



WP—Wellhead Protection Overlay District

Purpose Statement (17.304.01)

The residents of Marathon County, whether served by private wells or municipal supplies, depend upon groundwater for safe drinking water supply. Certain land use practices and activities can seriously threaten or degrade groundwater quality. The purpose of this Wellhead Protection District is to institute land use regulations to protect the municipal water supplies, and may impose greater restrictions than Wisconsin Administrative Code ATCP51 to protect the public health, safety, and general welfare of the residents of Marathon County.

Statutory authority of Marathon County 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.

Application of Regulations [17.304.02]

Application of Regulations. The overlay regulations specified in this Wellhead Protection District shall apply to the areas of Marathon County that lie within the recharge areas for municipal water supply wells, and are in addition to the requirements in the underlying zoning district. If there is a conflict between this district and the underlying zoning ordinance, the more restrictive shall apply.

Uses permitted in each Wellhead Protection District. Table 5 lists the permitted uses per Wellhead Protection Overlay Districts.

Uses Permitted (Table 5)

Key: Use	(P) Permitted Use	(C) Conditional		
	(Blank) Use Not Permitted	Wellhead Protection Overlay Districts		
USE		Zone A	Zone B	Zone C
*For a comprehensive list of uses please visit Table 5 in the Marathon County Chapter 17 Zoning Code.				

requires Board of Adjustment approval

Groundwater Protection [17.304.03]

Overlay District Zone A

Intent. The primary portion of the municipal well recharge area to be protected is the land within the cone(s) of depression and the area defined as Zone A and shown on maps on file in the Department. These lands are subject to the most stringent land use and development regulations because of close proximity to the wells and the corresponding high threat of contamination.

Permitted Uses. The uses listed in Table 5 are permitted uses within Groundwater Protection Overlay District Zone A. Uses not listed or identified as not permitted in Table 5 are considered prohibited uses unless a determination of similarity to a permitted or conditional use (based on potential for groundwater contamination) is made by the Zoning Administrator.

Conditional Uses. The uses listed in Table 5 may be permitted on a case-by-case basis providing adequate groundwater protection and monitoring measures are provided as determined by the Board of Adjustment.

Prohibited Uses. The uses listed as not permitted in Table 5 are prohibited uses within the Groundwater Protection Overlay District Zone A. These uses are prohibited based on the high probability that activities routinely associated with these uses may cause groundwater contamination.

Where any of the uses listed in Table 5 exist within the Groundwater Protection Overlay District Zone A on the effective date of this ordinance, those uses shall be deemed non-conforming. Owners of these facilities will be allowed to upgrade the facilities to facilitate or enhance groundwater protection within the provisions of non-conformity contained in the Zoning Ordinance. Plans for the proposed upgrade must be approved and the appropriate permit issued by the Board of Adjustment prior to any work being initiated. Expansion of any preexisting non-conformity is prohibited.

Overlay District Zone B [17.304.04]

Intent. A secondary portion of the municipal well recharge areas to be protected is the land which lies within Zone B as shown in Table 5 and on maps on file in the Department. 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.

Permitted Uses. The uses listed in Table 5 are permitted within Groundwater Protection Overlay District Zone B. Uses not listed or identified as not permitted in Table 5 are considered prohibited uses unless a determination as outlined in Section 17.304.03 B. is made for similar uses.

Conditional Uses. The uses listed in Table 5 may be permitted on a case-by-case basis providing adequate groundwater protection and monitoring measures are provided as determined by the Board of Adjustment.

Prohibited Uses. The uses listed as not permitted in Table 5 are prohibited uses within Groundwater Protection Overlay District Zone B, except as provided in Sections 17.304.04.C or 17.304.06. These uses are prohibited based on the high probability that activities routinely associated with these uses may cause groundwater contamination. Where any of the uses listed in Table 5 exist within Groundwater Protection Overlay District Zone B on the effective date of this ordinance, owners of these facilities will be allowed to upgrade the facilities to facilitate or enhance groundwater protection pursuant to the provisions outlined in Section 17.304.03.D. Expansion of any preexisting non-conforming use is prohibited.

Overlay District Zone C [17.304.05]

Intent. The outermost portion of the municipal well recharge area to be protected is the land which lies within Zone C as shown on maps on file in the Department. Land use restrictions within Zone C are less restrictive than in either Zone A or Zone B because it is the portion of the recharge area most distant from the well(s).

Permitted Uses. The uses listed in Table 5 are permitted within Groundwater Protection Overlay District Zone C. Uses not listed or identified as not permitted in Table 5 are considered prohibited uses unless a determination as outlined in Section 17.304.03 B. is made for similar uses.

Conditional Uses. The uses listed in Table 5 may be permitted on a case-by-case basis providing adequate groundwater protection and monitoring measures are provided as determined by the Board of Adjustment.

Prohibited Uses. The uses listed as not permitted in Table 5 are prohibited uses within the Groundwater Protection Overlay District Zone C except as provided in Sections 17.304.05 C. or 17.304.06. Uses prohibited based on the high probability that activities routinely associated with these uses may cause groundwater contamination are listed in Table 5. Where any of the uses listed in Table 5 exist within Groundwater Protection Overlay District C on the effective date of this district, owners of these facilities will be allowed to upgrade the facilities to facilitate or enhance groundwater protection pursuant to the provisions outlined in Section 17.304.03 D. Expansion of any preexisting non-conforming use is prohibited.

Design and Performance Standards [17.304.06]

The following standards and requirements shall apply to all uses permitted within the Groundwater Protection Overlay District.

Lot Size. Minimum lot size for unsewered residential uses shall be two acres except for:

Existing lots of record on the effective date of this ordinance.

Developments which will be served by municipal sewer. In order to provide for efficiently serving the development 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.

Landscaping and Maintained Lawn or Grass.

All commercial and industrial uses shall be allowed a maximum of 50% of the lot area to be maintained lawn or grass. In no instance shall the area of maintained lawn or grass exceed the area of impervious surfaces on the lot.

Natural vegetative covers not requiring the use of pesticides or fertilized after initial establishment are encouraged as an alternative to lawn or grass.

Storm Drainage and Snow Melt. All storm drainage for commercial and industrial sites shall be retained on the site or discharged to a municipally operated storm drain in accordance to storm water best management practices. If retained on the site, storm water shall be discharged to settling basins where it shall percolate through at least six inches of topsoil with vegetation established. Use of drywells or other subsurface drains for storm water drainage is prohibited, as is the use of a groundwater pond.

Petroleum, Pesticide, Fertilizer and Salt Storage.

All petroleum product storage tanks shall provide leak-proof containment not less than 125% of the tank volume except basement heating fuel storage tanks.

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 the site.

Pesticide and fertilizer storage is permitted on a farm for use on that farm by the owner or farm operator.

Bulk liquid pesticide/fertilizer storage containers exceeding 55 gallons are permitted providing the containers are located within a leak-proof containment area not less than 125% of the volume of the largest container. Interstate Commerce Commission (ICC) approved transport containers do not require containment.

Salt storage must conform to standards in the Department of Transportation, Chapter 277 of the Wisconsin Administrative Code.

Animal Waste – Storage and Handling.

Animal waste storage facilities must meet the standards of the Marathon County Animal Waste Management Ordinance.

Animal waste, in combination with chemical fertilizer or other soil amendments, shall not be applied at rates which exceed the nutrient requirements of the crops grown on the application site.

Conduct and management of agricultural activity shall be subject to a plan utilizing standards in the Marathon County Technical Guide adopted by the Environmental Resources Committee

Administration [17.304.07]

Determinations. The boundaries of the Groundwater Protection Overlay Districts shall be shown on the maps for Marathon County. Boundary determinations for specific properties shall be made by the Zoning Administrator by scaling distances from these maps.

Appeals. Appeals to a boundary determination or any other administrative decision by the Zoning Administrator connected with this ordinance shall be made to the Board of Adjustment as provided in Title 8 of this Ordinance and shall be supported with appropriate technical documentation as determined by the Board of Adjustment.