

RECORD OF ORDINANCES

Ordinance No. 2023-65

Passed SEPTEMBER 6, 2023

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.

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Michael Raddish 9-6-23  
President of Council Date

Patricia 9-6-23  
Mayor Date

Attest: [Signature]  
Clerk-Treasurer

## 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.