

CITY COUNCIL AGENDA ITEM COVER MEMO

Agenda Item Number _____

Meeting Type: Regular

Meeting Date: 11/6/2014

Action Requested By:
Planning

Agenda Item Type
Resolution

Subject Matter:

Changes to Providence Planned Development

Exact Wording for the Agenda:

Resolution to set a public hearing on an ordinance amending the approved Development Plan for Providence Planned Development, LUI Rating 56, to add to the permitted uses in various transects.

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: December 18, 2014

Associated Cost:

Budgeted Item: Not applicable

MAYOR RECOMMENDS OR CONCURS: Select...

Department Head: 

Date: 10/29/2014

RESOLUTION NO. 14-

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 the approved Development Plan for Providence Planned Development, LUI Rating 56, to add to the permitted uses in various transects.
- (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 _____, 2014, and the second publication shall be one week thereafter on the _____ day of _____, 2014, 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 _____, 2014, 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:

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 on Indian Creek Road (now Providence Main Street) for Providence Planned Development from Residence 1-A, Residence 2, Residence 2-A, and Neighborhood Business C-1 districts and unzoned land to Planned Development-Housing District, LUI Rating 56, on the 14th of November 2002, by Ordinance 02-784; and

WHEREAS, Ordinance No. 02-784 included approval of the contents, conditions, waivers, and modifications as set out in the *Report to the City Council on Providence PD-H Rezoning Request*, the *Providence Code Book*, the list of *Non-residential Uses Permitted in Transect 5 and Transect 6*, the *Transect Plan*, the *Open Space Plan*, the *Boundary and Topographic Survey Plat*, the *General Development Plan*, and the *Phasing Plan*; and

WHEREAS, the City Council for the City of Huntsville, Alabama, approved amendments to Ordinance No. 02-784 on the 25th of September 2003, by Ordinance No. 03-678 and on the 12th of October 2006, by Ordinance No. 06-786 and on the 24th of May 2007, by Ordinance No. 07-317 and on the 20th of December 2007, by Ordinance No. 07-1115 and on the 28th of August 2008, by Ordinance No. 08-699, and on the 18th of November 2010, by Ordinance No. 10-777 and on the 15th of December 2011, by Ordinance No. 11-844 and on the 24th of May 2012, by Ordinance No. 12-279 and on the 24th of October 2013, by Ordinance No. 13-652; and

WHEREAS, the owners of Providence Planned Development desire to make certain changes in the General Development Plan to amend the approved Development Plan for Providence Planned Development, LUI Rating 56, to add to the permitted uses in the various transects as follows:

Within Transects 4, 5 and 6 excluding Transect 4(B) and
Transect 5(C):

Assisted Living Facilities, Specialty Care Assisted
Living Facilities and nursing homes as defined by the
Alabama Department of Public Health

Within Transects 5 and 6 excluding Transect 5(C):

Banquet halls, banquet establishments and meeting places when incorporated within a multi-story building.

Special events retailers.

Mobile food vending units subject to the following regulations:

- (1) Mobile food vending units are permitted to operate between the hours of 6 a.m. - 10 p.m. Sunday through Wednesday and 6 a.m. - 11:30 p.m. Thursday through Saturday.
- (2) Food preparation will be regulated by the Madison County Health Department. The business license application must be accompanied by a food permit issued by the Madison County Health Department and written consent from the property owner (if applicable).
- (3) For any location where the mobile food vending unit is proposed to stay for two (2) or more hours, vendors shall provide toilet facilities for persons operating the unit, including employees, in accordance with the requirements of the Madison County Health Department.
- (4) Mobile food vending units shall be removed from the premises each night.
- (5) Mobile food vending units are not permitted to operate in loading zones, public rights-of-way, or obstruct or impede the flow of traffic for neighboring businesses.
- (6) All mobile food vending units must meet the setbacks of the transect zone in which they are located.
- (7) All signage must be attached to the mobile food vending unit.

- (8) Mobile food vending units must provide sufficient artificial lighting during non-daylight hours.
- (9) Mobile food vending units shall not be allowed to consume otherwise necessary parking spaces.
- (10) No outdoor loudspeaker, public address system, music, or other form of entertainment shall be audible from the mobile food vending units.
- (11) Any on-site preparation of food shall be performed inside the primary vending unit only. There shall be no grills or other cooking facilities allowed outside the primary vending unit.

Street vendors, including food kiosks, on private property subject to the following regulations:

- (1) Street vendors are permitted to operate between the hours of 6 a.m. - 10 p.m. Sunday through Wednesday and 6 a.m. - 11:30 p.m. Thursday through Saturday.
- (2) Street vendors are not permitted to operate in loading zones, public rights-of-way, or obstruct or impede the flow of traffic for neighboring businesses.
- (3) Street vendors are permitted to demonstrate or sell the following:
 - (a) Prepared food or beverages (other than alcoholic beverages);
 - (b) Novelties or homemade artifacts which are handmade by the license holder or his employees, and specifically excluding finished or unfinished products bought for resale, and also specifically excluding mass produced items, used clothing, appliances, and other similar products;
 - (c) Fresh cut and dried flowers; and

- (d) Painting, sketching, drawing, exhibiting original paintings, sketches or drawings of the license holder, or the sale of the license holder's original (including prints or other reproductions) paintings, sketches or drawings;
- (4) Subject to applicable setbacks and height limits for the transect zone in which they are located, street vendors may install permanent structures to display their wares.
- (5) All signage must be attached to the street vendor's permanent structure, kiosk, cart or display unit. The size of the attached sign shall not exceed two (2) square feet and no more than one (1) sign shall be permitted per street vendor.
- (6) Street vendors with permanent structures must provide sufficient artificial lighting during non-daylight hours.
- (7) Street vendors shall not be allowed to consume otherwise necessary parking spaces.
- (8) No outdoor loudspeaker, public address system, music, or other form of entertainment shall be audible from any street vendor.

Within Transects 5, 6 and Civic excluding Transect 5(C):

Outdoor retail sales including but not limited to Christmas tree sales, farmers markets and art shows.

Car shows.

Outdoor performances of music, plays, festivals and movies, in parks, amphitheaters and other common areas.

Within Transect 6:

Inventory storage facility where the primary physical use of the structure is for on-site inventory storage of the business's product; provided, however, that the

total square footage allowable for the entire planned development district shall not exceed a maximum total of 25,000 square feet of floor area for this type of use. No outside storage of goods, wares, or merchandise is permitted on the premises.

Within Civic excluding Civic (D) and Civic (F):

Carnivals by Special Exception.

Within all Transects:

Community gardens in common areas.

NOW, THEREFORE, BE IT ORDAINED, by the City Council for the City of Huntsville, Alabama, that the General Development Plan, the Transect Plan, the Open Space Plan, the Phasing Plan, the Report to the City Council on Providence PD-H Rezoning Request and the Providence Code Book as approved by Ordinance No. 02-784 and amended by Ordinance No. 03-678, Ordinance No. 06-786, Ordinance No. 07-317, Ordinance No. 07-1115, Ordinance No. 08-699, Ordinance No. 10-777, Ordinance No. 11-844, Ordinance No. 12-279 and Ordinance No. 13-652; are 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 _____ day of _____, 2014.

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

APPROVED this the _____ day of _____, 2014.

Mayor of the City of Huntsville,
Alabama

RESOLUTION NO. 14-

ADOPTED this the _____ day of _____, 2014.

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

APPROVED this the _____ day of _____, 2014.

Mayor of the City of Huntsville,
Alabama