

ARTICLE #23
LANDSCAPING OF LAKESHORE PROPERTY

Section 1: PURPOSE. This ordinance is adopted for the following purposes:

- A. The prevention of erosion and siltation and preventing soil and chemicals from entering or flowing into the public lakes within Dickinson County, Iowa.
- B. The protection and conservation of the natural terrain of the shoreline of the public lakes within Dickinson County, Iowa, including protection of native vegetation and plant cover.
- C. The protection of the water quality of the public lakes within Dickinson County, Iowa and the conservation and protection of the natural shoreline terrain and vegetation along the lakes and the strengthening and preservation of the county's unique environmental heritage.
- D. To provide flexibility in accomplishing these purposes as required by persons responsible for lakeshore bank maintenance.
- E. To provide uniformity among governmental entities.

Section 2: DEFINITIONS.

- A. Lake. "Lake" when used in this ordinance shall mean all publicly owned lakes, or the portion thereof, including all canals, harbors, marinas and other navigable waters, located within the unincorporated areas of Dickinson County, Iowa.
- B. Shoreline Bank. The shoreline bank of the lake, for the purpose of this ordinance, shall include all real property adjacent to a lake which lies between the ordinary high water mark and the front yard building setback line.
- C. Bank Toe/Base. For the purpose of this ordinance, the bank toe/base shall be that area of the bank at the ordinary high water mark line (see sketch below).
- D. Bank Ground Cover. Any natural vegetation existing or added so as to provide protection from erosion and to promote a green face.
- E. Ordinary High Water Mark. As used in this ordinance, the term ordinary high water mark means the boundary line between the bank and of the lake as determined by the Iowa Department of Natural Resources.

- F. Lot. "Lot," as used in this ordinance, shall mean a parcel of land under common ownership which is adjacent to a lake.
- G. 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.
- H. 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.
- I. Administrator. That person appointed by the Dickinson County Board of Supervisors to administer and enforce the provisions of this ordinance.
- J. Person. The term "person" shall mean any individual, person, corporation or other entity.
- K. 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.
- L. Ground Water Drainage. Water beneath the surface of the ground which either flows or moves through the subsurface strata under the proposed project area.
- M. Rip Rap. A layer of natural rock or stone for protection of earth slopes against erosion from stream flow or wave action (preferably nominal 12" average diameter in combination with larger diameter).
- N. 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.
- O. 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.

- P. 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.
- Q. 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.
- R. Benching. When backfilling, necessary widening by excavation to assist in the placement of backfill materials in level lifts for uniform compaction.
- S. 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.
- T. Adjoiners. Adjoining lands touching the subject land that have a direct result on the subject land and the proposed project.
- U. Green Face. Bank ground cover used to provide vegetation cover of exposed earth.

Section 3: 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 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.

Section 4: APPLICATION FOR LANDSCAPING PERMIT.

- A. An application for a landscaping permit shall be submitted to the administrator by the property owner or authorized representative. The application shall be made on forms provided by the administrator and shall include the following:
 - 1. The owner or owners of the property.
 - 2. The legal description and mailing address of the property.

3. 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, 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.

Section 5: FEE. The application shall be accompanied by a non-refundable application fee in the amount of \$50.00 plus \$2.00 per \$100.00 of estimated cost of improvements covered by the permit, but not to exceed the amount of \$300.00, payable to Dickinson County, Iowa.

Section 6: ADMINISTRATION EVALUATION. Within fourteen (14) days of the submission of an application, the administrator shall review and evaluate the application, shall conduct a site inspection and may request such additional information from the applicant as the administrator determines is necessary to complete the evaluation of the application. Periods of time during which the administrator is awaiting receipt of additional information shall not be included in the fourteen day evaluation process. The administrator shall then issue the permit or shall provide a written statement of the reasons for denial.

The administrator shall issue a permit for the proposed landscaping activities only if the administrator determines that the following criteria are satisfied:

- A. Surface Drainage. Adequate provisions or improvements are 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. Such supplemental bank stabilization modifications shall be incorporated in landscaping activities only when vegetation and rock provide inadequate bank stabilization. Such supplemental bank stabilization features shall be constructed to be covered with vegetation and rock to the extent reasonably possible.

- 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. Platforms, decks, porches, steps and walkways shall conform to applicable zoning regulations, but steps and walkways shall not exceed 48" in width.
- E. The following administration check list shall be the basis for the Administrator to judge compliance with Section 6.

Permit (Administrators) Check List:

	<u>Complies</u>	Not. <u>Applic.</u>	Does Not <u>Comply</u>
A. Interception of surface water above the shoreline bank to an acceptable outlet:	_____	<u>XXXXXX</u>	_____
	(Go to B)		(Go to A1)
1. Plan includes intakes, catch basins and piping from subject property to an acceptable outlet	_____	_____	_____
2. Plan includes intercepting runoff from adjoinder's property to acceptable outlet where applicable	_____	_____	_____
3. Plan includes intercepting roof downspouts from subject property where applicable	_____	_____	_____
4. Plan includes intercepting adjoinder's roof downspouts where necessary.	_____	_____	_____

Note: Where possible promote natural drainage away from the lake bank into a settling basin or natural slough.

Administrator's Comments:

B. Bank Toe/Base Stabilization:	<u>Complies</u>	<u>Not. Applic.</u>	<u>Does Not Comply</u>
1. Existing BankToe/Base requiring no further improvements	_____	<u>XXXXXXX</u>	_____
2. If noncomplying above, indicate which of the following methods proposed for compliance	(Go to C)		(Go to A1)
a) Large rock riprap (+12" average diameter)	_____	_____	_____
b) Engineering Fabric underliner	_____	_____	_____
c) Steel sheet piling behind natural rock face	_____	_____	_____
d) Plastic sheet piling behind natural face	_____	_____	_____
e) Planting new vegetation (trees shrubs, sod, grass)	_____	_____	_____
f) DNR permit obtained where applicable	_____	_____	_____
g) Other approved materials	_____	_____	_____
List other materials			

C. Interception of Groundwater/Bank Seepage:	<u>Complies</u>	<u>Not Applic.</u>	<u>Does Not Comply</u>
1. No visible or historical evidence of groundwater/bank seepage requiring no further improvement	_____	<u>XXXXXXXX</u>	_____
2. If noncomplying above, indicate which of the following methods proposed for compliance	(Go to D)		(Go to C2)
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. _____ XXXXXXX _____

2. If noncomplying above, indicate which of the following methods proposed for compliance: (Go to E) (Go to D2)

- a) Sodding lake bank _____
- b) Seeding native grasses _____
- c) Tree and bush plantings (List no., size, type & spacing) _____
- d) A combination of vegetative covers noted above (List no., size, type & spacing) _____

E. Terracing/Benching and Related Construction:

1. No new proposed terracing benching proposed _____ XXXXXX _____
(Go to F) (Go to E2)

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_____

F. Accompanying Submittals

- a) Detailed Construction Cost Estimate by Contractor
Total Project Cost \$_____
- b) Legal Description of Property included
- c) To scale plan included
- d) Elevation views included
- e) Improvements proposed details included
- f) Provisions for a silt screen included as needed

Section 7: EXCEPTIONS.

- A. 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 administrator.

- B. 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, no such repair or restoration shall be accomplished until an application for the repair or restoration is filed with and approved by the administrator.