

ORDINANCE NO. 2023-18

AN ORDINANCE TO AMEND WAYNE MUNICIPAL CODE TITLE XV LAND USAGE, CHAPTER 152 ZONING, SECTION 152.046 — A-1 AGRICULTURAL DISTRICT; 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 August 7, 2023, regarding a request to consider amending the zoning text, specifically the A-1 Agricultural District, Section 152.046 (K) Permitted Conditional Uses, and have recommended approval thereof subject to the “Findings of Fact” being:

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

Section 2. That Title XV Land Usage, Chapter 152 Zoning, Section 152.046 – A-1 Agricultural District of the Municipal Code of Wayne, is hereby amended as follows:

§ 152.046 A-1 AGRICULTURAL DISTRICT.

(A) *Intent.* The A-1 District is intended primarily for application to those rural areas of the county where it is necessary and desirable to reserve for exclusive agricultural use appropriately located areas suitable for the raising of crops or livestock because of high quality of soils, scenic characteristics, existing or potential irrigation or exclusive agricultural character of the area.
(2002 Code, § 90-111)

(B) *Permitted principal uses and structures.* The following shall be permitted as uses by right in an A-1 District:

- (1) Ranch and farm dwellings;
- (2) Crop production;
- (3) Bulk grain storage, both publicly or privately owned or managed;
- (4) Irrigation and flood control projects;
- (5) Child care home;
- (6) Public parks and recreation areas;
- (7) Greenhouses and nurseries; and
- (8) Animal clinics, animal hospitals and veterinarian services.

(2002 Code, § 90-112)

(C) *Permitted accessory uses and structures.* The following are permitted accessory uses and structures in an A-1 District:

- (1) Accessory uses and structures normally appurtenant to the permitted uses and structures;
- (2) Home occupations in conformance with § 152.144 of this chapter;
- (3) Residences, including mobile home for farm residence or adjacent to farm residence for relatives of consanguinity and marriage or farm workers; and
- (4) Roadside stands for the sale of agricultural produce.
(2002 Code, § 90-113)

(D) *Exceptions.* In accordance with §§ 152.195 through 152.202 of this chapter, the following exceptions are allowed in an A-1 District:

- (1) Airports and heliports, including crop dusting strips;
- (2) Agricultural service establishments primarily engaged in performing agricultural, animal husbandry or horticultural services;
- (3) Public utility and public service structures, including electric transmission lines and the distribution substations, gas regulator stations, communications equipment buildings, public service pumping stations and reservoirs;
- (4) Public and/or private schools;
- (5) Places of worship such as churches, synagogues and temples;
- (6) Publicly owned open recreational facilities, operated for profit or otherwise, including golf courses, golf driving ranges, archery ranges, swimming pools, riding academies, parks and community centers, but not including enclosed uses such as a bowling alley;
- (7) Libraries, police and fire stations;
- (8) Sewage treatment plants;
- (9) Gas and oil wells;
- (10) Exploration and extraction of mineral resources;
- (11) Cemeteries, crematories, mausoleums and columbaria;
- (12) Child care centers;
- (13) Radio and television towers and transmitters;
- (14) Campgrounds;
- (15) Wind generating systems;
- (16) Auto wrecking yards, salvage yards and junkyards in conformance with § 152.199 of this chapter;
- (17) Kennels, in conformance with § 152.199 of this chapter, and stables;
- (18) Public and private charitable institutions;

- (19) Sanitary landfill operations and refuse deposit areas;
- (20) First class animal production;
- (21) Auto sales and services, including open air display of new or used vehicles;
- (22) Repair garages, automobile service stations and major body repair;
- (23) Industrial trades, including mechanical neat and air conditioning; carpenter shops, cabinet shops, plumbing shops and electrical shops; and light fabrication and equipment repair; (24) Heavy industry, provided that the use is not located within 1,000 feet of any existing residential structure; and

~~(25) Stables.~~

(2002 Code, § 90-114)

(E) *Conditions for granting exceptions.* Notwithstanding the requirements of §§ 152.195 through 152.202 of this chapter, the following regulations shall apply as minimum requirements for granting exceptions in the A-1 District.

(1) Airport sites shall be so situated that the Airport Hazard Area defined by the State Department of Aeronautics shall not include any existing obstruction regardless of public or private ownership of the airport.

(2) Any use involving a business, service or process not completely enclosed in a structure, when located on a site abutting on or across a street or an alley from any residential district shall be screened by a solid fence or masonry wall or a compact growth of natural plant materials not less than six feet in height if the Board of Adjustment finds the use to be unsightly.

(3) For first class animal production, there shall be no more than 999 animal units on any parcel, and any lagoon or confined feeding yard must be at least 1,000 feet from any residential dwelling located on another parcel.

~~(4) For stables, there shall be:~~

~~(a) No more than two animals per acre allowed outside of an enclosed building at any given time, with a maximum limit of 40 animals.~~

~~b) No structure housing animals, or storing or composting manure, or any open area used for grazing, loafing, or spreading manure within 100 feet of any property line which borders the city limits, any R-District, or any A-District.~~

~~(c) No structure housing animals, or storing or composting manure, or any open area used for grazing, loafing, or spreading manure within 300 feet of a residential dwelling on another property when there are more than 15 animals associated with the use as a stable.~~

~~(2002 Code, § 90-115)~~

(F) *Prohibited uses and structures.* All uses and structures which are not specifically permitted or not permissible as exceptions shall be prohibited from the A-1 District.(2002 Code, § 90-116)(G) *Minimum area requirements.* Minimum area requirements in an A-1 District are as follows:

<i>Minimum Area Regulations</i>	
Distance between residential structures (in feet)	90
Lot area (in acres)	10
Lot width (in feet)	300
Required front yard (in feet)	50
Required rear yard (in feet)	50
Required side yard (in feet)	15

(2002 Code, § 90-117)

(H) *Maximum height.* The maximum height in an A-1 District is 35 feet; however, non-residential structures shall have no height limitations, except in conformance with the airport zoning regulations.

(2002 Code, § 90-118)

(I) *Sign regulations.* All signs in an A-1 District shall be in conformance with the provisions of § 152.142 of this chapter.

(2002 Code, § 90-119)

(J) *Parking regulations.* Parking in an A-1 District shall be in conformance with the provisions of § 152.139 of this chapter.

(2002 Code, § 90-120)

(K) *Permitted conditional uses.*

(1) A building or premises in an A-1 District may be used for the following in conformance with the prescribed conditions.

(2) Second class animal production:

(a) Where the parcel is adjacent to the city limits or any R District:

1. Two animal units per acre, not to exceed 40 animal units.
2. No more than four of those animal units may consist of turkeys, ducks and geese combined.
3. No more than four of those animal units may consist of chickens.
4. Any structure housing animals, or storing or composting manure, and any open area used for grazing, loafing, or spreading manure shall be at least 100 feet from any property line which borders the city limits or any R District, and at least 300 feet from a residential dwelling on another property.

(b) Where the parcel is not adjacent to the city limits or any R District, and is less than 40 acres in size:

1. Two animal units per acre, not to exceed 40 animal units.
2. No more than ten of those animal units may consist of turkeys, ducks and geese combined.
3. No more than ten of those animal units may consist of chickens.
4. Any structure housing animals, or storing or composting manure, and any open area used for grazing, loafing, or spreading manure shall be at least 100 feet from any property line which borders the city limits or any R District, and at least 300 feet from a residential dwelling on another property.

(c) Where the parcel is not adjacent to the city limits or any R District, and is at least 40 acres in size:

1. Two animal units per acre.
2. No more than 20 of those animal units may consist of turkeys, ducks and geese combined.
3. No more than 20 of those total animal units may consist of chickens.
4. Any structure housing animals, or storing or composting manure, and any open area used for grazing, loafing, or spreading manure shall be at least 100 feet from any property line which borders the city limits or any R District, and at least 300 feet from a residential dwelling on another property.

(3) Stables

(a) No more than two animals per acre allowed outside of an enclosed building at any given time, with a maximum limit of 40 animals.

(b) No structure housing animals, or storing or composting manure, or any open area used for grazing, loafing, or spreading manure within 100 feet of any property line which borders the city limits, any R District, or any A District.

(c) No structure housing animals, or storing or composting manure, or any open area used for grazing, loafing, or spreading manure within 300 feet of a residential dwelling on another property when there are more than 15 animals associated with the use as a stable.

(d) Whenever second class animal production exists as a use at the same time as a stable on any premise, the animal units allowed under the use as a stable shall be counted as part of, and not in addition to, the animal units allowed under second class animal production and be limited under those regulations as well.

(Ord. 93-11, passed 9-28-1993; Ord. 2000-9, passed 5-30-2000; Ord. 2001-15, passed 10-9-2001; Ord. 2013-2, passed 4-2-2013; Ord. 2015-15, passed 4-21-2015; Ord. 2015-16, passed 4-21-2015; Ord. 2015-17, passed 4-21-2015; Ord. 2015-30, passed 6-16-2015; Ord. 2015-31, passed 6-16-2015; Ord. 2015-18, passed 4-21-2015)

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 3rd day of October, 2023.

THE CITY OF WAYNE, NEBRASKA

By _____
Mayor

ATTEST:

City Clerk