

ORDINANCE NO. 2014-12

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE CHAPTER 90, ARTICLE IX. NONCONFORMING USES BY AMENDING SECTION 90-753 NONCONFORMING STRUCTURES; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE.

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

Section 1. The Planning Commission held a public hearing on April 7, 2014, and recommended amending Section 90-753 Nonconforming Structures of the Wayne Municipal Code, with the "Finding of Fact" being: Staff's recommendation.

Section 2. That Chapter 90, Article IX, Section 90-753 of the Wayne Municipal Code is amended as follows:

Sec. 90-753. Nonconforming structures

(a) Authority to continue. Any structure which is devoted to a use which is permitted in the zoning district in which it is located, but which is located on a lot which does not comply with the applicable intensity of use regulations and/or the applicable yard and height regulations, may be continued so long as it remains otherwise lawful.

(b) Enlargement, repair, alterations. Any nonconforming structure may be enlarged, maintained, repaired remodeled or rebuilt; however, no such enlargement, maintenance, repair or remodeling shall either create any additional nonconformity or increase the degree of existing nonconformity of all or any part of such structure; however, a porch which is covered by a roof which extends into the front setback area may be enclosed but not in excess of the area covered by the existing roof. **Any work completed under authorization of this subsection must comply with subsection (c) below.**

(c) Damage or destruction. If any nonconforming structure is damaged or destroyed, by any means, to the extent of more than 60 percent of its current property tax assessed value, such structure shall not be restored unless it shall thereafter conform to the regulations for the zoning district in which it is located. When a structure is damaged to the extent of 60 percent or less, no repairs or restoration shall be made unless a building permit is obtained within six months and restoration is actually begun one year after the date of such partial destruction and is diligently pursued to completion.

(d) Moving. No nonconforming structure shall be moved in whole or in part for any distance whatever to any other location on the same or any other lot unless the entire structure shall thereafter conform to the regulations of the zoning district in which it is located after being moved.

Section 3. All Ordinances or parts of Ordinances in conflict herewith are repealed.

Section 4. This Ordinance shall be in full force and effect after its passage, approval, and publication as provided by law.

PASSED AND APPROVED this 3rd day of June, 2014.

THE CITY OF WAYNE, NEBRASKA

By _____
Mayor

ATTEST:

City Clerk