

Article 05

Overlay District

City of Butler
Zoning Ordinance

March 22, 2005 © 2005 Bradley E. Johnson, AICP

WP-OL District

5.1 WP-OL District Intent, Effect on Uses and Development Standards

District Intent

The WP-OL (Wellhead Protection Overlay District) is intended to safeguard the public health, safety and welfare of the community and its water customers by protecting the community's groundwater supply against contamination from potential contamination sources.

Effect on Uses

The permitted uses and special exception uses within the WP-OL (Wellhead Protection Overlay District) shall be those of the underlying zoning district with the elimination of the following uses:

- dry cleaning service/laundry
- junk yard

Development Standards

The development standards within the WP-OL (Wellhead Protection Overlay District) shall be those of the underlying zoning district in addition to the following standards:

- Any industry is subject to periodic inspection by the Fire Marshal or City Superintendent.
- Required reporting of any spillage or containments into the soil to the City Superintendent.
- Required periodic testing at the request of the City for spillage or containments into the soil.

WP-OL District

5.2 Applicability

The following requirements apply to all land within the Wellhead Protection Zone, as defined in Section 5.3, with the exceptions of single and multifamily residential land uses connected to municipal sanitary and storm sewers.

5.3 Establishment of Wellhead Protection Zone

For purposes of this ordinance, the area contained within a five year time-of-travel to a public water supply well or wellfield, as defined by a modeled delineation performed in compliance with 327 Indiana Administrative Code 8-4.1 is designated as a Wellhead Protection Zone.

5.4 Criteria for Review

- A. New Storage Areas: The following criteria shall be applied to the storage of sources of potential contamination within the Wellhead Protection Zone:
1. A maximum of 1,000 gallons of above ground storage of liquid and/or petroleum.
 2. A maximum of 6,000 gallons of water-soluble solids per container in any one containment area.
 3. No new underground storage tanks (USTs) are permitted.
- B. Above Ground Storage: The following criteria shall be applied to all above ground storage of liquids in excess of 40 gallons for more than 24 hours:
1. Secondary containment capable of containing 110% of the volume of the tank or tanks.
 2. Secondary containment constructed to meet one of the following:
 - a. Designed to prevent and control the escape of the contaminant(s) into ground water for a minimum of 72 hours before removal; or
 - b. Designed and built with an outer shell and a space between the tank wall and outer shell that allows and includes interstitial monitoring.
 3. The secondary containment structure shall be properly maintained and shall be free of vegetation, cracks, open seams, open drains, siphons, or other openings that jeopardize the integrity of the structure.
 4. Secondary containment systems shall be designed so that the intrusion of precipitation is inhibited or that stormwater is removed to maintain system capacity.
- C. Existing Facilities: The following requirements shall apply to existing fuel dispensing facilities and associated underground storage tanks (USTs) which are to be replaced or upgraded:
1. All USTs shall be double walled.
 2. All USTs shall include release detection suitable for the site and facility.
 3. Connected piping must include release detection suitable for the site and facility.
- D. Transfer Area: The transfer area for bulk delivery of liquids shall be required to accommodate and contain a release that occurs during loading and unloading of a tank as follows:
1. The liquid transfer area shall be constructed in a manner to prevent a release in the transfer area from reaching the ground water.
 2. The portion of the liquid transfer area intended to contain releases shall be maintained so that it is free of vegetation, cracks, open seams, open drains, siphons, or other openings that jeopardizes the integrity of the area.
- E. Excavation Activities: The following requirements shall apply to all excavation activities associated with the removal of sand and gravel materials:
1. If the extraction of sand and gravel involves the removal of materials below the normal groundwater level, the work shall be performed by means of a dragline, floating dredge, or an alternative "wet" excavation method.
 2. There shall be no de-watering of sites utilized for sand and gravel extraction.
 3. No form of solid waste or any other form of waste material of any kind, including but not limited to construction/demolition debris, shall be used on the site. Clean natural earth fill materials may be used without restriction as to origin or placement on-site.
 4. All fuels, oils, lubricants, hydraulic fluids, petroleum products, or other similar materials on site shall have appropriate secondary containment.

