

ORDINANCE NO. 2207

AN ORDINANCE OF THE CITY OF CRETE, NEBRASKA RELATING TO ZONING AND LAND USE; TO AMEND SECTIONS 11-211 AND 11-512 OF THE CRETE MUNICIPAL CODE; TO DEFINE GARAGE SALE AND OCCASIONAL SALE; TO PROVIDE RESTRICTIONS ON HOME OCCUPATIONS REGARDING GARAGE SALE FREQUENCY.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CRETE, NEBRASKA:

Section 1. That Chapter 11, Article 2, Section 11-211 of the Crete Municipal Code be amended as follows:

11-211 Definitions

Garage Sale. The occasional sale of a variety of personal goods from a residence. This definition shall include garage sales, yard sales, moving sales and any similar form of sale.

[...]

Occasional Sale. An event held on an in-frequent and irregular schedule.

[...]

Section 2. That Chapter 11, Article 5, Section 11- 512 of the Crete Municipal Code be amended to read as follows:

11-512 Home Occupations

- (1) Except as provided for in this section, it shall be unlawful for any person to engage in a home occupation within a lot or premises zoned R-1, R-2, R-3, or R-4.
- (2) A home occupation may be carried on within a dwelling unit under the following conditions:
 - (a) No persons other than members of the family residing within the dwelling unit shall be engaged in such home occupation;
 - (b) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty-five percent (25%) of the total square footage of the dwelling unit shall be used in the conduct of the home occupation;
 - (c) There shall be no changes in the outside appearance of the building, structure, or premises that contains the dwelling unit or other visible evidence of the conduct of such home occupation other than one sign, not exceeding two square feet in area, that is non-illuminated and mounted flat against the wall of the principal building or structure;
 - (d) No home occupation shall be conducted in accessory buildings or structures, or parts thereof;
 - (e) No traffic shall be generated by such home occupation in greater volumes than would normally be expected of a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met by off-street parking in the rear yard;
 - (f) No equipment, process, or materials shall be used or activity engaged in that creates noise, vibration, glare, fumes, odors, or electrical interference detectable to normal senses outside the dwelling unit. In the case of electrical interference, no equipment or process shall be used that creates visual or audible interference to any radio or television receivers outside of the dwelling unit or that causes fluctuations in line voltage off the premises;
 - (g) There shall be no outdoor storage of any equipment, machinery, parts, materials, or other

articles of any nature used in connection with the home occupation; and,
(h) The persons engaged in the home occupation have applied for and received a business license pursuant to sections 10-301 to 10-315.

(3) Garage sales shall be allowed at residential homes, provided that the frequency of such sales at any one location shall not exceed one, lasting three days in length, during a continuous four-month period or three (3) sales during any twelve (12) month period. Items sold at the garage sale shall not include resale of new merchandise in quantities such that a reasonable person would assume the merchandise was purchased specifically for resale at the garage sale.

~~(3)~~ (4) Welding, vehicle body repair, mechanical repair, rebuilding or dismantling of vehicles, or salvage or junk yards are not permitted as home occupations. The accumulation of automotive parts, scrap metal, or similar materials or the presence of more than four vehicles on a premises shall constitute and create a rebuttable presumption that a home occupation is being engaged in by the residents of the premises in violation of this section.

Section 3. That the above section shall be codified as part of the Crete City Code as stated herein.

Section 4. All ordinances and parts of ordinances in conflict herewith are hereby repealed.

Section 5. This ordinance shall be published in pamphlet, book, or electronic form and shall take effect and be in full force and effect from and after its passage, approval and publication, as provided by law.

PASSED AND ENACTED the ____ day of July 2024.

Mayor

ATTEST:

City Clerk

Seal