

Village of Mogadore

135 S Cleveland Avenue
Mogadore, OH 44260

Phone: (330) 628-4896 | Fax: (330) 628-5850

Web Site: www.mogadorevillage.org

COUNCIL MEETING AGENDA

September 6, 2023

5:30 p.m.

1. Moment of Reflection – Mr. W. Bauer
2. Pledge to the flag
3. Roll Call
4. Approval of the Agenda
5. Oath – Part-Time Police Officer (Carl Woofter)
6. Short Recess
7. Minutes from the August 16, 2023, Council meeting presented for changes, corrections, and adoption
8. Comments from the Audience on pending legislation
9. Committee Reports
10. Old Business – None.
11. New Business –

Resolution 2023-63 - Ms. B. Van Dike – Finance Committee

A RESOLUTION AUTHORIZING THE TRANSFER OF FUNDS FROM THE GENERAL FUND TO THE PARKS & RECREATION FUND, AND DECLARING AN EMERGENCY.

Ordinance 2023-64 – Ms. K. Miller – Planning and Zoning

AN ORDINANCE ADOPTING SECTION 150.226 OF THE CODIFIED ORDINANCES OF THE VILLAGE OF MOGADORE, ENTITLED “ELECTRIC VEHICLE CHARGING STATIONS,” TO REGULATE THE LOCATION, CONSTRUCTION AND USE OF ELECTRIC VEHICLE CHARGING STATIONS IN THE VILLAGE, AND DECLARING AN EMERGENCY.

Ordinance 2023-65 – Ms. K. Miller – Planning and Zoning

AN ORDINANCE AMENDING SECTION 150.213, ENTITLED “PORCH, DECK, GARAGE OR SHED INSTALLATION OR REPLACEMENT,” FOR THE PURPOSE OF REGULATING THE HEIGHT OF DECKS ON THE SECOND STORY OF ANY STRUCTURE, OR ABOVE, AND DECLARING AN EMERGENCY.

12. Comments

1. Public
2. Council
3. Law Director
4. Village Engineer
5. Clerk-Treasurer
6. Mayor

13. Adjournment

RECORD OF ORDINANCES

Resolution No. 2023-63

Passed _____, 20____

Mayor Date

Attest:

Clerk-Treasurer

RECORD OF ORDINANCES

Ordinance No. 2023-64

Passed _____, 20____

SPONSOR: PLANNING & ZONING COMMITTEE

AN ORDINANCE ADOPTING SECTION 150.226 OF THE CODIFIED ORDINANCES OF THE VILLAGE OF MOGADORE, ENTITLED "ELECTRIC VEHICLE CHARGING STATIONS," TO REGULATE THE LOCATION, CONSTRUCTION AND USE OF ELECTRIC VEHICLE CHARGING STATIONS IN THE VILLAGE, AND DECLARING AN EMERGENCY.

WHEREAS, Chapter 150 of the Village of Mogadore Codified Ordinances sets forth the permits and approvals related to the use of buildings and structures within the Village; and

WHEREAS, the Mayor and Fire Chief have recommended that this Council adopt Section 150.226 of the Codified Ordinances of the Village, entitled "Electric Vehicle Charging Stations," as set forth on Exhibit A, attached hereto and incorporated herein by reference, which will regulate the location, construction and use of electric vehicle charging stations in the Village; and

WHEREAS, this Council finds and determines, after reviewing all pertinent information, that it is necessary and in the best interest of the Village to adopt Section 150.226 for the reasons set forth above.

NOW, THEREFORE BE IT ORDAINED, by the Council of the Village of Mogadore, Counties of Summit and Portage, State of Ohio, that:

SECTION 1: This Council hereby adopts Section 150.226 of the Codified Ordinances of the Village, entitled "Electric Vehicle Charging Stations," as set forth on Exhibit A, attached hereto and incorporated herein by reference.

SECTION 2: This Council finds and determines that all formal actions of this Council concerning and relating to the adoption of this Ordinance were taken in open meetings of this Council and any deliberations of this Council and any of its committees that resulted in this formal action were in meetings open to the public, in compliance with all legal requirements.

SECTION 3: This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety of the residents of the Village of Mogadore and for the purpose of immediately ensuring the safety of residents within the Village by regulating the location, construction and use of electric vehicle charging stations within the Village, and, provided this Ordinance receives the affirmative vote of at least five (5) members elected or appointed to this Council, it shall take effect and be in force upon its passage by Council and approval by the Mayor, otherwise it shall take effect and be in force at the earliest period allowed by law.

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RECORD OF ORDINANCES

Ordinance No. 2023-64

Passed _____, 20____

President of Council Date

Mayor Date

Attest:

Clerk-Treasurer

EXHIBIT A

§ 150.226 ELECTRIC VEHICLE CHARGING STATIONS

(A) Definitions.

- (1) “Electric vehicle charging station” or “EVCS” means a public parking space that is served by battery charging station equipment for the purpose of transferring electrical energy (by conductive or inductive means) to a battery or other energy storage device within an electric vehicle.

(B) General Requirements.

- (1) These requirements pertain to all EVCS that use either Level 2 or Level 3 charging equipment, as defined by the U.S. Department of Transportation. If a charging station has more than (1) one port, each port shall count as a charging station.
- (2) The designated parking space(s) for an EVCS shall not be included in any calculation of parking spaces on a particular site for the purpose of satisfying the parking requirements imposed by Chapter 152 of these Codified Ordinances.
- (3) The recommended parking space dimensions for an EVCS are a minimum of ten (10) feet wide by twenty (20) feet long when new spaces are installed for such use. An additional five feet in width shall be required for ADA accessible locations.
- (4) The EVCS equipment shall be protected by wheel stops and bollards in accordance with Ohio Fire Code (2017) Section 312, Vehicle Impact Protection.
- (5) Each parking space designated for EVCS shall be clearly identified as reserved for electric vehicle charging only.
- (6) All EVCS equipment shall not exceed eight (8) feet in height.
- (7) All EVCS shall not include overhead canopies.
- (8) All EVCS equipment shall comply with the current National Electric Code (NEC) and shall be inspected once a year and proof of inspection shall be made available to the Village Fire Department.
- (9) All EVCS shall be installed in all locations as follows:
 - (a) Ten (10) feet from property lines,
 - (b) Twenty (20) feet or more from buildings having combustibile exterior wall surfaces, and
 - (c) Ten (10) feet or more from buildings having a one-hour fire resistive exterior surface.

- (10) EVCS shall be designed and constructed in accordance with all applicable state and county codes and these Codified Ordinances.
- (11) EVCS shall be constructed, operated, and maintained based on manufacturer's instructions.
- (12) Any attendants shall be trained in the operation of the EVCS system and able to supervise and respond to emergencies.
- (13) EVCS shall be installed with one or more clearly identified exterior shutoff devices or electrical disconnects with an approved sign stating, "Emergency Electrical Vehicle Charging System Shutoff."
- (14) EVCS shall have emergency instructions conspicuously posted in the area and shall include the following:
 - (a) Use of Emergency shutoff button/disconnection device,
 - (b) Report incident by calling 9-1-1, and
 - (c) Report location to emergency services.
- (15) Emergency shutoff devices or electrical disconnects or the EVCS charging equipment shall be installed in an approved exterior location accessible to patrons but not less than 20 feet or more than 30 feet from the EVCS.
- (16) Resetting of EVCS charging equipment from an emergency shutoff condition shall require manual intervention.
- (17) Lighting of all EVCS shall be selected and installed in accordance with applicable building codes and local ordinances and shall be sufficient for safe operation and security.
- (18) At least one portable fire extinguisher for each group of EVCS shall be provided and shall not exceed a travel distance of 75 feet.

(C) Colocation with Motor Fuel Dispensing Equipment.

- (1) The following installation requirements shall be met when an EVCS is located in proximity to motor fuel dispensing equipment:
 - (a) Shall be located twenty (20) feet or more in all directions from dispensing devices for flammable or combustible liquids;
 - (b) Shall be located ten (10) feet in all directions from above ground and underground storage tanks, tank fill connections, remote and submersible pump transfer equipment, vapor recovery equipment, and vents; and

- (d) Shall be located twenty-five (25) feet in all directions from the location of tank vehicles while filling and transferring flammable or combustible liquids.
- (2) EVCS shall be designed so that the pooling of flammable or combustible liquids cannot occur in the charging area.
- (3) At attended locations and motor fuel dispensing facilities, an additional emergency EVCS shutoff or electrical disconnect shall be located at the attendant's location

RECORD OF ORDINANCES

Ordinance No. 2023-65

Passed _____, 20____

SPONSOR: PLANNING & ZONING COMMITTEE

AN ORDINANCE AMENDING SECTION 150.213, ENTITLED “PORCH, DECK, GARAGE OR SHED INSTALLATION OR REPLACEMENT,” FOR THE PURPOSE OF REGULATING THE HEIGHT OF DECKS ON THE SECOND STORY OF ANY STRUCTURE, OR ABOVE, AND DECLARING AN EMERGENCY.

WHEREAS, Chapter 150 of the Village of Mogadore Codified Ordinances sets forth the permits and approvals related to the use of buildings and structures within the Village; and

WHEREAS, the Mayor has recommended that this Council amend Section 150.213 of the Codified Ordinances of the Village, entitled “Porch, Deck, Garage or Shed Installation or Replacement,” as set forth on Exhibit A, attached hereto and incorporated herein by reference, to regulate the height of decks on the second story of any structure, or above; and

WHEREAS, this Council finds and determines, after reviewing all pertinent information, that it is necessary and in the best interest of the Village to amend Section 150.213 for the reasons set forth above.

NOW, THEREFORE BE IT ORDAINED, by the Council of the Village of Mogadore, Counties of Summit and Portage, State of Ohio, that:

SECTION 1: This Council hereby amends Section 150.213 of the Codified Ordinances of the Village, entitled “Porch, Deck, Garage or Shed Installation or Replacement,” as set forth on Exhibit A, attached hereto and incorporated herein by reference.

SECTION 3: This Council finds and determines that all formal actions of this Council concerning and relating to the adoption of this Ordinance were taken in open meetings of this Council and any deliberations of this Council and any of its committees that resulted in this formal action were in meetings open to the public, in compliance with all legal requirements.

SECTION 4: This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety of the residents of the Village of Mogadore and for the purpose of immediately ensuring the safety of the residents of the Village by providing for regulations and restrictions concerning second story, or above, decks in the Village and, provided this Ordinance receives the affirmative vote of at least five (5) members elected or appointed to this Council, it shall take effect and be in force upon its passage by Council and approval by the Mayor, otherwise it shall take effect and be in force at the earliest period allowed by law.

EXHIBIT A

§ 150.213 PORCH, DECK, GARAGE OR SHED INSTALLATION OR REPLACEMENT.

(A) Zoning permit application.

- (1) Submit a zoning permit application to Village Clerk (with fees and deposit).
- (2) The application materials shall include a Floodplain and Storm water Pollution Prevention Acknowledgment Form.
- (3) Submit neat drawings of proposed work (see sample work plan).
- (4) Provide a layout drawing including property lines and building locations.
- (5) Provide details of footings, building elevations (may be from manufacturer literature, contractor plans etc.) and materials.
- (6) The Zoning Inspector reviews the proposed structure zoning application.
- (7) There is no need for a separate permit for a structure that was shown and approved as part of an overall site plan review.
- (8) If the structure is more than 200 square feet, the applicant is to obtain a building permit from Summit County. Portage County does not issue building permits within the village.
- (9) If the project will involve flow to an existing or proposed on-site sewage or septic system, the applicant must provide an approval from the either the Portage County or Summit County Health Department, as applicable.

(B) Village fees.

- (1) Zoning permit application fee required.
- (2) Deposits are required to cover direct costs to the village and provide money for the village to correct sub-standard or incomplete work (within the R/W). Refer to the Village Permits and Approvals Fee Schedule for application and deposit fees.
- (3) Deposits may be increased by the village for complicated or larger projects.
- (4) Unused deposits as determined by the village will be returned upon the village's approval of the work.

(C) Requirements.

- (1) The general requirements of this chapter apply to all work covered by this section.
- (2) Refer to district regulations (R-1, R-2, CB etc.) for district specific regulations and standards.

- (3) The contractor performing excavations within the village is required to contact OUPS, OGPUP, 811 or individual utilities as required to locate and protect underground facilities. Record drawings are not exact and care should be used when excavating near utilities shown on plans or marked in the field. The village should be contacted directly for the location of storm sewers.
- (4) If the proposed structure encroaches on wetlands, riparian setbacks or floodplains, the Zoning Inspector may involve the Village Engineer to coordinate additional construction limitations and permitting requirements.
- (5) Decks and porches shall be in proportion to the main structure.
- (6) The structures and associated grading shall not direct run-off to neighboring properties.
- (7) Submittals for improvements in zoning districts that employ cohesive layout, design, aesthetic and architectural standards to achieve an inherent look or feel will be subjected to a higher level of architectural and design review to ensure compliance with the definition of the zoning district and maintain the character of the area that current occupants support and expect (e.g. PUD's and Central Business District).
- (8) Comply with Summit County Building Department standards.
- (9) Disturbed areas shall be repaired with a minimum of three inches of screened topsoil, a high quality residential seed mix, mulching and watering/fertilizer as needed to ensure full germination within 60 calendar days.
- (10) All decks extending from the second story of any structure, or above, shall maintain a clearance of at least six (6) feet above the surface of the ground for all portions of the deck within ten (10) feet of the structure.

(D) Inspections.

- (1) Provide the village a one week notice of work to allow a pre-installation inspection of the proposed layout and impacts on neighboring properties.
- (2) The Summit County Building Department is responsible for construction inspection.