

Change of Zone No. 4003

ORDINANCE NO. _____

1 AN ORDINANCE amending Sections 27.63.680 and 27.63.685 of the Lincoln
2 Municipal Code relating to the sale of alcoholic beverages for consumption on the premises
3 and off the premises as a permitted special use, respectively, to delete City Council waivers
4 of the special conditions for said uses, to delete the provision allowing for mitigation of
5 adverse effects approved by the Planning Director when an licensed premises is located 100
6 feet or closer to certain listed uses, to also require a licensed premises to be located no closer
7 than 100 feet from a park, church, or state mental health institution, to delete the requirement
8 that a licensed premise be located no closer than 100 feet from residential uses, and to delete
9 provisions prohibiting approval of the special permits by the Planning Commission; and
10 repealing Sections 27.63.680 and 27.63.685 of the Lincoln Municipal Code as hitherto
11 existing.

12 BE IT ORDAINED by the City Council of the City of Lincoln, Nebraska:

13 Section 1. That Section 27.63.680 of the Lincoln Municipal Code be amended
14 to read as follows:

15 **27.63.680 Permitted Special Use: Sale of Alcoholic Beverages for Consumption On the**
16 **Premises.**

17 Alcoholic beverages may be sold for consumption on the premises in the B-1, B-3, H-1,
18 H-2, H-3, H-4, I-1, I-2, and I-3 zoning districts upon the approval of a special permit. Alcoholic
19 beverages may also be sold for consumption on the premises as an accessory use to a golf
20 course or country club as part of a separate special permit under Section 27.63.130 approving

1 the golf course or country club in any district where recreational facilities are allowed as a
2 permitted use, permitted conditional use, or permitted special use. A special permit for such
3 use may be granted subject to the requirements of the respective districts, all applicable
4 ordinances, and, ~~unless waived by the City Council,~~ the following conditions:

5 (a) Parking shall be provided on-site at the ratio of one space per 100 square feet
6 of gross floor area.

7 (b) The sale of alcoholic beverages for consumption off the premises shall not be
8 permitted without issuance of a separate special permit under Section 27.63.685 of this code.

9 (c) The designated area specified in a license issued under the Nebraska Liquor
10 Control Act of any building approved for such activity must be located no closer than 100 feet
11 from a day care facility, park, church, state mental health institution, or a residential district
12 (except where such use is accessory to a golf course or country club) ~~or residential use, or, if~~
13 ~~a lesser distance, must mitigate any adverse effects of the reduction in distance through~~
14 ~~landscaping, screening, or other methods approved by the Planning Director.~~

15 (d) Any lighting on the property shall be designed and erected in accordance with
16 all applicable lighting regulations and requirements.

17 (e) Vehicle stacking for a drive-through window used as any part of the permitted
18 business operation shall not be located in any required building setback from a residential
19 district.

20 (f) The use shall not have any amplified outside sound or noise source, including
21 bells, buzzers, pagers, microphones, or speakers within 150 feet of any residential district.

1 This shall not apply to sound sources audible only to the individual to whom they are
2 directed, such as personal pagers, beepers, or telephones.

3 (g) No access door to the business, including loading or unloading doors, shall face
4 any residential district if such doors are within 150 feet of the residential district. This shall
5 not apply to emergency exit doors required by building or safety codes. No door facing a
6 residential district shall be kept open during the operation of the establishment.

7 (h) Vehicular ingress and egress to and from the property shall be designed to avoid,
8 to the fullest extent possible ~~as determined by the City Council~~, disruption of any residential
9 district. Particular attention shall be given to avoiding designs that encourage use of
10 residential streets for access to the site instead of major streets.

11 (i) All other regulatory requirements for liquor sale shall apply, including licensing
12 by the state.

13 (j) The City Council may consider any of the following as cause to revoke the
14 special permit approved under these regulations:

15 (1) Revocation or cancellation of the liquor license for the specially
16 permitted premises;

17 (2) Repeated violations related to the operation of the permittee's business;

18 or

19 (3) Repeated or continuing failure to take reasonable steps to prevent
20 unreasonable disturbances and anti-social behavior on the premises related to the operation
21 of the permittee's business including, but not limited to, violence on site, drunkenness,
22 vandalism, solicitation, or litter.

1 ~~Planning Commission review and City Council authorization is required for this use;~~
2 ~~provided, however, that~~ Notwithstanding the above, no special permit or amendment thereto
3 shall be required for interior expansions of existing licensed liquor premises.

4 Section 2. That Section 27.63.685 of the Lincoln Municipal Code be amended
5 to read as follows:

6 **27.63.685 Permitted Special Use: Sale of Alcoholic Beverages for Consumption Off the**
7 **Premises.**

8 Alcoholic beverages may be sold for consumption off the premises in the B-1, B-3, H-1,
9 H-2, H-3, H-4, I-1, and I-3 zoning districts upon the approval of a special permit. A special
10 permit for such use may be granted subject to the requirements of the respective districts, all
11 applicable ordinances, and, ~~unless waived by the City Council~~, the following conditions:

12 (a) Parking shall be in accordance with Section 27.67.020 of the Lincoln Municipal
13 Code.

14 (b) The sale of alcoholic beverages for consumption on the premises shall not be
15 permitted without issuance of a permit under Section 27.63.680 of this code.

16 (c) The licensed premises of any building approved for such activity must be
17 located no closer than 100 feet from a day care facility, park, church, state mental health
18 institution or a residential district ~~or residential use, or, if a lesser distance, must mitigate any~~
19 ~~adverse effects of the reduction in distance through landscaping, screening, or other methods~~
20 ~~approved by the Planning Director.~~

21 (d) Any lighting on the property shall be designed and erected in accordance with
22 all applicable lighting regulations and requirements.

1 (e) Vehicle stacking for a drive-through window used as any part of the permitted
2 business operation shall not be located in any required building setback from a residential
3 district.

4 (f) The use shall not have any amplified outside sound or noise source, including
5 bells, buzzers, pagers, microphones, or speakers within 150 feet of any residential district.
6 This shall not apply to sound sources audible only to the individual to whom they are
7 directed, such as personal pagers, beepers, or telephones.

8 (g) No access door to the business, including loading or unloading doors, shall face
9 any residential district if such doors are within 150 feet of the residential district. This shall
10 not apply to emergency exit doors required by building or safety codes. No door facing a
11 residential district shall be kept open during the operation of the establishment.

12 (h) Vehicular ingress and egress to and from the property shall be designed to avoid,
13 to the fullest extent possible ~~as determined by the City Council~~, disruption of any residential
14 district. Particular attention shall be given to avoiding designs that encourage use of
15 residential streets for access to the site instead of major streets.

16 (i) All other regulatory requirements for liquor sale shall apply, including licensing
17 by the state.

18 (j) The City Council may consider any of the following as cause to revoke the
19 special permit approved under these regulations:

20 (1) Revocation or cancellation of the liquor license for the specially
21 permitted premises; or

22 (2) Repeated violations related to the operation of the permittee's business.

1 ~~Planning Commission review and City Council approval is required for this use;~~
2 ~~provided, however, that~~ Notwithstanding the above, no special permit or amendment thereto
3 shall be required for interior expansions of existing licensed liquor premises.

4 Section 3. That Sections 27.63.680 and 27.63.685 of the Lincoln Municipal
5 Code as hitherto existing be and the same are hereby repealed.

6 Section 4. That this ordinance shall take effect and be in force from and after
7 its passage and publication according to law.

Introduced by:

Approved as to Form & Legality:

City Attorney

<p>Approved this ___ day of _____, 2004:</p> <p>_____</p> <p>Mayor</p>
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