

REFER TO: PLANNING

LOM:hkr
12/08/2025

Requested by: Mr. Heitic
Presented by: Mr. Heitic

ORDINANCE NO. – 2025

**TITLE: AMEND ORDINANCE NO. 157-2025
MORATORIUM- DATA CENTERS**

AN ORDINANCE AMENDING ORDINANCE NO. 157-2025 TITLED “MORATORIUM – DATA CENTERS WITHIN BARBERTON” TO ALLOW DATA CENTER USES WITHIN CHAPTER 1130 ALLOWABLE USES OF THE DEVELOPMENT CODE; TO REPEAL ORDINANCES AND RESOLUTIONS IN CONFLICT THEREWITH; AND TO DECLARE AN EMERGENCY.

WHEREAS, adoption of this Ordinance shall repeal Ordinance No. 157-2025; and

WHEREAS, in the event that a new Development Code be adopted, the equivalent Zoning, Allowable Use, Use Group, and Restrictions shall apply.

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

SECTION 1. Council hereby amends Ordinance No. 157-2025 titled “Moratorium – Data Centers within Barberton” by showing said amendments with a ~~strike through~~ for any deletions and **bold** for any additions.

CHAPTER 1130 ALLOWABLE USES GROUP 19C

Group 19C: Special Heavy Industrial Uses

Special Heavy Industrial Uses are uses that cannot be assured to be compatible with even a relatively unrestricted heavy industrial environment without special review.

1. Hazardous or toxic materials disposal sites
2. Incinerators
3. Landfills and dumps

4. Data Centers

- a. Data Centers shall be restricted in size of the building to a sixty (60) foot maximum height**
- b. Data Centers shall be restricted to a one hundred and fifty thousand (150,000) sq ft maximum building**
- c. Data Centers shall be restricted in placement two thousand (2,000) ft from any residential parcel**
- d. Data Centers shall be subject to all templates prescribed by the Conditional Use Permit process (CUP) set forth by the Development Code and the Planning Commission**

SECTION 4. That all ordinances and resolutions or parts thereof which are in conflict or inconsistent with any provision of the new matter are hereby repealed as of the effective date of this ordinance.

SECTION 5. 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 6. 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 for the reason that is necessary to have an up-to-date Code of the City’s laws, one which is consistent with State law in areas where conformity is required by the Ohio Constitution, with which to administer the affairs of the City and ensure law and order, and this ordinance shall therefore be in full force and effect immediately upon its passage and

approval by the Mayor; otherwise to be in full force and effect from and after the earliest period allowed by law.

Passed _____ 2025

Clerk of Council

President of Council

Approved _____ 2025

Mayor

DRAFT