

**ZONING TEXT AMENDMENT  
ZTA 218-13  
ARTS AND ENTERTAINMENT DISTRICT**

**ORDINANCE NO. 13-4140**

**BE IT ORDAINED** by the City Council of the City of Decatur in the State of Alabama, that the Code of Decatur, Alabama is hereby amended by adding an Article to be numbered ARTICLE IX to Chapter 25, which said Article reads as follows:

**ARTICLE IX. ARTS AND ENTERTAINMENT DISTRICT**

Section 25-187. Arts and Entertainment District: Area established

Under the authority granted in Section 28-3A-17.1 of the Code of Alabama 1975, the council hereby creates an Arts and Entertainment District , where outside consumption of alcoholic beverages shall be permitted and regulated; the boundaries of the Arts and Entertainment District are described as follows;

Beginning at the intersection of Gordon Drive SE with 4<sup>th</sup> Avenue SE, said intersection being the True Point of Beginning and shall be known as the Arts and Entertainment District; thence from the True Point of Beginning run in a northwesterly direction along the centerline of Gordon Drive SE to the centerline of 1<sup>st</sup> Avenue SE, SE; thence north along the centerline of 1<sup>st</sup> Avenue SE to the intersection with Moulton Street West; thence continue north along the centerline of 1<sup>st</sup> Avenue NE a distance of 850 feet more or less to a point; thence in a northwesterly direction along the northerly ROW margin of an unnamed alley a distance of 635 feet more or less to a point; thence in a northwesterly direction a distance of 315 feet more or less to a point; thence in an easterly direction 22 feet more or less to a point; thence northwesterly 710 feet more or less to the northerly ROW margin of a 15 foot alley if extended; thence in a northeasterly direction 415 feet more or less to a point; thence northwesterly 50 feet more or less to a point; thence northeasterly 150 feet more or less to the centerline of Cherry Street NE; thence continue northeasterly direction 310 feet more or less to the centerline of Walnut Street NE; thence in a southeasterly direction along the centerline of Walnut Street NE a distance of 60 feet more or less to a point on the centerline of an alley if extended; thence northeasterly along the centerline of said alley 300 feet more or less to the centerline of Vine Street NE; thence in a northwesterly direction along the said centerline of Vine Street NE 550 feet more or less to a point of the Southern Railway ROW; thence northeasterly along Southern Railway ROW to centerline of Wilson Street NW; thence southeasterly along the centerline of said Wilson Street to the intersection of Canal Street NE; thence south westerly along the centerline of said Canal Street

NE to the centerline of Church Street NE; thence in a northwesterly direction along the centerline of said Church Street NE a distance of 230 feet more or less to the centerline of an alley if extended, said alley located west of First United Methodist Church; thence in a southwesterly direction along said alley to the centerline of Lafayette Street NE; thence continue in a southwesterly direction along the westerly line of the First United Methodist Church property, tax parcel no. 03 04 18 1 032 001.000 a distance of 300 feet more or less to the centerline of Vine Street NE; thence southeasterly along said centerline of Vine Street NE a distance of 15 feet more or less to a point; thence southwesterly along the west line of lots 327 and 328 of the map of the Decatur Mineral and Land Company's property in Section 18, T5S, R4W, City of Decatur, Morgan County, Alabama, on file and recorded in Map Book 1 at page 7 in the Office of the Judge of Probate of Morgan County Alabama to the centerline of Walnut Street NE; thence in a southeasterly direction along the centerline of said Walnut Street NE a distance of 55 feet more or less to a point; thence in a southwesterly direction 150 feet more or less to a point, said point being 110 feet west of the ROW for Canal Street NW, thence northeasterly 30 feet more or less to a point; thence southwesterly 150 feet more or less to a point, said point being the centerline of Cherry Street NE; thence in a northwesterly direction along the said centerline of Cherry Street NE a distance of 35 Feet to a point; thence in a southwesterly direction along the west line of lot 324 and 323 of the map of Decatur Mineral and Land Company's property in section 18, T5S, R4W, City of Decatur, Morgan County Alabama, on file and recorded in Map Book 1 at Page 7 in the Office of the Judge of Probate of Morgan County Alabama, a distance of 150 feet more or less to the southwest corner of said Lot 324; thence in a southeasterly direction 60 feet more or less to the northeast corner of Lot F of said Lot 323 of the map of D.M.L.C. property; thence southwesterly along the east line of said Lot F a distance of 152 feet more or less to the centerline of Cain Street NE; thence continue in a southwesterly direction along the east line of an existing 15 foot wide alley to the centerline of Davis Street NE; thence continue in a southwesterly direction along the same line a distance of 70 feet more or less to the southwest corner of tax parcel no. 03 04 18 4 028 002.001, address 213 Canal Street NE; thence in a southeasterly direction along the south property line of said lot a distance of 170 feet more or less to the centerline of Canal Street NE; thence in a southwesterly direction along said centerline of Canal Street NE a distance of 160 feet more or less to a point; thence in a southeasterly direction 45 feet north and running parallel with Lee Street NE to the centerline of an alley, said alley being 15 feet in width and 100 feet east of Canal Street NE; thence northeasterly along the centerline of said alley to the centerline of Davis Street NE; thence southeasterly along said centerline of Davis Street NE to the centerline

of Line Street NE; thence southwesterly along said centerline of Line Street NE to the centerline of Lee Street NE; thence southeasterly along said centerline of Lee Street NE to the centerline of 2nd Avenue NE; thence South along said centerline of 2<sup>nd</sup> Avenue NE to the centerline of Holly Street NE; thence east along the centerline of Holly Street NE a distance of 570 feet more or less to a point; thence south 130 feet more or less to the centerline of an alley; thence east 310 feet more or less along said alley to the centerline of 4<sup>th</sup> Avenue NE; thence south along 4<sup>th</sup> Avenue NE to the centerline of West Moulton Street; thence continue south along the centerline of 4<sup>th</sup> Avenue SE to the centerline of an alley if extended, said alley located 190 feet more or less, south of the centerline of Johnston Street SE; thence west along said alley 345 feet more or less to the east property line of a City of Decatur parking lot, Tax Parcel No. 03 04 19 1 009 012.000; thence south along said east line to the centerline of Grant Street SE; thence east along the centerline of said Grant Street SE a distance of 80 feet more or less to a point; thence south along the west line of Tax Parcel No. 03 04 19 1 012 002.000 to the centerline of an alley; thence east along centerline of said alley 125 feet more or less to a point; thence north along the east line of said parcel No. 03 04 19 1 012 002.000 to the centerline of Grant Street SE; thence east along the centerline of Grant Street SE to the centerline of 4<sup>th</sup> Avenue SE; thence south along the centerline of 4<sup>th</sup> Avenue SE to the centerline of Gordon Drive SE and the True Point of Beginning.

#### Section 25-188. Arts and Entertainment District: Definitions

As used in this Article, unless the context clearly indicates otherwise the following terms shall mean:

- (1) Alcoholic beverages shall mean any alcoholic, spirituous, vinous, fermented or other alcoholic beverage, or combination of liquors and mixed liquor, a part of which is spirituous, vinous, fermented or otherwise alcoholic, and all drinks or drinkable liquids, preparations or mixtures intended for beverage purposes, which contain one-half of one per cent or more of alcohol by volume, and shall include liquor, beer and wine, both fortified and table wine.
- (2) Public place shall mean and include any place or gathering which the public generally attends or is admitted to, either by invitation, common consent or right, or by the payment of an admission or other charge, and, without limiting the generality of the foregoing, shall include any store or place where merchandise of any kind is offered for sale any theater or place of amusement, any athletic contest, city hall, library, school buildings, and auditoriums; provided, that such term shall not mean or include premises which have been duly licensed by the city for sale thereon of alcoholic beverages.

## Section 25-189. Arts and Entertainment District: Regulations

The following regulations shall be in effect in the Arts and Entertainment District:

(1) One drink on-street limit: Any establishment, within the boundaries of the Arts and Entertainment District, licensed to dispense alcoholic beverages by the drink for consumption on the premises is authorized to dispense an alcoholic beverage in a paper or plastic container, or other container other than a can, bottle, or glass, for removal from the premises; provided, however, that no establishment shall dispense to any person more than one such alcoholic beverage at a time for removal from the premises, and no person shall remove at one time more than one such alcoholic beverage from the licensed premises.

(2) Beverages outside premises: Patrons, guests or members of licensed premises may exit the licensed premises with one alcoholic beverage and consume with certain restrictions such alcoholic beverage anywhere within the confines of the Art and Entertainment District, but may not enter or re-enter a licensed premise or any public place with an alcoholic beverage acquired elsewhere.

(3) All applicable laws in effect: A licensee who is within the Arts and Entertainment District shall comply with all laws, rules and regulations which govern its license type.

(4) Size limited to 16 ounces: No container in which an alcoholic beverage is dispensed and removed from the licensed premise shall exceed 16 fluid ounces in size. No person shall be in possession of any above prescribed alcoholic beverage container which exceeds 16 fluid ounces in size on the streets and sidewalks, in parks, or in other public places within the defined Arts and Entertainment District Area.

(5) Drinking from can, bottle, or glass is prohibited: It shall be unlawful for any person within the confines of the Arts and Entertainment District to drink or attempt to drink any alcoholic beverage from a can, bottle, or glass or to possess in an open can, bottle, or glass any alcoholic beverage on the streets, sidewalks, rights-of-way, and parking lots, whether public or private; other than as duly licensed by the State of Alabama and the City of Decatur.

(6) Open Container Laws applicable: Open Container Laws of the State of Alabama and the City of Decatur still govern to the extent that the respective provisions are not strictly modified by either Section 28-3A-17.1 of the Code of Alabama 1975, Section 28-3A-20.1 of the Code of Alabama 1975 or the provisions of this Article.

(7) Hours in effect: The above regulations notwithstanding no person shall be in possession of an alcoholic beverage in an above prescribed container dispensed by a duly licensed establishment within the Arts and Entertainment District boundaries no earlier than 6:00 AM nor later than 1:00 AM Monday through Saturday and between the hours of 1 A.M. to 12 p.m. (noon) on Sunday.

**Section 2:** This Ordinance shall take effect \_\_\_\_\_.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_ 2013

\_\_\_\_\_  
Gary Hammon, President  
Decatur City Council

Authenticated:

\_\_\_\_\_  
Stacy Gilley, City Clerk

Approved this \_\_\_\_\_ day of \_\_\_\_\_ 2013

\_\_\_\_\_  
Don Kyle, Mayor

**ZONING TEXT AMENDMENT  
ZTA 218-13  
ARTS AND ENTERTAINMENT DISTRICT**

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- (2) Public place shall mean and include any place or gathering which the public generally attends or is admitted to, either by invitation, common consent or right, or by the payment of an admission or other charge, and, without limiting the generality of the foregoing, shall include any store or place where merchandise of any kind is offered for sale any theater or place of amusement, any athletic contest, city hall, library, school buildings, and auditoriums; provided, that such term shall not mean or include premises which have been duly licensed by the city for sale thereon of alcoholic beverages.



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(2) Beverages outside premises: Patrons, guests or members of licensed premises may exit the licensed premises with one alcoholic beverage and consume with certain restrictions such alcoholic beverage anywhere within the confines of the Art and Entertainment District, but may not enter or re-enter a licensed premise or any public place with an alcoholic beverage acquired elsewhere.

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(6) Open Container Laws applicable: Open Container Laws of the State of Alabama and the City of Decatur still govern to the extent that the respective provisions are not strictly modified by either Section 28-3A-17.1 of the Code of Alabama 1975, Section 28-3A-20.1 of the Code of Alabama 1975 or the provisions of this Article.

7) Hours in effect: The above regulations notwithstanding no person shall be in possession of an alcoholic beverage in an above prescribed container dispensed by a duly licensed establishment within the Arts and Entertainment District boundaries between the hours of 1 A.M. to 4:00 P.M. on Monday through Thursday and between the hours of 1 A.M. to 12 P.M. (noon) on Friday, Saturday and Sunday. Hours may be extended on specific days with City Council permission."

**Section 2:** This Ordinance shall take effect upon its approval and publication as provided by law.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_ 2013

\_\_\_\_\_  
Gary Hammon, President  
Decatur City Council

Authenticated:

\_\_\_\_\_  
Stacy Gilley, City Clerk

Approved this \_\_\_\_\_ day of \_\_\_\_\_ 2013

\_\_\_\_\_  
Don Kyle, Mayor



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DECATUR - MORGAN COUNTY CONVENTION AND VISITORS BUREAU

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**RESOLUTION**  
**THE ESTABLISHMENT OF AN ARTS AND ENTERTAINMENT DISTRICT**  
**DECATUR, ALABAMA**

**WHEREAS,** Tourism and Travel is a major component of Decatur's economy with travel related expenditures by visitors to Morgan County exceeding \$161,688,595, AND

**WHEREAS,** Decatur's historic and thriving downtown and main street area are a significant and unique asset that can be a driving economic force for the city; AND

**WHEREAS,** through the establishment of HB20 a municipality with an incorporated arts council, main street program, or downtown development entity may establish up to two entertainment districts within its corporate limits, each of which must have not fewer than four licensees holding a retail liquor license in that area, and each district may not exceed more than one-half mile by one-half mile in area; AND

**WHEREAS,** the Alabama Alcoholic Beverage Control Board provides for the establishment of Arts and Entertainment districts which would allow consumption of alcoholic beverages on the licensed premises of the licensee as well as allow patrons, guests or members of that licensee to exit that license premise with open containers of alcoholic beverage and consume alcoholic beverages within the confines of the designated entertainment district; AND

**WHEREAS,** a licensee who is within the Arts and Entertainment District and holds an on-premises retail license shall comply with all laws, rules and regulations which govern its license type; AND

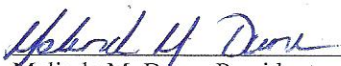
**WHEREAS,** the creation of an Arts and Entertainment District would benefit the City of Decatur by supporting existing employment and promoting new job creation, attract residents and visitors to the city, enhance property values in the area, expand the tax base, contribute to a creative and innovative community environment, encourage the development of small businesses, contribute to the viability of the revitalized area by increasing the hours when activity takes place, serve to beautify and animate the district and increasing overall traffic and safety in the area, and promote and market activities that will attract a vibrant community of residents and visitors; AND

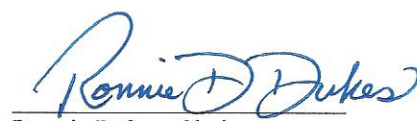
**WHEREAS,** the establishment of an Arts and Entertainment District would enhance the stay of visitors, would provide opportunities to expand the tourism-related activities in Decatur; and thereby expand the economic benefits of the tourism and travel industry to Decatur and Morgan County; AND

**NOW THEREFORE BE IT RESOLVED** that the Decatur Morgan County Convention and Visitors Bureau supports the passage of this resolution requesting positive action and affirmation by the Decatur City Council to establish an Arts and Entertainment District for the City of Decatur, Alabama as authorized by HB 20.

This the 28<sup>th</sup> day of February 2013.

ATTEST:

  
Melinda M. Dunn, President  
Decatur Morgan County CVB

  
Ronnie Dukes, Chairmen  
Decatur Morgan County CVB



## RESOLUTION

**WHEREAS**, the Decatur-Morgan County Chamber of Commerce is organized to advance the Civic, Commercial, Environmental, Recreational and Cultural interest of the City of Decatur and the surrounding areas; and


**WHEREAS**, the Decatur-Morgan County Chamber of Commerce, The City of Decatur and the Morgan County Commission, through its "One Vision, One Voice, One Morgan County" initiative, all have identified downtown redevelopment and growth as a goal to create a tourism, retail and entertainment destination; and

**WHEREAS**, the Decatur-Morgan County Chamber of Commerce, in its 2013 Legislative Agenda, has identified the establishment of a local year round Entertainment District as well as residential development, including lofts in downtown Decatur, as a priority; and

**WHEREAS**, the establishment of an Entertainment District will help promote tourism and recreation which are significant producers of tax revenue and employment; therefore,

**BE IT RESOLVED THAT** the Decatur-Morgan County Chamber of Commerce does hereby endorse, support and encourage the Decatur City Council to establish a Downtown Arts and Entertainment District in Decatur as authorized by Alabama House Bill 20.

Dated this 4<sup>th</sup> day of March, 2013.

  
\_\_\_\_\_  
John Seymour  
President & CEO  
Decatur-Morgan County Chamber of Commerce

515 6<sup>th</sup> AVENUE NE

P.O. BOX 2003

DECATUR, ALABAMA

35602-2003

telephone (256) 353-5312

fax (256) 353-2384

<http://www.dcc.org>



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## DECATUR - MORGAN COUNTY CONVENTION AND VISITORS BUREAU

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March 6, 2013

Mr. Gary Hammon, President  
Decatur City Council  
P.O. Box 488  
Decatur, Alabama 35602

Council President Hammon:

The Decatur Morgan County Convention and Visitors Bureau Board of Directors affirmed its support of the establishment of an Arts and Entertainment District in Decatur through the passage of a resolution at our February 28, 2013 Board of Directors meeting. (See attached)

The tourism industry is an important economic force for Decatur and Morgan County, as evidenced by the \$651K in lodging taxes collected by the City of Decatur during FY 2012. It is imperative that we continue to invest in projects that bring in revenue and support the local economy. Historic downtown Decatur is an important "calling card" for our city and the creation of an Arts and Entertainment District will attract both residents and visitors to the area to experience and enjoy the unique flavor and character of our city. The resurgence of activity in Decatur's historic downtown is something to be celebrated and promoted and this effort will allow our city to continue to make positive steps in attracting young professionals and creating a vibrant sense of place while securing additional sources of revenue in difficult economic times.

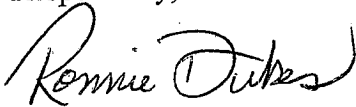
It is interesting to note that in Montgomery, the first Alabama city to embrace and enact the concept of an Arts and Entertainment District, that city officials have viewed the district as "nothing but a success." New businesses in the district have opened and new special events taking place in the district have been created, creating a demand for property downtown. Although it is too early to provide complete comparative data, tourism officials report an occupancy rate increase of 14% in the city over previous years. Since the establishment of the district, "Montgomery officials say crime is actually decreasing within its downtown area" with Montgomery Mayor Todd Strange quoted as saying, "What you're looking at is the safest place in Montgomery, Alabama." (*Info from article "Entertainment districts viewed as a success in Montgomery, Orange Beach 3-1-13."*)

The Decatur Morgan County Convention and Visitors Bureau advocates the formation of the Arts and Entertainment District as it supports existing employment and promotes new job creation, will attract residents and visitors to the city, enhances property values in the area, expands the tax base, contributes to a creative and innovative community environment, and encourages the development of small business. The Arts and Entertainment District will attract a vibrant community of residents and visitors and will provide new opportunities to expand

tourism-related activities in Decatur, thereby expanding the economic benefits of the tourism and travel industry to Decatur and Morgan County.

The Decatur and Morgan County Convention and Visitors Bureau is appreciative of the efforts made by our city leaders that have enabled Decatur, Alabama to grow and thrive as a vibrant place to work, live and visit.

Respectfully,

A handwritten signature in cursive script, reading "Ronnie Dukes". The signature is written in dark ink and is positioned above the printed name and title.

Ronnie Dukes  
Chairman  
DMCCVB Board of Directors

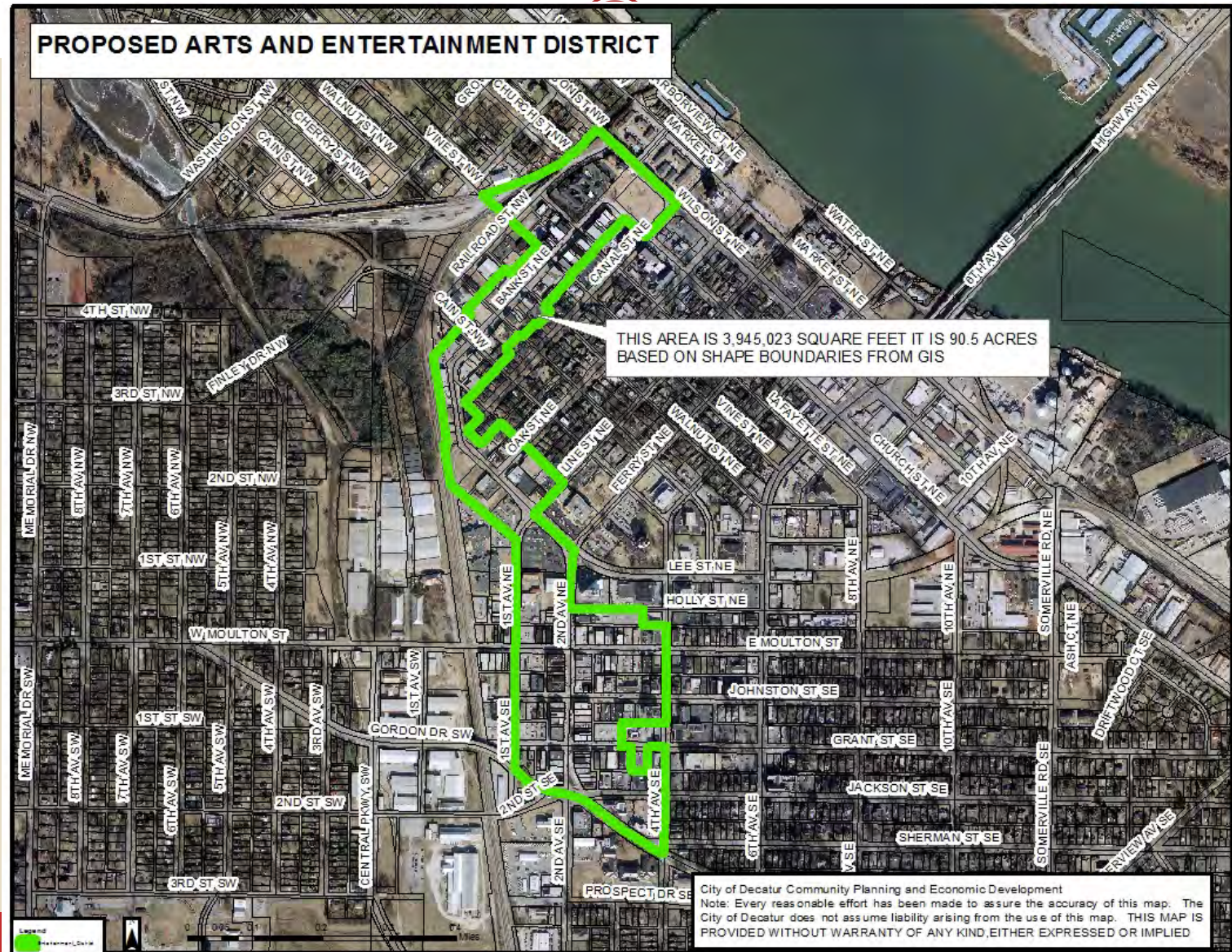
CITY COUNCIL  
PUBLIC HEARING  
ARTS AND ENTERTAINMENT DISTRICT



**APRIL 1, 2013**



# ARTS AND ENTERTAINMENT DISTRICT BOUNDARIES





# ARTS AND ENTERTAINMENT DISTRICT



# ARTS AND ENTERTAINMENT DISTRICT



City of Decatur  
Downtown Entertainment District Logo  
3/13/2013



**McWhorter**  
COMMUNICATIONS, INC.  
[www.mcwhorteronline.com](http://www.mcwhorteronline.com)





HOUSE OF REPRESENTATIVES  
ALABAMA STATE HOUSE  
MONTGOMERY, ALABAMA 36130

DISTRICT NO. 8  
MORGAN COUNTY, ALABAMA  
**TERRI COLLINS**

2128 6<sup>th</sup> Avenue SE - Suite S04  
Decatur, AL 35601  
(256) 260-2146 Office  
(256) 260-2144 Fax  
(256) 227-0360 Cell

**STANDING COMMITTEES:**

- WAYS & MEANS - EDUCATION
- TECHNOLOGY & RESEARCH
- BIOMEDICAL & MANUFACTURING,  
SUBCOMMITTEE-CHAIRWOMAN
- ECONOMIC DEVELOPMENT &  
TOURISM
- ECONOMIC DEVELOPMENT,  
SUBCOMMITTEE
- INCENTIVES & REGULATIONS  
SUBCOMMITTEE

February 19, 2013

Mayor Don Kyle & City Council  
City of Decatur  
402 Lee Street NE  
Decatur, AL 35601

Dear Mayor Kyle & Councilmen,

The city of Decatur has been very intentional in the process of reviewing and determining the parameters and details for an Entertainment District for our city. I have attended several meetings and been a part of the planning, the discussions with the ABC Board and the attorneys. I appreciate the attention to detail and effort the representatives of this process have used.

I was a co-sponsor for the bill, House Bill 20, last year when it became law opening up the opportunity for municipalities to have Entertainment Districts. I supported this legislation because of the many local organizations' request. I received letters of support from: Decatur Downtown Redevelopment Authority, Best and Brightest Committee of the Morgan County Industry and Workforce Development, Decatur Downtown Merchants & Business Association, Decatur-Morgan County Chamber of Commerce, Decatur-Morgan County Convention and Visitors Bureau, Huntsville City Council, and West Huntsville Civic Association.

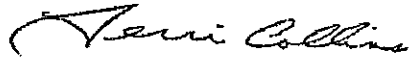
I have also been contacted by Birmingham and other areas that have put their Entertainment Districts in place, describing the excitement and energy and positive economic impact it is having for their cities.

Some of the benefits I envisioned an Entertainment District bringing to Decatur are to enhance the stay of visitors, providing opportunity for retail businesses, expand tourism related activities, economic benefits for the downtown area, opportunity for festivals and fundraising events and strengthening the quality of life and entertainment offerings for young professionals.

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I supported this bill at the state level and encourage you at the city level to give this a positive vote. Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Terri Collins".

Terri Collins

TC:cm

## Smith, Karen

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**From:** Darin Peer <darinpeer1@hotmail.com>  
**Sent:** Sunday, February 17, 2013 11:13 AM  
**To:** Smith, Karen; Pearson, Hannah; Kelso, Steve; Stone, Kim  
**Subject:** Proposed entertainment district

To all.

I am a resident here in Decatur and after reading the article in Sunday's newspaper (2/17/13), I would like to address some concerns, since I will be out of town during the scheduled public hearing set for Tuesday, 2/19/13 @315p.

My first area of concern, is the potential problems I have with the entertainment district. Decatur has problems with trash, littering, and a failure to maintain "eye-sores" within the city as it is; and having depleted funds to properly address the problem currently, how does the Council respond to this issue? How would funds be appropriated to address this for-certain concern? Decatur is not a major metropolitan-area. My fear is that by creating this entertainment district, Decatur will encounter more eye-sores, taking away from the existing beauty of the downtown-area and actually in-turn, creating an area that will be less-visited and less attractive as time passes. I love the idea of the entertainment district, but this is not 1) The French Quarters in New Orleans, not 2) Laclede's Landing in St. Louis, and not 3) Beal Street in Memphis...this is Decatur.

I believe a better, more responsible approach to this would be to afford businesses with the luxury of serving and allowing alcohol to be enjoyed in-and-around their property by patrons, but not allowing them to purchase a drink at say, Cafe 113, then allowing them to walk all the way to Simp McGhee's. This could potentially create a trail-of-trash not now seen in downtown Decatur. With the new Arts Center and all the revamping currently going on in downtown, do we really want to open this up for (I believe inevitable and foreseen) problems this could create?? If this preverbial trail-of-trash were to ensue, it would be counter-productive to all the hard work that is currently underway in downtown.

Other problems that this could lead to, are possible crime-related activity. Looting, loitering, robberies, public intoxications (if not properly designated by markers or postings or signage), people peeing in public behind buildings, fighting...the list could go on and on.

I like the idea of entertainment districts, but this idea is more progressive for the metro-areas, not Decatur. Until the city can get it's finances in order, and prepare for what I outlined above, and a certain set of priorities are addressed, I do not support the entertainment district. I have enjoyed many-a-nights downtown...but I only see creating more problems with this proposed plan.

Darin L. Peer  
Decatur, AL-resident

## Smith, Karen

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**From:** EakenHamm@aol.com  
**Sent:** Monday, February 18, 2013 10:02 AM  
**To:** Smith, Karen  
**Subject:** Entertainment District Vote

Karen:

I am unable to attend the Planning Commission meeting tomorrow. However, I would like to express my support for a positive vote on the Entertainment District. I think it would be a step forward for the revitalization of downtown Decatur. Please forward my comments to members of the Planning Commission.

Shirley E. Hammond, FASID  
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