05- Introduce:

ORDINANCE NO. _____

AN ORDINANCE amending Title 27 of the Lincoln Municipal Code relating to Zoning by amending Section 27.37.020 to add indoor movie theaters as a permitted use in the B-5 Planned Regional Business District on or after January 1, 2013; by amending Section 27.37.030 to add indoor movie theaters as a special permitted use in the B-5 district through December 31, 2012; by amending Section 27.63.630 to clarify that on or after January 1, 2013, pre-existing indoor movie theaters approved by special permit in the B-5 district shall automatically be converted to indoor movie theaters as a permitted use in the B-5 district and that thereafter there shall be no restriction on the maximum number of theater complexes in each B-5 district and no restriction on the maximum number of movie screens in each theater complex; and repealing Sections 27.37.020, 27.37.030, and 27.63.630 of the Lincoln Municipal Code as hitherto existing.

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

Section 1. That Section 27.37.020 of the Lincoln Municipal Code be amended to read as follows:

27.37.020 Use Regulations.

(a) General regulations. Any development, including building and open land uses, except farming and the sale of farm produce, shall be prohibited in the B-5 Planned Regional Business District prior to the approval of a use permit in conformance with the requirements of this chapter. B-5 Planned Regional Business District zoning shall not be permitted or granted upon any property having a total area of less than thirty acres.

(b) Permitted uses. A building or premises may be used only for the following purposes in the B-5 Planned Regional Business District:

(1) Stores or shops for the sale of goods at retail, and shops providing service for such goods;

(2) Business offices;

(3) Personal and professional services;

(4) Places of public assembly, entertainment, or recreation, except indoor movie theaters (through December 31, 2012);

(5) Hotels or motels;

(6) Banks and savings and loan associations, credit unions, and finance companies;

(7) Private schools, including but not limited to business or commercial schools, dance or music academies, and nursery schools;

(8) Restaurants;

(9) Service stations, and automobile washing services;

(10) Automobile sales establishments;

(11) Residential uses;

(12) Public or nonprofit community services;

(13) Dry cleaning or laundry establishment; provided, the floor area does not exceed 2,000 square feet, exclusive of office and "pickup space";

(14) Enclosed commercial recreational facilities;

(15) Tailor shops, shoe repair shops, upholstery shops, printing and photocopying shops, or other, similar business establishments;

(16) Indoor movie theaters (on or after January 1, 2013).

Section 2. That Section 27.37.030 of the Lincoln Municipal Code be amended to read as follows:

27.37.030 Permitted Special Uses.

A building or premises may be used for the following purposes in the B-5 Planned Regional Business District if a special permit for such use has been obtained in conformance with the requirements of this chapter and Chapter 27.63:

(a) Historic preservation;

(b) Public utility purposes;

(c) Wind energy conversion systems;

(d) Indoor movie ~~T~~theaters (through December 31, 2012);

(e) Broadcast towers.

Section 3. That Section 27.63.630 of the Lincoln Municipal Code be amended to read as follows:

27.63.630 Permitted Special Use: Indoor Movie Theaters.

Indoor movie ~~T~~theaters may be allowed in the B-5 District by special permit under the following conditions:

(a) A use permit for 400,000 square feet or more of commercial floor area has been issued;

(b) A Certificate of Occupancy has been issued for 300,000 square feet or more of commercial floor area; provided, however, that the City Council may decrease or waive this requirement upon a finding that the proposed theaters will have no significant adverse impact upon the property values and existing uses in the B-4 Lincoln Center Business District, with particular emphasis upon the effect of such proposed theaters on the entertainment and cultural uses in the B-4 Lincoln Center Business District; and

(c) Not more than one theater complex shall be allowed for each B-5 District, consisting of not more than six movie screens. On or after January 1, 2013, pre-existing indoor movie theaters approved by special permit shall be automatically converted to indoor movie theaters as a permitted use in the B-5 district and thereafter there shall be no restriction on the maximum number of theater complexes in each B-5 district and no restriction on the maximum number of movie screens in each theater complex.

Section 4. That Sections 27.37.020, 27.37.030, and 27.63.630 of the Lincoln Municipal Code as hitherto existing be and the same are hereby repealed.

Section 5. That this ordinance shall take effect and be in force from and after its passage and publication according to law.

Introduced by:

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Approved as to Form & Legality:

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