

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

1 AN ORDINANCE amending Section 27.63.680 of the Lincoln Municipal Code  
2 relating to sale of alcoholic beverages for consumption on the premises by special permit to allow  
3 such sales 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  
4 districts subject to approval of a special permit and providing conditions therefor; and repealing  
5 Section 27.63.680 of the Lincoln Municipal Code as hitherto existing.

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

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

9 **27.63.680 Permitted Special Use: Sale of Alcoholic Beverages for Consumption On the**  
10 **Premises.**

11 (a) The sale of Aalcoholic beverages ~~may be sold~~ for consumption on the premises may  
12 be allowed in the B-1, B-3, H-1, H-2, H-3, H-4, I-1, I-2, and I-3 zoning districts and on the premises  
13 of a restaurant in the O-3 district upon the approval of a special permit. ~~Alcoholic beverages may~~  
14 ~~also be sold for consumption on the premises as an accessory use to a golf course or country club~~  
15 ~~as part of a separate special permit under Section 27.63.130 approving the golf course or country~~  
16 ~~club in any district where recreational facilities are allowed as a permitted use, permitted conditional~~  
17 ~~use, or permitted special use. A special permit for such use may be granted subject to the~~  
18 requirements of the respective districts, all applicable ordinances, and the following conditions:

19 (a) (1) Parking shall be in conformance with Chapter 27.67.

20 (b) (2) The sale of alcoholic beverages for consumption off the premises shall not  
21 be permitted without issuance of a separate special permit under Section 27.63.685 of this code.

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

5           (⇧) (4) Any lighting on the property shall be designed and erected in accordance with  
6 all applicable lighting regulations and requirements.

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

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

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

17           (⇧) (8) Vehicular ingress and egress to and from the property shall be designed to  
18 avoid, to the fullest extent possible, disruption of any residential district. Particular attention shall  
19 be given to avoiding designs that encourage use of residential streets for access to the site instead  
20 of major streets.

21           (⇧) (9) All other regulatory requirements for liquor sale shall apply, including  
22 licensing by the state.

23           **(b)** In addition, a special permit may be granted to allow alcoholic beverages to be sold  
24 for 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  
25 I-3 districts subject to the requirements of the respective districts, all applicable ordinances, and the  
26 following conditions:

1           (1)    The restaurant shall be located at least 25 feet away from a residential zoning  
2 district.

3           (2)    Gross sales from the sale of alcoholic beverages shall not exceed forty percent  
4 (40%) of the gross sales of food and beverages. Upon request of the City, the license  
5 holder/operator shall provide sales receipts for the past six (6) months for the purpose of  
6 demonstrating that no more than 40% of the restaurant's gross sales are derived from the sale of  
7 alcohol

8           (3)    The restaurant shall serve full-course meals as defined by *Neb. Rev. Stat.*  
9 § 53-123.04(c)(3) during the hours of operation.

10          (4)    Hours of outdoor operation must not commence prior to 8:00 a.m. and shall  
11 end no later than 11:00 p.m.

12          (5)    The restaurant shall not have any gaming devices or self-serve vending.  
13 Gaming devices include pool tables, dart boards, keno. Self-serve vending includes candy machines  
14 and drink machines that use electricity.

15          (6)    No drive-through windows shall be allowed.

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

18                For the purposes of this subsection (b), restaurant shall mean any place (i) which is kept,  
19 used, maintained, advertised, and held out to the public as a place where meals are served and where  
20 meals are actually and regularly served; (ii) which has no sleeping area; and (iii) which has  
21 adequate and sanitary kitchen and dining room equipment and capacity and a sufficient number and  
22 kind of employees to prepare, cook, and serve suitable food for its guests.

23          (c)    Alcoholic beverages may also be sold for consumption on the premises as an  
24 accessory use to a golf course or country club as part of a separate special permit under Section  
25 27.63.130 approving the golf course or country club in any district where recreational facilities are  
26 allowed as a permitted use, permitted conditional use, or permitted special use.

1            Ⓢ (d) 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 2. That Section 27.63.680 of the Lincoln Municipal Code as hitherto existing  
12 be and the same is hereby repealed.

13                    Section 3. That this ordinance shall take effect and be in force from and after its  
14 passage and publication according to law.

Introduced by:  
  
\_\_\_\_\_

Approved as to Form & Legality:  
  
\_\_\_\_\_  
City Attorney

Approved this \_\_\_ day of \_\_\_\_\_, 2008:  
  
\_\_\_\_\_  
Mayor