

# City of Willoughby Hills

## ORDINANCE NO. 2008 – 15

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### **AN ORDINANCE AMENDING PART ELEVEN – PLANNING AND ZONING CODE, TITLE ELEVEN – SUPPLEMENTAL DEVELOPMENT STANDARDS, CHAPTER 1167 – HILLSIDE REGULATIONS OF THE CODIFIED ORDINANCES OF THE CITY OF WILLOUGHBY HILLS AND THEREBY REPEALING ANY CONFLICTING LEGISLATION.**

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**WHEREAS**, Title 40 of the Code of Federal Regulations, Parts 9, 122, 123, and 124, refer to the National Pollutant Discharge Elimination System (“NPDES”) Storm Water Phase II regulations that require communities, such as the City of Willoughby Hills, to develop a Storm Water Management Program to address the quality of storm water runoff during and after soil disturbing activities; and

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

**WHEREAS**, flooding is a significant threat to property and public health and safety, and vegetated areas adjacent to watercourses and wetlands lessen the damage from flooding by slowing the water velocity, enabling water to soak into the ground, and by providing temporary storage of flood waters; and

**WHEREAS**, wetlands protect the public health and safety of the City of Willoughby Hills by:

1. Reducing peak flood flows, storing flood waters, and maintaining stream flow patterns.
2. Minimizing streambank erosion by reducing runoff volume and velocity.
3. Protecting ground water quality by filtering pollutants from storm water runoff.
4. Recharging groundwater reserves.
5. Maintaining surface water quality by minimizing sediment pollution from streambank erosion, and trapping sediments, chemicals, salts, and other pollutants from flood waters and storm water runoff.
6. Providing habitat for aquatic and terrestrial organisms, many of which are on Ohio’s Endangered and/or Threatened Species listings; and,

**WHEREAS**, wetlands cannot continue to provide these functions unless protected from the effects of fluctuations in storm water flow; urban pollutants; disposal of fill or dredged materials; and other impacts of land use change; and

**WHEREAS**, the State of Ohio has lost over 90 percent of its original wetlands, and the Chagrin River watershed has lost over 80 percent of its original wetlands, due to draining, dredging, filling, excavating, and other acts; and

**WHEREAS**, streambank erosion is a significant threat to property and public health and safety, and vegetated areas adjacent to watercourses stabilize streambanks and provide resistance to erosive forces both within streams and on adjacent lands; and

**WHEREAS**, the protection of areas adjacent to watercourses 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**, vegetated areas adjacent to watercourses and wetlands filter and trap sediments, chemicals, salts, septic discharge, and other pollutants from runoff and floodwaters, thus protecting surface and ground water quality; and

**WHEREAS**, vegetated areas adjacent to watercourses can provide a dense tree canopy that helps to maintain and improve the stability of watercourse temperatures, thus protecting aquatic ecosystems, and helping to reduce the presence of aquatic nuisance species; and

**WHEREAS**, the protection of areas adjacent to watercourses can result in a diverse and interconnected riparian corridor that provides habitat to a wide array of wildlife; and

**WHEREAS**, the woody debris from fallen, damaged, and cut trees increases flood levels and damage to bridges in the City of Willoughby Hills and neighboring communities; and

**WHEREAS**, sedimentation of eroded soil adversely affects aquatic communities and incurs removal costs to downstream communities; and

**WHEREAS**, there are watershed-wide efforts to minimize flooding and streambank erosion in the Chagrin River and Euclid Creek watersheds in an effort to protect and enhance the water resources of the Chagrin River and the Euclid Creek, and their tributaries, and the City of Willoughby Hills recognizes its obligation as a part of these watersheds to minimize flooding and streambank erosion by controlling runoff within its borders; and

**WHEREAS**, the Chagrin River, including some portion that flows through the City of Willoughby Hills, has been designated as an “Ohio Scenic River” in recognition of the fact that its watershed harbors an extraordinary array of wildlife, including fish, freshwater mussels, birds, mammals, reptiles, and amphibians; and

**WHEREAS**, the Chagrin River Watershed Partners, Inc.; the Cuyahoga Soil and Water Conservation District; the Geauga Soil and Water Conservation District; the Lake County Soil and Water Conservation District; the Natural Resource Conservation Service of the U.S. Department of Agriculture; the Northeast Ohio Areawide Coordinating Agency; the Ohio Department of Natural Resources, Division of Natural Areas and Preserves; the Ohio Environmental Protection Agency; and the U.S. Environmental Protection Agency recommend protection of areas adjacent to watercourses and wetlands as a valuable tool in an overall management program for flood risk reduction, erosion control, water quality control, and aquatic habitat protection; and

**WHEREAS**, studies undertaken and reviewed by the Ohio Environmental Protection Agency and other independent scientific bodies recommend the minimum widths for protected areas adjacent to watercourses and wetlands; and

**WHEREAS**, the City of Willoughby Hills has a current ordinance for the development of hillsides that incorporates many of the regulatory issues pertinent to the preservation of areas adjacent to watercourses and wetlands; and

**WHEREAS**, the Council of the City of Willoughby Hills has reviewed and adopted the recommendations of the above agencies, and the Council finds that in order to minimize encroachment on watercourses and wetlands and the need for costly engineering solutions to protect structures and reduce property damage and threats to the safety of watershed residents; to protect and enhance the scenic beauty; character, and property values of the City of Willoughby Hills, and the quality of life of its residents, it is necessary and appropriate to regulate construction, buildings, and uses within designated areas adjacent to watercourses and wetlands within the City of Willoughby Hills; and

**WHEREAS**, Pursuant to Section 1119.08 of the Codified Ordinances of the City of Willoughby Hills, the Council accepts the recommendation of the Planning & Zoning Commission (reflected in the Planning & Zoning Commission and Architectural Board of Review Meeting Minutes of April 17, 2008) and deems it necessary to revise and update Chapter 1167 – Hillside Regulations by incorporating the regulations and standards set forth in **Chapter 1167 now titled Protected Areas Regulations** attached hereto as “Exhibit A”, consisting of twenty (19) pages, and referenced herein.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WILLOUGHBY HILLS, COUNTY OF LAKE, STATE OF OHIO, THAT:**

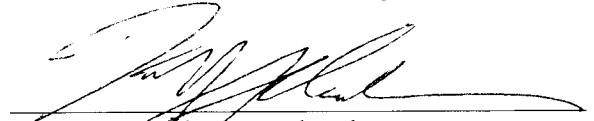
**SECTION 1.** The existing Chapter 1167 – Hillside Regulations of the Codified Ordinances of the City of Willoughby Hills be, and hereby is amended to reflect the Chapter and Section changes as set forth in **Chapter 1167 – Protected Areas Regulations** attached hereto as “Exhibit A” and referenced herein.

**SECTION 2.** All Ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed as of the effective date of this Ordinance.

**SECTION 3.** The actions of this Council concerning and relating to the passage of this legislation were conducted in lawful meetings of this Council and any of its committees that resulted in such formal action were in compliance with all legal requirements including Chapter 107 of the Codified Ordinances of the City of Willoughby Hills.


**SECTION 4.** This Ordinance shall be in full force and effect at the earliest time permitted by law.

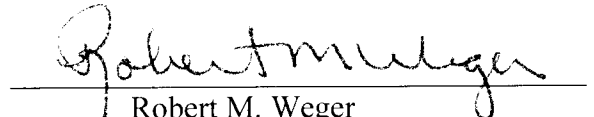
PASSED: June 12, 2008

  
Kevin D. Malecek  
President of Council

Submitted to the Mayor for his approval on this 12 day of June, 2008

Approved by the Mayor  
June 12, 2008

ATTEST:  
  
Victoria Ann Savage, CMC  
Clerk of Council

  
Robert M. Weger  
Mayor