

CITY COUNCIL AGENDA ITEM COVER MEMO

Agenda Item Number _____

Meeting Type: Regular

Meeting Date: 4/11/2013

Action Requested By:
Planning

Agenda Item Type
Resolution

Subject Matter:

Zoning Ordinance Amendments

Exact Wording for the Agenda:

Resolution to set a public hearing on an ordinance to amend ARTICLE 75 - ALCOHOLIC BEVERAGE ESTABLISHMENT REGULATIONS, by amending Section 75.1 - Definitions, and Section 75.3 - Permitted Establishments by Districts; by renumbering Section 75.6 - Severability; and by adding new Section 75.6 - Brewpub Areas; to amend current local regulations to coincide with recently adopted state regulations concerning brewpubs.

Note: If amendment, please state title and number of the original

Item to be considered for: Action

Unanimous Consent Required: No

Briefly state why the action is required; why it is recommended; what Council action will provide, allow and accomplish and; any other information that might be helpful.

Recommended by Planning Commission.
Public hearing date: May 23, 2013

Associated Cost:

Budgeted Item: Not applicable

MAYOR RECOMMENDS OR CONCURS: Select...

Department Head: _____

Sgt M Baird

Date: 3/27/2013

RESOLUTION NO. 13-

WHEREAS, the Planning Commission of the City of Huntsville, Alabama, has given consideration to an amendment to the Zoning Ordinance, a synopsis of said amendment being as follows:

- (1) Amends ARTICLE 75 - ALCOHOLIC BEVERAGE ESTABLISHMENT REGULATIONS, by amending Section 75.1 - Definitions, and Section 75.3 - Permitted Establishments by Districts; by renumbering Section 75.6 - Severability; and by adding new Section 75.6 - Brewpub Areas; to amend current local regulations to coincide with recently adopted state regulations concerning brewpubs.

- (2) The first publication of this resolution, this synopsis, and the ordinance hereinafter set out at length shall be in the Huntsville Times on the _____ day of _____, 2013, and the second publication shall be one week thereafter on the _____ day of _____, 2013, both of which publications shall be at least 15 days in advance of the date of the public hearing hereinafter referred to.

WHEREAS, it is the judgment and opinion of the City Council of the City of Huntsville, Alabama, that consideration should be given to the adoption of said amendment to the Zoning Ordinance of the City of Huntsville, Alabama;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Huntsville, Alabama, as follows:

That the City Council of the City of Huntsville, Alabama, shall meet at 6:00 p.m. on the _____ day of _____, 2013, in the Council Chambers of the City of Huntsville Administration Building at 308 Fountain Circle in the City of Huntsville, Alabama, for the purpose of holding a public hearing, at which time and place all persons, parties in interest and cities who desire, shall have an opportunity to be heard in opposition to or in favor of said ordinance amending the Zoning Ordinance of the City of Huntsville, Alabama.

That the proposed amendment to the Zoning Ordinance of the City of Huntsville, Alabama, is substantially in words and figures as follows:

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AN ORDINANCE TO AMEND THE ZONING ORDINANCES OF THE
CITY OF HUNTSVILLE, ALABAMA

The public welfare requiring it, and under authority granted by Section 11-52-78 of the 1975 *Code of Alabama*, **BE IT ORDAINED** by the City Council for the City of Huntsville, Alabama, that the Zoning Ordinance of the City of Huntsville, Alabama, as adopted on the 21st day of March 1963, as amended, is hereby further amended as follows:

Section 1. Amend ARTICLE 75 - ALCOHOLIC BEVERAGE ESTABLISHMENT REGULATIONS, to amend Section 75.1 - Definitions, by amending:

Brewpub means an establishment licensed as and meeting the qualifications of a brewpub under the state alcoholic beverage control laws, including Title 28, Chapter 4A of the Code of Ala. 1975, which qualifications include but are not necessarily limited to the requirements that such brewpub must contain and operate a restaurant with a seating capacity of not less than eighty (80), and that the beer shall be sold at retail for on-premises consumption only.

to read as follows:

Brewpub means an establishment licensed as and meeting the qualifications of a brewpub under the state alcoholic beverage control laws, including Title 28, Chapter 4A of the Code of Ala. 1975, as such may be amended or superseded from time to time.

and by adding the following definition to read as follows:

Brewpub areas means suitable locations that meet the qualifications of the location of a brewpub under the state alcoholic beverage control laws, including Title 28, Chapter 4A of the Code of Ala. 1975, as such may be amended or superseded from time to time, and that fall within the appropriate zoning districts. The physical boundaries of the brewpub areas are as delineated in Section 75.6 herein.

Section 2. Amend ARTICLE 75 - ALCOHOLIC BEVERAGE ESTABLISHMENT REGULATIONS, to amend Section 75.3 - Permitted Establishments by Districts, by amending subsection 75.3.3 Highway Business C-4 District by amending:

Class I Lounge Liquor Retailers without package sales, Class II Club Liquor Retailers without package sales, and On/Off-Premises Beer/Table Wine Retailers (all without entertainment). Such retailer's premises shall not be located within one thousand five hundred (1500) feet of the retailer's premises of a Package Sales Establishment.

to read as follows:

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Brewpubs (within brewpub areas), Class I Lounge Liquor Retailers without package sales, Class II Club Liquor Retailers without package sales, and On/Off-Premises Beer/Table Wine Retailers (all without entertainment). Such retailer's premises shall not be located within one thousand five hundred (1500) feet of the retailer's premises of a Package Sales Establishment.

and by amending subsection 75.3.4 Commercial Recreation C-5 and Commercial Industrial Park Districts; subsection 75.3.5 Light Industry, Research Park Commercial and Airport Commercial Districts; and subsection 75.3.6 Heavy Industry District; by amending:

Class I Lounge Liquor Retailers without package sales, Class II Club Liquor Retailers without package sales, and On/Off-Premises Beer/Table Wine Retailers (all without entertainment).

to read as follows:

Brewpubs (within brewpub areas), Class I Lounge Liquor Retailers without package sales, Class II Club Liquor Retailers without package sales, and On/Off-Premises Beer/Table Wine Retailers (all without entertainment).

and by amending subsection 75.3.3 Highway Business C-4 District; subsection 75.3.5 Light Industry, Research Park Commercial and Airport Commercial Districts; and subsection 75.3.6 Heavy Industry District; by amending:

Class I Lounge Liquor Retailers without package sales, Class II Club Liquor Retailers without package sales, and On/Off-Premises Beer/Table Wine Retailers (all with entertainment) -- provided that such uses shall be subject to each of the following restrictions:

to read as follows:

Brewpubs (within brewpub areas), Class I Lounge Liquor Retailers without package sales, Class II Club Liquor Retailers without package sales, and On/Off-Premises Beer/Table Wine Retailers (all with entertainment) -- provided that such uses shall be subject to each of the following restrictions:

Section 3. Amend ARTICLE 75 - ALCOHOLIC BEVERAGE ESTABLISHMENT REGULATIONS, by renumbering Section 75.6 - Severability as Section 75.7.

Section 4. Amend ARTICLE 75 - ALCOHOLIC BEVERAGE ESTABLISHMENT REGULATIONS, by adding new Section 75.6 - Brewpub Areas, to read as follows:

75.6 - Brewpub Areas

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The following description represents the established boundary of the brewpub areas:

All that part of Sections 13, 14, 23, 24, 25, 26, 27, 28, 33, 34, 35 and 36, Township 3 South , Range 1 West and all that part of Sections 1, 2, 11, 12, 13, 14, 23 and 24, Township 4 South, Range 1 West of the Huntsville Meridian in the City of Huntsville, Madison County, Alabama; more particularly described as beginning at a point located at the intersection of the centerlines of Mastin Lake Road and North Memorial Parkway; thence from the point of beginning proceed in an easterly direction along the center line of Mastin Lake Road 1107.00 feet to the centerline of Normal Branch; thence in a southerly direction and along the centerline of Normal Branch for 5771.00 feet to the intersection of the centerlines of Normal Branch and Pinhook Creek; thence in a southerly direction and along the centerline of Pinhook Creek for 3874.00 feet to the intersection of the centerlines of Pinhook Creek and Abington Avenue; thence in a westerly direction along the centerline of Abington Avenue 577.00 feet; thence leaving said centerline South 16 degrees 23 minutes 40 seconds West 1401.00 feet; thence South 15 degrees 24 minutes 45 seconds East 447.00 feet; thence Due East 135.00 feet to a point located on the centerline of Orchard Street; thence in a southerly direction along the centerline of Orchard Street for 35.00 feet; thence leaving said centerline Due East 622.00 feet to a point located on the centerline of Pinhook Creek; thence Due South 353.00 feet to a point on the centerline of Pratt Avenue; thence in an easterly direction and along the centerline of Pratt Avenue 1847.00 feet to the intersection of the centerlines of Pratt Avenue and Meridian Street; thence in a southwesterly direction and along the centerline of Meridian Street 923.00 feet to a point located at the intersection of the centerlines of Meridian Street and Howe Avenue; thence in an easterly direction and along the centerline of Howe Avenue 820.00 feet to a point located at the intersection of the centerlines of Howe Avenue and Dallas Street; thence in a southerly direction and along the centerline of Dallas Street 239.00 feet; thence leaving said centerline South 58 degrees 03 minutes 29 seconds West 125.00 feet; thence North 33 degrees 04 minutes 25 seconds West 53.00 feet; thence South 58 degrees 10 minutes 48 seconds West 105.00 feet; thence North 33 degrees 20 minutes 00 seconds West 61.00 feet; thence South 59 degrees 25 minutes 00 seconds 103.00 feet; thence South 36 degrees 13 minutes 00 seconds East 21.00 feet; thence South 55 degrees 53 minutes 00 seconds West 282.00 feet; thence South 32 degrees 43 minutes 00 seconds East 209.00 feet to a point located on the centerline of Walker Avenue; thence continuing South 32 degrees 43 minutes 00 seconds East 234.00 feet; thence South 55 degrees 24 minutes 00 seconds West 158.00 feet; thence South 33 degrees 47 minutes 00 seconds East 42.00 feet; thence South 58 degrees 18 minutes 00 seconds West 150.00 feet; thence South 33 degrees 34 minutes 00 seconds

East 503.00 feet to a point located on the centerline of Holmes Avenue; thence North 34 degrees 43 minutes 00 seconds East 20.00 feet to a point located at the intersection of the centerlines of Holmes Avenue and Lincoln Street; thence in a southeasterly direction and along the centerline of Lincoln Street 807.00 feet to a point located at the intersection of the centerlines of Lincoln Street and Randolph Avenue; thence in a southwesterly direction and along the centerline of Randolph Avenue for 203.00 feet; thence leaving said centerline of Randolph Avenue South 33 degrees 20 minutes 00 seconds East 366.00 feet to a point located on the centerline of Eustis Avenue; thence in a southwesterly direction and along the centerline of Eustis Avenue for 388.00 feet ; thence leaving said centerline South 88 degrees 02 minutes 00 seconds East 365.00 feet to a point on the centerline of Gates Avenue; thence in a southwesterly direction and along the centerline of Gates Avenue for 350.00 feet; thence leaving said centerline South 32 degrees 13 minutes 00 seconds East 360.00 feet to a point located on the centerline of Williams Avenue; thence continuing South 32 degrees 13 minutes 00 seconds East 233.00 feet; thence North 58 degrees 56 minutes 00 seconds East 26.00 feet; thence South 31 degrees 22 minutes 00 seconds East 1363.00 feet to a point located at the centerline of Fagan Creek; thence in a southwesterly direction and along the centerline of Fagan Creek 762.00 feet to a point located at the intersection of the centerlines of Fagan Creek and Gallatin Street; thence in a southeasterly direction and along the centerline of Gallatin Street for 733.00 feet to a point located at the intersection of the centerlines of Gallatin Street and St. Clair Avenue; thence in a westerly direction and along the centerline of St. Clair Avenue 1079.00 feet; thence leaving said centerline Due North 112.00 feet; thence Due East 23.00 feet; thence Due North 95.00 feet; thence Due East 4.00 feet; thence Due North 246.00 feet to a point located on the north right-of-way of Pelham Avenue; thence in a westerly direction and along said right-of-way 94.00 feet; thence leaving said right-of-way North 01 degrees 51 minutes 00 seconds West 328.00 feet to a point located on the centerline of Fagan Creek; thence in a northwesterly direction and along the centerline of Fagan Creek 1131.00 feet to a point located at the intersection of the centerlines of Fagan Creek and Monroe Street; thence in a southwesterly direction and along the centerline of Monroe Street 881.00 feet to a point located at the intersection of the centerlines of Monroe Street and the Huntsville and Madison County Railroad Authority right-of-way; thence in a southeasterly direction and along the centerline of said railroad right-of-way 1120.00 feet to a point located at the intersection of the centerlines of said railroad right-of-way and Governors Drive; thence in a westerly direction and along the centerline of Governors Drive 534.00 feet; thence leaving said centerline South 01 degrees 00 minutes 00 degrees West 891.00 feet; thence South 35 degrees 04 minutes 00 seconds East 645.00 feet; thence North

87 degrees 33 minutes 00 seconds East 561.00 feet to a point located on the centerline of the Huntsville and Madison County Railroad Authority right-of-way; thence in a southeasterly direction and along the centerline of said railroad right-of-way 1720.00 feet to a point located on the south right-of-way of Bob Wallace Avenue; thence in a southwesterly direction and along the south right-of-way of Bob Wallace Avenue 61.00 feet to a point located on the west right-of-way of L&N Drive; thence in a southeasterly direction and along the west right-of-way of L&N Drive 938.00 feet; thence leaving said right-of-way Due East for 54.00 feet to a point located on the centerline of said railroad right-of-way; thence in a southeasterly direction and along the centerline of said railroad right-of-way 6934.00 feet to a point located at the intersection of the centerlines of said railroad right-of-way and Airport Road; thence in a westerly direction and along the centerline of Airport Road/Johnson Road 5305.00 feet to a point located on the centerline of Huntsville Spring Branch; thence in a northerly direction and along the centerline of Huntsville Spring Branch 11,211.00 feet to a point located at the intersection of the centerlines of Huntsville Spring Branch and Governors Drive; thence Due East and along the centerline of Governors Drive 552.00 feet to a point located on the centerline of Huntsville Spring Branch; thence in a northeasterly direction and along the centerline of Huntsville Spring Branch 362.00 feet to a point located at the intersection of said branch and Memorial Parkway; thence in a northwesterly direction and along the centerline of Memorial Parkway 1502.00 feet; thence leaving said centerline South 53 degrees 09 minutes 00 seconds West 929.00 feet to a point located at the intersection of the centerlines of Vernon Avenue and Seminole Drive; thence in a northwesterly direction and along the centerline of Seminole Drive 581.00 feet to a point located at the intersection of the centerlines of Seminole Drive and Clinton Avenue; thence in a southwesterly direction and along the centerline of Clinton Avenue 2948.00 feet to a point located on the centerline of Governors Drive; thence in a westerly direction and along the centerline of Governors Drive 344.00 feet to a point located at the intersection of the centerlines of Governors Drive and Triana Boulevard; thence in a northerly direction and along the centerline of Triana Boulevard 2893.00 feet; thence leaving said centerline North 79 degrees 28 minutes 00 seconds East 790.00 feet to a point located on the centerline of Broglan Branch; thence in a southeasterly direction and along the centerline of Broglan Branch 858.00 feet to a point located at the intersection of the centerlines of Broglan Branch and the Norfolk Southern Railroad right-of-way; thence in a northeasterly direction and along the centerline of the Norfolk Southern Railroad right-of-way 487.00 feet; thence leaving said centerline Due North 811.00 feet; thence North 87 degrees 26 minutes 00 seconds East 888.00 feet; thence Due North 149.00 feet; thence Due West 23.00 feet; thence Due

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North 795.00 feet; thence North 82 degrees 08 minutes 00 seconds East 795.00 feet; thence North 65 degrees 59 minutes 00 seconds East 161.00 feet; thence North 24 degrees 18 minutes 00 seconds West 273.00 feet; thence South 68 degrees 48 minutes 00 seconds West 177.00 feet; thence North 24 degrees 28 minutes 00 seconds West 172.00 feet to a point located on the centerline of McBroom Avenue; thence in a northeasterly direction and along the centerline of McBroom Avenue 41.00 feet to a point located at the intersection of the centerlines of McBroom Avenue and Pleasant Row; thence in a northwesterly direction and along the centerline of Pleasant Row 617.00 feet; thence leaving said centerline North 35 degrees 20 minutes 00 seconds West 75.00 feet; thence North 24 degrees 39 minutes 00 seconds West 320.00 feet to a point located on the centerline of Larkin Street; thence in a southwesterly direction and along the centerline of Larkin Street 114.00 feet; thence North 30 degrees 03 minutes 00 seconds West 375.00 feet to a point located on the centerline of Cox Avenue; thence in a southwesterly direction and along the centerline of Cox Avenue 169.00 feet to a point located at the intersection of the centerlines of Cox Avenue and Pulaski Pike; thence in a northwesterly direction and along the centerline of Pulaski Pike 46.00 feet; thence leaving said centerline South 62 degrees 04 minutes 00 seconds West 2094.00 feet to a point located on the west boundary of Section 35, Township 3 South, Range 1 West; thence Due South and along said section boundary 156.00 feet; thence Due West 1379.00 feet to a point located on the centerline of Broglan Branch; thence in a northwesterly direction and along the centerline of Broglan Branch 118.00 feet to a point located at the intersection of the centerline of Broglan Branch and University Drive; thence in a westerly direction and along the centerline of University Drive 4198.00 feet to a point located at the intersection of the centerlines of University Drive and Jordan Lane; thence in a northwesterly direction and along the centerline of Jordan Lane 5587.00 feet; thence leaving said centerline Due East 859.00 feet; thence Due South 348.00 feet; thence South 88 degrees 19 minutes 00 seconds East 225.00 feet; thence Due South 497.00 feet; thence Due East 229.00 feet; thence South 02 degrees 42 minutes 00 seconds West 335.00 feet; thence Due West 219.00 feet; thence Due South 203.00 feet; thence South 88 degrees 58 minutes 00 seconds East 264.00 feet; thence Due South 487.00 feet; thence Due East 151.00 feet to a point located on the centerline of Brandontown Road; thence in a southerly direction and along the centerline of Brandontown Road 212.00 feet; thence leaving said centerline South 67 degrees 02 minutes 00 seconds East 271.00 feet; thence Due South 240.00 feet; thence Due East 653.00 feet to a point located on the southeast corner of Section 28, Township 3 South, Range 1 West; thence South 01 degree 53 minutes 00 seconds West 1460.00 feet to a point located on the centerline of an unnamed tributary to Broglan Branch; thence in an easterly direction and along the

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centerline of said tributary 2861.00 feet to a point located on the centerline of Broglan Branch; thence in a southeasterly direction and along the centerline of Broglan Branch 1544.00 feet to a point located at the intersection of the centerlines of Broglan Branch and University Drive; thence in a northeasterly direction and along the centerline of University Drive 3404.00 feet to a point located at the intersection of the centerlines of University Drive and Pulaski Pike; thence in a northwesterly direction and along the centerline of Pulaski Pike 1783.00 feet; thence leaving said centerline North 52 degrees 29 minutes 00 seconds East 243.00 feet; thence South 38 degrees 37 minutes 00 seconds East 100.00 feet; thence Due East 256.00 feet; thence Due North 569.00 feet to a point located on the centerline of Country Club Avenue; thence in an easterly direction and along the centerline of Country Club Avenue 99.00 feet; thence leaving said centerline Due North 175.00 feet; thence North 31 degrees 51 minutes 00 seconds West 69.00 feet; thence North 02 degrees 07 minutes 00 seconds East 517.00 feet; thence North 40 degrees 14 minutes 00 seconds East 29.00 feet; thence Due North 328.00 feet; thence Due East 667.00 feet; thence Due North 546.00 feet to a point located on the centerline of Oakwood Avenue; thence in an easterly direction and along the centerline of Oakwood Avenue 264.00 feet; thence leaving said centerline Due North 629.00 feet; thence Due East 525.00 feet to a point located on the centerline of Old Blue Spring Road; thence in a northerly direction and along the centerline of Old Blue Spring Road 283.00 feet; thence leaving said centerline Due East 201.00 feet; thence Due North 1528.00 feet; thence Due West 231.00 feet to a point located on the centerline of Blue Spring Road; thence in a northerly direction and along the centerline of Blue Spring Road 781.00 feet to a point located at the intersection of the centerlines of Blue Spring Road and Max Luther Drive; thence in an easterly direction and along the centerline of Max Luther Drive 202.00 feet; thence leaving said centerline Due North 2210.00 feet; thence South 87 degrees 58 minutes 00 seconds East 809.00 feet; thence North 02 degrees 16 minutes 00 seconds East 628.00 feet; thence South 87 degrees 54 minutes 00 seconds East 422.00 feet; thence Due North 20.00 feet; thence Due East 863.00 feet; thence North 18 degrees 39 minutes 00 seconds East 1004.00 feet; thence Due North 896.00 feet to a point located on the centerline of Mastin Lake Road; thence in an easterly direction and along the centerline of Mastin Lake Road 1312.00 feet to a point located at the intersection of the centerlines of Mastin Lake Road and North Memorial Parkway and the point of beginning and containing 2599.20 acres, more or less.

LESS AND EXCEPT:

All that part of Sections 35 and 36, Township 3 South, Range

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1 West of the Huntsville Meridian in the City of Huntsville, Madison County, Alabama; more particularly described as beginning at the intersection of the centerlines of the Norfolk Southern Railroad right-of-way and Church Street; thence from the point of beginning and in a southeasterly direction along the centerline of Church Street 566.00 feet to the intersection of the centerlines of Church Street and Monroe Street; thence in a southwesterly direction and along the centerline of Monroe Street 1023.00 feet to a point located at the intersection of the centerlines of Monroe Street and Holmes Avenue; thence in a southwesterly direction and along the centerline of Holmes Avenue 675.00 feet to a point located at the intersection of the centerlines of Holmes Avenue and Dallas Avenue; thence in a northeasterly direction and along the centerline of Dallas Avenue 317.00 feet; thence leaving said centerline South 77 degrees 46 minutes 00 seconds West 558.00 feet to a point located on the centerline of Huntsville Spring Branch; thence in a northwesterly direction and along the centerline of Huntsville Spring Branch 116.00 feet to a point located at the intersection of the centerline of Huntsville Spring Branch and the Norfolk Southern Railroad right-of-way; thence in a northeasterly direction and along said railroad right-of-way 1828.00 feet to the intersection of the centerlines of said railroad right-of-way and Church Street and the point of beginning and containing 22.90 acres, more or less.

LESS AND EXCEPT:

All that part of Section 12, Township 4 South, Range 1 West of the Huntsville Meridian, Madison County, Alabama; more particularly described as beginning at the intersection of the south right-of-way of Bob Wallace Avenue and the east right-of-way of Memorial Parkway; thence in a northeasterly direction and along the south right-of-way of Bob Wallace Avenue 484.00 feet; thence South 09 degrees 07 minutes 00 seconds East 494.00 feet; thence South 80 degrees 49 minutes 00 seconds West 489.00 feet to a point located on the east right-of-way of Memorial Parkway; thence in a northerly direction and along the east right-of-way of Memorial Parkway 483.00 feet to the intersection of the east right-of-way of Memorial Parkway and the south right-of-way of Bob Wallace Avenue and the point of beginning and containing 5.30 acres, more or less.

CONTAINING IN THE AGGREGATE 2571.00 ACRES, MORE OR LESS.

The following map represents the established boundary of the brewpub areas:

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Section 5. This ordinance shall take effect from and after the date of its publication.

ADOPTED this the _____ day of _____, 2013.

President of the City Council of
the City of Huntsville, Alabama

APPROVED this the _____ day of _____, 2013.

Mayor of the City of Huntsville,
Alabama

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ADOPTED this the _____ day of _____, 2013.

President of the City Council of
the City of Huntsville, Alabama

APPROVED this the _____ day of _____, 2013.

Mayor of the City of Huntsville,
Alabama