

ORDINANCE NO. 2011-26

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE, CHAPTER 90, ARTICLE V BUSINESS AND COMMERCIAL DISTRICTS, DIVISION 3. B-3 NEIGHBORHOOD COMMERCIAL DISTRICT, SECTION 90-422 PERMITTED PRINCIPAL USES AND STRUCTURES, SECTION 90-423 PERMITTED ACCESSORY USES AND STRUCTURES, AND SECTION 90-424 EXCEPTIONS, B-3 NEIGHBORHOOD COMMERCIAL DISTRICT; 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 3. B-3 Neighborhood Commercial District, Section 90-422 Permitted Principal Uses and Structures of the Wayne Municipal Code shall be amended as follows:

Sec. 90-422. Permitted principal uses and structures

The following shall be permitted as uses by right in a B-3 district:

1. Business offices.
2. Professional offices.
3. Retail stores and service establishments which supply commodities or provide services primarily to meet the convenience needs of residents of one or more residential neighborhoods, including:
 1. Apparel stores.
 2. Automobile parking.
 3. Bakery goods store.
 4. Banks and other lending agencies, detached banking facilities, and automatic teller machines, subject to section 90-425.
 5. Barbershops, beauty parlors, tanning salons, and shoeshine shops.
 6. Bookstores.
 7. Car wash establishments, subject to section 90-425.
 8. Charitable institutions (soup kitchens, missions, food pantries).
 9. Cleaning agencies (pickup and delivery only).
 10. Clinic (medical).
 11. Coin-operated laundromats, excluding dry cleaning.
 12. Drugstores and pharmacies.
 13. Dry cleaning and laundry agencies, provided that cleaning and laundering is not done on the premises.
 14. Electrical appliances and incidental repair shops.
 15. Food lockers (no slaughtering).
 16. Foodstores, delicatessens, and supermarkets.

17. Funeral homes and mortuaries.
 18. Garden supply stores and nurseries, provided that all equipment, supplies, merchandise and plants shall be kept within a completely enclosed building, and provided that fertilizer of any type shall be stored and sold in packaged form only.
 19. Hardware stores.
 20. Medical, pharmaceutical, dental, and related health care and personal services.
 21. Pressing, altering and repairing of wearing apparel establishments.
 22. Radio and television, office equipment, electrical and electronic equipment stores, and repair shops.
 23. Restaurants, cafeterias, tearooms and cafes, including outdoor cafes.
 24. Shoestores.
 25. Specialty shops such as:
 1. Camera shops, photographic supplies and photograph studios.
 2. Candy and confectionery.
 3. Dairy products.
 4. Florists.
 5. Gift shops.
 6. Hobby and art supply.
 7. Locksmiths.
 8. Newsstand/magazine.
 9. Soda fountains.
 10. Stationery stores.
 11. Video and electronic rentals.
 26. Tailor and dressmaker shops.
 27. Variety stores.
4. Signs in accordance with the provisions of section 90-713.

5. Single-Family Dwelling

6. Two-Family Dwelling

Section 2. That Chapter 90, Article V Business and Commercial Districts, Division 3. B-3 Neighborhood Commercial District, Section 90-423 Permitted Accessory Uses and Structures of the Wayne Municipal Code shall be amended as follows:

Sec. 90-423. Permitted accessory uses and structures

The following accessory uses and structures shall be permitted in a B-3 district:

1. Accessory uses and structures normally appurtenant to the permitted uses and structures and to uses and structures permitted as exceptions, provided that:
 1. a) Shall be in conformance with the provisions of Section 90-703 of this code.

~~2. One family dwellings over or to the rear of a permitted use, provided that such dwellings are primarily for the use of the person owning or operating the commercial use on the same site.~~

Section 3. That Chapter 90, Article V Business and Commercial Districts, Division 3. B-3 Neighborhood Commercial District, Section 90-424 Exceptions B-3 Neighborhood Commercial District of the Wayne Municipal Code shall be amended as follows:

Sec. 90-424. Exceptions

In accordance with article XI of this chapter, the following exceptions are allowed in a B-3 district:

1. Auto sales and services, including open air display of new or used cars.
2. Bowling alleys.
3. Child care centers.
4. Child care homes.
5. Electrical distribution substations, gas regulator stations, communications equipment buildings, public service pumping stations, and/or elevated pressure tanks.
6. On-premises laundry and cleaning.
7. Other trade and service uses which are similar to the permitted principal uses and which are in harmony with the intent of this district.
8. Planned unit developments.
9. 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.
10. Public uses of an administrative, public service or cultural type, including city, county, state or federal administrative centers and courts, libraries, police and fire stations, and other public buildings, structures and facilities.
11. Private club or lodge.
12. Service stations (gasoline), excluding automotive repair services not included in the definition of "service station" as provided in section 90-10, provided that all operations, except the sale of gasoline and oil, shall be conducted in a building enclosed on at least two sides.
- ~~13. Single family dwelling.~~
- ~~14. Two family dwelling.~~
15. Miniwarehouses.
16. Manufactured homes for residential purposes, provided the home complies with all provisions 90-711.
17. Vehicle Towing Service.

Section 4. 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 5. 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 6. 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 15th day of November, 2011.

THE CITY OF WAYNE, NEBRASKA,

By _____
Mayor

ATTEST:

City Clerk