

# LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for April 27, 2005 PLANNING COMMISSION MEETING

**P.A.S.:** County Change of Zone #05027 - Conditional Use, Amusement License

**PROPOSAL:** Text amendment to include approved amusement license uses as an approved conditional use in the AG Agricultural District. Amending the following section:

County Zoning, Article 4, AG Agricultural District  
4.005 Permitted Conditional Uses - add k) re: amusement license

**CONCLUSION:** This amendment will recognize in the zoning resolution the County Boards authority to grant amusement licenses.

**RECOMMENDATION:**

Approval of attached text

**HISTORY:** The Building and Safety Department has indicated to the County Board that some uses approved under the amusement license may be in conflict with the zoning.

**ANALYSIS:**

1. The proposed zoning text would add approved amusement licenses as an approved conditional use in the AG district.
2. This change was initiated by a request from the County Board after comments from Building and Safety, Planning and the County Attorney office.
3. "Amusement Licenses" have been reviewed and acted on by the County Board for many years using an old "road house" statute. Uses have included such activities as special events and music events on farm land such as Godfest and Countryfest.
4. After the request for such events as motocross racing, the Building and Safety Department indicated it would be clearer if such uses were addressed in the zoning code. The County Attorney agreed that even though these uses/events could reasonably be construed as secondary and incidental accessory uses, it would be clearer and more defensible to address them in the zoning resolution.

**Proposed Language:**

**ARTICLE 4 "AG" AGRICULTURAL DISTRICT  
4.005 Permitted Conditional Uses**

k) Any use that the Lancaster County Board of Commissioners has approved by granting an amusement license for such use. Said conditional use is permitted on a premises for no more than one event per calendar year.

Prepared by:

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Mike DeKalb, AICP, 441-6370, [mdekalb@ci.lincoln.ne.us](mailto:mdekalb@ci.lincoln.ne.us)  
Planner  
April 12, 2005

**APPLICANT:** Lancaster County Board of Commissioners  
555 South 10<sup>th</sup> Street  
Lincoln, NE 68508  
(402) 441 - 7447

**CONTACT:** Mike DeKalb  
Lincoln/Lancaster County Planning Department  
555 South 10<sup>th</sup> Street  
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441-6370

# LANCASTER COUNTY BOARD OF COMMISSIONERS

## COUNTY-CITY BUILDING

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March 21, 2005

## COMMISSIONERS

Bernie Heier  
Larry Hudkins  
Deb Schorr  
Ray Stevens  
Bob Workman  
*Chief Administrative Officer*  
Kerry P. Eagan  
*Deputy Chief Administrative Officer*  
Gwen Thorpe

Marvin Krout, Director  
Lincoln-Lancaster County Planning Department  
555 South 10<sup>th</sup> Street  
Lincoln, NE 68508

RE: Text Amendment to the County Zoning Regulations (Amusement Licenses)

Dear Marvin:

The Lancaster County Board of Commissioners hereby requests you initiate the process to amend Article 4, Section 4.005 (permitted conditional uses) of the Lancaster County Zoning Regulations to include the following language:

- (K) Any use that has been approved by the Lancaster County Board of Commissioners upon an affirmative vote of an applicant for an amusement license. Said conditional use is permitted on a premises for no more than one event per calendar year.

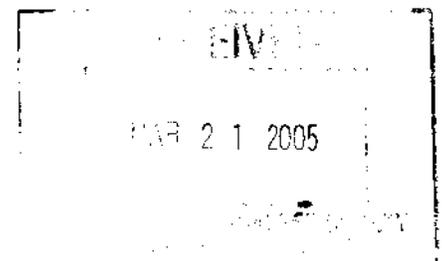
As always your assistance is greatly appreciated. If you have any questions regarding this request please contact me.

Sincerely,



Kerry P. Eagan  
Chief Administrative Officer

cc: County Board  
Mike DeKalb, Planning Department  
Mike Thew, Chief Deputy County Attorney  
Kristy Mundt, Deputy County Attorney  
Mike Merwick, Building and Safety Department Director  
Trish Owen, Chief Deputy County Clerk





**Kristy R Mundt**

03/21/2005 11:26 AM

To: Michael V Dekalb/Notes@Notes, Marvin S Krout/Notes@Notes  
cc: Kerry P Eagan/Notes@Notes  
Subject: Text Amendment (Amusement License)

Marvin and Mike,

It appears there was a typo in the letter sent to Marvin on March 21, 2005 from Kerry. The word "applicant" should have been "application." Our office is proposing the following alternative language to clarify the first sentence:

"Any use that the Lancaster County Board of Commissioners has approved by granting an amusement license for such use. Said conditional use...."

Please let me know if we need to work on this language further or if acceptable to your office.

Thanks for your time,

Kristy Mundt  
Deputy County Attorney