

ORDINANCE NO. _____

1 AN ORDINANCE amending Title 27 of the Lincoln Municipal Code relating to
2 zoning by adding a new Section 27.03.525 to define restaurant; amending Sections 27.27.025,
3 27.29.030, 27.33.030, 27.41.030, 27.43.030, 27.45.025, 27.49.030, 27.51.040 and adding new
4 sections numbered 27.39.025 and 27.47.025 to allow and establish conditions for the sale of
5 alcoholic beverages for consumption on the premises of a restaurant as a permitted conditional use
6 in the O-3, B-1, B-3, H-2, H-3, I-2, I-3, H-1, H-4, and I-1 districts, respectively; by amending
7 Sections 27.29.040, 27.33.040, 27.39.030, 27.41.040, 27.43.040, 27.45.030, 27.47.030, 27.49.040,
8 27.51.050, and 27.63.680 to allow the sale of alcoholic beverages for consumption on any premises
9 not meeting the requirements for the sale of alcoholic beverages for consumption on the premises
10 of a restaurant as a conditional permitted use in the B-1, B-3, H-1, H-2, H-3, H-4, I-1, I-2 and I-3
11 districts as a special permitted use; by amending Section 27.27.030 to delete the sale of alcohol for
12 consumption on the premises in restaurants as a special permitted use in the O-3 district; by
13 amending Section 27.67.040 to add special parking requirements for bars, coffee shops and similar
14 uses formerly classified as a restaurant; by amending Figure 27.67.040 to add bars, coffee shops, and
15 similar uses to the list of uses which have special parking requirements; and by repealing Sections
16 27.27.025, 27.27.030, 27.29.030, 27.29.040, 27.33.030, 27.33.040, 27.39.030, 27.41.030, 27.41.040,
17 27.43.030, 27.43.040, 27.45.025, 27.45.030, 27.47.030, 27.49.030, 27.49.040, 27.51.040, 27.51.050,
18 27.63.680, 27.67.040 and Figure 27.67.040 of the Lincoln Municipal Code as hitherto existing.

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

20 Section 1. That Chapter 27.03 of the Lincoln Municipal Code be amended by adding
21 a new section numbered 27.03.525 to read as follows:

22 **27.03.525 Restaurant.**

23 Restaurant shall mean any place (a) which is kept, used, maintained, advertised, and held out
24 to the public as a place where meals are served and where meals are actually and regularly served,
25 (b) which has no sleeping accommodations, and (c) which has adequate and sanitary kitchen and

1 dining room equipment and capacity and a sufficient number and kind of employees to prepare,
2 cook, and serve suitable food for its guests.

3 Section 2. That Section 27.27.025 of the Lincoln Municipal Code be amended to
4 read as follows:

5 **27.27.025 Permitted Conditional Uses.**

6 Any building or premises may be used for the following purpose in the O-3 Office Park
7 District in conformance with the conditions prescribed herein:

8 (a) Early childhood care facilities with a maximum of fifteen children present at any
9 time:

10 (1) Such facilities shall comply with all applicable state and local early childhood
11 care requirements;

12 (2) Such facilities shall comply with all applicable building and life safety code
13 requirements;

14 (3) Such facilities shall be fenced and have play areas that comply with the design
15 standards for early childhood care facilities.

16 (b) Joint parking lots and parking garages.

17 (1) Such joint parking lots and garages shall be authorized by cross access
18 easements or by written agreement between the parties to such use.

19 (2) The aggregate number of parking stalls provided shall be sufficient to satisfy
20 the required parking for each use.

21 (c) The sale of alcoholic beverages for consumption on the premises of a restaurant,
22 provided:

23 (1) Gross sales from the sale of alcoholic drinks shall not exceed forty percent
24 (40%) of the gross sales of food and drink.

25 (2) The restaurant must serve full-course meals as defined in *Neb. Rev. Stat.*
26 §53-123.04(3)(c).

27 (3) The restaurant must close to business by midnight, and any outdoor dining
28 areas must close to business by 11:00 p.m.

29 (4) Exterior door openings must be located at least 100 feet (as measured by the
30 shortest, most direct distance) from a day care facility, church, state mental health institution, park

1 (excluding golf courses and hiker/biker trails), or a residential district; provided that, if there is an
2 intervening exterior wall of the building containing the licensed premises between the exterior door
3 opening and such day care facility, church, state mental health institution, park (excluding golf
4 courses and hiker/biker trails), or residential district, then the 100 feet shall be measured from the
5 exterior door opening, along the exterior base of the building wall(s) to the point where there is no
6 intervening exterior building wall, and from that point the shortest, most direct distance to the day
7 care facility, church, state mental health institution, park (excluding golf courses and hiker/biker
8 trails), or residential district.

9 Exception 1: An exterior door opening may be less than 100 feet from a
10 residential district, provided it faces the opposite direction from that district.

11 Exception 2: If the exterior door opening faces a residential district, then
12 such opening shall be at least 150 feet from a residential district as measured by the shortest, most
13 direct perpendicular distance. The exterior door shall not be kept or propped open during the hours
14 of operation.

15 For purposes of this section, “exterior door opening” shall mean (A) that portion of the
16 exterior wall face of the building containing the licensed premises that contains a break to
17 accommodate the exterior building door, door frame, door vestibule, or door entryway area; and (B)
18 provides public or membership access to the licensed premises. “Exterior door opening” shall not
19 apply to openings for emergency exit doors required by building or safety codes, loading doors or
20 unloading doors that are not available for public or membership access in the ordinary course of
21 business.

22 Section 3. That Section 27.27.030 of the Lincoln Municipal Code be amended to
23 read as follows:

24 **27.27.030 Permitted Special Uses.**

25 A building or premises may be used for the following purposes in the O-3 Office Park
26 District if a special permit for such use has been obtained in conformance with the requirements of
27 this chapter and Chapter 27.63:

- 28 (a) Expansion of nonconforming uses;
- 29 (b) Historic preservation;
- 30 (c) Restaurants;

- 1 (d) Recreational facilities;
- 2 (e) Clubs;
- 3 (f) Church steeples, towers, and ornamental spires which exceed the maximum height;
- 4 (g) Broadcast towers;
- 5 (h) Public utility purposes;
- 6 (i) Wind energy conversion systems;
- 7 (j) Health care facilities;
- 8 (k) Motels and hotels;
- 9 (l) Private schools;
- 10 (m) Outdoor seasonal sales;
- 11 (n) Early childhood care facilities with sixteen or more children, or with fifteen or fewer
- 12 children not meeting the specified conditions for a permitted conditional use under Section
- 13 27.27.025;
- 14 (o) Mail order catalog sales
- 15 ~~(p) Sale of alcoholic beverages for consumption on the premises in restaurants, provided~~
- 16 ~~the locational requirements of Section 27.63.680 have been met or waived by the City Council.~~

17 Section 3. That Section 27.29.030 of the Lincoln Municipal Code be amended to
18 read as follows:

19 **27.29.030 Permitted Conditional Uses.**

20 A building or premises may be used for the following purposes in the B-1 Local Business
21 District in conformance with the conditions prescribed herein:

- 22 (a) Automobile wash facility:
 - 23 (1) Automatic, conveyor-operated: The length and location of vehicle stacking
 - 24 lane or lanes for the approach side or sides and the exit side or sides of the wash operation shall be
 - 25 in conformance with the “guidelines and regulations for driveway design and location” as adopted
 - 26 by the City of Lincoln.
 - 27 (2) Self-service, coin-operated car wash: The car wash facility shall not exceed
 - 28 four wash bays. The length and location of vehicle stacking lane or lanes for the approach side or
 - 29 sides and the exit side or sides of the wash operation shall be in conformance with the "guidelines
 - 30 and regulations for driveway design and location" as adopted by the City of Lincoln.

- 1 (b) Motels and hotels:
- 2 (1) A distance of at least twenty feet shall be maintained between buildings on
3 the lot;
- 4 (2) Each hotel or motel unit shall have a minimum enclosed floor area of 200
5 square feet.
- 6 (c) Tailor shops, shoe repairing, printing, photocopying, repair shops for electrical, radio,
7 television equipment, and household appliances, or other similar businesses:
- 8 The floor area of said premises not devoted to sales or office space shall not exceed
9 5,000 square feet;
- 10 (d) Dwellings, provided that:
- 11 (1) Dwellings shall only be permitted above the first story of a building;
- 12 (2) The first story shall be used for a nondwelling use permitted in the district;
- 13 (3) Said nondwelling use shall not:
- 14 (i) be accessory to the residential use,
- 15 (ii) be a parking lot or garage;
- 16 (4) Said first story shall not have more than twenty percent of its height below
17 grade.
- 18 (e) Sales and showrooms for the sale at retail of plumbing, electrical, and heating and
19 air conditioning equipment and supplies, including service facilities and rental of equipment,
20 provided:
- 21 (1) All activities and storage shall be within an enclosed building;
- 22 (2) A portion of the premises shall be devoted to retailing.
- 23 (f) Early childhood care facilities:
- 24 (1) Such facilities shall comply with all applicable state and local early childhood
25 care requirements;
- 26 (2) Such facilities shall comply with all applicable building and life safety code
27 requirements.
- 28 (3) Such facilities shall be fenced and have play areas that comply with the design
29 standards for early childhood care facilities;

1 (4) Such facilities must receive a conditional use permit from the Department of
2 Building and Safety.

3 (g) Indoor animal hospitals. Any building approved for such use must be located no
4 closer than 200 feet from any residential district.

5 (h) Indoor kennel. Any building approved for such use must be located no closer than
6 200 feet from any residential district.

7 (i) Social halls:

8 (1) There shall be no amplified sound or noise source of any kind outside of the
9 social hall;

10 (2) Except as provided in (ii) and (iii) below, any exterior door opening must
11 meet the following conditions:

12 (i) Either be located at least 100 feet (as measured by the shortest, most
13 direct distance) from a day care facility, church, state mental health institution, park (excluding golf
14 courses and hiker/biker trails), or a residential district; provided that, if there is an intervening
15 exterior wall of the building containing the social hall between the exterior door opening and such
16 day care facility, church, state mental health institution, park (excluding golf courses and hiker/biker
17 trails), then the 100 feet shall be measured from the exterior door opening, along the exterior base
18 of the building wall(s) to the point where there is no intervening exterior building wall, and from that
19 point the shortest, most direct distance to the day care facility, church, state mental health institution,
20 park (excluding golf courses and hiker/biker trails), or residential district.

21 (ii) If the exterior door opening is less than 100 feet from a residential
22 district, it must face the opposite direction from that district.

23 (iii) If the exterior door opening faces a residential district, then such
24 opening shall be at least 150 feet from a residential district as measured by the shortest, most direct
25 perpendicular distance. The exterior door shall not be kept or propped open during the hours of
26 operation.

27 For purposes of this section, “exterior door opening” shall mean (a) that portion of
28 the exterior wall face of the building containing the social hall that contains a break to accommodate
29 the exterior building door, door frame, door vestibule, or door entryway area; and (b) provides
30 access to the social hall. “Exterior door opening” shall not apply to openings for emergency exit

1 doors required by building or safety codes, loading doors or unloading doors that are not available
2 for access in the ordinary course of business.

3 (j) The sale of alcoholic beverages for consumption on the premises of a restaurant,
4 provided:

5 (1) Gross sales from the sale of alcoholic drinks shall not exceed forty percent
6 (40%) of the gross sales of food and drink.

7 (2) The restaurant must serve full-course meals as defined in *Neb. Rev. Stat.*
8 §53-123.04(3)(c).

9 (3) The restaurant must close to business by midnight, and any outdoor dining
10 areas must close to business by 11:00 p.m.

11 (4) Exterior door openings must be located at least 100 feet (as measured by the
12 shortest, most direct distance) from a day care facility, church, state mental health institution, park
13 (excluding golf courses and hiker/biker trails), or a residential district; provided that, if there is an
14 intervening exterior wall of the building containing the licensed premises between the exterior door
15 opening and such day care facility, church, state mental health institution, park (excluding golf
16 courses and hiker/biker trails), or residential district, then the 100 feet shall be measured from the
17 exterior door opening, along the exterior base of the building wall(s) to the point where there is no
18 intervening exterior building wall, and from that point the shortest, most direct distance to the day
19 care facility, church, state mental health institution, park (excluding golf courses and hiker/biker
20 trails), or residential district.

21 Exception 1: An exterior door opening may be less than 100 feet from a
22 residential district, provided it faces the opposite direction from that district.

23 Exception 2: If the exterior door opening faces a residential district, then
24 such opening shall be at least 150 feet from a residential district as measured by the shortest, most
25 direct perpendicular distance. The exterior door shall not be kept or propped open during the hours
26 of operation.

27 For purposes of this section, “exterior door opening” shall mean (A) that portion of the
28 exterior wall face of the building containing the licensed premises that contains a break to
29 accommodate the exterior building door, door frame, door vestibule, or door entryway area; and (B)
30 provides public or membership access to the licensed premises. “Exterior door opening” shall not

1 apply to openings for emergency exit doors required by building or safety codes, loading doors or
2 unloading doors that are not available for public or membership access in the ordinary course of
3 business.

4 Section 5. That Section 27.29.040 of the Lincoln Municipal Code be amended to
5 read as follows:

6 **27.29.040 Permitted Special Uses.**

7 A building or premises may be used for the following purposes in the B-1 Local Business
8 District if a special permit for such use has been obtained in conformance with the requirements of
9 Chapter 27.63:

- 10 (a) Health care facilities;
- 11 (b) Recreational facilities;
- 12 (c) Broadcast towers;
- 13 (d) Church steeples, towers, and ornamental spires which exceed the maximum of forty
14 feet;
- 15 (e) Expansion of nonconforming uses;
- 16 (f) Historic preservation;
- 17 (g) Public utility purposes;
- 18 (h) Wind energy conversion systems;
- 19 (i) Cemeteries;
- 20 (j) Dwellings above the first story of a building which cannot meet the yard requirements
21 of Section 27.29.080(g);
- 22 (k) Sale of alcoholic beverages for consumption on the premises of any premises that
23 does not meet the requirements for the sale of alcoholic beverages for consumption on the premises
24 of a restaurant as a permitted conditional use;
- 25 (l) Sale of alcoholic beverages for consumption off the premises;
- 26 (m) Indoor animal hospitals;
- 27 (n) Indoor kennels.

28 Section 6. That Section 27.33.030 of the Lincoln Municipal Code be amended to
29 read as follows:

1 **27.33.030 Permitted Conditional Uses.**

2 A building or premises may be used for the following purposes in the B-3 Commercial
3 District in conformance with the conditions prescribed herein:

4 (a) Automobile wash facility:

5 (1) Automatic, conveyor-operated: The length and location of vehicle stacking lane
6 or lanes for the approach side or sides and the exit side or sides of the wash operation shall be in
7 conformance with the "guidelines and regulations for driveway design and location" as adopted by
8 the City of Lincoln. The stacking space shall not be located within the required front yard.

9 (2) Self-service, coin-operated car wash: The car wash facility shall not exceed four
10 wash bays. The length and location of vehicle stacking lane or lanes for the approach side or sides
11 and the exit side or sides of the wash operation shall be in conformance with the "guidelines and
12 regulations for driveway design and location" as adopted by the City of Lincoln. The stacking space
13 shall not be located within the required front yard.

14 (b) Motels and hotels: A distance of at least twenty feet shall be maintained between build-
15 ings on the lot, and each hotel or motel unit shall have a minimum enclosed floor area of 200 square
16 feet.

17 (c) Furnace, heating, sheet metal, electrical shops or electrical contractors, heating and air
18 conditioning contractors, and cabinet shops or stores:

19 (1) The floor area of said premises not devoted to sales or office space shall not
20 exceed 8,000 square feet;

21 (2) Not more than ten percent of the lot or tract occupied by the establishment shall
22 be used for open and unenclosed storage of material and equipment;

23 (3) All outside storage of material and equipment shall be screened by an opaque six-
24 foot tall fence constructed of wood, or a substitute material found acceptable by the Director of
25 Building and Safety.

26 (d) Tire stores and sales, including vulcanizing:

27 (1) The floor area of said premises not devoted to sales or office space shall not
28 exceed 4,000 square feet;

29 (2) There shall be no manufacturing on the premises.

1 (e) Tailor shops, shoe repairing, upholstery shops, printing, photocopying, household
2 appliances repairs, or similar business establishments; dyeing and drycleaning works; laundry;
3 plumbing and water softener service shops.

4 The floor area of said premises not devoted to sales or office space shall not exceed
5 4,000 square feet.

6 (f) Dwellings, provided that:

7 (1) Except as provided subparagraph 2 below, dwellings shall only be permitted
8 above the first story of a building, with the first story used for a non-dwelling use as permitted in
9 the district. Such non-dwelling use shall not be accessory to the residential use or be a parking lot
10 or garage.

11 (2) Dwellings shall be permitted in buildings that were originally constructed for a
12 residential use prior to November 1, 1997.

13 (g) Recycling center:

14 (1) The building area of such center shall not exceed 4,000 square feet;

15 (2) Adequate traffic stacking shall be provided on site as determined by the city;

16 (3) All required parking shall be provided on site;

17 (4) The facility shall not be designed to receive nor shall it accept shipments by
18 semi-trailer trucks;

19 (5) The construction and operation of such center shall comply with all applicable
20 health and fire codes;

21 (h) Vehicle body repair shop:

22 (1) All salvage material including vehicles being salvaged shall be kept inside a
23 building;

24 (2) All vehicles stored outside a building shall be repaired to an operating state
25 within thirty days;

26 (3) All vehicles stored outside a building waiting repair shall be screened in
27 accordance with the screening requirements for salvage and scrap processing operations;

28 (4) The construction and operation of such shop shall comply with all applicable
29 health and fire codes;

1 (5) Vehicle body repair shops lawfully existing on the effective date of this or-
2 dinance shall have until January 1, 1987 to be brought into compliance with conditions (1), (2), (3),
3 and (4) above.

4 (i) Early childhood care facilities:

5 (1) Such facilities shall comply with all applicable state and local early childhood
6 care requirements;

7 (2) Such facilities shall comply with all building and life safety code requirements;

8 (3) Such facilities shall be fenced and have play areas that comply with the design
9 standards for early childhood care facilities;

10 (4) Such facilities must receive a conditional use permit from the Department of
11 Building and Safety.

12 (j) Service stations and automobile or appliance sales and repair facilities, but not
13 including vehicle body repair shops.

14 (1) No automobile or appliance sales and repair facility shall be permitted to
15 locate within 100 feet of any residential use or district;

16 (2) Any service station or automobile or appliance sales and repair facility located
17 within 100 feet of any residential use or district which was lawfully established in this district on
18 the effective date of this ordinance, shall screen the facility from such residential use or district by
19 the use of an opaque fence six feet in height, constructed of wood, or of a substitute material found
20 acceptable to the Director of Building and Safety subject to the provision of condition (3) below;

21 (3) Any service station or automobile or appliance sales and repair facility located
22 within 100 feet of any residential use or district which was lawfully established in this district on
23 the effective date of this ordinance shall have until October 1, 2003 to be brought into compliance
24 with condition (2) above;

25 (4) The locational or screening requirements of (1), (2), and (3) above shall not
26 apply when said residential use or district is across a public street from the service station or
27 automobile or appliance sales and repair facility, but shall apply if said residential use or district is
28 across an alley or private drive from the service station or automobile or appliance sales and repair
29 facility;

1 (5) Any service station lawfully established in this district, after the effective date
2 of this ordinance, shall screen the facility from any residential use or district by the use of an opaque
3 fence, six feet in height, constructed of wood or of a substitute material found acceptable to the
4 Director of Building and Safety; provided that said screening requirement shall not apply when said
5 residential use or district is across a public street from the service station, but shall apply if said
6 residential use or district is across an alley or private drive from the service station.

7 (k) Indoor animal hospitals. Any building approved for such use must be located no
8 closer than 200 feet from any residential district.

9 (l) Indoor kennel. Any building approved for such use must be located no closer than
10 200 feet from any residential district.

11 (m) Social halls:

12 (1) There shall be no amplified sound or noise source of any kind outside of the
13 social hall;

14 (2) Except as provided in (ii) and (iii) below, any exterior door opening must
15 meet the following conditions:

16 (i) Either be located at least 100 feet (as measured by the shortest, most
17 direct distance) from a day care facility, church, state mental health institution, park (excluding golf
18 courses and hiker/biker trails), or a residential district; provided that, if there is an intervening
19 exterior wall of the building containing the social hall between the exterior door opening and such
20 day care facility, church, state mental health institution, park (excluding golf courses and hiker/biker
21 trails), then the 100 feet shall be measured from the exterior door opening, along the exterior base
22 of the building wall(s) to the point where there is no intervening exterior building wall, and from that
23 point the shortest, most direct distance to the day care facility, church, state mental health institution,
24 park (excluding golf courses and hiker/biker trails), or residential district.

25 (ii) If the exterior door opening is less than 100 feet from a residential
26 district, it must face the opposite direction from that district.

27 (iii) If the exterior door opening faces a residential district, then such
28 opening shall be at least 150 feet from a residential district as measured by the shortest, most direct
29 perpendicular distance. The exterior door shall not be kept or propped open during the hours of
30 operation.

1 For purposes of this section, “exterior door opening” shall mean (a) that portion of
2 the exterior wall face of the building containing the social hall that contains a break to accommodate
3 the exterior building door, door frame, door vestibule, or door entryway area; and (b) provides
4 access to the social hall. “Exterior door opening” shall not apply to openings for emergency exit
5 doors required by building or safety codes, loading doors or unloading doors that are not available
6 for access in the ordinary course of business.

7 (n) The sale of alcoholic beverages for consumption on the premises of a restaurant,
8 provided:

9 (1) Gross sales from the sale of alcoholic drinks shall not exceed forty percent
10 (40%) of the gross sales of food and drink.

11 (2) The restaurant must serve full-course meals as defined in *Neb. Rev. Stat.*
12 §53-123.04(3)(c).

13 (3) The restaurant must close to business by midnight, and any outdoor dining
14 areas must close to business by 11:00 p.m.

15 (4) Exterior door openings must be located at least 100 feet (as measured by the
16 shortest, most direct distance) from a day care facility, church, state mental health institution, park
17 (excluding golf courses and hiker/biker trails), or a residential district; provided that, if there is an
18 intervening exterior wall of the building containing the licensed premises between the exterior door
19 opening and such day care facility, church, state mental health institution, park (excluding golf
20 courses and hiker/biker trails), or residential district, then the 100 feet shall be measured from the
21 exterior door opening, along the exterior base of the building wall(s) to the point where there is no
22 intervening exterior building wall, and from that point the shortest, most direct distance to the day
23 care facility, church, state mental health institution, park (excluding golf courses and hiker/biker
24 trails), or residential district.

25 Exception 1: An exterior door opening may be less than 100 feet from a
26 residential district, provided it faces the opposite direction from that district.

27 Exception 2: If the exterior door opening faces a residential district, then
28 such opening shall be at least 150 feet from a residential district as measured by the shortest, most
29 direct perpendicular distance. The exterior door shall not be kept or propped open during the hours
30 of operation.

1 For purposes of this section, “exterior door opening” shall mean (A) that portion of the
2 exterior wall face of the building containing the licensed premises that contains a break to
3 accommodate the exterior building door, door frame, door vestibule, or door entryway area; and (B)
4 provides public or membership access to the licensed premises. “Exterior door opening” shall not
5 apply to openings for emergency exit doors required by building or safety codes, loading doors or
6 unloading doors that are not available for public or membership access in the ordinary course of
7 business.

8 Section 7. That Section 27.33.040 of the Lincoln Municipal Code be amended to
9 read as follows:

10 **27.33.040 Permitted Special Uses.**

11 A building or premises may be used for the following purposes in the B-3 Commercial
12 District if a special permit for such use has been obtained in conformance with the requirements of
13 Chapter 27.63:

- 14 (a) Health care facilities;
- 15 (b) Recreational facilities;
- 16 (c) Church steeples, towers, and ornamental spires which exceed the maximum district
17 height;
- 18 (d) Broadcast towers;
- 19 (e) Expansion of nonconforming use;
- 20 (f) Historic preservation;
- 21 (g) Public utility purposes;
- 22 (h) Wind energy conversion systems;
- 23 (i) Cemeteries;
- 24 (j) Dwellings above the first story of a building which cannot meet the yard requirements
25 of Section 27.33.080(g);
- 26 (k) Sale of alcoholic beverages for consumption on the premises of any premises that does
27 not meet the requirements for the sale of alcoholic beverages for consumption on the premises of
28 a restaurant as a permitted conditional use;
- 29 (l) Sale of alcoholic beverages for consumption off the premises;
- 30 (m) Indoor animal hospitals;

1 (n) Indoor kennels.

2 Section 8. That Chapter 27.39 of the Lincoln Municipal Code be amended by adding
3 a new section numbered 27.39.025 to read as follows:

4 **27.39.025 Permitted Conditional Uses.**

5 A building or premises may be used for the following purposes in the H-1 Interstate
6 Commercial District in conformance with the conditions prescribed herein:

7 The sale of alcoholic beverages for consumption on the premises of a restaurant, provided:

8 (1) Gross sales from the sale of alcoholic drinks shall not exceed forty percent
9 (40%) of the gross sales of food and drink.

10 (2) The restaurant must serve full-course meals as defined in *Neb. Rev. Stat.*
11 §53-123.04(3)(c).

12 (3) The restaurant must close to business by midnight, and any outdoor dining
13 areas must close to business by 11:00 p.m.

14 (4) Exterior door openings must be located at least 100 feet (as measured by the
15 shortest, most direct distance) from a day care facility, church, state mental health institution, park
16 (excluding golf courses and hiker/biker trails), or a residential district; provided that, if there is an
17 intervening exterior wall of the building containing the licensed premises between the exterior door
18 opening and such day care facility, church, state mental health institution, park (excluding golf
19 courses and hiker/biker trails), or residential district, then the 100 feet shall be measured from the
20 exterior door opening, along the exterior base of the building wall(s) to the point where there is no
21 intervening exterior building wall, and from that point the shortest, most direct distance to the day
22 care facility, church, state mental health institution, park (excluding golf courses and hiker/biker
23 trails), or residential district.

24 Exception 1: An exterior door opening may be less than 100 feet from a
25 residential district, provided it faces the opposite direction from that district.

26 Exception 2: If the exterior door opening faces a residential district, then
27 such opening shall be at least 150 feet from a residential district as measured by the shortest, most
28 direct perpendicular distance. The exterior door shall not be kept or propped open during the hours
29 of operation.

1 For purposes of this section, “exterior door opening” shall mean (A) that portion of the
2 exterior wall face of the building containing the licensed premises that contains a break to
3 accommodate the exterior building door, door frame, door vestibule, or door entryway area; and (B)
4 provides public or membership access to the licensed premises. “Exterior door opening” shall not
5 apply to openings for emergency exit doors required by building or safety codes, loading doors or
6 unloading doors that are not available for public or membership access in the ordinary course of
7 business.

8 Section 9. That Section 27.39.030 of the Lincoln Municipal Code be amended to
9 read as follows:

10 **27.39.030 Permitted Special Uses.**

11 A building or premises may be used for the following purposes in the H-1 Interstate
12 Commercial District if a special permit for such use has been obtained in conformance with the re-
13 quirements of Chapter 27.63:

- 14 (a) Expansion of nonconforming uses;
- 15 (b) Historic preservation;
- 16 (c) Public utility purposes;
- 17 (d) Wind energy conversion systems;
- 18 (e) Cemeteries;
- 19 (f) Sale of alcoholic beverages for consumption on the premises of any premises that
20 does not meet the requirements for the sale of alcoholic beverages for consumption on the premises
21 of a restaurant as a permitted conditional use;
- 22 (g) Broadcast towers;
- 23 (h) Sale of alcoholic beverages for consumption off the premises;
- 24 (i) Sexually oriented live entertainment establishments.

25 Section 10. That Section 27.41.030 of the Lincoln Municipal Code be amended to
26 read as follows:

27 **27.41.030 Permitted Conditional Uses.**

1 A building or premises may be used for the following purposes in the H-2 Highway Business
2 District in conformance with the conditions prescribed herein:

3 (a) Automobile/truck wash facility:

4 (1) Automatic, conveyor-operated: The length and location of vehicle stacking
5 lane or lanes for the approach side or sides and the exit side or sides of the wash operation shall be
6 in conformance with the "guidelines and regulations for driveway design and location" as adopted
7 by the City of Lincoln.

8 (2) Self-service, coin-operated: The wash facility shall not exceed six wash bays.
9 The length and location of vehicle stacking lane or lanes for the approach side or sides and the exit
10 side or sides of the wash operation shall be in conformance with the "guidelines and regulations for
11 driveway design and location" as adopted by the City of Lincoln.

12 (b) Motels and hotels: A distance of at least twenty feet shall be maintained between
13 buildings on the lot, and each hotel or motel unit shall have a minimum enclosed floor area of 200
14 square feet.

15 (c) Service facilities, including but not limited to repair and maintenance of home and
16 office equipment, electrical appliances, radio and television sets, and rental equipment; and the
17 places of business of plumbing, electrical, and heating and air conditioning contractors.

18 All storage and display of merchandise shall be screened from public view by a fence, walls,
19 shrubs, material obstruction, or all such storage and display shall be within the enclosure walls of
20 a building.

21 (d) Early childhood care facilities:

22 (1) Such facilities shall comply with all applicable state and local early childhood
23 care requirements;

24 (2) Such facilities shall comply with all applicable building and life safety code
25 requirements;

26 (3) Such facilities shall be fenced and have play areas that comply with the design
27 standards for early childhood care facilities;

28 (4) Such facilities must receive a conditional use permit from the Department of
29 Building and Safety.

30 (e) Recycling center:

- 1 (1) Building area of such center shall not exceed 8,000 square feet;
- 2 (2) Adequate traffic stacking shall be provided on site as determined by the city;
- 3 (3) All required parking shall be provided on site;
- 4 (4) The facility shall not be designed to receive nor shall it accept shipments by
- 5 semi-trailer trucks;
- 6 (5) Construction and operation of such center shall comply with all applicable
- 7 health and fire codes.
- 8 (f) Vehicle body repair shop:
- 9 (1) All salvage material including vehicles being salvaged shall be inside a
- 10 building;
- 11 (2) All vehicles stored outside shall be repaired to an operating state within thirty
- 12 days;
- 13 (3) All vehicles stored outside waiting repair shall be screened in accordance with
- 14 the screening requirements for salvage and scrap processing operations;
- 15 (4) Construction and operation of such shop shall comply with all applicable
- 16 health and fire codes;
- 17 (5) Vehicle body repair shops lawfully existing on the effective date of this ordin-
- 18 ance shall have until January 1, 1987 to be brought into compliance with conditions (1), (2), (3), and
- 19 (4) above.
- 20 (g) The storage of vehicles for sale and resale in the front yard:
- 21 (1) The storage of vehicles for sale and resale is permitted in the front yard except
- 22 for the front twelve feet.
- 23 (2) Parking barriers in accordance with parking lot design standards must be
- 24 provided around the storage/display area to prevent the vehicles stored/displayed for sale or resale
- 25 from overhanging the front twelve feet of the front yard where vehicles are not permitted to be
- 26 stored/displayed for sale or resale.
- 27 (3) No vehicle shall be stored/displayed for sale or resale in the front yard upon
- 28 a raised concrete island or on a raised display structure.
- 29 (4) The hood or trunk or both of vehicles stored/displayed for sale or resale in the
- 30 front yard shall not be open except when inspected by a customer or for servicing.

1 (5) The front twelve feet of the front yard not permitted to be used for the storage
2 of vehicles for sale and resale shall not be used for customer or employee parking but shall be
3 devoted to shrubs and grasses.

4 (6) The front twelve feet of the front yard not permitted to be used for the storage
5 of vehicles for sale and resale shall be screened at least sixty percent from zero feet to two feet above
6 the surface of the lot. The design and construction of the landscaping shall be in conformance with
7 the Design Standards for Screening and Landscaping except that fences may not be used to meet the
8 above screening requirements. If plant material is used, the density percentage is calculated using
9 the design size found in the City of Lincoln's plant material list approved by the Planning Director.
10 The screen shall be located throughout the area but far enough from the barrier so as to be protected
11 from the bumpers of overhanging vehicles. Entrance driveways shall be excluded from the required
12 screen.

13 (7) No fence shall be erected in the front yard. Lighting in the front yard shall
14 be in conformance with the Design Standards for Parking Lots.

15 (8) Any existing automobile sales facility lawfully established on the effective
16 date of this ordinance which does not comply with conditions (1) through (7) above may be
17 continued in accordance with the provisions of Chapter 27.61 for nonconforming uses.

18 (h) Indoor animal hospitals. Any building approved for such use must be located no
19 closer than 200 feet from any residential district.

20 (i) Indoor kennel. Any building approved for such use must be located no closer than
21 200 feet from any residential district.

22 (j) Social halls:

23 (1) There shall be no amplified sound or noise source of any kind outside of the
24 social hall;

25 (2) Except as provided in (ii) and (iii) below, any exterior door opening must
26 meet the following conditions:

27 (i) Either be located at least 100 feet (as measured by the shortest, most
28 direct distance) from a day care facility, church, state mental health institution, park (excluding golf
29 courses and hiker/biker trails), or a residential district; provided that, if there is an intervening
30 exterior wall of the building containing the social hall between the exterior door opening and such

1 day care facility, church, state mental health institution, park (excluding golf courses and hiker/biker
2 trails), then the 100 feet shall be measured from the exterior door opening, along the exterior base
3 of the building wall(s) to the point where there is no intervening exterior building wall, and from that
4 point the shortest, most direct distance to the day care facility, church, state mental health institution,
5 park (excluding golf courses and hiker/biker trails), or residential district.

6 (ii) If the exterior door opening is less than 100 feet from a residential
7 district, it must face the opposite direction from that district.

8 (iii) If the exterior door opening faces a residential district, then such
9 opening shall be at least 150 feet from a residential district as measured by the shortest, most direct
10 perpendicular distance. The exterior door shall not be kept or propped open during the hours of
11 operation.

12 For purposes of this section, “exterior door opening” shall mean (a) that portion of
13 the exterior wall face of the building containing the social hall that contains a break to accommodate
14 the exterior building door, door frame, door vestibule, or door entryway area; and (b) provides
15 access to the social hall. “Exterior door opening” shall not apply to openings for emergency exit
16 doors required by building or safety codes, loading doors or unloading doors that are not available
17 for access in the ordinary course of business.

18 (k) The sale of alcoholic beverages for consumption on the premises of a restaurant,
19 provided:

20 (1) Gross sales from the sale of alcoholic drinks shall not exceed forty percent
21 (40%) of the gross sales of food and drink.

22 (2) The restaurant must serve full-course meals as defined in *Neb. Rev. Stat.*
23 §53-123.04(3)(c).

24 (3) The restaurant must close to business by midnight, and any outdoor dining
25 areas must close to business by 11:00 p.m.

26 (4) Exterior door openings must be located at least 100 feet (as measured by the
27 shortest, most direct distance) from a day care facility, church, state mental health institution, park
28 (excluding golf courses and hiker/biker trails), or a residential district; provided that, if there is an
29 intervening exterior wall of the building containing the licensed premises between the exterior door
30 opening and such day care facility, church, state mental health institution, park (excluding golf

1 courses and hiker/biker trails), or residential district, then the 100 feet shall be measured from the
2 exterior door opening, along the exterior base of the building wall(s) to the point where there is no
3 intervening exterior building wall, and from that point the shortest, most direct distance to the day
4 care facility, church, state mental health institution, park (excluding golf courses and hiker/biker
5 trails), or residential district.

6 Exception 1: An exterior door opening may be less than 100 feet from a
7 residential district, provided it faces the opposite direction from that district.

8 Exception 2: If the exterior door opening faces a residential district, then
9 such opening shall be at least 150 feet from a residential district as measured by the shortest, most
10 direct perpendicular distance. The exterior door shall not be kept or propped open during the hours
11 of operation.

12 For purposes of this section, “exterior door opening” shall mean (A) that portion of the
13 exterior wall face of the building containing the licensed premises that contains a break to
14 accommodate the exterior building door, door frame, door vestibule, or door entryway area; and (B)
15 provides public or membership access to the licensed premises. “Exterior door opening” shall not
16 apply to openings for emergency exit doors required by building or safety codes, loading doors or
17 unloading doors that are not available for public or membership access in the ordinary course of
18 business.

19 Section 11. That Section 27.41.040 of the Lincoln Municipal Code be amended to
20 read as follows:

21 **27.41.040 Permitted Special Uses.**

22 A building or premises may be used for the following purposes in the H-2 Highway Business
23 District if a special permit for such use has been obtained in conformance with the requirements of
24 Chapter 27.63:

- 25 (a) Outdoor theaters;
- 26 (b) Broadcast towers;
- 27 (c) Extraction of sand, gravel, and soil;
- 28 (d) Church steeples, towers, and ornamental spires exceeding the maximum permitted
29 height of the H-2 Highway Business District;
- 30 (e) Outdoor lighting for recreational facilities;

- 1 (f) Expansion of nonconforming uses;
- 2 (g) Historic preservation;
- 3 (h) Public utilities purposes;
- 4 (i) Wind energy conversion systems;
- 5 (j) Cemeteries;
- 6 (k) Sale of alcoholic beverages for consumption on the premises of any premises that
7 does not meet the requirements for the sale of alcoholic beverages for consumption on the premises
8 of a restaurant as a permitted conditional use;
 - 9 (l) Sale of alcoholic beverages for consumption off the premises;
 - 10 (m) Sexually oriented live entertainment establishments;
 - 11 (n) Indoor animal hospitals;
 - 12 (o) Indoor kennels.

13 Section 12. That Section 27.43.030 of the Lincoln Municipal Code be amended to
14 read as follows:

15 **27.43.030 Permitted Conditional Uses.**

16 A building or premises may be used for the following purposes in the H-3 Highway
17 Commercial District in conformance with the conditions prescribed herein:

- 18 (a) Automobile/truck wash facility:

19 (1) Automatic, conveyor-operated: The length and location of vehicle stacking
20 lane or lanes for the approach side or sides and the exit side or sides of the wash operation shall be
21 in conformance with the "guidelines and regulations for driveway design and location" as adopted
22 by the City of Lincoln.

23 (2) Self-service, coin-operated: The length and location of vehicle stacking lane
24 or lanes for the approach side or sides and the exit side or sides of the wash operation shall be in
25 conformance with the "guidelines and regulations for driveway design and location" as adopted by
26 the City of Lincoln.

27 (b) Motels and hotels: A distance of at least twenty feet shall be maintained between
28 buildings on the lot and each hotel or motel unit shall have a minimum enclosed floor area of 200
29 square feet.

- 30 (c) Early childhood care facilities:

- 1 (1) Such facilities shall comply with all applicable state and local early childhood
2 care and building requirements;
- 3 (2) Such facilities shall comply with all applicable building and life safety code
4 requirements;
- 5 (3) Such facilities shall be fenced and have play areas that comply with the design
6 standards for early childhood care facilities;
- 7 (4) Such facilities must receive a conditional use permit from the Department of
8 Building and Safety.
- 9 (d) Recycling center:
- 10 (1) Building area of such center shall not exceed 8,000 square feet;
- 11 (2) Adequate traffic stacking shall be provided on site as determined by the city;
- 12 (3) All required parking shall be provided on site;
- 13 (4) The facility shall not be designed to receive nor shall it accept shipments by
14 semi-trailer trucks;
- 15 (5) Construction and operation of such center shall comply with all applicable
16 health and fire codes.
- 17 (e) Vehicle body repair shop:
- 18 (1) All salvage material including vehicles being salvaged shall be inside a
19 building;
- 20 (2) All vehicles stored outside shall be repaired to an operating state within thirty
21 days;
- 22 (3) All vehicles stored outside waiting repair shall be screened in accordance with
23 the screening requirements for salvage and scrap processing operations;
- 24 (4) Construction and operation of such shop shall comply with all applicable
25 health and fire codes;
- 26 (5) Vehicle body repair shops lawfully existing on the effective date of this
27 ordinance shall have until January 1, 1987 to be brought into compliance with conditions (1), (2),
28 (3), and (4) above.
- 29 (6) Parking shall be provided in accordance with Section 27.67.066.

1 (7) Vehicle body repair shops shall not be converted to a permitted use unless all
2 the parking requirements of Section 27.67.020 for such use are met.

3 (f) Truck and heavy equipment sales:

4 (1) Parking shall be provided in accordance with Section 27.67.066.

5 (2) Truck and heavy equipment sales shall not be converted to a permitted use
6 unless all the parking requirements of Section 27.67.020 for such use are met.

7 (g) Farm machinery sales establishments:

8 (1) Parking shall be provided in accordance with Section 27.67.066.

9 (2) Farm machinery sales establishments shall not be converted to a permitted
10 unless all the parking requirements of Section 27.67.020 for such use are met.

11 (h) Motor truck terminals:

12 (1) Parking shall be provided in accordance with Section 27.67.066.

13 (2) Motor truck terminals shall not be converted to a permitted use unless all the
14 parking requirements of Section 27.67.020 for such use are met.

15 (i) Mobile home sales:

16 (1) Parking shall be provided in accordance with Section 27.67.066.

17 (2) Mobile home sales shall not be converted to a permitted use unless all the
18 parking requirements of Section 27.67.020 for such use are met.

19 (j) Places of business of plumbing contractors, heating and air conditioning contractors,
20 and cabinet shops:

21 (1) Parking shall be provided in accordance with Section 27.67.066.

22 (2) Said places of business shall not be converted to a permitted unless all the
23 parking requirements of Section 27.67.020 for such use are met.

24 (k) Automobile sales and repair, but not including vehicle body repair shops:

25 (1) Parking shall be provided in accordance with Section 27.67.066.

26 (2) The storage of vehicles for sale and resale is permitted in the front yard under
27 the following conditions:

28 (i) The storage of vehicles for sale and resale is permitted in the front
29 yard except for the front twelve feet.

1 (ii) Parking barriers in accordance with parking lot design standards must
2 be provided around the storage/display area to prevent the vehicles stored/displayed for sale or resale
3 from overhanging the front twelve feet of the front yard where vehicles are not permitted to be
4 stored/displayed for sale or resale.

5 (iii) No vehicle shall be stored/displayed for sale or resale in the front yard
6 upon a raised concrete island or on a raised display structure.

7 (iv) The hood or trunk or both of vehicles stored/displayed for sale or
8 resale in the front yard shall not be open except when inspected by a customer or for servicing.

9 (3) The front twelve feet of the front yard not permitted to be used for the storage
10 of vehicles for sale and resale shall not be used for customer or employee parking but shall be
11 devoted to shrubs and grasses.

12 (4) The front twelve feet of the front yard not permitted to be used for the storage
13 of vehicles for sale and resale shall be screened at least sixty percent from zero feet to two feet above
14 the surface of the lot. The design and construction of the landscaping shall be in conformance with
15 the Design Standards for Screening and Landscaping except that fences may not be used to meet the
16 above screening requirements. If plant material is used, the density percentage is calculated using
17 the design size found in the City of Lincoln's plant material list approved by the Planning Director.
18 The screen shall be located throughout the area but far enough from the barrier so as to be protected
19 from the bumpers of overhanging vehicles. Entrance driveways shall be excluded from the required
20 screen.

21 (5) No fence shall be erected in the front yard. Lighting in the front yard shall
22 be in conformance with the Design Standards for Parking Lots.

23 (6) Any existing automobile sales facility lawfully established on the effective
24 date of this ordinance which does not comply with conditions (1) through (5) above may be
25 continued in accordance with the provisions of Chapter 27.61 for nonconforming uses.

26 (7) Automobile sales and repair shops shall not be converted to a permitted use
27 unless all the parking requirements of Section 27.67.020 for such use are met.

28 (1) Assembly facilities, including but not limited to the assembly of equipment,
29 instruments and appliances such as computers and musical instruments.

1 (1) Assembly facilities may include limited fabrication of finished parts to be
2 used in such assembly.

3 (2) The floor area of such facilities shall not exceed 50,000 square feet.

4 (3) Parking shall be provided in accordance with Section 27.67.066.

5 (4) Assembly facilities shall not be converted to a permitted use unless all the
6 parking requirements of Section 27.67.020 for such use are met.

7 (m) Indoor animal hospitals. Any building approved for such use must be located no
8 closer than 200 feet from any residential district.

9 (n) Indoor kennel. Any building approved for such use must be located no closer than
10 200 feet from any residential district.

11 (o) Social halls:

12 (1) There shall be no amplified sound or noise source of any kind outside of the
13 social hall;

14 (2) Except as provided in (ii) and (iii) below, any exterior door opening must
15 meet the following conditions:

16 (i) Either be located at least 100 feet (as measured by the shortest, most
17 direct distance) from a day care facility, church, state mental health institution, park (excluding golf
18 courses and hiker/biker trails), or a residential district; provided that, if there is an intervening
19 exterior wall of the building containing the social hall between the exterior door opening and such
20 day care facility, church, state mental health institution, park (excluding golf courses and hiker/biker
21 trails), then the 100 feet shall be measured from the exterior door opening, along the exterior base
22 of the building wall(s) to the point where there is no intervening exterior building wall, and from that
23 point the shortest, most direct distance to the day care facility, church, state mental health institution,
24 park (excluding golf courses and hiker/biker trails), or residential district.

25 (ii) If the exterior door opening is less than 100 feet from a residential
26 district, it must face the opposite direction from that district.

27 (iii) If the exterior door opening faces a residential district, then such
28 opening shall be at least 150 feet from a residential district as measured by the shortest, most direct
29 perpendicular distance. The exterior door shall not be kept or propped open during the hours of
30 operation.

1 For purposes of this section, “exterior door opening” shall mean (a) that portion of
2 the exterior wall face of the building containing the social hall that contains a break to accommodate
3 the exterior building door, door frame, door vestibule, or door entryway area; and (b) provides
4 access to the social hall. “Exterior door opening” shall not apply to openings for emergency exit
5 doors required by building or safety codes, loading doors or unloading doors that are not available
6 for access in the ordinary course of business.

7 (p) The sale of alcoholic beverages for consumption on the premises of a restaurant,
8 provided:

9 (1) Gross sales from the sale of alcoholic drinks shall not exceed forty percent
10 (40%) of the gross sales of food and drink.

11 (2) The restaurant must serve full-course meals as defined in *Neb. Rev. Stat.*
12 §53-123.04(3)(c).

13 (3) The restaurant must close to business by midnight, and any outdoor dining
14 areas must close to business by 11:00 p.m.

15 (4) Exterior door openings must be located at least 100 feet (as measured by the
16 shortest, most direct distance) from a day care facility, church, state mental health institution, park
17 (excluding golf courses and hiker/biker trails), or a residential district; provided that, if there is an
18 intervening exterior wall of the building containing the licensed premises between the exterior door
19 opening and such day care facility, church, state mental health institution, park (excluding golf
20 courses and hiker/biker trails), or residential district, then the 100 feet shall be measured from the
21 exterior door opening, along the exterior base of the building wall(s) to the point where there is no
22 intervening exterior building wall, and from that point the shortest, most direct distance to the day
23 care facility, church, state mental health institution, park (excluding golf courses and hiker/biker
24 trails), or residential district.

25 Exception 1: An exterior door opening may be less than 100 feet from a
26 residential district, provided it faces the opposite direction from that district.

27 Exception 2: If the exterior door opening faces a residential district, then
28 such opening shall be at least 150 feet from a residential district as measured by the shortest, most
29 direct perpendicular distance. The exterior door shall not be kept or propped open during the hours
30 of operation.

1 For purposes of this section, “exterior door opening” shall mean (A) that portion of the
2 exterior wall face of the building containing the licensed premises that contains a break to
3 accommodate the exterior building door, door frame, door vestibule, or door entryway area; and (B)
4 provides public or membership access to the licensed premises. “Exterior door opening” shall not
5 apply to openings for emergency exit doors required by building or safety codes, loading doors or
6 unloading doors that are not available for public or membership access in the ordinary course of
7 business.

8 Section 13. That Section 27.43.040 of the Lincoln Municipal Code be amended to
9 read as follows:

10 **27.43.040 Permitted Special Uses.**

11 A building or premises may be used for the following purposes in the H-3 Highway
12 Commercial District if a special permit for such use has been obtained in conformance with the
13 requirements of Chapter 27.63:

- 14 (a) Extraction of sand, gravel, and soil;
- 15 (b) Bulk storage of petroleum products;
- 16 (c) Broadcast towers;
- 17 (d) Church steeples, towers, and ornamental spires exceeding the maximum permitted
18 height in the H-3 Highway Commercial District;
- 19 (e) Outdoor lighting for recreational facilities;
- 20 (f) Expansion of nonconforming use;
- 21 (g) Historic preservation;
- 22 (h) Stores and shops for retail sales and service which exceed 20,000 square feet of floor
23 area;
- 24 (i) Public utility purposes;
- 25 (j) Wind energy conversion systems;
- 26 (k) Small batch concrete dispensing units;
- 27 (l) Health care facilities;
- 28 (m) Cemeteries;

1 (n) Sale of alcoholic beverages for consumption on the premises of any premises that
2 does not meet the requirements for the sale of alcoholic beverages for consumption on the premises
3 of a restaurant as a permitted conditional use;

4 (o) Sale of alcoholic beverages for consumption off the premises;

5 (p) Limited landfills;

6 (q) Sexually oriented live entertainment establishments;

7 (r) Indoor animal hospitals;

8 (s) Indoor kennels;

9 (t) Outdoor exercise area associated with an indoor animal hospital or indoor kennel.

10 Section 14. That Section 27.45.025 of the Lincoln Municipal Code be amended to
11 read as follows:

12 **27.45.025 Permitted Conditional Uses.**

13 A building or premises may be used for the following purposes in the H-4 General
14 Commercial District in conformance with the conditions prescribed herein:

15 (a) Indoor animal hospitals. Any building approved for such use must be located no
16 closer than 200 feet from any residential district.

17 (b) Indoor kennel. Any building approved for such use must be located no closer than
18 200 feet from any residential district.

19 (c) Social halls:

20 (1) There shall be no amplified sound or noise source of any kind outside of the
21 social hall;

22 (2) Except as provided in (ii) and (iii) below, any exterior door opening must
23 meet the following conditions:

24 (i) Either be located at least 100 feet (as measured by the shortest, most
25 direct distance) from a day care facility, church, state mental health institution, park (excluding golf
26 courses and hiker/biker trails), or a residential district; provided that, if there is an intervening
27 exterior wall of the building containing the social hall between the exterior door opening and such
28 day care facility, church, state mental health institution, park (excluding golf courses and hiker/biker
29 trails), then the 100 feet shall be measured from the exterior door opening, along the exterior base
30 of the building wall(s) to the point where there is no intervening exterior building wall, and from that

1 point the shortest, most direct distance to the day care facility, church, state mental health institution,
2 park (excluding golf courses and hiker/biker trails), or residential district.

3 (ii) If the exterior door opening is less than 100 feet from a residential
4 district, it must face the opposite direction from that district.

5 (iii) If the exterior door opening faces a residential district, then such
6 opening shall be at least 150 feet from a residential district as measured by the shortest, most direct
7 perpendicular distance. The exterior door shall not be kept or propped open during the hours of
8 operation.

9 For purposes of this section, “exterior door opening” shall mean (a) that portion of
10 the exterior wall face of the building containing the social hall that contains a break to accommodate
11 the exterior building door, door frame, door vestibule, or door entryway area; and (b) provides
12 access to the social hall. “Exterior door opening” shall not apply to openings for emergency exit
13 doors required by building or safety codes, loading doors or unloading doors that are not available
14 for access in the ordinary course of business.

15 (d) The sale of alcoholic beverages for consumption on the premises of a restaurant,
16 provided:

17 (1) Gross sales from the sale of alcoholic drinks shall not exceed forty percent
18 (40%) of the gross sales of food and drink.

19 (2) The restaurant must serve full-course meals as defined in *Neb. Rev. Stat.*
20 §53-123.04(3)(c).

21 (3) The restaurant must close to business by midnight, and any outdoor dining
22 areas must close to business by 11:00 p.m.

23 (4) Exterior door openings must be located at least 100 feet (as measured by the
24 shortest, most direct distance) from a day care facility, church, state mental health institution, park
25 (excluding golf courses and hiker/biker trails), or a residential district; provided that, if there is an
26 intervening exterior wall of the building containing the licensed premises between the exterior door
27 opening and such day care facility, church, state mental health institution, park (excluding golf
28 courses and hiker/biker trails), or residential district, then the 100 feet shall be measured from the
29 exterior door opening, along the exterior base of the building wall(s) to the point where there is no
30 intervening exterior building wall, and from that point the shortest, most direct distance to the day

1 care facility, church, state mental health institution, park (excluding golf courses and hiker/biker
2 trails), or residential district.

3 Exception 1: An exterior door opening may be less than 100 feet from a
4 residential district, provided it faces the opposite direction from that district.

5 Exception 2: If the exterior door opening faces a residential district, then
6 such opening shall be at least 150 feet from a residential district as measured by the shortest, most
7 direct perpendicular distance. The exterior door shall not be kept or propped open during the hours
8 of operation.

9 For purposes of this section, “exterior door opening” shall mean (A) that portion of the
10 exterior wall face of the building containing the licensed premises that contains a break to
11 accommodate the exterior building door, door frame, door vestibule, or door entryway area; and (B)
12 provides public or membership access to the licensed premises. “Exterior door opening” shall not
13 apply to openings for emergency exit doors required by building or safety codes, loading doors or
14 unloading doors that are not available for public or membership access in the ordinary course of
15 business.

16 Section 15. That Section 27.45.030 of the Lincoln Municipal Code be amended to
17 read as follows:

18 **27.45.030 Permitted Special Uses.**

19 A building or premises may be used for the following purposes in the H-4 General
20 Commercial District if a special permit for such use has been obtained in conformance with the re-
21 quirements of Chapter 27.63:

- 22 (a) Extraction of sand, gravel, and soil;
- 23 (b) Bulk storage of petroleum products;
- 24 (c) Stores and shops for retail sales and service of more than 30,000 but less than
25 100,000 square feet in floor area;
- 26 (d) Any permitted use which exceeds the maximum height permitted in the district;
- 27 (e) Facilities for the commercial storage or sale of fertilizer, or toxic or flammable
28 agricultural chemicals;
- 29 (f) Broadcast towers;
- 30 (g) Expansion of nonconforming use;

- 1 (h) Historic preservation;
- 2 (i) Public utility purposes;
- 3 (j) Wind energy conversion systems;
- 4 (k) Planned service commercial development;
- 5 (l) Small batch concrete dispensing units;
- 6 (m) Cemeteries;
- 7 (n) Sale of alcoholic beverages for consumption on the premises of any premises that
- 8 does not meet the requirements for the sale of alcoholic beverages for consumption on the premises
- 9 of a restaurant as a permitted conditional use;
- 10 (o) Sale of alcoholic beverages for consumption off the premises;
- 11 (p) Early childhood care facilities;
- 12 (q) Sexually oriented live entertainment establishments;
- 13 (r) Indoor animal hospitals;
- 14 (s) Indoor kennels;
- 15 (t) Outdoor exercise area associated with an indoor animal hospital or indoor kennel.

16 Section 16. That Chapter 27.47 of the Lincoln Municipal Code be amended by
17 adding a new section numbered 27.47.025 to read as follows:

18 **27.47.025 Permitted Conditional Uses.**

19 A building or premises may be used for the following purposes in the I-1 Industrial District
20 in conformance with the conditions prescribed herein:

21 The sale of alcoholic beverages for consumption on the premises of a restaurant, provided:

22 (1) Gross sales from the sale of alcoholic drinks shall not exceed forty percent
23 (40%) of the gross sales of food and drink.

24 (2) The restaurant must serve full-course meals as defined in *Neb. Rev. Stat.*
25 §53-123.04(3)(c).

26 (3) The restaurant must close to business by midnight, and any outdoor dining
27 areas must close to business by 11:00 p.m.

28 (4) Exterior door openings must be located at least 100 feet (as measured by the
29 shortest, most direct distance) from a day care facility, church, state mental health institution, park

1 (excluding golf courses and hiker/biker trails), or a residential district; provided that, if there is an
2 intervening exterior wall of the building containing the licensed premises between the exterior door
3 opening and such day care facility, church, state mental health institution, park (excluding golf
4 courses and hiker/biker trails), or residential district, then the 100 feet shall be measured from the
5 exterior door opening, along the exterior base of the building wall(s) to the point where there is no
6 intervening exterior building wall, and from that point the shortest, most direct distance to the day
7 care facility, church, state mental health institution, park (excluding golf courses and hiker/biker
8 trails), or residential district.

9 Exception 1: An exterior door opening may be less than 100 feet from a
10 residential district, provided it faces the opposite direction from that district.

11 Exception 2: If the exterior door opening faces a residential district, then
12 such opening shall be at least 150 feet from a residential district as measured by the shortest, most
13 direct perpendicular distance. The exterior door shall not be kept or propped open during the hours
14 of operation.

15 For purposes of this section, “exterior door opening” shall mean (A) that portion of the
16 exterior wall face of the building containing the licensed premises that contains a break to
17 accommodate the exterior building door, door frame, door vestibule, or door entryway area; and (B)
18 provides public or membership access to the licensed premises. “Exterior door opening” shall not
19 apply to openings for emergency exit doors required by building or safety codes, loading doors or
20 unloading doors that are not available for public or membership access in the ordinary course of
21 business.

22 Section 27. That Section 27.47.030 of the Lincoln Municipal Code be amended to
23 read as follows:

24 **27.47.030 Permitted Special Uses.**

25 A building or premises may be used for the following purposes in the I-1 Industrial District
26 if a special permit for such use has been obtained in conformance with the requirements of Chapter
27 27.63:

- 28 (a) The refining, distillation or manufacture of:
29 (1) Acids or alcohols;
30 (2) Ammonia, bleach, or chlorine;

- 1 (3) Asphalt, tar, or products made therewith, including roofing or waterproofing;
- 2 (4) Cement, lime, gypsum, or plaster of paris;
- 3 (5) Disinfectants;
- 4 (6) Dyestuffs;
- 5 (7) Fertilizer;
- 6 (8) Glue, sizing, or gelatin;
- 7 (9) Oilcloth, linoleum, or oiled rubber goods;
- 8 (10) Paint, shellac, turpentine, or oils;
- 9 (11) Rubber, gutta-percha, balata, creosote, or products treated therewith;
- 10 (12) Shoe polish;
- 11 (b) The operation of:
 - 12 (1) Bag cleaning works;
 - 13 (2) Blast furnaces, coke ovens, smelting or ore reduction works;
 - 14 (3) Boiler works;
 - 15 (4) Forge;
 - 16 (5) Rock crusher, stone mill, or quarry;
 - 17 (6) Rolling mill;
 - 18 (7) Yeast plant;
- 19 (c) Production, manufacture, distribution, and storage of toxic, radioactive, flammable,
20 or explosive materials, including chemicals and gases, fireworks, and explosives, except that any
21 of the above referenced uses, except fireworks, may be stored or used in connection with a permitted
22 commercial, business, or industrial purpose as allowed by Section 27.47.020(b) as incidental to the
23 referenced permitted use without the requirement of obtaining a special permit;
- 24 (d) Tanning, curing, or storage of raw hides or skins; stockyards or slaughter of animals
25 or fowl; rendering fat; distillation of bones, coal or wood;
- 26 (e) Dumping or reduction of garbage, offal, or dead animals;
- 27 (f) Scrap processing operation, salvage yard, or enclosed disassembly operation in
28 conformance with Section 27.63.500;
- 29 (g) Refining or bulk storage of petroleum or natural gas, or their products;

1 (h) The manufacture of acetylene, the transfer of the gas from one container to another,
2 or the storage of the gas in containers having a capacity greater than the equivalent of 1,000 cubic
3 feet at standard temperature and pressure;

4 (i) Stores and shops for retail sales and service exceeding 20,000 square feet in floor
5 area;

6 (j) Any permitted use which exceeds the maximum height permitted in the district;

7 (k) Broadcast towers;

8 (l) Outdoor theaters;

9 (m) Extraction of sand, gravel, and soil;

10 (n) Expansion of nonconforming uses;

11 (o) Historic preservation;

12 (p) Technical training centers;

13 (q) Wind energy conversion systems;

14 (r) Temporary shelter for the homeless;

15 (s) Health care facilities;

16 (t) Early childhood care facilities;

17 (u) Limited landfills;

18 (v) Race tracks for motorized vehicles;

19 (w) Sale of alcoholic beverages for consumption on the premises of any premises that
20 does not meet the requirements for the sale of alcoholic beverages for consumption on the premises
21 of a restaurant as a permitted conditional use;

22 (x) Sale of alcoholic beverages for consumption off the premises;

23 (y) Private schools in conformance with Section 27.63.075;

24 (z) Sexually oriented live entertainment establishments.

25 Section 18. That Section 27.49.030 of the Lincoln Municipal Code be amended to
26 read as follows:

27 **27.49.030 Permitted Conditional Uses.**

28 A building or premises may be used for the following purposes in the I-2 Industrial Park
29 District in conformance with the conditions prescribed herein:

1 (a) Fuel oil storage tanks and all bulk storage of oils, petroleum and similar flammable
2 liquids and chemicals:

3 (1) Shall be adequately screened from public view;

4 (2) Shall be for storage of such materials for use on the premises and not for
5 resale, except that resale of such stored material at retail only shall be permitted in conjunction with
6 the operation of a service station or similar retail outlet;

7 (3) Shall be located, constructed, maintained, and operated in compliance with
8 all codes and regulations of the City of Lincoln.

9 (b) Liquified petroleum gas and similar gas used for fuel stored above ground:

10 (1) Tanks may not exceed 30,000 gallon capacity;

11 (2) Such gas shall be for use on the premises, and not for resale;

12 (3) Such tanks shall be adequately screened from public view by a fire-resistant
13 ventilated barrier which shall be at least six feet in height;

14 (4) Must be in full compliance with all codes and regulations of the City of
15 Lincoln;

16 (c) All other combustible material: To be stored in such a way as to permit free access
17 of fire-fighting equipment.

18 (d) Open storage of any other material: Only in areas enclosed or otherwise adequately
19 screened from public view with an enclosure or screen at least six feet in height.

20 (e) Neighborhood recycling center:

21 (1) Building area of such center shall not exceed 8,000 square feet;

22 (2) There shall be no outdoor storage of materials or equipment;

23 (3) The operation of such center shall not include dismantling or disassembling
24 of vehicles or major appliances;

25 (4) No hazardous or explosive materials shall be accepted at such center;

26 (5) Adequate traffic stacking shall be provided on site as determined by the city;

27 (6) All required parking shall be provided on site;

28 (7) There shall be no processing of materials by heat, including, but not limited
29 to, melting, smelting, or burning;

1 (8) The facility shall not be designed to receive nor shall it accept shipments by
2 semi-trailer trucks;

3 (9) Construction and operation of such center shall comply with all applicable
4 health and fire codes.

5 (f) Vehicle body repair shop:

6 (1) All salvage material, including vehicles being salvaged, shall be inside a
7 building;

8 (2) All vehicles stored outside shall be repaired to an operating state within thirty
9 days;

10 (3) All vehicles stored outside waiting repair shall be screened in accordance with
11 the screening requirements for salvage and scrap processing operations;

12 (4) Construction and operation of such shop shall comply with all applicable
13 health and fire codes;

14 (5) Vehicle body repair shops lawfully existing on the effective date of this ordi-
15 nance shall have until January 1, 1987 to be brought into compliance with conditions (1), (2), (3),
16 and (4) above.

17 (g) Church:

18 (1) The church shall develop an emergency response plan to the satisfaction of
19 the Health Department, both written and drawn, including a house-in-place scenario and an off-site
20 evacuation. The Health Department may provide technical assistance in this matter.

21 (2) The church shall, within 48 hours of becoming aware that quantities of
22 hazardous materials requiring a permit under Section 19.03.100 of the Lincoln Municipal Code are
23 being stored, transported, dispensed, used, or handled on property within 300 feet of the building
24 area being used for the church, notify the Health Department of such condition. Following such
25 notification, the church shall, in cooperation and consultation with the Health Department, attempt
26 to work with the owner of property upon which such hazardous materials are being stored,
27 transported, dispensed, used or handled to arrive at a means to assure the health, safety, and welfare
28 of persons using the church's property. The church shall further cooperate with the Health
29 Department in determining measures which may be taken on the church's property to protect the
30 health safety, and welfare of persons using the church's property, including, but not limited to,

1 establishment of training programs for employees to assure detection of hazardous materials and
2 evacuation of the premises, installation of filtration systems in the HVAC system of the building,
3 or other precautionary measures.

4 (3) The electrical breaker switch of the heating, ventilation and air conditioning
5 (HVAC) system shall be clearly marked and readily accessible at all times to the church's staff or
6 the church shall equip the building with not more than two emergency shut-off switches so the
7 HVAC system can be immediately shut down in the case of a hazardous chemical spill in the area
8 to the satisfaction of the Health Department. The shut-off switch shall be located so that it is easily
9 accessible at all times to the church's staff. The church's staff shall be trained on how to locate and
10 operate the electrical breaker switch or the emergency shut-off switch.

11 (h) The sale of alcoholic beverages for consumption on the premises of a restaurant,
12 provided:

13 (1) Gross sales from the sale of alcoholic drinks shall not exceed forty percent
14 (40%) of the gross sales of food and drink.

15 (2) The restaurant must serve full-course meals as defined in *Neb. Rev. Stat.*
16 §53-123.04(3)(c).

17 (3) The restaurant must close to business by midnight, and any outdoor dining
18 areas must close to business by 11:00 p.m.

19 (4) Exterior door openings must be located at least 100 feet (as measured by the
20 shortest, most direct distance) from a day care facility, church, state mental health institution, park
21 (excluding golf courses and hiker/biker trails), or a residential district; provided that, if there is an
22 intervening exterior wall of the building containing the licensed premises between the exterior door
23 opening and such day care facility, church, state mental health institution, park (excluding golf
24 courses and hiker/biker trails), or residential district, then the 100 feet shall be measured from the
25 exterior door opening, along the exterior base of the building wall(s) to the point where there is no
26 intervening exterior building wall, and from that point the shortest, most direct distance to the day
27 care facility, church, state mental health institution, park (excluding golf courses and hiker/biker
28 trails), or residential district.

29 Exception 1: An exterior door opening may be less than 100 feet from a
30 residential district, provided it faces the opposite direction from that district.

1 Exception 2: If the exterior door opening faces a residential district, then
2 such opening shall be at least 150 feet from a residential district as measured by the shortest, most
3 direct perpendicular distance. The exterior door shall not be kept or propped open during the hours
4 of operation.

5 For purposes of this section, “exterior door opening” shall mean (A) that portion of the
6 exterior wall face of the building containing the licensed premises that contains a break to
7 accommodate the exterior building door, door frame, door vestibule, or door entryway area; and (B)
8 provides public or membership access to the licensed premises. “Exterior door opening” shall not
9 apply to openings for emergency exit doors required by building or safety codes, loading doors or
10 unloading doors that are not available for public or membership access in the ordinary course of
11 business.

12 Section 19. That Section 27.49.040 of the Lincoln Municipal Code be amended to
13 read as follows:

14 **27.49.040 Permitted Special Uses.**

15 A building or premises may be used for the following purposes in the I-2 Industrial Park
16 District if a special permit for such use has been obtained in conformance with the requirements of
17 Chapter 27.63:

- 18 (a) Mining, quarrying, and stone mills;
- 19 (b) Broadcast towers;
- 20 (c) Early childhood care facilities;
- 21 (d) Expansion of nonconforming use;
- 22 (e) Historic preservation;
- 23 (f) Wind energy conversion systems;
- 24 (g) Enclosed disassembly operation in conformance with Section 27.63.500;
- 25 (h) Sale of alcoholic beverages for consumption on the premises of any premises that
26 does not meet the requirements for the sale of alcoholic beverages for consumption on the premises
27 of a restaurant as a permitted conditional use;
 - 28 (i) Any permitted use which exceeds the maximum height permitted in the district;
 - 29 (j) Sexually oriented live entertainment establishments.

1 Section 20. That Section 27.51.040 of the Lincoln Municipal Code be amended to
2 read as follows:

3 **27.51.040 Permitted Conditional Uses.**

4 A building or premises may be used for the following purposes in the I-3 Employment
5 Center District in conformance with the conditions prescribed herein:

6 (a) Fuel oil storage tanks and all bulk storage of oils, petroleum and similar flammable
7 liquids and chemicals. Such use shall:

8 (1) Be adequately screened from public view;

9 (2) Be for storage of such materials for use on the premises and not for resale,
10 except that resale of such stored material at retail only shall be permitted in conjunction with the
11 operation of a service station or similar retail outlet pursuant to Section 27.51.070;

12 (3) Be located, constructed, maintained, and operated in compliance with all
13 codes and regulations of the City of Lincoln;

14 (b) Liquified petroleum, gas and similar gas used for fuel stored in tanks above ground,
15 provided:

16 (1) Such tanks may not exceed 30,0000 gallon capacity;

17 (2) Such gas shall be used for use on the premises, and not for resale;

18 (3) Such tanks shall be adequately screened from public view by a fire-resistant
19 ventilated barrier which shall be at least six feet in height;

20 (4) Such use must be in full compliance with all codes and regulations of the City
21 of Lincoln;

22 (c) All other combustible materials:

23 (1) Combustible materials shall be stored in such a way as to permit free access
24 of fire-fighting equipment;

25 (2) Such use must be in full compliance with all codes and regulations of the City
26 of Lincoln;

27 (d) Motels and hotels, provided that the total square footage of such use shall not exceed
28 ten percent (10%) of the buildable square footage of the tract of land included within the boundaries
29 of the use permit assuming a floor-to-area ratio of one to four.

1 Accessory uses operated by a concessionaire or lessee of an employer may occupy no more
2 than five percent (5%) of the floor area of the permitted use.

3 (e) Church:

4 (1) The church shall develop an emergency response plan to the satisfaction of
5 the Health Department, both written and drawn, including a house-in-place scenario and an off-site
6 evacuation. The Health Department may provide technical assistance in this matter.

7 (2) The church shall, within 48 hours of becoming aware that quantities of
8 hazardous materials requiring a permit under Section 19.03.100 of the Lincoln Municipal Code are
9 being stored, transported, dispensed, used, or handled on property within 300 feet of the building
10 area being used for the church, notify the Health Department of such condition. Following such
11 notification, the church shall, in cooperation and consultation with the Health Department, attempt
12 to work with the owner of property upon which such hazardous materials are being stored,
13 transported, dispensed, used or handled to arrive at a means to assure the health, safety, and welfare
14 of persons using the church's property. The church shall further cooperate with the Health
15 Department in determining measures which may be taken on the church's property to protect the
16 health safety, and welfare of persons using the church's property, including, but not limited to,
17 establishment of training programs for employees to assure detection of hazardous materials and
18 evacuation of the premises, installation of filtration systems in the HVAC system of the building,
19 or other precautionary measures.

20 (3) The electrical breaker switch of the heating, ventilation and air conditioning
21 (HVAC) system shall be clearly marked and readily accessible at all times to the church's staff or
22 the church shall equip the building with not more than two emergency shut-off switches so the
23 HVAC system can be immediately shut down in the case of a hazardous chemical spill in the area
24 to the satisfaction of the Health Department. The shut-off switch shall be located so that it is easily
25 accessible at all times to the church's staff. The church's staff shall be trained on how to locate and
26 operate the electrical breaker switch or the emergency shut-off switch.

27 (f) Joint parking lots and parking garages.

28 (1) Such joint parking lots and garages shall be authorized by cross access
29 easements or by written agreement between the parties to such use.

1 (2) The aggregate number of parking stalls provided shall be sufficient to satisfy
2 the required parking for each use.

3 (g) The sale of alcoholic beverages for consumption on the premises of a restaurant,
4 provided:

5 (1) Gross sales from the sale of alcoholic drinks shall not exceed forty percent
6 (40%) of the gross sales of food and drink.

7 (2) The restaurant must serve full-course meals as defined in *Neb. Rev. Stat.*
8 §53-123.04(3)(c).

9 (3) The restaurant must close to business by midnight, and any outdoor dining
10 areas must close to business by 11:00 p.m.

11 (4) Exterior door openings must be located at least 100 feet (as measured by the
12 shortest, most direct distance) from a day care facility, church, state mental health institution, park
13 (excluding golf courses and hiker/biker trails), or a residential district; provided that, if there is an
14 intervening exterior wall of the building containing the licensed premises between the exterior door
15 opening and such day care facility, church, state mental health institution, park (excluding golf
16 courses and hiker/biker trails), or residential district, then the 100 feet shall be measured from the
17 exterior door opening, along the exterior base of the building wall(s) to the point where there is no
18 intervening exterior building wall, and from that point the shortest, most direct distance to the day
19 care facility, church, state mental health institution, park (excluding golf courses and hiker/biker
20 trails), or residential district.

21 Exception 1: An exterior door opening may be less than 100 feet from a
22 residential district, provided it faces the opposite direction from that district.

23 Exception 2: If the exterior door opening faces a residential district, then
24 such opening shall be at least 150 feet from a residential district as measured by the shortest, most
25 direct perpendicular distance. The exterior door shall not be kept or propped open during the hours
26 of operation.

27 For purposes of this section, “exterior door opening” shall mean (A) that portion of the
28 exterior wall face of the building containing the licensed premises that contains a break to
29 accommodate the exterior building door, door frame, door vestibule, or door entryway area; and (B)
30 provides public or membership access to the licensed premises. “Exterior door opening” shall not

1 apply to openings for emergency exit doors required by building or safety codes, loading doors or
2 unloading doors that are not available for public or membership access in the ordinary course of
3 business.

4 Section 21. That Section 27.51.050 of the Lincoln Municipal Code be amended to
5 read as follows:

6 **27.51.050 Permitted Special Uses.**

7 A building or premises may be used for the following purposes in the I-3 Employment
8 Center District if a special permit for such use has been obtained in conformance with the
9 requirements of this chapter and Chapter 27.63:

10 (a) Broadcast tower;

11 (b) Sale of alcoholic beverages for consumption on the premises, provided the locational
12 requirements of Section 27.63.680 have been met;

13 (c) Sale of alcoholic beverages for consumption off the premises, provided the locational
14 requirements of Section 27.63.685 have been met;

15 (d) Early childhood care facilities;

16 (e) Public elementary and high schools or private schools having a curriculum equivalent
17 to a public elementary or public high school;

18 (f) Sexually oriented live entertainment establishments;

19 (g) Sale of alcoholic beverages for consumption on the premises of any premises that
20 does not meet the requirements for the sale of alcoholic beverages for consumption on the premises
21 of a restaurant as a permitted conditional use.

22 Section 22. That Section 27.63.680 of the Lincoln Municipal Code be amended to
23 read as follows:

24 **27.63.680 Permitted Special Use: Sale of Alcoholic Beverages for Consumption**
25 **On the Premises.**

26 Alcoholic beverages may be sold for consumption on the premises of any premises that does
27 not meet the requirements as a conditional permitted use for the sale of alcoholic beverages for
28 consumption on the premises of a restaurant in the B-1, B-3, H-1, H-2, H-3, H-4, I-1, I-2, and I-3
29 zoning districts and on the premises of a restaurant in the O-3 district upon the approval of a special
30 permit. Alcoholic beverages may also be sold for consumption on the premises as an accessory use
31 to a golf course or country club as part of a separate special permit under Section 27.63.130

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

5 (a) Parking shall be in conformance with Chapter 27.67.

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

8 (c) The designated area specified in a license issued under the Nebraska Liquor Control
9 Act of any building approved for such activity must be located no closer than 100 feet from a day
10 care facility, park, church, state mental health institution, or a residential district (except where such
11 use is accessory to a golf course or country club).

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

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

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

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

24 (h) Vehicular ingress and egress to and from the property shall be designed to avoid, to
25 the fullest extent possible, disruption of any residential district. Particular attention shall be given
26 to avoiding designs that encourage use of residential streets for access to the site instead of major
27 streets.

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

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

3 (1) Revocation or cancellation of the liquor license for the specially permitted
4 premises;

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

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

9 Notwithstanding the above, no special permit or amendment thereto shall be required for
10 interior expansions of existing licensed liquor premises.

11 Section 23. That Section 27.67.040 of the Lincoln Municipal Code be amended to
12 read as follows:

13 **27.67.040 Parking Requirements; Special Conditions.**

14 An alphabetical list of uses with special parking requirements for this title are set out in
15 Figure 27.67.040 at the end of this chapter. The following special parking requirements shall apply
16 to the listed uses in place of the general parking requirements found in Section 27.67.020:

17 (a) Fraternity, sorority, and rooming and boarding houses:

18 (1) In the R-6 District:

19 (i) Fraternities: One space/400 sq. ft. livable floor area, within 600 feet of the
20 building;

21 (ii) Sorority, rooming or boarding house: One space/700 sq. ft. livable floor
22 area within 600 feet of the building.

23 (2) In the R-7 and R-8 Districts:

24 (i) Fraternities: One space/700 sq. ft. livable floor area, within 1,200 feet of
25 the building.

26 (ii) Sorority, rooming or boarding house: One space/1,100 sq. ft. livable floor
27 area within 1,200 feet of the building.

28 (b) Group homes: One space per three client or employee residents, plus two spaces per
29 three nonresident employees on the largest shift; provided, however, that no spaces shall be required
30 for client residents who will not possess motor vehicle operator's licenses. Appropriate documenta-

1 tion from the group home licensing agency shall be provided evidencing the non-possession of
2 motor vehicle operator's licenses by clients.

3 (c) Adult care centers: One space/ employee on the largest shift, plus off-street
4 loading/unloading area for one automobile per ten care receivers. Joint parking with another use is
5 acceptable if the adult care center and the other use have nonconcurrent parking demands.

6 (d) Nursing homes: One space/3 beds.

7 (e) Elderly or retirement housing: One space/dwelling unit.

8 (f) Mini-warehouses:

9 (1) Two spaces for manager's quarters;

10 (2) One space for every 200 storage cubicles to be located at the project office for
11 the use of clients; provided access lanes and roads to the storage area are twenty feet in width to
12 allow vehicles to unload and pass. If access lanes and roads are less than twenty feet in width,
13 parking at a rate of one space per ten storage cubicles shall be provided equally throughout the
14 storage area.

15 (g) Doctors' and dentists' offices: One space/225 sq. ft. of floor area.

16 (h) Drive-in restaurants: One space/40 sq. ft. of floor area.

17 (i) Bowling alleys: 4 spaces/lane (plus required parking for affiliated uses.)

18 (j) Auditoriums, theaters, grandstands, stadia, amphitheaters, and other places of public
19 assembly: One space/50 sq. ft. of seating area plus parking for affiliated uses within 300 ft. of the
20 main use.

21 (k) Recreational uses:

22 (1) Racquetball and other court games: Four spaces/court (plus required spaces for
23 affiliated uses);

24 (2) Swimming pools: One space/100 sq. ft. of water surface (plus parking for
25 affiliated uses) as determined by the city;

26 (3) Golf courses: Two spaces/hole of course, plus parking for affiliated uses.

27 (l) Hospitals: One space/2.5 beds, plus one space/employee on the largest shift.

28 (m) Churches, chapels, public schools, private schools having a curriculum equivalent
29 to a public elementary or public high school, and private business or commercial schools: One
30 space/50 sq. ft. in largest assembly hall as determined by the City.

1 (n) Gymnastic, karate, judo, dance, music, and other similar academies: One space for
2 every three students allowed per class session plus one space for every employee. In those instances
3 where two sessions of classes occur one after another, without at least one-half hour separation
4 between sessions, the maximum number of students allowed at both sessions shall be combined in
5 determining the amount of required parking per class session.

6 (o) Housing for the physically handicapped: (see also Section 27.63.215) One space/
7 dwelling unit.

8 (p) Domestic shelters: One space for every four residents based on the maximum
9 occupancy allowed by the lot area and two spaces for every three employees on the largest shift.

10 (q) Scrap processing operation or salvage yard: Six spaces, two spaces/acre of lot area
11 or one space/1,000 square feet of floor area, whichever is greater.

12 (r) Dwellings for members of a religious order: one space for every three residents.

13 (s) Warehouses:

14 (1) Warehouses with a floor area of 50,000 square feet or less: one space per every
15 1,000 square feet of floor area or a minimum of one space per employee on the largest shift. The
16 floor area shall be calculated based on the total floor area of all structures on the lot.

17 (2) Warehouses with a floor area of more than 50,000 square feet: one space per
18 every 1,000 square feet of floor area for the first 50,000 square feet of floor area and one additional
19 space per 2,000 square feet of floor area in excess of 50,000 square feet, or a minimum of one space
20 per employee on the largest shift. The floor area shall be calculated based on the total floor area of
21 all structures on the lot.

22 (3) If the number of spaces required by the building ratio is greater than required by
23 the employee ratio in (1) or (2) above, the additional parking spaces need not be provided physically,
24 but sufficient areas shall be reserved for to accommodate construction of the additional spaces. If
25 the Building Official finds at any time that the character of the use of the warehouse is such as to
26 require the full provision of parking facilities to be constructed, the Building Official shall report
27 this fact to the City Council which may, after holding a hearing of which the owner shall be notified,
28 require such additional parking to be installed.

29 (t) Hotels and motels: one space per room and one space per 100 square feet of
30 accessory uses.

1 (u) ~~Restaurants and Social Halls~~, bars, coffee houses, and similar uses in all districts
2 except B-3 and B-4; restaurants serving alcohol in B-3; and social halls: one space per 100 square
3 feet.

4 (v) Dwellings for caretakers employed and residing on the premises: one space per
5 dwelling unit.

6 (w) Early childhood care facilities: One space/ employee on the largest shift, plus off-
7 street loading/unloading area for one automobile per ten care receivers. Joint parking with another
8 use is acceptable if the early childhood care facility and the other use have nonconcurrent parking
9 demands.

10 (x) Domiciliary Care Facilities: One space for every four residents based on the
11 maximum occupancy allowed by the lot area and two spaces for every three employees on the
12 largest shift.

13 (y) Sale of alcoholic beverages for consumption on the premises: Provide on site one
14 space per 100 square feet of gross floor area.

15 (z) Greenhouses located in the AG or AGR zoning districts: One parking space shall be
16 provided for each employee on the maximum shift.

17 (aa) Heritage Centers located in the AG zoning district: One space shall be provided for
18 every 200 square feet of floor area devoted to permanent retail and service use. In addition, an
19 overflow parking area shall be provided with three stalls for every acre included within the special
20 permit area.

21 (bb) Community Halls located in the AG zoning district: There shall be adequate parking
22 for vehicles compatible with the number of people using the facility.

23 (cc) Off-street Freight Loading Requirements. At the time of construction, alteration, or
24 enlargement of any commercial or industrial building having a floor area of 10,000 square feet or
25 more, and containing a use or uses which requires off-street freight loading, off-street freight loading
26 areas shall be provided on the premises to serve the use and maintained as follows:

27 (1) Six hundred square feet for the first 10,000 square feet of floor area;

28 (2) An additional 600 square feet for each additional 20,000 square feet of floor area.

29 (dd) Joint Parking. Uses that have nonconcurrent parking demand may join their parking
30 facilities so as to reduce aggregate parking requirements as follows:

1 (1) B-5 District. The uses shall be located in the B-5 District and may include
2 adjacent churches or chapels located outside the B-5 District. Uses that have nonconcurrent parking
3 demand may join their parking facilities; however, the use having the largest floor area shall provide
4 4.5 parking spaces for every 1,000 square feet of floor area, and all other uses included in the joint
5 parking arrangement shall provide two parking spaces per 1,000 square feet of their floor area;
6 provided, however, that the number of additional spaces that would be required in the absence of
7 this paragraph need not be provided physically, but sufficient land shall be reserved in the event that
8 future uses may not have nonconcurrent parking demand. For the purpose of determining the
9 adequacy of the joint parking arrangement, all such joint parking use shall be authorized by a written
10 agreement between the city and all parties to such use.

11 (2) O-3, B-1, B-2, B-3, B-4, H-2, H-3, and H-4 Zoning Districts. The uses shall be
12 located in the following zoning districts: O-3, B-1, B-2, B-3, B-4, H-2, H-3, and H-4, and may
13 include uses in adjacent O-2 districts and adjacent churches and chapels outside the above districts.
14 The aggregate parking requirement shall be computed on the basis of providing the parking required
15 for that use or those uses having concurrent parking demand that have the largest parking demands
16 as determined by the parking matrix (Section 27.67.020) and any additional conditions in this
17 chapter; provided, however, that the number of additional spaces that would be required in the
18 absence of this paragraph need not be provided physically, but sufficient land shall be reserved in
19 the event that future uses may not have nonconcurrent parking demand. For the purpose of
20 determining the adequacy of the joint parking arrangement, all such joint parking use shall be
21 authorized by a written agreement between the city and all parties to such use.

22 (3) O-1 District. The uses shall be located in the O-1 District and may include
23 adjacent churches or chapels located outside the O-1 District. Uses that have nonconcurrent parking
24 demand may join their parking facilities. The aggregate parking requirement shall be computed on
25 the basis of providing the parking required for that use or those uses having concurrent parking
26 demands that have the largest parking demands as determined by the parking matrix and any
27 additional conditions in this chapter; provided, however, that the number of additional spaces that
28 would be required in the absence of this paragraph need not be provided physically, but sufficient
29 land shall be reserved in the event the future uses may not have nonconcurrent parking demand. For

1 the purpose of determining the adequacy of the joint parking arrangement, all such joint parking use
2 shall be authorized by a written agreement between the city and all parties to such use.

3 Section 24. That Figure 27.67.040 of the Lincoln Municipal Code be amended to
4 read as follows:

5 **Figure 27.67.040**
6 **Uses with Special Parking Requirements**

7 The following uses have special parking requirements that shall apply in place of the general parking
8 requirements found in Section 27.67.020:

9 Academies 27.67.040(n)
10 Adult care centers 27.67.040(c)
11 Amphitheaters 27.67.040(j)
12 Auditoriums 27.67.040(j)
13 Boarding houses 27.67.040(a)
14 Bowling alleys 27.67.040(i)
15 Chapels 27.67.040(m)
16 Churches 27.67.040(m)
17 Community Halls (located in the AG zoning district) 27.67.040(bb)
18 Court games 27.67.040(k)(1)
19 Dance academies 27.67.040(n)
20 Dentists' offices 27.67.040(g)
21 Doctors' offices 27.67.040(g)
22 Domestic shelters 27.67.040(p)
23 Domiciliary Care Facilities 27.67.040(x)
24 Drive-in restaurants 27.67.040(h)
25 Dwellings for members of a religious order 27.67.040(r)
26 Dwellings for caretakers employed and residing on premises 27.67.040(v)
27 Early childhood care facilities 27.67.040(w)
28 Elderly housing 27.67.040(e)
29 Fraternities 27.67.040(a)
30 Grandstands 27.67.040(j)
31 Greenhouses (located in the AG or AGR zoning districts) 27.67.040(z)
32 Group homes 27.67.040(b)
33 Golf courses 27.67.040(k)(3)
34 Gymnastic academies 27.67.040(n)
35 Heritage Centers (located in the AG zoning district) 27.67.040(aa)
36 Hospitals 27.67.040(l)
37 Hotels 27.67.040(t)
38 Housing for the physically handicapped 27.67.040(o)
39 Judo academies 27.67.040(n)
40 Karate academies 27.67.040(n)
41 Mini-warehouses 27.67.040(f)
42 Motels 27.67.040(t)
43 Music academies 27.67.040(n)
44 Nursing homes 27.67.040(d)
45 Places of public assembly 27.67.040(j)
46 Private business or commercial schools 27.67.040(m)
47 Private schools having a curriculum equivalent to a public school 27.67.040(m)
48 Public schools 27.67.040(m)
49 Racquetball facilities 27.67.040(k)(1)

1 Recreational uses 27.67.040(k)

2 Restaurants, bars, coffee houses, and

3 similar uses (also see Drive-in restaurants) 27.67.040(u)

4 Retirement housing 27.67.040(e)

5 Rooming houses 27.67.040(a)

6 Salvage yards 27.67.040(q)

7 Sale of alcoholic beverages for consumption on the premises 27.67.040(y)

8 Scrap processing operations 27.67.040(q)

9 Social halls 27.67.040(u)

10 Sororities 27.67.040(a)

11 Stadia 27.67.040(j)

12 Swimming pools 27.67.040(k)(2)

13 Theaters 27.67.040(j)

14 Warehouses 27.67.040(s)

15 Section 25. That Sections 27.27.025, 27.27.030, 27.29.030, 27.29.040, 27.33.030,

16 27.33.040, 27.39.030, 27.41.030, 27.41.040, 27.43.030, 27.43.040, 27.45.025, 27.45.030, 27.47.030,

17 27.49.030, 27.49.040, 27.51.040, 27.51.050, 27.63.680, 27.67.040 and Figure 27.67.040 of the

18 Lincoln Municipal Code as hitherto existing be and the same are hereby repealed.

19 Section 26. Pursuant to Article VII, Section 7 of the City Charter, this ordinance

20 shall be posted on the official bulletin board of the City in lieu of and in place of newspaper

21 publication with notice of passage and such posting to be given by publication one time in the

22 official newspaper by the City Clerk. This ordinance shall take effect and be in force from and after

23 its passage and publication as herein and in the City Charter provided.

Introduced by:

Approved as to Form & Legality:

City Attorney

<p>Approved this ___ day of _____, 2007:</p> <p>_____</p> <p>Mayor</p>
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