

CITY COUNCIL AGENDA ITEM COVER MEMO

Agenda Item Number _____

Meeting Type: Regular

Meeting Date: 2/11/2016

Action Requested By:
Planning

Agenda Item Type
Resolution

Subject Matter:

Zoning Ordinance Amendment.

Exact Wording for the Agenda:

Resolution to set a public hearing of an ordinance to amend Article 75 – ALCOHOLIC BEVERAGE ESTABLISHMENT REGULATIONS, Section 75.3 – Permitted Establishments by Districts, by amending subsection 75.3.1 Neighborhood Business C-1 and Neighborhood Business C-2 Districts and deleting subsection 75.3.7 Village Business C-6 District and amends Article 92 – BOARD OF ADJUSTMENT, Section 92.5 – Powers and Duties, subsection 92.5.3 – Permitted Uses as Special Exceptions, by amending subsection 92.5.3 (2) and subsection 92.5.3 (28) to update language concerning Village Business C-6 District.

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

Item to be considered for: Action

Unanimous Consent Required: No

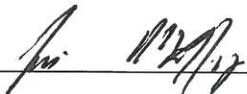
Briefly state why the action is required; why it is recommended; what Council action will provide, allow and accomplish and; any other information that might be helpful.

Recommended by Planning Commission.
Public Hearing Date: March 24, 2016

Associated Cost:

Budgeted Item: Not applicable

MAYOR RECOMMENDS OR CONCURS: Select...

Department Head: 

Date: 1/27/2016

RESOLUTION NO. 16-_____

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) Amend Article 75 - *ALCOHOLIC BEVERAGE ESTABLISHMENT REGULATIONS, Section 75.3 - Permitted Establishments by Districts*, by amending subsection 75.3.1 *Neighborhood Business C-1 and Neighborhood Business C-2 Districts* and deleting subsection 75.3.7 *Village Business C-6 District* and amends Article 92 - *BOARD OF ADJUSTMENT, Section 92.5 - Powers and Duties*, subsection 92.5.3 - *Permitted Uses as Special Exceptions*, by amending subsection 92.5.3 (2) and subsection 92.5.3 (28) to update language concerning Village Business C-6 District.

- (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 ___, 2016, and the second publication shall be one week thereafter on the ___ day of ___, 2016, 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 ___, 2016, 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:

ORDINANCE NO. 16-

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, Section 75.3 - Permitted Establishments by Districts, by amending subsection 75.3.7 Village Business C-6 District, by deleting:

75.3.7 Village Business C-6 District

Restaurant Liquor Retailers, excluding hotels and civic center authorities licensed as a Restaurant Liquor Retailer, and On/Off-Premises Beer/Table Wine Retailers with food service (all without entertainment) -- provided that such uses shall be subject to each of the following restrictions:

- 1) no alcoholic beverages shall be served, offered, dispensed, sold, or consumed between the hours of midnight and 2 a.m. unless a special exception has been granted in accordance with Section 92.5 - Powers and Duties, and further provided, the provisions of Section 74.4 - Non-Conforming Uses of Structures shall not operate to allow existing establishments to function contrary to this provision; and
- 2) there shall be no private sidewalk or patio seating unless a special exception has been granted in accordance with Section 92.5 - Powers and Duties; and
- 3) no alcoholic beverages shall be sold by any restaurant or food vendor located in or adjacent to a food court.

Off-Premises Beer/Table Wine Retailers operating as a specialty store provided that such retailers are not located within five hundred (500) feet of any protected use, unless a special exception has been granted in the case of churches in accordance with Section 92.5 - Powers and Duties.

Permitted Uses as Special Exceptions as defined and regulated by Section 92.5 - Powers and Duties hereof.

and by amending subsection 75.3.1 Neighborhood Business C-1 and Neighborhood C-2 Districts to read as follows:

75.3.1 Neighborhood Business C-1, Neighborhood Business C-2 and Village Business C-6 Districts

Restaurant Liquor Retailers, excluding hotels and civic center authorities licensed as a Restaurant Liquor Retailer, and On/Off-Premises Beer/Table Wine Retailers with food service(all without entertainment) -- provided that such uses shall be subject to each of the following restrictions:

- 1) no alcoholic beverages shall be served, offered, dispensed, sold, or consumed between the hours of midnight and 2 a.m. unless a special exception has been granted in accordance with Section 92.5 - Powers and Duties, and further provided, the provisions of Section 74.4 - Non-Conforming Uses of Structures shall not operate to allow existing establishments to function contrary to this provision; and
- 2) there shall be no private sidewalk or patio seating unless a special exception has been granted in accordance with Section 92.5 - Powers and Duties; and
- 3) no alcoholic beverages shall be sold by any restaurant or food vendor located in or adjacent to a food court.

Off-Premises Beer/Table Wine Retailers operating as a specialty store provided that such retailers are not located within five hundred (500) feet of any protected use, unless a special exception has been granted in the case of churches in accordance with Section 92.5 - Powers and Duties.

Permitted Uses as Special Exceptions as defined and regulated by Section 92.5 - Powers and Duties hereof.

Section 2. Amend ARTICLE 92 - BOARD OF ADJUSTMENT, Section 92.5 - Powers and Duties, subsection 92.5.3 - Permitted Uses as Special Exceptions, by amending subsection 92.5.3(2) to read as follows:

- (2) Off-Premises Beer/Table Wine Retailers in Neighborhood Business C-1, Neighborhood Business C-2, General Business C-3, Highway Business C-4, Commercial Recreation C-5, Village Business C-6, Commercial Industrial Park, Light Industry, Research Park Commercial, Airport Commercial and Heavy Industry districts within five hundred (500) feet of a church.

In addition to any other required notice, an applicant for a special exception to locate within five hundred (500) feet of a church must notify such church via mail.

Section 3. Amend Article 92 - BOARD OF ADJUSTMENT, Section 92.5 - Powers and Duties, subsection 92.5.3 - Permitted Uses as Special Exceptions, by amending subsection 92.5.3(28) to read as follows:

- (28) Parking lots as a primary use in Neighborhood Business C-1, Neighborhood Business C-2 and Village Business C-6 districts.

Section 4. This ordinance shall take effect from and after the date of its publication.

ADOPTED this the _____ day of _____, 2016.

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

APPROVED this the _____ day of _____, 2016.

Mayor of the City of Huntsville,
Alabama

RESOLUTION NO. 16-

ADOPTED this the ____ day of _____, 2016.

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

APPROVED this the ____ day of _____, 2016.

Mayor of the City of Huntsville,
Alabama