

ORDINANCE NO. 2013-40

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE, CHAPTER 90, ARTICLE IV RESIDENTIAL DISTRICTS, DIVISION 3 R-2 RESIDENTIAL DISTRICT, SECTION 90-232 PERMITTED PRINCIPAL USES AND STRUCTURES; SECTION 90-234 PERMITTED CONDITIONAL USES; AND SECTION 90-238 HEIGHT AND AREA REGULATIONS; AND

DIVISION 4 R-3 RESIDENTIAL DISTRICT, SECTION 90-262 PERMITTED PRINCIPAL USES AND STRUCTURES; SECTION 90-264 PERMITTED CONDITIONAL USES; AND SECTION 90-268 HEIGHT AND AREA REGULATIONS; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE.

BE IT ORDAINED by the Mayor and City Council of the City of Wayne, Nebraska:

Section 1. That the Planning Commission held a public hearing on August 5, 2013, regarding these amendments, and have recommended approval thereof subject to the following "Findings of Fact":

- Staff's recommendation; and
- Consistency with the Comprehensive Plan and the current and future land use maps.

Section 2. That Chapter 90, Article IV Residential Districts, Division 3. R-2 Residential District, Section 90-232 Permitted Principal Uses and Structures, Section 90-234 Permitted Conditional Uses, and Section 90-238 Height and Area Regulations of the Wayne Municipal Code shall be amended as follows:

Sec. 90-232. Permitted principal uses and structures

The following shall be permitted as uses by right in an R-2 District:

1. Single-family dwellings;
2. Two-family dwellings;
3. **Townhouses**; ~~Multifamily dwellings, to a maximum of six units;~~
4. Public and private schools;
5. Public parks, buildings and grounds;
6. Community buildings owned and/or occupied by public agencies;
7. Child care homes; and
8. Manufactured homes for residential purposes, provided the home complies with all provisions of Section 90-711.

Sec. 90-234. Permitted conditional uses

A building or premises in an R-2 district may be used for the following in conformance with the prescribed conditions:

1. For a bed and breakfast guest home:
 - a. Parking as required in section 90-710.
 - b. Signs in conformance with section 90-713.
 - c. A maximum of four rooms or suites of rooms are made available for use as transient lodging.
 - d. The remainder of the dwelling shall be used and occupied full time, year-round as a residence by the host family.
2. For a domestic shelter, the maximum number of occupants shall not exceed one person per 1,000 square feet of lot area.

Sec. 90-238. Height and area regulations

The maximum height and minimum area regulations in an R-2 district shall be as follows:

1. General requirements:

Area Regulations	Dwelling, Single-Family	Dwelling, Two-Family	Townhouse	Multifamily Dwellings	Other Permitted Uses
Lot Area (in sq. feet)	7,000	3,000 per family	3,000 per unit	3,000 per unit	3,000
Lot Width (in feet)	60	30 per family	30 per unit	60	60
Required Front Yard (in feet)	25	25	25	25	25
Required Side Yard (in feet)	5	5 if party wall	5 if party wall	7	5
Required Rear Yard (in feet)	Smaller of 35' or 20% of lot	Smaller of 35' or 20% of lot	Smaller of 35' or 20% of lot	Smaller of 35' or 20% of lot	Smaller of 35' or 20% of lot
Height (in feet)	35	35	35	35	35

2. The height of all structures shall be in conformance with the airport zoning regulations.
3. On cul-de-sac and loop streets, each lot shall have not less than 40 feet of frontage.
4. Adjustments to the front yard may be made in accordance with the provisions of Section 90-709.

Section 3. That Chapter 90, Article IV Residential Districts, Division 4. R-3 Residential District, Section 90-262 Permitted Principal Uses and Structures, Section 90-264 Permitted Conditional Uses, and Section 90-268 Height and Area Regulations of the Wayne Municipal Code shall be amended as follows:

Sec. 90-262. Permitted principal uses and structures

The following shall be permitted as uses in an R-2 District:

1. Single-family dwellings;
2. Two-family dwellings;
3. **Townhouses;** ~~Multiple family dwellings~~
4. Public and private schools;
5. Public parks, buildings and grounds;
6. Child care homes;
7. Community buildings owned and/or occupied by public agencies; and
8. Manufactured homes for residential purposes, provided the home complies with all provisions of section 90-711.

Sec. 90-264. Permitted conditional uses

A building or premises in an R-3 district may be used for the following in conformance with the prescribed conditions:

1. For a bed and breakfast guest home:
 - a. Parking as required in Section 90-710.
 - b. Signs in conformance with Section 90-713.
 - c. A maximum of four rooms or suites of rooms are made available for use as transient lodging.
 - d. The remainder of the dwelling shall be used and occupied full time, year-round as a residence by the host family.
2. For a domestic shelter, the maximum number of occupants shall not exceed one person per 1,000 square feet of lot area.
3. **For a multi-family dwelling.**
 1. **The maximum number of sleeping rooms shall not exceed one per 500 square feet of lot area.**
 2. **The front of the building facing the street shall include one of the following:**
 - a. **A door and eight (8) percent of the surface area covered with windows.**
 - b. **Ten (10) percent of the surface area covered with windows.**
 3. **The primary means of egress for any dwelling unit shall not exit into a side yard unless the door is at least 30 feet from the property line it is facing.**
 4. **The primary means of egress must exit onto a covered stoop or deck.**
 5. **Twenty (20) percent of the lot must be maintained as landscaping which is not paved or used for parking.**

Sec. 90-268. Height and area regulations

The maximum height and minimum area regulations in an R-3 district shall be as follows:

1. General requirements:

Area Regulations	Dwelling, Single-Family	Dwelling, Two-Family	Townhouse	Multifamily Dwellings	Other Permitted Uses
Lot Area (in sq. feet)	5,500	2,750 per family	2,000 per unit	1,500 per unit 500 per sleeping room	3,000
Lot Width (in feet)	50	30 per family	25 per unit	50	-
Required Front Yard (in feet)	25	25	25	25	25
Required Side Yard (in feet)	5	5 if party wall	5 if party wall	5 if party wall	-
Required Rear Yard (in feet)	Smaller of 20' or 20% of lot	Smaller of 20' or 20% of lot			
Height (in feet)	35	35	35	35	35

2. The height of all structures shall be in conformance with the airport zoning regulations.
3. On cul-de-sac and loop streets, each lot shall have not less than 40 feet of frontage.
4. Adjustments to the front yard may be made in accordance with the provisions of Section 90-709.

Section 4. Any other ordinance or section passed and approved prior to the passage, approval, and publication of this ordinance and in conflict with its provisions is repealed.

Section 5. This ordinance shall take effect and be in full force from and after its passage, approval, and publication as required by law.

PASSED AND APPROVED this 17th day of September, 2013.

THE CITY OF WAYNE, NEBRASKA,

By _____
Mayor

ATTEST:

City Clerk