

CITY OF TWINSBURG, OHIO

ORDINANCE 34-2008

AN ORDINANCE ESTABLISHING CHAPTER 1156 OF
THE CODIFIED ORDINANCES OF THE CITY OF
TWINSBURG CREATING RIPARIAN SETBACK
REGULATIONS

WHEREAS, flooding is a threat to public health, safety, welfare and public and private property within Summit County and the City of Twinsburg, Ohio. Vegetated riparian areas lessen the damage from such flooding by slowing runoff, enabling water to soak into the ground, and by absorbing excess flow during flood events; and

WHEREAS, stream bank erosion is a significant threat to public health, safety, welfare and public and private property, and vegetated riparian areas physically slow the rate of runoff and stabilize stream banks by anchoring the soil, thus reducing the erosive force of runoff and strengthening banks against high velocity stream waters; and

WHEREAS, the protection of riparian areas results in the presence of plants best suited to each individual environment along a stream, with proven capability for survival and regeneration at no cost; and

WHEREAS, the establishment of protected riparian areas provides a right-of-way for natural movement and relocation of stream channels, which can encroach upon adjacent land; and

WHEREAS, vegetated riparian areas aid in filtering and trapping sediments, nutrients, chemicals, salts, septic discharge and other pollutants from runoff and floodwaters, thus helping to protect surface and ground water quality; and

WHEREAS, vegetated riparian areas can provide a dense tree canopy that helps to maintain and improve the stability of stream water temperatures, thus protecting aquatic ecosystems and promoting a healthy environment that is diverse in the number of species of plants and animals, and helps to reduce the presence of aquatic nuisance species; and

WHEREAS, the water quality and quantity flowing through areas downstream is heavily dependant upon the protective measures and good stewardship adopted by upstream communities, regardless of the size of the upstream channel; and

WHEREAS, the Summit Soil and Water Conservation District (Summit SWCD), the Natural Resources Conservation Service of the United States Department of Agriculture (NRCS, USDA), the Ohio Environmental Protection Agency (OEPA), and the United States Environmental Protection Agency (USEPA) recommend riparian setbacks as a valuable tool in an overall natural resource management program for flood risk reduction, erosion control, water quality management, and aquatic life habitat protection; and

WHEREAS, studies undertaken by, and reviewed by the OEPA and other accredited independent scientific entities recommend the minimum widths for riparian setbacks; and

WHEREAS, Article X, Section 3 of the Ohio Constitution grants the City of Twinsburg the legal authority to adopt land use control measures for promoting the peace, health, safety, and general welfare of its citizens; and

WHEREAS, 40 C.F.R., parts 9, 122 and 124 referred to as National Pollutant Discharge Elimination System (NPDES) Storm Water Phase II, require designated communities, including the City of Twinsburg, to develop a storm water management

program to address the quality of storm water runoff during and after soil disturbing activities.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Twinsburg, County of Summit and State of Ohio:

SECTION I: That Chapter 1156 of the Codified Ordinances of the City of Twinsburg titled "RIPARIAN SETBACK REGULATIONS" shall hereby be created and enacted in the form attached hereto as "Exhibit A" and incorporated as if fully written herein.

SECTION II: It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were taken in an open meeting or meetings of this Council and any of its committees that resulted in such formal action, were in meetings open to the public and in full compliance with all legal requirements, including without limitations, those set forth in Section 121.22 of the Ohio Revised Code.

PASSED: _____

APPROVED: _____

Robert L. McDermott, President of Council

Submitted to the Mayor for approval this
_____ day of _____, 2008.

Approved by the Mayor _____, 2008.

Katherine A. Procop, Mayor

ATTEST:

Marie K. Weaver
Clerk of Council

1st Rdg. _____

2nd Rdg. _____

3rd Rdg. _____

Passed: _____

Yes _____ No _____

CERTIFICATE OF POSTING

I, Marie K. Weaver, Clerk of Council, of the City of Twinsburg, State of Ohio, do hereby certify that publication of the foregoing ordinances, resolutions was duly made by posting true copies thereof at five of the most public places in said City as determined by Section 113.02 of the Codified Ordinances of the City of Twinsburg; each for a period of fifteen days commencing on the _____ day of _____, 2008.

Marie K. Weaver
Clerk of Council
City of Twinsburg