

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF LANCASTER COUNTY, NEBRASKA

COUNTY TEXT AMENDMENT NO.)	
23010: TEXT AMENDMENT TO THE)	
LANCASTER COUNTY ZONING)	RESOLUTION NO. R-23-0059
RESOLUTION, ARTICLES 2, 4, AND)	
13, AS PROVIDED IN EXHIBIT A)	

WHEREAS, pursuant to Neb. Rev. Stat. § 23-114, the Lancaster County Board of Commissioners (“Board”) is authorized to make amendments to the 1979 Zoning Resolution of Lancaster County which are consistent with the County’s Comprehensive Plan and after receipt of specific recommendations from the Lincoln/Lancaster County Planning Commission (“Planning Commission”);

WHEREAS, Ballard Family LLC has requested a text amendment to the Lancaster County Zoning Resolution, Articles 2, 4, and 13, as provided in Exhibit “A,” attached hereto and incorporated by this reference, which revises Article 2 Definitions to add definitions for distillery, microdistillery, and spirits; Article 4 “AG” Agricultural District to allow a microdistillery as an accessory use to a farm winery; and Article 13 Special Permit to allow a Farm Winery Social Hall as a special permit;

WHEREAS, the Lincoln-Lancaster County Planning Department (“Planning Department”) has recommended approval of this amendment, concluding that Text Amendment No. 23010 is compatible with the Comprehensive Plan goals of encouraging the retention and expansion of existing businesses, promoting and fostering appropriate, balanced, and focused future economic growth that maintains the quality of life of the community, and supporting

agriculture as the primary driver of the rural economy but recognizing that some compatible land uses are also appropriate for these areas;

WHEREAS, on August 9, 2023, the Planning Commission voted 7-0 to recommend approval of said text amendment;

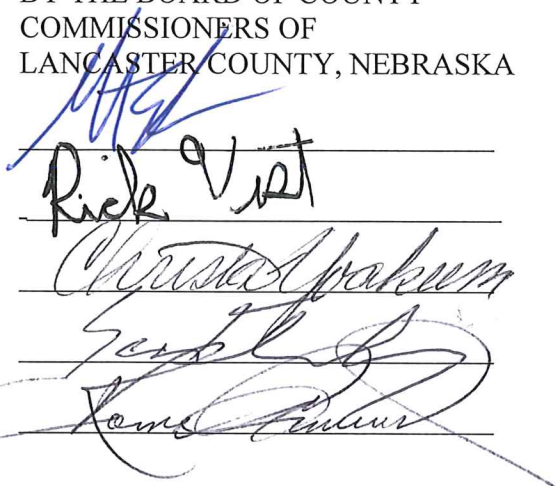
WHEREAS, on August 29, 2023, the Board conducted a public hearing regarding said text amendment;

WHEREAS, on August 29, 2023, the Board during a public meeting voted to **approve** the proposed text amendment;

NOW, THEREFORE, BE IT RESOLVED, by the Board, that the amendments to the Lancaster County Zoning Resolution, as provided in Exhibit "A," are hereby **approved**.

DATED this 29th day of August, 2023, in the County-City Building, Lincoln, Lancaster County, Nebraska.

BY THE BOARD OF COUNTY
COMMISSIONERS OF
LANCASTER COUNTY, NEBRASKA



The image shows three handwritten signatures in blue ink, each written over a horizontal line. The first signature is 'Rick Vest'. The second signature is 'Christal Pakeman'. The third signature is 'James Palmer'.

Exhibit "A"

ARTICLE 2 DEFINITIONS

2.005 D

Distillery shall mean a facility where Spirits are distilled.

2.014 M

Microdistillery shall mean any small distillery producing a maximum of 12,500 gallons of distilled spirits per year.

2.020 S

Spirits shall mean a beverage derived by distillation of a liquid containing water and ethyl with the resulting beverage having an Alcohol By Volume (ABV) of twenty percent (20%) to ninety percent (90%). The term Spirits includes but is not limited to vodka, rum, whiskey, gin, and brandy.

4.005 Permitted Conditional Uses

h. Farm Winery:

1. A farm winery shall produce a minimum of five hundred (500) gallons of wine on site per year on average over a consecutive three (3) year period. No farm winery shall produce wine in excess of fifty thousand gallons (50,000) per year. (Resolution No. [R-20-0003](#), January 12, 2021)
2. After a farm winery has been in business for five (5) years, at least fifteen percent (15%) of the grapes, other fruit, or other suitable agricultural products used to manufacture the wine shall be grown or harvested from the farm winery itself. (Resolution No. [R-20-0003](#), January 12, 2021)
3. Wines produced at the farm winery may be sold on site at wholesale and retail and/or at off premise. (Resolution No. [R-20-0003](#), January 12, 2021)
4. Samples and/or consumption of wine produced at the farm winery is permitted. If the farm winery allows sampling and/or consumption, the farm winery may serve food prepared off site by a Health Department licensed establishment. (Resolution No. 5437, February 18, 1997) (Resolution No. [R-20-0003](#), January 12, 2021)
5. A farm winery may have retail space and sell wine related items as an accessory to wine sales. The retail space shall not exceed two thousand (2,000) square feet. (Resolution No. [R-20-0003](#), January 12, 2021)
6. Prior to beginning operations and at all times the farm winery is operating, a farm winery shall have the required liquor licenses as required by the Nebraska Liquor Control Act. ~~A farm winery shall be limited to a Class Y, YC, or YK, liquor license approved by the State of Nebraska, unless the farm winery has a microbrewery as provided herein.~~ (Resolution No. [R-20-0003](#), January 12, 2021)

7. A microbrewery is allowed on site as an accessory use to the farm winery.
 - a. Gross beer sales shall not exceed twenty-five percent (25%) of the gross wine sales. Upon request of the County, the farm winery shall provide sales receipts for the past 6 months.
 - b. Beer produced at the microbrewery may be sold on site at wholesale and retail and/or at off premise sites.
 - c. Samples and/or consumption of beer produced at the microbrewery is permitted.
 - d. A microbrewery may sell beer related items as an accessory to beer sales at the farm winery's retail space.
 - e. Prior to beginning operations and at all times the microbrewery is operating the microbrewery shall have the required liquor licenses as required by the Nebraska Liquor Control Act. ~~An accessory microbrewery shall be limited to a Class L or LK liquor license approved by the State of Nebraska.~~ (Resolution No. [R-20-0003](#), January 12, 2021)

8. A microdistillery is allowed on site as an accessory use to the farm winery.
 - a. No microdistillery shall produce spirits in excess of twelve thousand five hundred gallons (12,500) per year.
 - b. Spirits produced at the microdistillery may be sold on site at wholesale and retail and/or at off premise sites.
 - c. Samples and/or consumption of spirits produced at the microdistillery is permitted.
 - d. A microdistillery may sell spirits related items as an accessory to spirits sales at the farm winery's retail space.
 - e. Prior to beginning operations and at all times the microdistillery is operating the microdistillery shall have the required liquor licenses as required by the Nebraska Liquor Control Act.

9. An accessory farm winery social hall is only allowed by special permit per Section 13.052.

4.007 Permitted Special Uses

A building or premises may be used for the following purposes in the "AG" Agricultural District if a special permit for such use has been obtained in conformance with the requirements of [ARTICLE 13](#):

- a. Academies, Private Schools, or Post-Secondary Education Facilities; (Resolution No. [R-17-0040](#), May 30, 2017);
- b. Recreational facilities;
- c. Dwellings for members of religious orders;
- d. Broadcast Towers; (Resolution No. [R-17-0040](#), May 30, 2017; Resolution No. 3958, August 21, 1984);

- e. Campgrounds;
- f. Veterinary facilities;
- g. Excavation; (Resolution No. [R-17-0040](#), May 30, 2017);
- h. Garden centers;
- i. Facilities for the commercial storage or sale of fertilizer or toxic or flammable agricultural chemicals;
- j. Expansion of non-conforming use;
- k. Historic Preservation;
- l. Clubs; (Resolution No. [R-17-0040](#), May 30, 2017; Resolution No. 3569, March 10, 1981);
- m. Health Care Facilities, Residential; (Resolution No. [R-17-0040](#), May 30, 2017; Resolution No. 3569, March 10, 1981);
- n. Non-commercial distillation and storage of ethanol or biodiesel; (Resolution No. 3501, July 29, 1980; Resolution No. [R-23-0001](#), 01/03/2023);
- o. Mobile homes; (Resolution No. [R-17-0040](#), May 30, 2017);
- p. Heritage center; (Resolution No. 4277, April 28, 1987);
- q. Airfields, Commercial Agriculture Airfields and Heliports; (Resolution No. [R-17-0040](#), May 30, 2017; Resolution No. 5367, August 26, 1996);
- r. Storage of agricultural conservation construction equipment; (Resolution No. 5367, August 26, 1996);
- s. Race track, drag strip or motor sport facility; (Resolution No. R-07-0061, July 24, 2007);
- t. Expanded home occupations; (Resolution No. [R-09-0076](#), September 29, 2009);
- u. Commercial Wind Energy Conversion Systems/Turbines; (Resolution No. [R-11-0022](#), March 29, 2011);
- v. Market Garden; (Resolution No. [R-12-0023](#), March 20, 2012);
- w. Commercial Composting Operation (Resolution No. [R-14-0007](#), Jan. 28, 2014);
- x. Commercial feedlot, if the special permit application for a Commercial Fedlot under Section 13.035(a) is received prior to March 10, 2020 (Resolution [No. R-20-0011](#), March 10, 2020); (Resolution No. [R-17-0040](#), May 30, 2017)
- y. Community Unit Plan; (Resolution No. [R-17-0040](#), May 30, 2017);
- z. Flood Plain Construction; (Resolution No. [R-17-0040](#), May 30, 2017);
- aa. Personal Wireless Services Facility; (Resolution No. [R-17-0040](#), May 30, 2017); and
- bb. Early Childhood Care Facilities; (Resolution No. [R-18-0078](#), November 20, 2018).
- cc. Accessory Dwelling Unit. (Resolution No. [R-18-0094](#), December 18, 2018).
- dd. Large Solar Facility. (Resolution No. [R-20-0037](#), July 14, 2020)
- ee. Medium or Large Animal Feeding Operation. (Resolution [No. R-20-0011](#), March 10, 2020)
- ff. **Farm Winery Social Hall**

ARTICLE 13 SPECIAL PERMIT

13.052 Farm Winery Social Hall

In the AG Agriculture District, a special permit may be granted to allow a farm winery social hall, subject to the following conditions:

- a. The site for the farm winery social hall shall be on the same premises as a farm winery.
- b. The use of the farm winery social hall will primarily be for one-day activities. A farm winery social hall shall have a maximum of one primary event space and two secondary event spaces. The farm winery social hall may be in the same building as the winery or in a separate building. If the farm winery social hall primary event space is separate from the winery building, the winery and farm winery social hall together shall have a maximum of two secondary event spaces. The primary event space shall not be open for use more than three (3) days per week.
- c. The farm winery social hall primary event space shall not exceed a maximum of 400 persons. All secondary event spaces shall not exceed a maximum capacity of 100 persons.
- d. There shall be no amplified music outside of the farm winery social hall, except during a wedding ceremony.
- e. The site shall have access via a paved road.
- f. Parking shall be provided at a ratio of one space per one hundred (100) square feet of the building.
- g. Outdoor lighting of the farm winery social hall may be permitted with the following conditions:
 - a. No illumination source shall exceed initial output of 4050 lumens unless it is within a cutoff or full cutoff luminaire, except for luminous tube lighting such as neon, cold cathode, and fiber optic cable.
 - b. All fixtures greater than 4050 lumens shall be cutoff or full cutoff and mounted level in the horizontal and vertical axis with the central part of the beam directed vertically downward.
 - c. The installation of any mercury vapor luminaries for use as outdoor lighting is prohibited.
 - d. No more than 2.0 foot-candles are allowed. Foot-candle is measured on a vertical plane located at the property line of the adjacent property.
- h. The application shall include the following information: Type of activity, expected peak use and building capacity, anticipated time of peak activity, expected number of days, maximum capacity of primary and secondary event spaces, and expected expansion of facilities.
- i. The Planning Commission and if appealed, the County Board may not waive Condition a, c, and e.