

ORDINANCE NO. 14-491

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, as follows:

WHEREAS, the City Council for the City of Huntsville, Alabama, approved the rezoning of land lying south of Carl T. Jones Drive, along the east side of Garth Road and along the north side of Four Mile Post Road for the Lendon Planned Development from Residence 2 and Residence 2-A districts to Planned Development-Housing District, LUI Rating 45/50, on the 28th of June 2012, by Ordinance 12-358; and

WHEREAS, Ordinance No. 12-358 included approval of the contents, conditions, waivers, and modifications as set out in the *Report to the City Council on Lendon PD-H Rezoning Request*; the Lendon PD Rezoning Submittal including the Specific Function and Use Table; the General Development Plan; the Illustrations of Typical Building Designs; the Slope and Elevation Maps; the Boundary and Topographic Survey; the Open Space Plan and the Physical Features Map; and

WHEREAS, the owners of the Lendon Planned Development desire to make certain changes in the Lendon PD Rezoning Submittal to amend the approved Specific Function and Use Table of the approved Lendon Planned Development resulting in a change in the permitted uses within Transect 5 as follows:

- (1) Add Hotels as a permitted use.
- (2) Add acute long-term care facilities as a permitted use.
- (3) Add On/Off Premises Beer/Table Wine Retailers without entertainment as a permitted use.
- (4) Add Class 1 Lounge Liquor Retailers without entertainment and without package sales as a permitted use.
- (5) Add the following under the restaurant category in the permitted uses:

Restaurants, as restaurants are defined in the Zoning Ordinance, including On/Off Premises Beer/Table Wine Retailers that qualify as a restaurant, are permitted to have entertainment, as entertainment is defined in

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the Zoning Ordinance, provided that the licensed premises is not within five hundred (500) feet of the boundary of any residential zoning district that is currently developed or will in the future be developed for residential use and that is not a part of Lendon, subject to the following condition:

- (a) No entertainment shall be permitted after 11:00 p.m.

Restaurants, as restaurants are defined in the Zoning Ordinance, including On/Off Premises Beer/Table Wine Retailers that qualify as a restaurant, that are within five hundred (500) feet of the boundary of any residential zoning district that is currently developed or will in the future be developed for residential use and that is not a part of Lendon, are permitted to have entertainment, as entertainment is defined in the Zoning Ordinance, subject to each of the following conditions:

- (a) The entertainment shall not be audible outside the interior of the licensed premises; and
- (b) No entertainment shall be permitted and no entertainment shall be audible in the areas of any private sidewalk, courtyard or patio seating; and
- (c) No entertainment shall be permitted after 11:00 p.m.

WHEREAS, the owners of the Lendon Planned Development desire to make certain changes in the Lendon PD Rezoning Submittal to amend the approved Specific Function and Use Table of the approved Lendon Planned Development resulting in a change in the permitted uses as follows:

Add the following condition under permitted uses:

For all alcoholic beverage licensed establishments within Lendon:

No alcoholic beverages shall be served, offered or dispensed between the hours of midnight and 10 a.m. on any day.

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NOW, THEREFORE, BE IT ORDAINED, by the City Council for the City of Huntsville, Alabama, that the Specific Function and Use Table in the Lendon Planned Development as approved by Ordinance No. 12-358 is hereby amended to incorporate the changes hereof, all of which are on file in the offices of the Huntsville Planning Division.

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

ADOPTED this the 28th day of August, 2014.

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

APPROVED this the 28th day of August, 2014.

Mayor of the City of Huntsville,
Alabama