

## ORDINANCE NO. 2148

**AN ORDINANCE OF THE CITY OF CRETE, NEBRASKA RELATING TO ZONING AND LAND USE; TO AMEND SECTIONS 11-226, 11-508, AND 11-523 OF THE CRETE MUNICIPAL CODE TO CHANGE THE OFF-STREET PARKING REGULATIONS AND NEIGHBORHOOD DESIGN STANDARDS; TO REPEAL SECTIONS 11-509 AND 11-510; TO RECODIFY SECTION 11-524 AS SECTION 11-513; AND TO ENACT A NEW SECTION 11-524 TO CREATE DESIGN STANDARDS FOR NEW DEVELOPMENTS.**

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

**Section 1.** That Chapter 11, Article 2, Section 11-226 of the Crete Municipal Code shall be amended as follows:

### **11-226 ADMINISTRATION AND ENFORCEMENT.**

- (1) Except as otherwise provided by law, the City Administrator and their authorized agents and designees shall administer and enforce this article Chapter 11.
- (2) If the City Administrator determines that any of the provisions of this article are being violated or will be violated, notification shall be provided in writing to the owner, lessee, or occupant of the property indicating the nature of the violations and ordering the proper actions necessary to correct them. The City Administrator or their authorized agent or designee shall order the discontinuance of all illegal uses of land, buildings, structures, or dwellings; the removal of all illegal buildings, structures, dwellings, or illegal additions, alterations, or structural changes thereto; or the discontinuance of any illegal work being done and shall take any other actions that are reasonably necessary to ensure compliance with or to prevent violations of this article and any of its provisions.
- (3) The City Administrator, with Mayor approval, may adopt and promulgate rules and regulations, not inconsistent with law, to aid in the administration and enforcement of Chapter 11.

**Section 2.** That Chapter 11, Article 5, Section 11-508 of the Crete Municipal Code shall be amended as follows:

### **11-508 OFF-STREET PARKING AND LOADING.**

- (1) The following off-street parking and loading requirements ~~and spaces~~ are hereby established and required for ~~all new construction for which building permits are required for new structures of the City of Crete, Nebraska~~ the listed uses and structures. For uses or structures not specifically listed below, the off-street parking and loading requirements shall be the same as those required for a listed use or structure most similar to the unlisted use or structure. Such requirements shall be and constitute the minimum off-street parking or loading requirements and shall not prevent the City Council from requiring additional parking spaces for new structures if the minimum off-street parking requirements are insufficient to provide adequate parking of vehicles.

Uses and Structures	Minimum Off-Street Parking Requirements	Minimum Off-Street Loading Requirements
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Residential Structures(including mobile home dwellings and multiple-family dwellings)	2 spaces per single-family dwelling; 2 spaces per dwelling unit for multiple-family dwellings. <del>(A garage stall is considered a parking space, but the driveway in front of the garage stall is not considered a parking space.)</del>	None required.
Mobile Home Park	2 spaces per dwelling unit.	None required.
Lodging and Boarding Houses	1 space per each rental unit.	None required.
Nursery and Primary Educational Services	Parking spaces equal to 20% of capacity of students.	2 spaces per structure.
All other Educational Services	Parking spaces equal to 40% of capacity of students.	2 spaces per structure.
Libraries	1 space per 500 sq. ft. of floor area.	1 space per structure.
Hospitals	1 space per 2 beds.	3 spaces per structure.
Medical Clinics	5 spaces per staff doctor or dentist.	None required.
Veterinary Establishments	3 spaces per staff doctor.	None required.
Sanitariums, Convalescent and Rest Home Services	1 space per 3 beds plus 1 space per employee.	1 space per establishment.
Funeral Homes and Chapels	8 spaces per reposeing room.	2 spaces per establishment.
Churches, Synagogues, and Temples	1 space per 4 seats in main unit of worship.	None required.
Private Clubs and Lodges	1 space per 3 seats.	1 space per establishment.
Hotels	1 space per each rental unit.	1 space per establishment.
Motels	1 space per each rental unit.	None required.
Retail Sales Establishments	1 space per 200 sq. ft. of gross floor area.	1 space per establishment.
Service Establishment (including office buildings)	1 space per 200 sq. ft. of gross floor area.	1 space per establishment.
Eating and Drinking Establishments	Parking spaces equal to 30% of capacity in persons.	2 spaces per establishment.

Theaters, Auditoriums, and Places of Assembly	1 space per 3 people in designed capacity.	1 space per establishment.
Bowling Alleys	4 spaces per alley.	1 space per establishment.
Roadside Stands	4 spaces per establishment.	None required.
Wholesaling and Distribution Operations	1 space per 2 employees on largest shift.	2 spaces per establishment.
Uses permitted by virtue of complying with the industrial performance standards	1 space per 2 employees on largest shift.	2 spaces per establishment.
Bed and Breakfast Guest Home	1 space per 2 rental guest rooms.	None required.
Child Care Centers	1 space per employee.	1 space per 10 children.
Child Care Homes	1 space in addition to residential requirements.	1 space.
Domestic Shelters	1 space for every 4 residents plus 1 space per 2 employees.	None required.

- (2) Except as otherwise provided by law, the following general conditions regulations shall apply, except as otherwise noted in this Chapter in all zoning districts:
- (a) Off-street parking and loading spaces are only permitted in the required front or rear yards of all districts upon well-maintained concrete, gravel, or other hard-surfaced driveways areas, and not upon grass or dirt areas within the yards.
  - ~~(b) Front yard parking spaces on lots less than 60 feet in width shall not exceed a combined width of 20 feet and parking spaces on lots greater than or equal to 60 feet in width shall not exceed 35% of the front yard width.~~
  - (c) If a premises contains one or more dwellings, no off-street parking spaces is are not permitted in the required side yards except on one straight, paved driveway that connects the rear yard or the front of the garage to a curb cut at the street.
  - (d) All required off-street parking and loading spaces shall be provided on the same lot as the use for which they are required.
  - (e) If the calculation of the number of minimum off-street parking or loading spaces Any parking requirement resulting results in a partial parking or loading space, the minimum number required shall be rounded up to the next whole number.
  - (f) Required off-street loading spaces do not count as off-street parking spaces.
  - (g) A garage stall is considered an off-street parking space, but the driveway in front of the garage stall is not considered a parking space.
  - (h) All off-street parking and loading spaces shall conform with section 11-511.
- (3) Multiple-family dwellings within the C-1 Central Commercial District or established residential neighborhoods may be granted a parking variance with City approval or may be required to have additional parking and loading spaces if the minimum requirements are deemed insufficient.

- (4) Building permits for the construction, alteration, or conversion of any building or structure shall not be granted unless the minimum parking and loading requirements are provided for in the site plan and construction documents. Certificates of occupancy shall not be issued unless the minimum parking and loading requirements have been met.
- (5) For special exception uses, the City Council may require additional off-street parking and loading spaces as a condition of approval.

**Section 3.** That Chapter 11, Article 5, Section 11-509 of the Crete Municipal Code shall be repealed in full.

**Section 4.** That Chapter 11, Article 5, Section 11-510 of the Crete Municipal Code shall be repealed in full.

**Section 5.** That Chapter 11, Article 5, Section 11-523 of the Crete Municipal Code shall be amended as follows:

**11-523 ~~NEIGHBORHOOD~~ DESIGN STANDARDS FOR ESTABLISHED NEIGHBORHOODS.**

- (1) The 2014 Comprehensive Plan identified the need to protect the character, integrity, and sustainability of older, established neighborhoods and recommended standards be imposed on infill development so that the construction of new structures and alterations to existing structures are compatible with the building sizes, architectural styles, building materials, and exterior colors that are unique to the surrounding neighborhood. Residents of older residential neighborhoods also expressed the desire to protect the character and feel of those neighborhoods by preventing single-family dwellings from being demolished and replaced with two-family or multi-family dwellings. These design standards are intended to ensure that new construction or the alteration or conversion of existing structures in established neighborhoods maintains the historic character and integrity of the surrounding neighborhood.
- (2) The following design standards shall apply to the alteration, construction, or reconstruction of all buildings or structures in ~~Residential or Commercial Districts (R-1 to R-4; C-1 to C-3)~~ areas of the city that were platted and established before 1994:
  - (a) Buildings or structures shall be constructed in an architectural style that matches the pattern of half or more of the buildings or structures within the same and facing block front or, if no such pattern exists, the pattern commonly found throughout the neighborhood or area. Architectural style includes, but is not limited to, elements such as the number of stories, height and type of foundation, and roof type and pitch.
  - (b) Buildings or structures shall share similar design features, ~~such as orientation to the street, structure width, and the location and number of entrances and windows, on the principal street-facing façades facing the front lot line~~ that match the pattern of half or more of the buildings or structures on the same and facing block fronts or, if no such a pattern exists, the pattern commonly found throughout the neighborhood or area. These design features include, but are not limited to, orientation to the street, exterior cladding materials and colors, and the location and number of entrances and windows.
  - (c) Front porches are required on residential buildings and structures when half or more of the buildings or structures on the same and facing block fronts or on adjacent blocks have front porches. Front porches shall match the width and depth most commonly found on said nearby buildings or structures.

- (d) Multi-family dwellings shall be constructed to be visually similar to large single-family dwellings. This includes, in addition to the other design standards found in this subsection, a single, common entrance on the front façade of the structure, a proportionate number of windows on each façade, and other design elements commonly found on single-family dwellings throughout the neighborhood or area. Two-family and townhome dwellings may have separate entrances as long as the street-facing façades of each townhome are visually similar to the detached single-family dwellings found throughout the neighborhood or area.
- (e) Exterior stairs serving units on upper floors are not allowed on ~~the principal~~ street-facing façades ~~facing the front lot line.~~
- (f) The elevation of the first-floor level shall generally match the pattern of half or more of the buildings or structures on the same and facing block fronts or, if no such pattern exists, the pattern commonly found throughout the neighborhood or area.
- (g) The height of buildings or structures shall be similar to that of existing buildings or structures on the same and facing block fronts. No building or structure shall be taller than the tallest building or structure, nor shorter than the shortest building or structure, provided that:
- (i) taller buildings or structures may be approved by the City on a case-by-case basis if the design of the building or structure matches the overall design of the neighborhood and it will not negatively impact city infrastructure or utility capabilities in the area or the general welfare of neighboring property owners and occupants, and,
  - (ii) if the height permitted under this subsection would exceed that currently permitted in the underlying district, the building or structure shall be no taller than an existing, adjacent building or structure.
- (h) The width of buildings or structures shall be similar to that of existing buildings or structures on the same and facing block fronts. No building or structure shall be wider than the widest building or structure, nor narrower than the narrowest building or structure, provided that:
- (i) the yard requirements of the district may be adjusted by the City on a case-by-case basis if the design of the building or structure matches the overall design of the neighborhood and it will not negatively impact lot density or crowding in the area or the general welfare of neighboring property owners and occupants.
- (i) Accessory buildings or structures shall ~~follow~~ comply with the following patterns of half or more of the premises on the same and facing block front, such as:
- (i) if the pattern in an area is that accessory buildings or structures, including attached and detached garages, are located behind the house, a pattern of rear accessory buildings or structures shall be followed and, if the premises is adjacent to an alley or side street, the rear accessory building or structure shall face and be accessed from the alley or side street;
  - (ii) if the pattern in an area is that accessory buildings or structures, including attached and detached garages, face the front lot line or a side lot line adjacent to a street, the size of the accessory building or structure and the number and size of doors shall follow the pattern of half or more of the premises on the same and facing block front, ~~and such doors shall not occupy more than forty percent (40%) of the length of the principal façade facing the front lot line;~~
  - (iii) if there is no pattern shared by at least half of the premises on the same and facing block front, accessory buildings or structures may be attached and face the front lot line provided the accessory building or structure is set back from the front of the principal building or structure at least fifteen feet.
  - (iv) The total width of any accessory building or structure that faces the front lot line or a side

lot line adjacent to a street shall not exceed twenty-four feet.

- (j) The total width of front yard driveways and parking spaces on parcels less than 66 feet in width shall not exceed 30% of the front yard width. The total width of front yard driveways and parking spaces on lots 66 feet or greater in width shall not exceed 35% of the front yard width or 24 feet, whichever is less.
- (k) Except in the downtown area defined in section 11-522, required off-street parking and loading requirements for single-family, two-family, and multi-family dwellings with four dwelling units or less may be provided in tandem spaces to accommodate up to two vehicles parked end-to-end, under the following circumstances.
  - (i) The tandem spaces may be provided either on a paved driveway, in a garage, or a combination of both.
  - (ii) For each dwelling unit, at least one parking space shall be provided that is not blocked by another parking space.

**Section 6.** That the existing Chapter 11, Article 5, Section 11-524 of the Crete Municipal Code shall be renumbered and recodified as Chapter 11, Article 5, Section 11-513 of the Crete Municipal Code.

**Section 7.** That a new Chapter 11, Article 5, Section 11-524 of the Crete Municipal Code shall be enacted to read as follows:

#### **11-524 DESIGN STANDARDS FOR NEW DEVELOPMENTS.**

- (1) The 2014 Comprehensive Plan recommended standards be imposed on new developments to promote sustainable development principles, smart growth, and green building practices while protecting and maintaining the City's small town character and feel, family friendliness, and aesthetic views. The Plan and citizen feedback established the following goals:
  - (a) Include neighborhood parks and sidewalks in the development of new subdivisions;
  - (b) Add and maintain street trees and other amenities to keep neighborhoods family friendly;
  - (c) Require open space in new subdivisions to integrate them with existing neighborhoods;
  - (d) Cluster subdivisions to limit the impact of new developments on areas with sensitive soils, drainways, or floodplains;
  - (e) Prevent new developments from increasing the amount of runoff that existed prior to construction; and
  - (f) Adopt standards relating to building bulk and scale, roof design, placement of storage and loading areas, landscaping, screening, and buffering to ensure the appearance of individual properties and corridors improves the appearance of the community and embodies its existing character and feel.
- (2) To ensure new developments fulfill these goals, the following design standards shall apply to new developments, subdivisions, and the construction, reconstruction, or alteration of all buildings or structures in areas of the city that were platted and established in or after 1994:
  - (a) At least 5% of the total planned area of the development shall be dedicated for community space. Community space includes, but is not limited to, neighborhood park space, common greenspace, and recreational trails. The placement, configuration, and type of community space and related amenities must be approved by the City.
  - (b) Sidewalks shall be installed on both sides of all streets. All new or newly extended streets with lengths greater than 650 feet between the centerlines of the nearest pair of intersections shall have

a mid-block pedestrian connection with accessible pedestrian ramps on both sides of the street. The pedestrian connection shall:

- (i) Be located approximately equidistant from either intersection and at least twenty-five feet from the nearest driveway curb cut;
  - (ii) Contain a minimum of ten feet of dedicated public right-of-way that is perpendicular to the street and extends across the full length of the development with a minimum paved pathway width of five feet;
  - (iii) Include a striped connection surface across any street or roadway; and
  - (iv) Connect at both ends to either a public sidewalk, public off-street pathway, trail, or similar pedestrian feature.
- (c) Street trees shall be required within the right-of-way along the full length of all public and private streets and roadways. Existing significant trees, as defined in subdivision (d), shall count toward the required street trees if they are within fifteen feet of the paved roadway.
  - (i) Trees shall conform to the list of approved street tree species maintained by the Community Forest Director.
  - (ii) Trees along public streets shall be large canopy trees at least two inches in diameter at the time of planting. Trees along private streets or roadways shall be either large canopy trees at least two inches in diameter at the time of planting or small ornamental trees at least one and one-half inches in diameter at the time of planting.
  - (iii) Trees shall be spaced a minimum of fifteen feet apart up to a maximum of forty feet apart. At least one tree shall be planted per platted lot or premises. The exact spacing of all trees along a street or roadway shall be determined by the City based on the mature size of the tree and site features such as infrastructure and utilities.
  - (iv) Trees shall be planted in accordance with section 2-1508.
- (d) New construction and developments shall work with the natural environment to ensure the features continue to provide stormwater management, air purification, shade, and scenic beauty. Significant natural, historic, or cultural features shall be protected. Significant features include, but are not limited to, floodplains and surface drainage channels, significant trees and wooded areas, historic or cultural sites recognized by the city, state, or federal government, stream corridors and bodies of water, prominent ridges or valleys, and wetlands.
  - (i) Streams, wetlands, drainways, and other riparian corridors shall be incorporated into developments and site plans as major amenities, with trails, seating, and appropriate supplemental vegetation. Buildings, parking areas, and other structures shall be set back from such features a sufficient distance to ensure their continued quality and natural function.
  - (ii) Significant trees shall be preserved whenever possible. Those that cannot be preserved shall be replaced. Grading shall be prohibited within the root area or drip line of any preserved tree. Significant tree is defined as a deciduous tree at least twelve inches in diameter, an evergreen tree at least twelve feet in height, or a group of ten or more trees that are at least six inches in diameter.
- (e) Lots in all developments shall have a minimum landscaped area of 20% of the total uncovered area of the lot. Uncovered area shall mean the portion of a lot that does not include structure footprints, outdoor storage areas, display areas, and required off-street parking and loading spaces. At least 50% of the required landscaped area shall be placed so that it abuts adjacent public street rights-of-way, excluding alleys. Required open greenspace, screening, bufferyards,

and parking lot landscaping may be counted toward the minimum landscaped area.

- (f) Service, loading, and outdoor storage areas shall be placed at the rear of or inside buildings or structures. Such areas visible from any public street right-of-way shall be effectively screened by a wall, a solid opaque fence, or a continuous wall of hedges, shrubs, or other plantings not less than six feet in height.
  - (g) All open vehicular parking areas containing more than four parking spaces, service areas, loading areas, or outdoor storage areas shall be effectively screened by a wall, a solid opaque fence, or a continuous wall of hedges, shrubs, or other plantings on each side adjacent to property used for residential, civic, or institutional uses, adjacent to a public or private street, or adjacent to a public or private trail or multi-use path. Screens adjacent to property used for residential, civic, or institutional uses shall not be less than six feet in height, and screens adjacent to public or private streets or public or private trails or multi-use paths shall not be less than four and one-half feet in height.
  - (h) Bufferyards shall be required when two districts of different types are (i) adjacent to each other, (ii) not separated by a public street, and (iii) the different character or scale of development in the districts may create adverse impacts on the less intensive or more restricted district. Existing significant features and trees shall be included in the design of bufferyards to the maximum extent feasible.
- (3) In addition to the standards specified in subsection (2), the following standards shall apply to residential developments in areas of the city that were platted and established in or after 1994:
- (a) At least 60% of the total front yard area and at least 50% of the total side yard area of each lot shall be open greenspace. Open greenspace means areas covered only by lawns, ornamental plants, trees, or similar permeable landscape gardening.
  - (b) The total width of attached accessory buildings or structures shall not exceed 60% of the total width of the structure, and the sum of the width of all doors on such accessory buildings or structures shall not exceed 50% of the total width of the structure. Accessory buildings or structures, including garages, shall be set back from or flush with the façade of the dwelling, with the following exceptions:
    - (i) Front-facing garages may project up to eight feet in front of the façade of the dwelling if a covered porch extends from the dwelling façade to the garage façade.
    - (ii) Front-facing garages that are set back more than ten feet from the front of the dwelling may be up to 65% of the total width of the structure, and the sum of the width of doors may be up to 55% of the total width of the structure.
    - (iii) Side-facing garages may project up to twenty-two feet in front of the dwelling if the façades of the garage include windows comprising at least 15% of the area of each façade.
    - (iv) Accessory buildings or structures located more than fifty feet from the front lot line are exempt from these restrictions.
  - (c) Driveway approaches shall be no more than twenty-four feet in width, and the total width of curb cuts from end of flare to end of flare shall be no more than thirty feet. Driveway approaches in cul-de-sacs shall be no more than eighteen feet in width, and the total width of curb cuts from end of flare to end of flare shall be no more than twenty-four feet.

**Section 8.** That the changes specified in the above sections shall be codified as part of the Crete Municipal Code as stated herein.



**Section 9.** That all ordinances or parts of ordinances in conflict herewith shall be repealed and that any partial repeal shall not affect the other parts of ordinances or codified sections that can be given effect without the repealed parts.

**Section 10.** That if any section, part, or provision of this ordinance is for any reason held invalid, the invalidity thereof shall not affect the validity of any other section, part, or provision of this ordinance.

**Section 11.** That this ordinance shall be published in pamphlet or book 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 7th day of June 2022.

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Mayor

ATTEST:

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City Clerk