

THE SUMMIT COUNTY (OHIO) RIPARIAN SETBACK ORDINANCE: A FACT SHEET

WHAT ARE RIPARIAN AREAS AND SETBACKS?

The word "riparian" means "stream-side" and refers to land that runs along side streams and rivers.

Riparian areas extend beyond the immediate stream banks and are periodically impacted by flooding. Riparian areas—when large enough and managed in a "natural" vegetated state—help to stabilize stream banks, limit erosion, reduce flooding, and filter out pollutants in stormwater runoff.



Riparian Setbacks are jurisdictional "no build—no disturb" boundaries set back from each bank of a stream to protect the riparian area and stream from impacts of development, and to protect streamside residents from flooding damage to structures and land loss through erosion. Adequately sized and appropriately vegetated riparian setbacks allow room to more effectively disperse the volume and erosive force of floodwaters, thereby helping to reduce damage to property.

THE RIPARIAN SETBACK ORDINANCE:

Summit County adopted a Riparian Setback Ordinance (Chapter 937 in the Codified Ordinances), which requires setbacks for new construction and land uses along streams within unincorporated areas of the county. The Summit County Ordinance is based upon a model riparian setback ordinance developed by Chagrin River Watershed Partners, Inc.

Summit County is the first in Ohio to adopt a countywide Riparian Setback Ordinance. The purpose of the legislation is to protect the water quality of the streams as well as the health and safety of Summit County residents. The ordinance is geared to all new construction as well as expansions of existing structures or operations that currently lie within the setback areas.

WHICH AREAS AND STREAMS ARE REGULATED?

This legislation applies to all lands within unincorporated areas that are within the jurisdiction of Summit County. To be protected by this ordinance, a stream must: **1).** Meet the ordinance's definition of a stream, which is "A surface watercourse with a well-defined bed and bank, either natural or artificial, which confines and conducts continuous or periodical flowing water in such a way that terrestrial vegetation cannot establish roots within the channel," and **2).** Appear on at least one of three resource maps, which are available for viewing at the Summit Soil and Water Conservation District:

- The USGS Topographical map
- The Summit County Riparian Setback map (developed by Summit County Planning Dept.)
- The Soils maps located in the Soil Survey for Summit County, Ohio, USDA, NRCS.

THE SETBACK WIDTHS:

Setback distances are based upon watershed size, and extend horizontally from the ordinary high water mark of each side of the streams into their riparian areas. The areas within the setbacks are to be vegetated and allowed to persist in as natural as state as possible. The minimum setback widths are:

- **300 feet** on each side of all streams draining an area greater than 300 square miles (sq.mi.)
- **100 feet** on each side of all streams draining an area greater than 20 sq.mi. and up to 300 sq.mi.
- **75 feet** on each side of all streams draining an area greater than 0.5 sq.mi. (320 acres) and up to 20 sq.mi.
- **50 feet** on each side of all streams draining an area greater than 0.05 sq.mi. (32 acres) and up to 0.5 sq.mi. (320 acres).
- **30 feet** on each side of all streams draining an area less than 0.05 sq.mi. (32 acres).

Extra width will be added on to setbacks where:

- the 100-year floodplain is wider than the setback
- setbacks encompass steep slopes (>15%)
- setbacks encompass Category 2 or 3 wetlands

Grassy swales, roadside ditches, drainage ditches created at the time of a subdivision to convey storm water to another system, tile drainage systems, and culverts are not regulated.

Several townships and municipalities have adopted this or similar legislation into their zoning regulations. Check with your locality before proceeding with any construction activity.

HOW IT ALL STARTED:

The need for riparian setbacks arises from the natural tendency for stream channels to change size, shape, and location over time. These dynamic processes are accelerated in developing urban watersheds. In urbanizing areas, the volume and velocity of stormwater runoff increases because impervious surfaces, such as concrete and rooftops, prevent water from soaking into the ground. The high velocity of increased stormwater volume erodes stream banks, sending your backyard (and often what is built upon it) down stream. Stormwater runoff also picks up contaminants in its path, such as lawn chemicals and residues on streets, and carries these pollutants to the streams.

Over the years, Summit Soil and Water Conservation District (Summit SWCD) has been contacted by



riparian landowners who have experienced property damage from flooding and/or loss of land from streambank

erosion. Often the problem centered on structures that were constructed too closely to streams. Riparian setbacks offer a viable solution since they provide room for streams to roam, slowing current velocity and providing storage for flood waters.

Structures and uses that “keep their distance” from streams reduce the risk of damage from flooding. The setbacks also allow a “buffer” zone to filter pollutants from overland stormwater runoff.

The ordinance specifies structures and uses that are permissible, as well as those which are prohibited. Detailed sections regarding the variance and appeals procedures are beneficial in guiding construction, while allowing the ordinance to meet realistic needs.

Overall, the ordinance provides the uniformity and consistency needed to successfully manage riparian areas within Summit County. Riparian setbacks afford protection to riparian areas that return benefits to all community residents. The benefits of improved riparian areas and water quality within a community include, but are not limited to:

- **Physical Improvements:** Increase protection of the health and safety of the residents by restoring and maintaining the physical, chemical, and biological integrity of the water resources and their channels and reduction of flooding, erosion and property loss.
- **Economic Improvements:** Preserve land characteristics (lot size, shape, and integrity), sustain or increase property values because of aesthetic enhancements, help to keep community maintenance costs low, reduce infrastructure costs, and decrease the reliance on engineered solutions. The overall costs associated with protection of riparian areas are typically lower than expenses of stream restoration projects.
- **Recognition of Good Stewardship:** Communities choosing to incorporate Best Management Practices, such as riparian setbacks, into law are being acknowledged for their efforts, especially by neighboring communities downstream.
- **Clean Water Act amendments:** Riparian setbacks are tools that help to satisfy NPDES Phase II requirements for municipalities and townships to improve the quality of stormwater.

EFFECTIVE DATE:

The Riparian Setback Ordinance (Chapter 937 of the Summit County Codified Ordinances) was enacted May 29, 2002 and implemented by the Summit Soil and Water Conservation District (Summit SWCD). For web access to Chapter 937: <https://swwcd.summitoh.net/sites/default/files/2018-11/CHAPTER%20937.pdf>

Since 2002, twenty-eight of the thirty-one communities in Summit County have either adopted riparian setback legislation into their zoning codes to implement stream protection at a local level or fall under the County code. Summit SWCD still serves in an advisory capacity for many of those communities. Please contact your local zoning official for more information.

Riparian Setbacks, and other environmental aspects as applied to parcels within Summit County, can be viewed at: [Summit County Environmental Viewer](#)

Please note, the GIS layer is a preliminary guide tool. All riparian setback areas must be field delineated to ensure accuracy.



Website: swwcd.summitoh.net