

RECORD OF ORDINANCES

Ordinance No. 2026-24

Passed April 01, 2026

SPONSOR: PLANNING & ZONING

AN ORDINANCE AMENDING SECTION 152.049 OF THE CODIFIED ORDINANCES OF THE VILLAGE OF MOGADORE, ENTITLED "I-1 INDUSTRIAL DISTRICTS" TO PROHIBIT THE USE OF BUILDINGS THEREIN FOR JAILS, PRISONS, DETENTION CENTERS, AND SIMILAR USES, AND DECLARING AN EMERGENCY.

WHEREAS, Section 152.049 of the Codified Ordinances of the Village of Mogadore, entitled "I-1 Industrial Districts" provides for zoning regulations in the Industrial Districts within the Village; and

WHEREAS, Subsection 152.049(B)(4) provides for the use of buildings within the I-1 Industrial Districts as government facilities as a conditional use; and

WHEREAS, on March 31, 2026, the Planning Commission recommended limiting the scope of Subsection 152.049(B)(4) to specifically prohibit the use of buildings within the I-1 Industrial Districts 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 152.049(B)(4) to specifically prohibit the use of buildings within the I-1 Industrial Districts 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 152.049 of the Codified Ordinances of the Village of Mogadore 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.

RECORD OF ORDINANCES

Ordinance No. 2026-24

Passed April 01, 2026

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 I-1 Industrial 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 Raddish 4-1-26
President of Council Date

Quinn 4-1-26
Mayor Date

Attest:

[Signature]
Clerk-Treasurer

EXHIBIT A

§ 152.049 I-1 INDUSTRIAL DISTRICTS.

- (A) Uses permitted. Except as otherwise provided in this chapter, no building or premises in the I-1 Industrial District shall hereafter be erected, altered, used, arranged or designed to be used, in whole or in part, for any other purpose 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) Office buildings and laboratories, provided that no operation shall be conducted or equipment used which would create hazards, noxious or offensive conditions.
 - (3) Laundry and dry-cleaning plants, provided that no operation shall be conducted closer than 100 feet to any R-District.
 - (4) Repair shops.
 - (5) Public garages, or service stations, or lots or garages for the sale and repair of new or used motor vehicles.
 - (6) The manufacture, compounding, assembly or treatment of articles or merchandise from the following previously prepared materials: Aluminum, bone, cellophane, canvas, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastic, precious or semi-precious metals or stones, shell, rubber, tin tobacco, wood (excluding saw mills), tars and paint not involving a boiling process.
 - (7) The manufacture, compounding, processing, packing, or treatment of such products as candy, cosmetics, drugs, perfumes, pharmaceuticals, toiletries, and food products except the rendering or refining of fat and oils.
 - (8) The manufacture of pottery or figurines or other similar ceramic products, using only previously pulverized clay, and kilns fired only by electricity or gas.
 - (9) Foundry casting light-weight metals and not causing noxious fumes or odor.
 - (10) Lumber yards for retail lumber sales.
 - (11) Planing mills.
 - (12) Coal yards, brick and tile yards, for retail sales.
 - (13) Machine shop or other metal working shop excluding drop hammers or other noise-producing machinery.

- (14) Warehousing.
 - (15) Grain elevators.
 - (16) Any use commonly and necessarily incident to a use authorized by this section.
 - (17) Signs as regulated by § 150.218.
 - (18) Parking as regulated by § 152.024.
- (B) Conditionally suggested uses. Council may issue conditional zoning certificates for uses listed herein, subject to the general requirements referred to below:
- (1) Sales offices provided that there shall be no display of any actual product for sale except in accordance with the following regulations. No display will be in an exterior show window and the total area devoted to display including the objects displayed and the floor space set aside for persons observing the displayed objects shall not exceed 20% of the usable floor area of the establishment using the display of an actual product for sale as a sales procedure; provided there shall be no outdoor storage of goods or materials regardless of whether or not they are for sale; and provided further that there shall be no warehousing or in the indoor storage of goods or material beyond that normally incidental to such an office.
 - (2) Experimental or testing laboratories provided that no physical effect of the experimental or testing activity can be detected beyond the confines of the building in which the activity is located; and provided that no exterior structural element of the building in which the activity is located shall appear to be other than just normally incidental to an office use.
 - (3) Any other office, research, or similar use which the Commission finds to be: consistent with the purposes of the article; and of a character which will not impair the use of adjacent properties.
 - (4) Governmentally owned and/or operated buildings and facilities subject to § 152.113(C) and (G), 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.
 - (5) Public utility rights-of-way and pertinent structures subject to § 152.113(J).
 - (6) Temporary buildings and uses incidental to construction work subject to § 152.113(M) and (P).

- (7) Uses and structures permitted under § 152.047, C-1 Commercial District, provided such buildings and uses conform with the requirements and restrictions of said § 152.047 and notwithstanding such requirements and restrictions may be more permissive or less restrictive than those set forth in this section. The conditional zoning certificates that may be issued by Council for such commercial buildings and uses shall be subject to the requirements of §§ 152.111, 152.112 and 152.114.
- (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 50 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 no less than 100 feet in depth.
- (F) Rear yard. Every structure shall have a rear yard of not less than 100 feet in depth.
- (G) Loading and unloading. Every structure shall be provided with adequate space for the loading and unloading of all vehicles serving the 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. Parking for only those industries located within the municipal limits will be allowed in such industrial area.
- (I) Site plan review and conformance. All industrial uses specified under divisions (A) and (B) of this section shall be permitted only after the review and the 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 will be met.
- (J) Industrial parks. The industrial parks approach to the development of industrially zoned areas is greatly encouraged. The regulations of the Village Zoning Ordinance may be modified by the degree necessary to accomplish the objectives and guidelines required for industrial parks (see Design Guidelines for the Mogadore Industrial Park). Nothing, however, shall exempt the developer from the requirements of subdivision plat approval as specified in §§ 151.020 through 151.023 of the Subdivision Regulations.