

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 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), subsection 92.5.3 (18), subsection 92.5.3 (33), and subsection 92.5.3 (36) to delete certified mailing language.

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 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), subsection 92.5.3 (18), subsection 92.5.3 (33), and subsection 92.5.3 (36) to delete certified mailing language.
- (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 judgement and opinion of the City Council of the City of Huntsville, Alabama, that consideration should be given to the adoption of an amendment to the Zoning Ordinance of the City of Huntsville, Alabama, in accordance with said request;

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

1. 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.

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

- (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, 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 certified mail, return receipt requested, and provide proof of receipt to the Zoning Administration Office as a part of the special exception application.

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, 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 2. Amend ARTICLE 92 - BOARD OF ADJUSTMENT, to amend Section 92.5 - Powers and Duties, subsection 92.5.3(18) - Permitted Uses as Special Exceptions, by amending:

(18) Expanded hours for on-premises retail sale, service, dispensing, or consumption of alcoholic beverage in a Neighborhood Business C-1 or C-2 district midnight and 2 a.m. provided all of the following conditions are met in addition to any other conditions that may be imposed by the Board of Adjustment:

(b) Each year the licensee shall notify all residents within five hundred (500) feet by certified mail of the request at least two weeks prior to the date of the Board of Adjustment meeting.

to read as follows:

(18) Expanded hours for on-premises retail sale, service, dispensing, or consumption of alcoholic beverage in a Neighborhood Business C-1 or C-2 district midnight and 2 a.m. provided all of the following conditions are met in addition to any other conditions that may be imposed by the Board of Adjustment:

(b) Each year the licensee shall notify all residents within five hundred (500) feet by mail of the request at least ten (10) days prior to the date of the Board of Adjustment meeting.

Section 3. Amend ARTICLE 92 - BOARD OF ADJUSTMENT, to amend Section 92.5 - Powers and Duties, subsection 92.5.3(33) - Permitted Uses as Special Exceptions, by amending:

(33) Special Retailers as an accessory use to banquet halls or cultural venues where such uses are permitted in Neighborhood Business C-1, Neighborhood Business C-2, General Business C-3, Highway Business C-4, Commercial Recreation C-5, Light Industry, Heavy Industry, Commercial Industrial Park and Research Park Commercial districts provided all of the following conditions are met in addition to any other conditions

that may be imposed by the Board of Adjustment:

- (c) The licensee shall notify all residents within five hundred (500) feet by certified mail of the request at least two weeks prior to the date of the Board of Adjustment meeting.

to read as follows:

- (33) Special Retailers as an accessory use to banquet halls or cultural venues where such uses are permitted in Neighborhood Business C-1, Neighborhood Business C-2, General Business C-3, Highway Business C-4, Commercial Recreation C-5, Light Industry, Heavy Industry, Commercial Industrial Park and Research Park Commercial districts provided all of the following conditions are met in addition to any other conditions that may be imposed by the Board of Adjustment:

- (c) The licensee shall notify all residents within five hundred (500) feet by mail of the request at least ten (10) days prior to the date of the Board of Adjustment meeting.

Section 4. Amend ARTICLE 92 - BOARD OF ADJUSTMENT, to amend Section 92.5 - Powers and Duties, subsection 92.5.3(36) - Permitted Uses as Special Exceptions, by amending:

- (36) Entertainment, as entertainment is defined herein, in restaurants, as restaurants are defined herein, located in Neighborhood Business C-1 and C-2 districts provided all of the following conditions are met in addition to any other conditions that may be imposed by the Board of Adjustment:

- (b) Each year the licensee shall notify all residents within five hundred (500) feet by certified mail of the request at least two weeks prior to the date of the Board of Adjustment meeting.

to read as follows:

(36) Entertainment, as entertainment is defined herein, in restaurants, as restaurants are defined herein, located in Neighborhood Business C-1 and C-2 districts provided all of the following conditions are met in addition to any other conditions that may be imposed by the Board of Adjustment:

(b) Each year the licensee shall notify all residents within five hundred (500) feet by mail of the request at least ten (10) days prior to the date of the Board of Adjustment meeting.

Section 5. 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