A RESOLUTION PROPOSING TO AMEND THE SELBYVILLE ZONING ORDINANCE OF 1996 AND ZONING MAP BY CREATING A NEW ARTICLE TO BE DESIGNATED ARTICLE XXII "WELLHEAD PROTECTION" AND REGULATIONS THEREFOR AND PROVIDING FOR A TIME AND PLACE FOR A PUBLIC HEARING THEREON.

WHEREAS, it is deemed desirable to consider amending the Selbyville Zoning Ordinance to create a wellhead protection area to supply benefits to public health by providing safe and sanitary water supplies for the Town through the establishment of "Wellhead Protection Areas" and "Excellent Ground Water Recharge Areas"; and

WHEREAS, each wellhead area will be established around all public water wells that are in use for potable water or proposed use for potable water; and

WHEREAS, excellent recharge areas are those areas delineated by the Delaware Geological Survey; and

WHEREAS, existing statutory authority in Section 1 of Article XXI, of the Selbyville Zoning Ordinance of 1996, requires that no amendment to the Zoning Ordinance shall become effective until after a Public Hearing following fifteen (15) days public notice in an official paper or papers of general circulation in the municipality.

NOW, THEREFORE, BE IT RESOLVED, by the Town Council of the Town of Selbyville that a Public Hearing shall be held on Monday, the __ day of________ A.D. 2006, at __o’clock in the evening, prevailing time, at the Town Office, 68 W. Church Street, Selbyville, Sussex County, Delaware, for the purpose of considering amending the Selbyville Zoning Ordinance of 1996 and Zoning Map, both as amended, by creating a new Article XXII to be designated “Wellhead Protection” as follows:

ARTICLE XXII
WELLHEAD PROTECTION

§200-154. Applicability of Wellhead Protection Areas and Excellent Ground Water Recharge Areas.

A. Regulations pertaining to the Wellhead Protection Areas shall be applicable to all land area within each Wellhead Delineation Area as designated by the State of Delaware Department of Natural Resources and Environmental Control ("DNREC") Source Water Assessment and Protection Program for the Town of Selbyville Water Department (PWS ID: DE000559-) that are located within the municipal boundaries of the Town of Selbyville.

B. Regulations pertaining to the Excellent Ground Water Recharge Areas shall be applicable to all land area within each Excellent Recharge Area as mapped by the Delaware Geological Survey.
§200-155. Wellhead Protection and Recharge Overlay Map

The Town of Selbyville shall prepare and keep current as part of official Wellhead Protection and Recharge overlays showing lands consisting of real property within Wellhead Protection these areas. The lack of indication as to whether certain property is within or outside Wellhead Protection Areas shall be determined by the Town Council of Selbyville.

§200-156. Uses permitted in Wellhead Protection and Excellent Recharge Areas

A. Uses permitted by right. Only those uses permitted in the underlying zoning district; no additional uses shall be permitted as a right by virtue of being in Wellhead Protection Area Excellent recharges areas.

B. Uses associated with the well, distribution system, treatment system or maintenance of the public water system.

§200-157. Prohibited uses, the following are specifically prohibited.

A. Surface use of hazardous materials, including commercial use of agricultural pesticides, herbicides, or fertilizers in concentrations greater than the manufacturer's or USDA recommendations.

B. Disposal, storage or parking of vehicles containing such materials as provided in §A above.

C. Septic tanks or drain fields appurtenant thereto;

D. Impervious surfaces such as other than roofs of buildings, street, parking lots, driveways and walks serving buildings which exceed 50% of the area of the parcel as permitted in zoning districts

E. Sanitary landfills;

F. Hazardous waste disposal sites;

G. Storm water infiltration basins unless adequate best management practices approved by the state DNREC are used and as described in §200-156.

H. Underground storage tanks which are regulated by the state DNREC. However, the replacement of existing underground storage tanks where an upgrade is required by DNREC is permitted provided all State and federal regulations are met and secondary containment is provided.
§200-158. Definitions.

A. **Excellent Ground Water Recharge Area** -- Those areas with high percentages of sand and gravel that have “excellent” potential for recharge as determined by a Stack Unit Mapping Analysis performed originally by the Delaware Geological Survey.

B. **Hazardous Waste** -- Any waste defined as a hazardous waste by the State of Delaware Hazardous waste regulations or by the United States Environmental Protection Agency.

C. **Underground Storage Tank** -- Any underground storage tank regulated by the State of Delaware UST regulations for the storage of petroleum products or other hazardous substances.

D. **Wellhead Protection Area** -- Those areas surrounding any public water supply well which have been mapped by the State of Delaware DNREC or otherwise accepted by DNREC and documented in a final source water assessment.

AND BE IT FURTHER RESOLVED, THAT the Town Secretary/Treasurer be and is hereby authorized and directed to cause a Notice which shall consist of a true copy of this Resolution to be published in ______ a newspaper of general circulation of the Town of Selbyville, at least fifteen (15) days prior to the date set forth in this resolution for the Public Hearing.

I, ___________________________, Town Secretary/Treasurer of the Town Council of the Mayor and Council of the Town of Selbyville, do hereby certify that the forgoing is a true and correct copy of a resolution adopted by the Mayor and Town Council at its meeting on the _____ day of ___________, A.D. 2006, at which a quorum was present and voting throughout and that the same is still in full force and effect.

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Secretary/Treasurer

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