

ORDINANCE 752

AN ORDINANCE AMENDING Sections 303, 901.04, 901.05 AND 1602 OF THE VILLAGE CODE ("ZONING REGULATIONS") ESTABLISHING REGULATION OF OUTDOOR MUSIC AS AN EXCEPTION (CONDITIONAL USE), AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CHAIRPERSON AND BOARD OF TRUSTEES OF THE VILLAGE OF WATERLOO, DOUGLAS COUNTY, NEBRASKA, AS FOLLOWS:

Section 1. That Section 303 of the Zoning Regulations is hereby amended by adding the following definition:

"Outdoor Music Entertainment" means the provision and delivery of acoustic music, whether live or electronically produced, to the outside of permanent structures on commercially-zoned property using sound systems whether such sound system is located inside or outside of such structure.

"Outdoor Music Event" means a single event undertaken within the definition of Outdoor Music Entertainment.

Section 2. That Section 901.04 of the Zoning Regulations is hereby amended by adding the use "Outdoor Music Entertainment" as an Exception permitted with conditions in the BC (Business and Commercial Zoning) District.

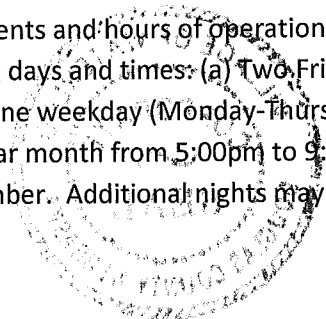
Section 3. That Section 901.05 of the Zoning Regulations by adding the following new subsection (5):

(5) Outdoor Music Entertainment Conditions.

1. **Setback.** The stage and sound amplification equipment shall not be oriented toward any residence located within three hundred feet of the property line upon which the outdoor music entertainment is to be held. Further, to the extent possible, sound amplification equipment shall be oriented so that sound is directed away from the closest residential property. For purposes of this subsection, "sound amplification equipment" means sound systems, microphones, and amplified acoustic musical instruments.

2. **Noise.** A maximum noise level shall be in accordance with the Municipal Code of the Village of Waterloo.

3. **Limitations on number of events and hours of operation.** Outdoor Music Events shall be permitted only at the following days and times: (a) Two Fridays or Saturdays per calendar month from 7:00pm to 11:00pm, (b) one weekday (Monday-Thursday) per week from 5:00pm to 9:00pm, and (c) One Sunday per calendar month from 5:00pm to 9:00pm. Outdoor Music Events shall be limited to May through September. Additional nights may be approved by the Board on a monthly basis.



4. Lighting. All light and glare shall be directed on-site to ensure surrounding properties are not adversely impacted by increases in direct or indirect ambient lighting levels.

5. Event Notification. The applicant shall provide written notice of every outdoor music event to the Zoning Administrator seventy-two (72) hours prior to such event.

6. Prior to the month in which a Outdoor Music Event occurs the property owner shall obtain a permit allowing such event from the Zoning Administrator using a form provided by the Village. The permit shall be valid only for the designated calendar month. Prior to the issuance of such permit, the owner shall pay the Village a fee of one hundred (\$100) dollars for each monthly application.

7. Revocation of Permit. In addition to the penalties provided within the Zoning regulations and upon the occasion of a third violation of the Outdoor Music Event provisions at the same location, the Village Board may by resolution revoke any existing permit, require Village Board approval of future applications, prohibit future applications or any of the preceding. The Village Board may review and amend its action by further resolution at a subsequent meeting.

Section 4. Section 1602 of the Village of Waterloo Zoning Regulations is amended to include the following language:

A violation of the Outdoor Music Event provisions shall include, in lieu of \$100, the fine of \$250 for the first offense and \$500 for the second and subsequent offenses at the same location.

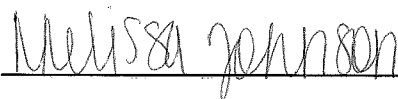
Section 5. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

Section 6. This Ordinance shall take effect and be in full force fifteen (15) days from and after the date of its passage, as required by law.

PASSED this 14 day of JULY, 2015.

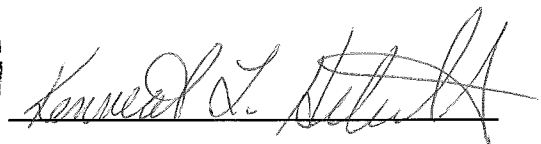
ATTEST:

Village of Waterloo



Melissa Johnson, Village Clerk





Ken Hitchler, Chairperson