

ORDINANCE NO. \_\_\_\_\_

1 AN ORDINANCE amending Section 27.63.685 of the Lincoln Municipal Code to  
2 allow the City Council to waive the 100-foot separation requirement set forth in subsection  
3 27.63.685(c) under specified conditions; and repealing Section 27.63.685 of the Lincoln Municipal  
4 Code as hitherto existing.

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

6 Section 1. That Section 27.63.685 of the Lincoln Municipal Code be amended to  
7 read as follows:

8 **27.63.685 Permitted Special Use: Sale of Alcoholic Beverages for Consumption**  
9 **Off the Premises.**

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

14 (a) Parking shall be in conformance with Chapter 27.67 of the Lincoln Municipal Code.

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

17 (c) The licensed premises of any building approved for such activity must be located no  
18 closer than (i) 100 feet from the property line of a premises used in whole or in part for a first-floor  
19 residential use, day care facility, park, church, or state mental health institution, or (ii) 100 feet from  
20 a residential district.

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

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

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

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

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

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

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

9 (1) Revocation or cancellation of the liquor license for the specially permitted  
10 premises; or

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

12 (k) The City Council may waive the 100-foot separation requirement set forth in  
13 subsection (c) above if the Council finds that the following three conditions have been met:

14 (1) There is either:

15 (i) A significant vertical grade separation between the property upon  
16 which the licensed premises is located and the applicable day care  
17 facility, park, church, state mental health institution, or residential  
18 district which would effectively serve the same purpose of mitigating  
19 any adverse impact upon such use or district as the 100-foot hori-  
20 zontal separation requirement; or

21 (ii) The licensed premises is within 100 feet of a park and the portion of  
22 the park lying within 100 feet of the licensed premises is:

23 A. Used primarily as a roadway or parking lot; or

24 B. A landscaped area not intended for active play, does not include  
25 any playground equipment, and will be separated from the  
26 property upon which the licensed premises is located by a solid  
27 fence at least six feet in height which effectively serves the same

