



Huntsville, Alabama

305 Fountain Circle
Huntsville, AL 35801

Cover Memo

Meeting Type: City Council Regular Meeting **Meeting Date:** 3/26/2026

File ID: TMP-6772

Department: Planning

Subject:

Type of Action: Approval/Action

Public hearing on an Ordinance amending Zoning Ordinance Article 75 Alcoholic Beverage, to modify the title to Article 75 Alcoholic Beverage and Consumable Hemp Product Establishment Regulations; Article 75 Sections 75.1. Definitions, 75.3. Permitted Establishments by Districts, and 75.7 Severability to modify and add regulations related to consumable hemp products; and Article 92 Board of Adjustment Section 92.5.3. Permitted Uses as Special Exceptions, to modify Subsection 92.5.3(2). (Set on February 26, 2026, Regular Council Meeting)

Ordinance No. 26-157

Does this item need to be published? Yes

If yes, please list preferred date(s) of publication: Ordinance April 1, 2026

Finance Information:

Account Number: n/a

City Cost Amount: \$ 0

Total Cost: \$ 0

Special Circumstances:

Grant Funded: \$ 0

Grant Title - CFDA or granting Agency: n/a

Resolution #: n/a

Location:

Address: n/a

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

Additional Comments:

ORDINANCE NO. 26-

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 Zoning ARTICLE 75 ALCOHOLIC BEVERAGE, to modify the title to read as follows:

ARTICLE 75 ALCOHOLIC BEVERAGE AND CONSUMABLE HEMP PRODUCT ESTABLISHMENT REGULATIONS

Section 2. Amend Zoning Ordinance ARTICLE 75 ALCOHOLIC BEVERAGE, Section 75.1 - Definitions, to modify the following terms to read as follows:

Protected uses include and are limited to churches, schools, nursery schools, and child care centers, provided such uses were established prior to the establishment of the licensed retailer and such protected uses have not been abandoned or discontinued for a period of six months or more and further provided that the protected use is not separated from the retailer by an expressway, major arterial, or an interstate highway.

Retailer means an establishment licensed to sell alcoholic beverages at retail, except under Section 75.7 of this Article where it shall have the meaning provided therein.

Section 3. Amend Zoning Ordinance ARTICLE 75 ALCOHOLIC BEVERAGE, Section 75.3 - Permitted establishments by districts, Subsection 75.3.2. General Business C-3 District, to modify the restrictions for Class I lounge liquor retailers without package sales, class II club liquor retailers without package sales, and on/off-premises beer/table wine retailers (all with entertainment) to read as follows:

Class I lounge liquor retailers without package sales, class II club liquor retailers without package sales, and on/off-premises beer/table wine retailers (all with entertainment) - provided that such uses shall be subject to each of the following restrictions:

- (1) Such retailer's premises shall not be located within 500 feet of a residential district except where the retailer's premises is separated from said residential district by an expressway, major arterial, or an interstate highway; and
- (2) Such retailer's premises shall not be located within 500 feet of a protected use, except such retailer's premises may be located within 500 feet of accessory child care centers located in office buildings; and
- (3) The aforesaid distance restrictions shall not apply where the retailer's premises and the protected use front on different streets and do not have common exits or

- driveways providing access or adjoining property lines; and
- (4) The aforesaid distance restriction relative to protected uses shall not apply where said retailer's premises is located in an enclosed mall shopping center with a minimum of 100,000 square feet of floor area.

Section 4. Amend Zoning Ordinance ARTICLE 75 ALCOHOLIC BEVERAGE, Section 75.3 - Permitted Establishments by Districts, to modify Subsection 75.3.3. Highway Business C-4 District to read as follows:

75.3.3 Highway business C-4 District

Banquet halls.

Restaurant liquor retailers, class I club liquor retailers without package sales, and on/off-premises beer/table wine Retailers with food service (all with or without entertainment) - provided that no alcoholic beverages shall be sold by any restaurant or food vendor located in or adjacent to a food court.

Class I lounge liquor retailers without package sales, class II club liquor retailers without package sales, and on/off-premises beer/table wine retailers (all without entertainment). Such retailer's premises shall not be located within 1,500 feet of the retailer's premises of a package sales establishment or package sales establishment that also holds a specialty retailer of consumable hemp products license.

Class I lounge liquor retailers without package sales, class II club liquor retailers without package sales, and on/off-premises beer/table wine retailers (all with entertainment)—provided that such uses shall be subject to each of the following restrictions:

- (1) Such retailer's premises shall not be located within 500 feet of a residential district except where the retailer's premises is separated from said residential district by an expressway, major arterial, or an interstate highway; and
- (2) Such retailer's premises shall not be located within 500 feet of a protected use, except such retailer's premises may be located within 500 feet of accessory child care centers located in office buildings; and
- (3) The aforesaid distance restriction relative to protected uses shall not apply where said retailer's premises is located in an enclosed shopping center with a minimum of 100,000 square feet of floor area; and
- (4) Such retailer's premises shall not be located within 1,000 feet of other such retailer's premises; and
- (5) Such retailer's premises shall not be located within 1,500 feet of the retailer's premises of a package sales establishment or package sales establishment that also holds a specialty retailer of consumable hemp products license.

Off-premises beer/table wine retailers - provided that such uses shall be subject to each of the following restrictions:

- (1) Such retailer's premises shall not be located within 500 feet of a residential district; provided, however, the aforesaid distance restriction shall not apply in the case of specialty stores; and
- (2) Such retailer's premises shall not be located within 500 feet of a protected use unless a special exception has been granted in the case of churches in accordance with section 92.5 - powers and duties, except such retailer's premises may be located within 500 feet of accessory child care centers located in office buildings; and
- (3) The aforesaid distance restriction relative to protected uses shall not apply where said retailer's premises is located in an enclosed mall shopping center with a minimum of 100,000 square feet of floor area.

Package sales establishments - provided that such use shall be subject to each of the following restrictions:

- (1) Such retailer's premises shall have frontage on a major arterial street; and
- (2) Such retailer's premises shall not be located within 500 feet of a residential district; and
- (3) Such retailer's premises shall not be located within 500 feet of a protected use, except a package sales establishment may be located within 500 feet of accessory child care centers located in office buildings; and
- (4) The aforesaid distance restriction relative to protected uses shall not apply where said retailer's premises is located in an enclosed mall shopping center with a minimum of 100,000 square feet of floor area; and
- (5) Such retailer's premises shall not be located within 1,000 feet of the retailer's premises of a class I lounge liquor retailer, a class II club liquor retailer, an on/off-premises beer/table wine retailer (all with or without entertainment), or package sales establishment that also holds a specialty retailer of consumable hemp products license; and
- (6) Such retailer's premises shall not be located within 1,500 feet of the retailer's premises of another package sales establishment.

Permitted uses as special exceptions as defined and regulated by section 92.5 - powers and duties hereof.

Section 5. Amend Zoning Ordinance ARTICLE 75 ALCOHOLIC BEVERAGE, Section 75.3 - Permitted Establishments by Districts, Subsection 75.3.6 Heavy Industry District, to modify the restrictions for Class I lounge liquor retailers without package sales, class II club liquor retailers without package sales, and on/off-premises beer/table wine retailers (all with entertainment) to read as follows:

Class I lounge liquor retailers without package sales, class II club liquor retailers without package sales, and on/off-premises beer/table wine retailers (all with entertainment)—provided that such uses shall be subject to each of the following restrictions:

- (1) Such retailer's premises shall not be located within 500 feet of a residential district except where the retailer's premises is separated from said residential district by an expressway, major arterial, or an interstate highway; and
- (2) Such retailer's premises shall not be located within 500 feet of a protected use, except such retailer's premises may be located within 500 feet of accessory child care centers located in office buildings; and
- (3) The aforesaid distance restriction relative to protected uses shall not apply where said retailer's premises is located in an enclosed mall shopping center with a minimum of 100,000 square feet of floor area; and
- (4) Such retailer's premises shall not be located within 1,000 feet of other such retailer's premises.

Section 6. Amend Zoning Ordinance ARTICLE 75 ALCOHOLIC BEVERAGE, Section 75.7 - Severability, to move and renumber to Section 75.8 – Severability.

Section 7. Amend Zoning Ordinance ARTICLE 75 ALCOHOLIC BEVERAGE, Section 75.7 - Severability, to modify and read as follows:

75.7. Consumable Hemp Products Regulations.

75.7.1 Definitions

For the purposes of this section the following words, terms, and phrases shall have the following meanings:

Consumable hemp products are as defined by the state consumable hemp product laws.

Pharmacy consumable hemp products retailer means an establishment licensed as and meeting the qualifications of a pharmacy consumable hemp products licensee under the state consumable hemp product laws, including Code of Ala. 1975, § 28-12-45 and section 20-X-33-.03 of the Regulations of the Alabama Alcoholic Beverage Control Board, as such may be amended or superseded from time to time.

Retail food store means an establishment that meets the definition and qualifications of the state consumable hemp product laws, including the Code of Ala. 1975, § 28-12-45 and the Regulations of the Alabama Alcoholic Beverage Control Board, as such may be amended or superseded from time to time.

Retail food store consumable hemp products retailer means an establishment licensed as and meeting the qualifications of a retail food store consumable hemp products licensee under the state consumable hemp product laws, including Code of Ala. 1975, § 28-12-45 and section 20-X-33-.03 of the Regulations of the Alabama Alcoholic Beverage Control Board, as such may be amended or superseded from time to time.

Retailer means, for the purposes of this section, an establishment licensed to sell consumable hemp products at retail.

Specialty retailer of consumable hemp products means an establishment licensed as and meeting the qualifications of a specialty retailer of consumable hemp products licensee under the state consumable hemp product laws, including Code of Ala. 1975, § 28-12-45 and section 20-X-33-.03 of the Regulations of the Alabama Alcoholic Beverage Control Board, as such may be amended or superseded from time to time.

State consumable hemp product laws mean the consumable hemp product laws of state and the regulations promulgated thereunder by the Alabama Alcoholic Beverage Control Board, as such laws may be amended or superseded from time to time.

75.7.2 Measurements.

Where this article establishes separations between the retailer's premises and protected uses, residential districts, or other retailer's premises, the distance shall be measured from the public entrance(s) of such retailers.

75.7.3 Permitted Establishments by Districts.

The following establishments, engaged in the sale and service of consumable hemp products, and no other, shall be permitted in the districts hereinafter set forth:

- (1) Neighborhood Business C-1, Neighborhood Business C-2, Village Business C-6 and Research Park 2 Districts.

Retail food store consumable hemp products retailer as an accessory use to a specialty store provided that such retailers are not located within 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.

- (2) General Business C-3 District.

Retail food store consumable hemp products retailer as an accessory use to a specialty store - provided such uses shall be subject to each of the following restrictions:

- (a) Such retailer's premises shall not be located within 500 feet of a protected use unless a special exception has been granted in the case of churches in accordance with section 92.5 - powers and duties, except such retailer's premises may be located within 500 feet of accessory child care centers located in office buildings; and
- (b) The aforesaid distance restriction relative to protected uses shall not apply where said retailer's premises is located in an enclosed mall shopping center with a minimum of 100,000 square feet of floor area.

- (3) Highway Business C-4 District.

Retail food store consumable hemp products retailer as an accessory use to a specialty store - provided that such uses shall be subject to each of the following restrictions:

- (a) Such retailer's premises shall not be located within 500 feet of a protected use unless a special exception has been granted in the case of churches in accordance with section 92.5 - powers and duties, except such retailer's premises may be located within 500 feet of accessory child care centers located in office buildings; and

- (b) The aforesaid distance restriction relative to protected uses shall not apply where said retailer's premises is located in an enclosed mall shopping center with a minimum of 100,000 square feet of floor area.

Specialty retailer of consumable hemp products as a sole principal use or as an accessory use to an establishment having a retail liquor license from the City authorizing off-premises consumption only - provided that such use shall be subject to each of the following restrictions:

- (a) Such retailer's premises shall have frontage on a major arterial street; and
- (b) Such retailer's premises shall not be located within 500 feet of a residential district; and
- (c) Such retailer's premises shall not be located within 500 feet of a protected use, except a specialty retailer of consumable hemp products may be located within 500 feet of accessory child care centers located in office buildings; and
- (d) The aforesaid distance restriction relative to protected uses shall not apply where said retailer's premises is located in an enclosed mall shopping center with a minimum of 100,000 square feet of floor area; and
- (e) Such retailer's premises shall not be located within 1,500 feet of the retailer's premises of another specialty retailer of consumable hemp products or the retailer's premises of a package sales establishment that also has a consumable hemp products license

(4) Commercial Recreation C-5 and Commercial Industrial Park Districts.

Retail food store consumable hemp products retailer as an accessory use to a specialty store - provided that such uses shall be subject to each of the following restrictions:

- (a) Such retailer's premises shall not be located within 500 feet of a protected use unless a special exception has been granted in the case of churches in accordance with section 92.5 - powers and duties, except such retailer's premises may be located within 500 feet of accessory child care centers located in office buildings; and
- (b) The aforesaid distance restriction relative to protected uses shall not apply where said retailer's premises is located in an enclosed mall shopping center with a minimum of 100,000 square feet of floor area.

(5) Light Industry, Research Park Commercial and Airport Commercial Districts.

Retail food store consumable hemp products retailer as an accessory use to a specialty store—provided that such uses shall be subject to each of the following restrictions:

- (a) Such retailer's premises shall not be located within 500 feet of a protected use unless a special exception has been granted in the case of churches in accordance with section 92.5 - powers and duties, except such retailer's premises may be located within 500 feet of accessory child care centers located in office buildings; and
- (b) The aforesaid distance restriction relative to protected uses shall not apply where said retailer's premises is located in an enclosed mall shopping center with a minimum of one hundred thousand (100,000) square feet of floor area.

(6) Heavy Industry District.

Retail food store consumable hemp products retailer as an accessory use to a specialty store - provided that such uses shall be subject to each of the following restrictions:

- (a) Such retailer's premises shall not be located within 500 feet of a protected use unless a special exception has been granted in the case of churches in accordance with Section 92.5—Powers and Duties, except such retailer's premises may be located within 500 feet of accessory child care centers located in office buildings; and
- (b) The aforesaid distance restriction relative to protected uses shall not apply where said retailer's premises is located in an enclosed mall shopping center with a minimum of 100,000 square feet of floor area.

Specialty retailer of consumable hemp products as a sole principal use or as an accessory use to an establishment having a retail liquor license from the City authorizing off-premises consumption only - provided that such use shall be subject to each of the following restrictions:

- (a) Such retailer's premises shall not be located within 500 feet of a residential district; and
- (b) Such retailer's premises shall not be located within 500 feet of a protected use, except a specialty retailer of consumable hemp products may be located within 500 feet of accessory child care centers located in office buildings; and
- (c) The aforesaid distance restriction relative to protected uses shall not apply where said retailer's premises is located in an enclosed mall shopping center with a minimum of 100,000 square feet of floor area.

(7) Village Business C-6 District.

Retail food store consumable hemp products retailer as an accessory use to a specialty store provided that such retailers are not located within 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.

- (8) Pharmacy consumable hemp products retailers are permitted as an accessory use to a pharmacy in any district in which pharmacies are allowed subject to any qualifications or restrictions applicable to pharmacies.

Section 8. Amend Zoning Ordinance ARTICLE 92. BOARD OF ADJUSTMENT
Section 92.5.3. Permitted Uses as Special Exceptions, to modify Subsection 92.5.3(2) to read as follows:

- (2) Off-Premises Beer/Table Wine Retailers and retail food store consumable hemp products retailer as an accessory use to a specialty store 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.

Section 9. This ordinance shall take effect from and after the date of its publication.

ADOPTED this the ____ day of _____, 2026.

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

APPROVED this the ____ day of _____, 2026.

Mayor of the City of Huntsville, Alabama