

**ORDINANCE NO. 18-230**

AN ORDINANCE TO AMEND THE ZONING ORDINANCES OF THE  
CITY OF HUNTSVILLE, ALABAMA

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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. Adds new ARTICLE 55 – RESEARCH PARK 2 DISTRICT REGULATIONS to read as follows:

ARTICLE 55            RESEARCH PARK 2 DISTRICT REGULATIONS

Purpose

The purpose and intent of the Research Park 2 District Regulations are to provide a protective district with a balance of mixed-use and live-work developments for the orderly growth and development of research-based industries and uses which are, by virtue of control, mutually harmonious with other industries and uses permitted, as well as with residential, commercial, and other uses permitted in nearby districts.

These Research Park 2 District regulations are intended to promote the physical and mental health, safety, morals, welfare, comfort, and convenience of the inhabitants of this district and its environs.

Within the Research Park 2 District as shown on the official Zoning Maps of the City of Huntsville, the following regulations shall apply:

55.1 - Uses Permitted

No building, structure, or land shall be used and no building or structure shall hereafter be erected, structurally altered, enlarged, or maintained, except for the uses listed below. The following uses must be contained within a mixed-use development, having no less than two (2) stories with two (2) or more uses.

Agricultural uses, provided no sales are made on the premises, but not including commercial animal or poultry farms or kennels.

Banks and credit unions.

Barber shops, beauty parlors, reducing salons and fitness/exercise centers.

Educational, scientific and research organizations.

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Federal, state, county, city or public utility owned or operated buildings and uses.

Limited, temporary sleeping quarters for scientists, laboratory technicians, custodians and caretakers that are demonstrated to be necessary to carry out a permitted use in this district.

Mobile Food Vending Sites.

Mobile Food Vending Units.

Office buildings for general office purposes.

Pickup stations for laundry or dry cleaning; no cleaning permitted on-site.

Research, experimental and testing laboratories.

Research and development and limited manufacturing and processing where at least thirty percent (30%) of the building area is devoted to non-manufacturing activities to include offices, laboratories, technical support, etc. The remaining seventy percent (70%) may be used for manufacturing, assembly, storage and related uses.

Residential dwelling units -- provided such residential units occupy upper-story space within new or rehabilitated existing buildings having non-residential uses on the street level and provided that such residential units are in compliance with all applicable regulations for habitable space.

Retail sales, cafes, delicatessens, coffee shops and restaurants without alcoholic beverages -- provided that such uses shall be limited to the ground floor of mixed-use developments only. Prohibited uses include tattoo and body piercing parlors and tobacco and vapor shops.

Structures accessory to uses permitted by Section 50.1 hereof including, but not limited to, warehouses, storage buildings, and pump houses provided such accessory uses shall not exceed twenty percent (20%) of the total building area of the primary use.

Accessory uses to uses permitted in the Research Park 2 District such as recreational facilities and dining facilities in connection with the operation of an establishment and primarily for employees, students, or faculty.

Permitted Uses as Special Exceptions as defined and regulated by Subsection 92.5.3 hereof.

**55.2 - Performance Standards**

The performance standards listed below shall be required for all uses located in the Research Park 2 District.

- 55.2.1      Air Pollution - Every use shall be so operated as to comply with the emission limitations specified in Chapter 12, Article II, Section 12-31, Code of Ordinances, City of Huntsville, Alabama, April 2003, as the same may be amended or revised, except that in the case of visible emission restrictions no visible emissions will be allowable.
  
- 55.2.2      Odor - No odors shall be emitted that are detectable without instruments at or beyond any property line, excluding food preparation establishments.
  
- 55.2.3      Vibration - Maximum permitted vibration from any cause shall not exceed the following, when measured at the lot line:
 

<u>Frequency</u> (Cycles per Second)	<u>Displacement</u> (Inches)
10 and below	.0008
10 - 20	.0005
20 - 30	.0003
30 - 40	.0002
40 - 50	.0001
50 and above	.0001
  
- 55.2.4      Noise - Every use shall be so operated as to comply with the noise limitations specified in Chapter 12, Article V, Noise, Code of Ordinances, City of Huntsville, Alabama, April 2003, as the same may be amended or revised.
  
- 55.2.5      Fire and Explosion Hazard - All activities and all storage of flammable and explosive materials shall be in accordance with the National Board of Fire Underwriters' publications and other local ordinances.
  
- 55.2.6      Glare - No direct or reflected glare shall be produced so as to be visible at or beyond any lot line.
  
- 55.2.7      Radiation - Research operations shall cause no dangerous radiation at any property line as specified by the regulations of the Alabama Department of Public Health, Bureau of Radiological Health.
  
- 55.2.8      Radioactive Materials - The handling of radioactive materials, the discharge of such materials into air or water, and the disposal of radioactive wastes, shall be in conformance with the regulations of the Alabama Department of Public Health, Bureau of Radiological Health.

- 55.2.9        Electromagnetic Interference - Industries shall emit only that amount of unshielded spurious electromagnetic radiation as is necessary for the conduct of their operations. Federal Communications Commission requirements shall govern maximum radiation which tends to interfere with meaningful signals.
  
- 55.2.10      Water Pollution - No effluent shall be discharged in any stream. Discharge into the Huntsville sewerage system shall be as approved by the City of Huntsville Engineer of Public Works.
  
- 55.2.11      Waste - All industrial wastes shall be treated and disposed of in such a manner as to comply with all federal, local, and state standards.

**55.3 - Density Regulations**

The following yard, density, and height of building requirements shall be observed:

- 55.3.1        Minimum required depth of front yard: None, but shall conform to the building setback lines established by the approved subdivision plat.
  
- 55.3.2        No principal or accessory structure shall be located less than ten (10) feet from any side lot line, except that when the side of the lot abuts a residential district, a minimum of thirty (30) feet is required.
  
- 55.3.3        No principal or accessory structure shall be located less than twenty-five (25) feet from any rear lot line, except that when the rear of the lot abuts a residential district, a minimum of thirty (30) feet is required.
  
- 55.3.4        Exterior storage of materials shall not be placed in any required yard and shall be contained by fencing in such a manner as to be neat in appearance when viewed from any street.
  
- 55.3.5        Buildings shall not cover an area greater than eighty-five percent (85%) of the total area of the tract upon which the buildings are located.
  
- 55.3.6        Maximum height:        Unlimited.

**55.4 - Street Access and Frontage**

- 55.4.1        Each lot shall have a minimum frontage of one hundred and fifty (150) feet on a public road; provided however, the Director of Planning may approve a lesser frontage to a minimum of one hundred (100) feet for lots located on cul-de-sacs or on street curves, or having other extraordinary characteristics.

55.4.2 Access to building sites shall be via collector or arterial streets. No access roads serving plants shall be permitted which may place heavy traffic on residential streets which are not classified as major collector or arterial streets.

**55.5 – Off-Street Parking and Loading Requirements**

For multi-tenant, mixed-use, and residential dwelling units, shared parking and loading requirements shall be provided as set forth in the Shared Parking Factor matrix of Article 27 hereof.

55.5.1 Parking areas shall be paved and properly drained. No parking shall be permitted any place other than paved parking areas.

55.5.2 Loading areas shall be located and properly screened so as to be not visible from any existing or proposed street.

Required bicycle parking spaces and facilities shall be provided as set forth in Article 76 hereof. (10-507)

**55.6 - Signs Permitted**

For multi-tenant, mixed use and residential dwelling units only, signs shall be permitted in accordance with Section 72.4.3 and shall be regulated in accordance with the provisions of Article 72 - Sign Control Regulations.

**55.7 - Landscaping Requirements**

Every building site on which a building shall be placed shall be landscaped in the following manner. All landscaping must be installed in accordance with the provisions of Section 73.19 - Installation of Landscaping.

55.7.1 All side and rear yards shall have not less than a ten (10) foot wide strip of land adjacent to the property lines planted and maintained, except that where a rear or side yard abuts a residential district, then a thirty (30) foot wide strip of land shall be provided. Within the thirty (30) foot strip there shall be a fifteen (15) foot wide planting screen as provided for in Section 3.1 - Buffer of Screen Planting.

**55.8 - Off-Street Parking and Vehicular Use Area (PVA) Landscaping and Lighting**

Landscaping and lighting of off-street parking and vehicular use areas are required in accordance with Article 71 - Off-Street Parking and Vehicular Use Area Landscaping Requirements.

**55.9 - District Requirements**

For land to be designated as a Research Park 2 district it must satisfy the following conditions:

- 55.9.1           The land must be located within or contiguous to the Research Park district only.
- 55.9.2           The Research Park 2 district must be directly accessible from collector or arterial streets when developed.

**55.10 - Development Procedure for Tracts or Parcels**

- 55.10.1           Any landowner of property lying in a Research Park 2 District desiring to dedicate any street, road, or right-of-way to the public must submit to the Planning Commission a plan of the proposed street, road, or right-of-way for approval.
- 55.10.2           Anyone desiring to secure a building permit for the use of land lying in a Research Park 2 District must submit to the Director of Planning a generalized plot plan of the tract to be developed for approval. Such generalized plot plan shall have shown thereon the following information:
  - (1)    Location map showing the boundaries of the tract to be developed.
  - (2)    The general location of main buildings proposed to be constructed.
  - (3)    The general location of parking areas, loading docks, and public and/or private access ways.
  - (4)    Site grading and storm drainage plan.
  - (5)    Proposed utilities services.
  - (6)    Required screening.
  - (7)    Required and adequate easements.
  - (8)    Landscaping provisions.

The Director of Planning shall review and approve by signature the proposed plot plan upon finding that the same complies with these regulations. If the proposed plot plan is not approved, the Director of Planning shall state in writing on the proposed plot plan the cause for such disapproval.

55.11 - Alcoholic Beverage Establishment Regulations

Alcoholic beverage establishments shall be permitted in accordance with Section 75.3 - Permitted Establishments by Districts, subsection 75.3.1, and shall be regulated by Article 75 - Alcoholic Beverage Establishment Regulations.

Section 2. Amends Article 75 – ALCOHOLIC BEVERAGE ESTABLISHMENT REGULATIONS, Section 75.3 – Permitted Establishments by Districts, by amending subsection 75.3.1 Neighborhood Business C-1, Neighborhood Business C-2 and Village Business C-6 Districts to read as follows:

75.3.1 Neighborhood Business C-1, Neighborhood Business C-2, Village Business C-6 and Research Park 2 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 3. Amends ARTICLE 73 – SUPPLEMENTARY REGULATIONS to read as follows:

73.23.1 Mobile Food Vending

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Mobile food vending in General Business C-3, Highway Business C-4, Commercial Recreation C-5, Light Industry, Heavy Industry, Commercial Industrial Park, Research Park, Research Park West, Research Park Applications, Research Park Applications 2, and Research Park 2 districts shall conform to the following regulations:

- (1) Mobile food vending units located in applicable districts shall have a minimum buffer of one hundred (100) feet as measured from the primary entrance of existing restaurants, cafes, and other food related establishments.
- (2) 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. - 2 a.m. Thursday through Sunday in General Business C-3, Highway Business C-4, Commercial Recreation C-5, Light Industry, Heavy Industry, and Commercial Industrial Park districts.
- (3) Mobile food vending units are permitted to operate between the hours of 10 a.m. - 2 p.m. Monday through Friday in Research Park, Research Park West, Research Park Applications, Research Park Applications 2 and Research Park 2 districts.
- (4) 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).
- (5) 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.
- (6) Mobile food vending sites shall have fixed public toilet facilities including one (1) male and one (1) female restroom available for operators, including employees, and patrons, which meet the requirements of the Madison County Health Department for food establishment toilet rooms.
- (7) Mobile food vending units shall be removed from the premises each night and such operations are not permitted to operate in the required front yard on major arterials.
- (8) Mobile food vending units are not permitted to operate in loading



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zones, public rights-of-way, or obstruct or impede the flow of traffic for neighboring businesses.

- (9) All mobile food vending units must meet the zoning district setbacks.
- (10) All signage must be attached to the mobile food vending unit.
- (11) Mobile food vending units must provide sufficient artificial lighting during non-daylight hours.
- (12) Mobile food vending units shall not be allowed to consume otherwise necessary parking spaces.
- (13) No outdoor loudspeaker, public address system, music, or other form of entertainment shall be audible from mobile food vending units.
- (14) 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.
- (15) Notwithstanding anything to the contrary contained in this section, mobile food vending units regulated under Section 18-36 of the City Code shall not be subject to the regulation of this section.

Section 4. 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) 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, Research Park 2, 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.

and by amending subsection 92.5.3(17) to read as follows:

- (17) Private sidewalk or patio seating for on-premises alcoholic beverage retailers in Neighborhood Business C-1, Neighborhood Business C-2, Village Business C-6 and Research Park 2 districts,

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when it can be determined that such use will not be a nuisance to nearby residences.

and by amending subsection 92.5.3(18) to read as follows:

- (18) Expanded hours for on-premises retail sale, service, dispensing, or consumption of alcoholic beverages in a Neighborhood Business C-1, Neighborhood Business C-2 or Research Park 2 district between 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:
  - (a) Approval shall be for the licensee only and for no more than three (3) years.
  - (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.
  - (c) Licensed establishments shall be at least 250 feet from a single family residential zoning district and shall not be located on a local street; provided, however, where the portion of the use or the land is unusable for residential purposes, then the separation requirement shall not apply.
  - (d) Separation distances shall be measured from the edge of the parking lot or the exterior wall of the licensed establishment, whichever is closer to the residential district.
  - (e) The Board of Adjustment shall have no authority to grant variances to preceding conditions (a) through (d) or to extend hours of service beyond what is provided for herein. (02-196, 03-285, 16-91)

and by amending subsection 92.5.3(30) to read as follows:

- (30) Hotels and motels in Research Park Applications, Research Park Applications 2 and Research Park 2 districts. (10-180)

and by amending subsection 92.5.3(33) 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, Research Park Commercial

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and Research Park 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:

- (a) The Special Retail license is available only to organizations.
- (b) Approval shall be for the licensee only and for no more than three (3) years.
- (c) Each time a licensee applies to the Board of Adjustment for expanded hours approval, 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.
- (d) The Special Retail license is only for scheduled events and shall not constitute the primary use of the property.
- (e) In Neighborhood Business C-1 and Neighborhood Business C-2 Districts only: there shall be no outdoor entertainment.
- (f) The Special Retail license, along with a listing of all conditions prescribed by the Board of Adjustment, must be clearly posted in a conspicuous location.
- (g) The Board of Adjustment shall have no authority to grant variances to the preceding conditions (a) through (f).

and by amending subsection 92.5.3(37) to read as follows:

- (37) Alcoholic Beverage Manufacturers that conduct tastings or samplings on the licensed premises (with or without entertainment) shall be permitted as a Special Exception in General Business C-3, Highway Business C-4, Village Business C-6, Light Industry, Heavy Industry, Commercial Industrial Park, Airport Commercial, Research Commercial and Research Park 2 districts. (15-315, 15-677)

and by amending subsection 92.5.3(38) to read as follows:

- (38) Farmers markets located in Residence 1, Residence 1-A, Residence 1-B, Residence 1-C, Residence 2, Residence 2-A, Residence 2-B, Residence 2-C, Neighborhood Business C-1, Neighborhood Business C-2, Village Business C-6, Research Park and Research Park 2 Districts. (15-406, 15-907)

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and by amending subsection 92.5.3(40) to read as follows:

- (40) Temporary, seasonal outdoor agricultural retail sales, such as Christmas tree and pumpkin patch retail sales, located in Neighborhood Business C-1, Neighborhood Business C-2, General Business C-3, Village Business C-6 and Research Park 2 Districts. Uses shall be in accordance with front yard provisions listed under subsections 73.15.3 and 73.15.4, if applicable. Farmers markets do not pertain to this provision and shall be in accordance with subsection 92.5.3(38). (16-781)

Section 5. This ordinance shall take effect from and after the date of its publication.

**ADOPTED** this the 24th day of May, 2018.

/s/ Mark Russell  
President of the City Council of  
the City of Huntsville, Alabama

**APPROVED** this the 24th day of May, 2018.

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