

ORDINANCE NO. 2011-27

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE, CHAPTER 90, ARTICLE V BUSINESS AND COMMERCIAL DISTRICTS, DIVISION 2. B-2 CENTRAL BUSINESS DISTRICT, SECTION 90-394 EXCEPTIONS; AND BY ADDING SECTION 90-402 PERMITTED CONDITIONAL USES; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE.

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

Section 1. That Chapter 90, Article V Business and Commercial Districts, Division 2. B-2 Central Business District, Section 90-394 Exceptions of the Wayne Municipal Code shall be amended as follows:

**Sec. 90-394. Exceptions**

In accordance with article XI of this chapter, the following exceptions are allowed in the B-2 district:

1. Child care homes and centers.
2. Cleaning and laundry on premises.
3. Commercial recreation facilities (bowling alleys, miniature golf courses, dancehalls, and similar uses).
4. Electric distribution substations and gas regulator stations.
- ~~5. Multifamily residential uses, provided that such uses shall meet the state fire marshal's requirement standards for new construction, unless specifically waived by the planning commission for an existing structure; and:
  - ~~a. Provided the dwelling meets the regulations contained in the R-3 district, unless otherwise provided for in this subsection.~~
  - ~~b. Provided a minimum of two off-street parking spaces for each unit are available.~~
  - ~~c. Whenever the planning commission considers and rules upon a permit for a use by exception (conditional use) as it may pertain to multifamily residential uses which are proposed to occupy the first or ground floor of a structure in the B-2 district, the commission should exclude, as a condition, the area occupied on a lot within 30 feet of a front lot line at ground level such that it be used/usable for any allowable uses other than residential.~~
  - ~~d. Other trade and service uses which are similar to the permitted principal uses and which are in harmony with the intent of this district.~~~~
6. Private clubs and lodges.
7. Service stations (gasoline), excluding automotive repair services not included in the definition of "service station" as provided by this chapter, provided that all operations, except the sale of gasoline and oil, shall be conducted in a building enclosed on at least two sides.
- ~~8. Single family dwelling, provided:
  - ~~a. Such dwelling meets the regulations contained in the R-3 district, unless otherwise provided for in this subsection.~~~~

~~b. A minimum of two off-street parking spaces for each unit are available.~~

9. Storage garages and mini-warehouses.

~~10. Two family dwelling, provided:~~

~~a. Such dwelling meets the regulations contained in the R-3 district, unless otherwise provided for in this subsection.~~

~~b. A minimum of two off-street parking spaces for each unit are available.~~

11. Public and quasi-public uses of an educational, recreational or religious type, including preschools, public and parochial elementary schools and junior high schools, high schools, private nonprofit schools, churches, parsonages, and other religious institutions; parks and playgrounds.
12. Public uses of an administrative, public service or cultural type, including city, county, state or federal post offices, administrative centers and courts, libraries, police and fire stations, and other public buildings, structures and facilities.
13. Public utility facilities.
14. Sports arenas within buildings.
15. Temporary shelter for homeless.
16. Manufactured homes, for residential purposes, provided the home complies with all provisions of Section 90-711.

Section 2. That Chapter 90, Article V Business and Commercial Districts, Division 2. B-2 Central Business District of the Wayne Municipal Code shall be amended by adding Section 90-402. Permitted conditional uses thereto:

**Sec. 90-402. 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. Multifamily 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 subsection;**
- 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 nonresidential use; and**
- e. **Provided the lot must also contain an existing nonresidential 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 subsection;**
- 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 nonresidential use; and**
  - e. **Provided the lot must also contain an existing nonresidential 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 subsection;**
  - 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 nonresidential use; and**
  - e. **Provided the lot must also contain an existing nonresidential use.**

Section 3. That the Planning Commission held a public hearing on October 3, 2011, regarding these amendments, and have recommended approval thereof subject to the following "Findings of Fact":

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

Section 4. Any other ordinance or section passed and approved prior to the passage, approval, and publication of this ordinance and in conflict with its provisions is repealed.

Section 5. This ordinance shall take effect and be in full force from and after its passage, approval, and publication as required by law.

PASSED AND APPROVED this 15<sup>th</sup> day of November, 2011.

THE CITY OF WAYNE, NEBRASKA,

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

ATTEST:

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