

RESOLUTION

No. 2022-____

A RESOLUTION AMENDING THE ZONING ORDINANCE OF CERRO GORDO COUNTY (Ordinance No. 15), REGARDING LAKESHORE LANDSCAPING STANDARDS ON LAKE LOTS IN THE ENVIROMENTAL RESOURCE OVERLAY DISTRICT

WHEREAS, the Zoning Ordinance of Cerro Gordo County regulates land use within its jurisdictional boundaries; and,

WHEREAS, the purpose of the Environmental Resource Overlay District identifies the special significance of the Clear Lake watershed as a natural resource in the county and intends to protect its water and soil resources; and,

WHEREAS, this amendment creates additional requirements for excavation and construction along the shoreline of Clear Lake to reduce manage erosion and excess siltation into the lake from water runoff, encourage the use of grassy vegetation along the banks of the lake, and further improve water quality of the lake in order to promote the public health, safety, and general welfare; and

WHEREAS, the Cerro Gordo County Planning and Zoning Commission, after study and public hearing, has recommended amendments to the Zoning Ordinance be made, upon the application of the Zoning Administrator; and,

WHEREAS, the final public hearing has been held with notice as required by law.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Cerro Gordo County, Iowa, that the following amendments are hereby made to the Cerro Gordo County Zoning Ordinance:

Article 5.6, Environmental Resource Overlay District, shall be amended as follows:

1. *Repeal* Section C, “EROD Regulations” and *replace* with the following:

C. Definitions

Adjoiners: Adjoining lands touching the subject land that have a direct result on the subject land and the proposed project.

Bank Toe/Base: For the purpose of this Article, the bank toe/base shall be that area of the bank at the ordinary high water mark line (see sketch below).

Bank Ground Cover: Any natural vegetation existing or added so as to provide protection from erosion and to promote a green face.

Benching: When backfilling, necessary widening by excavation to assist in the placement of backfill materials in level lifts for uniform compaction.

Cribbing: A frame of wood, timber, or other structural materials used to retain a bank of earth when lateral clearance will not provide normal earth slopes.

Environmental Resource Overlay District: Also referred to as “EROD.”

Green Face: Bank ground cover used to provide vegetation cover of exposed earth.

Ground Water Drainage: Water beneath the surface of the ground which either flows or moves through the subsurface strata under the proposed project area.

Landscaping: Landscaping shall mean that comprehensive array of activities pursuant to which rock or soil is cut into, dug, filled, quarried, uncovered, displaced, or relocated and which includes removal of viable plant life, rock, or soil deposited by persons in the past or by natural means and replaced by any manner or terracing by rock, timbers, retaining walls, or other means. Landscaping shall not mean the act of excavating real property for construction of a foundation or otherwise preparing the same for construction or erection of a dwelling or other building.

Lake: "Lake" when used in this Article shall mean Clear Lake.

Liners: Fabric for use under rip rap, around subdrain pipe, behind walls, etc. for protection of earth slopes against erosion from surface drainage, ground water drainage, stream flow, and wave action.

Infiltration Practices: As used in this Article, the term infiltration practices means those practices as identified by the current version of the Iowa Stormwater Management Manual.

Ordinary High Water Mark: As used in this Article, the term ordinary high water mark means the boundary line between private and state property along the shoreline of Clear Lake as determined by the Iowa Department of Natural Resources and the State of Iowa.

Pilings: Structural materials excavated, bored, or driven to a deeper soil stratum having a high bearing capacity to provide required bearing capacity to support loads from above.

Rip Rap: A series of layers of natural rock or stone for protection of earth slopes against erosion from stream flow or wave action. The primary layer of stone shall be of sufficient size as to not be impacted by ice conditions (often 36 to 48 inches in diameter depending on site conditions).

Sheeting: Structural material used to structurally support embankments for protection against erosion from stream flow and wave action and to support embankment to prevent earth shear.

Shoreline Bank: The shoreline bank of the lake, for the purpose of this Article, shall include all real property adjacent to a lake which lies between the ordinary high water mark and the rear building line.

Strip: The permanent removal of viable native vegetation or other viable plant life without immediately replacing the same with other vegetation that is equally effective in retarding erosion and preserving the natural appearance of the shoreline bank. This provision shall not be construed to prohibit the pruning or trimming of existing vegetation nor the removal of harmful, poisonous, dead, or noxious plant life from the shoreline bank.

Surface Drainage: Water derived from rains and melting snow that is diffused over the surface of the ground and flows toward the lake through the proposed project area.

Terracing: Cutting and shaping of the earth to create various levels having one or more vertical or sloping sides and one or more level planes.

2. *Repeal* Section D, “Special Exceptions and Appeals” and *replace* with the following:

D. Special Exception and Appeals

The Board of Adjustment may grant a special exception from any standards or requirements imposed by this Article as provided for under Article 24 of this Ordinance. Any special exception granted shall conform to the requirements and recommendations of the Zoning Administrator, the Cerro Gordo County Department of Public Health, the Iowa Department of Natural Resources, and any drainage engineer licensed by the State of Iowa or other respective expert brought in consultation with the Board of Adjustment, as applicable.

3. *Add* a new Section E, “Wastewater Disposal Systems” with the following:

E. Wastewater Disposal Systems

1. Any development requiring issuance of a building permit within the Environmental Resources Overlay District (EROD), shall not be issued for any building or structure utilizing a private wastewater disposal system employing sub-surface soil absorption facilities where the lot area is less than ten (10) acres in size.
 - a. When constructing multiple dwelling units, an allocation of a minimum of ten (10) acres of land shall be provided for each dwelling unit, with said units located on a contiguous tract of land.
 - b. When constructing a commercial or industrial use, additional land standards in excess of the ten (10) acre minimum lot area requirement may be imposed upon said use based upon the anticipated sewage discharge associated with said business.
2. Any proposed private collection system within the EROD must first receive written approval of the Board of Trustees of the Clear Lake Sanitary District prior to making application to the Cerro Gordo County Board of Health for issuance of an on-site wastewater treatment and disposal system permit.
3. So long as the property continues to utilize a private wastewater disposal system employing sub-surface soil absorption facilities, the required area shall not be reduced in size or dimension so as to make said area less than the minimum required by this Article.
4. To the extent that any portion of the on-site wastewater treatment and disposal ordinance of Cerro Gordo County is less stringent or restrictive than any standard specification requirement or ordinances of the Clear Lake Sanitary District then, within the EROD boundaries, the standards, specifications, requirements, and ordinances of the Clear Lake Sanitary District shall apply.

4. *Add* a new Section F, “Landscaping of a Lake Lot” with the following:

F. Landscaping of a Lake Lot

1. **Permit Required.** A Zoning Permit shall be obtained prior to any landscaping work occurring within the shoreline bank of a lake lot. Non-compliance with this section shall result in the assessment of the administrative fee stated in Section 22(I) of this Ordinance in addition to the permit fee for the landscaping work. A Zoning Permit

shall not be issued by the Zoning Administrator for landscaping unless the proposed work conforms to the requirements of this section.

2. A Zoning Permit Application for landscaping shall be accompanied by the following:
 - a. A site plan which shall include the size and dimensions of the lot, the location of all improvements, the nature and location of all existing drainage facilities and the configuration and approximate grade or slope of the existing shoreline bank in relation to the high water line;
 - b. A detailed plan and elevation view to scale of all proposed landscaping modifications including proposed drainage facilities and runoff control, bank stabilization, ground water interception, green face promotion, plantings, and all other related landscaping modifications.
3. Fee. The permit fee for landscaping of a lake lot shall be subject to the same fee schedule as outlined in Section 22(H) of this Ordinance based on the estimated construction costs of the proposed project.
4. Prohibited Acts.
 - a. No person shall landscape, strip, burn, or chemically defoliate a shoreline bank in any manner without first obtaining a permit from the Zoning Administrator, as required by this Ordinance.
 - b. No person shall landscape, strip, burn, or chemically defoliate a shoreline bank in any manner which is not in conformity with the permit application and permit issued pursuant to this Ordinance.
 - c. No person shall dispose of or bury any yard waste, debris, or construction waste on a shoreline bank.
5. Administrative Evaluation. Within fourteen (14) days of the submission of an application for landscaping a lake lot, the Zoning Administrator shall review and evaluate the application, shall conduct a site inspection, and may request such additional information from the applicant as the Zoning Administrator determines is necessary to complete the evaluation of the application. Periods of time during which the Zoning Administrator is awaiting receipt of additional information shall not be included in the fourteen (14) day evaluation process. The Zoning Administrator shall issue the results of the application within that timeframe.
6. Landscaping Regulations.
 - a. Surface Drainage. Adequate provisions or improvements shall be provided to intercept surface water drainage that causes erosion or siltation. No permit shall be used for landscaping activities which continue the potential for erosion or siltation, or which do not reduce the surface water drainage potential to minimize it to the extent existing prior to the landscaping activities.
 - b. Groundwater Drainage. Adequate facilities and provisions shall be provided to intercept drainage of groundwater; thus reducing the potential for bank failure, erosion, or siltation.
 - c. Bank Stabilization. The preferred method of bank stabilization shall be vegetation, supplemented and enhanced as necessary by rock riprap. Vegetation and rock may be supplemented as necessary with liners, sheeting, pilings, or other construction materials or by terracing, benching, or cribbing.
 - d. Decorative, Access, and Use Additions to a Shoreline Bank. Platforms, decks, porches, steps, and walkways shall not be utilized for bank stabilization, but may be incorporated with landscaping activities in a manner which does not increase the

potential for erosion or siltation. All such modifications shall be permanently and effectively anchored into the bank, and only approved erosion and siltation control measures shall be used for said modifications. Platforms, decks, porches, steps, and walkways shall conform to applicable zoning regulations, but steps and walkways shall not exceed 48" in width.

7. Administrative Review. The basis for the Zoning Administrator’s review shall be the Iowa Stormwater Management Manual (as amended), the NRCS Critical Area Seeding Specifications (as amended), and the following checklist:

PERMIT (ZONING ADMINISTRATOR’S) CHECK LIST			
	COMPLIES	N/A	DOES NOT COMPLY
A. Interception of surface water above the shoreline bank to an acceptable outlet:	(Go to B-1)	XXXXXX	(Go to A-1)
1. Plan includes intakes, catch basins, and piping from subject property to an acceptable outlet			
2. Plan includes intercepting runoff from adjoiner's property to acceptable outlet where applicable			
3. Plan includes intercepting roof downspouts from subject property where applicable			
4. Plan includes intercepting adjoiner's roof downspouts where necessary			
5. Plan includes intercepting applicable storm water via approved infiltration practices			
Note: Where possible, direct drainage tile downspouts to the Ordinary High Water Mark			
Zoning Administrator’s Comments:			
B. Bank Toe/Base Stabilization:	COMPLIES	N/A	DOES NOT COMPLY
1. Existing Bank Toe/Base requiring no further improvements	(Go to C-1)	XXXXXX	(Go to B-2)
2. If noncomplying above, indicate which of the following methods proposed for compliance			
a. Large rock riprap as defined			
b. Engineering Fabric underliner			
c. Sheet piling behind natural rock face			
d. Planting new herbaceous vegetation			
e. DNR/USACOE permit obtained where applicable			
f. Other approved materials			
List other materials:			

C. Interception of Groundwater/Bank Seepage:	COMPLIES	N/A	DOES NOT COMPLY
1. No visible or historical evidence of groundwater/bank seepage requiring no further improvement	(Go to D-1)	XXXXXX	(Go to C-2)
2. If noncomplying above, indicate which of the following methods proposed for compliance			
a. Perforated drain pipe with porous backfill encasement intercepting groundwater.			
b. French drains with porous backfill and weep holes through walls.			
c. Engineering filter fabric behind field stone.			
d. Prior approved alternative methods (requires detailed submittals)			
D. Promotes a Green Face:			
1. Natural, no existing vegetation disturbed and no walls proposed requiring additional plantings.	(Go to E-1)	XXXXXX	(Go to D-2)
2. If noncomplying above, indicate which of the following methods proposed for compliance:			
a. Seeding turf grasses			
b. Seeding native grasses			
c. A combination of vegetative covers as noted			
Notes:			
E. Terracing/Benching and Related Construction:		XXXXXX	
1. No new proposed terracing benching proposed			(Go to E-2)
2. If noncomplying above, indicate which of the following type of terracing/benching is proposed for compliance:			
a. Terracing, No. of terraces Type of materials Size _____ Length _____ Maximum slope: Rise _____ Run _____ Height/Wall _____			
b. Benching, No. of benches Maximum slope: Rise _____ Run _____ Height/Bench _____			

c. Cribbing, Type Details Provided _____			
d. Anchors Type/Materials _____ Spacing _____ Number _____			
e. Tiebacks, Type/Materials _____ Spacing _____ Number _____			
f. Backfill, Type _____ Compacted _____ Lift Heights _____			
g. Wall Drainage, Pipe _____ Weep Holes _____ Type _____ Size _____			

h. Exceptions.

- i. Emergency. Limited activity as reasonable and immediately necessary to prevent loss of life, serious personal injury, significant property damage, or serious threat to public health and welfare may be accomplished without first making application for a permit. As soon as reasonably possible after the undertaking of emergency action, an application pursuant to this Ordinance shall be made to the Zoning Administrator.
- ii. Repairs. Structures lawfully constructed and existing prior to the adoption of this Ordinance may be repaired or restored to substantially original condition notwithstanding the other provisions of this Ordinance. However, any reconstruction of a structure shall obtain a Zoning Permit as required under this Ordinance.

NOW, THEREFORE, BE IT RESOLVED by the Cerro Gordo County Board of Supervisors that Ordinance No. 15 is hereby amended and that this Amendment shall be in full force and effect from and after its passage.

Motion was made by Supervisor _____ and seconded by Supervisor _____ that the foregoing Resolution be adopted.

Ayes –

Nays –

Absent/Not Voting –

Date of First Consideration:

Date of Second Consideration:

Date of Third Consideration:

Resolution adopted this ____ day of _____, 2022.

Chairman, Board of Supervisors
Cerro Gordo County, Iowa

I hereby certify that the foregoing is a full, true, and complete copy of Resolution as full, true, and complete as the same remains on file and of Record in my office.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of the Auditor's Office in Mason City, Iowa, this ____ day of _____, 2022.

Adam V. Wedmore, Auditor
Cerro Gordo County, Iowa