

The City of Arab, pursuant to § 11-45-8, Code of Alabama (1975), hereby gives notice of the following properties which have been recently rezoned within the corporate limits of the City of Arab. A copy of the full ordinances as passed may be obtained from the office of the city clerk during normal business hours.

**1. ORDINANCE NO. 2016-2a. Adopted April 4<sup>th</sup>, 2016.**

Property located at 593 Union Hill Road Southwest was described on the official zoning map of the City of Arab as R-2 District, but has been reclassified and designated as B-2 District.

**2. ORDINANCE NO. 2016-4. Adopted October 3<sup>rd</sup>, 2016.**

Property located at 1304 North Main Street was described on the official zoning map of the City of Arab as R-1 District, but has been reclassified and designated as UM District.

**3. ORDINANCE NO. 2017-5. Adopted November 6<sup>th</sup>, 2017.**

Property located at 10428 AL HWY 69 was described on the official zoning map of the City of Arab as M-1 District, but has been reclassified and designated as GB District.

**4. ORDINANCE NO. 2017-6. Adopted November 6<sup>th</sup>, 2017.**

The following property was described on the official zoning map of the City of Arab as R-1 District, but has been reclassified and designated as R3-SD District.

Subject property is located on 10<sup>th</sup> Street NW, and more specifically identified as:

Commencing at a point which is purported to be the Northwest corner of the Southwest quarter of the Northwest quarter of Section 23, Township 8 South, Range 1 East, Marshall County, Alabama; thence from the Point of Commencement along the North Boundary of the Southwest quarter of the Northwest quarter of said Section 23, North 90 degrees 00 minutes 00 seconds East a distance of 18.82 feet to a point on the east margin of 10<sup>th</sup> Street NW; thence along the east margin of 10<sup>th</sup> Street NW, South 00 degrees 17 minutes 57 seconds East, a distance of 405.01 feet to the Point of Beginning; thence from the Point of Beginning, South 90 degrees 00 minutes 00 seconds East, a distance of 100.00 feet to a point; thence South 69 degrees 00 minutes 05 seconds East, a distance of 279.05 feet to a point; thence South 00 degrees 17 minutes 57 seconds west, a distance 250.00 feet to a point; thence North 90 degrees 00 minutes 00 seconds West, a distance of 360.00 feet to a point; thence North 00 degrees 17 minutes 57 seconds West, a distance of 350.00 feet to the point of beginning and containing 2.59 acres, more or less.

**5. ORDINANCE NO. 2017-7. Adopted December 4<sup>th</sup>, 2017.**

The following property was described on the official zoning map of the City of Arab as M-1 District, but has been reclassified and designated as GB Special District.

Subject property is more particularly described as follows:

Commencing at the SW corner of the SE Quarter of the SW Quarter of Section 11, Township 8 South, Range 1 East. Thence North 89 degrees 02 minutes 16 seconds East along the South

boundary of said Quarter-Quarter for a distance of 491.78 feet to a ½ inch rebar on the Eastern ROW of Old Huntsville HWY, which is the point of beginning for the property herein described. Thence North 25 degrees 10 minutes 29 seconds West along said ROW 265.88 feet to the beginning of a transitional curve. Thence along said curve to the right having a chord bearing and distance of North 24 degrees 31 minutes 19 seconds West for a distance of 197.17 feet to the beginning of a simple curve. Thence along said curve to the right having a radius of 2798.69 feet an arc length of 707.02 feet and a chord bearing and distance of North 15 degrees 58 minutes 37 seconds West for a distance of 705.14 feet to the end of the simple curve and the beginning of a transitional curve. Thence along the transitional curve to the right having a chord bearing and distance of North 7 degrees 16 minutes 20 second West 198.99 feet to the end of said curve. Thence North 6 degrees 46 minutes 21 seconds West 8.77 feet to ½ inch rebar at intersection of the East ROW of Old Huntsville HWY and South ROW of Haynes Road NE. Thence along South Boundary of said road North 89 degrees 46 minutes 20 seconds East 767.74 feet to ½ inch rebar. Thence South 48 degrees 11 minutes 51 seconds East 71.60 feet to a concrete monument on West ROW of US HWY 231. Thence South 03 degrees 55 minutes 17 seconds East along said ROW 1254.01 feet to ½ inch rebar at intersection of said ROW and South boundary of SE Quarter of SW Quarter of Section 11, Township 8 South, Range 1 East. Thence South 89 degrees 02 minutes 16 seconds West along the Quarter-Quarter line 491.69 feet to the point of beginning. Property being in Marshall County, Alabama and containing 21.0 acres. Property subject to any existing ROW for roads and utilities. Source of title: Deed Book 5116, Page 232 as recorded in the Probate Office of Marshall County, Alabama.

**6. ORDINANCE NO. 2018-1. Adopted December 3<sup>rd</sup>, 2018.**

Property located at 841 North Brindlee Mountain Parkway was described on the official zoning map of the City of Arab as R-1 District, but has been reclassified and designated as GB District.

**CITY OF ARAB, ALABAMA**  
**Ordinance No. 2017 - 3**

WHEREAS, the City Council of the City of Arab, Alabama has previously adopted an Arab Alcoholic Beverage Ordinance (Ordinance 2006-8 as amended); and,

WHEREAS, due to continued growth and change, it has become necessary to amend the Arab Alcoholic Beverage Ordinance for the public good and welfare; and,

WHEREAS, the City Council of the City of Arab hereby authorizes a change to allow alcohol on certain city owned property, amends the special event retail license, and otherwise amends other portions necessary, subject to the requirements and provisions of Ordinance No. 2006-8, as amended, and codified as Chapter 2-5 et. seq. of the Code of Ordinances of the City of Arab, Alabama, now existing as well as any amendments hereinafter adopted;

WHEREAS, the Alcohol Licensee Review Committee has approved and recommended these amendments and additions.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARAB, ALABAMA THAT:

SECTION ONE. Amendment. Chapter 2.5 et. seq. of the Code of Ordinances of the City of Arab, Alabama is hereby amended as follows:

**2.5-3 Definitions:**

**WHICH NOW READS:**

**Public Place:** Any place or gathering which the public generally attends or is admitted to either by invitation, common consent or right, or by payment of an admission or other charge, and without limiting the foregoing, shall include any streets, alleys, sidewalks, public easements, or right-of-ways, parking lots designed for use by the general public, public buildings, buildings which are open to the public including but limited to school buildings or grounds, parks and libraries, places where school related and recreational games or contests are held, any theater, auditorium, show, skating rink, dance hall or other place of amusement or any club, provided that such term shall not mean or include premises which have been duly licensed under the ordinances of the city and the laws of the state for sale or consumption of alcoholic beverages and provided that no private gathering is included within the meaning of public place with respect to the owners or occupants of such premises or place or to any persons specifically invited therein: provided, that such term shall not mean or include premises which have been duly licensed by the city for sale thereon of alcoholic beverages.

**IS AMENDED TO READ:**

**Public Place:** Any place or gathering which the public generally attends or is admitted to either

by invitation, common consent or right, or by payment of an admission or other charge, and without limiting the foregoing, shall include (*unless specifically excepted as a Licensed Municipal Facility*) any streets, alleys, sidewalks, public easements, or right-of-ways, parking lots designed for use by the general public, public buildings, buildings which are open to the public including but limited to school buildings or grounds, parks and libraries, places where school related and recreational games or contests are held, any theater, auditorium, show, skating rink, dance hall or other place of amusement or any club, provided that such term shall not mean or include premises which have been duly licensed under the ordinances of the city and the laws of the state for sale or consumption of alcoholic beverages and provided that no private gathering is included within the meaning of public place with respect to the owners or occupants of such premises or place or to any persons specifically invited therein: provided, that such term shall not mean or include premises which have been duly licensed by the city for sale thereon of alcoholic beverages.

**Licensed Municipal Facility:** The following specific municipal facilities provided that they are authorized by a rental agreement and licensed for a Special Event License **and further provided that they shall be restricted to sale/serve beer and wine only:** Arab Senior Center.

#### **Sec. 2.5-4. (a)**

#### **WHICH NOW READS:**

City licensed premises shall be located only within the following zoning districts, and in accordance with other applicable provisions of city zoning ordinance (Ordinance No. 2002-4, as amended):

B-1 (Local Shopping District);

B-2 (General Business District);

B-3 (Community Business District);

B-4 (Central Business District);

R-1 (Residential/Conditional)—Only golf courses as defined herein may be licensed in this zoning district.

#### **IS AMENDED TO READ:**

City licensed premises shall be located only within the following zoning districts, and in accordance with the other applicable provisions of city zoning ordinance (Ordinance No. 2016-3, as amended).

NB (Neighborhood Business)

GB (General Business)

UB (Urban Mix)

HD (Historic Downtown)

R-1 (Residential/Conditional) – Only golf courses as defined herein may be licensed in this zoning district.

**O-I (Office-Industrial) – Only for a Licensed Municipal Facility**

## **Sec. 2.5-38 (a) (15) Special events retail license for on-premise consumption**

### **WHICH NOW READS:**

*(15) Special events retail license for on-premise consumption.* Each person who has obtained a special events retail liquor license from the board under section 28-3A-1 et seq., of the Code of Alabama 1975, shall pay to the city a license fee of \$200.00. No such license shall be issued for a period in excess of seven days. Such alcoholic beverages as are authorized by the board may be sold. All applications for special event licenses shall be filed with the city clerk at least 30 days in advance of the event for which a license is sought. In addition to the stated license fee, each such person shall pay to the city, on or before the 15th day of the calendar month next succeeding each separate subject month, for the privilege of so engaging in such business in said subject month, an additional license tax of 15 percent of the monthly gross receipts derived from the sale of all alcoholic beverages, except beer and table wine, received during such immediate next preceding calendar month.

The following shall apply to an applicant for a special event retail liquor license:

- a. Submit the required filing fee.
- b. Receive affirmative recommendation to the city council by the city alcohol review committee.
- c. Receive approval from the city council.
- d. Pay the required license fee.
- e. Each applicant/organization shall not be allowed to apply for more than five special event licenses in any one calendar year.
- f. No sale of alcohol shall be allowed during a special event on any Sunday after 2:00 a.m.
- g. Shall be required to purchase the alcoholic beverages from a wholesale licensee of the board.
- h. In lieu of the alcohol license tax bond required herein, applicant for a special retail liquor license shall pay \$250.00 per day for each day a license is requested for. Such amount shall be paid as a cash bond or equivalent as approved by the city clerk and shall be paid, held and distributed in accordance with the regulations pertaining to the alcohol license tax bond as stated herein.

### **IS AMENDED TO READ:**

*(15) Special events retail license for on-premise consumption*

a. Each person (who must be a responsible person of good reputation) licensed by the board for a special events retail license under this article, (which is valid for seven (7) days or less), shall pay to the city a privilege or license tax as follows:

1. Fifty dollars (\$50.00) per day if such special event is conducted by a nonprofit organization;  
or
2. One hundred fifty dollars (\$150.00) per day if such special event is conducted by a for-profit organization or individual.

b. Licensees hereunder shall be allowed to sale/serve alcoholic beverages for on premise consumption of any alcoholic beverage, **other than as restricted if located at a Licensed Municipal Facility.**

c. Licensees hereunder shall be allowed to sale/serve alcoholic beverages at any time on any given day in which the special event license is valid other than those times excluded under this Ordinance or by State law.

d. Each applicant/organization shall not be allowed to apply for more than five special event licenses in any one calendar year.

e. In lieu of the alcohol license tax bond required herein, applicant for a special retail liquor license shall pay \$250.00 per day for each day a license is requested for, **unless the location is a Licensed Municipal Facility**. Such amount shall be paid as a cash bond or equivalent as approved by the city clerk and shall be paid, held and distributed in accordance with the regulations pertaining to the alcohol license tax bond as stated herein.

f. Any person/entity currently licensed with the board and having a current city licensed premises may apply for an expedited special events license which will only require licensing and approval of the event and location rather than the full background check and other standard licensing requirements.

**Sec. 2.5-38 (a) is amended to add the following license:**

*(19) Brewpub.* Every person licensed by the board for to operate a Brewpub on a Premises (both as defined by §28-4A-2, **Alabama Code**) shall pay to the city an annual license fee of One thousand dollars (\$1,000.00).

- (1) Severability. The provisions of this Ordinance are severable so that if any provision hereof is declared unconstitutional, void, or invalid by a court of competent jurisdiction, all other provisions hereof shall not be affected by such declaration and shall remain in full force and effect as though the unconstitutional, void or invalid provision had not been included in the Ordinance as originally adopted.
- (2) Conflicts with state statutes. This Ordinance shall be deemed cumulative with and supplemental to any and all statutes of the State of Alabama regarding the subject matter hereof and to be subordinate to same and in no manner intended to supersede any such statutes of the State of Alabama. Any provision hereof in conflict with any provision of any State statute shall be construed so as to be in harmony with the same where possible and otherwise to be subordinate to and superseded by the provisions of such State statute.
- (3) Effective date. This Ordinance shall be effective only after publication according to law.

**ADOPTED BY THE CITY COUNCIL OF THE CITY OF ARAB, ALABAMA  
ON THIS THE 19<sup>TH</sup> DAY OF JUNE, 2017.**

**CITY OF ARAB, ALABAMA**  
**Ordinance 2017 -3**

**ADOPTED ON THIS THE 19<sup>TH</sup> DAY OF JUNE, 2017.**

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Johnny Hart, Council Member, Place 1

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Rena Warren, Council Member, Place 2

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Mark Gullion, Council Member, Place 3

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Mike Allen, Council Member, Place 4

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Chris Harper, Council Member, Place 5

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R.D. Joslin, Mayor

**ATTEST:**

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Tony Willis, City Clerk

**CITY OF ARAB, ALABAMA**  
**Ordinance No. 2016-2**

**ORDINANCE ASSENTING TO THE ANNEXATION OF CERTAIN PROPERTY OR TERRITORY TO THE CITY OF ARAB, ALABAMA, PURSUANT TO THE SECTIONS 11-42-20 THROUGH-11-42-24, INCLUSIVE, CODE OF ALABAMA (1975).**

**NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARAB, ALABAMA AS FOLLOWS:**

1. That the City Council hereby assents to the annexation of certain property to the City of Arab, Alabama, more particularly described as follows:

Commencing at a ½ inch rebar at the SE corner of the NE ¼ of the NE ¼ of Section 21, T-8-S, R-1-E of the Huntsville Meridian; thence North 01 degrees 08 minutes 41 seconds East, a distance of 210.00 feet to a ½ inch rebar to the point of beginning; thence North 88 degrees 15 minutes 31 seconds West, a distance of 210.00 feet to a ½ inch rebar Cap #CA 0078; thence South 01 degrees 08 minutes 42 seconds West, a distance of 94.00 feet to a ½ inch rebar Cap #CA 0078; thence North 78 degrees 53 minutes 53 seconds West, a distance of 133.86 feet to ½ inch rebar Cap #CA 0078 on the East bank of a creek; thence continue Westerly along said line, a distance of 10.00 feet to the center of said creek; thence North 08 degrees 45 minutes 49 seconds East, a distance of 414.96 feet to the center of said creek; thence South 73 degrees 20 minutes 14 seconds East, a distance of 10.00 feet to a ½ inch rebar, Cap #CA 0078 on the East bank of said creek; thence continue Easterly along said line, a distance of 297.84 feet to a ½ inch rebar, Cap #CA 0078 in Swinging Bridge Road and on the Section line; thence South 01 degrees 08 minutes 05 seconds West, a distance of 262.00 feet to the point of beginning. Property being in Marshall County, Alabama, and containing 2.49 acres, more or less. Property subject to all existing rights of way and /or easements that are recorded or unrecorded.

2. That said parcel of land is hereby annexed as an R-1 District.