

ORDINANCE NO. 2018-32

AN ORDINANCE TO AMEND WAYNE MUNICIPAL CODE TITLE XV LAND USAGE, CHAPTER 152 ZONING, SECTION 152.081 — B-2 CENTRAL BUSINESS DISTRICT, SUBSECTION (L) PERMITTED CONDITIONAL USES; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES AND 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 November 5, 2018, regarding a request to consider amending the zoning text, specifically the B-2 Central Business District, Section 152.081 (L) Permitted Conditional Uses, and have recommended approval thereof subject to the “Finding of Fact” being Staff’s recommendation, and subject to the following conditions:

Vehicle Towing Service

- (a) Provided that, vehicles shall only be stored on-site, pending settlement or legal disposition of vehicles by insurance carrier and/or owner;
- (b) All towed and stored vehicles shall be stored inside a building;
- (c) No demolition of towed or stored vehicles shall be allowed; and
- (d) All stored vehicles shall be owned by persons other than the towing service owner/operator and/or land owner.

Section 2. That Title XV Land Usage, Chapter 152 Zoning, Section 152.081 – B-2 Central Business District, Subsection (l) Permitted Conditional Uses of the Municipal Code of Wayne, is hereby amended as follows:

§ 152.081 B-2 CENTRAL BUSINESS DISTRICT.

(L) *Permitted conditional uses.* A building or premises in a B-2 District may be used for the following in conformance with the prescribed conditions:

(1) Multi-family residential uses:

- (a) Provided that, such use shall meet the State Fire Marshal’s requirements;
- (b) Provided, the dwelling meets the regulations contained in the R-3 District, unless otherwise provided for in this division (L);
- (c) Provided, a minimum of two off-street parking spaces for each unit are available;
- (d) Provided, the first or ground floor level must exclude a residential use on the area within 30 feet of the front lot line with said area reserved for non-residential use; and
- (e) Provided, the lot must also contain an existing non-residential use.

(2) Single-family dwelling; provided:

- (a) Provided that, such use shall meet the State Fire Marshal’s requirements;

- (b) Provided, the dwelling meets the regulations contained in the R-3 District, unless otherwise provided for in this division (L);
- (c) Provided, a minimum of two off-street parking spaces for each unit are available;
- (d) Provided, the first or ground floor level must exclude a residential use on the area within 30 feet of the front lot line with said area reserved for non-residential use; and
- (e) Provided, the lot must also contain an existing non-residential use.

(3) Two-family dwelling; provided:

- (a) Provided that, such use shall meet the State Fire Marshal's requirements;
- (b) Provided, the dwelling meets the regulations contained in the R-3 District, unless otherwise provided for in this division (L);
- (c) Provided, a minimum of two off-street parking spaces for each unit are available;
- (d) Provided, the first or ground floor level must exclude a residential use on the area within 30 feet of the front lot line with said area reserved for non-residential use; and
- (e) Provided, the lot must also contain an existing non-residential use.

(4) Vehicle Towing Service

- (a) Provided that, vehicles shall only be stored on-site, pending settlement or legal disposition of vehicles by insurance carrier and/or owner;**
- (b) All towed and stored vehicles shall be stored inside a building;**
- (c) No demolition of towed or stored vehicles shall be allowed; and**
- (d) All stored vehicles shall be owned by persons other than the towing service owner/operator and/or land owner.**

Section 3. Any other ordinance or parts of ordinance in conflict herewith are repealed.

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

PASSED AND APPROVED this 20th day of November, 2018.

THE CITY OF WAYNE, NEBRASKA

By _____
Mayor

ATTEST:

City Clerk