



City of Cleveland

Frank G. Jackson, Mayor

City Planning Commission

cpc

CLEVELAND CITY PLANNING COMMISSION

501 CITY HALL

CLEVELAND, OHIO

Rec'd
5/5/15
(Tues.)

PUBLIC NOTICE REGARDING ORDINANCE NUMBER 1555-13

Your property will be affected by the Riparian and Wetland Setback that has been introduced by Council but is not yet passed. Ordinance Number 1555-13 will enact a new section of the Cleveland Codified Ordinances, Section 351, creating a Riparian and Wetland Setback that will affect future development of your property.

There is a regional effort to reduce the flooding and erosion and to protect water quality, riparian areas and wetlands and to protect and enhance the water resources of the City of Cleveland, and the City of Cleveland recognizes its obligation as a part of a watershed to reduce flooding and erosion and to protect water quality by controlling runoff within its borders; and,

The regulations in this new chapter shall apply to all activities, uses and structures on lands and waters that are within the jurisdiction of the City and that contain or are adjacent to designated watercourses or wetlands as defined in these regulations, except for the federally designated navigation channel of the Cuyahoga River and the Lake Erie Waterfront or as otherwise exempted in this ordinance.

Please see the attached summary, for more information check out our website for a copy of the full ordinance at <http://planning.city.cleveland.oh.us/riparian/cpc.php>

A final meeting on this Ordinance will be held in City Council at the Finance Committee.

If you have questions regarding this ordinance please contact the City Planning Office:

Telephone: 216-664-2210

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E-Mail: cityplanning@city.cleveland.oh.us

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Cleveland, OH 44114



RIPARIAN AND WETLAND SETBACK ORDINANCE FAQ

What is a Riparian Setback?

Riparian setbacks are specific recommendations or regulations (zoning ordinances) that protect areas along the banks of rivers, streams and wetlands (riparian areas) from construction impacts or other damaging activities. The streams and rivers can be as large as the Cuyahoga River or as small as a stream flowing intermittently through a woodland.

What are the purpose and benefits of this ordinance?

Establishing protected Riparian setback areas help protect our streams, lakes and wetlands by doing the following:

- Promote natural flood control
- Assist in stabilizing stream banks to reduce erosion
- Promote well vegetated areas to reduce the amount of pollutants entering streams
- Protects aesthetically pleasing areas
- Provides green space and improves property values

How were the Riparian Setback areas identified?

Riparian setback areas are established based on the 100-year floodplain and the amount of storm runoff (rain and snow) draining from a particular location to the water channel. Setbacks range from 25ft. to 300ft. depending on how much water is draining to the water channel.

What uses are allowed in the Riparian Setback?

- Permitted Without Permit
 - Passive recreational uses
 - Removal of damaged/diseased trees; control of noxious weeds
 - Revegetation and reforestation
 - Maintenance of lawns, gardens, landscaping
- Permitted With Permit
 - Streambank stabilization and erosion control measures
 - Crossings – public/private roads, drives, utility lines approved by Engineering
 - Fencing

What uses are NOT allowed in the Riparian Setback?



- Construction
- Dredging or dumping
- Roads/drives without permit; parking lots, motor vehicle use
- Disturbance of vegetation unless noted above

What if I already have a structure within the setback area?

The Riparian Setback ordinance has a "Grandfather Clause". This means that any structure or use in existence before passage of the Riparian Setback ordinance would be allowed to continue. However, no future changes would be permitted to the use or structure.

Are there any exceptions to the "Grandfather Clause"?

- If a structure or use is discontinued or abandoned for 6 or more months it may not be restored.
 - This does not apply to a vacant residence that is not subject to condemnation
- A 10 foot maintenance access zone may be allowed as long as vegetation disturbance is minimized
- The Director of Building and Housing may allow minor upgrades to extend up to 10 feet toward the waterway if the modification will not impair the function of the riparian zone

Is there a way to appeal the decision of the Director of Building and Housing?

- Appeals may be filed with the Board of Zoning Appeals

How is my property value affected?

Nobody's property values are maintained if their house or garage is in danger of being flooded or is about to collapse into a stream channel due to stream bank erosion.

"Green" properties with a water view from a safe distance are the properties with the highest values.

The communities in Northeast Ohio that have the most park like settings are the communities with the highest property values.

What are the penalties if I ignore the required setbacks?

- Violation of this regulation is guilty of misdemeanor of the first degree
- Each day of noncompliance shall be deemed a separate offense