

RESOLUTION NO. 164-2023

**TITLE: AMENDING RESOLUTION NO. 2-2023
VARIOUS TYPES OF BUSINESSES MORATORIUM**

AN ORDINANCE AMENDING RESOLUTION 2-2023 BY ADDING TOBACCO SHOPS AND THE CULTIVATION, PROCESSING, AND/OR RETAIL DISPENSING OF MARIJUANA TO THE LIST OF USES PROHIBITED BY THE MORATORIUM, AND DECLARING AN EMERGENCY.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Barberton, State of Ohio:

SECTION 1. That Council hereby amends Resolution No. 2-2023, “Various Types of Businesses Moratorium,” by showing said amendment with a ~~strike through~~ for any deletions and **bold** for any additions to read as follows:

2-2023 VARIOUS TYPES OF BUSINESSES MORATORIUM

A Resolution imposing a Moratorium on the issuing of Zoning Permits until the adoption of the new City of Barberton Zoning Code for Used Car Lots, Mini Warehouse, Limited Indoor Storage, Dollar Stores, **Tobacco Shops, and the Cultivation, Processing, and/or Retail Dispensing of Marijuana** within the City of Barberton, with the exception of permitting Mini Warehouses within Industrial Use (I1, I2, I3 or I.U.) zoning districts.

SECTION 2. Council hereby imposes moratorium until the adoption of the new City of Barberton Zoning Code for Used Car Lots, Mini Warehouse, Limited Indoor Storage, Dollar Stores, Tobacco Shops, and the Cultivation, Processing, and/or Retail Dispensing of Marijuana within the City of Barberton, with the exception of permitting Mini Warehouses within Industrial Use (I1, I2, I3 or I.U.) zoning districts.

SECTION 3. That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action were meetings open to the public in compliance with the law.

SECTION 4. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, convenience and welfare of the City of Barberton and the inhabitants thereof, in order to facilitate timeliness, and provided it receives the necessary votes required by the City Charter, shall be in full force and effect from and after its passage and approval; otherwise to be in full force and effect from and after the earliest period allowed by law.

Passed December 18, 2023

Clerk of Council

President of Council

Approved _____ 2023

Mayor