

**ORDINANCE NO. 2015-7**

**AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE CHAPTER 90, ARTICLE IV RESIDENTIAL DISTRICTS, DIVISION 6 – R-5 RESIDENTIAL DISTRICT, SECTION 90-319 DESIGN STANDARDS AND REQUIREMENTS; 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 January 5, 2015, and recommended amending Section 90-319 Design Standards and Requirements of the Wayne Municipal Code, with the “Findings of Fact” being:

1. Staff’s recommendation; and
2. Consistency with the Comprehensive Plan and the current and future land use maps.

Section 2. That Chapter 90, Article IV, Section 90-319 of the Wayne Municipal Code is hereby amended as follows:

**Sec. 90-319 ~~Design Standards and Requirements~~ Sign Regulations**

**~~The following minimum design standards shall be required in an R-5 district:~~**

**~~1. For streets:~~**

- ~~a. A right-of-way width of 50 feet unless a collector or arterial street.~~
- ~~b. A pavement width of 27 feet, which allows parking on one side only; pavement located within the right-of-way so as to provide a minimum of 14 feet between the curb and property line on the sidewalk side of the street.~~
- ~~c. All streets shall be looped, curvilinear or end in a cul-de-sac street, or combination, to discourage through traffic.~~
- ~~d. Curbs and gutters are required.~~
- ~~e. Curbs may be designed to allow access onto lots without the necessity of curb cuts. The curb design must be in conformance with standards adopted by the city.~~

**~~2. Two off-street parking stalls shall be provided for each dwelling unit.~~**

**~~3. Sidewalks:~~**

- ~~a. Shall be provided with a width of at least four feet.~~
- ~~b. Should be a function of the site design and their location decided upon on a case-by-case basis. They may be located on an easement at the rear of property lines or on only one side of a street. On arterial and collector streets, sidewalks shall be provided on both sides of the street.~~

**~~4. Utility, drainage, sidewalks and zero lot line easements shall be provided as required.~~**

**~~5. Required open recreational areas are required as follows:~~**

- ~~a. Every R-5 development shall provide an area to be used as a permanent usable open space recreation area, exclusive of lots, parking areas and streets. The size of the open space area shall be a total of 500 square feet per lot for all lots within the development. The minimum size, however, shall be no less than one-half acre.~~

~~b. For the purposes of this section, usable open space recreation area shall mean an area that:~~

~~1. Is developed, vegetated and landscaped for open areas, ball fields, picnic areas, trails, or similar facilities;~~

~~2. Is legally accessible to all residents of the development or to the public if dedication is required or accepted by the city.~~

~~c. Within three years following the approval of the zoning, all of the recreational facilities shown on the approved development concept plan shall be installed by the developer.~~

~~d. All open space recreational areas exceeding five acres in size may be dedicated to the city. Unless dedicated to and accepted by the city, all required open space recreational areas shall remain under the ownership and control of the developer or a homeowners' association.~~

~~e. The entity exercising ownership and control of the open space recreational area shall be responsible for the continuing upkeep and proper maintenance of the area.~~

~~6. a. In reference to this section, a homeowners' association, who shall be responsible for the maintenance and control of the open space recreational areas, shall be established. Provisions for the establishment of the association shall be made and recorded or required by law prior to the sale of any lot in the development. These provisions shall establish that the association has the clear legal authority and duty to maintain and exercise control over the recreational areas, including all facilities placed upon this area.~~

~~b. These provisions shall show that the association has the power to compel contributions from residents in the development to cover their proportionate shares in the cost of maintenance and upkeep of the open space recreational areas.~~

**All signs in an R-5 district shall be in conformance with the regulations provided in this division and with the provisions of section 90-713.**

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 17<sup>th</sup> day of February, 2015.

THE CITY OF WAYNE, NEBRASKA

By \_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk