

ORDINANCE NO. 99-35 AC CMS

AN ORDINANCE AMENDING SECTIONS 1341.03 AND 1355.10 OF THE CODIFIED ORDINANCES OF THE CITY OF OBERLIN, OHIO, TO AUTHORIZE "FARMERS' MARKETS" AS AN ADDITIONAL CONDITIONAL USE IN THE C-1 DISTRICT AND TO PROVIDE REGULATIONS RELATING TO SAME

WHEREAS, the "Marketing Strategy for Downtown Oberlin" study recommends that a variety of retail uses be encouraged, and, in particular, the relocation of a farmers' market to the downtown area of the City to promote commerce and activity in the heart of the City; and,

WHEREAS, the Downtown Commission has considered the issue of farmers' markets and their potential value and supports the location of such a use in the downtown area; and,

WHEREAS, the Oberlin Planning Commission has reviewed aspects related to farmers' markets in the downtown area, and has recommended to Council that the Zoning Code be amended to allow farmers' markets as a conditionally permitted use in the C-1 District and to incorporate regulations related to that type of use; and,

WHEREAS, City Council provided notice of and conducted a public hearing on April 19, 1999, and no objection or comments in opposition to the proposed amendments were received.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Oberlin, County of Lorain, State of Ohio, a majority of all members elected thereto concurring:

SECTION 1. That Section 1341.03 of the Codified Ordinances of the City of Oberlin, which authorized certain conditional uses in the C-1 District, is hereby amended to add the following to the list of conditionally permitted uses:

"(g) Farmers' Markets"

SECTION 2. That Section 1355.10 of the Codified Ordinances of the City of Oberlin, Ohio, which provides supplemental requirements for conditional uses, is hereby amended to add the following regulations relating to "Farmers' Markets":

"(j) Farmers' Markets

The following regulations, in addition to those stated at 1355.09, shall apply to conditional use permits for a farmers' market:

- (1) A farmers' market shall only operate within the months, days and hours specified by the Planning Commission in order to ensure that it is a seasonal market.
- (2) A minimum setback distance of ten (10) feet is required from the public street right-of-way line and twenty-five (25) feet from any residentially-zoned property. Notwithstanding these setback requirements, nothing in this regulation shall preclude the operations of a farmers' market within a public right-of-way or on publicly-owned land if approved by Council.
- (3) The applicant shall specify the number of vendor spaces on the application form and on a site plan drawing, and the number of spaces shall be such as to not create overcrowding.
- (4) All activities related to the operation of the farmers' market shall be conducted on an improved surface.
- (5) The applicant shall specify the types of goods offered for sale and they shall be restricted to grown or baked goods produced by the vendor.
- (6) Commercially manufactured goods or products shall not be offered for sale.
- (7) Any signage shall be restricted to a maximum display area of twenty-five (25) square feet and any sign must be set back a minimum distance of ten (10) feet from a public street right-of-way.
- (8) The use of loudspeakers and amplified music shall be prohibited.
- (9) Proof of liability insurance shall be provided to the City."

SECTION 3. That Section 1355.10(j) of the Codified Ordinances entitled "Similar Uses" is hereby renumbered as Section 1355.10(k).

SECTION 4. It is hereby found and determined that all formal actions of this Council concerning or relating to the adoption of this ordinance were adopted 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 in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 5. That this ordinance shall take effect at the earliest date allowed by law.

PASSED: 1st Reading - May 3, 1999
2nd Reading - May 17, 1999
3rd Reading - June 7, 1999

ATTEST:


CLERK OF COUNCIL


CHAIR OF COUNCIL

POSTED: June 8, 1999

EFFECTIVE DATE: June 8, 1999