

ORDINANCE NO. 16-89

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 24th day of March, 2016.

/s/ Will Culver
President of the City Council of
the City of Huntsville, Alabama.

APPROVED this the 24th day of March, 2016.

/s/ Tommy Battle
Mayor of the City of Huntsville,
Alabama