

KEARNEY CODE
UNIFIED LAND DEVELOPMENT ORDINANCE
W, WELLHEAD PROTECTION OVERLAY DISTRICT

Chapter 45

W, WELLHEAD PROTECTION OVERLAY DISTRICT

§ 45-101 PURPOSE

The W, Wellhead Protection Overlay District establishes performance standards to protect the integrity of Kearney's main wellfield along the Platte River in the southeast part of the planning jurisdiction. This District provides for four (4) specific performance zones, with regulations related to the ability of contamination in each area to affect the quality of the City's water supply.

§ 45-102 PERMITTED USES

Uses permitted by the underlying zoning district are generally permitted within the W Overlay District. However, specific requirements within each wellhead protection zone may further restrict permitted land uses.

§ 45-103 WELLHEAD PROTECTION ZONES

Four (4) Wellhead Protection Zones are established by these regulations and illustrated in the Localized Watershed Delineation Area map. These zones include:

- A. Zone 1 corresponding to the Wellhead Protection Area delineated by the Nebraska Department of Health and Human Services. This area is required by Title 179 of the Nebraska Department of Health to protect the municipal water supply from microbiological contamination within a calculated one (1) year time of travel for groundwater flow.
- B. Zone 2 corresponding to areas within a twenty-four (24) hour time of travel for surface water.
- C. Zone 3 corresponding to areas near the wellfield where surface run-off can have a significant potential for surface contamination.
- D. Zone 4 corresponding to areas where development review and control is necessary to ensure proper control of run-off.

§ 45-104 ZONE 1 REGULATIONS

All development within Zone 1 is subject to the following regulations:

- A. Septic systems and leachfields are prohibited. All development must be directly connected to City sewer services.
- B. Any development must be connected to City water services if such services are available within five hundred (500) feet of the site. If a connection is impossible, all new wells shall be installed in accordance with Title 178 of the Nebraska Department of Health. Well

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installation further requires the approval of both the City's Director of Utilities and the appropriate State of Nebraska regulatory agencies.

C. Storage of petroleum and agricultural chemicals for resale shall be prohibited. Storage of over five hundred (500) gallons of petroleum and/or agricultural chemicals for personal use shall require approval by both the City's Director of Utilities and the appropriate State of Nebraska regulatory agencies.

D. Surface run-off shall be contained within the boundaries of any proposed development.

E. All development requires the written approval of the City's Director of Utilities and the appropriate State of Nebraska Department of Health.

§ 45-105 ZONE 2 REGULATIONS

All development within Zone 2 is subject to the following regulations:

A. Residential and animal production use types are not permitted.

B. Septic systems and leachfields are prohibited.

C. Sludge from livestock operations or municipal waste shall not be applied in this area.

D. Storage of petroleum and agricultural chemicals for resale shall be prohibited. Storage of over fifty (50) gallons of petroleum and/or agricultural chemicals for personal use shall require approval by both the City's Director of Utilities and the appropriate State of Nebraska regulatory agencies.

E. Surface run-off shall be contained within the boundaries of any proposed development.

F. All development must maintain separation standards established by the City's Director of Utilities. Run-off shall not be allowed to discharge to any State of Nebraska waters without treatment according to standards developed by the City's Director of Utilities.

G. All development requires the written approval of the City's Director of Utilities and the appropriate State of Nebraska regulatory agencies.

§ 45-106 ZONE 3 REGULATIONS

All development within Zone 3 is subject to the following regulations:

A. Maximum residential density shall be one (1) unit per forty (40) acres, taken over the area of the entire zone.

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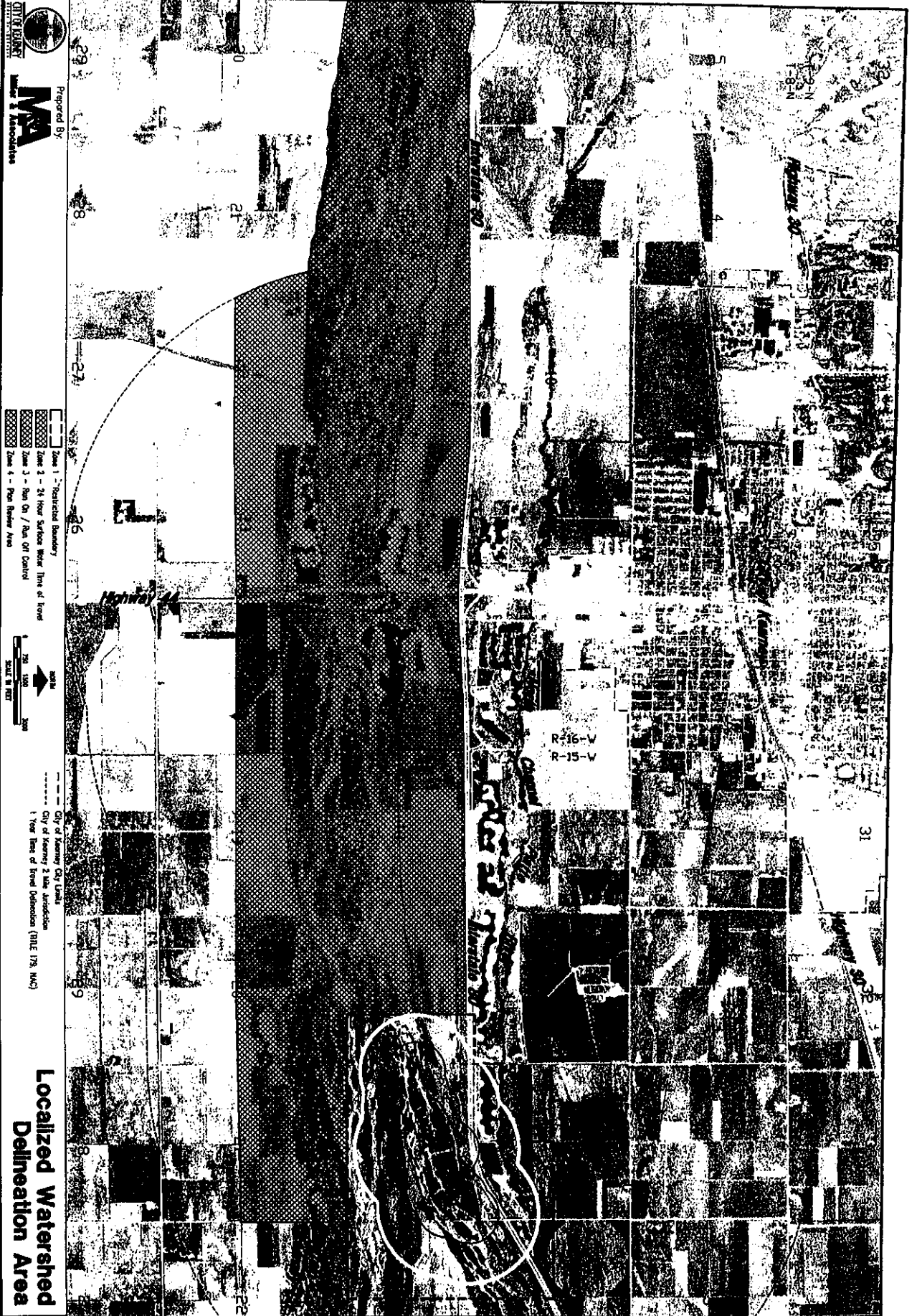
- B. The density of any animal production or occupancy shall be limited to one (1) animal unit per eight (8) acres.
- C. Septic systems and leachfields are prohibited.
- D. Sludge from livestock operations or municipal waste shall not be applied in this area.
- E. Storage of petroleum and agricultural chemicals for resale shall be prohibited. Storage of over five hundred (500) gallons of petroleum and/or agricultural chemicals for personal use shall require approval by both the City's Director of Utilities and the appropriate State of Nebraska regulatory agencies.
- F. Surface run-off shall be contained within the boundaries of any proposed development.
- G. All development must maintain separation standards established by the City's Director of Utilities. Run-off shall not be allowed to discharge to any State of Nebraska waters without treatment according to standards developed by the City's Director of Utilities.
- H. All development requires the written approval of the City's Director of Utilities and the appropriate State of Nebraska regulatory agencies.

§ 45-107 ZONE 4 REGULATIONS

All development within Zone 4 is subject to the following regulations:

- A. Any development shall connect to City water and sewer services if such services are within four (400) feet of the development site.
- B. Surface run-off shall be contained within the boundaries of any proposed development.
- C. Run-off shall not be allowed to discharge to any State of Nebraska waters without treatment according to standards developed by the City's Director of Utilities.
- D. All development requires written approval of the City's Director of Utilities.

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**Localized Watershed
Delineation Area**