

ADOPTED 3/27/2025

ORDINANCE NO. 25-218

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

Section 1. The City Council of the City of Huntsville, Alabama, finds that an application has been presented to the City of Huntsville requesting the vacation of a utility and drainage easement...

Section 2. Pursuant to the findings in Section 1 hereinabove, the Mayor of the City of Huntsville, Alabama, is hereby authorized, requested and directed to execute a quitclaim deed vacating the easement hereinafter described...

STATE OF ALABAMA) COUNTY OF MADISON)

QUITCLAIM DEED

KNOW ALL MEN BY THESE PRESENTS, that the undersigned CITY OF HUNTSVILLE, an Alabama municipal corporation, hereinafter referred to as Grantor, in consideration of the sum of Ten Dollars (\$10.00) in hand paid by JWE PROPERTIES, LLC...

SEE EXHIBITS A-1, A-2 and B ATTACHED HERETO.

TO HAVE AND TO HOLD unto the said grantee, its successors and assigns forever.

IN WITNESS WHEREOF, Grantor has caused this quitclaim to be signed in its behalf by its Mayor and attested by its City Clerk, this the 27th day of March, 2025.

CITY OF HUNTSVILLE, ALABAMA, a municipal corporation

By: Tommy Battle, Mayor

ATTEST: Shaundrika Edwards, City Clerk

STATE OF ALABAMA) COUNTY OF MADISON)

I, the undersigned, a notary public in and for said County, in said State, hereby certify that Tommy Battle and Shaundrika Edwards, whose names as Mayor and City Clerk, respectively, of The City of Huntsville, Alabama, a municipal corporation are signed to the foregoing document, and who are known to me, acknowledged before me on this day that, being informed of the contents of the instrument, they, as such officers and with full authority, executed the same for and as the act of said corporation on the day the same bears day.

GIVEN under my hand and official seal this the 27th day of March, 2025.

Anita Gwinn Charguall, Notary Public

THIS INSTRUMENT PREPARED BY: 2 The Point, Inc. 8624 Memorial Parkway SW Huntsville, AL 35802 256.539.9426

STATE OF ALABAMA) MADISON COUNTY)

10' PUBLIC UTILITY AND PRIVATE DRAINAGE EASEMENT VACATION #1

A PARCEL OF LAND LOCATED IN THE EAST HALF OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 6, TOWNSHIP 4 SOUTH, RANGE 2 EAST AND IN THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 7, TOWNSHIP 4 SOUTH, RANGE 2 EAST OF THE HUNTSVILLE MERIDIAN, MADISON COUNTY, ALABAMA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A 5/8" CIPF (PLS 35345) MARKING THE SOUTHWEST CORNER OF LOT 59 OF THE FINAL PLAT OF "WATSON GRANDE PRESERVE PHASE 6 AT McMULLEN COVE" AS RECORDED IN PLAT BOOK 2023 PAGE 263, IN THE OFFICE OF THE JUDGE OF PROBATE OF MADISON COUNTY, ALABAMA AND MARKING THE SOUTHEAST CORNER OF LOT 58 OF THE MINOR PLAT OF "WATSON GRANDE PRESERVE PHASE 8 AT McMULLEN COVE" AS RECORDED IN PLAT BOOK 2025 PAGE 38...

THENCE, FROM THE POINT OF BEGINNING, NORTH 36 DEGREES 49 MINUTES 40 SECONDS WEST, 12.53 FEET TO A POINT; THENCE NORTH 16 DEGREES 07 MINUTES 12 SECONDS WEST, 10.10 FEET TO A POINT; THENCE SOUTH 16 DEGREES 07 MINUTES 12 SECONDS WEST, 2014.51 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.46 ACRES (20,114 SQUARE FEET), MORE OR LESS.

EXHIBIT A-2 TRACT 1A

STATE OF ALABAMA) MADISON COUNTY)

10' PUBLIC UTILITY AND PRIVATE DRAINAGE EASEMENT VACATION #2

A PARCEL OF LAND LOCATED IN THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 7, TOWNSHIP 4 SOUTH, RANGE 2 EAST OF THE HUNTSVILLE MERIDIAN, MADISON COUNTY, ALABAMA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A 5/8" CIPF (PLS 35345) MARKING THE SOUTHWEST CORNER OF LOT 59 OF THE FINAL PLAT OF "WATSON GRANDE PRESERVE PHASE 6 AT McMULLEN COVE" AS RECORDED IN PLAT BOOK 2023 PAGE 263, IN THE OFFICE OF THE JUDGE OF PROBATE OF MADISON COUNTY, ALABAMA AND MARKING THE SOUTHEAST CORNER OF LOT 58 OF THE MINOR PLAT OF "WATSON GRANDE PRESERVE PHASE 8 AT McMULLEN COVE" AS RECORDED IN PLAT BOOK 2025 PAGE 38...

THENCE, FROM THE POINT OF BEGINNING, SOUTH 20 DEGREES 14 MINUTES 12 SECONDS WEST, 5.21 FEET TO A POINT; THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 161.50 FEET, AN ARC LENGTH OF 5.50 FEET; THENCE NORTH 64 DEGREES 15 MINUTES 38 SECONDS WEST, 20.17 FEET TO A POINT; THENCE NORTH 16 DEGREES 07 MINUTES 12 SECONDS EAST, 20.41 FEET TO A POINT; THENCE SOUTH 36 DEGREES 49 MINUTES 40 SECONDS EAST, 12.53 FEET TO A POINT; THENCE SOUTH 16 DEGREES 07 MINUTES 12 SECONDS WEST, 4.41 FEET TO A POINT; THENCE SOUTH 64 DEGREES 15 MINUTES 38 SECONDS EAST, 7.64 FEET TO A POINT; THENCE SOUTH 36 DEGREES 49 MINUTES 40 SECONDS EAST, 10.24 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.01 ACRES (313 SQUARE FEET), MORE OR LESS.

ORDINANCE NO. 25-218 (Cont'd)

ADOPTED this the 27th day of March, 2025.

John Minicich, President of the City Council of the City of Huntsville, Alabama

APPROVED this the 27th day of March, 2025.

Tommy Battle, Mayor of the City of Huntsville, Alabama

ADOPTED 3/27/2025

ORDINANCE NO. 25-219

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

Section 1. The City Council of the City of Huntsville, Alabama, finds that an application has been presented to the City of Huntsville requesting the vacation of a utility and drainage easement; that the applicant has represented to the City of Huntsville that JWE Properties, LLC, is the owner of the property across which said easement lies; that said easement, or the portion being vacated, is not presently used and is no longer needed for a public or municipal purpose.

Section 2. Pursuant to the findings in Section 1 hereinabove, the Mayor of the City of Huntsville, Alabama, is hereby authorized, requested and directed to execute a quitclaim deed vacating the easement hereinafter described, said deed being substantially in words and figures as follows, to-wit:

STATE OF ALABAMA) COUNTY OF MADISON)

QUITCLAIM DEED

KNOW ALL MEN BY THESE PRESENTS, that the undersigned CITY OF HUNTSVILLE, an Alabama municipal corporation, hereinafter referred to as Grantor, in consideration of the sum of Ten Dollars (\$10.00) in hand paid by JWE PROPERTIES, LLC, an Alabama limited liability company, hereinafter referred to as Grantee, and other good and valuable considerations, the receipt and sufficiency whereof is hereby acknowledged, does hereby remise, release, quitclaim, and convey unto the Grantee, all of the Grantor's right, title, interest and claim in and to the following described real estate situated in the City of Huntsville, County of Madison, State of Alabama, to-wit:

SEE EXHIBITS A AND B ATTACHED HERETO.

TO HAVE AND TO HOLD unto the said grantee, its successors and assigns forever.

IN WITNESS WHEREOF, Grantor has caused this quitclaim to be signed in its behalf by its Mayor and attested by its City Clerk, this the 27th day of March, 2025.

CITY OF HUNTSVILLE, ALABAMA, a municipal corporation

By: Tommy Battle, Mayor

ATTEST: Shaundrika Edwards, City Clerk

STATE OF ALABAMA) COUNTY OF MADISON)

I, the undersigned, a notary public in and for said County, in said State, hereby certify that Tommy Battle and Shaundrika Edwards, whose names as Mayor and City Clerk, respectively, of The City of Huntsville, Alabama, a municipal corporation are signed to the foregoing document, and who are known to me, acknowledged before me on this day that, being informed of the contents of the instrument, they, as such officers and with full authority, executed the same for and as the act of said corporation on the day the same bears day.

GIVEN under my hand and official seal this the 27th day of March, 2025.

Anita Gwinn Charguall, Notary Public

THIS INSTRUMENT PREPARED BY: 2 The Point, Inc. 8624 Memorial Parkway SW Huntsville, AL 35802 256.539.9426

Anita Gwinn Charguall, Notary Public

EXHIBIT A LOT 43

STATE OF ALABAMA) MADISON COUNTY)

10' PUBLIC UTILITY AND PRIVATE DRAINAGE EASEMENT VACATION

A PARCEL OF LAND LOCATED IN THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER AND THE WEST HALF OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER AND THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 7, TOWNSHIP 4 SOUTH, RANGE 2 EAST OF THE HUNTSVILLE MERIDIAN, MADISON COUNTY, ALABAMA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A 5/8" CIPF (PLS 35345) MARKING THE NORTHWEST CORNER OF LOT 42 OF THE FINAL PLAT OF "WATSON GRANDE PRESERVE PHASE 6 AT McMULLEN COVE" AS RECORDED IN PLAT BOOK 2023 PAGE 263, IN THE OFFICE OF THE JUDGE OF PROBATE OF MADISON COUNTY, ALABAMA AND MARKING THE NORTHEAST CORNER OF LOT 43 OF THE MINOR PLAT OF "WATSON GRANDE PRESERVE PHASE 8 AT McMULLEN COVE" AS RECORDED IN PLAT BOOK 2025 PAGE 38, IN SAID OFFICE OF PROBATE AND ALSO LYING ON THE SOUTH RIGHT-OF-WAY MARGIN OF WATSON GRANDE WAY (40' PRIVATE ROW); THENCE, LEAVING SAID MARGIN AND ALONG THE EAST RIGHT-OF-WAY MARGIN OF SUMMER BREEZE CIRCLE (50' PRIVATE ROW); THENCE, ALONG SAID EAST MARGIN, ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 20.00 FEET, AN ARC LENGTH OF 40.26 FEET, A CHORD BEARING OF SOUTH 48 DEGREES 24 MINUTES 35 SECONDS WEST, 33.80 FEET TO A POINT; THENCE, ALONG SAID MARGIN, ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 50.00 FEET, AN ARC LENGTH OF 201.80 FEET, A CHORD BEARING OF NORTH 73 DEGREES 38 MINUTES 01 SECOND WEST, 90.17 FEET TO A POINT; THENCE, ALONG SAID MARGIN, ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 20.00 FEET, AN ARC LENGTH OF 39.03 FEET, A CHORD BEARING OF NORTH 13 DEGREES 54 MINUTES 58 SECONDS WEST, 33.12 FEET TO A POINT LYING ON THE WEST RIGHT-OF-WAY MARGIN OF SAID SUMMER BREEZE CIRCLE; THENCE, LEAVING SAID WEST MARGIN AND ALONG THE SOUTH RIGHT-OF-WAY MARGIN OF SAID GRAND WATSON GRANDE WAY (40' PRIVATE ROW), NORTH 69 DEGREES 47 MINUTES 34 SECONDS WEST, 0.20 FEET TO A 5/8" CIPF (PLS 35345); THENCE, LEAVING SAID MARGIN OF SAID GRAND WATSON GRANDE WAY, SOUTH 16 DEGREES 07 MINUTES 12 SECONDS WEST, 10.04 FEET TO A POINT; THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 10.00 FEET, AN ARC LENGTH OF 5.49 FEET, A CHORD BEARING OF SOUTH 51 DEGREES 09 MINUTES 53 SECONDS EAST, 5.42 FEET TO A POINT OF BEGINNING AND HAVING STATE PLANE COORDINATES (EAST ZONE, NAD '83) OF NORTH: 1.531,837.84', EAST: 466,627.69';

THENCE, FROM THE POINT OF BEGINNING, SOUTH 16 DEGREES 07 MINUTES 12 SECONDS WEST, 18.96 FEET TO A POINT; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 60.00 FEET, AN ARC LENGTH OF 39.56 FEET, A CHORD BEARING OF SOUTH 16 DEGREES 07 MINUTES 12 SECONDS WEST, 38.84 FEET TO A POINT; THENCE SOUTH 16 DEGREES 07 MINUTES 12 SECONDS WEST, 1772.74 FEET TO A POINT; THENCE NORTH 21 DEGREES 52 MINUTES 01 SECOND WEST, 16.25 FEET TO A POINT; THENCE NORTH 16 DEGREES 07 MINUTES 12 SECONDS EAST, 1820.20 FEET TO A POINT; THENCE SOUTH 69 DEGREES 45 MINUTES 48 SECONDS EAST, 4.40 FEET TO A POINT; THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 10.00 FEET, AN ARC LENGTH OF 6.10 FEET, A CHORD BEARING OF SOUTH 52 DEGREES 55 MINUTES 09 SECONDS EAST, 6.01 FEET TO A POINT;

CONTAINING 0.42 ACRES (18,175 SQUARE FEET), MORE OR LESS.

ORDINANCE NO. 25-219 (Cont'd)

ADOPTED this the 27th day of March, 2025.

John Minicich, President of the City Council of the City of Huntsville, Alabama

APPROVED this the 27th day of March, 2025.

Tommy Battle, Mayor of the City of Huntsville, Alabama

ADOPTED 3/13/25

RESOLUTION NO. 25-156

WHEREAS, the Planning Commission of the City of Huntsville, Alabama, has given consideration to an amendment to the Zoning Ordinance, a synopsis of said amendment being as follows:

- (1) Amend Zoning Ordinance ARTICLE 92 – BOARD OF ADJUSTMENT, Section 92.5 – Powers and Duties, Subsection 92.5.3 – Permitted Uses as Special Exceptions... (2) The first publication of this resolution, this synopsis, and the ordinance hereinafter set out at length shall be in the Speakin' Out News on the 26th day of March, 2025, and the second publication shall be one week thereafter on the 2nd day of April, 2025, both of which publications shall be at least 15 days in advance of the date of the public hearing hereinafter referred to.

WHEREAS, it is the judgment and opinion of the City Council of the City of Huntsville, Alabama, that consideration should be given to the adoption of an amendment to the Zoning Ordinance of the City of Huntsville, Alabama, in accordance with said request;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Huntsville, Alabama, as follows:

1. That the City Council of the City of Huntsville, Alabama, shall meet at 5:30 p.m. on the 24th day of April, 2025, in the Council Chambers of the City of Huntsville Administration Building at 305 Fountain Circle in the City of Huntsville, Alabama, for the purpose of holding a public hearing at which time and place all persons, parties in interest and citizens who desire, shall have an opportunity to be heard in opposition to or in favor of said Ordinance No. 25-157, which is introduced by the City Council of the City of Huntsville on the 13th day of March, 2025, amending the Zoning Ordinance of the City of Huntsville, Alabama.

2. That the proposed amendment to the Zoning Ordinance of the City of Huntsville, Alabama, is substantially in words and figures as follows:

INTRODUCED 3/13/25

ORDINANCE NO. 25-157

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 Ordinance ARTICLE 92 – BOARD OF ADJUSTMENT, Section 92.5 – Powers and Duties, subsection 92.5.3 – Permitted Uses as Special Exceptions, to read as follows:

92.5.3 Permitted Uses as Special Exceptions

The Board of Adjustment may permit, as a special exception, the following uses in the specified district:

- (1) Semi-public, non-profit, recreational facilities in any residence district (except miniature golf courses). (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. (3) Private off-street parking area in Residence 2-B District provided such area is adjacent to a business or industrial district. (4) Quarries, sand pits and gravel pits in Heavy Industry and Planned Industrial districts provided that the following conditions are met in addition to any other conditions imposed by the Board of Adjustment, to-wit: (a) Setbacks. No area of extraction or storage of earth products or overburden material, except for the construction of site barriers as required by paragraphs (b) below and shown on the approved site plan, and no parking shall be permitted within two hundred feet (200') of the extraction site boundaries, either above or below grade, or of any public right-of-way. The operation of stationary machinery such as sorters, crushers, or other processing devices shall not be permitted within five hundred feet (500') of the extraction site boundaries or of any public right-of-way unless the extraction site abuts a residential district, in which case the setback shall be one thousand feet (1,000'). Utility facilities (except service lines), administrative buildings, scale houses, and similar non-process facilities shall have a minimum setback of two hundred feet (200') from extraction site boundaries and public rights-of-way. The setbacks described above, however, do not apply to boundaries shared with contiguous lawful extraction operations. (b) Screening. No grading, removal or disturbance of vegetation, except at points of ingress and egress, shall be permitted within two hundred feet (200') of the extraction site boundaries or any public right-of-way; provided, however, existing conditions may be modified to enhance screening of the extraction operation from view; and all areas of operation shall be effectively screened from view of surrounding uses to the extent practical by trees and shrubs, fences, walls or earth berms or a combination of same. (c) Street Access and Frontage. Any proposed extraction operation shall have at least 200 feet of frontage on an arterial or major collector street as designated on the Major Street Plan for the City of Huntsville, and no access shall be through any residential district except on an arterial or major collector street. (d) Performance Standards. Extraction activities shall be operated and maintained subject to the following minimum requirements: (i) Safety Measures. Appropriate safety measures shall be taken to control access to the subject property including, but not necessarily limited to, notices posted at intervals no greater than one hundred feet (100') along the extraction site boundaries and along any public rights-of-way that shall warn against trespassing and shall contain a statement of the use of explosives, if applicable. The perimeter of all active extractive operations shall be enclosed by a fence not less than four feet (4') in height. (ii) Hydrologic Standards. Excavation activities shall be planned such that they minimize changes to the prevailing hydrologic conditions in both the extraction site and off-site areas. Changes in water quality and quantity, in the depth to ground water, and in the location of surface water drainage channels shall be minimized so that the future use of the area is not adversely affected. (e) Reclamation Standards. The reclamation of an extraction site shall be required and shall result in conditions appropriate for the expected future use of the site. (f) Full reclamation of the site as provided herein must commence immediately upon completion or termination of the extraction operation or following a dormant period of twelve (12) consecutive

(d) The sale or consumption or possession of alcoholic beverages on the premises shall be prohibited.

(20) AM radio broadcast towers, towers for mobile or fixed-point radio antennas, and any other telecommunications towers not otherwise covered by Section 73.20.1 - Applicability that will not be designed, constructed, and available to accommodate multiple users for a proposed location in any non-residential district. Approval shall be subject to:

- (a) Submittal of scaled site plans and other supporting drawings and documents sufficient to demonstrate compliance with the provisions of Section 73.20.1 hereof. (b) Written documentation by the applicant demonstrating why installation of a single user tower would better serve the goals of the Zoning Ordinance than would a tower designed to accommodate multiple users. (c) The Board of Adjustment shall act upon any application for authorization to place, construct or modify any personal wireless service facility, whether for a special exception or a variance, within a reasonable period of time after the application and all required supporting documentation is duly filed, taking into account the nature and scope of such application.

Any decision by the Board of Adjustment to grant or deny an application to place, construct, or modify any personal wireless service facility, whether for a special exception or a variance, shall be in writing and supported by substantial evidence contained in the record.

(21) Broadcast towers supporting one or more UHF or VHF television or FM radio broadcast or other similar broadcast antenna in any district; approval shall be subject to the provisions of Sections 73.20.6 - Security, 73.20.8 - Structural Design, 73.20.9 - Signs, 73.20.10 - Access, 73.20.11 - Landscaping, 73.20.16 - Co-Location, and 73.20.17 - Building Permits of this ordinance and to the following conditions:

- (a) Because it is the intent of this ordinance to minimize the number of towers and their visual impact on the city, any new television tower that is permitted shall be capable of supporting at a minimum two UHF antennas and one FM antenna in addition to other radio service antennas and microwave dishes. (b) If a new tower is approved for a currently operating television licensee, then the existing tower must be removed and any antennas on the existing tower transferred to the newly permitted tower or to other existing towers. There should never be more television towers in the city than there are television licenses, and it is the intent of this ordinance that the number of television towers should decrease over time as licensees co-locate on new towers. (c) Setbacks for broadcast towers shall be the greater of 25% of tower height (including antennas) or the longest distance between the perimeter of the tower base and a guy anchor plus a fifteen-foot (15') setback from any lot line for each guy anchor. (d) Broadcast towers must be located so that in the event of tower or structure failure, the tower cannot strike another tower or tower support structure. (e) Applications to locate broadcast towers in residential districts must contain written documentation demonstrating why it is essential for the tower to be so located accompanied by evidence that the tower cannot be located in a non-residential district. (f) Tower lighting shall be the minimum required to comply with federal regulations, and tower height shall be the minimum necessary to serve the license area.

(22) Indoor facilities for the discharge of BB guns in Highway Business C-4, Commercial Recreation C-5, Light Industry, Heavy Industry, and Disposal Storage districts subject to prior approval of the application by the Chief of Police and compliance with the provisions of Ordinance No. 97-171 as the same may be amended. Special exception approval by the Board of Adjustment shall be granted only on a specific event basis and approval shall specify the time period during which the special exception is valid. In addition, the following conditions shall apply:

- (a) All building code requirements and all standards promulgated by the Building Inspector of the City of Huntsville with regard to the construction and performance of indoor firing ranges for BB guns shall be met. (b) The structure housing such use shall not be situated nearer than fifty feet to residentially zoned property; and (c) The sale or consumption or possession of alcoholic beverages on the premises shall be prohibited.

(23) Indoor facilities for the discharge of paintball guns in Light Industry, Heavy Industry, Disposal Storage, and Commercial Recreation C-5 districts. In addition to any other conditions imposed by the Board of Adjustment, the following conditions shall apply:

- (a) The structure housing such use shall not be situated nearer than fifty (50) feet to residentially zoned property. (b) Off-street parking spaces shall be provided in accordance with Article 71 - Off-Street Parking and Vehicular Use Area Landscaping Requirements. The number of parking spaces provided shall be at least one parking space for each 300 square feet of floor area. (c) All noises emanating from the facility shall comply with the City of Huntsville Noise Control Regulations, as the same may be amended, and further, that where an indoor facility for the discharge of paintball guns adjacents residentially zoned property, the sound of firearm discharge and the sound of projectile impact shall not be audible at or beyond the property line. (d) Guns used for paintball shall be discharged only within the indoor paintball structure. (e) The sale, consumption or possession of alcoholic beverages on the premises shall be prohibited.

(24) Outdoor paintball playing fields in Heavy Industry and Disposal Storage districts, provided the following conditions are met in addition to any other conditions imposed by the Board of Adjustment:

- (a) Applicant must demonstrate evidence of legal control of the proposed paintball site. (b) The external boundaries of the paintball site must be at least 500 feet from any residential use, residentially zoned district or recorded residential subdivision, place of worship, school or daycare facility, provided, however, the separation distance restriction may be waived where the residential district or residential area cannot be developed within 500 feet of the paintball site due to the existence of a floodway. The distance established herein shall be measured from the property line of the outdoor paintball range to the property line of the affected use. (c) A buffer strip 200 feet deep along the perimeter of the site, along all rights-of-way, and adjacent to structures must be maintained, and no play shall be permitted within this buffer; provided, however, this buffer may be waived or modified by the Board of Adjustment if in the opinion of the Board of Adjustment such waiver or modification will not be disruptive or detrimental to the surrounding area. (d) A 20-foot high, nylon mesh screen shall be installed around each area of play, each tune-up area, and each other such area where guns may be discharged. This screen shall be anchored at the bottom and secured by a non-stretchable cable at the top and bottom. Two such screens shall be installed a minimum of five feet apart to separate the spectator area from the areas set forth above in this subsection 24(d). (e) Off-street parking spaces shall be provided in accordance with Article 71 - Off-Street Parking and Vehicular Use Area Landscaping Requirements. The number of parking spaces provided shall be equal to one parking space for each 300 square feet of area of play. (f) Standards of operation must be submitted as part of the Board of Adjustment application and shall become part of any approval. Standards shall include all pertinent information including a description of the equipment to be used, the hours of operation, the buffer strip, nylon mesh screen, and procedures needed to minimize any noise, litter, lighting, traffic, or other forms of pollution created by the proposed operation that may have an adverse impact on the proposed paintball range, as well as surrounding properties. (g) A site plan (1" = 200') showing the buffer strip, the nylon mesh screen, location of any permanent structures on the site; designated areas of play, staging, tune-up and spectators; adjacent rights-of-way; vehicular and pedestrian circulation, including points of access to the site, loading and unloading areas, and areas for employee and customer parking; restroom facilities; landscaping; and any other proposed facilities, and a copy of the official zoning map on which are shown the exact boundaries of the paintball site shall be submitted with the Board of Adjustment application. (h) No outdoor lighting shall be allowed other than for building access, parking area and signs. Nighttime use of a paintball range may be permitted if in the opinion of the Board of Adjustment such use will not be disruptive to the surrounding area. In these cases, playing, staging, tune-up and spectator areas will be required to be lighted. (i) Hours of operation shall be from 7:00 a.m. to 12 midnight, provided, however, in no case shall hours of operation continue after dark unless the field is artificially lighted in accordance with 24(h) above. (j) Guns used for paintball shall be discharged only on the paintball field within the approved designated areas of play. (k) The sale, consumption or possession of alcoholic beverages on the premises shall be prohibited. (l) No outdoor storage shall be allowed.

(25) Hotels, motels, and bed & breakfasts in Neighborhood Business C-1, C-2, and Village Business C-6 districts.

(26) Parking lots as a primary use in Neighborhood Business C-1, Neighborhood Business C-2 and Village Business C-6 districts.

(27) Radio and television studios but not broadcast towers in Neighborhood Business C-1 and C-2 districts when located on a major arterial.

(28) Hotels and motels in Research Park Application, Research Park Applications 2, and Research Park 2 districts.

(29) Special event retailers in all residential districts.

(30) In Heavy Industry districts only: abattoir; stockyards; manufacture of acetylene gas, acid, ammonia, or chlorine, bleaching chemicals, powder, alcoholic beverages; asphalt manufacturing, limestone drying, auto wrecking, or storage of wrecked autos for purpose of used parts sales; blast furnaces, boiler and tank works; bag cleaning; central mixing plant for cement mortar; or paving materials; processing, incineration or storage of dead animal materials, including earring, tanning and storage of hides, distillation of bones, coal, fat rendering, candle making, fertilizer manufacture, glue size, and gelatin manufacture; manufacture of paint, turpentine, varnish, soap and tar products, disinfectants and dyestuff; wool pulling or scouring; cement, lime, gypsum or plaster of Paris manufacture; salvage yards; paper and pulp manufacture; ore reduction; junk, scrap metal, rags, paper, cotton waste, waste or baling; gasoline and L.P. Gas bulk storage plants.

(31) 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 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 for a Board of Adjustment 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).