

RECORD OF ORDINANCES

Ordinance No. 2026-23

Passed April 01, 2026

SPONSOR: PLANNING & ZONING

AN ORDINANCE AMENDING SECTION 152.047 OF THE CODIFIED ORDINANCES OF THE VILLAGE OF MOGADORE, ENTITLED “C-1 COMMERCIAL DISTRICT” TO PROHIBIT USE OF BUILDINGS THEREIN FOR JAILS, PRISONS, DETENTION CENTERS, AND SIMILAR USES, AND DECLARING AN EMERGENCY.

WHEREAS, Section 152.047 of the Codified Ordinances of the Village of Mogadore, entitled “C-1 Commercial District” provides for zoning regulations in the Commercial District within the Village; and

WHEREAS, Subsection 152.047(A)(12) provides for the use of buildings within the C-1 Commercial District as government facilities as a permitted use; and

WHEREAS, on March 31, 2026, the Planning Commission recommended limiting the scope of Subsection 152.047(A)(12) to specifically prohibit the use of buildings within the C-1 Commercial District for jails, prisons, detention centers, workhouses, correctional facilities, and similar facilities used for the imprisonment, detention or confinement of persons; and

WHEREAS, this Council finds and determines, after reviewing all pertinent information, that it is necessary and it the best interest of the Village to amend Subsection 152.047(A)(12) to specifically prohibit the use of buildings within the C-1 Commercial District for jails, prisons, detention centers, workhouses, correctional facilities, and similar facilities used for the imprisonment, detention or confinement of persons.

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 152.047 of the Codified Ordinances of the Village of Mogadore as set forth on Exhibit A, attached hereto and incorporated herein by reference. In addition to the amendment to Subsection 152.047(A)(12), the amendment deletes an errant Subsection 152.047(B)(2) which also listed government buildings as conditional uses.

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.

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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 revising the aforementioned section of the Codified Ordinances to prohibit any such potential use within C-1 Commercial Districts, 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.

Michael Raddick 4-1-26
President of Council Date

Mich 4-1-26
Mayor Date

Attest:

[Signature]
Clerk-Treasurer

EXHIBIT A

§ 152.047 C-1 COMMERCIAL DISTRICT.

- (A) Uses permitted. Except as otherwise provided in this chapter, no building or premises in C-1 Commercial District shall hereafter be erected, altered, used, arranged, or designed to be used, in whole or in part, for any other purposes or in any other manner than as follows:
- (1) The retail sale or handling of food and beverages of all kinds, including sale for consumption on the premises.
 - (2) The retail sale of general merchandise, including department stores.
 - (3) Professional and personal services.
 - (4) Office buildings and banks.
 - (5) Appliance repair shops.
 - (6) Custom tailors, laundry or dry cleaning, collection offices, self-service laundries, hand laundries, and shoe repair shops.
 - (7) Dry cleaning, pressing, or tailoring in which non-toxic, non-explosive, and non-inflammable solvents are used and no work is done on the premises for retail outlets elsewhere.
 - (8) Car lots in compliance with Ohio Revised Code Chapter 4517, entitled "Motor Vehicle Dealers, Auction Owners, and Sales Persons," as amended, and public garages, provided that no lighting there shall constitute a nuisance or in any way impair safe movement of traffic on any street or highway and that such developments shall be located on major thoroughfares or at intersections of major and/or collector thoroughfares.
 - (9) Newspapers and print shops.
 - (10) Advertising signs that are limited to advertising the goods sold or services rendered on the premises and which further comply with § 150.218.
 - (11) Amusement and recreation: assembly hall, bowling alley, dance hall, pool and billiards, theater, card room, or other social or recreation center, provided the place or building in which same is located is sufficiently soundproofed so as not to constitute a nuisance or imposition upon adjacent premises users or the public generally.
 - (12) Schools, libraries, museums, community centers, government buildings, and places of worship, but specifically excluding therefrom jails, prisons, detention centers,

workhouses, correctional facilities, and similar facilities used for the imprisonment, detention or confinement of persons, regardless of ownership and/or operation by a governmental, for-profit or non-profit entity, which are a prohibited use in the District.

- (13) Any use commonly and necessarily incident to a use authorized by this section.
 - (14) Parking as regulated by § 152.024.
 - (15) All uses permitted in R-1, R-2, and R-3 Districts.
- (B) Conditionally suggested uses. The Council may issue conditional zoning certificates for uses listed herein, subject to the general requirements of §§ 152.110 through 152.114 and to the specific requirements of § 152.113 referred to below:
- (1) Churches and other buildings for the purpose of religious worship subject to § 152.113(C), (G), and (I).
 - (2) ~~Governmentally owned and/or operated buildings and facilities subject to § 152.113(C) and (G).~~ Reserved.
 - (3) Planned, integrated commercial developments subject to § 152.113(U).
 - (4) Clubs, lodges, fraternal charitable or social organizations subject to § 152.113(C), (D), and (E).
 - (5) Drive-in banking facilities subject to § 152.113(C).
 - (6) Gasoline service (filling) stations, subject to division (A)(8) of this section and § 152.113(G), (O), (Q), and (X).
 - (7) Auto laundry subject to § 152.113(C), (E), (G), (O), (R), (U), and (Z).
 - (8) Public utility rights-of-way and pertinent structures subject to § 152.113(J).
 - (9) Temporary buildings and uses incidental to construction work subject to § 152.113(M) and (P).
- (C) Height. No structure shall exceed 45 feet in height unless approved by the Municipal Fire Department and certified by the Board of Zoning Appeals.
- (D) Front yard. Every structure shall have a front yard of no less than 30 feet in depth. On corner lots the front yard requirements shall be observed on both streets.

- (E) Side yard. Every structure shall have a side yard of no less than ten feet in width on each side; except that where this structure is part of an integral complex, the Zoning Board of Appeals may eliminate this requirement.
 - (F) Minimum rear yard depth. Forty feet except that no rear yard shall be required where the business use abuts on a public parking area specifically intended to serve the particular business use and other commercial establishments abutting on the parking area.
 - (G) Loading and unloading space. Every structure shall be provided with adequate space for the loading and unloading of trucks and other vehicles serving proposed structure, provided, however, that the Board of Zoning Appeals may modify or waive this requirement where such space is not needed.
 - (H) Off-street parking. Off-street parking facilities shall be provided in accordance with § 152.024.
 - (I) Site plan review and conformance. All business uses specified under divisions (A) and (B) of this section shall be permitted only after the review and approval of the site plans by the Planning Commission and upon finding, by the Commission, that the specific standards set forth in this section and the requirements of §§ 152.015 through 152.029, and § 150.218 with the exception of § 152.017(C), will be met.
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