

Change of Zone No. 3382

ORDINANCE NO. _____

1 AN ORDINANCE amending Section 27.63.130 of the Lincoln Municipal Code
 2 relating to permitted special uses for recreational facilities and Section 27.63.680 of the
 3 Lincoln Municipal Code relating to the sale of alcoholic beverages for consumption on the
 4 premises as a special permit use to allow the sale of alcohol for consumption on the premises
 5 at golf courses and country clubs as an allowed accessory use by special permit; and repealing
 6 Sections 27.63.130 and 27.63.680 of the Lincoln Municipal Code as hitherto existing.

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

8 Section 1. That Section 27.63.130 of the Lincoln Municipal Code be amended
 9 to read as follows:

10 **27.63.130 Permitted Special Use: Recreational Facilities.**

11 Recreational facilities may be allowed by special permit in the AG, AGR, R-1, R-2, R-3,
 12 R-4, R-5, R-6, R-7, R-8, O-1, O-3, B-1, B-2, and B-3 zoning districts, in conformance with the
 13 following conditions:

14 (a) The application for such special permit shall provide the following information:

15 (1) A statement describing all proposed accessory uses and accessory
 16 buildings to be included as part of the recreational facility.

17 (2) A site plan showing the location, height, and use of all structures on the
 18 parcel.

1 (b) Yard requirements in excess of those required in the district may be imposed.
2 In the AG district, the City Council may decrease the yard requirements with consideration
3 given to both the recreational facilities and the adjacent environment.

4 (c) Parking shall be in conformance with Chapter 27.67; additional parking require-
5 ments may be imposed; no parking shall be permitted in any required yard. The application
6 shall include the applicant's estimate of parking needed for the proposed facility.

7 (d) Outdoor lighting of the recreational facility may be permitted in conformance
8 with the requirements for lighting of parking lots in Chapter 27.67 and any standards adopted
9 by resolution of the City Council.

10 (e) All buildings, including accessory buildings, shall be located so that they will
11 not adversely affect any existing or reasonably anticipated future uses in the surrounding area.

12 (f) The City Council may authorize temporary structures which exceed the
13 maximum height requirements of the district in which they are located upon a finding by the
14 City Council that there is sufficient justification for such an adjustment and that there will be
15 no significant adverse affect on existing or reasonably anticipated future uses in the
16 surrounding area.

17 (g) As part of the special permit for a recreational facility for a golf course or country
18 club, the City Council may permit the sale of alcoholic beverages for consumption on the
19 premises as an accessory use to the golf course or country club, provided the applicable
20 locational requirements of Section 27.63.680 have been met or waived by the City Council.

21 Section 2. That Section 27.63.680 of the Lincoln Municipal Code be amended
22 to read as follows:

1 **27.63.680 Permitted Special Use: Sale of Alcoholic Beverages for Consumption On the**
2 **Premises.**

3 Alcoholic beverages may be sold for consumption on the premises in the B-1, B-3, H-1,
4 H-2, H-3, H-4, I-1, I-2, and I-3 zoning districts upon the approval of a special permit.
5 Alcoholic beverages may also be sold for consumption on the premises as an accessory use
6 to a golf course or country club as part of a separate special permit under Section 27.63.130
7 approving the golf course or country club in any district where recreational facilities are
8 allowed as a permitted use, permitted conditional use, or permitted special use. A special
9 permit for such use may be granted subject to the requirements of the respective districts, all
10 applicable ordinances, and, unless waived by the City Council, the following conditions:

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

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

15 (c) The ~~licensed premises~~ designated area specified in a license issued under the
16 Nebraska Liquor Control Act of any building approved for such activity must be located no
17 closer than 100 feet from a day care facility, a residential district (except where such use is
18 accessory to a golf course or country club) or residential use, or, if a lesser distance, must
19 mitigate any adverse effects of the reduction in distance through landscaping, screening, or
20 other methods approved by the Planning Director.

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

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

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

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

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

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

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

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

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

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

7 Planning Commission review and City Council authorization is required for this use;
8 provided, however, that no special permit or amendment thereto shall be required for interior
9 expansions of existing licensed liquor premises.

10 Section 3. That Sections 27.63.130 and 27.63.680 of the Lincoln Municipal
11 Code as hitherto existing be and the same are hereby repealed.

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

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ___ day of _____, 2002:

Mayor