MEMORANDUM
DEPARTMENT OF COMMUNITY DEVELOPMENT
City of Kent

Date: February 26, 2013

To: Dave Ruller, City Manager

From: Jennifer Barone, Development Engineer

Re: Revisions Ordinance 2004-28, Water Resource Management

Copy: Linda Jordan, Clerk of Council
Jim Silver, Law Director
Gene Roberts, Service Director
James Bowling, City Engineer
Bridget Susel, Director of Community Development
file

I respectfully request City Council agenda time on March 6, 2013 to consider modification of the Water Resource Management sections of the code. The code language changes are a requirement by OEPA, plus some other minor changes for clarification and correction. OEPA performed an audit of the construction and post construction component of the City's Stormwater Management plan on June 14, 2013. These code changes are the result from the findings of that audit. The deadline for making these corrections is the end of the City's permit cycle, March 31, 2013. Therefore, I request that emergency declaration action be taken.

Staff plans to continue evaluating the code language for updates including non-OEPA required items such as storm water runoff evaluation methods and additional low impact development elements. Possible changes may also be required with the new OEPA Statewide Construction Storm Water General Permit due to be issued shortly.

ORDINANCE NO. 2004-28
WATER RESOURCE MANAGEMENT

CHAPTER 1193
RESOURCE MANAGEMENT PLANS

1193.01 GENERAL

All ~~d~~Developments shall be constructed and maintained so that adjacent properties are not unreasonably burdened with surface waters as a result of such developments. More specifically:

(a) No ~~d~~Development may be constructed or maintained so that such ~~d~~Development unreasonably impedes the natural flow of water from higher adjacent properties across such ~~d~~Development, thereby unreasonably causing substantial damage to such higher adjacent properties; and

(b) No ~~d~~Development may be constructed or maintained so that surface waters from such ~~d~~Development are unreasonably collected and channeled onto lower adjacent properties at such locations or at such volumes as to cause substantial damage to such lower adjacent properties.

(c) If there are any conflicts between provisions of Chapter 1193 and other sections of the Kent Codified Ordinances, then sections of 1193 shall control.

1193.02 DEFINITIONS

These definitions shall incorporate any additions or revisions contained in the current Ohio NPDES Statewide Construction Storm Water General Permit.

(a) Act: The Clean Water Act (formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972) Pub. L. 92-500, as amended Pub. L. 95-217, Pub. L. 95-576, Pub. L. 96-483, Pub. L. 97-117 and Pub. L. 100-4, 33 U.S.C. 1251 et. Seq.

(b) Best Management Practices (BMPs): The schedules of activities, prohibitions of practices, maintenance procedures and other management practices (both structural and non-structural) to prevent or reduce the pollution of Surface Waters of the State. BMPs also include treatment requirements, operating procedures and practices to control plant and/or construction site runoff, spillage or leaks, sludge or waste disposal or drainage from raw material storage.

(c) Commencement of Construction: The initial Disturbance of soils associated with clearing, grubbing, grading, and placement of fill or excavating activities or other construction activities.

(d) Concentrated Storm Water Runoff: Any Storm Water runoff which flows through a drainage pipe, ditch, diversion or other discrete conveyance channel.

(e) Development: The carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land.

(f) Development Engineer: A licensed professional engineer designated by the Community Development Director to be responsible for performance of the engineering and inspection services as may be assigned by the Community Development Director.

(g) Director: The director of the Community Development Department for the City of Kent, Ohio or his/her designee.

(h) Discharge: The addition of any pollutant to the Surface Waters of the State from a Point Source.

(i) Disturbance: Any clearing, grading, excavating, filling, or other alteration of land surface where natural or man-made cover is destroyed in a manner that exposes the underlying soils.

(j) Drainage Watershed: For purposes of the Ohio NPDES Statewide Construction Storm Water General Permit the total contributing drainage area to a BMP, i.e., the "watershed" directed to the practice. This would also include any off-site drainage.

(k) Final Stabilization: means that either:

1. All soil disturbing activities at the site are complete and a uniform perennial vegetative cover (e.g. evenly distributed, without large bare areas) with a density of at least 80 percent cover for the area has been established on all unpaved areas and areas not covered by permanent structures or equivalent stabilization measures (such as the use of landscape mulches, rip-rap, gabions, or geotextiles) have been employed. In addition, all temporary erosion and sediment control practices are removed and disposed of and all trapped sediment is permanently stabilized to prevent further erosion; or

2. For individual lots in residential construction by either:

    a. The homebuilder completing Final Stabilization as specified above or

    b. The homebuilder establishing Temporary Stabilization including perimeter controls for an individual lot prior to occupation of the home by the homeowner and informing the homeowner of the need for and benefits of, Final Stabilization. (Homeowners typically have an incentive to put in the landscaping functionally equivalent to Final Stabilization as quick as possible to keep mud out of their homes and off sidewalks and driveways); or

3. For construction projects on land used for agricultural purposes (e.g. pipelines across crop or range land), Final Stabilization may be accomplished by returning the disturbed land to its pre-construction agricultural use. Areas disturbed that were previously used for agricultural activities, such as buffer strips immediately adjacent to Surface Waters of the State and which are not being returned to their pre-construction agricultural use, must meet the Final Stabilization criteria in (1) or (2) above.

(l) Individual Lot NOI: A Notice of Intent for an individual lot to be covered by this permit (see parts I and II of this permit).

(m) Larger Common Plan of Development or Sale: A contiguous area where multiple separate and distinct construction activities may be taking place at different times on different schedules under one plan.

(n) MS4: Municipal separate storm sewer system which means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels or storm drains) that are:

1. Owned or operated by the federal government, state, municipality, township, county, district(s), or other public body (created by or pursuant to state or federal law) including special district under state law such as a sewer district, flood control district or drainage districts or similar entity or a designated and approved management agency under Section 208 of the act that discharges into Surface Waters of the State; and

2. Designed or used for collecting or conveying solely Storm Water,

3. Which is not a combined sewer and

4. Which is not a part of a publicly owned treatment works.

(o) National Pollutant Discharge Elimination System (NPDES): The national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits and enforcing pretreatment requirements, under Sections 307, 402, 318, and 405 of the CWA. The term includes an "approved program".

(p) NOI: Notice of Intent to be covered by this permit.

(q) NOT: Notice of Termination.

(r) Operator(s): Any party associated with a construction project that meets either of the following two criteria:

1. The party has operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications; or

2. The party has day-to-day operational control of those activities at a project which are necessary to ensure compliance with an SWP3 for the site or other permit conditions (e.g., they are authorized to direct workers at a site to carry out activities required by the SWP or comply with other permit conditions).

There can be more than one Operator(s) at a site and under these circumstances, the Operator(s) shall be co-permittees.

(s) Ordinary High Water Mark: That line on the shore established by the fluctuations of water and indicated by physical characteristics such as clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas.

(t) Owner(s): The Qwner of any "facility or activity" subject to regulation under the NPDES program.

(u) Permanent Stabilization: The establishment of permanent vegetation, decorative landscape mulching, matting, sod, rip-rap and landscaping techniques to provide permanent erosion control on areas where construction operations are complete or where no further Disturbance is expected for at least one year.

(v) Percent imperviousness: The impervious area created divided by the total area of the project site.

(w) Point Source: Any discernable, confined and discrete conveyance, including but not limited to, any pipe ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling rock, concentrated animal feeding operation, landfill leachate collection system, vessel or the floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural Storm Water runoff.

(x) Qualified Inspection Personnel: A person knowledgeable in the principles and practice of erosion and sediment controls, who possesses the skills to assess all conditions at the construction site that could impact Storm Water quality and to assess the effectiveness of any sediment and erosion control measures selected to control the quality of Storm Water Discharges from the construction activity.

(y) Rainwater and Land Development: A manual describing construction and post-construction Best Management Practices and associated specifications. A copy of the manual may be obtained by contacting the Ohio Department of Natural Resources, Division of Soil & water Conservation.

(z) Riparian Area: The transition area between flowing water and terrestrial (land) ecosystems composed of trees, shrubs and surrounding vegetation which serve to stabilize erodible soil, improve both surface and ground water quality, increase stream shading and enhance wildlife habitat.

(aa) Runoff Coefficient: The fraction of total rainfall that will appear at the conveyance as runoff.

(bb) Sediment Settling Pond: A sediment trap, sediment basin or permanent basin that has been temporarily modified for sediment control, as described in the latest edition of *Rainwater and Land Development Manual*.

(cc) Special Flood Hazard Area (SFHA): The area that will be inundated by the flood event having a 1-percent chance of being equaled or exceeded in any given year.

(dd) State Isolated Wetland Permit Requirements: The requirements set forth in Section 6111.02 through 6111.029 of the ORC.

(ee) Storm Water: Storm Water runoff, snow melt and surface runoff and drainage.

(ff) Surface Water of the State or Water Bodies: All streams, lakes, reservoirs, ponds, marshes, wetlands, or other waterways which are situated wholly or partially within the boundaries of the state, except those private waters which do not combine or affect a junction with natural surface or underground waters. Water defined as sewerage systems, treatment works or disposal systems in Section 6111.01 of the ORC are not included.

(gg) SWPPP or SWP3: Storm Water Pollution Prevention Plan.

(hh) Temporary Stabilization: The establishment of temporary vegetation, mulching, geotextiles, sod, preservation of existing vegetation and other techniques capable of quickly establishing cover over disturbed areas to provide erosion control between construction operations.

(ii) Water Quality Volume (WQv): The volume of Storm Water runoff which must be captured and treated prior to discharge from the developed site after construction is complete. WQv is based on the expected runoff generated by the mean storm precipitation volume from post-construction site conditions at which rapidly diminishing returns in the number of runoff events captured begins to occur.

1193.~~02~~ 03 DEVELOPMENT PERMIT REQUIRED

(a) A Development Permit shall be obtained before construction or ~~d~~Development begins. ~~within any area within the floodplain as established in **Section 1195.04(b)** Section 1337 (Floodplains).~~ Application for a Development Permit shall be made pursuant to Chapters ~~1111~~ 1105, 1181 and 1339. In addition, Development within a Special Flood Hazard Area as established in Section 1337 (Floodplain Damage Control) shall comply with Chapter 1337 and 1201.

(b) Exemption from Filing a Development Permit. Any proposed action exempt from filing for a Development Permit as listed in Sections 907.04(b) and 1337.03(i) is also exempt from the standards of this article.

1193.~~03~~ 04 ~~STORMWATER~~ STORM WATER MANAGEMENT PLANS

In order to control ~~s~~Storm ~~w~~Water damage and sediment pollution of water resources, wetlands, ~~r~~Riparian ~~a~~Areas, other natural areas, and public and private lands, the developer shall be responsible for preparing a Storm Water Management Plan including a Storm Water Pollution Prevention Plan (SWP3). Such plans must contain a description of controls appropriate for each construction operation covered by these regulations, and the ~~o~~Operator(s) must implement such controls in a timely manner. The plans and Best Management Practices (BMPs) used to satisfy the conditions of these regulations shall meet the standards and specifications in the current edition of the State of Ohio's *Rainw~~W~~ater and Land Development* manual and the current Ohio NPDES Statewide Construction Storm Water General Permit. The plans must make use of practices which preserve the existing natural condition to the Maximum Extent Practicable (MEP).

(a) **Small Development Sites:** Developments that ~~are~~ have disturbed areas smaller than one (1) acre in total size may submit abbreviated ~~Stormwater~~ ~~s~~Storm ~~w~~Water Management plans for Site Plan review, Development Plan review, or the requested permit(s). The abbreviated plan must cover the following items, in addition to any other items from this ordinance that are required by the ~~Community Development~~ Director:

(1) A description of the nature and type of the construction activity (e.g. low density residential, shopping mall, highway, etc.)

(2) A cover page or title indentifying the name and location of the site, the name and contact information of all construction site Operator(s), the name and contact information of the person responsible for authorizing and amending the SWP3, preparation date, and the estimated dates that construction will start and be complete.

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(3) Storm Water Issues: A statement as to how the increased ~~s~~Storm ~~w~~Water runoff and decreased ~~s~~Storm ~~w~~Water quality that will be caused by the ~~d~~Development will be handled, and a statement of what Best Management Practices (BMP) the ~~d~~Development will include in order to address them. When a ~~d~~Development is proposed to demolish an older existing structure, the developer

may request, in writing, that the ~~Community Development~~ Director exempt such ~~d~~Developments from the ~~s~~Storm ~~w~~Water regulations of this chapter, if it can be demonstrated that controls are infeasible at the project location and create an undue burden without commensurate benefits to the receiving stream. Undue burden shall be calculated by the Development Engineer.

(4) Site specific topographic plans ~~in duplicate~~ drawn to scale showing the nature, location or dimensions and elevations of the area in question;

(5) The location of existing or proposed structures, fill, storage of materials, and drainage.

(6) Elevation in relation to mean sea level of the lowest floor, including basement, of all proposed structures located in Special Flood Hazard Areas where base flood elevation data are utilized;

(7) Type, size, location, grade and elevations (including their proposed invert at the building wall) for all site drainage including, but not limited to curbs and gutters, curb inlets and curb cuts, drainage grates, catch basins, trenches, manholes, pipes, drainage ditches, roof drain connections to the storm sewer together with ~~Stormwater~~ ~~s~~Storm ~~w~~Water run-off calculations, pipe size calculations, pre- and post-~~d~~Development runoff factors, and ~~Stormwater~~ ~~s~~Storm ~~w~~Water retention or detention (where required) calculations and provisions.

(8) Approximate direction and gradient of ground slope including any embankments or retaining walls and the delineation of existing drainage patterns, waterways, and ~~w~~Water ~~b~~Bodies (including intermittent and ephemeral streams, rivers and their related river or stream bank, ponds, drainage ditches, lakes, and swamps) located within 200 feet of the site, including:

(i) Boundaries and elevation of floodways and floodplains as delineated in the ~~Flood Boundary and Floodway Map or the~~ Flood Insurance Rate Map of the Flood Insurance Study by the Federal Emergency Management Agency, or any other existing watercourses or ~~w~~Water ~~b~~Bodies that appear on 1:24,000 U.S.G.S. maps other sources of flood information in accordance with **Section ~~1195.07~~ 1337.01(f).**

(ii) Location of wetlands (a wetlands delineation conducted by a certified wetlands biologist or approval by the Army Corps of Engineers);

(iii) All riparian and wetland setback areas pursuant to ~~this Unified Development Ordinance;~~ Chapter 1201 (Riparian and Wetland Buffers).

(9) All existing and planned, temporary and permanent, hydro-seeding, soil erosion and sediment control conservation practices for the site. Residential lots shall include BMPs designs which meet the standards and specifications of the State of Ohio's *Rainwater and Land Development* manual, including but not limited to:

(i) Construction entrance, and;

(ii) Temporary grass seeding with 2 tons per acre of straw mulch, and;

(iii) Storm drain inlet protection around every storm yard inlet on the site, and;

(iv) Silt fence protection for any stream located on or close to the site and lacking an adequate vegetative buffer, and

(v) Construction fence to protect any conservation easements from encroachment.

(10) Certification by a registered professional engineer or architect that the flood proofing methods for any nonresidential structure meet the flood proofing criteria in **Section ~~1195.06(c)(2)~~ 1337.04(e) (Nonresidential ~~Construction~~ Structures)** where base flood elevation data are utilized.

(b) **Large Development Sites:** All ~~d~~Developments or Larger Common Plan of Development or Sale with disturbed areas equal to or larger than one (1) acre in size shall submit a Storm Water Management Plan outlining the following controls to be established to prevent sediment pollution of the water resources, wetlands, riparian buffers, and public and private properties:

(1) All elements required under **1193.04** ~~(b)~~(a) for abbreviated ~~Stormwater~~ ~~s~~Storm ~~w~~Water Management Plans;

(2) A general project description including the nature, type, and purpose of earth-disturbing activity and the Storm Water Management strategy proposed to meet this ordinance, including: the implementation schedule describing the sequence of major construction operations (i.e. clearing, grubbing, excavating, grading, utilities, and infrastructure installation) plus the implementation of erosion , sediment and Storm Water management practices or facilities to be employed during each operation of the sequence, location and design calculations for all permanent ~~s~~Storm ~~w~~Water conveyance, detention and retention structures, and other ~~s~~Storm ~~w~~Water control structures, and any other ~~s~~Storm ~~w~~Water management-related items as may be required by the ~~Community Development~~ Director.

(3) A vicinity sketch locating the ~~d~~Development and all pertinent surrounding features within 1000 feet, including water resources, wetlands, riparian buffers, conservation easements, and other sensitive natural resources including **items (6-8)** under **1193.04(b)** of this Chapter.

(4) Topographic maps showing the area to be drained with calculations prepared by a registered professional engineer in determining the proposed ~~s~~Storm ~~w~~Water collection system, including:

(i) Existing and proposed watershed boundary lines, direction of flow and watershed acreage.

(ii) The name and/or location of the immediate receiving stream or surface water(s) and the first subsequent named receiving water ~~and the major river watersheds in which it is located~~ and the extent and description of wetlands or other special aquatic sites at or near the site which will be disturbed or which will receive Discharges from disturbed areas of the project.

(iii) The location of areas receiving runoff from the ~~d~~Development.

(iv) The limits of clearing operations and earth-disturbing activity and any new contour lines resulting from earth movement (shown as solid lines) with no larger than two-foot contour intervals (existing should be shown as dotted lines) including associated off-site borrow or spoil areas that are not addressed by a separate NOI and associated SWP3.

(v) Existing and planned locations of buildings and areas with hard or impervious surfaces, as well as utilities that may affect soil erosion and sediment control.

(vi) The types of soils within, or affected by, the ~~d~~Development area, and the location of all highly erodible or unstable soils as determined by the most current edition of the soil survey of Portage County, by the NRCS -- USDA or an onsite, detailed Soils Engineering Report if required by the ~~Community Development~~ Director.

(vii) Settling ponds drawn to scale with basic dimensions and the calculations for size and volume.

(viii) Any other soil erosion and sediment control related BMPs and items that are required by the ~~Community Development~~ Director.

(5) Investigation conducted to verify that the condition and capacity of any existing storm sewer to be utilized as a part of the ~~d~~Development or as a ~~d~~Discharge point for ~~Stormwater~~ ~~s~~Storm ~~w~~Water from the ~~d~~Development is adequate and that its use will not adversely affect other properties shall be supplemented with surveys, field reports and calculations signed and sealed by a professional engineer registered in the State of Ohio.
~~[HISTORY: former Section 1339.05(b)(2)]~~

(6) Description of the extent to which any watercourse will be altered or relocated as a result of proposed ~~d~~Development and certification by a registered professional engineer that the flood carrying capacity of the watercourse will not be diminished. A watercourse is also considered to be altered if any change occurs within its banks or within the floodway as designated in Section ~~1195.05~~ Section 1337.03(j). Where watercourses will be altered or relocated, copies of notices sent to adjacent communities and the Ohio Department of Natural Resources, Division of Water,

and evidence of submission of such notification to the Federal Emergency Management Agency shall be included in the plan.

(7) All necessary permits from those Federal, State or local governmental agencies from which prior approval is required. The applicant shall be responsible for obtaining such permits as required including permits issued by the Department of the Army under Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act.

(8) The location, size, detailed drawings, maintenance requirements and design calculations of each BMP as well as the scheduling, phasing, and coordination of construction operations and long-term maintenance requirements of erosion and sediment control BMPs during the construction and post-construction phases of each ~~d~~Development, including vegetative plantings and mulch, including:

(i) The printed name and contact point of the person or entity responsible for long-term continued maintenance of all vegetative and/or mechanical BMPs used.

(ii) The person or entity financially responsible for maintaining the permanent ~~s~~Storm ~~w~~Water conveyance and storage structures and other conservation practices.

(iii) The method of ensuring that funding will be available to conduct the long-term maintenance and inspections of all permanent ~~s~~Storm ~~w~~Water, soil erosion and sediment control and water quality practices.

(iv) A description shall be provided of the BMPs that will be installed to control construction pollutants in ~~s~~Storm ~~w~~Water ~~d~~Discharge s occurring after construction operations have been completed (post construction). Such BMPs may include, among others, infiltration of runoff, flow reduction by use of open vegetated swales, diversions, permanent grass plantings, tree and shrub plantings, stream bank protection practices, grade stabilization structures, etc.

(v) The type and amount of plant seed, live plants, fertilizer, agricultural ground limestone and mulch to be used. (Soil testing for fertility and lime requirements is preferred. Only perennial grass seed will be used.)

(vi) A description of the water quality standards and projected treatment levels, if any, that will be addressed by the water quality BMPs being installed.

(9) Location and description of any Storm Water Discharges associated with dedicated asphalt and dedicated concrete plants covered by this permit and the Best Management Practices to address pollutants in these Storm Water Discharges.

(10) A copy of the permit requirements of the current Ohio NPDES Statewide Construction Storm Water General Permit.

(11) For subdivided Developments where the SWP3 does not call for a centralized sediment control measure capable of controlling multiple individual lots, a detailed drawing of a typical individual lot showing standard individual lot erosion and sediment control practices.

(12) The SWP3 shall identify all subcontractors engages in activities that would impact Storm Water runoff. The SWP3 shall contain signatures from all the identified subcontractors indicating that they have been informed and understand their roles and responsibilities in complying with the SWP3.

1193.~~04~~ 05 FOREST MANAGEMENT PLANS

(a) Selective harvesting of timber may be allowed pursuant to **Section 1201.01** (Riparian and Wetland Buffers).

(b) Such plans shall be prepared by a Certified Arborist and accepted by the ~~Community Development~~ Director.

(c) The Forest Management Plan must specify:

(1) The ~~d~~Development site will be adequately stocked after the approved selective harvest;

(2) That trees located less than 25 feet from the ~~o~~Ordinary ~~h~~High ~~w~~Water ~~m~~Mark will not be impacted by the proposed harvesting;

(3) The location of any skid and haul roads required for transporting harvested trees from riparian and wetland setbacks;

(4) The method to be used to transport harvested trees from riparian and wetland setbacks;

(5) The erosion control Best Management Practices that will be employed during and after the proposed harvest. These erosion control practices shall be in conformance with the Ohio Department of Natural Resources, Division of Forestry's BMPs for Erosion Control on Logging Jobs in Ohio; and

(6) The US Army Corps of Engineers and the Ohio EPA Wetland and Stream protection permit numbers.

CHAPTER 1195
FLOODWAYS AND FLOODPLAINS

(Repealed be Ord. No. 2009-61. Passed 06-17-09)

CHAPTER 1197
~~STORMWATER~~ STORM WATER DRAINAGE SYSTEMS

1197.01 GENERAL PROVISIONS

(a) To the maximum extent practicable, all ~~d~~Development shall conform to the natural contours of the land, and natural and preexisting man-made drainage ways shall remain undisturbed.

(b) To the maximum extent practicable, lot boundaries shall be made to coincide with natural and preexisting man-made drainage ways within subdivisions to avoid the creation of lots that can be built upon only by altering such drainage ways.

(c) For site ~~Stormwater~~ ~~s~~Storm ~~w~~Water drainage systems, compacted earth, stone and gravel areas capable of supporting vehicles and or material handling equipment shall be considered impervious surfaces.

(d) No surface water may be ~~channelled~~ channeled or directed into a sanitary sewer.

(e) Off-site improvements to the ~~Stormwater~~ ~~s~~Storm ~~w~~Water collection system as may be required to accommodate the ~~d~~Development, shall be constructed at the expense of the developer.
[HISTORY: former Section 1339.05(b)(3)]

(f) Drainage Easements. Future access to runoff drainage ditches and channels, swales, runoff storage facilities, storm sewers and other drainage ways and structures, as may be required by the ~~Community Development~~ Director, shall be secured by means of easements.

(1) Such easements shall be not less than twenty-five (25) feet in width, in addition to the width of the ditch, channel, or other facility it is to serve. Further, an easement of this type shall be provided on at least one (1) side of the storm drainage ditch, channel, or similar-type facility.

(2) Access along the initial drainage system shall be by means of easements. Such easements shall be not less than twenty (20) feet in width, with a minimum ten (10) foot width on either side of the centerline.

(3) Access adjacent to storage facilities shall consist of a twenty-five (25) foot easement in the case of detention (dry) basins, and a twenty (20) foot easement with a twenty-five (25) foot level bench in the case of retention (wet) basins, measured from the top of the bank, and shall include the storage facility itself.

(4) Storm drainage easements containing underground facilities shall be an appropriate width to allow removal and replacement of the facility and shall have a minimum width of twenty (20) feet.

(5) Those lots crossed by an easement shall be restricted against the planting within said easement of trees, shrubbery or plantings with woody growth characteristics, and against the construction therein of buildings, accessory buildings, fences, walls or any other obstructions to the free flow of ~~s~~Storm ~~w~~Water and the movement of inspectors and maintenance equipment and also restricted against the changing of final grade from that described by the ~~s~~Storm ~~w~~Water management

(g) Maintenance. Any portion of the ~~s~~Storm ~~w~~Water management systems, including on-site and off-site storage facilities that are constructed by the developer, will be continuously maintained into perpetuity.

(1) Single-Family Residential Developments: A Homeowners' Association, created pursuant to Ohio Law, shall be created and placed in title of the affected lands and shall be continuously responsible for post-construction maintenance and inspections into perpetuity unless such maintenance and inspections become officially accepted by the City.

(2) Multifamily, Commercial and Industrial Developments: The plans will clearly state that the property ~~o~~Owner(s) shall be continuously responsible for post-construction maintenance and inspections into perpetuity.

(h) Maintenance Design: Designs that facilitate minimal maintenance are a priority in the design and construction of all facilities. Multi-use facilities incorporating assets such as aesthetics and recreation may be incorporated into the design of the drainage facilities. All ~~s~~Storm ~~w~~Water management systems and BMPs, including on-site and off-site structures and vegetation that are constructed or planted, must be inspected and maintained into perpetuity by the responsible party designated in the ~~Stormwater s~~Storm ~~w~~Water Management plan and by the requirements of this Chapter. Inspections ~~and maintenance~~ will be conducted by the ~~Community Development Department~~ City periodically throughout the year to ensure that the facilities are properly operational.

(i) A written and stamped report from a registered professional engineer on the status of all ~~s~~Storm ~~w~~Water basins and surface drainage swales, and status of the related easements for each project, shall be submitted to the Community Development Department by May 1st into perpetuity with dry basins inspection reports being submitted every five years; and wet basins reports being submitted every two years unless directed otherwise by the ~~Community Development~~ Director or his designee.

(j) A written and stamped report from a professional engineer, landscape architect or Certified Professional Soil Erosion and Sediment Control Specialist (CPESC) on the status of installed ~~s~~Storm ~~w~~Water management systems and status of the related easements shall be submitted to the Community Development Department by May 1st of each year into perpetuity.

(k) If there are any conflicts between provisions of Chapter 1197 and other sections of the Kent Codified Ordinances, then sections of 1197 shall control.

1197.02 REQUIRED IMPROVEMENTS

(a) All ~~d~~Developments shall be provided with a drainage system that is adequate to prevent the undue retention of surface water on the ~~d~~Development site. Surface water shall not be regarded as unduly retained if:

(1) The retention results from a technique, practice or device deliberately installed as part of an approved ~~Storm water~~ Storm Water Management Plan; or

(2) The retention is not substantially different in location or degree than that experienced by the ~~d~~Development site in its predevelopment stage, unless such retention presents a danger to health, safety, or welfare of the community.

(b) Whenever practicable, the drainage system of a ~~d~~Development shall coordinate with and connect to the drainage systems or drainage ways on surrounding properties or streets.

(c) Use of drainage swales rather than curb and gutter and storm sewers ~~in subdivisions~~ is provided for in **Section 1339.05 and Chapter 1203**. Private roads and access ways within unsubdivided ~~d~~Developments shall utilize curb and gutter and storm drains to provide adequate drainage if the grade of such roads or access ways is too steep to provide drainage in another manner or if other sufficient reasons exist to require such construction.

(d) Sufficient investigation shall be conducted to verify that the condition and capacity of any existing storm sewer to be utilized as a part of the ~~d~~Development or as a ~~d~~Discharge point for ~~Stormwater s~~Storm ~~w~~Water from the ~~d~~Development is adequate and that its use will not adversely affect other properties. Such investigation shall be supplemented with surveys, field reports and calculations.

(e) Roof drains shall be connected to the storm sewer system, drainage course, or other approved location (i.e. rain garden). Roof drains shall not be permitted to discharge upon walks or pavement areas or through the street curb into the street gutter.

(f) Wherever possible and in all projects which encumber 40,000 square feet of ground surface area with building and/or impervious surfaces (pavements, walks, etc.), the ~~Stormwater s~~Storm ~~w~~Water design shall incorporate storm-water detention and/or retention designed and constructed in accordance with approved engineering practices.

1197.03 REQUIRED STORM SEWER

(a) Drainage. A drainage system shall be designed and constructed by the developer to provide for the proper drainage of the surface water of the ~~subdivision~~ dDevelopment and the drainage area of which it is a part. To this end, the following requirements and methods shall be followed:

(1) Drainage requirements (Grading). No final grading or sidewalk or pavement construction or installation of utilities shall be permitted in any proposed street until the final plat has been approved or conditionally approved. The developer shall grade each ~~subdivision~~ dDevelopment in order to establish street, block and lot grades in proper relation to each other and to topography, as follows:

(i) Block and lot grading.

a. Block grading shall follow the approved ~~subdivision~~ dDevelopment Grading Plan.

b. Lot grading shall be as follows:

1. Lots shall be graded so that water drains away from each building at a minimum grade of two percent.

2. Surface drainage swales shall have a minimum grade of one-half percent and shall be designed so that surface water will drain into a driveway, street gutter, storm sewer, drain inlet or natural drainage way.

3. The minimum grades of driveways shall be four-tenths percent and a maximum of fifteen percent.

(2) Drainage system requirements. The design criteria for the drainage systems shall be based on the State of Ohio Department of Transportation, Manual of Location and Design. Runoff or design dDischarge for sewer design where the contributing area generally consists of pavement and a narrow strip back of the pavement shall be obtained from the rational formula: Q = CIA. The following minimum design frequencies are to be used:

(i)

Roadway ditches	2 years
Storm sewers	5 years or 10 years
Culvert under roadways	25 years
Watercourses	10 years

(ii) Runoff cCoefficients and rainfall frequencies based on general character of tributary area are set forth in the following table:

Description of Area	Rainfall Frequency (Years)	Range of Runoff Coefficient	Coefficient Used Herein
Open Space-Conservation	5	0.25 - 0.40	0.30
Rural Residential	5	0.25 - 0.40	0.30
Low Density Urban Residential	5	0.30 - 0.50	0.40
Medium Density Urban Residential	5	0.30 - 0.50	0.50
High Density Urban Residential	5	0.30 - 0.50	0.50

Description of Area	Rainfall Frequency (Years)	Range of Runoff Coefficient	Coefficient Used Herein
Multifamily Urban Residential	5	0.40 - 0.60	0.60
High Density Multifamily Urban Residential	10	0.50 - 0.70	0.60
High Density Multifamily/Commercial Urban Res.	10	0.50 - 0.70	0.60
Local Commercial	10	0.50 - 0.70	0.50
Office and Limited Business	10	0.50 - 0.70	0.50
Community Commercial	10	0.70 - 0.90	0.80
Central Retail-Office	10	0.70 - 0.90	0.90
Intensive and Automotive Oriented Commercial	10	0.70 - 0.90	0.90
Highway Interchange Commercial	10	0.70 - 0.90	0.80
Industrial Research and Office	10	0.50 - 0.70	0.60
Industrial	10	0.40 - 0.90	0.60
Manufacturing, Storage and Disposal	10	0.40 - 0.90	0.60
Railroad Yard Areas	10	0.20 - 0.40	0.30

(b) Post-~~d~~Development runoff shall not exceed pre-development runoff for the 2, 10, 25, and 100 year design storms.

(c) Road Drainage System. The road storm drainage system shall serve as the prime drainage system. It shall be designed to carry roadway, adjacent land and house ~~s~~Storm ~~w~~Water drainage.

(1) Road storm sewers (enclosed). The design ~~d~~Discharged used to determine pavement inlet spacing shall be based on the rational method mentioned in this subsection (e)(2). The gutter flow between inlets shall be calculated by the equation: Q =.56Z/N S1/2 F8/3. (See Manual of Location and Design.)

(2) The inlet spacing shall be based on a ten year frequency, fifteen minutes duration design storm. The spread of water on the pavement shall be limited to two feet into the traveled lane. In addition, standard manholes or combination manhole inlets for cleaning purposes shall be placed no further than 300 feet apart.

(3) Storm sewer laterals. A storm sewer lateral shall be provided for each lot to accommodate footer drains and downspouts. Storm laterals (same material specification as sanitary laterals) should be a minimum of 4" in diameter with an absolute minimum slope of 0.5% and 18" of cover.

(d) Off-Road Drainage Systems. The design of the off-road drainage system shall include the watershed affecting the allotment and shall be extended to a watercourse or ditch adequate to receive the storm drainage.

(1) All watercourses or ditches with a design capacity not exceeding the capacity of a thirty-six inch concrete pipe shall be enclosed. Existing creeks or ditches constructed by the developer which exceed the above limit shall be constructed with a minimum fifteen (15) foot wide continuous earth roadway to provide access for maintenance equipment to all sections of the ditch. The ditch easement may be wide enough to contain such ditch slopes and roadway with ample clearance for the operation of maintenance equipment. Open ditches will have a side slope ratio of 2:1 and a minimum two (2) foot bottom width.

(2) No open ditch shall be constructed within 100 feet of the rear building line of a house, as measured from the house to the edge of the ditch easement.

(3) Any storm drainage courses carried along side lot lines shall be enclosed with approved pipe.

(4) Easements for drainage purposes shall be a minimum of twenty feet in width. Where the watercourse is large, easement widths shall be increased as determined by the Development Engineer.

(e) Protection of Drainage Systems. The developer shall adequately protect all ditches (roadways and watercourses) to the satisfaction of the Development Engineer or his designee as follows:

(1) All adjoining land where the vegetation has been injured or destroyed or where the land is in need of protection to prevent erosion, deposits in the drainage facilities and/or unsightly conditions shall be restored and protected as directed by the Development Engineer or his designee.

(2) In all cases, any drainage facility ~~within the subdivision~~ shall be in a stable condition, free from either erosion or sedimentation and/or other debris.

(3) No construction shall begin until the developer has complied with all of the provisions of the Kent City Codified Ordinances, and obtained all permits required by the Ohio Environmental Protection Agency and the Army Corp of Engineers.

(4) All storm sewer inlets that accept water runoff from the ~~d~~Development area shall be protected so that sediment-laden water will not enter the storm sewer, unless exempted by the ~~Community Development~~ Director or unless the storm system drains to a Sediment Settling Pond. In areas where construction will be ongoing, such as subdivisions, the storm sewer protection shall be maintained until all upsloped areas reach ~~f~~Final ~~s~~Stabilization, as determined by the ~~Community Development~~ Director.

(5) The developer shall hydraulically clean the storm sewers at the time of dedication and provide videotape to the satisfaction of the ~~Community Development~~ Director. All sediments shall be removed from the system and shall not be flushed downstream.

(6) All storm sewers, footer drains, roof gutter drains and all other drains will be outletted at the bottom of the slope. The slope below the outlet shall be able to control the water being drained through the storm sewer or other drains without causing erosion of the stream or channel banks or channel bottom.

(f) Pipe policy. The following pipe policy and the pipe policy of the State of Ohio Department of Transportation, "Construction and Material Specifications, 706, 707", shall be used in designing storm sewer systems subject to the approval of the Development Engineer or his designee .

(1) All pipe lines (including culverts and storm sewers) which are located beneath the roadway shall meet the requirements set forth for Class A pipe.

(2) Longitudinal storm sewer lines, not under the main roadways, shall be Class D or Class E pipe. Where these sewers are shallow or located beneath drives, Class B or Class C pipe shall be specified.

(3) Longitudinal roadway drainage lines, for which sealed joints are unnecessary or undesirable, shall be Class H pipes. Portions of these drains that require stronger pipe because of shallow cover or location beneath drives shall be Class C pipe.

(4) Open end driveway pipe twenty-four inches or less in diameter may be Class F pipe and larger pipes shall be Class B or Class C pipe.

(5) Outlet pipe or open-joint drains (Class H or I), shall be in accordance with the provisions of Class F pipe and will usually be ten feet in length.

(6) Pipe under drains shall be Class I pipe.

(7) Pipe arches or elliptical pipes shall be Class G pipe.

(g) Storm Water Basins:

(1) *Pool Geometry*: The minimum length-to-width ratio for the pond is 3:1 (the length will be three (3) times the width).

(2) *Riser in Embankment*: The riser shall be located within the embankment for purposes of maintenance access. Access to the riser will be by manholes.

(3) *Water Drains*: Each retention and water quality basin shall have a drainpipe that can completely drain the pond. The drain shall have an elbow within the pond to prevent sediment deposition from plugging the drain.

(4) *Principal Spillway*: Each principal spillway shall be designed in accordance with the NRCS standards and specifications for the office serving Portage County, Ohio. Each principal spillway shall have the capacity to pass the 100 year design storm flows. The inlet or riser size for the pipe drops shall be designed so that the flow through the structure goes from weir flow control to pipe flow control without going into orifice control in the riser. The crest elevation of the primary spillway shall be no less than one foot below the emergency spillway crest. Premium joint pipe is required and a removable trash rack shall be installed at each location. Anti-seep collars shall be provided for all pipe conduits through an embankment.

(5) *Emergency Spillway*: An emergency spillway shall be provided on each ~~s~~Storm ~~w~~Water management and water quality basin. Emergency spillways shall convey flood flows safely past the embankment, and shall be designed in accordance with NRCS standards and specifications for the office serving Portage County, Ohio. Excavated spillways shall have a 100 year design storm capacity unless exempted in writing by the ~~Community Development~~ Director.

(6) *Non-Clogging Low Flow Orifice*: A non-clogging orifice shall be provided for the Water Quality Basins.

(7) *Embankments*: Each dam embankment shall be designed in accordance with the NRCS standards and specifications for the office serving Portage County, Ohio. Anti-seep collars shall be provided for all pipe conduits through an embankment.

(8) *Safety Features*: The perimeter of all water pool areas that are deeper than three (3) feet shall be surrounded by benches that meet the following:

(i) A safety bench, with a maximum slope of 3%, which extends outward, on dry land, from the shoreline. This bench will be a minimum of 25 feet wide to provide for the safety of individuals and maintenance vehicles that are adjacent to the water pool. The safety bench may be landscaped to prevent access to the water pool.

(ii) Side slopes between the safety bench and the aquatic bench shall not be steeper than 3:1 (3 feet horizontal for every 1 foot vertical).

(iii) An aquatic bench that extends inward from the shoreline far enough to ensure public safety and has a maximum depth of 15 inches below the normal water surface elevations. The aquatic bench may be landscaped to prevent access to the deeper water pool.

(iv) Side slopes beyond the aquatic bench and below the permanent water level shall not be steeper than 2:1 (2 feet horizontal for every 1 foot vertical).

(v) The contours of the pond will be designed and managed to eliminate drop-offs and other hazards. Side slopes getting to the pond shall not exceed 3:1 and shall terminate on a safety bench.

(vi) The primary spillway opening shall not permit access to the public and other non-maintenance personnel.

(h) These standards are general guidelines and shall not limit the right of the ~~Community Development~~ Director to impose at any time additional, more stringent requirements, nor shall the standards limit the right of the ~~Community Development~~ Director to waive, in writing, individual requirements.

(i) Methods for controlling increases in ~~s~~Storm ~~w~~Water runoff peaks and volumes may include, but are not limited to:

(1) Retarding flow velocities by increasing friction; for example, grassed road ditches rather than paved street gutters where practical, discharging roof water to vegetated areas, or grass and rock-lined drainage channels.

(2) Grading and use of grade control structures to provide a level of control in flow paths and stream gradients.

(3) Induced infiltration of increased ~~s~~Storm ~~w~~Water runoff into soil, where practical;

(4) Provisions for detention and retention; for example, permanent ponds and lakes with ~~s~~Storm ~~w~~Water basins provided with proper drainage, multiple-use areas for ~~s~~Storm ~~w~~Water detention, recreation, wildlife or transportation, or subsurface storage areas.

(5) Low Impact Development techniques as set forth in **Chapter 1203**: Low Impact Development.

CHAPTER 1199
EROSION CONTROLS

1199.01 SEDIMENTATION AND EROSION CONTROLS REQUIRED

(a) Effective erosion and sediment controls shall be planned and applied in accordance with the following principles:

(1) The smallest practical area of land shall be exposed at any one time during ~~d~~Development, construction, extraction, or other use.

(2) When land is exposed during ~~d~~Development, use, extraction, etc., the exposure shall be kept to the shortest practical period of time.

(3) Temporary vegetation and/or mulching shall be used to protect critical areas exposed during ~~d~~Development, use, etc.

(4) Sediment basins (debris basins, debiting basins, or silt traps) shall be installed and maintained to remove all sediment from run-off and/or operating waters from land undergoing ~~d~~Development, use, etc.

(5) Provisions shall be made to effectively accommodate the increased run-off caused by soil and surface conditions during and after ~~d~~Development, use, etc.

(6) The ~~d~~Development plan or site plan shall be fitted to the topography and soils so as to create the least erosion potential.

(7) Wherever feasible, natural vegetation shall be retained and protected.

(8) All excavation shall be made to either a water producing depth, such depth to be not less than six (6) feet below the low water mark, or shall be graded or backfilled to conform, with the surrounding area, with non-noxious, non-flammable and non-combustible solids.

(9) All banks resulting from reclamation of all excavations shall be sloped not greater than one (1) foot vertical to five (5) feet horizontal and said bank shall have a minimum of four (4) inches top soil mixed with four (4) inches of grade, then seeded and sufficiently mulched to eliminate any erosion.

(b) The following type of construction projects are exempt from sediment and erosion control measures:

(1) If the rainfall erosivity factor, R, is less than 5 for the project.

(2) The construction planned is "routine maintenance" to re-establish the original line, grade or hydraulic capacity of sSorm Wter infrastructure (i.e. ditch cleaning, detention basin dredging, etc.) where the disturbed area is less than five (5)acres.

(3) Silviculture Disturbances

(4) Agricultural Disturbances.

(5) Construction related to oil and gas well exploration.

(c) The following type of maintenance projects are exempt from full sediment and erosion control measure requirements but shall stabilize the disturbed area(s) within 21 days of construction completion:

(1) Replacement of utility services (water service, sanitary or storm lateral, gas service, etc) to an existing building where the disturbed area is limited to a standard trench width necessary to replace the underground utility services.

(2) Replacement of sidewalk, driveways, driveway aprons where the disturbed area is less than one acre.

(3) Demolition of small structures such as single family homes, garages, shed, etc. that have a disturbed area less than a one acre.

1199.02 DESIGN STANDARDS

In order to control sediment pollution of water resources, the ~~o~~Owner(s) or person(s) responsible for the ~~d~~Development area shall use conservation planning and low impact ~~d~~Development practices pursuant to **Chapter 1203**: Low Impact Development, to maintain the level of conservation established in the following standards:

(a) The standards and specifications contained in the State of Ohio's *Rainwater and Land Development* manual. As technology and understanding of habitat and land function develop, the ~~Community Development~~ Director may determine that additional Best Management Practices (BMPs) are appropriate. These regulations do not preclude the use of innovation or experimental ~~s~~Storm ~~w~~Water management technologies.

(b) Clearing and Grubbing: Clearing and grubbing will be done in two (2) or more phases. The first phase will include only those locations necessary to install the perimeter soil erosion, sediment and ~~s~~Storm ~~w~~Water control BMPs. After the perimeter controls are in place and functioning, the remaining phase(s) of clearing and grubbing may continue.

(c) Timing of Sediment Trapping Practices: Sediment control practices shall be functional throughout all phases of up slope earth-disturbing activity. Settling facilities, perimeter controls and other practices intended to trap sediment shall be implemented as the first step of grading, and within seven (7) days from the start of grubbing. They shall continue to function until the up slope ~~d~~Development area is permanently restabilized. As construction progresses and the topography is altered, appropriate controls must be constructed or existing controls altered to address the changing drainage patterns.

(d) Stabilization of Denuded Areas: Disturbed areas must be stabilized as specified in the tables below, or

Permanent Stabilization	
Area requiring Permanent Stabilization	**Time Frame**
Any areas that will lie undisturbed for one (1) year or more	Within seven (7) days of the most recent ~~d~~Disturbance
Any areas within fifty (50) feet of a stream and at final grade	Within two (2) days of reaching final grade
Any other areas at final grade	Within seven (7) days of reaching final grade within that area
Temporary Stabilization	
Area Requiring Temporary Stabilization	**Time Frame**
Any disturbed areas within fifty (50) feet of a stream and not at final grade	Within two (2) days of the most recent ~~d~~Disturbance if the area will remain idle for seven (7) days or more
Disturbed areas that will be undisturbed for more than 21 days but less than one (1) year and not within fifty (50) feet of a stream	Within seven (7) days of the most recent ~~d~~Disturbance within the area
Residential subdivisions for ~~d~~Disturbance which has occurred on building lots	Within 7 days of the most recent ~~d~~Disturbance if housing unit construction on the lot is not scheduled to begin within 21 days of the ~~d~~Disturbance.
	In any case, Temporary or Permanent Stabilization will be properly installed, pursuant to the most recent

Where vegetative stabilization techniques may cause structural instability or are otherwise unobtainable, alternative stabilization techniques must be employed.

(e) Settling Ponds: Concentrated Storm Water Runoff (e.g. storm sewer or ditches), runoff from denuded areas of ~~five (5)~~ ten (10) acres or more, and all areas flowing at rates that exceed the design capacity of sediment barriers and/or other sediment barriers and/or inlet protection, shall pass through a sediment settling facility. The facility's storage capacity shall be no less than sixty-seven (67) cubic yards per acre of total drainage area.

(1) Permanent ~~s~~Storm ~~w~~Water management ponds that are designed to trap sediment during construction shall be designed to provide for a slow release of sediment-laden water. The ideal drawdown time is from three (3) to four (4) days (72 to 96 hours) with a minimum 48 hour drain time for sediment basins serving a drainage area over 5 acres.

(2) The design of Settling Ponds shall have a minimum length of flow of 2:1.

(f) Sediment Barriers: Sheet and rill flow runoff from denuded areas shall be diverted to a settling pond or treated by a geotextile silt fence or other sediment barrier approved by the ~~Community Development~~ Director. The total runoff flow treated by a sediment barrier shall not exceed the design capacity for that sediment barrier.

(1) Silt fence shall be placed on a level contour downslope of the disturbed area. Placing silt fence in parallel does not extend the permissible drainage area to the silt fence.

Maximum drainage area (in acres) to 100 linear feet of silt fence	Range of slope for particular drainage areas (in percent)
0.5	< 2%
0.25	≥2% but< 20%
0.125	≥20% but< 50%

(g) Working Near, Or Crossing Streams and Wetlands:

(1) Construction vehicles shall avoid water resources, wetlands, ~~r~~Riparian ~~a~~Areas, and their setbacks. If construction vehicles must cross these areas repeatedly during construction, an approved temporary crossing shall be constructed. Streams, including bed and banks, shall be restabilized immediately after in-channel work is completed, interrupted, or stopped.

(2) No soil, rock, debris, or any other material shall be dumped or placed into a water resource or into such proximity that it may slough, slip, or erode into a water resource unless such dumping or placing is authorized by the approving authority and, when applicable, the US Army Corps Of Engineers and Ohio EPA, for such purposes as, but not limited to, constructing bridges, culverts, or erosion control structures.

(h) Construction Access Routes:

(1) Measures shall be taken to prevent soil transport onto public roads, or surfaces where runoff is not checked by sediment controls. Gravel construction entrance(s) shall be implemented as required by the ~~Community Development~~ Director and the Ohio EPA.

(2) Where soil is transported onto a public road surface, the roads shall be cleaned thoroughly at the end of each day, or more frequently, in order to ensure public safety. Soil shall be removed from paved surfaces by shoveling or sweeping. Street washing shall be allowed only after shoveling or sweeping has removed most of the sediment.

(i) Unstable Soils: Unstable soils prone to slipping or land sliding shall not be graded, excavated, filled or have loads imposed upon them unless the work is performed in accordance with a qualified professional engineer's recommendations to correct, eliminate, or adequately address the problems.

(j) Cut And Fill Slopes: Cut and fill slopes shall be designed and constructed in a manner that will minimize erosion and slippage. Consideration shall be given to the length and steepness of the slope, soil type, up-slope drainage area, groundwater conditions and slope stabilization.

(k) Stabilization Of Outfalls And Channels: Outfalls and constructed or modified channels shall be designed and constructed to withstand the expected velocity of flow from a post-development, minimum ten-year (or greater) frequency storm without eroding.

(l) Establishment of Permanent Vegetation: A permanent vegetative cover shall be established on denuded areas not otherwise permanently stabilized. Permanent vegetation shall not be considered established until ground cover is achieved which, in the opinion of the ~~Community Development~~ Director, covers 80% or more of the soil surface with a uniform density, provides adequate cover, and is mature enough to satisfactorily control soil erosion and survive adverse weather conditions.

(m) Disposition of Temporary Practices: All temporary erosion and sediment control practices shall be disposed of immediately after final site stabilization is achieved or after the temporary practices are no longer needed, unless otherwise required by the ~~Community Development~~ Director. Trapped sediment shall be permanently stabilized to prevent further erosion.

(n) Underground Utility Construction: The construction of underground utility lines, pipes, etc. shall be subject to the following criteria:

(1) Trenches shall remain open for no more than five days.

(2) Trench-draining devices shall discharge in ~~an~~ manner approved by the Development Engineer, which will not adversely affect resource waters or adjacent off-site properties.

(o) Permanenant Stabilization of Conveyance Channels: Operator(s) shall undertake special measures to stabilize channels and outfalls and prevent erosive flows. Measures may include seeding, dormant seeding, mulching, erosion control matting, sodding, riprap, natural channel design with bioengineering techniques, or rack check dams.

(p) Inlet Protection: Other erosion and sediment control practice shall minimize sediment laden water entering active storm drain systems, unless the storm drain system drains to a Sediment Settling Pond. All inlets receiving runoff from drainage area of one or more acres will require a Sediment Settling Pond.

1199.03 MAINTENANCE

(a) All temporary and permanent erosion and sediment control practices shall be designed and constructed to minimize maintenance requirements. They shall be maintained and repaired as needed to ensure continued performance of their intended function. The person or entity responsible for the continued physical and financial maintenance of permanent erosion control practices shall be identified to the satisfaction of the ~~Community Development~~ Director.

(b) If periodic inspections or other information indicates a control has been used inappropriately or incorrectly, the permittee must replace or modify the control for the site conditions.

(c) Maintenance Plan: The post construction operations and maintenance plan must be a stand alone document which contains the following:

(i) A designated entity for Storm Water inspection and maintenance responsibilities.

(ii) The routine and non-routine maintenance tasks to be undertaken.

(iii) A schedule for inspections and maintenance.

(iv) Any necessary legally binding maintenance easement and agreements.

(v) A map showing all access and maintenance easements.

(vi) A signed maintenance agreement shall accompany the Maintenance Plan.

1199.04 INSPECTIONS

(a) The Owner(s) of the Development area shall have the site inspected for soil erosion, sediment control and other environmental concerns every seven (7) calendar days, and within twenty-four (24) hours of a 0.5 inch or greater rainfall event until the site is certified as being stable by the Development Engineer or his designee.

(b) The Owner(s), or his designated representative, shall keep a written log of each inspection and any subsequent improvements to the soil erosion, sediment control or other environmental controls. The inspections shall include the date of the inspections, the name of the inspector, weather conditions, and the actions needed to correct the identified problems.

(c) The inspections will include the date and actions taken to correct problems noted in past inspection logs.

(d) If the construction site is subject to Ohio EPA's National Pollutant Discharge Elimination System (NPDES) permits, a copy of all of the required inspection sheets will be submitted to the Development Engineer or his designee monthly if the Development is for a residential subdivision or a commercial or industrial site. Single family residential sites and other similar sites as identified by the Development Engineer or his designee need only submit inspection reports at the completion of the building permit phases.

(e) Inspections are not required for exempted items listed in section 1199.01(b) and 1199.01(c).

1199.05 CONTROL OF MATERIALS AND DEBRIS

Site management practices shall be implemented to prevent toxic materials, hazardous materials, or other debris from entering the Community's and state's water resources or wetlands. These practices shall include, but are not limited to, the following:

(a) A covered dumpster shall be made available for the proper disposal of construction site waste materials, garbage, plaster, drywall, grout, gypsum and etc. A second covered dumpster will be provided for the proper disposal of toxic and hazardous wastes.

(b) The washing of excess concrete material into a street, catch basin, or other public facility or natural resource shall not be permitted. A designated area for concrete washouts shall be made available and used for all concrete washouts.

(c) All fuel tanks and drums shall be stored in a marked storage area. A dike shall be constructed around this storage area with a minimum capacity equal to 110% of the volume of the largest container in the storage area. All additional requirements of the local fire authority must be followed. If the fuel tanks have a self-contained "dike," the plug will be kept in the "dike" tank at all times. A mobile fueling spill prevention and response plan must be prepared and followed by all site personnel.

(d) Any toxic or hazardous waste and contaminated soils shall be disposed of properly.

(e) Runoff from contaminated sites shall not be allowed to leave the site.

(f) Proper permits shall be obtained for ~~d~~Development projects on solid waste landfill sites.

1199.06 WATER QUALITY REQUIREMENTS

Storm ~~w~~Water released from any part of a small ~~d~~Development site of 1 acre or greater but less than 5 acres shall implement post construction Best Management Practices (BMPs). Structural post construction BMP methods and design parameters shall be commensurate with the impacts on the watershed and follow the current version of the *State of Ohio's Rainwater and Land Development* manual. A description of the measures that will be installed during the construction process to control pollutants in ~~s~~Storm ~~w~~Water ~~d~~Discharges that will occur after construction operation has been completed must be included in the ~~storm water pollution prevention plan (~~SWP3~~)~~ for review & approval.

Storm ~~w~~Water released from any part of a large ~~d~~Development site of 5 or more acres or will disturb less than 5 acres, but is a part of a larger common plan of ~~d~~Development or sale which will disturb 5 or more acres of land, shall meet the most restrictive of the following criteria as well as the current requirements of the Ohio EPA:

(a) The rationale for BMP selection must address the anticipated impacts on the hydrology, water quality and riparian form (habitat).

(b) Post construction BMPs must achieve the following goals:

(1) Water Quality Volume (**W~~q~~Qv**): For all large ~~d~~Development on previously undeveloped property, structural (designed) post-construction ~~s~~Storm ~~w~~Water treatment practices shall be incorporated into the permanent drainage system for the site. These practices must be sized to treat the ~~w~~Water ~~q~~Quality ~~v~~Volume (W~~q~~Qv). The W~~q~~Qv shall be the maximized water quality capture volume for the site, as defined in "Urban Runoff Quality Management," WEF Manual of Practice No. 23 and ASCE Manual and Report on Engineering Practice No. 87 (WEF and ASCE, 1998).

(2) The W~~q~~Qv shall be determined, through a site hydrologic study approved by the Development Engineer, that uses continuous hydrologic simulation and local long-term hourly precipitation records, or by using the following equation:

W~~q~~Qv = C* P*A/12

where: W~~q~~Qv = ~~w~~Water ~~q~~Quality ~~v~~Volume in acre-feet

C = ~~r~~Runoff ~~c~~Coefficient appropriate for storms less than 1 inch (see Table 1)

P = 0.75 inch precipitation depth

A = area draining into the BMP in acres

TABLE 1

Runoff Coefficients Based on the Type of Land Use

LAND USE	Runoff Coefficient
Industrial & Commercial	0.8
High Density Residential (>8 dwellings/acre)	0.5
Medium Density Residential (4 to 8 dwellings/acre)	0.4
Low Density Residential (<4 dwellings/acre)	0.3

Open Space & Recreational Areas	0.2

Where the land use will be mixed, the ~~r~~Runoff ~~c~~Coefficient should be calculated using a weighted average. For example, if 60% of the contributing drainage area to the ~~s~~Storm ~~w~~Water treatment structure is Low Density Residential, 30% is High Density Residential and 10% is Open Space, the ~~r~~Runoff ~~c~~Coefficient is calculated as follows (0.6)(0.3)+(0.3)(0.5)+(0.1)(0.2) = 0.35.

The following alternative equation may also be used:

$$WQv = \infty (0.858i^3 - 0.78i^2 + 0.774i + 0.04) * PA/12$$

where: WQv = Water Quality Volume in acre-feet I = watershed impervious ratio, namely, percent total imperviousness divided by 100;

P = mean storm presentation volume in inches

∞ = regression constant from least-squares analysis (see Table in Subsection ii)

A = area draining into the facility in acres

TABLE 2

Regression Constant and Required Draw Down Time for Structural Post-Construction Treatment Control Practices (WEF & ASCE, 1998)

Best Management Practice	Drain Time of WQv in Hours	Regression Constant ∞
Infiltration, Vegetated Swale and Filter Strip	12	1.109
Extended Detention Basin (Dry Ponds)	48	1.545
Retention Ponds (Wet Ponds) - Solids Removal Only* - Solids and Dissolved Nutrient Removal**	 12 N/A	 1.109 3.0
Constructed Wetlands (above permanent pool)	24	1.299
Media Filtration, Bioretention	40	1.500
Other Facilities (if acceptable by the Development Engineer and Ohio EPA)	24	1.299

* Provide both a permanent pool and an extended detention volume above the permanent pool, each sized at WQv

** Based on a permanent pool with wetland vegetation and a 2 to 3 week retention time

(3) An additional volume equal to 20 percent of the ~~w~~Water ~~q~~Quality ~~v~~Volume shall be incorporated into the facility for sediment storage and/or reduced infiltration capacity. Facilities shall be designed according to the methodology included in the WEF and ASCE manual of practice, *State of Ohio's Rainwater and Land Development* manual, or in another design manual acceptable for use by the ~~Community Development~~ Director and Ohio EPA.

(4) The BMP's listed in Table 2 below shall be considered standard BMP's approved for general use. BMP's listed in the current Ohio EPA NPDES permit shall also be incorporated in this list. BMP's shall be designed such that the drain time is long enough to provide treatment, but short enough to provide storage available for successive rainfall events as described in Table 2 below and avoid the creation of nuisance conditions. The outlet structure must not discharge more than the first half of the WQv or extended detention volume (EDv) in less than one-third of the drain time. The EDv is the volume of Storm Water runoff that must be detailed by a structural post-construction BMP. The EDv is equal to 75 percent of the WQv for wet extended detention basin, but is equal to the WQv for all the other BMP's listed in Table 2.

TABLE 2

Target Draw Down (Drain) Times for Structural
Post-Construction Treatment Control Practices

BEST MANAGEMENT PRACTICE	DRAIN TIME OF WQ_v
Infiltration basin^	24 - 48 hours
Enhanced Water Quality Swale	24 hours
Dry Extended Detention Basin*	48 hours
Wet Extended Detention Basin**	24 hours
Constructed Wetland (above permanent pool)+	24 hours
Sand & Other Media Filtration	40 hours
Bioretention Cell^	40 hours
Pocket Wetland#	24 hours
Vegetated Filter Strip	24 hours
~~Vegetated Swale and Filter Strip~~	~~24 hours~~
~~Extended Detention Basin (Dry Basins)~~	~~48 hours~~
~~Retention Basins (Wet Basins)*~~	~~24 hours~~
~~Constructed Wetlands (above permanent pool)~~	~~24 hours~~
~~Media filtration, Bioretention~~	~~40 hours~~

* Dry basins must include forebay and micropoop each sized at 10% of the WQv
** Provide both a permanent pool and an EDv above the permanent pool, each sized at 0.75 times WQv.
\+ Extended detention shall be provided for the full WQv above the permanent water pool.
^ The WQv shall completely infiltrate within 48 hours so there is not standing or residual water in the BMP
\# Pocket wetlands must have a wet poo equal to the WQv with 25% of the WQv in a pool and 75% in marshes. The EDv about the permanent pool must be equal to the WQv.

(5) Facilities shall be cleaned and maintained such that the full ~~w~~Water ~~q~~Quality ~~v~~Volume is available and that the facility functions as designed.

(6) All construction activities shall maintain or improve ecological function of watercourses by protecting or improving the stream and riparian form. Ecological functions include pollution assimilation, flood attenuation, maintenance of the sediment regime, base flow, moderation of temperature and habitat to the maximum extent practicable (MEP);

(7) For all construction activities immediately adjacent to ~~s~~Surface ~~w~~Waters of the state, a minimum Riparian and Wetland setback, pursuant to Chapter 1201: Riparian and Wetland Buffers, shall

be maintained in its natural state as a permanent buffer. Where impacts within this setback area are unavoidable due to the nature of the construction activity (e.g., stream crossings for roads or utilities), the project shall be designed so the number of stream crossings and the width of the ~~d~~Disturbance within the setback area are minimized.

(8) For all redevelopment projects: Post-construction practices shall assure a net reduction of 20% of the impervious area of the site, or provide for treatment of 20% of the WQ_v.

(9) Transportation improvement projects of existing facilities located predominantly within existing rights-of-way may provide post construction water quality measures in accordance with the Ohio Department of Transportation's Location & Design Manual. The above is permissible if significant right-of-way impacts are required to meet the provision of the case as determined by the ~~Community Development~~ Director.

(10) Transportation Projects: The construction of new roads and roadway improvement projects by public entities may implement post construction BMP's in compliance with the current version of the Ohio Department of Transportation's *Location and Design Manual, Volume Two Drainage Design*.

(11) Offsite Mitigation of Post-Construction: Offsite mitigation of post construction BMP requirements where the standard methods listed in Table 2 are not feasible, must be approved by the Ohio EPA.

1199.07 Enforcement and Penalties

(a) Notice of Violation: When the City of Kent determines that a land ~~d~~Development activity is not being carried out in accordance with the requirements of this local law, it may issue a written notice of violation to the landowner. The notice of violation shall contain:

1. The name and address of the landowner, developer or applicant.
2. The address when available or a description of the building, structure or land upon which the violation is occurring.
3. A statement specifying the nature of the violation.
4. A description of the remedial measures necessary to bring the land ~~d~~Development activity into compliance with this local law and a time schedule for the completion of such remedial action.
5. A statement of the penalty or penalties that shall or may be assessed against the person to whom the notice of violation is directed.
6. A statement that the determination of violation may be appealed to the municipality by filing a written notice of appeal within fifteen (15) days of service of notice of violation.

(b) Stop Work Orders: The City of Kent may issue a stop work order for violations of this law. Persons receiving a stop work order shall be required to halt all land ~~d~~Development activities, except those activities that address the violations leading to the stop work order. The stop work order shall be in effect until the City of Kent confirms that the land ~~d~~Development activity is in compliance and the violation has been satisfactorily addressed. Failure to address a stop work order in a timely manner may result in civil, criminal, or monetary penalties in accordance with the enforcement measures authorized in this local law.

(c) Permit Revocation: The City of Kent may suspend or revoke the permit after providing written notification to the permittee based on any of the following reasons:

1. Any violation(s) of the terms or conditions of the approved erosion and sediment control plan or permit.
2. Noncompliance with violation notice(s) or stop work order(s) issued.
3. Changes in the site characteristics upon which plan approval and permit issuance were based.
4. Any violation(s) of this or any other City of Kent laws, regulation, ordinance(s) or any rules and regulations adopted under it.
5. The work is, or threatens to become, a hazard to property or public safety; is adversely affecting or about to adversely affect adjacent property or rights-of-way, a drainage way, wetlands, fish or wildlife habitat, or a ~~s~~Storm ~~w~~Water facility; or is otherwise adversely affecting the public health, safety or welfare.

(d) Violations: Any land ~~d~~Development activity that is commenced or is conducted contrary to this local law, may be restrained by injunction or otherwise abated in a manner provided by law.

(e) Penalties: In addition to or as an alternative to any penalty provided herein or by law, any person who violates the provisions of this local law shall be guilty of a violation punishable by the following schedule. For the purposes of conferring jurisdiction upon courts and judicial officers generally, violations of this local law shall be deemed an unclassified misdemeanor and for such purpose only all provisions of law relating to misdemeanors shall apply to such violations. Each week's continued violation shall constitute a separate additional violation.

a. First offense - a fine not exceeding three hundred fifty dollars ($350) or imprisonment for a period not to exceed six months, or both for conviction.
b. Second offense – when both of which were committed within a period of five years, punishable by a fine not less than three hundred fifty dollars ($350) nor more than seven hundred dollars ($700) or imprisonment for a period not to exceed six months, or both.
c. Third or subsequent offense - all of which were committed within a period of five years, punishable by a fine not less than seven hundred dollars ($700) nor more than one thousand dollars ($1000) or imprisonment for a period not to exceed six months, or both.

(f) Withholding of Certificate of Occupancy: If any building or land ~~d~~Development activity is installed or conducted in violation of this local law, the ~~Community Development~~ Director may prevent the occupancy of said building or land.

(g) Restoration of lands: Any violator may be required to restore land to its undisturbed condition. In the event that restoration is not undertaken within a reasonable time after notice, the City of Kent may take necessary corrective action, the cost of which shall become a lien upon the property until paid.

1199.08 CONFLICTS

If there are any conflicts between provisions of Chapter 1199 and other sections of the Kent Codified Ordinances, then sections of 1199 shall control.

CHAPTER 1201
RIPARIAN AND WETLAND BUFFERS

1201.01 RIPARIAN AND WETLAND BUFFERS REQUIRED

(a) It is hereby determined that the system of wetlands, rRiparian aAreas, rivers, streams, and other natural watercourses within the City contributes to the health, safety, and general welfare of the residents. The specific purpose and intent of these regulations is to regulate future uses and dDevelopments within riparian and wetland setbacks that would impair the ability of riparian and wetland areas to:

(1) Reduce flood impacts by absorbing peak flows, slowing the velocity of floodwaters, and regulating base flow.

(2) Assist in stabilizing the banks of watercourses to reduce bank erosion and the downstream transport of sediments eroded from watercourse banks.

(3) Reduce pollutants in watercourses during periods of high flows by filtering, settling, and transforming pollutants already present in watercourses.

(4) Reduce pollutants in watercourses by filtering, settling, and transforming pollutants in runoff before they enter watercourses.

(5) Provide watercourse habitats with shade and food.

(6) Provide habitat to aquatic organisms and wildlife, by maintaining diverse and connected riparian and wetland vegetation.

(7) Benefit the City economically by minimizing encroachment on wetlands and watercourse channels and the need for costly engineering solutions such as dams, retention basins, and rip rap to protect structures and reduce property damage and threats to the safety of residents; and by contributing to the scenic beauty and environment of the City, and thereby preserving the character of the City, the quality of life of the residents of the City, and corresponding property values.

1201.02 DESIGNATED WATERCOURSES AND RIPARIAN SETBACKS

(a) Designated watercourses shall include those watercourses meeting any one of the following criteria:

(1) All watercourses draining an area greater than ½ square mile, or

(2) All watercourses draining an area less than ½ square mile and having a defined bed and bank.

(3) In determining if watercourses have a defined bed and bank, the City may consult with a representative of the Portage County Soil and Water Conservation District or other technical experts as necessary.

(b) Riparian setbacks on designated watercourses are established as follows:

(1) A minimum of 200 feet on both sides of all watercourses draining an area greater than 300 square miles. (Cuyahoga River)

(2) A minimum of 100 feet on both sides of all watercourses draining an area greater than 20 square miles and up to and including 300 square miles. (Breakneck Creek)

(3) A minimum of 50 feet on both sides of all watercourses draining an area greater than one half square mile and up to and including 20 square miles. (Plum Creek and Fish Creek)

(4) A minimum of 25 feet on both sides of all watercourses draining an area less than one half square mile and having a defined bed and bank as determined above.

(c) The reach of the Cuyahoga River from the point where Standing Rock Avenue if extended would intersect with the river to the Stow Street bridge is exempt from the setback requirements of this section.

1201.03 RIPARIAN AND WETLAND SETBACKS

(a) Riparian Setback Map:

(1) The City shall use the latest edition of the official soil survey of Portage County Soil and Water Conservation District, as the map identifying designated watercourses and their riparian setbacks. The drainage features identified on the paper maps in the official soil survey and the information contained therein shall be believed to be accurate.

(2) At the time of application of this regulation, if any discrepancy is found between the Riparian Setback Map and the criteria for designated watercourses or riparian setbacks as set forth in these regulations, the most restrictive criteria shall prevail.

(3) In reviewing and interpreting such maps the City may consult with a representative of the Portage County Soil and Water Conservation District or other technical experts as necessary.

(b) The following conditions shall apply in riparian and wetland setbacks:

(1) Riparian and wetland setbacks shall be measured in a perpendicular and horizontal direction outward from the ~~o~~Ordinary ~~h~~High ~~w~~Water ~~m~~Mark of each designated watercourse and defined wetland boundary.

(2) Except as otherwise provided in this regulation, riparian and wetland setbacks shall be preserved in their natural state and shall be established prior to any soil disturbing or land clearing activities.

(3) Where the 100-year floodplain is wider than a riparian setback on either or both sides of a designated watercourse, the riparian setback shall be extended to the outer edge of the 100-year floodplain.

(4) Where wetlands are identified within a riparian setback, the minimum riparian setback width shall be extended to the outer boundary of the wetland. In addition, wetlands shall be protected to the extent detailed in these regulations.

(5) Wetlands shall be delineated by a site survey approved by the City using delineation protocols accepted by the U.S. Army Corps of Engineers and the Ohio EPA at the time of application of this regulation. If a conflict exists between the delineation protocols of these two agencies, the delineation protocol that results in the most inclusive area of wetland shall apply.

(6) The developer shall be responsible for delineating riparian and wetland setbacks, including any expansions or modifications as required by these regulations, and identifying these setbacks on all Site Plans, Development Plans, and/or applicable permit applications submitted to the City. This delineation may be done by a metes and bounds survey and shall be subject to review and approval by the ~~Community Development~~ Director.

(7) Prior to any soil-disturbing activity, riparian and wetland setbacks shall be clearly delineated on site by the developer, and such delineation shall be maintained throughout soil disturbing activities.

(8) No approvals or permits shall be issued prior to on-site delineation of riparian and wetland setbacks in conformance with these regulations.

(9) Upon completion of a ~~d~~Development or other improvement, riparian and wetland setbacks shall be permanently recorded on the final plat, pursuant to Article IV: Permits and Approval Processes.

(c) Wetland setbacks are established as follows:

(1) A minimum of 75 feet surrounding all Ohio EPA Category 3 Wetlands, or current equivalent Ohio EPA classification.

(2) A minimum of 50 feet surrounding all Ohio EPA Category 2 Wetlands, or current equivalent Ohio EPA classification.

(d) Procedure for wetland setbacks:

(1) Upon filing a Site Plan or Preliminary Development Plan, the developer shall retain a qualified professional to survey the proposed ~~d~~Development site for wetlands. If no wetlands are found, the developer shall submit a letter with the Site Plan or Preliminary Development Plan verifying that a qualified professional has surveyed the site and found no wetlands. If wetlands are found, the following procedures shall be followed:

(i) A qualified professional, acceptable to the ~~Community Development~~ Director, shall determine the presence of Ohio EPA Category 2 or 3 wetlands (or current equivalent Ohio EPA classification) on the proposed ~~d~~Development site using the latest version of the Ohio Rapid Assessment Method for wetland evaluation approved at the time of application of this regulation. Acceptance of this determination shall be subject to approval by the ~~Community Development~~ Director.

(ii) If Ohio EPA Category 2 or 3 wetlands (or current equivalent Ohio EPA classification) are located on the proposed ~~d~~Development site, the developer shall delineate these wetlands and the wetland setback in conformance with these regulations. The developer shall identify all delineated wetlands and their associated setbacks on all Site Plans or Preliminary Development Plans, and/ or applicable permit applications submitted to the Community Development Department.

(e) Uses permitted in riparian and wetland setbacks:

(1) By-Right Uses Without A Permit:

(i) Open space uses that are passive in character shall be permitted in riparian and wetland setbacks, including, but not limited to, those listed in these regulations. No use permitted under these regulations shall be construed as allowing trespass on privately held lands.

(ii) Recreational Activity. Passive recreational uses, as permitted by federal, state, and local laws, such as hiking, fishing, hunting, picnicking, and similar uses.

(iii) Removal of Damaged or Diseased Trees. Damaged or diseased trees may be removed.

(iv) Revegetation and/or Reforestation. Riparian and wetland setbacks may be revegetated with non-invasive plant species.

(2) By-Right Uses With A Permit:

(i) Selective Harvesting of Timber. Selective harvesting of timber may be allowed upon presentation of a Forest Management Plan pursuant to **Section 1193.0~~4~~5** (Forest Management Plans) prepared by a Qualified Forester and approved by the ~~Community Development~~ Director.

a. Any landowner harvesting timber for sale shall post a $5,000 performance guarantee with the City. This performance guarantee shall be in the form of a Security Bond, Escrow Account, Certified Check or Cash, and it shall be held until completion of the timber-harvesting operation.

b. Due to the potential for felled logs and branches to damage downstream properties and/or to block ditches or otherwise exacerbate flooding, logs or branches resulting from permitted selective harvesting that are greater than 6 inches in diameter at the cut end shall be cut into sections no longer than 6 feet or removed from the 100-year floodplain. Harvested trees or felled logs/ branches that are part of a designed and approved Streambank Stabilization and/or Erosion Control Measure shall be allowed to remain in a designated watercourse.

(ii) Streambank Stabilization and Erosion Control Measures. Streambank stabilization and erosion control measures designed to protect existing structures or uses may be allowed provided that such measures are ecologically compatible and substantially utilize natural materials and native plant species where practical. The streambank stabilization and erosion control measures shall only be undertaken upon approval of a ~~Stormwater~~ ~~s~~Storm ~~w~~Water Management Plan by the ~~Community Development~~ Director.

(iii) Crossings. Crossings of designated watercourses and through riparian setbacks by publicly and privately owned sewer and/or water lines and public and private utility transmission lines shall only be allowed upon approval of a Utilities Plan by the ~~Community Development~~ Director, pursuant to Chapters 1187 (Design Standards), 1189~~6~~ (Improvements) and 1339 (Technical Plan Review and Conformance). Such crossings shall minimize ~~d~~Disturbance in riparian setbacks and shall mitigate any necessary ~~d~~Disturbances.

(iv) Conservation Easements. Placing permanent conservation easements on riparian and wetland setback areas is encouraged by the City.

(f) Uses prohibited in riparian and wetland setbacks:

(1) Any use not authorized under these regulations shall be prohibited in riparian and wetland setbacks. The following uses are specifically prohibited; however, prohibited uses are not limited to those uses listed here.

(2) Construction. There shall be no structures of any kind.

(3) Dredging or Dumping. There shall be no drilling, filling, dredging, or dumping of soil, spoils, liquid, or solid materials, except for non-commercial composting of uncontaminated natural materials, and except as permitted under Subsection (b).

(4) Roads or Driveways. There shall be no roads or driveways permitted in riparian and/or wetland setback area, except as permitted under Subsection (b). There shall be no roads or driveways permitted in wetlands or watercourses without a permit issued by the US Army Corps of Engineers and/or the Ohio EPA.

(5) Motorized Vehicles. There shall be no use of motorized vehicles, except as permitted under Subsection (b).

(6) Disturbance of Natural Vegetation. There shall be no ~~d~~Disturbance of the natural vegetation, except for such conservation maintenance that the landowner deems necessary to control noxious weeds; for such plantings as are consistent with this regulation; for such ~~d~~Disturbance s as are approved under Subsection (b); and for the passive enjoyment, access, and maintenance of landscaping or lawns existing at the time of passage of this regulation. Nothing in this regulation shall be construed as requiring a landowner to plant or undertake any other activities in riparian and wetland setbacks.

(7) Parking Lots. There shall be no impervious parking lots or other human-made impervious cover, except as permitted under Subsection (b).

(8) New Surface and/or Subsurface Sewage Disposal or Treatment Areas. Riparian and wetland setbacks shall not be used for the disposal or treatment of sewage except in accordance with local county Board of Health regulations in effect at the time of application of this regulation.

(9) Crossings. Crossings of designated wetland setbacks by publicly and privately owned sewer and/or water lines and public and private utility transmission lines without a permit issued by the US Army Corps of Engineers and/or the Ohio EPA.

(g) Nonconforming structures or uses in riparian and wetland setbacks:

(1) A nonresidential, nonconforming use within a riparian and wetland setback which is in existence at the time of passage of this regulation, and which is not otherwise permitted under these regulations, may be continued. However, the use shall not be changed or enlarged unless it is changed to a use permitted under these regulations.

(2) A nonconforming structure within a riparian and wetland setback which is in existence at the time of passage of this regulation, and which is not otherwise permitted under these regulations, may be continued. However, the existing building footprint or roof line may not be expanded or enlarged in such a way that would move the structure closer to the stream or wetland.

(3) A nonconforming use or deteriorated structure within a riparian and wetland setback which is in existence at the time of passage of this regulation, and which is discontinued, terminated, or abandoned for a period of two (2) years or more may not be revived, restored, or re-established.

1201.04 VARIANCES

(a) The Board of Zoning Appeals may grant a variance from these regulations as provided in **Chapter ~~1115~~ 1109** (Board of Zoning Appeals). In determining whether there is unnecessary hardship or practical difficulty such as to justify the granting of a variance, the Board of Zoning Appeals shall consider the potential harm or reduction in riparian and/or wetland area functions that may be caused by a proposed structure or use.

(b) In making a variance determination, the Board of Zoning Appeals shall consider the following:

(1) The soil type natural vegetation of the parcel, as well as the percentage of the parcel that is in the 100-year floodplain. The provisions of the City's flood hazard reduction regulations, pursuant to Chapter ~~1195.06~~ 1337.04, may be used as guidance when granting variances in the 100-year floodplain.

(2) The extent to which the requested variance impairs the flood control, erosion control, sediment control, water quality protection, or other functions of the riparian and/or wetland area. This determination shall be based on sufficient technical and scientific data.

(3) The degree of hardship this regulation places on the landowner, and the availability of alternatives to the proposed activity.

(4) Soil disturbing activities permitted in a riparian and/or wetland setback through variances should be implemented in order to minimize clearing to the extent possible, and to include Best Management Practices necessary to minimize erosion and maximize sediment control.

(5) The presence of significant impervious cover or smooth vegetation, such as maintained lawns, in riparian setback areas compromising benefits to the City.

(6) A parcel existing at the time of passage of this ordinance is made unbuildable.

(7) Varying the front, rear and side yard setback before the riparian and wetland setbacks are varied.

(c) Variances shall not be granted for asphalt or concrete paving in the riparian and wetland setbacks. Variances may be granted for gravel driveways in riparian setbacks when necessary.

1201.05 CONFLICTS

If there are any conflicts between provisions of Chapter 1201 and other sections of the Kent Codified Ordinances, then sections of 1201 shall control.

CHAPTER 1203
LOW IMPACT DEVELOPMENT

1203.01 PURPOSE

(a) Low Impact Development is an ecologically friendly approach to site ~~d~~Development and ~~s~~Storm ~~w~~Water management that aims to mitigate ~~d~~Development impacts to land, water, and air. The approach emphasizes the integration of site design and planning techniques that conserve natural systems and hydrologic functions on a site. Impact Development site design and strategies may provide the means by which ~~Stormwater~~ ~~s~~Storm ~~w~~Water management objectives may be achieved. The goals of low impact ~~d~~Development include:

(1) Incorporating natural topographic features (wetlands, stream corridors, mature forests) and constraints in site design;

(2) Maintaining site hydrologic functions and mitigate impacts to such functions;

(3) Providing alternative layout and sizing of traditional site;

(4) Maintaining the total number of buildable lots within a ~~d~~Development (lot yield);

(5) Customizing infrastructure (lots, streets, curbs, gutters, sidewalks) to each site;

(6) Decentralizing and micro-managing ~~Stormwater~~ ~~s~~Storm ~~w~~Water at its source; and

(7) Providing of aesthetically pleasing ~~Stormwater~~ ~~s~~Storm ~~w~~Water management controls

(b) Maintaining natural function and mitigating impact to the hydrologic cycle of a site allows for greater protection of the water resources of the site. This benefits the health, safety, and welfare of local stakeholders by controlling ~~Stormwater~~ ~~s~~Storm ~~w~~Water at its source and minimizing the non-~~p~~Point ~~s~~Source pollution that results in water resource degradation.

(c) If there are any conflicts between provisions of Chapter 1203 and other sections of the Kent Codified Ordinances, then sections of 1203 shall control

1203.02 WAIVING OF SITE REQUIREMENTS

(a) To encourage the use of low impact ~~d~~Development techniques, the Planning Commission is empowered to waive or otherwise modify other requirements. Such modifications of these requirements shall only be to the extent necessary to provide for and encourage the use of low impact ~~d~~Development techniques as described in this chapter and may be done only upon the recommendation of the ~~Community Development~~ Director.

(b) Any waiver in site requirements for low impact ~~d~~Development standards shall in no way be construed as a waiver of all requirements of the aforementioned articles. Therefore, whenever the Planning Commission allows deviation from the presumptive requirements set forth in **the Zoning and Subdivision Codes Chapters**, it shall enter on the face of the Development Permit the low impact ~~d~~Development site design standards and/or techniques that it accepts in lieu of meeting the standard set forth in the aforementioned Articles, and the reasons for allowing or requiring the deviation.

1203.03 LOW IMPACT DEVELOPMENT STANDARDS

(a) The use of low impact ~~d~~Development standards may provide developers with flexibility in site design and numerous environmental and economic benefits. The following site design elements should be considered in low impact ~~d~~Development.

(1) Reduce Limits of Clearing and Grading. The limits of clearing and grading refer to the site area to which ~~d~~Development is directed. This ~~d~~Development area includes all impervious areas (roads, sidewalks, and rooftops) and pervious areas (graded lawn areas and open drainage systems).

(i) To minimize hydrologic impacts on existing site land cover the area of ~~d~~Development should be located:

a. In less sensitive areas or areas with lower value in terms of hydrologic function (e.g., developing barren clay soils will have less hydrologic impact than ~~d~~Development of forested sandy soils).

b. Outside of sensitive area buffers such as streams, floodways, floodplains, wetlands, and steep slopes.

c. Outside of areas with soils which have high infiltration rates to reduce net hydrologic site impacts.

(ii) Additionally, minimal ~~d~~Disturbance techniques may be employed to further reduce the limits of clearing and grading, by restricting ground ~~d~~Disturbance by identifying the smallest possible area and clearly delineating it on the site.~~:~~ These techniques include:

a. Reduce paving and compaction of highly permeable soils;

b. Minimizing the size of construction easements and material storage areas during the construction phase of a ~~d~~Development;

c. Avoid removal of existing trees where possible, and specifically those trees over 18 inches in diameter;

d. Minimizing imperviousness by reducing the total area of paved surfaces;

e. Disconnecting as much impervious area as possible to increase opportunities for infiltration and reduce water runoff flow;

f. Maintaining existing topography and associated drainage divides to encourage natural dispersed flow paths.

(2) Drainage as a Design Element. To reduce impacts created by land ~~d~~Development, site planning should incorporate drainage by carefully conducting hydrologic evaluations and reviewing spatial site layout options. These procedures should be incorporated into the site planning process early on to understand and take advantage of site conditions. Hydrologic evaluation procedures can be used to minimize runoff potential and to maintain the predevelopment time of concentration. Open drainage systems should be designed within natural landforms and land uses to become major design elements of a site plan or ~~d~~Development plan. The ~~Stormwater s~~Storm ~~w~~Water management drainage system can suggest pathway alignment, optimum locations for open space, and potential building ~~d~~Development sites. The drainage system helps to integrate urban forms, giving the ~~d~~Development an integral, more aesthetically pleasing relationship to the natural features of the site. Not only does the integrated site plan complement the land, but it can also save on ~~d~~Development costs by minimizing earthwork and construction of expensive drainage structures.

(3) Minimize Impervious Surfaces. The entire traffic distribution network, (roadways, sidewalks, driveways, and parking areas), are the greatest source of impervious area. Changes in the impervious area alter runoff, recharge values, and site hydrology. Managing the imperviousness contributed by road and parking area pavement is an important component of the site planning and design process. An appropriate strategy may avoid problems from runoff and water table depletion, by reducing such surfaces that prevent natural filtration. Methods that can be used to achieve a reduction in the total runoff volume from impervious surfaces are presented below:

(i) *Alternative roadway layouts*;

(ii) *Narrow Road Sections*. Reduced width road sections can be used to reduce total site imperviousness as well as clearing and grading impacts. By using the rural residential road section in place of the primary residential section, the width of paving may be reduced. The rural section also eliminates the use of concrete curb and gutter which reduces construction costs substantially and facilitates the use of vegetated roadside swales.

(iii) *Reduced Application of Sidewalks to One Side of Primary Roads*. Total site imperviousness can also be reduced by limiting sidewalks to one side of primary roads.

(iv) *Reduced On-Street Parking*. Reducing on-street parking requirements to one side, or even elimination of on-street parking altogether, has the potential to reduce road surfaces and therefore overall site imperviousness. Two-sided parking requirements may be unnecessary to provide adequate parking facilities for each lot.

(v) *Rooftops*. Rooftops contribute to site imperviousness, and the number of lots per acre (or lot coverage) generally determines the site's rooftop impervious area. House type, shape, and size can affect rooftop imperviousness. Vertical construction (two story) is favored over horizontal layouts (ranch-style) to reduce the square footage of rooftops.

(vi) *Vegetative Roof Systems*. Moss, grass, herbs, wildflowers, and native plants may be used to create a lightweight and aesthetically pleasing permeable vegetative surface on an impervious roof area.

(vii) *Driveways*. Driveways are another element of the site plan that can be planned to reduce the total site imperviousness. Some techniques that can be used include:

a. Using shared driveways whenever possible, but especially in sensitive areas.

b. Limiting driveway width to nine (9) feet (for both single and shared driveways).

c. Minimizing building setbacks to reduce driveway length.

d. Using driveway and parking area materials which reduce runoff and increase travel times such as pervious pavers or gravel.

(viii) *Permeable Pavement Surfaces*. A variety of materials ranging from traditional asphalt, and concrete, gravel or pavers may be used to construct these surfaces. These roadways or parking areas must allow water to flow through, replenishing the soil areas directly beneath. The subbase underneath these permeable pavements must be engineered to accommodate temporary water storage and filtration.

(4) Minimize Directly Connected Impervious Areas. Additional environmental benefits can be achieved and hydrologic impacts reduced by disconnecting unavoidable impervious areas. Strategies for accomplishing this include:

(i) Disconnecting roof drains and directing flows to vegetated detention areas.

(ii) Directing flows from impervious (paved) areas to stabilized vegetated areas.

(iii) Breaking up flow directions from large paved surfaces.

(iv) Encouraging sheet flow through vegetated areas.

(v) Carefully locating impervious areas so that they drain to natural systems, vegetated buffers, natural resource areas, or infiltratable soils.

(5) Modify Drainage Flow Paths. The time of concentration, in conjunction with hydrologic site conditions, determines the peak ~~d~~Discharge rate for a storm event. Site and infrastructure components such as: travel distance (flow path); slope of the ground surface and/or water surface; surface roughness; and channel shape, pattern, and material components can affect the time of concentration. Techniques that can affect and control the time of concentration can be incorporated into site design by managing flow and conveyance systems within the ~~d~~Development site:

(i) Maximize overland sheet flow;

(ii) Increase and lengthen flow paths;

(iii) Lengthen and flatten site and lot slopes;

(iv) Maximize use of open swale systems;

(v) Increase and augment site and lot vegetation.

(b) In order to reduce the volume of ~~Stormwater s~~Storm ~~w~~Water runoff and decentralize flows, a basic strategy incorporating the following low impact ~~d~~Development practices and techniques should be integrated in the overall site design.

(1) Open Swales. These may serve as alternatives to curb and gutter systems. Grass or other vegetation should be used to reduce runoff velocity and allow filtration, while channeling high volume flows safely away.

(i) Plantings, checkdams, and other similar features may be incorporated to further reduce velocity and increase filtration;

(ii) Walkways shall be separated from roadways by such swales or relocated to another area;

(iii) Plant species used shall be selected for their tolerance to salt.

(2) Rain Gardens. These areas provide storage for excess ~~Stormwater s~~Storm ~~w~~Water to collect and filter into the soil. Typical components of these gardens include grass buffers, sand beds, a ponding area for excess runoff storage, organic layers, and planting soil and vegetation.

(i) They shall be located on site away from any structures and/or roadways;

(ii) Downspouts should be directed towards such rain gardens;

(iii) Permanent ponds may be incorporated into the design of the garden;

(iv) Temporary storage areas without ponds may be used;

(v) Such areas shall be landscaped with native plants and grasses;

(vi) Plantings shall be selected according to their ability to tolerate pollutants;

(vii) Annual maintenance guarantees must be provided for these areas in the site plan or ~~d~~Development plan.

(3) Filter Strips. These areas are designed to collect flow from large impervious surfaces (parking lots, et cetera). They may direct water into vegetated detention areas or special sand filters that capture pollutants and gradually discharge the water.

(4) Cisterns/Rain Barrels.

(i) Cisterns are designed to store ~~Stormwater s~~Storm ~~w~~Water for irrigation during dry periods, rather than channeling it away. Cistern collection systems may be designed to be installed beneath permeable pavement areas allowing for maximum storage capacity.

(ii) Rain barrels are smaller and are designed to collect individual residential ~~Stormwater s~~Storm ~~w~~Water from roof drainage.

CITY OF KENT, OHIO

DEPARTMENT OF COMMUNITY DEVELOPMENT

DATE: **February 28, 2013**

TO: **Dave Ruller, City Manager**

FROM: **Bridget Susel, Community Development Director**

RE: **PY2013 CDBG Project Funding Recommendations**

The Community Development Department is preparing its funding request for the PY2013 Community Development Block Grant (CDBG) program. The CDBG funding request is submitted to the U.S. Department of Housing and Urban Development (HUD) on an annual basis and the request includes a list of proposed projects the City plans to implement with its anticipated funding. The City has not been notified of its 2013 CDBG funding award, but it is expected the City's 2013 CDBG allocation will be similar to its 2012 funding level of $264,116.

A total of eight (8) project proposals were received this year from nonprofit organizations and City departments seeking CDBG funding assistance. The total funding request amount is $331,808, which is $67,692 more than the City's expected 2013 CDBG award and this amount does not account for funding that needs to be allocated to fair housing services and program administrative costs.

Funding recommendations from Community Development Department staff are based on consideration of the following criteria:

- Is the project a needed public infrastructure or public facility improvement that will benefit a targeted neighborhood or generate a city-wide benefit?
- If the project is a housing or supportive service program, how many low income persons will benefit? Have these same persons been assisted through similar projects funded in prior CDBG program years or will new low income persons/households be assisted?
- If the organization/department submitting a PY2013 proposal was funded in prior years, how much of its prior year(s) CDBG funding allocation needs to be expended before it can begin utilizing any allocated PY2013 funding?

Based on consideration of the above criteria and the City's s anticipated CDBG PY2013 grant award amount, Community Development Department staff has finalized funding recommendations for seven (7) proposed CDBG projects that can be implemented effectively, are in accordance with the City's stated 2010-2014 Consolidated Plan goals and HUD regulatory requirements, and which will meet the needs of low-to-moderate income persons in the community.

930 OVERHOLT RD., KENT OHIO 44240 (330) 678-8108 FAX (330) 678-8030

A. City of Kent, Engineering Department - Pine Street Reconstruction

The Engineering Department is requesting CDBG funding be applied towards the local costs associated with the design and full depth reconstruction of Pine Street, extending from Cherry Street to Dodge Street. This is the fourth year of funding for the project, which will include concrete curb, gutter, catch basins and storm sewers to improve drainage along the roadway.

Funding Requested: $116,000 **Funding Recommended: $116,000**

B. City of Kent, Parks & Recreation – Harvey Redmond Bridge Renovation

The Harvey Redmond Bridge is located at Fred Fuller Park and is the only access point to Kramer Fields on the east side of the Cuyahoga River. A November 2009 inspection of the bridge identified the wood piles supporting the bridge as being significantly deteriorated and subsequently, the bridge was closed to vehicular and pedestrian traffic.

Funding Requested: $45,000 **Funding Recommended: $20,000**

C. City of Kent, Police Department – Neighborhood Policing Program

This is a continuation of a program that has been supported with CDBG funding for many years. The program provides additional patrols and police visibility in low-to-moderate income neighborhoods and areas of the City that have concentrations of subsidized housing. The program also provides crime awareness and prevention education for residents. Project is subject to CDBG 15% public service cap requirement.

Funding Requested: $24,000 **Funding Recommended: $21,000**

D. Community Action Council (CAC) of Portage County – Kent Furnace Inspection/Targeted Replacement Program

The CAC is requesting funding to continue its "Kent Furnace Inspection/Targeted Replacement Program," which provides furnace inspection and tune-up services, and when needed, the replacement of failing or inefficient furnaces and/or hot water tanks for low-to-moderate-income households. No other repairs would be undertaken on the property so the program does not duplicate the broader range of rehabilitation services provided through the City's housing rehabilitation program.

Funding Requested: $45,000 **Funding Recommended: $35,000**

E. Family and Community Services, Inc. –
Emergency Shelter Services for Homeless

This is the continuation of an activity that has been funded in past years by the City. These funds support services at Miller Community House, which is the emergency homeless shelter. Funding assists with the costs associated with shelter nights, case management, counseling, and housing placement services. Project is subject to CDBG 15% public service cap requirement.

Funding Requested: $15,000 **Funding Recommended: $15,000**

F. Kent Regional Business Alliance (KRBA) –
Business Incubator & Small Business Development Center

Funding will support the Business Incubator and the Small Business Development Center operated by the Kent Regional Business Alliance. These programs provide counseling and technical assistance for low-to-moderate income Kent residents who are interested in entrepreneurship activities or who have just started their own business. (NOTE: 2013 CDBG funding allocation recommendation will be finalized after completion of a financial reconciliation of prior year(s) CDBG funding by CD Department staff and subject to Council approval).

Funding Requested: $40,000 **Funding Recommended: $25,000**

G. City of Kent, Community Development Department –
Fair Housing Implementation

These funds will be used to cover the cost associated with the provision of fair housing services by Fair Housing Contact Service, Inc. of Akron. The agency provides fair housing counseling services, landlord-tenant mediation, investigates fair housing complaints, and provides a variety of public education and outreach services in the City.

Funding for this activity is required and included in the CDBG administration 20% funding limitation.

Funding Recommended: $19,000

H. City of Kent, Community Development Department –
Grant Administration

These funds are applied towards grant administration costs, including CDBG related payroll, supplies, advertising, postage, copying, travel costs for trainings, and other associated costs. Funding for this activity is included in the CDBG administration 20% funding limitation.

Funding Recommended: $20,000

Cc: CDBG 2013 Annual Action Plan file

CITY OF KENT, OHIO

DEPARTMENT OF COMMUNITY DEVELOPMENT

Building Services Division

To: Dave Ruller
City Manager

From: Bridget Susel
Community Development Director

Date: February 15, 2013

RE: Monthly Permit and Zoning Complaint Report – January 2013

Attached is the monthly report per council's request. With regard to the Complaint Activity Log, please note that Mr. Loomis was out of the office from November 28 – February 11 for surgery leave as well as other holidays, conference and vacation days. Violations were addressed on a complaint basis during his absence.

If you have questions or require further information, please let us know.

930 Overholt Road, Kent, OH 44240 • (330) 678-8107 • Fax: (330) 678-8030 • www.kentohio.org

BUILDING PERMIT REPORT SUMMARY (KCO 147-04) - JANUARY 2013

Permit Type	# Approved	Current YTD	Previous YTD
Building	7	7	12
Electric	7	7	12
HVAC	7	7	11
Plumbing	6	6	7
Engineering	3	3	1
Subdivisions	1	1	1
Zoning	3	3	3
Total:	34	34	47

Permit Type	Account Code	Fees Collected	Current YTD	Previous YTD
Park Fee	10633513	0.00	0.00	0.00
Building Reviews	00135201	2,700.00	2,700.00	412.50
Building	00135201	1,622.80	1,622.80	3,721.15
Electric	00135202	865.30	865.30	539.75
HVAC	00135204	615.00	615.00	455.00
Plumbing	20235203	288.00	288.00	403.00
	Subtotal:	$6,091.10	$6,091.10	$5,531.40
State 1% Fee	80436362	6.48	6.48	8.83
State 3% Fee	80436362	82.30	82.30	127.10
Demolition Bond	80436313	0.00	0.00	1,440.00
Electrical Registration	00135206	775.00	775.00	550.00
Plumbing Registration	00135207	550.00	550.00	350.00
HVAC Registration	00135208	725.00	725.00	825.00
Zoning	00135301	122.00	122.00	75.00
Fence Permits	00135301	0.00	0.00	0.00
Signs	00135313	160.00	160.00	10.00
Civil Infraction Fines	00135106	0.00	0.00	0.00
Board Applications	00135302	250.00	250.00	300.00
Postage	10405400132	177.45	177.45	0.00
Miscellaneous	00135406	100.00	100.00	200.38
Sewer Permits	20235316	100.00	100.00	0.00
Sewer Utilization	20233604	0.00	0.00	0.00
Sewer Disconnect	20235406	0.00	0.00	0.00
Storm Sewer	20833604	100.00	100.00	0.00
Street Excavation	00135317	60.00	60.00	60.00
Water Meters	20133604	0.00	0.00	0.00
Water Permit	20133604	25.00	25.00	0.00
Water Utilization	20133604	0.00	0.00	0.00
Water Disconnect	20135406	0.00	0.00	0.00
Chlorination	20133604	0.00	0.00	0.00
Waterline Const/Frontage	20133604	0.00	0.00	0.00
Street Exc. Bond	80436341	7,800.00	7,800.00	8,000.00
Subdivision Bond	80436312	0.00	0.00	0.00
Fire Escrow Deposit	80436331	0.00	0.00	0.00
Site Plan Construction	00135317	780.00	780.00	0.00
Plan Review	00135317	780.00	780.00	0.00
Improvement Inspection	00135317	0.00	0.00	0.00
Grading Permits	00135317	0.00	0.00	0.00
Plat Review/Lot Split	00135317	30.00	30.00	25.00
	Subtotal:	$12,623.23	$12,623.23	$11,971.31
	Grand Total:	$18,714.33	$18,714.33	$17,502.71

Permit Payments Listing by Jurisdiction

From: 12/31/12 To: 1/29/13

		Value	Fee	BBS	Total
Existing Commercial					
Kent					
EC-2012-11-10	DINO PALMIERI SALON, SUITE 106	1/22/2013			
CONSTRUCT TENANT BUILDOUT FOR DINO PALMIERI 215 S WATER ST		$60,000.00	$471.40	$.00	$471.40
EC-2012-11-12	MARKET PATH TENANT BUILDOUT,	1/22/2013			
CONSTRUCT TENANT BUILDOUT FOR THE MARKET 295 S WATER ST		$150,000.00	$390.74	$.00	$390.74
EC-2012-11-16	NEW YORK TO CHICAGO PIZZA	1/25/2013			
CONSTRUCT TENANT BUILDOUT FOR NEW YORK TO 164 CHERRY ST		$40,000.00	$827.43	$.00	$827.43
EC-2012-11-4	GREENHOUSE	1/15/2013			
CONSTRUCT GREENHOUSE 919 MARVIN AVE		$450,000.00	$806.75	$.00	$806.75
EC-2012-11-7	HOOD SUPPRESSION FOR NEWDLE	1/8/2013			
INSTALL HOOD SUPPRESSION SYSTEM FOR NEWDLE 295 S WATER ST		$3,000.00	$105.90	$.00	$105.90
EC-2012-12-1	WAREHOUSE ADDITION - DETACHED	1/8/2013			
CONSTRUCT DETACHED WAREHOUSE ADDITION 948 CHERRY ST		$299,000.00	$1,001.80	$.00	$1,001.80
EC-2013-011	CARNABY STREET STYLE SIGNS #122	1/23/2013			
ERECT 2 SIGNS FOR CARNABY STREET STYLE 100 E ERIE ST		$3,000.00	$176.50	$.00	$176.50
	Total for Kent	$1,005,000.00	$3,780.52		$3,780.52
	Total for Existing Commercial Permits	$1,005,000.00	$3,780.52		$3,780.52
Electric, Commercial					
Kent					
ELC-2013-01-2	ELECT, HVAC CONNECTION	1/16/2013			
INSTALL HVAC CONNECTION 1295 W MAIN ST		$.00	$51.46	$.00	$51.50
ELC-2013-01-3	ELEC. FOR ADDITION	1/23/2013			
ELECTRIC FOR BUILDING ADDITION 501 DODGE ST		$.00	$370.30	$.00	$381.41
ELC-2013-01-4	ELEC., MARKET PLACE, SUITE 110	1/29/2013			
ELECTRIC FOR MARKET PLACE BUILD OUT, SUITE 110 295 S WATER ST		$.00	$225.00	$.00	$231.75
	Total for Kent	$.00	$646.76		$664.66
	Total for Electric, Commercial Permits	$.00	$646.76		$664.66
Electric, Residential					

Permit Payments Listing by Jurisdiction

From: 12/31/12 To: 1/29/13

			Value	Fee	BBS	Total
Kent						
ELR-2013-01-1	ELEC., SERVICE	1/8/2013				
SERVICE			$.00	$35.00	$.00	$35.35
1038 ELNO						
ELR-2013-01-2	ELECT, SERVICE REPLACEMENT - 2	1/16/2013				
REPLACE SERVICES FOR 2 UNITS			$.00	$100.00	$.00	$101.00
135 W WILLIAMS ST						
ELR-2013-01-3	ELECT, REWIRE	1/16/2013				
REWIRE RESIDENCE			$.00	$50.00	$.00	$50.50
714 VINE ST						
ELR-2013-01-4	ELECT, PANEL CHANGE	1/28/2013				
CHANGE PANEL			$.00	$35.00	$.00	$35.35
208 ELMWOOD DR						
	Total for Kent		$.00	$220.00		$222.20
	Total for Electric, Residential Permits		$.00	$220.00		$222.20

Engineering, Commercial

Kent

ENGC-2013-01-2	GREENHOUSE SITE WORK	1/15/2013				
INSTALL THE SITE WORK ASSOCIATED WITH THE			$78,000.00	$9,580.00	$.00	$9,580.00
919 MARVIN AVE						
ENGC-2013-01-3	ELECTRIC TRANSFORMER	1/24/2013				
REPLACEMENT OF THE ELECTRIC TRANSFORMER			$.00	$.00	$.00	$.00
176 E MAIN ST						
	Total for Kent		$78,000.00	$9,580.00		$9,580.00
	Total for Engineering, Commercial Permits		$78,000.00	$9,580.00		$9,580.00

Engineering, Residential

Kent

ENGR-2013-01-11	SANITARY LATERAL REPLACEMENT	1/22/2013				
REPLACE THE SANITARY LATERAL			$.00	$45.00	$.00	$45.00
656 MARILYN ST						
	Total for Kent		$.00	$45.00		$45.00
	Total for Engineering, Residential Permits		$.00	$45.00		$45.00

Fire Suppression/Alarm

Kent

FSA-2012-12-3	BAR 145 SPRINKLERS #130	1/8/2013				
INSTALL BAR 145 SPRINKLERS #130			$4,500.00	$162.12	$.00	$162.15
100 E ERIE ST						

Permit Payments Listing by Jurisdiction

From: 12/31/12 To: 1/29/13

		Value	Fee	BBS	Total
Fire Suppression/Alarm					
Kent					
FSA-2012-12-4	FIRE ALARM FOR GEORGIO'S, SUITE	1/16/2013			
INSTALL FIRE ALARM FOR GEORGIO'S PIZZA, SUITE 100 E ERIE ST		$3,200.00	$105.87	$.00	$105.90
FSA-2013-01-1	BAR 145 FIRE ALARM, SUITE 130	1/9/2013			
INSTALL FIRE ALARM FOR BAR 145 100 E ERIE ST		$.00	$502.65	$.00	$514.92
	Total for Kent	$7,700.00	$770.64		$782.97
	Total for Fire Suppression/Alarm Permits	$7,700.00	$770.64		$782.97
Heating, Commercial					
Kent					
HVACC-2013-01-1	HVAC, REPLACE HVAC UNIT	1/16/2013			
REPLACE HVAC UNIT 1295 W MAIN ST		$.00	$100.00	$.00	$103.00
HVACC-2013-01-2	HVAC, REPLACE ROOFTOP UNIT	1/7/2013			
REPLACE ROOFTOP UNIT 1143 LAKE ST		$.00	$50.00	$.00	$51.50
	Total for Kent	$.00	$150.00		$154.50
	Total for Heating, Commercial Permits	$.00	$150.00		$154.50
Heating, Residential					
Kent					
HVACR-2013-01-1	HVAC, REPLACE A/C AND FURNACE	1/8/2013			
A/C AND FURNACE REPLACEMENT 994 FIELDSTONE DR		$.00	$60.59	$.00	$60.60
HVACR-2013-01-2	HVAC, FURNACE REPLACEMENT	1/8/2013			
REPLACE FURNACE 325 HIGH ST		$.00	$30.30	$.00	$30.30
HVACR-2013-01-3	HVAC, REPLACE FURNACE	1/8/2013			
REPLACE FURNACE 404 CHERRY ST		$.00	$50.50	$.00	$50.51
HVACR-2013-01-4	HVAC, FURNACE REPLACEMENT	1/8/2013			
REPLACE FURNACE 740 W MAIN		$.00	$50.00	$.00	$50.50
HVACR-2013-01-5	FURNACE REPLACEMENT	1/23/2013			
REPLACE FURNACE 636 EDGEWOOD		$.00	$50.00	$.00	$50.50
	Total for Kent	$.00	$241.39		$242.41

Permit Payments Listing by Jurisdiction

From: 12/31/12 To: 1/29/13

			Value	Fee	BBS	Total
Total for Heating, Residential Permits			$.00	$241.39		$242.41

Plumbing, Commercial

Kent

PC-2013-01-1	PLUMB., DINO PALMIERI, SUITE 106	1/29/2013				
PLUMBING FOR DINO PALMIERI SALON 215 S WATER ST			$.00	$100.00	$.00	$103.00
PC-2013-01-2	PLUMB., MARKET PLACE, SUITE 110	1/29/2013				
PLUMBING FOR MARKET PLACE, SUITE 110 295 S WATER ST			$.00	$225.00	$.00	$231.75
Total for Kent			$.00	$325.00		$334.75
Total for Plumbing, Commercial Permits			$.00	$325.00		$334.75

Plumbing, Residential

Kent

PR-2013-01-1	PLUMB., REMODEL	1/8/2013				
835 MAE ST			$.00	$79.78	$.00	$79.79
PR-2013-01-2	PLUMB., HOT WATER TANK	1/8/2013				
REPLACE HOT WATER TANK 1014 NATUREWOOD CIR			$.00	$39.39	$.00	$39.39
PR-2013-01-3	PLUMB, WATER HEATER	1/4/2013				
REPLACE WATER HEATER 418 LONGMERE			$.00	$35.00	$.00	$35.35
PR-2013-01-4	WATER HEATER REPLACEMENT	1/29/2013				
REPLACE WATER HEATER 727 STINAFF ST			$.00	$35.00	$.00	$35.35
Total for Kent			$.00	$189.17		$189.88
Total for Plumbing, Residential Permits			$.00	$189.17		$189.88

SUBDIVISON

Kent

SD-2013-01-1	LOT CONSOLIDATION	1/25/2013				
LOT CONSOLIDATION 1089 W MAIN ST 1085 W MAIN ST			$.00	$30.00	$.00	$30.00
Total for Kent			$.00	$30.00		$30.00
Total for SUBDIVISON Permits			$.00	$30.00		$30.00

Zoning

Kent

Permit Payments Listing by Jurisdiction

From: 12/31/12 To: 1/29/13

			Value	Fee	BBS	Total
Z-2012-12-3	TEMPORARY SIGN PERMIT	1/4/2013				
INSTALL TEMPORARY SIGN FROM 1/7/13 TO 2/7/13; 1221 S WATER ST			$.00	$30.00	$.00	$30.00
Z-2013-01-2	TEMPORARY SIGN PERMIT	1/11/2013				
INSTALL TEMPORARY SIGN ON VARIOUS DATES IN 931 E MAIN ST			$.00	$30.00	$.00	$30.00
Z-2013-02-2	SIGNS	1/9/2013				
1035 W MAIN ST			$.00	$50.00	$.00	$50.00
	Total for Kent	$.00	$110.00			$110.00
	Total for Zoning Permits	$.00	$110.00			$110.00
	Total for all permit types:	$1,090,700.00	$16,088.48			$16,136.89

Monthly Report 11/1/12 *to* 11/30/12

Date	*Street*	*Complaint Type*	*Owner or Company*	*Ward*	*Comments/Outcome*
11/1/2012		Zoning Code Violation			November 1 & 2 and 8 & 9: Removed 30 signs posted illegally in the public right of way
11/12/2012	0	Zoning Code Violation		0	Week of November 12 - 16: Removed 25 signs posted illegally in the public right of way.
11/13/2012	434 Stow	Property Maintenance	Stamper	0	Issued civil infraction warning letter for exterior property maintenance
11/19/2012	0	Zoning Code Violation		0	During the week of November 19-21: removed 20 signs posted illegally in the public right of way
11/20/2012	417 Wolcott	Property Maintenance	Clow	0	Investigated an exterior mold complaint. Result was negative. Alleged mold was only environmental dirt on the side of a foreclosed property
11/29/2012	832 Harold	Illegal Use	Fountaine	0	Sent letter regarding possible home occupation. Investigation is ongoing at this time.

Monthly Report 12/1/12 *to* 12/31/12

Date	*Street*	*Complaint Type*	*Owner or Company*	*Ward*	*Comments/Outcome*
12/3/2012	614 Fairchild	Illegal Use	Pay Pay Properties	0	614 618 Fairchild. Illegal bording house. The structure is a duplex and each unit is being rented to no more than two unrelated persons.
12/5/2012	320 Lincoln S	Property Maintenance	Portage Co. Port Authori	0	Structure has been boarded up.

Monthly Report 1/1/13 *to* 1/31/13

Date	*Street*	*Complaint Type*	*Owner or Company*	*Ward*	*Comments/Outcome*
1/3/2013	335 Mantua	Snow Violations	Brady Leap Developmen	0	Mailed certified letter to owner regarding snow piles blocking sidewalk. Snow melted.
1/3/2013	1575 Water S	Snow Violations	Burger King	0	Spoke with Manager regarding snow piles blocking sidewalk. Correction made within a couple hours.
1/3/2013	1280 WATER S	Snow Violations	McDONALDS	0	Spoke with Manager regarding snow piles blocking sidewalk. Correction was made within a couple hours.
1/15/2013	525 Park	Property Maintenance	Hershiser	0	Exterior property maintenance. Some issues have been resolved, remaining violations will be completed when weather breaks. Will monitor
1/17/2013	448 Fairchild	Illegal Use	Gent	0	There are 2 unrelated residing at this address with occasional overnight guests. Complaint is unfounded.

City of Kent
Income Tax Division

January 31, 2013

Income Tax Receipts Comparison - RESTATED - (NET of Refunds)

Monthly Receipts

Total receipts for the month of January, 2013	$897,977
Total receipts for the month of January, 2012	$1,085,253
Total receipts for the month of January, 2011	$1,026,357

Year-to-date Receipts and Percent of Total Annual Receipts Collected

	Year-to-date Actual	Percent of Annual
Total receipts January 1 through January 31, 2013	$897,977	7.88%
Total receipts January 1 through January 31, 2012	$1,085,253	9.00%
Total receipts January 1 through January 31, 2011	$1,026,357	9.58%

Year-to-date Receipts Through January 31, 2013 - Budget vs. Actual

Year	Annual Budgeted Receipts	Revised Budgeted Receipts	Year-to-date Actual Receipts	Percent Collected	Percent Remaining
2013	$ 11,400,000	$ 11,400,000	$897,977	7.88%	92.12%

Comparisons of Total Annual Receipts for Previous Six Years

Year	Total Receipts	Percent Change From Prior Year
2006	$ 10,151,202	-0.36%
2007	$ 10,540,992	3.84%
2008	$ 10,712,803	1.63%
2009	$ 10,482,215	-2.15%
2010	$ 10,453,032	-0.28%
2011	$ 10,711,766	2.48%
2012	$ 12,063,299	12.62%

Submitted by _____, Director of Budget and Finance

2013 CITY OF KENT, OHIO
Comparison of Income Tax Receipts
as of Month Ended January 31, 2013

	Monthly Receipts			Comparisons	
Month	2011	2012	2013	Amount	Percent Change
January	$ 1,026,357	$ 1,085,253	$ 897,977	$ (187,277)	-17.26%
February	788,986	806,227			
March	823,680	860,826			
April	1,057,137	1,239,488			
May	1,006,438	972,050			
June	844,726	915,138			
July	848,105	961,433			
August	873,559	942,880			
September	825,343	980,892			
October	939,121	1,076,141			
November	843,533	890,325			
December	834,781	1,332,645			
Totals	$ 10,711,766	$ 12,063,299	$ 897,977		

	Year-to-Date Receipts			Comparisons	
Month	2011	2012	2013	Amount	Percent Change
January	$ 1,026,357	$ 1,085,253	$ 897,977	$ (187,277)	-17.26%
February	1,815,343	1,891,480			
March	2,639,023	2,752,306			
April	3,696,160	3,991,794			
May	4,702,598	4,963,844			
June	5,547,324	5,878,982			
July	6,395,429	6,840,415			
August	7,268,988	7,783,295			
September	8,094,331	8,764,187			
October	9,033,453	9,840,328			
November	9,876,985	10,730,653			
December	10,711,766	12,063,299			
Totals	$ 10,711,766	$ 12,063,299			

2013 CITY OF KENT, OHIO
Comparison of Income Tax Receipts from Kent State University
as of Month Ended January 31, 2013

	Monthly Receipts			Comparisons	
Month	2011	2012	2013	Amount	Percent Change
January	$ 406,862	$ 403,606	$ 383,688	$ (19,919)	-4.94%
February	336,710	335,895			
March	362,390	360,114			
April	357,231	362,957			
May	354,925	360,026			
June	349,038	362,330			
July	337,910	379,316			
August	370,933	359,550			
September	298,038	328,283			
October	352,815	376,474			
November	358,685	384,179			
December	360,837	423,935			
Totals	$ 4,246,372	$ 4,436,666	$ 383,688		

	Year-to-Date Receipts			Comparisons	
Month	2011	2012	2013	Amount	Percent Change
January	$ 406,862	$ 403,606	$ 383,688	$ (19,919)	-4.94%
February	743,572	739,501			
March	1,105,962	1,099,615			
April	1,463,193	1,462,573			
May	1,818,117	1,822,598			
June	2,167,155	2,184,929			
July	2,505,065	2,564,245			
August	2,875,997	2,923,795			
September	3,174,035	3,252,078			
October	3,526,851	3,628,552			
November	3,885,535	4,012,731			
December	4,246,372	4,436,666			
Totals	$ 4,246,372	$ 4,436,666			

2013 CITY OF KENT, OHIO
Comparison of Income Tax Receipts from Kent State University
as of Month Ended January 31, 2013

Comparisons of Total Annual Receipts for Previous Six Years

Year	Total Receipts	Percent Change
2006	$ 3,542,080	2.59%
2007	$ 3,707,931	4.68%
2008	$ 3,919,539	5.71%
2009	$ 4,090,788	4.37%
2010	$ 4,267,465	4.32%
2011	$ 4,246,372	-0.49%
2012	$ 4,436,666	4.48%

KENT FIRE DEPARTMENT
MONTHLY INCIDENT REPORT
JANUARY 2013

FIRE INCIDENT RESPONSE INFORMATION	CURRENT PERIOD			YEAR TO DATE		
Summary of Fire Incident Alarms	**2013**	**2012**	**2011**	**2013**	**2012**	**2011**
City of Kent	40	55	29	40	55	29
Kent State University	18	20	22	18	20	22
Franklin Township	10	13	10	10	13	10
Sugar Bush Knolls	2	0	0	2	0	0
Mutual Aid Given	1	7	0	1	7	0
Total Fire Incident Alarms	**71**	**95**	**61**	**71**	**95**	**61**
Summary of Mutual Aid Received by Location						
City of Kent	0	1	0	0	1	0
Kent State University	0	0	0	0	0	0
Franklin Township	0	0	0	0	0	0
Sugar Bush Knolls	0	0	0	0	0	0
Total Mutual Aid	0	1	0	0	1	0

EMERGENCY MEDICAL SERVICE RESPONSE INFORMATION	CURRENT PERIOD			YEAR TO DATE		
Summary of Emergency Medical Service Responses	**2013**	**2012**	**2011**	**2013**	**2012**	**2011**
City of Kent	190	190	180	190	190	180
Kent State University	18	36	26	18	36	26
Franklin Township	34	47	19	34	47	19
Sugar Bush Knolls	1	2	3	1	2	3
Mutual Aid Given	4	2	1	4	2	1
Total Emergency Medical Service Responses	**247**	**277**	**229**	**247**	**277**	**229**
Summary of Mutual Aid Received by Location						
City of Kent	5	0	0	5	0	0
Kent State University	0	0	0	0	0	0
Franklin Township	2	0	1	2	0	1
Sugar Bush Knolls	0	0	0	0	0	0
Total Mutual Aid	7	0	1	7	0	1

TOTAL FIRE AND EMERGENCY MEDICAL SERVICE RESPONSE INCIDENTS	**318**	**372**	**290**	**318**	**372**	**290**