

**ORDINANCE NO. 2015-41**

**AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE CHAPTER 90, ARTICLE IV RESIDENTIAL DISTRICTS BY AMENDING DIVISION 5. R-4 RESIDENTIAL DISTRICT, SECTION 90-293 PERMITTED ACCESSORY USES AND STRUCTURES, AND AMENDING CHAPTER 90, ARTICLE VIII SUPPLEMENTARY DISTRICT REGULATIONS, SECTION 90-703 ACCESSORY USES; 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. That Chapter 90, Article IV, Division 5, Section 90-293 of the Wayne Municipal Code is hereby amended as follows:

**Section 90-293 Permitted Accessory Uses and Structures:**

The following are permitted accessory uses and structures in an R-4 District:

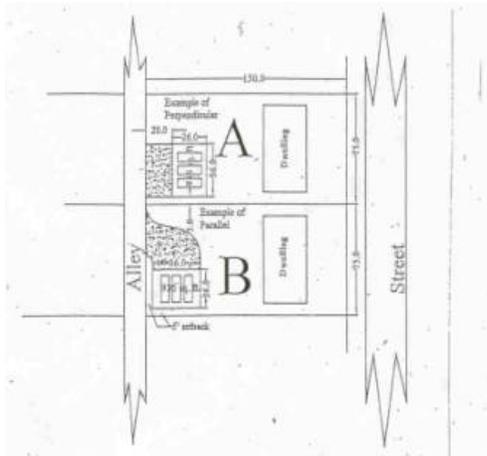
- (1) Home occupations in conformance with Section 90-715.
- (2) Accessory uses and structures normally appurtenant to the permitted uses and structures, provided that:
  - a. Collectively the area(s) occupied by all existing and proposed structures, do not exceed 50% of the entire lot area and/or;
  - b. Collectively the area of all accessory structures shall not exceed 1064 square feet or 7% of the lot area up to 3,000 square feet, whichever is greater. **For multi-family dwellings, the area may exceed these limits, provided the area above these limits is for tenant use only. The total area of accessory structures for multi-family dwellings shall not exceed 300 square feet per sleeping room.**
  - c. Shall be in conformance with the provisions of Section 90-703.
- (3) Temporary buildings and uses incidental to construction work which shall be removed upon completion or abandonment of the construction work.

Section 2. That Chapter 90, Article VIII, Section 90-703 of the Wayne Municipal Code is hereby amended as follows:

**Section 90-703 Accessory Uses**

- (a) Use for dwelling. Accessory buildings shall not be used for dwelling purposes unless specifically permitted.
- (b) Yard requirements for accessory buildings.
  1. Side yard. Side yard requirements are the same as the district in which the accessory use is located, except an accessory building may be located in the side yard as close as three feet to the property line providing it is located between the rear building line of the principal building and the rear property line.
  2. Front yard. No accessory building shall be located between the front building line of the principal building and the front property line.

3. Rear yard. Unless specifically permitted, no accessory building in a rear yard shall be located closer than three feet from the rear property line or within ten feet of any other building on adjacent properties; and no accessory building shall be located within any easement or right-of-way along the rear property line.
- (c) Vehicle access. Unless otherwise specifically permitted, any accessory building requiring vehicle access perpendicular to the alley, shall be located a minimum of twenty feet from the rear property line/alley.



- (d) Attached accessory use. Any accessory structure attached to the principal building shall be considered as a part of the principal building and shall meet the same requirements as specified for the principal building in the district.
- (e) Unattached accessory use. Any unattached accessory building(s) in combination with the principal or primary structure, in any R designated zoning district, shall not exceed a combined area greater than 50% of the lot area, provided the combined total area of all unattached accessory structures shall not exceed 1064 square feet or 7 percent of the lot area up to 3,000 square feet, whichever is greater, **except as allowed in Section 90-293 for multi-family uses in an R-4 District.**
- (f) The exterior siding or covering of unattached accessory structures located in an R zoning district shall be painted or of such material or siding as the principal or primary structure.
- (g) Structural projections: Structural projections, including roofs which cover porches and chimneys and flues, buttresses eaves, overhangs, cantilever, open-unenclosed steps or stoops shall not extend more than three feet into any side, front, or rear yard. Any porches enclosed with screens, windows, permanent construction, or porches extending greater than three feet into the side, rear, or front yard shall be considered as a part of the principal structure and meet the requirements of the principal structure.
- (h) Fire hazardous accessory use. No accessory use shall be located within five feet of a residential dwelling that creates a fire hazard or would subject the residential structure to a potential fire, such as a detached fireplace, barbecue ovens, flammable liquid storage, etc.
- (i) Storage containers shall not be allowed as accessory structures, but are allowed as temporary structures under Sec. 90-707.

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 15<sup>th</sup> day of September, 2015.

THE CITY OF WAYNE, NEBRASKA

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

ATTEST:

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