village for the immediate notification of Village officials in the event of an emergency which threatens the groundwater within the boundaries of the WHPA.

C. Conditional uses.

- (1) Any individual and/or facility may request the Village to permit additional land uses within the boundaries of the WHPA.
- (2) All requests shall be in writing either on, or in substantial compliance with, forms to be provided by the Village and shall include an environmental assessment report prepared by a licensed environmental engineer. Said report shall be forwarded to an engineer designated by the Village for recommendation and final decision by the Village.
- (3) The individual/facility shall reimburse the Village for all consultant fees associated with this review at the invoiced amount plus administrative costs.
- (4)

Any permitted uses shall be conditional and may include required environmental and safety monitoring consistent with local, state and federal requirements, and/or bonds and/or sureties satisfactory to the Village.

D. Enforcement.

(1) Violations. It shall be unlawful to construct or use any structure, land or water in violation of any of the provisions of this article. In case of any violation, the Village or its authorized agent, or any person who would be specifically damaged by such violation, may institute appropriate action or proceedings to enjoin a violation of this chapter.

(2) Penalties.

(a) For purposes of this section, "person" shall mean an individual, firm, corporation, association, partnership, consortium, joint venture, commercial entity, United States government, state, municipality, commission, political subdivision of a state, or any interstate body.

(b) Any person who fails to comply with the provisions of this article shall, upon conviction thereof, forfeit not less than \$100 nor more than \$500, plus the costs of prosecution for each violation, and in default of payment of such forfeiture and shall be imprisoned in the county jail until payment thereof, not exceeding 30 days, or in the alternative, shall have such costs and forfeitures added to their real property in the county as a lien against the property. Each day a violation exists or continues shall constitute a separate offense.

(3) Remediation.

(a) In the event that an individual and/or facility causes the release of any contaminants which endanger the WHPA, the activity causing said release shall immediately cease and a cleanup satisfactory to the Village shall occur.

(b) The individual/facility causing the release shall be responsible for all costs of cleanup, Village consultant fees at the invoice amount plus administrative costs for oversight, review and documentation. Such Village costs include, but are not limited to, the following:

[1] The cost of Village employees' time associated in any way with the cleanup based on the hourly rate paid to the employee multiplied by a factor determined by the Village representing the Village's cost for expenses, benefits, insurance, sick leave, holidays, overtime, vacation, and similar benefits.

[2] A reasonable use charge for Village equipment employed.

[3] The cost of mileage reimbursed to Village employees attributed to the cleanup.

[4] All Village Attorneys' fees.

(c) Following any such discharge, the Village may require additional test monitoring and/or bonds and/or sureties from the party responsible for the discharge as deemed necessary by the Village to ensure the costs of cleanup will be satisfied by the responsible party.

(d) The costs of remediation required by this section shall be in addition to any other costs or forfeitures imposed under this article.