ORDINANCE NO. 997

AN ORDINANCE TO REPEAL ORDINANCE NUMBER 898, AND FURTHER AMEND ORDINANCE NUMBER 481, ENTITLED THE EAST RIDGE ZONING ORDINANCE, ARTICLE II, DEFINITIONS, ARTICLE V, SCHEDULE OF DISTRICT REGULATIONS AND ARTICLE VII REGULATIONS FOR USES PERMITTED ON REVIEW, IN ORDER TO REVISE DEVELOPMENT STANDARDS ON OPEN AIR MARKETS

WHEREAS, Open Air Markets are currently only permitted as a use on review by the City Council for the City of East Ridge, Tennessee, and are only permitted subject to certain development standards within the C-2 General Commercial District and the M-2 Light Industrial District; and,

WHEREAS, the City Council for the City of East Ridge, Tennessee wishes to revise the current definition of Open Air Markets and the development standards governing their use; and,

NOW, THEREFORE BE IT ORDAINED, that the City Council of the City of East Ridge, Tennessee repeals Ordinance No. 898;

BE IT FURTHER ORDAINED, that the City Council of the City of East Ridge, Tennessee amends Ordinance No. 481 as follows:

Article II. Definitions be amended by deleting Section 96. Open Air Market in its entirety and substituting in lieu thereof the following:

96. Open Air Market: Any and all outdoor market(s) for the retail sale of new or used merchandise, produce, or any consumer related products, whether operated by a single vendor, multiple vendors or composed of stalls, stands or spaces rented or otherwise provided. This definition does not include activities, events or markets held or sponsored by the City of East Ridge, Tennessee.

Article V. Schedule of District Regulations, 1200 C-2 General Commercial District, 1203 Uses Permitted on Review be amended by deleting subsection E in its entirety and substituting in lieu thereof the following:

E. Open Air Markets, subject to the development standards as specified in Article VII of these regulations.

Article V. Schedule of District Regulations, 1800 M-2 Light Industrial District, 1801 Permitted on Review be amended by deleting subsection B in its entirety and substituting in lieu thereof the following:

B. Open Air Markets, subject to the development standards as specified in Article VII of these regulations.

Article VII. Regulations for Uses Permitted on Review be amended by adding the following in its entirety:

115 Open Air Markets

The development and use of a property as an Open Air Market, as defined in Article II of these regulations shall be permitted only as a use on review by the City Council of the City of East Ridge subject to the following development standards:

A. Paved stripped parking shall be provided at a rate of two (2) spaces for every stall, booth or vendor's lot; or (alternatively) at least two-thirds (2/3) of the entire site shall be set aside as the usable customer parking space exclusively for the Open Air Market and for no other use.

B. Access and egress to public streets shall be established and maintained in a manner approved by the City of East Ridge Chief Building Official its sole discretion as to concerns about safety, traffic flow or other public welfare concerns.

C. An Open Air Market shall only be conducted in an open pavilion structure for outdoor sales. The open pavilion shall be site constructed and shall be open on at least two (2) sides. The structure shall be subject to all of the following:

1. Follow all applicable building and fire codes adopted by the City of East Ridge and the State of Tennessee.

2. Have permanent foundations of concrete and rebar.

3. Have a minimum eave height of 10 ft.

4. Have minimum of 12 ft clear span between supporting columns.

5. Have a roofing material of asphalt shingle or metal roofing with necessary decking.

6. Have permanent electrical service with meter base, disconnect, branch circuits for receptacles and switches.

7. Have permanent lighting with emergency lighting. Emergency lighting shall be reviewed prior to installation of goods, displays, or products.

8. Have any closed side of the structure to match surrounding businesses.

9. Not be constructed of any temporary membrane type components including but not limited to the following: Tarps, plastic, canvas or vinyl.

10. Have any doors located within the optional walls equipped with panic hardware, all exit doors must have exit lighting.

D. All electrical wiring systems shall be approved by the City of East Ridge Chief Building Official.

E. The Open Air Market shall have inspected and currently tagged fire extinguishers on the premises.

F. Public sanitary facilities shall be provided as follows:

1. Whenever business is conducted on undeveloped property zoned for open air markets, sanitary sewers, including, but not limited to, toilets, water and trash containers will be made available at the start of each business day.

2. Either permanent toilet fixtures or portable facilities approved for public use by the Chattanooga-Hamilton County Health Department shall be made available in the following ratio:

   a. Property of less than one (1) acre; two (2) toilet units shall be provided.

   b. Property of one (1) to three (3) acres; four (4) toilet units shall be provided.

   c. Property of more than three (3) acres; six (6) toilet units shall be provided.

3. All portable toilets will be emptied, sanitized and serviced not less than two (2) times a week or more frequently if needed, and the contents emptied in an approved wastewater treatment facility.

4. Potable drinking water, either under pressure or furnished in an approved dispenser will be made available so there will be a drinking fixture or dispenser for each acre of used property or fraction thereof. Single service cups, in an approved dispenser shall be made available.

5. A covered trash receptacle, capable of holding not less than ten (10) gallons will be made available by each vendor who leases, rents or is furnished space to barter or sell merchandise from the area, curb or street by the close of each business day.

G. A chain-link fence at least four (4) feet high shall be erected along any property boundary adjacent to a school, church or residential land use.

H. The sale or trade of animals, fish, reptiles or fowl shall not be permitted upon the property.

I. The property shall be landscaped and maintained in a clean, neat and orderly fashion in order to fulfill the Landscape Ordinance requirements (see Ordinance No. 874).

J. Noxious odors and loud noises shall not be permitted to emanate from the property.

K. Vendors shall not be allowed to leave any merchandise in an outdoor area between the hours of 9:00 p.m. and 6:00 a.m. each business day.

L. Storage trailers shall not be permitted to park and remain in the outdoor area between the hours of 9:00 p.m. and 6:00 a.m. each business day.

M. No overnight camping or residing on the Open Air Market site, any property serving it or in any area not approved for overnight camping or residing.

N. Any alteration or deletion of any parking space or sanitary sewer facility or abridgement of any condition agreed to at the time of issuance of the Special Permit shall constitute grounds for revocation of the Special Permit. Upon verification by the Chief Building Official that such alteration, deletion or abridgement has occurred, the operator of the Open Air Market shall be summoned before the East Ridge City Council to show cause why the Special Permit should not be permanently revoked. Failure to appear or failure to correct deficiencies found by the Council within ten (10) days following the hearing shall cease to use the property as an Open Air Market until such times as a new Special Permit is applied for received and approved.

O. The regulations set forth in this section are not applicable to events sponsored by the City of East Ridge, Tennessee.

BE IT FURTHER ORDAINED, that this Ordinance take effect from and after its passage, the public welfare of the City requiring it.

Passed first reading October 15, 2015.

Passed second reading October 29, 2015.

Brent Lambert

Brent Lambert, Mayor

Attest:

Michael L. Williams, Interim City Manager

Approved to form:

Harold L. North, Jr., City Attorney