



# Huntsville, Alabama

308 Fountain Circle  
Huntsville, AL 35801

## Cover Memo

---

**Meeting Type:** City Council Regular Meeting **Meeting Date:** 4/28/2022

**File ID:** TMP-1523

---

**Department:** Planning

**Subject:**

**Type of Action:** Introduction

Introduction of an ordinance amending Chapter 3, Article II of the Code of Ordinances of the City of Huntsville, to add Section 3-31, Bridge Street Arts & Entertainment District.

Ordinance No. 22-300

**Finance Information:**

**Account Number:** Click or tap here to enter text. N/A

**City Cost Amount:** \$ 0

**Total Cost:** \$ 0

**Special Circumstances:**

**Grant Funded:** \$ 0

**Grant Title - CFDA or granting Agency:** Click or tap here to enter text. N/A

**Resolution #:** Click or tap here to enter text. N/A

**Location:**

**Address:** N/A

**District:** District 1 ☐ District 2 ☐ District 3 ☐ District 4 ☐ District 5 ☐

**Additional Comments:**

**ORDINANCE NO. 22-**

**BE IT ORDAINED** by the City Council of the City of Huntsville, Alabama as follows:

**Section 1.** Chapter 3, Article II of the Code of Ordinances of the City of Huntsville, Alabama is hereby amended by adding the following section:

**Sec. 3-31. Bridge Street Arts and Entertainment District.**

(a) *Definitions.* The following words, terms, phrases, when used in this section, shall have the meanings ascribed to them in this subsection (a), except where the context clearly indicates a different meaning.

*Approved container* means a purple colored, non-glass container not exceeding a volume of 16 fluid ounces, which is provided to a customer by the seller who is a district permittee, bearing the name or logo of the permittee.

*Arts and entertainment district event* means a Chapter 23 special event that meets each of the following criteria:

(1) The event is open to the general public and may or may not include an admission fee for entrance into the event.

(2) The purpose of the event is to promote local arts, culture, or entertainment, through a venue that is consistent with the purpose of the arts and entertainment district.

*Brewery* means a brewery located within the district that holds a manufacturers license from the ABC board and city, which is authorized by law to sell beer at retail for off-premises consumption.

*Chapter 23 special event* means a special event governed by Chapter 23, Article VI of this Code.

*Customer* means an individual who is not a minor, as that term is defined by the state alcoholic beverage control laws, that possesses an alcoholic beverage provided by a district permittee for consumption in the district area during the hours of the operation of the district.

*District* means the Bridge Street Arts and Entertainment District established hereinafter in subsection (c) of this section, as such district may be from time to time amended.

*District area* or *area* means public places within the district, except for an excluded public place.

*District permittee* or *permittee* means the holder of a permit issued by the city pursuant to subsection (h) of this section.

*Excluded public place* means a public place within the district that is not included within the district area as follows:

- (1) A public building, facility, garage, or parking lot that is posted with signage at each entrance or in conspicuous places that no open containers of alcoholic beverages are allowed on the premises;
- (2) Property privately owned or controlled that is posted with signage at each entrance or in conspicuous places that no open containers of alcoholic beverages are allowed on the premises;
- (3) An area being used for a Chapter 23 special event that is posted with signage at each entrance or in conspicuous places occupied by the event that no open containers of alcoholic beverages are allowed on the premises;
- (4) An area being used for a Chapter 23 special event that is licensed to sell alcoholic beverages; or
- (5) The premises of a city licensee.

*On-premise retailer* means an on-premise alcoholic beverage retailer located within the district that holds a license from the state and city authorizing the retail sale of alcoholic beverages for on-premise consumption.

(b) *Purpose.*

(1) *Purpose of section.* The purpose of this section is as follows:

a. With regard to on-premise retailers, to establish a district authorized by section 28-3A-17.1, Code of Ala. 1975, within which certain conduct that is otherwise prohibited by this article is permitted, specifically, regulations against possessing an open container and drinking in a public place under subsection 3-22(b), regulations against removal of open containers under subsections 3-24(a) through (c), regulations against allowing an open container or consumption of alcoholic beverages on the parking area of a city licensee under subsection 3-24(d), and regulations against brown bagging on the premises of another city business licensee under subsection 3-25(a);

b. With regard to breweries, to establish a district within which certain conduct that is otherwise prohibited by this article is permitted, specifically, regulations against possessing an open container and drinking in a public place under subsection 3-22(b), regulations against allowing an open container or consumption of alcoholic beverages on the parking area of a city licensee under subsection 3-24(d), and regulations against brown bagging on the premises of another city business licensee under subsection 3-25(a); and

c. To establish regulations governing the district.

(2) *Purpose of arts and entertainment district.* In addition to the foregoing, the purpose of establishing an arts and entertainment district is to enhance the public enjoyment of the district and to promote local arts, culture, and entertainment, while, at the same time, protecting existing uses and preserving the unique character of each district.

(c) *Bridge Street Arts and Entertainment District established.*

(1) Subject to subsections (2) and (3) of this subsection (c), there is hereby established the following named and generally described district, the Bridge Street Arts and Entertainment District, which is also shown on the appended map incorporated herein by reference, which district shall constitute an entertainment district pursuant to section 28-3A-17.1, Code of Ala. 1975:

All that part of the Southwest Quarter of Section 06, Township 04 South, Range 01 West of the Huntsville Meridian, Madison County, Alabama; particularly described as commencing at the Southwest Corner of said Section 06; thence from the Point of Commencement, North 73 Degrees 09 Minutes 47 Seconds East, a distance of 2179.97 feet to the Point of Beginning of the following described tract of land; Thence from the Point of Beginning, South 01 Degree 31 Minutes 03 Seconds West, a distance of 19.08 feet; thence North 88 Degrees 28 Minutes 57 Seconds West, a distance of 39.34 feet; thence North 64 Degrees 39 Minutes 13 Seconds West, a distance of 27.38 feet; thence North 88 Degrees 07 Minutes 22 Seconds West, a distance of 15.89 feet; thence South 68 Degrees 11 Minutes 56 Seconds West, a distance of 26.65 feet; thence North 88 Degrees 20 Minutes 41 Seconds West, a distance of 45.07 feet; thence North 00 Degrees 46 Minutes 28 Seconds West, a distance of 19.27 feet; thence North 87 Degrees 58 Minutes 23 Seconds West, a distance of 348.81 feet; thence North 88 Degrees 37 Minutes 30 Seconds West, a distance of 265.36 feet; thence North 02 Degrees 29 Minutes 41 Seconds East, a distance of 136.28 feet; thence South 88 Degrees 13 Minutes 51 Seconds East, a distance of 217.16 feet; thence North 00 Degrees 00 Minutes 00 Seconds East, a distance of 93.56 feet; thence North 29 Degrees 10 Minutes 39 Seconds East, a distance of 31.02 feet; thence North 71 Degrees 53 Minutes 24 Seconds East, a distance of 43.56 feet; thence North 90 Degrees 00 Minutes 00 Seconds East, a distance of 10.68 feet; thence North 07 Degrees 51 Minutes 12 Seconds West, a distance of 71.15 feet; thence South 90 Degrees 00 Minutes 00 Seconds East, a distance of 53.86 feet; thence North 00 Degrees 00 Minutes 00 Seconds

East, a distance of 16.67 feet; thence North 90 Degrees 00 Minutes 00 Seconds East, a distance of 14.75 feet; thence North 00 Degrees 00 Minutes 00 Seconds East, a distance of 69.78 feet; thence North 78 Degrees 57 Minutes 36 Seconds West, a distance of 16.96 feet; thence North 05 Degrees 49 Minutes 38 Seconds East, a distance of 23.41 feet to a point at the beginning of a curve to the left; thence along said curve with a radius of 56.22 feet; a chord bearing and chord distance of North 42 Degrees 43 Minutes 55 Seconds West, 67.94 feet; thence North 86 Degrees 57 Minutes 52 Seconds West, a distance of 39.61 feet; thence North 02 Degrees 27 Minutes 14 Seconds East, a distance of 33.63 feet; thence North 87 Degrees 32 Minutes 46 Seconds West, a distance of 288.08 feet; thence North 02 Degrees 27 Minutes 14 Seconds East, a distance of 243.52 feet; thence North 87 Degrees 32 Minutes 46 Seconds West, a distance of 50.54 feet; thence North 02 Degrees 27 Minutes 14 Seconds East, a distance of 57.23 feet; thence South 66 Degrees 27 Minutes 41 Seconds East, a distance of 56.54 feet; thence South 87 Degrees 38 Minutes 29 Seconds East, a distance of 303.73 feet; thence North 02 Degrees 21 Minutes 31 Seconds East, a distance of 37.16 feet; thence South 87 Degrees 38 Minutes 29 Seconds East, a distance of 165.96 feet; thence North 07 Degrees 47 Minutes 44 Seconds West, a distance of 92.08 feet; thence South 80 Degrees 16 Minutes 21 Seconds West, a distance of 24.66 feet; thence North 09 Degrees 27 Minutes 44 Seconds West, a distance of 81.27 feet; thence South 79 Degrees 17 Minutes 54 Seconds West, a distance of 25.73 feet; thence North 17 Degrees 44 Minutes 03 Seconds West, a distance of 17.95 feet; thence North 32 Degrees 40 Minutes 50 Seconds West, a distance of 43.73 feet; thence North 05 Degrees 42 Minutes 38 Seconds West, a distance of 13.96 feet; thence North 01 Degree 43 Minutes 48 Seconds East, a distance of 241.99 feet; thence North 03 Degrees 29 Minutes 42 Seconds East, a distance of 79.66 feet; thence North 01 Degree 37 Minutes 32 Seconds East, a distance of 232.73 feet to a point at the beginning of a curve to the right; thence along said curve with a radius of 33.07 feet; a chord bearing and chord distance of North 49 Degrees 23 Minutes 55 Seconds East, 44.82 feet; thence South 88 Degrees 07 Minutes 18 Seconds East, a distance of 339.07 feet to a point at the beginning of a curve to the right; thence along said curve with a radius of 46.74 feet; a chord bearing and chord distance of South 44 Degrees 33 Minutes 21 Seconds East, 63.35 feet; thence South 02 Degrees 07 Minutes 26 Seconds West, a distance of 265.19 feet to a point at the beginning of a curve to the left; thence along said curve with a radius of 44.39 feet; a chord bearing and chord distance of South 50 Degrees 13 Minutes 08 Seconds East, 55.71 feet; thence South 87 Degrees 39 Minutes 47 Seconds East, a distance of 319.27 feet; thence South 02 Degrees 20 Minutes 14 Seconds West, a distance of 63.46 feet; thence South 87 Degrees 39 Minutes 46 Seconds East, a distance of 104.61 feet; thence South 02 Degrees 20 Minutes 14 Seconds West, a distance of 112.40 feet; thence North 87 Degrees 39 Minutes 46 Seconds West, a distance of 91.84 feet; thence South 02 Degrees 20 Minutes 14 Seconds West, a distance of 46.91 feet to a point at the beginning of a curve to the right; thence along said curve with a radius of 103.40 feet; a chord bearing and chord distance of South 87 Degrees 07 Minutes 54 Seconds East, 104.67 feet; thence South 04 Degrees 43 Minutes 44

Seconds West, a distance of 615.77 feet; thence North 88 Degrees 26 Minutes 43 Seconds West, a distance of 239.83 feet; thence South 01 Degree 33 Minutes 17 Seconds West, a distance of 144.59 feet; thence South 88 Degrees 26 Minutes 43 Seconds East, a distance of 58.27 feet; thence South 01 Degree 33 Minutes 17 Seconds West, a distance of 334.71 feet; thence North 88 Degrees 26 Minutes 45 Seconds West, a distance of 228.70 feet back to the Point of Beginning and containing 30.86 acres, more or less.

Less and Except the following from the above described tract:

All that part of the Southwest Quarter of Section 06, Township 04 South, Range 01 West of the Huntsville Meridian, Madison County, Alabama; particularly described as commencing at the Southwest Corner of said Section 06; thence from the Point of Commencement, North 67 Degrees 29 Minutes 18 Seconds East, a distance of 1718.68 feet to the Point of Beginning of the following described tract of land; thence from the Point of Beginning, North 88 Degrees 34 Minutes 19 Seconds West, a distance of 32.96 feet to a point at the beginning of a curve to the left; thence along said curve with a radius of 67.58 feet; a chord bearing and chord distance of North 22 Degrees 39 Minutes 51 Seconds East, 16.83 feet; thence North 01 Degree 24 Minutes 26 Seconds East, a distance of 109.53 feet; thence North 88 Degrees 13 Minutes 51 Seconds West, a distance of 10.05 feet; thence North 00 Degrees 00 Minutes 00 Seconds East, a distance of 89.96 feet; thence North 28 Degrees 54 Minutes 00 Seconds East, a distance of 22.27 feet; thence North 71 Degrees 53 Minutes 24 Seconds East, a distance of 20.41 feet; thence South 87 Degrees 39 Minutes 40 Seconds East, a distance of 155.43 feet; thence North 59 Degrees 28 Minutes 53 Seconds East, a distance of 70.69 feet; thence South 86 Degrees 39 Minutes 22 Seconds East, a distance of 75.12 feet; thence South 03 Degrees 20 Minutes 38 Seconds West, a distance of 22.12 feet; thence South 86 Degrees 39 Minutes 22 Seconds East, a distance of 17.37 feet; thence South 03 Degrees 20 Minutes 38 Seconds West, a distance of 82.15 feet; thence North 86 Degrees 39 Minutes 22 Seconds West, a distance of 106.36 feet; thence South 03 Degrees 20 Minutes 38 Seconds West, a distance of 35.40 feet; thence North 86 Degrees 39 Minutes 22 Seconds West, a distance of 71.87 feet; thence North 03 Degrees 20 Minutes 38 Seconds East, a distance of 25.90 feet; thence North 86 Degrees 39 Minutes 22 Seconds West, a distance of 77.47 feet; thence North 03 Degrees 20 Minutes 38 Seconds East, a distance of 21.20 feet; thence North 86 Degrees 39 Minutes 22 Seconds West, a distance of 38.16 feet; thence South 01 Degree 50 Minutes 04 Seconds West, a distance of 190.95 feet back to the Point of Beginning and containing 0.78 acres, more or less.

- (2) Notwithstanding anything in this section to the contrary, at any time and from time to time, the district established in this section may be enlarged, reduced, modified, or eliminated, in whole or part, and the regulations set forth in this section are subject to amendment at any time and from time to time. No vested rights shall be acquired by or be

conferred upon any person as a result of the establishment of the district or permitting under this section.

(3) In the event the entertainment district established by this section falls below the number of alcoholic beverage licensees required for the establishment of the district according to section 28-3A-17.1, Code of Ala. 1975, then the city may amend this section to either eliminate the entertainment district or modify the district so as to remain in compliance with section 28-3A-17.1, unless applicable state alcoholic beverage control laws allow for continuance of a once-established district regardless of the number of alcoholic beverage licensees remaining.

(d) *Opening of the district.*

(1) *Regular hours of district.* The regular hours of operation for the entertainment district shall be between the hours of 4:00 pm to 10:00 pm on Thursday and between the hours of 12:00 noon to 10:00 p.m. on Friday, Saturday, and Sunday.

(2) *Chapter 23 special event opening of district.*

a. An event organizer of a Chapter 23 special event that is an arts and entertainment district event, including an organized event on private property that requires city event services in accordance with section 23-202(d) of this Code, may request, with the organizer's application for a Chapter 23 special event permit and on forms provided by the city, that the district be opened during the chapter 23 special event.

b. The request shall be processed with the application for a Chapter 23 special event permit and the event organizer, as that term is defined in Chapter 23, Article VI of this Code, shall be responsible for all costs incurred by the city as a result of the opening of the district during the Chapter 23 special event, including safety, traffic and crowd control; clean-up costs; and the use of city equipment. City services necessitated by the conduct of the Chapter 23 special event independent of the opening of the district shall be governed by Chapter 23, Article VI of this Code.

c. The event administrator, as that term is defined in Chapter 23, Article VI of this Code, shall have the authority to determine whether the proposed event meets the definition of an arts and entertainments district event, based on recommendations that he may elect to obtain from the city's planning division, and to approve, approve with conditions, or disapprove the opening of the district during the special event based on the grounds for denying a special event permit or other public health, safety, or general welfare concerns. No appeal or other right of review shall be available to an event organizer who has had its request to open the district denied.

(3) *City-sponsored opening of the district.* At any time and from time to time the city, through the mayor or his designee, may elect to sponsor the opening of the district.

(e) *Exemptions in the district for on-premise retailers and their customers.* In the case of on-premise retailers who are district permittees and their customers, each of the following shall apply:

(1) The regulations of subsection 3-22(b) of this article, concerning the possession of an open container or drinking an alcoholic beverage in a public place, shall not apply in the case of the possession or consumption of alcoholic beverages in an approved container within the confines of the district area during the hours of operation of the district. Otherwise, the regulations of subsection 3-22(b) shall apply.

(2) The regulations of subsections 3-24(a) through (c) of this article, concerning removal of an open container from an authorized licensed premise, shall not apply in the case of the removal of an approved container of alcoholic beverages from the premises of an on-premise retailer who is a district permittee during the hours of operation of the district. Otherwise, the regulations of subsections 3-24(a) through (c) shall apply.

(3) The regulations of subsection 3-24(d) of this article, concerning allowing an open container or consumption of alcoholic beverages on the parking area of a city licensee, shall not apply in the case of the possession or consumption of alcoholic beverages in an approved container within the confines of the district area during the hours of operation of the district by a customer wearing an approved wristband. Otherwise, the regulations of subsection 3-24(d) shall apply.

(4) The regulations of subsection 3-25(a) of this article, concerning brown bagging on the premises of another city business licensee, shall not apply in the district area during the hours of operation of the district in the case of alcoholic beverages in an approved container. Otherwise, the regulations of section 3-25(a) shall apply. Nothing in this subsection (4) shall be construed to allow brown bagging on city licensed premises, which includes patios or sidewalk café areas of the city licensee.

(f) *Exemptions in the district for breweries and their customers.* In the case of breweries who are district permittees and their customers, each of the following shall apply:

(1) The regulations of subsection 3-22(b) of this article, concerning the possession of an open container or drinking an alcoholic beverage in a public place, shall not apply in the case of the possession or consumption of beer in an approved container within the confines of the district area during the hours of operation of the district. Otherwise, the regulations of subsection 3-22(b) shall apply.

(2) The regulations of subsection 3-24(d) of this article, concerning allowing an open container or consumption of alcoholic beverages on the parking area of a city licensee, shall not apply in the case of the possession or consumption of beer in an approved



container within the confines of the district area during the hours of operation of the district. Otherwise, the regulations of subsection 3-24(d) shall apply.

(3) The regulations of subsection 3-25(a) of this article, concerning brown bagging on the premises of another city business licensee, shall not apply in the district area during the hours of operation of the district in the case of beer in an approved container. Otherwise, the regulations of section 3-25(a) shall apply. Nothing in this subsection (2) shall be construed to allow brown bagging on city licensed premises, which includes patios or sidewalk café areas of the city licensee.

(g) *Required conduct in the district.*

(1) Nothing in this section shall be construed to relieve a brewery, its servants, agents, or employees from complying with the hours of sale set forth in section 3-133(b) of this article or those set forth in the state alcoholic beverage control laws.

(2) For beer that will be removed from the licensed premises for off-premise consumption, a brewery, its servants, agents, and employees, shall furnish the beer to its customers in authorized unopened containers, which shall remain sealed while on the brewery's licensed premises.

(3) No person shall remove an open container of alcoholic beverages from the district.

(4) All alcoholic beverages possessed or consumed within the district shall be obtained from district permittees.

(5) It shall be unlawful for any person to re-use or to knowingly allow the re-use of an approved container for an alcoholic beverage and nothing in this section shall be construed to authorize the same.

(h) *Permitting.*

(1) *Qualifications.* In order to qualify for a permit under this subsection, an applicant shall meet each of the following conditions:

- a. The applicant shall be a city licensee that is an on-premise retailer or a brewery; and
- b. No adverse criminal, quasi-criminal, or administrative action shall be pending or shall have been taken in the immediately preceding 12-month period against the city licensee or its owner related to its license or the operation of the city licensed premises.

(2) *Application process; permit duration.* A city licensee that meets the qualification of subsection (1) above may apply with the city-clerk's office to become a district permittee by filling out a form provided by the city. The city clerk treasurer may deny a permit if the applicant does not meet the qualifications stated in subsection (1) above. The applicant may appeal the denial of the application for a permit to the liquor license review committee by filing a written notice of appeal with the city clerk-treasurer within 15 days after the denial. A permit shall be valid for a license year, at the end of which a renewal application must be made.

(3) *Action against permit.* A permit may be revoked, suspended, or not renewed by the city clerk-treasurer if the permittee or applicant for renewal no longer meets the qualifications stated in subsection (1) above. The permittee or applicant for renewal may appeal the adverse decision of the city clerk-treasurer to the liquor license review committee by filing a written notice of appeal with the city clerk-treasurer within 15 days after the adverse action.

(4) *Number of permits.* The chief of police shall have the authority at any time and from time to time to limit the number of district permits issued in a given license year should he, in his discretion, determine that it is in the interest of public, health, safety, or general welfare to do so. In such event, permits shall be issued on a first come, first serve basis based on the time a completed application is submitted to the office of the city clerk-treasurer. If there is a question as to first in time, the city clerk-treasurer is authorized to conduct a random drawing to decide the issue.

(i) *Security.*

(1) *Temporary closure of district.* At any time and from time to time, the chief of police shall have the authority to temporarily close the district, which includes the authority to require persons to disperse from the area, should he, in his sole discretion, determine it is appropriate to do so in order to protect the public health, safety, or general welfare. The district shall remain closed until the chief of police allows the district to be re-opened. The city shall not be responsible for any costs incurred by any person as a result of the closing and the city shall still be entitled to a reimbursement for city services provided in connection with the opening of the district for a Chapter 23 special event.

(j) Nothing in this section shall be construed to authorize any person to violate the state's open container law found at section 32-5A-330, Code of Ala. 1975.

(k) Nothing in this section shall be construed to authorize any person to violate the state and city's laws against under-age drinking.

(l) Nothing in the section shall be construed to authorize a brewery to operate contrary to the state alcoholic beverage control laws governing manufacturers, including section 28-3A-6 Code of Ala. 1975.

**Section 2.** The severability provisions of section 1-8 of the Code of Ordinances of the City of Huntsville, Alabama are specifically included herein by reference as if fully set forth.

**Section 3.** This Ordinance shall become effective upon its adoption and approval.

**ADOPTED** this the \_\_\_\_\_ day of \_\_\_\_\_, 2022.

---

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

**APPROVED** this the \_\_\_\_\_ day of \_\_\_\_\_, 2022.

---

Mayor of the City of  
Huntsville, Alabama



# BRIDGE STREET

Proposed Arts & Entertainment District

Governors West Way

The Bridge Street

Research Park Blvd

255

